

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE
SIXTY-SEVENTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXII—PART 3

FEBRUARY 6 TO MARCH 1, 1922

(Pages 2155-3230)



WASHINGTON
GOVERNMENT PRINTING OFFICE
1922

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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS SECOND SESSION.

SENATE.

MONDAY, February 6, 1922.

(Legislative day of Friday, February 3, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. JONES of Washington. I move that the Senate take a recess until 1 o'clock.

The VICE PRESIDENT. The question is on agreeing to the motion.

The motion was agreed to; and the Senate took a recess until 1 o'clock p. m., at which hour it reassembled.

REPORT OF CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Chesapeake & Potomac Telephone Co., of Washington, D. C., transmitting, pursuant to law, the report of that company for the year 1921, which was referred to the Committee on the District of Columbia.

CONFERENCE ON LIMITATION OF ARMAMENT.

Mr. HALE (for Mr. FRELINGHUYSEN) presented a concurrent resolution of the Legislature of New Jersey, which was referred to the Committee on Foreign Relations, as follows:

HOUSE OF ASSEMBLY, New Jersey.

Concurrent resolution congratulating the President of the United States upon his achievement in the promotion of world peace by the calling of the Conference for the Limitation of Armaments.

Whereas the President of the United States has invited the chief nations of the earth to a Conference on the Limitation of Armaments; and

Whereas the said limitation of armaments is the most important problem now confronting the nations of the earth; and

Whereas the action of the President of the United States in assembling said conference entitles him to world-wide gratitude: Therefore be it

Resolved by the house of assembly (the senate concurring), That we, the members of the One hundred and forty-sixth Legislature of New Jersey, do extend to the Hon. Warren G. Harding, President of the United States, our best wishes and cordial support in his noble and patriotic effort to achieve peace on earth and good will among the nations thereof; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, to the Secretary of State, and to our Representatives and Members of Congress.

I hereby certify that this is a copy of a concurrent resolution adopted by the general assembly in session January 16, 1922.

T. HARRY ROWLAND,
Speaker of the General Assembly.

Attest:

UPTON S. JEFFERYS,
Clerk of the General Assembly.

I hereby certify that the concurrent resolution was concurred in by the senate in session January 23, 1922.

WILLIAM B. MACKAY, JR.,
President of the Senate.

Attest:

U. H. ALLRIGHT,
Secretary of the Senate.

PETITIONS.

Mr. NELSON presented petitions of sundry citizens of Willmar and Benson, Minn., praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. LADD presented 21 petitions of sundry citizens of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Slope Valley Farmers' Club, of New England, N. Dak., praying for the enactment of legislation appropriating \$5,000,000 for the relief of farmers in drought-stricken regions, which was referred to the Committee on Agriculture and Forestry.

REMISSION OF DUTY ON CHURCH BELLS.

Mr. CURTIS. I report back favorably from the Committee on Finance, without amendment, the bill (S. 1610) to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass., and I submit a report (No. 481) thereon.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Kansas. It is a very small matter.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

There being no objection, the bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of duty a certain carillon of 25 bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECLASSIFICATION OF CIVILIAN EMPLOYEES.

Mr. STERLING. Mr. President, from the Committee on Civil Service I report back favorably with amendments the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

I desire to say in this connection that on to-morrow, or at the latest the next day, I expect to present a written report to accompany the bill.

Further, I may say that when the reclassification bill (S. 13), together with the Smoot reclassification bill, was referred to the Committee on Civil Service of the Senate it was with the understanding, and so stated in the motion, that when that bill or any bill was reported back from the Committee on Civil Service it should go to the Committee on Appropriations for the purpose of considering the salary schedules provided for in the bill. So this bill will, I presume, take that course and be referred to the Committee on Appropriations for the consideration of salary schedules only.

I trust that the Committee on Appropriations will be able to give early consideration to the bill. It is an important bill and there is urgent need for the legislation proposed. I hope for an early report by the Appropriations Committee on the bill and that it may have the consideration of the Senate very soon after having been reported back from the Committee on Appropriations.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Appropriations.

AMENDMENT OF PENAL LAWS.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 2703) amending an act to codify, revise, and amend the penal laws of the United States, reported it with amendments and submitted a report (No. 483) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE (for Mr. FRELINGHUYSEN):

A bill (S. 3116) for the relief of James Kelly; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 3117) to amend the act of April 16, 1906, and the act of February 24, 1911, relative to the lease of surplus electric power on Federal irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. SMOOT:

A bill (S. 3118) for the relief of Herbert E. Meilstrup; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 3119) granting a pension to Mary Wotherspoon (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3120) providing for the deportation of aliens convicted of unlawful possession of or traffic in drugs or narcotics; to the Committee on Immigration.

By Mr. STANFIELD:

A bill (S. 3121) authorizing the exchange of lands within or contiguous to the Malheur National Forest, in the State of Oregon, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. WARREN:

A bill (S. 3122) granting an increase of pension to Lola G. Crawford (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 3123) to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended; to the Committee on Public Lands and Surveys.

WITHDRAWAL OF PAPERS—ARTHUR G. REED.

On motion of Mr. CURTIS, it was

Ordered, That leave is hereby granted to withdraw from the files of the Senate the affidavits of Barbara Reed and M. Newman and the certificates of Dr. A. S. Gish and Dr. Jerome Kidder, filed with S. 2032, granting a pension to Arthur G. Reed, no adverse report having been made thereon.

THE MUSCLE SHOALS PLANT.

Mr. HARRIS. Mr. President, I move that the report of Secretary Weeks on the Muscle Shoals proposition which was sent to the House be printed as a Senate document and referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. I ask that this matter may go over for the present, because a Senator spoke to me about it on Saturday, and I think he has a belief that the report ought to go to another committee.

Mr. HARRIS. I will ask the Senator from Kansas if there will be any delay about it and when the Senator to whom he refers will return?

Mr. CURTIS. I think he will be here to-morrow.

Mr. HARRIS. With that understanding, I have no objection to the matter going over. I only wish to avoid any delay, and am anxious for the Senate to consider it and not wait until the House passes it. Secretary Weeks in his report urged prompt consideration. On Saturday I called up the Secretary's office to request that he also send the report to the Senate, but the Secretary was out of the city. I tried to reach him over the telephone this morning, but he was in conference.

PROPOSED LOAN TO HAITI.

Mr. KING. I submit a resolution, which I ask may be read and lie on the table.

The resolution (S. Res. 233) was read, and ordered to lie on the table, as follows:

Whereas the United States, through its naval forces and officials, acting under the direction of the State Department, is in control of Haiti and the Haitian Government; and
Whereas it is proposed that a loan of \$14,000,000 be negotiated in behalf of Haiti, to be paid by the Haitian people; and
Whereas such a loan is not desired by the Haitian people and is believed by them to be unwarranted and illegal and contrary to the best interests, economically and politically, of Haiti and her people; Therefore be it

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate by what authority such proposed loan is being negotiated, together with the terms and conditions thereof and the reasons; therefore be it further

Resolved, That no debt should be created by the United States or by persons representing it which would be a charge upon Haiti or the Haitian people or the Haitian Government.

NAVAL OCCUPATION OF HAITI AND SANTO DOMINGO.

Mr. KING. I submit another resolution, which I ask may be read and lie on the table.

The resolution (S. Res. 234) was read and ordered to lie on the table, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to furnish full and complete information to the Senate of all costs to the United States resulting from the naval occupation of Haiti and the Republic of Santo Domingo.

INDEPENDENT OFFICES APPROPRIATIONS.

Mr. WARREN. From the Committee on Appropriations I report back favorably, with amendments, the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, and I submit a report (No. 482) thereon. I give notice that I expect to move to take up this bill for consideration by the Senate at as early a date as possible.

The PRESIDING OFFICER (Mr. LADD in the chair). The bill will be placed on the calendar.

AGRICULTURAL ASSOCIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2373) to authorize association of producers of agricultural products.

The VICE PRESIDENT. The Senator from Montana [Mr. WALSH] is entitled to the floor.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	France	McKinley	Shields
Ball	Gerry	McNary	Shortridge
Borah	Glass	Moses	Smoot
Brandegee	Hale	Nelson	Spencer
Broussard	Harrell	Newberry	Stanfield
Bursum	Harris	Norris	Stanley
Capper	Harrison	Oddie	Sterling
Caraway	Heflin	Overman	Sutherland
Colt	Jones, N. Mex.	Page	Swanson
Culberson	Jones, Wash.	Pepper	Townsend
Cummins	Kellogg	Phipps	Wadsworth
Curtis	Kendrick	Pittman	Walsh, Mont.
Dial	King	Poindexter	Warren
Dillingham	Ladd	Pomerene	Watson, Ga.
Ernst	La Follette	Ransdell	Watson, Ind.
Fernald	Lenroot	Robinson	Weller
Fletcher	Lodge	Sheppard	Willis

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on business of the Senate. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-eight Senators having answered to their names, a quorum is present.

Mr. WALSH of Montana. Mr. President, at the last session of the Senate I pointed out that the only substantial difference between the House bill and the Senate bill arises over the question of whether the Congress should expressly authorize the establishment of monopolies under the protection of the statute which it is proposed to enact; also that a limitation of the scope of the act so as to exclude the organization of monopolies is a feature that is of no consequence whatever to the producer of the ordinary line of farm products. A provision of that kind could not possibly affect him in any way whatever. The grower of grain, the grower of cotton, and the producer of potatoes would look with entire indifference upon a provision of that character. It would affect only those articles which are not widespread in the territory in which they are produced; articles that are produced only within limited areas, like raisins, or commodities that will not stand shipment, like milk, that must be produced within a limited distance from the centers in which they are consumed. To those people and with reference to those products the provision which gives rise to the difference between the two Houses, the prohibition of monopoly, is a matter of very great consequence as, in my judgment, it is to the consumers of those products throughout the country.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH of Montana. I yield to the Senator.

Mr. JONES of Washington. I did not hear the Senator's statement in its entirety, and I am very much interested in the proposition whether, in the Senator's judgment, the Senate bill or the House bill would permit a combination of the creameries which are producing condensed milk?

Mr. WALSH of Montana. I have no doubt it would; I have no doubt that both bills would authorize the organization of associations among farmers to make butter of their product or to make cheese of their product or to make condensed milk of their product, and to put the product on the market.

Mr. JONES of Washington. This is what I had in mind. For instance, in the State of Washington we have condensed-milk creameries.

Mr. WALSH of Montana. Producing a very excellent product, I am able to say.

Mr. JONES of Washington. Yes; but they are not farmers' associations; they are independent organizations; one might say they are manufacturing establishments. Now, what I was wondering was whether or not this proposed legislation would permit a combination of that kind?

Mr. WALSH of Montana. I should say not. The Senator from Washington will observe that under the provisions of both bills the organization authorized must be an organization of the producers themselves of the product of the farm. They may engage in marketing that product or they may engage in processing it for the purpose of putting it upon the market, but the proposed legislation would exclude a combination of producers of condensed milk who do not themselves produce it.

There is a further provision in both bills to the effect that the organization may deal not only in the products of their members but also in that product by whomsoever it may be produced. The Senator from Ohio [Mr. POMERENE] at the last session of the Senate inquired very pertinently whether that provision would not, for instance, permit Mr. Swift or Mr. Armour, or Mr. Wilson, each of whom, I undertake to say, owns a farm and raises hogs, for instance, to organize under this proposed act and deal in the products of their own farms, and also to buy extensively from other producers. I think that that could be accomplished under the House bill. Recognizing that there is an evil there, and that the act might easily be abused, the Senate bill provides that such organizations can not deal in products other than those produced by their members to an amount greater than the amount of the products which they get from their members. So that if the three gentlemen to whom I refer should organize an association under this proposed law, they could throw the product of their own farms into the association and could put just so much more into the business, but no more.

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH of Montana. I yield to the Senator.

Mr. KELLOGG. This bill would not in any way affect organizations such as are mentioned by the Senator from Washington [Mr. JONES] if they were manufacturers. If they are now legal, this bill would not at all make them illegal.

Mr. WALSH of Montana. Certainly not. This bill does not attempt to make anything illegal which is now legal; the Senator is quite right about that.

Mr. KELLOGG. As to the second proposition, if the Senate should adopt it, the amendment suggested by the committee on page 5 of the bill, reading—

And provided further, That the association shall not deal in products of nonmembers to an amount greater in value than such as are handled by it for members—

would take care of the question suggested by the Senator from Ohio [Mr. POMERENE].

Mr. WALSH of Montana. I think so.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH of Montana. I yield.

Mr. POMERENE. Just before the recent colloquy began the Senator from Montana was discussing the question of the monopoly of farm products. That is a branch of this bill which interests me very much. Of course, if the Senator has in mind the monopolization of the entire grain product or cotton product or potato product, then I can understand the argument of the Senator; but on Saturday I called his attention to the second section of the Sherman antitrust law, from which I quote as follows:

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States—

The Congress at that time did not have in mind the monopolization of an entire product, but the monopolization of "any part" of it.

Now, to cite a case which naturally occurs to us, suppose there were an attempt to monopolize the entire milk product in the neighborhood of a great city such as New York or Cleveland. I confess I am very greatly puzzled as to what ought to be done in this matter. I am in entire sympathy with the general proposition of cooperative marketing, but it is possible, if I read this bill aright—and I am going to use an extreme and impossible case in order to illustrate what is in my mind—to raise the price of milk to 25 or 30 cents a quart under a combination. I am quite sure that neither the proponents of the House measure here nor the proponents of the Senate committee substitute want a situation like that to occur, and yet it is possible. We are seeking to legislate upon a very serious subject.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. WALSH of Montana. I yield to the Senator from Minnesota.

Mr. NELSON. Has the question ever occurred to the Senator from Ohio, if a product becomes a complete monopoly so that only one concern or one combination is engaged in the trade in connection with it, by what means can the Secretary of Agriculture determine whether the price is too high or too low? There is nothing with which to compare it.

Mr. POMERENE. Yes; we have things with which to compare it; we know whether a price of 10 cents a quart or 25 cents a quart for milk should prevail; the hungry children know that.

Mr. NELSON. I do not want the Senator to understand that I disagree with him.

Mr. POMERENE. I was quite sure the Senator did not, because I know how eminently fair he ordinarily is in all such matters.

Mr. WALSH of Montana. Mr. President, if the Senator will pardon me, I merely want to say in this connection that that feature of the matter I shall canvass a little later on.

Mr. POMERENE. I shall be very glad to have the Senator do so. I very much favor some remedial legislation; but, if the Senator will pardon me for a moment further, all of us realize, I think, the exactions to the so-called middleman; and when we are considering the question of food products we want to protect the farmer so that he may obtain a reasonable price and perhaps a little more than a reasonable price; but when we appreciate the fact that in the industrial centers there is now unemployment amounting to about 40 per cent, certainly we ought not to want the unemployed to be at the mercy of somebody who may organize an association for the purpose of exacting exorbitant prices. That is the matter which is uppermost in my mind and which gives me very great concern.

Mr. WALSH of Montana. Mr. President, that is the matter to which I am endeavoring to challenge the attention of the Senate—the possibility of the organization of combinations under this bill, entirely monopolistic in character, which would exact such prices from the consumers, particularly of milk, as to bring the whole movement for cooperative marketing into disfavor and disrepute and have such a corrosive effect as to wipe out any statute that we may enact in relation to the subject.

Now, Mr. President, I want to call attention to the fact that the only people who came before the committee in relation to this bill, other than the representatives of the farm organizations in the city, were representatives of the California Raisin Growers' Association, a confessed monopoly, and the representatives of the milk producers' associations, who frankly stated their purpose to set up a monopoly of the supply of milk to the great cities of the country under the provisions of this bill, if they shall be permitted so to do.

Mr. Lindsay, the attorney for the California Raisin Growers' Association, was one of the witnesses appearing before the committee, and I must say, in justice both to him and to the president of the association, that they came by the invitation of the committee and not on their own solicitation, and likewise that they exhibited in the discussion of the matter before the committee a fairness which was altogether commendable. The conclusions of the committee, as evidenced by the bill, were not in accord with their views of what ought to be done, but I feel that that much is due to them for the very gentlemanly manner in which they presented their case to the committee.

Mr. FLETCHER. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Florida.

Mr. FLETCHER. I want to ask the Senator if in discussing that matter he will consider section 2 of the bill as it came from the House?

Mr. WALSH of Montana. If the Senator will pardon me, I propose to discuss section 2 a little later on.

Mr. FLETCHER. I thought perhaps section 2 might meet the difficulty in the mind of the Senator from Ohio.

Mr. WALSH of Montana. I think I shall be able to demonstrate to the complete satisfaction of the Senator from Florida that it does not at all, and that for all practical purposes we might just as well cut out section 2, as the Senate bill proposes.

Mr. POMERENE. Mr. President, I would extend the criticism which the Senator has just made to both the original bill and the substitute, as I see it.

Mr. WALSH of Montana. I was speaking of section 2.

Mr. POMERENE. Yes; I realize that.

Mr. WALSH of Montana. During the course of the examination of Mr. Lindsay the following took place:

Mr. KELLOGG. What page, if the Senator please?

Mr. WALSH of Montana. I read from page 39 of the hearings:

Senator WALSH of Montana. Just before you go to that, Mr. Lindsay, will you give us some concrete case in which, in your judgment, it would be advisable in the public interest to permit the creation of a monopoly under this bill.

He was arguing that a monopolistic organization under this bill would be to the advantage of the general public.

Mr. LINDSAY. Well, yes. Of course, this is only my opinion, Senator.

Senator WALSH of Montana. That is what I am asking you for.

Mr. LINDSAY. I may be entirely wrong about it.

Senator WALSH of Montana. I want to get your view of it.
Mr. LINDSAY. Take, for instance, the milk producers of a certain district.

Senator WALSH of Montana. Take the country tributary to the city of Washington, for instance.

Mr. LINDSAY. Yes; the country tributary to the city of Washington. Of course, there can be no object in people associating themselves together unless it is going to be in some way for their benefit. Suppose the milk producers of the city of Washington, in the District of Columbia, deeming it to be for their best interests and for their benefit, form themselves into an association in which they all join, in order to regulate, we will say, the milk industry here. I can not go into the details of how they would be benefited by different methods of regulation. It might have to do with the sanitary conditions surrounding the milk.

Senator WALSH of Montana. Let us take the thing in a practical way. The States tributary are Maryland and Virginia?

Mr. LINDSAY. Yes.

Senator WALSH of Montana. We had a witness before us here who told us that the milk producers in Virginia marketing their product in Washington have an association. It is a mere voluntary association for consultation and conference. They do not handle their product at all. Each of them sells his product to distributors in the city here, of whom there are several. But let us assume that they do not like that system, and they extend their organization so that all of the milk producers over in Virginia may join in an association and they set up a central agency here for the distribution of their entire product and distribute the avails after the manner of your association or the California Fruit Growers' Association.

Mr. LINDSAY. Yes, sir.

Senator WALSH of Montana. Over here in Maryland they have another organization of the same character, of the milk producers in Maryland marketing their product in the city of Washington. These two organizations are here competing in the District of Columbia; the Maryland organization has its central distributing point and the Virginia organization has its central distributing point, and the two are competing.

Now, however, they combine and eliminate all competition, so that the consumers of milk in the city of Washington have just one association from which they can supply themselves. What I want to know from you is how the public is benefited by permitting these two associations thus to combine.

Mr. LINDSAY. Unless the public may be benefited; and, of course, when we consider the benefit which is flowing to the public generally, we must consider the interests of the ultimate consumer—there is no question about that at all—as well as the interests of the producer. Yet, nevertheless, it is likewise the fact that the interest of the producer is a factor in the determination of the problem. Unless, in the wisdom of the Congress, the general interests of the public as a whole, both the producer and the consumer, may be advanced by the passage of a law like this, then it should not be passed.

And more like that which I do not read; the usual argument in favor of monopolistic organizations having been followed—namely, that they eliminate unnecessary duplication of distributing systems, establish economies, and so forth. It will be observed, however, that for the purpose of illustration he takes the case of the milk producers. We had the representatives of some of the milk-producers' organizations before the committee. One of these gentlemen was the president of the National Milk Producers' Association, an organization supplying in very large part the city of New York. Of the extent of his organization he tells us as follow in the testimony:

Let me understand—

Mr. Miller being on the stand—

a little more about your organization. Is it a federation of milk producers?

Mr. POMERENE. Mr. President, from what page is the Senator reading?

Mr. WALSH of Montana. I read now from page 72.

Mr. MILLER. Yes, sir.

Senator WALSH of Montana. And these are local associations of milk producers?

Mr. MILLER. No, sir; the individual is the unit; all making up the one parent association. We are now reorganizing under a system by which the local will be a unit.

Senator WALSH of Montana. I do not understand. You have 60,000 members?

Mr. MILLER. We have about 90,000, but about 60,000 of them supply milk to the cities.

Senator WALSH of Montana. Are all these in one association?

Mr. MILLER. Yes, sir.

The CHAIRMAN. The individual producers being the members of the association?

Mr. MILLER. Yes.

Senator WALSH of Montana. Is that a cooperative marketing association, or is that for general discussion?

Mr. MILLER. It is a cooperative marketing association. The old association is a mere bargaining agent, going out and bargaining with the middlemen, who are the distributors, and usually there is but one between the dairy farmer and the consumer.

Senator WALSH of Montana. How are you organized now?

Mr. MILLER. We are reorganizing now.

Senator WALSH of Montana. But let me get your present system first.

Mr. MILLER. At present we are operating under both systems. We are just in the middle of the change.

Sixty thousand milk producers supplying the great cities of the State of New York, including the metropolis of the State, organized in one association; and somewhere else in the testimony, as my recollection now serves me—and I shall be glad to be corrected if I am in error—it is stated that they now supply 60 per cent of all the milk consumed in the great city of New York. These gentlemen frankly assert that they want this bill

passed so that they may be protected in the organization of such a monopoly as that, and they undertake to defend such a monopolistic organization as a great, beneficent institution.

Mr. KELLOGG. Mr. President—

Mr. WALSH of Montana. I yield to the Senator.

Mr. KELLOGG. Does the Senator claim that the milk producers of the State of New York get an unreasonable price to-day?

Mr. WALSH of Montana. Oh, I waive that question. I remember hearing a distinguished Senator arguing in the Supreme Court of the United States the case of the International Harvester Co. for the defendant.

I heard him argue that that company never exacted unreasonable prices for its products of the farmers of the country. I do not know that any issue was taken upon that. It is not a question as to whether a particular corporation ever did or ever did not exact exorbitant prices. The question is, Shall we put it in their power to exact exorbitant prices; and more particularly, Mr. President, shall we trust to their own individual, unrestricted judgment as to what is or what is not a reasonable price to charge for their products?

I shall show presently, Mr. President, that in all time it has been regarded as an unwise thing to do to allow these organizations to exist, even if individual ones do not exact an unreasonable price for their product. Of course, I can not answer the question addressed to me by the Senator from Minnesota. I do not know whether this great organization does or does not charge unreasonable prices for milk in the city of New York; but I have here some information touching what is done in the city of Washington. I did not intend to devote myself to that feature of the matter at this time; but, inasmuch as it has been introduced, I read to you from an article appearing in the Washington Post of Friday, November 18, 1921, being a summary of testimony given before a committee of the House investigating the cost of milk in the District of Columbia. It is as follows:

MORE BIG SALARIES OF MILKMEN BARED.

The Lampert House District Subcommittee in its inquiry preliminary to drafting a pure-milk law for the District of Columbia, delved into the profits derived from the retail milk business in the District. Manager Brawner, of the Chestnut Farms Dairy, told the committee that his firm made a net profit of 2½ per cent on sales amounting to \$2,700,000, or about \$60,000. Mr. Brawner receives a salary of \$15,000 a year.

Mr. POMERENE. Mr. President, may I ask whether these profits were over and above the salaries which are spoken of?

Mr. WALSH of Montana. I suppose so. The company made that much profit, and they paid these salaries. That is the statement.

Raymond J. Wise, of the Chevy Chase Dairy Co., testified that last year his company made a net profit of \$39,298, and that his salary is \$7,000 a year.

Arthur L. Thompson, a milk distributor, who was previously a professor of farm management in Cornell University, said he made a profit of less than 1 cent a quart on his milk. He testified that in his opinion the producers of milk were not making more than a reasonable profit.

Earlier in the day W. A. Simpson stated that as a milk distributor he was making \$200 a day net profit at the present time, and that his net profits for the first nine months of the year were \$39,000. He and his family draw salaries aggregating \$37,000 more a year.

During the hearing Representative MILLSPAUGH, of Missouri, sought to ascertain from witnesses the reason for the discrepancy of 3 cents between milk delivered for 12 cents a quart in Baltimore and 15 cents in Washington. The best he got from the dealers present was that it must cost less to produce the Baltimore milk.

Dr. William C. Fowler, District health officer, interposed to say that the requirements which milk must meet here in Washington are much higher than in Baltimore, but members of the subcommittee declared with vehemence that that could not account for a higher charge of 3 cents on every quart of milk sold here. During his examination by Representative HAMMER, of North Carolina, Mr. Brawner asked the Representative what he meant by profiteering.

"An unreasonable profit, such as we believe most of the milk distributors are making here in Washington," replied Representative HAMMER.

During his questioning of the witnesses Representative HAMMER developed the fact that none of the dealers were cooperating with the Maryland-Virginia Producers' Association, as had been previously alleged at the hearing.

You will observe that in the case of two of these, Mr. President, they are the managers of dairy farms. Of course, under the provisions of this bill the owners of those farms could consolidate and establish a single distributing system in the city of Washington. Most of them, however, are distributors of milk who buy from the producer; but the proposition advanced is that it would be an excellent thing for all of these farmers, as they are called, the Chestnut Farms and the Chevy Chase Dairy Farm and all other farmers to organize one association, all come into one association, establish a distributing system here in the city of Washington, and have absolutely no competition at all. I will show you how Mr. Miller undertakes

to demonstrate that that would be a most excellent thing for the people of the city of Washington.

Mr. JONES of New Mexico. Mr. President—

Mr. WALSH of Montana. I yield to the Senator.

Mr. JONES of New Mexico. I ask the Senator if the statement which he has just read to us does not indicate that there is either a monopoly or some gentlemen's agreement which enables the distributors of milk in the city of Washington to keep up the present prices, and to make the large profits which he has just recounted to us?

Mr. WALSH of Montana. I dare say it points to that conclusion. I refer to it simply for the purpose of showing what outrageous exactions might be made through the organization of such an association as the Senate substitute seeks to prevent, and the advocates of the bill as it passed the House insist should be permitted to operate.

Mr. JONES of New Mexico. If we are to pay high prices by the reason of a monopoly, would it not be better to let the producers have that monopoly than for mere distributors to have it?

Mr. WALSH of Montana. Undoubtedly; I agree with that. If we are going to have a monopoly at all, I would rather have a monopoly of producers than a monopoly of middlemen.

In the course of the testimony given by Mr. Miller, he said as follows:

Senator WALSH, my attention was called yesterday to a question asked by you, and which I thought was so ably answered by Judge Lindsey, in relation to the combination of two associations delivering milk in Washington. Would it be entirely satisfactory to you if I should discuss that for a moment?

Senator WALSH of Montana. I shall be very glad to hear you, sir. Mr. MILLER. If I represented the consumers of Washington, and the consumers alone, with an intent and a sincere desire to insure to those consumers an adequate supply of milk at a reasonable price, I would lose no time in going to those two associations and saying: "Men, combine as quickly as you can combine." Why? Because it would stand for efficiency and economy, and the economics of the situation would be such that they could not ask an unreasonable price for milk to the people of the city of Washington. Why?

I do not know how far milk is brought into Washington now; probably not over 50 or 60 miles. It does not matter. Milk is brought in splendid condition into New York City for more than 500 miles. Assume that all the dairy farmers within the present radius that now supplies milk to Washington were in one closely knit organization, and they attempted to raise prices unduly. It would mean that milk from a little farther on would come in, because those other dairy farmers can comply with the same regulations—I refer to the city regulations—as do the present ones. No power on earth could keep that other milk from coming in here if by doing it they could get more than they could otherwise dispose of that milk for; and if they could not get more, it would show that the organization had not unduly raised the price. The economics of the whole industry would absolutely prevent any undue enhancement of prices.

But what are the economies that could be perfected? Let me say this to you: If the good people of the city of Washington are to have enough milk every day in the year, there must be more than enough milk every day in the year. Why? Because consumption is not uniform. Production is not uniform. Therefore, to see that the people of the city have enough milk at all times, production must be so adjusted that at all times there will be more than enough.

Now, that surplus must be manufactured into some of the various products of milk. This daily surplus during a part of the year is largely augmented by natural conditions which are largely beyond the control of man. Why? The peak of production this year in our New York territory came two weeks earlier than it generally does, because of the early pasture season. One of the distributing firms to which our organization sells milk from 9,000 farmers report to us, and we believe it to be true, that for the third week in May the average dairy supplying them delivered to them 60 pounds more per day than they did the same week a year ago, or 540,000 pounds a day added to the surplus which they had the year before.

There is also this significant thing. Statistics show that in that district 45 per cent of the milk that is produced throughout the year is produced in four months of the year. The remaining 55 per cent is produced in the other eight months. This daily surplus must be manufactured; this seasonal surplus must be manufactured. Now, what could these two organizations do if they combined? In fact, if I stood in the position which I illustrated a moment ago, I think I would travel over to Baltimore and study the question to see if there could not be further advantages from having the Baltimore organization join. Why? To efficiently manufacture that surplus milk requires expensive plants.

Having followed along in much the same line, he was asked:

Senator WALSH of Montana. I should like to ask you a question or two about that.

As I understand you, if a monopoly were organized consisting of all of the producers of milk within the region that under ordinary conditions supplies the city of Washington, that, I understand you to say, would be a beneficent thing so far as the consumers of milk in Washington were concerned; and, as I understand you, that monopoly could not exact excessive prices of the consumers in the city of Washington, because if they did so the area from which the city of Washington is ordinarily supplied would be expanded, and other milk would come in from the remoter regions?

Mr. MILLER. Absolutely. No power could prevent it.

Senator WALSH of Montana. Of course, that would necessarily involve the organization of another distributing agency within the city of Washington which would take the milk coming from the remoter sections in competition with the milk produced by the monopoly.

Mr. MILLER. Not necessarily. May I explain why?

Senator WALSH of Montana. Yes.

Mr. MILLER. Senator, I could go out in the city of Washington. I assume—because we can do it in most of the cities—and in 24 hours I can arrange with delicatessen stores that will properly equip them-

selves and with other small retail stores to handle milk. And I can go out beyond the radius from whence now comes Washington milk and have the farmers supply cans and prepare their herds to pass the entire city inspection, and ship in that milk daily to 100 stores in Washington.

Senator WALSH of Montana. You would simply set up a competition, then?

Mr. MILLER. Exactly so; exactly so; and that competition—

Senator WALSH of Montana. So by that competition you would regulate the price?

Mr. MILLER. By the inevitable law. Why, for the milk of the city of Washington to be cornered, to get an undue price, there would have to be a stone wall erected around a circle 500 miles distant from Washington, and even it would not work.

Senator WALSH of Montana. Of course, that is figurative?

Mr. MILLER. It is figurative; and yet why is that so?

Senator WALSH of Montana. What is the fact? The situation as you present it to me is that a monopoly exists here. All the producers in this locality have their own distributing agency in the city of Washington. Instead of two, such as I suggested—one for Virginia and the other for Maryland—competing with each other, they are all now in one combination with one distributing agency, and they charge, we will say for the purpose of the discussion, an exorbitant price to the people of Washington. Your remedy would be—that is, the natural remedy, the way it would operate would be—that the area would be expanded and extended, and milk would come in from sections beyond the limits over which the monopoly could claim jurisdiction; but, of course, that contemplates the organization of some kind of a competing distributing system in the city of Washington. You would go about and organize that and get your orders from the delicatessen stores and other consumers of milk, and thus you would set up a competition, recognizing that the only true way to reach satisfactory results and bring down the price is by establishing a competitive agency of some kind or other. Now, if that is the case, and if you are correct in the contention you make about the beneficent operation of the thing, you must then abandon the idea of competition as a regulating factor.

Mr. MILLER. Not at all, Senator; I do not think so, for this reason. Assume that those two organizations combined had this efficient manufacturing plant—

Senator WALSH of Montana. If you will pardon me, I want to go a little further, if you please. Now, we have our competitive agency established. It brings its milk from a region beyond that which would ordinarily supply the city of Washington with milk. It can not get any within the natural area that would supply Washington with milk, and it must go beyond that. It does so, and it organizes its distributing agency. Then the monopoly is forced by the competition to come down to a reasonable price, and it gets its milk within a very restricted area here, and its competitors must go beyond the natural area and bring their milk from a distance, thereupon competing under disadvantageous conditions with the monopoly, and, of course, eventually being forced to the wall. Is not that the logical and necessary consequence?

Mr. MILLER. I do not think so at all, Senator, because the economics of the situation would prevent it.

Senator WALSH of Montana. What are those economics?

Mr. MILLER. The economics of the situation are simply these: First, your question assumes that the farmers who are combined into this one association which you are pleased to call a monopoly, would be blind to the experience of all history. It is to the advantage of those particular farmers to see that city consumers are supplied milk at a price that will not only keep up consumption but that will not make it attractive for this faraway milk to come in.

Senator WALSH of Montana. That is, to put the price as high as the traffic will bear? That is what you mean, is it not?

Mr. MILLER. No; that is not exactly what I mean. We must assume in all these discussions that these cooperative organizations will be managed by men of at least ordinary ability, foresight, and experience, and the course you mark out would be absolutely suicidal.

That is the argument, Mr. President, and the argument is just exactly the standard argument in favor of any monopoly, namely, that economies should be introduced, that efficiency would be promoted. The Standard Oil told us, in all the course of these discussions, that instead of enhancing the prices of its products, it had actually brought them down; that its great business organization, its great corps of experts, its huge distributing systems, had reduced the expense of handling the products, and that, as a matter of fact, the public were gainers by the monopoly rather than losers.

Mr. KELLOGG. Mr. President, it is a fact, is it not, that that was not true; that the Standard Oil had not reduced the price, but had increased it?

Mr. WALSH of Montana. Of course, they had not reduced it, and selfishness is a trait of human nature which finds lodgment in the breasts of farmers just exactly as it finds lodgment in the breasts of the rest of us. We are all of the same clay.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. (Mr. STERLING in the chair). Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WALSH of Montana. I do.

Mr. STANLEY. Mr. Rockefeller has been given credit for originating that argument, which we adopted and advanced with so much earnestness. The argument is about three hundred years older than Mr. Rockefeller. I find that in defending the Elizabethan monopolies Lord Bacon made the same argument in favor of royal monopolies in cards, glass, sea coal, hides, and 25 or 30 other commodities which were farmed out to governmental monopolies in the time of Queen Elizabeth.

Mr. WALSH of Montana. Mr. President, the argument has never found lodgment in the minds of the American people, and, for the matter of that, has never found lodgment in the minds

of any people. The common law, which was nothing more nor less than the common sense of justice and of right, denounced monopolies generally, and particularly, Mr. President, monopolies in the necessities of life, and foodstuffs particularly.

I read from the second volume of Bishop's criminal law, section 230, as follows:

Competition in the various activities of life is one of the most beneficent forces among men. It strengthens the race and keeps individuals from mischief by stimulating activity; promotes the happiness of all; and prevents famine and other like suffering by causing the commodities to be in plentiful supply and at prices not unjust; and it preserves trade, labor, manufactures, finance, and all like things at an even and equitable balance. In the nature of affairs it is so seldom in the power of a single individual unaided to do any effectual act toward the destruction of competition that the common law has not heretofore very clearly and certainly defined any offense of this sort as committed by one, the facts not having furnished the needful cases.

But conspiracies to impair competition by monopolies and other like combinations have always been regarded as criminal. And when to this sort of conspiracy is added, as in the facts of most cases, some unlawful means, its indictability is beyond question.

Mr. President, long before the common law expressed the common conviction of the people, whose guard it was, the experience of mankind had denounced monopolies as injurious to the public interest and as criminal. Recently there has been dug up from the ruins of one of the ancient cities of Assyria the code of Hammurabi. It was an ancient compilation when Justinian gathered about him the jurists of the Roman Empire and gave to the world the works which have become the foundation of the jurisprudence of Europe. It denounced monopolizing the necessities of life.

In recent time monopolies have become so oppressive to the people that notwithstanding the Sherman law had been in existence for years and years both political parties have felt called upon in their platforms to denounce monopolies as things that can not be tolerated, much less authorized by law.

The Democratic platform in 1908 declared that—

A private monopoly is indefensible and intolerable. We therefore favor the vigorous enforcement of the criminal law against guilty trust magnates and officials—

And so forth.

The Republican platform in the same year declared that—

The Republican Party passed the Sherman antitrust law over Democratic opposition, and enforced it after Democratic dereliction. It has been a wholesome instrument for good in the hands of a wise and fearless administration; but experience has shown that its effectiveness can be strengthened and its real objects better obtained by such amendment as will give the Federal Government greater supervision and control over and greater publicity in the management in that class of corporations engaged in interstate commerce having power and opportunity to effect monopolies.

The Democratic platform in 1912 repeated the language of the platform of 1908 and declared that—

A private monopoly is indefensible and intolerable.

The Republican platform of that year declared that—

The Republican Party is opposed to special privilege and to monopoly. It placed upon the statute book the interstate commerce act of 1887 and the important amendments thereto, and the antitrust act of 1890, and it has consistently and successfully enforced the provisions of these laws. It will take no backward step to permit the reestablishment in any degree of conditions which were intolerable.

I do not pause to consider or canvass how completely these declarations were justified by the acts of either party when it was in power, but I refer to these as declarations of the common conviction of our people with respect to these matters.

Mr. NORRIS. Those declarations were all "before taking."

Mr. WALSH of Montana. Yes; that is quite right.

I can not understand how any Member of the Senate, upon this side of the Chamber at least, after subscribing to these perfectly clear declarations of principle, can vote against a provision declaring that no such construction shall be given to the provisions of the bill as will authorize the creation of monopolies, the very purpose that those chiefly interested in urging it seek to accomplish.

Mr. President, having said so much concerning the general features of the bill, I desire to address myself to the particular provisions of the bill, and especially to the provisions of section 2 of the House bill which are not found in the Senate committee bill. I wish to call attention first to section 1 of the bill as it passed the House.

Mr. POMERENE. Mr. President, before the Senator goes to that branch of the subject may I ask him a question in this connection?

Mr. WALSH of Montana. Certainly.

Mr. POMERENE. The Senator has just called attention to this part of the Senate bill, which reads:

Nothing herein contained shall be deemed to authorize the creation of or attempt to create a monopoly.

That, of course, refers to the provision of section 2 of the Sherman law.

Mr. WALSH of Montana. Exactly.

Mr. POMERENE. How does the Senator from Montana differentiate between section 2 and section 1 of the Sherman Act? In other words, he wants to preserve the provisions of section 2 with respect to the monopolization of any part of the trade or commerce among the States. The first section, as the Senator knows, declares "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade" to be illegal. Is it the Senator's desire to preserve intact the provisions of section 1 of the Sherman law?

Mr. WALSH of Montana. No; it is my desire to get rid of it so far as farm marketing corporations are concerned. That is the answer I made to the Senator from Oregon [Mr. McNARY], who asked me what the Senate committee bill gives to the farmers that they have not now. It gives them immunity from section 1 of the Sherman Act and does not give them immunity from section 2 of that act.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WALSH of Montana. Certainly.

Mr. KING. Does the Senator think it is wise or just legislation to permit any group or class of our citizens—agricultural, industrial, manufacturing, or otherwise—to be immune from prosecution for conspiracies to restrain trade, which means conspiracies to destroy competition or to prevent the benefits that flow from the law of competition as it operates in our economic and industrial life?

Mr. WALSH of Montana. The Senator puts the question a little too broad for me. I can state my position without the slightest hesitancy or difficulty at all.

I do not believe that when Congress passed the Sherman antitrust law it had in contemplation at all associations of farmers or farmers assembling themselves together for the purpose of putting their products on the market. I do not recall, and I am sure history affords no evidence of, any grievous wrong ever done to the people of the country by associations or combinations of that kind. I believe that associations of that character stand upon an entirely different footing and that the legislation may be easily classified so that those associations should be dealt with upon one basis and according to one system of laws, and the ordinary business combination of non-producers, simply dealers in the products, upon an entirely different plane.

I will say to the Senator that that feature of the matter I shall canvass a little later, and perhaps my views will be elaborated for the information of the Senator at that time.

Mr. KING. Then I shall pretermit any further inquiry at this point.

Mr. WALSH of Montana. I shall be glad to follow it if the Senator prefers to inquire of me now.

Mr. KING. I am sure I would prefer to follow the wishes of the Senator.

Mr. WALSH of Montana. Section 1 of the bill is what may very properly be called the enacting provision. It authorizes the creation of these corporations. I read from the provisions of the bill as it passed the House:

That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce such products of persons so engaged. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided, however,* That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own, or,

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per cent per annum.

That is what might be said to be the enabling section. The Senate bill is exactly the same except for the transposition of a single clause for the improvement of the literary construction, and by the addition of a further provision that, so far as they deal in the products of nonmembers, the amount shall not exceed the amount in which they deal in the products of their own members.

Mr. TOWNSEND. Mr. President, when the Senator refers to the Senate bill, does he mean the amendment to the House bill as reported by the Senate committee?

Mr. WALSH of Montana. I refer to the substitute for the House bill. I use the expression for brevity.

Section 2 is a regulatory, a supervisory, a controlling section. In other words, section 2 limits the powers given by section 1, as follows:

SEC. 2. That if the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade to such an extent that the price of any agricultural product is unduly en-

hanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than 30 days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist therefrom. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be reduced to writing and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist therefrom.

Note, Senators, that he shall "cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist therefrom. That is to say, if it monopolizes or restrains trade to such an extent as to unduly enhance prices, the order shall direct the association to "cease and desist therefrom." I shall go back presently to canvass or review what "therefrom" refers to. I continue the reading of section 2:

On the request of such association or if such association fails or neglects for 30 days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

Then there is a provision for a temporary injunction pending the appeal.

Mr. President, I hope that the Senators who are following the discussion will consider this provision, first, as it applies to the case of a monopoly; and, second, as it applies to undue restraint of trade, each of them enhancing prices. It will be observed that by the express terms of the bill the monopoly is entirely immune; it is allowed to go on without any let or hindrance at all unless it unduly enhances prices, in which case it may be haled before the Secretary of Agriculture. When it is brought before the Secretary of Agriculture, what does the Secretary of Agriculture do? He finds that it is a monopoly, we will say, for the purpose of the discussion, and he finds that it unduly enhances prices.

When the bill which originally came before the Senate was under consideration by the Judiciary Committee it was the opinion, I am very sure, of every member of that committee that that meant that if the Secretary of Agriculture found that a monopoly existed and that the monopoly was exacting exorbitant prices for its product, he could determine what would be a reasonable price to charge for the product, fix that price, and the association would be forbidden to charge a price greater than that amount.

Mr. KELLOGG. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Minnesota.

Mr. KELLOGG. Does not the bill clearly state, in substance, that they shall cease and desist from all restraint of trade and monopoly? Is there any provision in the bill which authorizes the Secretary of Agriculture to fix prices?

Mr. WALSH of Montana. If the Senator from Minnesota will be patient for a moment, I am going to try to find out, if I can, what it does mean.

Mr. President, when the subject of trusts and monopolies was a matter of public discussion in this country quite a good many years ago, it will be remembered that there were very able publicists and particularly business men who then insisted that the proper way to deal with the matter was to allow the great combinations and trusts to develop and grow as they saw fit, without let or hindrance, but that the Government ought to step in and fix the prices which they should charge. Indeed, Mr. President, that is all that can be done. Whenever a Government authorizes the existence of a monopoly there is nothing it can do—and it can do no less—but fix the prices which such monopoly may charge. That is what we do as to our public utilities. A public utility is a confessed monopoly; we authorize such monopolies; but in every case we repose in some commission or other body the power to fix the prices which that monopoly may charge.

Mr. POMERENE. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I am very much interested in the Senator's discussion. A moment ago the Senator said that he sought to relieve agricultural cooperative associations from the provisions of section 1 of the Sherman antitrust law, which declares:

Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of commerce among the States or with foreign nations is hereby declared to be illegal.

The Senator also is very careful in the substitute bill to preserve intact, as I understand his explanation, the antimonopoly provisions of section 2 of that act. Having done that as to the provisions of section 1 in reference to restraint of trade, suppose that the association does, in fact, enter into a conspiracy or combination in the form of a trust which does unduly enhance the price of milk—let us say, by way of illustration, that it makes the price of milk 25 cents a quart to the consumer—what remedy would exist if such a condition should prevail?

Mr. WALSH of Montana. Of course, the Senator from Ohio would have first to give me the facts. It could not possibly be a monopoly, because there is an express provision in the proposed act that it does not authorize the creation of a monopoly. If the absence of monopoly is admitted, then there is competition just exactly as there is now; the matter is regulated by competition. To illustrate the point, let me take the case of the Raisin Growers' Association, to which I have heretofore referred. That cooperative association undoubtedly has been a great thing for the growers of raisins in the State of California; and I do not undertake to say that it has not been a good thing for the growers of raisins throughout the United States.

I simply say that a power is placed in the hands of that association which ought to be reposed in no set of men, for at any time they may take advantage of the opportunity they have and exact exorbitant prices.

However, Mr. President, to illustrate, I see no reason at all, as I stated to the president of that association, why there should not be one cooperative association of raisin growers with their headquarters at Fresno, Calif., where the headquarters of his association were, another at Hanford, and a third at Sacramento, these cooperative raisin growers' associations all competing with each other. That is the idea that I have as to this bill, that there shall be created a number of cooperative associations and yet not destroy the benefit of the bill. In the case of the milk producers, my idea is that under the proposed law the milk producers in the State of Virginia, for instance, will organize themselves into one cooperative association; that the milk producers in the State of Maryland who supply the city of Washington will organize themselves into another cooperative association, and that they will both compete in supplying milk to the city of Washington.

What harm can come from such a situation as that? The only harm can come when there is a complete monopoly of the supply, and that is what the Senate bill is aimed at. I trust I make myself clear to the Senator from Ohio when I say I want to relieve these parties from any penalty whatever for combining for the purpose of carrying out their objects except that they must not carry the combination so far as to create a monopoly.

Mr. POMERENE. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Ohio.

Mr. POMERENE. I regret that I am not able to follow the Senator.

Mr. WALSH of Montana. I am sure that is my fault.

Mr. POMERENE. No; that does not follow. I want to be able to have an understanding of the matter if I can. There may be a line of cleavage between the provisions of section 1 and of section 2 of the Sherman antitrust law which I am not able to perceive.

Mr. WALSH of Montana. The Senator from Ohio is not alone in that, because, although it has never been difficult for me at all, I observe that it is difficult for a great many people.

Mr. POMERENE. When the Senator says he does not want a monopoly in the production of milk he is speaking generally, but I am going to take it for granted that he means monopoly as defined in section 2 of the Sherman Act which prohibits the monopolization of "any part" of the trade or commerce. I think we understand that; but when it comes to section 1 the Senator says, "I want to relieve these organizations of any of the restrictions contained in that section," which declares illegal "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade."

Assume that there has been organized in the city of Washington an association among the milk producers of Maryland, Virginia, and the District of Columbia, under that organization the Senator desires to permit them to restrain trade. Of course, he means to a reasonable extent; but, if they are permitted to restrain trade, why are they not creating a monopoly of a part of the trade? That is the difficulty which presents itself to my mind.

I am a little fearful that while the Senator is trying to protect the buying public by the provision against monopoly at the

same time he is placing them at the mercy of the producer when he permits associations to be formed in the way indicated. It seems to me that it is possible, even under the limitation which the Senator has placed in the substitute, for excessive prices to be charged. If we can do anything to minimize the cost of distribution to facilitate marketing I want to help to do that; but I have observed, it seems to me—I hope I am wrong about it—that in the discussion of both sides of the Chamber we are in a way shying at the fixing of prices. It appears to me that we are not quite candid on that subject. We talk about associations for the purpose of cooperative marketing, but would we not be franker and come closer to the truth if we should say "associations for cooperative marketing and for the fixing of prices to the consumer"?

Mr. KING. And which might stifle trade and competition.

Mr. POMERENE. Which, as the Senator from Utah suggests, might stifle trade and competition. I have not come to any conclusion about the matter, but I think I see very grave difficulties in the way. It seems to me, while I want to benefit the one element in society—and I realize what their troubles have been and what their burdens have been—I do not want unnecessarily to hamper the other element of society.

Mr. WALSH of Montana. Mr. President, this is a recurrence to a branch of the subject which I had left, but I am very glad to go back to it to clarify the situation if any words of mine can do so.

Mr. LENROOT rose.

Mr. WALSH of Montana. If the Senator from Wisconsin will pardon me for just a moment, I will yield to him in a few moments. If the Senator from Ohio will endeavor to place the proposition in some concrete form before me I am sure that I can give a very much more satisfactory answer to his question. My idea is to leave the provisions of section 2 of the Sherman Act intact, to make them applicable to associations organized under this bill as well as to all other associations and all other individuals.

Mr. POMERENE. Mr. President—

Mr. WALSH of Montana. If the Senator from Ohio will pardon me—

Mr. POMERENE. Certainly.

Mr. WALSH of Montana. We have the milk producers around the city of Washington; they have associated in some way or other, but they have not established a monopoly. Will the Senator stop to consider for a moment the milk producers utilizing this statute which we are to enact, and yet not having established a monopoly in the city of Washington, and point out the evil that he believes will ensue from it?

Let us suppose that the milk producers over in Virginia organize and they set up their distributing system here in the city of Washington, and yet they are not able to supply more than one-half of the milk necessary for the city of Washington. Private capital has a rival distributing system. There are two or three rival distributing systems. These systems get their milk from Maryland, we will say, or they get it from farther away; so that the association is organized under the provisions of this act, and yet it has not a monopoly. What is the evil that the Senator apprehends in that situation of affairs?

Mr. POMERENE. Mr. President, both the Senator and I are laboring under this difficulty: We have a bill before us. We have not a given state of facts to which it is applied. We are bringing forward hypotheses, and perhaps not having before us all of the facts. One of the difficulties I see here is this, and I think it applies to both bills:

In the preparation of the House bill as well as in the preparation of the Senate bill, it has been sought to limit dividends to 8 per cent per annum on the stock or membership capital. It is an easy thing, of course, for those who want to enter into a conspiracy or combination to get around a provision of that kind. It is easy enough to say to the members: "We are limited in our profits which may be distributed by way of dividends to 8 per cent on the capital stock; but that is not going to prevent us from fixing the price which this association shall pay to the individual members so that you can get 20 or 25 cents a quart for your milk, and then you will be benefited in a dual capacity. You will have the exorbitant profit as an individual producer and seller to the association, and then you will have the profit derived from the dividends in the association up to 8 per cent."

That is one of the difficulties. If you can arrange some kind of an association here which is going to eliminate the expense, I am with you wholeheartedly in that matter. If it is really the intention of those who are sponsors for this bill to limit the profit to 8 per cent, I think I am wholeheartedly in favor of that provision; but I do not want to impose a limitation of that kind—in other words, close up one little place—

and leave the door wide open so that there can be unlimited profits in fact when the profits as an individual are added to the profits of the association.

If I am wrong about that, I should like to have it pointed out to me. I have felt all the while that I wanted to favor this legislation if I could, and I want to do it yet; but it seems to me that we could improve this entire situation if we had some provision in the Senate substitute somewhat akin to that which is in the House bill, which apparently prohibits the undue enhancing of the prices.

Mr. WALSH of Montana. I was going to proceed now to discuss the reason why we did not put that provision in the Senate bill. Perhaps the Senator will agree with us when we get through.

I yield now to the Senator from Wisconsin.

Mr. LENROOT. Mr. President, before the Senator gets away from this branch of the matter, I should like to know if I correctly understand what I think his construction of the bills is. Am I correct in understanding the Senator's construction of the Senate bill to be that it will permit a partial restraint of trade, even though undue enhancement of price follows therefrom, but will prohibit a monopoly?

Mr. WALSH of Montana. The Senator's position—and that, of course, is the foundation of the bill—is that the ordinary association of farmers in a marketing association is not an undue restraint of trade. We make a legislative declaration to that effect.

Mr. LENROOT. But if there be, as a matter of fact, an undue restraint of trade, short of a monopoly, will the Senate substitute prohibit it?

Mr. WALSH of Montana. The Senate substitute will not prohibit it, and neither will the House bill, as I shall show presently. My contention about the matter is, though, that there will be no undue enhancement if we eliminate the monopoly feature, because competition will take care of it then, just as it does now.

Mr. LENROOT. I want to ask the Senator about that in just a moment, after I get his construction.

I understand the Senator's position, then, to be that if there be a partial restraint of trade, short of monopoly, and undue enhancement of prices results, such restraint is held to be legal, and there is no remedy, while the House bill permits not only partial restraint of trade but complete monopoly, but if there be undue enhancement of price in either case it is regulated, first, by the Secretary of Agriculture, and secondly, by the courts. Am I correct?

Mr. WALSH of Montana. In a certain way the Senator is correct; but I propose to discuss the whole subject of section 2 and give you my views to the effect that the House provision is entirely unnecessary, in the first place, and is entirely nugatory, in the second place.

Mr. LENROOT. Just one other question, then, with reference to the Senator's statement, also made by the Senator from Ohio [Mr. POMERENE], that if there be absence of monopoly, competition results.

Mr. WALSH of Montana. Exactly.

Mr. LENROOT. The Senator does not mean that competition in the sense of competition in price will result, or any danger of an undue enhancement in price will be avoided, if there be absence of monopoly?

Mr. WALSH of Montana. Yes.

Mr. LENROOT. Is it not true that in the United States Steel Corporation case it was proven and practically admitted that the United States Steel Corporation made the prices, and was followed by its competitors, and the court held in that case that competition could not be forced, that the United States Steel Corporation was not a monopoly, and that even though there was an enhancement in price and the competitors of the United States Steel Corporation themselves chose to take advantage of that enhancement, there was no remedy?

Mr. WALSH of Montana. If the Senator is able to extract any principle out of the decision in the Steel Corporation case, he can do better than I can. I can not. My understanding of the Steel case is that the court held that it was an unlawful combination from the beginning, but that by reason of the fact that it was not attacked for a great many years, and various interests had arisen and greatly disturbed the general condition of things, they concluded to let it stand and not enjoin it or dissolve it. That is my conclusion as to what the opinion of the Supreme Court means. I was not able to extract any principle from it.

Mr. LENROOT. Is it not perhaps a little fairer to say that while they held, in effect, that it was an unlawful combination in the first instance, they also held that before the action was brought it abandoned its unlawful intent, and therefore—

Mr. WALSH of Montana. As I say, I argued a trust case in the Supreme Court immediately following the decision in the Steel case, and I confess my inability to find it in any principle that would guide me in my case.

Mr. KING. Mr. President, may I trouble the Senator?

Mr. WALSH of Montana. I yield.

Mr. KING. I am afraid that I am subjecting myself to criticism for covering the ground which I sought to refer to a moment ago, and the Senator said that he would discuss it later; but in view of the questions propounded by the Senator from Ohio [Mr. POMERENE], and fearing that I have misapprehended the position of the Senator, I desire now to challenge his attention to some of his statements.

Mr. WALSH of Montana. I am glad to reply to the Senator.

Mr. KING. As I understood the Senator, he illustrated his construction of the bills before him by calling attention to an organization in Virginia for the control of the milk product of that State, and an organization of the milk producers in Maryland for the purpose of supplying milk to the city of Washington. I understood the Senator's position to be that if the milk producers of Virginia were able to keep out of Virginia milk from other sections, and the milk producers there formed such an association as is contemplated by the House bill, no matter how much they raised the price or stifled competition they could not be prosecuted, because across the line in Maryland or across the line in West Virginia there would be milk producers and there would be other associations; but those other associations and those other milk producers would not be competing with them in Virginia.

Mr. WALSH of Montana. The Senator misunderstood me altogether. I was not talking about an association of all milk producers in the State of Virginia at all, nor about any acts on their part to keep out milk from anywhere else. I never assumed any state of facts of that character at all. I simply assumed the case of the milk producers residing in the State of Virginia and selling their milk in Washington organizing themselves into an association with a distributing system in the city of Washington, and such of the milk producers in the State of Maryland as sell their milk in the city of Washington associating themselves under the bill and setting up a rival distributing system in the city of Washington, and the two operating in competition with each other in the city of Washington.

Of course, it might be assumed that other milk producers in the State of Virginia would associate themselves for the purpose of supplying the city of Richmond—those, we will say, north of the James River in one association and those south of the James River in another association, competing for the supply of milk to Richmond—and the milk producers in the State of Maryland and on the eastern shore of Virginia each having a separate association supplying the city of Baltimore. I assume the case of cooperative associations competing with each other.

Mr. KING. Mr. President, it is obvious that there would not be a monopoly in, perhaps, the technical sense if the milk producers of Maryland and the milk producers of Virginia were furnishing the city of Washington with milk and they combined, because there would be West Virginia and Pennsylvania and Ohio and other places remote from Washington to which resort might be had; but, of course, by the time they got the milk here it would make the price so high that it would give to the Virginia and the Maryland milk producers a monopoly.

Mr. WALSH of Montana. Exactly; and then a practical monopoly would exist, which would be in violation of the law. Of course, everybody will appreciate that as far as milk is concerned you can consider that there is a certain basin around each great center of population, from which basin the milk naturally flows into that center, and if you organize all the producers within that basin into one body, then you have a monopoly of the supply, even though by some extraordinary effort you can induce some of the farmers residing beyond that to bring their milk into the center which is thus monopolized. Of course, naturally they belong in the basin of some other city. They have their association there, and it would be difficult to break their business ties and business associations to bring them in. Mr. Miller suggested that it would flow in freely from the outside country. It will not flow in freely from the outside country, because they already have their business ties and business associations, which will prevent the flow.

Mr. KING. I confess that I am not quite able to understand the position of the Senator from Montana or the morals or the justice or the ethics of a position which calls for an abrogation of section 1 of the Sherman antitrust law so far as it relates to agricultural associations. It would mean that any of the organizations or associations authorized under the law—horticultural, agricultural, ranchmen, dairymen, milkmen, raisin

men, what not—could conspire for the purpose of interfering with commerce, could conspire in restraint of trade, could conspire to stifle and destroy competition, and yet, unless that conspiracy, though it did stifle competition, though it was in restraint of trade, failed to eventuate into a complete monopoly, there would be immunity. I have such profound respect for the judgment of the Senator from Montana that I can not quite understand how he can justify a position of that kind.

Mr. WALSH of Montana. Of course, "conspiracy" is rather an obnoxious term, and it may mean much or it may mean nothing. When the Senator refers to allowing these people to form conspiracies in restraint of trade, and so on, to get down to the cold facts, what is the conspiracy which it is supposed they are going to engage in? They are going to associate themselves and set up a distributing system in the city of Washington in competition with another system, either run by a rival cooperative association or run by private capital. Where is the conspiracy? Why should not half a dozen men in the State of the Senator from Utah gather together, and, when they want to ship their cattle, throw in together, charter a train, send one man to Chicago, and tell that one man to dispose of the whole number and divide the proceeds? Does the Senator find anything wrong about that?

Mr. KING. That can be done now, right in the face of the statute. That is not a conspiracy in restraint of trade at all.

Mr. WALSH of Montana. Of course it is not. That is just exactly what we want to do by this. We want to allow a lot of farmers, instead of bringing their milk into a cheese factory run by private capital, selling their milk to the corporation which runs that cheese factory, to be permitted to associate themselves together—which, of course, would eliminate competition between themselves—build their own cheese factory, bring their milk to that cheese factory, sell the cheese, and divide the profits. That is what this bill is for. It is urged that you can not do that because Jones, who is now selling milk to the cheese factory owned by a private individual, competes with Smith, who sells his milk to the cheese factory, and competes with Robinson, who sells his milk to the cheese factory, and if these three men combine they eliminate competition between themselves, and therefore they fall under the condemnation of section 1 of the Sherman Act. Does the Senator want to prevent them from doing that?

Mr. KING. No.

Mr. WALSH of Montana. I thought not. There is talk about conspiracies in restraint of trade. Those three men have eliminated competition as among themselves, and to that extent they have restrained trade. There is a legislative declaration that the ordinary farm-marketing cooperation is not an undue restraint of trade and that it is not a conspiracy in undue restraint of trade. I trust I make my own position about the matter clear.

I have been diverted, and I want to go back to consider just exactly what section 2 of the bill does; first, with reference to a monopoly, and, second, with reference to a combination which is not a monopoly, but which exercises such restraint on trade as that prices are unduly enhanced.

Take the matter of monopoly first. The Secretary of Agriculture finds that a monopoly exists, and he finds that it has unduly enhanced prices, namely, that it is charging exorbitant prices for the product. What does he do? What kind of an order does he make? He orders that monopoly or association to "desist therefrom." From what? As I said when the bill was before the Judiciary Committee in its original form, we all thought that meant to desist from charging exorbitant prices, namely, that the Secretary of Agriculture should, as would of course be the case when a monopoly is permitted to exist, fix what is a reasonable price and forbid the corporation to exact any more; in other words, give the Secretary of Agriculture the power to fix the prices which the monopoly should charge. But our friends who are urging this legislation say, "That is not what it means, and if that is what it means, we do not want the bill; we do not want to give the Secretary of Agriculture any such power at all."

What power do they want to give him? You will search this record in vain for any explanation from any source as to what power they want to give the Secretary. The best you can get from any of them is that they want to give the Secretary power to say that a price charged is an unreasonable price, but not to say what is a reasonable price.

Take the case of milk. An association is charging 15 cents a quart for milk to the people of the city of Chicago, we will say, who protest against that and file an application insisting that that is an exorbitant price, we have a long hearing upon the matter, and eventually the Secretary of Agriculture finds that 15 cents is an unreasonable price; but that is all the

power he has. They go back home and fix the price at 14½ cents a quart. Then another hearing can be had before the Secretary of Agriculture, and he finds that is an unreasonable price. And so these hearings go on, one after another, until finally you get the price down.

It will be remembered that we tried that system out with the Interstate Commerce Commission. Power was given to the Interstate Commerce Commission in the first place to declare that a rate charged by a railroad company was an unreasonable rate, but gave the commission no power to fix what was a reasonable rate, and Senators all know that the act was innocuous, and we were obliged to amend it so as to give to the Interstate Commerce Commission the power to fix the rate which the corporation should charge.

As I have said, Senators do not want the Secretary of Agriculture to be invested with any such power, and they say that this bill gives the Secretary of Agriculture no such power, and I am rather inclined to think they are right about it. It says that whenever a monopoly exists which unduly enhances prices an order is to be made to desist therefrom, but what does "therefrom" mean?

Of course, monopolies as a usual thing are created by combinations, two or more or half a dozen corporations uniting in one, and they establish themselves as a monopoly by unfair methods of competition. Of course, if these associations shall practice unfair methods of competition for the purpose of driving their competitors out of business I daresay they would still be amenable to discipline under the Federal Trade Commission act; at least I hope so.

But, Mr. President, that is not the situation which presents itself at all. The Federal Trade Commission will take care of all these unfair methods of competition by its processes. But I want Senators to face the situation. Let us turn again to the milk producers in the State of Virginia and in the State of Maryland. They do not resort to any unfair practices at all. They simply organize themselves, and they all unite in one association under the protection of this act; they set up their own distributing system in the city of Washington.

Of course, the private distributors must go out of business. They can not any more get any milk from anybody, at least unless they go beyond the territory which would ordinarily supply the city of Washington, and, of course, they must compete under disadvantageous circumstances, and they would naturally fall. So the association does not resort to unfair practices at all, but it gets every man who is supplying milk naturally to the city of Washington into one association, and then it charges an unreasonable price, and the Secretary of Agriculture finds that the monopoly exists, and that it has unduly enhanced prices. What is he going to do? According to the contention they make he can not fix the price at which that association shall sell its milk. They are commanded to desist therefrom. What can he do?

Of course, if the association is doing something that was unfair, if it is engaged in unfair competition, it may be that this bill takes away from the Federal Trade Commission the disciplinary power and transfers it to the Secretary of Agriculture. I do not think so. But suppose, as I assume, they have not done a thing which is at all reprehensible. Take the Raisin Growers' Association out in the State of California. They are not accused of having done anything wrong to drive their competitors out of business, the commission men who have heretofore carried on the business and who bought the product of the farmers in that locality.

That association has been carried on and has been developed in a highly creditable way, and, as I believe, without a stain upon its record. But year by year, and day by day, and month by month, it has gone before the farmers of that locality, and has represented to the farmers that it is to their interest, that it would be wise for them to come into the association, to join with their fellows, and one by one they have come in, until now 93 per cent of the raisin growers in that locality belong to this association. The Secretary finds that it has not done a thing wrong, except that a monopoly exists, and that it is charging undue prices for its products. He can not put the price down, because that would be to give him the price-fixing power, and that is not given by the act. What can we do? We can not do anything. There is no relief in the different provisions of section 2. I shall be very glad to be interrupted at this point for any Senator to tell me what kind of an order the Secretary of Agriculture would possibly make in that kind of a case.

Mr. LENROOT. Mr. President, the Secretary issues an order, and they make the price lower; then under another order they lower the price again, and so on. Does not the Senator think their lack of good faith would soon bring them into court, and under the amendment which has been offered a court of

equity would have complete and full jurisdiction, the same as a court of equity has under the Sherman law now, if there were an absence of good faith?

Mr. WALSH of Montana. I do not know how to answer the Senator. I inquire what kind of order can the Secretary make?

Mr. LENROOT. He can make an order, under the Senator's construction, merely directing them to refrain from charging the duly enhanced price.

Mr. WALSH of Montana. That is, the 16 cents.

Mr. LENROOT. Yes.

Mr. WALSH of Montana. That is, "hereafter refrain from charging 16 cents," and they accept that and go back home and fix a price of 15½ cents. Is it the Senator's view that that is the extent of the power of the Secretary?

Mr. LENROOT. Oh, no; I do not think the bill is entirely clear as to whether the power of the Secretary is to issue an order to no longer monopolize, to no longer charge the enhanced price, or to dissolve the monopoly. I am very frank to say the bill is open to that construction.

Mr. FLETCHER. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Florida.

Mr. FLETCHER. I call the Senator's attention to the provision that the Secretary after this inquiry shall issue and cause to be served upon associations an order reciting the facts found by him.

Mr. WALSH of Montana. Yes; and he recites in this instance that all the producers within the area which naturally supplies Washington with milk are in one association, and that association has a complete monopoly of the supply of milk to the city of Washington.

Mr. FLETCHER. After finding the facts and making the order they are all then submitted to the Department of Justice and the facts so found by the Secretary are to be considered prima facie evidence, and then it is for the Department of Justice to proceed to break up the monopoly.

Mr. WALSH of Montana. Oh, no; the court merely reviews the order made by the Secretary; but I am trying to find out what kind of an order the Secretary makes. The court does not have anything at all to do with it except after the Secretary makes his order.

Mr. FLETCHER. He directs the association to cease and desist from this practice, which is a similar order to that made by the Federal Trade Commission.

Mr. WALSH of Montana. Oh, yes; that is just the point. The language of the Federal Trade Commission act is applied here without any possible application. It is not appropriate to express the conditions as they exist. I trust the Senator from Florida, whose mind is always clear upon these matters, will address it to the case that I have supposed. The Secretary finds that all of these people are in the association, that it constitutes a monopoly, and that it charges 16 cents a quart for milk, which is an unreasonable price. What kind of an order under those circumstances does the Secretary make? There is no use talking about proceedings in court and about the Attorney General, and that kind of thing, because the court does not come into action until after the Secretary makes his order. We want to know what the Secretary can do. The court can revise or modify that order.

Mr. NORRIS. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Nebraska.

Mr. NORRIS. Assuming that the Senator's construction of the power of the Secretary is correct, it would follow that he has no power whatever, and that the particular provision of the bill that attempts to give him some power is nugatory.

Mr. WALSH of Montana. Absolutely.

Mr. NORRIS. That would be a construction that no court would put on it unless it were driven to it. It would not want to do that.

Mr. WALSH of Montana. That is the point I am making. What would the court be driven to?

Mr. NORRIS. In answer to the Senator's proposition as to what kind of order the Secretary could make, I wish to make this suggestion: In the case the Senator has used as an illustration the Secretary finds that the association is a monopoly and that it has unduly enhanced the price of milk. Would it not be perfectly proper and reasonable and legal for the Secretary to say that he finds, first, that it is a monopoly, which it is necessary to find, and then that it has unduly enhanced the price of milk from 10 cents, which is a reasonable price, to 16 cents, which is an unreasonable price? Would it not have the effect at least of putting the association on notice that it never

would get by the Secretary until it reduced it down to the price he had fixed?

Mr. WALSH of Montana. What order would he make?

Mr. NORRIS. He would order them to desist therefrom.

Mr. WALSH of Montana. From what?

Mr. NORRIS. The Senator suggests that they would desist from 16 cents and come back with a price of 15½ cents, but if the Secretary had already told them in his first order what he regarded as a reasonable price, even assuming that he has no more power than the Senator says he has, it seems to me the association would only take upon themselves a lot of unnecessary litigation and trouble, because they would know they would eventually be refused and the price set aside until they got down to the price the Secretary had fixed.

Mr. WALSH of Montana. The Senator knows the experience we had with the railroad companies upon exactly the same kind of provision. It did not work at all. We were obliged to quit it. So in any case, even if the Senator is right about it, it does repose in the Secretary the power to fix the prices, does it not?

Mr. NORRIS. Yes.

Mr. WALSH of Montana. That is by indirection.

Mr. NORRIS. Yes; I think so. I think that is a fair construction.

Mr. WALSH of Montana. And we have to come to that. We have to come to the proposition that it does give him power which the proponents of the bill declare they do not want to repose in him under any circumstances whatever.

Mr. NORRIS. If we assume for the sake of the argument that we have a monopoly, then it seems to me unless we are going to destroy the monopoly we must let somebody who represents the public, the producer as well as the consumer, have the power to fix the price.

Mr. WALSH of Montana. The Senator and I are agreed upon that. If we authorize a monopoly, there is nothing whatever to do except to repose somewhere the power to fix prices. Now, the question is presented as to whether we desire to repose in the Secretary of Agriculture the power to fix the prices of all agricultural products. We confront that proposition beyond any question.

Mr. NORRIS. Mr. President, may I interrupt the Senator just a moment further?

Mr. WALSH of Montana. Certainly.

Mr. NORRIS. Technically I think the Senator is exactly right as to all agricultural products. As a matter of practice, however, the Secretary probably would never be called upon, as those who are behind the bill feel. In my judgment, with the exception of some illustration like the raisin growers or milk producers, he never would be called upon.

Mr. WALSH of Montana. The Senator and I are agreed upon that.

Mr. NORRIS. So far as the wheat men, the cotton men, or the corn men are concerned, I am not at all alarmed about a monopoly being created, and if there is we will meet it when it arises.

Mr. WALSH of Montana. The Senator and I are agreed upon that, so why is there any harm in putting in the bill a provision that in reference to these matters concerning which a monopoly can be created it shall not be done? In other words, it does not do any harm to the general grain growers.

Mr. NORRIS. But the Senator will remember that in the hearings before the committee this question was very often propounded to the wheat producers, for instance, who have organized more or less and want to go further with their organization. It was said to them over and over again, "Go on just as far as you propose to organize and you have not violated the law." It is generally believed, at least by a great many people who are advocating the passage of the bill, that what has been done heretofore by those kinds of producers and what they propose to do is no violation of existing law.

Mr. WALSH of Montana. I agree with that.

Mr. NORRIS. They want the law, however, because of the psychology that is in it, because they are afraid. They say, "We will be threatened, and because we are threatened and because we have not got it explicitly in black and white the farmers are afraid. The people in the business circulate propaganda and write letters, and so forth, and the farmers are afraid to come in." So that as a matter of fact as to the great bulk of the producers I am of the opinion that it is more a matter of psychology than anything else. I do not believe they violate law now when they organize.

Mr. WALSH of Montana. The Senator and I hold very much of the same view with respect to the matter. I am perfectly certain that if we relieve them from any peril of prosecution under section 1 of the Sherman Act that will be sufficient. In

the first place, none of them has ever been prosecuted except the Raisin Growers' Association. Proceedings were instituted against the Raisin Growers' Association and the case was pending on demurrer, or rather the demurrer had been sustained and leave had been given to amend the bill of complaint. That is only one. That was upon the ground that it was an unlawful combination. If we relieve them from that we have gone as far as there is any occasion whatever to go with reference to the ordinary farm products.

Mr. POMERENE. Mr. President, the Senator has just said, and that is what I understand the fact to be, that none of these associations has ever been prosecuted. If that is so, then what is the necessity for the legislation?

Mr. WALSH of Montana. Just simply as the Senator from Nebraska said, that those who do not want the organization, the men who have the business now, the middlemen who are standing between the producer and the consumer and taking their toll, discourage the organization of these corporations or associations by the suggestion that they will be in violation of law.

Mr. POMERENE. Perhaps nine-tenths of the organizations would not be amenable under the law in any event, because they would be doing an intrastate business.

Mr. WALSH of Montana. That is quite right.

Mr. POMERENE. I would like to ask the Senator another question. The Senator has been discussing the price regulation features of the House bill. Of course, I think we must all concede that it is possible to charge the consumer excessive prices under either the House bill or the bill as reported from the Senate committee. Assume, for the sake of the argument, that these associations are organized and that excessive prices are charged to the consumer, what remedy is there?

Mr. WALSH of Montana. My position with respect to the matter is that if we eliminate the monopoly feature we have exactly the protection that we have now, namely, the protection that comes from competition. We do not change the situation at all.

Mr. CUMMINS. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Iowa.

Mr. CUMMINS. I have been prompted for some minutes to ask the Senator from Montana with regard to the duty imposed upon the Secretary to ascertain, and then determine officially, whether or not the price of any agricultural product has been unduly advanced, I assume, by reason of the monopoly or by reason of the restraint of trade. What rule known to the law or prescribed in the statutes would be applied by the Secretary of Agriculture in determining whether or not the price had been unduly advanced?

Mr. WALSH of Montana. I do not know.

Mr. CUMMINS. There is no rule of law on that subject.

Mr. WALSH of Montana. Of course, in the case of railroad rates the rates charged by other public utilities form the basis of comparison.

Mr. CUMMINS. Of course, that is a matter of public utilities, and the law from time immemorial has contained the rule for the ascertainment of that matter. But so far as this private enterprise is concerned there is no rule of law that could be applied by the Secretary of Agriculture. For instance, suppose that during the year before the Secretary of Agriculture was called upon the producers had lost money. Would they be entitled to a price the succeeding year that would enable them to recoup their losses, or would he ascertain what it cost each individual producer to produce his commodity, whatever it might be, and then say that each individual producer was entitled to a fair profit after paying the cost of production? That is one of the difficulties which I see in connection with this provision in the House bill. I do not believe it is warranted by the Constitution unless we prescribe for the Secretary of Agriculture the rules which will enable him to determine whether the price had been or had not been unduly enhanced. Whether we can do that or not, I am not sure, but without that I can not conceive how the Secretary of Agriculture could reach a conclusion.

Then, how would he, how could he, undertake to determine whether the price had been enhanced by reason of the association and distinguish the influence of the association from the natural causes which determine under free competition the price of a commodity? I should like to have some light upon that subject before the Senator from Montana concludes.

Mr. WALSH of Montana. I must say to the Senator that I do not feel able to afford him any light, as the same difficulties which have presented themselves to his mind, of course, have forced themselves upon my attention.

Mr. STANLEY. Mr. President, I do not wish to interrupt unduly, but at that point I desire to suggest that even though

we should supply the necessary legal machinery the forms by which the Secretary of Agriculture could act, it would be practically impossible to secure any definite or tangible result. The antitrust laws of Kentucky at one time provided a penalty for enhancing or depressing the price of any commodity above or below its fair market value by virtue of a monopoly. That, of course, involved the question of the cost of the production.

I tried a suit under that act to exclude the Imperial Tobacco Co. from operating in Kentucky. As the result of that suit their Kentucky charter was forfeited and they were forbidden to do business in that State. In that case, however, we had over 100 men, practical tobacco growers, summoned in a vain effort to determine the cost of producing a pound of tobacco.

Men living within a few miles of the courthouse varied from 10 to 15 cents in their sworn statements as to the cost of producing a pound of tobacco. It is manifestly evident to every man who will think about it that as to dairymen, tobacco growers, fruit growers, producers of all character of farm products under normal conditions, one man on 500 acres will become rich, while another man on an adjoining farm of the same size will go into bankruptcy producing the same commodities for the same market. It is practically impossible to reconcile the differences in the cost of the land, the cost and the efficiency of labor, knowledge of agriculture, and with the present system of bookkeeping, to ascertain with any degree of certainty what it costs to produce any of these commodities. All of the literature on this subject which has been prepared and issued by various bureaus and societies is in great part not dependable. Nobody knows exactly what it costs. The only thing that can determine a fair recompense for such products is the price they command in a fair and open market, where there is no element of monopoly either way.

Mr. CUMMINS. If the Senator from Montana will again permit me, in this case there is no fair and open market. Such a market has been extinguished by the monopoly, and I think the Secretary of Agriculture could not possibly ascertain by reference to a fair and open and competitive market whether the price was an unduly high one.

Mr. STANLEY. Mr. President, at that point, if I may be permitted to interrupt the Senator from Montana further, I desire to say that I am unalterably opposed to any form of monopoly. I believe if we can go back to the old basis and pass legislation here that will eliminate the "rule of reason" from the Sherman Antitrust Act and make criminal any act that directly interferes with the natural and free course of trade, we shall have put the ax at the root of the tree; and there is where we must go sooner or later for national relief.

Mr. CUMMINS. If I may say just a word more, I do not want my interruption to be misunderstood. I do not think there is any danger that the great agricultural products of the country can ever be monopolized. I would be glad to repeal the antitrust law, so far as agriculture as we generally understand it is concerned. That law never would have been passed if Agriculture alone were to be considered; but section 3 of the pending bill is utterly mysterious to me. I do not understand how it could be put into operation, or how it could afford the farmers of the country any relief whatsoever. May I say one word more?

Mr. WALSH of Montana. I yield to the Senator.

Mr. CUMMINS. I do not quite agree with the Senator from Montana in his construction of the order which may be entered by the Secretary of Agriculture. I do not think the order for which section 3 of the bill provides has anything whatever to do with the price.

The undue price is the thing that the Secretary of Agriculture must ascertain before he proceeds to enter his order; and when he comes to his order there is but one order he may enter, and that is that the association shall no longer maintain a monopoly or that it shall no longer restrain trade as it has theretofore maintained a monopoly or restrained trade. I think it would become an unlawful association from that moment on.

Mr. WALSH of Montana. I must have expressed myself inaptly, because I fully agree with the Senator from Iowa that the word "therefrom" refers back not to enhancing prices but to restraining trade.

Mr. CUMMINS. Some other Senator, then, expressed the other idea, and I have wrongly attributed it to the Senator from Montana.

Mr. WALSH of Montana. That was the idea that I desired to express. Take the case of a monopoly; if it monopolizes to such an extent as that prices are unduly enhanced, the Secretary of Agriculture directs that it refrain "therefrom"; that is, of course, refrain from monopolizing; not from enhancing prices, but from monopolizing. Likewise, if he finds that it does not constitute a monopoly but that there is an undue re-

straint of trade, as a consequence of which prices are enhanced, he is commanded to order that it desist "therefrom"; that is to say, from restraining trade.

What does that mean. Suppose it does not constitute a monopoly? Referring back to the case of the Virginia farmers who unite in one association and have their distributing system in the city of Washington—they have not a monopoly at all, but, in some way or other, they have by thus uniting been enabled to exact undue prices for their milk. When the Secretary makes an order commanding them to "desist therefrom," from what are they commanded to desist? They have simply associated; that is all; and if it means anything, as suggested by the Senator from Ohio, it means their existing as a monopoly or existing as an association, which association constitutes an undue restraint of trade.

Mr. BRANDEGEE. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I think the Senator's interpretation of what the word "therefrom" refers to is reinforced by the use of the word "thereby" in the first line of page 3, where it refers to prices having been "unduly enhanced thereby"—by the organization and its operations.

Mr. WALSH of Montana. Exactly; by a monopoly or an undue restraint of trade. That is clearly the meaning of the language as it appears here.

So, Mr. President, the object which is sought to be secured by this legislation will not be attained; but there are practical difficulties in the way which would make the provisions nugatory even though they had the effect which it is believed by the proponents of the bill they would have.

The Secretary goes into an investigation upon a complaint of the citizens of the city of Chicago; a consumers' league, we will say, gets into action and complains to the Secretary of Agriculture about the price charged for milk in the city of Chicago. It is the middle of summer when milk is abundant, when pasturage is abundant, and the prices charged are unreasonable. It will, of course, take some months before a hearing can be had and a determination reached upon that matter, and in the meantime we have gone into the fall or winter, when the conditions are altogether different, so that a price which was exorbitant in the month of June or July, if persisted in, may be entirely reasonable in the month of December or in the month of January, and another hearing would have to be had.

So, Mr. President, during one season feed may be very abundant and inexpensive, while during the following season it may go to exorbitant figures. For instance, in my State we are very glad ordinarily if we can get \$6 a ton for alfalfa hay, but a year or so ago it ran up to forty or sixty dollars a ton. Under such circumstances, even if the return of a reasonable profit upon the investment is made the test for the price, the different factors vary in such a way as that the remedy here sought to be provided is valueless.

Moreover, Mr. President, what real value to the people in the city of Chicago or Kansas City or Santa Fe, N. Mex., or elsewhere is it to go before the Secretary of Agriculture because associations in those localities are charging an exorbitant price for milk. Take the city of Schenectady, N. Y., or Boston, Mass. In the first place, an individual citizen could not act; it would be necessary to organize some kind of a citizens' association or consumers' league, or something of that kind, and test the matter out in that way, and the difficulties in the way would be so great and the result so doubtful that resort would not be made to the revisory provisions at all. So section 3 will be an absolute dead letter not only by reason of its intrinsic obscurity but by reason of the practical obstacles there are in the way of its operation, and it might just as well go out of the bill.

Mr. KELLOGG. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Minnesota.

Mr. KELLOGG. Under the Senator's proposed substitute, as I understand, no suit at all can be brought under the Sherman Act for undue restraint of trade. Is not that correct?

Mr. WALSH of Montana. No; not if it does not amount to a monopoly. In other words, if the Senator will pardon me, I want to leave that just exactly as it is now. A suit can not be brought now unless it is brought under the Sherman Act.

Mr. KELLOGG. I do not agree with the Senator; but under the Senator's substitute a suit would have to be brought under the Sherman Act if there was a monopoly. Is not that true?

Mr. WALSH of Montana. Yes; that is true.

Mr. KELLOGG. Very well. Under the House bill, if a suit is brought by the Secretary of Agriculture he can invoke every remedy that the Sherman Act provides for; can he not?

Mr. WALSH of Montana. I do not think so.

Mr. KELLOGG. The Senator does not think so?

Mr. WALSH of Montana. No.

Mr. KELLOGG. I do.

Mr. WALSH of Montana. There is a difference between the Senator and myself as to that. The bill, in section 1, authorizes the creation of these associations, and they are validated, and that is the very purpose of the bill. I shall speak, directly, of the only recourse there would be.

I had a very interesting visit a few days ago from Mr. Clifford Thorne, a lawyer of the State of Iowa, of very great eminence and just renown, who has demonstrated his attachment to the interests of the public, and is now the attorney for the National Grain Growers' Association. He called to talk with me about this measure, and advanced to me the idea that this bill, if it was intended to relieve farmers from the peril of prosecution under the Sherman Act, would not accomplish that purpose; that, engaging in these associations, they would still be subject to prosecution under the Sherman Act, his contention being that this bill would be merely supplementary, but would not operate to repeal in any sense the Sherman Act. I have not been able to accept that theory, but I tried to get the attention of the Senator from Minnesota to it a few days ago, though I fear rather unsuccessfully. I confess it has given me some concern.

There is another matter which Mr. Thorne advanced at the same time, to which I shall address myself a little later. The view expressed by him was that this bill was exactly the same as the Federal Trade Commission act; it was supplementary to the Sherman Act, not operating to repeal it.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Connecticut?

Mr. WALSH of Montana. I yield to the Senator.

Mr. BRANDEGEE. In referring to the association spoken of in the bill, I believe the Senator stated that the bill authorized those associations.

Mr. WALSH of Montana. Yes.

Mr. BRANDEGEE. Does the Senator think that any substantial right is conferred by this bill upon the farmers' associations—anything of substance?

Mr. WALSH of Montana. I will say to the Senator with perfect frankness that it was my idea that this bill, being later than the Sherman Act, and authorizing these associations, and authorizing them to make the contracts necessary, operated of necessity, pro tanto, as a repeal of the Sherman Act. That was my theory about it, but I must confess that I have such deference to the opinion of Mr. Thorne with respect to matters of this kind that I am somewhat disturbed in my view about it.

Mr. BRANDEGEE. I did not refer to that, although if this bill is not intended to exempt these associations from certain parts of the Sherman law at least, I can not see the object of passing the bill at all.

Mr. WALSH of Montana. There is not any. It would defeat their expectations.

Mr. BRANDEGEE. Yes; I agree entirely with the Senator about that, but that was not the point I had in mind.

The Senate bill says that persons engaged in the production of agricultural products as farmers, planters, and so forth, may act together in associations, corporate or otherwise, with or without capital stock, in collectively handling and marketing in interstate and foreign commerce such products of the persons so engaged. Does the Senator think that this bill confers that right upon associations, or in any way authorizes the formation of such associations, or that the Congress can authorize the formation of such associations?

Mr. WALSH of Montana. No; I do not think so. The bill contemplates that the associations will be organized, of course, under State laws; and this, to my mind, is intended simply to relieve them from any possible inhibition that there may be in the Federal law.

Mr. BRANDEGEE. There is no inhibition in the Federal law at present, is there?

Mr. WALSH of Montana. I may say that perhaps, accurately speaking, the word "authorized" was not justified.

Mr. BRANDEGEE. This bill says that persons engaged in these vocations may act together in associations. They can act together in associations now, can they not, if they are incorporated under the laws of their States?

Mr. WALSH of Montana. Yes.

Mr. BRANDEGEE. They get plenty of power from the States to act together in associations for marketing their products, do they not?

Mr. WALSH of Montana. Yes.

Mr. BRANDEGEE. The Federal Government does not and can not grant that substantive power to a set of men who want

to organize, can it? Congress has no power to grant an act of incorporation to them, has it?

Mr. CUMMINS. Oh, yes; we have just determined that.

Mr. WALSH of Montana. I can not agree with the Senator from Connecticut about that. We determined, I think, in the China trade act, that we could authorize the creation of corporations to engage in interstate commerce.

Mr. BRANDEGEE. In foreign commerce?

Mr. WALSH of Montana. Yes.

Mr. BRANDEGEE. And the Senator from Iowa will not want to get into that too closely.

Mr. CUMMINS. I have no doubt about that at all, any more than I have about our having the right to authorize them to incorporate to engage in foreign commerce.

Mr. BRANDEGEE. My view of the matter, I will say, if the Senator will permit me, is that the language I have read in this bill is just "hot air"; it is intended to be a blind and a sop to the farmers. They can do now, if they are organized into their associations, with or without capital stock, the things that this bill authorizes them to do, provided they do not violate the Sherman law; and the language of this bill seems to be designed to convey to the mind of the farmer the impression that Congress is authorizing him to associate, and that for the first time he has that right, whereas he has the right now, and he can organize under any State law for the purpose of transacting any lawful business, provided he does not commit the acts which the Sherman law denominates as crimes.

Mr. CUMMINS. Mr. President, will the Senator yield a moment while I refer to the suggestion made by the Senator from Minnesota [Mr. KELLOGG]?

Mr. WALSH of Montana. I yield.

Mr. CUMMINS. I think it is rather fundamental, and I want to get my own mind fairly clear upon the subject.

The Senator from Minnesota suggested, as I recall his observation, that after the Secretary of Agriculture acted under section 3, the Sherman law would be in full force as to that corporation or association. I do not quite understand that. If I correctly interpret the decisions, as well as the law itself, restraint of trade is unlawful, no matter whether it increases or decreases prices. Monopoly is unlawful, no matter whether its effect may be to increase or to decrease prices. Does the Senator from Minnesota mean to say that the Sherman law, then, could be applied in its full force to a corporation condemned by the Secretary of Agriculture?

Mr. KELLOGG. No; I did not say so. I said that if the Secretary of Agriculture found that the restraint of trade and the monopoly had gone to such an extent that the price of agricultural products was unduly enhanced, he could make an order against the restraint of trade and the monopoly, and if he brought a suit to enforce that, the court could apply any remedy against that particular monopoly and restraint of trade that it could now apply under the Sherman Act—that is, in the same form. To make that perfectly clear, the Senator from Kansas [Mr. CAPPER] offered an amendment, on page 3, line 13, of the bill, to insert, after the word "order," the following:

Or enter such other decree as the court may deem equitable.

I think that is what the bill means, anyway. In other words, the court would not be limited to compelling anybody to reduce a price.

Mr. BRANDEGEE. Does the Senator think the court could fix the price?

Mr. KELLOGG. No; I have not said anything about the court fixing the price.

Mr. BRANDEGEE. Then, it would not help the situation any.

Mr. KELLOGG. I think it would.

Mr. CUMMINS. But does not the Senator from Minnesota understand that under section 2 a monopoly is unlawful only if it unduly enhances the price of the commodity in which it deals?

Mr. KELLOGG. I do; certainly. There would be no object in dissolving it if it did not do any harm.

Mr. CUMMINS. When the court comes to deal with it, it is the Senator's view that the court could dissolve the monopoly just as the court now dissolves a monopoly under the antitrust act?

Mr. KELLOGG. I think it can, or it can restrain the acts of undue restraint of trade or any of the acts in which the corporation may be engaged which have unduly enhanced the price. For instance, the corporation may have made contracts with all of its customers or with all of its members that they would sell only at such a price. That price may constitute, with the other acts, a monopoly. The court may make an order

against the contracts, or it may give any relief in the premises that it thinks proper.

Mr. CUMMINS. Does the Senator think the Secretary of Agriculture can do that also?

Mr. KELLOGG. The Secretary of Agriculture can make the order against it. He can not, of course, enforce it. The court must do that.

Mr. WALSH of Montana. Mr. President, I think it perfectly clear that for all practical purposes there is not any relief at all in section 3. Even if the position taken by the Senator from Minnesota [Mr. KELLOGG] is correct, after the Secretary makes the order, then he may begin a suit against the offending corporation—which, of course, is not an offending corporation unless it has unduly enhanced prices—and then you go through with the proceedings in court, and you finally find that it has enhanced prices, and the court so decides. What does the court do then? In the case that I suppose, the case of a monopolistic organization, there is only one thing it can do, and that is to dissolve the monopoly. Whatever the Secretary of Agriculture can do, everybody will agree that the court can not fix the price. The Senator from Minnesota, I take it, concedes that. That is an administrative act which is beyond the power of the court. There is only one thing it can do, and that is to dissolve the monopolistic organization, to declare that it has no existence, that it must get out of business, and that is what the law now provides shall be done.

Mr. WADSWORTH. Mr. President, the Senator, however, does not deny the indirect price-fixing power lodged in the Secretary of Agriculture under the House bill?

Mr. WALSH of Montana. Oh, yes; I do deny it.

Mr. WADSWORTH. The Senator believes that the Secretary of Agriculture would not have the power to actually control or fix the prices?

Mr. WALSH of Montana. That is the language of it. Whether it could be strained out of its language to give the Secretary the power, not to direct that it desist from restraining trade, or that it desist from being a monopoly, and declare what the price shall be, I do not know; if so, then, of course, the indirect power to fix the price is given.

Mr. WADSWORTH. That is what I meant. I had gathered that that was probably the view of the Senator from Montana from the colloquy which took place between him and the Senator from Nebraska.

Mr. WALSH of Montana. My view about the matter is that the proponents of the bill are correct in saying that it does not give to the Secretary the power to fix prices, but I submit to the judgment of the Senator that the court would try to get away from that and find that it does really mean something, and that it does give to the Secretary the power to fix prices; and that is what the proponents of the bill did not want.

Mr. WADSWORTH. The power to fix prices by indirection?

Mr. WALSH of Montana. Either directly or by indirection.

Mr. WADSWORTH. I am convinced of it, and that is the very thing I do not want.

Mr. KING. If the Senator will allow me, in determining whether prices have been unduly enhanced in the investigation which shall be made under this law by the Secretary of Agriculture, of necessity must he not reach some point in the course of his investigation, and in pronouncing his judgment, beyond which he says that it is an undue enhancement of prices, and therefore, by indirection if not by direction, he does fix the prices beyond which they may not go, and therefore he does fix prices? So that he is constituted an arbiter to determine the prices of all commodities which may come within the purview of this bill.

Mr. WALSH of Montana. The conclusion I reach with respect to this matter is that the language of the bill is not expressive at all of any clear idea and that in operation it will be perfectly nugatory.

But, Mr. President, if we eliminate the feature of monopoly, why should we in the future any more than in the past give to the Secretary of Agriculture the power to fix prices or to control the thing at all? Competition has taken care of this thing in the past. No one has ever been obliged to complain about these matters. No suit has ever been instituted against any of these organizations upon the ground that they were inimical to the public welfare, and no one has insisted that their prices ought in any wise to be controlled. So if you simply eliminate the monopolistic feature, you do not need to repose in the Secretary of Agriculture or any other official or body any controlling or regulatory power at all. Let the ordinary rules and laws of trade govern and control the thing.

But we are not remediless even then, because if evils do flow from these organizations, they are still amenable to the local laws. My esteemed friend, the Senator from Utah [Mr. KING],

told about the truck farmers out in Davis County, Utah, who supply the city of Salt Lake with garden products of one kind or another, and he told us that they have a kind of an organization, and the organization sends out word each day as to what the prices will be for carrots, for potatoes, for cabbages, and for other truck products of that character, and the members adhere to those prices. But I feel quite certain that those farmers are not getting very rich out of truck farming out there, that they are not robbing the public particularly. In other words, Mr. President, the public has never suffered from exactions of the truck farmers or other farmers in the matter of the sale of their products to such an extent that they have been called upon to come either to the State legislatures or to the National Legislature to get protection against exactions of that character. But if there are such, the Legislature of Utah will take care of it, will it not?

Mr. KING. Undoubtedly.

Mr. WALSH of Montana. So that we need not give ourselves very much concern about matters of that character, it seems to me. In other words, I insist, Mr. President, that there is no occasion whatever for reposing this extraordinary power, this unusual power, in the Secretary of Agriculture or in any other official or body. Just cut out the matter of monopoly and it will be taken care of. Let them organize and let them form their associations without any peril at all, just so long as they do not attempt to monopolize the products.

Mr. KING. Will the Senator permit an interruption?

Mr. WALSH of Montana. Certainly.

Mr. KING. I hope that before the Senator concludes he will discuss the question of the advisability of committing to a Cabinet officer quasi judicial powers, or whatever powers are conferred by this bill, whether you denominate them administrative or quasi judicial. I suggest to the Senator that after a while those who are engaged in industry will want the Secretary of Commerce, rather than the courts, to pass upon their organizations; banks, if banks do confederate and combine, may want the Secretary of the Treasury to pass upon their alleged misdeeds; and those who may infract laws which might be indirectly related to the Labor Department will want the Secretary of Labor to pass upon their alleged violations of the law; so that instead of the courts or judicial bodies passing upon these questions we will farm out to the various departments and heads of departments and bureaus the question of whether or not laws have been violated and the rendering of judgments, decisions, and so forth, with respect to alleged infractions of the law.

Mr. WALSH of Montana. Mr. President, another feature to which I desire to direct the attention of the Senate is the matter of trading with nonmembers. When the bill came before us in its original form it confined the trading to the members of the organization. I have before me the bill H. R. 13931, which passed the Senate December 16, 1920. If Senators who are following this will take the language of the pending bill, they will note where the difference comes in. I read from the older bill:

Persons engaged in the production of agricultural products, as farmers, planters, ranchmen, dairymen, or fruit growers, may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing for interstate and foreign commerce such products of their members.

That is changed in the pending bill to read: such products of persons so engaged.

Senators will observe that under the older bill the transactions were restricted to the marketing of products of their members. In the bill before us, they may market not only the products of their members, but they may go outside and buy similar products, produced by nonmembers, and carry on business of that character without limit.

I dare say that in order that these associations may successfully operate, it may be necessary to give them the power to buy outside commodities and deal in them, but manifestly if they are to be given this special exemption, they should not be permitted to engage in trade in unlimited amounts with those who are not members. If they were so authorized, Mr. President, I question very seriously whether the act could be justified under the Constitution.

That brings me to the consideration of another matter, which to me is one of very great importance, and I should like very much, indeed, to confer about it with the Senators who are actively supporting the bill as it passed the House. Of course, I understand perfectly well that I am "in bad." I am not at all in the counsels of the gentlemen who are supporting this bill. I am supposed to be antagonistic to the whole thing, and it is thought that I am merely standing up here pretending that my views are something quite different from what I really enter-

tain, and that I am conducting quite an adroit opposition to the plan of farm marketing. I had a letter from a very esteemed constituent, one of the professors in our State agricultural college, who told me that that idea is being industriously circulated through my State. They are very fair people out there, and he wrote me for a statement of my views and my attitude with respect to the matter.

I would like to help prepare a bill, and I would like to point out to the gentlemen who are urging this measure the perils which I think confront us, and I would like to try with them to frame a bill which would be helpful and operative. I am afraid of this bill as it stands.

Mr. KELLOGG. As far as I am concerned, I have consulted with the Senator a good many times in regard to this bill.

Mr. WALSH of Montana. I recall that the Senator from Minnesota [Mr. KELLOGG], the Senator from Iowa [Mr. KENYON], and I were in consultation about it, and we adjourned, as I understood, to resume our discussions, and to see if we could agree, when, much to my astonishment, the bill was called up for consideration in the Senate.

Mr. KELLOGG. The Senator was told we could not agree with him.

Mr. WALSH of Montana. I may have misunderstood, but my impression was that at our last session we had agreed to meet again.

I am not to be credited with the matter which I am now presenting. It was likewise presented to me by Mr. Thorne. He took the position that the bill does not in its present form in any wise relieve the farmers' cooperative associations from peril of prosecution under the Sherman Act; that it is an act supplementary to the Federal Trade Commission act and not to be considered as repealing it at all; but he took the further position that if it is to be considered as repealing pro tanto the Sherman Act, so as to bring these associations out from under the operation of the act, it is violative of the Constitution, as laid down by the Supreme Court in the case of Connolly against the Union Sewer Pipe Co. in One hundred and eighty-fourth United States.

Mr. KELLOGG. Will the Senator please read the provision of the Constitution under which that decision arose?

Mr. WALSH of Montana. I am going to present the whole thing as well as I can, and I am going to ask the views of the Senator and see what we can do about it.

I must confess that the decision in the case of Connolly against the Union Sewer Pipe Co. had not been in my mind, although it ought to have been, because the very same question came before the supreme court of our State, some time after the decision of the Supreme Court of the United States, in some litigation in which I was concerned, so that my attention was called directly to it.

That case arose under a statute of the State of Illinois, which was a general trust statute, forbidding trusts and combinations, which contained the following clause:

The provisions of this act shall not apply to agricultural products or live stock while in the hands of the producer or raiser.

It was held by the Supreme Court that the whole trust statute was unconstitutional and invalid because of this section, and the decision was put upon the ground that by virtue of that section the law denied to citizens of the United States the equal protection of the laws, contrary to the provisions of the fourteenth amendment to the Constitution of the United States.

The opinion of the court is expressed in the following language:

Returning to the particular case before us, and repeating or summarizing some thoughts already expressed, it may be observed that if combinations of capital, skill, or acts, in respect of the sale or purchase of goods, merchandise, or commodities, whereby such combinations may, for their benefit exclusively, control or establish prices, are hurtful to the public interests and should be suppressed, it is impossible to perceive why like combinations in respect of agricultural products and live stock are not also hurtful. Two or more engaged in selling dry goods, or groceries, or meats, or fuel, or clothing, or medicines are, under the statute, criminals, and subject to a fine, if they combine their capital, skill, or acts for the purpose of establishing, controlling, increasing, or reducing prices, or of preventing free and unrestrained competition amongst themselves or others in the sale of their goods or merchandise; but their neighbors, who happen to be agriculturists and live-stock raisers, may make combinations of that character in reference to their grain or live stock without incurring the prescribed penalty. Under what rule of permissible classification can such legislation be sustained as consistent with the equal protection of the laws?

Again:

We conclude this part of the discussion by saying that to declare that some of the class engaged in domestic trade or commerce shall be deemed criminals if they violate the regulations prescribed by the State for the purpose of protecting the public against illegal combinations formed to destroy competition and to control prices, and that others of the same class shall not be bound to regard those regulations but may combine their capital, skill, or acts to destroy competition

and to control prices for their special benefit is so manifestly a denial of the equal protection of the laws that further or extended arguments to establish that position would seem to be unnecessary.

The point decided in the case was subsequently expressed in *Billings v. Illinois* (188 U. S., 103), citing the case just referred to, as follows:

The power can not be exerted to forbid combinations among those who buy products and permit combinations among those who raise or grow products. *Connolly v. Union Sewer Pipe Co.* (184 U. S., 540).

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WALSH of Montana. Certainly.

Mr. LENROOT. Has not the court since that time expressly upheld State legislation that prohibited combinations among sellers, but permitted combinations among buyers? I refer to the *International Harvester* case in Missouri.

Mr. WALSH of Montana. Oh, I think not. I have the *International Harvester* case here.

Mr. LENROOT. So have I.

Mr. WALSH of Montana. No; I do not think that was the principle announced at all.

Mr. LENROOT. It was announced as a proper basis of classification.

Mr. CUMMINS. Does the Senator from Montana cite the case for the purpose of establishing a general principle or to show that making exceptions of agricultural products is not within the fair province of classification?

Mr. WALSH of Montana. I cited the case simply to disclose the disturbed character of my mind concerning the sound basis for the pending legislation. My view about the matter was, as I have heretofore expressed it, that there is a perfectly sound basis for the classification, that these associations are so distinct from the ordinary business association as that a difference may be made in the law, that there are no perils. I do not agree with the argument in the main opinion here at all. However I may disagree with it, that appears to be what the Supreme Court has decided.

I was going to follow by referring to the dissenting opinion of Mr. Justice McKenna in this matter, who unfortunately, so far as our present situation is concerned, expresses practically that view, that there is a just basis for the classification in the fact that the associations deal exclusively in agricultural products produced by their members.

Mr. CUMMINS. I have never doubted, whatever may be the operation of the fourteenth amendment, that Congress could originally have passed an antitrust law applicable only to manufacturers or to other organizations from which the people could reasonably expect injury to follow on account of monopoly or restraint of trade.

Mr. WALSH of Montana. I had much the same view. This is what Mr. Justice McKenna said in his dissenting opinion. I read this because the line of argument to be pursued seemed to me to afford justification for legislation such as we are considering here. He said:

The equality of operation which the Constitution requires in State legislation can not be construed, as we have seen, as demanding an absolute universality of operation, having no regard to the different capabilities, conditions, and relations of men. Classification, therefore, is necessary, but what are its limits? They are not easily defined, but the purview of the legislation should be regarded. A line must not be drawn which includes arbitrarily some persons who do and some persons who do not stand in the same relation to the purpose of the legislation. But a wide latitude of selection must be left to the legislature. It is only a palpable abuse of the power of selection which can be judicially reviewed, and the right of review is so delicate that even in its best exercises it may lead to challenge. At times, indeed, it must be exercised, but should always be exercised in view of the function and necessarily large powers of a legislature.

What was the purpose of the Illinois statute, and what were the relations of its classes to that purpose? The statute was the expression of the purpose of the State to suppress combinations to control the prices of commodities, not, however, in the hands of the producers, but in the hands of traders, persons, or corporations. Shall we say that such suppression must be universal or not at all? How can we? What knowledge have we of the condition in Illinois which invoked the legislation, or in what form and extent the evil of combinations to control prices appeared in that State? Indeed, whether such combinations are evils or blessings, or to what extent either, is not a judicial inquiry. If we can assume them to be evil because the statute does so, can we go beyond the statute and determine for ourselves the local conditions and condemn the legislation dependent thereon? But are there not, between the classes which the statute makes, distinctions which the legislature had a right to consider? Of whom are the classes composed? The excluded class is composed of farmers and stockraisers while holding the products or live stock produced or raised by them. The included class is composed of merchants, traders, manufacturers, all engaged in commercial transactions. That is, one class is composed of persons who are scattered on farms; the other class is composed of persons congregated in cities and towns, not only of natural persons but of corporate organizations. In the difference of these situations and in other differences which will occur to any re-

fection, might not the legislature see difference in opportunities and powers between the classes in regard to the prohibited acts? That difference exist can not be denied. To describe and contrast them might be invidious. To consider their effect would take us from legal problems to economic ones, and this demonstrates to my mind how essentially any judgment or action, based upon those differences, is legislative and can not be reviewed by the judiciary.

That seems to me good logic, and it was upon that basis that I thought this legislation could be justified.

Mr. LENROOT. What is the Senator's position with reference to Congress being bound by this rule of classification that is applicable to the States? Does the Senator contend that Congress is bound by the same rule?

Mr. WALSH of Montana. That is the point I was just going to make. If the Senator will pardon me, I wish to follow the other matter a little further. There is quite a distinction there to which I shall be glad to advert.

The subject is considered in a note found in the eleventh volume of American Law Reports Annotated, at page 1185, from which I read as follows:

The legislatures of the country which have attempted to regulate trusts and combinations have made a strong effort to except associations of farmers from the operation of the statutes. These efforts have, however, met with little success. Even the act of Congress, approved October 15, 1914, and known as the Clayton Act, had a provision that nothing contained in the antitrust laws should be construed to forbid the existence and operation of agricultural or horticultural organizations instituted for the purpose of mutual help and not having capital stock or conducted for profit. Nor should such organizations be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws. And the statutes of several of the States have similar provisions.

In *United States v. King* (1916: 250 Fed., 908) it was held that the provisions of the Clayton Act did not mean that farmers' organizations are privileged to adopt methods of carrying on their business which are not permitted to other lawful organizations.

In *Connolly v. Union Sewer Pipe Co.* (1902: 184 U. S., 540; 46 L. ed., 679; 22 Sup. Ct. Rep., 431, affirming 1900: 99 Fed., 354), an Illinois statute was held unconstitutional for attempting to exempt agricultural products and live stock in the hands of the producer or raiser from its operations. The court says—

The court then quotes the language which I have read from the opinion. Further on the court says:

The Alabama statute, passed in 1909, provides for the formation of cooperative associations, but to conform to it the association must not become a business association conducted for profit. (*Baldwin County Producers' Corporation v. Frishkorn* (1919), Ala. App., 81 So., 862.)

In Kentucky statutes making lawful combinations or pools among farmers for the purpose of disposing of their produce at a price not above the actual value were at first sustained. (*Owen County Burley Tobacco Society v. Brumback* (1908), 128 Ky., 137, 107 S. W., 710.)

And under these statutes a combination is lawful where organized for the expressed purpose of fostering and promoting the interest of growers of certain tobacco and to encourage the improvement of the quality, methods of growing and handling such tobacco, and to act as agents of the raisers thereof and of others in selling same and to assist them in securing remunerative prices. (*Louisville & Nashville Railroad Co. v. Burley Tobacco Co.* (1912), 147 Ky., 22, 143 S. W., 1040.)

The Kentucky cases cited are the cases to which reference was made by the Senator from Kentucky a few moments ago. Another case in Kentucky considered the same thing:

This ruling was, however, reversed by the Supreme Court of the United States in (1914) Two hundred and thirty-fourth United States, 216 (58 L. ed., 1284, 34 Sup. Ct. Rep., 853).

And the Kentucky courts then held that a statute conferring upon agriculturists the right to combine and pool their crops and sell the same as a whole for the purpose of obtaining a higher price than they could obtain if the crops were sold separately is invalid, as conferring special privileges and immunities. (*Gay v. Brent* (1915), 166 Ky., 833, 179 S. W., 1051.)

And the general rule now seems to be that the transactions of farmers' associations will be judged by the same standards which apply generally in the enforcement of antitrust laws and transactions in restraint of trade.

It may be possible to justify the legislation now before us upon two grounds, and I trust that we may find justification for it in that way. I am perfectly satisfied that the basis upon which I have been proceeding is not supported by the decision in the Connolly case, although it will be observed that the Supreme Court rests its opinion upon the ground that the State statute denied citizens the equal protection of the law. The fourteenth amendment to the Constitution is a restraint not upon Congress but upon the State legislatures. That amendment provides:

Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It was the "equal protection of the laws" clause upon which the decision was founded; but it will be recalled that the present Chief Justice of the Supreme Court consistently took the position that statutes repeatedly passed by Congress which forbade the use of any portion of an appropriation for the enforcement of antitrust laws from being utilized in the prosecution of either farmers' associations or associations of working men were violative of the Constitution and void. It will also be recalled that one of the last acts of his career as President

of the United States was to send to the Congress a veto message upon an appropriation bill because it contained such a provision, which, to his mind, was violative of the Constitution.

In an article which he contributed to one of the law magazines some time ago he called attention to the fact that the case of *Connolly* against Union Sewer Pipe Co. arose under a State statute, and that the decision was put upon the ground that the statute had violated the "equal protection of the laws" clause of the fourteenth amendment to the Constitution. However, he said in that connection that if Congress should pass such an act as that enacted by the Legislature of Illinois doubtless other provisions of the Constitution would be found under which it would likewise be condemned. So the present Chief Justice, at least, is rather committed in that way.

Mr. LENROOT rose.

Mr. WALSH of Montana. If the Senator from Wisconsin will pardon me, I merely wish to say that I think a distinction may be made between an ordinary corporation and a corporation acting on the cooperative principle. I now yield to the Senator from Wisconsin.

Mr. LENROOT. Mr. President, I merely desire to ask the Senator if he is familiar with, I think, two recent decisions, at least one, in which the Supreme Court held that they could not find any provision of the Constitution which applied to Congress the same rule. While they did not decide the question, they said that if there were such a rule it grew out of the inherent nature of the Government and not from any constitutional prohibition.

Mr. WALSH of Montana. I have not in mind the decision to which the Senator from Wisconsin refers.

Mr. President, the idea which I have been endeavoring to expound here had not occurred to me without suggestions, as I have said, coming from Mr. Thorne. He left with me a copy of a proposed bill which he believes obviates the difficulty, and, undoubtedly, it does so, because it makes the cooperative principle applicable to all lines of business, so that there is no distinction whatever. I apprehend, however, that neither the country nor Congress is yet prepared to extend that principle to all lines of business. I shall later offer the draft of the bill for the Record, so that it may be a part of the discussion and may be considered.

There is, however, an item in the pending bill which I desire to commend to the consideration of those who are interested in the legislation, and that is a provision that in all of these agricultural cooperative associations delectus personæ, as it is called, shall be dismissed, so that anyone qualified to enter under the law shall be admitted as a member of the association, whether the other members care to have him or not; that is to say, a half dozen men may not acquire control of an association and then shut out everybody else. To illustrate, suppose in the case of the Raisin Growers' Association, controlling 93 per cent of the producers, 7 per cent are still on the outside. Now, for some reason or other, they have incurred, we will say, the enmity of the 93 per cent, and they will not allow them to come in. Of course, as they now control 93 per cent of the product, the ordinary purchasing agents, the commission houses, will undoubtedly be obliged to go out of business; they can not remain in business. Accordingly the 7 per cent will have no purchaser whatever for their crops and they will be obliged to sell at any price which they are offered. So I believe that we must make a further provision in connection with the conditions under which the associations may organize, namely, that any person qualified under the statute to enter shall be admitted as a member of the association if he desires to enter.

Mr. LENROOT. If such a provision were made it might compel under the law a monopoly which the Senator seeks to avoid. If an association is open to all of the producers of a given product, and if they be compelled to come in, what becomes of the Senator's contention that it would be dissolved if a monopoly results?

Mr. WALSH of Montana. No. If that argument is sufficient for the Senator from Wisconsin, I do not care to combat it.

Mr. BRANDEGEE. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I desired to ask the Senator how he thought a cooperative association could be distinguished from any other kind of an association or corporation, provided its object was to make money and distribute it in the shape of dividends?

Mr. WALSH of Montana. The distinction is that these associations when organized are limited to a profit of 8 per cent, the balance to be distributed in accordance with the amount contributed by the members of the association. I think very likely, if that is a just basis of classification, that the provision

which authorizes them to deal in the products of nonmembers is rather a perilous one, even though limited, as is provided in the Senate committee substitute.

Mr. BRANDEGEE. Mr. President, I myself had not thought that the amount they were allowed to distribute would be a distinguishing mark so as to warrant different legislative treatment. I will say with relation to the 8 per cent which the bill allows them to distribute amongst themselves that it is a considerably higher rate than we allow the railroads to earn and distribute to their owners; but I do not regard the 8 per cent provision as now drawn as any limitation whatever, because all they have got to do is to quadruple the capital stock, and then they would have 32 per cent instead of 8 per cent. Unless there is a limitation upon the capital stock, or a provision that the capital stock must be paid in cash or property at its actual value, the mere limitation of the rate of dividend is no security whatever.

Mr. WALSH of Montana. Mr. President, I am inclined to think there is a just basis of classification between a cooperative association and an association not organized on the cooperative basis.

Mr. BRANDEGEE. I presume the Senator does not mean "classification," but that they can be distinguished.

Mr. WALSH of Montana. Yes.

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH of Montana. I yield.

Mr. KELLOGG. I should like to remind the Senator from Connecticut that no limitation has ever been placed on the amount a manufacturer may make; nor was any limitation placed on the amount a manufacturer may earn under the act for which the Senator voted which permits combinations to engage in foreign trade.

Mr. BRANDEGEE. I am not complaining that there is no limitation in the bill. The bill is objectionable to me on entirely different grounds. I do not think the per cent upon the capital stock which the associations may make is the essential feature. The limit being 8 per cent, it may be that a price might be perfectly outrageous and still only produce 6 per cent.

Mr. POMERENE. Mr. President, may I address a question to the Senator from Connecticut?

Mr. WALSH of Montana. I yield to the Senator from Ohio.

Mr. POMERENE. Does the Senator from Connecticut find anything in either the House bill or the Senate committee substitute which would prohibit the board of directors of an association from establishing a price which the association would pay to its members for milk of 25 cents a quart, thereby, of course, limiting the amount of profits which could be distributed by way of dividends, but very substantially increasing the profits which each of the members might secure from the product which he sold to the association?

Mr. BRANDEGEE. No; I do not find anything in either the House bill or the Senate bill which would prohibit any contract of that kind; in fact, Mr. President, both the House and the Senate bills would authorize such associations to restrain trade to any degree this side of absolute monopoly; it would authorize every member of any such association to make contracts in violation of the Sherman antitrust law; it would authorize the associations themselves to make such contracts, and then would authorize all the associations to make interlocking contracts with all other associations described in the bill. It would be possible, in my opinion, under the provisions of the bill for associations of tobacco growers, associations of cotton growers, associations of cattlemen, associations of hide and leather men, associations of sugar men, and all associations of those who are producing agricultural products, nuts, fruits, and dairy products, to combine in one grand association. That would be perfectly possible and perfectly lawful, provided it did not bring about an absolute monopoly of the business.

Mr. President, I do not want to interrupt the Senator further—

Mr. WALSH of Montana. I have concluded my remarks. I merely desire to have printed in the Record at this point the draft of a proposed bill prepared by Mr. Thorne, to which I have referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

An act relating to cooperative marketing by companies, corporations, and associations and exempting them from the operation of laws forbidding trusts, monopolies, and combinations in restraint of trade within the United States.

Be it enacted, etc., That wherever the words "trading within the United States" are used in this act they shall mean trade or commerce among the several States or in any Territory of the United States, or in

the District of Columbia, or between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or between the District of Columbia and any State or States. That the word "association," wherever used in this act, means any association, corporation or combination by contract or otherwise, of two or more persons, firms, partnerships, or corporations. That the term "commission" when used in this act means the Federal Trade Commission.

SEC. 2. That in order to promote and encourage the intelligent, economical and orderly cooperative marketing of commodities, goods, wares, and merchandise entering into and constituting the subjects of trade within the United States, the right to organize cooperative associations, with or without capital stock, by those trading in such commodities, goods, wares, and merchandise, is hereby recognized. Such associations shall not be deemed organized for pecuniary profit in the sense of paying a return or dividends on the stock investment, but for the mutual benefit of its members through the application of cooperative principles.

Nothing contained in the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, nor the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, nor any amendments thereto shall be construed as declaring to be illegal an association entered into for the above purposes and complying with the provisions of this act, nor shall such laws apply in any way to the acts, conduct, or activities of such associations, but they shall be held to be exempt from all of the provisions of said laws: *Provided*, That no association shall be entitled to claim the privileges or exemptions of this act unless such association conforms its organization and conduct of its business to the following requirements:

(a) The association shall be operated for the mutual benefit of its members.

(b) Any dividends on its stock or membership capital shall not exceed 8 per cent per annum; all other profits, if any, when distributed, shall be distributed upon the patronage basis.

(c) Any person engaged in the same industry shall be admitted to membership in the association on equal terms with all others.

(d) The vote of its members in the government of said association shall be limited to one vote for each member.

(e) Such association shall file with the commission within 60 days after the effective date of this law or, if subsequently organized, within 30 days after its creation, an affidavit and statement signed by its president and secretary fully authorized by a resolution of its board of directors or other governing body having power to make such declaration binding upon the association, stating that neither the association nor its members will unduly enhance or depress prices, nor charge or exact prices that are unjustly discriminatory on such commodities, goods, wares, and merchandise, nor will they engage in unfair or oppressive business practices; that said association and each of the members thereof will furnish to the commission all information concerning the conduct of the business of the association and its members which the commission may require as to its organization, business, conduct, practices, management, and relation to other associations, corporations, partnerships, and individuals, and such other information as the commission may deem necessary to protect the public against any unreasonable or unjustly discriminatory prices, or unfair, or oppressive business practices, and that the association and its members will waive all privileges and provisions of law as to the authority of the commission to examine their books and records, and otherwise to assume full power of visitation and to compel full disclosure of their business methods and transactions.

SEC. 3. Any member of any association claiming exemptions under the provisions of this act, who shall fail to furnish information as above described shall thereby forfeit and shall not have thereafter the right to claim as a member of such association the benefit of the provisions and exemptions stated in this act. Any association claiming the privileges and exemptions under this act, which shall fail to furnish the information above described, shall immediately cease to have the benefit of the provisions of this act, and it shall also forfeit to the United States the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where the association has its principal office, or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of a forfeiture. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

SEC. 4. That, except as otherwise provided in section 3 hereof, as a condition precedent to any prosecution or attempt to make the application of this act, or of any of the laws described in section 1 of this act, to any association claiming the privileges and exemptions provided in this act, the following proceedings and none other may be had:

That whenever the commission shall have reason to believe that an association organized or operating by virtue of the provisions of this act, or any agreement made or act done by such association or any of its members, restrains trade to such an extent that the said association or any of its members are guilty of unfair or oppressive business practices, or are unduly enhancing or depressing prices, or are exacting unjustly discriminatory prices, and thereby or otherwise oppressing the public to the injury of trade within the United States, the commission shall serve upon such association a complaint stating its charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than 30 days from the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist therefrom. An association so complained of may, at the time and place so fixed, show cause why such order should not be entered. The evidence given on such a hearing shall be reduced to writing and made a part of the record therein. Upon such hearing, or upon such other and additional investigation, if the commission shall conclude that such association or any of its members monopolizes or restrains trade to such an extent that the prices of any commodities, goods, wares, or merchandise are unduly enhanced or depressed thereby, or that the said association or any of its members are guilty of unfair trade practices, or otherwise oppress the public to the injury of trade within the United States, the commission shall issue and cause to be served upon the association an order reciting the facts found by it and directing such association and its members to cease and desist therefrom, and to make such readjustments of its business as will enable it thereafter to maintain its organization and man-

agement and conduct its business without injury to the public or to trade within the United States, and in accordance with law.

For the purpose of enforcing these provisions the commission shall have the power, so far as applicable, given it in "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes." On and after the filing of any report or order by the commission finding that any association or member thereof has refused to comply with any order of the commission as contemplated herein, or has committed any of the unjust and unlawful acts herein described, the business of said association and of its members shall be considered impressed with a public interest for the purposes of this act. On the request of such association, or if such association or any of its members fails or neglects for 30 days to obey such order, the commission shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceedings, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Thereafter all provisions and exemptions contained in this act shall be withdrawn from the protection of any association, or of any members of the same, failing to comply with the said order of the commission. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the commission and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association and its members by service upon any officer or agent of the said association engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association, and such service shall be binding upon such association, the officers, and members thereof.

Mr. BRANDEGEE. Mr. President, I did not expect to say anything at this time, and I rose merely to ask the Senator from Montana a question; but, being on my feet, I will say a few words upon this bill.

As stated before, the object of the bill, of course, as shown by the testimony before the subcommittee and as admitted on the floor, is to exempt associations of persons engaged in the production of agricultural products, as farmers, planters, ranchmen, dairymen, nut or fruit growers, from the provisions of the Sherman Antitrust Act. The Sherman Antitrust Act provided not a classification of people, some of whom are to be subject to its provisions and others not to be, but it laid down a great and general declaration of principles and public policy. It did not deal with individuals at all, but it announced that—

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Sec. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Mr. President, it is the contract, the combination, the monopolization, in whole or in part, in restraint of trade or the monopolization of commerce among the States, that constitutes a crime. The promoters of this bill, instead of saying or attempting to say that persons engaged in the production of agricultural products may collectively market their products, ought really to say that the Sherman Antitrust Act is hereby amended so that it will read:

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, unless such persons are engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers, acting in associations.

Mr. President, laws against monopoly and the restraint of trade, as I say, are public policies. The restraint of trade in interstate commerce, the establishment of monopolies, are supposed to be immoral and criminal; and if those offenses are committed by an ordinary person, he is to be sent to jail for them. Now, the Congress is considering a bill which says that those things are immoral, and against the conscience of men, and ought not to be tolerated in good business and conscience, unless those crimes are perpetrated by persons engaged in agriculture; and if they are, then they ought not to be called crimes, and the people, if they do commit those acts, ought not to be prosecuted; indeed, that the law ought to be so changed that nobody can bring a suit to test the question of whether

a person engaged in agriculture is unduly restraining trade, or monopolizing interstate commerce, or violating the Sherman Antitrust Act. They say they ought to have immunity cast over them in advance of any act that they do; that we ought to maintain the policy, but we ought to exempt probably over half the population of the United States from the operation of the policy.

Mr. President, I agree with everything that any Senator has said upon this floor in paying tribute to the important part that agriculture plays in the economy, the health, and the life of the Nation. That is besides the mark. We can all pronounce encomiums upon industry and farmers, pity the hard life that many of them lead when they are not making money, and envy the life that many of them lead when they are making money; but that is not to the point in this case. The question in this case is, Shall the Government of the United States make fish of one citizen and fowl of another? The statement that no farmer or cattle man or man engaged in the fruit industry will ever attempt to put an excessive price upon anything he produces does not appeal to me. While I have the highest respect for agriculturists, I do not admit that they are endowed with a higher sense of honor or integrity than the men who work in the mills and factories and in the stores and shops and in the offices of this country. It is not necessary to assume that one class of the people is worse than another. We are all American citizens, and we are supposed to be controlled by the equal operation of the laws, and the laws ought to be uniform; and class legislation, especially class legislation where we are dealing with the criminal code, ought to be most sparingly enacted, if, indeed, it can be constitutionally enacted at all.

The ordinary speaker in favor of this kind of legislation pictures the woes of the farmer, and the farmer is represented as a poor, struggling man, generally a man of very small means, with a few acres of land; but in order to make this proposition float, and to get behind it something more powerful than the poor little farmer who owns 5 or 6 acres of land, and is farming it with hand labor, the planters are taken in.

Who are the planters? I look across the aisle at the smiling, prosperous countenances of some of my friends from the Southern States, whose prosperity I congratulate them upon, and there are represented the producers and owners of the entire cotton crop, the entire sugar crop, and the great percentage of the tobacco crop of this whole country; and so the planters are taken into this bill.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. BRANDEGEE. I yield; yes.

Mr. KING. I think perhaps the Senator inadvertently ascribes to the South too large a production of sugar, in view of the beet production.

Mr. BRANDEGEE. I should have said all the cane-sugar production.

Mr. KING. Yes.

Mr. BRANDEGEE. Mr. President, it is well for us to consider what we are doing and what this bill means, and I will take upon myself the responsibility of saying that the classes of persons named in the bill—to wit, farmers, planters, ranchmen, dairymen, nut or fruit growers—who are authorized to act in associations outside of the Sherman law, produce and control the entire food and clothing supply of this country. All the cotton and linen and wool, every article of food, animal or vegetable, is controlled by the classes of people against whom Congress is asked to say we will not longer enforce the Sherman antitrust law, and they may make contracts in restraint of trade, they may increase prices as much as they please, under the House bill, not until some court but until the Secretary of Agriculture—whose appointment is so largely controlled and influenced by the very classes of people named in this bill—can be persuaded that they are asking an unconscionable price. Nobody can interfere with them, no matter how oppressive the price is or how outrageous; no suit can be brought, no judicial decision of any kind can be had, but a Cabinet official—usually appointed after conference with the agricultural interests—is the official who must be satisfied that the price is excessive before the great balance of the country, the great mass of the consumers of the country, can get any relief at all.

It is said, however, that these people will not exercise this exemption in a way to hurt anybody; that, on the contrary, all that it is intended to do is to eliminate the middleman, and that by doing that the price to the consumer can be reduced. That would be a possibility, I admit. They might make savings in the cost of production, and they might eliminate the middleman, and they might be in a position to make the price cheaper than if they were not exempt under this kind of a law; but, Mr. President, human nature is human nature, whether it is the human nature of a farmer or of a man who works in a mill.

The labor unions are already exempt from the operations of the Sherman law. They do not have capital stock, but they form a large element in the population of this country; and if, now, this great class of men—all of those who have anything to do with raising anything from the soil or from the farm—are to be exempt also, against whom is the Sherman antitrust law to operate? Do you suppose you can successfully and permanently maintain in this country a criminal statute denouncing certain acts and maintain it and enforce it only against a particular portion of the people, so that what is right for an agriculturist to do will be wrong and criminal for a manufacturer to do, or for a person who works in a mill?

Mr. President, I do not know whether the Sherman law ought to be maintained or cast down; but I do know that if you want to cast it down and utterly destroy it you can not take a surer or a quicker means of doing it than this, because this sort of a procedure, say what you may about it, or try to differentiate it or explain it or apologize for it or justify it, does not and can not and will not meet the honest judgment of the people of this country. It will not meet the judgment of an honest lawyer or of a judge or of public sentiment.

That is about all there is to be said about this measure, Mr. President. I understand what powerful influences and forces there are back of this legislation, but I am thoroughly convinced that we should not yield to it. I am pretty thoroughly convinced that enough will yield to pass it, and I suppose it will become law. If the conference committee should report the bill as it passed the House, if we amend it at all, then I predict there will be no satisfaction or relief whatever for the people from high prices, if the people who are favored with this exemption choose to inflict high prices.

Mr. LENROOT. Mr. President, does not the Senator think that farmers can do through associations, and avoid the penalties of the Sherman law, what industry can do through corporations?

Mr. BRANDEGEE. I do not quite understand what the Senator means by "industry." Farmers are engaged in industry.

Mr. LENROOT. Does the Senator think that it would be at all practicable for farmers to incorporate, for instance, and control the same proportion of their products as the United States Steel Corporation controls steel products?

Mr. BRANDEGEE. I do not know exactly what proportion the Steel Corporation controls. Is it about 60 per cent?

Mr. LENROOT. About 50 per cent.

Mr. BRANDEGEE. I do not mean to say that all the farmers in one State who are producing different kinds of articles could combine, but I undertake to say it will be perfectly feasible for an organization to control the cotton crop, and I think it will be perfectly feasible for an organization to control the tobacco crop of the country. Even individuals have pretty nearly cornered the wheat market repeatedly, and they have not all gone broke. Now and then one of them undertakes too large a contract and fails, but many of them have made untold millions in partially cornering the grain market of the country; and if all these associations are legalized, and can put together their concert of action and their brains and their capital, and borrow money, as the bill provides they may, on products of people outside of that association, so as to make their control of the market not only cover all they produce themselves, but 50 per cent of what is produced outside in addition, I think there is grave danger of a corner of the food and clothing supplies of the country, and in such an era as we have been in for the last two years, when the whole country has been crying out against the high prices which have prevailed, I do not think that we should put upon the laboring men and the great masses of women and children, the people who inhabit not only our teeming cities but the country towns as well, such a law as this, which is likely to produce such consequences as this measure undoubtedly will.

Mr. LENROOT. Will the Senator yield further?

Mr. BRANDEGEE. Certainly.

Mr. LENROOT. The United States Steel Corporation has been held by the Supreme Court not to be in violation of the Sherman Act; but instead of that being a single corporation, if there had been 50 individuals engaged in the production of steel who made an agreement which resulted in the same action as the action taken by the Steel Corporation, does not the Senator think that that combination of 50 individuals would have been found to be in violation of the Sherman Act?

Mr. BRANDEGEE. I do not think the court decided that the Steel Corporation was not violating the Sherman law. A case is brought before the Supreme Court, and on the facts stated they decide that the things done constitute a violation of the Sherman law. The size or the percentage of the trade a com-

bination controls would not alone constitute a violation of the law. The Steel Corporation might have been one-sixtieth the size it is, and if its acts had been in violation of the Sherman law, it would have been penalized.

Mr. LENROOT. But I think the Senator will agree with me that the United States Steel Corporation might control 50 per cent of the trade, and still there would be sufficient competition to relieve it from the penalties of the Sherman law, whereas 50 individuals might agree and combine to control the same percentage of the total product, and they clearly would be acting in violation of the Sherman law.

Mr. BRANDEGEE. In other words, Mr. President, as I said, it is not the amount controlled by a single individual or combination which determines whether the law is violated, but it is the contract in restraint of trade, or the attempt to monopolize in whole or in part the interstate commerce.

Mr. LENROOT. A single individual may lawfully do what a combination of individuals will be permitted to do.

Mr. BRANDEGEE. The Sherman law prohibits the single individual, as well as the combination. I have already read that into the RECORD. Section 2 provides that—

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States * * * shall be deemed guilty of a misdemeanor.

That is all there is to this, Mr. President. One set of men come forward and say, "We demand exemption from a great Federal criminal act, from a public policy of the United States of America," which is announced as a public policy not only for the protection of the individual, but for the protection of the whole country, for the protection of interstate trade and commerce. We are asked to pass a statute which, except for the prohibition of an actual monopoly, would allow all the people included in the classes to which I have referred to make any sort of contracts they want to make, without any authority on the part of the Government to question them.

Let us be sure about that. I asked the Senator from Montana whether any substantive authority was given under this act for Congress to organize these associations. I think there is not, and I think none is needed, because they can all organize and be organized into voluntary associations and corporations in their respective States, with or without capital stock. So the first part of the Senate committee substitute is perfectly inconsequential, and while I will not say it is designed to make the farmer think he is getting something from the Federal Government which he is not getting, the effect of it is to make him think so.

Here is the meat in the coconut in the bill, beginning on line 15, page 4:

Such associations may have marketing agencies in common, and such associations and their members may make the necessary contracts and agreements to effect such purposes.

What purposes? The necessary contracts and agreements for "collectively handling and marketing in interstate and foreign commerce such products of the persons so engaged," and so forth. They may make such contracts as are necessary to produce, process, get into the market, and effectively sell such products, but the Sherman law says that "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal." That is where this bill takes these associations out of the Sherman antitrust act.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. POMERENE. Does the Senator construe the provision of the bill to which he has just referred, namely, that they can make such contracts as they see fit, to be broad enough to authorize them to make any contracts they see fit, for instance, with Swift & Co. or with any large milling company, with regard to the marketing of their products?

Mr. BRANDEGEE. They can make contracts with anybody or with any corporation.

Mr. POMERENE. And fixing the prices at anything they see fit?

Mr. BRANDEGEE. Yes; under that they can make contracts with each other that they would not offer for sale a pound of cotton or a piece of tobacco or a bushel of wheat or a beef steer in the country; an agreement with each other that they would raise them and hold them all back until they got word from the central office as to the price at which the members should be allowed to sell. If anybody else does it, it is a crime, and he would be put in State prison for it.

As I said, it puts in the control of these interlocking associations of men, who raise and handle everything that comes from

the soil, every article of food and every constituent that goes into the making of clothing. It gives them, if they have a mind to exercise it, a stranglehold upon the whole United States to hold up prices, to agree to withhold their crops from the market until a stipulated price is reached, and to make every sort of contract that has been hitherto considered against the public interest and made a crime, which was made a crime in 1890, and has been so considered for 32 years, by common consent.

Everybody conceded that the Sherman law, after we had struggled along through years of oppression and exploitation, although it was never completely enforced, at least wrote upon the statute books a provision that the making of such a contract should constitute a crime, and set that up as the public standard of what was right and wrong, and now we are asked to relieve half the people of the country from that definition of what is right and wrong, and to say it will be a crime if it is done by a man in the city, but it shall be commendable, under the euphonious language of "cooperative marketing, processing," and so forth, for mutual benefit, if it is done by a man who lives in the country.

Mr. President, that can not stand as a public policy of a great Nation like this. When you are drawing a jury to try a case, who will vote to convict a manufacturer of violating the Sherman law, if he sees six men sitting on that jury who are exempt from the Sherman law enjoying special privileges and immunities?

Mr. President, I have always been thrilled with some approval whenever I heard a Democrat say he was for equal rights for all and special privileges to none, and I hope to be thrilled when I see them vote on this bill, when they prove by their votes that they believe in the principle of the sainted Thomas Jefferson, the father of their party.

Mr. LENROOT. Mr. President, I have forgotten whether the Senator favored the exemption of railroads from the Sherman law in the Esch-Cummins law. In that act they are expressly exempted, if they consolidate, from the penalties of the Sherman law.

Mr. BRANDEGEE. The consolidation of railroads to make a through line?

Mr. LENROOT. Not at all; the consolidation of competing railroads, under identically the same principle which the Senator now condemns.

Mr. BRANDEGEE. Not at all.

Mr. LENROOT. Another provision which, I think, the Senator favored was the exemption, under the Webb-Pomerene law, of corporations engaged exclusively in foreign trade.

Mr. POMERENE. Mr. President, it seems to me the Senator fails to distinguish. There is no provision in this bill which regulates the prices which are to be charged. There is no provision which authorizes the adjustment of wages or other things. Reference has been made several times to the Webb-Pomerene export act.

It is not at all analogous, and it is not analogous for the very reason that it is limited expressly to export trade.

There are further limitations in that law, to the effect that any of the associations thus made shall so conduct their business as not to unduly enhance or depress prices domestic. The reason for it was that our exporters, the exporters of our farm products particularly, were confronted by the fact that there were combinations of the buyers in the Old World, so that often it happened they had but one buyer, while here there were innumerable sellers. It was the object of that law to benefit the farmer, to benefit the cotton producer, to benefit the manufacturer, and so forth, so that they could meet the other combinations, the cartels of the Old World, by the situation here. It does not affect domestic prices at all; it affects prices abroad.

Mr. LENROOT. That only goes to the reason for the exemption, about which I am not making any contention; but if there also be a reason for the exemption of farm associations there is no more a special privilege to farmers in this legislation than there was to the railroads and the exporters in the legislation to which the Senator refers.

Mr. BRANDEGEE. Mr. President, if there is a reason for any exemption, and of course that is the question here, there can be no reason for a wholesale exemption of the kind proposed in the pending bill. This is a domestic situation. To say that all the people who work on farms may do things which shall not be crimes, while the people who live in the towns and cities, if they do those same things, shall be considered as criminals, can not be a permanent and successful policy in this country.

Mr. President, I think that the bill ought to be recommitted to the Committee on the Judiciary and that the subject should be given a great deal more consideration than it has had.

Mr. WALSH of Montana. Mr. President, the Senator from Colorado [Mr. PHIPPS] desired to offer an amendment to the pending bill. Having been called from the Chamber, he asked if I would present it in his behalf. I submit the amendment, and ask that it be printed and lie on the table.

The VICE PRESIDENT. It will lie on the table and be printed.

EXECUTIVE SESSION.

Mr. LODGE. I wish first to ask for an executive session, and I will state now that it is my purpose at the conclusion of the executive session to move that the Senate take a recess. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, February 7, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 6 (legislative day of February 3), 1922.

UNITED STATES MARSHAL.

Guy S. Brewer, of Iowa, to be United States marshal, southern district of Iowa, vice Nicholas F. Reed, whose term will expire March 21, 1922.

REGISTERS OF THE LAND OFFICE.

Charles W. Miller, of Kansas, to be register of the land office at Topeka, Kans., effective upon completion of consolidation under act of October 28, 1921, in lieu of Oran Layton, nominated January 18, 1922, and confirmed, who has declined appointment.

Otto E. Anderson, of North Dakota, to be register of the land office at Bismarck, N. Dak., effective upon completion of consolidation under act of October 28, 1921.

RECEIVER OF PUBLIC MONEYS.

Isidoro Armijo, of New Mexico, to be receiver of public moneys at Santa Fe, N. Mex., vice Juan N. Vigil, whose term will expire February 17, 1922.

POSTMASTERS.

ALABAMA.

James F. Brawner to be postmaster at Andalusia, Ala., in place of J. F. Davis. Incumbent's commission expired June 27, 1920.

Zada M. Jackson to be postmaster at Vredenburgh, Ala., in place of T. S. Hoskins. Incumbent's commission expired March 16, 1921.

IDAHO.

Leonard B. Wehr to be postmaster at Star, Idaho. Office became presidential July 1, 1921.

ILLINOIS.

Charles E. Seeber to be postmaster at Benton, Ill., in place of A. E. Martin. Incumbent's commission expired September 8, 1921.

IOWA.

William C. McCurdy to be postmaster at Massena, Iowa, in place of Walter Rae. Incumbent's commission expired August 7, 1921.

KENTUCKY.

Austin R. Edwards to be postmaster at Walton, Ky., in place of W. T. Dudgeon. Incumbent's commission expired January 8, 1921.

MASSACHUSETTS.

James M. Perley to be postmaster at Rowley, Mass., in place of J. M. Perley. Incumbent's commission expired July 25, 1920.

MISSOURI.

Zack R. Baskett to be postmaster at Summersville, Mo. Office became presidential January 1, 1920.

Elias K. Horine to be postmaster at Cassville, Mo., in place of J. P. Ray. Incumbent's commission expired May 7, 1921.

Carl F. Sayles to be postmaster at Laclede, Mo., in place of John Hetrick. Incumbent's commission expired July 25, 1921.

NEW YORK.

Willis J. Stone to be postmaster at West Chazy, N. Y. Office became presidential January 1, 1921.

NORTH CAROLINA.

John W. Chapin to be postmaster at Aurora, N. C., in place of E. T. Hooker, removed.

NORTH DAKOTA.

Frank L. Lewis to be postmaster at Neche, N. Dak., in place of W. W. O'Hara. Incumbent's commission expired March 29, 1920.

OHIO.

Charles H. Murlin to be postmaster at Celina, Ohio, in place of Lawrence Schunck. Incumbent's commission expired August 3, 1920.

OREGON.

Ollie L. Gillispie to be postmaster at Willamina, Oreg. Office became presidential October 1, 1920.

PENNSYLVANIA.

Kathryn A. Gillin to be postmaster at Aidan, Pa. Office became presidential April 1, 1921.

George H. Cunningham to be postmaster at Emaus, Pa., in place of W. W. Hamman. Incumbent's commission expired August 26, 1920.

SOUTH DAKOTA.

Jacob A. Norby to be postmaster at Peever, S. Dak. Office became presidential January 1, 1920.

Fred Boller to be postmaster at Beresford, S. Dak., in place of William Brady. Incumbent's commission expired July 21, 1921.

Gertrude M. Hall to be postmaster at Harrold, S. Dak., in place of C. M. Hall, resigned.

Frank W. Hink to be postmaster at Raymond, S. Dak., in place of F. W. Hink. Incumbent's commission expired July 23, 1921.

Richard E. Scadden to be postmaster at White, S. Dak., in place of C. L. Wohlheiter. Incumbent's commission expired July 21, 1921.

TEXAS.

James I. Carter to be postmaster at Arlington, Tex., in place of P. B. McNatt. Incumbent's commission expired July 21, 1921.

Okey B. Cline to be postmaster at Emory, Tex., in place of Ada Duffey. Incumbent's commission expired July 21, 1921.

Alfred M. Fingar to be postmaster at Hondo, Tex., in place of M. A. Chancey. Incumbent's commission expired July 21, 1921.

UTAH.

C. Thomas Martin to be postmaster at Milford, Utah, in place of S. W. Stoker, removed.

VERMONT.

Charles F. Thurber to be postmaster at Fairlee, Vt., in place of C. F. Thurber. Incumbent's commission expired August 6, 1921.

Arthur G. Folsom to be postmaster at Tunbridge, Vt., in place of M. G. Redlon, resigned.

VIRGINIA.

William F. Correll to be postmaster at Ettricks, Va., in place of R. M. Beazley, declined.

William W. Hurt to be postmaster at Max Meadows, Va., in place of J. R. McGavock. Incumbent's commission expired December 20, 1920.

Frank M. Phillips to be postmaster at Shenandoah, Va., in place of J. S. Lauck. Incumbent's commission expired July 21, 1921.

Frank J. Garland to be postmaster at Warsaw, Va., in place of J. A. Brockenbrough. Incumbent's commission expired December 20, 1920.

WASHINGTON.

Andrew McCann to be postmaster at Northbend, Wash. Office became presidential January 1, 1921.

Lulu C. Howe to be postmaster at Chewelah, Wash., in place of J. F. Lavigne. Incumbent's commission expired February 7, 1920.

Noel D. Tower to be postmaster at Morton, Wash., in place of J. M. Jones. Incumbent's commission expired July 21, 1921.

WISCONSIN.

Charles A. Arnot to be postmaster at South Wayne, Wis. Office became presidential January 1, 1921.

Emma V. Clark to be postmaster at Black Earth, Wis., in place of E. V. Clark. Incumbent's commission expired September 8, 1921.

Lyle K. Austin to be postmaster at Boscobel, Wis., in place of H. E. Austin. Incumbent's commission expired July 25, 1920.

Eugene B. Williams to be postmaster at Hurley, Wis., in place of Margaret Sullivan. Incumbent's commission expired April 13, 1920.

Dena Kastein to be postmaster at Waupun, Wis., in place of Oscar Hanisch. Incumbent's commission expired March 2, 1919.

CONFIRMATIONS.

Executive communications confirmed by the Senate February 6 (legislative day of February 3), 1922.

UNITED STATES ATTORNEY.

Frederick H. Bernard to be United States attorney, district of Arizona.

PROMOTIONS IN THE COAST GUARD.

To be commander.

Andrew J. Henderson.

To be lieutenant commanders.

Thaddeus G. Crapster.

Cecil M. Gabbett.

To be lieutenants.

John P. Gray.

William Williams.

John H. Cornoll.

William P. Wishaar.

Gordon T. Finlay.

Louis L. Bennett.

William J. Keester.

To be lieutenants (junior grade).

Noble G. Ricketts.

Harold G. Bradbury.

Irving W. Buckalew.

Rae B. Hall.

Arthur G. Hall.

Ephraim Zoole.

Paul Kirkland Perry.

PROMOTIONS IN THE ARMY.

David Cleveland Kelly to be captain, Ordnance Department.
Waldemar Sven Broberg to be first lieutenant, Ordnance Department.

Francis Beatty Longley to be captain, Field Artillery.
Mitchell Franklin Orr to be first lieutenant, Field Artillery.
Wolcott Paige Hayes to be captain, Air Service.
Arthur Bee McDaniel, to be captain, Air Service.
Thomas Henry Shea, jr., to be captain, Air Service.
Henry William Daly to be first lieutenant, retired.
Nemesio Catalan to be first lieutenant, Philippine Scouts.
Jack Glendon Fuller to be second lieutenant, Veterinary Corps.

Ralph Henry Lewis to be second lieutenant, Veterinary Corps.
Frank Marion Lee to be second lieutenant, Veterinary Corps.
Norman Walker Ackerman to be second lieutenant, Veterinary Corps.
James Donald Young to be second lieutenant, Veterinary Corps.

George Sidney Andrew to be major, Cavalry.
Roland Paget Shugg to be major, Field Artillery.
Earle Trask Loucks to be captain, Infantry.
Paul Conover Gripper to be captain, Signal Corps.
Dimetrio Peter Harkins to be captain, Cavalry.
Bruce Magaw McDill to be captain, Cavalry.
John Reigel Embich to be captain, Chemical Warfare Service.
Fred William Koester to be captain, Cavalry.
William Neely Todd, jr., to be captain, Cavalry.
Vincent Joseph Tanzola to be first lieutenant, Infantry.

POSTMASTERS.

CONNECTICUT.

William H. S. McEwen, Glenbrook.

IDAHO.

Bertha M. Gorrie, Deary.

Lowell H. Merriam, Grace.

Ransom M. Coburn, Lewiston.

Homer E. Estes, Moscow.

Wells McEntire, Preston.

Charles Brebner, St. Maries.

Joseph O. McComb, Troy.

KENTUCKY.

Marion Weatherholt, Cloverport.

Lucille C. Yates, Grayson.

Henry I. Neely, Hazel.

William E. Winslow, Wingo.

MICHIGAN.

Clarence O. Hetchler, Flint.

NEBRASKA.

Henry E. Schemmel, Hooper.

Charley B. Beers, Petersburg.

Ralph R. Brosius, Valentine.

NEVADA.

Carl J. Barnes, McGill.

NEW MEXICO.

Oliver G. Cady, Alamogordo.
John C. Luikart, Clovis.
Clyde E. Ely, Deming.

OHIO.

William L. Douglass, Fairfield.

PENNSYLVANIA.

Joseph A. Buchanan, Ambler.
John N. Gelder, Carbondale.
Horace L. Saylor, Collegeville.
Harry L. Koons, East Pittsburgh.
Eddie M. Lang, Fort Washington.
Jefferson B. Hershey, McKeesport.
John Bannen, Oakmont.
Harry Z. Wampole, Telford.

TENNESSEE.

John T. E. Williams, Jonesboro.

TEXAS.

Joe C. Hailey, Hughes Springs.
William R. Williams, Montague.
Duma McDonald, Santo.
James F. Adams, Stamford.

VERMONT.

Walter A. Amsden, Proctorsville.

WYOMING.

Jason A. Hobbs, Rawlins.

HOUSE OF REPRESENTATIVES.

MONDAY, February 6, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thou art our God and earnestly we would seek Thee, for, oh, the depth of the riches both of the wisdom and the knowledge of God. Bestow blessings of comfort upon the grief-sore ones and give them peace. Our unexpressed desires are before Thee. Sift them that they may be foregleams of Thy presence, plan, and power. Throughout this day may our trusts be administered with a true heart. O, look Thou upon our country and the nations associated to promote humanness throughout the earth. Enable them to stand together for righteousness and justice. May they be full of industry and morality and become clothed with the higher and nobler elements of national life, and we shall give Thee the praise in a world without end. In the name of Jesus, the Prince of Peace. Amen.

The Journal of the proceedings of Friday was read and approved.

REFERENCE OF A JOINT RESOLUTION.

Mr. KIESS. Mr. Speaker, I ask unanimous consent that Senate joint resolution 132, now on the calendar, be referred back to the Committee on Printing.

The SPEAKER. What is the resolution?

Mr. KIESS. It is to provide for the continuance of certain Government publications.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the joint resolution referred to be referred back to the Committee on Printing. Is there objection? [After a pause.] The Chair hears none.

APPROPRIATIONS FOR TREASURY DEPARTMENT—CONFERENCE REPORT.

Mr. MADDEN. Mr. Speaker, I present a conference report for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 9724. An act making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Ordered printed under the rule.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. To-day is Unanimous Consent Calendar day, and the Clerk will call the calendar.

LEASE OF UNALLOTTED LANDS, FORT PECK RESERVATION, MONT.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 8010) to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont.

The Clerk read the title.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when this bill was on the calendar on prior occasions I called attention to the fact that some of these lands were owned by the Government of the United States, and it is my opinion that the oil-prospecting features should be under the oil-leasing law. I believe the gentleman has an amendment to offer at the end of the bill as follows, "In accordance with the provisions of the general oil leasing act, February 25, 1920." I have no objection to the consideration of the bill with this amendment incorporated.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That lands reserved for school and agency purposes and all other unallotted lands on the Fort Peck Reservation, Mont., reserved from allotment or other disposition, may be leased for mining purposes by the Indians residing on said reservation, through their tribal council, with the approval of and under regulations prescribed by the Secretary of the Interior.

The committee amendment was read, as follows:

Page 1, line 6, after the word "purposes," strike out "by the Indians residing on said reservation, through their tribal council."

The question was taken, and the amendment was agreed to.

Mr. RIDDICK. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the word "Interior," strike out the period and insert "in accordance with the provisions of the general oil leasing act, February 25, 1920."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RIDDICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

STATUE OF DANTE.

The next business in order on the Calendar for Unanimous Consent was Senate joint resolution 99, providing a site upon public grounds in the city of Washington, D. C., for the erection of a statue of Dante.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, Potomac Park, and the White House, a statue of Dante: *Provided,* That the site chosen and the design of the monument shall be approved by the National Commission of Fine Arts and that the United States shall be put to no expense in or by the erection of the said monument.

Mr. WALSH. Mr. Speaker, I move to strike out the last word for the purpose of asking whether or not this statue has not already been erected?

Mr. LUCE. Mr. Speaker, the statue has been temporarily erected.

Mr. WALSH. Upon what authority of law are statues temporarily erected upon Government property?

Mr. LUCE. Under the general authority of the officer in charge of public buildings and grounds to erect temporary structures by implication from the statutes creating his office.

Mr. WALSH. Well, this is hanging upon rather a slender thread, I think. Has not this statue been erected and all the exercises pertaining to its being considered in its final location been held?

Mr. LUCE. Exercises have been held; but I have here a copy of the specific notification on the part of the officer in charge to the effect that it was temporarily erected and subject to removal if not ratified by act of Congress.

Mr. WALSH. Will my colleague yield further? Does that situation also apply to the statue of Joan of Arc?

Mr. LUCE. It does. In each case the restriction was definitely set forth by the officer in question, and the statue was placed there with that understanding on the part of the donors.

Mr. WALSH. Well, we have got some sort of a structure down here on the Mall. I believe it is intended to be a corner stone, and the exercises of the laying of which were held in the National Museum, and they put some kind of a structure down there boxed in with wood with an inscription upon it. I think the gentleman from Kentucky, the chairman of the Committee on Public Buildings and Grounds, admitted the other day upon the floor that it was placed there and has remained there without any authority of law, supposed to be a corner stone of some

memorial building to George Washington, for which some private organization or society, headed by a would-be and presumably social leader, who has been undertaking for several years to raise funds, I think a million dollars, by private subscription, in order that they might comply with the terms laid down in the act whereby the Government might participate.

I doubt if it is wise for the officer in charge of the public buildings and grounds to indulge in this practice of giving authority for temporary locations of either buildings or statues. I believe it would be better for the location to be approved, in the first instance, by Congress. I am not objecting to this bill, but I wanted to understand the circumstances under which the legislation came before the House.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. CHINDBLOM. I think it is fair to say with reference to the corner stone that was laid for the memorial building that the hearings before the Committee on Public Buildings and Grounds disclosed that as a matter of fact the Superintendent of Public Buildings and Grounds for the District gave no authority whatever for the laying of that corner stone.

Mr. WALSH. That is an additional reason why it should not be there.

Mr. CHINDBLOM. I do not want to leave the impression that the superintendent had given any authority.

Mr. WALSH. Oh, no. I did not intend to reflect on the officer in charge of the public buildings and grounds, but I think as to these temporary locations of statues and other works of art it would be better if they got the legislation first, and then would go ahead with their exercises and digging holes and setting the statues up.

Mr. CHINDBLOM. If I may add another remark, it perhaps should be said in fairness also that the War Department had first held that there was authority for the laying of that corner stone, but upon closer examination of the law reached the conclusion there was not.

Mr. WALSH. A real examination.

Mr. MANN. Will the gentleman from Massachusetts [Mr. LUCE] yield?

Mr. LUCE. I will.

Mr. MANN. Was this statue erected with the consent of the Committee on the Library of the House?

Mr. LUCE. It was not.

Mr. MANN. They were not consulted at all?

Mr. LUCE. The chairman of the committee was addressed in the matter. The committee never held a meeting in regard to it.

Mr. MANN. Does it not strike the gentleman from Massachusetts it is rather a unique procedure, where the law requires the action of Congress, to go ahead and erect a statue, and then put Congress in the attitude of being compelled to grant consent?

Mr. LUCE. I quite agree with the gentleman from Illinois, as well as with my colleague from Massachusetts [Mr. WALSH], and, if he will permit, I will try to set forth what I conceive to be the situation.

For the proper administration of the Public Buildings and Grounds it is evidently necessary that the official in charge shall have some scope in the erection of temporary structures. He suggests, for example, that in the ordinary administration the question comes up every day, in the setting of trees and plants, the necessity for temporary framework, nets around tennis courts, temporary comfort stations frequently built for the workmen, temporary repairs, walks, chlorinating houses, and so forth. It is quite clear that where the line shall be drawn must be a matter of good judgment on the part of the officer in charge. And to all general principles there are exceptions. I may call the attention of the gentleman from Illinois to the peculiar circumstance attending the erection of this statue and the one concerned in the following bill. There were present here in the Capital an unusual number of the representatives of foreign nations. The timeliness of the dedicatory exercises can hardly be questioned. The bills had received the approval of the Senate.

Mr. MANN. That is sufficient, I suppose?

Mr. LUCE. Not at all, sir. But the officer in charge had consulted the chairman of the House Committee, who, not ascertaining that there was likely to be objection in the House, said, so far as he was concerned, he had no objection. There was no formal consultation of the whole committee, but the officer in charge, assuming that in any case he had authority for temporary erection of statues, and believing from what he could learn that the matters would take their normal course, recognized the exceptional nature of the situation and proceeded to give the authority for the temporary erection of the statues. It

is the fact that the precedent might be abused, greatly to the embarrassment of Congress. And I am glad that gentlemen have called attention to it in order that great care may be exercised in future contingencies. I may remind gentlemen that a somewhat similar state of affairs arose in regard to the group of busts of pioneers in the cause of woman suffrage, now in the crypt beneath the dome. In that case great embarrassment would have been brought to many worthy persons if there had not been procedure in some respects informal, followed by compliance with the directions of the Library Committee after formal enactment on the part of Congress.

Mr. MANN. The gentleman speaks of a "temporary structure." This is not a temporary structure; it is a permanent structure. You might as well say that the Superintendent of Public Buildings and Grounds could permit the erection of a large marble building on one of the parks, with the provision that unless Congress would thereafter grant permission it should be torn down. This is not a temporary structure.

There was not great haste about this. I do not know what the explanation may be. This bill passed the Senate on August 22, according to the copy of the bill I have—calendar date August 24.

It apparently did not reach the House for a month, and was not acted upon by the House committee until December 15. Of course, if there had been the hurry or the necessity for haste, it could very easily have been acted on in both bodies long before it was. I think the Superintendent of Public Buildings and Grounds ought to be made to understand that he has not the authority to permit the erection of statues on the public grounds of the Government. He may run into trouble hereafter if he keeps up this plan. I think he will.

Mr. LUCE. Mr. Speaker, there is no gentleman in Congress with whom I would more gladly associate myself in attempting to expedite its processes than with the gentleman from Illinois.

Mr. WALSH. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. WALSH. I understood my colleague to refer to this wonderful but wierd piece of, I suppose, art—though I am not competent to designate it—down on the lower floor, in the crypt. Did the Committee on the Library have anything to do with that?

Mr. LUCE. The Committee on the Library designated the crypt as the location.

Mr. WALSH. I am wondering why they did not get it down on the cellar floor, where it belongs apparently. It appears to carry the impression of three venerable women taking an agreeable mud bath. [Laughter.] I just wondered why it ever happened to be located where it is.

Mr. MANN. I am surprised that they did not locate that statue in the main aisle of the House Hall, so that everybody would have to go around the side aisles. It is located now where everybody has to go out of their way in passing between the two parts of the Capitol. It is a very poor place.

Mr. LUCE. Perhaps I can explain by recalling that soon after the disposition of that statue I chanced to be reading a volume of recent memoirs by an English statesman, in which he recalled that a group of artists came to Lord Palmerston with complaint because works of arts were reposing in the cellars of Burlington House; whereupon the noble lord said, "I will do what I can, but you know that 'ars est celare artem.'" [Laughter.]

Mr. WALSH. Will the gentleman please translate that for the benefit of more humble Members?

Mr. LUCE. "The perfection of art consists in concealing it." However, I doubt if the Committee on the Library would lay it down as a general principle that the place to put art is in the cellar. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on the third reading of the resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

TEMPORARY BUILDINGS OF THE AMERICAN RED CROSS.

The next business on the Calendar for Unanimous Consent was the resolution (S. J. Res. 43) to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. WALSH. Reserving the right to object, Mr. Speaker, I would like to ask the member of the Library Committee having knowledge of this matter whether there is any necessity for this legislation now?

Mr. LUCE. The statute provides that no statues shall be erected on public buildings and grounds without an act of Congress.

Mr. WALSH. This is to continue the use of the temporary buildings of the Red Cross headquarters in the city of Washington.

Mr. LUCE. I beg the gentleman's pardon. I thought the next one was the Joan of Arc bill. What is this bill under consideration?

Mr. WALSH. This is to continue the use of the temporary buildings for the American Red Cross headquarters in Washington, down in public square 172. Is there any need for this legislation at the present time?

Mr. LUCE. Yes. The time limit for the use of the ground was May 22, 1920, and then it was extended to December 31, 1921, so that as a matter of fact at the present time they are using the ground without authority.

Mr. WALSH. What is it that they are doing which requires the use of this property beyond the original time fixed? Of course, we all appreciate that when we give consent and fix a date it is always extended, or always asked to be extended, and the extension is usually granted. But what is it that they are doing that required the use of this property during the time between May and December of last year?

Mr. LUCE. It is being used in part for the military relief and health service organizations, civilian relief, nursing service, and central stenographic force. One-half of the basement of one building is used by the cafeteria, which furnishes luncheon daily to approximately 1,200 persons, including many from the neighboring departments. The other part of the basement contains the heating plant. The desire of the Red Cross people was that they should have an indefinite extension of time, and a resolution in that form passed the Senate. The judgment of the House Committee on the Library is that there ought not to be an extension of more than a year.

Mr. WALSH. I notice that amendment, but, of course, they will be having all those things when December comes. They will be having their stenographers and military relief and health work activities, and they will probably need it beyond December. But why have not their activities gotten into such a state that they can get along with their own building and continue there?

Mr. LUCE. I speak with no special information on the subject, but I have the impression that the unsettled state of Europe has continued the activities of the Red Cross on a much larger scale than anybody supposed was possible after the war.

Mr. WALSH. I suppose that is so, when we are appropriating millions of dollars to save starving people all over the world, and are liable to be appropriating \$20,000,000 for that purpose every two or three months. Perhaps they ought to have this building in view of the fact that that contingency is likely to happen.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. MANN. We passed the original resolution directing that the building should be removed and the site restored within three years from the date of the approval of the resolution. That was May 22, 1917, when this resolution was prepared. I do not know who prepared it, but it deliberately made a false statement in reference to the prior act of Congress. The first "whereas" of this resolution says:

Provided said buildings erected under said authority should be removed and the site or sites thereof placed in good condition within such time as may hereafter be provided by Congress.

That would give anyone the impression that it took the action of Congress to cause the removal of these buildings. I say that statement was made falsely, and I presume deliberately falsely to mislead Congress, on the supposition that the gentlemen reading it would suppose that the recital was true.

Evidently, however, the Committee on the Library was not fooled by it—the Committee on the Library on the part of the House—although the Senate passed it in that way, making this false statement. Now, what I have in mind is the question whether you want to extend the time for the removal of these buildings until December 31, 1922, or whether, if this bill goes through the House with that provision in it which the House amended, it is the intention to send it to conference and have the conferees agree to the original resolution, which would permit that building to stand there for a century? I would like to inquire what is the attitude of the distinguished gentleman

from Massachusetts [Mr. LUCE], who is in charge of the bill on the floor? Are we going to pass this bill and fool the House by saying the building shall be removed by December 31, 1922, and then as the result of a conference report go back to the original proposition of the Red Cross and permit this building to remain there forever?

Mr. LUCE. Mr. Speaker, I do not foresee that I shall reach the distinguished honor of being a member of any conference committee for some years yet to come, even though continuance of my service in the House is approved by my constituents.

Mr. MANN. We ought to have somebody on the floor who should be able to get on the conference committee when he has charge of a bill of this kind, and until I can be satisfied on that subject I shall object.

Mr. LUCE. I shall be quite ready to urge and advise the members of the conference committee, if I am not one of their number, to adhere to the House amendment, because it seems to me the gentleman presents the case in a reasonable fashion and in accordance with the views of the members of the Committee on the Library.

Mr. MANN. It may be that the building ought to remain there forever. I do not know, but I do not want to see the House fooled; and it is the evident purpose of this original resolution to act without knowing what is being done.

Mr. LUCE. For my own part I shall be glad to go on record as saying that I am against long retention of the temporary structures in Washington, first, last, and all the time, and hope they may be removed at the earliest possible moment.

Mr. SUMMERS of Washington. Is it not a fact that the Red Cross are erecting an additional large building down there as a permanent structure, and is it not probable that the temporary structure is needed only during the construction of that?

Mr. MANN. That I can not say. I am not informed as to that.

Mr. STAFFORD. What location has the gentleman in mind where the Red Cross is erecting any permanent structure? This morning as I passed the permanent headquarters of the Red Cross on the way to the armament conference I failed to notice any new construction work.

Mr. SUMMERS of Washington. If the gentleman will look immediately back of the large permanent building there he will find a very splendid marble building being constructed.

Mr. STAFFORD. If the gentleman will read the report—I assume that he has read it—he will find that the letter from the Red Cross does not say that they have in contemplation the erection of any new building, but that these temporary wooden buildings, Annexes Nos. 3 and 4—No. 1 having been demolished already—are intended to be retained for Red Cross activities. There is nothing in the letter from the Red Cross which suggests or hints that they are erecting any permanent structure, but the letter is predicated upon the idea that these buildings will be continued for years and years to come.

Mr. MANN. There is a new building going up there.

Mr. SUMMERS of Washington. There is a new building under construction, nevertheless.

Mr. MANN. Whether it is to take the place of this or not I do not know, but the request of the Red Cross is to have this building remain there permanently. Somebody tried to mislead Congress. I do not know who it was. Perhaps that request ought to be granted. When that question comes up we will consider it; but I do not think we ought to pass a bill of this sort, with a House amendment imposing a short limitation, if the House limitation is not to remain in the bill when it becomes a law. We ought not to pass it without knowing that it will remain in the bill.

Mr. LUCE. Can the gentleman inform me what further assurance can be given than I have already given, or how the bill can accomplish the end that the gentleman desires?

Mr. MANN. I can tell the gentleman privately very easily how that can be accomplished. Meanwhile I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

MEMORIAL TO JEANNE D'ARC.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 108) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to Jeanne d'Arc.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. LONDON. I object, Mr. Speaker.

The SPEAKER. The gentleman from New York objects. The Clerk will report the next bill.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The next business on the Calendar for Unanimous Consent was the bill (S. 2802) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That section 11 of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, is hereby amended by adding at the end thereof three new paragraphs to read as follows:

"Each executive department, and each independent establishment of the Government not within the jurisdiction of any executive department, shall establish and maintain such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay, or compensation of each employee within its jurisdiction to whom this act applies. When such employee is transferred from one office to another a certified abstract of his official record shall be transmitted to the office to which the transfer is made.

"When application is made to the Commissioner of Pensions for return of deductions and accrued interest, as provided in this section, such application shall be accompanied by a certificate from the proper officer showing the complete record of deductions, by fiscal years, and other data necessary to the proper adjustment of the claim.

"The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder."

SEC. 2. That section 13 of such act of May 22, 1920, is amended to read as follows:

"SEC. 13. That it shall be the duty of the head of each executive department and the head of each independent establishment of the Government not within the jurisdiction of any executive department to report to the Civil Service Commission, in such manner as said commission may prescribe, the name and grade of each employee to whom this act applies in or under said department or establishment who shall be at any time in a nonpay status, showing the dates such employee was in a nonpay status, and the amount of salary, pay, or compensation lost by the employee by reason of such absence. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act, and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder, and shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawal from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

"The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of refunds, allowances, and annuities, together with the total number of persons receiving annuities and the amounts paid them."

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

NATIONAL MONUMENT IN RIVERSIDE COUNTY, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7598) authorizing the Secretary of the Interior to dedicate and set apart as a national monument certain lands in Riverside County, Calif.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, will the gentleman from California give a brief statement of the idea of this legislation?

Mr. BARBOUR. Mr. Speaker, this bill proposes to reserve as a national monument three canyons which are located about 60 miles southeast of Riverside, Calif. They contain what is said to be the only existing group of wild Washington palms. It is proposed to preserve them as a national monument, so that these trees will not be destroyed. They are valuable for the purposes of botanical interest.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARBOUR. Certainly.

Mr. STAFFORD. What special conditions exist that prevent this territory being included under the general monument law?

Mr. BARBOUR. I understand that that is the purpose of this bill, and if passed this territory will be included under it.

Mr. STAFFORD. I understand that the President has authority to reserve territory which is scientifically valuable and rare for the benefit of future generations.

Mr. BARBOUR. I will state that there are certain Indian rights involved here. The land belongs to the Agua Caliente Band of Indians; it is part of their reservation, but it is not

valuable for any purpose except as a watercourse. The water used for irrigation comes down through these canyons and is reserved to the Indians. The bill specifically provides that the Indians shall be compensated. It will not cost the Government a penny, because the money will be raised by private subscription.

Mr. WALSH. Who is going to raise it?

Mr. BARBOUR. I do not know the name of the organization, but the people of Riverside are interested. The bill expressly provides for payment of compensation to the Indians, and these funds will be raised. I understand the arrangements have already been made.

Mr. WALSH. This takes it out from under the water power act. Does the gentleman think that the committee amendments will in any way interfere with its use and enjoyment as a national monument?

Mr. BARBOUR. No; I think not.

Mr. BEGG. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. BEGG. What is the real reason beyond the preservation of a few trees for putting this into a national park?

Mr. BARBOUR. I will state that these are very rare trees. I am informed that they constitute the only existing group of these natural wild palms that grew in the deserts of the Southwest. They are hundreds of years old. They are the only trees of the kind, I understand, in existence to-day.

Mr. BEGG. Personally, I will say that I do not expect to object, but I am not in sympathy with this kind of a bill. About every Congress somebody comes in for an appropriation for parks and building highways, and the maintenance of the highways does not come from the Territory nor the State through which they go.

Mr. BARBOUR. This bill does not contemplate an appropriation, neither now nor hereafter, as far as I know. I do not see why it should need an appropriation.

Mr. MANN. It is worth an appropriation. These Washington palms are a wonderful thing. If we could put one of them in the Capitol grounds, we would pay \$100,000 for it, and no one would object. This is probably the only place where they can be preserved.

Mr. BEGG. Will the gentleman yield?

Mr. BARBOUR. I yield.

Mr. BEGG. Can the gentleman tell us what kind of an asset they will be to the country to preserve them out there? I can well imagine that if you bring them here and put them on the Capitol grounds they would be an asset, but what good will they do the human family out there in the future?

Mr. MANN. The gentleman from Ohio and myself, together or singly, will some day make a trip out there and he will acknowledge when he sees them that it is worth a year's life. I am sure that nothing would so improve the gentleman from Ohio, if anything could improve him—and he stands so high and so well that he does not need improvement—as to visit these Washington palms.

Mr. BEGG. I will say that I have been all over this country, but not in this particular section, and I have seen some pretty tall, straight trees.

Mr. MANN. They are not the trees that the gentleman has in mind at all, these are palms.

Mr. BARBOUR. And they are wild palms.

Mr. BEGG. The gentleman from Illinois thinks it would improve us to associate a little with the wild ones. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to set apart the following-described lands located in the county of Riverside, in the State of California, as a national monument, which shall be under the exclusive control of the Secretary of the Interior, who shall administer and protect the same under the provisions of the act of Congress approved June 8, 1906, entitled "An act for the preservation of American antiquities," and under such regulations as he may prescribe: The west half of the southwest quarter of section 2, the southeast quarter of section 3, all of section 10, the west half of the northwest quarter of section 11, all of section 14, all in township 5 south, range 4 east, San Bernardino base and meridian, containing 1,600 acres: *Provided,* That before such reservation and dedication as herein authorized shall become effective the consent and relinquishment of the Agua Caliente Band of Indians shall first be obtained, covering its right, title, and interest in and to the lands herein described, and payment therefor to the members of said band on a per capita basis, at a price to be agreed upon, when there shall be placed at the disposal of the Secretary of the Interior a fund in an amount to be fixed and determined by him as sufficient to compensate the Indians.

SEC. 2. That in order to determine the amount to be paid under the preceding section the Secretary of the Interior is authorized and directed to negotiate with said Indians to obtain their consent and relinquishment, and when such consent and relinquishment has been obtained and an agreement reached the Secretary of the Interior is further authorized to make payment for the lands relinquished to the

enrolled members of the said Agua Caliente Band as authorized by section 1 of this act: *Provided*, That the consent and relinquishment of the Indians may be obtained and payment made for the lands in such manner as the Secretary of the Interior may deem advisable.

Sec. 3. That the provisions of the act of Congress approved June 10, 1920, known as the Federal water power act, shall not apply to this monument.

The following committee amendments were read:

(1) Page 2, line 13, strike out the words "placed at the disposal of" and insert in lieu thereof the words "donated for such purpose to."

(2) Page 2, line 16, after the word "Indians," strike out the period and insert the word "therefor" and a period.

(3) Page 2, line 23, after the word "payment," insert the words "from said donated fund."

(4) Page 3, at the end of line 3, after the word "advisable," change the period to a colon and add the following:

"*Provided further*, That the water rights, dams, pipe lines, canals, and irrigation structures located in sections 2 and 3 of township 5 south, range 4 east, San Bernardino meridian, and also all water and water rights in Palm Canyon, are hereby excepted from this reserve and shall remain under the exclusive control and supervision of the Bureau of Indian Affairs."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BARBOUR, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3074. An act providing for a Good Roads Association convention cancellation stamp to be used by the Phoenix (Ariz.) post office.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIII, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3074. An act providing for a Good Roads Association convention cancellation stamp to be used by the Phoenix (Ariz.) post office; to the Committee on the Post Office and Post Roads.

CLOTHING FOR EX-SERVICE MEN WHILE HOSPITAL PATIENTS.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 221) directing the Secretary of War to furnish clothing to ex-service men while patients in Public Health Service hospitals.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as the bill was originally introduced the idea was, I assume, that the Secretary of War was to furnish certain clothing out of reserve supplies of the Army to the ex-service men in hospitals under the jurisdiction of the United States Public Health Service. As the committee has reported the bill, it is now a direct authorization to the Public Health Service to furnish clothing to these ex-service veterans who are in hospitals under their charge and who are not receiving compensation. The query I wish to propound to the gentleman from Texas [Mr. GARRETT], who introduced the resolution, and also to present to the attention of the House, is if we are going to confer this privilege upon the war veterans who are not receiving compensation in hospitals under the jurisdiction of the Public Health Service, why not confer the same privilege upon the same character of men in hospitals under the direction of the Board of Managers for National Homes, the War and Navy Departments, and private hospitals?

Mr. GARRETT of Texas. Mr. Speaker, as far as that is concerned, if the gentleman wants to offer an amendment to include those people, very well. This resolution was prepared on actual knowledge of conditions that existed at a hospital in my home town. If the gentleman will reserve the right to object for a moment, I call his attention to the fact that of the ex-service men in Camp Logan Hospital there were 257 on November 8 who were not drawing compensation. Out of that number of 257 who were not drawing compensation, there were 34 patients in Camp Logan Hospital who did not have sufficient clothing, according to the statement of the Red Cross officials, or suitable clothing to attend entertainments given at the Red Cross Hut for their pleasure and benefit. Gentlemen will remember that these men at the camps to which this resolution applies are men who are without any means at all. They were drawn into the service under the selective draft without regard to whether they did or did not have money. They have come home, they are without means, they are broken in health. Some of them are unable to connect their disability with the line of

service, for the reason that some of them have tuberculosis which developed recently, and have no means of tracing that tuberculosis to their line of service. Any eminent physician will tell you, or anyone else, that while he can not state his opinion in the form of an affidavit, which would give these men compensation, yet with men who had the "flu" in France, who apparently got well of it, and then came home and were discharged and now have tuberculosis, that that tuberculosis is no doubt due to their service in line of duty. These men are men of that character. The two years have elapsed. There are 34 of them who are patients not drawing any compensation. They are not all tubercular. They are men who have gone to that hospital and who have filed their claims and are unable to establish their claims. I take it that this will be a continuing situation. There were 257 there on the 8th of November. Some of them perhaps have had their claims adjudicated and are now receiving compensation. The purpose of this resolution is to get some method on foot somewhere so that an ex-service man who went to France or who served in this country, and who, this near to the war, is without food and clothing, who is broken in health, shall be furnished with clothing while in a hospital of this kind, suitable at least in which to attend the entertainments given by the citizens for his pleasure and benefit.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield to me under his reservation of the right to object?

Mr. STAFFORD. Yes.

Mr. CHINDBLOM. Mr. Speaker, I will say that the gentleman spoke very correctly when he said the purpose of this resolution is to get some movement on foot somewhere. That very indefinite character may be applied to the resolution. The resolution should be passed. This is a very urgent matter.

I have the same condition in my district at the Fort Sheridan Reservation, where in an Army hospital there is a considerable number of men receiving treatment who are destitute of clothing, whose wants have been supplied in fact by the generosity and charity of people living in that immediate locality. But with all due deference, it seems to me that this bill has been rather poorly considered. Originally it provided that the Secretary of War might provide this clothing, assuming that it might be taken out of surplus material, although the resolution did not say so. It now provides that the Surgeon General of the Public Health Service shall provide this clothing. I know that he has no clothing. The Surgeon General of the Public Health Service has no clothing which he can distribute for this purpose. An appropriation would have to be made for the Public Health Service for this very purpose. How are we going to get action on the resolution?

Mr. GARRETT of Texas. This is Unanimous Consent Day, and if there is no objection an amendment can be offered to this, and I have one ready, providing for an appropriation, or that the Secretary of War be directed to furnish the clothing out of any surplus he may have.

Mr. PARKER of New Jersey. Mr. Speaker, if the gentleman will permit, that matter came up in the committee, and it developed that these men in the hospitals could not use United States clothing, because they are discharged. They wanted to have the Public Health Service do it. The Public Health Service could do it as they do usually, but it is against the law for them to use United States clothing.

Mr. CHINDBLOM. Would it be against the law for them to use underwear which is in the hands of the Army as surplus material?

Mr. PARKER of New Jersey. No.

Mr. NEWTON of Minnesota. Mr. Speaker, I would like to ask the gentleman from New Jersey as to the jurisdiction of the Committee on Military Affairs to report out a resolution authorizing the Public Health Service to furnish clothing, if it was not intended by the committee to use military supplies.

Mr. PARKER of New Jersey. The Public Health Service is always furnishing various things, such as blankets.

Mr. NEWTON of Minnesota. The Committee on Military Affairs has no jurisdiction over the Public Health Service.

Mr. PARKER of New Jersey. Does the gentleman desire to take that point under consideration now? I do not know anything about it.

Mr. CHINDBLOM. It is not my purpose to raise any objection to the consideration of the resolution. It is so meritorious that it should be passed, but it ought to have been perfected and presented in such shape that it would accomplish something.

Mr. GARRETT of Texas. I am now asking the advice and cooperation of the gentleman to help perfect the matter. The parliamentary situation was such in committee that the resolution had to be reported out in this shape. If we can get unanimous consent for its consideration, any amendment that the

gentleman may offer which will perfect the resolution and bring about the result desired, I shall be very glad to accept.

I have no particular pride of opinion about it. I know this condition exists and I know it ought not to exist, and the purpose of this resolution is to help these ex-service men.

Mr. CHINDBLOM. If the gentleman has an amendment to suggest, let us have it, to see if we can perfect the bill; but it certainly does not come here in such shape as to be of any service.

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas who introduced this measure whether the question of germaneness of the committee amendment was raised in the committee?

Mr. GARRETT of Texas. Well, the gentleman has been in the House longer than I have and he understands I am not supposed to disclose those things upon the floor of the House that transpire in the committee.

Mr. WALSH. Does the gentleman think this is a germane amendment?

Mr. GARRETT of Texas. I will say very frankly to my friend that my original idea was that this clothing should be furnished by the Secretary of War out of the surplus we have on hand. They have plenty of underclothing, they have uniforms which they are selling to these cheap-John stores all over the country, and selling underwear the same way. My purpose was that these men should have this underwear and have the uniforms. I am no stickler on the subject. I say the men who wore the uniform in France should have the honor to wear it in public-health hospitals. I see no objection, although there are some who do. There were in the committee some who absolutely objected to the surplus clothing in the Army being used for any purpose. Now, if the gentleman wants the whole truth about it, that is it. I have got the resolution out here as you find it under the conditions mentioned.

Mr. WALSH. Now, suppose this resolution should pass as it is proposed to be amended by the committee. What is to prevent the War Department from going ahead and selling clothing to clothing houses?

Mr. GARRETT of Texas. Not a thing in the world.

Mr. WALSH. Why is it brought in, then? What has that got to do with this measure?

Mr. GARRETT of Texas. Nothing in the world, except the fact it was brought up on the floor of the House.

Mr. WALSH. When is it expected the Surgeon General of the Public Health Service is going to get this clothing?

Mr. GARRETT of Texas. If the gentleman will help us amend this resolution, we can fix it up very quickly.

Mr. WALSH. I did not hear the purpose of the gentleman's amendment.

Mr. GARRETT of Texas. I have two amendments, one of which we can amend by appropriating so many thousand dollars for this purpose for the Surgeon General of the Public Health Service to buy clothing with, or I am willing to say that the Secretary of War shall furnish it upon requisition.

Mr. GARRETT of Tennessee. Would it not meet the situation if the House voted down the committee amendment?

Mr. WALSH. I do not think the committee amendment is germane myself. I do not know whether the point of order can be made.

Mr. GARRETT of Texas. I do not think so myself, but it is unanimous consent I am trying to get to take it up.

Mr. STAFFORD. If the gentleman will permit, I have given some little consideration to this measure. I think that the bill should apply to all veterans under the jurisdiction of the Veterans' Bureau whether they are in a hospital under the charge of the Public Health Service or in the National Homes or in an Army, Navy, or private hospital. I wish to suggest an amendment which I think would be proper and on which I would like to have the gentleman's opinion. As amended it would read:

That the Secretary of War be, and he is hereby, authorized and directed to furnish out of reserve material for the Army to the Veterans' Bureau for the use of all ex-service men of the World War under its care now in Government or private hospitals, or who may hereafter be admitted to such hospitals, and who are not receiving compensation for such necessary and suitable clothing.

And so forth.

My idea is not to limit it to surplus material, because the War Department has no surplus material in certain articles of apparel.

Mr. GARRETT of Texas. That is very likely true as to material, but it does have much surplus clothing.

Mr. WALSH. It is impossible to amend this joint resolution satisfactorily on the floor, in my judgment; but I would like to ask the gentleman if he is willing to advise us what his amendments are which he proposes to offer?

Mr. GARRETT of Texas. Page 2, line 2, after the word "men," strike out the period and insert "There is hereby appropriated out of any moneys not otherwise appropriated in the Treasury of the United States the sum of \$25,000, or so much thereof as may be necessary, for the immediate relief of such ex-service men."

Mr. WALSH. What is the other amendment?

Mr. GARRETT of Texas. The other amendment is not written out, but it is suggested by the gentleman from Wisconsin.

Mr. MANN. Will the gentleman yield for a question?

Mr. GARRETT of Texas. Yes, sir.

Mr. MANN. What are the rights of the ex-service men to be admitted to hospitals?

Mr. GARRETT of Texas. I will say to the gentleman from Illinois that that question seems to be settled by general consent—that these men are just simply admitted there. There has been some question raised as to whether or not they were legally admitted, but the Public Health Service, as I understand it, goes upon the assumption that these hospitals are being run for the benefit of ex-service men, and when an ex-service man shows up they take him in and start with him and do the best they can with him, regardless of the origin of his trouble.

Mr. MANN. Is it a fact that whenever an ex-service man presents himself to one of the Public Health hospitals they admit him for treatment at once?

Mr. GARRETT of Texas. I think they admit him for preliminary examination, and when he has all the necessary papers that show that he is an ex-service man, he is admitted.

Mr. MANN. If he is admitted for preliminary examination, would that give him a free suit of clothing?

Mr. GARRETT of Texas. It would be a question of whether or not they were going to allow him the clothing or wait until they had passed upon his case.

Mr. MANN. This does not say anything about regulations. This says when he is admitted he is entitled to clothing.

Mr. GARRETT of Texas. I will say to the gentleman very frankly that I think whenever an ex-service man is admitted by the Public Health Service in one of these hospitals, and has not any clothing and no money with which to buy any, they ought to give it to him.

Mr. MANN. There is nothing here about the matter of buying clothing at all.

Mr. GARRETT of Texas. That class of soldiers—

Mr. MANN. I assume that ex-service men would naturally take advantage of their rights, like other people. If a man who applied for admission was entitled to a suit of underclothing or outer clothing, he would ask for it.

Mr. GARRETT of Texas. That is all right.

Mr. CHINDBLOM. I will say that I am sorry that this matter comes in in such a shape it can not be disposed of, because there are very deserving cases of this character. I want to say, in reference to the last point raised by my distinguished colleague from Illinois, that when an ex-service man presents himself to one of the stations of the Public Health Service or one of the officers of the Veterans' Bureau, and he is sick, diseased, disabled, and without funds, of course, the natural and proper thing is to place him somewhere for observation and examination in order to determine whether his illness is of service origin. That has been done, I understand, and under those conditions these men come into the institutions. Many of them are without clothing, very badly without clothing, and it would be very desirable if proper legislation could be framed and passed to relieve those cases which are deserving and pressing.

Mr. MANN. I agree with my colleague.

Mr. WALSH. Mr. Speaker, I am somewhat in agreement with the gentleman from Illinois [Mr. CHINDBLOM], but I can not—

Mr. GARRETT of Texas. What suggestion has the gentleman from Massachusetts to make concerning this resolution before he objects?

Mr. WALSH. My suggestion is that the committee give the matter more careful consideration and see if some legislation can not be framed for the issue of clothing by the Secretary of War to men who shall be certified by the proper authority as being in need of underclothing or outer clothing, but not to make it general in its scope as proposed by this measure, and transfer it to the Surgeon General, who has no stock of clothing available, and make necessary an appropriation. Now, there ought not to be any appropriation, because the War Department has a large stock, I am told, of clothing which in meritorious cases might be made available. I think that it ought to receive further consideration.

Mr. GARRETT of Texas. Has the gentleman read the letter of the Secretary of War in there?

Mr. WALSH. Oh, yes. Of course, the Secretary of War objects to the passage of this bill because it is going to take out some of this tremendous supply of surplus stock they have on hand there and give it to somebody. And I object.

The SPEAKER. The gentleman from Massachusetts objects, and the Clerk will report the next bill on the calendar.

Mr. GARRETT of Texas. Mr. Speaker, I ask unanimous consent that the bill may remain on the calendar.

Mr. WALSH. If it goes to the foot of the calendar, I will not object.

The SPEAKER. The gentleman asks unanimous consent that it go to the foot of the calendar. Is there objection? [After a pause.] The Chair hears none.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for half a minute in order to ask the gentleman a question.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for half a minute. Is there objection? [After a pause.] The Chair hears none.

Mr. CHINDBLOM. I would like to ask the gentleman from Texas whether he does not think this bill now should be referred back to the Committee on Military Affairs, so that we can get it onto the Unanimous Consent Calendar very soon in such shape that it can be passed?

Mr. GARRETT of Tennessee. I will state that my idea is—and I shall be very glad to consult with him and other gentlemen—to present this on next unanimous-consent day, with certain amendments, so that it may be acted upon on next unanimous-consent day.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that No. 162 on the Calendar for Unanimous Consent, to which objection was made, may retain its place on the calendar.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that No. 162 may go to the foot of the calendar. Is there objection? [After a pause.] The Chair hears none.

Mr. LUCE. Mr. Speaker, I make the same request as to No. 163.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PAYMENT OF TUITION FOR INDIAN CHILDREN.

The next business in order on the Calendar for Unanimous Consent was Senate joint resolution 140, relative to payment of tuition for Indian children enrolled in Montana State public schools.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman, the chairman of the Committee on Indian Affairs, reporting this bill as to what construction the department has placed on the two provisions carried in the two statutes referred to in the bill, providing that the Indian children shall be educated in the public school on equal terms with white children?

Mr. SNYDER. As the gentleman knows, in the act of March 3 appropriation was carried for the purpose of paying tuition for Indian children in the public schools of Montana. In this particular division—No. 9 of the Montana school—Indian children have been going to school under the same conditions, and heretofore tuition had been paid. But an occasion arose where it was necessary to make a special appropriation for that particular school, and the wording of that act was such that the comptroller ruled that he could not pay out money on it. All that this does is to correct the language so that the money appropriated last year can be paid for the tuition of Indian children who have been in that school since last July.

Mr. STAFFORD. As I recall—and I do not believe that is the established practice, so far as Indian affairs are concerned—Congress in the appropriation act of February 4, 1920, made a special appropriation for the building of a public school in this school district, and to that appropriation was coupled the provision that the Indian children shall be admitted to that Indian school on an equality with white people.

Mr. RIDDICK. No. That was to be paid for.

Mr. STAFFORD. That was the language of that appropriation for the erection of this public building, carrying \$15,000, perhaps; I am not sure how much.

Mr. SNYDER. Yes; \$15,000.

Mr. STAFFORD. To the appropriation was coupled this provision, that "Indian children shall be admitted to said public school on an entire equality with the white children."

Mr. SNYDER. Yes.

Mr. STAFFORD. What was Congress to understand with reference to that appropriation made for the erection of that

public-school building? Was it not the idea that we were allowing public funds for the erection of a public school, with the idea that the Indian children should have the privilege of attending that school without extra charge?

Mr. SNYDER. The gentleman knows that has been the practice, and there has been separate payment made for the tuition of Indian children in State schools wherever it has been possible to do it. In some cases we found that there was not sufficient school room for the white children attending and such Indian children as we desired to put into those schools. Several cases of the kind the gentleman mentions in the last few years have been taken care of by a direct appropriation for building the schools for both white and Indian children. Usually the State matches the amount appropriated by the Government for the purpose.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. Yes; if I have the floor.

Mr. CARTER. The fact is that we have appropriated annually in the Indian appropriation bill for the tuition of children in the public schools.

Mr. STAFFORD. Yes; about \$200,000.

Mr. CARTER. Yes. That is carried along, and the Indian children go into the schools with the white children, which I think is a very good thing. What the gentleman from New York wants to do here is this: When this school was built it was intended that the Indian children should be admitted on the same basis as the white children, but it was not intended to say that in that particular school the Government would be relieved of the expense of paying the tuition of the Indian children, as is done in other parts of the United States; but as I see from the report which I have just read, that is what the comptroller has ruled with reference to the law.

As I understand the gentleman from New York, he simply wants to change it to the basis and method followed heretofore with respect to other schools.

Mr. SNYDER. The gentleman is quite right about that.

Mr. RIDDICK. There is one fact that I wish the gentlemen will understand, that the citizens of Browning, Mont., propose to put up a \$100,000 school building, and the Government contributed about \$15,000 toward the construction. The annual cost of operation is something like \$30,000 a year. It is contemplated that the Indian children shall pay about \$70 a year tuition, which is much less than is charged for the education of Indian children in other places, and that pays about half the expense of running the school, although the Indians have three-fourths and the white people 25 per cent.

Mr. STAFFORD. In view of the statement of the gentleman from New York [Mr. SNYDER], chairman of the Committee on Indian Affairs, and that of the gentleman from Oklahoma, who was for a long time chairman of the committee, I withdraw my objection.

The SPEAKER pro tempore (Mr. WALSH). Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc. That nothing contained in the provisions of section 10 of the act of February 14, 1920 (41 Stats. L., p. 421), and of section 10 of the act of March 3, 1921 (41 Stats. L., p. 1237), shall be construed to preclude the payment of tuition for Indian children enrolled and educated in Montana State public schools, pursuant to annual or existing appropriations of public money for payment of such tuition.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RIDDICK, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LANDS IN THE SHASTA NATIONAL FOREST, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5004) to provide for the consolidation of forest lands in the Shasta National Forest, Calif., and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RAKER. Mr. Speaker—

Mr. STAFFORD. Mr. Speaker, I reserve the right to object, if the gentleman from California does not.

The SPEAKER. The gentleman from Wisconsin reserves the right to object.

Mr. RAKER. It was not my intention to object. Will the gentleman withhold his objection for a moment?

Mr. STAFFORD. I will reserve the right to object.

Mr. RAKER. Mr. Speaker, this bill and three others of similar character contain no provision that the Federal Government shall reimburse the counties in which the forests are situated, and hence a number of the taxpayers think the Federal Government ought to pay the taxes on the land that is turned back to the Government in exchange, and they want the Forest Service and myself to put such an amendment on this bill. I hope we can to-day, but if there is any objection to that—

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MANN. Do I understand that the gentleman proposes, where land is exchanged and the Government turns over land to private individuals and the private individuals turn it back to the Government, to tax the lands turned over to the Government?

Mr. RAKER. We can not do that under the Constitution of the United States and the State laws, but the citizens—

Mr. MANN. I am asking if that is the gentleman's proposition now?

Mr. RAKER. Will the gentleman repeat that question? I did not catch it, owing to the confusion prevailing in the Chamber.

Mr. MANN. Was it not the gentleman's proposition that the land turned over to the Government shall be subject to taxation?

Mr. RAKER. No. The citizens want the Government to make provision for paying what the private individuals would pay for the lands that are turned over from private ownership to the Government. That is the principle that is involved in all these land exchanges, and there is no provision for the payment of taxes. They want to be reimbursed each year for what the taxes would have been had it remained in private ownership. A number of citizens feel that the Government ought to pay taxes on the land put into the district, because otherwise they lose the taxes.

Mr. MANN. If the Government turns over land to a private individual and receives land in exchange, why should the Government pay anything on that land? It turns land over to a private individual, which land then becomes taxable. If the Government, instead of turning over land to a private individual, turns over a part of the timber, the State and county get a part of the product of that.

Mr. RAKER. I want to make myself plain, so that the gentleman will understand it. There is a large amount of privately owned land in these reserves. This kind of legislation allows these people to exchange land for timber. The people in the counties in which these reserves are located feel that they are not getting enough from the Government for protecting this land, by virtue of keeping up the civil government, State and county, which protects the Government's land for the benefit of all the people of the United States, and they want me now to get a larger proportion or have the Government pay for the taxes that they lose.

Mr. MANN. Does the gentleman himself favor that proposition?

Mr. RAKER. I do not favor the Government paying a direct tax, but I do favor the Government paying a larger percentage of the amount that it is now receiving from permits in national forests. The Government should pay to the counties what the counties lose by reason of the property being taken from the tax rolls.

Mr. MANN. That is a matter of general legislation.

Mr. RAKER. Yes.

Mr. MANN. That has nothing to do with this.

The SPEAKER pro tempore (Mr. WALSH). Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object—

Mr. MANN. Of course, somebody will object to this if that proposition is going to be presented. The gentleman is seeking to let somebody take an unfair advantage of the Government.

Mr. STAFFORD. Somebody—many.

Mr. MANN. Let us be frank about it.

Mr. RAKER. The gentleman is mistaken. In all cases of this character where private land is presented to the Government the county in which the land is located loses the benefit of the taxes on that land.

Mr. MANN. Why does it, if the Government turns over other lands to private individuals, which land then becomes taxable? What is the difference?

Mr. RAKER. They will not consider that. They believe that they lose the taxes on the land which is turned over.

Mr. MANN. I did not suppose anybody was so ignorant as that anywhere.

Mr. RAKER. Some pretty good people have investigated this. Senator Smoot introduced a bill to compensate them for the land thus turned over, and others favor the same proposition; and I think if we could get an amendment that would give them a larger percentage of the return from the permits, in order to compensate them for maintaining the forests for all the people of the United States, of course they would be getting something.

Mr. EVANS. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Nebraska.

Mr. EVANS. If I understand the gentleman, the exchange is made on the request of the private owners.

Mr. RAKER. Yes.

Mr. EVANS. And having gotten this exchange that is desired, the private owner wants the Government to pay more for having rendered him that favor.

Mr. RAKER. No; that is not the question at all. The question is that the counties in which the forest reserves are located feel that they are losing the taxes on the lands turned over by the private owners to the Government.

Mr. MANN. As I understand the gentleman's proposition, if the Government turns over timber and that timber is cut, the county not only wants to get a large share of the immediate price of the timber, but also wants the Government to pay forever to the county for the privilege of making the trade.

Mr. RAKER. May I have an opportunity to read a paragraph of this letter, so as to make it perfectly plain?

Mr. STAFFORD. It is understood that objection will be made if any such amendment is going to be proposed.

Mr. RAKER. Let me read this paragraph.

Mr. STAFFORD. I am afraid the gentleman is jeopardizing the safety of his bill by proposing such an amendment.

Mr. MANN. The gentleman knows that nobody will favor any such proposition. It is a matter that should be carefully considered, and it may take several years to consider it carefully.

Mr. SINNOTT. The gentleman is not going to offer any such proposition.

Mr. STAFFORD. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is made.

Mr. RAKER. I ask unanimous consent that I may extend my remarks in the Record on the matter that has just been under consideration.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the Record on the bill just objected to. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE DELAWARE RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9931) to extend the time for completing the construction of a bridge across the Delaware River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WATSON. Mr. Speaker, reserving the right to object, I want to ask the gentleman in charge of the bill how far is this bridge toward completion?

Mr. JONES of Pennsylvania. Mr. Speaker, all I know in relation to that is what is stated in the memorandum at the bottom of the report.

Mr. WATSON. Is this for the widening of an old bridge, or is it for an entirely new bridge?

Mr. JONES of Pennsylvania. It is to extend the time originally granted in 1912. The sum of \$500,000, in round figures, has been expended for the construction of the piers and clearing the channel of obstructions caused by the work, as required by the War Department, in order that navigation would not be interfered with. The Pennsylvania Railroad also maintains lights on the piers. A large portion of the right of way for the railroad has been obtained at a cost of \$1,750,000. So there has been expended up to the present time \$2,250,000.

Mr. WATSON. The Pennsylvania Railroad within a few years has completed a bridge, and I wanted to know whether there was another bridge or whether this pertained to the old bridge.

Mr. JONES of Pennsylvania. I do not know whether there has been a bridge completed. This is the bridge for which permit was given in 1912, but because of the war and the heavy cost of materials they did not proceed with it, but got an extension in 1915, and this seeks a further extension.

Mr. WATSON. Mr. Speaker, I have no objection to the bill. The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for completing the construction of the bridge authorized by act of Congress approved August 24, 1912, to be built by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. across the Delaware River near the city of Trenton, N. J., which has heretofore been extended by Congress to August 24, 1922, is hereby extended for a further period of three years from the last-named date.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JONES of Pennsylvania, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE RAILROAD SITUATION.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to print in the RECORD the remarks of Secretary Hoover before the Interstate Commerce Commission on the railroad situation on February 3, 1922.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to print in the RECORD the remarks of Secretary Hoover on February 3, 1922, before the Interstate Commerce Commission on the railroad situation. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD I include the following statement by the Secretary of Commerce before the Interstate Commerce Commission.

STATEMENT BY THE SECRETARY OF COMMERCE BEFORE THE INTERSTATE COMMERCE COMMISSION FEBRUARY 3, 1922.

In responding to the invitation to discuss some of the problems present in your general railroad investigations, I shall devote myself to three of the railway topics which especially arise from the present economic situation.

I do not need to review at length that we are recovering from the destruction and inflation of the greatest war in history, that we are suffering from the waste, the extravagance, and overexpansion of the postwar boom, and that the war has brought about great shifts in the movement and price levels of commodities between nations.

I would, however, suggest that it might be profitable for our people to get a somewhat clearer perspective of our own and the world's troubles and problems. Even a superficial survey must bring us out of an atmosphere of gloomily introspection into an assuring realization that, great as our dislocations may seem to be, we relatively are in an enviable position. Our Nation is unshaken, and as a people we are getting our bearings in a world of perplexing economic adjustments. While there is unemployment and lack of profit taking, we are free of panic. We are comparatively more restless than injured. For instance, as heavy as our tax burden is it is still less than one-half as great in proportion to our national productivity as the other states in the war.

The violence of our readjustment, however, is without parallel, and we sometimes tend to color our measures for the future by the depression we are in. The fact is that we must predicate all plans for the future on the ultimate return of the American people to a normal economic activity with our annual progress in the expansion of our production, of our plant and equipment, of our skill and our efficiency. There can be no question that this return will take place, and no responsible body will approach our problems on any other basis. Not one of us would submit to the charge that we were not prepared to bet against any odds upon the future of the United States. Our problem is to expedite this recovery—to speed up employment of our workers, and thereby find market for our farmers.

If we look at the national economic situation as a whole, the greatest impulse that can be given to recovery from any source whatever is a reduction of rates on primary commodities combined with the immediate resumption of railway construction and equipment. The first depends upon reduction of operating costs, the second upon restoration of credit for our railways.

One thing is absolute. Our transportation facilities are below the needs of our country, and unless we have a quick resumption of construction the whole community—agricultural, commercial, and industrial—will be gasping from a strangulation caused by insufficient transportation the moment that our business activities resume. For the past five years we have had no consequential expansion to our railway transportation machine. With but one interval of nine months in 1918 and 1919 we had a car shortage throughout the whole of the years 1916, 1917, 1918, 1919, and 1920. This shortage rose to as high as 160,000 cars, with a corresponding shortage of motive power. We paid tremendous sums in commercial losses and unemployment in consequence. We laid it onto the war. We should lay it onto our lack of foresight and antagonism to railroads.

Few people seem to realize the amount of expansion in our transportation machine necessary to keep pace with the growth of the country. And an equal few seem to have any notion of the price we pay for not having it. Our country is more dependent upon railway transport than any other. All others have comparatively greater coast lines and internal waterways. The experience of the 20 years before the war has shown that we must build an extension of lines, including terminal facilities, additional sidings, etc., every year equal to the construction of a new railway from New York to San Francisco. We must add at least 120,000 cars and 2,500 locomotives annually to our equipment. Since we entered the war in 1917 we have constructed at least 10,000 miles of railway less than our increasing population and economic development called for, and we are behind in rolling stock by about 4,000 locomotives and 200,000 cars. I wish to emphasize that unless we can have an immediate resumption of construction and equipment our commercial community will pay treble the cost of the whole of them in their losses of a single season. The very moment that we reach anything like normal business we shall see a repetition of car shortage, followed by an increase in the cost of coal to the consumer from \$1 to \$3

a ton; we shall again see premiums of 20 cents a bushel for the use of cars for moving grain; we shall, in fact, see a shortage of commodities to the consumer; and we shall see glut upon the hands of the producers. We shall see factories filled with orders again closed for lack of cars; we shall see large intermittency in employment; and we shall see the usual profiteering in commodities due to a stricture between the producer and consumer.

There would be no difficulty whatever, by basing such losses on the experiences we have already had, to calculate a loss to the American people of a billion dollars for each one of these periodic transportation shortages.

Furthermore, there is nothing that is so irrecoverable a loss to the Nation as idle shops and idle men. To-day we have both. There is nothing that will so quickly start the springs of business and employment as an immediate resumption of construction and equipment of the railways. When business does resume we shall need all of our capacity for the production of consumable goods. We shall not only find it strangled for lack of transportation, but we shall find ourselves plunging into the manufacture of this very railway equipment and construction in competition with consumable goods for materials and labor. Herein lies the basic cause of destructive price inflation and booms, with all their waste and overexpansion. In times of depression we should prepare for the future, and by doing so we can cure the depression itself.

If we examine the fundamental reasons for failure to resume equipment, we will find them in the loss of confidence in railways as an investment and the competition of tax-free securities. We have passed the period of credit strain in this depression. Surplus capital is pouring by hundreds of millions monthly into tax-free securities and foreign loans and yet our railways are unable to finance the most moderate of construction programs. The confidence of the public in railway investments was at so low an ebb before the war that finance by the issue of common and preferred stocks had become impossible and railway expansion was living on bond issues. The confidence of and assurance and continuity in earning power to cover this burden of bonds has been even lowered since the war began because of the uncertainties of both rising and falling prices, of rising and falling wages, of rising and falling rates, preventing all regularity of earnings upon which an investor could be convinced, even if no other difficult factors entered into the problem. I see no occasion to go into the labyrinth of past railway finance, its propriety or lack of propriety, its foolishness or its skill. That generation is gone by. This commission approaches the financial problems of the railways upon the actual value, not upon their issues of securities, and I take it we are living for the future, not the past. We want transportation and we want it with the values of private initiative and clean public service.

If we look to the immediate future, with its complete necessity of paring the railway earnings down to little more than bond interest, until we give relief to the shipper (and thus the primary foundation to business recovery), I can see little likelihood of convincing the investor as to his margins of safety. There is an atmosphere that our railways will never again earn profits, and that they are not as an industry worthy of investment, and that because private investors will not come to their assistance nobody can do anything.

Far from it being impossible for our railways again to return to a profitable footing, I believe it is possible to demonstrate that on an average they will become very profitable. If we assume that the reduction of prices and wage levels will settle at a plane no lower than 50 per cent over prewar, and if we assume that the present rates are to maintain, and if we assume restored traffic, then the earnings of our railways would exceed 15 per cent on the whole of the commission's tentative valuation. Surely there is room here for safety to investment as well as relief to the shipper.

But the circumstances being as they are, confidence being at a low ebb, we do not have the equipment necessary for our business. We are driving headlong for a setback to our whole commerce the very moment that we begin to get on our feet.

In these circumstances it seems to me vital that the railways as our greatest industry should propose a courageous program of broad-visioned betterments, and if necessary the Government should consider giving the use of its superior credit. It would not cost the taxpayer a cent to give the Government guaranty to equipment trusts upon the primary responsibility of the railways, the proceeds devoted entirely to improvement and equipment. This is no proposal to take money from the taxpayer. It is a proposal to save him from paying treble the amount of his guaranty in profiteering and losses. It will render a reduction of rates earlier, for unless something is done the improvements will have to be paid over years out of increased rates. Nor would we lose a cent upon the guaranty, for if American railways can not earn interest upon their borrowings let us throw up our hands and prepare for a second Russia.

A real program of construction would in its various ramifications give relief to five or six hundred thousand of our unemployed. It would enable even added numbers to increase their standard of living, and thus give increased market to the produce of our farmers. Our farmers who look to foreign markets for their surplus should stop to consider that our home consumption of meat decreased nearly 7 pounds per capita in 1921, mostly owing to unemployment, and that if this decrease could be overcome it would be worth more than a 35 per cent increase in exports.

We talk glibly of giving billions of credits to foreign countries to increase our farm exports. I wish to say, with all responsibility for the statement, that a billion dollars spent upon American railways will give more employment to our people, more advance to our industry, more assistance to our farmers, than twice that sum expended outside the frontiers of the United States, and there will be greater security for the investor.

Finally, I want to refer to the veritable witches' cauldron being fed constantly with hates distilled from the misdeeds of railway promoters in the past, from the conflicts between the railways and the farmers, between the railways and their workmen. From all the confusion that arises from it we destroy our railways and destroy ourselves. With this commission, on one hand, assuring honesty in finance, justice to the shipper and the railway investor, with the Railway Labor Board assuring justice to workers, and, above all, with a great spirit of public service in our generation of railway managers, it is time to call off the witches and take some vision of our national situation if we are to pull ourselves out of this depression.

RAILWAY RATES.

Before entering upon the question of readjustment of rates, I wish to set out some factors in the present economic situation that bear upon the entire question.

The following table shows a few commodities and service groups, compared to 1913 as 100:

Farm crops, at the farm	98
All animals, at the farm	92
Retail foodstuffs	150
Cotton, at the farm	136
Wool, at the farm	101
Retail clothing	313
Steel billets, Pittsburgh	113
Copper	86
Zinc	90
Pig iron, Pittsburgh	128
Bituminous coal, at the mine (estimated four districts)	160
Bituminous coal (retail various localities)	198-220
Yellow pine lumber (at the mill)	189
Douglas fir lumber (at the mill)	125
Lumber (retail) partly estimated	200
Cost of living, variously estimated from	162-180
Wage scales (approximate):	
Farm labor	135
Textile industries	210
Steel industries	150
Railways	200
Metal trades	218
Building trades	190
Coal-mining scales	173

This table at once demonstrates:

(1) The inequality in prices and wages between different groups of commodities.

(2) The great increase in spread between "producer's" and "consumer's" goods.

(3) The lag in wage scales.

As the population engaged in the "deflated" producer's goods—agriculture and metals, wood, etc.—comprises one-half the total in number of the Nation, their power to buy the same ratio of consumer's goods has been reduced to less than 70 per cent of prewar, and is the consequent cause of a large part of the industrial and commercial unemployment and stagnation in our cities and our transportation.

I wish to especially call your attention to the indicated enormous increase in spread between primary producer's and ultimate consumer's goods. In considering it, we must bear in mind that when we use 100 for both consumer's and producer's goods of 1913, we have already included the spread between producer and consumer at that period. I therefore believe that the index numbers indicate an increase of 100 per cent in the actual spread. It is right here where the most of our economic difficulties lie to-day. Our increased cost of manufacture and distribution bears two relations to the rate question—first, that the increase of rates from 30 per cent to 100 per cent in different commodities are part of it, and are in turn part caused by it; and, second, the increased rates bear very unequally on different groups in the community.

If we search for the cause of this increase of spread we shall find therein a vast complex of increased taxation, increased wages, rents, and a dozen items, all reacting upon each other, and also expressing themselves in increased cost of operating the railways. For instance, the total increase in national, State, and municipal taxes since 1913 is approximately \$5,640,000,000. At the present purchasing power of the dollar our total national productivity is probably somewhere around \$50,000,000,000, of which over 10 per cent must now be devoted to increased taxes. This sum of money must be obtained either from the producer or the consumer, and in any event a considerable part of the taxes contributes to widen the spread. Because the increase in spread due to taxes necessitates a spiral of increased wages, rents, etc., and before its force expends itself, my own opinion is that possibly 20 points in the distorted index number flows from increased taxes.

The increase of railway rates since 1913 in Class I railways, 1921, is about \$2,600,000,000, of which about \$1,400,000,000 are due to wage increases and about \$1,600,000,000 to tax increases. If our traffics were normal, the total increase of rates would be more like \$3,500,000,000. These sums enter into this increase in the spread and carry with them a further trail of increased living costs and again a spiral of higher wages, rents, etc., in all other branches of manufacture and distribution.

There are other causes of the increased spread, some of which will be mitigated with time.

No one can say to what particular table-land of prices and wages we may settle upon, but it is a certainty that the exchange value of producer's goods will not again line up with consumer's goods unless we can decrease the costs and eliminate the wastes of our whole manufacturing and distribution trades. And unless we can secure their nearer proximity we will retard a return of employment and prosperity.

I wish to digress for just a moment from railway to agricultural subjects, to point out that the recent projects for fixing farm prices by law are apparently founded on the notion that by raising agricultural prices up to the levels of consumer's goods we can remedy the extreme hardship of our farmers. Even if it be possible to raise the prices, much less advantage would accrue to the farmer than anticipated. Unless the "spread" is decreased by actual savings, the costs of manufacture and distribution would be at least partially increased by higher prices of producer's goods. The spread is fundamentally due to increased cost of manufacture and distribution, not to the fall in producer's goods. The real remedy is an attack upon the causes of the spread and thereby to bring consumer's goods down to the producer's buying power.

It is a certainty that in order to decrease the spread railway rates must come down, and for rates to come down costs of railway operation in wages and prices of supplies must be reduced. Until this adjustment is secured the economic machine will continue to move slowly. We can not and should not expect wages to come back to prewar levels. Many of our wage scales were too low in prewar times. They can follow down step by step with the cost of living, but there are permanent charges in this spread, such as the taxes, which will hold the cost of living above prewar levels. We must gain our other reductions in the spread by increased national efficiency.

THE METHOD OF READJUSTING RATES.

The involved complex of transportation rates was obviously originally based on some relationship to the value of commodities, mitigated by competition. In other words, the old slogan of "what the traffic will bear" had some economic background. But this entire conception of rate making was destroyed by horizontal raises. We have rates clearly beyond what the traffic can bear.

The increases in railway rates during the past five years have fallen with extraordinary inequality on different commodities and different groups of people in the community. The country grew up, its industries were distributed under ratios of costs between different commodities, ratios between raw materials and finished goods, ratios between the farm and city. These have all been distorted by the horizontal raises. The increases in rates since 1914, for instance, have added probably less than 1 per cent to the price of cotton goods on the average haul, but it has added probably 60 per cent to the price of coal. The increased rates since 1914 have added nearly 100 per cent to the cost of assembling the materials for pig iron.

All this artificially forcing our industry to move toward their raw materials. This does not alone represent the starting of a new factory; it is a movement of the whole mechanism of the community, labor, homes, schools, railways, and what not—an enormous duplication of plant and loss of capital. We will ultimately have the rates readjusted, and then we will destroy the new industries created under it.

Of equal importance there is a new economic light on this distortion of rates evident under the stress of the last few years. That is, the better realization that some increase of rates come mostly off the producer while others are paid by the consumer. Increases in spread between producer and consumer do not fall equally upon each of them. In primary commodities where the price is fixed by international competition the increase or decrease in rates is a deduction from the producer. Take wheat, for instance, the point of competition with foreign produce lies at Liverpool. The net to the producer is Liverpool less transportation and other handling charges. Therefore increases of rates are a deduction from the farmer's price. The same thing applies to the producer in certain cases of domestic competition. Also where there is rapid turnover, as in manufacture, and consequent ability to reduce supply, the consumer pays the freight, as processes of productivity will not continue below profit point. In most manufactured commodities the consumer pays the freight, for production quickly shrinks when prices at the factory become unprofitable and the price to the buyer is the factory price plus the freight. For instance, in hides the farmer gets the international price less freight. On boots he pays the manufacturer's cost, profit, and freight.

It appears to me that with the paralysis induced by the increased spread we have to take a broader vision of what part of the community is suffering most and direct such concessions through the railway rates as can be given to that group, if we would better equalize the whole economic load.

During the past eight months the railways have made many thousand readjustments of local rates in endeavoring to heal local distortions, but I am convinced that the whole railway rate structure needs a most systematic overhaul in the light of these new economic forces that have been brought into play. We obviously must maintain the average rate that will support our transportation systems adequately, and such an overhauling of rates might quite well mean the advancement of rates in certain commodities in order that compensation can be given to others where there is undue duress.

If I were to discuss the rates charged to-day I should say at once that a decrease in passenger rates is not nearly so vital to the community as freight rates, for passenger rates do not enter into the "spread" in proportion to the relative volume of earnings. If I were examining the freight rates I should at once say that coal, metals, wood, and agricultural and other producers' goods should be reduced to the bottom before l. c. l. and class rates are touched.

I would be willing to go even further and say that I am convinced that even if the commission can not at the present moment justifiably reduce railway incomes a single dollar it is warranted in investigating the possibility of some relief to the more distressed commodities by a revision of some rates upward. There is perhaps no great field for changes in this direction, but it is worth inquiry. As mentioned above, an economic analysis of our industry will show that l. c. l. and class rates are far too low compared to the rates on primary commodities.

With the gradual return of the traffic to normal, with decreased operating costs, relief in rates will be available, and it would be an economic crime to apply such relief by horizontal reductions to all rates thus giving relief to higher priced goods and travel, when the vital mainspring of our economic life, our agriculture, and fuel and metals are choked.

THE PRESENT RATE SITUATION.

Determination of anything in the nature of permanent rate basis is in my own view impossible at the present time because:

The last five years of changing administration, irregular traffic, and wildly fluctuating wages and prices of materials give us but little reliable historical criteria upon which to base the future. We are in the midst of violent economic readjustments, of a profound industrial depression. No one can determine to what plane the reduction in operating costs will settle. No one can estimate the volume of traffics that are probable for any particular period ahead. It appears to me, therefore, that the commission will need to temporize the situation for some time and that its conclusion may well fall into three periods:

First. The immediate present.

Second. During the early period of decreasing costs and increasing efficiency and slowly recovering traffics.

Third. Normal operations.

THE IMMEDIATE PRESENT.

If we survey the results of the past year in the application of present costs and rates we find many railways failing to earn interest upon their borrowed capital; we find some others more fortunately situated who have earned dividends on their share capital. One or two exceptions of low bonded indebtedness have done extraordinarily well on their share capital. If we survey the situation by districts, in order that single instances do not mislead us, we will find that the whole of the class 1, southern roads, barely covered bond interest, while the most fortunate group, the western roads, show an earning of only 4 per cent in 1921 upon tentative valuation. Moreover, it is obvious that maintenance has been held to a low level and new equipment and extensions practically nil.

The present earnings in their perilous closeness to bond obligations seem to me to dispose of the question of immediate important rate relief if we do not wish widespread receivership and shocks to our whole commercial fabric.

I believe there are cases where earnings could be increased by lower rates. I know that it is contended that such opportunities do not exist, but no one can review the testimony given here during the past few weeks without concluding that the rates in special instances are stifling business. These directions are perhaps not important in the whole problem of rates, but I am convinced that lower rates would

recover lost traffic, such as export coal, substitutions in building materials, gains in water competition, etc.

THE SECOND PERIOD—DURING 1922.

We must assume that those railway wages and supplies which are out of line will, at least in part, follow down to the levels of decreased cost of living; we must assume that the efficiency that is slowly emerging after the Government management will still further increase; we must assume that the volume of traffic will increase toward normal.

I have the feeling that the railways, being our greatest business, will agree that all these savings should be instantly devoted to relief in the rates on primary commodities in order that we should expedite the recovery that can only come through decreased spread between the producer's and consumer's goods.

I recognize that the uncertainty and slow reduction of rates in this fashion will itself delay business recovery, because of the uncertainty of business as to its future costs. If our railways were in position to stand the temporary shock, it would be infinitely better to drop the rates on primary commodities to-morrow—our business recovery would come faster. But we can not ask the impossible.

THIRD.

If we look further to normal times, we could make a rough calculation that present wages and costs at, say, 50 per cent above pre-war would show that the railways can earn somewhere around a billion five hundred million dollars in excess of the 6 per cent minimum upon tentative valuation. As I have stated, relief is first more critically needed in the rates on primary commodities.

Some estimates given to me indicate that approximately 35 or 40 per cent of revenues are involved in the groups more urgently needing relief. I think it will also bear calculation that in the income assumed above that primary commodities can eventually be reduced to pre-war rates and still place earnings upon a basis that will inspire such confidence in investors as will secure the free flow of investment capital into construction. It is not to be expected that capital for these purposes will be available at the rate that does not exceed the tax-free securities at least 2 per cent to 3 per cent.

EFFICIENCY OF RAILWAYS.

A great deal has been said about the inefficiency of our railway system. I do not sympathize with these statements. Comparison with foreign railways of the fundamental criteria of per ton-mile costs, train loading, etc., in the light of our cost of living will demonstrate that our railways are of higher standards, better in methods than others, and are growing in efficiency.

The consolidation of our railways into larger systems has been contemplated in our legislatures for some years past as a gain in efficiency. Its value can be overestimated; it is not a panacea for all trouble. It does give hope, however, of economy in further efficiency from more complete utilization of rolling stocks and terminals, some small degree of saving in overhead, saving in current inventories, but its probably great saving that would be decreased cost of proper finance, increased financial stability, and fuller independence from the supply companies.

It is probably unnecessary to refer to the question of Government ownership. No one with a week's observation of government railways abroad, or with Government operation of industry in the United States, will contend that our railways could ever be operated as intelligently or as efficiently by the Government as through the initiative of private individuals. Moreover, the welfare of its multitude of workers will be far worse under Government operation.

We are struggling with the great problem of maintaining public control of monopoly, at the same time maintaining the initiative of private enterprise. I believe that we are steadily progressing to solution.

Great social and economic problems find their solution slowly and by a process of trial and error. We have tried unregulated monopoly and have tried Government operation and found the error in them. We still have much to solve if we are to maintain our transportation. Much of this solution depends upon the successful initiative of the railways themselves, and much of the shaping of these matters lies fortunately in your able hands.

PRIORITY RIGHTS AND EXEMPTIONS FOR EX-SERVICE MEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, as I understand, under existing law the soldiers of the late war holding an honorable discharge have the privilege of having their service while confined in hospitals or while incapacitated by reason of wounds received in the service considered as commutation under the homestead law.

Mr. SINNOTT. The gentleman is stating it broadly.

Mr. STAFFORD. Now you seek to get a new classification as to what are described as regularly discharged from such service. Heretofore the privilege has been limited to those having an honorable discharge. What does the new phraseology "regularly discharged from the service" include in addition to honorably discharged soldiers?

Mr. SINNOTT. This would include honorably discharged soldiers.

Mr. STAFFORD. And who else?

Mr. SINNOTT. That is all.

Mr. STAFFORD. Under the present law they have that privilege to-day.

Mr. SINNOTT. The gentleman from Wisconsin misunderstands the law. Under the present law soldiers honorably discharged on account of disabilities in the line of duty are given

credit for the term of their enlistment in proving up on the homestead. However, they must reside for at least a year on the homestead. That credit is only given to those who are discharged on account of disabilities incurred in the line of duty. The soldiers who are not discharged on account of disabilities incurred in the line of duty but who afterwards are shown to have a disability incurred in the line of duty are not given that credit, and this is merely to extend the credit under section 2305 as amended by the act of February 5, 1919, to both classes. That is the purpose of the first section in the bill.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SINNOTT. I will.

Mr. NEWTON of Minnesota. The men who are discharged, but without a surgeon's certificate of disability, and who have since become disabled and that disability can be traced to service, would have the same privilege under this act as if given a surgeon's certificate at the time of discharge.

Mr. SINNOTT. The gentleman has correctly stated it, more so than I have.

Mr. NEWTON of Minnesota. Now, the words "extended to those regularly discharged from such service," as I understand, would take in any discharge which was regular; it might take a discharge from a draft or what is called a blue discharge, or an honorable discharge, and I do not know but what they would take in a court-martial discharge.

Mr. MANN. Could such a person receive compensation?

Mr. NEWTON of Minnesota. No; the soldier with a dishonorable discharge is not entitled to compensation.

Mr. MANN. If the Government discharges a man and then under the law pays him compensation for wounds received or disabilities incurred in service, why should not they give him the same right they give others?

Mr. NEWTON of Minnesota. I do not know but that the gentleman is correct in that.

Mr. MANN. That is all there is to it.

Mr. NEWTON of Minnesota. It seemed to me that the expression "regularly discharged" is rather novel and might open up an avenue for others to come in.

Mr. SINNOTT. But it is tied in with the award of compensation.

Mr. MANN. Do these men have to reside on the land at all?

Mr. SINNOTT. Yes; they have to reside on the land a year before they can prove up.

Mr. MANN. Is not the real purpose of a bill of this kind to permit these service men to file claims where land is opened and then sell out without any pretense of cultivating the land?

Mr. SINNOTT. No; not at all. It is to take care of those who are injured and who were not discharged on account of the injury, where it afterwards developed that the injuries were incurred in line of duty.

Mr. MANN. Of course, the western country, where the land is, is much more interested in it than any other place?

Mr. SINNOTT. Yes.

Mr. COLTON. May I not also suggest to the gentleman from Illinois that there are a number of cases where these soldiers had filed on the land prior to their having entered the Army, but the disability incurred in some cases did not develop until after their discharge; at least it was not connected with the service until after their discharge.

Mr. STAFFORD. They are receiving compensation by reason of that disability?

Mr. COLTON. Yes.

Mr. STAFFORD. The idea is to cover the special case of those where the injury developed after their discharge from the service?

Mr. COLTON. Yes.

Mr. STAFFORD. Because under existing law they have all those privileges to-day if the injury was incurred during the service.

Mr. COLTON. That is it.

Mr. SINNOTT. The second section of the bill provides for leave of absence for ex-service men who were furnished treatment by the Government for wounds received or disability incurred during the service.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the provisions of section 2305, Revised Statutes of the United States, as amended by the act of February 25, 1919 (40 Stats., p. 1161), so far as applicable to those discharged from the military or naval service because of wounds received or disability incurred therein, be, and the same are hereby, extended to those regu-

larly discharged from such service and subsequently awarded compensation by the Government for wounds received or disability incurred in line of duty.

SEC. 2. That the provisions of the act of September 29, 1919 (41 Stats., p. 288), entitled "An act to authorize absence by homestead settlers and entrymen, and for other purposes," be, and they are hereby, extended to those who, after discharge from the military or naval service of the United States, are furnished treatment by the Government for wounds received or disability incurred in line of duty.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF PUBLIC LANDS AT TENDERFOOT LAKE, WIS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2468) providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, let us know what this does.

Mr. BURTNESS. Mr. Speaker, the sole purpose of this bill is to make provision for the disposal of some lands supposed to be public lands near Tenderfoot Lake, in the State of Wisconsin. When the survey was made, some 50 or 60 years ago, it was erroneous, and the meander line of the lake and the shore line of the lake did not coincide. That leaves some land between the meander line and the shore line. People who have owned the land and who thought they owned the land up to the shore line of the lake have found out their land does not reach there. The department has recommended the adoption of this bill, having heretofore some two or three years ago ordered a survey to be made to determine just what public lands there actually are. This bill gives a preference right to the owners of the adjacent lands to purchase whatever lands may be found to exist there at \$1.25 an acre.

Mr. MANN. Are these lands now worth \$150 or \$200 an acre?

Mr. BURTNESS. They adjoin swamp land and are not supposed to be very valuable. Just what they are worth I can not say. The number of acres that could be purchased by each of the owners interested is relatively small. It would give to the adjoining owners access to the lake itself.

Mr. MANN. Is this lake a summer resort?

Mr. BURTNESS. One of the owners has some sort of a summer resort placed there nearby. I do not know whether you would call it a summer resort within the gentleman's meaning of the term or not. That would probably depend upon how much enjoyment the people who go there get from it.

Mr. MANN. As I understand it then, when this land was entered the Government had surveyed it and established meander lines which were not correct?

Mr. BURTNESS. That is it exactly.

Mr. MANN. And the people who entered the property supposed that they were entering land which extended to the shore of the lake. It subsequently developed that their lands, as found by the meander lines, did not extend to the lake. I had a case like that once in Florida, and was told that it was conclusively presumed that the land did extend to the shore of the lake, and the fact that there were pine trees on it 100 years old did not make any difference in the conclusive presumption.

Mr. BURTNESS. Apparently the gentleman in the Land Office who told the gentleman from Illinois that was unfamiliar with the decisions of the courts in the matter.

Mr. MANN. It was the head of the Land Office who told me that, after thorough investigation.

Mr. BURTNESS. At any rate that statement would be contrary to the decisions as they are set out in the opinions of the department at the present time. That is where the original survey was in fact erroneous.

Mr. MANN. That may be.

Mr. BURTNESS. The decisions are included in the report.

Mr. MANN. I am not saying that they were right then or are right now.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEENERSON. Mr. Speaker, reserving the right to object, in whose possession is this land between the meander line and the water?

Mr. BURTNESS. In the possession of the people who supposed they owned it.

Mr. STEENERSON. And it has been for how many years?

Mr. BURTNESS. Forty or more, I take it; from the time the land was first entered.

Mr. JONES of Texas. Reserving the right to object, have these men who own the adjacent land all of the land their deeds call for?

Mr. BURTNESS. The gentleman is probably familiar with the fact that a patent does not necessarily determine just what the acreage is in land they get from the Government.

Mr. JONES of Texas. They usually have the number of acres set out, do they not?

Mr. BURTNESS. Very often they do, but in many cases they may be either long or short.

Mr. JONES of Texas. Frequently there is an excess, but if these men do not get this lake-side land have they all of the land that their patents call for?

Mr. BURTNESS. I do not know as to that. As the gentleman says, sometimes there is an excess above the figures that may be given in the patent, and just as often there is not an excess but a shortage. There are but a few acres in this case. The principal purpose of the bill is to allow these people to purchase this land so that they may have access to the water, which they have had all of these years but without title thereto.

Mr. JONES of Texas. The thought I had in mind was this, that if these men had the land that the title calls for does the gentleman think we ought to sell them surplus land at less than its actual value?

Mr. MANN. If the gentleman had bought a piece of land from the Government which he and the Government thought extended to the shores of the lake, which right he considered valuable, he would want to get title if he found 3 or 4 feet between him and the lake.

Mr. BURTNESS. Of course, this bill does not give the land to these people, but gives them a preference right to purchase it. It is practically of but small value to anybody else except these owners unless somebody wanted to go in there through spite.

Mr. JONES of Texas. How many acres are there?

Mr. BURTNESS. There is approximately—

Mr. JONES of Texas. If it is a narrow strip, of course that would be entirely correct, but if there are several sections in there it seems to me like we are giving considerable advantage by letting them get it at the price they do. If I read the bill correctly, there are several sections.

Mr. BURTNESS. This strip, I understand, extends around the entire lake, and the total acreage of it is approximately 300 acres. The lake is a lake of considerable size. It has several surveyed islands within its limits, so that the gentleman can readily understand the size of it.

Mr. JONES of Texas. It is a very narrow strip?

Mr. BURTNESS. Yes; comparatively so.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That on the survey of any public lands found to exist within the area heretofore surveyed as Tenderfoot Lake, in sections 7, 8, 17, and 18; township 43 north, range 8 east, fourth principal meridian, in the State of Wisconsin, the owners of adjacent lands shall have a preference right to purchase such lands so surveyed for a period of 60 days after the filing of the official plats of such surveys, at \$1.25 per acre: *Provided*, That such privilege shall not extend to any lands so surveyed inuring to the State of Wisconsin under the act of September 28, 1850 (9th Stat., p. 519): *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to such lands or any part thereof.

SEC. 2. That the Secretary of the Interior is authorized to make all necessary rules and regulations to carry this act into effect.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BURTNESS a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING SECTION 237 OF THE JUDICIAL CODE.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1831) to amend section 237 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think this is a rather important bill and we should have some explanation. When this bill was on the calendar three weeks ago I was called out of the Chamber to a committee hearing and did not hear the explanation by the gentleman from Iowa or any reasons why the gentleman from Tennessee objected then to the consideration of the bill.

Mr. BOIES. The gentleman from Tennessee and I have looked up the law in regard to the point he had in mind when he objected on the last unanimous-consent day, and he assures me that he has no objection to interpose at this time.

Mr. STAFFORD. What is the real purpose to be sought by this legislation?

Mr. BOIES. When a person contracts in keeping with the law then in force, as declared by the supreme court of the State, he thus acquires a property interest that can not be taken away by a subsequent reversal by the supreme court of that State of its former holding. However, the supreme court of a State does sometimes reverse its former holdings without declaring the fact, and in such case, where vested property rights are affected adversely, the Supreme Court of the United States will right the wrong, if the question is properly presented. In order to have review by the Supreme Court of the United States the question must have been first claimed or the right asserted in the State court. This bill affords the remedy, and by making claim in a petition for rehearing in the State supreme court the Supreme Court of the United States will entertain a writ of error and correct any errors of the State court.

Mr. STAFFORD. Has the gentleman any estimate as to the number of cases that would be submitted to the Supreme Court when such provision as this has been the law during the last 10 or 20 years?

Mr. BOIES. I do not suppose there would be a case once in five years.

Mr. STAFFORD. I withdraw the reservation of objection.

Mr. LONDON. Will the gentleman yield?

Mr. BOIES. I will.

Mr. LONDON. Has the gentleman from Iowa any particular case in mind?

Mr. BOIES. No, sir. The question arose and we went to Chief Justice Taft to see if there was any objection on the part of the Supreme Court judges, and learned that there was none.

Mr. LONDON. At whose request was this legislation suggested?

Mr. BOIES. The legislation was inaugurated in the Senate. The bill was introduced by Senator CUMMINS, of my State, passed the Judiciary Committee there, passed the Senate, and has been reported by the Judiciary Committee of the House after consultation with members of the Supreme Court.

Mr. MANN. If the gentleman will yield, the gentleman from New York has the same curiosity that I have about this as to the nature of the proposition. I am informed there was a case in the Supreme Court of the State of Iowa where this provision might have been desirable under certain circumstances. That case was disposed of and this will not apply to it; but one of the judges of the Supreme Court of Iowa who took part in the decision of that case considered it important enough afterwards, when he was no longer a judge of the supreme court, to call attention to it, so it is not intended to apply to any particular case.

Mr. LONDON. I thank the gentleman.

Mr. WILLIAMSON. If the gentleman will yield, I am not entirely clear as to what the effect of this bill will be. As I understand it, the purpose of the proposed amendment is to permit an appeal to the United States Supreme Court from the decision of a State court reversing its former interpretation of a law under which contracts have been made in reliance upon such earlier decisions.

Mr. BOIES. Yes, sir.

Mr. WILLIAMSON. Afterwards the Supreme Court takes a different view of the law and reverses itself?

Mr. BOIES. Yes.

Mr. WILLIAMSON. Ordinarily the Supreme Court would say that the construction given has been so long in force as to have become a rule of property.

Mr. BOIES. It simply gives the party against whom the decision is rendered the opportunity of a review as to whether or not there is a violation of the Constitution of the United States.

Mr. WILLIAMSON. I understand that well enough; but what I am trying to get at is, would the appeal to the Supreme Court of the United States contemplated here have the effect of determining the question of whether or not the first ruling of the court, owing to the fact that it had been in existence for so long a time that it might be deemed to have created a rule of property and therefore any attempt to change the ruling would contravene the Constitution of the United States, or would it simply go to the question of whether the interpretation was itself erroneous?

Mr. BOIES. Not the interpretation. The Supreme Court of the United States would not question the interpretation.

The SPEAKER pro tempore. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I objected to the consideration of this bill when called up last week because the report was not exactly clear to my mind. Since then I have taken occasion to look into it, and I think the bill is all right and should be passed. I just merely wish to make that statement.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1831) to amend section 237 of the Judicial Code.

Be it enacted, etc., That section 237 of the Judicial Code is hereby amended by adding thereto the following:

"In any suit involving the validity of a contract wherein it is claimed that a change in the rule of law or construction of statutes by the highest court of a State applicable to such contract would be repugnant to the Constitution of the United States, the Supreme Court shall, upon writ of error, reexamine, reverse, or affirm the final judgment of the highest court of a State in which a decision in the suit could be had, if said claim is made in said court at any time before said final judgment is entered and if the decision is against the claim so made."

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BOIES, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELINQUISHING TITLE TO LANDS IN ALABAMA.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 2124) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (S. 2124) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama.

Be it enacted, etc., That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to all the lands now held under claim or color of title by individual or private ownership or municipal ownership and situated in the State of Alabama within the boundaries of sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama, whether or not patents issued therefor by the United States would be construed to include all the lands included within the boundaries of said sections.

The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JEFFERS of Alabama, a motion to reconsider the vote by which the bill was passed was laid on the table.

LAKE GEORGE, YAZOO COUNTY, MISS.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object—

Mr. COLLIER. I wish the gentleman would withhold his objection until I can make a brief statement.

This bill requires the nonnavigability of Lake George. It is a lake about 15 or 16 miles long, and I understand during the greater part of the year near the mouth the water is anywhere from 8 or 10 or 12 inches deep. The lake has never had any commerce on it going from a place in one State to a place in another State. I also understand that practically no boats have ever sailed up and down the lake except small gasoline boats, in extreme high water. These boats were not running on schedules but simply taking special trips as occasion demanded and high water would permit. You will find from the report made by the engineers where they found 18 feet of water at one time. I understand that in the lake water may be deep enough to float a steamboat and at the same time a skiff could hardly enter the lake at its mouth, which is the only entrance. I have a number of pictures accompanied with affidavits, made on the 21st of October last, showing cattle feeding over part of that place where they doubtless found that 18 feet of water. If they had gone at that time to the right or left for a number of miles, during that overflow I have little doubt they would have found 6, or 8, or 12 feet of water.

Mr. MANN. It says it has a minimum depth of 15 feet.

Mr. COLLIER. I would like to show the gentleman from Illinois the photograph.

Mr. MANN. I would not undertake to pass upon a photograph of that kind. If the War Department say that they have found 18.4 feet of water there, I assume it is true. If the situation is changed, then you should get a further report from the War Department.

Mr. COLLIER. The time the War Department reported the 18 feet of water was in December, 1920, when I suppose they had a big overflow in that section of the country. I hold up here a picture, sworn to, that was taken on the 21st day of October last, and the affidavit says in less than 100 yards of the entrance to this lake there is less than 12 inches of water. Now, the reason for declaring this nonnavigable is because the people living in that section of the country raise crops nearly every year in the bed of this lake. They are more interested in a road than in an occasional gasoline boat going up into that lake. That county has spent a great deal of money recently in the building of roads, and they want to build some bridges across this lake.

Mr. MANN. They have built a bridge.

Mr. COLLIER. They have one bridge there.

Mr. MANN. Of course, without getting authority. Do they want to build more?

Mr. COLLIER. I understand they do.

Mr. MANN. There is nothing in the report to indicate that. They have built a bridge without getting the authority required by law. If that bridge was to be interfered with, I think there would be very strong reason for this bill, perhaps. The War Department says that the bridge will not be interfered with in any way whatever.

The SPEAKER resumed the chair.

Mr. COLLIER. I have statements from practically all the landowners who own the bed of the lake, and they are all more interested in building bridges and good roads than they are in an occasional gasoline launch when high water is there going up or down the stream. Again, I am informed by people who live there that during the high-water stage the water is so high on the approaches to that bridge that has already been built there that gasoline boats could go around that bridge. But the navigability of this stream occurs only in extremely high water.

Mr. MANN. Now, here is a piece of water which at one time, a year ago, had considerable depth to it. The local authorities have built a bridge which, I judge, interferes with the moving down the stream of timber owned by a local mill concern, which has made protest against the bridge.

A hearing has been had upon that matter. The bridge having been built without obtaining authority, as required by law, now the War Department say, notwithstanding that fact, that they do not propose to interfere with this bridge, and I suppose they have that authority. But it may be, for anything that we can see, that the people who are using this lake to float down lumber are entitled to some rights there. It may be quite possible to float down logs there or lumber at certain seasons of the year without interfering with anybody. I do not see what the purpose of this bill is, unless it is the fear of these bridge authorities that the Government will interfere with the bridge.

Mr. COLLIER. The purpose of this bill is to get rid of the annoyances of the Federal Government on the lake, where the Federal Government has never spent a dollar and has never been asked to spend a dollar, and never in the past was expected to spend a dollar, and never will be expected in the future to spend a dollar; to have them stop all kinds of suggestions as to putting a draw in little bridges that are needed where the expense of a draw is not justified.

This is in a section of the country where some years ago objection to this bill might have been valid, because then there were no railroads, but now there are railroads on both sides of this lake, which is nothing more nor less than a very large bayou; which, I understand, runs one way when the water is low and another way when the water is high, and is only navigable when a great deal of the surrounding country upon which crops are produced is navigable. On the bed of this lake hay crops and other crops are harvested, and the citizens own that land to the middle of the lake. The reason why they built the bridge without consulting authorities was perhaps because they had no idea, until complaint was made, that that stream was ever considered a navigable stream. In fact, I have never been able to find out what constitutes a navigable stream. I have inquired concerning it, but I have never found any proof of it. It has been asserted that a navigable stream is one for which an appropriation has been made. But I do not believe that determines it.

Mr. MANN. We can not determine what is a navigable stream except from the standpoint of legislation. That is left for the courts in the end to determine. But here is the report of the engineers, which says:

As the waterway in question is evidently a navigable water of the United States which may at some future day usefully serve commerce, it is my view that the proposed legislation is unnecessary, and that, from the standpoint of public interests, the passage of the bill for such a purpose and under such circumstances would be a harmful precedent and should be opposed.

Now, in the light of that and from the statement of the War Department that the bridge that has been built is not to be interfered with, I can not see why gentlemen persist in asking for the passage of this bill.

Mr. COLLIER. In case of building bridges in the future they feel that the present commerce is worth more to them than some indefinite future commerce, and when the Federal Government sends engineers, as it occasionally does, to pass on a \$5,000 or \$6,000 or \$15,000 bridge in a sparsely settled community, and they want to put in a draw that will cost more than the bridge itself, it just means that so far as the bridge is concerned it is not going to be built.

Mr. MANN. If that were the situation I would be with the gentleman. I do not believe there is any occasion for constructing an expensive draw, or any draw, in a bridge there. But that is not the case here presented. If that case should arise I would be happy to join with the gentleman in eliminating any draw provision.

Mr. COLLIER. My information is that they wish to build several bridges lower down.

Mr. MANN. There is no provision requiring a draw in these bridges.

Mr. COLLIER. Yes; but each one of these bridges will have to come up for review by the War Department. They change engineers every few months or so at Vicksburg. We do not know what their future decision will be. To call this stream a "navigable stream" is ridiculous. It is a stream that for half of the year you can jump across a great part of it.

Mr. MANN. There have been navigable streams where the principal object was to construct a roadway along them at the proper season.

The SPEAKER. Is there objection?

Mr. MANN. I object.

By unanimous consent, Mr. COLLIER was granted leave to extend his remarks.

The SPEAKER. The Clerk will report the next bill.

WENATCHEE NATIONAL FOREST, WASH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire what is the policy of the Government in taking tracts of land outside of present boundaries and enlarging forest reserves by paying with the timber that may exist on other lands or parts of the reserve? I notice from the report that it is the purpose to take in 218,000 acres outside of the present reserve, and that the present reserve comprises only something like 70,000 acres. I wished to direct an inquiry of the gentleman from California when the prior bill was under discussion as to what the purpose and policy are.

Mr. WEBSTER. The purpose is for reforestation.

Mr. STAFFORD. I know; but I want to get from the gentleman the reason for expanding the forest reserves, increasing their acreage fourfold, and permitting the department to keep on purchasing additional land, because that is what we are doing, virtually; or if not purchasing it with like land, then with timber.

What is the idea of the Forest Service in enlarging the forest reserves in that way? Here the report shows, if I am not mistaken, that the present area of the forest reserve here is something like 70,000 acres. It is proposed to take in 218,000 acres outside of the present boundaries, making a total area of 288,000 acres, and we are going to buy the additional acreage with lumber. What is the policy?

Mr. WEBSTER. I should be glad to have the chairman of the Committee on Public Lands define the policy of his committee in that respect. I do not feel authorized to do it.

Mr. STAFFORD. For instance, on the prior bill, relating to Shasta, it was proposed to take in 500,000 additional acres in the reserve, to purchase it, as I say, by the Government, either

by exchange of lands or by timber that is now growing on the land. What is the limit beyond which the Forest Service may not go in expanding the forest reserves, so that they will not include everything in the State?

Mr. SINNOTT. They are limited by the lands described in the bill.

Mr. STAFFORD. Oh, yes.

Mr. SINNOTT. Of course, their purpose is to take into the forest the lands that adjoin the forest, some of them cut over, some of them containing timber, the cut-over lands being all of potential forest value. The Government may obtain them very cheaply, and they will grow another crop of timber. Before these forest reserves were created a great deal of this land went into private ownership, so when the Government created the forest reserve it had to draw its lines so as not to include lands in private ownership. Their purpose is to straighten out the lines of the forests, consolidating the land in Government ownership.

Mr. STAFFORD. Who determines, for instance, in the Shasta proposed extension, or in this proposed extension, the demarcation of the outside lines of the acreage that is going to be included ultimately in the forest reserve?

Mr. SINNOTT. The Forest Service will determine that.

Mr. STAFFORD. Oh, no. Some person initiates it. Who determines the extent of the territory covered by these various bills? The bills do not originate with the Forest Service.

Mr. SINNOTT. Does the gentleman mean the descriptions here?

Mr. STAFFORD. As to the outside or exterior lines.

Mr. SINNOTT. The Forest Service determines that.

Mr. MANN. This bill refers only to excepted lands within the present exterior limits of the forest.

Mr. STAFFORD. I do not so understand it. I think the gentleman is mistaken. The report shows that it is not limited to those lands. As far as those lands are concerned, there are only 77,000 acres, and section 2 extends to lands outside involving an acreage of 218,000 acres.

Mr. MANN. Yes; but it specifies those.

Mr. WEBSTER. It specifies those.

Mr. STAFFORD. It specifies those, but I am trying to find out who was the originator of the idea as to the extent to which these borders may be enlarged.

Mr. SINNOTT. I do not know, as to this particular bill.

Mr. STAFFORD. As to some of these other bills?

Mr. SINNOTT. The Forest Service inaugurates the matter, and sometimes the private owners in conjunction with the Forest Service. It is for their mutual benefit.

Mr. WEBSTER. The gentleman will understand that the question how it is to be extended is provided for in this bill, and Congress determines it.

Mr. STAFFORD. But this bill did not originate in the Forest Service.

Mr. WEBSTER. It goes to the Forest Service for their approval. They check over the descriptions, and they have done so in this case.

Mr. MANN. I think all these bills originate with somebody in the Forest Service, practically.

Mr. WEBSTER. Surely.

Mr. STAFFORD. That is the information I desired to get. I question the policy of purchasing additional lands merely for the purpose of increasing the size of the forest reserves in the States.

Mr. WEBSTER. This is not for that purpose. This involves a policy defined by the Forest Service itself, and these purchases are approved by the Forest Service, every one of them.

Mr. STAFFORD. I withdraw the reservation of objection.

The SPEAKER. The reservation is withdrawn. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of the Wenatchee National Forest if, in the opinion of the Secretary of Agriculture, the lands are chiefly valuable for national forest purposes and if the public interests will be benefited thereby and the lands or timber to be exchanged are of approximately equal value, and in exchange therefor may issue patent for not to exceed an equal value of any national forest land within the State of Washington, or the Secretary of Agriculture may give the right to cut and remove an equal value of timber from any national forest in the same State, the values in both cases to be determined by the Secretary of Agriculture and acceptable to the owner or owners as fair compensation, considering any reservations which either the grantor or the Government may make of timber, minerals, or easements. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national

forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Wenatchee National Forest.

Mr. SINNOTT. Mr. Speaker, I desire to offer an amendment to section 1, which has just been read. By mistake the printed bill does not contain all of the committee amendments in section 1. I move to strike out the word "if" in line 8.

The SPEAKER. The gentleman from Oregon offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 1, line 8, strike out the word "if."

The amendment was agreed to.

Mr. SINNOTT. Mr. Speaker, in line 9, on page 1, and line 1, on page 2, I move to strike out the words "and the lands or timber to be exchanged are of approximately equal value."

The SPEAKER. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Speaker, let the amendment be reported.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: On page 1, line 9, and on page 2, line 1, after the word "thereby" strike out the words "and the lands or timber to be exchanged are of approximately equal value."

Mr. STAFFORD. What is the purpose of the gentleman in offering that amendment?

Mr. SINNOTT. That language is not necessary. It is a repetition. It is already in the bill.

Mr. STAFFORD. The report states that it is a repetition, but will the gentleman point out where?

Mr. SINNOTT. In line 5, on page 2.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will continue the reading of the bill.

The Clerk completed the reading of the bill, as follows:

SEC. 2. That any lands within the following-described areas not already within the Wenatchee National Forest, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or for the protection of stream flow, shall be subject to the provisions of this act and may, upon conveyance to the United States, or if a part of the public domain, be included within and made part of the Wenatchee National Forest by proclamation of the President, namely: Township 20 north, range 13 east, west half of township and sections 1, 3, 10, south half of 14, 15, 22, 23, 25, 26, 27, 34, 35, and 36; township 20 north, range 14 east, sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, south half of section 29, south half of section 30, sections 31, 32, and 33; township 20 north, range 15 east, sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15; township 21 north, range 15 east, sections 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, north half of 26, 28, 29, 30, 31, 32, 33, and 34; township 20 north, range 16 east, sections 1, 2, 3, 7, south half of section 8, north half of sections 11, 12, 15, 16, 17, 18, 19, 20, 21, north half of section 22; township 21 north, range 16 east, sections 4, 7, 9, 10, 15, 18, 19, east half of section 21, 22, 27, east half of section 28, 30, east half of section 33, and 34; township 20 north, range 17 east, sections 4, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, north half of section 18, 25, 26, 35, and 36; township 23 north, range 18 east, sections 3, 4, 5, 6, 7, 8, 9, 17, 18, 20, 23, 24, 25, 26, 35, and 36; township 24 north, range 18 east, sections 30, 31, 33, and south half of section 34; township 20 north, range 19 east; township 22 north, range 19 east, sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, and south half of township; township 23 north, range 19 east, sections 19, 30, 31, 32, 33, 34, and 35; township 25 north, range 19 east; township 26 north, range 19 east; township 27 north, range 19 east; township 20 north, range 20 east; township 21 north, range 20 east, sections 6, 7, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36; township 25 north, range 20 east, sections 5, 6, 7, 8, 16, 17, 18, 19, 20, and 21; township 26 north, range 20 east, sections 1 to 16, inclusive, 21 to 27, inclusive, 30, 31, 32, 35, and 36; township 27 north, range 20 east; all Willamette principal meridian.

The following committee amendments were read:

3. On page 2, lines 6, 7, and 8, change the comma following the word "compensation" to a period and strike out these words following immediately thereafter: "considering any reservations which either the grantor or the Government may make of timber, mineral, or easements" and the period.

4. On page 2, line 23, change the word "may" to "shall."

5. On page 2, line 23, after the word "upon," insert the words "the acceptance of the."

6. Page 2, line 24, after the words "United States" and before the comma following them, insert the words "become a part of the said national forest."

7. On page 2, line 25, strike out the comma after the word "domain" and insert in lieu thereof the words "may upon the concurring recommendation of the Secretary of the Interior."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBSTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS HEADWATERS OF MOBILE BAY.

The next business on the Calendar for Unanimous Consent was the bill (S. 2994) to revive and reenact the act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a

corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island, in Baldwin and Mobile Counties, Ala.," approved October 5, 1917.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, the report on this bill is so lengthy [laughter]—

Mr. HUDDLESTON. Quite to the contrary.

Mr. MANN. It is worse than that. [Laughter.] I took the trouble to read the report made by the distinguished gentleman from Alabama, and it is shorter than any report I ever saw of that character. It seems that the bill passed the Senate without any report, and I suppose it will pass the House without any report.

Mr. HUDDLESTON. Will the gentleman from Illinois allow me to say that this is the same perfunctory report that is made every day on all of these bridge bills?

Mr. MANN. I do not think I ever saw one as short as this report.

Mr. HUDDLESTON. The reports are prepared by the clerk.

Mr. MANN. I was a member of the Committee on Interstate and Foreign Commerce for many years, and I always prepared my own reports. I think it would be a very good thing if Members of this House, who are paid \$7,500 to be legislators, were to understand that it was their business when making a report to make the reports instead of leaving it to a clerk who gets \$2,500 a year.

Mr. HUDDLESTON. The suggestion which the gentleman from Illinois makes is an excellent one. I would heartily devote much of my time to writing reports on these little, trifling bills if I did not have something more important to do.

Mr. MANN. The gentleman may have something more important, but I think it is important for a man in this connection to attend to the work for which he is selected, and when appointed on a committee to attend to the committee work instead of attending to things that may be more important to him but not to the country.

Mr. HUDDLESTON. I will endeavor to explain to the gentleman if he wishes what this bill proposes to do.

Mr. MANN. I do not desire any information. I remember the original bill, and I have got hold of the report on the original bill, and doubtless can give the gentleman more information than the gentleman has himself.

Mr. HUDDLESTON. I will cheerfully give way to let the gentleman give that information to the House. I confess that I do not know all about the bill.

Mr. WALSH. Will the gentleman from Alabama state what he does know about it.

Mr. HUDDLESTON. This bill is to extend the time for the construction of a bridge across a portion of the mouth of Mobile River as a part of the construction of a line of railroad from Pensacola to Mobile. The original bill was passed in 1917. Due to the financial condition of the country, the parties have not been able to finance the enterprise up to this time. They want a little more time. The citizens in that locality and along the line of the railroad are anxious that it shall be built. It will not interfere with navigation on the river in the slightest. There is no opposition from any source that I know of. The bill was referred to the War Department and no objection expressed. The grantee of the license is the Gulf Ports Terminal Railroad Co., a corporation existing under the laws of Florida. The bridge will not be in any sense an obstruction to navigation. In point of fact, it does not touch the navigable portion of Mobile River.

Mr. WALSH. Are these parties financially able to begin the construction of this bridge within a year and complete it within three years?

Mr. HUDDLESTON. That is a detail that I am not able to give, but I assume that they are from the representations that have been made.

Mr. WALSH. I do not think we ought to reenact this provision unless we have some assurance that the parties will build it.

Mr. HUDDLESTON. The parties say that they do intend to begin it and complete it within the time.

Mr. WALSH. Complete it within the three years?

Mr. HUDDLESTON. Certainly; otherwise it would be useless to seek the extension.

Mr. WALSH. The gentleman says that this has been referred to the War Department?

Mr. HUDDLESTON. It has. Let me say that if we required all the people who want to build bridges to have the cash for

construction in hand before making application for permission to do so Congress would grant very few licenses to build bridges.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved October 5, 1917, authorizing the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct, operate, and maintain a bridge or bridges and trestles over and across the navigable channels of the mouth of Mobile River from Bay Port, in township 4 south, range 2 east, on the east shore of the waters of Mobile Bay, in Baldwin County, Ala., on a direct line, to a point on Blakely Island, in Mobile County, on the east shore of Mobile River, opposite the municipal docks of the city of Mobile, Ala., at a point or points suitable to the interests of navigation, be, and the same is hereby, revived and reenacted: *Provided,* That this act shall be null and void unless the actual construction of the bridge or bridges and trestles herein authorized be commenced within one year and completed within three years from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

HAWAII NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill H. R. 8690, to add a certain tract of land on the Island of Hawaii to the Hawaii National Park.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the tract of land on the island of Hawaii, in the Territory of Hawaii, set aside for park purposes on the 29th day of October, 1920, by executive order No. 81 of the governor of the Territory of Hawaii, and hereinafter described, is hereby added to and made a part of the Hawaii National Park. Said tract of land is described as follows, to wit:

All that tract of land comprising a portion of the Kau Desert, Kapapala, in the district of Kau, on the island of Hawaii, containing 43,400 acres, more or less, bounded as follows:

Beginning at a galvanized-iron nail driven into the pahoehoe at the northeast corner of this tract of land, at a place called Pali-lele-o-Kalihipaa, and on the boundary between the lands of Kapapala and Keauhou, the coordinates of said point of beginning referred to Government survey trigonometrical station Uwekahuna, being 26,010.4 feet south and 9,932.4 feet east, as shown on Government survey registered map No. 2388 and running by true azimuths: First, 350 degrees 43 minutes, 30,023 feet along the land of Kapapala to a point at seacoast; second, thence in a west and southwesterly direction along the seacoast to a station on a large flat stone, at a place called Na-Puu-o-na-Elemakule, at the seacoast boundary point of the lands of Kapapala and Kaalaala, the direct azimuth and distance being 60 degrees 34 minutes 30 seconds, 32,043 feet; third, 89 degrees 27 minutes 30 seconds, 30,690 feet along the land of Kaalaala to the main 1868 lava crack, said point being by true azimuth and distance 296 degrees 27 minutes 30 seconds, 2,100 feet from Government survey trigonometrical station Puu Naahaia; fourth, thence up along the main 1868 lava crack, along the Kapapala pastoral lands to a small outbreak of lava from the 1868 lava crack, opposite the Halfway House, the direct azimuth and distance being 198 degrees, 32,550 feet; fifth, 230 degrees 25 minutes, 27,615 feet along the Kapapala pastoral lands to the west boundary of the Kilauea section, Hawaii National Park; sixth, 346 degrees 20 minutes, 6,742 feet along said west boundary to a small cone; seventh, 282 degrees 50 minutes, 19,150 feet along the south boundary of said Kilauea section, Hawaii National Park; eighth, 231 degrees 50 minutes 30 seconds, 5,430 feet along said south boundary to the point of beginning.

SEC. 2. That the provisions of the act of August 1, 1916, entitled "An act to establish a national park in the Territory of Hawaii"; the act of August 25, 1916, entitled "An act to establish a national park service, and for other purposes," and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided,* That the provisions of the act of June 10, 1920, entitled "An act to create a Federal power commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

The SPEAKER. The Chair would call the attention of the author of the bill to the fact that, on line 13, page 2, the word "first" is misspelled, the "s" having been omitted.

Mr. CURRY. Mr. Speaker, I ask unanimous consent that the word be correctly spelled.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SEQUOIA NATIONAL PARK, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7452) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILLIAMSON. Mr. Speaker, reserving the right to object, I call the attention of the author of the bill to page 8 of the bill and the committee amendment appearing thereon, reading as follows:

Provided, That no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits of said park as herein constituted, shall be granted or made without specific authority of Congress.

Ought that not to be further amended by adding to it a proviso as follows:

Nor shall any dam be so constructed outside of said park as to dam up any streams flowing therefrom in such manner as to cause flooding of any part of said park.

Mr. BARBOUR. You could not do that. The physical conditions out there are such that a dam built outside would not flood the area inside the park.

Mr. WILLIAMSON. If those are the physical conditions, I have no objection to the proviso as it stands, but otherwise I think it should be amended.

Mr. BARBOUR. The streams in that particular section are precipitous. They run down rapidly to the valleys and the lower hills.

Mr. WILLIAMSON. I withdraw my reservation of objection.

Mr. MANN. Mr. Speaker, reserving the right to object, whose idea was it to stick a general law relating to all parks in this bill, which relates only to Sequoia National Park?

Mr. BARBOUR. The general law applies to parks existing at the time the law was passed. The gentleman refers to the so-called Jones-Esch Act?

Mr. MANN. I refer to section 5, which proposes to repeal a general provision of law relating to all parks in a bill that relates to a particular park. Section 5 provides as follows:

SEC. 5. That the act of June 6, 1900 (31 Stats., p. 618), so far as the same applies to the use or employment of United States troops in any national park is hereby repealed.

What place has that in this bill?

Mr. BARBOUR. I will tell the gentleman why that was put in. There has been a great deal of trouble with troops in national parks.

Mr. MANN. Why does that make it pertinent to this bill?

Mr. BARBOUR. The park service has advised me that it is not using troops any more, and does not intend to use them in the parks.

Mr. MANN. What has that to do with the question that I am asking? Why endeavor to stick in a bill relating to a particular park a provision relating to all parks?

Mr. BARBOUR. It makes absolutely no difference whether it is in there or not.

Mr. MANN. It makes a difference to me.

Mr. BARBOUR. I mean in the general results. They do not use troops any more in the parks. At the time the bill was originally drafted that was a vital question, and at the present time it is not.

Mr. SINNOTT. This act specifically refers to the Sequoia Park, authorizing the Secretary of War upon the request of the Secretary of the Interior to assign troops for the protection of the Sequoia Park, the Yosemite, and one or two others.

Mr. BARBOUR. Personally, I would state to the gentleman from Illinois that I thought it would be a good thing to repeal that law.

Mr. MANN. That may be. I know it has no business in this bill, however. A man looking up the law—and there are a good many men here who never look up the law, although some do—would not ever expect to find a provision of that sort under the title of Sequoia National Park.

Mr. BARBOUR. My idea in the first place was to provide that troops should not be used in this particular park. Upon talking with the park authorities they stated they were not using the troops in any of the parks any more, and did not intend to use them, because of the continual friction between the troops and the tourists. So it was my idea that resulted in putting this provision in the bill. I accept full responsibility for it, although I now state to the gentleman that in my opinion it makes absolutely no difference if the provision goes out.

Mr. MANN. Here is the situation about that: We are not using the troops in the park now. We did use them.

Mr. BARBOUR. They did some good work.

Mr. MANN. The general law provides that they may be used. The park service has been able to get Congress to appropriate the money to do this work without the use of the troops.

We still appropriate money for the maintenance of troops, just as we duplicate that with an appropriation for the benefit of the parks. Being a park man myself, I vote for all appropriations for parks, but we do not know whether it might not

be desirable to have troops in some of those parks instead of having the service run solely by civilians in our readjustment of our military and naval affairs.

Mr. BARBOUR. I readily understand that conditions might arise in which troops could be used in the parks. They have had them there for police purposes, but there was continual friction between the troops and tourists.

Mr. MANN. There is continual friction between the park authorities and some tourists at all times and always will be, because they are not wholly reasonable, I suppose.

Mr. BARBOUR. I have known of some friction myself.

Mr. MANN. I do not think there ought to be in a provision for a particular park a general provision of law relating to all parks. It seems to me it is a very bad form of legislation. Of course, we sometimes stick things in where nobody can find them.

Mr. BARBOUR. I will say to the gentleman I have no intention of that kind so far as I am personally concerned. I am perfectly willing for the bill to be amended, because I do not think it makes any material difference whether it is in there or not in view of the present policy of the park service.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. FROTHINGHAM. Do I understand they do not mean to keep troops in any parks?

Mr. BARBOUR. I understand the policy of the park service is not to use troops for patrolling any park.

Mr. FROTHINGHAM. Does that include the Yellowstone Park, where we have a regular military force?

Mr. BARBOUR. I understand not now.

Mr. FROTHINGHAM. How are they going to protect people in the parks?

Mr. BARBOUR. Rangers.

Mr. FROTHINGHAM. They are run under the Forest Service?

Mr. BARBOUR. No; the park service—park rangers. They are similar to the forest rangers.

Mr. FROTHINGHAM. They are armed?

Mr. BARBOUR. Yes.

Mr. FROTHINGHAM. They can shoot down these bear and other animals that are apt to attack people?

Mr. BARBOUR. Yes.

Mr. FROTHINGHAM. I ask the question because once when I was camping in the Yellowstone Park a grizzly bear came and chewed up and almost killed two of the guides.

Mr. BARBOUR. And the gentleman was not permitted to bear arms in the park?

Mr. FROTHINGHAM. The two guides were not permitted to bear arms in the park and visitors are not permitted to bear arms in the park. I think it is very important for the protection of those people who go into the park, and who are in fact invited by the Government to go into the park, that they be protected so they can camp there in safety and not be laid open to attack by a grizzly bear.

Mr. BARBOUR. I heartily agree with the gentleman.

Mr. FROTHINGHAM. And it is probably due to the fact that the black bear and the cinnamon bear and grizzly bear are fed at the hotels, as anyone who has been in the park knows, on swill and other material that they become used to people and seem more liable to attack people. I remember after this occurrence coming back and going to Oyster Bay to lunch with Col. Roosevelt. It was after he had left office, and I came on here and tried to get Mr. Lane to do something, either to allow guides to carry arms in the parks to protect parties they carried in there or in some other way to protect those people. After this attack occurred we sent to the nearest post and got a soldier to come out there, and he stayed all night. Col. Roosevelt was particularly interested, because it established a theory he had always maintained, but which other people—naturalists and others—did not agree to, namely, that the grizzly bear will attack a person without provocation and without being wounded.

Mr. SINNOTT. I will state to the gentleman the custom now is, when they go to watch the bears feed, to have two rangers go along with rifles ready to shoot. It was last year when I was there.

Mr. FROTHINGHAM. Well, has the gentleman any information as to the number of people killed by bears in those parks or wounded by them?

Mr. SINNOTT. No; I have not.

Mr. FROTHINGHAM. It would be very interesting. My wife was with me, and it is a wonder we were not both killed. But the bear went off in the woods; I do not know why. A month after that I read in the paper that a man who was sleeping under a truck in the park had been pulled out and

killed by a grizzly bear. I would like to know how often that occurs. That is why I was interested in knowing whether they were going to take men with rifles from these parks.

Mr. BARBOUR. I understand that the forest rangers are sufficient to patrol the park, and they are fully armed.

Mr. FROTHINGHAM. I am glad to know it.

Mr. JOHNSON of Washington. We are not getting confused between forest rangers and park rangers?

Mr. BARBOUR. I am not.

Mr. JOHNSON of Washington. And this is about park rangers?

Mr. BARBOUR. About park rangers.

Mr. JOHNSON of Washington. What is the total proposed area of the park?

Mr. BARBOUR. About 1,100 square miles.

Mr. JOHNSON of Washington. How does that compare with the size of the State of Massachusetts?

Mr. BARBOUR. Massachusetts is very much larger than that.

Mr. JOHNSON of Washington. This is about one-fourth of the size of Massachusetts?

Mr. BARBOUR. I should say about one-sixth.

Mr. JOHNSON of Washington. At any rate, the size is large enough so that no ordinary force of park rangers would be able to cover it at all?

Mr. BARBOUR. There is no need of park rangers in all portions of the park all the time, like a police force in a city.

Mr. JOHNSON of Washington. What does the gentleman think about section 4? It provides:

That no exclusive privilege shall be granted within said park, or over the roads and trails therein, except on ground leased for the erection of buildings or camps thereon.

Is it not intended that there should not be exclusive rights?

Mr. BARBOUR. I think it is.

Mr. JOHNSON of Washington. Then why should we have the section to which I have referred?

Mr. BARBOUR. All the concessions in the parks, I understand, have been let under long-term contracts. Personally, I am opposed to exclusive privileges in the parks, such as are now granted.

Mr. JOHNSON of Washington. How are we ever going to get rid of them?

Mr. BARBOUR. By amending the general park act, I suppose.

Mr. JOHNSON of Washington. That is not easy to do. Here we are proposing to take a park and enlarge the size of it and provide that there shall be no exclusive privileges, and that means no coaches run by a corporation, driving up and down the roads, and no eating houses along the route.

Mr. BARBOUR. Oh, yes. There is an exception made there, on the ground leased for buildings or camps.

Mr. JOHNSON of Washington. So it is proposed to have some concessions?

Mr. BARBOUR. The provision is that they can lease not to exceed 10 acres.

Mr. JOHNSON of Washington. Does the gentleman think there will be exclusive rights given for the sale of photographs?

Mr. BARBOUR. On a particular 10 acres there may be, but on another 10 acres they can have the same kind of concession.

Mr. JOHNSON of Washington. I make the prediction that the gentleman is making his park entirely too large and run by a small number of laws and a handful of regulations, and he will regret that he enlarged the park.

Mr. WALSH. Will the gentleman yield?

Mr. BARBOUR. I yield.

Mr. WALSH. Some of us have been receiving communications, printed matter, in reference to this Roosevelt-Sequoia National Park from women's clubs and various other organizations whose members, I assume, expect to visit the park or who are interested in the preservation and care of the park, and I would like to ask the gentleman from California if this measure, with the proposed amendments, is so drawn as to conform to the wishes of these people and prevent the park being utilized for water-power purposes?

Mr. BARBOUR. I will state to the gentleman from Massachusetts that it is satisfactory to all the organizations from which I have heard, and I have heard from the principal ones. I have not heard from all the women's clubs that have communicated with Members of Congress, but the principal organizations are satisfied with it; that is, of those that have been communicating with Members.

Mr. VAILE. As I understand it, everybody is satisfied except those who want to use it for heat, light, and power?

Mr. BARBOUR. The gentleman has not stated it correctly. There are a lot of people who want to use the water, heat, light, and power in that section of the country who are also satisfied.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARBOUR. I yield.

Mr. STAFFORD. The report does not state the reason for your separating from the existing park limits 97 square miles, and adding that tract to the Forest Service.

Mr. BARBOUR. That is stated very briefly in the report. I will state to the gentleman from Wisconsin that the reason is that the Forest Service and the park service could not agree on boundaries up until the present time. The area in the present park which it is proposed to eliminate contains certain grazing sections and some merchantable timber.

Mr. STAFFORD. It contains some fine standing timber, some large trees?

Mr. BARBOUR. Some large trees, but not nearly as many as will be in the park with this addition to it.

Mr. STAFFORD. Does it not contain large trees that will not be preserved?

Mr. BARBOUR. They will be preserved.

Mr. STAFFORD. How can the gentleman say that when we have transferred it to the Forest Service?

Mr. BARBOUR. The policy of the Forest Service is not to cut or destroy in any way the standing big trees.

Mr. STAFFORD. They are privileged to do so.

Mr. BARBOUR. Under the law.

Mr. STAFFORD. Surely.

Mr. BARBOUR. They can, but their policy is not to do it, but to preserve the big trees.

Mr. STAFFORD. Why should not that acreage, which is now a part of the park, be retained, notwithstanding the position of the Forest Service, which wishes to include it under their domain?

Mr. BARBOUR. There are a great many people who believe that it should be retained in the park, but that particular area down there is not distinctively scenic in character. It can be administered just as well by the Forest Service as by the Park Service, and the Forest Service has assured me that those trees will not be cut.

Mr. STAFFORD. Is that part of the park developed with roads to accommodate the people who want to see the big trees?

Mr. BARBOUR. No. This is chiefly a trail country.

Mr. STAFFORD. In bills of this character it is generally provided that the jurisdiction shall be placed under the National Park Service. This bill does not make any reference to the National Park Service.

Mr. BARBOUR. It would come under the general park law when it was created as a national park. This bill provides that it shall be a national park, and then the general park law will apply to it.

Mr. STAFFORD. Section 2 provides that the park shall be under the exclusive control of the Secretary of the Interior.

Mr. BARBOUR. Yes.

Mr. STAFFORD. The National Park Service is under the control of the Secretary of the Interior, but the Secretary of the Interior would be privileged under this authorization to not have it included in that activity of the service.

Mr. BARBOUR. Well, I would state to the gentleman that it seems to me that creating this area as a national park would bring it under the provisions of the national park act, and that would be sufficient.

Mr. CARTER. None of the Sequoia trees are eliminated from the law, are they?

Mr. BARBOUR. Some are scattered through this area. But a great many more are added to the park.

Mr. CARTER. The gentleman from California will recall a bill that was introduced here several years ago changing the name of this park from the Sequoia to the Roosevelt Park, and after a somewhat precarious existence on the calendar that bill was finally stricken off on the objection that it was not desired to eliminate the name "Sequoia." I think the people who eliminated it had the greatest respect for Mr. Roosevelt. By the legislation now proposed it is not intended to eliminate the word "Sequoia" from the name of the park. I will ask the gentleman now whether it is not a fact that with this proposition of calling this park the "Sequoia-Roosevelt Park" no further attempt will be made to eliminate the word "Sequoia" from its name?

Mr. BARBOUR. I am certain that is so.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. NOLAN. I would like to ask the gentleman if he thinks that section 4 of this bill will prohibit the situation that exists now in most of our national parks, where the National Park Service has granted monopolies for the transportation of people in and out of the parks, as well as garage and hotel and camp privileges, as they have done in the Yosemite National Park.

and in the Grand Canyon National Park and in the Rocky Mountain National Park and in the Yellowstone National Park and all the rest of the national parks?

Mr. BARBOUR. If I understand the gentleman's question correctly, I will say, of course, this will only apply to this particular park.

Mr. NOLAN. In this particular park will it prohibit the granting of a monopoly of concessions to a single individual, allowing him to control all the transportation and hotels and camps and other accommodations for the people? In that regard I will say that a deplorable condition exists in the national parks now, owing to this national park policy.

Mr. JOHNSON of Washington. If the gentleman from California will allow me, I suggest that he look at section 2, and there he will see that it says that "the Secretary may, in his discretion, lease parcels of ground, not to exceed 10 acres in extent, to any person or company for not to exceed 20 years, when such grant is necessary," and it further provides that "such leases may be renewed on the expiration of the terms thereof."

There is a regulation that has become a law for these parks. It says nothing about the stage coaches, but you know when you give anybody the right to put a hotel there, if he does not include everything else that can be thought of on the 10 acres, I will miss my guess.

Mr. NOLAN. They are not only given 10 acres on the Yosemite National Park and the Rocky Mountain National Park and the Grand Canyon National Park and the Yellowstone National Park, but they have been given monopolies over the entire area of the parks. I know of a case in the Yosemite National Park where they attempted to drive out an old lady who had gone in there 30 years ago, and who ran a bakery, and raised a family there by baking bread and selling it to the tourists.

Mr. JOHNSON of Washington. What is the difference between giving a monopoly of 10 acres and giving control, when rangers have authority to prohibit the breaking of a twig or the cutting of a stick?

Mr. NOLAN. I am glad to see that the committee has taken precautions so that that will not happen in this park.

Mr. CURRY. Mr. Speaker, over 40 per cent of the area of the State of California is in reserve—forest, mineral, and parks. California increased about 1,100,000 in population during the past 10 years. During the same time the area of the State covered by Federal reserves decreased about 100,000 in population. This bill proposes to increase the area of the Sequoia National Park to four times its original size. It eliminates part of the park that ought to be included in the park if there was any reason for its establishment at all, and it includes a lot of land that ought not to be included in the park, as it is now in a forest reserve; land some of which would be good for the people to settle upon, to make into farms, and raise families on, and to mine.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield to me?

Mr. CURRY. In just a moment, then I will. I do not think that there ought to be any more additions made to national parks in the State of California, or anywhere else, where it takes arable land out of the possibility of future cultivation and out of occupancy by the people. Neither do I think that any other forest reserves should be created except in genuine forests, and not deserts and bare mountains covered by chaparral, brush, and greasewood. I would like to know why the name of the park is changed. I recognize the fact that it would be a splendid thing for that great man who was President of the United States, and who recently passed away, to have a park named in his honor, and I would not object to the Yellowstone Park having its name changed to Roosevelt National Park, because the Yellowstone National Park was named from a river called the "Yellowstone" because it flows over a bed of yellow rock, and its name is local and is not attached to the name of a man of national and international fame.

But I do not understand why Roosevelt's name should be connected with the name of Sequoia, one of the greatest men this country has ever produced. Sequoia was a Cherokee Indian. He was born in Georgia, and with his family moved out to the Indian Territory. He roamed all over the West, including California, and was one of the first to report the existence of the "big trees." He was the inventor of the Cherokee alphabet. His English name was George Gest. After he had grown to manhood he could not read or write, but he noticed white men reading, and obtaining knowledge from books. He saw white men writing letters, sending them hundreds of miles away, and the people who received them could read those letters and know what was in them. They could communicate with each other by writing and reading. He inquired as to how

this thing was done, and was told that each one of the letters represented a sound, and that a combination of the sounds represented a word, and that by putting the words together they could understand what was written and what was printed. He was not an ignorant man but he was unlettered, not educated according to book standards of knowledge. But he set to work and invented the alphabet of the Cherokee language, an alphabet so perfect that a child 5 years of age on learning the alphabet can read intelligently. He did more for the uplift of the Indians and for the Christianizing and civilizing of the Indians than all the missionaries together could have done had it not been for his invention of the Cherokee alphabet. I think it is hardly fair or square to try to connect Roosevelt's name with the Sequoia Park when Roosevelt never was inside of the park in his life, and when we have other parks, like the Yellowstone, which he did visit, and to which you could give his name if you wanted to. There are two reasons why I object to this bill. One is that it makes an unnecessary addition to the park that in time will mean a permanent expense to the Government to keep it up, not for the benefit of all the people but for the benefit of those who can afford to go there. Second, I think it is hardly fair to the memory of Sequoia to connect any other man's name with his in this park, and I am afraid that I shall have to object. I do not like to do so.

Mr. BARBOUR. Will the gentleman yield right there?

Mr. CURRY. I reserve the right to object.

Mr. BARBOUR. This present park is called the Sequoia National Park. It was not named after the Indian Chief Sequoia.

Mr. CURRY. It was named after the Indian Chief Sequoia.

Mr. BARBOUR. Let me complete my statement. It was named after the tree which was named after the Indian Chief Sequoia.

Mr. CURRY. Oh, well; that is a distinction without a difference.

Mr. BARBOUR. The tree is found in this particular area and nowhere else in the world.

Mr. CURRY. Yes.

Mr. BARBOUR. And it was from the tree that the park took its name. Now, there is no other particular reason why the park should have been called Sequoia except because the tree is found there. This new area that it is proposed to bring in is a country of entirely different topography. It contains what are said to be the most rugged mountains in America that are in one compact area.

Mr. CURRY. I recognize that fact.

Mr. BARBOUR. It is not proposed to detract in any way from the name of Sequoia, because, in the first place, this park was not named after the Indian, but was named after the tree which was named after him, and this new section which it is proposed to include is considered particularly appropriate as a memorial of ex-President Roosevelt.

Mr. CURRY. The mountains have been there since the days of Adam, and the trees have been there since they were twigs, and they will be there forever or until they die of old age. The creation of this park is not going to preserve the trees. They are not going to be cut anyway. I do not believe in the addition of this acreage to this park. The groves of Sequoia gigantea are nearly all in the limits of the park now and the other trees are in a forest reserve. Some day I hope we will be able to get some of this land out of the forest reserve and let people settle on it.

Mr. BARBOUR. Will the gentleman yield to me right on that point?

Mr. CURRY. Yes.

Mr. BARBOUR. If I understood the gentleman correctly, he stated that there was land in there that could be used for agricultural purposes and homes?

Mr. CURRY. Yes; and for mining.

Mr. BARBOUR. This land, every foot of it, is over 5,000 feet high. It has been reported by the Agricultural Department that there is not a foot of agricultural land in this area. All of it is under snow a great part of the year. It is true that there are some meadows.

Mr. CURRY. Cattle and sheep can graze on it.

Mr. BARBOUR. Yes.

Mr. CURRY. If it is put into the park, nobody can go in with pick and shovel to find gold and other minerals.

Mr. BARBOUR. There is none in there that anybody has ever discovered.

Mr. SWING. Will the gentleman yield?

Mr. CURRY. Yes.

Mr. SWING. I think in the bill presented at the last session there was a good deal of grazing land included. The people of my district were very much interested, because some of them

are entirely dependent on grazing, but within the boundaries covered in this bill practically all the valuable grazing meadows have been excluded, and I hope that no objection will be made to this.

Mr. CURRY. There are a number of power sites within the limits of the proposed addition to the park. Some have been filed on and the permits are still pending. One of the reasons for this bill is to take these power sites out of development for commercial purposes. I think that is wrong.

Mr. VAILE. Right there, will the gentleman yield?

Mr. CURRY. Yes.

Mr. VAILE. What is the theory on which the use of the water for power purposes is regarded as a blasphemy? It does not use up any natural resource at all, but just harnesses it for the use and benefit of the people of the United States.

Mr. CURRY. It is not considered a blasphemy by me. I am in favor of using the power sites the Almighty created for the use of man. I am not speaking for any other Member of Congress, but only for myself.

Mr. BARBOUR. The objection is that if they build a dam in there to store the water, they are going to back the water up and flood these three canyons in there.

Mr. VAILE. How is permission given to make these dams? Is it not by the Federal Power Commission?

Mr. BARBOUR. By Congress.

Mr. VAILE. If your bill is passed; but now it is by the Federal Power Commission.

Mr. BARBOUR. Under the powers given by the United States Congress.

Mr. VAILE. The Federal commission has the power to determine whether or not a dam shall be built.

Mr. BARBOUR. Yes; but Congress has the right to determine the policy of the national parks.

Mr. VAILE. We have not got quite there yet. We will if this bill passes. Now the Federal Power Commission has the right to determine whether or not the power project shall be allowed.

Mr. BARBOUR. Under the power act; but this act proposes that Congress shall say to the Federal commission, "These powers were granted, but you shall not exercise them in this area."

Mr. VAILE. You propose to say to the power commission, "You three men, who were selected for your integrity—Cabinet officers—knowing all about the situation, shall not have a right to decide whether these power projects shall go on."

Mr. BARBOUR. No; we say we make this a national park, and we take it out from under the Federal power act.

Mr. VAILE. But right now, under the Federal power act, they have to apply to this commission for authority to construct a dam, and it has to be passed upon by the Federal Power Commission.

Mr. BARBOUR. Absolutely.

Mr. VAILE. And it can determine on the likelihood of its being a detriment to the scenery, or anything of that kind?

Mr. BARBOUR. I presume they have the right to pass on it.

Mr. VAILE. Could not the Federal Power Commission use its judgment as well as you expect Congress to use its?

Mr. BARBOUR. No; the Federal Power Commission only has such power as we see fit to give them. They are not concerned in the policy of administering the national parks. This bill proposes to say that this shall be a national park and that there shall be no power development in it. This is no reflection on the power commission. We say we do not want any power project situated in the park.

Mr. CURRY. Will the gentleman accept an amendment striking out the name "Roosevelt"?

Mr. BARBOUR. I would not feel justified in accepting an amendment of that kind. It is a matter that has been carefully considered. The first suggestion for the naming of the park was made by the Boone and Crockett Club, of New York. The Roosevelt Association has taken it up and are much interested in it. It has been discussed in the newspapers and magazines throughout the east United States, and I would not feel justified in accepting any such amendment.

Mr. CURRY. I did not know that the Boone and Crockett Club voted in the gentleman's district. [Laughter.]

Mr. BARBOUR. I flatter myself that I can sometimes see beyond the confines of my own district.

Mr. CURRY. If the gentleman does not see fit to accept the amendment I feel constrained to object.

The SPEAKER pro tempore. The gentleman from California objects.

BRIDGE ACROSS THE TOMBIGBEE RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10009) to authorize the State of Alabama through its highway department to construct and maintain a

bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the State of Alabama through its highway department be, and is hereby, authorized to construct and maintain a bridge and approaches thereto across the Tombigbee River at a point suitable to the interests of navigation at or near Moscow Landing, about 14 miles south of the city of Demopolis, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. McDUFFIE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDITIONAL INSTRUCTION FOR MILITARY ACADEMY CADETS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8924) to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920.

The SPEAKER pro tempore. Is there objection?

Mr. WINGO. Let the bill be reported.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second proviso of the first paragraph under the head "Miscellaneous" of the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920 (41 Stat. L., p. 548), is amended to read as follows:

"Provided further, That any cadet now at the academy may, at his option exercised prior to June 11, 1920, continue at the academy one additional year and postpone thereby his prospective graduation. Any cadet not electing so to prolong his course shall be graduated in the year assigned his class prior to the passage of this act, except that any such cadet may subsequently, at any time not less than three months prior to his prospective graduation in such year, choose to reexercise such option for the purpose of so prolonging his course."

The SPEAKER pro tempore. Is there objection?

Mr. WINGO. Reserving the right to object, I would like to have some one explain the bill.

Mr. ASWELL. Mr. Speaker, there was a bill providing that students should be given the option of taking a short course or a long course at the close of the war period, and I think two cadets inadvertently chose the short period. This bill merely permits them to take the long period.

Mr. WINGO. How did they "inadvertently" take the short period?

Mr. ASWELL. They decided to quit, and now they have decided to take the longer course.

Mr. WINGO. They were given the option?

Mr. ASWELL. They were.

Mr. WINGO. And other boys exercised it?

Mr. ASWELL. Yes.

Mr. WINGO. I know one of my boys exercised his option and stayed in.

Mr. ASWELL. That will permit him to go on if he wants to do so.

Mr. WINGO. Does it take a statute of Congress to give him another option?

Mr. ASWELL. The War Department so stated. The War Department has approved the bill, and the Committee on Military Affairs has approved it.

Mr. MCKENZIE. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. MCKENZIE. I hope for the good of the Army and the Military Establishment, for the good of our country, that the gentleman will not object to this bill. In my judgment a great mistake was made in permitting the cadets at West Point to graduate at three, then two, and then finally down to one year, during the war, and I always contended that when the war was over those young officers should have been given the option of either going back to West Point and completing their four-year course or resigning from the Army. This proposed law simply permits 24 of these young officers to remain at West Point and complete a four years' course.

Mr. PARKER of New Jersey. It is not to go back. They would graduate in 1922.

Mr. MCKENZIE. Oh, I understand that they are there now, but this law would permit them to remain another year.

Mr. WINGO. The gentleman from Illinois gives a different explanation from that given by the gentleman from Louisiana [Mr. ASWELL]. Do I understand the gentleman to say that they are already graduated?

Mr. McKENZIE. No; they are still there, but they will graduate this year. But if this bill becomes a law they can remain there and graduate next year.

Mr. WINGO. They gave them that option?

Mr. McKENZIE. Certainly.

Mr. WINGO. And the right to that option has expired?

Mr. McKENZIE. That is my understanding.

Mr. WINGO. And this is for the benefit of how many?

Mr. McKENZIE. Twenty-four, I think.

Mr. FIELDS. And two already out.

Mr. PARKER of New Jersey. Oh, it is for the benefit of the Army and the country.

Mr. WINGO. Of course, all legislation is for the benefit of the country in the minds of the proponents. All of them were given the right to determine whether they would graduate at the end of three years or four years. A certain number exercised their option to graduate at the end of three years, and now they want to reconsider that and take another year.

Mr. McKENZIE. There never had been a law fixing the period at West Point until 1920, and I believe from 1861 up until just prior to the war the system has been to require a course of four years. At that time by Executive order it was changed to three years. In 1920 Congress passed an act making it compulsory for them to spend four years at West Point, but during the war, as the gentleman will remember, the bars were let down and some of them were graduated after being there three years, some after being there two years, and finally they made an order that they could go out in one year.

Mr. WINGO. In 1921 they were given the option.

Mr. McKENZIE. I assume so.

Mr. WINGO. They were given that option after the act of March 30, 1920.

Mr. PARKER of New Jersey. They were given the option long before.

Mr. WINGO. No; they were not. A young man who was going to graduate last year at the last moment decided to take another year. I was requested to designate some one for examination in 1921, and then subsequently that was corrected and I was told that the young man had decided to exercise his option and stay on another year. The point I am trying to get at is not the law. I know what the law is. These young men have already exercised their option, have they?

Mr. McKENZIE. If the gentleman will permit me, they will be officers in the United States Army whether we pass this law or not. They will be given commissions as second lieutenants after a three years' course.

Mr. WINGO. That is obvious.

Mr. McKENZIE. In my judgment the interest of the Government is in their remaining there for another year and completing their course.

Mr. WINGO. But the gentleman does not catch my question.

Mr. McKENZIE. I am not interested in these young men. I am interested in the welfare of the Army.

Mr. WINGO. Assuming it to be to the interest of the country and assuming what is the fact, that if this bill does not pass they would go on and go into the Army as officers, the question I am getting at is a question of fact. Did these young men exercise their options?

Mr. McKENZIE. That is the way I understand it.

Mr. WINGO. And now it is proposed to give them the right to exercise the option again and go on for another year even though they heretofore have exercised the option to take a three-year course?

Mr. McKENZIE. I think so, and it will be to the advantage of the Government to permit them to change their minds.

Mr. WINGO. The gentleman from Louisiana [Mr. ASWELL] says there will be two, and the gentleman from Illinois [Mr. McKENZIE] says 24.

Mr. ASWELL. Oh, I said that I know of two. I do not know how many others there are.

Mr. McKENZIE. The report says 24.

Mr. KINCHELOE. Mr. Speaker, will the gentleman from Arkansas yield?

Mr. WINGO. I yield.

Mr. KINCHELOE. I want to ask the gentleman from Illinois a question. If I understand, I believe the gentleman says there are 24 who are eligible to exercise this option if this bill passes.

Mr. McKENZIE. It is in the report. I am speaking from memory.

Mr. KINCHELOE. Suppose half of these young men, if this bill becomes a law, take advantage of it and attend school for four years and the other 12 do not. Those 12 who go for four years would be better qualified than the others who have gone

for only three. Would there be any discrimination in rank as between them?

Mr. McKENZIE. No.

Mr. KINCHELOE. If it is going to be for the good of the country in the matter of ability, does the gentleman not think there ought to be some discrimination in rank?

Mr. McKENZIE. No. If the gentleman's suggestion were to be carried out, we would probably have 12 efficient second lieutenants at the end of four years, whereas with the 12 who decided to stay only three years we would probably have 12 class B officers, who very likely would go out later.

Mr. KINCHELOE. I am saying these 12 who exercised the option would absolutely be better qualified by having gone the four-year course than the other 12 who had only gone the three-year course, and if it is for the good of the Government to have the four-year course ought they not to have a higher rank than the other 12 who did not?

Mr. McKENZIE. I would not change the rank.

Mr. WINGO. Mr. Speaker, the facts are there are 26 men who will be affected by this proposition; 24 of them are due to graduate this year, having exercised their option to graduate this year. If this bill is passed, they will be graduated in 1923. The districts they come from, however, will be given the right to put other men in their places in 1922, because the law—

Mr. ASWELL. No.

Mr. WINGO. The Secretary of the War is my authority for that statement; and in the case of the 24 cadets, reading from the Secretary's letter, page 3 of the report:

There are 26 cadets at the Military Academy who would come within the provisions of this bill and who might exercise the option therein provided for. Twenty-four of these cadets are members of that class which had been assigned to graduate in the year 1922 before the passage of the act of March 30, 1920 (41 Stat. L., 548); the majority of this class will graduate in 1923, due to their having exercised the option provided for in the act of March 30, 1920; but these 24, not having exercised the option in question, will graduate as originally assigned in 1922, and thereby lose the additional or fourth year of instruction chosen by the majority. Similarly, there are two cadets of the class originally assigned to graduate in 1923 who did not elect to prolong their course for a year, and who, for this reason, are to graduate in 1923, one year ahead of the majority of this class who elected to finish out the four-year course.

This act would impose no obligation on any cadet in question, but would simply extend a privilege to such cadet, of which he might take advantage.

In the case of the 24 cadets of the original class of 1922 no interference will occur with the admission of their successors in 1922, provided such successors be named, as this case would be covered by Revised Statutes 1318, as amended by act of March 30, 1920 (41 Stat., 548), which states in part: "Provided, That whenever any member of the graduating class shall fail to complete the course with his class by reason of sickness, or deficiency in his studies, or other cause, such failure shall not operate to delay the admission of his successor."

Now that statement of the Secretary of War is about as clear as the conflicting statement here, and I withdraw my objection for that reason. [Laughter.]

The SPEAKER. The gentleman from Arkansas withdraws his objection.

Mr. CABLE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois [Mr. McKENZIE] a question. Before the war, in 1912, the quota for West Point was 558. Then as a war measure the quota was raised so that each Representative, instead of having one nominee at West Point, was entitled to two, so at present, according to this report, they have 1,338 in the academy. Do you know if it is the intention of the committee to reduce it to the prewar basis?

Mr. McKENZIE. I can not answer the gentleman on that point. I do not know what the purpose of the committee is. I will say to him, however, as far as I am concerned, that I always believed and I so believe now that whatever the number of officers that are prescribed for the Army of the United States that number should be made up by about 50 per cent of the officers coming from West Point and 50 per cent coming from civil life, or from the ranks. If we are going to cut the Army down, going to have a small Military Establishment, going to reduce the personnel in the Army, it may be necessary to reduce the number at West Point.

Mr. CABLE. In an Army of 75,000?

Mr. McKENZIE. No; we have not figured on an Army of 75,000. I am not figuring on an Army of 75,000 I will say to the gentleman.

Mr. CABLE. I will ask the gentleman another question. How much does it cost to educate one of these men at West Point?

Mr. McKENZIE. Well, I can not give that exact information.

Mr. CABLE. Ten or fifteen thousand dollars?

Mr. McKENZIE. For four years? Possibly, I do not know.

Mr. HULL. The gentleman stated there was 1,338 in the college at the present.

Mr. CABLE. According to this report.

Mr. HULL. I think the gentleman is mistaken. That is the capacity of the college. If every one were there there would be 1,338, but there is something like 300 vacancies in the college.

Mr. HICKS. If the gentleman will yield, as to the cost of cadets at West Point I can not answer, but at Annapolis, where you will find the conditions are somewhat similar, it costs about \$11,000 to educate a midshipman.

Mr. CABLE. It costs at least that at West Point. I withdraw the objection.

Mr. HULL. That includes the overhead.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the second proviso of the first paragraph under the head "Miscellaneous" of the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920 (41 Stat. L., p. 548), is amended to read as follows:

"Provided further, That any cadet now at the academy may, at his option exercised prior to June 11, 1920, continue at the academy one additional year and postpone thereby his prospective graduation. Any cadet not electing so to prolong his course shall be graduated in the year assigned his class prior to the passage of this act, except that any such cadet may subsequently, at any time not less than three months prior to his prospective graduation in such year, choose to reexercise such option for the purpose of so prolonging his course."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ASWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

IRRIGATION ON THE CROW RESERVATION, MONTANA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9344) providing for the appropriation of funds for acquiring additional water rights for Indians on the Crow Reservation, in Montana, whose lands are irrigable under the Two Leggins Irrigation Canal.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, will the gentleman from New York, the chairman of the committee, state what is the real necessity for this legislation?

Mr. SNYDER. Mr. Speaker, the real necessity, if you please, is that the land on the Crow Reservation is now being allotted. It has all been allotted by the Congress. There are about 1,400 acres of land, which is adjacent to the Two Leggins Irrigation Canal district. A portion of the users of the land which has been allotted have already arranged with this company for water for their allotment. These 1,400 acres of land are so far away from the Big Horn irrigation project that no water can be gotten to it from there, and at a very small expense this Indian land, now worth under the dry-farming operations about \$10 an acre, will very quickly be worth \$100 an acre if water can be gotten to it.

Mr. WALSH. One hundred dollars an acre to whom?

Mr. SNYDER. To the Indians.

Mr. WALSH. Is this the section where so many of these Indians are starving, and are liable to die before night?

Mr. SNYDER. There is no starvation among the Crow Indians. They have plenty of money. They have nearly \$300,000 in the Treasury now, from which the money for this purchase would be taken, to be reimbursed under the land leased or sold by the Indian to whom it would be allotted. The money taken for the water right would be turned into the Treasury for the benefit of all the Crows.

Mr. WALSH. Has the gentleman visited this particular reservation?

Mr. SNYDER. I have covered probably 60 or 70 miles inside of the Crow Reservation at various points, and I have made a study of the irrigation system, and know nearly where this land lies. It is off from the edge of the reservation, and there may be a few allotments outside of the reservation. There can be no question that this will be a great benefit to the Indians. The only thing that came up in this investigation is that in 1912 a contract was made with the Two Leggins Irrigation Co. for the sale of water for other tracts, at which time the price of \$12.50 an acre was paid for the water, plus interest at the rate of 6 per cent. Now, it is proposed in this bill to give the bureau the right to purchase this land at not to exceed \$20. That is, with the idea that each Indian who draws water from the system would have the land watered for about the same amount. I do not quite agree with that proposition myself. I think this bill should be amended to make the price not to exceed \$12.50, plus 6 per cent from the time the purchase is made until such time as water is actually delivered onto the land.

Mr. WALSH. This says that this reimbursement shall be under such rules and regulations as the Secretary may prescribe. Is that the usual thing?

Mr. SNYDER. That is the usual thing.

Mr. WALSH. I thought the law provided the conditions of reimbursement.

Mr. SNYDER. The law provided this: As the gentleman knows, a year or so ago we passed in the appropriation bill a section which directed the Secretary of the Interior to use no money that was appropriated for any of these purposes for irrigation, and so forth, unless the users of the water had made arrangements to pay back and reimburse the money to the Treasury of the United States.

Mr. WALSH. I withdraw the reservation of objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9344) providing for the appropriation of funds for acquiring additional water rights for Indians on the Crow Reservation, in Montana, whose lands are irrigable under the Two Leggins Irrigation Canal.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of not to exceed \$24,000 of any tribal funds on deposit to the credit of the Crow Indians, in the State of Montana, and to expend the same, or so much thereof as may be necessary, for the acquiring of additional water rights for Indian allotments that are irrigable under the Two Leggins Canal, but which have no water rights: *Provided*, That the amount to be paid for the acquiring of such water rights shall be not to exceed \$20 per acre, and that said sum, or such part thereof as may be used for the purpose indicated, shall be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. MANN. Mr. Speaker, I move to strike out the last word. This provides for the payment of not to exceed \$20 per acre. Does the gentleman from New York [Mr. SNYDER] intend to offer an amendment?

Mr. SNYDER. I have an amendment prepared, which I did not intend to offer unless some question were raised. I am willing to offer the following amendment, namely, that on page 2, line 2, strike out after the word "exceed" the figures "\$20" and insert "\$12.50 per acre plus 6 per cent on deferred payments." I think that would make the purchase of these water rights exactly on the same basis as the previous ones were made.

Mr. RIDDICK. Will the gentleman from Illinois yield?

Mr. MANN. I will.

Mr. RIDDICK. I think the gentleman from Illinois does not understand exactly the tentative contract that was entered into with the Indian Department when this project was first constructed in 1912. A corporation of Montana gentlemen built the Two Leggins Canal with the understanding that the Indian Department would give them \$12.50 an acre for every acre to be watered. At that time they thought 5,000 acres was all that could be watered, and bought that land at \$12.50 an acre. This company has had this money invested in the canal since that time, and it is now estimated that another 1,400 acres can be watered, and it seems only fair they should be paid \$12.50 an acre, with whatever interest has accrued from that day to this.

Mr. MANN. The original understanding was that the Government would take irrigation for 5,000 acres?

Mr. RIDDICK. All that there was water for.

Mr. MANN. The gentleman said 5,000 acres, at \$12.50 an acre, and that was what they did.

Mr. SNYDER. They took 4,688 acres.

Mr. MANN. Practically 5,000. Now, the company has the water and no use for it and the Indians have the land and no water. It was to the interest of the company to sell this water right and it is to the interest of the Government and the Indians to buy the water right.

Mr. RIDDICK. That is correct.

Mr. MANN. But why is it worth any more now for the company to dispose of this surplus water than for it in the first place to dispose of the 5,000 irrigable acres of water? It is the same proposition. That covered deferred interest, but this proposes to pay cash. There are no deferred payments to this. And if that was \$20, the company will say, "Well, you are authorized to pay us \$20, and we will not sell for any less. It is valuable to us and it is valuable to the Indians to have irrigation and will pay \$20." But it is worth no more to the company for this number of acres than it was for the original number of acres; not as much.

Mr. RIDDICK. This irrigation company has had its money in this project up to the present time.

Mr. MANN. Of course, they have had their profit already. Now they have got some extra water and wish to irrigate 1,400 acres more. They have already made back their expenses.

Mr. SNYDER. I think the gentleman from Illinois is absolutely right. It was just exactly my understanding of the proposition, that they put in a tentative scheme up there to supply 5,000 acres. So far they have supplied 4,700. They have got the plans there that they could put in here for these 1,400 acres, and what they want is to fix it so that we can pay them 6 per cent on the investment from the beginning down to the present time.

This amendment is perfectly proper and should go in the bill. I am willing to help them get \$12.50 an acre plus 6 per cent from the time the purchase is made until the time they put the water in use. I think that is all the company has the right to expect.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. BURTNESS. Will the amendment the gentleman suggests allow 6 per cent from the time these irrigation works were completed?

Mr. SNYDER. No; from the time this particular purchase is made that we are authorizing under this law.

Mr. RIDDICK. The gentlemen representing the Two Leggings Irrigation Canal Co. were in Washington recently and were in conference with the Interior Department, and a tentative agreement was entered into. The Indians are very anxious to get the water at this figure, to take land situated in a semiarid country worth \$10 an acre and hold it for perhaps \$100 an acre.

Mr. SNYDER. That is not mentioned in the hearings. If that question had been raised in the hearings, I would have understood about it very quickly.

Mr. MANN. When these water rights were originally secured, they were secured under provision for the payment of so much, not all in cash. This provision calls for the payment in cash.

Mr. RIDDICK. In 1912 the Two Leggings Irrigation Canal Co. built the ditch with the understanding that the Indian Department would promptly take over and use all the water it could furnish at \$12.50 an acre. They have been slow in taking hold of the matter. They did promptly use 4,700 acres, but since then the matter has been hanging, and it seems to me they should be able to get all the water available at \$12.50, and if they have neglected up to this date to take over all the water, they should pay interest.

Mr. MANN. I do not understand it that way.

Mr. RIDDICK. The Indians have been well treated.

Mr. MANN. And so has the company been.

Mr. RIDDICK. I would not undertake to drive a hard bargain with them in the matter.

Mr. MANN. Certainly; but the company got their pay for all that they sold and all that they expected to sell at that time.

Mr. RIDDICK. The gentleman does not know what they expected to sell. I do not know. Nobody knew exactly what acreage this irrigation system would supply.

Mr. MANN. Oh, they did not build this water plant without first discussing the matter with the Indian Service as to how much acreage the Indian Service would take. If they did not they were crazy, and if they are crazy they are not entitled to much consideration.

Mr. SNYDER. When this question was up for discussion before the committee the Assistant Commissioner of Indian Affairs was asked about it, and his answer was this, that they are supposed to charge 6 per cent, until it would amount to between \$15 and \$20, and we thought we would put it sufficiently high because there would be no question but that we would get the land at the lowest possible price. He wants to put all this land on the same basis.

Mr. DEMPSEY. The Indians have had the use of the water?

Mr. SNYDER. Yes.

Mr. RIDDICK. The water has been available, but it has not all been used. The land has been allotted and the Indians have been given their portions of it, but the Indians in some cases did not get irrigated land. The price at which it can be purchased is such that it makes it a good bargain. They are going to get it for less than \$20.

Mr. SNYDER. But the point about this whole thing is that it may be three or four years before the allottees will take this water, and by the time they take it the value may go up to \$20. If they pay only \$12.50 now for it, then they will all be placed on the same basis.

Mr. MANN. They expected to pay cash for it. There will be no deferred payments. If they have not used the water they will be that much better off.

Mr. BURTNESS. Does the gentleman from New York think that the water has been used to the extent of 4,700 acres?

Mr. SNYDER. It has been available but not used. My idea is that we ought to start the Indians by buying the land for

the same price that it was at first bought for. Then if they get going the value will go up to \$20.

Mr. Speaker, I offer that amendment, "to strike out \$20 per acre." I left out the words "per acre."

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: Page 2, line 2, strike out "\$20 per acre" and insert "\$12.50 per acre, plus 6 per cent on deferred payments."

The SPEAKER. The question is on agreeing to the amendment.

Mr. RIDDICK. Mr. Speaker, I want to oppose the amendment.

The SPEAKER. The Chair will recognize the gentleman from Montana.

Mr. RIDDICK. Mr. Speaker, I think if gentlemen understand the purpose of this amendment they will vote it down. A definite arrangement was entered into between the Indian Department and a number of gentlemen who organized a company to construct the Two Leggings Irrigation Canal to irrigate this territory. The understanding was that the Indian Department would pay \$12.50 an acre for the purchase of the water right. They used a part of the water to irrigate a part of the land, and the use of the remainder has been deferred until this late date.

Now, by a recent act of Congress this Indian reservation is to be thrown open to public settlement, and each Indian is to be allotted his share of the land. It is found that some of the Indians will get irrigated land and some will get none. They want to treat all of the Indians alike and irrigate and divide the remainder of the irrigated land among those who otherwise would not get irrigated land. If they can irrigate this land, it can be sold at a good price.

If it is not irrigated, of course they could only sell it for a very low price in that semiarid country. So the Indians are very anxious to go ahead with this contract, just as the department proposes in this measure, and the people who built this canal are very anxious to go ahead, just as the measure proposes. Both parties to the contract have agreed to it, and the Indian Department, acting for both, have drawn up this measure, and they ask that it be enacted just as it is. It is fair and equitable to the people who built the canal and very generous to the Indians. I hope the amendment will be voted down.

Mr. ELLIS. What provision was there for interest in the original bill?

Mr. RIDDICK. It was assumed that the water rights to be purchased would all be taken over promptly, and the people who built the canal have been pressing to that end from time to time. The Indians were not particularly interested in taking this water right over, because there was no plan to allot the lands to them, and no one was much interested.

Mr. ELLIS. There was no provision at all for interest at that time?

Mr. RIDDICK. No.

Mr. ELLIS. Now, while this time has been going on for 10 years, have the water company been getting any revenue from this at all?

Mr. RIDDICK. None at all. The Indians were not interested in taking the additional water rights, because there was no plan to allot the lands, and nobody wanted to use the water rights.

Mr. ELLIS. As soon as the land was allotted and they began to take water they would begin to realize from it?

Mr. RIDDICK. They are not renting the water rights. They are selling them outright, so that the water rights go with the land. To illustrate: Here is a piece of land worth \$10 an acre. The Indian Department pays \$16 or \$17 for water rights sufficient to permanently irrigate that land, making a total cost of \$27 an acre, and the Indian gets land worth \$100 an acre or more.

Mr. ELLIS. And will be furnished the water permanently?

Mr. RIDDICK. Yes; forever. The title to the water right is salable the same as the title to land in Montana.

Mr. BEGG. Will the gentleman yield?

Mr. RIDDICK. Yes.

Mr. BEGG. I am interested in the statement the gentleman has just made. I was inclined to agree with the gentleman from New York [Mr. SNYDER], but after listening to the statement of the gentleman from Montana [Mr. RIDDICK] it seems to me that he has absolutely undone what was said by the gentleman from New York. Have any lands been purchased prior to this time?

Mr. RIDDICK. No; the land is right now in process of being allotted.

Mr. BEGG. Then if Indian A buys a lot upon which the water rights were provided for 10 years, he will pay \$12.50 an acre, plus 6 per cent interest down to date. Is that correct?

Mr. RIDDICK. Yes.

Mr. BEGG. But if Indian B buys a lot on which the water right is not provided for until this bill passes, he will pay \$12.50 an acre only?

Mr. RIDDICK. He gets it for less than the other Indian does, and that is exactly the reason why the Indian Department ask that this bill be passed in this way, so as to put every Indian on the same basis.

Mr. BEGG. If the gentleman is correct in that statement, it does not seem to me that that is equitable at all. One Indian will pay \$12.50 an acre and the other will pay \$19 or \$20 an acre, or whatever amount 6 per cent on \$12.50 for 10 years would be, added to the original \$12.50, and the other Indian would pay only \$12.50.

Mr. SNYDER. Suppose it should be three years from now before some Indian gets his allotments? None of this land has been allotted. It is all to be allotted, and the time for the allotment has nearly run, and we have a bill in here now asking for a two-year extension on it.

Mr. BEGG. I see that clearly, but the interest being calculated from the original time, if your amendment carries, I do not see how you can prevent charging one Indian one price and another Indian another price.

Mr. RIDDICK. These Indians do not pay for the land. Each Indian gets his allotment or his share of the tribal land free. Then when he sells it, the white man who buys the land has to pay for the land and the water right, and the amount collected by the Indian for water right is all reimbursed to the general Indian fund from whence it originally came; and the final purchaser pays the cost of the water right. The money is all reimbursed to the Indians finally, and I am sure there is no desire on the part of Congress to take advantage or drive an unfair bargain. It is a fair agreement that the Indian Department has made with both parties to the contract, and has drawn the bill with that in view. I hope the amendment will be defeated.

Mr. SNYDER. After all, Mr. Speaker, what we are trying to do here to-day is to furnish a place for the Two Leggins Irrigation Co. to sell their water. That is the whole of this proposition. The Indians will need the water eventually. They do not need it to-day, but the Two Leggins Irrigation Co. need the money for this acreage right now and as much interest as they can get.

Mr. BURTNESS. Will the gentleman from New York yield for a couple of questions?

Mr. SNYDER. Yes.

Mr. BURTNESS. Has not the Two Leggins Irrigation Co. been paid the \$12.50 an acre for this original 4,700 acres?

Mr. SNYDER. Certainly.

Mr. BURTNESS. And that was several years ago?

Mr. SNYDER. In 1912.

Mr. BURTNESS. To come down to the amendment which the gentleman has suggested here this afternoon, I can not quite understand just what he means by the words "plus 6 per cent on deferred payments." To make myself plainer let me say this, that this bill contemplates that in so far as the project is concerned, it is to be paid in cash, whether it be \$12.50 an acre or \$20 an acre, so there will be no deferred payment upon the \$12.50 unless it is the intent of the gentleman that the new Indian should come in and get the advantage of this project and pay the \$12.50 plus interest for the last 8 or 10 years.

Mr. SNYDER. Plus interest for such time whatever it may be; in order to even up and make them pay nearly the same price, we permit the 6 per cent to run against the sale until the Indian takes the water.

Mr. BURTNESS. Then there should be a further qualification.

Mr. SNYDER. I am willing that the gentleman should offer an amendment if he can improve it.

Mr. BURTNESS. There will not be any deferred payments at all if the action is taken as contemplated by the bill, because \$12.50 or \$20 per acre will simply be taken from the tribal funds and turned over to the Two Leggins project irrespective of whether the water is used that minute or not, unless it is the intent to even things up by charging the later Indians that come in 6 per cent from the time it was first available.

Mr. MANN. Mr. Speaker, the Two Leggins Irrigation Co. was organized for the purpose of constructing an irrigation plant and selling water to the Government for the Indians, to a large extent at least. They made their trade with the Government and sold at that time all the water they thought they

would be able to supply at \$12.50 an acre, enough to cover nearly 4,800 acres of land. They find now that they have more water than necessary to supply that acreage. I do not know whether it is because the water has not been used. They got their money for it nearly 10 years ago. According to our friend from Montana, the water has not been used. They have not been put to any special extra expense in the distribution of the water.

Mr. BEGG. Will the gentleman yield?

Mr. MANN. Yes.

Mr. BEGG. I am not clear about this; when the Indians are allotted lands, is that their private property?

Mr. MANN. It is their private property.

Mr. BEGG. And they can sell it?

Mr. MANN. That depends upon the terms of the allotment. In this case they can sell the most, if not all, of it.

Mr. BEGG. Will the gentleman explain why one Indian should pay more than another for equal water rights, as it seems they will if this amendment is adopted?

Mr. MANN. I do not think that would make any difference; I do not know whether they would or not. If so, that would be taken into consideration in making the allotment, because it is the value of the property allotted, and that is supposed to be equal. I do not know what the passage in the letter of the Secretary of the Interior means, and I doubt if he knows. He says 6 per cent interest on deferred payment for cash payments. These will be cash payments; that is the purpose of the bill—to appropriate money to buy water rights.

The Two Leggins Co. has the water; they want to sell it, and it is for the interest of the Indians that the Government buy it for the Indians. The water is there and it is useful. The company has it and can not dispose of it. They want to sell it. We ought to pay what is right about it, and we ought to do the fair thing. The best test I know of is what they themselves proposed to do 10 years ago—sell it for \$12.50 an acre; and with all the knowledge we have we are safe in passing the bill at that rate. I suggest to the gentleman from New York that if this amendment is to go in it should provide 6 per cent interest per annum instead of just a 6 per cent charge on deferred payments. If it is an interest charge it ought to be at the rate of 6 per cent per annum, whatever the time is.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to modify my amendment so that it will read 6 per cent interest per annum.

The SPEAKER. The gentleman from New York asks unanimous consent to modify his amendment, and the Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment by Mr. SNYDER: Page 2, line 2, strike out "\$20 per acre" and insert "\$12.50 per acre plus 6 per cent interest per annum on deferred payments."

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. RIDDICK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RELIEF OF DESTITUTE INDIANS.

Mr. CRAMTON. Mr. Speaker, I move to suspend the rules and pass House joint resolution 264, which I send to the desk and ask to have read.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. CRAMTON. Mr. Speaker, I move a call of the House. The question was taken; and on a division (demanded by Mr. London) there were—ayes 46, noes 10.

So a call of the House was ordered.

The doors were closed, and the Sergeant at Arms was directed to notify absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Campbell, Pa.	Davis, Minn.	Funk
Ansorge	Cantrill	Deal	Gallivan
Bell	Carew	Denison	Garrett, Tex.
Bird	Classon	Drewry	Goldborough
Blakeney	Codd	Driver	Gould
Bland, Ind.	Collins	Edmonds	Graham, Pa.
Bond	Connell	Elliott	Green, Iowa
Brinson	Copley	Fenn	Hardy, Colo.
Britten	Coughlin	Fess	Hardy, Tex.
Brooks, Pa.	Crowther	Fordney	Hays
Burke	Curry	Freeman	Hill

Houghton	Lehlbach	Perkins	Strong, Pa.
Hukriede	Lineberger	Perlman	Sullivan
Husted	Linthicum	Petersen	Tague
Jacoway	Longworth	Porter	Taylor, Colo.
James	Lyon	Pou	Thomas
Jeffers, Nebr.	McLaughlin, Pa.	Pringley	Tilson
Johnson, Ky.	Mansfield	Rainey, Ala.	Treadway
Kahn	Martin	Rainey, Ill.	Underhill
Kelley, Mich.	Mead	Reavis	Upshaw
Kelly, Pa.	Michaelson	Reed, N. Y.	Vare
Kennedy	Mills	Riordan	Vestal
Kirkpatrick	Moore, Va.	Rodenberg	Voigt
Kitchin	Moore, Ind.	Rogers	Volk
Kline, N. Y.	Morin	Rosenbloom	Ward, N. Y.
Knight	Mudd	Rosdale	Wheeler
Knutson	Nelson, A. P.	Rucker	Williams
Kraus	O'Brien	Sabath	Wilson
Kreider	Ogden	Sanders, Ind.	Winslow
Kunz	Olpp	Shaw	Wise
Langley	Padgett	Snell	Wright
Lankford	Parker, N. Y.	Sproul	Yates
Lawrence	Parrish	Stedman	
Lee, N. Y.	Patterson, Mo.	Stiness	

The SPEAKER. Two hundred and ninety-six Members have answered to their names, a quorum.

Mr. CRAMTON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the joint resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution (H. J. Res. 264) to provide for the relief of destitution among Indians.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to be available until June 30, 1922, for the relief of destitution among Indians, to be used in the discretion of the Secretary of the Interior, for the furnishing of food, clothing, and other supplies: Provided, That where able-bodied Indians have no means of support this appropriation may be used to pay such Indians for work performed in the construction of roads or other improvements on the reservation, or for the purchase of necessary seeds and implements to enable them to cultivate their farms: And provided further, That no part of this appropriation shall be used for the purchase of food, clothing, or other supplies that can be furnished by the War or Navy Departments or by the United States Shipping Board from surplus stock in time to meet the present emergency; and the War and Navy Departments and the United States Shipping Board shall, upon receipt of formal request therefor, and without charge, turn over to the Indian Service at the point of storage any such surplus food, clothing, or other supplies: And provided further, That a sum equal to the total value of all supplies furnished by the other governmental agencies shall be reserved from the appropriation made herein and be covered back into the Treasury: Provided further, That where relief is given under this resolution, to any tribe of Indians having available tribal funds held in trust for such tribe in the Treasury of the United States the expenditure for such relief shall be reimbursed from such tribal funds to the extent that they may be available.

The SPEAKER. Is a second demanded?

Mr. WALSH. Mr. Speaker, I demand a second.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Michigan is entitled to 20 minutes and the gentleman from Massachusetts to 20 minutes.

Mr. CRAMTON. Mr. Speaker, in January an estimate came to Congress from the Bureau of the Budget for an emergency appropriation of \$155,000 for the relief of destitution among the Indians. As a result of informal hearings in the Committee on Appropriations and consultation between the Bureau of Indian Affairs and officials in the Shipping Board and the War Department, it has been recommended that, in so far as possible, instead of money being expended, surplus supplies available in the War Department, in the Navy Department, and in the Shipping Board shall be used. After further consideration, the Indian Department agreed to a reduction of the amount to \$100,000 from the original estimate of \$155,000. In part, the reduction is due to the fact that winter is passing.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. Why provide any part in money when the War Department and the Shipping Board together have all of the necessary items of both food and clothing?

Mr. CRAMTON. For two reasons: First, this is purely an emergency matter and there can not be long delay, and it is not definite to what extent the War Department or the other branches of the Government would have the needed supplies available, accessible to the point where they are most needed; and, second—

Mr. BLANTON. I would state to the gentleman that one of our colleagues told me just the other day that one of his con-

stituents is expecting to make \$12,000,000 profit on one contract for shoes which he expects to purchase from the War Department.

Mr. CRAMTON. Yes.

Mr. BLANTON. If a private individual can make \$12,000,000 profit on one contract for shoes from the War Department, why should we not use those shoes in giving them to the destitute Indians rather than buying other shoes?

Mr. CRAMTON. That was the idea of the Committee on Appropriations, and the Indian Bureau has adopted that point of view and is going to use those supplies to the utmost. The need is set forth in House Document No. 155, which contains the statement of the Commissioner of Indian Affairs with reference to the needs, and without desire to detain the House, I might quote a sentence or two from this statement of Commissioner Burke:

The Indians have felt the universal postwar depression perhaps to a greater extent than the whites because of their more or less dependent economic status, limited resources, and lack of provisions for such emergencies. The situation was anticipated to some extent several months ago, but at that time it was thought that we would be able to get through the winter by utilizing the special reserves which have been set aside from our appropriations for the present fiscal year under the Budget plan. For this reason the item was not included in our estimates for 1923. However, reports received from the field indicate that the situation is far more serious than was at first anticipated and that the amount asked for will be absolutely necessary in order to provide needy Indians with the actual necessities of life in the way of food and clothing; otherwise there will be great distress and hardship and perhaps numerous deaths due directly or indirectly to the lack thereof.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. GARRETT of Tennessee. I should like to get some history of the legislation. Has the full Committee on Appropriations passed on this?

Mr. CRAMTON. The history is this: That an estimate came from the Bureau of Indian Affairs through the Interior Department and through the Bureau of the Budget, as set forth in House Document No. 155, from which I have just read in part. It was passed upon by the Committee on Appropriations.

Mr. GARRETT of Tennessee. When?

Mr. CRAMTON. And the full Committee on Appropriations last week—I think on Friday—instructed the report of House joint resolution 264, appropriating \$100,000 for the purposes in question. And if I might state further, to complete, that resolution is the resolution that is now before the House, with the exception that there has been added to the resolution now before the House a further proviso that in the event any of this money is used to aid any tribe of Indians that have funds available that in so far as it is used by that tribe it shall be reimbursed out of the funds of the tribe.

Mr. GARRETT of Tennessee. Now, let me ask the gentleman, The subcommittee considered it?

Mr. CRAMTON. The subcommittee considered it.

Mr. GARRETT of Tennessee. Did the gentleman give notice to the minority members at the time that was being considered?

Mr. CRAMTON. Well, I think the minority members were present at the time. I think the gentleman from Oklahoma [Mr. CARTER] here can speak for himself.

Mr. CARTER. This matter was brought up in the subcommittee when myself and Mr. BYRNES were both present, who were the minority members of the subcommittee, but as I recall no action was taken at that time.

Mr. CRAMTON. No; I think the gentleman is right. It was taken up in the subcommittee at the time we were working on the general bill.

Mr. GARRETT of Tennessee. Were any minority Members present at the time this was acted upon?

Mr. MADDEN. This was acted upon by the full committee.

Mr. CRAMTON. By the full committee on Friday.

Mr. GARRETT of Tennessee. No; I say in the subcommittee. Were any Members of the minority present at the time?

Mr. CRAMTON. Well, it was my understanding that the matter was practically agreed upon in the subcommittee at the time of which my friend the gentleman from Oklahoma [Mr. CARTER] speaks.

Mr. CARTER. I thought the agreement in the subcommittee, as I recall it, was that we would authorize the chairman of the subcommittee to take the matter up again with the Commissioner of Indian Affairs, with a view of seeing if these supplies could be furnished by the War Department without a tax upon the Treasury. Since that time I have had no notice of anything that has been done. As a matter of fact, did the subcommittee act or was it acted upon by the general committee?

Mr. CRAMTON. It was considered at that time in the subcommittee. I hold the judgment of my friend from Oklahoma

[Mr. CARTER] entirely too highly to think of proceeding without the benefit of his advice, and supposed I was proceeding with his full information and approval, and as I understand the resolution before us has entirely the approval of my friend from Oklahoma [Mr. CARTER].

Mr. BLACK. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. BLACK. Are these Indians wards of the Government and for whom previous appropriations of this sort have been made for their support?

Mr. CRAMTON. Generally speaking, yes. The current appropriation bill carries an item of \$375,000 that would be available for this sort of purpose, but \$323,000 of that goes into hospitals, and the other \$50,000 plus has been already obligated, with the exception of \$700.

Mr. BLACK. But what I want to get at is this: We all know there is a great deal of unemployment in the United States and, perhaps, some destitution among the white and Negro folks. Now, is this a new departure or are these Indians wards that we recognize we owe an obligation to?

Mr. CRAMTON. They are wards of the Government. We have cared for them in large degree and must continue to do so.

Mr. DOWELL. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. DOWELL. I take it this matter has been carefully investigated by the committee. Can the gentleman tell us what estimate the committee placed upon the amount that will be turned over under this bill from the other departments to the Department of Indian Affairs?

Mr. CRAMTON. It would only be a guess, but I am hopeful that from one-half to two-thirds or three-fourths of it will be in the form of supplies.

Mr. DOWELL. In other words, the estimate of the gentleman is that at least one-half, probably two-thirds, may be covered into the Treasury from this resolution?

Mr. CRAMTON. Yes, sir.

Mr. KINDRED. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. KINDRED. Can the gentleman state approximately how many of the Indians who are to be benefited by this appropriation bill are living in their old tribal relations and are wards of the Government, or how many have renounced their tribal relations and are not wards of the Government?

Mr. CRAMTON. I assume that practically all of them are living in tribal relations.

Mr. CARTER. None of these Indians, Mr. Chairman, have been released from tribal relationship. That is to say, they are all wards of the Government. The distinction made between an Indian that is a ward of the Government and an Indian that is not, is designated by "competent" and "incompetent." A competent Indian is no longer a ward of the Government. He is given his free title, and the hand of the Government is taken off of him. An incompetent Indian is a ward of the Government and the Government retains its power over him. And all of this money is to be spent for incompetent Indians.

Mr. KINDRED. To all intents and purposes, they are wards of the Government?

Mr. CARTER. Yes.

Mr. BANKHEAD. Is this the usual and ordinary method for providing appropriations for these needy Indians who are still wards of the Government?

Mr. CRAMTON. I think it is the usual procedure for an emergency. The general bill for the fiscal year 1922 has not sufficient funds available. The deficiency bill, at the time it becomes a law, will be too late.

Mr. BANKHEAD. What facts have created this emergency to which the gentleman refers?

Mr. CRAMTON. A general set of circumstances, including a series of droughts and economic conditions—crop failures, suspension of mine operations, and so forth.

Mr. BANKHEAD. Does not the annual appropriation bill carry an item supposed to be sufficient to take care of it?

Mr. CRAMTON. In the present emergency it develops it does not. There are not over \$700 available in that item at this time.

Mr. SEARS. My colleague from Oklahoma [Mr. CARTER] said, "these Indians." As I read the bill there is no particular tribe of Indians set forth, but it is meant to reach wherever they find Indians in destitute condition?

Mr. CRAMTON. In general, in Montana, Arizona, and New Mexico—

Mr. SEARS. But there are destitute Indians in other places, and this bill would reach those?

Mr. CRAMTON. Yes.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. GARRETT of Tennessee. The appropriation is out of the Treasury of the United States and not out of the Indian funds?

Mr. CRAMTON. Except—and I think this exception is only trifling—if any Indians who are aided have tribal funds in the Treasury this money will be reimbursable out of their funds.

Mr. GARRETT of Tennessee. We recently passed a \$20,000,000 bill for Russia, and we are passing \$100,000 in this bill for Indians who are not citizens.

Mr. CRAMTON. But are our wards.

Mr. GARRETT of Tennessee. Can the gentleman inform the House whether there is any possibility of the Committee on Appropriations considering the matter of relief measures for miners in areas where they are suffering at this time?

Mr. CRAMTON. I can not well speak for the committee on that subject. I have no personal knowledge.

Mr. GARRETT of Tennessee. The gentleman does not think that will occur?

Mr. CRAMTON. Well, my opinion about that would be of very little value, I think.

Mr. WALSH. Mr. Speaker, I do not desire to detain the House at any great length upon this measure, but I am opposed to it from principle. I know that we have rather recently established a very good precedent by appropriating \$20,000,000 for the starving and destitute people of other lands, and it may seem trivial to attempt to call attention to this expenditure, which is only \$100,000, for the relief of destitution amongst the Indians. But I do not believe this is the right way to go about it. I have no criticism to make of the head of the Indian Bureau. I think he has been trying to effect economies there.

But I am a little surprised at the generosity of the Committee on Appropriations, headed by our gallant leader, the gentleman from Illinois [Mr. MADDEN], who has made such a splendid record in reducing appropriations below the amount called for by the Budget, and I am sorry that he should have departed from his policy in this particular instance, because I am told that we have in the offing prospective legislation calling for the authorization of \$500,000 to be taken from the Public Treasury to relieve distress and suffering among the miners of West Virginia and Kentucky and Ohio and possibly some other regions of the country.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I will yield for a question.

Mr. GARRETT of Tennessee. Does the gentleman think it is probably because of those bills that are pending that this bill is brought in, or what is the policy behind this bill?

Mr. WALSH. I do not know what the politics of the measure are, but if we continue to appropriate money by the millions or by the hundreds of thousands of dollars out of the Public Treasury for purposes such as this, there will be some politics in it along about next fall, when people file their tax returns and know what has got to be raised in order to meet the expenditures authorized and made from the Public Treasury.

Now, I have no objection to taking proper care of the Indians. They are the wards of the Nation, we are told. Of course, it is a mighty good thing for them that they are the wards of the Nation. It has been my observation that the more money we spend in trying to improve the condition of the Indians, curiously enough the more money we have to spend on their account. They are divided, as the gentleman from Oklahoma [Mr. CARTER] states, into two classes, the competent and the incompetent. But why this should run until June next is more than I can see. This is the time of destitution and unemployment amongst other classes of people. We are now in the middle of a winter. We have recently gone through a severe cold spell, together with a heavy fall of snow, and in the winter season it is rather hard, I assume, in these sections of the country to work upon the reservation or the farm. Why we should continue this up to June, I repeat, is more than I can understand. Furthermore, there is no particular limit to the amount which can be taken out of the War Department and the Navy Department and the Shipping Board for these people. If it is food they need, the supplies are in the War Department. If it is clothing they need, the supplies are in the War Department. If it is shelter they need, the material with which to provide the shelter can be secured from the Shipping Board, and possibly from the War Department.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Certainly.

Mr. MADDEN. I think it has been disclosed to the satisfaction of the Committee on Appropriations, after a very careful

and thorough investigation of what the War Department and the Shipping Board could supply, that they had not all the things that were requisite, but to the extent that they have things that can be used they are to be used.

I wish to say further, if the gentleman will yield—

Mr. WALSH. Certainly—

Mr. MADDEN. That in all the investigations I have ever made in any case I have never reached a conclusion which was so much to my satisfaction, as to the merit of the case, as the conclusion I have reached as to the importance and necessity and emergency and merit of the case that is pending.

Mr. WALSH. Well, of course, we all recognize that the gentleman from Illinois very seldom lets his great big generous heart get the better of his judgment, but I think very likely that has happened in this instance.

Mr. REED of West Virginia. Mr. Speaker, will the gentleman yield for a question?

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. REED of West Virginia. Is the House to understand from the suggestion of the gentleman that he thinks it feasible for the Indians to be housed on the unseaworthy ships that the Shipping Board has floating around here somewhere?

Mr. WALSH. No. I did not intend to convey that suggestion, and only a mariner from the State of West Virginia would have been able to put such an interpretation upon my remarks. [Laughter.]

I would like to say that we have got a lot of other people who are destitute in this country; we have got a lot of other people who are suffering in the middle of winter.

They are citizens of the United States; they are loyal to the Government; and they are looking for employment and willing to work if they can get employment. They are in many instances dependent upon public charity at the present time. If we start in upon this program, we will have gentlemen here with a very strong argument in favor of spending money directly out of the Treasury to take care of the suffering people in other sections of the country who may not be so fortunate as to be wards of the Nation. Now, the gentleman from Illinois stated that a very careful investigation disclosed that the War Department did not have in all cases the particular supplies that were needed for these Indians. I do not know just what particular things they may need. The War Department has an abundant supply of food and clothing, and the War and Navy Departments certainly have an abundant supply of shoes. I should think that ought to be sufficient to cure destitution.

But, Mr. Speaker, I know that the House is insistent upon disclosing its two-thirds and more majority in favor of this measure, and I do not desire to get in the way of the machinery; but I shall vote against the bill.

I reserve the remainder of my time.

Mr. CRAMTON. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. CARTER] five minutes.

The SPEAKER. Does the gentleman from Massachusetts [Mr. WALSH] desire to use the remainder of his time?

Mr. WALSH. I reserve the remainder of my time.

The SPEAKER. The Chair thinks the gentleman from Massachusetts ought to use his time now. The gentleman from Michigan has yielded all the remainder of his time.

Mr. CRAMTON. We have only one more speech.

Mr. WALSH. I did not understand that.

The SPEAKER. The gentleman from Michigan has only five minutes remaining.

Mr. WALSH. Then I yield five minutes to the gentleman from Montana [Mr. RIDDICK].

Mr. RIDDICK. Mr. Speaker, during the holidays I visited Montana, and while there saw a sensational page article published in many Montana newspapers telling about alleged destitution on the Blackfeet Indian Reservation. The article was so harrowing and so full of distressing details that I at once made it my business to visit that section of the State and to look into the facts, and I found that the sensational statements in that article were all wrong. I found that there were hard times, but no suffering, no starvation, no freezing to death, no dire want. I found that these Indians have over \$70,000 in cash in the bank. Every man, woman, and child on the reservation owns 400 acres of land, which means that a family of five owns 2,000 acres of land worth upward of \$20,000. I found that there was no suffering from destitution. In looking over the report on this bill I find that the greater portion of the money which it is proposed we shall give from the United States Treasury is to be used on the Blackfeet Indian Reservation. It is my personal opinion this gift is not necessary to prevent suffering or death. There is a condition of hard times there the same as there is in Washington, and the same as there is in many other places all over the Nation; but I talked with

reliable people who live right there adjoining and upon the reservation, and who know the situation, and who are in daily touch with those Indians, and they assured me that they were positive that the statements that there was suffering and hunger and deaths from starvation there were untrue. Before we are to believe these harrowing tales I should like some more definite evidence than has been presented here. [Applause.]

Mr. CRAMTON. Will the gentleman yield?

Mr. RIDDICK. I yield to the gentleman from Michigan.

Mr. CRAMTON. If these Indians have such a large amount of money in their tribal funds, of course they must stand for this expense under the terms of the resolution. But is it not true that in the very recent past we have appropriated to buy seed, and so forth, for the relief of white farmers in Montana because of repeated crop failures?

Mr. RIDDICK. I am glad to answer the gentleman's question. We have not furnished free seed to any farmers in Montana or elsewhere who have assets of their own. I have sympathy for any people, white or Indian, who are really needy; but these Indians, who have property aggregating upward of \$20,000 in value to each family and who have a large tribal bank account that can be made available for any immediate needs, whether for food, clothing, seed, implements, or anything of that kind, are not in such a condition as to warrant us in taking money out of the Treasury of the United States that we have to collect from other people, who are hard up, to give to these Indians simply because they are hard up. During the past eight years we have been educating the public to believe that whenever anyone is hard up an appropriation should be made and he should be placed in comfortable circumstances with money taken out of the National Treasury. It is time to stop that kind of business. The public expects Congress to economize, and we ought not to spend one cent that is not absolutely necessary.

Mr. LITTLE. Will the gentleman yield?

Mr. RIDDICK. I yield to the gentleman from Kansas.

Mr. LITTLE. In cases where they have \$20,000 to a family, do they not have to pay for the seed out of that?

Mr. CRAMTON. The information given by the Commissioner of Indian Affairs—

Mr. LITTLE. Did the gentleman say that the Indians which had as much as \$20,000 would pay for the seed?

Mr. CRAMTON. Yes.

Mr. RIDDICK. The information I have given you I gained first from my own personal observation out in Montana. Within the last 10 minutes I talked with Mr. Meritt, of the Indian Department, whom you all know, and he confirmed all that I have stated, that the Blackfeet Indians have on deposit \$70,000 in round numbers and that the tribe owns land so that each individual Indian has 400 acres, and that there is no freezing to death or dying or suffering for lack of food.

Mr. MADDEN. Will the gentleman yield?

Mr. RIDDICK. Yes.

Mr. MADDEN. Then Mr. Meritt tells you a different story from what he tells the Appropriations Committee.

Mr. RIDDICK. That may be.

Mr. CRISP. Will the gentleman yield?

Mr. RIDDICK. Yes.

Mr. CRISP. I am not conversant with this legislation. Is this money to be appropriated for relief of the Indians, for the Indian tribes?

Mr. RIDDICK. The money, as I understand it, is to be taken out of the Treasury of the United States to the amount of \$100,000 to furnish relief to certain Indian tribes, and the tribe that is to get the greatest benefit from it is the Blackfeet Tribe that I have just spoken of. The reason given for the legislation is that there is suffering and death. I do not know anything about the other Indian tribes referred to—the Indian tribes in Arizona or elsewhere—but I do know the situation in Montana, and I know that there is no occasion to make a further drain upon the taxpayers of the whole Nation, who are hard up, in order to give to the Blackfeet Indians to prevent freezing, hunger, or dying from starvation. The sensational newspaper article which started this agitation was written by an Indian who is spending the winter in southern California. If the balance of the measure has no more merit than the proposal affecting the Blackfeet Indians, there is no merit whatever in it.

Mr. CRAMTON. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Speaker, this resolution provides for taking care of the destitute Indians, many of whom are in a suffering condition, as reported to us by the authorities of this Government. It was brought to the knowledge of the House by the Appropriations Committee upon the recommendation of the Commissioner of Indian Affairs, at the urgent suggestion of the

Secretary of the Interior, at the suggestion of the Director of the Budget, and of the President of the United States himself. I do not know from what avenue my friend from Montana gets his information other than through the officials of this Government. For my part I prefer to take the official avenues of the Government.

Mr. GARRETT of Tennessee. The gentleman from Montana said that he went personally to the Blackfeet Reservation.

Mr. CARTER. I understand; but the Commissioner of Indian Affairs made an investigation, and he says that the Indians in Montana are in a destitute condition.

Mr. WALSH. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. WALSH. Did the Commissioner of Indian Affairs say that his information was based upon his personal investigation?

Mr. CARTER. Certainly not; he did not say that he went over the reservation himself, but the Commissioner of Indian Affairs had had the matter investigated. My attention has been called by the gentleman from Idaho [Mr. FRENCH] to the statement of Commissioner Burke, in which he says that "a careful house-to-house investigation has been made."

Mr. WALSH. By whom was the investigation made?

Mr. CARTER. By the regular authorized agents of the Government. Now, there was a time when the American Indian was supreme on this continent. There was a time when he owned all the land of the entire country. He did not have to ask the white man for arms. There was a time when all he had to do, when seeking redress for any imaginary or real wrong, was to rush upon the warpath, as you civilized people are wont to do to-day. [Laughter.] But he was deprived of his patrimony in order that this great Republic might endure, and I am surprised that a gentleman coming from a section of the country that my distinguished friend from Massachusetts comes from, the very hub of civilization, should oppose a small appropriation like this for a class of people whom the officials of his own administration say are in need of assistance, are in dire need of assistance, at this time, and one of these officials no less a personage than the President himself. I am surprised that my friend from Massachusetts should oppose this resolution, when day after day we are making appropriations much more recklessly.

Mr. BUTLER. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. BUTLER. I understand the resolution provides for destitute Indians. If an Indian has \$1,000 or \$2,000 or more, he is not destitute.

Mr. WALSH. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. WALSH. The gentleman from Oklahoma may not know it, but the gentleman from Massachusetts has two tribes of Indians in his own district. They are self-supporting and self-governing.

Mr. CARTER. Yes; and the gentleman from Oklahoma has several tribes in his district that are self-supporting; none of them are included within this appropriation; but when I see starving Americans, be they white men, Indian, or colored, I feel as much interest in them as I do in the suffering in far-away Russia or any other foreign country. This has been asked for by one of the safest men who ever presided over a bureau of this Government.

Mr. CANNON rose.

Mr. CARTER. In just a moment. I would be reluctant myself, with the present condition of the Treasury, to accept the statement of an investigation by the average bureau chief, but when a man like Charlie Burke tells me that these things are necessary and that he knows them to be necessary then it makes me sit up and take notice. I yield to the gentleman from Illinois.

Mr. CANNON. While some of the Indians have a credit in the Treasury of the United States that is available for relief, this appropriation would not cover them at all.

Mr. CARTER. It would cover them; yes. They would be reimbursed from their funds where they have funds, but those funds would not be available without this resolution.

Mr. CANNON. Precisely.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. WALSH) there were—yeas 55, noes 44.

Mr. CRAMTON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Michigan demands the yeas and nays.

Mr. CRAMTON. And pending that I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. The gentleman from Michigan stated that "pending that" he made the point of no quorum. Does that mean that if no quorum is present there will be an automatic roll call?

The SPEAKER. The Chair does not think that the words "pending that" would make any difference. The Chair thinks it would be an automatic roll call. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and there were—yeas 155, nays 103, not voting 172, as follows:

YEAS—155.

Ackerman	Dowell	Kinkaid	Raker
Anderson	Dunn	Kissel	Ransley
Andrews, Nebr.	Evans	Klecza	Roece
Anthony	Fairchild	Kline, Pa.	Rhodes
Appleby	Faust	Kopp	Roach
Arentz	Favrot	Larson, Minn.	Robertson
Barbour	Fish	Lazaro	Rose
Beedy	Fisher	Lea, Calif.	Sanders, N. Y.
Benham	Focht	Leatherwood	Schall
Bixler	French	Little	Scott, Mich.
Bland, Va.	Frothingham	London	Shreve
Boies	Gahn	Luce	Siegel
Brennan	Gensman	McClintic	Sinclair
Briggs	Glynn	McCormick	Sinnott
Brooks, Ill.	Graham, Ill.	McFadden	Smith, Idaho
Browne, Wis.	Greene, Mass.	McLaughlin, Mich.	Smithwick
Bulwinkle	Griffin	McLaughlin, Nebr.	Snyder
Burroughs	Hadley	McPherson	Swank
Burness	Hardy, Colo.	Madden	Sweet
Butler	Haugen	Magee	Swing
Campbell, Kans.	Hawes	Maloney	Temple
Cannon	Hawley	Mapes	Ten Eyck
Carter	Hayden	Merritt	Tillman
Chandler, N. Y.	Hickey	Michener	Timberlake
Chindblom	Hicks	Miller	Tinkham
Christopherson	Himes	Moore, Ill.	Vaile
Clague	Huddleston	Moore, Ohio	Walters
Clarke, N. Y.	Hudspeth	Morgan	Ward, N. C.
Cockran	Hutchinson	Nelson, J. M.	Wason
Cooper, Wis.	Ireland	Newton, Minn.	Watson
Crago	Jacoway	Nolan	Weaver
Cramton	Johnson, S. Dak.	Norton	Webster
Cullen	Johnson, Wash.	Oldfield	Williamson
Curry	Jones, Pa.	Osborne	Wilson
Dale	Keller	Parker, N. J.	Wingo
Dallinger	Kendall	Parks, Ark.	Wood, Ind.
Darrow	Ketcham	Patterson, Mo.	Woodruff
Davis, Minn.	Kindred	Patterson, N. J.	Wurzbach
Dickinson	King	Purnell	

NAYS—103.

Almon	Crisp	Lanham	Sanders, Tex.
Andrew, Mass.	Crowther	Lankford	Sandlin
Aswell	Davis, Tenn.	Larsen, Ga.	Sears
Atkeson	Deal	Layton	Sisson
Bankhead	Dempsey	Logan	Smith, Mich.
Barkley	Dominick	Lowrey	Speaks
Begg	Drane	Lubring	Stafford
Bell	Echols	McDuffie	Steagall
Black	Elliott	McSwain	Stephens
Blanton	Ellis	MacGregor	Stevenson
Bowers	Fields	Millsbaugh	Stoll
Bowling	Foster	Murphy	Strong, Kans.
Box	Free	Newton, Mo.	Summers, Tex.
Brand	Fulmer	Oliver	Taylor, N. J.
Buchanan	Garner	Overstreet	Taylor, Tenn.
Burdick	Garrett, Tenn.	Paige	Thompson
Burton	Gilbert	Park, Ga.	Tincher
Byrnes, S. C.	Goodykoontz	Quinn	Tyson
Byrns, Tenn.	Greene, Vt.	Radcliffe	Vinson
Cable	Hammer	Rankin	Walsh
Clark, Fla.	Herrick	Rayburn	White, Kans.
Clouse	Hoch	Reed, W. Va.	Woods, Va.
Cole, Iowa	Hooker	Ricketts	Woodyard
Collins	Jeffers, Ala.	Riddick	Wyant
Connally, Tex.	Jones, Tex.	Robison	Zihlman
Cooper, Ohio	Kearns	Rouse	

NOT VOTING—172.

Ansorge	Denison	Hardy, Tex.	Kraus
Bacharach	Doughton	Harrison	Kreider
Beck	Drewry	Hays	Kunz
Bird	Driver	Hersey	Lampert
Blakeney	Dunbar	Hill	Langley
Bland, Ind.	Dupré	Hogan	Lawrence
Bond	Dyer	Houghton	Lee, Ga.
Brinson	Edmonds	Hukriede	Lee, N. Y.
Britten	Fairfield	Hull	Lehibach
Brooks, Pa.	Fenn	Humphreys	Lineberger
Brown, Tenn.	Fess	Husted	Luthicum
Burke	Fitzgerald	James	Longworth
Campbell, Pa.	Fordney	Jeffers, Nebr.	Lyon
Cantrill	Frear	Johnson, Ky.	McArthur
Carew	Freeman	Johnson, Miss.	McKenzie
Chalmers	Funk	Kahn	McLaughlin, Pa.
Chandler, Okla.	Gallivan	Kelly, Mich.	Mann
Classon	Garrett, Tex.	Kennedy	Mansfield
Codd	Garnard	Kless	Martin
Cole, Ohio	Goldborough	Kincheloe	Mead
Collier	Gorman	Kirkpatrick	Michaelson
Colton	Gould	Kitchin	Mills
Connell	Graham, Pa.	Kline, N. Y.	Mondell
Connolly, Pa.	Green, Iowa	Knight	Montague
Copley	Griest	Knutson	Montoya
Coughlin			Moore, Va.

Moore, Ind.	Pringley	Shaw	Treadway
Morin	Rainey, Ala.	Shelton	Underhill
Mott	Rainey, Ill.	Slemp	Upshaw
Mudd	Ramseyer	Snell	Vare
Nelson, A. P.	Reavis	Sproul	Vestal
O'Brien	Reber	Stedman	Volgt
O'Connor	Reed, N. Y.	Steenerson	Volk
Ogden	Riordan	Stiness	Volstead
Olpp	Rodenberg	Strong, Pa.	Ward, N. Y.
Padgett	Rogers	Sullivan	Wheeler
Parker, N. Y.	Rosenbloom	Summers, Wash.	White, Me.
Parrish	Rosendale	Tague	Williams
Perkins	Rucker	Taylor, Ark.	Winslow
Perlman	Ryan	Taylor, Colo.	Wise
Petersen	Sabath	Thomas	Wright
Porter	Sanders, Ind.	Tilson	Yates
Pou	Scott, Tenn.	Towner	Young

So, two-thirds not having voted in favor thereof, the joint resolution was not agreed to.

The Clerk announced the following pairs:

General pairs:

Mr. TREADWAY with Mr. COLLIER.
 Mr. KAHN with Mr. UPSHAW.
 Mr. OLPP with Mr. PARRISH.
 Mr. TILSON with Mr. BRINSON.
 Mr. MICHAELSON with Mr. THOMAS.
 Mr. GRIEST with Mr. HUMPHREYS.
 Mr. BACHARACH with Mr. LYON.
 Mr. LAMPERT with Mr. TAYLOR of Arkansas.
 Mr. REBER with Mr. RIORDAN.
 Mr. WILLIAMS with Mr. DREWRY.
 Mr. CONNELL with Mr. POU.
 Mr. SNELL with Mr. CANTRILL.
 Mr. MUDD with Mr. LINTHICUM.
 Mr. PERLMAN with Mr. O'BRIEN.
 Mr. KLINE of New York with Mr. WISE.
 Mr. HOGAN with Mr. TAGUE.
 Mr. CONNOLLY of Pennsylvania with Mr. GOLDSBOROUGH.
 Mr. MORIN with Mr. DUPRE.
 Mr. GORMAN with Mr. RAINEY of Illinois.
 Mr. BLAND of Indiana with Mr. CAREW.
 Mr. BURKE with Mr. PADGETT.
 Mr. EDMONDS with Mr. JOHNSON of Kentucky.
 Mr. FESS with Mr. KITCHIN.
 Mr. MONDELL with Mr. MONTAGUE.
 Mr. KIESS with Mr. WRIGHT.
 Mr. FITZGERALD with Mr. SABATH.
 Mr. VARE with Mr. DRIVER.
 Mr. WINSLOW with Mr. O'CONNOR.
 Mr. LAWRENCE with Mr. MEAD.
 Mr. NELSON, A. P., with Mr. DOUGHTON.
 Mr. OGDEN with Mr. HARDY of Texas.
 Mr. HUKRIEDE with Mr. LEE of Georgia.
 Mr. DENISON with Mr. MOORE of Virginia.
 Mr. HAYES with Mr. STEDMAN.
 Mr. CHANDLER of Oklahoma with Mr. GALLIVAN.
 Mr. BLAKENEY with Mr. SULLIVAN.
 Mr. REED of New York with Mr. HARRISON.
 Mr. ROSSDALE with Mr. KUNZ.
 Mr. KENNEDY with Mr. GARRETT of Texas.
 Mr. LONGWORTH with Mr. RUCKER.
 Mr. GRAHAM of Pennsylvania with Mr. TAYLOR of Colorado.
 Mr. SHELTON with Mr. MANSFIELD.
 Mr. LEHLBACH with Mr. KINCHELOE.
 Mr. KNUTSON with Mr. MARTIN.
 Mr. ROSENBLUM with Mr. RAINEY of Alabama.
 Mr. VOLK with Mr. JOHNSON of Mississippi.
 Mr. KNIGHT with Mr. CAMPBELL of Pennsylvania.
 The result of the vote was announced as above recorded.
 The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

PRESIDENT'S ADDRESS.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the address delivered by the President to-day before the final session of the Peace Conference may be inserted in the RECORD in 8-point type.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the address delivered by the President before the final session of the Peace Conference may be inserted in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

MR. CHAIRMAN AND MEMBERS OF THE CONFERENCE: Nearly three months ago it was my privilege to utter to you sincerest words of welcome to the Capital of our Republic, to suggest the spirit in which you were invited, and to intimate the atmosphere in which you were asked to confer. In a very general way, perhaps, I ventured to express a hope for the things toward which our aspirations led us.

To-day it is my greater privilege, and an even greater pleasure, to come to make acknowledgment. It is one of the supreme compensations of life to contemplate a worth-while accomplishment.

It can not be other than seemly for me, as the only Chief of Government so circumstanced as to be able to address the conference, to speak congratulations, and to offer the thanks of our Nation, our people; perhaps I dare volunteer to utter them for the world. My own gratification is beyond my capacity to express.

This conference has wrought a truly great achievement. It is hazardous sometimes to speak in superlatives, and I will be restrained. But I will say, with every confidence, that the faith plighted here to-day, kept in national honor, will mark the beginning of a new and better epoch in human progress.

Stripped to the simplest fact, what is the spectacle which has inspired a new hope for the world? Gathered about this table nine great nations of the earth—not all, to be sure, but those most directly concerned with the problems at hand—have met and have conferred on questions of great import and common concern, on problems menacing their peaceful relationship, on burdens threatening a common peril. In the revealing light of the public opinion of the world, without surrender of sovereignty, without impaired nationality or affronted national pride, a solution has been found in unanimity, and to-day's adjournment is marked by rejoicing in the things accomplished. If the world has hungered for new assurance, it may feast at the banquet which the conference has spread.

I am sure the people of the United States are supremely gratified, and yet there is scant appreciation how marvelously you have wrought. When the days were dragging and agreements were delayed, when there were obstacles within and hindrances without, few stopped to realize that here was a conference of sovereign powers where only unanimous agreement could be made the rule. Majorities could not decide without impinging national rights. There were no victors to command, no vanquished to yield. All had voluntarily to agree in translating the conscience of our civilization and give concrete expression to world opinion.

And you have agreed in spite of all difficulties, and the agreements are proclaimed to the world. No new standards of national honor have been sought, but the indictments of national dishonor have been drawn, and the world is ready to proclaim the odiousness of perfidy or infamy.

It is not pretended that the pursuit of peace and the limitations of armament are new conceits, or that the conference is a new conception either in settlement of war or in writing the conscience of international relationship. Indeed, it is not new to have met in the realization of war's supreme penalties. The Hague conventions are examples of the one, the conference of Vienna, of Berlin, of Versailles are outstanding instances of the other.

The Hague conventions were defeated by the antagonism of one strong power whose indisposition to cooperate and sustain led it to one of the supreme tragedies which have come to national eminence. Vienna and Berlin sought peace founded on the injustices of war and sowed the seeds of future conflict, and hatred was armed where confidence was stifled.

It is fair to say that human progress, the grown intimacy of international relationship, developed communication and transportation, attended by a directing world opinion, have set the stage more favorably here. You have met in that calm deliberation and that determined resolution which have made a just peace, in righteous relationship, its own best guaranty.

It has been the fortune of this conference to sit in a day far enough removed from war's bitterness, yet near enough to war's horrors, to gain the benefit of both the hatred of war and the yearning for peace. Too often, heretofore, the decades following such gatherings have been marked by the difficult undoing of their decisions. But your achievement is supreme because no seed of conflict has been sown; no reaction in regret or resentment ever can justify resort to arms.

It little matters what we appraise as the outstanding accomplishment. Any one of them alone would have justified the conference. But the whole achievement has so cleared the atmosphere that it will seem like breathing the refreshing air of a new morn of promise.

You have written the first deliberate and effective expression of great powers, in the consciousness of peace, of war's utter futility, and challenged the sanity of competitive preparation for each other's destruction. You have halted folly and lifted burdens, and revealed to the world that the one sure way to recover from the sorrow and ruin and staggering obligations of a world war is to end the strife in preparation for more of it, and turn human energies to the constructiveness of peace.

Not all the world is yet tranquilized. But here is the example, to imbue with new hope all who dwell in apprehension. At this table came understanding, and understanding brands armed conflict as abominable in the eyes of enlightened civilization.

I once believed in armed preparedness. I advocated it. But I have come now to believe there is a better preparedness in a public mind and a world opinion made ready to grant justice precisely as it exacts it. And justice is better served in conferences of peace than in conflicts at arms.

How simple it all has been. When you met here 12 weeks ago there was not a commitment, not an obligation, except that which each delegation owes to the Government commissioning it. But human service was calling, world conscience was impelling, and world opinion directing.

No intrigue, no offensive or defensive alliances, no involvements have wrought your agreements, but reasoning with each other to common understanding has made new relationships among Governments and peoples, new securities for peace, and new opportunities for achievement and attending happiness.

Here have been established the contacts of reason, here has come the inevitable understandings of face-to-face exchanges when passion does not inflame. The very atmosphere shamed national selfishness into retreat. Viewpoints were exchanged, differences composed, and you came to understand how common, after all, are human aspirations; how alike, indeed, and how easily reconcilable are our national aspirations; how sane and simple and satisfying to seek the relationships of peace and security.

When you first met I told you of our America's thought to seek less of armament and none of war; that we sought nothing which is another's, and we were unafraid, but that we wished to join you in doing that finer and nobler thing which no nation can do alone. We rejoice in the accomplishment.

It may be that the naval holiday here contracted will expire with the treaties, but I do not believe it. Those of us who live another decade are more likely to witness a growth of public opinion, strengthened by the new experience, which will make nations more concerned with living to the fulfillment of God's high intent than with agencies of warfare and destruction. Since this conference of nations has pointed with unanimity to the way of peace to-day, like conferences in the future, under appropriate conditions, and with aims both well conceived and definite, may illuminate the highways and byways of human activity. The torches of understanding have been lighted, and they ought to glow and encircle the globe.

Again, gentlemen of the conference, congratulations and the gratitude of the United States! To Belgium, to the British Empire, to China, to France, to Italy, to Japan, to the Netherlands, and to Portugal I can wish no more than the same feeling, which we experience, of honorable and honored contribution to happy human advancement, and a new sense of security in the righteous pursuits of peace and all attending good fortune.

From our own delegates I have known from time to time of your activities, and of the spirit of conciliation and adjustment, and the cheering readiness of all of you to strive for that unanimity so essential to accomplishment. Without it there would have been failure; with it you have heartened the world.

And I know our guests will pardon me while I make grateful acknowledgment to the American delegation—to you, Mr. Secretary Hughes; to you, Senator Lodge; to you, Senator Underwood; to you, Mr. Root; to all of you for your able and splendid and highly purposed and untiring endeavors in behalf of our Government and our people; and to our excellent advisory committee which gave to you so dependable a reflex of that American public opinion which charts the course of this Republic.

It is all so fine, so gratifying, so reassuring, so full of promise, that above the murmurings of a world sorrow not yet silenced, above the groans which come of excessive burdens not yet lifted, but now to be lightened, above the discouragements of a world yet struggling to find itself after surpassing upheaval, there is the note of rejoicing which is not alone ours or yours, or of all of us, but comes from the hearts of men of all the world.

LEAVE OF ABSENCE.

By unanimous consent (on request of Mr. WILLIAMS) Mr. DENISON was granted leave of absence indefinitely on account of illness.

ADJOURNMENT.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 7, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

511. A letter from the Secretary of the Treasury, transmitting a draft of legislation for the relief of J. L. Summers, disbursing clerk, Treasury Department, in the sum of \$50.63; to the Committee on Claims.

512. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting report of the company for the year ended December 31, 1921; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KINKAID: Committee on Irrigation of Arid Lands. H. R. 4382. A bill to provide for the application of the reclamation law to irrigation districts; with amendments (Rept. No. 662). Referred to the Committee of the Whole House on the state of the Union.

Mr. FOCHT: Committee on the District of Columbia. H. R. 10275. A bill authorizing the extension of the park system in the District of Columbia; with an amendment (Rept. No. 663). Referred to the Committee of the Whole House on the state of the Union.

Mr. FOCHT: Committee on the District of Columbia. S. 3086. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia; with an amendment (Rept. No. 664). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 9597. A bill to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918; with amendments (Rept. No. 665). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 10297. A bill to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; without amendment (Rept. No. 667). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. STRONG of Kansas: Committee on War Claims. S. 1020. An act for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission to the United States (Rept. No. 666). Laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9477) granting an increase of pension to Frank L. Johnson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLOUSE: A bill (H. R. 10290) to provide for the establishment of a dairying and live-stock experiment station at Gallatin, Tenn.; to the Committee on Agriculture.

By Mr. HOCH: A bill (H. R. 10291) to amend an act entitled "An act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes," approved July 31, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: A bill (H. R. 10292) to provide for the purchase of a site for a public building at Leetsdale, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10293) increasing the limit of cost for a Federal building at Tarentum, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KING: A bill (H. R. 10294) to authorize the establishment of a bureau of farm-risk insurance in the Treasury Department; to the Committee on Agriculture.

By Mr. CURRY: A bill (H. R. 10295) authorizing the Secretary of the Navy to detail active or retired officers of the Navy as instructors in naval and military science at certain schools and colleges, and for other purposes; to the Committee on Naval Affairs.

By Mr. SANDERS of New York: A bill (H. R. 10296) providing for payment of expenses incident to the last illness and death of veterans of the World War whose injuries or diseases were incurred in line of duty; to the Committee on Interstate and Foreign Commerce.

By Mr. FROTHINGHAM: A bill (H. R. 10297) to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

By Mr. BENHAM: Resolution (H. Res. 280) concerning relations between the people and Government of the United States and the people and Government of Mexico; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Virginia: A bill (H. R. 10298) granting an increase of pension to Elie Jones Quinby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10299) granting a pension to Harvey Price; to the Committee on Pensions.

By Mr. BRITTEN: A bill (H. R. 10300) for the relief of William J. Sutherland; to the Committee on Claims.

By Mr. CLOUSE: A bill (H. R. 10301) granting a pension to Mary S. Maxwell; to the Committee on Invalid Pensions.

By Mr. FAVROT: A bill (H. R. 10302) authorizing and directing the Secretary of War to cause to be made a preliminary examination and survey of the Amite River and Bayou Manchac, in Louisiana; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10303) authorizing and directing the Secretary of War to cause to be made a preliminary examination and survey of the Tchefuncta and Bogue Falaya Rivers, in Louisiana; to the Committee on Rivers and Harbors.

By Mr. GRIFFIN: A bill (H. R. 10304) for the relief of Dennis Shevlin; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 10305) granting an increase of pension to Gertrude M. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 10306) granting a pension to Sarah Curry; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 10307) granting an increase of pension to James F. Lyons; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 10308) granting an increase of pension to Amanda Bierly; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 10309) granting a pension to Scott Hodge; to the Committee on Invalid Pensions.

By Mr. ROBSON: A bill (H. R. 10310) granting an increase of pension to Mary Bushong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10311) granting a pension to John Allen; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 10312) granting a pension to Minnie Market; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10313) granting a pension to Maggie Allen; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3824. By Mr. CRAGO: Resolutions of Captain Joseph Dudenhoefter Garrison, No. 180, Department of Pennsylvania, Army and Navy Union, disapproving order issued by the First Assistant Postmaster General directing all postmasters throughout the United States to equalize all work among substitute employees regardless of whether or not they be ex-service men; to the Committee on the Post Office and Post Roads.

3825. Also, petition of the Pennsylvania State Grange, protesting against the transfer of the Bureau of Markets and the Forest Service from the Department of Agriculture to the Department of Commerce and Department of Interior, respectively; to the Committee on Agriculture.

3826. By Mr. HADLEY: Petition of J. D. Capaan and others, of Oak Harbor, Wash., urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3827. By Mr. KISSEL: Petition of the American Legion national legislative committee, Washington, D. C., favoring adjusted compensation for ex-service men; to the Committee on Ways and Means.

3828. Also, petition of Mathias Goeller, George J. Stueber, and Adam Thomann, all of Brooklyn, N. Y., favoring the Hill beer and wine bill; to the Committee on the Judiciary.

3829. By Mr. LINTHICUM: Petition of G. Clem Goodrich, banker, of Baltimore, Md., protesting against the soldiers' bonus; also, petition of Jett Bros. Co., of Baltimore, Md., protesting against allowance of "duty-free" articles brought into this country; to the Committee on Ways and Means.

3830. By Mr. MCPHERSON: Petitions of the Baptist Church of Richards; the First Baptist Church, of Marionville; the First Baptist Church, of Exeter; the Round Grove Baptist Church, at Round Grove; and the First Baptist Church, of Monett, all in the State of Missouri, recommending the passage of House joint resolution 159, amending the Constitution of the United States so as to prohibit appropriations for sectarian purposes; to the Committee on the Judiciary.

3831. By Mr. MacGREGOR: Petition of the Council of the city of Buffalo, urging the passage of House bill 9579; to the Committee on Banking and Currency.

3832. Also, petition of the Methodist Episcopal Church of Buffalo, N. Y., urging Congress to take immediate action in the form of special and immediate legislation providing that the payment of the Austria debt to the United States be suspended for at least 20 years; to the Committee on Ways and Means.

3833. By Mr. ROGERS: Resolutions adopted by the Department of Massachusetts, Veterans of Foreign Wars, opposing an order relative to navy yard employees, which was recently issued by the Secretary of the Navy; to the Committee on Naval Affairs.

3834. By Mr. SINCLAIR: Petition of Tri-State Grain and Stock Growers' Convention, held at Fargo, N. Dak., asking for a guaranteed price of \$2 per bushel on wheat; to the Committee on Agriculture.

3835. Also, petition of F. J. Weir, Robert Rotering, and W. E. Dyer, commissioners of Slope County, N. Dak., in support of House bill 9807, for the relief of farmers of drought-stricken areas in the purchase of seed and feed; to the Committee on Agriculture.

3836. Also, 10 petitions by citizens of Emerson, Rawson, Makoti, Sheyenne, Luns Valley, Kramer, Lostwood, Berg, Streeter, Eckman, and other places in North Dakota, urging the revival of the United States Grain Corporation and the stabilization of prices of farm products through the passage of legislation by Congress; to the Committee on Agriculture.

3837. Also, petition of farmers of Golden Township, Walsh County, N. Dak., favoring a price of \$2.20 per bushel on wheat, and other grains in proportion; to the Committee on Agriculture.

3838. Also, petition of citizens of Appam, Wahpeton, Dwight, Plaza, Des Lacs, Burlington, Minot, Park River, Enderlin, Kenmare, Norma, Tolley, Niagara, and other places in North Dakota, urging the revival of the United States Grain Corporation and the enactment of legislation for the stabilization of prices of farm products; to the Committee on Agriculture.

3839. Also, nine petitions from citizens of Epworth, New Leipzig, Reeder, Mohall, Hansboro, Rolla, Stanley, McGregor, Leith, Kenmare, and other places in North Dakota, urging the revival of the United States Grain Corporation and legislation insuring the stabilization of prices of farm products; to the Committee on Agriculture.

3840. Also, petition of farmers of Griggs County, N. Dak., assembled in one of the largest mass meetings ever held in that county, urging the revival of the United States Grain Corporation and the fixing of a minimum price on wheat; to the Committee on Agriculture.

3841. Also, petition of the Cannon Ball Community Club of Bentley, N. Dak., asking for an appropriation for farmers of drought-stricken areas for the purchase of seed and feed; to the Committee on Agriculture.

3842. Also, petition of the Slope Valley Farmers' Club, of New England, N. Dak., urging the enactment of legislation for the relief of farmers of the drought-stricken areas; to the Committee on Agriculture.

3843. Also, petition of Selmer Olmsager and about 20 others, of Blaisdell, N. Dak., protesting against a revision of the present tariff laws; to the Committee on Ways and Means.

3844. By Mr. WOODYARD: Memorial of Point Pleasant Council, No. 146, Junior Order United American Mechanics, of Point Pleasant, W. Va., favoring enactment of Sterling-Towner bill; to the Committee on Education.

3845. Also, memorial of Guyandotte Council, No. 181, Junior Order United American Mechanics, of Huntington, W. Va., favoring passage of Sterling-Towner educational bill; to the Committee on Education.

3846. Also, petition of citizens of the fourth congressional district of West Virginia, favoring the passage of the Sterling-Towner bill; to the Committee on Education.

3847. By Mr. YOUNG: Petition of Ole K. Boudeli and 67 others, of Maddock, N. Dak., asking for the revival of the United

States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3848. Also, petition of G. S. Mundhield and 31 others, of Niagara, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3849. Also, petition of H. A. Thomas, president of the Commercial Club of Driscoll, and 53 other members, of Driscoll, N. Dak., asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3850. Also, petition of John Klipfel and two others, of Monango, N. Dak., asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3851. Also, petition of Mrs. Will Diemert and 18 others, of Eckelson, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3852. Also, petition of Mrs. Sven Erikson and four others, of Cooperstown, N. Dak., urging the revival of the United States Grain Corporation and the fixing of a guaranteed price on wheat; to the Committee on Agriculture.

3853. Also, petition of A. A. Hartman and 19 others, of Kulm, N. Dak., asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3854. Also, petition of J. A. Knapp and 40 others, of Binford, N. Dak., asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3855. Also, petition of A. C. Y. Sund and 25 others, of Cleveland, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3856. Also, petition of John W. Krueger and 54 others, of Bowdon, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3857. Also, petition of Iver Jacobson and 21 others, of Nome, D. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3858. Also, petition of John Kjelstrom and 20 others, of Knox, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3859. Also, petition of Mrs. J. C. Hanson and 25 others, of Maddock, N. Dak., asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3860. Also, petition of Alfred Westrum and 64 others, of Maddock, N. Dak., and vicinity, urging the passage of the Christopherson bill (H. R. 7735), for the stabilization of prices on farm products; to the Committee on Agriculture.

3861. Also, petition of George W. Krueger and 21 others, of Drake, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3862. Also, petition of G. Nelson and 25 others, of Harvey, N. Dak., and vicinity, asking for the revival of the United States Grain Corporation and for a guaranteed price on wheat; to the Committee on Agriculture.

3863. Also, petition of C. W. Fine and 23 others, of Sheyenne, N. Dak., urging the passage of Senate resolution 133, in regard to investigation of grain prices; to the Committee on Agriculture.

SENATE.

TUESDAY, February 7, 1922.

(Legislative day of Friday, February 3, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhues, its enrolling clerk, announced that the House had passed without amendment the following Senate bills and joint resolutions:

S. 1831. An act to amend section 237 of the Judicial Code;
S. 2124. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within section 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama;

S. 2468. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin;

S. 2802. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

S. 2994. An act to revise and reenact the act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island in Baldwin and Mobile Counties, Ala.," approved October 5, 1917;

S. J. Res. 99. Joint resolution providing a site upon public statue of Dante; and

grounds in the city of Washington, D. C., for the erection of a S. J. Res. 140. Joint resolution relative to payment of tuition for Indian children enrolled in Montana State public schools.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 6750. An act for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes;

H. R. 7598. An act authorizing the Secretary of the Interior to dedicate and set apart as a national monument certain lands in Riverside County, Calif.;

H. R. 8010. An act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont.;

H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaii National Park;

H. R. 8924. An act to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920;

H. R. 9344. An act providing for the appropriation of funds for acquiring additional water rights for Indians on the Crow Reservation, in Montana, whose lands are irrigable under the Two Legins Irrigation Canal;

H. R. 9633. An act to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty;

H. R. 9931. An act to extend the time for completing the construction of a bridge across the Delaware River; and

H. R. 10009. An act to authorize the State of Alabama through its highway department to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama.

The message further announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

THE MUSCLE SHOALS PLANT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, relative to the development of the power plant and navigation at Muscle Shoals, Ala., transmitting copies of the proposals of Mr. Henry Ford relative to that project.

Mr. UNDERWOOD. Mr. President, I move the reference of the document to the Committee on Agriculture and Forestry; and I ask permission to make a short statement with reference to the matter.

Mr. KING. Mr. President, there are very few Senators present this morning, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ashurst	Fletcher	Keyes	Overman
Ball	France	King	Page
Brandegee	Frelinghuysen	Ladd	Pepper
Broussard	Gerry	La Follette	Phipps
Calder	Glass	Lenroot	Pittman
Cameron	Hale	Lodge	Polk
Capper	Harrell	McCormick	Pomeroy
Caraway	Harris	McKinley	Ransdell
Colt	Harrison	McNary	Sheppard
Culberson	Heflin	Moses	Shields
Cummings	Hitchcock	Nelson	Shortridge
Curtis	Jones, N. Mex.	Newberry	Simmons
Dial	Jones, Wash.	Nicholson	Smoot
Dihr	Kellogg	Norris	Spencer
Fernald	Kendrick	Oddie	Stanfield

Stanley
Sterling
Sutherland
Swanson

Townsend
Underwood
Wadsworth
Walsh, Mass.

Walsh, Mont.
Warren
Watson, Ind.
Williams

Willis

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on business of the Senate. I ask that this announcement may stand for the day.

Mr. FLETCHER. My colleague [Mr. TRAMMELL] is necessarily absent. I ask that this announcement may stand for the day.

Mr. CARAWAY. I wish to announce the unavoidable absence of my colleague [Mr. ROBINSON] on account of illness.

Mr. HARRIS. I desire to announce that my colleague [Mr. WATSON of Georgia] is absent on official business.

The PRESIDENT pro tempore. Seventy-three Senators have answered to their names. There is a quorum present. The Senator from Alabama will proceed.

Mr. UNDERWOOD. Mr. President, if the Senate will pardon me to make a statement, I will state the reason why I have moved that the offer of Mr. Ford to purchase the nitrate plant at Muscle Shoals and to lease the dams at that point and pay the interest on the cost of construction be referred to the Committee on Agriculture and Forestry for consideration and action. I realize, of course, that there are a number of legislative problems involved in the proposition and there are a number of points of reference.

The matter involves navigation and the committee having charge of that endeavor might say that it should go to that committee. It involves hydraulic power, and committees having charge of that class of legislation might claim that the proposition should be referred there. But it also involves the question of making nitrate. One might say that should carry it to the Committee on Military Affairs, because it involves a question of the national defense. But it also involves the question in times of peace of converting that nitrogen into fertilizers for the development of agriculture.

The question before the Senate is which is the prime object of the proposal? I ask the Senate to bear in mind that less than a year ago the same matter was before the Senate, but in a different form. Then it came here by bills reported from the Committee on Agriculture and Forestry relating to all the propositions involved in the Henry Ford offer. The Senate acted favorably on the report of the Committee on Agriculture and Forestry, although unfortunately the bills were lost in the House of Representatives.

The reason why the matter previously went to the Committee on Agriculture and Forestry is apparent. It was sent there, so far as the bills were concerned, because the proponent of those bills, the Senator who introduced them, asked that they be referred to the Committee on Agriculture and Forestry. That Senator was the senior Senator from New York [Mr. WADSWORTH], chairman of the Committee on Military Affairs. Evidently he believed at that time that the Committee on Military Affairs should not have jurisdiction of the matter, but that its prime object was one of agriculture. I believe that myself, Mr. President. If you bear in mind the history of the legislation you go back to the national defense act, when the Government of the United States made an appropriation of \$20,000,000 authorizing the President of the United States to select a dam or dams for the purpose of making nitrogen and to build a plant or plants for the purpose of converting air nitrogen, and the act stated that this should be done for the national defense in time of war and to make fertilizers to develop agriculture in time of peace.

The war clouds have rolled by. The law which was embodied in the national defense act is the law to-day; it is the law which governs this proposal. Now we are in times of peace, and the primary purpose of the development at Muscle Shoals is the production of nitrogen in order that the agriculture of this land may flourish. The action of the Senate heretofore has been to give jurisdiction of this matter to the Agricultural Committee. The report of the Agricultural Committee, both in reference to the nitrate plant and in reference to the building of the dams, was approved by a majority vote in the Senate of the United States.

Mr. WARREN. Will the Senator pardon an interruption?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. UNDERWOOD. I yield.

Mr. WARREN. I hope the able Senator from Alabama, who has already spoken of the possible reference of this matter to several committees, will also recall that at one time a measure dealing with the subject to the extent of \$10,000,000 was referred to and acted upon by the Appropriations Committee. Now, waiving the question whether it is desired to use the plant at Muscle Shoals for the purpose of producing power and ni-

trates in this instance, it seems to me there will be involved to a large extent the question of appropriations. Also, it seems to me that about the first move to be made by any committee having charge of the subject would be to examine from a legal standpoint the question of the contract, and that would perhaps indicate the necessity of sending the matter to the Judiciary Committee. The Ford proposition and contract, as I understand, is to extend over a period of a hundred years. Has the Senator from Alabama taken that matter into consideration?

Mr. UNDERWOOD. Yes; I know there are outstanding existing contracts. Under options on the part of the men who constructed the nitrate plant and one other minor plant they had the right within a year's time to purchase those plants. I do not say that their options have expired, but I do say that Secretary Weeks, more than six months ago, stated that he desired to turn these plants over to private endeavor instead of having them operated by public effort; and it was clearly a matter for the Secretary of War to consider when he had the Ford proposal before him. Therefore I do not think a legal question is now involved. If it be, I suppose that Secretary Weeks would have referred to the subject in his report, which he does not do. I am also advised that this report was passed on by the law officers of the War Department.

Mr. WARREN. If the Senator from Alabama will pardon me, I was alluding more particularly to future contracts, extending for a period of a hundred years. Perhaps the matter may have had sufficient investigation on the part of the legal authorities of the Government, but it seems to me a very large question is involved as to the contract to which we may commit ourselves for the future.

Mr. UNDERWOOD. If the Senator will allow me, I think that is not a legal question. I have not a doubt in my mind that the Congress of the United States may enter into this contract for a hundred years if it desires to do so.

Mr. WARREN. Undoubtedly.

Mr. UNDERWOOD. I repeat, it does not involve a legal question; the question for determination is as to whether or not it is a wise thing to do. I myself think it is a wise action to take under existing circumstances; but it is not a question which involves a legal equation; it is a question which involves a business proposition for consideration.

However, there is a better reason than any of these why the Agricultural Committee should be given jurisdiction of this matter. It is this: This subject has been before that committee, more or less, for the last three or four years; it has been acted on by the Committee on Agriculture within the last year. The members of that committee are informed upon the subject; they are acquainted with the questions which are involved. It is to be assumed that they are in a better position to pass on the matter, having considered all the other questions that are involved, than would be some new committee which must start from the bottom and work to the top, and which has not had the information or heard the witnesses in reference to the matter.

More than that, Mr. President, I believe that there is no more important question to the life of this Republic in the future than the question of furnishing the farmers of America in the days to come with an adequate and ample supply of nitrogen for the fertilization of the soil. There has grown up in this country an intense interest in this subject on the part of the agricultural classes. I know—and I can speak with authority, because I know it personally—that all the proponents of the development who are interested in the subject from an agricultural standpoint feel that this report should go to the Committee on Agriculture and Forestry.

More than that, although this is a very small point in the consideration of the question, this plant and these works are located in my own State, and, while the project is national in its scope and involves a national problem, I think under all of the existing circumstances I should have a right to some voice in the matter of reference.

I realize that when it comes back to the Senate the question will have to be debated and decided on its merits; so that there can be but one question involved. As every Member of the Senate knows, I endeavored last year to secure favorable action on the proposal to make this enterprise a function of the United States Government, to be pursued as a governmental activity, but that proposal was rejected.

The Secretary of War, in whose jurisdiction it was, took the position that it should not be carried on by the Government but should be carried on by private individuals. He took affirmative action in calling for bids and requesting some one to operate this plant and carry on the work as an individual or as a corporation and not have it carried on by the Government. Now a proposal has been made, and the only question

involved is whether the Congress is going to accept the proposal or reject it. Of course, if it is not accepted, then there may be other questions involved; but there is before us now one issue, and one issue only.

We can not amend Mr. Ford's offer, because we are not making the offer; he has made the offer; he has said what he will do, and it is up to Congress to say they will take it or leave it. It is not a question for the committee to work out as to future details; it is a question as to whether we are going to accept or reject the offer. I repeat, the Agriculture Committee has been fully informed on this matter. It is the great desire of those interested in agriculture to have this subject go to the Agriculture Committee, and I sincerely hope the Senate will sustain my motion to refer it to the Committee on Agriculture.

Mr. WADSWORTH. Mr. President, will the Senator yield for just a moment?

Mr. UNDERWOOD. I yield.

Mr. WADSWORTH. Does the Senator mean that the Congress is estopped from suggesting any modification of the proposal?

Mr. UNDERWOOD. That would be a rejection of the proposal.

Mr. WADSWORTH. It might result in continued negotiations for a time. The Senator said that there was nothing for Congress to do but accept or reject the proposal absolutely.

Mr. UNDERWOOD. That is all I see that Congress can do, because if we amend the proposal that is a rejection of it. Of course, if the Senate desires to reject the proposal, the Secretary of War may continue negotiations, if he can, with Mr. Ford or somebody else; but this is not a legislative proposal; it is a proposal from an individual citizen of the United States, and we can not tell him how he shall make the proposal or submit the contract. He has offered a contract.

Mr. WADSWORTH. But the Congress might very well say, "We will accept this proposal on a certain condition not contained in the original proposal." Certainly the Senator would not care to assume the position that the Congress may not make a suggestion of that kind?

Mr. UNDERWOOD. Of course, the Congress has a right to make any suggestion it wants to make.

Mr. SIMMONS. Mr. President, but does not the proposal itself—

The PRESIDENT pro tempore. The Chair desires to make an observation. It will require unanimous consent for the consideration at this time of the motion of the Senator from Alabama. Is there objection to the present consideration of the motion made by the Senator from Alabama? The Chair hears none.

Mr. JONES of Washington. Mr. President—

The PRESIDENT pro tempore. The Chair recognizes the Senator from Washington.

Mr. UNDERWOOD. Mr. President, just a moment. I had not yielded the floor. I will yield in just a moment; but the Senator from North Carolina [Mr. SIMMONS] was about to ask me a question, as I understood.

Mr. SIMMONS. I ask the Senator from Alabama if the proposal itself did not contain the stipulation that it was not subject to any modification?

Mr. UNDERWOOD. Undoubtedly; and if it is modified it amounts to a rejection.

Mr. SIMMONS. I should like to ask the Senator a further question. The Senator has stated, according to my recollection, that this matter has been previously before the Senate, and at that time it was referred to the Committee on Agriculture.

Mr. UNDERWOOD. Yes.

Mr. SIMMONS. And was reported back from that committee. Does the Senator know of any reason or has any reason been assigned why now it should be taken away from the Committee on Agriculture and sent to some other committee?

Mr. UNDERWOOD. I do not; I think the Committee on Agriculture is entitled to consider the matter, and I hope very much it will be referred to that committee.

Mr. JONES of Washington. Mr. President, I appreciate the situation in its relation to the Senator from Alabama and his interest in the matter. Personally I am also very much interested in this proposition from the agricultural standpoint, possibly as much as any of the other Senators. I feel that properly and technically it should go to the Committee on Commerce. The primary purpose of the improvement is the development of navigation and of water power, although, of course, I realize that the primary purpose which it is hoped to accomplish under the proposition of Mr. Ford is the production of fertilizer with a resulting benefit to agriculture.

The proposition involves a change in the water-power law. It involves the development of water power primarily under different conditions from those imposed by that law. It involves the development of navigation. Both of these questions are dealt with by the Commerce Committee; and I think very clearly, under the rules and practices of the Senate, the bill should go to the Commerce Committee. I desire to say, however, that I am not going to be contentious over this matter. I appreciate the fact that this proposition has been dealt with and considered heretofore very largely from the agricultural standpoint, that that has been urged probably more than anything else, and that this proposition has the eyes of the people centered upon it now more from the agricultural standpoint than from any other.

As the Senator from Alabama says, this proposition from the fertilizer standpoint has been considered by the Agricultural Committee, and that committee probably has that phase of the problem better within its knowledge than any other committee. It may be assumed that as a general proposition it does not have the knowledge with reference to water power and water-power legislation or navigation that the Commerce Committee has; but I take it if the Agricultural Committee should report this matter, and its report should involve such material changes in water-power legislation or other matters as might affect navigation, if there was a desire to have the subject referred to the Commerce Committee to consider those phases of it, the Senator from Alabama would not make any serious objection, with the assurance, of course, that that committee would act promptly on those matters. It may not be deemed desirable or advisable, when the Agricultural Committee shall report, that this be done, so I am not going to interpose serious objection to the Senator's motion. I feel that the Agricultural Committee will look into this matter very carefully. I feel that it will protect the interests of the people, and promote the interest of the farmers of the country and of agriculture generally, with a due regard to the other interests of the country.

Mr. UNDERWOOD. I want to thank the Senator for the kindly attitude he takes in reference to the matter.

Mr. JONES of Washington. I should like an expression from the Senator with reference to the suggestion I have made.

Mr. UNDERWOOD. Of course I would not want to do anything or say anything that would commit the proponents of the measure to delay if we have a favorable report; but I should be willing, of course, to make any reasonable agreement that could be promptly acted upon. When the matter comes back here, however, I do not think there will be a question of that kind involved.

Mr. JONES of Washington. I do not ask the Senator at this time to make any specific agreement. I know his fairness, and I am satisfied that he will act fairly upon the proposition as it confronts us at the time the report is made. So, Mr. President, while I have not had an opportunity to confer with any of the members of the committee, as the matter came up suddenly this morning, so far as I am concerned, as chairman of the Commerce Committee, I am not going to oppose the motion of the Senator from Alabama. I think the sooner we get action upon the matter the better. I think the matter ought to be acted upon promptly, so with that I shall not discuss it further.

Mr. FLETCHER. Mr. President, the situation is that Mr. Ford has made a certain definite offer with reference to the whole subject, entitled:

Proposal of Henry Ford for the completion and leasing of the dams and hydroelectric power plants at Muscle Shoals, and for the purchase of nitrate plant No. 1, nitrate plant No. 2, the Waco quarry, and the Gorgas Warrior River steam plant, all in the State of Alabama.

That offer has been transmitted to Congress by the Secretary of War. It is now for Congress either to accept that offer or to reject it, or possibly to submit, as has been suggested by the Senator from New York, a resolution of acceptance with certain modifications, which, of course, would get us nowhere unless those modifications were acceptable to the party making the offer, Mr. Ford. There is, however, that alternative; and the Secretary of War recommends in his report that—

If Mr. Ford's proposal be accepted by Congress, I suggest there should be certain modifications made to safeguard the Government's interests. As heretofore stated, there should be some assurance that the contracts made by his proposed company will be carried out.

A resolution could be offered which would provide, for instance, that Mr. Ford should give a surety bond or something of that sort, which no doubt he would be willing to do, but other modifications he might not be willing to accept; and therefore I think primarily we should consider the matter from the standpoint of either accepting this offer or rejecting it. If the offer is accepted by Congress, that would place the matter in this position: Mr. Ford would proceed to organize his corporation,

and the agreements, the instruments of contract, would be executed by him and by the agency of the Government—the Secretary of War, I presume—and after those contracts were executed, then would come the question of taking care of the situation. Having accepted the offer and having entered into the formal contract, it would be simply a question of executing and carrying out those contracts. If further legislation should be necessary in that respect, it undoubtedly could be had, because Congress would have committed itself to the acceptance of the offer.

The present motion is, as I understand, to refer to the Committee on Agriculture and Forestry the letter of the Secretary of War transmitting this offer to Congress. That committee has no matter before it in the way of a proposal by the Senate, or any bill to report, or any resolution to report. I think it would be in order, if the Senator from Alabama agrees to that—and I make no objection whatever to its reference to the Committee on Agriculture and Forestry—that the proceedings should be instituted by a formal resolution, and I submit the following:

Joint resolution.

Resolved, etc., That the offer of Mr. Henry Ford, submitted to the Secretary of War and dated January 25, 1922, entitled "Proposal of Henry Ford for the completion and leasing of the dams and hydro-electric power plants at Muscle Shoals, and for the purchase of nitrate plant No. 1, nitrate plant No. 2, the Waco quarry, and the Gorgas Warrior River steam plant, all in the State of Alabama," be, and the same is hereby, approved by Congress, and the Secretary of War is hereby authorized to enter into and execute on behalf of the United States such appropriate instruments of contract as will effectuate the agreement in accordance with said offer.

That is something definite, which the committee can report out favorably or unfavorably or modified as they see fit.

Mr. UNDERWOOD. Mr. President, I will say to the Senator that I think he is entirely right. Whatever committee has jurisdiction of this matter, if it makes a favorable report—as I hope it will, and expect it will—of course, it must report a resolution. I think the object of making this motion for a reference is to give jurisdiction to one committee of the Senate to take up the matter, and I think it would be very proper, whatever committee it goes to, for the Senator then to introduce his resolution and have it referred; but the Senate can not act on this resolution now, because it has to receive the consideration of the committee. It would be only a question of reference.

Mr. FLETCHER. Merely a question of reference.

Mr. UNDERWOOD. What I suggest is that we take the vote on the question of referring the document which gives jurisdiction. Then the Senator can introduce his resolution, have it referred to the same committee, and they will have the resolution before them.

Mr. FLETCHER. I was simply suggesting that the resolution might now be offered, and the whole referred to that committee, and the basis of action would be the resolution.

Mr. UNDERWOOD. Undoubtedly, the Senator is right. Either the Senator's resolution or some resolution along that line must be reported by the committee, and it would be very proper for the Senator to introduce his resolution and have it referred; but that does not affect the action on this motion.

Mr. FLETCHER. I did not mean for it to affect it, except to be in line with it, and as a basis for the reference, really.

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. FLETCHER. I yield.

Mr. BRANDEGEE. I want to suggest to the Senator that the course he proposes seems to me to be at least unusual. Here is a matter to be referred to a committee for investigation and report. What is the use of a Senator having referred to the committee at the same time a proposed report for the committee to make in favor of the matter? Of course, another Senator may draw a resolution anticipating an adverse report of the committee and ask to have that referred to the committee.

Whichever way the committee decide the case; of course they have ability enough to draw their report and resolution, either to accept Mr. Ford's offer or to reject it, as the case may be; and I fail to see any effect from the resolution of the Senator from Florida. Of course, it in no way commits the Senate, any more than if I should offer a resolution that the offer of Mr. Ford should be rejected, and have that, together with the Senator's resolution, referred to the committee. Unless the Senator thinks the mere reading of his resolution will have a persuasive effect upon the intelligence and disposition of Senators, I can see no reason for its introduction.

Mr. FLETCHER. My idea was that the committees of the Senate usually act upon bills or resolutions. I thought that was a part of their function. Here is a resolution for them to act upon. They can report it out favorably or unfavorably or

modify it as they see fit. It is perfectly in line with the practice and rules of the Senate to offer a resolution as a basis for the action of the committee to which the matter has been referred, and that is my object in offering this resolution. Merely referring a communication from the Secretary of War to a committee does not give the committee any rights except possibly to have hearings about it, but there is no proposal by Congress anywhere for them to act upon. Nobody has suggested a bill. Nobody has suggested a resolution. The committee are simply left to investigate the subject. Possibly they can report out a bill eventually; but why not offer something for them to act upon, and let it take its usual course? That is my idea about it.

Mr. BRANDEGEE. Mr. President, where a matter involving action by Congress in the way of the acceptance or rejection of a proposition is referred to a committee, of course the committee, when it reports, whether it recommends that the proposition be accepted or rejected, will report a resolution embodying the views of the committee for the action of the Congress. I have no objection to the Senator's drawing for the committee a resolution anticipating a favorable report, but if his resolution is referred I simply ask that I shall have the privilege of drawing a resolution reading, in substance:

Resolved, That the proposition of Mr. Ford is hereby rejected.

And have them both referred to the committee for such aid as they may furnish to the committee.

I have no predilections about the matter. I know little about it. I do not know how I should vote upon the subject if it were here now, and I do not think the drawing of a resolution pro or con by either the Senator from Florida or myself would aid the committee or shed any light upon the subject; but if the Senator's resolution goes to the committee I want to offer one, and shall offer one, to the effect that the committee recommend the rejection of the offer without having heard any evidence upon it.

Mr. NORRIS. Mr. President, I sincerely hope that both Senators will offer their resolutions, if the matter is to be referred to the Committee on Agriculture.

Mr. BRANDEGEE. It would contribute to the gaiety of nations.

Mr. NORRIS. Yes; because, if the Senator from Florida offers his resolution, the Senator from Connecticut, fearing, perhaps, that the committee would be influenced by the resolution of the Senator from Florida, clothed in such beautiful language, would himself try to go one better by offering a negative proposition, and thus counteract the other resolution.

Mr. BRANDEGEE. I was under the impression that the whole Senate had already been influenced by it.

Mr. NORRIS. That may be.

Mr. BRANDEGEE. I wanted to offset it.

Mr. NORRIS. The Senator's resolution will probably offset all that. But, Mr. President, I would not have anything to say on this question if it were not that I do not want any misunderstanding, if the proposal is to go to the Committee on Agriculture. I think, as a matter of fact, that is where it belongs, although it could very appropriately go to the Committee on Military Affairs. In my judgment, it ought to go to the Committee on Agriculture, first, because the fundamental proposition involved in the Muscle Shoals question, at least in times of peace, is the making of fertilizers for farmers. That is really the main object to be attained.

The only other object involved is to provide a means for making explosives in time of war. So it seems to me that either the Committee on Agriculture or the Committee on Naval Affairs or the Committee on Military Affairs should have jurisdiction. The question of increasing or improving the navigability of the river is only incidental. That will follow as a matter of course when the dams are constructed, and the only thing necessary to bring that about is to see, when the dams are constructed, that the proper gates are made and navigation protected.

There is another reason why the proposal ought to go to the Committee on Agriculture, and that is because in a previous Congress that committee gave a great deal of consideration to the question. At that time the Senator from New York [Mr. WADSWORTH] was a member of the committee and assisted the committee by his attendance upon those hearings. He is now the chairman of the Committee on Military Affairs, so that it would not make any difference, as far as one member at least is concerned, where the matter went as between those two committees.

At the time the hearings took place I was sick and was not able to attend more than one of the meetings, but the hearings before the Committee on Agriculture, which extended over a

considerable time, were quite exhaustive, and the members of that committee were enabled to obtain a knowledge of the matter which was very desirable and, in fact, necessary for a proper consideration of the subject.

But I do not want any misunderstanding which might come about from the suggestion made by the Senator from Washington [Mr. JONES] that it might go to the Committee on Agriculture with the understanding that when it came back, if the Committee on Agriculture had not done the right thing, it might go to some other committee. I do not want any such understanding. If it can not go to that committee with the understanding that it will have the same jurisdiction every other committee has of every bill or resolution or proposition, then take it away from them to begin with.

Mr. JONES of Washington. Mr. President, I know the Senator does not want to put me in a false light. I did not intend to give the impression that it should go to the Committee on Agriculture with that understanding. I merely made that as a suggestion, that is all. I disclaim any intention to have it understood that it was going to the Committee on Agriculture with any understanding.

Mr. NORRIS. I would like to have it understood that when it goes to that committee it goes as anything else goes to a committee.

Mr. JONES of Washington. Certainly.

Mr. NORRIS. That the committee is absolutely free, without any strings to it whatever; and when it comes back the Senate can do what it pleases with it, of course.

Mr. JONES of Washington. That is what I suggested.

Mr. NORRIS. I consider the proposition as one of great importance, involving a great deal of money, and involving a policy which, under the circumstances, it is very difficult to decide upon. I confess that if it were left to me to decide today, I would not be able to tell whether I was in favor of accepting Mr. Ford's proposition or rejecting it, although I have read it twice. I do not believe the committee ought to be confined to saying yes or no to the proposition. It may be that upon a careful investigation of the question the committee will reach the conclusion that it ought to be accepted, if at all, with modifications.

In other words, Mr. Ford has made a proposition to us. It may be that when Congress gets through with the consideration of it, we may want to make a counterproposition to him, which he may be willing to accept. It has been my idea that he ought to be called before the committee and his testimony taken, and that the committee ought to go into the subject rather in detail. I believe the committee ought to send a subcommittee to the Muscle Shoals plant and make a physical examination of the property on the ground. While none of the committee are technical engineers, they can always get a better idea of a proposition when they have been out over the ground and have examined it, the same as a lawyer would go out and look over the ground if he were about to try a lawsuit in which the topography of the country or the construction of buildings might in any way become directly or indirectly a matter in issue.

Having said this much, and having, I think, with the explanation made by the Senator from Washington, cleared the atmosphere, I desire to add that if it is referred to the Committee on Agriculture, that committee should go into it fully, and when it comes back, unless reasons can be given to the contrary, there ought to be a final determination of it. I have not anything else to say, except that the Committee on Agriculture has a great deal to do. It now has hearings running which will take practically all their time nearly every day, and as far as I am personally concerned, I would be glad to be relieved of any additional work that might come to the committee on this account.

The PRESIDENT pro tempore. Does the Senator from Florida ask unanimous consent to introduce a joint resolution at this time?

Mr. FLETCHER. I will first let the vote be taken on the motion of the Senator from Alabama, and then I will ask unanimous consent to introduce the joint resolution.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama to refer the communication just laid before the Senate to the Committee on Agriculture and Forestry.

Mr. UNDERWOOD. For its consideration and action.

Mr. WADSWORTH. Mr. President, in view of one or two observations made by the Senator from Nebraska, perhaps it would not be out of place for me to say just a word.

In spite of the fact that this matter has been referred to the Committee on Military Affairs of the House of Representatives, I for one, speaking only for myself, do not believe it should be referred to the Committee on Military Affairs of the Senate. May I say, also, in partial correction of something

the Senator from Nebraska stated a moment ago, that I am no longer a member of the Committee on Agriculture.

Mr. NORRIS. Certainly, the Senator is not now a member of the committee. I stated that while the Senator was a member of that committee he participated in the hearings, and as he is chairman of the Committee on Military Affairs, the more reason would exist, so far as he is concerned, at least, for sending it to his committee.

Mr. WADSWORTH. Mr. President, there is one phase of this question I would like to discuss for just a moment. As I understand the proposed contract, the company to be formed under its terms is to proceed with the completion of the locks and the dams at a cost estimated at something over \$40,000,000, to be paid for by the Government of the United States. Other provisions are included in the agreement, one that the company shall pay a certain amount of interest annually to the Government, which, taken in the aggregate, I understand, will amortize finally the expenditure made by the United States Government.

Mr. LODGE. May I ask one question? I have not read the proposition. Is it proposed that the Government shall advance \$40,000,000?

Mr. WADSWORTH. I will read paragraph 2.

Mr. LODGE. I thought the object was to get rid of it, as far as the Government is concerned.

Mr. WADSWORTH. Paragraph 2 of the offer reads as follows:

2. The company shall complete for the United States the construction work on Dam No. 2, its locks, power house, and all necessary equipment, all in accordance with the plans and specifications prepared or to be prepared or approved by the Chief of Engineers, United States Army, and progressively install the hydroelectric equipment in said power house adequate for generating approximately 600,000 horsepower, all the work aforesaid to be performed as speedily as possible at actual cost and without profit to the company, it being understood that the necessary lands and flowage rights, including lands for railway and terminal connections, have been or will be acquired by the United States.

The Senator from Alabama will correct me if I am in error, but I think the proposal is that the Government shall proceed, using the company as its agent in a sense, to complete the power installation and that the Government shall pay for it. I am not criticizing that.

Mr. UNDERWOOD. I did not go into a discussion of the merits of the question, because this is a mere matter of reference.

Mr. WADSWORTH. I am not talking about the merits, either.

Mr. UNDERWOOD. As I understand the proposal, it is that Mr. Henry Ford shall pay the entire cost of completing these dams through a period of 100 years, and that he shall pay 4 per cent interest on the money during that time; in other words, that the dams shall be built by Mr. Ford, that the Government shall advance the money in building them, and that Mr. Ford shall return all the money to be paid in the future for the building of the dams by annual installments, going over 100 years, creating an amortization fund in that way, and in addition to that 4 per cent interest on the money which the Government is out. In other words, at the end of 100 years, if this contract is carried out, the Government will be out nothing, will get the dams back as the sole owner of them, and will have had 4 per cent interest on the use of the money.

Mr. WADSWORTH. I think my original statement was not inaccurate that the Government is to advance the money for the completion of this project.

Mr. UNDERWOOD. Yes; that is correct.

Mr. WADSWORTH. That is the point I wanted to bring out. We have a Budget system now. Just how the Senate will reorganize its committee system to meet it I do not know, but it is obvious that something will have to be done in order to meet the conditions imposed upon the Senate by another legislative body, coupled with the new Budget system.

The problem in the future for Congress and for the Senate, if this agreement shall be accepted, will be the appropriations to be made from time to time for the completion of the project, and I think it inevitable that more than one committee of the Senate will eventually be called upon to exercise jurisdiction, for those appropriations, if they follow the course which has been followed for many years, will emanate from the Committee on Appropriations and not from the Committee on Agriculture and Forestry or from the Committee on Military Affairs if in the first instance the last-named committee should be given jurisdiction.

Mr. UNDERWOOD. If the Senator will allow me to interrupt him, of course that will occur in every legislative endeavor. The creative legislation coming from the Committee on Military Affairs, for instance, to buy new guns will be legislative, but if the policy of the House is pursued, then it must go to an Appro-

priations Committee after the legislation is passed. At present this is a legislative matter. After the legislative status is determined and Congress has determined whether it will or will not accept Mr. Ford's offer, then, if it accepts it, it may involve, as a further step, the question how it will be paid for.

I am not trying to foreclose the action of the committee. So far as my own judgment is concerned, in a matter of this kind, if I were the committee, I would report in favor of selling bonds to the extent requisite to finance the proposition and allow the amortization fund to take care of those bonds, and not make any strain on the Treasury at all. It can be done readily without any strain on the Treasury whatever; but that is a question for future determination.

Mr. WADSWORTH. I did not intend to discuss the ways and means of carrying on the proposition. I merely wanted to make the observation that there is just one committee of the Senate to-day which, in my humble judgment, is bound to assume eventually jurisdiction in whole or in part of the completion of the contract, and that is the Committee on Appropriations. It is bound to come to that committee in one form or another next year or the year thereafter. It may be inaugurated in the Committee on Agriculture and Forestry on what we call a legislative program, but primarily it is a financial and fiscal problem. However, I do not speak for the Committee on Appropriations.

Mr. UNDERWOOD. The Senator's statement, then, would apply to any legislative problem that ultimately contemplates an appropriation.

Mr. WADSWORTH. I am only giving my own opinion, as I am not a member of the Appropriations Committee. The Senator would not contend that it would be unusual to refer it to the Appropriations Committee to-day, because the Appropriations Committee has also delved into this very problem, as the Senator well knows. Extensive hearings were held before it and the financial and fiscal side of it was particularly before that committee.

Mr. UNDERWOOD. If the Senator will allow me, the proposition of the legislative or creative status is no different from what it is in reference to a dozen other matters. Before the Rules Committee, of which I am a member, there is a resolution pending to put the entire control of appropriations in the Appropriations Committee. If that is adopted, undoubtedly all legislative jurisdiction of the Appropriations Committee ought to be jealously taken away.

This is merely a preliminary legislative consideration, and essentially it should not go to the Appropriations Committee before its legislative status is first determined. Then I concede that unless we provide for an issue of bonds, ultimately the money to pay for the legislative contract which Congress makes must come through the Appropriations Committee, but that is a subsequent matter.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama to refer the communication of the Secretary of War, with the accompanying papers, to the Committee on Agriculture and Forestry for its consideration and report.

The motion was agreed to.

Mr. FLETCHER. Mr. President, I ask unanimous consent to introduce the joint resolution which I have heretofore mentioned. I ask that it be read at length and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution (S. J. Res. 159) approving the offer of Mr. Henry Ford of January 25, 1922, for the completion and leasing of the dams and hydroelectric power plants at Muscle Shoals and for the purchase of nitrate plant No. 1, nitrate plant No. 2, the Waco quarry, and the Gorgas Warrior River steam plant, all in the State of Alabama, was read the first time by title, the second time at length, and referred to the Committee on Agriculture and Forestry as follows:

Resolved, etc., That the offer of Mr. Henry Ford, submitted to the Secretary of War, and dated January 25, 1922, entitled "Proposal of Henry Ford for the completion and leasing of the dams and hydroelectric power plants at Muscle Shoals and for the purchase of nitrate plant No. 1, nitrate plant No. 2, the Waco quarry, and the Gorgas Warrior River steam plant, all in the State of Alabama," be, and the same is hereby, approved by Congress, and the Secretary of War is hereby authorized to enter into and execute on behalf of the United States such appropriate instruments of contract as will effectuate the agreement in accordance with said offer.

CROP INSURANCE.

Mr. SHEPPARD. Mr. President, early in January Mr. Theodore H. Price, the editor of Commerce and Finance—a prominent financial publication of New York City—suggested the study of crop insurance as a remedy for the agricultural situation. Shortly after he made that suggestion I introduced a resolution authorizing the Committee on Agriculture and For-

estry to investigate the practicability and desirability of a bureau of crop insurance, to be operated by the United States Government or otherwise, as might be found desirable. I ask to have that resolution set out at this point in the RECORD.

The PRESIDING OFFICER (Mr. FERNALD in the chair). Without objection, it is so ordered.

The resolution (S. Res. 214) submitted by Mr. SHEPPARD on January 18, 1922, is as follows:

Resolved, That the Committee on Agriculture and Forestry of the Senate be, and it is hereby, authorized and directed to investigate the practicability and desirability of a bureau of crop insurance, to be operated by the United States Government or otherwise, as may be found desirable.

Mr. SHEPPARD. When the agricultural conference assembled in Washington on January 23, 1922, Mr. Price submitted to the conference a paper on the subject of crop insurance which I deem to be of great interest, especially at this time. I ask now to have that paper set out in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

CROP INSURANCE—IS IT FEASIBLE?

[By Theo. H. Price, editor of Commerce and Finance, a paper submitted at the agricultural conference convened at the instance of the President in Washington, Jan. 23, 1922.]

In my study of the agricultural problem that we are asked to consider I find myself asking whether a partial solution of it is not to be had by a resort to crop insurance. I submit the suggestion in the form of a question rather than as a recommendation, because it is plain that much thought and investigation will be required to determine whether the hazards of agriculture are insurable. During the last two centuries the principle of insurance has been greatly extended in its application. The first "underwriters" were the merchants who wrote their names under an agreement to share the marine risks and losses to which the ships and cargoes of their fellow merchants were subject.

The business of fire insurance was next developed. Then, as the law of probabilities became better understood, life insurance began to be written, and the business has grown until in the United States alone there are 40,000,000 policyholders in life insurance companies or associations whose resources are in excess of \$7,000,000,000. No one will deny the benefits of life insurance.

After life insurance came accident insurance and credit insurance, and now we can insure against losses caused by burglary, defalcation, rain, snow, hail, and tornado, as well as against war, unemployment, old age, strikes, and many other ills or accidents of life. It is said that at Lloyds in London policies have been written that called for the payment of a "total loss" to parents to whom twins were born, and just before the disarmament congress met in Washington the New York Times reported that 15 per cent was paid at Lloyds to insure that the British West Indies would not be surrendered to the United States by or before December 31, 1922, in full or partial payment of Great Britain's debt to this country.

CROP FAILURES CAUSE NATIONAL CRISES.

From a very remarkable essay upon "War and Insurance," written by the late Prof. Josiah Royce, of Harvard, just after the outbreak of the World War in 1914, I quote the following passages:

"Experience shows that the insurance principle comes to be more and more used and useful in modern affairs. Not only does it serve the ends of individuals or of special groups of individuals, it tends more and more both to pervade and to transform our modern social order. It brings into new syntheses not merely pure and applied science but private and public interests, individual prudence, and a large regard for the general welfare, thrift, and charity. It discourages recklessness and gambling. It contributes to the sense of stability. It quiets fears and encourages faithfulness.

"Floods, famines, pestilences, earthquakes, and volcanoes may interfere in various fashions with the economic as well as with the rest of the social life of the peoples thus afflicted. Apart from actual famines, the considerable failure of their crops may impair, for a season, the normal supplies of individual nations. Internal crises, social and political, may interrupt their healthy development in ways involving not only moral disasters but heavy expenses. Such evils come upon various nations with irregularly recurrent, but also with widely different weight and seriousness. Only a vast and long continued collection and an exceedingly difficult statistical analysis of the facts regarding such calamities could determine the regularities which a sufficiently large number of instances of national disaster would be, if properly studied, certain to show. Such regularities, however, if once discovered, would furnish an 'actuarial basis' upon which an insurance of individual nations against such risks could conceivably be undertaken."

And in the eleventh edition of the Encyclopædia Britannica, in the article upon "Insurance," written by Charlton Thomas Lewis, Ph. D., a great authority upon the subject, I find these words:

"The value of insurance as an institution can not be measured by figures. No direct balance sheet of profit and loss can exhibit its utility. The insurance contract produces no wealth. It represents only expenditure. If a thousand men insure themselves against any contingency, then, whether or not the dreaded event occurs to any, they will in the aggregate be poorer, as the direct result, by the exact cost of the machinery for effecting it. The distribution of property is changed, its sum is not increased. But the results in the social economy, the substitution of reasonable foresight and confidence for apprehension, and the sense of hazard, the large elimination of chance from business and conduct have a supreme value. The direct contribution of insurance to civilization is made not in visible wealth but in the intangible and immeasurable forces of character on which civilization itself is founded. It is preeminently a modern institution. Some two centuries ago it had begun to influence centers of trade, but the mass of civilized men had no conception of its meaning. Its general application and popular acceptance began within the first half of the nineteenth century, and its commercial and social importance have multiplied a hundredfold within living memory. It has done more than all gifts of impulsive charity to foster a sense of human brotherhood and of common interests. It has

done more than all repressive legislation to destroy the gambling spirit. It is impossible to conceive of our civilization in its full vigor and progressive power without this principle, which unites the fundamental law of practical economy, that he best serves humanity who best serves himself, with the golden rule of religion, "Bear ye one another's burdens."

INSURANCE THE TRUE SOCIALISM.

It might almost be said that if insurance were universal and included all the hazards of life it would be a practicable form of socialism, for it distributes the losses of the few among the many without diminishing the incentive to individual effort. But the question is, Can it be applied to the hazards of agriculture and would the Government be justified in undertaking it? We all know that one of the farmer's greatest difficulties is that he is compelled to be a speculator and to take risks that are not calculable. He is, in fact, a gambler against his will, for gambling is defined as hazard without calculation in contradistinction to speculation, which is hazard with calculation. The farmer must cultivate his land or see it go to waste. He has to plant some crops, such as winter wheat, in the autumn and others in the spring, but he can not have any assurance of the prices that will be obtained for them 6 or 10 months later. He is, moreover, exposed to the hazards of the weather and innumerable agricultural pests in the interval.

The merchant who is not reasonably certain that he can sell goods will not buy them or will reduce his inventories, and the manufacturer who is not assured of a profitable market for his product will shut down his factory and let his labor remain idle. But the farmer can not follow these examples. He has to plant his land at planting time or allow his investment to remain idle and deteriorate for a year.

If he decides to plant he will probably become a borrower on obligations that mature concurrently with his crop. The whole financial system of the northern hemisphere is organized upon a plan which contemplates an autumnal liquidation of agricultural debts. Within one or two months the farmer is compelled to sell the crops that represent the labor of the year just ended and the world's consumption for another year just commencing. The result is congestion and a buyers' market, in which the seller is at a great disadvantage.

What is the remedy? Surely there must be one. If it is to be found in crop insurance it should be speedily applied.

CROP INSURANCE NOT A NOVELTY.

Crop insurance is not a new idea. At least two joint-stock fire insurance companies and several mutuals have tried it, but they had no experience upon which to base rates and found that in order to get a fair average they would have to blindly accept risks so large that their capital might be jeopardized. Even to those who know but little about the science of underwriting it is plain that a very large number of widely scattered crops would have to be insured before the probable percentage of loss could be ascertained.

A rate so high that it would absolutely protect the insurer would be regarded as extortionate and no one would take out a policy, while a rate that was too low might bankrupt the underwriter if he did a large business or had many risks in one locality.

Then there is the question of determining or measuring the farmer's loss. Manifestly it would be unwise to allow him to insure his crop for any valuation he chose to put upon it. An overvaluation would be an incentive to neglect and extravagance and would lead to the presentation of many unfair or fictitious claims. On the other hand, an undervaluation would not give the protection required.

In so far as any rule has been applied by those companies who have written crop insurance the practice seems to have been to insure the actual cost of production up to a certain maximum per acre and to require that the farmer insured must furnish satisfactory proof that the amount claimed has been actually expended.

In some cases crop policies have also contained a provision making the farmer a coinsurer for 20 per cent of the risk, so that he would have an additional incentive to avoid loss. The price of the crop insured at planting time is another factor that must be taken into consideration if the indemnity provided is to cover a possible deficiency between the proceeds finally realized at harvest time and the ascertained cost of production.

It seems reasonable to assume that if prices were low when the crop was being sown the risk would be less than if prices were high. The cost of production would be smaller and the chance of an advance in values that would offset crop failure would be greater. As a generalization, therefore, we may conclude that rates ought to have a direct relation to the prevailing values for agricultural products when the policies were written. But in its other aspects the problem is not so simple.

FARM SURVEY PRACTICABLE.

The cost of producing a crop varies in different regions or on different lands. In the Atlantic States fertilizer is required to produce a good cotton crop. In Texas fertilizer is not used. The cost of labor also varies in different sections.

These are factors that would have to be taken into consideration in determining the insurable maximum of production costs.

It might be necessary to have each insured farm surveyed in order to fix rates and insurable values fairly. This would seem to involve an appalling amount of detail; but does it? Every building in almost every city and town of the United States has been surveyed in the interest of the fire insurance companies.

In most fire insurance offices there are to be found huge books of maps on which the area, height, construction, fire exposure, and hazards of every building in every city of the United States and Canada are accurately set forth. These maps are kept up to date by the company which issues them. The corrections are made by pasting the maps of new buildings over those which have been demolished.

According to the last census there are 6,448,336 farms in the United States. The number of buildings in our cities is not known, but New York City alone has over 600,000, and the total in all cities is probably well over 6,000,000. If they can be mapped as they are, the feat of surveying the farms would not seem so difficult and the information in regard to soil, area, and productivity thus made available would be invaluable.

With it as a basis equitable rates for writing crop insurance could be speedily established, and, with a crop insurance policy added to the other security that a farmer can offer, his financial problem would be much simplified.

The general use of crop insurance would benefit the farmer and the country in many other ways upon which it is not now necessary to elaborate. The fact that the farmer could if he chose protect himself against the great risks and ruinous losses to which he is now exposed is a sufficient reason for considering whether the Government ought not to provide the machinery and credit requisite if crop insurance on a large scale is to be made immediately available.

Most people are wisely opposed to having the Government enter any business that its citizens can handle, but here is a business that private capital can not undertake because of its novelty and magnitude. Would it not therefore be well for the President or Congress to immediately appoint a committee to make a careful study of the subject with a view of ascertaining whether it would be practicable and expedient for the Government to establish a crop insurance bureau from which the farmer could buy policies that would indemnify him for his actual and reasonable expenditure and from which, after a few years, the larger insurance companies who were willing to do the business could obtain data upon which to base rates?

WAR RISK INSURANCE PROFIT \$17,000,000.

Shortly after the outbreak of the war on the 1st of August, 1914, the British Government undertook to insure the marine war risks to which vessels and cargoes under its flag were subject. Almost concurrently, the then Secretary of the Treasury, Mr. William G. McAdoo, asked Congress for authority to organize an American war risk insurance bureau for insuring hulls and cargoes under the American flag. The necessary legislation providing an initial fund of \$5,000,000 was passed. The bureau was organized and was functioning by the 2d of September, 1914. It continued in existence until the end of the war. Its record is remarkable.

The total of the policies issued was \$2,250,000,000. The premiums received amounted to \$46,000,000, and the losses paid were \$29,000,000, leaving a profit of \$17,000,000. The expense of conducting this enormous business for the four years was only \$165,000, or hardly more than one-third of 1 per cent upon the premiums received. When compared with the cost of conducting the insurance business under private auspices these figures seem to be almost incredible and they are an effective refutation of the frequently repeated assertion that Government management is always inefficient and extravagant.

It is, however, only fair to say that the bureau had the advantage of being able to commandeer the services of some of the ablest underwriters in America. Its director was William C. De Lanoy and its advisory board consisted of Hendon Chubb, William N. Davey, and William R. Hedge. For little or nothing these men gave their time to the work as a war duty, and while the great success of the bureau was largely due to the authority and credit of the Government it would be uncandid not to recognize the share that those named and many others had in the results achieved. As the business grew Congress appropriated a further \$45,000,000 as additional working capital for the bureau, but not a dollar of the total of \$50,000,000 put at its disposal was ever drawn, as almost from the first the premiums received exceeded the losses and expenses incurred.

I have been unable to obtain exact information with regard to the insurance business conducted by the British Government, but those that are "in the know" believe that it was also highly profitable and it is generally admitted that both the American and the British bureaus rendered a very substantial and necessary service to the shipping and trade of the respective nations.

IF SHIPS, WHY NOT CROPS?

In an article published in the New York Times of Monday, December 26, 1921, advocating a ship subsidy there is included a proposal that "the Government should create a nonprofit making corporation to insure its own ships and to offer hull insurance at cost to privately owned American vessels." It is explained that "for the organization of a nonprofit making insurance corporation a \$10,000,000 loan will be necessary" and that the cost of handling cargo insurance is estimated at about \$1,000,000 for the first year and a decreasing amount each year thereafter, the loss ultimately vanishing.

If the Government is willing to do this for shipping it ought not to hesitate in doing at least as much if not more for our infinitely more important agricultural industry, and I earnestly recommend the idea to its consideration.

The difficulties that seem so great in prospect would, I believe, disappear in practice, and it is highly probable that after the first year or two the business would show a profit and produce an income that would more than pay the cost of conducting it.

Mr. SHEPPARD. The conference itself then passed a resolution on the subject, urging that an investigation be made, and I ask to have the resolution set out in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution referred to is as follows:

JANUARY 25, 1922.

REPORT OF SUBCOMMITTEE ON AGRICULTURAL INSURANCE.

Whereas the Government through scientific research has provided safeguards for agriculture and the live-stock industry against plant and animal disease; and

Whereas farmers are subject to the hazard of loss from insect depredation or other pests, or loss from the elements, against which they have no present means of protection; and

Whereas the furnishing of such protection would greatly stabilize and materially improve the credit risk of our national agriculture: Now, therefore, be it

Resolved, That this National Conference on Agriculture recommends that the United States Congress take steps to investigate the subject of crop insurance with the view of determining the practicability or expediency of creating a crop insurance bureau.

Mr. SHEPPARD. The chairman of the Committee on Agriculture, Mr. NORRIS, has kindly consented to hold a hearing on the resolution S. Res. 214, and this hearing will occur at an early date.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title and referred as indicated below:

H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaii National Park; to the Committee on Territories and Insular Possessions.

H. R. 8924. An act to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920; to the Committee on Military Affairs.

H. R. 9931. An act to extend the time for completing the construction of a bridge across the Delaware River; and

H. R. 10009. An act to authorize the State of Alabama through its highway department to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama; to the Committee on Commerce.

H. R. 8010. An act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont.; and

H. R. 9344. An act providing for the appropriation of funds for acquiring additional water rights for Indians on the Crow Reservation, in Montana, whose lands are irrigable under the Two Leggings Irrigation Canal; to the Committee on Indian Affairs.

H. R. 6750. An act for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes;

H. R. 7598. An act authorizing the Secretary of the Interior to dedicate and set apart as a national monument certain lands in Riverside County, Calif.; and

H. R. 9633. An act to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty; to the Committee on Public Lands and Surveys.

PETITIONS.

Mr. NELSON presented a telegram in the nature of a petition from the president and members of the faculty of Augsburg Seminary, of Minneapolis, Minn., praying that investigation be made of alleged political and trust activities of the film interests, and also that the Senate concur in the so-called Walsh amendment to bar race-gambling tips, etc., which was referred to the Committee on the Judiciary.

He also presented a communication from Milton Conover, of Washington, D. C., commending the attitude of Senator NELSON on the soldiers' bonus question, which was to the effect that the bonus matter should not be made the football of politics, etc., which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 2095) to reimburse the city of Baltimore, State of Maryland, for moneys expended to aid the United States in the construction of works of defense during the Civil War, reported it with an amendment and submitted a report (No. 484) thereon.

Mr. SHORTRIDGE, from the Committee on the Judiciary, to which was referred the bill (S. 2745) to amend subdivision (3) of subsection (B) of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, reported it with an amendment, and submitted a report (No. 485) thereon.

BILL AND JOINT RESOLUTION INTRODUCED.

A bill and joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 3124) granting a pension to Deborah J. Harris; to the Committee on Pensions.

By Mr. LODGE:

A joint resolution (S. J. Res. 160) authorizing the extension for a period of not to exceed 25 years of the time for the payment of the principal and interest of the debt incurred by Austria September 4, 1920, for the purchase of wheat from the United States Grain Corporation, and for other purposes; to the Committee on Finance.

TREASURY DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN submitted a conference report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20 and 21.

F. E. WARREN,

W. L. JONES,

WM. J. HARRIS,

Managers on the part of the Senate.

MARTIN B. MADDEN,

WALTER W. MAGEE,

JOSEPH W. BYRNS,

Managers on the part of the House.

Mr. WARREN. I ask unanimous consent for the immediate consideration of the report just read, and I move its adoption.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

Mr. SMOOT. Mr. President, I wish to ask the Senator from Wyoming a question or two before consent is given. I wish to ask the Senator first what was done with the appropriation for the archives building?

Mr. WARREN. The item making appropriation for the archives building and the item making appropriation for vaults in the Treasury Department were lost. The Senate conferees were compelled finally to concede the striking out of those items. The report now presented is a final report. We have already had a partial report, in which the House receded upon various amendments, but the two amendments from which the Senate conferees were finally compelled to recede are the items covering the two buildings, one a million dollars for new vaults in the United States Treasury and the other a half million dollars for a site, preparing the land, and so forth, for an archives building.

Mr. SMOOT. Mr. President, I can not help believing that there has been a serious mistake made on the part of the House in not agreeing to the appropriation of \$500,000 for the purchase of the land upon which to erect an archives building.

When I appeared before the conference there was not a member of the conference who did not recognize the fact that there ought to be an archives building. But we are told that no appropriation shall be made by Congress toward the erection of an archives building until there is a general public buildings bill, and then it can be included in that bill. The Government has purchased a site in one particular State, and there was not money enough appropriated to erect a post-office building, so this great question of preserving the records of the Government of the United States is to wait until Congress will give the necessary amount of money for the erection of that post-office building.

So far as I am concerned, as chairman of the Public Buildings Commission, I desire to say now that I shall assume no further responsibility for the safekeeping of the Government records. I have told the Senate what the conditions are. I desire to say now that there is not a Senator or a Congressman who will take the time to visit the departments of our Government and see the condition the records are in who would hesitate a minute to vote to appropriate money for the erection of the proper building. So if within the next year or two some of the most valuable Government records are destroyed by fire I want the responsibility to rest where it belongs, and that will not be with the Senate of the United States. The Senate did its duty in making provision for purchasing the land, but now we are told we can not have it until we provide for a general public buildings bill.

Mr. KING. Mr. President, will my colleague yield?

Mr. SMOOT. I yield.

Mr. KING. I saw some report, and I wish to be advised whether the report was correct or not, that the opposition of the House was not upon the ground stated by my colleague, but rather upon the ground that the Government of the United States owned a large amount of unoccupied real estate in the District, and that the House was entirely willing to vote a sufficient amount for the building, but they were not willing to vote for the purchase of additional land, which they thought would inure to the benefit of real estate owners in the District. If that report is wrong, I shall be very glad to be informed.

Mr. SMOOT. I wish to say to the Senator that there is nothing whatever in the claim. If we put this building up on the Mall, where some are talking about erecting it, we could not build a plain, substantial building, such as the commission wants to build, one that will stand for a hundred or more years and the cost of which would not be largely in polished columns and marble floors. What we want is a building where we can keep the records in a fireproof place, and that is all we want. If it were put upon the Mall, where some are talking about erecting it, the building would cost twice as much as we would be able to complete it for on the land where we desire to put the building, because it would be necessary on the Mall to erect a much more expensive building than is really necessary. If I owned the whole thing myself, if I were able to raise every dollar of the money, if I owned every foot of land that the Government of the United States owns in the District and did not own that which we desire to purchase, from a business standpoint I would purchase that land and build the necessary building, and the kind of building desired, because by so doing I would save at least \$500,000 to the Government, and perhaps \$1,000,000.

The PRESIDENT pro tempore. The Chair desires to remind the Senator that the Senate has not yet given its consent for the consideration of the conference report.

Mr. SMOOT. I recognize the condition and I know that the report will have to be adopted. The House has already voted upon it. I know the attitude of the House. I am not going to object to the consideration of the conference report. All I rose to say was simply that I wash my hands of any responsibility hereafter if anything should happen to the Government records. We have them in cubby-holes all over Washington, we have them in New York, we have them in other places. Many of the most valuable records—records that could not possibly be replaced for any amount of money—are in danger to-day.

Mr. WALSH of Montana. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. Certainly.

Mr. WALSH of Montana. I simply rose to inquire if the unfinished business is before the Senate?

The PRESIDENT pro tempore. The request of the Senator from Wyoming to consider the conference report is now before the Senate.

Mr. SMOOT. That is all I have to say. I say, again, that I am not going to object to the report, but I think there was an awful mistake made when the House insisted upon striking that particular item out of the appropriation bill.

Mr. POINDEXTER. Mr. President, my understanding of the procedure in the consideration of the archives building amendment is that the conferees on the part of the House contended that it is not authorized by law, and under that contention additional legislation being necessary, it was submitted to a vote of the House of Representatives. I noticed in the Record that it was argued upon the submission of the question that there is no law authorizing the appropriation.

It seems even those gentlemen who claimed that it was authorized based their argument entirely upon the original archives building act which was passed in 1914, and that they overlooked the fact existing subsequent to the enactment of the general public buildings act of 1914, which included in its provisions, among provisions for a number of other buildings, an authorization for an archives building specifying certain conditions and certain qualities which the building should have and under which it should be erected. Subsequent to that time, because the question arose as to whether or not the original act really authorized the building, and in order to remove any doubt on that subject, Congress passed a supplemental act in which, in the most specific language that could be used, employing the word "authorized," it was expressly provided that the archives building was thereby authorized. In pursuance of the terms of the original act of 1914 which provided for a commission for the selection of the site, on which the Vice President of the United States and the Speaker of the House of Representatives had places, and including certain members of the Cabinet, the Secretary of the Treasury having been authorized to acquire a site, my opinion is that under the terms of that act, if strictly and fairly construed, the Secretary of the Treasury could bind Congress on a contract for this property, because he was authorized to acquire it.

Then it would simply be a question of whether or not Congress should fulfill its obligations in connection with the property which he had acquired. He selected this particular site under that authority, and it was approved by the commission over the signatures of the Speaker of the House of Representatives and the Vice President of the United States. Furthermore, that action was in accordance and in harmony with the recommendations of a special public buildings commission, which, upon an investigation of the need of the Government for public buildings in the District of Columbia, dealt in one of the sections of its report with the question of an archives building and recommended the particular site for which the appropriation contained in this bill was intended; and the special archives building commission, to which I referred a moment ago, adopted the recommendations of the general Public Buildings Commission in the selection of this site.

Mr. WILLIAMS. Mr. President—

Mr. POINDEXTER. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I should like to ask the Senator from Washington if he does not think that the Government owns property in the District of Columbia sufficient in area and properly and conveniently situated for an archives building and all other public buildings without acquiring any more sites?

Mr. POINDEXTER. No; I do not agree with the Senator from Mississippi in that respect. A great deal of the property which the Government does own is intended to be kept as open property, and it should not be encumbered with buildings of any kind. For instance, there is an open space, which I believe is owned by the Government, lying between the Senate Office Building and the Union Station. I would much prefer that

that remain open and that it be enjoyed by the citizens as a piece of open land.

Mr. WALSH of Montana. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Montana demands the regular order. The regular order is the unfinished business. The question is on agreeing to the committee amendment to House bill 2373.

Mr. POINDEXTER. I have not yielded the floor. I want to complete what I was saying in regard to the archives building.

Mr. WILLIAMS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. POINDEXTER. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, the Senator from Washington just said something about open space which ought not to be encumbered with buildings. While I am not a professional esthete or an artist, I say that open spaces with buildings in them, if the buildings are appropriate and beautiful, are not at all encumbered by the buildings; they are beautified by them; and that there ought not to be any great open spaces outside of the public playgrounds and parks of cities without some building in them. Nothing more beautifies a square in a city than a building in the center of it and a nice fountain along with it. Each one of the squares between here and the Union Railway Station ought to have somewhere near the center of it a beautiful building in keeping with the architecture of the city of Washington, which is the old republican architecture of Greece and Rome; and so far from encumbering a site it would improve it in every possible sense. It is a combination of utility with beauty that recommends itself to my mind very much.

Not only have we open spaces between the Capitol and the Union Station but we have other spaces which we have condemned long ago, on the south side of Pennsylvania Avenue, for example, which we can put into service at some time. I remember, Mr. President, when it was objected that the new Pension Bureau Building, in Judiciary Square, would ruin the square, but if the building placed there had been a beautiful building it would not have done it. However, unfortunately, the people who had charge of the architecture at the time erected a brick barn there instead of a really beautiful classical building. Even the brick barn, however, did not deface the square. It has added immensely to its utility, of course, but outside of that it has not destroyed its beauty. Just as monuments are placed in squares to beautify them, so, a fortiori, if a beautiful building be placed in a square, the square is still more beautified.

Mr. POINDEXTER. Mr. President, I realize the good taste of the Senator from Mississippi, and it is merely a matter of taste. The practical object we have in view in this instance, however, is getting an archives building. I do not agree with the Senator from Mississippi about the use to be made of the parks and open spaces in the city. I would rather have grass and trees in the public parks. That, however, is aside from the present question. If there is no other means of getting an archives building, I will agree with the Senator from Mississippi that we build it in the middle of one of the public parks, because it is essential that we should have an archives building.

Mr. WILLIAMS. I do not wish to have the archives building erected in the center of a public park.

Mr. POINDEXTER. Let us build it somewhere; that is the proposition.

Mr. WILLIAMS. Yes.

Mr. POINDEXTER. This appropriation did not specify the site at all; and if the conference committee was of the opinion which the Senator from Mississippi holds, that the archives building should be erected upon land which the Government already owns, then they could have somewhat changed the amendment and provided for an appropriation for the erection of the building upon land which the Government already owns and specified the land. That is a mere matter of detail.

Mr. WILLIAMS. Mr. President, as I understand what the Senator is contending for—perhaps I am mistaken, as my hearing is not so acute as it has been—is that we should acquire the land?

Mr. POINDEXTER. Yes.

Mr. WILLIAMS. That means to purchase additional land and to go outside of the areas already owned by the Government?

Mr. POINDEXTER. That was my proposition; but I was adding to it that, if there is objection to acquiring the land, in order to secure the main object, which is an archives building, I am perfectly willing as one Member of Congress to forego the plan to acquire new land and to accept the proposition of the Senator from Mississippi and to erect the building upon land which the Government already owns.

Mr. WILLIAMS. But if we pass a bill which contains a provision for acquiring land, then the Government would be compelled to acquire it.

Mr. POINDEXTER. I am stating to the Senator from Mississippi that if there is objection to that language some other language may be substituted for it—

Mr. WILLIAMS. Very well.

Mr. POINDEXTER. The main object to secure the erection of a building for the uses which have been described and which everybody realizes are quite pressing.

Mr. WILLIAMS. I will ask the Senator to hand me the bill and I will suggest an amendment.

Mr. POINDEXTER. In just one moment. I merely wish to call attention, Mr. President, further to the fact that I think on three separate occasions the Senate has attached amendments to appropriation bills providing for an archives building, and I sincerely trust it will continue to do so, and that at some time when the appropriation bills come back here from the House of Representatives the Senate will make a stand for an appropriation of money for the erection of an archives building, either on Government land or upon land to be acquired for that purpose, and that the deplorable condition in which the records of the Government are now placed will be done away with. It is essential not only that the archives should be accessible and available for examination on the part of those who desire to examine them to secure the information which they contain or for historical research, but, in addition, that the waste and possibility of destruction by fire, by moisture, by dryness, and by heat, under which they are crumbling away, shall be stopped, and that the proper care of these invaluable records of the Government be taken by a Government which is wealthy and perfectly able to do so.

Mr. WILLIAMS. Mr. President, I must apologize to you and to the Senate for not having known the real situation. I thought when I asked the Senator from Washington a moment ago to hand me the bill so that I might word the proper amendment to it that the subject matter was before the Senate. I now learn that it is not.

Now, Mr. President, I wish to make a few general observations in connection with the main proposition. There undoubtedly ought to be an archives building. Undoubtedly the United States Government owes it to history and to art and to its own administration of public affairs to have an archives building. Undoubtedly that archives building ought to have certain advantages. In the first place it ought to be fireproof, and in the second place—and if possible more important still—it ought to be so isolated as not to be subject to fire from other buildings.

The archives building ought to be erected in the center of some great square which the Government owns in the city of Washington and so distant from each street and so distant from each house around it as to be free from any chance of catching fire from some other building. If such an archives building is erected in the center of one of the squares which the Government owns or upon Pennsylvania Avenue, after the buildings on the property which the Government there owns shall have been removed, those two essential conditions will have been complied with. The first is that the building itself shall be fireproof—not allegedly fireproof, not fireproof according to any insurance company's report, but fireproof sure enough, like the old Treasury Building, which, by the way, is one of the most magnificent specimens of architecture in the world to-day. There is hardly anything in ancient Greece or ancient Rome that exceeds it in beauty or in substantiality. I repeat, it is essential that the archives building shall be really fireproof in its walls, in its floors, and in every part of it—in the receptacles, the shelving, and whatever else there may be to contain the archives—so that there will be nothing inflammable in the building at all except the paper itself containing the archives; but it is still more important, Mr. President, to isolate it in the center of some region of ground so that it will not be apt to catch fire from the surrounding buildings, and there is no way of doing that except by putting it in the center of a square.

There is nothing that beautifies a square so much, and does not deprive the people of a single pleasure in its enjoyment, as a building in the center of the square which shall give character to it. The Senator speaks of the grass and the trees; but neither grass nor trees nor buildings are as beautiful in themselves as when the three are together. The building surrounded by grass and in the midst of trees is the ideal union of nature and art which makes beauty.

I hope that, whatever occurs later on, we shall not compel the Government of the United States to buy a site to put this building on, but that we shall leave it at least within the discre-

tion of the committee considering the question to determine whether or not it shall be placed upon property which we already own.

Mr. TOWNSEND. Mr. President, do I understand that the unfinished business is now before the Senate?

The VICE PRESIDENT. It is before the Senate.

AGRICULTURAL ASSOCIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2373) to authorize association of producers of agricultural products.

The VICE PRESIDENT. The pending question is on the amendment of the Committee on the Judiciary.

Mr. TOWNSEND. Mr. President, I have just a few words that I wish to submit to the Senate in reference to this proposition.

A great deal has been said from the beginning of the last session of Congress until this hour relative to the unfortunate condition in which agriculture generally finds itself in the United States. I think it is conceded that that condition is more deplorable than the condition of any other industry of the country, and it is the real basis of all industry. I have felt that some propositions have been presented to Congress which could not be reasonably expected to accomplish any great relief to the farmers. Here is a proposition, however, which does not offer to him any nostrum, any fictitious hopes, but allows him to help himself. The American farmer always has been of that character that he could be depended upon to help himself to the limit of his possibilities, and in so doing he has always contributed to the welfare and the general prosperity of the country itself.

It has been our proud boast that from the farms of the country have come the men who have developed the country in every department of its enterprise.

Some years ago we passed what is known as the Sherman antitrust law, which was never even remotely considered in connection with agriculture. There was not any danger then, any more than there is danger now, that the great mass of agriculturists throughout the United States could combine to the detriment of the people generally. They can not unduly enhance prices. They can not create a monopoly judged by what is known as the "rule of reason." The Sherman law was never, I say, considered as being applicable to farmers. The farmer has always, however, been subjected to conditions beyond his control, and over which he did not even remotely exercise any control. He produces his products largely without any knowledge as to what the cost is to himself, because he does not keep books. He does not account for his own work, or for that of his family, generally; but in late years some farmers have commenced to keep accounts and they have discovered that they have received no compensation adequate to the investment either of their capital or of their labor. This has been due largely to the fact that their products have been controlled by outside influences. They do not control the market, and the spread between the price which the farmer receives and what the consumer pays is all out of proportion. Wherever extortion in farm products has been practiced it has been done after the farmer parted with his products. It seems to me to be absolutely necessary, if we are to consider the economic good of the country, that this increase of cost should be avoided if possible, to the end that the producer and the consumer both might benefit. If by allowing cooperative understandings we can shorten the distance between producer and consumer and eliminate the toll gates on the way the farmer and the consumer will both be benefited.

The House bill proposes that farmers may organize—I think they can do it under the law now—for the purpose of controlling markets in the sense of taking advantage of the best market possible, consistent with the good of the country. Threats of prosecutions, however, hinder them from organizing. The House bill proposes to permit proper organization. The proponents of the amendment say that they have no objection to eliminating the possibility of section 1 of the Sherman antitrust law applying to agricultural organizations, but they lay especial emphasis on their claim that section 2 must apply to these organizations. Why, sir, if this amendment is agreed to, then I submit that the Congress has specifically stated that even though the original intention of the makers of the Sherman antitrust law was not to cover farmers' organizations, it shall cover those organizations henceforth from the passage of this bill. It would be better to defeat the measure than pass it with this amendment.

I have not been able to attend all of the discussions on this bill, because the Committee on Post Offices and Post Roads is in session constantly on the annual appropriation bill; but I

listened to some interrogatories submitted yesterday by the senior Senator from Ohio [Mr. POMERENE] to the Senator from Montana [Mr. WALSH]. It appeared to the Senator from Ohio, as it does to me, that the Senator from Montana makes a distinction without a difference in defining the relative power of the first and second sections of the Sherman antitrust law. It seems to me there can be no restraint in trade entitled to the consideration of Congress which is not effected through a monopoly of some kind; and if we say that the first section of the Sherman law shall not apply, but the second section shall, we are giving to the Sherman antitrust law a special force which was not intended by its makers. That law was intended to cover aggregations of capital so consolidated that they could get together, determine prices, and control markets absolutely; and it was that danger which the Congress had in mind when it passed the Sherman antitrust law. No such danger is possible from the agricultural interests of the country; and if we are to help the farmers, we must do something that will enable them to take advantage of the possibilities of the markets to which they are entitled.

There may be some examples such as that to which the Senator from Montana called attention—namely, the milk supply of large cities—where possibly there might be combinations which would produce injury and injustice to the consumers of milk; but, sir, the House bill provides that that question may be reviewed by the Secretary of Agriculture—that he may pass upon the question; and while the Senator from Montana says that all he can do is to disapprove the agreement, and that he can not fix the prices, nevertheless I think the provision of the House bill should be amended so that the courts finally could make any order which is applicable to all conditions.

Mr. KELLOGG. Mr. President, I will say to the Senator that the Senator from Kansas [Mr. CAPPER] has offered an amendment which authorizes the court to make any decree necessary to do justice in the premises, thus giving the court absolute power, the same power that it would have now under the law.

Mr. TOWNSEND. Mr. President, I may have some peculiar notions in reference to the Sherman antitrust law or in reference to combinations. They are not original with me. Others have held those views, but I am one of those who believe that there are good combinations and bad combinations. I recognize that it is very difficult to frame a general law which would apply under those conditions; but I think that when we passed the Federal Trade Commission act, for instance, we thought we were investing a commission with power to pass upon certain questions which would enable the business men of the country to determine in advance whether what they were proposing to do would be in conflict with a law which was subject to various kinds of interpretations by the courts. I am in favor of that principle, and it is involved in this bill. It enables the Secretary of Agriculture to pass upon this question in case complaint is made or his attention is called to the fact that prices are unduly enhanced to the consumers of agricultural products. Then, I repeat, it goes to the courts, if it is deemed advisable on the part of either party to take it to the courts.

So, Mr. President, I am not anticipating any injury to come from the passage of this bill; and it is, as I have said, an effort to furnish self-help to the farmers in their efforts to take advantage of conditions from which they have suffered throughout our whole history, and from which they are suffering intensely now—their hitherto inability to get together and take advantage of the conditions of a market which properly belongs to them, but which is manipulated by others.

I have said thus much as giving some of my reasons why the House bill should pass with any proper amendments that may be made to safeguard and carry out the original intent of its framers. I hope the bill will pass. I am certain it would pass if we were all familiar with the conditions as they exist. Congress can not do much to restore normal conditions. We all know that to be a fact. We are attempting in Congress to legislate for conditions existing which no law can remedy. No law can help, indeed, some of the laws can hinder, a return to normalcy; but there has been no normal condition in agriculture, so far as the markets are concerned, for years and years before and during and after the war, so far as that is concerned, and it is because I want a better opportunity afforded to farmers to help themselves that I favor the bill as it passed the House.

Mr. CALDER. Mr. President, in the pending bill there is no suggestion that the farmers of this country be given any special privileges. On the contrary, Congress is merely asked to clarify the position of cooperative farm organizations which may operate business institutions or business plants in relation to the Sherman antitrust law. I do not understand the Capper-

Volstead bill to allow agriculture any exemptions. It merely states just what cooperative farm organizations may do.

The uncertainty of the legal status of farm organizations which conduct business in a collective way has had a paralyzing effect on the efforts of men and associations who are brought together so that they may more economically and efficiently administer their affairs. In some sections of the country, I am informed, officers and members of such organizations have been arrested, indicted, and even thrown into prison. United States attorneys and other officials have so construed the Sherman antitrust law as to make it cover the operations of nonstock, nonprofit farm associations.

These associations have provided a means through which the farmers may come into more direct contact with their urban customers. They have aimed to eliminate many of the costly intermediary agencies of distribution by themselves doing the work of such agencies. These efforts through organization to more economically distribute their products have in many cases aroused the suspicion of officers who are always on the lookout for offenders against the antitrust laws of the Nation.

Such vigilance, while commendable, has had an embarrassing effect on perfectly honest men who have never been able to get their legal bearings when making agreements with their fellow citizens engaged in the same occupation regarding the sale of their products. Able lawyers have contended that the provisions of the antitrust law should never be invoked against farm organizations which deal only in the things which their members produce. But there is no general agreement on this subject among men associated with the Department of Justice, hence it is very necessary to enact some measure which will clearly show just what farm organizations can do and continue to live within the law.

Personally I am convinced that the authors of the Sherman antitrust law and the Clayton Act never contemplated the application of the provisions of these measures to men engaged in the collective sale and distribution of products which they themselves bring to maturity. Such application seems to me to be altogether too strained an interpretation of what was in the mind of Congress when these bills were assented to.

The Sherman and Clayton Acts forbid combinations in restraint of trade, but they rather encourage associations designed to foster trade. Farmers are asking for this cooperative law so that they may be able to do a larger and safer business founded upon scientific trade principles. They are not asking to be released from liability for acts of commercial or industrial oppression. They are only asking that by affirmative action Congress recognize the principle of collective bargaining.

Farmers have the natural and inherent right to approach their customers through agencies of their own creation. This right should be clearly and positively recognized by Congress. If the Sherman and Clayton Acts had been generally interpreted as their authors intended they should be, there would be no necessity for the enactment of the bill which we are now considering. The right of the farmers to collectively market their products would generally have been conceded.

If I could find in this bill any privilege to agriculture which is withheld from any other element in our citizenship, I would not be among its supporters. It has been said by statesmen and publicists that the bill constitutes class legislation, that it confers favors at the expense of the urban population, and that it permits agriculture to do those things which are forbidden to other interests. I confess I am unable to so interpret the bill. To my mind it merely removes from the shoulders of the farmers burdens and restrictions which are not imposed upon ordinary commerce and industry.

The farmer is a business man. It is most commendable and only natural that he would desire to use modern methods in the conduct of his enterprise. It is not fair that he should be denied the use of these methods. Cooperation is not "combination." While there is a pretty general demand that big business be forced to yield to necessary regulation, no modern thinker will seriously propose that the business which serves all the people shall be crippled or its ability to function impaired. It is only through cooperation that the highest service to the public can be assured. This fact is recognized by agriculture just as it is recognized by industry, finance, and commerce.

Agriculture is the biggest of all business. Industrially it is a Titan. It is bigger than all the railways, the steel mills, and the coal mines in the United States combined. In the year 1919 the total value of farm products reached the staggering sum of \$25,000,000,000, enough to pay America's share of the cost of the war. But this vast business was done largely by men who are unorganized, who were compelled to take whatever they could

get for their products, who had no voice in naming the reward they should receive for the service they had performed. If they met and suggested that they should at least obtain cost of production, they were in peril of arrest, indictment, and imprisonment.

Other business concerns were able to get the ear of the public because they were intensely and intelligently organized. They were able to control to some extent at least the markets in which they sold their wares. But agriculture, though spread over the whole country, stretching from the extreme north to the extreme south and from the extreme east to the extreme west, was helpless. It must take what was given it, and we all know that in the past two years it has been impossible for the farmers to collect a sum which even approximates the cost of production.

Why, then, should they not be legally permitted to organize for business purposes? To establish a producers' trust appears to be entirely impossible. There is no danger that the farmers will ever be able or even attempt to corner the food supplies of the Nation. But they ought to be permitted through organization to have some say about how their products shall be distributed, in what markets they will be sold, and how much they will receive for them.

So far agriculture has been a wounded and almost helpless giant, depending entirely for the sale of its products upon agencies which it had no hand in creating. The time has come, however, when it appears to be the full purpose of the farmers to take some hand in directing the selling end of their business. They know that this can not be brought about through individual action. They know that if they are to give any real or effective attention to the sales department it must be through intelligent organization.

Collectively the farmers of the United States, according to the latest census report, own about \$80,000,000,000 worth of property. This property has failed to pay anything like substantial dividends; at all events, during the past two years. Scores of thousands of good citizens have left rural America to take their places beside their brethren in the congested centers of population. They have found farm life unattractive and unprofitable. They have become tired of producing at a loss and have finally exchanged broad acres and country air for a hard present and a doubtful future in the cities.

If by cooperative effort these conditions can be ameliorated and farm life made more attractive, Congress ought to enact the necessary permissive legislation. In a country like ours there ought always to be a thriving, wholesome, progressive, and contented agriculture. It is not a wholesome sign of national progress to witness the constantly moving and ever enlarging procession of ruralists toward the centers of urban life. Every effort should be made to arrest the progress of this procession.

It is obvious that a contented and prosperous agriculture means a more wholesome and more prosperous urban population. An abandoned farm is an eyesore. It is evidence of local decay, threatening the national fiber, and if permitted to continue imperiling the national health. Let us keep our boys on the farm.

But it is useless to urge this if agriculture is to continue to be conducted at a loss. I am for this bill because I believe it will give the farmers an opportunity to so organize and so adjust their business as to make the business of farming more profitable. We who live in the cities should be the last to discourage enlightened and cooperative effort among those who provide us with our food, our clothing, and largely our shelter.

Mr. President, I speak with some interest on this subject, because I live in the greatest city of the Nation, and I am confident that the people whom I represent in that city are perfectly willing that the farmers shall organize in such a way as to bring to them not only fair prices for the things they produce, but in the end will tend largely to decrease the prices of the things the people in the cities have to buy which the farmers produce.

Mr. STERLING. Mr. President, although a member of the Committee on the Judiciary, I was not present when the substitute for House bill 2373 was considered by the full committee on a report made by a subcommittee of the Judiciary Committee. Of course, I am in hearty sympathy with the purposes of the bill and with what are perhaps the purposes sought to be attained by the amendment to or substitute for the bill as it passed the House; but, Mr. President, after giving some further thought to this subject my belief is that the substitute of the Senate committee would cut the heart out of the bill, would render nugatory the purposes intended to be attained by the original bill, and would render nugatory, I think, the intent of those who framed the substitute for the bill.

I appreciate the needs of the farmers, those who produce our agricultural products, whether they be in the shape of grain or

in the shape of stock, milk, or fruits. The farmer has stood alone. Nearly every other business is organized. Manufacturing, mining, commercial interests, are supported and carried on usually by the great aggregations of capital, and those interests, in addition, have had the support and assistance of men long skilled and experienced in the business. They have had the assistance of counsel to guide them in their several business interests, but the farmer has been isolated, and he has been left to depend on his own unaided resources in the operation of his farm, in the carrying on of his farming industry, and in the finding of a market for his products. Yet it is the great basic industry, the one essential industry, fundamental and upon which all the others more or less depend. So he has worked and toiled at a great disadvantage as compared with the rest. The purpose of the bill is to allow him to combine, to cooperate with his fellow farmers in the matter of processing, preparing for market, and finding the market for his products. It seems to me it is one of the most reasonable and just propositions that ever came before us for consideration.

But, Mr. President, what about the proposed substitute? I said the effect of it would be to take the heart out of the bill and render nugatory the purpose which was intended by the bill. Why will that be so? It is because primarily of the close relationship, if not the almost identity, between sections 1 and 2 of the Sherman Antitrust Act. There is something peculiar even about the reading of the two sections to which I would like to call the attention of the Senate. Section 1 provides:

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

So much for the provision relating to contracts alleged to be in restraint of trade. They are in that one sentence declared to be illegal. But are monopolies or attempts to monopolize declared in terms to be illegal? Under section 2, that relating to monopolies and attempts to create monopolies, the language is as follows:

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States—

shall be liable as provided in the act. The one relates to the thing, the contract or combination; the other, section 2, begins with reference to the person or persons.

So, Mr. President, it is as though in enacting the second section of the Sherman antitrust law Congress wanted to bring together in that one section everything that could have been included in the first section and make it like what we sometimes call a common count in a pleading at common law, the one thing under which all evidence might be introduced. I submit that the evidence under a charge of combining or contracting or conspiring in restraint of trade would be the same as in a case where the party or parties were charged with monopolizing or attempting to monopolize.

What does the substitute do? The first part of it, of course, is practically the same as part of section 2 of the original House bill, but the rest of it, that which provides that nothing herein shall be construed to exempt from procedure as for a violation of the law against monopoly—such is the substance of it—upon its face invites a prosecution as for the offense of monopolizing or attempting to monopolize. Ambitious United States district attorneys or persons envious of or feeling that their business might possibly be injured by a company or an association of farmers would be quick to seize upon section 2 of the Sherman Antitrust Act for the purpose of instituting a prosecution.

Mr. President, I said in the beginning that there was a close relationship between a monopoly or an attempt to create a monopoly and an agreement or combination or conspiracy in restraint of trade. The evidence that would fit the one and support a charge of the one would be evidence that would be brought to bear to support a charge of the other, namely, of a monopoly. The theory is that both ultimately tend to bring about the great abuse which the Sherman Act was intended to remedy, namely, the undue enhancement of prices. Now, I wish to show from the opinion of Chief Justice White in the Standard Oil case this close relationship between the two, the agreement in restraint of trade and what we would technically call monopoly.

The Chief Justice goes into a discussion of monopoly at common law and tells what it is. Under the common-law definition, and many Senators will recognize it, an allowance or permission by the king or the sovereign for some one person or persons to make, to buy, or to sell some commodity or article to the exclusion of everybody else was often granted. English law, of course, in the course of time remedied that evil. Why was it an evil? Because, of course, it tended to bring or actually brought the undue enhancement of the price of the article for which a monopoly had been given. Chief Justice White

compares the definition of monopoly with the definition of engrossing at common law that old common-law offense of engrossing. Let me read:

As by the statutes providing against engrossing the quantity engrossed was not required to be the whole or a proximate part of the whole of an article, it is clear that there was a wide difference between monopoly and engrossing, etc. But as the principal wrong which it was deemed would result from monopoly—that is, an enhancement of the price—was the same wrong to which it was thought the prohibited engrossment would give rise, it came to pass that monopoly and engrossing were regarded as virtually one and the same thing. In other words, the prohibited act of engrossing, because of its inevitable accomplishment of one of the evils deemed to be engendered by monopoly, came to be referred to as being a monopoly or constituting an attempt to monopolize. Thus Pollexfen, in his argument in *East India Co. v. Sandys* (Skin. 165, 169), said:

"By common law, he said that trade is free, and for that cited 3 Inst. 81; F. B. 65; 1 Roll. 4; that the common law is as much against 'monopoly' as 'engrossing'; and that they differ only that a 'monopoly' is by patent from the king, the other is by the act of the subject between party and party; but that the mischiefs are the same from both, and there is the same law against both. (Moore, 673; 11 Rep., 84.) The sole trade of anything is 'engrossing' *ex rei natura*, for whosoever hath the sole trade of buying and selling hath 'engrossed' that trade; and whosoever hath the sole trade to any country, hath the sole trade of buying and selling the produce of that country, at his own price, which is an 'engrossing'."

The Chief Justice then comes to apply this to the rule or to the evolution of the principle recognized in this country. He says:

In this country, also, the acts from which it was deemed there resulted a part, if not all, of the injurious consequences ascribed to monopoly, came to be referred to as a monopoly itself. In other words, here, as had been the case in England, practical common sense caused attention to be concentrated not upon the theoretically correct name to be given to the condition or acts which gave rise to a harmful result but to the result itself and to the remedying of the evils which it produced.

As I have already said, and as we all understand, the result, being the controlling thing, is an undue enhancement of the price, and we may indifferently call it by the old common-law name of engrossing or we may call it a monopoly.

The Chief Justice continued:

The statement just made is illustrated by an early statute of the province of Massachusetts—that is, chapter 31 of the laws of 1778–1779, by which monopoly and forestalling were expressly treated as one and the same thing.

The Chief Justice comes, then, to discuss the word "monopolize," and says:

Undoubtedly, the words "to monopolize" and "monopolize," as used in the section, reach every act bringing about the prohibited results. The ambiguity, if any, is involved in determining what is intended by monopolies. But this ambiguity is readily dispelled in the light of the previous history of the law of restraint of trade to which we have referred, and the indication which it gives of the practical evolution by which monopoly and the acts which produce the same result as monopoly—that is, an undue restraint of the course of trade, all came to be spoken of as, and to be, indeed, synonymous with, restraint of trade. In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section.

Hence my reason for saying, as I said at the beginning, that the same evidence to be adduced in a charge that there has been a combination or contract or conspiracy in restraint of trade may be adduced in support of a charge that there is a monopoly or that there has been an attempt to monopolize. I think we can see the evil now of adopting the proposed substitute, which is ostensibly for the purpose of preventing monopoly. A man who desires to prosecute a combination or association of farmers has only to say, "There is here an attempt to create a monopoly" and he produces the evidence; and he would have produced the same kind and class of evidence had the charge been that there had been an agreement in restraint of trade and commerce.

Mr. POMERENE. Mr. President, may I inquire from what is the Senator from South Dakota reading?

Mr. STERLING. I am reading from Chief Justice White's opinion in the Standard Oil case. I am now reading from page 61. Let me read that passage again:

In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section—that is, restraints of trade—by any attempt to monopolize, or monopolization thereof, even although the acts by which such results are attempted to be brought about or are brought about be not embraced within the general enumeration of the first section. And, of course—

Says the court—

when the second section is thus harmonized with and made, as it was intended to be, a complement of the first, it becomes obvious that the criteria to be resorted to in any given case for the purpose of ascer-

taining whether violations of the section have been committed, is the rule of reason guided by the established law and by the plain duty to enforce the prohibitions of the act and thus the public policy which its restrictions were obviously enacted to subserve.

In other words, the rule of reason which Chief Justice White applied in the Standard Oil case applies as well to monopolies or to attempts to create monopolies as it does to combinations or contracts in restraint of trade.

And it is worthy of observation, as we have previously remarked concerning the common law, that although the statute by comprehensiveness of the enumerations embodied in both the first and second sections makes it certain that its purpose was to prevent undue restraints of every kind or nature, nevertheless by the omission of any direct prohibition against monopoly in the concrete it indicates a consciousness that the freedom of the individual right to contract when not unduly or improperly exercised was the most efficient means for the prevention of monopoly, since the operation of the centrifugal and centripetal forces resulting from the right to freely contract was the means by which monopoly would be inevitably prevented if no extraneous or sovereign power imposed it and no right to make unlawful contracts having a monopolistic tendency were permitted. In other words, that freedom to contract was the essence of freedom from undue restraint on the right to contract.

Mr. President, the bill as it came from the other House is exactly in conformity with the principles laid down in the opinion of Chief Justice White. The bill conforms to the rule of reason, both in regard to contracts in restraint of trade and in regard to attempts to create a monopoly. According to Chief Justice White, the rule of reason applies to any contract in restraint of trade as well as to the distinct attempt, if it can be distinct, to monopolize or to create a monopoly.

What does the House bill propose to do and why should we fear that bill? The House bill, the bill for which a substitute is offered by the Senate committee, reads in part:

Sec. 2. That if the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint—

And so forth.

The undue enhancement of prices is made the test as to whether or not the Secretary of Agriculture may take steps to prevent the acts complained of, and that pertains both to monopoly and to contracts in restraint of trade.

I understood from the Senator from Montana [Mr. WALSH] that he construed the House bill as in terms and expressly authorizing the creation of a monopoly. I can not agree with that. If there is a monopoly, however, or if there is an agreement which it is feared might be in restraint of trade to such an extent as to unduly enhance prices, the public, which is injured or any person believing the public to be injured, may make complaint. It will then be for the Secretary of Agriculture to determine whether or not the agreement or the combination is such as to bring about undue enhancement of prices. Mr. President, that statement applies to anything in regard to which a combination or association of farmers is authorized under this bill. So the producers of milk would be no exception to the rule, and any attempt of any association of milk producers under this bill unduly to enhance the price will subject them to the same inquiry and investigation as it would subject those associated together for any other agricultural business.

So, Mr. President, believing, as I do, that the proposed substitute would thus seriously injure, if not altogether destroy, the effect and purposes of the bill as originally intended, I shall vote against the substitute and for the original bill.

Mr. WALSH of Montana. Mr. President, before the Senator from South Dakota takes his seat I should like to make a further observation. The Senator concludes his remarks with the statement with which he introduced them, namely, that the amendment proposed by the Senate committee, referring of course to the monopoly amendment, takes the heart out of the bill.

Mr. STERLING. Yes.

Mr. WALSH of Montana. The Senator also refers to the fact that he was not present at the time the bill was considered by the Judiciary Committee. I believe that is correct. The Senator, however, was present when the prototype of this bill was under consideration by the Senate on December 14, 1920. He advocated and approved the entire bill at that time, and called especial attention to the feature that he now condemns. I read from the Record, at page 316, from a colloquy between the Senator from South Dakota [Mr. STERLING] and the Senator from Idaho [Mr. BORAH]:

Mr. STERLING. * * * Mr. President, my theory was simply this, as I have stated, that the real purpose of this bill was to make it certain that such associations could not be prosecuted under the Sherman antitrust law. It has never yet been decided by the Supreme Court of the United States that they are acting in violation of the Sherman antitrust law, and my proposition is merely that this measure is in the

spirit exactly of the Sherman antitrust law as interpreted by the Supreme Court of the United States. The following language:

"To such an extent that the price of any agricultural product is unduly enhanced by reason thereof"—brings it exactly within the "rule of reason" first announced by the court. It is not a combination in restraint of trade under the Sherman antitrust law unless the result of the combination is to unduly enhance the price of the product or create a monopoly.

To show that the feature which the Senator now condemns did not escape his attention I continue reading:

The last provision, being an amendment proposed to the bill by the Judiciary Committee, is as follows:

"Nothing herein contained shall be deemed to authorize the creation of, or attempt to create, a monopoly or to exempt any association organized hereunder from any proceedings instituted under the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, on account of unfair methods of competition in commerce."

So that not only the bill as a whole received the approval of the Senator from South Dakota, but this specific provision received his approval.

Mr. STERLING. Mr. President, I think, perhaps, I recall the statement made, but it was not with reference to the pending bill or the substitute which has been offered; it was with reference to the original bill to which the Senate committee or a subcommittee had attached a short amendment without changing section 2, as I recall, of the original House bill, except that section 2 had been amended so as to substitute the Federal Trade Commission instead of the Secretary of Agriculture as the body which should determine whether there had been an undue enhancement of price.

Mr. WALSH of Montana. But the Senator has not been condemning particularly the excision of section 2; his argument has been addressed to that amendment which forbids monopoly.

Mr. STERLING. However that may be, Mr. President, whatever I said then in regard to that proposed amendment, I have this to say now, that after I have given the subject full and careful attention and after reading the opinion of Chief Justice White in regard to the close relation between monopoly and restraint of trade, and realize the fact that the same evidence would be produced on a charge that a monopoly existed or that there was an attempt to create a monopoly as would be produced where the charge was that there had been a combination in restraint of trade, I became satisfied that we never could agree, of course, if we want to preserve anything of benefit to the farmers in this bill to the provision in regard to monopoly.

Mr. WALSH of Montana. Of course, no fault can be found with the explanation now made by the Senator from South Dakota that he has changed his mind about this matter. Of course, it is perfectly obvious that he has, but he felt sufficiently familiar with the general subject when it was here on a prior occasion to debate it upon the floor against those who were opposed to the bill as it stood. He did not at that time advocate the excision of the provision nor suggest the adoption of the House bill in lieu of it.

Mr. LENROOT obtained the floor.

Mr. KELLOGG. Mr. President—

Mr. LENROOT. I yield to the Senator from Minnesota.

Mr. KELLOGG. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FERNALD in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Fletcher	La Follette	Ransdell
Borah	France	Lenroot	Sheppard
Brandeggee	Hale	McCormick	Shortridge
Broussard	Harris	McKinley	Simmons
Bursum	Harrison	McNary	Spencer
Calder	Heflin	Moses	Stanfield
Cameron	Hitchcock	Nelson	Sterling
Capper	Johnson	Newberry	Sutherland
Caraway	Jones, Wash.	Norris	Swanson
Colt	Kellogg	Oddie	Underwood
Culberson	Kendrick	Page	Wadsworth
Cummins	Kenyon	Pepper	Walsh, Mass.
Dial	Keyes	Phipps	Walsh, Mont.
Ernst	King	Poindexter	Warren
Fernald	Ladd	Pomerene	Williams

Mr. HARRIS. As I stated on the previous call, my colleague [Mr. WATSON of Georgia] is absent on official business.

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is absent in attendance upon the duties of the Senate.

Mr. BRANDEGEE. I desire to announce that the Senator from Ohio [Mr. WILLIS], the Senator from North Carolina [Mr. OVERMAN], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Georgia [Mr. WATSON] are detained on committee work.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present.

Mr. LENROOT. Mr. President, I shall support the House bill with the amendments that have been proposed. I believe

that if the Senate substitute should be adopted we had better have no bill at all, for it seems to me very clear that the last paragraph of the Senate substitute nullifies all that was intended to be accomplished in the previous provisions of the bill. That I shall discuss, perhaps, at some length a little later. Before coming, however, to the discussion of the merits of the bills I wish to take up very briefly some of the objections that have been urged to the House bill.

We all listened with very great interest to the very able argument of the distinguished Senator from Montana [Mr. WALSH], one of the ablest lawyers of this body, and the position that he takes with reference to monopoly; but I confess that after listening closely to his arguments against permitting any monopoly, even under regulation, I was surprised, at the conclusion of his speech, to hear him suggest that the Senate bill should be amended so that any producer covered by the terms of the bill should have the privilege of entering into an association formed under it.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield.

Mr. WALSH of Montana. If the Senator so understood me, I must have misspoken my sentiments.

Mr. LENROOT. I shall be very glad to be corrected.

Mr. WALSH of Montana. The Senator is quite right in saying that if monopoly is to be forbidden that feature should not be incorporated in the bill; but I intended to say, if I did not say, that it should be made a feature of the House bill, not the Senate bill. That is to say, if we are going to authorize monopoly, then we should permit anyone qualified under the statute who desires to do so to be admitted to membership in an association claiming its protection.

Mr. LENROOT. The Senator, I think, will concede that we had every reason to believe that in suggesting the amendment yesterday he was speaking of the bill that he supports and not the House bill.

Mr. WALSH of Montana. That was not my purpose.

Mr. LENROOT. I very gladly accept the correction, which, of course, removes any possible controversy between us upon that subject.

The Senator from Iowa [Mr. CUMMINS], the distinguished chairman of the Interstate Commerce Committee, yesterday expressed the fear that the power delegated in the House bill to the Secretary of Agriculture to determine in the first instance whether there had been an undue enhancement of prices by reason of the association was an unlawful delegation of power; and I am frank to say that if the House bill, either in its original form or as it will be amended, did grant authority to the Secretary of Agriculture to fix prices for the future, in that event the question raised by the Senator from Iowa would be a very serious one, because, of course, authority legislative in its nature which may be exercised by the Congress can not be delegated to any administrative body unless the rule be also laid down and determined by the legislative authority. But, Mr. President, if there be no authority here to fix prices in the future then, of course, it necessarily follows that there is no rule for the legislative authority to lay down to govern the administrative body; and with the amendment that has been proposed, it is clear now that there is no authority to be vested in the Secretary of Agriculture to fix prices in the future or at all. His power with reference to dealing with restraints of trade or monopoly, and the orders that he is given authority to issue, will be directed against the cessation of the monopoly itself or the restraint of trade, and there will be no finding upon his part with reference to what is a reasonable price, either in the future or in the past, except he must find, in order to have jurisdiction to make the order, that there has been in connection with the monopoly or restraint of trade an undue enhancement in price by reason thereof.

So, Mr. President, with this amendment, I submit to the distinguished Senator from Iowa that there being no legislative authority delegated, there is no reason or proper place for a rule to be laid down to govern the Secretary of Agriculture in making that finding.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LENROOT. I yield.

Mr. CUMMINS. I want the Senator from Wisconsin to distinctly understand the point I made. I have no doubt there is a law under which the Secretary of Agriculture or any other administrative officer can find whether an association or combination is in restraint of trade. I have no doubt that there is abundant law to guide the Secretary of Agriculture in deter-

mining whether a particular association or combination is a monopoly, or is an attempt to create a monopoly. So far the Senator from Wisconsin and myself entirely agree.

I do not believe there is any law which will enable the Secretary of Agriculture to determine whether a given price which may exist at that time for any particular commodity is an undue price. That is the point I have made.

Mr. LENROOT. Then I would like to ask the Senator this question: If an undue enhancement of the price in connection with the monopoly be a vital question, suppose it were an undue restraint of trade. In other words, suppose this bill were so changed that if the Secretary should find that there was an undue restraint of trade, we would authorize him to issue such an order which is provided in the bill. Does the Senator think we could do that?

Mr. CUMMINS. I do, because we have done exactly that thing with an administrative body.

Mr. LENROOT. What is the difference between delegating to the Secretary of Agriculture the power to issue an order, if he finds there be an undue restraint of trade concerning which there is no statutory law, and delegating such power where he finds there is an undue enhancement of price?

Mr. CUMMINS. I think there is a very great difference. I want the Senator from Wisconsin to understand that I am not opposing this general proposition.

Mr. LENROOT. I understand.

Mr. CUMMINS. I think the proposed substitute reported by the committee would be unavailing. I think it would give very little, if any, relief to the farmers of the country, because what is or what is not an attempt to create a monopoly is so indefinite and so vague that I think if that section were preserved the farmers would be subject to practically all the difficulties they now experience; but the Supreme Court has said more than once that the antitrust law is but the reenactment or re-statement in substance of the common law, which has prevailed both in Great Britain and in this country from time immemorial. Around the expression "restraint of trade" there has been built up a legal interpretation and construction so that although it may be difficult anyone has a guide to determine whether a given association constitutes an undue restraint of trade, because the Supreme Court has said that that was the common law also, that not every restraint of trade was unlawful, but when you come to price I do not know of any law anywhere which will enable any person to determine authoritatively what constitutes an undue price. If the Senator from Wisconsin can point out what those words mean, perhaps it would satisfy my mind upon the question.

I put this question yesterday: Suppose wheat were selling at \$1.50 per bushel, and the Secretary of Agriculture were to enter upon the industry, is that an undue price? To what sources of information or to what guide would he resort in order to ascertain whether \$1.50 a bushel was too much for wheat?

Mr. LENROOT. I would answer the Senator, to exactly the same sources of information and to the same guide which now govern our courts with relation to the interpretation of the Sherman law. There is nothing more vague or more indefinite in the term "undue enhancement of prices" than there is in the words "undue restraint of trade." One is just as shadowy as the other.

Mr. WALSH of Montana. Will the Senator permit me to interrupt to call attention to a decision of the Supreme Court of the United States in relation to this very subject?

Mr. LENROOT. I would be very glad to have the Senator do so.

Mr. WALSH of Montana. I refer to the case of the International Harvester Co. against Kentucky, one of the cases referred to by the Senator from Kentucky. In that case certain statutes were under consideration. I read from Two hundred and thirty-fourth United States, page 220, as follows:

On March 21, 1906, a statute was enacted that made it lawful for any number of persons to combine the crops of wheat, tobacco, corn, oats, hay, or other farm products raised by them for the purpose of obtaining a higher price than they could get by selling them separately. (Session Laws, 1906, ch. 117, p. 429.) And later, by an act of March 13, 1908 (Session Laws, 1908, ch. 8, p. 38), not only was the legality of these last-mentioned combinations reaffirmed, but they were protected by injunction, and the sale by or purchase from the owner contrary to his agreement was punished by a fine.

When the Court of Appeals came to deal with the act of 1890, the constitution of 1891, and the act of 1906, it reached the conclusion, which now may be regarded as the established construction of the three taken together, that by interaction and to avoid questions of constitutionality they were to be taken—

This is the meat of the statute—

to make any combination for the purpose of controlling prices lawful unless for the purpose or with the effect of fixing a price that was greater or less than the real value of the article.

That was held unconstitutional by the Supreme Court because it was impossible to determine the real value. I read now the conclusion of the court upon that point, an argument which, I take it, is substantially like that now suggested by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. From what case is the Senator reading?

Mr. WALSH of Montana. I read from the case of the International Harvester Co. v. Kentucky (242 U. S.) this language:

It seems that since 1902 the price of the machinery sold by the plaintiff in error has risen from 10 to 15 per cent. The testimony on its behalf showed that meantime the cost of materials used had increased from 20 to 25 per cent, and labor 27½ per cent. Whatever doubt there may be about the exact figures we hardly suppose the fact of a rise to be denied. But in order to reach what is called the real value, a price from which all effects of the combination are to be eliminated, the plaintiff in error is told that it can not avail itself of the rise in materials because it was able to get them cheaper through one of the subsidiary companies of the combination, and that the saving through the combination more than offset all the rise in cost.

This perhaps more plainly concerns the justice of the law in its bearing upon the plaintiff in error, when compared with its operation upon tobacco raisers who are said to have doubled or trebled their prices, than on the constitutional question proposed. But it also concerns that, for it shows how impossible it is to think away the principal facts of the case as it exists and say what would have been the price in an imaginary world. Value is the effect in exchange of the relative social desire for compared objects expressed in terms of a common denominator. It is a fact and generally is more or less easy to ascertain. But what it would be with such increase of a never extinguished competition as it might be guessed would have existed had the combination not been made, with exclusion of the actual effect of other abnormal influences, and, it would seem with exclusion also of any increased efficiency in the machines but with inclusion of the effect of the combination so far as it was economically beneficial to itself and the community, is a problem that no human ingenuity could solve. The reason is not the general uncertainties of a jury trial but that the elements necessary to determine the imaginary ideal are uncertain both in nature and degree of effect to the acutest commercial mind. The very community, the intensity of whose wish relatively to its other competing desires determines the price that it would give, has to be supposed differently organized and subject to other influences than those under which it acts. It is easy to put simple cases; but the one before us is at least as complex as we have supposed, and the law must be judged by it. In our opinion it can not stand.

So, the court has found that a statute which makes it penal for a combination to fix prices at greater than the real value of the commodity provides a test which can not possibly be met, and therefore that the statute is unconstitutional.

Mr. CUMMINS. Mr. President, may I ask the Senator from Wisconsin whether he has before him the case decided by the Supreme Court about a year or a year and a half ago, holding certain parts of the Lever Act unconstitutional?

Mr. LENROOT. No; I am frank to say I tried to get it, but I could not remember just where it was reported, and I have not been able to put my hand upon it.

Mr. CUMMINS. I will send for it and try to get it.

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LENROOT. I yield.

Mr. KELLOGG. I have examined those cases, and they decided that for a statute to provide that one had committed a crime because he had charged an unreasonable price was too indefinite for a criminal statute, that there must be a rule which the person could know had been violated, and if the jury had to find what the law was, and then apply the penalty, it was too uncertain and indefinite for a criminal statute.

But, Mr. President, in many of the trust cases tried, notably the Standard Oil cases, the question of undue enhancement of price by the combination and the monopoly was one of the most important bits of evidence, and in the Standard Oil case it was proven in every district in the United States. It is always one of the elements which is proven in a case where a corporation has obtained a monopoly. The decision referred to by the Senator from Iowa is simply a case involving a criminal statute, and the court held it was too indefinite on which to base a charge of criminality.

Mr. WALSH of Montana. Mr. President, the case to which I referred was indeed a criminal case, as was the case, according to my recollection, to which the Senator from Iowa referred; but this very matter came back before the court of appeals of the State of Kentucky in the case of Gay against Brent, reported in One hundred and sixty-sixth Kentucky, in which, considering the decision of the International Harvester case to which I have referred, the court decided, as expressed in the syllabus, as follows:

A statute that makes the test of liability in a criminal case or the enforcement of a right growing out of a contract in a civil case depend on the question whether the price of an article has been enhanced above its real value or decreased below its real value is void for uncertainty both in respect to criminal matters as well as civil rights and liabilities.

So that it is impossible to distinguish the cases.

Mr. LENROOT. I had in mind the decision under the Lever Act to which the Senator from Iowa referred. I could not place my hand upon it, but it was my recollection, as the Senator from Minnesota has stated, that a different rule would be laid down with reference to a criminal statute and with reference to a civil proceeding. In any event, I think Senators will admit that we have the right to proceed against a monopoly solely by virtue of the existence of the monopoly. Here is a power which sets machinery in motion, but the administrative officer of the Government has the right to set it in motion only when he finds, in addition to monopoly, an undue enhancement of price; but any order that he makes goes not to the enhancement of price, nor, with the amendment that will be proposed, will a desisting from undue enhancement relieve the monopoly. It is the monopoly that is pursued in the case of the order of the Secretary of Agriculture, and not the price that is charged by the monopoly.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. LENROOT. I yield to the Senator from Utah.

Mr. KING. As I read the House bill before us, the question of monopoly is not a matter of consideration at all by the Secretary of Agriculture. There may be a monopoly, but he may not invoke his power or use his power for the purpose of suppressing it or issuing any order with respect to the monopoly. He can only act if he conceives that there is an undue enhancement of price. Of course, I presume the Senator will reply there can not be an undue enhancement of price unless there is a monopoly. There may be something in the argument, but I call the Senator's attention to the fact that the Secretary of Agriculture may not act at all because there is a monopoly.

Mr. LENROOT. That is true, but the point I was making is that the order the Secretary is authorized to issue does not go to the undue enhancement of the price. It goes to the existence of the monopoly. That is the subject of the order. That is the thing that is dealt with in the order. Under the order which the Secretary is authorized to make if he finds these facts to exist—a restraint of trade or a monopoly plus an undue enhancement of price—then he is authorized to make the order that the monopolization and restraint of trade shall cease, but a mere desisting from further exacting the unreasonable price will be no protection against the monopoly.

Now, Mr. President, as to the necessity of the legislation. I confess that I have been somewhat surprised during the debate to hear Senators argue that we ought not to make any exceptions; that the Sherman law should cover all alike in the United States, and that it is a special privilege to farmers to provide what will be afforded them in this legislation. I was especially surprised to hear Senators make that argument who themselves have, on at least two occasions, voted to exempt certain classes from the operation of the Sherman antitrust law. The first was in the Webb-Pomerene Act. I am not arguing that that was not a proper exemption, but there the beginning was made and it was there determined, and these same Senators helped to so determine it, that the Sherman law should not cover all alike; that where there were reasons for exemption the exemption was proper.

Then later on in the Esch-Cummins law the question of exempting competitive railroads from the Sherman law was before the Senate, and the same Senators, who now insist that the Sherman law must cover everybody and everything, themselves voted to exempt owners of railroads from the Sherman law and permitted consolidations which under the Sherman law were prohibited. Again I say I make no contention that that was not a reasonable and proper thing to do. I am only referring to this because some Senators have insisted that we are extending a special privilege to farmers when the Sherman law should apply alike to every man, woman, and child in the United States.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LENROOT. Certainly.

Mr. POMERENE. I confess I am just a little bit surprised that the Senator should refer to the railroad act as a precedent for the pending measure, when under the railroad act we had a regulatory board that fixed all prices, and so forth, and under the pending legislation, if I construe it aright, the purpose is not to have any regulatory features at all so far as price is concerned.

Mr. LENROOT. That again only goes to the reason for the exemption. It does not go to the fact of the exemption, and that is the only purpose for which I am referring to it now.

Mr. POMERENE. It goes to the fact that the two cases stand on different feet entirely.

Mr. LENROOT. Oh, of course, every case stands upon its own facts. If the Senator from Ohio believes there are no

facts that authorize or warrant the Congress to deal with the farmers' organizations any differently than with the Standard Oil Co. or the oil combination, of course in that event I would expect the Senator to take the position that no such legislation as this is necessary.

Mr. POMERENE. The Senator from Ohio has made no statement whatever that justifies that conclusion or inference by the Senator from Wisconsin.

Mr. LENROOT. The Senator from Wisconsin insists that there is a distinction and a reason for the exemption of farm cooperative associations from the provisions of the Sherman law that can be just as well sustained and fully as warranted as are the provisions of the Webb-Pomerene Act with reference to exporters or the exemption of the railroads from the Sherman law. Of course, any Senator who does not agree with that position is fully justified in opposing the pending measure. I thoroughly agree with the Senator from Ohio that it is a question not as to whether this one class of people are to be taken out from under the provisions of the Sherman law but whether there is a reason for taking them out.

Mr. POMERENE. That was referred to on yesterday and I do not know that I care to go into it very fully. I have indicated from the start that I should like very much to aid in some legislation looking to cooperative marketing, but I believe in being open and above board about matters of legislation of this kind.

The Webb-Pomerene Act had its inception in the fact that abroad there were large combinations of buyers—cartels. It even went to the extent of having the Government as the sole buying agency. In this country the farmers' organizations and the commercial organizations had to seek foreign markets and dispose of their surplus single-handed. As there was a combination of buyers abroad, it occurred to those who favored the legislation that there was not any harm in permitting a combination of sellers in this country so they could meet that situation abroad. That applied particularly to farm products, to all meat products, to copper products, to timber products, to many similar products. For that reason it was provided that they could go ahead and combine for the purposes of foreign sales, but even in that instance it was so limited in its scope that it should not go to the extent of unduly enhancing or depressing prices in this country. That was the reason for that legislation, and I have not heard any objection to it, except from those who believe absolutely that there should be no combination under any circumstances.

Mr. LENROOT. I have not at any time intimated that I did not believe the exemption in both of the cases were not fully justified. I have not criticized that in any way, but I do contend that there are reasons just as strong that warrant the legislation now pending.

The Senator has spoken of conditions abroad, of the existence of cartels and combinations abroad that made it necessary, if we were to compete, if we were to find a foreign market for our own products, to permit, without the restraint of the Sherman law, like combinations of exporters to put them upon something like an equality.

But let us apply that to the situation in the United States. What do we find? I am not making any criticism upon either the law or the courts to-day, but we find the United States Steel Corporation, controlling approximately one-half of the products of steel made and sold in the United States, given a clear bill of health by the Supreme Court of the United States. In its decision, if I read it correctly, the Supreme Court held that the United States Steel Corporation was originally a combination in violation of the Sherman law, but that it had, after its existence through many years, abandoned any unlawful purpose, that it was not a monopoly, and that it had found that it could not accomplish, even if it would, the unlawful purpose which actuated its organization.

But does any Senator suppose, if 50 per cent of the wheat farmers of the United States should form an association tomorrow for the purpose of holding their wheat or getting the best price they could for it, that the Supreme Court of the United States would not hold under the Sherman law that the wheat growers' association was in violation of the terms of the Sherman Act? Can there be any doubt about it?

Mr. NORRIS. Mr. President—

Mr. LENROOT. I yield to the Senator from Nebraska.

Mr. NORRIS. Does the Senator himself have any more doubt about the one case than the other?

Mr. LENROOT. I have not.

Mr. NORRIS. Then he admits that the Supreme Court has a method of distinguishing that he can not comprehend or does not possess?

Mr. LENROOT. I do.

Mr. NORRIS. I suppose the farmers' organization, to come within the class with the Steel Corporation, would have to profess that they had seen a new light or had been to the mourners' bench and obtained forgiveness for their sins, and then would be passed on as being all right, the same as the Steel Corporation was, if the Supreme Court would follow their own precedent.

Mr. CUMMINS. Mr. President—

Mr. LENROOT. I yield to the Senator from Iowa.

Mr. CUMMINS. What the Senator from Wisconsin just stated presents one of the difficulties that I see in the pending legislation so far as being helpful to the farmer is concerned. If half the farmers in the country should enter into a combination to withhold their wheat from the market and thereby the price was enhanced, how easy it would be to destroy that combination entirely under the legislation that is proposed here. I desire to see put into the bill something that will really save that situation. It would leave the farmers open to the dissolution of their association precisely as they would be under the Sherman law.

Mr. LENROOT. I am not going to stand on the floor of the Senate and assert or even intimate that the Supreme Court of the United States in passing upon these various questions would apply one rule to one class and apply a different rule to another class of people. It is not necessary to consider that question in the consideration of the pending measure, because the Supreme Court has said in the Steel Corporation case that a combination of corporations unlawful in its inception, unlawful when organized—and that is what they did say about the Steel Corporation—through this course of practice, although unlawfully organized, may with the same combination and the same control over prices become a lawful organization. That being so, what is the disadvantage to the farmer of the United States?

These great corporations are formed; they are in existence to-day; they fix the prices to the farmer of the products which they make and sell. We have, therefore, that class of corporations in existence lawfully, when if farmers who are not organized attempt to create a similar kind of organization, exercising the same power, they to-day would be held, under the decision of the Supreme Court, as being in violation of the Sherman law.

Mr. KING. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. I yield.

Mr. KING. I take it that the proper implication from the Senator's remarks is that combinations of steel manufacturers and others who are engaged in industrial activities, if they amount to trusts or monopolies, are bad; but because the Supreme Court in the Steel Trust case seems to wink at the monopoly which the Steel Trust apparently is, it therefore follows that we must wink at all sorts of monopolies in all other lines of industry, and particularly in agriculture. It seems to me that if the Senator concedes that combinations in restraint of trade and monopolies are bad and are injurious to the public welfare and the Supreme Court has nullified the act of Congress by a misconstruction or an interpretation at variance with what we conceive to be right, the proper thing would be to amend the act and put teeth into it and strengthen it so that there might not be combinations and monopolies, rather than to confess our impotency to act and thus pave the way for the legalization of monopolies, whether in agriculture or in any other form of human activity.

Mr. LENROOT. Mr. President, in reply to the observation of the Senator from Utah, I will suggest that we again consider the Steel Corporation case. I have forgotten the exact percentage of the total product which the court found was controlled by the Steel Corporation, but the Supreme Court held that, although the action of the United States Steel Corporation in fixing prices had all the effects of a monopoly, inasmuch as there was no agreement or combination between the United States Steel Corporation and its competitors, and inasmuch as there were competitors, and that the law could not compel competition, because of the mere fact that all of the competitors of the United States Steel Corporation adopted the same price that was adopted by the Steel Corporation that corporation could not be convicted of wrongful practice.

The Senator from Utah asks, because there are, so far as the public injury is concerned, great corporations existing to-day that have all the attendant evils of monopoly, why should we permit some other class of people to create a monopoly? Mr. President, in the first place, I want to say that the country will not very long tolerate the power of one class of people not only to fix prices and attain monopolistic power but to exercise it against another class of people and hold that other class of

people to a rule of conduct to which the first class of people are not subject.

The Senator from Utah, however, knows quite as well as do I the difficulties in putting so-called "teeth" into the Sherman Act. We are compelled to choose as to permitting in the case of cooperative associations, such an association as may, on the face of the law, permit monopoly, but which every Senator knows will not result in monopoly, because there is no necessity of life to-day which is produced upon the farm which can be made the subject of a complete monopoly; and yet the Senator takes the position, I assume, that we must prohibit farmers from doing just what the United States Steel Corporation may to-day lawfully do.

Mr. KING. Mr. President, if the Senator is appealing to me and characterizing my position, he certainly misstates it.

Mr. LENROOT. I beg the Senator's pardon if I did so.

Mr. KING. I did not take such a position as he states at all. If the Senator will pardon me, I take this position: I think the American people, after suffering from the evils of monopoly for so many years, have, through their Congress, written into the statute books a law which they believed would prove of great benefit. The American people did not believe in monopoly in restraint of trade. They had been indoctrinated in the principles of the common law, and, as the distinguished Senator from Iowa stated a few moments ago, the Sherman law was founded upon the conceptions of the common law. We believe in the principles of the Anglo-Saxon law, the principles which were announced by Adam Smith. We do not believe in monopolies, in trusts, in combinations in restraint of trade, in the destruction and strangling of competition. My position is that that view is correct. The American people to-day are opposed to monopolies, to trusts, and combinations in restraint of trade. I believe that if the Sherman law is not adequate to deal with the industrial combinations we should strengthen it—

Mr. LENROOT. Does the Senator from Utah think the Sherman law to-day is adequate?

Mr. KING. Let me complete the sentence and then I will answer the Senator—instead of passing further laws, which, in my opinion, will ultimately result in the destruction of the Sherman law and in the repeal of all laws looking toward the forbidding of monopolies and trusts and combinations.

Now, replying to the last suggestion of the Senator, I will frankly say that, with the construction placed upon the Sherman law in the Steel Trust case, manifestly that law is not sufficient, and I am in favor of strengthening it.

I believe that a law can be enacted by Congress, as laws have been enacted by the State of New York and other States dealing with intrastate restraint of trade and combinations, that will be effectual in dealing with interstate monopolies and combinations engaged in interstate commerce. There is no reason, it seems to me, why we should pause in dealing with the subject because of the decision of the Supreme Court.

In a recent decision rendered in the Hardwood Lumber Co. case there is much ground for congratulation. The court has gotten upon strong ground, and that decision, in my opinion, will destroy hundreds of price-fixing monopolies which to-day honeycomb our industry and oppress the people. I think that the Judiciary Committees of the Senate and of the House of Representatives could do no greater service than to report a bill comprehensive and broad in its terms that will strike at the root of this evil. I believe that if we pass the pending bill, we are indicating to the public that there will be no further effort to destroy monopolies and combinations in restraint of trade; that we will have confessed our impotency to deal with the subject, and we are going to turn the people over to the exploitations of corporations and trusts and combinations in all industrial activities, as well as in all of the avenues of life. I am opposed to that. I think it is a mistake.

I sympathize, as the Senator from Wisconsin does, with the farmers, but I believe that they may now form selling and cooperative organizations without coming under the condemnation of the Sherman antitrust law. This bill, however, in my opinion, will be regarded by trusts and combinations, by conspirators in restraint of trade, with glee and with rejoicing; and I warn the Senators now that if this bill is passed and becomes a law all of the illegal combinations in the United States will take courage from its enactment, and will continue their depredations without fear of the heavy hand of the law being placed upon them.

May I say further to the Senator in his time—and I hope he will pardon me—that the present Attorney General and Judge Goff, the latter of whom is particularly interested in the enforcement of the Sherman antitrust law, are giving earnest attention to the provisions of the law? They have already in-

augured prosecutions against the Cement Trust and against other trusts and combinations in restraint of trade, which prosecutions will culminate, I believe, in convictions. We need attorneys general—and I compliment the present Attorney General because I think he has measured up to that standard—who will have courage to invoke the law against combinations. We do not want mere injunctions; we want indictments and the penitentiary open to these malefactors who flout the law and oppress the people, and by their conduct impose unjust burdens upon the great mass of the American people.

Mr. LENROOT. Mr. President, with much of what the Senator from Utah has said I thoroughly agree. He, however, is more optimistic than am I. I have witnessed the evolution of the Sherman law through many years; I have witnessed the Supreme Court reading into the Sherman law a provision which that court for many years and upon many occasions have said was not there, and I have witnessed the dissolution of some of the great trusts of this country under the decree of the courts, notably the Standard Oil Co. When I consider that since the dissolution of that trust the Standard Oil Co. to-day fixes the price of every gallon of oil and gasoline to both the producer and the consumer in this country, notwithstanding its dissolution; when I consider the fact that the United States Steel Corporation, which by the Supreme Court is held guiltless of violation of the Sherman law, fixes the price of all steel products, which price all its competitors follow, I can not feel as optimistic as does the Senator from Utah that it is easy to put teeth in the Sherman law in order to remedy the evils which exist. And, Mr. President, even though there were teeth in the Sherman law, I assume that the Senator from Utah, like myself, agrees that corporations are beneficial, that modern business and industry require business to be done through aggregations of individuals and corporations. Manufacturing industry can organize and form corporations without any thought upon the part of any human being that they are in violation of the Sherman antitrust law. They may control only the merest fraction of a percentage of the product; there may be no question of monopoly involved; but farmers can not organize and incorporate the business of farming as the business of manufacturing can be organized and incorporated. It is impossible to do so; and yet to-day a group of farmers associating themselves together, and proposing to do the very thing that it is perfectly legal for a corporation to do, stand in danger of being held to be in violation of the Sherman law.

Mr. CUMMINS. Mr. President—

Mr. LENROOT. I yield.

Mr. CUMMINS. The suggestions of the Senator from Utah are always worthy of consideration; but I should like to ask him, through the Senator from Wisconsin—

Mr. LENROOT. I yield.

Mr. CUMMINS. Just how he would put teeth into the antitrust law that would reach the situation in which the United States Steel Corporation is supposed to be. It produces, we will say, practically one-half of all the iron and steel products of this country, at least those of the heavier character. Two or three years ago I was a member of a committee to inquire into the cost of production of iron and steel products. It appeared during the course of that investigation, and there is no doubt about it, that the United States Steel Corporation can produce the greater part of its output anywhere from five to fifteen dollars per ton more cheaply than can any of its competitors.

The only way in which competition can be preserved at all is for the Steel Corporation to sell its products at more than a reasonable profit. If it were to sell at a reasonable profit, there would be no competitors in the country, and it would have, by the natural operation of commercial forces, a monopoly.

The great difficulty in all this subject, of course, is with respect to the cost of production. When one enterprise can produce an article much more cheaply than another, how are you going to preserve competition of any kind unless the favored enterprise, or the one of low cost in production, sells at higher than a reasonable cost, just exactly as in the case of a farmer? How are you going to preserve competition among farmers when it costs one man 75 cents a bushel to produce wheat and it costs another man \$1.50 a bushel to produce wheat?

There must be some flexibility in the transactions of commerce if you are going to have any kind of competition; and I should like to know from the Senator from Utah how he would meet the situation that I have suggested? The truth is that I think the antitrust law is the most ineffective statute that was ever passed, and it is only after 25 or 30 years of varying interpretations that it has become of any value at all.

Mr. KING. Mr. President—

Mr. LENROOT. I yield.

Mr. KING. I apologize to the Senator from Wisconsin for trespassing upon his time. I do not profess to have the knowledge of this very important subject that is possessed by the distinguished Senator from Iowa [Mr. CUMMINS], as well as other Senators who have for years given earnest attention to it. It is a question which involves our whole economic and industrial life. It is also a political question.

I do not pretend—notwithstanding I have attempted to obtain the views of political economists, publicists, and great judges—a sufficient knowledge to indicate the kind of a statute which should be drawn in order to meet the situation and preserve the principle of competition in trade and commerce, and I might add in our economic life. But in my opinion the American people and the best opinions of American economists desire that competition in trade and commerce shall be preserved. The belief is entertained that competition is fundamental in our industrial and economic life. In my opinion a statute can be drawn that will mitigate the evils of which the Senator complains and which are apparent in the law, even though it may fail to utterly prevent combinations which destroy competition.

The Senator says in his closing sentence that the Sherman antitrust law has been the most ineffective statute that has been placed upon the statute books. Perhaps I state it too broadly—

Mr. CUMMINS. I mean, relating to a great subject such as this.

Mr. KING. Relating to a great subject such as this. I do not agree with the Senator. I think that the transportation act is as ineffective in dealing with the great subject of transportation as this law apparently is in dealing with monopolies and combinations to stifle or prevent competition; but I suggest to the Senator that one reason for its apparent inefficiency may be found in the lack of interest and fidelity to duty upon the part of some executive officers of the United States.

In the first place, Mr. President, when the bill was passed there were many officials and many public men in both political parties who doubted the wisdom of the law. They felt that the law of supply and demand, without any repressive or regulatory legislation, without any impediments or supervision, would effectuate all desired reforms and bring about all of the benefits that flow from unrestricted competition. They believed that if there were combinations and monopolies they were only evanescent and that in time the law of supply and demand and natural competition and the natural forces in the economic world would destroy them.

I believe there are in the United States Senate now men who have that view—scholars, men of great ability—who believe that any effort by the Sherman antitrust law or any other statute to prevent monopolies or combinations in restraint of trade or to the play of competitive forces will be abortive; that no effort should be made to prevent combinations and monopolies and conspiracies in restraint of trade, because in the end, though they may work temporary harm and disadvantage, things will right themselves, the law of competition will assert itself and break down the temporary dams erected by the greed and cupidity and avarice of men engaged in business, whether manufacturing, agricultural, or of any other character.

I have not taken that view. I believe that the common-law theory that combinations in restraint of trade are illegal should be continued as a part not only of our State legislation but of our National legislation. If we do not have laws against combinations in restraint of trade and prohibitive of monopoly, then we shall be compelled to substitute the supervisory and regulatory power of the Government, and every business man in the United States will have a Federal official upon his back; and every enterprise will be supervised and directed by a bureaucratic functionary. Such regulation will be so demoralizing and so deadening and so destructive that in the end business will be so moribund that national decadence will result. It will destroy the domestic industries of the people and, of course, will prevent the United States from exporting because of the inability of American manufacturers and producers to compete with the world. An era of high prices will prevail—but paralysis and industrial disintegration will follow.

Mr. CUMMINS. I have not suggested the repeal of the antitrust law. I have simply said it has been ineffective. That is evidenced by what has followed the alleged dissolution of various corporations and combinations which have come under the condemnation of the court. I should like to know how to deal with the subject, and my inquiry was in perfect good faith; but of course it can not be answered by the suggestion that the transportation act has also failed to accomplish some of the beneficent results that we expected from it.

When John Sherman introduced his bill—

Mr. KING. The existing law is not his bill. The existing law was drawn by Senator Hoar.

Mr. CUMMINS. When John Sherman introduced his bill in the Senate, he did not say anything about restraint of trade or monopoly. When the bill was originally introduced, it forbade the suppression of competition; and that, with his far-seeing eye, was the thing that he sought to preserve—fair, substantial competition in business. There was a good deal of argument in the Senate, lasting for many weeks. The Senators in that day, as in this, were a little bit timid about reaching the exact result which seemed to be desirable; and so the bill was referred finally to the Committee on the Judiciary, which had not had it before that time, and either Senator Edmunds, of Vermont, or Senator Hoar, of Massachusetts—and their respective friends and descendants have been quarreling ever since with regard to the authorship of the present law—turned the bill which had been introduced for the purpose of preserving competition into the general language of the common law with respect to restraint of trade and monopoly. I am not asserting that they did not do the best they could, but I am asserting that the efforts to construe the vague and general terms of the anti-trust law have been very disconcerting to American business, and very unsatisfactory to the American people.

I would like to know how to make it better. I understand how we are trespassing on the Senator from Wisconsin, but, after all, my suggestion comes back home, because instead of making the undue enhancing of prices the test, I would like to put into the bill the elimination of fair and substantial competition as the fact to be found. If the Secretary of Agriculture, or the Federal Trade Commission, or any other body properly constituted to investigate the facts, finds that there has been eliminated from the business of the country, so far as agricultural products are concerned, substantial and fair competition, that then he passes it on to the court for dissolution, and such decree as the court may think the circumstances warrant. So I referred to the original bill introduced by Senator Sherman for that purpose.

Mr. KING. Mr. President—

Mr. LENROOT. I will yield for just a question.

Mr. KING. It will take me some little time, and if the Senator prefers I shall wait until he concludes, when I will attempt to make a reply to my esteemed friend from Iowa.

Mr. LENROOT. Mr. President, all that has been said, of course, is pertinent to the real meat of this bill, yet I do wish to come back a little closer to its consideration.

However much we may all agree as to the effect of the Sherman law, I think we all will agree that the Sherman law was enacted, in the first instance, to afford a remedy for certain evils injurious to the public which were deemed to exist and admitted to exist. If it had not been for those evils, there would never have been an attempt to prohibit the mere act of combining or associating. It was an evil which the Sherman law was designed to cure, and that brings me to the question that is pending in this bill, Will the permission that is granted in this bill for association of farmers, as is provided, result in injury to the public or will it be beneficial to the public?

I think we must all agree that an abstract principle is not the thing to be considered, but the sole matter for consideration is whether a given course of action is for the public benefit or will work to the public injury. Will this cooperation be beneficial to the public or otherwise?

Granted, if you choose, that there may be an isolated case, as the association of raisin growers or even milk producers creating a monopoly, but upon the whole will this cooperation be beneficial to the public? If it is, we should not be deterred from enacting legislation that is for the public benefit because, perchance, here and there some injustice may grow out of it. There never was a law passed by any legislative body in the world that did not in some particular case work an injustice. That is probably a broad statement, yet as a general statement it is true.

What is the trouble with America to-day? What is the cause of the depression that exists? Of course, there are some causes which I am not going to speak of this afternoon, because I am not making a political speech; but, Mr. President, the business men of America and the manufacturers of America, I think, are beginning to understand that the principal cause for this continued depression is the loss of the purchasing power of the farmer of the United States.

That is due in part to the fact that conditions in Europe are such that we have a market for our surplus only in part. The fact is, every Senator knows that a very small surplus of any agricultural product means a depression in price of the

total product far in excess of the influence on the price which that surplus should exert.

If the farmers of the United States could, through cooperation, have some control and agreement as to production and as to prices, not for the purpose of making exorbitant profits, but so that they might at least secure back the cost of production, we would see in the United States immediately an upward turn toward prosperity. Is there anyone who will say that association among farmers and cooperation among them do not tend to accomplish that very thing? Every Senator knows that the California Fruit Producers in cooperative association have done that very thing, but it has not resulted, with possibly one or two exceptions, in any injury to the public.

So, when we come to consider that almost one-half of our people are engaged in agriculture or absolutely dependent upon it; when we consider that the agriculturists of this country have suffered far more in this depression than any other class of people; that the reason for the unemployment in our industries to-day can be ascribed directly to the fact that the prices of farm products are so much lower than the general level of prices that the farmer has no longer any purchasing power; when we consider those things, Mr. President, from the standpoint of public benefit and public welfare alone, we are justified in enacting this legislation which will enable the farmers of this country to put themselves somewhat nearer an equality of bargaining power and control of output in production than all other industries have to-day.

I want to say a word upon the argument made by the Senator from Montana to the effect that while he is perfectly willing to legalize these associations and permit them to do the things enumerated in the first section of the Senate substitute, he is not willing to permit any monopoly or attempt at monopoly. I said in the beginning that with that last paragraph of the Senate substitute we might as well have no bill at all, for the last paragraph nullifies all that is attempted to be done in the previous provisions of the bill.

I undertake to say that if any monopoly or attempt at monopoly is continued to be unlawful, there is no case coming within the purview of the first section of the Sherman law to-day that will not remain under the condemnation of the Sherman law. Whenever there is an association formed, a part of the effect of the formation of that association is an undue restraint of trade.

If a part of the purpose of that association be to eliminate competition, can Senators say that a court may not hold that that is an attempt to create a monopoly? That is the very basis of any holding of an attempt to create a monopoly, which is still made unlawful under the Senate amendment. It is not a completed monopoly, as the Senator from Montana kept urging yesterday. He said nothing in his argument about the provisions of the Senate substitute which made an attempt to create a monopoly unlawful, whereas the fact is that wherever there might be a finding under the first section of the Sherman law that there was such a restraint of trade as to bring an association within its condemnation, that same finding can be made under the second section, which the Senator from Montana and the majority of the Judiciary Committee would leave untouched by this substitute.

So, Mr. President, I repeat that if the Senate substitute is to be adopted, we had better have no bill at all, much better have no bill at all, because then it at least could not be said that we were trying to fool the farmers of the United States, and when they are asking for bread giving them a stone.

Mr. WALSH of Montana. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield.

Mr. WALSH of Montana. I notice by the RECORD that the Senator from Wisconsin participated in the debate on and advocated the passage of the Senate substitute for the House bill which was before the Senate on December 15, 1920, containing exactly this provision.

Mr. LENROOT. That may be.

Mr. WALSH of Montana. At that time the Senator apparently did not think that the provision prohibiting monopoly was in nullification of the rest of the bill. Was it because the Senator overlooked that fact at that time?

Mr. LENROOT. It was. The Senator entirely overlooked the question of attempted monopoly, and it never occurred to him until after a very full examination of this question in connection with this bill that the words "attempt to create a monopoly" covered all of the scope of the first section of the Sherman Antitrust Act.

Mr. WALSH of Montana. I would like to ask the Senator a question.

Mr. LENROOT. I said covered all; I mean a court could well hold that it covered the same ground.

Mr. WALSH of Montana. In section 1 of the Sherman Act combinations and conspiracies in restraint were declared to be unlawful. Then, by section 2, it was provided that any monopoly or attempt to create a monopoly should be deemed to be unlawful. Are we to understand that the words "attempt to create a monopoly," in the second section of the bill, are meaningless, or simply surplusage, and that the Senator contends that the statute would have exactly the same meaning if that language were not there at all?

Mr. LENROOT. It is my own fault, but I did not quite follow the Senator in his question.

Mr. WALSH of Montana. I trust I shall be able to make it clear. As I understand the Senator, his contention is that any violation of section 1 of the Sherman Act would constitute an attempt to create a monopoly?

Mr. LENROOT. The court might hold it constituted it.

Mr. WALSH of Montana. If that is the case, then what significance can be given to the words "attempt to create a monopoly" in section 2? That would simply be a repetition.

Mr. LENROOT. I think it might be.

Mr. WALSH of Montana. Let me ask the Senator if it is not true that in the construction of a statute we never give that construction to it if it can be avoided?

Mr. LENROOT. There is a reason, I think, for its repetition. Section 1 covers combinations and conspiracies between two or more individuals. Section 2 may cover a single individual, a single person, which section 1 does not. Am I right?

Mr. WALSH of Montana. I agree with the Senator fully, and that seems to be a matter concerning which many are in dispute. A single individual may violate section 2, but it takes various individuals to violate section 1. However, that is neither here nor there. The two cover two different subjects.

Mr. LENROOT. But it would be very proper for the language in section 2 to condemn a monopoly or attempt to create a monopoly, because that could be committed by a single individual. The Senator from South Dakota [Mr. STERLING] calls my attention to the fact that the very question raised by the Senator from Montana was fully discussed in the Standard Oil case, which did escape my attention. I will take the liberty of reading the paragraph. The court said:

Undoubtedly the words "to monopolize" and "monopolize" as used in the section reach every act bringing about the prohibited results. The ambiguity, if any, is involved in determining what is intended by monopolize. But this ambiguity is readily dispelled in the light of the previous history of the law of restraint of trade to which we have referred and the indication which it gives of the practical evolution by which monopoly and the acts which produce the same result as monopoly—that is, an undue restraint of the course of trade—all came to be spoken of as, and to be indeed synonymous with, restraint of trade. In other words—

And here we come to the point—

having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section—that is, restraints of trade—by any attempt to monopolize, or monopolization thereof, even although the acts by which such results are attempted to be brought about or are brought about be not embraced within the general enumeration of the first section.

Mr. WALSH of Montana. If the Senator will pardon me, I think the intent of the bill is perfectly plain. The combinations are forbidden by section 1, because they almost necessarily lead to monopolies.

Mr. LENROOT. I agree with the Senator.

If the Senate committee substitute shall be enacted, here is an association of farmers, growers of agricultural products, and, of course, one of the objects of that association or one of the necessary results will be the elimination of competition between themselves and to secure better prices for their products. So I say the courts might well hold that the purpose of such a combination or association was an attempt to monopolize and therefore within the condemnation of the Senate committee substitute.

Now, I wish to say a word about the constitutional question raised, but, I understand, not asserted, by the Senator from Montana that the House bill is discriminatory in its character and beyond the power of Congress to so discriminate. I say that I do not understand the Senator from Montana asserts that he believes that is true. Indeed, if the House bill be subject to that charge, the Senate committee substitute is likewise subject to it.

Mr. WALSH of Montana. Undoubtedly the Senator perfectly understands me. I suggested it in order that the matter might be discussed here, and because it gave me considerable trouble. I hope the Senator may discuss it.

Mr. LENROOT. I understood the Senator was merely presenting the argument that had been made to him raising the question. Only because the question has been raised, and not at all in conflict with the views of the Senator from Montana, I desire to spend just a moment upon it.

The Connolly case, upon which the argument is based by those who assert the lack of power of Congress to differentiate, was read at some length by the Senator from Montana yesterday. That case and all other cases that have come to the Supreme Court are based upon State legislation, with one exception, which I shall note, and are based upon violations of the fourteenth amendment, which provides that no State shall deny to any citizen the equal protection of the law. The question has been raised, while that is clearly held by the Supreme Court to be a prohibition upon the States, whether there is any prohibition upon Congress to a like effect. The question has never been squarely before the Supreme Court upon any legislation enacted by Congress, because the court in the only two cases I have been able to locate upon the subject has not found it necessary to pass upon that question unless it be in the case of United States against Delaware & Hudson Co., involving the commodities clause of the interstate commerce act. In that case, reported in Two hundred and thirteenth United States, reading from page 415, the court said:

Without elaborating we hold the contention that the clause under consideration is void because of the exception as to timber, and the manufactured products thereof, is without merit—

Senators will remember that there were those exceptions made in that act—

Deciding, as we do, that the clause as construed was a lawful exercise by Congress of the power to regulate commerce, we know of no constitutional limitation requiring that such a regulation when adopted should be applied to all commodities alike. It follows that even if we gave heed to the many reasons of expedience which have been suggested in argument against the exception and the injustice and favoritism which it is asserted will be operated thereby, that fact can have no weight in passing upon the question of power. And the same reasons also dispose of the contention that the clause is void as a discrimination between carriers.

But the question was discussed a little more directly by the Supreme Court in the next volume, Two hundred and fourteenth United States, in the case of District of Columbia against Brooke, which involved the constitutionality of an act of Congress pertaining to the District of Columbia, where one rule of taxation for sewer purposes was laid down with resident property owners and a different rule laid down with reference to nonresident property owners. The court said:

The other objections expressed the same fundamental idea, to wit, that the act discriminates between resident and nonresident owners of property, and because it does it is void. The court of appeals yielded to this contention following the authority of *McGuire v. District of Columbia* (24 App. D. C., 22).

The defendant in error asserts this discrimination and argues its consequences at some length, but does not refer to any provision of the Constitution of the United States which prohibits Congress from enacting laws which discriminate in their operation between persons or things. If there is no express prohibition of such power, may prohibition be implied from our form of government? Upon that proposition we need not express an opinion. If prohibition exists, it must rest on all the powers conferred by the Constitution. This court, however, has just held in the case of *United States v. Delaware & Hudson Co.* (218 U. S., 366) that Congress may in the exercise of the powers to regulate commerce among the States discriminate between commodities and between carriers engaged in such commerce. And it was said that the assertion that "injustice and favoritism" might "be operated thereby" could "have no weight in passing upon the question of power." In the case at bar we are dealing with an exercise of the police power, one of the most essential of powers, at times the most insistent, and always one of the least limitable of the powers of government.

The court then holds that, without it becoming necessary to decide that question, it was a proper classification and therefore in any event could be upheld.

So, Mr. President, no prohibition in our Constitution can be found that will prevent Congress from enacting legislation of this sort, irrespective of the reasonableness of the classification, but even under the fourteenth amendment, which is applicable alone to the States, legislation is upheld constantly by the Supreme Court where a reasonable basis can be found for the classification in which the discrimination occurs.

With reference to the Connolly case, if Senators will examine the subject, they will note that in that case Mr. Justice McKenna wrote a very strong dissenting opinion, and in all of the cases which I have been able to find involving the question of classification since that time Justice McKenna, who wrote the dissenting opinion in the Connolly case, writes the majority

opinion in the cases, among them the one I have just read. I think I am correct in that statement.

In the case of International Harvester Co. against Missouri, in which the majority opinion also was written by Mr. Justice McKenna, the court said:

Whether the Missouri statute should have set its condemnation on restraints generally, prohibiting combined action for any purpose and to everybody, or confined it as the statute does to manufacturers and vendors of articles and permitting it to purchasers of such articles; prohibiting it to sellers of commodities and permitting it to sellers of services, was a matter of legislative judgment, and we can not say that the distinctions made are palpably arbitrary, which we have seen is the condition of judicial review.

I think a very clear distinction in any event can be made between the Connolly case and the provisions of the pending bill, because the provisions of the bill operate upon associations of the character named therein, and the very purpose of the bill, the very ground upon which it is rested, is that there is such a difference existing in the very nature of things that the only way the growers of agricultural products can be given a fair chance to market their products is by permitting these associations. However, Mr. President, no Senator on the floor has thus far asserted the unconstitutionality of this bill. I wish to suggest that the bill might not in any event be held unconstitutional, even though the doctrine of the Connolly case should be applied directly to it. There is no question about the power of Congress to do what is provided to be done in this bill. The only question that could arise would be whether having done this thing the Sherman law, or what remains of it, thereby becomes invalid because of the discrimination which has followed from the enactment of this proposed legislation; and I have no fear whatever that that question will ever be resolved by the court against the constitutionality of that measure.

Mr. President, I have spoken very much longer than I had expected to speak. I merely wish to repeat that if any relief is to be granted to the farmers of the country, if they are to be given the chance to cooperate and to improve their condition without injury to the public, and, indeed, to the benefit of the public, it may be done by Senators voting for the House bill; but if any Senators believe that no relief should be granted to the farmers; that they are entitled to nothing; that they should remain under the operation of the second section of the Sherman law, then, of course, such Senators will vote for the Senate committee substitute.

Mr. PHIPPS obtained the floor.

Mr. WALSH of Montana. Mr. President, before the Senator from Wisconsin takes his seat, I wish to ask him a question in order to ascertain if I understand him.

Mr. PHIPPS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I wish to inquire if we fully understand the position of the Senator from Wisconsin. If this bill is discriminatory, as I understand the Senator, it will stand, but the Sherman Act will fall? Is that the position of the Senator?

Mr. LENROOT. Does the Senator from Montana disagree with that? This is an affirmative piece of legislation.

Mr. WALSH of Montana. I have never heard such a proposition as that asserted before. If the Sherman Act was a valid constitutional enactment at the time it was enacted, it could not become unconstitutional by reason of an amendment to it.

Mr. LENROOT. Certainly Congress has power—I do not think the Senator will disagree with me upon that—to provide a different method of dealing with combinations than has heretofore been provided by Congress, even if it does not in subsequent legislation cover all combinations but does cover some.

Mr. WALSH of Montana. I have no doubt that Congress may expressly or impliedly repeal the Sherman law.

Mr. LENROOT. Certainly.

Mr. WALSH of Montana. But I can not follow the Senator from Wisconsin when he says that by a subsequent act of Congress the Sherman law may be held to be unconstitutional.

Mr. LENROOT. Let me answer the Senator. Supposing Congress enacts subsequent legislation, which it has the power to enact, for, without question, if there had never been a Sherman law passed, the legislation it enacted would be perfectly proper; but, by reason of the existence of the Sherman law, we have attempted to deal in one way with a certain class of people and in a different way with another class of people; and it should be held that, while in dealing with one class of people we must deal with all alike, or, although there is an evil which the Sherman law was intended to cover and to remedy, we may remove a part of that class from the Sherman law just the same as if we had made an exception to the Sherman law in this instance, which was exactly what was held in the Connolly case.

Mr. WALSH of Montana. Mr. President—

Mr. LENROOT. If the Senator will permit me, it was urged in the Connolly case that although the exception of growers of agricultural products was unconstitutional, nevertheless the remainder of the act could stand; but the court said, "No; the legislature of the State of Illinois has decreed that growers of agricultural products should not be subject to the law; therefore we can not read them into it; and inasmuch as the first section provides that all persons shall be subject to the law, and yet the legislature specifically said that the growers of agricultural products shall not be, therefore the whole law is invalid."

Mr. WALSH of Montana. I do not desire to follow the argument of the Senator or to attempt to refute it. I merely state my own position with respect to the matter. If the legislature of the State of Illinois had passed its antitrust act without the offensive clause in it and had enacted the offensive clause at a subsequent session, the original law, in my judgment, would stand unimpaired and the qualifying clause would be held unconstitutional. It would be held unconstitutional upon the ground that it was equivalent to the reenactment of the original act with the qualifying clause. That would be the law which would be declared to be unconstitutional and not the other law, which would remain unimpaired. So here the Sherman Act exists; it is the law. If we pass this bill we pass a law which practically says, "The Sherman Act is hereby reenacted subject to the following conditions, however." Then the question would be presented as to the legality and constitutionality not of the original act but of the subsequent act, and that being held unconstitutional, the original act would remain in all of its force and effect.

Mr. PHIPPS. Mr. President, on yesterday I presented an amendment to the pending bill which is intended to enlarge the marketing facilities of the farmer. The amendment is printed and has been placed on the desk of every Senator.

As I understand, the intent and purpose of the bill is to provide better marketing facilities for the producers of farm products and to reduce the expense of marketing such products without increasing the cost to the ultimate consumer, thus enabling the farmer to realize more for his products. As the bill is drawn it applies largely to the sale of agricultural products in the form in which they leave the farm. The farmer, however, is vitally interested in the application of this plan of marketing to another class of his crops. Reverting now to the amendment, I call attention to its language. It reads as follows: "And where any such agricultural product or products must be submitted to a manufacturing process, in order to convert it or them into a finished commodity, and the price paid by the manufacturer to the producer thereof is controlled by or dependent upon the price received by the manufacturer for the finished commodity by contract entered into before the production of such agricultural product or products, then any such manufacturers may" have the facilities and the opportunity of cooperating in the selling of their products as provided in this bill for the farmer himself.

The farmer sells his milk to butter, cheese, and condensing factories; his beets to sugar factories; his chicory to chicory factories; and his fruits and vegetables to canning factories. Sometimes such factories are cooperative institutions; sometimes they are not. In many cases, however, the farmer and factory enter into an agreement before the production of such commodities, under which the price paid by the manufacturer to the farmer depends upon the price which the manufacturer shall receive for the finished product.

Obviously, the farmer selling his product under such a contract is vitally interested in the application of the principle of this bill to the sale of the finished commodity by the manufacturer.

The purpose of the amendment which I have offered is to cover this particular method of the sale of farm products. Such an extension of the provisions of the bill can not work any hardship to the ultimate consumer, as his rights are amply protected by the last paragraph of the bill.

The amendment simply gives the advantages afforded by the pending bill to the hundreds of thousands of farmers throughout the United States who are raising farm products and under contractual agreements are selling them to manufacturers upon such terms that the ultimate price received by the farmer is dependent upon the price which the manufacturer receives for the finished commodity.

Such terms of sale virtually make of every such manufacturing institution a cooperative enterprise, in which the farmer and manufacturer share in the net returns received from the sale of the finished commodity.

Through such associations as are proposed by the amendment crosshauls will be avoided and the commodities involved can

be distributed in the territory most economically served. When unnecessary freight charges are incurred in the distribution of a commodity they have to be absorbed somewhere along the line, and their elimination is for the benefit of both producer and consumer. In the past both producer and consumer have suffered seriously through speculation in essential food products on the part of the agencies standing between the two, to the serious injury of both and to the benefit of no one save possibly such speculators. They are the only ones who can possibly be adversely affected through the adoption of the proposed amendment.

Speculation can be eliminated through such associations as are proposed, while the consuming public will be fully protected by the provision contained in the last paragraph of the bill as it now stands.

Some of the products mentioned are subject to most vigorous foreign competition, and the economical distribution thereof is therefore particularly essential.

I might cite as an instance the manufacture of sugar. In the case of beet sugar, produced in about 17 of our States extending from Ohio and Michigan and Colorado to California, the customary practice is for the factory to contract with the farmer for such acreage of beets as he may produce at not less than a fixed rate for a ton of beets, over and above which the farmer shall receive upon a sliding-scale basis such additional compensation as may be found possible through the ability of the factory to sell its sugar product at more than an agreed minimum price per pound. That means that the farmer producing the beets is a partner in the process of the manufacturer preparing his product for market, in that he is to receive a portion of the selling price over and above the minimum agreed upon as between himself and the factory purchasing the beets.

One of the practices which have grown up in the marketing of sugar in our country—and I refer now largely to our home production, and particularly to the beet sugar—is that each factory sells its own product through brokers and jobbers or, perhaps, through a broker to a jobber. The competition between the various factories at different times has been great, and while the price of the sugar as a rule is controlled by the foreign products coming into our market, which constitutes 75 per cent or more as against our home production of less than 25 per cent, yet the broker and the jobber are the ones coming into control of the real distribution of that sugar. They are the ones who as middlemen have pocketed inordinate profits. The most recent example of that which we had, perhaps, was in the years 1919 and 1920.

I believe that this amendment should not be objected to and that it would be beneficial, and that in practice it would not be abused as applied either to the bill as amended by the Senate committee or as originally passed by the House. There is no difference in the language of section 1 of the bill. The identical language was rewritten into the bill as reported to the Senate.

There is one additional clause in the first section of the bill to which my attention has been called, and that is that whereas the farmers of a certain community may cooperate and get together and form an organization, and this bill would permit such organization to market the products of those farmers, what is really necessary to complete this system of cooperative marketing is to permit the organizations or associations of different contiguous communities to act together through one selling agency. Some question has been raised as to the language of the bill being broad enough to permit of that combination of associations in marketing the produce of all of the farmers of some large section or territory.

In order to correct that it was suggested to strike out, on lines 15 and 16 of page 4 of the present bill, the words "Such associations may have marketing agencies in common," and to insert in lieu thereof the following:

Such associations may be members of a cooperative association that markets in common the products of the members thereof and the constituent members of each association forming the same.

The intention being so to broaden that language as to leave no doubt as to the right of organizations representing various farming communities to market through a common agency.

Mr. NORRIS obtained the floor.

Mr. HARRISON. Mr. President, may I ask the Senator from Nebraska whether there is any probability of getting a vote on this bill within the next day or two?

Mr. NORRIS. I should think there ought to be. We ought to be able to reach a vote on it to-morrow, I should think.

Mr. KELLOGG. Mr. President, will the Senator from Nebraska let me ask unanimous consent for limitation of debate on the bill now, or would he rather go on?

Mr. NORRIS. I will yield for that purpose. I shall not be able to finish to-night unless we run late. It is almost time to quit now.

Mr. KELLOGG. I send to the desk a proposed unanimous-consent agreement, which I ask to have stated.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The proposed unanimous-consent agreement will be stated.

The ASSISTANT SECRETARY. The Senator from Minnesota asks unanimous consent that from and after 2 o'clock p. m. on the calendar day of February 8, 1922, no Senator shall speak more than once or longer than 10 minutes upon the bill (H. R. 2373) to authorize association of producers of agricultural products, or more than once or longer than 5 minutes upon any amendment that may be pending or that may be offered to the said bill.

Mr. KELLOGG. With the understanding that we shall take a recess until 11 o'clock to-morrow.

Mr. NORRIS. I wonder if the Senator would not agree, first, to suggest taking a recess until 12 o'clock. The Committee on Agriculture and Forestry is engaged in having hearings. If there is any objection to meeting at 12 instead of 11, I will withdraw the suggestion; but why not try that first?

Mr. KELLOGG. I am perfectly willing to have that done.

Mr. NORRIS. Let us have the understanding, first, that we will take a recess until 12 o'clock if this is agreed to.

Mr. KELLOGG. I shall have no objection to that.

Mr. CUMMINS. Mr. President, may I ask the Senator what is the length of time a Senator may consume after 2 o'clock?

The PRESIDING OFFICER. Ten minutes on the bill, and five minutes on any amendment, is provided for in the request of the Senator from Minnesota.

Mr. CUMMINS. I hardly know what to say about that. I want to occupy a few minutes of the time, and I have no notion about the number of Senators who want to speak upon the subject. I do not want to speak more than 20 minutes, or something like that.

Mr. WALSH of Montana. I think we can very safely make that 20 minutes on the bill and 10 minutes on amendments.

Mr. KELLOGG. I am willing to do that.

Mr. HITCHCOCK. Will the Senator make it 3 o'clock instead of 2 o'clock?

Mr. KELLOGG. We certainly would not get through if we did. Is the Senator willing to make it 15 minutes on the bill and 10 minutes on any amendment?

Mr. WALSH of Montana. Fifteen minutes is ample for me. I probably shall not take 10 minutes; but we have not been on the bill very long, considering how discussions go in the Senate, and I am afraid we may shut off some one.

Mr. CUMMINS. One of the difficulties about that is that under the ruling of the Chair, there being an amendment pending, no one can speak more than five minutes until the pending amendment is disposed of.

Mr. KELLOGG. Ten minutes on an amendment and 15 minutes on the bill is what I have proposed.

Mr. WALSH of Montana. Really, a more satisfactory way would be to make it 15 or 20 minutes on an amendment and 10 minutes on the bill.

Mr. CUMMINS. I would rather have 20 minutes on the amendments and 5 minutes on the bill.

Mr. NORRIS. If Senators are trying to expedite the matter and get a vote soon, that will not do it. The more time we permit on amendments the longer the debate will be, because in this case there is a substitute, and there will always be an amendment pending until the substitute is voted on. We will never talk on the bill until we get rid of the substitute, because it never will be before the Senate.

Mr. CUMMINS. Nor afterwards, unless—

Mr. NORRIS. Oh, there will always be a time when a Senator can consume his time on the bill.

Mr. WALSH of Montana. Let me suggest that we make it 20 minutes on the pending substitute of the committee and 5 minutes on any other amendment and 10 minutes on the bill.

Mr. NORRIS. That is a very good suggestion.

Mr. CUMMINS. That would be entirely agreeable to me.

Mr. HITCHCOCK. Mr. President, I suggest that the Senator make that 3 o'clock instead of 2. If the Senate does not meet until 12, it will give only two hours until 2 o'clock, and I am sure some Senators would be apt to be cut out.

Mr. KELLOGG. Mr. President, I do not like to make a different rule for the pending amendment—

Mr. WALSH of Montana. Call it a substitute.

Mr. KELLOGG. But I am willing to agree that after 2 o'clock any Senator may speak 20 minutes on the bill and 10 minutes on any amendment. That certainly will give time enough.

Mr. WALSH of Montana. The difficulty about that, as the Senator will readily appreciate, is that the pending matter is a substitute, which, of course, is an amendment.

Mr. KELLOGG. But the Senator can talk on the bill.

Mr. WALSH of Montana. Yes; but we can not talk on the main bill, as the Senator from Nebraska suggests, until the substitute is disposed of; and when the substitute is voted on and disposed of the sentiment of the Senate on the whole thing is taken.

Mr. KELLOGG. What was the Senator's proposition?

Mr. WALSH of Montana. My proposition was that the debate be limited to 20 minutes on the pending substitute, and 5 minutes on any other amendment, and 10 minutes on the bill.

Mr. HITCHCOCK. What would be the situation if the Senator from Minnesota should offer an amendment to the original bill, as he proposes to do?

Mr. KELLOGG. I would have five minutes.

Mr. HITCHCOCK. That might last until 2 o'clock, and then, while that was pending, there could only be discussion of five minutes. I think the House bill and the Senate bill ought to be treated as two bills, and that a Senator ought to be allowed to speak 20 minutes on either one of those measures, and then only 5 minutes on any amendment to either of them.

Mr. KELLOGG. That is what the Senator from Montana proposes.

Mr. WALSH of Montana. Twenty minutes on the substitute or on the bill.

Mr. HITCHCOCK. But then, the difficulty is, if some Senator offers an amendment to either of them the Chair has already held that that amendment would be exclusively pending, and any Senator who spoke, whether he was interested in that amendment or not, would be limited to five minutes.

Mr. NORRIS. But still there would come a time, if he was not interested in the amendment and was interested in the substitute or in the bill, when he could utilize his 20 minutes. He could not be cheated out of that, and he could remain quiet and contain himself while the amendment was pending and the 5-minute debate was going on in which he was not interested.

Mr. KELLOGG. As amended by the suggestion of the Senator from Montana [Mr. WALSH], will the Secretary please read the proposed unanimous-consent agreement?

The VICE PRESIDENT. The Secretary will read the proposed agreement as modified.

The Assistant Secretary read as follows:

That from and after the hour of 2 o'clock p. m. on the calendar day of Wednesday, February 8, 1922, no Senator shall speak more than once or longer than 20 minutes upon the bill (H. R. 2373) to authorize association of producers of agricultural products, or more than once or longer than 20 minutes upon the amendment of the committee to the said bill, or more than once or longer than 5 minutes upon any amendment that may be pending or that may be offered to either.

Mr. BRANDEGEE. Mr. President, I feel that I ought to object to that or any similar unanimous-consent agreement for a final vote or for the limitation of debate at this time. This bill has been under debate in the Senate for a very few days.

Mr. KELLOGG. For four days.

Mr. BRANDEGEE. For four days, the Senator from Minnesota says; and the time has been occupied mostly by the advocates of the bill and of the so-called Senate substitute for the bill. Some of those speeches were of several hours each. I do not criticize the Senators for that, because I recognize that the subject matter is extremely intricate and very important, and that much of a Senator's time is taken up, when he makes a speech on this kind of a subject, in yielding to his colleagues, and getting into colloquies, and thus using his time.

I regard this as one of the most important subjects that have ever come before Congress in my term of service. I do not want to prevent and shall not try to prevent a vote upon the bill, but a very slight amendment offered to the Senate substitute, or even if that should be voted down, to what is known as the House bill—and there may be many of them—may bring on just as serious a constitutional debate in the consideration of the authorities and the public policy as the main bill itself. I do not think that at this stage of the proceeding Senators ought to limit themselves to five minutes, and only one talk of five minutes on an amendment which may be an entire substitute or may bring up points and suggestions which have not been hitherto considered at all.

Mr. KELLOGG. How long a time for speeches would the Senator suggest?

Mr. BRANDEGEE. I would suggest that no attempt be made to-day to put a limit upon debate, because—

Mr. NORRIS. Following the Senator's suggestion—

Mr. BRANDEGEE. If the Senator will permit me just a moment, I will complete my statement.

Mr. NORRIS. I was about to make a suggestion.

Mr. BRANDEGEE. The Senator from Iowa [Mr. CUMMINS] has already stated that he desires to discuss this measure. His views upon this question do not agree with mine, but there is no Senator on the floor who has had a wider experience or is more learned upon such questions than is the Senator from Iowa, and he is asked to limit his remarks upon the bill to 20 minutes and upon all amendments, the nature of which he can not now foresee at all, to 5 minutes. I do not think we ought to tie ourselves with that kind of an agreement now. I see no necessity for such haste. There are very few Senators here, Mr. President. There are not one-eighth of the Senators present, and such an agreement would bind all the absent Senators without knowing whether they desire to make addresses on the subject or not.

Mr. NORRIS. Mr. President—

Mr. BRANDEGEE. I will listen to a suggestion from the Senator from Nebraska.

Mr. NORRIS. I have the floor, I understand.

Mr. BRANDEGEE. I rose to object, and I was giving my reasons.

Mr. NORRIS. I wanted to state that I agree with the Senator, and I desire to say that I am not finding fault with him at all. I realize that there is a great deal of merit in what he has said. Most of the debate has been on one side. I have the floor and expect to make some remarks in favor of the bill as it passed the House, but I am willing to yield the floor to the Senator or to any other Senator who is opposed to the bill and desires to be heard. I concede the fairness of the proposition that the other side ought to be heard as we go along, and I am willing to yield the floor now if the Senator wants to take it.

Mr. BRANDEGEE. I stated that I do not criticize any Senator who has spoken. I realize that the subject can not be presented in 5 minutes or 25 minutes, and to discuss both the bill as it passed the House and the Senate substitute satisfactorily at the same time—which is what we have been doing—is impossible in 15 or 20 minutes. For the purpose of bringing this matter to a conclusion, I object to the proposed unanimous-consent agreement, and the Senator from Nebraska may proceed.

Mr. NORRIS. Would the Senator like to proceed now in opposition?

Mr. BRANDEGEE. No; I am not demanding the floor.

Mr. NORRIS. I ask if there is any other Senator here who has not spoken and desires to speak against the bill. I concede the justice of the criticism, if it might be termed such, although I do not think the Senator from Connecticut intended it as such, that most of the talking has been by those in favor of the bill. The Senators in opposition are entitled to be heard. I concede that they have a right to be heard as we proceed, and I am willing to yield the floor to anyone who wants to talk against the bill.

Mr. LENROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. NORRIS. I yield.

Mr. LENROOT. I send to the desk a proposed amendment to the House text, which I ask to have lie on the table.

The VICE PRESIDENT. Does the Senator desire that it be printed?

Mr. LENROOT. Yes; I desire that it be printed.

Mr. POMERENE. I ask that the amendment may be reported.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 2, section 2, line 18, strike out the word "therefrom," and in lieu insert the words "from monopolization or restraint of trade"; and, on page 3, lines 3 and 4, strike out the word "therefrom," and in lieu insert the words "from monopolization or restraint of trade."

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. LENROOT. I understand there is an amendment to the House text now pending?

The VICE PRESIDENT. Yes; a committee amendment.

Mr. NORRIS. I understand it is desired that an executive session shall be held. I have no objection to going on for a while, but I shall not be able to finish my remarks this evening unless we run later than we have been doing.

Mr. CURTIS. The Senator in charge of the bill would like to have the Senator go on for a little while; but we do want an executive session.

Mr. KELLOGG. I hope the Senator from Nebraska will go on for a while, unless he would be willing to have the Senate recess until 11 o'clock to-morrow morning.

Mr. NORRIS. I would rather go on for a little while now than have the Senate recess until 11 to-morrow.

Mr. WALSH of Montana. I think it is scarcely fair to the Senator from Nebraska to ask him to split up his address in this way. It is nearly 5 o'clock now. We have not been wasting any time on the bill so far, and I think it would be only just to recess at this time.

Mr. NORRIS. Mr. President, I am as anxious as anybody else to get along with the bill. I ask unanimous consent that when the Senate shall conclude its business this evening it will take a recess until 11 o'clock to-morrow, and I shall try to arrange the meeting of the Committee on Agriculture for some other time. If there is no objection to this course I will move to go into executive session now.

The VICE PRESIDENT. Is there objection?

Mr. POMERENE. I did not hear the request.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent that when the Senate concludes its business to-day it take a recess until 11 o'clock to-morrow. The Chair hears no objection, and the agreement is entered into.

EXECUTIVE SESSION.

Mr. NORRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate, in accordance with the order previously made, took a recess until to-morrow, Wednesday, February 8, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 7 (legislative day of February 3), 1922.

APPOINTMENTS IN THE DIPLOMATIC SERVICE.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Alanson B. Houghton, of New York, to be ambassador extraordinary and plenipotentiary to Germany.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Fred Morris Dearing, of Missouri, now Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary to Portugal.

Roy T. Davis, of Missouri, to be envoy extraordinary and minister plenipotentiary to Costa Rica.

Albert Henry Washburn, of Massachusetts, to be envoy extraordinary and minister plenipotentiary to Austria.

Theodore Brentano, of Illinois, to be envoy extraordinary and minister plenipotentiary to Hungary.

AGENT AND CONSUL GENERAL.

Joseph M. Denning, of Ohio, to be agent and consul general at Tangier, Morocco.

APPOINTMENTS IN THE COAST AND GEODETIC SURVEY.

Charles Henry Wright, of Pennsylvania, to be aid with relative rank of ensign in the Navy, vice E. C. Bennett, promoted.

Albert J. Hoskinson, of California, to be aid with relative rank of ensign in the Navy, vice L. W. Burdette, promoted.

Frederick Estill Joekel, of Texas, to be junior hydrographic and geodetic engineer with relative rank of lieutenant (junior grade) in the Navy, vice R. D. Horne, promoted.

RECEIVER OF PUBLIC MONEYS.

Harry B. Drum, of Montana, to be receiver of public moneys at Billings, Mont., vice Henry Clay Provinse, resigned.

PROMOTION IN THE REGULAR ARMY.

FIELD ARTILLERY.

Second Lieut. Haydn Purcell Roberts, to be first lieutenant, with rank from August 4, 1921.

APPOINTMENT, BY TRANSFER, IN REGULAR ARMY.

FINANCE DEPARTMENT.

Maj. Charles Russell Insley, Quartermaster Corps, with rank from January 27, 1921.

POSTMASTERS.

ALABAMA.

Eleanor F. Whitcher to be postmaster at Bridgeport, Ala., in place of J. A. Cluck. Incumbent's commission expired July 21, 1921.

Joseph D. Pruett to be postmaster at Boaz, Ala., in place of H. O. Sparks. Incumbent's commission expired January 24, 1922.

Lucy Downing to be postmaster at Moulton, Ala., in place of W. R. Harris. Incumbent's commission expired December 20, 1920.

John H. Walls to be postmaster at Guntersville, Ala., in place of Claud Harper. Incumbent's commission expired March 9, 1920.

Coddington B. Wells to be postmaster at Anniston, Ala., in place of O. M. Reynolds. Incumbent's commission expired July 21, 1921.

CALIFORNIA.

Peder P. Hornsyld to be postmaster at Solvang, Calif. Office became presidential April 1, 1921.

Charles S. Catlin to be postmaster at Saticoy, Calif. Office became presidential January 1, 1921.

Leona A. Pitman to be postmaster at Moneta, Calif. Office became presidential January 1, 1921.

Ida McClaskey to be postmaster at Hobart Mills, Calif. Office became presidential April 1, 1921.

Philip C. Scadden to be postmaster at Nevada City, Calif., in place of M. C. Finnegan. Incumbent's commission expired March 16, 1921.

COLORADO.

Richard G. Dalton to be postmaster at La Junta, Colo., in place of M. R. McCauley, resigned.

Clarence A. Smith to be postmaster at Delta, Colo., in place of T. B. Geer. Incumbent's commission expired June 2, 1920.

Edward P. Owen to be postmaster at Genoa, Colo. Office became presidential July 1, 1921.

Henry A. Danielson to be postmaster at Boone, Colo. Office became presidential July 1, 1920.

FLORIDA.

Pearl E. Graham to be postmaster at Orange City, Fla. Office became presidential April 1, 1921.

Effie M. Robinson to be postmaster at Coleman, Fla. Office became presidential April 1, 1921.

GEORGIA.

Sallie G. Purvis to be postmaster at Pembroke, Ga. Office became presidential July 1, 1920.

John D. Baston to be postmaster at Thomson, Ga., in place of J. Q. West, resigned.

ILLINOIS.

Jacob H. Maher to be postmaster at Hull, Ill. Office became presidential July 1, 1920.

George F. Dickson to be postmaster at Little York, Ill. Office became presidential January 1, 1921.

Edward B. Tabor to be postmaster at Earlville, Ill., in place of D. H. Thompson, resigned.

INDIANA.

Ernest Purdue to be postmaster at Newburg, Ind., in place of F. A. Keller, failed to qualify.

William E. Kelsey to be postmaster at Monterey, Ind. Office became presidential April 1, 1921.

IOWA.

Paul S. Miller to be postmaster at Corydon, Iowa, in place of J. N. McCoy. Incumbent's commission expired August 30, 1920.

KANSAS.

John W. Coleman to be postmaster at Sylvia, Kans., in place of L. G. Wagner. Incumbent's commission expired July 23, 1921.

Jacob K. Luder to be postmaster at Waldo, Kans. Office became presidential April 1, 1921.

KENTUCKY.

Iley G. Nance to be postmaster at Slaughters, Ky. Office became presidential January 1, 1921.

LOUISIANA.

Frank Granger to be postmaster at Sulphur, La., in place of H. H. Schindler. Incumbent's commission expired July 21, 1921.

Benjamin F. Cowley to be postmaster at Leesville, La., in place of A. G. Winfree. Incumbent's commission expired April 19, 1921.

Reynald J. Patin to be postmaster at Breaux Bridge, La., in place of G. D. Domengeaux. Incumbent's commission expired July 21, 1921.

MASSACHUSETTS.

Beulah Hartwell to be postmaster at South Attleboro, Mass. Office became presidential October 1, 1920.

MICHIGAN.

Thomas H. McGee to be postmaster at Farmington, Mich., in place of T. H. McGee. Incumbent's commission expired January 24, 1922.

George B. McIntyre to be postmaster at Fairgrove, Mich., in place of G. B. McIntyre. Incumbent's commission expired January 24, 1922.

Edward A. Gast to be postmaster at St. Joseph, Mich., in place of G. H. Knaak. Incumbent's commission expired February 25, 1920.

MISSISSIPPI.

Homa M. Salbey to be postmaster at Stewart, Miss. Office became presidential July 1, 1920.

Ruby W. Bacon to be postmaster at Schlater, Miss. Office became presidential October 1, 1920.

Mary U. Dollins to be postmaster at Glendora, Miss. Office became presidential October 1, 1920.

MISSOURI.

Mattie De Vall to be postmaster at Pomona, Mo. Office became presidential July 1, 1920.

Julia Durham to be postmaster at Jacksonville, Mo. Office became presidential July 1, 1921.

Archie P. Myrick to be postmaster at Hunter, Mo. Office became presidential July 1, 1921.

Estella Marquis to be postmaster at Schell City, Mo., in place of J. B. Davis. Incumbent's commission expired July 25, 1921.

Frank J. Black to be postmaster at Meadville, Mo., in place of J. E. Phillips. Incumbent's commission expired July 25, 1921.

MONTANA.

Ovid S. Draper to be postmaster at Bonner, Mont. Office became presidential July 1, 1921.

Harvey T. Eastridge to be postmaster at Stevensville, Mont., in place of R. M. Corley. Incumbent's commission expired July 21, 1921.

Earle H. Miller to be postmaster at Melstone, Mont., in place of E. H. Miller. Incumbent's commission expired December 20, 1920.

NEBRASKA.

Philip Stein to be postmaster at Plainview, Nebr., in place of P. H. Peterson, resigned.

Blanche Snyder to be postmaster at Oconto, Nebr., in place of J. T. Bridges. Incumbent's commission expired March 16, 1921.

Clyde W. Norton to be postmaster at Kearney, Nebr., in place of C. C. Carrig, deceased.

NEW JERSEY.

William H. Cottrell to be postmaster at Princeton, N. J., in place of W. H. Cottrell. Incumbent's commission expired August 6, 1921.

Clark P. Kemp to be postmaster at Little Silver, N. J., in place of C. P. Kemp. Incumbent's commission expires February 19, 1922.

Elbert Wilbert to be postmaster at Bayhead, N. J., in place of Frank Ferry, jr. Incumbent's commission expired March 16, 1921.

NEW YORK.

Herbert O'Hara to be postmaster at Haines Falls, N. Y., in place of Herbert O'Hara. Incumbent's commission expired January 15, 1921.

Fred A. Shoemaker to be postmaster at Averill Park, N. Y., in place of F. A. Shoemaker. Incumbent's commission expired July 21, 1921.

Lester J. Taylor to be postmaster at Arkport, N. Y., in place of George Taylor, deceased.

Irving C. Jones to be postmaster at South Millbrook, N. Y. Office became presidential January 1, 1921.

Walter J. Pelham to be postmaster at Hensonville, N. Y. Office became presidential July 1, 1921.

William W. McConnell to be postmaster at Constableville, N. Y. Office became presidential January 1, 1921.

Baxter H. Betts to be postmaster at Argyle, N. Y. Office became presidential January 1, 1921.

Floyd W. Ryan to be postmaster at Dalton, N. Y. Office became presidential July 1, 1920.

Leander C. Gregory to be postmaster at Croton Falls, N. Y. Office became presidential January 1, 1921.

Amideas J. Hinman to be postmaster at Mohawk, N. Y., in place of J. C. Rossman. Incumbent's commission expired January 24, 1922.

Edward Small to be postmaster at Herkimer, N. Y., in place of F. A. Ray. Incumbent's commission expired January 24, 1922.

Warren C. King to be postmaster at Dobbs Ferry, N. Y., in place of G. R. P. Engert. Incumbent's commission expired July 21, 1921.

Burrell Vastbinder to be postmaster at Addison, N. Y., in place of F. D. Wade. Incumbent's commission expired July 21, 1921.

NORTH CAROLINA.

Wallace A. Reinhardt to be postmaster at Newton, N. C., in place of F. M. Williams. Incumbent's commission expired July 21, 1921.

Thomas H. Peele to be postmaster at Rich Square, N. C., in place of C. G. Conner, resigned.

Abram L. Alexander to be postmaster at Plymouth, N. C., in place of G. W. Waters. Incumbent's commission expired January 24, 1922.

John R. Rollins to be postmaster at Bessemer City, N. C., in place of W. L. Ormand. Incumbent's commission expired July 21, 1921.

NORTH DAKOTA.

Robert M. Mares to be postmaster at Wheatland, N. Dak. Office became presidential April 1, 1921.

Minnie Alexander to be postmaster at Sherwood, N. Dak., in place of Thomas Rowan. Incumbent's commission expired July 11, 1920.

OHIO.

Herbert S. Cannon to be postmaster at Canal Winchester, Ohio, in place of John Palsgrove, resigned.

Herman W. Davis to be postmaster at Bedford, Ohio, in place of L. J. Golling, resigned.

Frank M. McCoy to be postmaster at Bloomingburg, Ohio. Office became presidential January 1, 1921.

Ward B. Petty to be postmaster at Sycamore, Ohio, in place of R. R. Kurtz. Incumbent's commission expired January 31, 1922.

Earl R. Burford to be postmaster at Minerva, Ohio, in place of J. C. Ruff. Incumbent's commission expired September 7, 1920.

Raymond Kemmer to be postmaster at Holgate, Ohio, in place of G. E. Ricker, resigned.

Charles E. Schindler to be postmaster at Coldwater, Ohio, in place of A. B. Fox. Incumbent's commission expired August 26, 1920.

OKLAHOMA.

Charles H. Roosevelt to be postmaster at Verden, Okla., in place of C. H. Roosevelt. Incumbent's commission expired January 2, 1921.

Bernie A. Cockrell to be postmaster at Tonkawa, Okla., in place of C. E. Williams. Incumbent's commission expired February 25, 1920.

Maude L. Vaughan to be postmaster at Supply, Okla., in place of G. P. Creal. Incumbent's commission expired March 16, 1921.

James D. Powell to be postmaster at Hanna, Okla., in place of Virgie A. Hardin, resigned.

Edwin B. Minich to be postmaster at Eldorado, Okla., in place of Mary L. Whaley, resigned.

Alma Butler to be postmaster at Durant, Okla., in place of Sam Swinney. Incumbent's commission expired January 2, 1921.

John W. S. Opydyke to be postmaster at El Reno, Okla., in place of M. B. Cope. Incumbent's commission expired July 23, 1921.

OREGON.

Lyman H. Shorey to be postmaster at Woodburn, Oreg., in place of R. L. Guiss. Incumbent's commission expired July 21, 1921.

Harry E. Jones to be postmaster at Jefferson, Oreg., in place of G. C. Mason, resigned.

Charles W. Halderman to be postmaster at Astoria, Oreg., in place of Herman Wise. Incumbent's commission expired July 21, 1921.

Charles A. Stark to be postmaster at Sutherlin, Oreg. Office became presidential October 1, 1920.

Robert J. McIsaac to be postmaster at Parkdale, Oreg. Office became presidential October 1, 1920.

PENNSYLVANIA.

Margaret B. Hill to be postmaster at Saltsburg, Pa., in place of W. H. Portser, deceased.

Benton C. Myers to be postmaster at Fayetteville, Pa. Office became presidential April 1, 1921.

Elmer D. Getz to be postmaster at Akron, Pa. Office became presidential October 1, 1920.

Jay E. Brumbaugh to be postmaster at Altoona, Pa., in place of E. F. Giles. Incumbent's commission expired August 7, 1921.

Newton E. Palmer to be postmaster at Oxford, Pa., in place of J. D. Moore. Incumbent's commission expired August 7, 1921.

SOUTH CAROLINA.

DeWitt T. Welborn to be postmaster at Williamston, S. C., in place of T. M. Mahon, resigned.

SOUTH DAKOTA.

Henry W. Knutson to be postmaster at Leola, S. Dak., in place of W. L. Lowry, resigned.

Frederick M. Webb to be postmaster at Hitchcock, S. Dak., in place of W. R. Dickson. Incumbent's commission expired March 16, 1921.

Charles H. Hess, jr., to be postmaster at Blunt, S. Dak., in place of C. H. Hess, jr. Incumbent's commission expired March 16, 1921.

Frank I. Neal to be postmaster at Aurora, S. Dak. Office became presidential January 1, 1921.

TENNESSEE.

Solon L. Robinson to be postmaster at Pikeville, Tenn., in place of R. B. Schoolfield, resigned.

John H. Poston to be postmaster at Henning, Tenn., in place of J. A. Fields. Incumbent's commission expired March 16, 1921.

Lorenzo L. Parnell to be postmaster at Denver, Tenn. Office became presidential July 1, 1921.

Harriet L. Lappin to be postmaster at Mont Eagle, Tenn., in place of M. C. Parker. Incumbent's commission expired January 2, 1921.

TEXAS.

Frank L. Aten to be postmaster at Round Rock, Tex., in place of M. M. Jester, resigned.

Thomas L. Darden to be postmaster at Meridian, Tex., in place of C. C. Porter. Incumbent's commission expired July 21, 1921.

William J. Ott to be postmaster at Cuero, Tex., in place of J. C. Woodworth. Incumbent's commission expired July 21, 1921.

David E. Watson to be postmaster at Centerville, Tex. Office became presidential July 1, 1920.

William J. Hall to be postmaster at Tiffin, Tex. Office became presidential October 1, 1920.

Joseph E. Willis to be postmaster at Rochelle, Tex. Office became presidential January 1, 1921.

Charles E. Simpson to be postmaster at Refugio, Tex. Office became presidential October 1, 1920.

Sam G. Reid to be postmaster at Ogelsby, Tex. Office became presidential January 1, 1921.

Elam O. Wright to be postmaster at Estelline, Tex. Office became presidential October 1, 1920.

Joseph C. Eakin to be postmaster at Chilton, Tex. Office became presidential July 1, 1920.

Ima L. Jeffrey to be postmaster at Bigwells, Tex. Office became presidential October 1, 1920.

Thomas J. Hill to be postmaster at Yoakum, Tex., in place of T. P. Woodward. Incumbent's commission expired July 21, 1921.

Robert Dempster to be postmaster at Hitchcock, Tex., in place of Belle Kleinecke. Incumbent's commission expired April 16, 1921.

WASHINGTON.

Gordon C. Moores to be postmaster at Kennewick, Wash., in place of Averill Beavers. Incumbent's commission expired December 20, 1920.

William H. Padley to be postmaster at Reardan, Wash., in place of W. H. Padley. Incumbent's commission expired July 21, 1921.

WEST VIRGINIA.

Mazella E. Barto to be postmaster at Fairview, W. Va., in place of J. Y. Hamilton, resigned.

Paul G. Rogers to be postmaster at Clendenin, W. Va., in place of W. D. Roush, resigned.

Charles Ash to be postmaster at Glen Jean, W. Va., in place of M. W. McCoy, appointee declined.

WISCONSIN.

Mabel A. Coates to be postmaster at Juda, Wis. Office became presidential April 1, 1921.

John W. Crandall to be postmaster at Deerbrook, Wis. Office became presidential April 1, 1921.

David E. Lamon to be postmaster at Three Lakes, Wis., in place of W. J. Neu. Incumbent's commission expired March 16, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7 (legislative day of February 3), 1922.

UNITED STATES ATTORNEYS.

Aubrey Boyles to be United States attorney, southern district of Alabama.

Randolph Bryant to be United States attorney, eastern district of Texas.

William J. Donovan to be United States attorney, western district of New York.

Walter G. Winne to be United States attorney, district of New Jersey.

UNITED STATES MARSHALS.

Thomas N. Hazelip to be United States marshal, western district of Kentucky.

William Robert Rodman to be United States marshal, district of Rhode Island.

POSTMASTERS.

FLORIDA.

Cecilia E. Kilbourn, Carrabelle.
Donald A. Flye, Haines City.
Edwin C. Shuler, Hosford.
Agnes M. Moreman, Maifland.
Orville L. Bogue, Oxford.
Bonnie B. Wilson, Sneads.

ILLINOIS.

Ira I. Kennedy, Pana.

MAINE.

George H. Howe, Caribou.
James L. Dunn, Cumberland Center.
Winnifred J. Libby, Ocean Park.
Charles F. Huff, Orrs Island.

MASSACHUSETTS.

Benjamin Derby, Concord Junction.
L. W. King, East Taunton.
Arthur R. Merritt, Egypt.
Emma E. Murphy, Minot.
Donald A. MacDonald, Mittineague.
L. Edward St. Onge, Ware.
Edmund F. Peck, West Wareham.
Earl W. Polmatier, Williamsburg.

MINNESOTA.

Charles Strebel, Arlington.
Emily M. Dresler, Brandon.
Robert W. Stewart, Ceylon.
William E. Fay, Chisholm.
Michael Hollaren, Ellsworth.
Amos P. Wells, Holloway.
Racine Olson, Holt.
Harlan J. Miner, International Falls.
Bertram L. Sweet, Jasper.
Lynn J. Dewey, Jeffers.
Fred C. Brower, Kimball.
Harry Coleman, Lancaster.
Albert D. Day, Long Prairie.
Wallace R. Ackerman, Mapleton.
Andrew Bromstad, Milan.
Ralph V. Townsend, Minnesota Lake.
Frank E. Zumwinkle, Morton.
Walter W. Pearson, Nevis.
Arnold J. Derksen, Pequot.
James N. Kain, Round Lake.
Walter W. Parrish, Rushford.
John C. Klein, St. Joseph.
John Bowden, Spring Valley.
John P. Paulson, Two Harbors.
Lewis A. Bradford, Verndale.

MISSISSIPPI.

Frankie M. Storm, Benoit.
Lily B. Maxwell, Camden.
Willie R. Lester, Crowder.
Lee Bankston, Dundee.
Charles B. Turner, Ellisville.
Thomas A. Chapman, Friar Point.
Mattie B. Catchings, Georgetown.
Robert J. E. Barwick, Glen Allan.
Walter T. Heslep, Indianola.
Nettie M. Scott, Lake Cormorant.
Mary E. Herring, Madison Station.
Amos D. Dorman, Myrtle.
Marion W. Thornton, Pachuta.
Enfield Wharton, Port Gibson.
Hubbard E. McClurg, Ruleville.

NEW YORK.

Charles W. Bell, Glen Head.
John B. Houghton, Indian Lake.
Frank Yaple, Loch Sheldrake.
William B. Voorhees, Roscoe.
Frank Wright, Salem.
Winfield McIntyre, Woodbourne.
August Abt, Woodridge.

PENNSYLVANIA.

William F. Yost, Creighton.
Joseph L. Wilson, Glassmere.
Mary V. Clemens, Linfield.
Mary F. Carey, Mahanoy Plane.
Fred J. Kintner, Mehoopany.
Alice Krebs, Pottsville.
Benjamin T. Phillips, Selinsgrove.
Helen P. Howell, West Alexander.
Hettie C. Taylor, Westtown.
Robert C. Simpson, Woodlawn.
Jacob M. Aiken, Yeagertown.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 7, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed heavenly Father, we would set our faces toward Thee. How much we are comforted that Thy love springs from Thy compassion rather than from our merits. Behind the poorest mortal that trembles on the verge of wreck and ruin throbs the heart of the God of love. We thank Thee more than human lips can tell. Be Thou the power in ourselves that we may work out careers of abiding usefulness and endless happiness. In every way enable us to be strong, unselfish, patriotic, and fearless in the defense of the right and achieve successfully the highest tasks of life. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. NEWTON of Missouri. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the Record in 8-point type by inserting copy of statement made by myself before the subcommittee of the Appropriations Committee considering appropriations for the War Department, upon the subject "Transportation and rates," said statement being made January 12, 1922, and appearing on pages 258 to 271 of part 2 of the committee hearings.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record by inserting a statement which he made before the Committee on Appropriations. Is there objection? [After a pause.] The Chair hears none.

The following are the remarks referred to:

STATEMENT OF HON. CLEVELAND A. NEWTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI.

Mr. ANTHONY. Mr. NEWTON, I notice that you have introduced a bill, which has been referred to this committee, appropriating a total sum of \$40,000,000 for the improvement of the Mississippi, Ohio, and Missouri Rivers. We would be glad to hear any statement you desire to make in regard to the matter.

Mr. NEWTON. I assume, of course, that these hearings will be printed.

Mr. ANTHONY. Yes.

Mr. NEWTON. There are one or two things that I would like briefly to call attention to on the subject of the general policy of these river and harbor appropriations. Prior to the passage of the act approved June 25, 1910, Congress instructed the engineers to make a report upon the improvement of the Ohio River and upon the Mississippi River between Cairo and St. Louis, and on the Mississippi River above St. Louis, or between St. Louis and Minneapolis, and on the Missouri from St. Louis to Kansas City. The engineers brought in that report, in which they estimated the amount that would be required to make those improvements.

Congress in the act approved June 25, 1910, adopted that project with the estimates of the engineers. Upon the basis of that report Congress wrote into the law, "Improving the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement, with a view of completing said improvement within a period of 12 years," and they made at that time an appropriation of \$500,000. The engineers in their report estimated that the amount required between the Ohio River and the mouth of the Missouri River would be \$21,000,000. Now, 12 years have passed, and during those 12 years, in carrying out that 12-year project, Congress has actually appropriated \$1,970,000. We have now on that section of the river a barge line that is ac-

tually operating. Between St. Louis and New Orleans this barge line has been operating for several years, and while they have had an 8-foot channel between St. Louis and Cairo the operating end of the barge line company complains that the channel is not a practicable barge channel. It is all right for the old-time type of packet boats to worm through, but it is not a good barge channel. For instance, a tow went down the other day from Cairo to New Orleans, consisting of one towboat and seven or eight barges, and that tow was 900 feet long and 150 feet wide.

It is hard to go around the river bends between Cairo and St. Louis with any such a fleet as that, but that tow carried enough freight, allowing 50,000 pounds to the freight car, to load 12 full freight trains. While the water was high, they had full cargoes to go down from St. Louis. A number of them made the trip from St. Louis to New Orleans with that amount of freight in six days, and they carry from 50 to 60 per cent of the same amount of freight upstream from New Orleans to St. Louis in 12 days. That is as quick as you can expect a freight train to go. As a matter of fact, shippers say that it is quicker. At the same time, in 1910, an appropriation was made for the improvement of the Mississippi River from the mouth of the Missouri to Minneapolis. Congress adopted that project, with a view to completing such improvement within a period of 12 years. The 12 years have passed, or nearly so. They estimated that it would cost \$27,000,000 for the improvement of the river from the mouth of the Missouri to Minneapolis, and Congress has appropriated \$12,250,000 in that time. In that connection, I think that our policy ought to be changed a little. We have got a good channel from New Orleans to Cairo, and I think that the river should be improved so as to extend it to St. Louis for navigation purposes before you go any further.

I am in favor of improving it on to Minneapolis, and they have spent \$12,000,000 between St. Louis and Minneapolis. But only \$1,900,000 of the \$21,000,000 needed for the river between Cairo and St. Louis has thus far been spent upon this important stretch of the river, upon which large operations are now being carried on. If this channel had been completed between Cairo and St. Louis, commerce to-day would be going from St. Louis instead of being stopped at Cairo during the low-water season and then being shipped on to St. Louis by other means. On the Ohio River we adopted that project in 1910. The improvement of the Ohio from Pittsburgh to Cairo was estimated to cost \$63,731,000, and there have been expended \$43,624,000 during the 11 years or nearly 12 years. During that period of time it was contemplated by this act, and, as a matter of fact, provided in the act, that the project should be completed within 12 years. But we have not kept faith by making the promised appropriations. As for the improvement of the Missouri River between Kansas City and St. Louis, that was provided for on page 21 of the act approved July 25, 1912. That act provided for the improvement of the Missouri River, "With a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, in accordance with the report submitted in House Document No. 1287, Sixty-first Congress, third session, and with a view to the completion of such improvement within a period of 10 years." That document provided that it would cost \$20,000,000 to complete that work and give us a permanent 6-foot channel. Congress adopted that project and referred to that document by number and wrote into that law that it should be completed within a period of 10 years.

During that period of 10 years we have actually appropriated only \$7,000,000. At that time business men of Kansas City came down here and appeared before the Rivers and Harbors Committee, and the committee said, "We will improve the river if you will use it." Then they said, "We will go back and raise a million dollars to build barges and towboats and will put them on the river and go into operation." They carried out their part of the understanding by going home and organizing a company with a capital of \$1,250,000; but Congress, out of the \$20,000,000 estimated as necessary, has appropriated only \$7,000,000. Of course, you will realize that a river for navigation purposes is not any better than at its shallowest point. The record shows that the company made money during the high-water seasons, but when the high-water season was over they ran onto sand bars and most of the profit they had made was lost, and when the war began their boats were commandeered and put into use on the Mississippi. Here is one thing that has a general bearing on this matter, and I want to mention it in the presence of Gen. Taylor. I assumed from conversations I had with Gen. Dawes some time ago in discussing this matter that it was to be the general policy to continue work about as it was being carried on; that is, not to treat

the waterways any worse than they had been treated the year before. From the figures of the Chief of Engineers I found that two years ago, or 1919, we appropriated \$12,000,000, and at that time we had available in the Treasury \$58,863,787.14 of unexpended balance of appropriations made in former years.

Mr. ANTHONY. For specific projects?

Mr. NEWTON. Yes; it was not for general use. It was for specific projects. That was the balance unexpended of our general appropriations previously made for rivers and harbors. We had that much available, and you appropriated \$12,000,000 to go into these other projects. When you appropriated the \$12,000,000 you had \$72,863,787 available for river and harbor work that year. Last year we appropriated \$15,000,000, and at the time we made the appropriation of \$15,000,000 we had available in the Treasury \$37,565,235.11.

Mr. Sisson. That was a book credit.

Mr. NEWTON. Yes, sir; that was the amount of the appropriation that was available. That made the total sum available \$52,562,000. Now, I understand from the engineers, and if I am not right Gen. Taylor can correct me, that there will be practically no balance available when June comes. Is that true, General?

Gen. TAYLOR. I have brought out several times the fact that the entire work next year must depend absolutely on money that we get this year.

Mr. NEWTON. Then, if we are to treat the rivers and harbors as well next year you will have to have \$62,000,000, based on the estimates from the engineers as to what they will actually need in their districts?

Gen. TAYLOR. They stated that they could use \$62,000,000.

Mr. NEWTON. On necessary projects?

Gen. TAYLOR. Yes, sir.

Mr. NEWTON. If we are to carry out the work on projects like the Ohio, the lower Missouri, and the upper Mississippi, a start should be made. You make your appropriations, and then come to us and say, "Well, why are you not using the river?" The answer is that there is no completed, dependable channel on which to operate. It has already been fully demonstrated that there is a very large tonnage of freight available for shipment on the barge line now operating between St. Louis and New Orleans, but the business can not be successfully and profitably carried on unless a better channel is provided between St. Louis and Cairo.

I understand that Gen. Taylor was asked some questions about the freight question, and I want to discuss that for the benefit of the committee. I have gone into that question rather fully.

FREIGHT RATES—TYPE OF BOATS USED.

Mr. Sisson. If you do not mind, let the record show these facts: As you know, the war broke into the river and harbor work, first, because you could not get the labor; second, because you could not get the materials; and, third, we needed every dollar we could get to fight the war. That, of course, accounts for the sudden falling off in the appropriations for river and harbor improvements.

Gen. TAYLOR. On the other hand, it accounts for the large balance that we had a year and two years ago.

Mr. Sisson. Yes; it accounts for the large amount of money you had.

I am very much interested in your freight-rate proposition.

Mr. NEWTON. I think I have something here that will interest the committee. I have here a map that I worked out from information that I got from the Interstate Commerce Commission. I want to say this, however, before I take up this rate question: I live in the Mississippi Valley, and there are other Members in the Mississippi Valley who are interested in this question equally with myself. I did not know about these hearings, and I only learned by accident that these matters were to be taken up to-day. I know of a number of Members of Congress who are very much interested in these projects, or just as much interested in them as I am. We feel this way about it: We recognize that with these large lump-sum appropriations the seaports of the country, where the big ships come, are going to make the strongest demands on the engineers when emergencies occur. A year or two ago there was a great storm on the Gulf coast that wrecked a lot of the ports down there, and the engineers had to use a great deal of the money in making those ports sound, where great ships were coming and going. In other words, those things must be taken care of, and under a lump-sum appropriation they can not help the Mississippi Valley waterways unless the appropriation is large enough to take care of those waterways, together with what is necessary at these other places. That is true, because the engineers must use discretion and must spend the money where it is most urgently required.

Now, in the study of the rate question, I will ask you to please look at this map. Look at the line between Portland, Me., and New Orleans, covering a distance of 1,686 miles. The rate on first-class freight between those points is \$2.05½ in carload lots. That is the rate because there is water competition between Portland, Me., and New Orleans. Now, look at the line from Cincinnati to New Orleans, where water competition does not obtain, because the locks and dams on the Ohio River have not been completed, and you will see that the rate from Cincinnati, for one-half the distance, or 749 miles, is 1 cent more per hundred, or \$2.06½. As I have said, the distance between Portland, Me., and New Orleans is 1,686 miles, and the rate is \$2.05½, where there is water competition, while the rate from New Orleans to Denver, Colo., where you could not have water transportation under any conditions, is \$3.04, the distance being 1,349 miles. The rate, as you will see, is \$1 more per hundred. As you will see, the rate from Portland, Me., to New Orleans, for a distance of 1,686 miles, is \$2.05½ per hundred, while the rate from New Orleans to Denver, a distance of 1,349 miles, is \$3.04 per hundred. The distance from Kansas City to New Orleans is 879 miles, or about half the distance from Portland, Me., to New Orleans, and the freight rate from Kansas City to New Orleans is \$2.48 as against \$2.05½ from Portland, Me., to New Orleans. That is true because the rivers are not so improved as to afford water competition.

Mr. Sisson. That lowers the freight rate?

Mr. NEWTON. Yes, sir. Wherever you have water competition available the railroads always cut the freight rate down.

Mr. ANTHONY. What is your rate from St. Louis to New Orleans?

Mr. NEWTON. It is 20 per cent less than the rail rate. Wherever you find there is water competition you will find that the rail rates are cut down.

Now, I have called upon the Interstate Commerce Commission for the rates between certain points, and I have their letter here.

Mr. Sisson. Did you get all of these figures from the Interstate Commerce Commission?

Mr. NEWTON. I got those figures on the map from Mr. Brent, who obtained them from the Interstate Commerce Commission.

Mr. Sisson. Those figures are the official figures?

Mr. NEWTON. Yes, sir. I think that Mr. Brent is entirely reliable, and he obtained those schedules from the Interstate Commerce Commission. I asked him to get those figures and make up the map. I called upon the Interstate Commerce Commission for the rates between certain points, and the chief of the section of tariffs, Mr. Crosland, wrote me a letter and sent me these figures. These figures show that the rate on paint, in carload lots, from Boston to Seattle, a distance of 3,000 miles, across all of the rivers, prairies, and mountains of the country, is \$1.83½ per 100 pounds. There is water competition between those points clear around through the canal.

Now, the rate on paint from St. Louis to Denver, a distance of about 1,000 miles, or not more than one-third the distance from Boston to Seattle, and over a level country, through a country in which there really are no mountains, the rate is \$1.06½ per hundred pounds. In other words, for that haul clear across the rivers, valleys, and mountains, from Boston to Seattle, the rate is \$1.83½ per hundred pounds simply because there is water competition. As against that, they charge \$1.06½ per hundred pounds for hauling the freight a distance of 1,000 miles through a country where there are no mountains, and that high rate is maintained because there is no water competition. I have figures here showing the rate on lemons. The rate on lemons—and this applies to other fruits as well—from Los Angeles to Kansas City is \$1.66½ per hundred pounds in carload lots, and the rate on lemons and other fruits from Los Angeles to Boston is the same. They charge the same rate on lemons and fruit of all kinds from Los Angeles and San Francisco to Kansas City, St. Louis, and Cincinnati, as they do to Boston. They used to charge less than that until we got the long and short haul provision in the Esch-Cummins bill. According to the information I have obtained from the Interstate Commerce Commission, wherever you find there is water competition with the railroads you will see that they try to cut under the water competition. Gen. Taylor was talking awhile ago about the Goltra Line. Goltra tried to put a barge line on the Upper Mississippi River from Minneapolis to St. Louis to handle iron ore. He has a large blast furnace at St. Louis. When they were preparing to go into operation the railroads went before the Interstate Commerce Commission and got a special rate on iron ore.

I heard to-day, but not from an official source, that the rate on iron ore from Minneapolis to St. Louis is now 25½ cents per hundred pounds, in carload lots. Now, you have a shorter haul and, as I understand it, better railroad facilities from Minne-

apolis to Kansas City than you have from Minneapolis to St. Louis, but you have no river route. Now, as I have said, they have a rate on iron ore from Minneapolis to St. Louis of 25½ cents per hundred pounds, in carload lots, but they make the rate 34 cents from Minneapolis to Kansas City. That is done in order to cut under the Goltra Line and make his river operation unprofitable. There is that difference between 25 cents and 34 cents, the lower rate being on a railroad that winds along with the river for a long distance, as against a higher rate for a shorter haul across the level prairie to Kansas City.

Now, in that connection I want to give you some figures that I am prepared to verify. The barge line is allowed a rate of 80 per cent of the rate of the railroad that parallels the river, but the rates of the railroads that parallel the rivers represent not more than 50 per cent of the average rates of the railroads of the country. I sent down to some shippers and got some of these figures, and some of them I obtained from the Interstate Commerce Commission. For instance, I obtained the rate on sugar from New Orleans to St. Louis by railroad and on hardware south.

Prior to January of this year the rate on 100 pounds of sugar from New Orleans to St. Louis, a distance of 700 miles, via all-rail route, was 44 cents, while the rate on 100 pounds of sugar from New Orleans to Camden, Ark., was 50 cents, although it is not much more than half the distance, and simply because it is off from the river. A shipper at St. Louis told me that he used to get a certain rate from St. Louis to Vicksburg. I do not remember the exact rate, but some time after that the river got away from Vicksburg, so that the boats could not go there, and when that happened the railroads raised the rates to Vicksburg because there was no water competition. The rate on 100 pounds of hardware from St. Louis to New Orleans, a distance of 700 miles, by railroad lines paralleling the river, prior to January, was 44 cents, while the rate on 100 pounds of hardware from St. Louis to Wiggins, Miss., which is off the river, was 87 cents. That was over the same roads, and the distance was 50 miles less, but boats could not go there, and therefore they raised the freight rate from 44 cents to 87 cents. In January they changed the rates, and since January 1, under the new rates, the railroads paralleling the river carry 100 pounds of sugar from New Orleans to St. Louis for 59½ cents, while the rate from New Orleans to Camden, Ark., is 69 cents.

As you will see, the differential in favor of the river haul is lower than it was before. Under the new rate the railroads paralleling the river carry 100 pounds of hardware from St. Louis to New Orleans for \$1.73 instead of 44 cents, and charge a rate of \$2.08 from St. Louis to Wiggins, Miss. In that case the differential is not as great as formerly. Now, in the face of that advantage, we go ahead and make appropriations to make up the deficit of the railroads. We have appropriated about \$1,600,000,000 to make up the deficit of the railroads, and yet the barge line, which is hauling our freight on the river at 80 per cent of the rate of the railroads paralleling the river, is making money. I find that the total receipts of the barge line, over their total disbursements, since the 1st of April, amount to approximately \$200,000.

Mr. Sisson. What barge line is that?

Mr. Newton. That is the barge line from St. Louis to New Orleans. The one on the Warrior River has not been profitable as yet, but will, no doubt, be eventually successful. They started, I think, with two towboats, and about the 1st of July they had two more. Then they had difficulty with the towboats. The people who first handled the operation were not really friendly to it. I secured some information in regard to it. For instance, I looked into the pay roll, and I found that when Mr. Tomlinson was handling the barge line—

Mr. Anthony (interposing). Who is Mr. Tomlinson?

Mr. Newton. He was under Walker Hines, when he was Director General of Railroads, and he came from the Great Lakes.

Mr. Sisson. He was Mr. Walker Hines's barge line man?

Mr. Newton. Yes, sir. Now, when this line was put into operation I went over the list. I asked him to give me a list of the pay rolls showing who was employed and what they were paid. I found that they were paying Mr. Tomlinson the same salary as director of this small line starting with old, out of date, and experimental equipment that they were paying to Walker Hines as the director general of all of the railroads of the United States, or \$25,000 a year, and to Mr. Sanders, of New Orleans, they paid \$15,000 a year for the Mississippi section. They paid Brent as traffic manager \$10,000.

Mr. Anthony. That was under the United States Railroad Administration?

Mr. Newton. Yes; and then they ask why we do not make a profit on the barge line. They not only did that, but Tomlinson

gave the contract for designing the towboats and barges to a firm in New York, some concern which designs yachts and other ocean craft and which did not know anything about the type of boats required on the Mississippi. This designer was never on the Mississippi; he did not know a blame thing about it, but he was allowed to design the barges and towboats for the Mississippi River. The operating end say they will be all right, but there is a difference of opinion about whether those barges and towboats are proper boats. He designed powerful boats with twin screws under the rear end, while the old river men say they should have been stern-wheelers. Nevertheless, those are the boats we have. I am giving you these things to show you conditions and the difficulties which have existed.

Mr. Sisson. They are very expensive boats.

Mr. Newton. Yes; the towboats cost \$305,000 and the barges cost \$103,000.

Mr. Anthony. Are not those towboats working all right now?

Mr. Newton. Yes; they are now working fairly well, but they have had to make many alterations, and the cost of these repairs have all been taken out of the earnings. For instance, when they put them in operation they found that the propellers were too small for the engines and the engines would race, so they had to take the propellers off and put on larger propellers. Fortunately there was enough space so they could put them on. When they got them on and put on the power of the engine the rear end of the thing wobbled like a duck's tail, and then after spending \$50,000 or \$60,000 on each one of the towboats they got them properly adjusted; yet they still have difficulties, because they say every once in a while a log gets under and breaks the propeller. To change this difficulty they have changed the propeller blades from steel to bronze.

In the face of those difficulties and the readjustments they have to make, they have made money—and, mind you, those boats cost two or three times what they should have cost; there is no doubt about that, and the administration requires them to set aside 5 per cent for depreciation; that is upon the theory that these towboats and barges will be worn out in 20 years, whereas the old river men have shown me barges that have been on the river for 40 years; they have actually been there that long and are still good barges, yet they make the barge line set aside 5 per cent for depreciation, based on the war-time cost, which was at least twice as much as it should have been. That will give you an idea of what they are doing; but they have made enough money to pay all their expenses, to pay the depreciation, and have enough left to pay 3 per cent on the book value of their investment. Where is there a railroad in this country doing anything like that?

I called on the director of the barge line for figures showing the amount of freight they have carried, and I find that the differential on the total amount of freight they have carried between January and the end of August was enough to save the shippers \$357,593. That was the saving to the shippers.

Mr. Sisson. How long did you say?

Mr. Newton. From January, when they did not carry much because of insufficient equipment. In April they had two towboats, in June they got another, in July they got another, and they had an old one, so that they wound up with five or six, and there was a saving of that differential to the shippers in that length of time.

Mr. Sisson. What length of time?

Mr. Newton. From the 1st of January until the end of August the amount saved being \$357,593. There was that saving in it for the shippers. I find there is another difficulty they are having. I am not properly prepared to make this statement before the committee, having had no notice that this bill was up for consideration until a few moments ago, but if you want to get some interesting information I suggest that you get the joint rail and water rates from New Orleans to points inland and see whether the railroads get the lion's share of the division. That is the one trouble we have had. To show you the benefit to inland points, a couple of months ago one cargo went from Omaha to New Orleans, by railroad to Cairo and by water from there on, and that differential saved that shipper nearly \$5,000. If you would complete the approved project on the Missouri River from its mouth to Kansas City, you would reach the center of the wheat belt of the country, and give to the farmers of that great area cheap water transportation from Kansas City to the Gulf for all of their grain for export, and they would also have water transportation down to St. Louis, then to Cairo, and on over the Ohio River to Pittsburgh for all of their flour.

Mr. Anthony. Mr. Newton, right on that point, does not the law provide that the Interstate Commerce Commission shall first approve all railroad rates before they are put into effect?

Mr. Newton. Yes; and they are approving them right along.

Mr. ANTHONY. And they are not supposed to approve any rate that is not fair and equitable.

Mr. NEWTON. They are not supposed to do that, but here is what they do: Whenever a road comes in and asks it and the shippers want it, they approve it, just like they did this other rate from St. Louis to St. Paul.

Mr. ANTHONY. Then your statement in effect is an indictment of the Interstate Commerce Commission?

Mr. NEWTON. It is, and I have no hesitation in saying it.

Mr. ANTHONY. For approving rates that are not fair?

Mr. NEWTON. Exactly.

Mr. Sisson. Your argument is that the best regulatory measure of freight rates is water improvement?

Mr. NEWTON. Yes. We ought to pay the railroads compensatory rates by which they can pay their expenses and a dividend to the stockholders, but we should not permit them to make "cut-throat" rates for the purpose of destroying water competition.

Mr. Sisson. Here is the unfairness about that: They will reduce their freight rates in connection with competitive points below a figure at which the freight can be carried at a profit and then double up the charge on the interior freight, thus making up the loss on the river business, which makes a most criminal rate-making arrangement.

Mr. NEWTON. That is true, and I am wondering how long the people in the Mississippi Valley are going to stand that—that is, having unfair rates made at the expense of the people in the valley—but they are now finding it out. A business man wrote me and said, "I do not think we are being harmed because we are getting water rates on the railroads." They do from New Orleans to St. Louis, but they make it up on what comes from Kansas, Nebraska, Iowa, and other places. In other words, we do not get an equitable rate where there is no waterway, but we get an equitable rate where there is a waterway. The whole thing is on a wrong basis. There is another thing I want to say to you. I am frank about, and I think I have a right as a Member of Congress to express my opinion. I know how your Budget is made up. I know that Gen. Dawes told us—we had him before the Rivers and Harbors Committee—that the only thing he could do was to supervise. He said, "I can not know the details of all these things; I have got to call on the heads of departments. I say to the War Department, 'You have got to cut so much,' and to the Department of Commerce, 'You must cut so much,' and to the other departments, 'You must cut so much,' and they go and make cuts for their departments. I can not know about the details of all these things." I know that the engineers have been the friends of the waterways, but the engineers are off in one corner of the War Department.

The General Staff is not interested in waterways. They say, "You can make your cut on the waterways and save money for the rest of the War Department." We went before Secretary Weeks on this thing, and he cut us down to \$27,800,000. He started with \$13,500,000, and then he got up to \$27,800,000 after we made our showing. It is his recommendation to this committee, because it is his recommendation that finally goes. Dawes did not dig into that department to see how much they were giving the General Staff for other purposes or how much for rivers and harbors. They arbitrarily make their cuts in the waterways appropriations, because the War Department is not interested in them.

Now, I do not criticize the engineers, because I know they have done the best they could with the money that was allowed them. Secretary Weeks brought us down to \$27,800,000 for all the rivers and harbors in the United States, which is little enough for the big harbors of the country; and with that amount we will never get to our rivers if the engineers make a fair distribution on the merits—that is, make improvements where the greatest commerce is. But, in face of that fact, yesterday he went with Secretary Hoover and Secretary Denby before the Interstate Commerce Committee and recommended to the Interstate Commerce Committee that they provide for an expenditure of \$11,000,000 to build an 8-mile canal across Cape Cod, and I am informed that it will take at least \$10,000,000 more to complete this canal and make it ready for use.

Mr. ANTHONY. You mean to purchase it?

Mr. NEWTON. Yes. That is more than two-thirds of all the money recommended by the Secretary of War for the improvement of all the rivers and harbors in the United States.

While I am on this question, there is another phase of it that I might mention. We have expended about \$5,000,000,000 altogether in trying to build up a merchant marine; we have spent about \$500,000,000 for the Panama Canal; and we have put a merchant fleet on the seas. We have done that through one arm of the Government. Through another arm of the Government—through the Interstate Commerce Commission—we are allowing

the railroads to carry freight at less than cost between water points on the Atlantic and Pacific coasts, thereby driving our ships off the seas. We were in the same predicament under Director Hines during the war. One arm of the Government, the Railroad Administration, spent \$8,000,000 in building barges and towboats for the purpose of putting commerce on the Mississippi, while through another arm of the Government, the Railroad Administration, we carried commerce at less than cost by rail up and down the banks of the river in order to keep the boats off the river. I think it is time we changed that foolish policy. I do not think that \$8,000,000 expenditure is nearly enough; I think we have been unfortunate in the situation which existed and the way it was handled.

We have in the Mississippi River the greatest river in the world. You take that river from St. Louis to Minneapolis, and I think the engineers will bear me out when I make the statement that there is not a river in this country which, according to its distance, costs as little to improve or maintain as that river. It has the surest channel in the country and has a larger number of populous cities on its banks than any other river in the country, and there is a lot of commerce to move, and I do not see why it should not be improved and used.

I have a letter from Gen. Beach to Mr. DEMPSEY. You know the State of Illinois has appropriated \$20,000,000 to open up an 8-foot canal from the Great Lakes to Utica, on the Illinois River.

Mr. Sisson. To Utica?

Mr. NEWTON. Utica, Ill., on the Illinois River. They have appropriated \$20,000,000. Gov. Lowden told me last year, in talking about this water question, that the State had appropriated \$20,000,000, but they never built the canal because as soon as the money was appropriated and available the railroads lowered their rates and those low rates have been in effect on that canal route ever since. However, they are going to build it now, and they are now at work upon it. In his letter to Mr. DEMPSEY, Gen. Beach says:

It is estimated that under existing conditions a 9-foot waterway from Utica to that depth at the mouth of the Ohio will cost \$3,057,700 for initial work and \$736,550 annually for maintenance.

Now, listen to this:

An 8-foot depth is estimated to cost \$1,310,000 for initial work and \$77,500 for maintenance for the Illinois River from Utica to its mouth and \$620,000 for initial work, and \$75,000 for maintenance for the Mississippi River from the mouth of the Illinois to St. Louis, from which point there is now an 8-foot channel to Cairo. Thus it will be seen that the total cost for an 8-foot channel from Utica to St. Louis will be \$1,930,000 for initial work and \$152,500 annually for maintenance. In other words, a through transportation route can be made available from Chicago to the Gulf of Mexico with the small Government expenditure of less than \$2,000,000 for an 8-foot channel and about \$3,000,000 for a 9-foot channel, thus affording the producers and shippers of Illinois and other adjacent territory access to and from the seven seas of the world, to say nothing of its also giving them cheap water transportation to and from all points in the great Mississippi Valley territory reached by the Mississippi River and its navigable tributaries, and in spite of this fact, there is not a dollar in this proposed appropriation for that great project.

We spent \$70,000,000 in Alaska to build a railroad from somewhere to nowhere. I should like to know who in the Mississippi Valley is interested in that. We spent \$1,600,000,000 on the railroads and loaned them \$500,000,000 more. We have spent many millions in trying to build a merchant marine, and if you can show me anything in the merchant marine that is making money I would like to see it, because I have failed to find it. Then, for all the rivers and harbors in this country \$42,000,000 is not enough; it is just that pitiful policy of maintaining the work already done and making no progress at all toward completing it, and, with the war over, I think these projects should be taken up and carried to completion in the right way.

I think Mr. TRENCHER will bear me out when I say that two or three years ago the people in the State of Kansas, if they could have had facilities for shipping their wheat to market when the market was up, would have gotten a certain figure. What was the loss to the Kansas shippers, in round numbers, because they could not get cars until the market went down? I think it was \$2,000,000. That is my recollection.

Now, suppose you had a barge line going right up to Kansas City. I think everybody here knows and everybody in Congress knows that just as soon as the business of this country opens up again the transportation facilities are going to be totally inadequate. Who is going to build a railroad? If you are going to relieve the congestion of this country you have got to open up your water transportation facilities, and that you can not do unless you improve your rivers. I think that Gen. Taylor will tell you, at the rate they are now going, how long it is going to take, because now they are just practically maintaining them and making no provision whatever for their completion. Out in the Middle West we recognize, as I said awhile ago, the superior rights of the coast cities, and the superior rights of the cities where the big commerce is, but we want this appro-

priation to be big enough so that the engineers will have enough money, after the big harbors are taken care of, to come out and improve our rivers and let our commerce develop.

The city of St. Louis has spent within the past two years \$1,000,000 on modern docks; they had faith in the future of water transportation and have gone and put their own money into it, and we came near getting the necessary two-thirds majority for a bond issue of \$2,000,000 more for docks in St. Louis, and commerce is begging for an increased use of the river.

Mr. ANTHONY. The appropriation we are considering is largely for the purpose of maintenance rather than to carry out projects of construction, but you evidently think the time has come for construction. Do you think the economic condition of the country is such that construction would be justified?

Mr. NEWTON. I think it would be justified where you can extend the commerce. I do not believe in the policy of wasting money here and money there in improving projects like we have been doing on certain rivers where there is no commerce, but we ought to spend money on rivers where there is commerce waiting to use them for transportation purposes.

Mr. Sisson. I do not think you mean to make your statement as strong as that, because some of the most meritorious projects have no commerce at all because there are no improvements, but the very moment improvements are made you will have commerce.

Mr. NEWTON. You did not get my idea. I think we ought to improve where the commerce can be extended and keep at it until we fully carry out such improvement as will increase the commerce. We ought to take on the projects which, when completed, will furnish waterway transportation facilities and extend those facilities so that commerce may use them. I think we ought to make that kind of an improvement, for instance, from St. Louis to Cairo. I think there ought to be enough money in this bill so that the engineers can provide a safe and permanent barge-line channel and construct it, so that you will not need to provide a half million dollars every year for dredging out the sand bars, because they will not form if you put in permanent work. If you put in permanent work you would not need so much for maintenance, would you?

Gen. TAYLOR. The expectation is that where there is permanent work the cost of maintenance will be very largely reduced.

Mr. NEWTON. I think there ought to be enough money so as to improve that river from Cairo to St. Louis and finish it, so that the commerce now being carried on that portion of the river can be safely and profitably handled. You have spent many millions on the Ohio, and yet the dams at the lower end of the river have never been completed and the river can never be used for through traffic until they are finished. That work ought to be completed immediately. When you have completed the channel to St. Louis you ought to go to Kansas City, where there is large commerce, and you ought to extend that commerce.

Maj. BROWN. Just in connection with what Mr. NEWTON said as to the preparation of the Budget, with regard to its having been prepared by the General Staff, I want to repeat what Gen. Lord said the other day, that the General Staff had nothing whatever to do with these nonmilitary items, especially the items relating to rivers and harbors. They were prepared in the first instance by the Budget officer, subject to the approval of the Secretary of War. Of course, as the records show, there is no estimate of \$13,000,000, the Secretary of War and the Budget officer having agreed in placing before Congress an estimate of \$27,000,000.

Gen. TAYLOR. There is one thing I would like to bring out. Mr. NEWTON refers to the manner in which the money has been allotted, and spoke of it having been allotted to the places where commerce existed, and that necessarily the rivers come in after that; I would like to read the wording of the acts, which will show why it was allotted that way.

Mr. NEWTON. I do not find any fault with that.

Gen. TAYLOR. The act of 1921—and the wording is the same in the act of 1920—reads:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, \$15,000,000.

In other words, that is a pretty plain direction for us to consider the existing commerce.

Mr. Sisson. But I do not see from your apportionment that you have neglected the rivers because the proportion of money that is being allotted to the rivers is about like that you have allotted to your harbors.

Gen. TAYLOR. That is correct; we have not neglected them, Mr. Sisson; but what we are considering here is on the basis

of getting \$42,000,000; that would be our distribution of the money in case we got \$42,000,000; but, as I said originally, if the appropriation is for a lesser amount, we will start on the basis of allotting it proportionately, and the circumstances may be such that we will have to vary materially from that proportion.

Mr. Sisson. That is, as far as possible that proportion is going to be maintained, whether you get \$27,000,000 or \$42,000,000?

Gen. TAYLOR. As far as possible; yes.

Mr. NEWTON. But if you are cut to \$27,000,000 you would confine your work to harbors where there is absolute need for improvements, and it will be your duty to spend your money there before you go to the rivers.

Gen. TAYLOR. Before we go to the rivers where there is no commerce.

Mr. NEWTON. Certainly.

LEAVE TO ADDRESS THE HOUSE.

Mr. DARROW. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal and disposition of business on the Speaker's table on Wednesday, February 22, my colleague from Pennsylvania, Hon. HENRY W. WATSON, be permitted to address the House for 40 minutes on the subject of the Battle of Trenton.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that his colleague may address the House for 40 minutes on February 22 on the subject of the Battle of Trenton. Is there objection?

Mr. GARNER. Mr. Speaker, I have no objection, but I want to call the attention of the gentleman from Wyoming, who I see is in the Chamber, to the fact that if he is going to permit these unanimous agreements so far in advance to address the House for 40 minutes on various days he is going to have some requests from this side of the House to speak on similar subjects, and I feel that he will have to in all good grace grant that permission. I merely call his attention to it now, so that he will not be able to say he did not know anything about it.

Mr. MONDELL. If the gentleman will allow me, this is not the usual request to address the House on an ordinary legislative question. This is a request to address the House on Washington's birthday, touching the life and history of the Father of his Country. It happens that both of the requests recently made—that is, the request in regard to Lincoln's birthday and the request in regard to Washington's birthday—came from this side. It is usual for addresses to be made on those days from one side or the other, and I think ordinarily we have no disposition to deny those requests. I should have been quite as happy if some of the brethren on the other side had had in their minds some remarks to make on these anniversaries, but it so happened that both of the gentlemen who felt inclined to talk are on this side. I should be very glad to extend a like courtesy to any gentlemen on the minority side who may desire to talk on Washington's birthday.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. DARROW]?

There was no objection.

APPROPRIATIONS FOR TREASURY DEPARTMENT—CONFERENCE REPORT.

Mr. MADDEN. Mr. Speaker, I call up the conference report on the bill H. R. 9724.

The SPEAKER. The gentleman from Illinois calls up a conference report, which the Clerk will report.

The Clerk read as follows:

Conference report on the bill H. R. 9724, making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20 and 21.

MARTIN B. MADDEN,
WALTER W. MAGEE,
JOSEPH W. BYRNS,

Managers on the part of the House.

F. E. WARREN,
W. L. JONES,
WM. J. HARRIS,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 20: Strikes out the appropriation, proposed by the Senate, of \$500,000 for the acquisition of a site for a national archives building, including \$25,000 for technical services.

On No. 21: Strikes out the appropriation, proposed by the Senate, of \$1,000,000 for the construction of a three-story structure in the north court of the Treasury Building, Washington, D. C.

MARTIN B. MADDEN,
WALTER W. MAGEE,
JOSEPH W. BYRNS,

Managers on the part of the House.

Mr. MADDEN. Mr. Speaker, I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

FLORENCE M. LAFIN.

Mr. IRELAND. Mr. Speaker, by direction of the Committee on Accounts I ask for the consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois presents a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 276.

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Florence M. Ladin, mother of Cutler Ladin, jr., late an employee of the House of Representatives, a sum equal to six months' salary, and that the Clerk be further directed to pay, out of the contingent fund, the expenses of the funeral of said Cutler Ladin, jr., such expenses not to exceed \$250.

Mr. IRELAND. Mr. Speaker, this is the usual resolution, and the family of the poor unfortunate boy, who lost his life in the Knickerbocker disaster, is the recipient of the appropriation provided.

Mr. CHINDBLOM. Will the gentleman yield for a couple of minutes?

Mr. IRELAND. Certainly.

Mr. CHINDBLOM. Mr. Speaker, in this connection I think it is right to place in the Record of the proceedings of the House the fact that two of the pages of this House were unfortunately killed in the disaster at the Knickerbocker Theater. This young man, the Ladin boy, was one of them, and the other was La Verne Sproul, a nephew of Congressman SPROUL, my colleague from Illinois. I do not know whether any resolution of this kind will be presented at this time in behalf of the Sproul boy, but I hope it will. Our colleague, Mr. SPROUL, found it necessary to return to Chicago with the body of his nephew who lived with him and thus suddenly lost his life. Both of these boys had won the affection and the high regard not only of their associates but of the Members of the House who knew them, and not only their relatives but their friends in this House sincerely regret their early and untimely demise.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

JENNIE SPROUL.

Mr. IRELAND. Mr. Speaker, I also present the further similar resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 277.

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Jennie Sproul, mother of La Verne Sproul, late an employee of the House of Representatives, a sum equal to six months' salary, and that the Clerk be further directed to pay, out of the contingent fund, the expenses of the funeral of said La Verne Sproul, such expenses not to exceed \$250.

Mr. CHINDBLOM. Mr. Speaker, this is the young man to whom I referred a moment ago.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CLERK IN OFFICE OF LATE DELEGATE FROM HAWAII.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent for the consideration of the further resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 262.

Resolved, That pending the election and qualification of a successor to the late Hon. J. K. Kalaniana'ole, Delegate from Hawaii, the Committee on the Territories of the House of Representatives is authorized to maintain and conduct the office of the late Delegate; and for that purpose the chairman is authorized to employ a clerk at a salary of \$266 per month, the same to be paid from the contingent fund of the House: *Provided*, That such payments shall cease on the day that a new Delegate from Hawaii takes office.

Mr. WALSH. Mr. Speaker, I reserve a point of order on the resolution.

Mr. IRELAND. Will the gentleman indulge me just a moment on that?

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Line 6, after the word "salary," insert the words "at the rate of."

Mr. IRELAND. Mr. Speaker, the death of the lamented and beloved Prince Kalaniana'ole, in so far as his services to the district which he represented obtained, presents a slightly different case from the death of a Member of the House from any State. Where a Member has departed this life his colleagues from that State are usually quite generous and anxious to attend to the duties of his district pending the election of a successor.

The situation is vastly different in the Territory of Hawaii, and the constantly increasing demands on the representative of that Territory have made it seem necessary in the minds of the committee to unanimously and favorably report this resolution. It has been the suggestion of many Members of the House, and that suggestion has met the approval of others familiar with the situation with whom I have conferred—

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. In just a second. In the ordinary event of the death of a Member we would pay the clerk to the deceased Member a month's salary. This probably will entail the payment of one clerk, the one who has heretofore been employed, and who is familiar with the work, for possibly three months. I am advised that the selection of a successor is made mandatory within 60 days; another 30 days might be allowed for his travel here, so that in all probability the expense would not run over 90 days.

Now I yield to the gentleman from Texas.

Mr. GARNER. Has the Committee on the Territories acted on this matter in the way of recommendation to the gentleman's committee?

Mr. IRELAND. Unofficially. I do not know that they have taken any action, but the delicacy of the matter of having the chairman of the Committee on the Territories take charge of the office made him feel that he did not want to present the resolution himself, and so it was presented by another Member. But I am informed that he is willing to assume the additional burdens and discharge them, pending the election of his successor.

Mr. GARNER. It occurs to me that if the Committee on the Territories is going to have the service of this clerk for the time the gentleman speaks of, there ought to have been some action by the committee itself in making the representation to the gentleman. They would then have had opportunity to discuss the amount of labor involved in the Committee on the Territories, and the gentleman would have had more information than he is now able to give the House. As I understand him, this is giving a clerk to the Committee on the Territories for a certain length of time. Do I understand aright?

Mr. IRELAND. It is employing the clerk who formerly served, but the formal direction will be under the Committee on the Territories.

Mr. MANN. Mr. Speaker, will my colleague yield?

Mr. IRELAND. Certainly.

Mr. MANN. The reason for the resolution was that there was no other Delegate from Hawaii. That same reason would apply if, perchance, the Member from Wyoming should pass away. There would then be no other Member from that State in the House. Does my colleague think he can draw the line between employing the clerk of one Member when he is deceased and not employing the clerk of another Member who has deceased?

Mr. IRELAND. I do not think the cases cited are quite identical. In the case of a State with a single Representative the two Senators remain.

Mr. MANN. They do not remain in the House.

Mr. IRELAND. But they often do a very small portion of the great and laborious work each Member of the House does.

Mr. MANN. I do not see how you can draw a distinction between one and another.

Mr. IRELAND. This question might never occur again, but it seems important and vital to the interests of the Territory of Hawaii.

Mr. MANN. Such requests have many times been made.

Mr. IRELAND. And we have refused them.

Mr. MANN. And now you are setting a precedent that can not be refused in the future. It is often insisted that the clerk be employed in some capacity. That is not in the interest of the public business; in the main it is in the interest of the clerk.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Gladly.

Mr. DOWELL. I want to say to the gentleman from Illinois that while the suggestion he made with reference to the Representative from State or District might apply generally in Hawaii, which is some distance, and with a great deal of business to be transacted, there is no possibility of getting any representation or any service performed here unless this clerk is permitted to remain.

Mr. MANN. Yesterday the House passed a bill without a word for Hawaii, the first time I think I have ever seen it done in the House; a long bill, and not a word uttered. I do not think that that was because there has been a clerk.

Mr. DOWELL. A great deal of business has to be transacted. This clerk is a very competent clerk. He is familiar with all the interests of the islands here, and we would not save anything, it seems to me, by dismissing him now and in that way stop all transactions pertaining to the Territory in the House. I believe that he ought to remain in his office, because it is apparent to all that no Delegate can be selected who can be here before the next election. I am heartily in favor of this resolution and I believe it ought to be unanimously adopted. I think it is the only way we can transact the business of the Territory in the proper manner.

Mr. MANN. Well, if perchance—it may happen some time; I do not know whether it will happen while I am a Member of the House—I should pass away. I have a very competent clerk; the business of my district would be much better attended to if that clerk was permitted to remain until my successor should be elected. We have a vacancy from Illinois now which has not yet been filled, although the vacancy has existed for some time. Undoubtedly it would be desired that the office of the deceased Member be kept up by the clerk in charge. Now, if that is going to be the policy, very well; but I do not see how you can draw a line between one Member of the House who has deceased and another Member who may de cease.

Mr. DOWELL. I insist that this is an exceptional case, and it can be provided for in no other manner than by this resolution.

Mr. WALSH. Mr. Speaker, I make the point of order against the resolution, that it contains legislation which this committee does not have jurisdiction to report in a privileged resolution. In substance it provides that the Committee on the Territories shall exercise the duties of the former Delegate to the House. That destroys its privileged character.

The SPEAKER. The Chair thinks the resolution is subject to that point of order, because the first part of it says that "pending the election and qualification of the successor to the late Hon. J. K. Kalanianaʻole, Delegate from Hawaii, the Committee on the Territories of the House of Representatives is authorized to employ a clerk." It makes the whole resolution subject to a point of order.

Mr. IRELAND. Has the Speaker ruled on that?

The SPEAKER. Yes.

Mr. IRELAND. That settles it.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. IRELAND. I maintain that it should not lose its privileged status simply because of the additional legislation therein. Whether it makes an appropriation for one month or for three months is immaterial. The language transferring the jurisdiction to the Committee on the Territories is perhaps surplusage. It would come under their jurisdiction in any event, and possibly it was an error to include that.

The SPEAKER. The Chair thinks it was an error to include it if it was intended to make the resolution in order, because it is a well-settled principle that where something not privileged is joined with matter that is privileged the whole loses its privilege thereby, and the Chair thinks the first part of the resolution is clearly not privileged, and therefore that the whole resolution loses its privilege.

Mr. TOWNER. Mr. Speaker, will the Chair pardon me for making a suggestion?

The SPEAKER. The Chair will be very glad to hear the gentleman.

Mr. TOWNER. It occurs to me that it would not be a very serious stretching of the proposition to hold this in order. These resolutions that are passed whenever a Member of Congress is deceased, regarding the payment of a month's salary to the clerk of the deceased Member of course pertain, as the Speaker suggests, to the relations of a Member to the House. Of course we all understand that this is something more than that, but it occurs to me now that it is not a very great stretching of the rule to say that this is merely carrying out the same proposition in a little different way. It does not seem to me that the point of order really ought to be sustained against it.

Mr. WALSH. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. WALSH. Does the gentleman think that the Committee on Accounts can offer as a privileged resolution the proposition that another committee of the House shall maintain the office of the former Member?

Mr. TOWNER. I think the language to which the Speaker calls attention and to which the gentleman from Massachusetts refers would perhaps bear the interpretation which the gentleman suggests; but still, is not this the thing that is being done and has been done by the House heretofore? Is it not in substance that? No matter what is the language used in the resolution, if in substance that is the effect of it, ought the point of order to be insisted upon?

Mr. MANN. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MANN. Suppose the Committee on Accounts should bring in a resolution providing for a clerk to one of the committees of the House, say the Committee on Appropriations, with a provision in the resolution that the Committee on Appropriations should have jurisdiction over certain legislative matters. Does the gentleman think that would be privileged?

Mr. TOWNER. Certainly not, and there is no parallel between that and this proposition.

Mr. MANN. This extends the jurisdiction of the Committee on the Territories.

Mr. TOWNER. I am trying to suggest to the Speaker that this is not such an extension of jurisdiction that a point of order ought to be raised against it. Nothing is attempted in the proposition except that which we always do, only perhaps to a greater extent in this case than in others. That is the point I desire to suggest for the consideration of the Speaker, and nothing else.

Mr. MANN. This proposes to enlarge the jurisdiction of the Committee on the Territories, does it not?

Mr. IRELAND. Not in the least.

Mr. TOWNER. I think not, unless I am mistaken in the assumption that this is in reality doing in substance the same thing that we do when we pay a month's salary to the clerk of a deceased Member.

Mr. MANN. Oh, well, we could provide for the payment of the salary of this clerk to the Delegate for three months out of the contingent fund, I suppose.

Mr. TOWNER. Yes; and I think we ought to do it.

Mr. MANN. But that, however, is not the question before the House.

Mr. TOWNER. No; it is not.

The SPEAKER. Does the gentleman from Illinois [Mr. IRELAND] desire to be heard further?

Mr. IRELAND. No, Mr. Speaker.

The SPEAKER. The opinion of the Chair has not been changed. The Chair is quite clear that the first part of the resolution is not privileged, and therefore that takes away the privilege of the whole resolution. The Chair suggests that the resolution might be presented in such form that it would be in order.

Mr. IRELAND. Then I move to amend the resolution by eliminating that part of it pertaining to the conduct and maintenance of the office of the late Delegate by the Committee on the Territories. I move to strike out the words—

The Committee on the Territories of the House of Representatives is authorized to maintain and conduct the office of the late Delegate.

The SPEAKER. The gentleman can offer a new resolution.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry. Is the gentleman authorized by his committee to report a new resolution?

Mr. IRELAND. No; but I have the privilege of offering an amendment to any resolution that is offered.

Mr. WALSH. The gentleman can not offer an amendment to a resolution that has been ruled out on a point of order. That resolution is gone.

The SPEAKER. The gentleman will have to offer a new resolution.

KATIE ROSE.

Mr. IRELAND. Mr. Speaker, I offer another privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 267.

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Katie Rose, widow of William T. Rose, late a member of the Capitol police force, a sum equal to six months' salary, and that the Clerk be further directed to pay out of the contingent fund the expenses of the funeral of said William T. Rose, such expenses not to exceed \$250.

Mr. IRELAND. Mr. Speaker, this is the usual resolution for a deceased employee.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ASSISTANT TO SUPERINTENDENT OF PRESS GALLERY.

Mr. IRELAND. Mr. Speaker, I offer another privileged resolution.

The SPEAKER. The gentleman from Illinois offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 270.

Resolved, That the Doorkeeper of the House of Representatives be, and he hereby is, authorized to appoint an assistant to the superintendent of the House press gallery, who shall receive a salary at the rate of \$1,200 per annum, to be paid from the contingent fund of the House until otherwise provided by law.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, this resolution is offered on the unanimous recommendation of the members of the press gallery. It is necessitated by the fact that the Doorkeeper needs for other purposes the attendant who is now detailed to the press gallery, and the present employee, who it is supposed will be appointed, has been with the press gallery as assistant to the superintendent for four years, and is the most satisfactory employee whom they have had in that capacity. The members of the press gallery unanimously ask the passage of this resolution.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. IRELAND. Certainly.

Mr. BLANTON. We now have a superintendent of the press gallery who is on the pay roll of the Government?

Mr. IRELAND. Yes.

Mr. BLANTON. And it so happens that one of the officers of the House wants to use him in some other capacity?

Mr. IRELAND. No; this resolution refers to his assistant.

Mr. BLANTON. There are two there?

Mr. IRELAND. Yes. The assistant who has been there has been employed under the guise of an employee under the Doorkeeper and assigned to the press gallery.

Mr. BLANTON. Is there any necessity for two employees to look after the press gallery?

Mr. IRELAND. They so represent, and I think it is so.

Mr. BLANTON. Has the gentleman investigated it?

Mr. IRELAND. I have.

Mr. BLANTON. What are the duties of the superintendent and assistant superintendent? What do they do to earn a salary from the Government?

Mr. IRELAND. I can not enumerate all of their duties. They have charge of the press gallery and take care of the number of men that are in the press gallery. It so happens that this assistant has charge of keeping track of all of the committee meetings and the subjects to be brought up, informing the Members of those meetings, keeping a bulletin, and other duties which at present have been very voluminous.

Mr. BLANTON. I want to ask the gentleman for information if this is not the fact, that when the House of Representatives is in session there is a room on the third floor of the Capitol on the south side of the House of Representatives that is used by members of the press gallery. It is back of their gallery. Sometimes there are varying numbers of the press gallery in that room, more at some times than at others. And the superintendent merely has the duty of looking after those qualified to sit in the gallery.

Mr. IRELAND. Oh, no.

Mr. BLANTON. What are his duties?

Mr. IRELAND. The gentleman can inform himself by consulting members of the press gallery.

Mr. WHEELER. He acts as messenger.

Mr. IRELAND. Yes; there have been two employees since, I think, the memory of man runneth not to the contrary. It has

been our custom to accede to the requests of the members of the press gallery, and especially when they come to us unanimously. They have never been unreasonable in their requests. The gentleman can thoroughly inform himself from the members of the press gallery, and I am sure he will be convinced that this is a reasonable request.

Mr. BLANTON. My idea is that the privilege of sitting in the press gallery is a privilege of itself, and it does not require two or three or four employees of the Government to warrant that privilege. Members of the press can have the privilege of sitting in the gallery without representatives of the Government to look after them.

Mr. IRELAND. Well, the gentleman has expressed himself, and if he is satisfied, all right. I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 51 ayes and 5 noes.

So the resolution was agreed to.

LEAVE OF ABSENCE.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that my colleague, Mr. JOHNSON of Kentucky, be permitted indefinite leave of absence on account of death in his family.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10101, the District of Columbia appropriation bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union with Mr. HICKS in the chair.

The Clerk proceeding with the reading of the bill read as follows:

To enable the commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, including the purchase and maintenance of a dead animal wagon, and no contract shall be let for the collection of dead animals, and including inspection and allowance to inspectors for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed \$20 per month for each inspector for horse-drawn vehicles, \$26 per month for automobiles, and \$13 per month for motor cycles; fencing of public and private property designated by the commissioners as public dumps; and incidental expenses, \$750,000: *Provided*, That any proceeds received from the disposal of city refuse or garbage shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportions as the appropriations for such purposes are paid from the Treasury of the United States and the revenues of the District of Columbia: *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels, places of business, apartment houses, and large boarding houses.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee how long the last proviso has been carried in the bill?

Mr. DAVIS of Minnesota. The last proviso has been changed in this particular: In the former law it was "large apartment houses," and in this it is simply "apartment houses."

Mr. WALSH. How about the phraseology of large boarding houses—how long has that been carried?

Mr. DAVIS of Minnesota. I think that has not been carried.

Mr. WALSH. How comes it that the person who is fortunate enough to have a large boarding house can not have his ashes or miscellaneous refuse collected, whereas if they have what somebody determines to be a small boarding house they will have it taken care of?

Mr. DAVIS of Minnesota. That will be left to the discretion of the commissioners.

Mr. WALSH. Does the gentleman think it ought to be left to the commissioners to discriminate between parties carrying on business—that because they happen to have a small boarding house or establishment, although they may have a large number of boarders, they can have their refuse and ashes collected, while another party having a large boarding house, with perhaps no more patrons than a small one, can not?

Mr. DAVIS of Minnesota. I think the subcommittee assumed that in a matter of that kind the discretion of the commissioners would not be very far out of the way in determining what is ordinarily a large boarding house and what is a small boarding house. That is all we do, and it was for the purpose of keeping down expenses.

Mr. WALSH. If all boarding houses were included, it would further cut down the expense.

Mr. DAVIS of Minnesota. I know; but it might include boarding houses that had but one boarder. That would be a boarding house, and three or four might constitute a boarding house. Does the gentleman want to put those in the same class with one with a hundred boarders?

Mr. WALSH. The expense for collecting ashes and refuse in that one instance would not be very much different from another. As I gathered it, the idea of this proviso was that people conducting business establishments would have to take care of the disposal of their ashes and refuse.

Mr. DAVIS of Minnesota. That has been the case all of the time in the bill with business places and hotels.

Mr. WALSH. Why discriminate between one class of business establishments and another class of business establishments upon the ground of size? It seems to me, if we are going to provide that boarding house keepers will have to look after the disposal of refuse and ashes, that provision ought to apply to them all, and not leave it in the discretion of the commissioners to say one boarding house is of not very large size, and that they will take the ashes from it, but will not take them from a neighboring boarding house.

Mr. DAVIS of Minnesota. I will say to the gentleman that the committee, after considerable discussion about it, figured out that this was the best thing for the city, and we put it in. That is all that I can say. We have left it the same way that we had it before in respect to hotels and business places.

Mr. WALSH. You do not make any discrimination between apartment houses. There might be an apartment house with only three apartments, and they can not have the ashes collected.

Mr. DAVIS of Minnesota. I think the term "apartment house" has a particular significance, and there can be no difficulty about it. The only question raised in our minds was as between the different kinds of boarding houses.

Mr. MANN. What is the definition of an apartment house?

Mr. DAVIS of Minnesota. I am unable to give the gentleman a correct definition, except I would say one where they rent out apartments by the year. For instance, the Rochambeau is an apartment house, as is Stoneleigh Courts, but I presume that just across the way from the Rochambeau, where there is a little place where the employees from the Rochambeau go over there, you would not call that an apartment house.

Mr. MANN. It is a very common practice to construct a building with two apartments in it, one on the first floor and one on the second floor. That is a most common practice in the city from which I come, and it is becoming a common practice in the city of Washington. A man builds an apartment house and lives in one apartment and rents another. What is the reason why he should be required to pay extra for the collection of his ashes and garbage? He pays his taxes; he does not have a home or a house as large as his neighbor, perhaps, who lives in a fine house, which is not an apartment house.

Mr. DAVIS of Minnesota. As I say, I think it is pretty well understood here what is the meaning of an apartment house—where they have a large number of rooms and where they rent them out by the year.

Mr. MANN. "Large apartment house" would cover those cases, but when you simply say an apartment house, unless they make a violent construction of the law, they can not collect garbage from a building that has only two apartments in it.

Mr. DAVIS of Minnesota. We have made it here so that they shall collect from apartment houses and large boarding houses, and if the gentleman does not want it in he can move to strike it out and we will take a vote upon it and let it go. It is not a matter of very great importance. It will make very little difference, if any, the commissioners said when questioned about it.

Mr. MANN. It would make a great deal of difference to the convenience and the cost to people who have a two-apartment building if you absolutely forbid the collection of ashes and garbage from such a building as that. That is apparently what is done now by striking out that word "large," which is the current law.

Mr. WALSH. Certainly, if they are going to discriminate against large boarding houses, there is justification for discriminating against large apartment houses, it would seem to me, because, as the gentleman from Illinois has well said, this would apply to apartment houses with only two or three apartments in them.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I move to amend by inserting in line 17, before the word "apartment" the word "large."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 27, line 17, before the word "apartment" insert the word "large."

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard upon the amendment?

Mr. WALSH. No.

Mr. MANN. Mr. Chairman, I think that amendment ought to be agreed to. If we had a definition of what constitutes an apartment house, that it is a large building with a number of apartments in it, very well, but there is no such definition. The present law gives the commissioners the discretion to say what is a large apartment house, but if you absolutely forbid them to consider the collection of ashes from an apartment house at all, that applies to a house with only two apartments in it. It is a very common practice for a man to have constructed or to purchase a house with an apartment on the second floor and an apartment below on the first floor, in one of which he lives and from the rental of the other apartment endeavors to pay the interest and the principal due upon the building. That method of building is to be encouraged, not discouraged, as will be done it seems to me by the positive prohibition against the collection of ashes or garbage from such a building.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. DAVIS of Minnesota) there were—ayes 23, noes 5.

So the amendment was agreed to.

The Clerk read as follows:

In all, for playgrounds, \$109,220, to be paid wholly out of the revenues of the District of Columbia.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the last word. I note from the report of the committee that the item for playgrounds, payable only out of the revenues of the District of Columbia, has been cut \$133,215 below the estimate of the Director of the Budget and they have been cut \$16,000 below the appropriation for last year. I would like to ask the chairman of the committee why this great cut in the appropriation has been made?

Mr. DAVIS of Minnesota. Because, sir, I will tell you, they asked for the purchase of three playgrounds, amounting to \$108,000. We only gave them one, and did not give the three large ones. It is the purchase of ground at a large price, simply a real estate proposition.

Mr. ZIHLMAN. This item was approved by the Director of the Budget and the appropriation is paid entirely out of the funds of the District. This was submitted by the District Commissioners and approved by the Director of the Budget. Mr. Chairman, I withdraw the pro forma amendment and I want to submit a formal amendment to change the figures \$109,220, in line 19, page 29, to \$242,435, which is the amount recommended by the Director of the Budget.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 19, strike out the figures "\$109,220" and insert in lieu thereof the figures "\$242,435."

The CHAIRMAN. Does the gentleman from Maryland desire to be heard further?

Mr. ZIHLMAN. No.

Mr. DAVIS of Minnesota. Mr. Chairman, it seems to me that is an inconsistent motion. It is merely changing the total. The gentleman is not putting in anything specifying what he wants it for. It seems to me that the amendment is entirely out of order so far as that is concerned. This is merely a total. He has added to it without making any provision for expending it.

Mr. ZIHLMAN. Well, I have not the data to submit to—

Mr. MANN. This total is not an appropriation, this is really the sum of the items of the appropriation. It does not accomplish anything.

Mr. BANKHEAD. Does the bill, I have not a copy before me, carry an item specifically in amount for playgrounds?

Mr. ZIHLMAN. Yes; there is an item for one playground.

Mr. BANKHEAD. Well, it seems to me that the amendment could be properly rested on that section of the bill.

Mr. DAVIS of Minnesota. There are five separate paragraphs that have just been read making up this total of \$109,220.

Mr. MANN. It says in all for playgrounds so much, and that is the sum of the items of appropriation. To increase that would not increase the appropriation, but be a mere misstatement of fact.

Mr. ZIHLMAN. Mr. Chairman, in view of the statement made by the gentleman from Illinois and the gentleman from Minnesota, I withdraw the amendment. I wish, however, to call attention to the fact that this appropriation of \$133,000 is paid only out of the revenues of the District of Columbia, which would involve no additional expense to the Federal Government, and this appropriation is one which the District Commissioners state is needed and it has been approved by the Director of the Budget, notwithstanding the fact that he made a number of very drastic cuts in the estimates of the District Commissioners. I personally do not understand how the various items that make up this playground appropriation are prorated. I notice 22 watchmen only receive \$50 per month, and that a clerk, who shall be a bookkeeper, is receiving compensation of \$75 per month. Because of the fact that I have not been able to get the necessary information from the hearings, I am unable to put this amendment in proper shape, and therefore withdraw it.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to be allowed to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

BUILDINGS AND GROUNDS.

For completing the construction and full equipment of the new Eastern High School, \$900,000.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee a question. My information is that in the original estimate made by the Board of Education, and, I believe, approved by the Commissioners of the District, there was included an appropriation of \$250,000 for the purchase of a site for a new building or a new location for the McKinley Manual Training School?

Mr. DAVIS of Minnesota. No; there was not.

Mr. KETCHAM. There was no such recommendation made by the board?

Mr. DAVIS of Minnesota. None that came to us through the Budget at all.

Mr. KETCHAM. My statement was that it was made by the Board of Education to the Commissioners of the District, and I think they recommended it to the Director of the Budget.

Mr. DAVIS of Minnesota. It did not extend to this item. There was nothing of that kind that came before us from the Budget or otherwise.

Mr. KETCHAM. This committee has given no consideration whatsoever to this proposition?

Mr. DAVIS of Minnesota. There was some talk. I will tell the gentleman, to a certain extent outside the record. That talk was, and it is true, that the McKinley High School is the finest manual training school in the United States, as so stated by a young man who came before us, and that it was in the best condition and best kept. Then, in addition, there was some talk that in time they were going to build another school of a similar nature. I remember asking the question, What are you going to do with that grand building? The gentleman said that they were going to turn it over to the colored people when they got around to it and build another. That is about the substance about this new building, and that is all there is to it.

Mr. KETCHAM. Mr. Chairman, if my time has not expired, I desire to make some further remarks on this subject.

The CHAIRMAN. The Chair recognizes the gentleman.

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, I think the chairman of the subcommittee has stated the facts concerning this school very nicely indeed so far as the high rank of the institution is concerned and so far as the high grade of those graduating from it.

I have taken some pains to check this matter up, and I find that the graduates of McKinley Manual Training School take high rank when they enter higher institutions of learning.

Mr. DAVIS of Minnesota. A young man who appeared before our committee was a graduate of this McKinley High School, and he had also passed through the Boston "Tech," and he said that the McKinley High School graduate could go into the Boston "Tech" and do better than any man he ever knew of. I wish to say that in favor of the McKinley High School.

Mr. KETCHAM. I wish to say that my information is that there is one young man, a graduate of the McKinley Manual Training School, among the students enrolled in Worcester "Tech," so called, who has completed the four-year course in three years' time, indicating the high grade of instruction given at McKinley. With all that has been said, however, concerning high grade of instruction, and all that has been said of the fine young men and women that go out from it, I want to say that my observation leads me to believe that the plant in which this

institution is located is but little short of a reproach to the great Capital City of the greatest country in the world.

We take just pride in many of the stately public buildings that adorn this city, and no opportunity is lost to call them to the attention of visitors from other sections of the country, as well as those from foreign lands, but so far as I am advised none of the guides to the sights of Washington point out McKinley Manual Training School in this connection. The lack of architectural attractiveness could be overlooked, however, if the plant and equipment were adequate to the needs of the school. The present enrollment is 1,515, while the normal capacity is 1,100. Fifteen hundred pupils have 660 seats in the assembly room. Three additions to the building have failed to care for the enrollment, which has increased 48 per cent in three years. All the available ground is now occupied by the building, leaving no space for athletics or military drill. Gymnasium facilities are limited to a small space, made available by taking out a partition between two ordinary classrooms. Equipment is far below the cost of that of other similar schools in this country with which comparisons have been made. In my opinion we should have here in Washington a technical high school that should set the standard for the country in plant and equipment, as it already does for scholarship and rank of its graduates. Economy in expenditures is praiseworthy, but here is a capital investment that leads to character and efficiency which should not be overlooked.

I have asked these few minutes to express my regret that the matter of a site and a plant commensurate with the high-grade work of this school and the splendid work of the graduates thereof has not been provided. If the rules permitted it would be my great privilege to introduce an amendment looking toward the purchase of a site at an early day. I have been informed that such an amendment is not in order. But I sincerely trust before another appropriation bill reaches us for consideration that through the proper legislative channels there may be provided the means whereby in the city of Washington there shall eventually be located the finest manual training school in the United States, not only so far as graduates are concerned, but also as to plant and equipment. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

BLIND CHILDREN.

For instruction of blind children of the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the commissioners, \$10,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the board of education.

Mr. CHALMERS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman about the construction of this two-room building, at a cost of \$25,000, to replace the present one-room Chain Bridge Road School. Does the chairman think it a good business proposition to spend \$25,000 for a two-room building?

Mr. DAVIS of Minnesota. That is several pages back.

Mr. CHALMERS. Yes.

Mr. DAVIS of Minnesota. They have an old frame building there now, one room, and they are using it, and this \$25,000 will build a very fine two-room addition. I agree with the gentleman that the estimate is pretty high. There is no question of that in my mind, but I do not know of any way of cutting down the estimate when they need a school of that kind, and your committee was very liberal along that line and gave them about all we thought they were entitled to. In this case we could not cut the \$25,000 down.

Mr. CHALMERS. Is this a growing section? Would it be possible to erect there a portable building until a little later, when a larger building could be erected?

Mr. DAVIS of Minnesota. It is not a very growing section, but your committee thought that they would give them this \$25,000 building in case it was needed in the future.

Mr. EVANS. Will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. EVANS. There is, as I understand it, a two-room building there now that is not fit to use, and they are replacing it. But with reference to the amount of expenditure the estimates made by the engineers for eight-room buildings amount to \$17,500 per room. So there is not so much difference. They estimate at the rate of \$140,000 for an eight-room building, and this is a two-room building at \$25,000, making it \$12,500 per room. The committee did go into the question as to whether or not these amounts were excessive, and while we suspected that they were excessive the engineers assured the committee that they could not be built for less, not only one but two.

Mr. CHALMERS. It seems to me the price is excessive.

Mr. DAVIS of Minnesota. I am informed that I was in error when I said this was a two-room building out there. There is a one-room building there now.

Mr. FAIRFIELD. I would like to know whether this is a modern building, with heat and everything that should go with such a building?

Mr. DAVIS of Minnesota. Yes, sir. We are not building anything in this city but modern buildings.

Mr. FAIRFIELD. But this is out in a suburb.

Mr. DAVIS of Minnesota. It is just as good out there.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COURT OF APPEALS, DISTRICT OF COLUMBIA.

Salaries: Chief justice, \$9,000; two associate justices, at \$8,500 each; clerk \$4,250, and \$250 additional as custodian of the Court of Appeals building; assistant or deputy clerk, \$2,250; reporter, \$1,500; *Provided*, That the reports issued by him shall not be sold for more than \$5 per volume; crier, who shall also act as stenographer and typewriter in the clerk's office when not engaged in court room, \$1,200; three messengers, at \$720 each; three stenographers, one for the chief justice and one for each associate justice, at \$1,200 each; necessary expenditures in the conduct of the clerk's office, \$1,200; in all, \$42,410.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. What is the idea of including this court of appeals and the supreme court under a separate heading from that of the other courts of the District?

Mr. DAVIS of Minnesota. There is no good reason for it on earth. The same thing runs all through this bill. There are about five times too many subheads running throughout this bill. We tried to condense some of them, but they were very few.

Mr. WALSH. I thought perhaps there was some jurisdiction with reference to the buildings occupied, and so forth.

Mr. DAVIS of Minnesota. No.

Mr. MANN. This includes the police court? They are not courts of record.

Mr. WALSH. The municipal court is not?

Mr. MANN. I think not.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

NATIONAL TRAINING SCHOOL FOR GIRLS.

Salaries: Superintendent, \$1,200; clerk, \$1,080; matron and four teachers, at \$600 each; nurse, \$840; overseer, \$720; two parole officers, at \$600 each; seven teachers of industries, at \$480 each; engineer, \$720; assistant engineer, \$600; night watchman, \$480; two laborers, at \$500 each; in all, \$13,800.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order on the paragraph.

Mr. WALSH. What authorization of law is there for including a clerk at \$1,080 here? I notice this paragraph carries a clerk at \$1,080 on line 13. Is not that a new position that has been provided for?

Mr. DAVIS of Minnesota. I am inclined to believe it is.

Mr. WALSH. And the organic law that provides for this contains no authority for that position?

Mr. DAVIS of Minnesota. As to that I could not say. My secretary said he would look it up in a moment. But my present information is that it is not. I think probably this item would be subject to a point of order if the gentleman desires to strike it out. The committee were very much in favor of putting it in.

Mr. WALSH. It has been inserted by the committee for a number of years, and no doubt they looked into the matter. I was wondering whether they got any particular information as to why this particular position should be created.

Mr. DAVIS of Minnesota. I can not tell now, unless I refer to the hearings; there are so many of these items. But the committee was unanimous in putting it in. They took away the treasurer last year, at a salary pretty near the same as this, and they have been without anybody to take the place. The treasurer was a lady, and they ought to have this particular clerk in the place of the one that was cut out.

Mr. WALSH. Of course, you are not getting very far along in the pathway of economy if you take away one official one year because it is said there is no particular need for her and the next year come along and provide for another.

Mr. DAVIS of Minnesota. It was not in consequence of a particular need, but she was trying to fill two positions, one down there and one up here, and we cut her out. They were in need of such an employee. The item is subject to a point of order. I admit that.

The CHAIRMAN. Does the gentleman from Massachusetts make the point of order?

Mr. WALSH. Mr. Chairman, I think I ought to make the point of order, but the gentleman from Minnesota is so nice about it and so willing to concede the point of order that I think I will withdraw it.

Mr. FAIRFIELD. Mr. Chairman, I would like to ask the chairman of the committee as to how many boys are cared for annually in the National Training School for Boys. I notice the appropriation of \$70,000. I am interested to know the cost.

Mr. DAVIS of Minnesota. There are 179 boys there, I believe. These two institutions, the National Training School for Boys and the National Training School for Girls, are being run as nearly to a business proposition as anything contained within the pages of this bill.

Mr. FAIRFIELD. I am just interested to know.

Mr. DAVIS of Minnesota. You will notice there are 179, and the expense is only \$70,000. I think it is very reasonable, indeed.

Mr. FAIRFIELD. I do not question it.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For general repairs and for additional construction, including labor and material for each and every item connected therewith, \$5,000; for expenses of heat, light, and power required in and about the operation of the hospital, \$15,000; in all, \$20,000; to be expended in the discretion and under the direction of the Architect of the Capitol, and on July 1, 1922, the sum of \$25,000 of the surplus revenues of the hospital shall be deposited and covered into the Treasury of the United States as a miscellaneous receipt.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. As to this \$25,000 which is to be covered in as miscellaneous receipts, to whose credit does that go?

Mr. DAVIS of Minnesota. To the Treasury of the United States. This is a Government-owned building.

Mr. MANN. It may be a Government-owned building, but 60 per cent of the cost of operation comes out of the District of Columbia. I do not see why, when the District pays 60 per cent of the cost of operation, whenever they make a surplus the surplus is to be turned in to the credit of the United States. I do not understand that method. Do we propose to make the District of Columbia put up the money, and then if there is any profit we give it to the Government?

Mr. DAVIS of Minnesota. The District puts up no more money than is necessary to pay for its indigent. The District shares with them only the expense of the indigent patients.

Mr. MANN. The District contributed toward the construction of the hospital and toward the maintenance of the hospital. We make an appropriation here for the hospital, for its maintenance and care. Now, certain patients pay. That goes to help support the hospital. But it is a partnership affair, so far as the hospital is concerned, between the Government and the District, upon the basis of the District paying 60 per cent of the appropriation. If there is a loss, that is all right; the District pays that. If there is a profit, the Government takes it. That is worse than the excess-profits tax. There you never take more than two-thirds of what a man makes. Here you take it all.

Mr. DAVIS of Minnesota. From the statement the gentleman has made, so far as I am concerned, I am willing to frame up an amendment dividing the profits in the ratio of 60-40.

Mr. MANN. That would be satisfactory.

Mr. EVANS of Nebraska. Suppose we pass that over and come back to it later.

Mr. MANN. Very well.

Mr. DAVIS of Minnesota. Mr. Chairman, I ask unanimous consent to pass over this item temporarily.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to pass over this item temporarily, without prejudice. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the reservation of the point of order, and the Clerk will read. The Clerk read as follows:

For necessary physicians, nurses, orderlies, cooks, engineers, clerks, laborers, and other services for the organization and operation of the Gallinger Municipal Hospital, \$75,000; *Provided*, That during the fiscal year 1923 the number of persons whom it may be actually necessary to employ at any one time shall not exceed the proportion that the force to attend the actual number of beds available shall bear to the force required to attend the ultimate maximum capacity of 300 beds:

Provided further, That no person employed hereunder shall be paid at a rate in excess of the rate specifically appropriated for a similar grade of work for the Washington Asylum Hospital for the fiscal year 1922.

Mr. DAVIS of Minnesota. Mr. Chairman, I desire to make a correction in the spelling of the word "excess," in line 15, on page 75. As printed in the bill it contains an extra "e."

The CHAIRMAN. Without objection, the Clerk will make that correction.

There was no objection.

The Clerk read as follows:

Administration: For administrative expenses, including placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding \$25, and all office and sundry expenses, \$5,000; and no part of the moneys herein appropriated shall be used for the purpose of visiting any ward of the Board of Children's Guardians placed outside the District of Columbia and the States of Virginia and Maryland, and a ward placed outside said District and the States of Virginia and Maryland shall be visited not less than once a year by a voluntary agent or correspondent of said board, and that said board shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

Mr. WALSH. Mr. Chairman, I raise a point of order upon this paragraph. Is this existing law?

Mr. DAVIS of Minnesota. It is existing law, absolutely.

Mr. WALSH. Does the gentleman know how many wards have been placed outside of the District of Columbia in the States of Virginia and Maryland during the past year?

Mr. DAVIS of Minnesota. About 100 or 125.

Mr. WALSH. How many have been taken care of in the District of Columbia?

Mr. DAVIS of Minnesota. An average of 2,000.

Mr. WALSH. Why should this board be permitted to discharge from their guardianship any child committed to their care? Is the guardianship the result of some court proceeding?

Mr. DAVIS of Minnesota. All of these children are committed to the care of the board through court proceedings.

Mr. WALSH. Then how can the board discharge a child from guardianship?

Mr. DAVIS of Minnesota. The statute law on the subject authorizes that to be done.

Mr. WALSH. I withdraw the reservation.

The CHAIRMAN. The gentleman from Massachusetts withdraws the reservation of the point of order. The Clerk will read.

The Clerk read as follows:

Superintendent, \$1,200; janitor, \$360; cook, \$360; maintenance, \$5,000; in all, \$6,920, to be expended under the direction of the commissioners; and ex-soldiers, sailors, or marines of the Spanish War, Philippine Insurrection, or China Relief Expedition, who served at any time between April 21, 1898, and July 4, 1902, shall be admitted to the home.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Have any applications been made for admissions to this home by soldiers who served in the World War?

Mr. DAVIS of Minnesota. It was not so stated to the committee.

Mr. WALSH. What is the capacity of this place?

Mr. DAVIS of Minnesota. Last year the average attendance was about 17 per day.

Mr. WALSH. What is the capacity?

Mr. DAVIS of Minnesota. I have no definite information as to that. They have not said to us that they were overcrowded. As I say, the average attendance was about 17 per day.

Mr. WALSH. Where is this place located?

Mr. DAVIS of Minnesota. I can not tell the gentleman at the moment. I can look it up and inform him.

Mr. WALSH. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. DAVIS of Minnesota. I ask unanimous consent to go back to page 74.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 74. Is there objection?

There was no objection.

Mr. DAVIS of Minnesota. I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Minnesota: Page 74, line 7, after the word "States," strike out the words "as a miscellaneous receipt," and insert in lieu thereof the words "in the same proportion as the appropriations for such institution are paid from the Treasury of the United States and the revenues of the District of Columbia."

Mr. MANN. How does that read, Mr. Chairman?

Mr. EVANS. Mr. Chairman, let the amendment be reported again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read the amendment again.

Mr. MANN. Before the language proposed in the amendment should be added the words "to the credit of the United States and to the credit of the District of Columbia."

Mr. DAVIS of Minnesota. I not only have no objection to that amendment but I think it should be inserted. I want this money to be refunded to the District of Columbia and the Treasury of the United States in the same proportion—that is, 60-40—as it is paid, and if the Clerk will report the language in that form I will accept it.

Mr. MANN. After the word "States," in line 7, strike out "as a miscellaneous receipt" and insert "to the credit of the United States and to the credit of the District of Columbia," and then following that the language in the amendment—in the same proportion—

The CHAIRMAN. The Clerk will again report the amendment as modified, if there is no objection.

There was no objection.

The Clerk read as follows:

Page 74, line 7, after the word "States," strike out the words "as a miscellaneous receipt" and insert in lieu thereof the words "to the credit of the United States and to the credit of the District of Columbia in the same proportions as the appropriations for such institution are paid from the Treasury of the United States and the revenues of the District of Columbia."

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the amendment?

Mr. DAVIS of Minnesota. I move the adoption of the amendment.

Mr. WALSH. Will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. WALSH. This amendment is offered to make provision for the disposal of the surplus along the lines suggested by the gentleman from Illinois?

Mr. DAVIS of Minnesota. Yes.

Mr. WALSH. That is, 60 per cent of the surplus will be credited to the District and 40 per cent credited to the United States?

Mr. DAVIS of Minnesota. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments, damages to private property incident to encampments, instruction, practice marches and practice cruises, drills and parades, fuel, light, heat, care and repair of armories, offices, and storehouses, practice ships, boats, machinery and dock, dredging alongside of dock, telephone service, horses and mules for mounted organizations, street car fares (not to exceed \$200) necessarily used in the transaction of official business, and for general incidental expenses of the service, \$24,000.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word. I notice here a provision for the hire of horses for officers requiring to be mounted. Inasmuch as the Army has a great many horses, would not it be possible to use those horses rather than to hire them?

Mr. DAVIS of Minnesota. That language has been in the bill for a great many years, but they will never use it, and are instructed not to use it, except in case of an emergency. The language in a way is surplusage, but if you should take out all of the surplus language in the bill there would be a good deal of it.

Mr. JONES of Texas. Have they been accustomed to use Army horses?

Mr. DAVIS of Minnesota. Yes; they do now.

Mr. JONES of Texas. What is the reason for carrying this language in the bill?

Mr. DAVIS of Minnesota. I do not know of any particular reason, but if the gentleman should sit down and try to cut out all of the surplus language he will be grayheaded before he gets through.

Mr. JONES of Texas. The Government has been selling horses and has an appropriation for the purchase of horses, and now here is a provision for hiring horses.

Mr. DAVIS of Minnesota. They have been carrying this language in the bill, as I say, for a great many years, but they have not used any part of it, and I do not think they will use any of it this year.

Mr. MANN. If they use Army horses, they would have to hire them from the Army.

Mr. JONES of Texas. This language would not limit them to horses of the Army. I do not see any reason for a direct authorization to hire horses when, as the gentleman from Min-

nesota says, there is no necessity for it, and that they have not been doing it.

Mr. MANN. There might be a necessity for it.

Mr. JONES of Texas. I do not see why they should have to pay for horses that belong to the Army; it seems to me that they might make some arrangement by which they could use them.

Mr. MANN. The militia goes into camp and the officers may require horses. They can not get them from the Army without paying for them.

Mr. JONES of Texas. It seems to me that a privilege could be granted upon a requisition for horses for the militia.

Mr. MANN. And the cost of the requisition would be more than the cost of hiring the horses.

Mr. JONES of Texas. I do not see why that should be true. It may be on account of the way they are carrying on at the present time, but the militia is a part of the Army, and the Army has suitable horses, and it seems to me that an order from the head of the Army to allow militia officers to use the horses would be all that would be necessary.

Mr. EVANS. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. EVANS. Let me read from the hearings, page 749:

Mr. DAVIS. Do you hire many horses?

Gen. STEPHAN. Very seldom; only on occasions of parades. We have a couple of horses that we use on the rifle range for hauling. We have no horses that we use for riding purposes.

Mr. JONES of Texas. That is the militia department. Does it state that the Army has no horses?

Mr. EVANS. There is no question about the horses being plenty in the Army. The point is authority for the militia to hire horses.

Mr. JONES of Texas. The point I am making is why can not they get the horses from the Army by an arrangement to furnish them when the proper officer makes requisition?

Mr. EVANS. And it might cost five or ten times as much as it would to use the horses of the Army under this authorization.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last two words. I will state to my colleague that under the national defense act the War Department of the Federal Government furnishes all the militia with the necessary horses needed for military purposes or military drill and to the States throughout the Union. The hiring mentioned in this paragraph may be necessary for small matters, a parade or something of that character where it may be necessary to use horses. Therefore I think the language ought to stay in the bill. They do not spend any money to amount to anything, and it can certainly do no harm to allow the language to remain in the bill.

Mr. JONES of Texas. Do they ever find it necessary to hire outside horses?

Mr. BUCHANAN. Now and then, the hearings disclose.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

OFFICE OF PUBLIC BUILDINGS AND GROUNDS.

Salaries: Superintendent, \$3,600; assistant and chief clerk, \$2,400; clerks—one \$1,800, one \$1,600, one \$1,400, two at \$1,200 each; messenger, \$840; landscape architect, \$2,400; junior engineer, \$1,500; in all, \$17,940.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. May I ask the chairman of the committee if this is the superintendent who has charge of the construction of buildings in the District of Columbia?

Mr. DAVIS of Minnesota. No, sir; he is not.

Mr. DOWELL. What department is this?

Mr. DAVIS of Minnesota. This is Col. Sherrill, of the Office of Public Buildings and Grounds. He has an office here in the city.

Mr. DOWELL. What are the duties of his department?

Mr. DAVIS of Minnesota. They are quite extensive. He has to do with more parks than any other branch of the Government.

Mr. DOWELL. I notice that it is under the heading "Public buildings." Has he any authority relative to the construction of public buildings?

Mr. DAVIS of Minnesota. The State, War, and Navy and public buildings of that character. He has to supervise those.

Mr. DOWELL. But he has no supervision over the erection of public buildings?

Mr. DAVIS of Minnesota. None at all.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For operation, care, repair, and maintenance of the pumps which operate the three fountains on the Union Station Plaza, \$4,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Is there any item carried in the bill for operating the Dupont fountain?

Mr. EVANS. There is not.

Mr. WALSH. Or have we passed that?

Mr. DAVIS of Minnesota. There is no item in this bill for that.

Mr. WALSH. Why should it cost \$4,000 to operate three fountains at the Union Station Plaza when most of the time there is no sign of any operation of them?

Mr. DAVIS of Minnesota. Three thousand two hundred dollars of that is for electric current alone.

Mr. WALSH. For light?

Mr. DAVIS of Minnesota. Electric current for operating the pumps.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. EVANS. The water that is used in those fountains is used over and over again. They are not gravity fountains. There are electric pumps which throw the water through the fountains, and it flows back in and is pumped over again.

Mr. WALSH. How many of those fountains have we in the city that require electric current to operate?

Mr. DAVIS of Minnesota. This one and the Dupont.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

ROCK CREEK AND POTOMAC PARKWAY COMMISSION.

To enable the commission created by section 22 of the public buildings act approved March 4, 1913 (37 Stat. L., p. 885), to continue proceedings toward the acquisition of lands required for a connecting parkway between Potomac Park, the Zoological Park, and Rock Creek Park, \$100,000: *Provided*, That the total area of lands finally to be acquired for said parkway shall not exceed the area and parcels described and delineated on map No. 2, contained in House Document No. 1114 of the Sixty-fourth Congress, first session, and the additional lands in squares 2543 and 2544 described in the sundry civil act approved June 5, 1920: *Provided further*, That the expenditure of the funds appropriated herein shall be subject to all the conditions imposed by the sundry civil appropriation act approved July 1, 1916: *Provided further*, That in order to protect Rock Creek and its tributaries, none of the moneys herein or heretofore appropriated for the opening, widening, or extending of any street, avenue, or highway in the District of Columbia shall be expended for the opening, widening, or extension of any street, avenue, or highway which shall or may in the judgment of the District Commissioners permanently injure or diminish the existing flow of Rock Creek or any of its tributaries, nor shall permission so to do at private expense be granted to any private person or corporation except by the joint consent and approval of the Commissioners of the District of Columbia and the officer in charge of Public Buildings and Grounds.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. I want to ask the chairman about the item at the top of page 89, to provide for the increased cost in park maintenance, \$50,000. Does that mean that this is in addition to what has been expended for the maintenance of parks?

Mr. DAVIS of Minnesota. That is an appropriation that was carried for a considerably greater sum than that at the beginning of the war, and we have been gradually cutting it down until we have cut it down now to what we think is proper at this time, \$50,000.

Mr. DOWELL. How much was allowed last year?

Mr. DAVIS of Minnesota. Sixty-five thousand dollars in the current law.

Mr. DOWELL. Is it the purpose of the committee to cut this out entirely?

Mr. DAVIS of Minnesota. To keep on cutting as fast as we can, consistently—that is, as long as I have anything to do with the committee. Eventually we may cut it all out.

Mr. DOWELL. There is a provision for various expenditures in the items on the preceding page. Do they not cover all of the necessary expenses?

Mr. DAVIS of Minnesota. If the gentleman had heard the testimony, I do not think that he would have concluded to cut them all out at this time. We are going at the rate of \$15,000 or \$20,000 a year.

Mr. DOWELL. It seems to me that the way to cut them out is to cut them out, and permit them to spend what is necessary, and put it in the item calling for that expenditure.

Mr. DAVIS of Minnesota. They were afraid that they would have to come in with deficits, and that is why some of these estimates are made pretty large. We cut them down just as much as we thought we ought to cut them.

Mr. DOWELL. It is the policy of the committee not to bring in deficiency bills?

Mr. DAVIS of Minnesota. That is the policy, if we can bring it about.

Mr. WALSH. Mr. Chairman, I rise in opposition to the pro forma amendment. What progress are they making in connecting up these parks? Can the gentleman give us the result of the work heretofore done, and how near the project will be completed that was authorized in 1913?

Mr. DAVIS of Minnesota. It may last three or four years yet. If the gentleman has time to study this little map which I hand to him, he could tell more about it from that.

Mr. WALSH. From the looks of it, I do not think I would understand it, if I studied it. I know the gentleman with his usual clarity of expression could tell me in a very few words just how they are getting along.

Mr. DAVIS of Minnesota. They are getting along with reasonable rapidity, but not according to my view of economy. However, the gentleman must not take my view of economy as being correct.

Mr. WALSH. The plan is to have a practically continuous parkway?

Mr. DAVIS of Minnesota. Yes.

Mr. WALSH. From Rock Creek Park down here to East Potomac Park?

Mr. DAVIS of Minnesota. Yes.

Mr. WALSH. Is there anything in the hearings to show whether it is contemplated to build a rose garden or a peony garden in any of this particular part that is to be acquired or improved?

Mr. STAFFORD. Oh, if the gentleman will permit, if there is to be a peony garden, they would have to get the services of the only expert on peonies in the United States, the gentleman from Illinois [Mr. MANN].

Mr. DAVIS of Minnesota. They asked for a separate appropriation to keep the weeds down, but this committee did not grant it; and several other things they asked for we did not grant. We have cut the matter down as low as we thought proper at this time.

Mr. WALSH. What was the limit of cost for the project?

Mr. DAVIS of Minnesota. I do not know.

Mr. WALSH. Does not the varicolored sheet which the gentleman tried to inflict upon me contain that information?

Mr. DAVIS of Minnesota. I think possibly it does. I really do not know, and I am unable to say whether there is any limit of cost to it. That would not make any difference about making appropriations, however.

Mr. WALSH. How much longer will we have to be making appropriations to acquire these tracts of land? That is what I would like to know.

Mr. DAVIS of Minnesota. That will depend upon circumstances, but in the opinion of the committee it will be completed inside of three or four years.

Mr. MANN. They have been making an appropriation, I think, for some years at the rate of \$200,000 a year, or thereabout. This year the commission reported that under the circumstances they thought they ought to get along with \$100,000.

How long this will take may depend on what action is taken by Congress in the future. There is a bill now pending before the House to have this commission acquire Klinge Road Park.

Mr. DAVIS of Minnesota. And Piney Branch.

Mr. MANN. And Piney Branch Park, and another one down there.

Mr. DAVIS of Minnesota. The Patterson tract—\$600,000 for that.

Mr. MANN. And the Patterson tract. If Congress should act favorably upon bills of that character, it would take considerable time, probably, before acquiring the land.

Mr. STAFFORD. Will the gentleman yield? Are they considering the removal of the Botanic Garden to any of these tracts? Before the committee each year we have had up for consideration a proposal to remove the fence around that garden. Is there any serious consideration being given to the removal of the garden?

Mr. MANN. The gentleman from Wisconsin has undoubtedly visited the Botanic Garden, but evidently he is not familiar with these tracts or he would know that no amount of money could locate the Botanic Garden on any of them.

Mr. DAVIS of Minnesota. I will say for the gentleman's information, although I presume he knows it, that there is a movement on foot among certain gentlemen of this city to remove the Botanic Garden to some place on Anacosta Flats when we get it in due shape. That is the latest movement along that line.

Mr. STAFFORD. Mr. Chairman—

Mr. WALSH. I will yield to the gentleman from Wisconsin.

Mr. STAFFORD. What became of the suggestion, which a distinguished Senator opposed some years ago, to move the Botanic Garden to Rock Creek Park?

Mr. DAVIS of Minnesota. The upper end. That died, so to speak, because it would not cost anything to get that land. Therefore it is dead.

Mr. DOWELL. Is there a tract of land to be purchased at Anacostia?

Mr. DAVIS of Minnesota. The symptoms I say are in the air and there have been conversations, but they have not submitted to this committee anything definite along that line yet.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. I will yield to the gentleman from Minnesota to complete that last sentence.

Mr. DAVIS of Minnesota. The last sentence was this; we have spent millions and probably will spend more millions to improve Anacosta Flats and this year you will notice in the bill we have gotten them down to the point where \$150,000 will complete everything below Bennings Bridge. As to whether subsequent Congresses will go above Bennings Bridge and buy several million dollars worth of land or not, that is left for a future Congress, but this Congress will not do it, at least this committee will not consent to anything in that connection. I think there was considerable talk that in time that ought to be improved so that we could remove the Botanic Garden there. The land is very high priced out there, and we might improve that and when the land gets high enough in price then we will remove the Botanic Garden over there. But that is all in the air. Rock Creek Park in my judgment would be a good place. It would not cost the Government anything because we own that land.

Mr. GRAHAM of Illinois. Will the gentleman yield for a question? Is any part of this \$100,000 to be used to buy that piece of land that runs by the Sixteenth Street Bridge in what is called Piney Branch?

Mr. DAVIS of Minnesota. No, sir.

Mr. GRAHAM of Illinois. I see there is a project to buy a few acres of land up there that is occupied principally by a sewer and a few trees and pay about \$150,000. None of this money goes for that purpose?

Mr. DAVIS of Minnesota. I think the gentleman is mistaken about the price; I think he has—

Mr. GRAHAM of Illinois. That I have gotten it too low?

Mr. DAVIS of Minnesota. I think the price is \$235,000, and Klinge Park \$150,000, and the Patterson tract \$600,000. They wanted us to put something in this bill, but your subcommittee did not put it in. I see that a bill has been introduced in the Senate for that purpose, to purchase a million dollars' worth of property.

Mr. MANN. It has been reported to the House. If the gentleman kept up to date, it is on the calendar of the House now.

Mr. GRAHAM of Illinois. I want to congratulate the gentleman on the wisdom of his committee, and I hope that the good efforts along that line will be continued.

Mr. WALSH. Mr. Chairman, I notice that a number of lots remain to be purchased under this Rock Creek and Potomac Parkway Commission, created March 4, 1913. The number of lots yet to be purchased are 197. The total number of lots or parcels are 465.

The assessors' full valuation of all land to be purchased is \$1,532,664. The difference below the assessors' full valuation of the land thus far acquired is \$115,160.70, or 12.07 per cent. The United States owned on December 31, 1921, 130.35 acres, or 81.74 per cent of the total area of parkway; that the total organization expenses December 31 is \$50,274.82. The grand total of all expenditures is \$838,888.45. They had an unexpended balance on December 31 last of \$118,011.55. So I take it that the project having been accepted, the appropriation this year being \$100,000, the expenditure yet to be made being in the vicinity of \$700,000, it will probably be several years—

Mr. DAVIS of Minnesota. Three or four years. That is my understanding.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Does the gentleman have any objection to inserting this table in his remarks in reference to this matter?

Mr. DAVIS of Minnesota. I have no objection, Mr. Chairman, but it seems to me that it would clarify and beautify the gentleman's remarks if used in connection with them, and I have no objection to that.

Mr. WALSH. Very well.

Mr. Chairman, I ask unanimous consent that this table of expenditures and balances may be incorporated as a part of my remarks, eliminating the colored plan.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to be allowed to include in his remarks certain figures, but not the colored drawings. Is there objection? [After a pause.] The Chair hears none.

The following is the statement referred to:

Rock Creek and Potomac Parkway—progress of purchasing.
[Commission created Mar. 4, 1913.]

Period.	Lots.	Area (acres).	Purchase price.	Assessor's full value.	Per cent of area to be purchased.
July 1, 1916, to June 30, 1917.....	11	1.39	\$22,096.39	\$22,910.78	1.489
July 1, 1917, to June 30, 1918.....	24	7.96	100,841.94	116,267.47	8.530
July 1, 1918, to June 30, 1919.....	37	9.98	116,718.52	159,647.02	10.694
July 1, 1919, to June 30, 1920.....	60	21.99	206,646.70	328,101.27	23.564
July 1, 1920, to June 30, 1921.....	64	6.65	128,725.74	118,720.38	7.137
July 1, 1921, to Dec. 31, 1921.....	66	16.01	206,084.34	207,003.23	17.155
Purchased by District of Columbia government.....	6	.21	16,900.00	5,419.00	.225
Total.....	268	64.20	788,613.63	954,069.15	68.795
Total organization expenses, July 1, 1916-Dec. 31, 1921.....			50,274.82		
Grand total.....			838,888.45		

¹ From appropriation for Rock Creek pumping station.

Difference below assessor's full valuation, \$115,189.70, or 12.07 per cent.
United States owned December 31, 1921, 130.35 acres, or 81.74 per cent of total area of parkway.

Number of lots remaining to be purchased, 197.

APPROPRIATIONS.

July 1, 1916.....	\$50,000.00
July 12, 1917.....	100,000.00
July 1, 1918.....	150,000.00
July 19, 1919.....	250,000.00
June 20, 1920.....	200,000.00
Mar. 4, 1921.....	200,000.00
Total.....	950,000.00
Unexpended balance Dec. 31, 1921.....	118,011.55

GENERAL DATA.

Number of squares affected.....	41
Number of undivided parcels affected.....	12
Total number of lots and parcels in project.....	465
Area of proposed parkway.....	159.47 acres.
United States owned July 1, 1916.....	66.15 do.
Area to be purchased July 1, 1916, plus addition of June 5, 1920.....	93.32 do.
Assessor's full valuation of all land to be purchased.....	\$1,532,664

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

NATIONAL ZOOLOGICAL PARK.

For roads, walks, bridges, water supply, sewerage, and drainage; grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals; necessary employees; incidental expenses not otherwise provided for, including purchase, maintenance, and driving of horses and vehicles required for official purposes, not exceeding \$100 for the purchase of necessary books and periodicals, and exclusive of architect's fees or compensation, \$125,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. DOWELL. I desire to inquire of the chairman how much the fees amount to that are expended for architects in this park. I note they are excluded from this expense of \$125,000.

Mr. DAVIS of Minnesota. I do not believe that I could give the gentleman that information.

Mr. DOWELL. Who performs such a service?

Mr. DAVIS of Minnesota. There is nothing in the hearing that discloses how much, if any, they were going to use for architect's fees, but I will say to the gentleman that the amount is very small.

Mr. DOWELL. In what appropriation is this provided for?

Mr. DAVIS of Minnesota. There is no building going on, and I really do not think that they will use any sum whatever. At least, there has been no specific appropriation for architect's fees connected with it. But this language is in here, and it has been in here for a great many years. And, as I say, it is impossible to cut out all the surplus language in this bill.

Mr. DOWELL. If it is cut out and this thing excluded, would it then permit the employing of architects outside?

Mr. DAVIS of Minnesota. There is no appropriation for it. The only appropriation for the Zoological Park is this \$125,000.

Mr. DOWELL. Then, should we not cut out of the paragraph "exclusive of architect's fees or compensation?"

Mr. DAVIS of Minnesota. I have no objection to its going out, but it ought to stay in, because there might be something

arising some time during the next year or two where they would need to pay some architect's fees.

Mr. DOWELL. But the gentleman has said that there is no appropriation.

Mr. DAVIS of Minnesota. There is no appropriation direct for that.

Mr. DOWELL. Therefore it could not be used in the next year.

Mr. MANN. It is desirable, if my friend from Iowa will permit, to have the language of appropriation bills from year to year as nearly similar as practicable.

Mr. DOWELL. Is there a provision for an architect in the city?

Mr. MANN. There is a municipal architect, I believe, connected with the schools, or otherwise, but he would not have anything to do with the Zoological Park. The Zoological Park is not under the control of the District of Columbia at all.

Mr. DAVIS of Minnesota. This is under the Smithsonian Institution.

Mr. MANN. It is under the Smithsonian Institution.

Mr. DOWELL. Whoever is employed here as an architect would be in independent employment, and not in connection with any other matter of the District government?

Mr. MANN. If they had any building an architect would be employed, but I understand they have nothing.

Mr. DAVIS of Minnesota. Nothing now.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FROTHINGHAM having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WATER SERVICE.

The following sums are appropriated wholly out of the revenues of the water department for expenses of the Washington Aqueduct and its appurtenances and for expenses of the water department, namely—

Mr. MOORE of Virginia. I wish to ask the gentleman from Nebraska if he proposes to make his statement now of the water situation?

Mr. EVANS. I was going to offer a pro forma amendment at the conclusion of the next paragraph and make the explanation.

Mr. MOORE of Virginia. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WASHINGTON AQUEDUCT.

For operation, including salaries of all necessary employees, maintenance and repair of Washington Aqueduct and its accessories, McMillan Park Reservoir, Washington Aqueduct tunnel, the filtration plant, the plant for the preliminary treatment of the water supply, authorized water meters on Federal services, vehicles, and for each and every purpose connected therewith, \$170,000.

Mr. EVANS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. EVANS. Mr. Chairman and gentlemen of the committee, I wish to correct and restate what I intended to say in the hearings as recorded on page 340. I am made there to say that the lady to whom I was speaking had not stated the facts; but what I meant to say was "that the things that she thought were happening were not happening."

The reason that I made the pro forma amendment is for the purpose of stating to the committee the position that the subcommittee took with reference to the proposed improvement to increase the water supply of Washington. First, there was no authorization for an appropriation to pay for the improvement. Not only was that true, but so far as the House was concerned there never had been any hearings on the project. At the time that the authorization for the detailed plans was made there were no hearings had in the House. How extensive they might have been in the Senate I do not know. In looking over the plans it was the opinion of the committee that the plans were not sufficiently definite and did not go far enough, and I shall endeavor to tell you what the situation is, what the relief proposed is, and likewise why we think it is not best, at the present stage of conditions, to make an appropriation until there is further investigation.

This map was prepared by one of the engineers, who prepared the plans and made the estimates; and before I go into that I

want to say something with reference to the conditions under which the engineers worked. The time was quite limited. After they had made their first report and between that and the time the deficiency bill would be considered Maj. Tyler was directed to make the plans. Shortly after he began the work he was taken down with pneumonia, and although his physician directed him to cease work, he continued until his superior officer ordered him to stop and promised that he would take up the work and finish it. That superior officer did take up the work, but he had scarcely begun until his eyes became affected, and he in turn was directed to discontinue his work. But notwithstanding that, he continued until the plan or report was presented. Therefore in what I wish to say I am in no sense intending to criticize the plan as made, but to indicate that it was not finished with sufficient detail.

The present system consists of a 9-mile conduit, with which you are familiar, on what is known as the Aqueduct Road, extending from Great Falls to what is called the District line, or Dalecarlia Reservoir. From there it is continued to what is called the Georgetown Reservoir, and then over this line [indicating] to what is called the McMillan Reservoir, at which place are the filtration beds, where the water is put into a condition for use as we draw it from the pipes.

This conduit down here [indicating] was built some 50 or more years ago. It is made of brick and stone, and while they can go through it—that is, by shutting the gates at the dam and allowing the water to run out—they have only one day in which to make any repairs before the water must be turned on again.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska may be permitted to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Nebraska may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. EVANS. As I was saying, they would have but one day in which to work, and, as the engineer who appeared before the committee testified, they could not, of course, in one day make any great repairs in the aqueduct.

The aqueduct shows signs of disintegration to this extent: The plaster and mortar are falling from the bricks, and there are places where there are cracks. Its limit in the matter of conveyance of water is 90,000,000 gallons per day. And I want to say, in that respect, that in the last year, 1921, at one time 81,000,000 gallons were carried through that aqueduct. That is, the consumption for a day at least, perhaps several days, was 81,000,000 gallons, so that the capacity of that conduit was nearly reached.

The next weak place is where the conduit crosses Rock Creek. At this place [indicating] in order to get across Rock Creek, they sunk perpendicular shafts down to a level below the bottom of Rock Creek, and carried by tunnel across the channel of Rock Creek, and then up by another vertical shaft on the east side through which the water flows. It therefore is apparent that there is a pressure at all times on the bottom of that tunnel equal to that supplied by a column of water of the height of the depth of that tunnel. I can not give you that distance. That tunnel has not been dewatered in seven years, because it takes a day to dewater it, and before they can get down and do anything they must have water through it again to supply the city. It is a weak place also for this reason: While it is circular, except in two or three places, there is a bulge in it, and the last time it was dewatered that bulge was shored up, so that you see there are two weak places, this [indicating] being the worse of the two.

Mr. ARENTZ. What does the gentleman mean by "this"?

Mr. EVANS. The place where it goes under Rock Creek.

Now, I wish to tell you how the water is distributed. This part of the map colored green represents the business portion of Washington, and the water is sent from the McMillan Reservoir by gravity, also to the Anacostia Flats, which I think needs some pumping. There is a pumping plant which pumps water from the reservoir at McMillan Reservoir on to the filtration beds, and from there it is fed by gravity.

The last statement that I had was to the effect that 47 per cent of the water that is used in Washington is used through this gravity portion of the system, but the statement for the previous years shows that there was something over 50 per cent of it used, so that throughout my explanation of the matter I shall use the term "50 per cent" as more easily understood than the exact figures would be if I were to use them. The portion of the map that is dark-colored, brown or red, is the first high level, and that is supplied by a pump. The same is true of the second level, which is colored yellow. The one above,

the green, is supplied by the reservoir there, which is filled by pumps from McMillan Reservoir.

With reference to these two levels, the first and the second, my understanding is that they have no reservoir, but pump directly into the distributing system, the pumps furnishing the pressure, while with reference to that in the green territory they have a reservoir, and on the remainder there they have a standpipe. The way they propose to remedy this condition is by duplicating the aqueduct from the dam at Great Falls down to what is called the Dalecarlia Reservoir. There they intend to put up filtration beds and purify that portion of the water that they do not handle through the old reservoir. It will be furnished by two lines of pipe. As to the upper one of them, I can not tell how far that goes, but it is well up north toward the higher portions of the city. The other one runs in a southeasterly direction to a point which is near the old Georgetown Reservoir. That is as far as their plan goes. You will notice that if their plan is adopted and carried out, it will furnish to what are known as the high levels the water from the filtration plant located at the western end of the District, or the Dalecarlia Reservoir, and the balance of the District or of Washington must be supplied by the old system. The reason why I have found fault with that condition is this: One-half of 82,000,000 gallons of water, the amount used in a day during June in 1921, is 41,000,000 gallons of water. There has been an annual increase in the use of water in the District of Columbia varying between 1,000,000 gallons per day and 3,000,000 gallons per day, depending upon what series of years you take. If you take the medium between the two, which is 2,000,000 gallons, and if you take into consideration the fact that it will require three years to complete this plant, at the rate of an annual increase of 2,000,000 gallons there will be an increase of 6,000,000 gallons of water used by the people of Washington when this plant is completed; and if we are now using 82,000,000 gallons of water per day we will have practically 88,000,000 gallons per day consumption, one-half of that being in the territory which is fed by gravity. If you have 88,000,000 gallons a day consumption when you begin to use your new system, you have practically got to the limit of this pipe line that runs through Rock Creek, because you are sending through the tunnel 44,000,000 gallons, and 49,000,000 gallons prevents dewatering. Therefore, if there is any chance at all for an accident, you are in practically the same condition then that you are now. The answer to that, as made by the engineers, is that in the hot portion of the year and the cold portion of the year they use water 30 per cent in excess of the average, taking into consideration the daily average. That estimate is about 5 per cent high, as shown by the tables in the report of the chief engineer covering 1921; and, while I think of it, I ask that I may include as a part of my remarks the tables which are furnished as to consumption of water, as to cost of the plant, and as to the variation in the use of water, so that the same may be printed and accessible to everyone who reads my remarks.

[From the Report of Chief of Engineers (1921), p. 2044.]

TABLE 1.—Consumption (in million gallons) of water per 24 hours.

(A) MAXIMUM.

Month.	Fiscal years.							
	1914	1915	1916	1917	1918	1919	1920	1921
July.....	73.68	72.86	62.11	65.47	66.41	77.89	75.64	79.96
August.....	69.95	68.78	62.34	64.04	71.76	75.08	77.95	75.85
September.....	70.48	65.72	59.61	66.10	66.58	75.66	76.48	82.05
October.....	63.44	68.10	62.00	59.68	67.42	71.66	75.36	72.69
November.....	60.96	57.11	56.39	58.39	64.00	75.39	70.35	68.10
December.....	56.58	67.86	56.11	59.03	68.97	69.42	76.89	67.82
January.....	62.31	56.91	57.80	61.56	75.87	74.69	79.42	67.53
February.....	67.75	55.52	57.74	68.82	80.39	68.79	72.91	65.56
March.....	70.93	53.67	58.04	58.85	70.91	65.58	72.00	67.60
April.....	59.81	58.33	55.70	56.37	69.12	68.52	68.39	66.93
May.....	63.54	63.37	60.67	60.59	75.09	68.42	69.00	66.45
June.....	69.59	65.38	58.14	68.26	78.44	77.33	74.27	81.92

(B) MINIMUM.

July.....	56.78	50.49	48.49	47.66	47.18	60.33	60.59	57.54
August.....	53.72	52.28	47.10	50.05	51.17	63.61	60.59	57.94
September.....	52.65	50.90	43.51	48.17	50.64	60.22	61.32	58.63
October.....	44.76	51.74	46.66	44.34	52.61	55.68	62.60	59.17
November.....	47.44	44.78	44.24	41.98	50.05	56.84	58.46	50.21
December.....	45.08	46.98	37.95	43.19	47.18	52.55	54.75	49.25
January.....	45.94	45.51	38.62	41.50	64.60	54.89	59.99	51.16
February.....	45.77	44.77	41.13	44.94	58.56	51.86	57.67	51.56
March.....	48.39	42.37	42.78	39.06	53.50	52.92	59.40	53.58
April.....	47.38	45.88	43.84	42.49	53.01	53.83	55.98	53.91
May.....	50.82	46.23	44.23	44.05	59.83	55.66	54.32	53.48
June.....	51.48	48.03	44.50	45.10	54.92	57.91	53.21	55.78

TABLE 1.—Consumption (in million gallons) of water per 24 hours—Con.
(C) AVERAGE.

Month.	Fiscal years.							
	1914	1915	1916	1917	1918	1919	1920	1921
July.....	63.64	58.83	55.93	56.76	58.58	66.64	68.55	68.10
August.....	60.15	59.33	55.46	57.88	62.37	70.48	69.43	68.37
September.....	59.33	58.49	55.04	57.07	60.60	68.03	69.91	68.92
October.....	55.60	58.31	54.48	51.59	58.50	65.62	68.48	67.29
November.....	53.02	52.84	49.78	50.95	55.41	65.29	64.53	63.86
December.....	50.42	54.43	48.41	50.74	58.15	63.50	65.50	62.05
January.....	53.17	52.10	49.31	51.92	70.88	66.06	67.27	61.46
February.....	56.60	50.28	49.46	54.25	68.21	62.20	66.97	60.46
March.....	56.78	48.71	49.49	49.89	62.04	61.33	66.04	60.62
April.....	51.13	51.20	50.14	58.49	62.38	62.15	63.71	61.74
May.....	57.10	53.88	52.67	53.69	67.51	63.91	63.59	61.47
June.....	60.40	55.53	52.61	60.08	67.75	67.65	67.02	69.54
Average.....	56.43	54.54	51.91	53.81	62.67	65.26	66.75	64.49
Population.....	353,297	353,664	357,749	359,997	395,947	417,405	455,428	437,571
Daily per capita consumption, gallons.....	160	154	145	149	158	156	147	147

[From p. 78 of S. Doc. 403, 66th Cong., 3d sess.]

TABLE No. 4.—Present and estimated future population of the District of Columbia.

	Gravity.	First high.	Second high.	Third high.	Total.
Population, 1920.....	161,800	163,000	85,000	27,800	437,600
Estimated increase to 1980.....	147,000	20,400	65,000	130,000	362,400
Estimated population in 1980.....	308,800	183,400	150,000	157,800	800,000
Estimated increase for ultimate population.....	311,000	43,300	136,800	274,000	765,100
Estimated ultimate population.....	472,800	206,300	221,800	301,800	1,202,700

PRESENT AND FUTURE CONSUMPTION IN MILLION GALLONS PER DAY.

Consumption, 1920.....	34.40	19.81	9.24	3.30	66.75
Estimated increase to 1980.....	24.20	3.37	10.72	21.45	59.74
Estimated consumption in 1980.....	58.60	23.18	19.96	24.75	126.49
Estimated increase for ultimate population.....	51.30	7.15	22.55	45.20	126.20
Estimated ultimate consumption.....	85.70	26.96	31.79	48.50	192.95

NOTE.—The figures in the "Gravity" column include Anacostia, and those in "Third high" include the fourth high areas. The water for Anacostia is supplied through the gravity system and the water for the fourth high service is supplied through the third high system and both are again pumped by pumps other than those in the main District of Columbia pumping station.

[Extract from Annual Report Chief of Engineers for fiscal year 1921, p. 2050.]

Washington Aqueduct and filtration plant.

FINANCIAL SUMMARY—STATEMENT OF EXPENDITURES ON ALL PROJECTS TO JUNE 30, 1921.

Expenditures.	Washington Aqueduct.	Purification plant.	Investigation of additional supply.	Metering Government services.	Total.
Appropriated to June 30, 1921.....	\$10,349,231.81	\$4,495,334.16	\$55,500.00	\$86,050.00	\$14,986,115.97
Balance available until expended.....				141.90	
Reverted to Treasury or held in reversion fund.....	111,914.20	164,431.95	1,484.10	1,553.59	279,383.84
Reappropriated.....	93,547.69				93,547.69
Expended, including outstanding liabilities.....	10,164,140.99	4,330,902.21	54,015.90	64,496.41	14,613,555.51
For construction.....	7,919,737.21	3,508,961.71	54,015.90	64,496.41	11,547,211.23
For maintenance and operation.....	2,244,403.78	821,940.50			3,066,344.28
Paid by United States.....	6,558,820.83	2,165,451.105	37,516.40	9,648.23	8,771,436.565
Paid by District of Columbia.....	2,748,516.26	2,165,451.105	16,499.50	9,648.23	4,940,115.095
Paid by water department, District of Columbia.....	856,803.90			45,199.95	902,003.85

1 Not deducting \$15,651.39 received from sale of land, etc., and \$1,719.68 interest on claim of Maloney & Gleason.

[From District auditor's report.]

Amount of water revenues collected from July 1, 1878, to June 30, 1920..... \$18,227,906.30

Amount of water revenues expended for distribution or betterment and improvements of the water system to June 30, 1920..... 8,122,077.39

Amount of water revenues expended in payment of expenses of maintenance and operation to June 30, 1920..... \$7,531,305.10

Amount of water revenues expended for any other purpose to June 30, 1920..... 1,650,778.50

Balance of water revenues unexpended June 30, 1920..... 164,652.22

Balance of water revenues unexpended at last balance, June 30, 1921..... 209,331.18

Now, if I am right about this statement that I have made, and if we are going to spend, as they say, practically \$10,000,000 to provide a new system, we ought not to be left at the end of six years in practically the same condition in which we now are. It is easy to criticize, but my idea is that one ought to suggest something. I am not an engineer, but I have had some practical experience in works of this character, and my suggestion, made to one of the engineers, was to connect the lines of pipe which now carry the water from the McMillan Reservoir or filtration beds to the high level with this system, which will of necessity be connected with the McMillan Reservoir, by putting in a by-pass around the engine or pump, and in the case of the loss of use of this aqueduct under Rock Creek you would get for practical purposes the same amount of water back to the McMillan Reservoir that it is now furnishing to the higher levels. The engineer did not say that this idea was wrong, but he admitted that it might be worked out nicely. The line which they propose to run from the Dalecarlia Reservoir is more than sufficient to take care of the water consumption on these two levels. You could do the same thing with reference to the reservoir, by connecting the bottom of the reservoir with the pipe that pumps the water from the McMillan Reservoir to the reservoir in the highest or third level, and by putting a by-pass around that pump. I am informed that before they used the McMillan Reservoir there was a system by which this water was carried through to what we now know as lower Washington, or the business portion of Washington, without filtration, and that at some place near where I am pointing on the map, which is not more than a hundred rods from the end of their line, is the old system of distribution, and if you would connect the line that runs southeast from the Dalecarlia Reservoir with the old Georgetown system you then would have practically what would give you a way to furnish water to all of Washington, even though you did have difficulty with the tunnel. There is a letter, which has already been put in the Record, in which the estimated cost of this improvement is fixed at nearly half a million dollars—between \$400,000 and \$500,000. I think that estimate is too large.

Mr. DOWELL. Will the gentleman yield there?

Mr. EVANS. I would rather go on until I get through with my explanation. Then I will answer any questions that I can.

When the engineer and the gentleman from Virginia [Mr. MOORE] and I were considering this question I asked the engineer to fix approximately what would be the cost of this connection from the old Georgetown Reservoir down to the old water system. Of course, we all knew that he could not fix it exactly, but I asked him to approximate it. He gave it at \$130,000, and it seems to me that that is quite reasonable. Suppose, however, that you make it \$500,000; that is but a little over 4 per cent of the cost of your entire system—that is, of the improvement—and it does give you a dual plant. Permit me to say that most water systems have a dual or circulating system. For instance, if a line of distributing mains is run up Eighteenth Street and another one up Fourteenth Street, with your pumping plant, we will say, at F Street, the proper thing to do is to connect the north end of Eighteenth Street with the north end of Fourteenth Street, so that you have circulation in your system. It furnishes an additional advantage. If you should have a break in your system halfway up Eighteenth Street, you have only to shut off the short part of the system in which the break is located, and you can feed from Fourteenth Street around to the north end of Nineteenth Street and also up the south end of Eighteenth Street.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska be allowed to continue until he concludes his explanation.

Mr. MANN. Let us fix a time. The gentleman can have all the time he desires.

Mr. MOORE of Virginia. Fifteen minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Nebraska be allowed to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. EVANS. What I have suggested here with reference to the other system is simply the application of that principle in a

more extended way. It does not seem to me to be the proper thing to spend over \$9,000,000 and then have your system so that in the course of 10 or 15 years you will be where you are now.

In talking with the engineers it was suggested that it would be much harder to repair the conduit from Great Falls down to the District line than it would be to repair the line from Georgetown Reservoir to the McMillan Reservoir. I can not conceive how that can be.

In the one case you have to put everything up and down shafts and in the other there are many gates or ways of getting into the conduit at various places from the dam down to the reservoir.

Another reason why I think there ought to be hearings on this matter is that these estimates were made when things were quite high. You have your report practically made in 1920, and if we would go into an investigation into this system by hearings had by the proper legislative committee and examine the various plans I think it would be very much better. Now, these were the reasons we had in mind besides that of the point of order when deciding as we did with reference to this appropriation.

Mr. DAVIS of Minnesota. Will the gentleman yield?

Mr. EVANS. I will yield.

Mr. DAVIS of Minnesota. Does not the gentleman think that the legislative committee of either the Senate or the House ought to go thoroughly into this matter before they ask for an appropriation?

Mr. EVANS. In my mind there is no question about it. The legislative committee ought to take it up and consider it both as to costs and also as to efficiency. The estimates in detail with the plans ought to be examined, so that when you come to fix the authorization you will be within the limit.

Mr. MANN. Will the gentleman yield?

Mr. EVANS. Certainly.

Mr. MANN. Under whose direct charge is the water system?

Mr. EVANS. If I understand the gentleman, the water system from the dam to the McMillan Reservoir is under the War Department and the balance is under the District.

Mr. MANN. Whatever is done this side of the first reservoir the conduit needs to be reconstructed and a new conduit in any case.

Mr. EVANS. That is my opinion.

Mr. MANN. That is something that is not dependent on doing the work this side of that.

Mr. EVANS. The gentleman is suggesting what has been talked of and thought of by those who have studied the situation.

Mr. MANN. Why is it not perfectly feasible to go ahead with the construction of the additional conduit—I suppose that is what would be done, although I do not know—while you are investigating the rest of the subject?

Mr. EVANS. The solution the gentleman suggests, which is the one suggested by the gentleman from Virginia, I think is a better way. The engineer thinks it is the way they should proceed.

Mr. MAPES. Will the gentleman yield?

Mr. EVANS. I will.

Mr. MAPES. In the gentleman's statement he said there were two weak points in the present system, one the conduit from the Great Falls leading into the city and the other the tunnel under Rock Creek. In discussing the proposed improvement he stated that it contemplated a new conduit paralleling the present one running to the city and then a filtration plant at the city limits which would supply the two higher levels.

Mr. EVANS. All the upper levels.

Mr. MAPES. It is not clear to me, although it seems to be to the gentleman, why it would be necessary after the completion of the proposed improvement to have the whole 88,000,000 gallons a day run through the conduit under Rock Creek, inasmuch as the water going through there only supplies the lower levels in the southeast.

Mr. EVANS. I am not sure whether the gentleman was here when I first began my explanation.

Mr. MAPES. Yes; I was here.

Mr. EVANS. I will repeat. For seven years the tunnel has not been dewatered because you can not dewater it and have any time left. Now, seven years ago, when they stopped dewatering it, the average amount of water which went through per diem was 49,000,000 gallons. When you have 88,000,000 gallons consumption, one-half of which is used by the gravity level, you have 44,000,000 gallons going through the tunnel, although you have the new conduit supplying the upper levels, and it is only 5,000,000 gallons below the average at the time they ceased to be able to get into the tunnel.

Mr. MAPES. The whole 81,000,000 gallons per day necessary to supply the city would not have to go through there after the improvement?

Mr. EVANS. It does now.

Mr. MAPES. The whole 81,000,000 gallons?

Mr. EVANS. The 81,000,000 gallons go through that tunnel.

Mr. MAPES. They do now, but it would not be necessary for them to do so after the new conduit was laid and the upper levels supplied from the proposed filtration plant at the limits of the city.

Mr. MANN. Perhaps this will help. Does all of the water go through the McMillan Reservoir?

Mr. EVANS. Yes.

Mr. MANN. That is the one north of us.

Mr. EVANS. Yes; all the water used in Washington goes through the filtration plant out near the Soldiers Home.

Mr. MAPES. If one-half of it stops at the District line, why is it necessary to have the full 81,000,000 gallons go under Rock Creek?

Mr. EVANS. It is necessary to supply water to the gravity of lower Washington. They are afraid of the tunnel, more so than the conduit between here and Great Falls.

Mr. MANN. As I understand the gentleman, his point is that the tunnel under the creek would have to supply in the neighborhood of 40,000,000 or more gallons for the gravity system.

Mr. EVANS. That is correct.

Mr. MANN. If the other were diverted.

Mr. EVANS. That is correct.

Mr. MANN. And that that amount of water daily is so carried that the reservoirs could not be made to hold enough to keep using it for more than a day.

Mr. EVANS. That is it exactly.

Mr. MANN. And in a day you can not repair it.

Mr. MAPES. I have in mind the water for the lower level of the city.

Mr. MANN. That is the gravity system.

Mr. EVANS. With the exception of right where we are now, where I direct my pointer, which is called the first high, the water flows by gravity from the McMillan Reservoir and furnishes water to all this territory that is colored blue. When we put in the new system we will take off the McMillan Reservoir the burden of furnishing water to all the balance of Washington; but this blue territory uses one-half of all the water Washington consumes. We have now gotten to nearly the limit of this conduit, which, according to the engineers, is 90,000,000 gallons, and we used at times during this past year practically 82,000,000 gallons—79,000,000 gallons a day in a number of months. I think there were three months in which we passed 79,000,000 gallons of water consumption in one day.

Mr. MAPES. Does that all go under the creek?

Mr. EVANS. Yes; under Rock Creek. If there is an increase of 2,000,000 gallons in daily consumption for three years, you have an increase of 6,000,000, so that there will be days when there will be 88,000,000 gallons of water consumed in Washington.

Mr. MAPES. If you divert half of that at the District line, why would it be necessary to send just as much under the creek then as now?

Mr. EVANS. That will leave going to the gravity system 44,000,000 gallons per day. When they stopped being able to dewater the tunnel under Rock Creek they were using only 49,000,000 gallons, so that you are within 5,000,000 gallons of the point where you are unable to dewater the tunnel for repairs, and you will then have your tunnel under Rock Creek in exactly the same condition it is now and you will have no way to supply water to the gravity portion of the system in case of accident to the tunnel unless you get it from these other sources that I have mentioned.

Mr. MANN. What is the water supply in the reservoirs?

Mr. EVANS. I can not give you that, except in a general way. He said that as it is now they could only have one day—that is, it would take them a day to dewater—and then they would have a day left, which would be practically two days' water.

Mr. MANN. Of course, there is a great deal of difference in the amount of water at different times in the year.

Mr. EVANS. The average amount of water used in 1921 was 66,000,000 gallons plus.

Mr. MANN. The average does not make so much difference. What you want is the lowest amount of water.

Mr. EVANS. In the same year you had practically 82,000,000 gallons used at a certain time of the year.

Mr. MANN. But if there is a certain season in the year when they use comparatively little water, that is the test as to

whether you can store enough to cover a certain period of time.

Mr. EVANS. That is the proposition of Maj. Tyler, that he intends to get into this tunnel during the fall or the spring when the use of water is at its lowest stage and repair it then.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. EVANS. Yes.

Mr. KINDRED. Is it not a fact that the water coming from the Great Falls direction and from Georgetown all has to go through this main tunnel which is never dewatered?

Mr. EVANS. It is never dewatered, and it all goes through there at the present time.

Mr. KINDRED. From the standpoint of public health, is it not a fact that organic matter and silt continues to gather in this main tunnel, affording a nucleus and a field for germs which, in a measure, may destroy all of the effort made to purify the water in the filtering plants, showing the necessity for some process by which the main tunnel may be dewatered as quickly as possible?

Mr. EVANS. The gentleman I think is in error as to where the purification process takes place. At present it all takes place after the water has passed through the tunnel except the silt basins. The filtering basins are on the other side at McMillan Reservoir.

Mr. KINDRED. I thought the gentleman spoke of some elaborate filtering plant in the water system toward Great Falls.

Mr. EVANS. Correct, but the water running through that will not pass through the tunnel to which attention has been called; it will go pretty nearly west from the Dalecarlia Reservoir to those portions of the system that are needed to supply the north part of Washington. The other portion goes in a southeasterly direction. I may say there that the detailed distribution was not presented to the committee, and just how they are going to perfect it from the point near the Georgetown Reservoir I am not certain.

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Will the gentleman permit me to put a question or two to him?

Mr. EVANS. Certainly.

Mr. MOORE of Virginia. As I understand, the gentleman is of opinion that it is necessary to provide an additional water supply, and that construction of the facilities ought to be carried on as rapidly as it can be carried on?

Mr. EVANS. That is my opinion, and I think the facts that I have enumerated would suggest that.

Mr. MOORE of Virginia. In addition to what the gentleman said in answer to a question from the gentleman from Illinois [Mr. MANN], I understand that the gentleman thinks that this matter of determining the method of distribution to the east of the District line need not delay the construction of the new conduit from the Great Falls to the District line and the construction of the new filtration plant at the District line?

Mr. EVANS. I do not think it will delay it at all. I may say in further answer to the question I think this ought to be done; that before the money is appropriated, or before the appropriation is made for the construction of the conduit and the filtration plant, there ought to be hearings to which I have alluded, and they ought to fix with reasonable accuracy just what the cost is going to be, and provisions ought to be made which would insure the proper construction within a proper limit of cost and under such terms as would insure the Government against loss.

Mr. MOORE of Virginia. Assuming the construction of the new conduit and filtration plant at the District line will cost approximately \$5,000,000, does the gentleman think it would be inexpedient before this bill is finally enacted to amend it by making an appropriation of, say, \$2,000,000, which is about all that could be spent up to the expiration of the fiscal year 1923, to be expended altogether in the construction or toward the construction of a new conduit to and the construction of a filtration plant at the District line, assuming that such amendment could be drawn in proper terms?

Mr. EVANS. I think it is a wise thing to do.

Mr. MOORE of Virginia. If I may say to the gentleman, I shall not offer to amend the bill, but I hope that it will be amended before we finally act upon the bill in this House.

Mr. EVANS. Well, I should not want to see any amendment put upon the bill with conditions as they are now. I think

there ought to be further investigation and certainty fixed, both as to how this is going to be distributed ultimately and—

Mr. BLANTON. Will the gentleman yield?

Mr. EVANS. I will.

Mr. BLANTON. In view of the fact that the Government paid for the present conduit—that is, it belongs to the Government, and the Government paid all the expenses of it, owns it—and in view of the further fact that the District has grown now to be a city of 437,000 people, with great commercial interests, does the gentleman think it fair to the people of the United States to be called upon now to spend 40 per cent of \$5,000,000 to furnish this extra water supply about which the gentleman from Virginia has spoken so much?

Mr. EVANS. The gentleman has raised a question which can be justified very largely by facts. If the gentleman wishes to investigate, if he will get the first volume of the Chief of Engineer's report for 1921, and turn to page 2045, he will find the meter measurement for water used by the Government of the United States.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BRIGGS. I would like to ask the gentleman if in this purification process they are continuing to keep the water supply of the District purified?

Mr. EVANS. Washington, according to the report of the Engineers, has one of the best water systems, so far as purity is concerned, that there is in the country. There are systems that have water a little bit less hard, but those of us who come from the West think this water is the best we have seen.

Mr. BRIGGS. Does an analysis of the water disclose anything that would be deleterious to health?

Mr. EVANS. Nothing.

Mr. BRIGGS. I have understood they make analyses of this water about every day. Is that correct or not?

Mr. EVANS. That I do not know.

Mr. DAVIS of Minnesota. Is it not a fact that the hearings before us have disclosed the fact that there never was any better water in the United States than now furnished the District of Columbia in all respects?

Mr. EVANS. I think that is a fair statement.

Mr. BRIGGS. I desire to ask the gentleman another question. Has the meter system been installed in the District yet?

Mr. EVANS. Quite thoroughly. I think as to those who use water, outside of what the Government uses, it is all metered; that is my understanding.

Mr. BRIGGS. I think it was stated on the floor some time at other periods when the appropriation bill for the District of Columbia was under discussion that the water was not metered in the District of Columbia, and it only encouraged waste, and there was great need for this metering; and I wondered if it was metered now, and what the effect of this metering has been in reference to the consumption of water—whether it has been reduced or increased?

Mr. MANN. We commenced forcing the installation of meters here 15 or 20 years ago.

Mr. BRIGGS. Has that been rather general?

Mr. MANN. We have been requiring it. I do not know whether they have been enforcing it or not.

Mr. ZIHLMAN. I will state that the consumption of water has remained almost stationary in the District for the past seven years notwithstanding the increase in population of almost one-third.

Mr. BRIGGS. What is the average consumption now?

Mr. ZIHLMAN. Around 65,000,000 gallons per day. The gentleman stated that only the legislative committee of Congress had passed on this project. Is it not a fact that two Secretaries of War and the Chief of the Corps of Army Engineers, and the Waterpower Commission, which is composed of the Secretary of War and the Secretary of the Interior and the Secretary of Commerce, have reported on this proposition, and the present Secretary of War, Mr. Weeks, has in two instances, at least, urged upon Congress the imperative necessity of beginning the construction of this conduit?

Mr. EVANS. As the gentleman stated the question, I can not answer. I have here the report which was made when they investigated under the direction of Congress the matter of power and water supply. That report did not go into distribution and, as I view it, and as I think it is, the most of the investigation has covered the water supply and bringing it from Great Falls to the District line, and the rest of it has not received much attention.

Mr. ZIHLMAN. The War Department, that made the investigation, has not any jurisdiction, but before you can distribute the water you must get it to the District line.

Mr. EVANS. There is not any question about that.

Mr. LINTHICUM. Is it contemplated in this survey to acquire any land around the watershed at Great Falls?

Mr. EVANS. There is no intention, so far as I know, to acquire land that is included in the watershed. They have investigated it in this report, and, if you care to read it, you will see that they cover that question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended.

Mr. DAVIS of Minnesota. I object, Mr. Chairman. We have been having this for an hour or so.

Mr. LINTHICUM. You can not spend the time on any better subject.

Mr. DAVIS of Minnesota. But we can not do anything about it.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. I want to ask the gentleman if he does not think it important to acquire land in the watershed?

Mr. EVANS. My opinion is based on the report, and in that report they say it is not necessary to acquire land along the watershed, but they do require land along the conduit if they put in the addition.

Mr. LINTHICUM. Do you think the water here ought to be metered to the people, or whether or not it ought to be distributed on some other basis?

Mr. EVANS. I think it ought to be metered to them.

Mr. LINTHICUM. I want to say to the gentleman that I was convinced against that two or three years ago by the gentleman from Illinois [Mr. MANN], and I think it ought to be free to the people.

Mr. DAVIS of Minnesota. I wish to say that we make appropriation this year for more meters, and we are going to continue that system.

Mr. LINTHICUM. The gentleman from Illinois [Mr. MANN] said two or three years ago we ought not to meter the water to the homes of the District, but that it ought to be as free as it could be made.

Mr. MANN. I think the more water in the homes the better it is.

Mr. LINTHICUM. That is what I think. I agree with the gentleman on that.

Mr. MOORE of Virginia. Mr. Chairman, may I have the attention of the gentleman from Minnesota [Mr. DAVIS], the chairman of the committee? At this time, or when the reading of the bill is concluded, will not the gentleman agree that I may have 10 or 15 minutes in which to discuss the general subject to which it relates?

Mr. DAVIS of Minnesota. After we have read the bill.

Mr. MOORE of Virginia. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 4. That the services of assistant engineers, draftsmen, levelers, rodmen, chainmen, computers, copyists, and inspectors temporarily required in connection with water department work authorized by appropriations may be employed exclusively to carry into effect said appropriations, and be paid therefrom, when specifically and in writing ordered by the commissioners, and the commissioners in their annual estimates shall report the number of such employees performing such services and their work and the sums paid to each: *Provided*, That the expenditures hereunder shall not exceed \$15,000 during the fiscal year 1923.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. What is the idea of this proviso that the expenditure shall not exceed \$15,000 during the fiscal year 1923?

Mr. DAVIS of Minnesota. The idea is that they could not spend more than \$15,000.

Mr. WALSH. How much do you appropriate?

Mr. DAVIS of Minnesota. The appropriation is very large, four or five hundred thousand dollars in an item over here. That may be used for the purposes for which it is expressed. This is for temporary employees. I think we have enough employees already, but if an emergency arises we do not want to expend more than \$15,000 for temporary employment. This has been in the law for many years.

Mr. WALSH. This is the general appropriation, and then you are providing it may be used, for this particular emergency purpose, not to exceed \$15,000?

Mr. DAVIS of Minnesota. That is all. It is for temporary employment.

The Clerk concluded the reading of the bill.

The CHAIRMAN. The Clerk has just called the attention of the Chair to what is evidently an error in the word "receipt," page 100, line 6. It should be in the plural and not in the singular. Without objection, the correction will be made.

There was no objection.

Mr. DAVIS of Minnesota. Mr. Chairman, the bill has been read through, and before I move that the committee rise, I want to ask unanimous consent that the gentleman from Virginia [Mr. MOORE] be granted 10 minutes to talk on any matter on which he desires to talk.

Mr. MOORE of Virginia. Can not the gentleman make it 15? I have given the gentleman no trouble.

Mr. DAVIS of Minnesota. That is true.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the gentleman from Virginia may be allowed to proceed for 15 minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. Mr. Chairman, I shall not, as I stated awhile ago, offer a water-supply amendment to this bill because it would go out on a point of order. I have, however, placed in the Record, as has been indicated by the gentleman from Nebraska [Mr. EVANS], correspondence with the Chief of Engineers, Gen. Beach, which points to the propriety of an amendment which, if adopted, will avoid delay in providing new facilities, and, at the same time, in no manner interfere with the future decision of the question raised by the committee as to how the water gathered in the proposed new filtration plant at the District line shall be distributed—a question just discussed by the gentleman from Nebraska.

The view expressed by the committee relative to the distribution feature of the Tyler project differs from the view of the engineers of the War Department, and the question as to which is the correct view and the view which should receive the approval of Congress can hereafter be determined without much difficulty. Meanwhile the confessedly necessary construction of a new conduit from the Great Falls to the District line and the construction of a new filtration plant at the District line can be rapidly carried on if the bill finally includes an appropriation confined to that portion of the project. We must, it seems, rely not upon ourselves but upon the Senate to make possible such an appropriation, and likewise for other important amendments.

It is regrettable that the subcommittee which framed the bill, due in part to its wholesale acceptance of the reduction of the estimates of the commissioners made by the Bureau of the Budget and in part to limitations imposed by the rules of the House, must, along with the rest of us, look to the Senate for such action as may, and it is to be hoped will, result in the passage of a more satisfactory bill. We are compelled to rely upon the Senate to rescue the House from the unfortunate consequences of its own self-repression.

The debate that has been had has at least served to suggest that it is possible to improve the relations of Congress to the District. What I am about to say is intended to support that suggestion by outlining certain steps that might be taken in the way of modifying the legislative procedure and that would result, as it seems to me, in materially bettering the condition that now exists.

There is one fundamental change favored by some that in my judgment should not be thought of, namely, the institution of self-government in the District, if thereby is meant government similar to that of a State having a governor and legislature elected by the people, or of a city with a mayor and council elected by the people. It would be a mistake to abandon the present commission form of government when so many cities are turning to it as the desirable form, or to assimilate the local government to that of a State, which would be entering again upon an experiment which proved so almost disastrous when it was tried here many years ago.

There is another thing that invites incidental comment. It is understood that an effort is being made to obtain a constitutional amendment that would enable the District, by popular vote, to secure representation in Congress and participate in presidential elections, and this, I am inclined to believe, is a reasonable proposition. Other considerations aside, it would give the District a political status that would tend to assure it more comprehensive and tolerant treatment. But without waiting for that there is much that might be done at once.

1. Congress is the District legislature, and one trouble is on account of delay in enacting legislation. The initiation of District legislation now rests with one or the other of two large District committees—the Senate Committee of 13 members and the House Committee of 21 members. These committees act separately. A measure carefully, and often very elaborately, considered and reported by one may be considered de novo and to the same extent by the other. Why not, in order to speed

legislation, establish a single Joint District Committee, to which could be referred bills originating in either House and empower it to make reports to either House, or simultaneously to both Houses, as it may determine? That this would save the waste of time attaching to independent Senate and House committee action can hardly be questioned. Nor is it open to question that the reports of such a joint committee would carry a weight and authority that separate reports do not commonly carry. The justification for such a departure from the present procedure lies in the fact that the legislative power of Congress over the District is exceptional, just as the requirements of the District are exceptional, and that it would contribute to facilitate Congress in performing the unusual functions which it must exercise in enacting all the laws that are applicable here—a task that Congress did not attempt in governing the numerous Territories that have become States, and that it does not now attempt in governing the remaining Territory of Alaska. The departure would not be a crude experiment. There is now a Joint Committee on Printing, which promotes coherence and expedition, and special joint committees have from time to time been created to discharge duties that otherwise would have been less coherently and expeditiously performed.

2. There should be more opportunity given for considering and disposing of District measures. The House is, of course, crowded with work, but that is not a good reason why District legislation should be constantly sidetracked by disregarding the rule that assigns certain days for that purpose. If there is a will to do it, time can be found. For instance, perhaps ample opportunity could be found if one-half of the time should be allotted to District business that is now taken up in what is called "general debate," when we make speeches mainly for the benefit of our constituents, a large percentage of which could just as well be printed without being delivered as delivered in advance to very small audiences.

3. And I ask here the attention of the distinguished gentleman from Illinois, the chairman of the Committee on Appropriations, Mr. MADDEN: Appropriation bills are, of course, of prime importance to the District. It is to be kept in mind that the taxpayers of the District now bear 60 per cent of the expenditures that are permitted. The burden to be borne by the Treasury under the present bill is 40 per cent of the total, or about \$8,000,000. This is mentioned to show that in this respect, as in other respects, the relation of Congress to the District is exceptional not only because of the division of liability but because of the comparatively small amounts appropriated. During the debate I have ventured the belief that, while the Budget law may be all that is claimed for it otherwise, it should not apply to District appropriations. It is one thing for the Bureau of the Budget to compile for submission to Congress estimates for the expenditures of a department, but it is quite another thing to compile and submit estimates for District expenditures, which can not be done without a full knowledge and survey of the District situation, of its schools, its parks, its streets, its sewers, its public utilities, and all of the other varied activities that pertain to the well-being and progress of a large municipality. Under a State budget law the governor and his advisers are responsible for the estimates presented to the legislature. The estimates are the products of executive investigation. Department estimates are the product of executive investigation. The commissioners are the executive of the District. They are selected because of their acquaintance with local conditions, their experience, and the confidence that is felt in the fidelity with which they will guard all interests, and the District estimates should be the product of their investigation. They should not be hampered, nor should Congress be hampered, by leaving it to any other agency to advise Congress as to what should or should not be appropriated, and in that connection presupposing that the House, while it may diminish the Budget estimates, must not take the liberty of increasing them. The commissioners are the executive branch of the District government, and should be in close contact and deal directly with the legislative branch, which is Congress. To the commissioners should be intrusted the duty of submitting to Congress what, in their opinion, is needed, and Congress, without placing itself under any restraint, should decide whether the commissioners are right; and if not, to what extent they are wrong.

4. I also entertain the belief, in further recognition of the exceptional jurisdiction of Congress over the District, that there would be a gain in concentrating legislative processes by conferring upon the joint committee jurisdiction to report the District appropriation bills and incorporate therein legislative provisions. The great policy that is thought to be served by placing all appropriations in the control of a single House committee would not be impaired in any real sense by placing Dis-

trict appropriations, which, as stated, are comparatively small, under the control of a joint committee; nor do I see how anything but good could come from releasing such a committee from the present rule that subjects legislative provisions on appropriation bills to points of order. The embarrassment and delay caused by the House being disabled from doing in the first instance what it so frequently does after the Senate has led the way would thus be removed.

The plan I have briefly outlined would make for simplicity and expedition. May I again call this to the particular attention of the distinguished gentleman from Illinois?

Mr. MADDEN. I am listening with very careful attention to the gentleman's very lucid statement.

Mr. MOORE of Virginia. The machinery for bringing legislation before Congress would thus consist of the commissioners and one joint committee, instead of the commissioners, the Bureau of the Budget, two standing committees of the House, and one standing committee of the Senate. It would be only a modification of procedure. The House would surrender no single element of power. Nothing could be finally done without the approval of Congress. The last act and the last word would rest with Congress.

Mr. MADDEN. Would it not simplify it if it were left entirely with the commissioners?

Mr. MOORE of Virginia. That would divest Congress of any final authority, which no one suggests, and of course it is not to be thought of.

Should it be said that the plan outlined would be a deviation from the general system of procedure now in force and a sacrifice of the theory pervading that system, the reply is that in conducting government differences of environment and circumstances can not be ignored but must always be reckoned with.

A sound political philosophy is expressed in the well-remembered lines of the great author who declared in substance that the government which is best administered is best. We should all desire for the District the best character and methods of government that can be devised.

Mr. EVANS. Does not the gentleman believe that there ought to be local self-government in the District; that is, within proper limitations?

Mr. MOORE of Virginia. I have stated that I do not believe in instituting local self-government here if I understand the term as it is now used. That was tried for a time many years ago, and the experiment was well-nigh disastrous. I do not think the experiment should be renewed. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10101) making appropriations for the government of the District of Columbia for the fiscal year ending June 30, 1923, and for other purposes, had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DAVIS of Minnesota. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

Mr. DAVIS of Minnesota. If it is in order, Mr. Speaker, I would like to inquire how many amendments were adopted by the committee?

The SPEAKER. The Chair is informed that there are about 10. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DAVIS of Minnesota, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to the appropriate committee as indicated below:

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.; to the Committee on Ways and Means.

EXTENSION OF REMARKS.

Mr. KETCHAM. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 10101.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks on the bill just passed. Is there objection?

There was no objection.

ORDER OF BUSINESS TO-MORROW.

Mr. MONDELL. Mr. Speaker, a number of gentlemen have asked in regard to the program to-morrow. So far as I am advised Calendar Wednesday work will be taken up to-morrow. As gentlemen are aware, the Committee on Claims has the call.

LEAVE OF ABSENCE.

Mr. GERNERD, by unanimous consent, was granted leave of absence for the remainder of the week, on account of important business.

ADJOURNMENT.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 8, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KAHN: Committee on Military Affairs. H. R. 8786. A bill to amend the act entitled "An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children," approved June 30, 1921; with an amendment (Rept. No. 672). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOMINICK: Committee on the Judiciary. H. R. 8342. A bill to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts; with an amendment (Rept. No. 673). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAGO: Committee on Military Affairs. S. 2774. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; without amendment (Rept. No. 674). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAGO: Committee on Military Affairs. S. 2307. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; without amendment (Rept. No. 675). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOCHT: A bill (H. R. 10314) to limit the immigration of aliens into the United States; to the Committee on Immigration and Naturalization.

By Mr. VOLSTEAD: A bill (H. R. 10315) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved by the President July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 10316) for the relief of the estate of George B. Spearin, deceased; to the Committee on Claims.

By Mr. CROWTHER: A bill (H. R. 10317) granting a pension to Gregory Bird; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 10318) granting a pension to Martha H. Saers; to the Committee on Pensions.

Also, a bill (H. R. 10319) granting a pension to George Pointer; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 10320) authorizing the Secretary of War to make a survey of the northwest branch of the Cape Fear River, between Wilmington and Navassa, N. C.; to the Committee on Rivers and Harbors.

By Mr. PATTERSON of Missouri: A bill (H. R. 10321) granting a pension to Mary Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10322) granting a pension to Sarah A. Hawkins; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 10323) for the relief of Lawrence J. Kessinger; to the Committee on Claims.

By Mr. STEDMAN: A bill (H. R. 10324) for the relief of Charles Brown; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3864. By Mr. ATKESON: Petition of V. J. Burns and other duck hunters, of Warrensburg, Mo., urging the extension of the duck-hunting season to March 10; to the Committee on Agriculture.

3865. By Mr. CRAMTON: Petition of Mr. Sam Dobson, of Decker, Mich., and other residents of that State, asking that the tariff on Cuban sugar be continued; to the Committee on Ways and Means.

3866. By Mr. CULLEN: Resolution adopted by the Western Association of State Game Commissioners, protesting against the enactment of Senate bill 1452, the Federal public shooting ground and game refuge act; to the Committee on Agriculture.

3867. Also, petition of the New York State legislative board, Brotherhood of Locomotive Firemen and Enginemen, opposing sales tax and favoring the La Follette Senate bill 2901; to the Committee on Ways and Means.

3868. Also, resolutions adopted by the Department of New York, American Legion, urging the dismissal of all inefficient employees of the Veterans' Bureau; to the Committee on Interstate and Foreign Commerce.

3869. Also, resolution adopted by the directors of the Pennsylvania State Chamber of Commerce, relative to the eradication of bovine tuberculosis; to the Committee on Agriculture.

3870. By Mr. DALLINGER: Petition of the city council of the city of Cambridge, Mass., relative to reconditioning the *Leriatan* at the Charlestown Navy Yard; to the Committee on the Merchant Marine and Fisheries.

3871. Also, petition of the United Spanish War Veterans, Camp No. 30, of Medford, Mass., urging the inclusion of the veterans of the Spanish War in any bonus bill that might pass in Congress; to the Committee on Ways and Means.

3872. By Mr. KISSEL: Petition of the United Spanish War Veterans, of Buffalo, N. Y., urging the enactment of House bill 4; to the Committee on Pensions.

3873. Also, petition of the Connecticut Chamber of Commerce, of Hartford, Conn., relative to the Fordney tariff bill; to the Committee on Ways and Means.

3874. By Mr. LYON: Resolutions adopted at meeting of North Carolina Forestry Association, held at Wilmington, N. C., January 27, 1922, protesting against the proposed transferring of some or all of the activities of the Forest Service from the United States Department of Agriculture to the Department of the Interior, and indorsing bills pending in Congress for extending the scope of the work of the United States Forest Service for increasing the appropriation for prevention of forest fires as authorized under the Weeks law; to the Committee on Agriculture.

3875. By Mr. McDUFFIE: Resolutions adopted by the Kiwanis Club of Gadsden, Ala., urging Congress to give due care and consideration to the offer of Mr. Ford for development of Muscle Shoals, Ala., with the view of accepting his offer; to the Committee on Military Affairs.

3876. By Mr. MORIN: Petition of 150 citizens of Pittsburgh, Pa., requesting tax on light wines and beer in order that money may be raised for the soldiers' bonus; to the Committee on Ways and Means.

3877. By Mr. RAKER: Petition of the Longshoremen's Association of San Francisco and bay districts, San Francisco, Calif., indorsing Senate bill 745 and urging its passage; to the Committee on the Judiciary.

3878. Also, letter and resolutions of the Western Association of State Game Commissioners, Salt Lake City, Utah, protesting against Senate bill 1452, entitled "The Federal public shooting ground and game refuge act"; to the Committee on Agriculture.

3879. Also, petition of the California Corrugated Culvert Co., of West Berkeley, Calif., indorsing House bill 9446, to incorporate the American Institute of Accountants; to the Committee on the District of Columbia.

3880. Also, petition of the California Forest Protective Association, of San Francisco, Calif., indorsing House bill 9882 and Senate bill 2924, providing for Federal appropriation to

assist in prevention of the spread of white-pine blister rust; also petition of Vallejo Lodge, No. 252, I. A. M., of Vallejo, Calif., relative to the military and naval appropriation bills; to the Committee on Appropriations.

3881. By Mr. RIDDICK: Petition of farmers of Shawmut, Mont., urging revival of United States Grain Corporation; to the Committee on Agriculture.

3882. Also, petition of farmers of Andes, Cottonwood, Chino, Weldon, Poplar, and Bonin, all in the State of Montana, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3883. By Mr. SMITH of Michigan: Petition of Henry B. Joy, vice president of the Lincoln Highway Association, against Federal aid for construction of highway between Salt Lake City and Reno; to the Committee on Roads.

3884. Also, petition of 48 citizens of Calhoun County, Mich., against Sunday blue laws; to the Committee on the Judiciary.

3885. By Mr. TEMPLE: Petitions against tax of 3 cents per gallon on gasoline, as provided in House bill 9808, as follows: Beaver Falls Garage, Daquilla Motor Car Co., B. C. Fair, Paramount Tire Repair Co., John Q. Patterson, John S. Tress, Wagner & Kribbs, all of Beaver Falls, Pa.; C. A. Brookover, Auto Co. Trades Association; J. J. Dean; Marcus Feuchtwanger, S. & M. Tire Co.; Funkhouser & Carson; Gasoline Consumers' Association; H. C. Heck, Penn Coal & Supply Co.; David A. Jamison, president Automobile Club of Lawrence County; Lawrence Automobile Co.; McCoy Motor Co.; Mahoning Auto Co.; Newcastle Motor Co.; New Castle Auto Service Co.; Patterson Motors Co.; Rice Bros.; Simpson Auto Co.; Universal Sales; Elliott M. Waddington; Percy Walls, all of New Castle, Pa.; and H. R. Campbell, secretary Automobile Club of Washington County; C. L. Palmer, Capitol Paint & Varnish Co.; and James P. Eagleson, Esq., all of Washington, Pa.; to the Committee on Ways and Means.

3886. By Mr. WILLIAMSON: Petition of Carl Schmele and others, of South Dakota, urging the revival of the Grain Corporation; to the Committee on Agriculture.

3887. By Mr. YOUNG: Petition of Elizabeth Preston Anderson and Barbara H. Wylie, of Fargo, N. Dak., urging the passage of the Jones-Miller narcotic bill; to the Committee on Interstate and Foreign Commerce.

3888. Also, petition of Elizabeth Preston Anderson, of Fargo, N. Dak., urging that the time within which Austria may pay debt to the United States be extended a period of 20 years; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, February 8, 1922.

(Legislative day of Friday, February 3, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhul, its enrolling clerk, announced that the House had passed a bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8762) to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes, and it was thereupon signed by the Vice President.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Bursum	Harris	McCormick	Sheppard
Cameron	Heflin	Newberry	Simmons
Capper	Johnson	Norris	Sterling
Culberson	Kellogg	Oddie	Swanson
Cummins	Kendrick	Page	Wadsworth
Curtis	Kenyon	Phelps	Warren
Fernald	Keyes	Pittman	Weller
Glass	King	Poinexter	
Gooding	Ladd	Ransdell	
Hale	La Follette	Robinson	

Mr. PHIPPS. I desire to announce that my colleague [Mr. NICHOLSON] is absent on account of the death of his sister. I ask that this announcement may stand for the remainder of the week.

Mr. CURTIS. I was requested to announce the absence of the Senator from Washington [Mr. JONES] on official business.

I was also requested to announce that the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Kentucky [Mr. ERNST], the Senator from Ohio [Mr. WILLIS], the Senator from Tennessee [Mr. SHIELDS], and the Senator from North Carolina [Mr. OVERMAN] are detained in a committee hearing.

Mr. HARRIS. I wish to announce that my colleague [Mr. WATSON of Georgia] is absent on official business.

The VICE PRESIDENT. Thirty-seven Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators and Mr. ERNST answered to his name when called.

Mr. McCORMICK. I desire to announce that the senior Senator from Ohio [Mr. POMERENE] is engaged in an important committee hearing, and is consequently unable to be present.

Mr. CURTIS. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from New York [Mr. CALDER] are detained in a hearing before the Committee on Finance.

The following Senators entered the Chamber and answered to their names:

Ball	France	Moses	Walsh, Mont.
Broussard	Harrison	Spencer	
Caraway	Hitchcock	Pomerene	

Mr. CURTIS. I desire to announce the absence of the senior Senator from Massachusetts [Mr. LODGE] on official business.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. NORRIS. If the Senate should adjourn now, it would reconvene, would it not, at 12 o'clock?

The VICE PRESIDENT. The Chair is of the opinion that it would not reconvene on this day at 12 o'clock but on the next calendar day, which is to-morrow.

Forty-eight Senators have answered to their names. A quorum is not present.

Mr. KELLOGG. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

The following Senators entered the Chamber and answered to their names:

McNary	Shortridge	Smoot	Sutherland
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The VICE PRESIDENT. Fifty-two Senators having answered to their names, there is a quorum present. Without objection, further proceedings under the call will be dispensed with.

REINTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT laid before the Senate a communication from the Quartermaster General of the Army, transmitting lists of American soldier dead returned from overseas to be reinterred in the Arlington National Cemetery Thursday, February 9, 1922, at 2.30 p. m., which was ordered to lie on the table for the information of Senators.

WILLIAM CASEY v. UNITED STATES.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims announcing that December 6, 1921, the court had dismissed the cause of William Casey v. United States, referred to the court for adjudication by Senate resolution of June 3, 1920, which was referred to the Committee on Claims.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Acting Postmaster General, transmitting, pursuant to law, a schedule of papers and documents on file in the Post Office Department which are not needed in the transaction of the business of the department and have no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. TOWNSEND and Mr. McKELLAR members of the committee on the part of the Senate, and ordered that the Secretary of the Senate notify the House of Representatives thereof.

VEGETABLE MARKET CONDITIONS IN FLORIDA.

Mr. FLETCHER. Mr. President, I am in receipt this morning of three telegrams—one from Fort Lauderdale on the east coast of Florida, one from Lakeland in the western portion of the peninsula of the State, and one from Plant City in the southwestern portion, all regions of early vegetable-growing activities. These telegrams bear particularly on the situation with regard to cabbage, and state that cabbage is selling in the northern markets for about 10 cents a pound retail and is selling there for less than 2 cents a pound. I ask to have the telegram from Plant City printed in the RECORD as illustrative of such comments which are coming from various portions of the State on the subject.

The VICE PRESIDENT. Without objection, it is so ordered. The telegram is as follows:

PLANT CITY, FLA., February 7, 1921.

Hon. DUNCAN U. FLETCHER,

Senate Office Building, Washington, D. C.:

Investigation shows Florida cabbage selling on average 10 cents pound retail in northern market, although we hardly able sell it for 1½ cents per pound f. o. b. Florida shipping points. This price not enough to pay cost of packing harvesting. Growers face serious disaster unless something done to relieve situation. Wide publicity would force price down to consumer, thereby calling for larger consumption, and this would without doubt be reflected in increase price to growers on account of better demand. Big prices retail trade getting cutting down consumption, and believe if you would give matter necessary publicity would be great help.

M. H. DORSETT.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Maui Chamber of Commerce, of Wailuku, county of Maui, Territory of Hawaii, transmitting resolutions adopted by the above-named chamber, favoring the maintenance in the pending tariff bill of the present tariff on foreign produced sugars, especially Cuban sugars, as a necessary protection to the home producer, etc., which was referred to the Committee on Finance.

Mr. WARREN presented a letter in the nature of a petition from the Big Horn Glass Co., of Lovell, Wyo., praying for an adequate protective tariff duty on window glass, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Laramie Rivers Live Stock Association, of Laramie, Wyo., opposing the proposed transfer of the Forest Service from the Department of Agriculture to another department, which was referred to the Committee on Agriculture and Forestry.

Mr. LADD presented a resolution adopted by the Dadds-Wanduska Township Community Club of Nelson County, N. Dak., signed by O. C. Stautz and two others, favoring the passage of an emergency measure establishing a minimum price on wheat, covering the cost of production plus a fair profit, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted at meetings of farmers of Golden Township, held at Park River, and of Baker and vicinity, held at York, in the State of North Dakota, favoring the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of William Ireland and 32 others of Rainbow Township, Williams County; Gust Sandstrom and 8 others, of Enderlin; John Fuller, and 16 others, of Lisbon; Otto Olson and 3 others, of Oriska; Paul Roseman and Mrs. Paul Roseman, of Upham; Herman H. Joos and 3 others, of Fessenden; J. Mezek and 4 others, of Beach; V. E. Crane and 2 others, of Wheelock; B. J. Kiley and 26 others, of Denhoff; John Wirth, of Wirth, and 25 others of the same vicinity; P. H. Knuth and 20 others, of Drake and vicinity; N. J. Gully and 11 others, of Hankinson and vicinity; Oscar Ward and 47 others, of Fordville and vicinity; James Scott and 39 others, of Buffalo; John Hillman and 9 others, of Mountain; A. S. Severson and 7 others, of Van Hook; and Edwin Sylling and 12 others, of Sheyenne, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices on certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented resolutions adopted by the Ohio State Horticultural Society, favoring acceptance of the proposals of Henry Ford relative to the Muscle Shoals project, better enforcement of the liquor laws, and the passage of House bill 7102, the so-called slack-fill package bill, and also the so-called truth-in-fabric bill, which were referred to the Committee on Interstate Commerce.

CLASSIFICATION OF CIVILIAN EMPLOYEES.

Mr. STERLING, from the Committee on Civil Service, submitted a report (No. 486) to accompany the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services, heretofore reported by him, which was referred to the Committee on Appropriations.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time and referred as follows:

By Mr. NELSON:

A bill (S. 3125) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3126) for the establishment of a pecan experiment station; to the Committee on Agriculture and Forestry.

By Mr. CARAWAY:

A bill (S. 3127) for the relief of Robert L. Martin; to the Committee on Claims.

By Mr. HEFLIN:

A bill (S. 3128) to authorize the State of Alabama through its highway department to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama; to the Committee on Commerce.

By Mr. ROBINSON:

A bill (S. 3129) to provide for the improvement of Ouachita River; to the Committee on Commerce.

By Mr. ASHURST:

A joint resolution (S. J. Res. 161) to furnish the daily CONGRESSIONAL RECORD to posts of the American Legion, the Disabled American Veterans of the World War, the Veterans of Foreign Wars, and to camps of the United Spanish War Veterans; to the Committee on Printing.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on January 31, 1922, the President approved and signed the joint resolution (S. J. Res. 124) to prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AGRICULTURAL ASSOCIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2373) to authorize association of producers of agricultural products.

Mr. NORRIS. Mr. President, I regret very much that the point of no quorum was made. It has taken half an hour to secure a quorum of the Senate. Senators ought to have known that it would take a good while to obtain a quorum of the Senate, because I had the floor when we adjourned last evening, and it was known that I was going to speak. Under the circumstances, Senators could not be expected to attend. I wish to apologize to them. I did not make the point of no quorum; I did not have anything to do with it; and I regret very much that it was made. I will announce now that Senators may all be excused for the remainder of the day, only the reporter and the Presiding Officer remaining.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, knowing the innate modesty of the Senator from Nebraska, I wish to say that I am quite sure the Senator who made the point of no quorum was convinced that all Senators ought to be here to listen to the Senator.

Mr. STERLING. Mr. President, I infer that since the Senator from Nebraska does not want the reporter to leave he is going to speak for the RECORD?

Mr. NORRIS. I am certainly, and not for Senators. I hope that what I have to say will have a little to do in creating a public sentiment which I hope and believe will be healthy and righteous; that is my object.

To begin with, Mr. President, I want to clear up what appears to me to be some misapprehension and misunderstanding as to the real object of this bill. The bill is an old friend; it has been here before. I took great interest in it a year or so ago, when it was reported in a somewhat different form, but there seemed to be no opportunity to secure the proper kind of consideration for it at that time. It is a subject of congratulation that Senators have seen a new light. Whether the change is due to the approaching election or to some other cause, I will not undertake to discuss, but there is more interest in the measure now, and it is going to pass without any doubt.

Mr. President, most of the people, and many Senators also, designate this as a "farmers' bill." I believe that while it is not entirely out of place so to designate it, upon a broader and a fairer consideration it will be conceded that it is a bill which applies just as much to the consumer as it does to the producer. After all, Mr. President, assuming that any aggregation of citizens is honest, that any organization is honest and represents an honest intention to perform an honest and unselfish work, with that assumption we are all in the same boat, whether we are producers or consumers.

It is conceded that agriculture is in a deplorable condition; it is conceded that our food is being produced by those who toil at a price which does not pay the actual cost of production. It is conceded, I think, that agriculture is not a—but the—fundamental industry, not of our country alone but of the world, and that when we lift up agriculture we lift up everybody dependent upon agriculture, which includes everyone except those who make their money out of the products which are consumed, as such products travel from the producer to the consumer.

I was very much interested yesterday, at a hearing that was taking place before the Committee on Agriculture and Forestry, to see two representatives of labor organizations appear before that committee in behalf of agriculture, in behalf of a bill to stabilize the price of agricultural products. While they did not pretend to be sufficiently posted to arrange the concrete parts of the bill, they did advocate, in language that was forceful and not capable of successful refutation, that something should be done to stabilize agriculture in order that those who produce the food should do it at a profit and a living profit. They said—one representative from the American Federation of Labor and one representative from the International Association of Machinists—that whenever they were employed they had always noticed that agriculture was prosperous; when agriculture failed, they lost their jobs. When those on the farms were losing money, they lost their positions or had to work at a wage that was not remunerative; and they said—and it is also true of every organization, of all classes of citizens—"Unless the farmer is prosperous, we will not be prosperous. Unless the farmer is making enough money to keep him at the business, we fail; we go hungry; we lose our positions."

Mr. President, in round numbers, the farmer is responsible for one-half of the buying of the world; and when you take away the ability of one-half of the people of the United States to buy, you bring disaster not upon the farmer alone but upon all classes of the people. So, if we will get down to what I believe to be fundamental, we will reach the conclusion that when we are legislating in such a way as to bring additional profit to those who raise the food of the country and of the world we are legislating prosperity to all classes of people.

There is no escape from that proposition; and it is idle to say that the farmer is the only man who is interested; that the producer is the only man who has an interest in this kind of legislation. It interests everybody to the same extent that it does the producer. When the producer fails to produce the consumer will not be able to consume; and if farming is unprofitable and remains so, as is admittedly true now—the farmer is not getting enough for his product to pay for the cost of production—if that continues, he will cease to produce, and the balance of us will go hungry. We will pay prices that will be fabulous, that will be so high that unless we are wealthy we will not be able to purchase the necessities of life. So, Mr. President, we can not consider the matter from the standpoint of the consumer only; and something must be done to relieve the condition, not only temporarily, but, in my judgment, permanently.

This is a bill that attempts to relieve from the effect of the Sherman antitrust law the farmers and other producers of agricultural products. If the Sherman antitrust law were effective, as its authors intended that it should be, if we had no trusts now, this legislation would not be necessary, and I would not have much interest in it; but, as a matter of practice, as a matter of practical application, the farmer is almost the only man who is affected by the Sherman antitrust law. It is all right

to speak in beautiful and glowing terms, as Senators have, about laws that shall prohibit monopoly and restraint of trade. I wish we could prohibit monopoly. We have not done it. We have not prohibited restraint of trade, and it does not make very much difference whether the Supreme Court, after long and tedious litigation, decides a combination to be a monopoly and dissolves it, or whether it decides that it is a philanthropic institution working for the good of humanity and is not a monopoly, like the Steel Trust; the result is about the same. Whether you dissolve it or not, it keeps on doing business in the same way, at the same old stand. Everybody knows about it. Everybody possessed of ordinary intelligence and experience in life knows, for instance, that the Steel Trust is a monopoly and controls prices. I said "everybody"; I will exempt from that the members of the Supreme Court. They have not found it out.

The farmer now says, "Let us be allowed to cooperate, do away with the middle man, and reach the consumer by a shorter route with our products," and everybody raises his hands in holy horror and says, "Great God! That will be a violation of the Sherman Antitrust Act"; and yet the farmer must buy nearly everything that he buys in a trust-controlled market. He buys his binder from the Harvester Trust. He sells his hogs and his beef to the Packer Trust. He sells his hides to a trust, and he buys them back from the same trust at a profit of about 10,000 per cent. He has nothing to do with fixing the price of what he sells. He has nothing to do with fixing the price of what he must buy. The trusts control him in all he buys and control him in all he sells, and he says, "Now, I should like to combine with my neighbors and cooperate and act as a corporation, following my product from the farm as near to the consumer as I can, doing away in the meantime with unnecessary machinery and unnecessary middle men." That is all this bill attempts to do; and I am not in favor of splitting hairs or drawing a technical conclusion from a very finely argued trust case that has been decided either one way or the other by the United States Supreme Court.

The Standard Oil Co.—and, by the way, when the farmer cranks up his old flier he must patronize the Standard Oil Trust, although the Standard Oil Co. has a clean bill of health from the Supreme Court. One of the famous five to four decisions says that it is a trust, and it is dissolved, and so it proceeds to go on regardless of the dissolution.

Not very long ago the governor of my State called a special session of the legislature, the principal object of it being to levy a tax upon gasoline. It was defeated, as a matter of fact, when the legislature convened, and adjourned just a few days ago, but when I saw the announcement that a special session was going to be held I thought it would be interesting to find out just how the farmers of Nebraska had been paying tribute to the Standard Oil Co. for the gasoline that they used. I thought it would be interesting to find out just what effect the dissolution of the Standard Oil Co. had had upon the people of Nebraska—this great trust that the Supreme Court dissolved—and so I looked up to see how they were supplied.

I found, Mr. President, that in the main the people of Nebraska are supplied with their gasoline and other kindred products by the Standard Oil Co. of Nebraska. It originally had been a part of the great Standard Oil Co. As a matter of fact, it is yet, just as much as ever; but the records show that the Supreme Court dissolved it and set it adrift to paddle its own canoe. It had at the time of that dissolution a capital stock of \$600,000. This dissolution took place on the 15th day of May, 1911; and, as I say, at the time of that dissolution it had a capital stock of \$600,000. I do not know of what that consisted. I do not know how much water there was in that capital stock or whether there was any water in it. I think it is pretty safe to say, however, that it was not all cash contributed by those who held the stock, not because I know anything about that particular corporation, but I know in a general way how such corporations are organized, and how the stock is made up; but I am going to assume that that \$600,000 was all paid in in cash. It was part of the Standard Oil Co. It has been dissolved since then on paper, but is still owned, as a matter of fact, in the same way, and is still doing business in the same way; and this is what has happened since 1911: There has never been another dollar of money paid in, but the capitalization has increased from \$600,000 to \$3,000,000. Their business is to sell oil to the farmers and to the business men of Nebraska. They are simply middlemen. Now, if they had paid no dividends on their stock in the meantime, there might have been some excuse for this wonderful increase in capital stock, but let us see what they did.

In 1912, the year after they were dissolved, they declared a dividend of \$960,000. On their investment of \$600,000, as-

suming that it was an investment, that would be a dividend of 160 per cent. That was their profit in 1912.

In 1913 they declared a dividend of \$270,000 on their capital stock, which I have assumed was honestly invested. That was a dividend of 45 per cent. I am speaking of the Standard Oil Co. of Nebraska. They do nothing except buy oil and sell it. They constitute the middleman for most of the consumers of the State of Nebraska.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield.

Mr. ROBINSON. Will the Senator state how the capital was increased, by what process?

Mr. NORRIS. By a paper process.

Mr. ROBINSON. By what authority? Under the law of Nebraska?

Mr. NORRIS. I presume so. I have not the details of it. Before I get through, however, I am going to give the dates and the actual increases as they took place.

Mr. ROBINSON. Has the Senator's investigation covered the question as to what relationship the capitalization of the Standard Oil Co. of Nebraska had to the actual value of its property?

Mr. NORRIS. No. I am assuming, to begin with, that it started with \$600,000 capital, and that that was honest capitalization. That is an assumption which is probably erroneous, but of which the company itself certainly can not complain. In each of the years 1914, 1915, 1916, 1917, 1918, 1919, and 1920 this corporation declared a dividend of \$200,000, which on their capital stock originally invested would be a dividend each year of 33 1/3 per cent. In 1921 they declared a dividend of \$300,000, which would be a dividend on their investment of 50 per cent.

So, while the Legislature of Nebraska were considering the proposition of levying a tax on gasoline for the consumers to pay, it would have been exceedingly interesting, it seems to me, if they had taken note, at least for publication purposes, of the profits which the oil company had been making while the farmers of Nebraska had been producing corn, hogs, cattle, and wheat at a loss. It ought to be some satisfaction to those farmers, who have toiled from 14 to 16 hours a day to produce food to help feed the people of this country and the world, and to produce it at a loss—it ought to be some satisfaction to them, I presume, to know that while they were doing it, part of their expense, which went to the Standard Oil Co., had a very beautiful result and enabled a great many men to live in luxury and happiness without toiling or spinning.

The Standard Oil Co. of Nebraska is engaged solely in marketing petroleum products within the State of Nebraska, just one State. According to the latest available information on file it has 335 stations for distribution. It purchases most, if not all, of its supply from the Standard Oil companies, namely, the Standard Oil Co. of Kansas, the Standard Oil Co. of Indiana, and the Midwest Refining Co. The Midwest Refining Co. is almost, if not entirely, owned by the Standard Oil Co. of Indiana.

I said I would tell the Senate how its capital stock had been increased. In 1911, when the company was dissolved, when it ceased to be a trust, it had a capitalization of \$600,000. On April 15, 1912, that capitalization was increased to \$800,000 by the payment of a stock dividend, no additional money being put in.

It would be interesting to know that in 1912 it declared a cash dividend to its stockholders of 160 per cent, and, in addition to that, a stock dividend of \$200,000. That is "going some," Mr. President, in a State where the farmers and the producers of foodstuffs are toiling and producing their products at a loss.

On June 20, 1913, another stock dividend was declared of 25 per cent. Let us see how much cash dividend they declared that year. They declared a cash dividend in the same year of 45 per cent. I am figuring that 45 per cent upon their original investment, on the actual money they put in, \$600,000. That made the capital stock a million dollars.

On May 16, 1921, that is to say, last May, in the very year when every farmer and every stock raiser had worked all year at a loss, when everything he had produced and sold, he sold at a loss, and, as I said, part of his expenses were contributions he had to make for oil and gasoline to the Standard Oil Co., see what they did. While the farmer was toiling at a loss they increased the capital stock of that company to \$3,000,000.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I yield.

Mr. NELSON. I am very much interested in the statements the Senator from Nebraska has been reading, and I have no doubt they are true; but this bill does not reach the subject. If you want to get a cure for a situation like that, you must have cooperative buyers' associations. This relates to cooperative selling associations. Let the farmers of Nebraska form a cooperative association for buying oil, and buy it by the whole sale, and in that way they can get a remedy.

Mr. NORRIS. Mr. President, I said awhile ago, when I started in on this line of argument, that whether the Supreme Court or any other court decided that any trust was not a trust, or decided that it was a trust and dissolved it, the result was always the same; they kept right on. I am not sure but what the advertising they get in their litigation is worth the money it costs them to go through court and get a certificate either of good character or bad character. It is tails I win and heads you lose, as far as the public are concerned, and the farmer has been practically the only man who has been controlled by the trust. I want to give him an opportunity, and I would be willing now to vote to give him an opportunity, since our trust legislation has absolutely failed, to organize any kind of a trust he wants to, whether it is a selling trust or a buying trust, or both. He can not be any worse, and it is not a square deal to say to the farmer, "Everything you buy you must buy from a controlled proposition, a trust; the price of everything you sell will be fixed by another monopoly," and not give him an opportunity to get into the same kind of a game.

As I said, they increased the capitalization in 1921 to \$3,000,000. That was a stock dividend of 200 per cent, and the same year they declared a cash dividend of 50 per cent on the original investment of \$600,000.

That was probably the worst year the farmers had. Right in the very State where that was being done by the Standard Oil Co., which had been dissolved by the Supreme Court, and was supposed to be giving a square deal, while it was doing that kind of business, the farmer, as I said, was doing everything he did at a loss, unable to meet his notes at the bank, unable, after he had produced the crop and harvested it, to get enough out of it to pay for producing it.

I have letters from owners of land who had rented their land to tenants, where the tenant in that year, 1921, had produced a very heavy crop of corn. In the fall, after the corn had been produced, after a summer's work, the tenant saw that he was losing every day, pulled up stakes, and left the farm, and said to the landlord, "I leave it. My year's work is all there. You can have it all if you will relieve me from my obligation."

I have letters, and in one case I have the facts in the shape of testimony before the committee, showing actual cases where that occurred, and men undertook to step into the shoes of tenants, where they had to hire the corn husked, hire it shelled, pay board for the men who husked it and shelled it, hire it hauled to the market, and lost on every bushel of corn, absolutely, selling it at the market price. There was only one hope of coming out whole, and that was to have a failure of the crop. The more corn you produced, the more money you lost. You lost about a cent and a half to 2 cents on every bushel of corn if your farm was 7 miles away from the station, so that you could haul only one load to the market a day.

So in 1921 this "busted" trust, this reformed trust, paid a cash dividend of 50 per cent and a stock dividend of 200 per cent, while the people in the main who were buying their products, paying the trust prices, were producing everything at a loss.

Mr. ROBINSON. Mr. President, can the Senator state the market value of that stock at the time the stock dividend was paid?

Mr. NORRIS. No; I can not.

Mr. ROBINSON. With respect to the illustration the Senator used as to the value of certain agricultural products, I know of instances in which tenants who produced cotton, and realizing that they could not secure enough out of their interest in the crop to pay the expenses already incurred, moved away and left the crop, and the landlords were unable to gather the cotton by offering the crop for that purpose.

Mr. NORRIS. That is, offering the tenant's share?

Mr. ROBINSON. Offering the entire crop in some instances. Realizing that the crop was going to waste, they offered to give anyone the crop for picking it.

Mr. LA FOLLETTE. After it had been matured?

Mr. ROBINSON. After it had been matured; and they were unable to get it gathered in that way. That, of course, was not often the case; but there were numerous instances where the tenant's share of the crop was not a sufficient inducement to cause another to gather it, and there were some instances where

the offer of the entire crop was not a sufficient inducement to cause anyone to gather it.

Mr. NORRIS. That only illustrates that what I said in regard to corn and wheat applies to cotton. I can demonstrate, I can prove as one would prove in a lawsuit before a judge and jury, that in many instances where a large heavy crop of corn has been produced by a tenant he was unable, and the landlord was unable after the crop had been produced, to get anyone to take his place and deliver the entire crop to market and risk taking the share of the tenant in payment. In some instances where it was attempted they lost money on the operation.

Mr. ROBINSON. Mr. President, if the Senator will yield for a further statement in that connection—

Mr. NORRIS. Certainly.

Mr. ROBINSON. The same is true of the entire rice crop produced in the year 1920 and harvested in the latter part of that year and the early part of 1921. That crop was produced at a cost of from \$1 to \$1.70 per bushel, and was sold at from 20 cents to 50 cents per bushel. It was an astonishing loss.

Mr. NORRIS. It is no answer to say that it was a result of the war and that natural conditions prevailed, because unnatural conditions have prevailed. There would have been a hardship, I admit. I do not claim that the bill will remedy everything. The condition that I have shown of the profits of a corporation that did nothing but get its rake-off as the product went from producer to consumer, the enormous, the unconscionable profit, in the very year when the agriculturist was failing, shows that that is one of the contributing factors to the farmer's failure. One was organized and was a trust, a monopoly. The other was unorganized, and it was a case of every man for himself.

Mr. PITTMAN. Mr. President—

Mr. NORRIS. I yield to the Senator from Nevada.

Mr. PITTMAN. I think the Senator might bring out clearly the fact that a stock dividend is paid out of the profits of the company, that instead of paying money to the stockholders in the form of a cash dividend that amount of cash is turned into the capital of the company and an equal amount of stock issued to the stockholders, serving a very good purpose, so far as the company is concerned, in avoiding, under the decision of the Supreme Court of the United States, the payment of a corporation income tax.

Mr. NORRIS. I thank the Senator for the suggestion. I think everybody understands that a stock dividend is a dividend from the profits of an institution. If the stockholders have not been paid a reasonable cash dividend in addition to the stock dividend, then the stock dividend is justifiable. In other words, if we had a corporation here amongst us that had made, let us say, a profit of 8 per cent on the business and we declared a stock dividend of 8 per cent and no cash dividend, I would not complain of that so much. But in the case referred to in 1921 there was a stock dividend of 200 per cent on the original invested capital, and in addition a cash dividend to the stockholders of 50 per cent. That is inexcusable. It is one of the things contributing to the depression in which the agriculturist or farmer finds himself. It is the difference between organization and lack of organization. It shows the power of organization organized into a monopoly. Although it can hang on its wall a clean bill of health signed by the Supreme Court of the United States, it makes no difference. It shows the power of a monopoly organization over a body of men who are unorganized, who have no organization.

Now, Mr. President, in the same State in the same year it was not only the man who produced grain that lost. I think I read once before to the Senate the letter, but it applies here so well that I think I shall relate it again, a letter from a banker in my State during the year 1921. He owned a farm 2 or 3 miles from the little town where he operated a country bank. He had some cattle. He was fattening some steers. A steer died one day. On Saturday he got word of the steer being dead and on Sunday he took the local butcher with him in his automobile and they went out and together skinned the steer. The next day the tenant on the farm brought the hide in and sold it to the local dealer, the representative of the packers there who was buying hides. He did not get enough for the hide of that steer to pay the butcher for helping him to skin it. The next day his wife bought a pair of shoes and had to pay \$15 for them at the local shoe store.

Another letter came to me from a man who has a hay ranch in the Platte River Valley, one of the finest hay valleys in the United States, if not in the world. It was his business to raise hay, to bale it, and to ship to the Omaha market. I had his letter in the year 1921 wherein he related that the fall before he had put up on that ranch 1,500 tons of hay in the stack. Late in the spring, somewhere about June, 1921, he wrote me,

at about the time when this corporation was making these enormous profits, that the hay was practically rotting. He said from the day that hay was put in the stack until the time he wrote the letter there had never been a moment when he could sell the hay on the market for enough money to pay for the baling, the freight, and the hauling from the field to the station. Throw away any use of the ranch for a year. Throw away all the expense of putting the hay in the stack the fall before. Throw all such items in the discard. He said the freight was just twice what it was the year before. If the freight had been the same as it was the year before there would have been several times when he could have made a little money, not even a reasonable profit, but he could have gotten out whole, and it would have paid him to bale the hay and ship it.

So it is not only one class of producers, but all classes; all classes of people who are unorganized. I am not in favor of splitting hairs about this organization. Personally, as far as my opinion would go as a lawyer, I do not think that what is contemplated by the farmers of America, what they claim they want to do in the hearings before the committee, would constitute a violation of the Sherman antitrust law. I have said so to them a good many times. But, as the Senator from Montana [Mr. WALSH] said the other day, those who are interested in preventing his organizing, in preventing a cooperative movement on his part to do away with the middlemen, industriously circulate reports that this kind of organization would be in violation of the Sherman antitrust law. The farmer is scattered all over the country, timid, and does not have the fortune to back him in fighting through the courts any lawsuit, whether it is justly or unjustly begun, and naturally he is afraid to go into a cooperative organization for fear, not that he will be convicted and sent to jail, but that he will be harassed, that there will be litigation extending through all the courts and through all the years. He is naturally timid and stays out of it.

Mr. ROBINSON. He can not secure any assurance that the dissolution of his trust would prove salutary and beneficial to his business.

Mr. NORRIS. No; he can not. At least I do not know of any way that he could. Perhaps if he was organized and had power and money enough behind him, he might get that assurance by fighting on through the courts. That must be considered, it is true, when we talk about enforcing the antitrust law, particularly the criminal part of it. I was once a firm believer in it. I remember the Democratic Party made a campaign once and was successful and elected Woodrow Wilson principally on the theory that they were going to send the magnates to jail. The stump speaker during that campaign usually ate a trust or two before breakfast to keep himself in good, healthy condition. They won that fight, but they did not put anybody in jail. After thinking it all over, and after watching the attempts that have been made and the efforts that have sometimes been put forth by various officials, I am inclined to excuse them for not doing it, because it is impossible to convict \$100,000,000. There are too many ways, too many instrumentalities, too many darkened alleys where they have their power and their influence that will reach into all the avenues of life and prevent a conviction.

I can not conceive of a monopoly without it is a monopoly in the interest of the public itself, like the Post Office or something of that kind. I can not conceive of a private monopoly without the power of the State even to fix the price, much as that scares us as a rule. We will have to come to it in time unless some other means is found by which these great aggregations of wealth can be controlled and handled. I am not at all afraid, if the farmers cooperate, that they will be able to fix a price or form any combination that will be injurious to the public. It must be conceded that it would be a benefit to the consuming public if we would eliminate, wherever possible, the middleman and all the machinery that lies between the producer and the consumer. It is conceded that it can not all be eliminated. It is conceded that there is too much in existence and that it is too expensive.

Cooperation on the part of the producer is one step toward bringing about that desired condition. The farmers contend that the cooperation which they expect to bring about under the provisions of the bill, if it shall be enacted into law, is for the purpose of reducing the cost to the consumer as much as it is to increase the price to the producer, and to eliminate unconscionable profits in the products. If they can succeed in an organization, for instance, of wheat farmers that would gather in everybody and hold the price of wheat at a figure that would be unconscionable and unjust and unreasonable, it would be sufficient time then for the Government to interfere. If they do that, there must be machinery provided by which it can be prevented. But I do not see how Senators or others can be

come hysterical over a danger of that kind of condition confronting us when we know, as far as anything human is possible to be known in advance, that it is going to be a physical impossibility for the wheat producer, the cotton producer, the corn producer, scattered as they are over thousands and thousands of miles of territory, to form a combination, that would bring that about. If they form a cooperative organization that will eliminate the middleman, then they will benefit themselves and they will benefit everybody who consumes any of the things that they produce.

Mr. President, in addition to the case of the Standard Oil Co. we have another illustration of the alleged dissolution of a trust that did not dissolve, and it is one immediately connected with the farmer. Several years ago an action was commenced against the so-called Harvester Trust. The International Harvester Co. was alleged to be a trust. A trial was had and the court decided that it was a trust and ordered it dissolved.

It is not always the fault of the court; I do not know whether it ever is the fault of the court that trusts which are ordered dissolved avoid the result of dissolution proceedings and do the same things over again for which they have previously been condemned for doing. Here is what happened in the case of the so-called Harvester Trust. Before the action was originally commenced, when it was known that the Attorney General of the United States was about to commence an action against the International Harvester Trust to dissolve it the representatives of that trust conferred with the Attorney General of the United States with the view of agreeing upon a consent decree. They submitted to the Attorney General a form of decree to which they would be willing to agree, but the Attorney General brushed it aside, one of the good and sufficient reasons for his doing so—there may have been others—being that the dissolution did not provide for the separation of the McCormick Co. and the Deering Co. Every man who comes from a farming section of the country knows that two of the greatest agricultural implement corporations in the world are the McCormick Co. and the Deering Co. So the Attorney General said before he commenced that action, "I will consent to no decree which leaves the corporation intact with those two dominant elements in it." Hence he commenced the suit. That suit followed the tedious course of most suits. Finally, after a trial, the suit was decided in favor of the Government. The court held that the International Harvester Co. was a trust contrary to the Sherman antitrust law and ordered its dissolution.

What happened? After a great deal of bombast and advertising about the dissolution of this great trust a decree was filed which was consented to by the Government, through the Attorney General or his representatives—I do not know that the Attorney General himself had personal knowledge of it—and by the defendants, which was practically the same decree that the trust offered to have put into legal effect before the case was commenced, a decree which left intact in the trust those two dominant elements, the McCormick Co. and the Deering Co., and they are there to-day. The International Harvester Co. can say, and say truthfully, "We have been dissolved by the Supreme Court; we have been given a clean bill of health by the highest court of the land, because we have complied with that decree; we now have religion; we are now good."

Every man in the United States, however, who has had anything to do with farm implements, including every dealer, knows that that trust is just as intact and just as active and just as forceful as it ever was and controls the prices of farm implements to the same extent that it previously did. All the added expense comes out of the farmer. There is not anything which the farmer can buy in the way of a tool or an implement, from a shovel to a plow, or a self-binder harvester or a harrow or a piece of harness or a wagon but he must get it from a trust-controlled concern.

Mr. SIMMONS. Mr. President—

Mr. NORRIS. I yield to the Senator from North Carolina.

Mr. SIMMONS. Does not the Senator from Nebraska think that the efforts of the court to dissolve these great trusts have been so ineffective that instead of discouraging the formation of new trusts they have really encouraged them?

Mr. NORRIS. I am inclined to think that that is correct; at least, such combinations have wonderfully multiplied. There may be other causes for their increase, but certainly the dissolution of the trusts has not been effective, or we should not have seen the tremendous multiplication of combinations that has taken place within the last few years.

Mr. SIMMONS. So far as the public is concerned, the big trusts which the court has dissolved are still doing business, and still exacting the same high tribute from the people?

Mr. NORRIS. Yes, sir.

Mr. SIMMONS. They do not seem to have been embarrassed at all by the dissolution, but seem rather to have secured safety; so naturally those who have contemplated taking advantage of combinations have been encouraged to enter into a new venture.

I want to ask the Senator from Nebraska another question. The Senator has spoken about the extent of the organized business of the country. Does the Senator offhand think of any important business in this country, outside of that of agriculture, which is not now operating under some effective method of organization or association which would be equivalent to organization?

Mr. NORRIS. There may be some such, but offhand I can not call any to mind.

Mr. SIMMONS. Since the Senator from Nebraska has been discussing this question in a most interesting way, I have myself been trying to work it out; and it seems to me that the rule in this country is that all business outside of farming is organized and operating in concert. There may be some exceptions, but the rule is the other way.

Not only that, but as soon as the product of the farmer has passed out of his hands and assumed a different shape—for instance, where the farmer's product has been converted into some other product of which the farmer's product is the raw material—it falls into the hands of men whose business is organized. That is true of the wheat grower. When his wheat is converted into flour, the finished product is then in the hands of the millers, who, I understand, are pretty thoroughly organized. There may be no trust amongst the millers, but there is an association, and through that association the price of their product is regulated.

Cotton is sold and goes into the possession of the manufacturer. The minute it goes into the hands of the cotton spinner, notwithstanding I do not think there is what may be called a trust—in fact, I am sure there is not what may be called a trust amongst the cotton spinners of the country—yet there is an association by which prices are regulated to such an extent that certainly there is no ruinous competition.

The same method applies to tobacco and, I think, to practically nearly everything which the farmer produces. While he is in possession of the raw material, it is impossible for him to organize because there are so many farmers, unless they are permitted, as this bill proposes to permit them, to form associations for the purpose of establishing sales agencies, and so on.

The point I have in mind, Mr. President, is that practically everything, as the Senator has said, which the farmer does not produce but has to buy, under our present system of doing business in this country, either through the instrumentalities of trusts or combinations or of associations or agreements, through which arrangements prices are fixed and maintained, is enhanced in price by reason of organization, while everything that he produces, as the Senator has very forcibly said, must be sold in the open market for whatever price this organized business, into whose hands his product falls, is willing to give.

The Senator is absolutely correct in the statement that as a rule—I think it is certainly the rule in most lines of agriculture under present conditions—the farmer is not realizing a sufficient profit upon his operations to make his business self-sustaining. I am familiar with the situation in my section of the country because I myself am largely interested in agriculture. I live in a section where cotton, tobacco, corn, and other farm products are grown. I think the rule is that the tenant classes, especially during the last two years, have made only the barest living—and the tenants live very close—and in many instances they have not made that. I know of my own knowledge many instances similar to those cited by the Senator where the crop, after it has been grown, would not yield more than enough to pay the expenses of harvesting it.

Mr. NORRIS. And yet when the same product reached the consumer he had to pay an exorbitant price for it.

Mr. SIMMONS. The ultimate consumer had to pay a very high price for it.

Mr. NORRIS. In other words, notwithstanding the hardship to the producer, if the consumer got the benefit of his hardship, there could be something, at least, said in its favor; but the consumer does not reap any benefit, for by the time the product reaches the consumer the organized agencies which control or handle it have raised the price away beyond what is reasonable and away beyond what would be necessary if the producer secured a fair living price for the product.

Mr. SIMMONS. Mr. President, I wish to make this general statement: In the section of the country in which I live, which is a fine agricultural section, three out of ever five tenants—and I measure my words in making the statement—ended last year's operations without a dollar left after paying their mortgages

contracted to secure fertilizer and the supplies which the tenant and his family consumed during the year.

Mr. NORRIS. Mr. President, I thank the Senator for his contribution to the subject, which I think is right to the point and valuable.

When I was speaking about the conditions in my own State, and when I was giving illustrations of the loss of the agriculturist and the big profit of the corporation I neglected to state one other thing that it seems to me the citizens, and particularly the agriculturists and farmers of that State, ought to have taken into consideration when they were asked to levy a tax on gasoline through the instrumentality of the special session of the legislature that has just adjourned. One of the causes of the depression of agriculture has been the enormous freight rates. I gave some illustrations of that, where the freight rate alone stood between a profit and a loss. It, of course, is not the only thing. It is not a thing that is going to be touched by the enactment of this particular legislation; but in considering the farmer's condition and the psychology that must control him we ought to take into consideration everything that helps to bind him down to the earth while he is toiling to save the world, and freight rates constitute one of the causes of his difficulties.

In 1921, while this condition was going on and while the farmers were producing in that State at a loss, the Burlington Railroad—a road that scatters its network all over a good portion of the State—declared a dividend at the rate of 10 per cent per annum. While the Standard Oil Co. was getting its big profit, the railroad was getting its dividend of 10 per cent, and the farmer was producing at a loss, buying of the Standard Oil Co. and contributing to the railroad company, and while this 10 per cent cash dividend was being paid to the stockholders it was following a stock dividend of the Burlington Road of \$60,000,000 that just a short time before that had been given to the stockholders of that company.

Mr. President, it may be said that other railroads were failing during that time, and that may be; but, to my mind, the people of the United States will not permanently stand for a policy that will fix freight rates at such a figure that the worthless road, badly managed, with its stock bulged out with water, or perhaps even doing business in a country where it never ought to have been built, can make a profit upon its capital stock and thus enable an efficient management to reap enormous dividends. Those two propositions can not permanently exist side by side. The people who pay the bills and contribute the money for this unholy rake-off will not always stand it; and it is just as certain as the rising and setting of the sun that a policy can not always exist under which those who toil must toil at a loss and contribute to those who neither toil nor spin, but sit in their palaces at mahogany desks and draw in the rake-off in the shape of a middleman's profit. The consumer and the producer, both of them in the same boat, both of them harassed, both of them annoyed, both of them robbed by the corporations and the profiteers that exist between them, will some time get together. Let us hope, Mr. President, that they may get together in a peaceful way, and that no revolution may follow such as has followed in past history where such policies have continued to go unrestrained and unhindered, because a suffering humanity will not always stand it.

I ask unanimous consent to print as a part of my remarks and as an appendix to them an address by Mr. Carl Vrooman, formerly Assistant Secretary of Agriculture, made at the recent Agricultural Conference.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

SPEECH OF CARL VROOMAN, FORMER ASSISTANT SECRETARY OF AGRICULTURE, AT NATIONAL AGRICULTURAL CONFERENCE, WASHINGTON, D. C., JANUARY 26, 1922.

Markets for the farmers' surplus crops are the only things that can save our country from an impending financial smash. Domestic credit, with which to hold crops on a falling market, is a pitfall, not a remedy. Our agricultural surpluses, for which there is neither an effective domestic demand nor a foreign cash demand, amount to only about 5 per cent of our total crops, and are worth only about a billion dollars. Yet they have depressed the value of the other 95 per cent of our crops at least four or five billion dollars. In other words, instead of being a national asset they are an appalling liability. If we could get rid of them in no other way, we could make several hundred per cent on the operation by giving them away.

Yet when we are asked to sell them on credit based upon reasonable security objection is made that we might incur a few losses. These few losses, however, if regarded as in the nature of gifts, would, as already explained, make us an enormous net profit by increasing the value of the entire remainder of the national crop.

It is further argued that owing to the fluctuations of international exchange Europe is not willing to buy our agricultural surpluses on credit. This is a palpable misstatement of fact. Practically every country in Europe is continuously asking us for credit and ever more

credit. One has only to read the advertisements in the New York, Chicago, and Boston papers to see that foreign bond sales are being floated every day in all of our principal financial centers. But the awkward part about this situation is that when we loan Europe money or defer the payment of interest due Europe can and does take that money and with it purchase Argentine corn, cattle, and wheat, while our surpluses continue to rot on the farms for lack of foreign markets.

The most pressing question before our people is, Shall we rehabilitate our agriculture, commerce, and industry by selling on credit those sinister liabilities, our agricultural surpluses, or shall we continue to loan Europe money with which to rehabilitate Argentine agriculture and business?

If we continue to follow the latter plan, our international bankers will continue to make big commissions out of Europe's necessities while American economic conditions will go rapidly from bad to worse. If, on the other hand, we change a heavy liability into an asset by selling our agricultural surpluses abroad on credit, every legitimate business in the United States will gradually be enabled to work its way back to life and normalcy. To every citizen the call comes, choose ye this day whom ye will serve—Shylock or America.

Mr. HITCHCOCK. Mr. President, I favor the House bill instead of the Senate substitute to authorize farmers to form cooperative associations. I realize that certain amendments to the House bill will be proposed and should be adopted.

As I understand the House bill, it specifically authorizes farmers to form associations of a cooperative character for marketing their products. In those associations each farmer, regardless of the amount of money he puts in, is to have one vote, and on his investment he is to be limited to dividends not exceeding 8 per cent. It is also provided that these associations may arrange to have marketing agents in common, so that the associations can cooperate with each other. A precautionary provision is put in that any attempt to create a monopoly resulting in an undue enhancement of the price of the products may be checked through the agency of the Secretary of Agriculture, who, after his findings duly had, may issue an order for that purpose, which order is subject to review by the courts.

As I understand the Senate substitute, it provides practically for the same thing, except that it adds a paragraph which is practically a warning that any attempt to create a monopoly will be subject to full prosecution under the antitrust laws of the United States.

As I view it, that warning is not only unnecessary but would be very detrimental. If we can believe testimony that has been given before the committee, the farmers have been deterred from forming these cooperative associations by the fear that they would be subjected to prosecution under the antitrust laws of the United States. I do not know to what extent that may be true, but undoubtedly farmers would be timid about going into associations of this sort if they had any reason to believe that they would subject themselves to such prosecution; and it seems to me it would nullify this act altogether to insert that threatening provision which the Senator from Montana [Mr. WALSH] advocates.

Mr. President, it never has seemed to be reasonable that those engaged in agriculture and in the production of farm products should have been included under the antitrust laws of the United States. We all remember what caused the antitrust law to be passed originally, some 30 years ago. There was not any complaint that any agriculturists had combined to extort unreasonable prices or to restrain trade. There was no complaint of that sort, because it is practically impossible for the millions of people engaged in agriculture so to unite as to create a trust or to control production or to restrain trade. The antitrust laws of the United States were passed to cure a well-defined evil. The custom had grown up of combining the manufacturing and mercantile establishments of the United States into great combinations. They had been able, as we know, in many cases not only to destroy competition in certain lines and to monopolize the market—monopolize it, often, under the protection of an excessive tariff, for which our Republican friends were responsible—but they had been able, by uniting these concerns, to wipe out independent manufacturing enterprises. Thus we saw growing up in the manufacturing and business world great concerns called trusts, exercising almost sovereign powers, and exacting whatever prices they pleased for their products, the result of which was the growth of some of the enormous fortunes of the United States.

It was to cure that evil that the antitrust law was passed and later amended. It was not intended to apply to agriculture, and it has always seemed to me a preposterous claim that it should apply to agriculture, and I should be glad to vote for an amendment which would absolutely withdraw agriculture from the jurisdiction of the antitrust laws of the United States.

Mr. CUMMINS. Mr. President—

Mr. HITCHCOCK. Agriculture at the present time is prostrate. The ruin in agriculture in the West and in the South is widespread, and it is a concern, it seems to me, of the Con-

gress of the United States, not only because there are millions of people involved in this bankruptcy, but it is a concern of the Congress of the United States because the prosperity of the agricultural classes is of tremendous importance to the other classes of the United States—of tremendous importance to the other classes because these millions of people interested in agriculture are the ones who must buy the manufactured products of the United States. The farmers are the ones who must make business good in the factories and upon the railroads of the United States, and there is no single class of interest in the United States which should receive the fostering care of Congress to the same extent that agriculture should because of its relation to other interests.

I yield to the Senator from Iowa.

Mr. CUMMINS. The question I had in mind when I rose a few moments ago was this: The senior Senator from Nebraska has heard the interesting remarks of his colleague, I presume? Mr. HITCHCOCK. I have.

Mr. CUMMINS. I also assume he believes, as we all believe, that the farmer is paying an undue price for everything he buys on account of the combinations and trusts from which he must buy?

Mr. HITCHCOCK. I think that is true to a large extent.

Mr. CUMMINS. Then, if that is true, why should not the farmer be permitted to enter into a combination or combinations to unduly increase the price of his product?

Mr. HITCHCOCK. That is a very pertinent question, and I do not know why, if the country generally is playing at that game, the farmer should not be permitted also to play at it.

Mr. CUMMINS. I think so.

Mr. HITCHCOCK. But I take the position, Mr. President, that it is not possible, by reason of the very nature of the farmer's business and because of the millions of men engaged in the industry, for the farmer to combine to anything like the same extent the manufacturer or mercantile interests can combine, for the purpose of affecting prices.

Mr. CUMMINS. I agree with that. I do not believe it is possible; but why forbid it? When he must buy from everybody at an unreasonable price, why should he not be permitted to combine, if possible, and sell at an unreasonable price?

Mr. HITCHCOCK. He certainly should not be prohibited from making any cooperative effort that is possible to secure better prices for the things which he must sell.

Mr. CUMMINS. Precisely; yet the very bill to which the Senator has just said he gave his approval provides that he shall not combine in order to sell at an unreasonable price. That is my objection to section 2 of this bill.

Mr. HITCHCOCK. Mr. President, I have endeavored to make it clear that I would be willing to go further than this bill goes; but this is the bill before us. I know it is not possible to put through the Senate or to put through Congress a bill absolutely exempting the farmer from any restrictions whatever. We are not to be allowed to vote on or to put through Congress a bill specifically authorizing farmers to form trusts, and I presume that would be the only thing that could be done.

Mr. CUMMINS. I think it entirely possible to pass through Congress a bill exempting farmers from the operation of the antitrust law, which is so illy understood, and which has been so inefficiently administered, except as to a few products which are capable of being monopolized. We all know that cotton can not be monopolized, that wheat can not be monopolized, that corn or hogs or cattle, things that are grown in very large territories of the United States, can not be monopolized. Why not do the thing we want to do, to relieve the growers of those products from the operation of the antitrust law?

Mr. HITCHCOCK. I would be entirely willing to vote for such a bill. I am in exact accord with what the Senator from Iowa has stated, and being the chairman of the Committee on Interstate and Foreign Commerce, if he will lead the way, I will support such a measure.

Mr. CUMMINS. I should have been very glad to have led the way if this bill had been referred to the Committee on Interstate and Foreign Commerce, and I think that really was the proper committee for the consideration of the bill; but it was referred elsewhere. I am expressing my own view of what ought to be done.

Mr. HITCHCOCK. The Senator is also expressing mine, although, Mr. President, I doubt whether even then in the very nature of the farmer's business it would be possible for him in his cooperative agencies or cooperative associations, even permitting those associations to work together, to bring about any very great improvement in the marketing of his products. I believe something could be done, but in the very nature of the farmer's business, with the millions of men engaged in it, it is not possible to make such combinations very effective.

Mr. President, I have said that the farmer never should have been included in the antitrust bills of the United States, the bills to prohibit the undue restraint of trade. The farmer is not in trade. His goods are marketed upon exactly the opposite theory from the marketing of the goods of men who are in trade.

A man with a manufacturing institution produces his product with a very accurate knowledge of what it costs to purchase his raw material and to employ his labor, and he puts his product upon the market at a price which he himself fixes. The farmer, on the other hand, is compelled, when his product is ready for market, to sell it on the market at the price which the buyers on that market fix. If it is wheat he is selling, he sells it at the price which the elevator in the town nearest to him offers for that wheat, and that elevator takes the price from the grain center nearest by, and that center takes it, perhaps, from the New York market, and that, perhaps, from the London market.

So when the farmer markets his goods he is not marketing them at the price he puts upon them. The price at which he markets them has no relation whatever to the cost of production. He has labored nearly a year to produce his crop, and when it is produced he is compelled, through his necessities, almost immediately to throw it upon the market and take whatever price is offered to him.

My judgment is that this country should in some way develop a system of agricultural credit, so that the farmer may be relieved from that necessity of throwing his crop upon the market immediately he has finished its production after months and months of labor. There ought to be some system of personal credit by which he could hold that crop for a few months and market it gradually, because the very necessities of the agricultural classes, which compel them to throw all their crops upon the market simultaneously and almost instantly, result inevitably in an undue depression of the market.

Suppose the manufacturing institutions of the United States were working upon the same theory. What sort of prices could they procure? Suppose they had to spend months of the year, or perhaps the whole year, in preparing their manufactured products for market, and then throw them upon the market and accept whatever prices were bid for them? Ruin would inevitably face the manufacturing institutions. As it is now, the manufacturing institutions are buying their raw material month by month, they are employing their labor month by month, and they are marketing their goods month by month all through the year, and the result is they are reasonably in a position where they can get living prices for what they have to sell.

Not only that, but when there is a check in the demand for the products which they are making they can reduce the production. They can do as they are doing in this country at the present time, discharge their men, cut down their forces, and run their factories upon what is called 25 or 30 per cent capacity, and merely feed out to the market what it will consume at their prices.

The farmer can not do that. The production of agricultural products is practically the same year by year. There is little variation, except such as is caused by the weather. The production of wheat does not vary to a large per cent, nor of cotton, nor of corn, except as the production is made to vary by the weather. The farmer has to produce. His only hope is to make his whole farm productive, and if he is a wheat raiser he starts in in the fall preparing his ground for the seed, he plants his winter crop in the fall, and he does not market it until the following July. He is not in a position to do as a manufacturer does. He can not control his markets and he can not make his own prices, and he never ought to have been made subject to the provisions of the antitrust law. He had not brought about in any degree the evil from which the country had suffered.

Mr. WILLIAMS. He is compelled to go the limit of production.

Mr. HITCHCOCK. As the Senator from Mississippi says, he is bound by the very nature of his business to go to the very limit of production upon the ground which he has, and the agriculturist has become a victim in this country of every fluctuation in business or credit which has cut off his markets, or impaired his markets, as they are greatly impaired at the present time.

The difficulties in Europe, the impaired purchasing power of Europe, the destroyed credit of Europe, and the absence of a commercial credit for dealing with Europe, have put the farmers of the United States in a position where they have been compelled, from their very necessities, to throw their crops upon the American market almost as soon as they were harvested and to take for them whatever is offered. The result is that in the West and in the South, because of prices being cut in two, we have widespread bankruptcy at the present time. Mil-

lions of producers in the West and in the South have worked a year, yes, they have worked practically two years, and the crops they have raised they have had to sell at prices which have not paid them for the cost of production, and there are millions of farmers in the country to-day who not only are unable to sell their products for enough to pay for the cost of production but they are unable to pay their taxes and unable to pay the interest on their mortgages.

They are facing foreclosures of the mortgages on their farms. There are whole counties in the western part of the United States that are going to be financially embarrassed because of the failure and inability of the farmers to pay their taxes, and I suppose that condition is the same in the South.

Mr. President, I think more attention must inevitably be given by Congress to the interests of the agricultural classes of the United States. Not only this bill, which to my mind does not go far enough, but Congress must pass other bills. The time has arrived when the Government of the United States must provide some system of credit which will do away with the necessity of the farmers of the country throwing their products upon the market the instant they are harvested. It is not to the interest of the people to have the agriculturists of the country forced to throw their products into the hands of the middleman as soon as they are produced.

It does not benefit the consumer to any extent, because the middleman who carries these crops and purchases them at these cut-throat prices gets a materially higher price when the time comes for the consumers to buy them. I think it should be the care of Congress not only to relieve the farmers of this country from any possible fear that they are liable to be prosecuted if they form cooperative associations, but we ought to have affirmative legislative provision for the formation of these cooperative associations, and we ought to have affirmative legislative provision under which we can build up a system of credit to help agriculture in carrying its crops a reasonable length of time, and marketing them in a gradual way, as the producers of other articles manufacture and market their products.

I am for this bill in the strongest form in which it can be passed, to exempt the farmers from any fear of antitrust laws, and I am for any other legislation which can be devised to make farming once more a profitable business. Until it does become profitable there will be a depression in this country which will exist for an indefinite period. You can not start up the mills and factories in the East until the farmer is able to buy, and as long as he is wearing his old clothes, and as long as he is forced to do without, there will be depression in the East.

I was in Cleveland the other day and was told that there were 100,000 men in that city alone out of work. In my opinion the number of idle men in the country, instead of being overestimated, is underestimated at the present time. Instead of our being upon the point of reviving business in the United States, I think we are in the grip of a depression which is going to last a good while yet.

In my opinion, another thing that the Congress ought to do, and the administration ought to take the lead in doing it, is to do something to revive international commerce. The United States is the greatest producing Nation in the world. We have more surpluses to sell than any other country in the world. We know by experience that our manufacturing institutions have been so increased in their productive capacity that we can manufacture and sell two or three thousand million dollars worth of manufactured products more than the American people can consume. We know we can raise an indefinite amount of grain, we can raise a great deal more wheat and corn and other grain than the American people can consume, we can raise a great many more cattle, a great many more hogs, two or three times as much cotton, a great deal more tobacco, and produce two or three times as much copper than the American people can consume.

Our surpluses are perfectly prodigious, and the trouble at the present time is that we are not able to sell our surpluses. The result is that factories are working at 80 per cent capacity. Farmers are in distress because they are unable to sell their products at anything like a fair price. The copper mines in the West are closed and have been closed for over a year. Six or seven million bales of cotton in the South are stored in warehouses, where it is mortgaged for more than it can be sold for. We have a business depression which is one of the worst which has ever gripped the country, and it is largely because we are not able to sell our surplus products to the rest of the world.

My idea of the way to sell these surplus products to the rest of the world I have expressed in my bill for a bank of nations. I am endeavoring from time to time to elucidate that plan. I believe we have to do in international commerce exactly what every nation in the world has done in its domestic

commerce, establish a credit upon which the goods can be sold. We are trying to sell goods to the rest of the world now for cash. Suppose we tried to do business in the United States for cash. There would be an enormous shrinkage of business, even below what it is now, because the experience of civilization has shown, and our experience in the United States has demonstrated, that 95 per cent of our business is conducted on a credit basis.

If we attempted to go to a cash basis, to pay money at the time of transaction, our business would shrink to very small proportions; and yet that is what we are trying to do in international commerce to-day. We are demanding cash for cotton. When we ship it to Europe we are demanding cash in New York. When we ship packing-house products to Europe cash is demanded for them, or if they are shipped over there they are shipped to some personal representative who does not deliver them until they are paid for. When wheat is exported it is sold for cash in advance.

There is no reason on earth why a responsible concern in Europe should not be put in the position where it can buy the products of the United States upon the basis of a commercial credit. There is no reason on earth why a cotton mill in Germany should not have the same credit, the same length of time to pay for its cotton, that a cotton mill in New England has.

The cotton mill is manufacturing wealth every day. The cotton mill has credit in Germany, and there is no reason why that cotton mill should be required to pay cash in advance in New York before it gets its cotton. The German Government may be bankrupt, but the producers of Germany are not bankrupt and they ought to be given, under some form of international cooperation, a basis of credit, so they can buy the products of the United States upon that commercial basis of credit. The cotton mill in Germany, when it buys cotton in the United States, should have three or four months to pay for it. As its goods are manufactured into its finished product it will have the money with which to pay for that cotton when the three or four months have expired. Such a credit will greatly increase its ability to buy cotton. So with other products which we export.

I think it is high time for the United States to arouse itself to the fact that as the greatest exporting nation in the world, as the greatest surplus-producing nation in the world, as the nation which has the greatest and the most valuable raw materials in the world, it is interested in establishing in the international field what every nation has established in the domestic field—a system of banking and currency—which is the only thing that can give credit for commercial transactions. I am not going to discuss my bank of nations bill, but that is what I have in mind and that is a matter to which I think the Congress of the United States should some day give pretty serious attention.

Mr. ASHURST. Mr. President, during the able speech of the Senator from Nebraska he said that the prosperity of all the country could not return until the purchasing power of the farmer has been restored. I have an article from the Southwestern Stockman Journal, a leading agricultural paper of the Southwest, printed in Arizona. It is, in part, as follows:

THE AGRICULTURAL BLOC.

[From the Southwestern Stockman Farmer.]

Scarcely do we pick up a paper or a magazine nowadays that we do not find some place therein an attack, more or less covert, against what is termed "the agricultural bloc."

Most of our readers, if not all of them, know the "agricultural bloc" is a bipartisan organization of about an equal number of Democrats and Republicans in Congress who have combined to support a program of legislation designed to give the farmers a square deal.

This bloc has the support of the American Farm Bureau and kindred organizations. Time after time it has intervened in party matters and has been especially useful in defeating special-interest legislation in transportation, tax, and tariff bills before the present Congress. Those who expected tax burdens to be shifted to the consumer; those who expected vast profits through prohibitive tariffs; those who made promises of special privileges in return for political support in the last election and are now unable to deliver—all these and more are jealous that the producers should now arise in indignant wrath and determined purpose that the farmers of the Nation shall no longer be made to absorb the losses attendant upon the return of normalcy.

Seven billions of dollars in round figures measures the farmers' loss in 1920 crop values alone. His land values have slumped, but he knows that these will return.

This stupendous loss at a time when the volume of loan money was greater and interest charges heavier than at any time in the history of America marks a page of gross inefficiency and inequality in the processes of our national life.

Did the great financial concerns in America book losses while the farmer was relieved of seven billions of dollars of wealth? On the contrary, it was a year of unexampled prosperity for them.

*** Did the steel industry write off billions in losses? Did not the great railroad organizations find Congress willing to pass legislation that protected them from gigantic losses?

The bare and brazen facts stand out that the farmer has had to take the brunt of things in these turbulent times. His buying power reduced by the ruthless decree of events has reacted against the manufacturer whose products he has had to buy sparingly. His limited purchasing power has curtailed railroad traffic and high rates have

been a brake on the wheels of commerce. His enforced depletion of purse has kept him from building as well as from buying and has reflected in less employment of labor in the factory and plant as well as in the field.

Combinations of capital were able in 1919 and 1920 to "bloc" Congress for much legislation, but exercised greater power in administrative circles. Banking and investment interests preferred those lines of credit that belonged to groups which had power and knew how to use it. Agencies to facilitate farm credits and loans, the culmination of two decades of effort, were attacked and dragged wearily through the courts. Multiplied millions of dollars went into frozen credits to avoid taxation. For a time the cry of distress that went up from agricultural sections was like the cry in the wilderness. In the wild scramble business men overlooked the historic analogy—that agricultural prosperity and business prosperity and agricultural depression and business depression have always gone together in pairs.

And so to-day scarcely does a mail come to our desk that does not have the complaint of the politician that the "bloc" endangers party solidarity; or that disaster will overtake us if the farmers demand a curtailment of charges by middlemen and agencies of exchange.

Real prosperity will not return until the purchasing power of the farmer returns. The purchasing power of the farmer will return when his product can pay transportation charges and marketing charges and leave him enough to supply the humble wants of his family. In its final analysis the problem is a simple one. The reasons for the "agricultural bloc" are sound and we hope it will have all the power it needs until the abuses that called it into existence have been abolished.

Mr. CUMMINS. Mr. President, the present situation or condition of agriculture, I think, must command the interest of every good citizen. The depression can not well be exaggerated. However, I hope that in describing the depression and the hardships which the farmers of the country are now suffering, we will not forget that it has not always been so. I hope that the effect of the discussion will not be to discourage the people of the country who are engaged in this occupation.

During my life in Iowa, running now over 40 years, I have seen Iowa farms increase in value from \$15 per acre to \$500 per acre. There must be some reason for that. Agriculture certainly has not always been unprosperous, for if it had been this advance in the value of the real property upon which they operate could not have occurred. I think the depression is temporary, but I believe it to be our duty to do everything in our power to relieve it. I am afraid that in the passing of the pending measure we are keeping the promise to the ear and breaking it to the hope. I think there are defects in both these bills, the House bill and the Senate committee bill, which will well-nigh destroy any value which the farmers of the country might hope to realize from either of them.

I think combinations of farmers may be entered into for three general purposes: First, in order to lessen the cost of production. There are many ways in which combinations may be formed that will lessen the cost of production of whatever commodity the farmer may be engaged in producing. I think very worthy combinations may be entered into which will lessen the cost of marketing; that is, bringing the commodity to the place at which it is sold; and there certainly can be no objection whatever to any combination of that kind. There is not the slightest reason to believe that any combination to engage in lessening the cost of marketing—that is, in eliminating the middleman—could be found antagonistic to or in conflict with the antitrust law.

Combinations may also be formed, and, I think, ought to be permitted, having for their object the increase in the market price of the commodity. While that may be objectionable in some limited fields, recognizing, as I do, that the market price of farm products is generally below the cost of production, I do not object to combinations that have for their specific purpose the increase in the market value, so that the commodities may be sold at a fair and reasonable profit to those who produce them.

However, we find in section 2 of the House bill what I fear will neutralize the effects which are hoped for it and may be the most effective weapon against the farmer that can be found in the law, much more effective than is found in the antitrust law itself.

Mr. KELLOGG. Will the Senator yield to me?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. KELLOGG. I have a good deal of sympathy with what the Senator from Iowa is saying. I am willing to exempt farmers from the operation of the antitrust law, but this bill has been for three years before Congress and there seems to be great difficulty to getting even this moderate bill through. Has the Senator from Iowa any assurance that if we provided an absolute exemption of farmers from the antitrust law the bill would pass the Senate and the other House?

Mr. CUMMINS. I have no doubt whatever that the House bill will pass the Senate, and I do not intend to offer any amendment to it. I have no hope that it can be amended. I

prefer the House bill to the Senate committee substitute; but I simply want my views to be on record, so that in the future if the price-fixing arrangement which is contained in section 2 of the bill shall turn out to be very disastrous to the farmers of the country it may be known that I, at least, was not deceived or deluded at the time the bill was passed. Section 2 of the House bill provides:

That if the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint.

And so forth. If he finds, first, that there is a monopoly or that there is a restraint of trade, he must then inquire whether that monopoly or that restraint of trade has resulted in unduly enhancing the price of the particular commodity which may be involved in the investigation.

I do not believe that Congress can confer such authority upon the Secretary of Agriculture. As I understand the Constitution under which we are passing laws, when we attempt to invest an administrative officer with an authority of that kind we must give to him the rule or the guide which is to govern him in reaching his conclusion, whatever that conclusion may be. What is unduly enhancing the price of a given commodity? What is the test of a fair and reasonable price of a commodity which is simply the subject of general exchange in private enterprise and private industry? There is not a Senator here who can tell his fellow Senators what he would do under the authority that is bestowed upon the Secretary of Agriculture in this section. There is no guide; there is no standard.

I asked the other day, and I ask now, suppose that last year, as was the case, the farmer was particularly unfortunate in the prices he received for his products, that he made no profit whatever in his enterprise; but this year, let us assume that the supply is more limited, and that it is possible to increase the price; can the price be so increased that the farmer may recoup his losses of last year or secure the profits that he ought to have made last year? Who can answer that question? Is the Secretary of Agriculture at liberty to compare the profits which the farmer is making or ought to make with the profits that other enterprises are making or ought to make?

Is the Secretary of Agriculture at liberty to compare the price of a given commodity with the wages which men receive who are to consume that commodity? Is he to measure the price that prevails in the market with the purchasing power of other commodities or of other services? We are doing a vain and a futile thing from the legal standpoint in attempting to invest the Secretary of Agriculture with the authority to declare what is or what is not an undue price for an agricultural commodity.

But, further, how is the Secretary of Agriculture to determine whether the increase in price which may have occurred is due to the association of farmers or whether it is due to natural causes? The Senator from Nebraska [Mr. HITCHCOCK] has just pointed out that the great need of the farmers of this country—and I agree with him—is a foreign market; some place in which to sell or some persons to whom may be sold our surplus products. The state of the world changes year by year. In some years the farmer can sell in foreign markets a very large surplus, and in other years he can sell but a small surplus; in some years the harvests in Europe and in South America are scant and meager, while in other years they are abundant and plentiful. All these considerations must have their effect upon the market price of the products which the farmer supplies to the same market.

If any human being can tell me how a Secretary of Agriculture can survey the outside world and also our own country and specifically determine whether a given combination or association of farmers has resulted in bringing about an undue price, even though he may find the price itself to be undue, he will have accomplished something that to me, with my limited capacity, is utterly impossible. I am afraid of giving to the Secretary of Agriculture the power to say that a price that may be obtained at any given time is an undue price, for, while I think that if the law were challenged in the proper way it would be found to be without authority, yet the Secretary of Agriculture will do that thing. If a labor union representing a vast number of men who consume the products of agriculture appears before the Secretary and says "These prices are too high, and they have been made too high by the combination which is specified"—

Mr. SIMMONS. Mr. President, before the Senator leaves the point which he has been discussing, will he yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield.

Mr. SIMMONS. I understand that the Senator is attacking the bill upon the ground that there is no rule established in the bill to enable the Secretary of Agriculture to ascertain what is an undue enhancement of prices. The Senator has further contended that it would be impracticable for the Secretary of Agriculture to ascertain what would be an undue enhancement; but leaving out the question of the difficulty of administering the law, I want to ask the Senator if the legal difficulty which he raises—and I think there is a great deal of force in what the Senator says with reference to that—could not be cured simply by providing that the Secretary shall act if he shall find that the price has been enhanced beyond the point of a reasonable profit? Would not that establish a rule which would relieve the provision of the objection which the Senator makes to its legality? I am not, of course, discussing the practicability of administering it.

Mr. CUMMINS. That might make it easier for the Secretary of Agriculture to discharge his duty.

Mr. SIMMONS. But would it not furnish a rule under the law?

Mr. CUMMINS. But that has very great difficulties attending it also. A reasonable profit to whom? A farmer in North Dakota may raise wheat for 75 cents a bushel—I do not know that he can, but he may—on land worth \$50 an acre. A farmer in my State may find that it will cost him a dollar a bushel to raise wheat upon land worth \$200 an acre. To whom, then, would the Secretary of Agriculture look in determining whether the producer was selling at a fair and reasonable profit? All that he could do in the world would be to ascertain, if possible, the average of what all the wheat in the United States cost, and then the value of all the land upon which it was grown, and then, taking due account of the actual cost of producing the wheat, ascertain whether, as a whole, wheat was being sold at a profit or at a loss.

Mr. KELLOGG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Yes.

Mr. KELLOGG. This requirement that the Secretary of Agriculture must find that the monopolization or restraint has unduly enhanced prices is not a requirement that the Secretary has to find whether every price in the country, or a particular price, is unreasonable. It is a condition precedent to his proceeding against a supposed or a charged monopoly or restraint of trade; and if he can not find that the monopoly or the restraint of trade has unduly enhanced prices, of course he will not bring any suit. He does not have to find what is a reasonable price. If the charge of monopoly is so flimsy that he can not find that the price has been unduly enhanced by the monopoly, he simply does not bring any suit or make an order. That is all there is of it.

Mr. CUMMINS. Mr. President, that may be an answer to the suggestion of the Senator from North Carolina [Mr. SIMMONS], but it is not an answer to mine. It becomes the duty of the Secretary of Agriculture, upon an application, to ascertain whether the price has been unduly enhanced. He will undertake to do that, I say, without any guide and without any rule. We do not supply him with the very least suggestion of the manner in which he should proceed in ascertaining whether the price had been unduly enhanced.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. I yield.

Mr. LENROOT. If, instead of finding whether there had been any undue enhancement of prices, the Secretary were charged with finding whether there was an undue restraint of trade, I should like to know from the Senator what facts, either laid down in statute law or in common law or in any decision of the Supreme Court, the Secretary of Agriculture would consider in determining that question?

Mr. CUMMINS. The Senator from Wisconsin asked me that question a day or two ago—

Mr. LENROOT. I did.

Mr. CUMMINS. And I do not know that I can answer it more satisfactorily than I did then. There is no such thing as undue restraint of trade. That is a description which the Supreme Court has given to restraint of trade. If it is not undue restraint of trade, it is not restraint of trade at all. For 250 years the courts have been laying down rules with regard to what constitutes restraint of trade, and we have all the information, all the guides, and all the standards which the courts during all these years have laid down upon this subject

in order to ascertain what is a restraint of trade that is contrary originally to the policy of the common law, and now contrary to the statute which we know as the antitrust law. That constitutes the difference between ascertaining what is restraint of trade and what is an undue price.

Mr. LENROOT. In view of all that the Senator has said, and the rules that he says have been laid down as to what constitutes undue restraint of trade, does the Senator think there is anything that will enable any person to know whether he has approached the realm of undue restraint of trade because of any rule laid down by the courts of this country?

Mr. CUMMINS. I do, Mr. President. I think the decisions of the courts are very illuminating on this subject, although they are not in harmony. I quite agree that one may reach differing conclusions from the examination of the law which has been established now for these many years; but, nevertheless, it is a law which is recognized by the whole civilized world, and I need but point out the distinction. The Supreme Court has sustained the anti-trust law, and has convicted men guilty of restraint of trade. It has also held, however, that when Congress attempted to say that a man should be punished if he sold any commodity at an unreasonable profit or at an unreasonable price, such a law was unconstitutional and without authority, because it did not furnish to the citizen any guide that would enable him to determine at a given time whether he was committing a lawful or an unlawful act. There is that difference between restraint of trade and undue enhancement of price.

Mr. LENROOT. That is true so far as the decision is concerned; but, as a matter of practical fact and experience, does the Senator think that a citizen of the United States, under the rule laid down in the Standard Oil case of undue restraint, and the rule of reasoning to be applied, has any rule or facts by which he can determine what is an undue restraint of trade any more than what is an exorbitant price?

Mr. CUMMINS. I must again answer that I think there is some more light, unsatisfactory as it may be; but there is no question about the attitude of the courts toward undue price or unreasonable price. It is admitted that it will not guide the citizen. The citizen must have something more than that to warn him before he can be convicted of a crime. Now, it is said that the Secretary of Agriculture does not need any more than that; that he can arrive at a result that will be lawful, and upon which he may proceed to the prosecution of a given combination or association, without any further light or information than merely the declaration that one who is guilty of unduly enhancing a price in a market place must desist, and if it be a corporation must be dissolved. If I were dealing with the subject, I should not know how to arrive at that result.

I do not believe that the Secretary of Agriculture will know; but he will act, because he is required to act, and he will find either that the advance in price, if there has been an advance, is an undue advance, or that it is a reasonable advance; and when he acts the whole agricultural world will be governed by his action, and even though the statute gives him no authority to fix a price for the future, his decision will as inevitably control the price for the future as the seasons will go on, and you will find—and that is the whole point of the observations I am making—that the farmer will be the one producer in this country whose price is fixed for him by an administrative officer.

Mr. LENROOT. Mr. President—

Mr. CUMMINS. The Standard Oil Co. can sell at any price it pleases. The Steel Corporation can sell at any price it pleases. The harvester company can sell at any price it pleases. There will be no one to control or to regulate them or to suggest that the price at which they are selling their products is an undue price; but the farmer will have had it said to him that a certain price is greater than it should be, and the association which brought about that enhancement is to desist from its efforts and be dissolved. Of course another corporation or another association can be substituted for the one condemned, and it will know that it can approach but not reach the price which has been fixed by the Secretary of Agriculture.

I have the very highest regard for the present Secretary of Agriculture. I have known him many years. He is a high-minded, broad-minded, just, and honorable man; and I want it to be understood that I am not speaking of any particular Secretary of Agriculture. If I were to trust anybody in the world to fix a price, it would be the present Secretary of Agriculture, but he will not always be the Secretary of Agriculture, and I would not be willing to sacrifice a principle anyhow, no matter how much confidence I have in the particular

man who is to exercise the authority which is to be reposed by the statute.

I predict that the farmer will find in this bill the authority he desires for organization, but he will also find in the bill an obstacle that will prevent him from ever reaching the prosperity to which I think he is entitled. I think he is entitled to enter into his associations for the purpose of protecting himself not only in production but in marketing his products, and I do not believe that any administrative officer of the Government ought to be authorized to sit in judgment upon him. If we are to have anybody sit in judgment upon him it ought to be a court, duly organized and controlled and governed by the laws which we enact and those which have been handed down to the courts throughout the long development and progress of our civilization.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. I suggested to the Senator from Montana [Mr. WALSH], when he was on the floor the other day, that I would like his views—and I make the same suggestion to the Senator from Iowa—I would like to have his views as to the wisdom and the propriety of selecting an administrative officer or an executive officer, such as the Secretary of Agriculture, to pass upon questions which this bill commits to him, and I suggested to the Senator from Montana that if we commit to the Secretary of Agriculture the question of determining what is a fair price for grain, or for the products embraced within this bill, then the next step will be to commit to the Secretary of Commerce the same power with respect to the products of the manufacturing plants of the United States, and then we will commit to the Secretary of Labor the power to determine whether or not there is any infraction of the law by any of the activities or organizations that come properly within what might be denominated the labor supervisory power of the Government; and we will have the bankers and the great capitalists appealing to the Secretary of the Treasury for the purpose of determining whether they have violated the Sherman antitrust law or some other penal statute of the United States; so that in the end we will transfer from the courts to these executive officers of the Government judicial or quasi judicial powers, and it will be left to them to determine whether the laws have been violated or not. I ask the Senator whether he regards such a precedent as this bill seems to establish as wise and proper?

Mr. CUMMINS. Mr. President, one can not predict with any certainty what will happen in the future. We will have to deal with these situations as they arise. I am opposed to price fixing, directly or indirectly, in private enterprise. Whenever we declare any production a public utility and assume to control, regulate, and limit it, as we do with regard to public utilities, then it necessarily follows that there must be a price-fixing tribunal; but until we do that I am reluctant to pass to price fixing, either directly or indirectly, as to agriculture.

Mark you, I am not opposing combinations among farmers. If I had my way about it, I would repeal the antitrust laws so far as agricultural products are concerned, with a few exceptions to that repeal, and the Senator from Montana pointed out in a general way in his very instructive and comprehensive speech what those exceptions should be. I am not a devotee of the antitrust law. I am not a worshiper at that shrine. I said yesterday that I thought the antitrust law was the most ineffective statute upon a great subject ever enacted by the Congress, and I repeat that. I recognize that there must be some control, but it will never be effective along the lines of the antitrust law.

The Senator from Nebraska [Mr. NORRIS] pointed out this morning what followed the dissolution of the Standard Oil Co. The courts have done all they could. I am not criticizing the courts. I think they have faithfully done their duty. You can not expect harmony upon a subject of this sort. The business of the world, the commerce of the world, is too varied to attempt to apply any such general rule to it with any success whatsoever, and so we find the series of Standard Oil companies which were organized and created under the decree of the Circuit Court of Appeals of the Eighth Circuit exercising practically the same power that was exercised originally by the Standard Oil Co. of New Jersey.

I think our history has demonstrated that we must find some other way to control these great corporations which are able to fix prices. I myself am a believer in competition. I want to preserve competition in our general industry just so long as we can preserve it. I am not sure we are not drifting to the community idea pretty rapidly. I am not sure that the socialistic

tendency will not finally find its expression in general control of everything by the Government; but I am fighting against it. I am doing what I can to prevent or to check that tendency, and that is one of the reasons I would not, if I could help it, invest a Government officer with authority to fix a price or declare that a given price was an undue price for any commodity of which the Government has not taken complete control, as it has of all the railroads and other utilities of that sort.

If I thought I could wield any influence at all, I would move to strike out section 2 of this bill. I would rather allow the bill to stand as a substantial repeal of the antitrust law with regard to agricultural products than take this further step that is proposed in section 2; but I know that an amendment of that kind is futile. I know I can not rewrite this bill at this time, and so I have said what I have said simply that I may at least have a clear conscience so far as speech is concerned. My vote may seem to be inconsistent with what I have said, but I must choose between these two alternatives, and I say frankly that I prefer the House text, with all its infirmities, to the Senate substitute for just one reason, and that is that the Senate substitute leaves intact the attempt to create a monopoly, which I think destroys its value entirely.

Mr. KING. Mr. President, in view of the provisions found in section 6 of what is known as the Clayton Act, does the Senator think there is any necessity of legislation, assuming that we desire that the farmers shall have full opportunity to associate themselves for the purpose of marketing and processing their products? The Senator will recall the language.

Mr. CUMMINS. I remember it well.

Mr. KING. It reads:

Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

This would seem to legalize organizations upon the part of farmers, such as those referred to by the Senator, for the purpose of marketing, processing, handling, and selling their products.

Mr. CUMMINS. Not wholly; but I concur in the opinion expressed by the Senator from Montana [Mr. WALSH], the opinion expressed by the Senator from Minnesota [Mr. KELLOGG], and the opinion expressed by the Senator from Nebraska [Mr. NORRIS], in fact with the opinions of all Senators who have discussed this subject, that even without the section in the Clayton antitrust law, just read by the Senator from Utah, the antitrust law itself does not prohibit any organization or association which the farmers desire now to bring together, but I nevertheless understand that they are in fear of that law, and I am willing to make my own understanding of the matter perfectly specific by enacting it into a statute.

Mr. FLETCHER. Mr. President, I remind the Senator, before he takes his seat, of the further provision of section 2 to which the Senator objects. The Senator raises the point that it would be unwise to place in the hands of the head of a department this matter of determining what is an unreasonable advance in price, and so forth, and suggests that that question ought to be left open to the courts, as I gather.

Mr. CUMMINS. I did not say quite that; I said I was willing to strike the section out entirely.

Mr. FLETCHER. I understand that position, but I understood the Senator to say that the question of determining what is a reasonable or unreasonable price, and other matters which might arise, should not be sent to an agent of the Government, the head of a department, but were questions rather for courts. I call attention to the provision of section 2:

On the request of such association, or if such association fails or neglects for 30 days to obey such order—

That is, the order by the Secretary of Agriculture—

the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction.

So eventually the question would come to the courts, rather than be left arbitrarily to the Secretary of Agriculture.

Mr. CUMMINS. It might go to a court, but even if it were to go to a court my objection would be just as valid and emphatic. The Supreme Court has said that you can not commit to a court the enforcement of a law which simply declares that to charge an unreasonable price is a crime. The court can not administer a law of that kind. Congress must make the law and give the court something to administer. So my objection to

the court exercising the power is of the same character as my objection to an administrative officer exercising the power.

Mr. WALSH of Montana. Mr. President, touching the matter concerning which the Senator from Florida just now inquired of the Senator from Iowa, the matter of the review in the courts, I invite attention to the fact that the provision contemplates what might be regarded as a trial de novo in the court; that is to say, the Secretary makes his order, having found that the monopolization or undue restraint of trade, causing an increase in the price or an undue enhancement of price, has occurred. That order is to be enforced through the court, but when the Secretary, through the Attorney General, appeals to the court, that court has power to make a decree affirming, modifying, or setting aside the order, and "the facts found by the Secretary of Agriculture and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence."

So the court will proceed to try the question as to whether there has been an undue enhancement of price, or exactly the question to which the Senator has referred. If we can repose such power in an administrative officer to determine prices or to determine whether there is an enhancement of price, I think, upon all acknowledged rules, that the delegation of power can not be confided to a court; that it is not a judicial question at all for determination by a court, but a purely administrative question.

If there is nothing else to be said on the general bill, I desire to propose some amendments to the House bill before the matter is voted on. I send to the desk the following amendment to the House bill.

The PRESIDING OFFICER. The Senator from Montana proposes the following amendment to the House text, which the Secretary will report.

The READING CLERK. After line 8, page 2, insert the following:

3. That any person engaged in the same industry shall be admitted to membership in the association on equal terms with all others.

4. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

Mr. WALSH of Montana. This amendment is offered by me in a very sincere desire to be helpful in perfecting the bill. The first paragraph of the amendment proposes—

Mr. KELLOGG. Mr. President, will the Senator yield to me to suggest the absence of a quorum? I think we ought to have one.

The PRESIDING OFFICER. Does the Senator from Montana yield for that purpose?

Mr. WALSH of Montana. I do.

Mr. KELLOGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Lenroot	Ransdell
Ball	Gerry	Lodge	Robinson
Borah	Glass	McCumber	Sheppard
Brandegee	Gooding	McKinley	Shortridge
Broussard	Hale	McLean	Simmons
Bursum	Harrell	McNary	Smoot
Calder	Harris	Moses	Spencer
Cameron	Heflin	Myers	Stanfield
Capper	Hitchcock	Nelson	Sterling
Caraway	Johnson	Newberry	Sutherland
Colt	Jones, N. Mex.	Norris	Swanson
Culberson	Jones, Wash.	Oddie	Underwood
Cummins	Kellogg	Overman	Wadsworth
Curtis	Kendrick	Page	Walsh, Mont.
Dillingham	Kenyon	Phipps	Warren
Ernst	King	Pittman	Watson, Ga.
Fletcher	Ladd	Poin Dexter	Williams
France	La Follette	Pomerene	Willis

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present.

Mr. WALSH of Montana. Mr. President, I merely desire to say that the first clause of the amendment tendered contemplates that one of these associations, organized under the protection of the provisions of the bill, must admit to membership any person qualified thereunder for membership. Of course, such a provision is not necessary in the Senate committee substitute, but it will be remembered that the House bill contemplates that associations monopolistic in character will be organized.

The California Raisin Growers' Association will serve to illustrate the purpose of the amendment. It is disclosed in the record that 93 per cent of the raisin growers of California belong to that association. The other 7 per cent continue to sell their products to commission merchants as they have in the past, but those commission merchants must go out of business, because they can not get enough of the product to enable them

to operate profitably. If they do go out of business, then the 7 per cent will be too small a body to organize a separate association of their own able to conduct the business successfully. Accordingly, they will have no way of marketing their products unless they are admitted to membership in the organization now effected.

Now, that particular association is very desirous, or at least has in the past been very desirous, that they should come into the organization. Up to the present time they have declined to do so. It is conceivable, of course, that the association shall become so incensed with those people as that they will refuse to admit them, and accordingly they will have no means whatever of marketing their products. Whenever a monopolistic organization is authorized, I think that practically all the writers upon the subject insist that all of those qualified under the law for membership should be entitled to admission. That is the purpose of the first paragraph of the proposed amendment.

The second paragraph of the amendment is found in the Senate committee bill. Under the terms of the bill as it was originally conceived and presented to the Senate the organization was authorized to deal only in products of its members, but the bill before us authorizes it to deal not only in the products of its members but in like products of anyone outside of the association. As suggested by the Senator from Ohio [Mr. POMERENE], Mr. Armour and Mr. Swift and Mr. Wilson, all being farmers, could organize under this provision and handle the products of their own farms and then deal to an unlimited amount in like products. For instance, they raise hogs probably upon their own farms. They could handle the products of their own farms and then handle the hog products of all farms under the protection of this measure. The amendment proposes that the association shall not be permitted to deal in the products of nonmembers to an amount greater than the amount in value of the products of its members.

I do not know that the 100 per cent rule is correct, or that it might not be made 200 per cent, or that it ought to be confined to 50 per cent; but I am perfectly satisfied that under the bill as proposed, we must put some limit upon the amount.

Mr. KELLOGG. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Minnesota.

Mr. KELLOGG. I shall ask that the amendment of the Senator from Montana be divided. Personally, I have no objection to the second amendment establishing the 50 per cent rule; but I hope the Senate will not adopt the first amendment. It will require every cooperative association to admit everybody who is qualified into the association. I think cooperative organizations should be allowed to organize and admit such a number as they see fit, the same as in the case of other organizations. Why? Suppose the farmers of my State, for instance, organize a cooperative stock-selling association and conclude that they would rather have one association in southern Minnesota and another in northern Minnesota, which will operate separately; or that they conclude that they would rather have three separate organizations; I do not think that one organization should be required to take everybody into its fold. Take the California Fruit Growers' Association, which the Senator from Montana has mentioned. I believe he stated that about 7 per cent of the fruit growers are outside of that organization. That 7 per cent ought to be allowed to stay out and to sell their products individually or collectively or in any way they please.

One of the objections, as I recall, which the Senator from Montana made to the proposition contained in the bill, is that all the farmers might form one organization in a single market. The farmers, however, might say, "We prefer to have two or three organizations rather than to have simply one organization," and I think that if they determined to do that they ought not to be forced to admit everybody into one organization.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Minnesota yield to the Senator from Montana?

Mr. KELLOGG. I yield.

Mr. WALSH of Montana. The Senator from Minnesota entirely misapprehends the meaning and scope of the amendment. He is talking about something to which the amendment does not refer. If the farmers desire to organize into 20 different associations, they will have a perfect right to do so.

Mr. KELLOGG. That is true.

Mr. WALSH of Montana. If the farmers of Minnesota want to organize three different associations, there is no difficulty about their doing so. There is nothing in the amendment which prohibits that at all.

Mr. KELLOGG. But the amendment provides that one association shall admit all the members of other associations if

they shall apply. I do not think the amendment ought to be adopted. I hope the Senate will leave associations free to organize in that regard as they may see fit.

As to the second amendment, of course, I have no authority to accept it, any more than has any other Senator, but, personally, I have no objection to the amendment. The amendment reads as follows:

And provided further, That the association shall not deal in products of nonmembers to an amount greater in value than such as are handled by it for members.

I do not think there is any objection to that, but, of course, I can not bind any other Senator. To the first amendment, however, I do object.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. POMERENE. Let us see what construction should be placed upon the amendment. Suppose that Mr. Armour is a member of a farmers' organization and then Mr. Swift comes in. Under the phraseology of the amendment can the association deal in double the amount of products of the two packers as well?

Mr. WALSH of Montana. No.

Mr. KELLOGG. Not at all.

Mr. POMERENE. Perhaps I misunderstood the reading of the amendment and I ask that it may be again read.

Mr. KELLOGG. I will read it again, if the Senator desires to hear it.

Mr. POMERENE. If the Senator from Minnesota has the amendment, I should like to have him read it.

Mr. KELLOGG. The amendment reads:

And provided further, That the association shall not deal in products of nonmembers to an amount greater in value than such as are handled by it for members.

The object being that a few farmers should not organize a corporation simply as a selling agency and not personally really be cooperative members. I have no objection to that amendment, but I ask for a separate vote on the first amendment which is proposed, and I hope the Senate will reject it.

Mr. WALSH of Montana. Mr. President, just a word by way of explanation and not of persuasion at all. The Senator from Minnesota [Mr. KELLOGG] does not meet the situation at all with reference to the first amendment. If he apprehends what it is, he has not clearly stated his views. The amendment contemplates only the case of a monopolistic organization; it contemplates the case of certain farmers being left out of the organization, by spite or otherwise; and having no means whatever of getting their products before the country. That is a situation which the Senator from Minnesota ought to try to meet in some way or other. He ought to try to take care of the 7 per cent of the farmers who are engaged in growing raisins who are not now members of any association.

There is no trouble about a multiplicity of associations. If there is a single association existent and the farmers desire to organize another association, they have a perfect right to do so. This amendment will not in any sense whatever prevent their doing so; they may organize 20 different associations; but Senators will bear in mind that the bill as they are asked to give it their approval authorizes the farmers to go so far with their organization and to get so many producers in it as to constitute a monopoly of the particular product in which they are interested, so that all other producers of that particular community will be obliged to leave the field. As in the case of the raisin growers, those who are left outside of the monopolistic organization may constitute a mere modicum and they will have no way of getting their products on the market at all. If they do not want to organize a separate association or if they are so few in number that they can not do so profitably they ought to be permitted to come into the monopolistic organization upon exactly the same terms as their neighbors are admitted to membership. It ought not to be placed in the power of this monopolistic organization to drive out of existence and out of the business in which they are engaged the men who do not happen to come in until the association embraces a sufficient membership to constitute a monopoly of the business. It should be borne in mind, Mr. President, that it is proposed to give them the power to organize until they have a sufficient membership to enable them to control the market and have no competitor whatever. Of course, if they care to exercise the power, then they can kill off every other man who is engaged in the same business and who has to market in the same place.

Mr. KELLOGG. Mr. President, we have not given the farmers the power to organize a complete monopoly. This amendment applies to every association, whether it is a monopoly or

an attempt to create a monopoly or not, for it provides that any association must admit anyone who is qualified. If Mr. Armour should be a farmer he would have to be admitted; if a sugar manufacturer should happen to raise a little sugar he would have to be admitted. I have not heard the slightest complaint in all the testimony taken of anybody being excluded from a farm organization when he wanted to join one. I hope the first amendment will be defeated.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). The Senator from Minnesota requests that the question be divided. The question is on the first amendment offered by the Senator from Montana.

Mr. LENROOT. Mr. President, when the Senator from Montana [Mr. WALSH] first made this suggestion on the day before yesterday it greatly surprised me, in view of the argument which he had been making against monopoly. I had supposed at that time that he suggested his amendment to the Senate committee substitute, but yesterday I found that I was mistaken in that regard. The Senator from Montana has frankly admitted that if monopoly is to be prohibited or condemned the amendment would be very improper, and he has stated that he had only in mind offering the amendment to the House bill upon the theory that the House bill permitting a monopoly, everyone who wished to enter into that monopoly should have the privilege of doing so. I think I have stated the Senator's position correctly.

Mr. President, Senators will remember that while the House bill authorizes a monopoly under regulations, it does not invite such a monopoly nor encourage it; indeed, the associations which are authorized, I assume, will be careful, so far as possible, that they shall not take on the attributes of a monopoly. Under the House bill, in order to have the Secretary of Agriculture or the courts take jurisdiction over the organization with the possibility of dissolution, two conditions must exist: First, a monopoly or a restraint of trade, and, second, an undue enhancement of prices. So that these organizations will be very greatly interested in taking such precautions that they will not be subject to the charge of being monopolistic. We may take a given organization, for instance, a milk producers' association, which has properly given the Senator from Montana so much concern. Assume that in a given city there is an association of milk producers having a membership controlling 40 per cent or 50 per cent of the milk produced in that territory; but with the competition that exists, under the doctrine laid down in the Steel Corporation case, such an association could not for a moment be charged with being a monopoly and come under the jurisdiction of this bill, but if the Senator's amendment be adopted whereby the association would be compelled upon application to allow all the milk producers of that district to become members of the association, it at once becomes subject to the provisions of the bill, it becomes a monopoly and is subject to dissolution by the court if the Secretary of Agriculture shall find in such a case that there has been an undue enhancement of prices.

Mr. President, this bill is not intended to encourage monopoly. The amendment of the Senator from Montana will encourage monopoly, and I submit that it would be almost as much out of place in the House bill as it would be in the Senate committee substitute where the Senator admits it would be improper to place it.

Mr. President, farm associations should be protected. If they wish so to conduct themselves as not to be chargeable with being a monopoly, we should not compel them to take such action as will, through operation of law, force them to become a monopoly. Therefore this amendment ought to be rejected.

The PRESIDING OFFICER. The question is on agreeing to the first amendment offered by the Senator from Montana.

Mr. NELSON. Mr. President, I should like to have the Chair state the question a little more fully. Are we about to vote on an amendment to what is called the House text or on an amendment to the proposed Senate committee substitute?

The PRESIDING OFFICER. The amendment is presented to the House bill, as the Chair understands.

Mr. NELSON. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. In the House text, on page 2, after line 8, it is proposed to insert the following:

Third. That any person engaged in the same industry shall be admitted to membership in the association on equal terms with all others.

The PRESIDING OFFICER. The question is on agreeing to the first amendment of the Senator from Montana [Mr. WALSH].

The amendment was rejected.

The PRESIDING OFFICER. The second amendment will be stated.

The READING CLERK. On page 2, after line 8, it is proposed to insert the following:

Third, That the association shall not deal in products of nonmembers to an amount greater in value than such as are handled by it for members.

The PRESIDING OFFICER. The question is on agreeing to the second amendment of the Senator from Montana [Mr. WALSH].

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. It is proposed to strike out so much of the bill as begins at the word "in," in line 6, page 1, and ending with the word "commerce," in line 8, page 1, and to insert in lieu thereof the following:

In collectively handling and marketing in interstate and foreign commerce such products of persons so engaged, and in processing or preparing such products for so marketing the same.

Mr. WALSH of Montana. Mr. President, in explanation of this amendment I remark that it is merely a transposition of the language. The bill reads that persons are entitled to associate themselves "in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce." The question is, What does the language "in interstate and foreign commerce" modify? Undoubtedly it modifies "marketing," and undoubtedly it modifies "handling"; but you can not say "in collectively processing in interstate and foreign commerce," and it is doubtful if you can say "in preparing for market in interstate and foreign commerce." Under my amendment the language is changed so as to read:

In collectively handling and marketing in interstate and foreign commerce such products of persons so engaged, and in processing or preparing such products for so marketing the same.

The language "processing * * * and marketing" is not qualified by the phrase "in interstate commerce," and therefore is too broad. It would include processing for sale and distribution within the State as well as without the State.

Mr. KELLOGG. Mr. President, I do not think the amendment is necessary. The original bill reads:

In collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce.

That is well understood. If the processing and preparing for shipment, like boxing fruit and such things, is for the purpose of shipping in foreign commerce, they may collectively act in that regard as well as any other.

Mr. WALSH of Montana. Let me say that there is not any question about that. There is no dispute about that. The question is, Does the language say that?

Mr. KELLOGG. It certainly does.

Mr. WALSH of Montana. It certainly does not.

Mr. KELLOGG. I think the language of the House bill is perfectly clear on that point; and I hope the House bill will be sustained and this amendment rejected.

The PRESIDING OFFICER (Mr. STERLING in the chair). The question is on the amendment of the Senator from Montana [Mr. WALSH].

The amendment was rejected.

Mr. LENROOT. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. It is proposed to amend, line 11, page 2, by inserting after the word "trade" the words "in interstate or foreign commerce," and to amend line 24, on the same page, by inserting after the word "trade" the words "in interstate or foreign commerce."

Mr. LENROOT. Mr. President, the only purpose of this amendment is to remove any possible question concerning the constitutionality of section 2, making it clear that it is confined to interstate and foreign commerce, which alone are within our jurisdiction.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LENROOT. Mr. President, I offer another amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, line 18, it is proposed to strike out the word "therefrom" and in lieu thereof to insert "from monopolization or restraint of trade"; and on page 3, lines 3 and 4, it is proposed to strike out the word "therefrom" and in lieu thereof to insert "from monopolization or restraint of trade."

Mr. LENROOT. Mr. President, the purpose of this amendment is to clarify the matter of what the order of the Secretary of Agriculture shall be, which has been the subject of much

discussion during this debate, and concerning which there has been difference of opinion as to the construction of the House bill.

If this amendment is adopted, this result will follow: If the Secretary of Agriculture finds that there is a monopolization or restraint of trade, and also an undue enhancement of price, then under the bill as it would read if amended he is directed to issue an order, not against the undue enhancement of price, but against the monopolization or restraint of trade. In other words, when these facts exist the order goes against the monopoly, against the restraint of trade, and the command will be that they must desist from such monopolization or restraint of trade; and a mere abandonment of the undue enhancement of price will not be a defense.

Mr. WALSH of Montana. Mr. President, I desire to inquire of the Senator just exactly what the bill will mean if this amendment is adopted. We will assume, now, that the Secretary finds that a monopoly exists, and that the price of the agricultural product is unduly enhanced thereby. He makes an order commanding it to desist from such monopolization. Just exactly what would that mean?

Mr. LENROOT. Of course, it means that the organization or the association must take such action as will no longer result in monopoly. For instance, under the amendment that has just been adopted, they may make contracts with nonmembers and handle the product of nonmembers to the same amount as the products of members are handled. That might result in monopoly; but they could, in that event, free themselves from any further charge of monopolization if they abandoned their nonmembership contracts. I am just giving that as one illustration that might free them from a charge of monopolization. They might, as the court has done in the case of the Tobacco Trust, the Standard Oil Co., and other of these cases, divide the association.

Mr. WALSH of Montana. Dissolve the corporation?

Mr. LENROOT. Not necessarily dissolve it. Enough members might withdraw from it and join another association, so that it could no longer be subject to the charge of monopolization.

Mr. NORRIS. Mr. President, while I do not believe this is a vital amendment, to my mind it is unnecessary, and I am inclined to think it ought not to be adopted. I fear that if this amendment is adopted, the effect of the order of the Secretary of Agriculture would be to dissolve the organization entirely, and that he could not do anything else. He must find two things before he has any jurisdiction: First, that they are a monopoly; and, second, that they have unduly enhanced the price. If they are a monopoly, and the monopoly comes about because the farmers have voluntarily gone into the association, and all have gone in, which, I presume, would make it a monopoly—that of itself, under the theory of this bill, is not sufficient. In fact, that is what is desired to be accomplished by the legislation—an organization that will take in the producers and thus enable them to curtail the cost of production or marketing, whichever it may be. If, however, after they have made that kind of an organization, they unduly enhance the price of the product, and use the power for an evil purpose rather than a good one, then the Secretary of Agriculture has jurisdiction. Having assumed jurisdiction, when that kind of a complaint is made, if it is found that they have enhanced the price, and he dissolves the organization—which, I think, the amendment would require him to do—any benefit that can come from the cooperation of producers under those circumstances would be entirely dissipated and lost. If the amendment is not adopted, and the order of the Secretary requires them to desist from the enhancement of the sale price of their product—and, after all, that is what we want to reach—the object is accomplished.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. LENROOT. If that is done, if the order shall go to the enhancement of the price, does it not come down directly and solely to the fixing of the price of farm products by the Secretary of Agriculture?

Mr. NORRIS. I want to be frank with the Senator, and I want to say frankly that I think it tends in that direction. I do not know of any other way to get out of it and get relief. After all, what we are trying to do here is to give the producer a higher price for his product without hurting the consumer. In other words, we want to take away the profits of the middleman.

Mr. NELSON. Mr. President—

Mr. NORRIS. I will yield to the Senator from Minnesota in just a moment. We want to permit the producer to join a cooperative organization in order that the middleman may

be eliminated, and in order that he may sell more directly to the consumer. Now, it is recognized that when that power is given to this organization it may be used for an evil purpose instead of a good one. It must be conceded by all, the consumer and everybody, that if the organization goes no further than to give to the producer a living price, and at the same time does not increase the price to the consumer, but probably, as they think it will do, decreases the cost to the consumer, a great good has been accomplished; but in order to accomplish that good this power to organize must be given, and in order to accomplish that good they will be able to use that power for an evil purpose. That, I think, must be conceded.

This remedial legislation is introduced for the purpose of meeting that kind of a contingency. If, having been given that power, an organization is formed, and they use it for an evil purpose, to unduly enhance the price to the consumer, then it seems to me that if the Secretary of Agriculture will cause them to desist, even though to the extent he does it may be a fixing of the price, he ought to permit the corporation to go on; at least, they ought to have one trial. There might be a disagreement as to just what the effect was. Now I yield to the Senator from Minnesota.

Mr. NELSON. I simply rose to call the attention of the Senator to a feature of the provision to which the Senator refers. It is like the first interstate commerce law. The Interstate Commerce Commission could pronounce a rate unreasonable and get an injunction, but it could not fix a rate.

Mr. NORRIS. I am familiar with that.

Mr. NELSON. Under the pending bill the Secretary of Agriculture can pronounce a given price too high. The next minute the combination or association, whatever it may be, may make its price a trifle less and be outside of the order; it may reduce it a half of a cent or a quarter of a cent below the price fixed.

Mr. NORRIS. I realize the force of the Senator's argument, which argument was also made by the Senator from Montana [Mr. WALSH]. I realize it has great force, and as near as I can, according to my viewpoint, I want to answer it. It is a very proper suggestion which the Senator has made, something which might occur, something which in the case of the fixing of rates by the Interstate Commerce Commission has already occurred in times past, as we all know.

Before I give my opinion as to what the Secretary could do, let me inquire, if the amendment prevails, what will happen? The entire corporation will be dissolved. They must quit business. Cooperation of farmers, as far as that organization is concerned, is at an end, unless they manipulate things as the Standard Oil Co. has done, and as other trusts which have had the benefit of dissolution by the Supreme Court have done, go on and do business in the same old way; but we are assuming these other organizations will not do that. That is the other dilemma. I do not believe we ought to do either one. But let us say that the complaint has been made and the Secretary has found that there is a monopoly, and that they have unduly enhanced the price. Suppose the product is wheat. It is an impossibility, I think, for a corporation ever to be organized of farmers over this country which will fix the price of wheat, but suppose such a corporation is formed, and the Secretary finds that they have fixed the price of wheat at \$1.50, and that that is an exorbitant and unduly enhanced price. He says, "Your price is unduly enhanced; you will have to stop." As the Senator said, they might come right back the next day and fix the price at \$1.49, and we would be in the same predicament again. Technically, that is true. But suppose the Secretary said, "I find you have enhanced the price to \$1.50, which is unreasonable." He might say to them, "I will hold any price above \$1.30 unreasonable. I find that a reasonable price is \$1.30. You have made the price \$1.50, which is unreasonable, and therefore you are estopped from further doing business in that line."

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. BORAH. I was listening to the Senator, and wanted to ask him, when he concluded, if, under the practical working of the bill, it must not inevitably lead to price fixing?

Mr. NORRIS. To that extent it will. Of course, as a practical proposition it is never going to occur, in my judgment. I think we are drawing upon our imagination when we think it can ever occur, at least, in regard to the staple farm products. It never will occur. But we are taking the theory of it. We are imagining it is going to happen, that the wheat or corn producers of this country will all combine into one corporation and that they will have no competition. When that time comes, if it ever comes, then it strikes me that the price-fixing

proposition will be at stake, no matter how much we may dislike it, and that will not be relieved if the amendment is agreed to. It will be just the same.

Mr. LENROOT. Mr. President, in the first place, the amendment I have proposed will give the same construction to the bill which was given to it by its author in the other House, and was supposed to meet the question raised here, that clearly the order, if issued, would go against the monopoly or restraint of trade, and there was never any intention that this bill should become a price-fixing bill.

I want to say that it is not fair to the farmers of the United States to select them as a class, and have any official of the Government fix a maximum price that they may receive for their products, while there is no limitation or restriction placed by governmental act upon the price which the farmer must pay for the products he must use.

Mr. President, I undertake to say that there is not a farmers' organization in the United States which wants this bill to be made a price-fixing bill. I undertake to say that there is not such an organization in the United States that wants the bill to have the construction which the Senator from Nebraska thinks the original House bill is properly susceptible to.

Mr. NORRIS. Does not the Senator himself think it is susceptible to that construction?

Mr. LENROOT. I confess I do think it is susceptible to that construction, but a fair matter of debate. I do know that I disagree in that respect with the author of the bill, and I think with representatives of most of the farm organizations. They never supposed that it was a price-fixing measure as it came from the House.

Mr. President, upon the question as to whether there is any injustice in the order going to monopolization instead of its being a price-fixing measure, it will be remembered that in this bill it is proposed to legalize a monopoly, but under certain circumstances to have it under regulation. That is upon the theory, first, that as to the great staple farm products of this country there can, in the nature of things, never be a monopoly, and as to perhaps a few products grown in greatly restricted areas, where monopoly is possible, the theory of the bill is that even in such cases no public injury will result.

But Mr. President, if a monopoly should exist in such cases, and if that monopoly be used for evil instead of for good, why should not the order go against the monopoly? That is the whole question.

So long as that monopoly is not using its power to the public injury it will not be disturbed, but if it does use its power to the public injury, it ought not to be a defense for that monopoly to say, "We will cease charging this particular sum or price for our products, but our monopoly can continue."

I am not at all afraid that this will be exercised in either event, because, as the Senator from Nebraska has said, from the very nature of things monopoly is impossible in farm products.

But, Mr. President, I do not want the Government to set a precedent for price-fixing legislation and begin with a class of people who, if it should ever come, should be the last upon whom it should rest.

Mr. NORRIS. Mr. President, I agree with the Senator from Wisconsin in a good deal of what he has said. In the first place, I think probably we are attaching too much importance to it. In my judgment, in regard to the staple products of the country at least, this power given to the Secretary of Agriculture will never be exercised; but the Senate must not get away from the proposition that it is the price, after all, which is the foundation of it all. If a monopoly should exist among the wheat producers of America which would result in the selling of flour to the consumer at a lower price than he pays without the monopoly, everybody would hail it with delight. That would be the lowering of the price. The price is the important thing, after all. It is the only thing that is going to be taken into consideration, the only thing that anybody cares about. The farmer wants to get a higher price for his product, and that is going to be the object of his organization, and if he can organize and get a higher price without increasing the price to the consumer, everybody will say amen to it. It is the price, after all, and when you dissolve the corporation you dissolve it not because it is a monopoly but because it has, by reason of the power of a monopoly, increased the price to the consumer. That is the real reason for this. So there is no use trying to dodge the proposition that it is a price-fixing proposition, for it is. There is nothing else to it. With perfect disregard of the question whether the amendment will be adopted or not, it is the price, after all, that everybody has his eyes set on and that everybody is going to consider, and it is the only thing that is going to bring about the action, if any is taken, of the Secretary of Agriculture.

Mr. BORAH. Mr. President, I understand the Senator to argue that the Secretary of Agriculture will be called upon to act only when the price reaches a point where he thinks it is too high, whether this amendment goes into the bill or not, and I think the Senator is correct, whether it goes in the bill or not, that the question of the price will be the barometer. Then, after all, the bill is really in itself the first step in a price-fixing proposition.

Mr. NORRIS. To that extent I think it is.

Mr. BORAH. Can the Senator from Nebraska imagine any greater disaster, any greater blight upon American agriculture, than to have a man sitting here in Washington fixing prices upon agricultural products?

Mr. NORRIS. No, Mr. President, as a general proposition I would not want to do that any more than the Senator from Idaho or any other Senator. I do not want to do that, and that question is not involved in this amendment, but to some extent it is involved in this legislation. We are confronted, I think, with a desperate condition. I do not want any price fixing. My judgment is that if this bill is enacted into law, no man here will live long enough to see the time when there will be any price fixing under the bill; but the fact remains that there is a power given, I think necessarily, if you want to put any restraint upon monopoly at all, which goes in that direction. There is no question about that, in my mind.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from Wisconsin [Mr. LENROOT].

The amendment was agreed to.

Mr. POMERENE. Mr. President, I send to the desk an amendment which I ask to have reported.

The VICE PRESIDENT. It will be read.

The PRINCIPAL LEGISLATIVE CLERK. On page 2, line 21, after the words "shall be," insert:

Taken under such rules and regulations as the Secretary of Agriculture may prescribe.

Mr. POMERENE. Mr. President, it is a little uncertain, under the phraseology of the bill, as to how these hearings are to be conducted. I can conceive of a case where there might be one issue or complaint in Nebraska, another in Washington, another in Maine, and another in Florida. I think it should be made perfectly clear that the Secretary of Agriculture, if he is to have control of this subject, shall have the power to make such rules and regulations with respect to the taking of testimony as may enable him to operate efficiently. This is comprehensive enough to authorize him to designate men to take the testimony in the different localities. It is for the purpose of aiding the operation of the law that I offer the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. POMERENE].

The amendment was agreed to.

Mr. POMERENE. I now wish to call attention to another matter. A moment ago the amendment offered by the Senator from Montana was adopted, so that there is now a first, second, and third paragraph of the bill, but in the first line on page 2 we have the language—

And conform to one or both of the following requirements.

There are three requirements. I move to strike out the words "one or both of," so that it will read "and conform to the following requirements."

Mr. NORRIS. Mr. President, the Senator will change the meaning of the bill, if the amendment is adopted. I will call his attention to the situation and see if he does not think I am right. I have no objection to making the necessary change and think it ought to be made. However, it must be remembered that as the bill now stands the organization does not have to comply with both the requirements but just one.

Mr. POMERENE. I realize that very fully.

Mr. NORRIS. Now, the Senator is going to require them to comply with all of them.

Mr. POMERENE. I think they should.

Mr. NORRIS. Then I have nothing to say. I thought the Senator was only desirous of correcting the language.

Mr. POMERENE. In any event some change must be made, whether the Senator's views or my own prevail.

Mr. NORRIS. Yes; I think so.

Mr. POMERENE. Under the bill as it now reads, limiting it for the time being to the bill as it was originally presented, the first requirement is—

That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein.

The second reads:

That the association does not pay dividends on stock or membership capital in excess of 8 per cent per annum.

Of course, if it complies with the first provision—

Mr. NORRIS. Will the Senator read the third provision? That is the amendment which was agreed to, and I do not have it before me.

Mr. POMERENE. I do not have it either.

Mr. KELLOGG. I will read it if the Senator will permit me.

Mr. POMERENE. Certainly.

Mr. KELLOGG. It reads:

And provided further, That the association shall not deal in products of nonmembers to an amount greater in value than such as are handled by it for members.

Mr. NORRIS. That ought to be No. 3.

Mr. KELLOGG. It is No. 3.

Mr. WALSH of Montana. May I make a suggestion in this connection? In order to make the thing complete it seems to me that before the amendment tendered by myself language substantially as follows should be inserted:

And, in any case, to the following:

So that it will read:

And conform to one or both of the following requirements:

Then follow the first and second paragraphs, and then this language:

And, in any case, to the following:

Then follows the third paragraph. Accordingly, if I may be permitted to do so, I move to insert before the amendment tendered by me and adopted the following language:

And, in any case, to the following:

Mr. NORRIS. That would carry out the real intent of the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

The amendment was agreed to.

Mr. POMERENE. Mr. President, it seems to me that these qualifications ought to apply to all the associations. If the language is to remain as it was, then of course if the owner of stock or membership capital has only one vote there is no limitation to the profit which may be earned or paid out. If that is the way in which it is intended, well and good. I do not attach very much importance to this limitation on the dividends and I do not quite understand why it is here, because it is perfectly clear that the association can make any contract and pay any price for the products of the members. If that is so, the profits are unlimited, even if we have a limitation of 8 per cent so far as it is applied to dividends. I make this suggestion because I think these associations should be required to comply with all these regulations.

Mr. WALSH of Montana. I think if the Senator attends to the language he will appreciate that the purpose is not to limit any of these associations in the amount of actual profit. They first contemplate the organization of an association without any capital stock at all. The members, just the members, turn in all their products together. They have no profits in the ordinary sense of the term, but they divide up whatever comes in in proportion to the amount which each contributes to the general fund; that is, the general fund of products. Take the Fruit Growers' Association, for instance. They are all single members with no stock whatever. One member contributes 1,000 boxes of fruit, another contributes 2,000 boxes of fruit, another 5,000 boxes of fruit, and the total amount is sold and the expenses paid and the avails distributed in proportion to the amount which each one has contributed. That is the first plan of operation.

The second is where they have an amount of capital stock. That is illustrated in this way: It is recognized that in order to carry on the business of any of these cooperative associations they must have capital. Frequently the farmers themselves are unable to provide the capital. So they go to a bank or to a merchant or to some one else who has money, and the banker or the merchant agrees to advance the necessary capital. He thus becomes a stockholder in the corporation. He can have no more than 8 per cent profit or return on his stock. Quite likely he also contributes his product, but if he owns the stock he can not be returned any more than 8 per cent upon his stock, and that is charged as one of the expenses of the association, just the same as other expenses. The remainder is divided among the members of the association in exactly the same way as if it were incorporated under the plan prescribed in the first subdivision.

The idea is to give to the stockholders all the profits and all the benefits that accrue to them, except that the second clause is intended to permit them to go out and secure capital, but the

profits which the mere stockholder gets are limited to 8 per cent. The bill contemplates two kinds of organizations—one an organization that has not any capital stock, and the other an organization which not only has members but also has capital stock, the return on the capital stock being limited.

That prompts me to answer an inquiry of the Senator from Ohio [Mr. POMERENE] addressed the other day to the Senator from Minnesota [Mr. KELLOGG]; that is, what was meant by membership capital. The language is:

That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein.

That means that in order to provide the capital, if the farmers themselves are unable to provide it, they fix an initiation fee for membership in the association, \$100 or \$200, or the corporation may be in existence and may be a going concern, and then they will provide that anybody admitted after a certain time shall be required to pay \$200 or \$500 or \$1,000, whatever the amount may be. That becomes the capital. On that capital, notwithstanding that situation, the member is entitled to but one vote.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio [Mr. POMERENE].

Mr. NORRIS. Mr. President, has the Senator from Ohio offered his amendment?

The PRESIDING OFFICER. The Chair so understands.

Mr. NORRIS. I did not so understand it. I will inquire of the Senator from Ohio if he intended to offer his amendment?

Mr. POMERENE. Yes; I offered the amendment to strike out the words "one or both of," so that the text would read "and conform to the following requirements."

Mr. NORRIS. The Senator from Ohio has made a suggestion which I think is natural, one that would occur to anyone considering it. It has been so long since the question was up that I may be mistaken as to all the reasons. The Senator from Montana [Mr. WALSH] has given some, but I desire the attention also of that Senator to the statement I am about to make. If I am not correct in what I state, I would like to have him correct me, because he was present.

Something over a year ago when a similar bill first came to the Senate from the House it was referred to a subcommittee of the Committee on the Judiciary, of which I was a member and so was the Senator from Montana. We had extended hearings on it at that time and gave it a great deal of consideration. This time when it came over from the House I had nothing to do with it, because I was unable to attend the Committee on the Judiciary on account of the Committee on Agriculture and Forestry being in session at the same time and all the time.

As I remember, the first thing that occurred to me was just what has occurred now to the Senator from Ohio—why not make both these conditions absolute? In addition to what the Senator from Montana has said I think this argument was made. I know that after the argument was made I was convinced, and so were all the other members of the committee, that the language ought to remain as it is here, and I think it will convince the Senator from Ohio, because I had the same idea that he has until I heard the argument, which I shall state as I remember it.

I will illustrate by taking an organization of wheat farmers. I can use them because I am more familiar with that kind of an organization. Take an elevator company in a local community. They fix a capital stock, like the Senator from Montana has said, but the dividends they declare depend upon the amount of business they have done and the success with which they have conducted their business. The dividend declared might be in some cases away above 8 per cent, because it contains all the profits. For instance, 10 or 25 men organize themselves into a local elevator company. They bring in all of their wheat. That elevator buys the wheat of other farmers who are not members of the organization and members of the organization also take their wheat there, and they are paid the same price that any other elevator pays. They buy it on the market.

They take into consideration the profits of the local buyer. The only thing these men have in mind is that whatever profit there is in it, if it turn out to be a profit, they get the benefit of it, and not the middleman. That is the benefit of the corporation. But the money they get to begin with is the market price of the wheat. If there are two elevators, one owned by private individuals and the other a cooperative elevator, they will probably pay the same market price, a few cents below the market in Chicago or Omaha or Kansas City, as the case may be.

When the dividends are declared, what would otherwise have been a profit goes into their dividends. The dividends are declared on the amount of business that each one did with the corporation. If the Senator from Ohio and I were both mem-

bers of the same local corporation of that kind and I sold 1,000 bushels of wheat to the corporation and he sold 2,000 bushels of wheat, when the dividend was declared he would get twice as much dividend, if there was a profit on the business, as I would. To confine it to 8 per cent would be to take away the right of this cooperative organization to get the benefit of whatever profit the middleman would otherwise make.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. KING. Does not the Senator, in the proposition which he has just submitted, fail to state really the important element of profit, namely, that by the elimination of the middleman and dealing directly, the profit comes in the increased price of wheat? I fancy that the profits to be derived under this bill, when it shall become a law, if it meets the expectations of its most earnest champions, will come not from the 8 per cent dividend but from the enhanced price of the products, and therefore the question of dividends is practically unimportant.

Mr. NORRIS. But, I will say to the Senator from Utah, the profits will come in the shape of dividends. When the Senator from Ohio, we will say, takes his wheat to the local market he obtains the market price for it. The ordinary market price takes into consideration the making of a profit by the local purchaser, the elevator; but the local farmers' association of which the Senator is a member also does that very thing. When it sells the commodity it makes a price over what it paid to the farmer—in this case to the Senator from Ohio—when he brought his wheat in; but when the Senator from Ohio collects his dividend he will have included in it all that would otherwise have gone to the middleman. It may be that if two middlemen ordinarily handled his wheat he would secure all the profit which both of them would receive. In other words, what the farmers eventually receive comes altogether in the way of dividends; and those dividends include all of the profits from the time the association commences operation with the product until it gets through. So if the dividend were limited to 8 per cent the real objects of the association would be destroyed and there would not be any association organized.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield to the Senator.

Mr. McCUMBER. Mr. President, I can imagine a case of this kind, which often occurs in my State: At a farmers' cooperative elevator a very much less price is paid than the private buyers pay, because the farmer who brings his grain to the elevator knows that he is finally going to sell his product at the terminal market and that he will get all of the profit there is in the sale at the terminal market. Now, shall we limit him to 8 per cent profit or say what the profit shall be? Suppose he simply hires a person to take his wheat to an agent who does not give the farmer any price at all for his wheat, but merely gives him a receipt for so much No. 1, No. 2, No. 3, and he finally sells it to the elevator at the terminal and no account is taken except as to the number of bushels—

Mr. NORRIS. And the grade.

Mr. McCUMBER. Of grain that have been received, so many bushels of No. 1, so much of No. 2, and so much of No. 3, and so forth; how would it be possible to tell what his profits would be, so long as a price was not put upon his wheat? Under such a method of selling grain we could not by any possibility arrive at a method of computing the profit? It seems to me that in every instance all the farmer can get, whether he sells to a cooperative association or otherwise, will be the amount he will finally receive at the point of consumption; and there ought to be nothing in the bill whatever limiting that profit. Neither should there be anything in the bill which would attempt to determine what the profit is under some methods of doing business.

Mr. KELLOGG. Will the Senator from Nebraska yield to me?

Mr. NORRIS. I will yield to the Senator from Minnesota in just a moment. I want to refer to what the Senator from North Dakota [Mr. McCUMBER] has just said. The Senator from North Dakota has illustrated the situation very well, I think. There are instances, I think, of organizations which are now operating which pay nothing to the farmer when he brings in his wheat; he gets nothing except a receipt showing that he has delivered so much wheat and the grade. The wheat is pooled, as it is said, in the national grain organization which is now operating. Pooling the grain is one of the methods employed to dispose of it. The farmer is given an option either to pool his wheat or to sell it later to a cooperative association. If he pools the wheat when the wheat is finally sold to the miller—who would, probably, be the consumer in

that case, and otherwise it might pass through several hands—and the pool is finally ended, the profits are ascertained, and after paying the expenses the remainder is divided among those who sold the wheat in proportion to the amount and grade of the wheat which they contributed.

Mr. POMERENE. Mr. President—

Mr. NORRIS. I yield first to the Senator from Minnesota [Mr. KELLOGG], who interrupted me awhile ago.

Mr. KELLOGG. There is nothing in the bill which prevents the farmer getting that profit.

Mr. NORRIS. No.

Mr. KELLOGG. The provision in reference to the dividend being 8 per cent does not prohibit the farmer doing that.

Mr. POMERENE. Mr. President—

Mr. NORRIS. Now I yield to the Senator from Ohio.

Mr. POMERENE. From what has been said by the Senator from North Dakota [Mr. McCUMBER], I fear possibly that my position in this matter is somewhat misunderstood. I am not seeking to place any limitation on the amount of the profits that the member of an association may have, but, as I construe the bill, there is no limitation upon the amount of the profit which may be made by the sale from the producer to the association; and I do not quite understand why the 8 per cent was included in the bill as a limitation upon the dividend. It may be I do not comprehend the *modus operandi*, but it occurred to me that one of the purposes was to make it appear that there was a limitation in this clause, when, as a matter of fact, there was no limitation. If I am wrong about that I should like to be set right about it.

Mr. NORRIS. Under the first clause there is no limitation and the second clause was kept in, as I understand—and I should now like to have the particular attention of the Senator from Montana [Mr. WALSH]—because there are already in existence many organizations which have been formed under the laws of various States different from those to which the first clause would apply. There are probably some States whose laws meet the requirements of the kind of a corporation where each member has but one vote regardless of the amount of stock held by him, but that may not be possible under other State laws; at least there were many associations organized where the farmers are limited as to the dividends which may be paid and it was not desired to dissolve such organizations. It was not desired to make it necessary by the passage of this measure for any State to enact additional legislation; but where such a condition did exist we desired to prevent any idea of a monopoly or anything of that kind by allowing anyone to become a member of an organization and then to control it under an arrangement by which he could have as many votes as he could buy shares of stock. Under such an arrangement some outsider, like Armour or any other big packer or Barnes or any big grain elevator man, could come in and buy a controlling interest in some small association and outvote the other members. That might happen if the conditions imposed in the first clause were not provided. To prevent that from happening and these cooperative associations being thus used for evil purposes we provided that they should in such cases never have a dividend of more than 8 per cent. Do not Senators see the object of that clause?

I think the Senator from Ohio ought really to withdraw his amendment. I do not believe anybody would want to support an amendment which, if the theory of this bill is right, would go far toward destroying it. Personally I wish that the second clause were not necessary; and if it were not for some State laws and some organizations already existing, which it would be harmful to destroy, I think the committee would have stricken that provision out and confined themselves to the first clause. Now, I ask the Senator from Montana if I am right in my explanation?

Mr. WALSH of Montana. Mr. President, generally I am in entire accord with the views expressed by the Senator from Nebraska. Of course, the entire purpose of the bill is to do away with the unnecessary middleman, and thus give to the producer the profits which would ordinarily accrue to him. I do not understand, however, that that feature has any particular reference to the part of the bill now under consideration.

If the Senator from Ohio will give me his attention for a moment, I desire to say that there would be an entire incongruity in the bill if his amendment were adopted. No organizations are affected in which both of the conditions referred to in the bill obtain. They refer to two entirely different kinds of organizations. One of them is an organization which has no capital stock at all and to which no money is contributed except such as is contributed by membership fees. There the member has only one vote, no matter how much money he puts in. The other kind of an association is organized not

only upon the basis of membership but upon the basis of membership and capital stock.

Mr. POMERENE. Mr. President—

Mr. WALSH of Montana. Let me illustrate that. Twenty farmers organize a creamery association, each farmer contributing a membership capital of a thousand dollars. They organize under the first plan; but the 20 farmers who, I assume, organize under the first plan have not each a thousand dollars, so 19 of them contribute \$100 apiece and the twentieth man contributes \$18,100, making the entire \$20,000. The man that contributes the \$18,100 gets stock to the extent of \$18,100 in addition to his \$100 membership, which he has with all the others. That man may get as high as 8 per cent on his \$18,100 and no more. After he gets the 8 per cent on the \$18,100 all other profits of the association are divided amongst the members, ordinarily in proportion to the amount of product which they contribute. So that it will be observed that two different kinds of organizations are contemplated, and the bill would not be operative at all if every organization was obliged to comply with both of these requirements. I trust that I have made myself clear.

Mr. POMERENE. Mr. President if the Senator's explanation is correct—and I accept it—then, perhaps, it would be unfortunate if my amendment were adopted; and I withdraw the amendment, with the observation that the Senator's explanation has demonstrated to me conclusively that portions of this bill are most marvelously drawn.

Mr. PHIPPS. Mr. President, I send to the desk an amendment, which I ask the Secretary to read.

The VICE PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The ASSISTANT SECRETARY. In the House text, on page 1, line 5, after the words "nut or fruit growers may," it is proposed to insert:

and where any such agricultural product or products must be submitted to a manufacturing process, in order to convert it or them into a finished commodity, and the price paid by the manufacturer to the producer thereof is controlled by or dependent upon the price received by the manufacturer for the finished commodity by contract entered into before the production of such agricultural product or products, then any such manufacturers may.

Also, on page 2, line 1, after the word "producers," it is proposed to insert "or manufacturers, as the case may be."

Mr. PHIPPS. Mr. President, this is an amendment identical in language with the one which I spoke upon yesterday, the only change being in the reference, so that it will fit in with the text of the bill as passed by the House. I have used the illustration of marketing sugar, perhaps because I am more familiar with that industry than with any other along farming lines.

I may find it necessary to repeat some of the language I used yesterday; but, briefly, I will say that in ordinary practice a sugar factory will enter into a contract with a farmer under which he agrees to plant a certain acreage to sugar beets. The factory agrees to take the product of that acreage, regardless of its tonnage, and to pay for it not less than an agreed minimum price, dependent upon the sugar content of the beets. Over and above that, the factory agrees with the farmer that he shall share in any profits realized in the sale of the sugar over and above a minimum price per pound, which is fixed by the factory, based upon a return of 6 per cent on its capital investment.

Under our present usage, sugar produced in Michigan may be largely marketed in Indiana, Illinois, and Wisconsin, and also in the States to the eastward of Michigan, while at the same time sugar produced in Colorado, Utah, and California is shipped into the same territory and farther east, into Michigan itself, into Ohio, and into Pennsylvania, thereby causing an unnecessary expenditure for freight. Immediately following the Great War, when we had an illustration of an inordinate advance in the price of sugar, which later was shown to be entirely due to the manipulation of brokers and jobbers, the Government again took charge of sugar distribution, and under the direction of Mr. Hoover, now Secretary Hoover, the sugar was allotted to the various localities, and the combination in price which existed among the jobbers was immediately broken. If the sugar producers are permitted to market their output through one central selling agency, the sugar can be allotted to the various sections where it can be delivered at the least possible cost for transportation, and the cost of the services of the middlemen, such as jobbers and brokers, will be saved to the producers.

There is no danger in the sugar industry of the market price being advanced by the domestic producers of sugar, because we produce less than one-fourth of the amount which we consume. The market price prevailing throughout the country

is regulated by the price at New York. That has been true ever since the early years of the war. Prior to that time, our prices in America were regulated by the Dutch market.

I feel that there is nothing in this amendment that could be harmful to the consumers of sugar. I do not believe that at any time it will ever affect the retail price at which sugar or any other commodity is sold; but I do believe beyond question that it would work a great saving in the cost of production, in the cost of distribution, in the handling and delivery of various commodities, and I ask that the amendment be adopted.

Mr. KELLOGG. Mr. President, I hope this amendment will not be adopted. It permits any manufacturer who converts a product into a finished commodity where the price paid by the manufacturer to the producer is controlled by or dependent upon the price received by the manufacturer for the finished commodity to enter into any combination he sees fit. Of course, if they make contracts with the producers of the raw materials, the packers, the sugar manufacturers, or anybody manufacturing anything where the raw product is produced on the farms can combine under this bill.

If the Senate wishes absolutely to defeat the bill, it ought to adopt this amendment; otherwise not.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. KELLOGG. I yield.

Mr. PHIPPS. I desire to call attention to the fact that this amendment is limited to cases where the manufacturer enters into a contract with the producer before the produce has been grown.

Mr. KELLOGG. I can answer that. That is perfectly easy to do. The packers could enter into contracts, the cotton mills could enter into contracts, the sugar manufacturers could enter into contracts; and I hope the Senate will defeat the amendment.

Mr. BROUSSARD. Mr. President, before this amendment is submitted, I desire to inquire of the Senator from Colorado whether he will not revise his amendment, so as to read, on line 8:

After the word "production," insert the words "or harvest" of such agricultural product—

And so forth. I want to state why I am making this request.

The Senator has referred to the custom prevailing in the beet-sugar States of making a contract for the payment for the agricultural raw material based upon the price which the finished product will bring on the market.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. BROUSSARD. Yes.

Mr. PHIPPS. As suggested by the Senator from Louisiana, I desire to perfect the amendment by inserting the words "or harvest."

Mr. BROUSSARD. Now, Mr. President, I desire to say just a few words with reference to this amendment. I am asking for the insertion of the words "or harvest" after the word "production" for the purpose of making it very certain that this amendment, if adopted, would apply to any agricultural product contracted for prior to the time of delivery to the factory.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. PHIPPS. Yes.

Mr. NORRIS. I should like to inquire of the Senator why a corporation such as the Senator is speaking of should be entitled to inclusion in this bill simply because it makes a contract to purchase a farm product?

Mr. BROUSSARD. I will say to the Senator that I was about to explain why I think it should be done.

Mr. NORRIS. All right.

Mr. BROUSSARD. I know that in my own State, among the sugar people, the contract for the raw product is entirely different from that made by any other manufacturer. For instance, in order to illustrate our case, the manufacturer very frequently before the crop is put in, and in other instances after the crop is put in the ground, but in almost all cases before the delivery of the agricultural product, makes a contract with the grower, and the price fixed there is as follows, to illustrate with a specific case in my State: The price to be paid to the grower is to be on the basis of \$1 for every cent that the finished product brings on the market. Therefore, if this amendment should be adopted it is not a provision intended solely to protect the manufacturer, but it is one which by increasing the price of the finished product will also increase the price to the producer of the raw material; and it is only on that ground that this could be justified, as I see it, in this measure.

I did not know that this amendment was to be offered until yesterday, when I heard the Senator from Colorado discuss it; but there is some doubt in my mind as to whether or not the

word "production," the contract having to be made before the production, would cover our State, because it is necessary there to plant in the fall for the crop of the following year.

Mr. NORRIS. Mr. President, may I interrupt the Senator at that point?

Mr. BROUSSARD. Yes.

Mr. NORRIS. I should like to ask the Senator if the effect of this amendment would not be to relieve all sugar manufacturers from the operation of the Sherman antitrust law? Would not that be the effect of it?

Mr. BROUSSARD. The bill would simply apply to that agricultural product, the same as it would to any other agricultural product covered in this bill.

Mr. NORRIS. The amendment does not go to the agricultural product, however. It goes to the manufacturer who makes something out of the agricultural product.

Mr. BROUSSARD. But the beneficiary of this would be the producer.

Mr. NORRIS. I should like to ask the Senator what benefit the manufacturer of sugar could get unless he expected to enter into a combination of some kind to enhance the price to the consumer?

Mr. BROUSSARD. It would extend to them as to all other products of agriculturists under this bill. By a method of marketing the sugar manufacturers could meet the competition of the well-organized American Sugar Trust and others which compete with us. You are only tying the hands of the individual manufacturer of sugar, when his competitor in my territory has a refinery at New Orleans, at our doors. If these people go ahead and finish their products, the beneficiary of any organization for the purpose of putting their sugar on the market in competition with the refiners would be the producers, because for every increase in the price of every pound of sugar the producer receives a proportionate increase in the price of his raw material.

Mr. NORRIS. Mr. President, I confess it is difficult for me to understand this amendment, but if I do understand it, it seems to me it is a dangerous amendment. I did not know that it would help the sugar factory men, because they do about as they please now. They do not need the protecting hand of Congress. The sugar fellows take care of themselves, sell their product, and combine when they want to and where they want to and as long as they want to.

Mr. PHIPPS. Mr. President, if the Senator were informed as to the sugar industry he would know that during the past few years not a single institution in the United States engaged in the manufacture of sugar has made a profit; but, on the contrary, all have lost in dollars more than they had made in the preceding year. That does not indicate that they could control and dominate or sell or refrain from selling when they chose. As I stated, and I believe a study of the facts will bear me out, the price of sugar is fixed not by the domestic production but by our importations of sugar, the produce of the Philippines, the Hawaiian Islands, Cuba, and Porto Rico. Since the war the New York market has been the market where the price of sugar has been fixed, and where it is to-day fixed. As I stated, I used the sugar industry because I felt perhaps I was more familiar with the character of contracts the farmer enters into with the sugar factory; but I believe the same conditions prevail in the dairying industry, where the farmer is returned an extra profit when the creamery succeeds in marketing cheese at above a fixed rate per pound, or selling the cream in excess of a certain price per gallon.

The saving which would come about through the doing away with hauling material into one territory from the east, and taking produce of that same territory and sending it back to where this first lot had been produced, is so apparent and so evident that where that can be accomplished for the benefit of the farmer, to my mind it will go well beyond any other single benefit which could possibly accrue to the farmer under the main features of this proposed bill.

The sugar industry in one State alone will bring in from fifteen to twenty million dollars in one season to the farmers, and bringing in fifteen to twenty million dollars, the middleman will rake off at least 20 per cent on the average, and another 5 per cent will go for freight, which should and could be saved. I think, if the Senator would inquire into the details of the sugar industry, he would conclude that it was possible and right and proper that this benefit should be secured for the farmer who is developing our western country.

Mr. BURSUM. Will the Senator from Nebraska yield for a question?

Mr. NORRIS. I would rather the Senator would let me answer the question asked by the Senator from Colorado, and then I will yield to the Senator from New Mexico.

The Senator from Colorado has not yet satisfied me that the amendment is proper. He bases his argument on the ground that it is going to bring a benefit to the farmer by enabling the manufacturer of sugar to get a higher price.

Mr. PHIPPS. I beg the Senator's pardon, the Senator misunderstood me. I do not believe I made any statement which would lead anyone to think that the factory was to receive a higher price for the sugar. I have stated that it would not cost the consumer any more, it would not cost the retailer any more, but the savings which would come under this provision are those caused by eliminating the middleman and by doing away with unnecessary haulage of the produce. Those savings which could be effected would be divided, under the forms of contract that are generally in use and have been in use for years, as between the factories and the farmers, and that is not only true of the sugar factories; I am well informed that that is true of the dairies.

Mr. BURSUM. I simply wanted to ask a short question, which is vital to the proposition, if the Senator from Nebraska will permit me. Under this proposal to cooperate with the refineries or other factories, would the farmer be enabled to get a higher price for his product? Would the raiser of beets be benefited by it?

Mr. PHIPPS. He certainly would be. That is the purpose and intent of this amendment.

Mr. BURSUM. Is this cooperation necessary in order to enable the farmer to receive the fullest return for his product in proportion to the market price?

Mr. PHIPPS. I am quite sure it is absolutely necessary. Unless the amendment is adopted, the manufacturers, the ones who turn the sugar beets into sugar and who now sell their product individually as separate and independent sugar firms, would be permitted to sell that product collectively, distribute it to the points which could be reached at the least cost for freight, and could sell direct to the wholesalers, without having to employ the services of brokers and jobbers.

Mr. BURSUM. And the benefit would accrue to the farmer, the raiser of beets?

Mr. PHIPPS. The benefit would accrue to the farmer and to the sugar factory.

Mr. NORRIS. Mr. President, I have not yet answered the Senator's first question, and he has propounded another one, or I suppose it is a question. I do not know why I have been interrupted otherwise.

I am still unable to see how the Senator's amendment will accomplish what he says it will accomplish. I want to read it. He proposes, on page 1, line 5, after the word "may," to insert the following:

and where any such agricultural product or products must be submitted to a manufacturing process, in order to convert it or them into a finished commodity, and the price paid by the manufacturer to the producer thereof is controlled by or dependent upon the price received by the manufacturer for the finished commodity by contract entered into before the production or harvest of such agricultural product or products, then any such manufacturers may act together in associations, corporate, or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged.

I said before that it seemed to me that the amendment was for the purpose of getting a higher price to the farmer through giving a higher price for sugar to the manufacturer, and the Senator immediately interrupted me and said that was not the object. What does it mean, then, when it says that the price to the producer is controlled by or dependent upon the price received by the manufacturer for the finished commodity?

Mr. President, I am just as anxious to protect the consumer as I am to protect the producer. I am not willing to do anything in favor of the producer that will be unfair or unjust to the consumer. The amendment of the Senator from Colorado, as I understand, is simply offered for the purpose of giving to a certain class of manufacturers the right to be immune from any prosecution under the Sherman Antitrust Act, a repeal of the act, as far as certain manufacturers are concerned.

They are not cooperators; they are not producers; it is not an organization composed of producers who incorporate together to handle their own products; that is not it. The Senator from Colorado said he was familiar with the sugar business. I, too, am familiar with it. I have a number of factories in my own State who, I presume, would like to have this amendment in. It would permit manufacturers of sugar who have not produced the product, who are purchasers of it, to combine, to disregard the Sherman antitrust law, to act together, and the condition attached to it would be that when they got out of the consumer an enhanced price they would pay to the farmer an enhanced price.

The theory of this legislation is that it will enable men who produce agricultural products to cooperate to get a higher price,

but not get a higher price by compelling the consumer to pay a higher price, but by eliminating the middleman. This amendment would do just the opposite, which, to my mind, is wrong and is evil—that is, it would give to the producer a higher price for his product, dependent upon the fact that the consumer had to pay a higher price—and he would get no enhanced value under this amendment unless the consumer paid a higher price. That is the only way he could get it.

I would not favor that under any consideration. The manufacturers of sugar particularly are not entitled to assistance, even if they did lose something. The Senator offers the fact that they lost money as a proof that they never were combined, or anything of that kind. I presume some of them did lose money. A great many people, a great many retailers, lost money on sugar they had on hand when it went down. I have no joy in seeing anyone lose any money, but I was glad when the price of sugar went down, even though somebody had to lose, and I do not suppose there was any way to put it down without somebody losing. If he had it in his bin, or if he had it hoarded in his own house, he lost money on it. But the sugar people as a rule have been rather prosperous.

I do not understand how the Senator's amendment will prevent the hauling of sugar around from place to place, as he indicates in his argument it would, or prevent the sugar that is manufactured in my State from going to New York, and compelling the people in my State to buy their sugar from Hawaii or Porto Rico or Cuba or New York or New Orleans. If it did accomplish that and would enable the people who live in a community where there is a sugar factory to get sugar from that factory without having to pay freight to haul it across the continent or halfway around the world, it might do some good; but I can not understand that it does that.

A year or so ago there was an editorial association of my State which made a trip around over the State, and wherever they went the people gave them a banquet. They went to Scottsbluff, in Nebraska, a beautiful city, which has grown up in the beet-sugar country, and they had a banquet in that town, as they did in all other towns. They had the banquet in the beet-sugar factory, right in the factory itself, which is a mammoth concern, almost as big as this Capitol. I am familiar with it myself, having been in it a good many times. The sugar that was given to the visitors at that banquet to go into their coffee was shipped by freight from New Orleans up there. If you lived in that town, you could not buy a pound of sugar that was made in that town. You had to buy sugar that came from New York or Hawaii, or some other place. The railroads had to have a hand in it before you could get it. I presume that is true of every locality in the United States wherever there is a sugar factory. They are pretty well combined now, and I advise them to go to the Supreme Court and get a clean bill of health, as the Steel Trust did, or a certificate of good moral character, such as the Standard Oil Trust got. In either case, whether they want it dissolved or not, it would probably give them an advertisement that would be good for them and help them to make more money.

However, it does seem to me that a bill which we are trying to pass for the purpose of permitting the producers of products to cooperate for the purpose of eliminating the expense on the product as it travels from the producer to the consumer, should not be amended by permitting a manufacturer of any product, no matter what it is, agricultural or otherwise, to get a bigger profit from the consumer on his product if he will agree to pay a part of the swag to the man who produces it. I think, as I look at it, that the proposed amendment does just that thing. I do not believe it ought to be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. PHIPPS].

The amendment was rejected.

Mr. PHIPPS. I desire to give notice that I shall renew the amendment when the bill is reported to the Senate.

Mr. CAPPER. Mr. President, I offer the following amendment to the House text.

The VICE PRESIDENT. The proposed amendment will be stated.

The ASSISTANT SECRETARY. On page 3, line 13, after the word "order" and the comma, insert "or enter such other decree as the court may deem equitable," so that if amended the sentence will read:

Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules, etc.

Mr. CAPPER. The effect of the amendment will be to provide still further safeguards for the public interest and at the same time I do not believe it will work a hardship or injury to the cooperative associations.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. CAPPER]. The amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment in the nature of a substitute reported by the Committee on the Judiciary.

Mr. KING. Mr. President, I am entirely in sympathy with the proposition for agriculturalists and all classes covered by the pending measure to associate themselves together for the purpose of handling and marketing their products. There is much reason for complaint against the uneconomic methods employed in the distribution of products of field and farm and ranch. The spread between the producer and the consumer is entirely too great. The cost to the consumer is entirely disproportionate to the amount received by the producer. It is undoubtedly true that the farmers of the United States are not receiving an adequate return for their toil and effort, and middlemen and intermediaries and brokers and traders are obtaining the profits which ought to go to the farmers. I am in sympathy with any legitimate and proper effort to enable the producer of agricultural products to obtain a fair and just price for his products. I have said repeatedly that the agriculturists of our land derived less for their labor than any other class of our citizenship.

No one can dispute the importance of agriculture. Indeed, it must be conceded that it is the basis of our industrial life. The prosperity of our country depends upon the prosperity of the farmers. In criticizing the pending bill, I am not opposing the policy of the classes referred to in the bill associating themselves together for the marketing of their products. It is my contention that, under existing law, agriculturists have the right to associate for the purpose of processing, handling, and disposing of their products. I have made inquiry and am advised by the Department of Justice that only four prosecutions have been instituted under the Sherman antitrust law against what might be denominated agriculturists, and in each case there was a flagrant attempt to monopolize and to oppress the people.

In the four cases just referred to the defendants sought to create corners or oppressive trusts; their conduct merited condemnation at the hands of the public and punishment under the law. If they had merely sought to associate themselves together for the purpose indicated by the pending bill, they would not have been prosecuted. Indeed, as I construe the Sherman antitrust law, they would not have been subject to prosecution if they had sought only to do what the present bill authorizes.

The Clayton Act exempts agricultural associations from prosecution if they are employed only for the marketing, handling, and so forth of the products of the members of such associations. Accordingly, as I construe the important provisions of this bill, the measure is unnecessary. It is possible, however, that under this bill trusts of the character described by the Senator from Montana might be formed. That would be most unfortunate and would provoke criticism of the law which permitted the same. To guard against this contingency the Senate amendment was offered. In nothing that I have stated do I wish to confess my willingness to favor legislation which will permit trusts and conspiracies in restraint of trade and commerce. I believe in the principles of competition and in its benefits. We suffer now from great monopolies and from efforts to destroy competition, particularly in the manufacturing industries of the United States. I am opposed to cotton or wool or meat or milk or any other kind of a monopoly.

But the association of agreements for the purpose of marketing their products does not authorize monopolies, nor generally speaking, will such a course create monopolies. However, I rise merely to ask a few questions of the Senator from Minnesota [Mr. KELLOGG] or some Senator who may advise me as to the interpretation placed upon the bill as applied to certain conditions. Suppose a corporation is formed by farmers engaged in the production of wheat in the State of Minnesota, and a like corporation is formed in the State of Iowa or some contiguous State of farmers engaged in the production of wheat, for the purpose of handling, marketing, processing, and so forth, their products. Does the Senator think that under the bill such corporations could combine to accomplish the same object? By that I mean may various corporations or associations combine to carry out the objects of the different organizations?

Mr. KELLOGG. Those corporations organized under State laws can only consolidate by virtue of the State laws.

Mr. KING. The Senator dismisses the subject in a rather supercilious way. I ask the Senator again, if he cares to answer, whether, under a proper interpretation of the bill, there is any language that would prevent corporations organized to carry out the objects of the bill from uniting with corporations organized in the same or in other States?

Mr. KELLOGG. I do not know what the Senator means by "uniting." If he means consolidating, of course they could not consolidate unless the laws of the State permitted them to do so.

Mr. KING. I am not speaking of technical consolidations. I mean may they cooperate, work together, and unite in their efforts to market and handle their products? May corporation A unite and confederate with corporation B for the purpose of maintaining prices or creating a trust or monopoly or for the purpose of marketing the products of their members?

Mr. KELLOGG. The language of the bill is perfectly plain as to what they can do. It says:

That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers, may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce such products of persons so engaged.

That is the extent of it.

Mr. KING. Then the Senator, if I understand him, takes the position that corporations in the same State or corporations of different States or corporations in all the States may unite together, not consolidate into one legal organization for the purpose of carrying out the objects intended by the bill, no matter how stupendous the aggregation might be and no matter whether a trust might thereby be created. If the Senator takes that position—and I understand him to answer affirmatively that the bill permits that—then obviously his position is that the bill authorizes a gigantic monopoly in any of the lines of business referred to in the bill.

I have thought that the bill was not intended to authorize trusts or combinations to destroy competition or to oppress consumers. It has been claimed that it was aimed at evils growing out of the uneconomic methods of distribution and the middleman and those who got control, partial or complete, of agricultural products. If the bill is for that purpose and to aid the farmer and woolgrower and fruit grower to find markets and to receive fair and legitimate proceeds and profits arising from their labor, then there can be no objection to its provisions.

I had hoped the Senator would say, and I had been told that was the intention of the framers of the bill, that it was not intended to authorize the combination of a multitude of corporations in the same State or in various States for the purpose of marketing and processing and effectuating the objects that are provided in the bill. It seems to me if it authorizes what the Senator says it does, there should be an amendment. I do not believe that the Senate will favor a policy which will permit corporations in a number or in all of the States of the Union to form a nation-wide organization or association. It would seem that there would be opportunity for oppressive monopolies to be formed dealing with some commodities at least, if hundreds of corporations could unite to handle, control, and dispose of such commodities.

The raisin monopoly could be perpetuated. It is manifest that the people might suffer from a milk monopoly or combinations that would control lemons, lucerne seed, hops, and other agricultural products. A wool combination might be developed, indeed it is difficult to determine just what the effect would be, if we by law legalize all combinations—combinations consisting of hundreds of corporations and associations—doing business in various States.

Mr. HITCHCOCK. Mr. President, does the Senator appreciate the fact that in these associations each farmer has only one vote, and that they would practically have to have a town meeting in order to have a vote of the corporation, and that the profits or the dividends upon the stock are limited to 8 per cent? With those restrictions, how could there be any great danger?

Mr. KING. Let me put a hypothetical case to the Senator. Suppose that the Senator associated with other farmers for the purpose of marketing their farm products, and that in the western part of his State another organization similar in character was formed, and in the southern part of the State still other associations were organized; so that in all there were 50 or more organizations of farmers throughout the State of Nebraska existed. Assume that they acted together through a common or central committee, and this committee brought all these united Nebraska corporations into contact with similar organizations in Iowa and surrounding States, and finally with all the producers in the United States who produced the same kind of crops. It can not be said such a combination or association is impossible. It may be impracticable. Would not such a nation-wide organization controlling—selling some products—prove harmful to the country? If it controlled all wool, or all citrus fruits, or all milk, or hides, or meat, or raisins, there would be just complaint by the people.

Mr. HITCHCOCK. If the profits are limited to 8 per cent, I do not see how that could go very far, and I am very sure a monopoly can only be entertained when power is placed in the hands of a few people. If you have to have a town meeting in order to call a meeting of the stockholders, I think that removes every vestige of danger.

Mr. KING. Does the Senator say that a corporation organized in one part of the State of Nebraska might not name an official or agent to cooperate with a like organization in another part of the State of Nebraska and with similar organizations in all parts of the United States? The mere fact that each member of the corporation has but one vote in his own organization does not preclude the members from appointing an agent to represent them and their corporation in confederating, as I understand the Senator from Minnesota that they may confederate, with like organizations in the same or other States. In other words, the one vote does not prevent corporations from combining and uniting to execute an agreed plan.

Mr. HITCHCOCK. Suppose they do, what would be the evil?

Mr. KING. I will come to that in a moment. Does the Senator admit that under the bill it may be done?

Mr. HITCHCOCK. I could imagine that a number of associations might select the same marketing agent. I can imagine that, but what if they do?

Mr. KING. I will come to that in a moment.

Mr. HITCHCOCK. That agent would then market their products.

Mr. KING. I have no objection to the members of a corporation selecting one of their number to market their products. That can be done now. It is not in contravention of any law, and no one would support a measure to prevent such action.

But the Senator, if I understand him, takes the position that under the bill there is no inhibition against organizations of the same State coming into contact with each other and having representatives act for all, and organizations of one State having representatives for the purpose of uniting in action with representatives of organizations in other States, and, indeed, in all States, for the purpose of marketing, processing, and disposing of their products, holding them for that matter for indefinite periods, building warehouses in order that the commodities might be stored until it was determined that a suitable price might be obtained.

Mr. HITCHCOCK. I think they could.

Mr. KING. The Senator concedes that. Does the Senator uphold that interpretation?

Mr. HITCHCOCK. I do; absolutely.

Mr. KING. Does the Senator think that is a wise thing?

Mr. HITCHCOCK. I do.

Mr. KING. Does the Senator think it would be a wise thing for all of the milk producers of one State or a given number of States to be permitted to combine?

Mr. HITCHCOCK. When it comes to the milk production, the only possible danger that can be considered is of a local monopoly, a local monopoly in any town. My judgment is that the supply of milk of a big city ought to be monopolized just like the gas supply, and its price ought to be in some way controlled. I believe it could be controlled. When I wake up in the morning and hear half a dozen milk carts rattling by my house, I say that is a waste. It would be better to have one milk cart attending to that part of town. One of the reasons why the cost of living is so great in a city is the awful waste of having hundreds of grocery stores doing what a few should do, dozens of milk men doing what a few could do, and every block paraded by half a dozen different ice wagons and milk wagons and supply wagons, so the people who live in that block have to pay that cost of delivery.

Mr. KING. There is no doubt that the view expounded by the Senator is the view which is entertained by the Steel Trust and by the Standard Oil Trust and other great combinations. These organizations think it is unwise to have a large number of distributing agents and a multitude of plants and independent competing companies. They think economies will be effectuated if one organization controls the distribution of all the oil of the United States. They believe in monopolies, in the destruction of competition, not only in distribution but also in production. The view expounded by the Senator from Nebraska will be welcomed by the Standard Oil Co. and the Steel Trust and other combinations that are seeking to control the trade and commerce of the United States. The contest is on between sound economies and the sinister forces which seek to fasten an oppressive monopolistic system upon the country. This fallacy that economies and lasting benefits will result from the control by big business and big corporations has been exposed by many writers of note. I am unwilling to see the competitive system in our industrial life absolutely destroyed. I am not willing

to turn over to the tender mercies of the manufacturing interests, to the packers, to the Harvester Trust, to the Steel Trust, and Oil Trust the American people. We should strike at evil combinations which strangle competition and plunder the people. The farmers have been the victims of monopolies. We should liberate them from the exploiter. Economists, publicists, and jurists of eminence and renown, not only in the United States but in other parts of the world, have canvassed the question of trusts and conspiracies to destroy competition and have advocated the competition theory.

Mr. Justice Brandeis, of the Supreme Court, a number of years ago exhaustively examined the thesis—that great corporations and combinations could produce cheaper than smaller units. He demonstrated, I think in a satisfactory manner, that there was a point at which economies would be lost by reason of the great aggregations of wealth and capital in any industry or trade or calling. But, without pursuing that thought any further, I come back to another question. The Senator asks what evil will follow. He says the farmers will receive but 8 per cent upon their capital. The Senator, in my view, is in error in all that the answer would imply. Of course, there would be received only 8 per cent upon the capital which each of the individuals of the various associations has subscribed, but the Senator loses sight of the fact that, assuming a monopoly of the proportions of the character which I have indicated, nation wide, resulting from the united efforts of a hundred or a thousand corporations distributed throughout the United States, it is obvious that such a gigantic organization or monopoly could raise the price of milk or other products controlled by it until every member of each local organization and of all the organizations would receive enormous profits, and the question of 8 per cent dividends would be utterly lost sight of in the high prices which would be paid to such producers. The profits would not be in dividends but in enhanced prices for the products of the members of the corporation.

There might be no dividends at all; the stockholders might prefer to pay out the profits, if Senators will permit the expression, in increased prices for the commodities purchased so that there would be no dividend.

Mr. President, it seems to me that if the construction placed upon this bill by the Senator from Minnesota [Mr. KELLOGG] is correct, it furnishes a reason, if there were none other, for amending the bill. I asked the distinguished Senator from Montana [Mr. WALSH] if the construction which I have asked the Senator from Minnesota whether he placed upon it was the one which was placed upon it by the Senator from Montana. I understood the Senator from Montana to say that he did not place that construction upon the bill. The bill comes from the Committee on the Judiciary, and I should be very glad if other members of that committee will advise the Senate whether they place a construction upon the bill such as that indicated by the Senator from Minnesota.

Mr. WALSH of Montana. Mr. President—

Mr. KING. I yield to the Senator from Montana.

Mr. WALSH of Montana. If the Senator will pardon me, I regret very much that the Senator from Minnesota [Mr. KELLOGG] dismissed the inquiry of the Senator from Utah with respect to this matter with the evident thoughtlessness with which he did. The question is one of very great importance. I do not, however, take the same view of it as does the Senator from Utah. I want these associations to be permitted to federate themselves, but I am apprehensive that the bill does not permit them to do so. I do not anticipate any of the evils which the Senator from Utah points out. Such federation is already in operation and most beneficially so in the case of the California Fruit Growers' Association. I refer not to the California Raisin Growers' Association, of which mention has been made, but to the large cooperative association of the State of California which markets the citrus fruit product of that State. It has this kind of organization: There are local associations organized substantially as the associations contemplated and provided for in the bill are to be organized. Those associations are federated into a district association, and the district associations are federated into a State association. The State association has a common marketing agency in all the great cities. So that all the various local associations thus have one common marketing agency, but they federate themselves, and thus they secure added advantages by reason of the cooperative principle.

I think we ought to permit that to be done. I am not at all alarmed about the wheat growers' associations in the United States federating themselves so that they would have one common marketing agency. The price of wheat could not be enhanced a dollar, because the price of the wheat of this country is controlled by the Liverpool market.

No matter to what extent such associations federate, even though they had but one common selling agency, they could not get the people of the United States to give any higher price for their product than the Liverpool market commands. So it would be as to corn. Such a federation could not put up the price of corn. However, I doubt whether this bill would authorize such federation of these associations after they are organized.

Mr. KING. Before the Senator takes his seat, I should like to ask him a further question. The Senator will confess, will he not, that there are some products which could be controlled by federations, covering various States, to the disadvantage of the consumer?

Mr. WALSH of Montana. I can not think of anything except those that I have pointed out; that is to say, those that are produced only in restricted localities or that will not stand shipment, such as milk.

Mr. KING. I cite to the Senator the case of lemons, for instance.

Mr. WALSH of Montana. Lemons are in exactly the same situation. The lemon growers in California have never been able to associate themselves with the lemon growers in Florida; they are too far apart; they can not work in common. So there is no occasion for alarm; for if they should form an association the price would still be controlled by the import price.

Mr. KING. Yes; I concede that in part; but if we should have a prohibitive tariff, or if there should be provided the American valuation in the tariff law, or should we have such a tariff as the extreme protectionists want, oppressive prices might result.

Mr. WALSH of Montana. I would not regard the danger as serious at all except, as I say, in respect to the products which are limited; and, of course, lemons are produced within a comparatively limited area.

Mr. KING. The Senator can conceive of a number of agricultural products, dairy products, fruit products, and so on, that would be susceptible of monopolistic control, and a federation of associations within States and among States would increase the power of the associations thus formed to enhance the price beyond what would be fair and just.

Mr. WALSH of Montana. That might be, but the same result could be accomplished by another process. The associations, instead of federating, could simply constitute themselves into one association.

Mr. KING. Yes.

Mr. FERNALD. Mr. President, will the Senator from Utah yield to me for a moment?

Mr. KING. I yield to the Senator from Maine.

Mr. FERNALD. I wish to ask the Senator from Montana, while he is discussing the question, if the wheat market is determined by the Liverpool market, how would this bill help our farmers?

Mr. WALSH of Montana. Because the farmer brings his product to the nearest town, where, for instance, an elevator association handles the commodity. In my State the farmer is a thousand miles from the terminal market at Minneapolis or Duluth. Of course, the farmer knows the price and he knows the cost of transportation, but that does not make any difference, for he is subject to regulations as to grading and as to dockage for foreign matter and dirt and moisture in the grain, and all that kind of thing.

Mr. FERNALD. So that it would be a question of other benefits to be received outside of the matter of price?

Mr. WALSH of Montana. Outside of price; yes.

Mr. KING. Mr. President, I should like to ask the Senator from Montana, who is a member of the committee, whether, under his construction of the bill, it would permit associations or organizations or combinations of the producers of different agricultural products; that is to say, the growers of wheat to combine with the growers of wool, or the growers of nuts, or the growers of citrus fruits, or the associations comprise within their membership only those who are devoted to any one particular agricultural or horticultural pursuit?

Mr. WALSH of Montana. I have no doubt that the growers of wheat, and the growers of oats, and the growers of potatoes could all get into one association.

Mr. KING. Yes; and the growers of wool?

Mr. WALSH of Montana. I should think so, although, of course, that is not likely at all, because the business could not be handled in that way. It would be impossible to handle an association of men engaged in producing wheat and men engaged in producing wool, because the marketing arrangements would have to be entirely different and distinct.

Mr. KING. I am glad to have the views of the Senator. May I inquire further of the Senator from Montana, or the Senator

from Minnesota, what reason there is for selecting the Secretary of Agriculture instead of the Federal Trade Commission as the depository of the power to enforce the act?

Mr. KELLOGG. Mr. President, I explained my views fully in the speech I delivered in the Senate some days ago. The Secretary of Agriculture has in his department a Bureau of Markets; he has the statistics; he keeps track of market conditions and costs, and has the information before him all the time. The Trade Commission simply makes an investigation of particular cases.

Mr. KING. Mr. President, I am unable to perceive the wisdom of giving to an executive officer this authority.

Mr. KELLOGG. Of course the Senator does not blame me because he is not able to see that.

Mr. KING. Of course I do not blame the Senator for anything. I merely regret the perversity of his judgment as it is occasionally manifested.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. KING. I yield.

Mr. NORRIS. I heard the Senator's question in regard to the Secretary of Agriculture being given this power rather than the Federal Trade Commission, but I was not able to hear the answer of the Senator from Minnesota.

When the first bill on this subject came here about a year ago for the first time it was referred to the Committee on the Judiciary, and to a subcommittee of that committee, of which I was one of the members. When the bill was finally reported out of the Judiciary Committee to the Senate it contained an amendment that reposed this power in the Federal Trade Commission instead of in the Secretary of Agriculture. There was one further amendment attached to that bill, and with those two amendments the House bill was reported to the Senate. Personally, I favored one of those amendments and voted for it. I was opposed to the other amendment; but I have always believed, I will say to the Senator, that the Federal Trade Commission is better equipped to discharge these duties than is the Secretary of Agriculture. The committee, however, thought otherwise, and they may be right. Those who are behind the bill felt differently; they wanted the power reposed in the Secretary of Agriculture. Personally, I am of the opinion that the bill would have been stronger if the authority had been reposed in the Federal Trade Commission; but it is not, in my judgment, a question of any very great importance. Some instrumentality, it was thought, must be given the power to carry out the provisions of the bill, and it seems very appropriate to give it to the Secretary of Agriculture in the first instance, with an appeal to the courts. I do not think it is vital at all.

Mr. KING. Mr. President, as I recall the attitude of the Senator from Nebraska, he has been one of the most earnest champions upon this floor of the Federal Trade Commission and has attributed to that organization a great deal of good. Undoubtedly the purpose back of the creation of the Federal Trade Commission was commendable. The Federal Trade Commission has machinery far greater than that possessed by the Secretary of Agriculture for the performance of the work which this bill seeks to impose upon the Secretary of Agriculture. I am very earnest in my appeal to the Senate to consider the unwisdom, the incongruity of conferring upon the head of a department quasi-legislative functions.

We have set up in the Government the Federal Trade Commission for the purpose of investigating evils and unfair practices and for the purpose of seeing that justice is done between producers and, indeed, in one sense between producers and consumers.

The law provides that when the commission have reason to believe that a partnership, corporation, or person has been using any unfair method of competition in trade or commerce, they shall proceed to make an investigation. It further provides that upon the direction of the President or either House of Congress they may investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation. They have machinery, investigators, and lawyers for the purpose of investigating into such matters as would come within the authority of the Secretary of Agriculture under the provisions of this bill.

The Senator says that the Secretary of Agriculture has the reports of the Market Division or Bureau. If those reports are of any value whatever—and I express no opinion in regard to that—the Federal Trade Commission would have access to those reports, and they could ascertain their contents just as easily as the Secretary of Agriculture could. The Federal Trade Commission is composed of men who have judicial minds and judicial experience—some of them, at least. They are engaged in investigating and forming judgments as to business activities and the fairness of business dealings. It does seem

to me that if we depart from the principle which was announced in the Federal Trade Commission act, and commit to a department investigations of the character provided in this bill, and the determination of the questions which call for determination in this bill, we are establishing a very unwise precedent.

I called the attention of one of the Senators by way of interrogatory yesterday, and again to-day, to the fact that if we select the Secretary of Agriculture, and make him a judge, and give him the power to determine certain facts, those engaged in manufacturing who violate the Sherman antitrust law may insist that the Secretary of Commerce shall have the power to investigate to see whether they are unduly enhancing the prices of their commodities; the bankers will deny the court's jurisdiction then and insist that the Secretary of the Treasury be their judge. In the end we will break down the Federal Trade Commission, destroy its usefulness and authority, and reduce the courts to impotency in matters which now are cognizable by them. It occurs to me that the bill as it was first reported, as I understood the Senator from Nebraska, when it contained the provision that the Federal Trade Commission should make this investigation, was in better shape, more logical, and more defensible than it is in its present form.

I shall move to amend by striking out, in line 9, page 2, the words "Secretary of Agriculture" and inserting "Federal Trade Commission," so that it will read:

That if the Federal Trade Commission shall have reason to believe that any such association monopolizes—

And so forth.

Mr. NORRIS. Mr. President, the Senator realizes, I suppose, that at this stage of the consideration of the bill, when we are about to vote on its passage, that kind of an amendment, while ordinarily I would have favored it, means redrafting a good share of the bill. The language would have to be changed, as I understand, in quite a number of places. Ordinarily I should have favored the amendment, although, as I said before, I do not think it is at all vital; but I hope the Senator will not now offer the amendment at a time when, if it is to be agreed to, we must suspend operations and go over the entire bill carefully, and see what changes are necessary to be made. It seems to me that it is so late that we would be justified in voting it down, even though it is meritorious.

Mr. KING. Mr. President, I confess that I can not quite appreciate the force of the suggestion made by my distinguished friend. The lateness of the hour or the length of consideration of a bill ought not to deter us from making amendments if those amendments are for the public good and improve the bill.

It seems to me that we ought to be more interested in securing wise legislation than merely in obtaining legislation. There is too much legislation, anyway. We have enacted about 45,000 laws in the United States in the last few years, whereas other Governments having a population nearly as great as ours have passed but a few hundred. The curse of this age is too much legislation. The States are deluging the people with ill-digested and half-baked laws, and Congress is not very much better. We want to drown the people with laws, and cure the alleged ills to which society is subject with laws. We are going to make the people moral by law. We are going to cure all economic ills by law. There seems to be a conception in the minds of Senators and the people that there is a divine power in law. It is like the healing power of the king in ancient times; it was thought that if people could touch the person of the king they would be healed of all infirmities; and if the people can now see some statute, no matter how absurd or half-baked it is, all their ills are to vanish like the mists before the rising sun.

I think we should give a little more consideration to this proposed legislation. I understood that the Senator from Iowa [Mr. CUMMINS]—a lawyer of great ability, a statesman of eminence, a man whose judgment should commend itself to Senators and to the people—after pointing out some manifest evils in the bill, intended to move to recommit it. I hope he will do so; but before that motion shall be put, if it is to be put, I suggest that we perfect the bill; and, much as my friend and others would like to have the bill passed, and passed quickly, I think we ought to vote upon this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Caraway	Gerry	Harrison
Borah	Colt	Glass	Heflin
Broussard	Ernst	Gooding	Hitchcock
Burns	Fernald	Hale	Johnson
Cameron	Fletcher	Harrell	Jones, Wash.
Capper	France	Harris	Kellogg

Kendrick
Kenyon
Keyes
King
Ladd
La Follette
Lenroot
Lodge
McCormick
McKinley

McNary
Moses
Myers
Newberry
Norris
Oddie
Overman
Page
Philips
Pittman

Poindexter
Pomerene
Ransdell
Robinson
Sheppard
Shortridge
Simmons
Spencer
Stanfield
Stanley

Sterling
Swanson
Underwood
Wadsworth
Walsh, Mont.
Warren
Watson, Ga.
Weller
Williams
Willis

Mr. JONES of Washington. I desire to announce that the Senator from Kansas [Mr. CURTIS] is detained on official business.

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is necessarily absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-four Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. KING].

The amendment was rejected.

Mr. WALSH of Montana. Mr. President, if a vote is impending on the Senate committee substitute, and I presume it is, I desire to say just a word before the vote is taken.

I wish it to be thoroughly understood, as we proceed to vote, that to reject the Senate substitute and to adopt the House text will be to remove the inhibition from setting up any milk monopoly in any one of the great cities of the country, and with no check upon anything they may do in the way of exacting exorbitant prices from consumers, except as it is provided in section 3 of the bill, the validity of which is open to most serious question, as pointed out in the very persuasive and informing discussion by the Senator from Iowa [Mr. CUMMINS], which no one has attempted to answer at all, and as to the significance and operation of which even the proponents of the bill differ.

I want to advert to the history of this measure as it relates to the difference between the Senate committee substitute and the House text. The measure came before the Senate upon a bill which was referred to the Committee on the Judiciary of the Senate. That committee referred it to a subcommittee consisting of the Senator from Vermont [Mr. DILLINGHAM], the Senator from Nebraska [Mr. NORRIS], and myself. That subcommittee made a report to the full committee, pointing out the evil which would arise from the unrestricted authorization of monopolies under the bill.

There was no dissent in the committee, so far as my recollection now serves me, with respect to that matter. It went before the Judiciary Committee. No criticism whatever was made before the committee with respect to that feature of it. It never occurred to any member of the great Judiciary Committee of the Senate that that provision prohibiting monopoly would in any wise affect the material operation of the bill, so far as it should have a beneficial operation, and no one suggested that it would nullify the bill.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I yield.

Mr. NORRIS. While I caused no record vote or anything of that kind, it is my recollection that I voted against one amendment. I voted for one and against one which the subcommittee reported. I would have voted for one and against the other if there had been a vote taken in the Senate, which was not done. I do not know that there was a formal roll call on the milk amendment, but I was opposed to that one amendment, and I so announced.

Mr. WALSH of Montana. I spoke from recollection, and I have no recollection of the Senator from Nebraska voicing any opposition to that feature. However, if he did, his opposition was not sufficiently vigorous to even lead him to ask for a roll call or to prompt him to make a minority report.

That bill came to the Senate, and the Senate had it under consideration and under debate for parts of two days. The debate was participated in by the Senator from Minnesota [Mr. KELLOGG], under whose leadership the bill is before the Senate now, by the Senator from Wisconsin [Mr. LENROOT], and by the Senator from South Dakota [Mr. STERLING], each of whom has told the Senate that that provision in the bill now before us nullifies the bill. No one of them made any such suggestion when the bill was before us formerly, and, as I have pointed out, the Senator from South Dakota, who now tells us that that provision nullifies the effect of the bill, actually called the attention of the Senate to and commended the amendment to the bill at that time which forbade the setting up of monopolies under it.

The distinguished Senator from Minnesota [Mr. KELLOGG] took the floor three several times in favor of the measure and in favor of the substitute, and it was adopted without a suggestion upon this floor that that provision was not a wise one, or that it in any wise nullified the bill, so far as the virtues of it were concerned.

Now, there has been a marvelous change of opinion. The Senator from South Dakota [Mr. STERLING], upon being further advised, now thinks that it nullifies the bill. The Senator from Wisconsin [Mr. LENROOT] thinks that it nullifies the bill. The Senator from Minnesota [Mr. KELLOGG] thinks that it nullifies the bill. The Senator from Nebraska [Mr. NORRIS] thinks that it nullifies the bill. Such obscurity of thought, such dullness of comprehension, when the matter was before us on the former occasion is, I venture to say, without a parallel in this body. That is all I care to say about it. I see no reason for such a marked change of viewpoint concerning the only matter that was in difference between the two Houses when the bill was formerly before us.

Mr. KING. I suggest to the Senator that we are approaching an election.

Mr. NORRIS. Mr. President, I do not want the statement of the Senator from Montana to pass unchallenged. I know that from the time we began to consider this bill, and through the hearings—and if the Senator will examine the hearings he will find the question often cropped out—the one amendment the Senator now speaks of I was opposed to. I was in favor of the other one, and I said so a great many times. I did not make any great fuss about it, it is true, and I would not now.

Mr. WALSH of Montana. I would like to say to the Senator that of course his recollection will be more acute than mine. I speak purely from recollection as to the Senator's attitude. The fact remains that he did not speak against it on the floor.

Mr. NORRIS. I admit that. There was no debate on it on the floor. It would have been useless to have indulged in debate. It could not have accomplished anything at that time.

I agree with the Senator that there has been a wonderful change. I am delighted that there has been, and for once in my life I can say that a majority have come over to my view and are taking my viewpoint, and the indications are now that it is going to be enacted into law, something that happens so very seldom in this body that I have a right to make a note of it when it does occur.

I would not be ashamed at all if I changed my mind, because I have done that lots of times. I think it is sometimes an evidence of wisdom; though sometimes of fear, it is true. I do not know what caused anyone else to change his mind, if anyone else has done so. It may be that it is because there is an election approaching, or it may be it is because the administration is behind the bill as it passed the House.

The indications are that it is an administration measure now; and if it is, I want to congratulate the administration for getting over into the same wagon with me. I am glad to welcome the administration. I am glad to be with it. I would a great deal rather be with them than otherwise; but for once, if the administration is over on the right side, I am glad it has come over. I do not suppose it came over on my account particularly, but it may be that it was done in spite of me. At least, I am glad it has come over.

Mr. STERLING. Mr. President, I stated on yesterday, in some remarks on the bill and on the substitute, my reasons for opposition to the substitute measure proposed by the Judiciary Committee, and after I had concluded my remarks came a colloquy between the Senator from Montana [Mr. WALSH] and myself as to my attitude a year or more ago relative to another bill, which he called the prototype of the pending bill. I was about to let the matter rest with the statement I made in my colloquy with the Senator from Montana yesterday, and I am inclined to let it rest there now.

I want to say, however—and the thought is suggested by a remark of the Senator from Nebraska—that I have not known for a moment as to how the administration stood with reference to this bill. I never thought of how the administration might stand in regard to the bill.

I made up my mind, as I stated yesterday, that the part of the substitute relating to monopoly would take the heart out of the bill and defeat the very purpose intended to be accomplished by the bill. I came to that conclusion after considerable thought and close study, and especially a study of the opinion of Chief Justice White in the Standard Oil case and the showing he made there of the close relationship between agreements in restraint of trade and monopolies; how the plain inference was that evidence of the one could be produced in support of the charge of the other, as, for example, if it were charged that the association here provided for had attempted to create a monop-

oly, or was a monopoly, the same proof could be offered in support of that charge as would be offered in support of a charge that an agreement had been made in restraint of trade. These alone are the considerations under which I can not support the substitute.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee in the nature of a substitute.

Mr. WALSH of Montana. I ask for the yeas and nays.

The yeas and nays were ordered.

SEVERAL SENATORS. Let it be read.

The VICE PRESIDENT. It will be read.

The ASSISTANT SECRETARY. The Committee on the Judiciary report to strike out all after the enacting clause of the bill and in lieu to insert:

That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively handling and marketing in interstate and foreign commerce such products of the persons so engaged and in processing or preparing such products for so marketing the same. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided, however*, That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per cent per annum:

And provided further, That the association shall not deal in products of nonmembers to an amount greater in value than such as are handled by it for members.

Nothing herein contained shall be deemed to authorize the creation of or attempt to create a monopoly, or to exempt any association organized hereunder from any proceedings instituted under the act entitled "An act to create a Federal trade commission, to define its powers and duties, and for other purposes," approved September 26, 1914, on account of unfair methods of competition in commerce.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the committee.

The Assistant Secretary proceeded to call the roll.

Mr. COLT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TRAMMELL]. I transfer that pair to the junior Senator from South Dakota [Mr. NORRIS] and vote "nay."

Mr. HARRISON (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. RANDELL (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. Under my arrangement with that Senator I have a right to vote on this measure. I vote "nay." I will let this announcement stand with regard to other votes I shall cast on the bill.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I am informed that that Senator if present would vote as I shall vote, and I am therefore at liberty to vote. I vote "nay."

Mr. WILLIAMS (when his name was called). May I inquire whether the Senator from Indiana [Mr. WATSON] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. WILLIAMS. I have a general pair with that Senator and therefore I am not at liberty to vote. If I were free to vote, I would vote "nay."

The roll call was concluded.

Mr. HARRISON. I desire to announce the absence of the Senator from South Carolina [Mr. DIAL] on account of illness. He has a general pair with the Senator from Colorado [Mr. NICHOLSON].

Mr. BRANDEGEE. I have a pair with the Senator from Michigan [Mr. TOWNSEND]. If at liberty to vote, I should vote "yea" on the pending question.

Mr. FERNALD (after having voted in the negative). I note that the Senator from New Mexico [Mr. JONES], with whom I have a general pair, has not voted. I transfer that pair to the Senator from New York [Mr. CALDER] and allow my vote to stand.

Mr. HALE (after having voted in the negative). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Pennsylvania [Mr. PEPPER] and allow my vote to stand.

Mr. WALSH of Montana (after having voted in the affirmative). I have a general pair with the Senator from New Jersey [Mr. FREELINGHUYSEN], who I learn has not voted. I transfer that pair to the Senator from Missouri [Mr. REED] and allow my vote to stand.

Mr. KING (after having voted in the affirmative). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I am unable to obtain a transfer and am compelled to withdraw my vote. If at liberty to vote, I would vote "yea."

Mr. SHEPPARD. I desire to announce that the senior Senator from Texas [Mr. CULBERSON] is unavoidably absent. He is paired, however. If present and not paired the senior Senator from Texas would vote "nay."

I also desire to announce that the Senator from Tennessee [Mr. McKELLAR] is unavoidably absent. He is paired with the Senator from Indiana [Mr. NEW]. If the Senator from Tennessee were present he would vote "nay."

Mr. MYERS (after having voted in the affirmative). I observe that the Senator from Connecticut [Mr. McLEAN], with whom I have a general pair, has not voted. I am unable to obtain a transfer and am therefore compelled to withdraw my vote. If at liberty to vote, I would vote "yea."

Mr. JONES of Washington. I wish to announce that the Senator from Kansas [Mr. CURTIS] is paired on this question with the Senator from Vermont [Mr. DILLINGHAM]. If present the Senator from Kansas would vote against the pending amendment, and the Senator from Vermont would vote for the same.

I also wish to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR]; and

The Senator from Colorado [Mr. NICHOLSON] with the Senator from South Carolina [Mr. DIAL].

Mr. SIMMONS. I desire to announce the unavoidable absence, upon business of the Senate, of the Senator from South Carolina [Mr. SMITH]. I am authorized by him to state that if he were present and not paired, he would vote "nay" on the pending amendment.

The result was announced—yeas 5, nays 56, as follows:

YEAS—5.			
Borah	Glass	Overman	Walsh, Mont.
Gerry			
NAYS—56.			
Ashurst	Harrell	Lodge	Sheppard
Broussard	Harris	McCormick	Shortridge
Bursum	Harrison	McKinley	Simmons
Cameron	Heflin	McNary	Spencer
Capper	Hitchcock	Moses	Stanfield
Caraway	Johnson	Newberry	Stanley
Colt	Jones, Wash.	Norris	Sterling
Cummins	Kellogg	Oddie	Swanson
Ernst	Kendrick	Phipps	Underwood
Fernald	Kenyon	Pittman	Wadsworth
Fletcher	Keyes	Polindexter	Warren
France	Ladd	Pomerene	Watson, Ga.
Gooding	La Follette	Ransdell	Weller
Hale	Lenroot	Robinson	Willis
NOT VOTING—35.			
Ball	Edge	Nelson	Smith
Brandeggee	Elkins	New	Smoot
Calder	Frelinghuysen	Nicholson	Sutherland
Crow	Jones, N. Mex.	Norbeck	Townsend
Culbertson	King	Owen	Trammell
Curtis	McCumber	Page	Walsh, Mass.
Dial	McKellar	Pepper	Watson, Ind.
Dillingham	McLean	Reed	Williams
du Pont	Myers	Shields	

So the amendment in the nature of a substitute reported by the committee was rejected.

The VICE PRESIDENT. If there are no further amendments to be proposed as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. PHIPPS. Mr. President, I gave notice that I would renew in the Senate the amendment which I offered in Committee of the Whole. I reoffer that amendment and ask that it be reported.

The VICE PRESIDENT. The amendment proposed by the Senator from Colorado will be read.

The ASSISTANT SECRETARY. On page 1, line 5, insert after the word "may":

And where any such agricultural product or products must be submitted to a manufacturing process in order to convert it or them into a finished commodity and the price paid by the manufacturer to the producer thereof is controlled by or dependent upon the price received by the manufacturer for the finished commodity by contract entered into before the production or harvest of such agricultural product or products, then any such manufacturer may.

And, on page 2, line 1, after the word "producers," insert the words "or manufacturers, as the case may be."

Mr. PHIPPS. On the amendment I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. If there be no further amendment to be offered in the Senate the question is, Shall the amendments be engrossed and the bill read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. NORRIS and Mr. OVERMAN called for the yeas and nays.

The yeas and nays were ordered and the Assistant Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). Again announcing my pair with the senior Senator from Michigan [Mr. TOWNSEND], I withhold my vote. If at liberty to vote, I would vote "nay." If present, the senior Senator from Michigan would vote "yea."

Mr. COLT (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. SHEPPARD (when Mr. CULBERSON's name was called). The senior Senator from Texas [Mr. CULBERSON] is unavoidably absent. He is paired. If present and not paired, he would vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. Since he would vote as I shall vote on this question, I feel at liberty to vote. I vote "yea."

Mr. HALE (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. SHEPPARD (when Mr. McKELLAR's name was called). The Senator from Tennessee [Mr. McKELLAR] is unavoidably absent and is paired. If present and not paired, he would vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as on the last vote as to my pair and its transfer, I vote "yea."

Mr. FLETCHER (when Mr. TRAMMELL's name was called). My colleague [Mr. TRAMMELL] is unavoidably absent. He is paired. If present and not paired, he would vote "yea."

Mr. WALSH of Montana (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Missouri [Mr. REED] and vote "yea."

Mr. WILLIAMS (when his name was called). I again announce that I have a general pair with the Senator from Indiana [Mr. WARREN]. I am informed that if present he would vote as I am about to vote. I therefore take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. KING. I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I am compelled to withhold my vote.

Mr. PHIPPS. I desire to announce that my colleague [Mr. NICHOLSON] is necessarily absent. He is paired with the Senator from South Carolina [Mr. DIAL]. If my colleague were present, he would vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate. He is paired. If present and not paired, he would vote "yea."

I also desire to state that the Senator from Vermont [Mr. DILLINGHAM], the Senator from South Dakota [Mr. NORBECK], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from Illinois [Mr. McKINLEY], if present, would vote "yea" on the passage of the bill.

Mr. WILLIAMS. I wish to announce that my colleague [Mr. HARRISON] is necessarily absent. He is paired with the Senator from West Virginia [Mr. ELKINS]. If my colleague were present, he would vote "yea."

Mr. MYERS. I have a general pair with the Senator from Connecticut [Mr. McLEAN]. In his absence I withhold my vote.

Mr. UNDERWOOD. I wish to announce that the Senator from South Carolina [Mr. DIAL] is detained on account of illness. He has a general pair with the Senator from Colorado [Mr. NICHOLSON].

Mr. CARAWAY (after having voted in the affirmative). I transfer my pair with the Senator from Illinois [Mr. Mc-

KENLEY] to the Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

The result was announced—yeas 58, nays 1, as follows:

YEAS—58.

Ashurst	Harreld	McNary	Spencer
Broussard	Harris	Moses	Stanfield
Bursum	Heflin	Newberry	Stanley
Cameron	Hitchcock	Norris	Sterling
Capper	Johnson	Oddie	Swanson
Caraway	Jones, Wash.	Overman	Underwood
Colt	Kellogg	Phipps	Wadsworth
Cummins	Kendrick	Pittman	Walsh, Mont.
Ernst	Kenyon	Poindexter	Warren
Fernald	Keyes	Pomerene	Watson, Ga.
Fletcher	Ladd	Ransdell	Weller
France	La Follette	Robinson	Williams
Glass	Lenroot	Sheppard	Willis
Gooding	Lodge	Shortridge	
Hale	McCormick	Simmons	

NAYS—1.

Gerry

NOT VOTING—37.

Ball	Edge	Myers	Smith
Borah	Elkins	Nelson	Smoot
Brandagee	Frelinghuysen	New	Sutherland
Calder	Harrison	Nicholson	Townsend
Crow	Jones, N. Mex.	Norbeck	Trammell
Culberson	King	Owen	Walsh, Mass.
Curtis	McCumber	Page	Watson, Ind.
Dial	McKellar	Pepper	
Dillingham	McKinley	Reed	
du Pont	McLean	Shields	

So the bill was passed.

BUREAU OF AERONAUTICS.

Mr. JONES of Washington. Mr. President, simply for the purpose of making it the unfinished business, and not expecting to proceed with its consideration to-night, I move that the Senate proceed to the consideration of Senate bill 3076.

Mr. KING. Let the bill be reported.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The Secretary will state the bill by title.

The ASSISTANT SECRETARY. A bill (S. 3076) to create a bureau of aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes.

Mr. KING. I hope the Senator will not press the motion at this time.

Mr. JONES of Washington. I simply want to have the bill made the unfinished business, and then I will ask that it be temporarily laid aside.

Mr. KING. Does the Senator expect to go on with it tomorrow?

Mr. JONES of Washington. Possibly, if the appropriation bill which is ready shall then have been disposed of.

Mr. KING. The attention of many Senators has just been called to the bill.

Mr. JONES of Washington. I gave notice several days ago that I would call it up. I am very anxious to have it considered, but I shall not ask the Senate to proceed with its consideration to-night.

Mr. KING. Of course, I can not object, but I shall vote against the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3076) to create a bureau of aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes.

Mr. JONES of Washington. I ask that the bill may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

Mr. KING. I should like to ask the Senator from Wyoming whether he intends to go on with the appropriation bill to-night?

Mr. WARREN. Not to any great extent; but I wish to have the consideration of the bill begun, I will say to the Senator.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wyoming.

Mr. JONES of Washington. Mr. President, I hope the Senator will not make a motion, but will submit a request for unanimous consent, because if the motion is made and carried it will displace the unfinished business which has just been taken up.

Mr. WARREN. I did not have in mind making the appropriation bill the unfinished business; I merely wished to have it considered.

Mr. JONES of Washington. The motion of the Senator from Wyoming, if agreed to, will make the appropriation bill the unfinished business. I suggest that the Senator ask unanimous consent to proceed with the consideration of the appropriation bill.

Mr. WARREN. I am compelled then, with all humility, to ask unanimous consent that I may have the appropriation bill which I have named taken up.

Mr. KING. I hope the Senator will take it up with humility.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I make the usual request for unanimous consent that the formal reading of the bill be dispensed with and that it may be read for amendment, the amendments of the committee to be first considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

Mr. KING. Mr. President, before assenting to the request, may I ask the Senator if he will not give us a chance to read the bill to-night before proceeding with it?

Mr. WARREN. It is to be read in full, of course, but I do not care to have it read twice before it is considered.

Mr. KING. I shall not object. I hope, however, the Senator will not take up the amendments to-night, but will give us an opportunity to read the bill, which has just come here.

Mr. WARREN. The amendments will be read slowly and any amendment that it is desired shall go over, if any Senator requests that it go over, will not be considered to-night.

Mr. KING. May I inquire of the Senator whether he intends to proceed with the bill?

Mr. WARREN. For a few moments. Why not?

Mr. KING. Because this bill has just been brought here.

Mr. WARREN. Oh, no; it has lain here all week.

Mr. KING. But we have been considering other measures in the meantime.

Mr. WARREN. I did not ask to have it taken up until the conclusion of the bill which has just been voted on. I have had the patience to wait for action upon that measure.

Mr. KING. I am not sure that there was any particular patience on the part of the Senator from Wyoming. We were considering other matters of importance. It is not a question of patience; it is a question of orderly procedure; and if the Senator from Wyoming insists on proceeding to-night, I ask that the bill be read.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Wyoming.

RICHARD P. McCULLOUGH AND I. C. JOHNSON, JR.

Mr. SWANSON. Mr. President—

Mr. WARREN. I yield to the Senator from Virginia.

Mr. SWANSON. Several days ago, approximately a week or so ago, I think, the bill (H. R. 2558) for the relief of Richard P. McCullough and the bill (H. R. 7870) for the relief of I. C. Johnson, jr., which had been referred to the Committee on Naval Affairs, were reported adversely by that committee, and on motion of the chairman of the committee the Senator from Vermont [Mr. PAGE], were indefinitely postponed. The bills were not particularly considered by the committee, but the action was taken simply upon a letter from the department. I have seen the chairman of the committee and he has no objection to the request which I am about to make. I have also seen the Senator from Maine [Mr. HALE], who was present at the meeting when the action was taken, and he has no objection to the request. I therefore ask unanimous consent that the votes by which the bills, respectively, were indefinitely postponed may be reconsidered, and, if that request is granted, I shall then ask that the bills be again referred to the Committee on Naval Affairs.

I may add that Senators interested in the bills had no opportunity to present them to the committee, as they were absent on the day the measures were disposed of by the committee. The bills are for the relief of two officers in the Navy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none, and the votes whereby the bills were indefinitely postponed are reconsidered.

Mr. SWANSON. Now, I ask that the bills be recommitted to the Committee on Naval Affairs.

The PRESIDING OFFICER. Without objection, that order will be made.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Kendrick	Oddie	Sterling
Brandegge	King	Pittman	Swanson
Broussard	Ladd	Poinexter	Underwood
Bursum	Lodge	Pomerene	Wadsworth
Fernald	McCormick	Ransdell	Walsh, Mont.
France	McKinley	Sheppard	Warren
Gerry	McNary	Shortridge	Watson, Ga.
Glass	Moses	Spencer	Willis
Hedlin	Newberry	Stanfield	
Jones, Wash.	Norris	Stanley	

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. CAMERON answered to his name when called.

Mr. JONES of Washington. I desire to announce that the Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate.

The PRESIDING OFFICER. Upon the roll call 39 Senators have responded. There is not a quorum present. What is the pleasure of the Senate?

Mr. KING. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Utah that the Senate adjourn.

The motion was rejected.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. WARREN. I move that the Sergeant at Arms be directed to request the attendance immediately of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. HALE, Mr. HARRIS, Mr. CAPPER, Mr. CUMMINS, and Mr. PHIPPS entered the Chamber and answered to their names.

After some delay, Mr. KELLOGG, Mr. HARRELD, Mr. ERNST, Mr. LENROOT, and Mr. MYERS entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Forty-nine Senators having answered to their names, there is a quorum present.

RECESS

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 2 minutes p. m.) the Senate took a recess until to-morrow, Thursday, February 9, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 8, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, rich in mercy, great in love, and marvelous in good works, Thou dost transcend our utmost conception. But we look toward Thee as we watch the morning with its endless stretch and its boundless space. Compassed as we are with human limitations and earthly infirmities, we ask for power to encourage that which is wise and for strength to restrain that which is unwise. In all of our lives may there be diminishing evil and growing goodness. Through the morning, through the noon, through the evening, and through to the end may we stand for God and His kingdom of love and peace, to be extended in human hearts and homes everywhere. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8762. An act to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes.

THE COTTON-BOLL WEEVIL.

Mr. WILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a statement prepared by Mr. B. R. Coad, of the Bureau of Entomology, United States Department of Agriculture, giving the results of experiments made by various farmers in the cotton belt in the control of the boll weevil by the use of powdered calcium arsenate.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. ROSE, by unanimous consent, was granted leave of absence, for several days, on account of the death of his sister, Mrs. A. P. Ellis.

CALL OF THE HOUSE.

Mr. DOWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present. It is clear that there is no quorum present.

Mr. EDMONDS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Ansorge	Goodykoontz	Maloney	Rogers
Appleby	Gould	Mansfield	Rosenbloom
Beedy	Hays	Martin	Ryan
Bell	Houghton	Mead	Sabath
Bird	Husted	Michaelson	Sanders, Ind.
Brennan	Jeffers, Nebr.	Mills	Schall
Briggs	Johnson, Ky.	Moore, Ind.	Shaw
Brinson	Johnson, S. Dak.	Morin	Siegel
Britten	Johnson, Wash.	Mudd	Snyder
Brown, Tenn.	Kelly, Pa.	Murphy	Speaks
Cantrill	Kendall	Nelson, J. M.	Sprout
Carew	Kennedy	Newton, Minn.	Stiness
Chandler, Okla.	Kincheloe	O'Brien	Sullivan
Cole, Ohio	Kirkpatrick	Ogden	Taylor, Colo.
Connell	Kitchin	Parker, N. Y.	Tilson
Dale	Kline, N. Y.	Parrish	Tinkham
Denison	Knutson	Patterson, N. J.	Treadway
Drewry	Kreider	Petersen	Underhill
Driver	Kunz	Pou	Upshaw
Fenn	Lee, N. Y.	Rainey, Ala.	Vare
Fess	Lehlbach	Rainey, Ill.	Vestal
Fish	Lineberger	Riddick	Ward, N. Y.
Freeman	Linthicum	Riordan	Williams
Gallivan	McFadden	Robertson	Winslow
Germer	McLaughlin, Nebr.	Rodenberg	Wise

The SPEAKER. Three hundred and thirty Members have answered to their names. A quorum is present.

Mr. EDMONDS. I move to dispense with further proceedings under the call.

The motion was agreed to.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the call rests with the Committee on Claims.

SETTLEMENT OF CLAIMS OF LESS THAN \$1,000.

Mr. EDMONDS. Mr. Speaker, I call up for further consideration the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Illinois [Mr. GRAHAM] will resume the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 7912, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. When the committee rose on Wednesday last the gentleman from Massachusetts [Mr. UNDERHILL] had the floor.

Mr. EDMONDS. I had the time, but I had yielded some time to the gentleman from Massachusetts.

The CHAIRMAN. The Chair is informed that the gentleman from Massachusetts [Mr. UNDERHILL] is prevented by illness from being present and completing the use of his time.

The gentleman from Pennsylvania [Mr. EDMONDS] is recognized.

Mr. EDMONDS. I yield 10 minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, this is a bill with regard to claims under \$1,000 against the Federal Government. The committee will offer an amendment which limits it to claims caused by the negligence of any officer or employee of the Government acting within the scope of his employment. It is intended to give to the head of each department and establishment the authority to examine into and decide upon such claims and to certify them to the Congress for appropriation. These small bills have heretofore gone to the Committee on Claims. That committee has a great deal to do. The result is that these bills have moved very slowly and people do not get justice with any great rapidity, either in the allowance or disallowance of their small claims. If you should refer these cases to the Court of Claims, the parties would be put to great expense, trouble, and loss of time. For that reason it has not been thought best to send them to the Court of Claims. It is hoped that the departments will act with considerable rapidity and that people will get results. Personally I did not have an opportunity to vote on this bill, and I did not vote to report it favorably or unfavorably. I am not very enthusiastic about the bill. I have very serious doubts as to the advisability of authorizing any department to exercise such power. This power is in the Congress, like all claims against the Government. I do not know whether these people have any right to decide upon it. Personally I do not think they are very well equipped; I do not think they would make very good judges.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. COOPER of Wisconsin. I notice in lines 9 and 10 that authority is hereby conferred on the heads of each department. That means in about forty-nine cases out of fifty it is referred to some subordinate in the department.

Mr. LITTLE. Yes.

Mr. COOPER of Wisconsin. And it means a private hearing.

Mr. LITTLE. Yes.

Mr. COOPER of Wisconsin. It means taking money out of the Treasury of the United States after a private hearing by a subordinate of the department.

Mr. EDMONDS. Will the gentleman from Kansas allow me to answer?

Mr. LITTLE. Yes.

Mr. EDMONDS. I would like to say that this only allows a certification of the claim to the Appropriations Committee to make the appropriation.

Mr. COOPER of Wisconsin. Is the evidence upon which the claim is allowed to be certified to Congress?

Mr. EDMONDS. I presume the committee would hear any evidence that it wished.

Mr. LITTLE. Mr. Chairman, I may say that other men more enthusiastically in favor of this bill will take the floor, and I do not wish to take up much time. The Claims Committee is an appropriation committee, and claims should come back to it.

Mr. COOPER of Wisconsin. Will the gentleman yield further?

Mr. LITTLE. Yes.

Mr. COOPER of Wisconsin. In lines 9 and 10 on page 2—

Mr. LITTLE. May I suggest to the gentleman that he put his question to some gentleman who will present the bill from that side more fully. I am not particularly favorable to it.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BLAND of Indiana. I would like to know if the bill provides for the consideration of claims that accrued prior to the passage of the act; in other words, is it retroactive?

Mr. LITTLE. The chairman says no.

Mr. BLAND of Indiana. Does the gentleman know whether the committee has considered the question of having the claims reviewed or passed upon by the Budget Bureau or any other tribunal?

Mr. LITTLE. The committee in the last five years has considered every possible aspect of this case and this is the result.

Mr. DOWELL. Will the gentleman yield?

Mr. LITTLE. I have but very little time and, as I said, I am not enthusiastic about the bill. The chairman when he takes the floor will answer these questions. I would like to finish my statement.

Mr. EDMONDS. If the gentleman from Kansas will allow me, any claim that is in the department that is a modern claim, that is alive in the department to-day, would probably be acted upon under this bill.

Mr. BLAND of Indiana. I have a case where a star-route carrier ran over another man's automobile. He can not sue for damages and there is no appropriation. I wondered whether that claim could be considered under this bill.

Mr. EDMONDS. I think so.

Mr. BLAND of Indiana. How far back would it go?

Mr. EDMONDS. I would say that I do not know how the department would interpret it.

Mr. BLAND of Indiana. There ought to be some specific time so that claims arising after a certain date would come under the bill.

Mr. EDMONDS. I think the committee would be willing to accept an amendment.

Mr. LITTLE. Now, Mr. Chairman, I would like to state my view of it. I have been on the committee five years and am very much interested in it. As I say, I am not enthusiastic about this, but after five years' discussion of these difficulties the committee has, all except myself, reported in favor of this bill. In deference to the judgment of my colleagues on the committee, and because I can not think of anything better, I am not opposing the bill, and I may possibly vote for it. I thought it was my duty to call your attention to some of the points concerning it. I started to say that I do not think these people are very well equipped to pass on the claims. I doubt if they have any real authority to do it, but, gentlemen, if somebody else will tell us a better way to handle these bills and get results, I will vote for that. I once heard Lord Roseberry in the House of Lords make a speech in favor of home rule in Ireland which he afterwards opposed. I remember one thing that he said, and that was "I am ready to take a leap in the dark." And so am I. I can say to these gentlemen that I think their questions are all very pertinent and sensible and I think my colleagues ought to answer them, but I do not think you ought to ask me to, because I think about the same as you do. If you can find a better way, go and do it; and if not, I think you ought not to oppose this.

Mr. DOWELL. Will the gentleman yield?

Mr. LITTLE. I have but little time.

Mr. DOWELL. The gentleman is taking time to support the bill, and it seems to me he ought to be able to answer questions.

Mr. LITTLE. I will say frankly that there are a lot of questions I can not answer.

Mr. DOWELL. Then I think the gentleman ought to let some one have the floor that can answer them.

Mr. LITTLE. If the gentleman knows more about it than I do let him take the floor.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. KING. Does the gentleman have any opinion, being a very good lawyer, that this bill comes in conflict with section 1 of Article III of the Constitution, which provides that the judicial power of the United States shall be vested in the various courts?

Mr. LITTLE. I just said that I had doubt as to the authority of these people to act at all.

Mr. ELLIS. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. ELLIS. Every claim that I know about which comes before our committee has no judicial standing and could not be enforced in any court in the land.

Mr. LITTLE. I can not yield any further. You can not sue the Government unless Congress authorizes. I want to make some of this speech myself. I will say to the gentleman from Iowa [Mr. DOWELL] that under the rules of the House I am entitled to time, and if he wants to keep me from using it let him go and get a new rule. As I have been studying this difficulty five years I feel I should give you the results of my experience. I have endeavored to call attention to the situation which seems to me, after five years of experience, to present the difficulties that I have suggested. I do not like the bill very well, but I am satisfied it is the best thing that has been offered, and if some of these gentlemen will offer something better I shall be very glad to get behind it. These little claims have been thrown into the hopper and have lain there and have gotten no consideration whatsoever.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. The gentleman will excuse me at present until I finish this statement. I think people with little claims are entitled to just as much consideration as people with big claims. The little claims do not arouse anybody's support enthusiastically, while the big ones do. While I may not even vote for this bill, and I am going to listen to the arguments for and against it, I believe it presents an opportunity to get these

small claims heard and disposed of. They will come back to an appropriation committee, probably that on claims. I do not know what that committee will do about it. They may have another hearing. I have presented the ideas that I have about the matter, and I shall be glad now to yield to the gentleman from Ohio.

Mr. BEGG. Even though this bill were passed, could a department recommend the appropriation of a certain amount of money for a claim of legal standing?

Mr. LITTLE. Yes; they can recommend anything they want to.

Mr. BEGG. Would they be likely to do it?

Mr. LITTLE. I am sure that some of them would.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BLAND of Indiana. I understand that the words "legal claim" were stricken out of the bill, or are to be. The language is:

Such amount as may be found to be due to any claimant shall be reported to Congress as a legal claim for payment—

And so forth.

I believe it is proposed to change the word "reported" to the word "certified" and to strike out the words "as a legal claim."

Mr. LITTLE. Yes; that it shall be "certified" to Congress.

Mr. BLAND of Indiana. Would the gentleman regard that as a legal claim for Congress to pay?

Mr. LITTLE. No; it is not a legal claim; it is an equitable claim.

Mr. KING. That is a legal claim.

Mr. LITTLE. Yes; in a sense it is.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. EDMONDS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman and gentlemen of the committee, I am not able to promise the House that I can give any more information than the gentleman who preceded me has given. My own attitude is much like his. I think there are risks connected with the passage of this bill, and yet it is designed to meet a condition that is deplorable, dishonorable, unjust, and for which some remedy must be provided. If the House can propose a better one, it ought to be adopted. I do not think the House will find the committee very contentious about it. There are just claims pending before the Committee on Claims—small claims, some of them 10, 12, 15 years old—on which the Congress has never acted. They are usually claims of humble, small people, people who are not able to send agents here to lobby their claims through.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. WALSH. Does this bill remedy that situation?

Mr. BOX. In part only.

Mr. WALSH. It does not apply to claims accruing at the time of the passage.

Mr. BOX. No; but it will tend to relieve the situation hereafter. These claims are coming in fast, and perhaps the constructive statesmanship of this House can suggest something that will even relieve that.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. WILLIAMSON. I am wondering why the committee limited these claims to those that may accrue after the passage of the bill. Why not take care of those claims already in?

Mr. BOX. I shall not undertake to answer that question because I am afraid I can throw no satisfactory light upon it. I want the House to understand that the committee has not brought this in inconsiderately. I know and, of course, everyone knows that the Government does not have to pay these little bills, but any man who is acquainted with them, who has read these appeals, these humble expressions of confidence in what the Government will do, and has then had to make excuse after excuse for their not being paid, can readily understand the situation. The committee has some thousand bills to pass upon. It gets some of them on the calendar, some of them on the Unanimous Consent Calendar. An independent thinking man, or a man moved by a whim—one Member—can then deprive the claimant the right to have the House consider at all. I feel, and I am sure the other members of the committee feel, in honor compelled to present this as the best measure we have been able to find up to now. I doubt if anyone is fully satisfied with it.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. DOWELL. Does the gentleman intend that these claims shall be all taken from the committee and paid by the departments?

Mr. BOX. Only those coming within the prescribed classification will be considered by the departments. None will be paid by the departments.

Mr. DOWELL. It is expected that the departments will take care of all of them.

Mr. BOX. The department will pass on them and report them to the House for appropriation. When a claim has thus been passed upon Congress will be more or less obligated to make the appropriation. I do not think that is absolutely binding.

Mr. DOWELL. Is there any question about it? Will not this make it absolutely necessary to make the appropriation?

Mr. BOX. It would probably in the end. I do not know that we could say that another House shall appropriate.

Mr. DOWELL. Will not this bill absolutely prevent one whose claim the department will not allow, which comes within this classification, from ever getting any consideration whatever before the House or before any committee for the payment of his claim, no matter how just it may be?

Mr. BOX. It is possible that it is open to that objection. I think it is not.

Mr. DOWELL. Is it not open to that objection, and is not that the necessary result of this legislation?

Mr. BOX. That does not follow.

Mr. DOWELL. In other words, if the department fails to pay a claim and gives it no consideration whatever, even though it may be a just claim, the committee here, of course, would not give further consideration.

Mr. BLAND of Indiana. Surely the gentleman does not mean to say that Congress could not pass a law to settle a claim? Congress can pass a law to allow a claim any time it wants to do so.

Mr. DOWELL. That is not the question I am asking. As a matter of fact, that will be the ultimate result of it. The fact that you permit the department to pay a claim means that you dispend with it, so far as Congress is concerned, and no man will ever receive pay from this House upon any claim that has been turned down by a department.

Mr. BOX. There would be nothing, I think, to prevent the presenting of a claim or prohibiting the committee from reporting a meritorious claim. Ordinarily the committee, assuming that the department dealt fairly with the claim, would rely upon their statement; but I think that if a case of gross injustice were to come up, the committee ought to consider it and that this House would consider it.

Mr. DOWELL. But where you establish a precedent that a claim that has been turned down by the department can be considered it would then bring about that condition, and I take it they would not consider a claim that had been turned down.

Mr. SNELL. Will the gentleman allow me to ask a question of the gentleman from Iowa?

Mr. BOX. Yes.

Mr. SNELL. I would like to ask how much consideration a small claim gets now before one of our committees when it has been absolutely turned down by the department?

Mr. DOWELL. I do not know.

Mr. SNELL. I have been on the committee eight years—

Mr. DOWELL. If it is a just claim it will receive fair consideration before the committee.

Mr. SNELL. The first question the committee asks is, What department has made an investigation and what do they say about it?

Mr. DOWELL. Yes.

Mr. SNELL. And pays attention to that report—

Mr. DOWELL. They do not follow it at all.

Mr. SNELL. They very largely follow it from my experience.

Mr. DOWELL. That I know.

Mr. SNELL. They do.

Mr. LITTLE. Will the gentleman yield?

Mr. BOX. I do.

Mr. SNELL. To what committee will it go when a claim comes back certified?

Mr. BOX. To the Appropriations Committee, I presume.

Mr. LITTLE. The Claims Committee is an appropriation committee.

Mr. BOX. That is true, but I doubt if the Committee on Claims would report the appropriation to be made under this bill.

Mr. LITTLE. Just as much an appropriations committee as the Committee on Appropriations.

Mr. BOX. But I do think the membership of the House ought not to be satisfied with the presentation of these difficulties. It is easy to dismiss a matter and pass it up and leave people to suffer injustice because the problem is difficult to deal with. The responsibility is on us. Congress can not be compelled to pay such claims, however just; yet in honor it must pay the just ones. If the House is not satisfied with this measure I hope that it will amend it, because I have been very much dissatisfied, and I am sure other members of the committee have been dissatisfied, with the large number of little claims that have not been considered and will never be considered. The responsibility is on us to deal with this in some way. Your committee has brought it here knowing that you want to do what ought to be done, and that something must be done.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. BOX. Yes.

Mr. LAYTON. Has the committee discussed this way of solving this problem—to increase the Committee on Claims to 35, subdivide that into seven subcommittees, and introduce an omnibus bill, just exactly like pension claims are introduced, and thereby expedite the consideration of these claims?

Mr. BOX. I am not sure that particular plan has been considered. Your Claims Committee has brought bills in here for consideration much more rapidly than you have considered them. While your Claims Committee has more than it can properly dispose of, the fault does not lie there, because it is bringing you more grist than you can grind.

Mr. LAYTON. You can consider all of these thousands of claims if they are brought in here in that manner. The pensioners of the United States realized that proposition in the beginning, and being organized all over the whole country with Grand Army posts they brought such pressure to bear upon the Congress that they introduced an omnibus bill, and that is the way to dispose of these cases.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BLANTON. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. BLANTON. I am opposed to it.

The CHAIRMAN. Is any member of the Committee on Claims opposed to the bill?

Mr. EDMONDS. I reserve the remainder of my time. How much time have I left?

The CHAIRMAN. Twelve minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, the question was raised here whether or not after the passage of this bill and some department or bureau or commission or agency of the Government should pass upon the claims and then certify them to the Government, as a matter of course the Congress would be forced to pay and appropriate upon that action.

There is no question of doubt whatever concerning that point. By this bill, if it is passed, we are conferring upon the departments and bureaus and commissions and agencies of the Government authority to pass upon these claims and to certify them to the Congress for payment. And when so certified they come, not back to the Claims Committee, but such certification goes directly to the Appropriations Committee, and it is bound, as a matter of course, to bring in provisions in the appropriation bill, and in the first deficiency bill, for payment on those certifications. We can not then take up the question of whether or not the claim should be allowed. It has passed out of our hands. By our action in passing this bill we place it beyond our control.

Mr. MCARTHUR. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. MCARTHUR. Does not the gentleman think the heads of these various departments are just as qualified and competent to pass on the legitimacy of these claims as our committee is?

Mr. BLANTON. No; I do not. If the gentleman from Oregon had spent as much time in the Claims Committee looking into these claims and studying them carefully as the "gentleman from Texas" has, he would not have asked that question. Why, by this bill we are not limited in our conferring of power to the heads of departments. We have 10 departments of Government, the Secretaries—members of the Cabinet, if you please. It would be bad enough if we limited the jurisdiction to the heads of the departments, because there are many departments that exercise no judicial function thus far. Some of them have gotten to exercise both judicial and legislative functions of government, but there are yet some departments that

do not do it. There are some departments that have not the necessary legal departments connected with them to pass upon legal matters. But I want you to note that we do not stop with departments. This bill provides that any head of "any department, any independent commission, any board, any bureau, any office, or any agency, or any other establishment of the Government" has authority to pass upon claims so long as the maximum amount is not over \$1,000. Now, between individuals, between citizens, whenever one has a claim against another, there are certain rules and provisions of law by which those claims must be decided. There is some stability about the method of procedure.

Mr. WALSH. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. WALSH. Do the words "board," "bureau," "office," and "agency" mean a bureau within one of the executive departments?

Mr. BLANTON. Both within and outside of the executive departments. In other words, the 10 departments and each bureau in them has this authority by this bill, but after you confer it upon them, then you go beyond and confer it upon any independent commission, any board, or any office or agency that the Congress has established. For instance, take the Budgetary Commission; it has such authority under this act. Take the old commission for readjusting the salaries of the civilian employees of the Government; that would have had this authority conferred upon it. Any commission, for whatever purpose it was organized and inaugurated and established by Congress, comes within the purview of this law. I am sure that my colleagues should pause before they resort to this radical departure from the rules that have been established for years with reference to the consideration of claims.

Mr. SNELL. Will the gentleman yield for a question?

Mr. BLANTON. I yield.

Mr. SNELL. Like the gentleman, I have been on the War Claims Committee ever since I have been here in Congress and have spent some time on it, and I am interested in the legislation. I will ask the gentleman if he does not think we ought to have some way for paying small claims different than the custom that is followed at the present time?

Mr. BLANTON. That is a legitimate question and deserves an answer.

Mr. SNELL. So far as I am concerned, because I am interested in it.

Mr. BLANTON. I want my colleagues to remember this fact concerning this bill, that any legal claim does not need this legislation.

Mr. SNELL. If you had a legal claim of \$75 against this Government, what would you do with it?

Mr. BLANTON. It would be collectible through the Court of Claims. This bill does not apply to legal claims.

Mr. SNELL. I am taking what you call legal claims.

Mr. BLANTON. This bill is seeking a remedy for payment of claims that have no legal status whatever.

Mr. SNELL. That is what we are talking about.

Mr. BLANTON. If they had legal status, Members would pursue some other method of collecting them; but this bill is with respect to claims that have no legal status. It is with respect to claims that you can not collect by law; it is with respect to claims the payment of which depends entirely upon the gratuity of the Congress.

Mr. SNELL. The gentleman has not answered my question.

Mr. BLANTON. I am getting to it now.

Mr. SNELL. All right.

Mr. BLANTON. We may provide a proper method. The chairman of the committee and other members have said that the committee was overwhelmed with work; that so many bills were coming to the committee that it was impossible almost for them to pass upon them. Now, I was a member of the Claims Committee—it is not considered a very important committee—yet I have done the hardest work I have ever done in my whole life while a member of that committee—honest, conscientious, hard work. This bill seeks to evade work. It is "passing the buck," shirking responsibility, shirking our duties as Congressmen, shirking our duties as members of committees. Why, we have so many Members here we have to put some of them on the Claims Committee in order that they may have a committee assignment at all. And if they do not pass upon these claims, who is to do it? Who should pass upon a claim that has no legal status but a Member of Congress? Who should pass upon a claim that is dependent for payment solely upon the gratuity of the Government? Who should do it but Congress? Are we not the direct representatives of the people of this Government? Are they not looking to us to pass upon these matters?

Mr. SNELL. Will the gentleman yield for another question? Mr. BLANTON. Yes.

Mr. SNELL. Does the gentleman mean to say that these claims that come before us are gratuities on the part of the Government?

Mr. BLANTON. I will guarantee that every claim that is pending before the Claims Committee now, if it is paid, will be the result of gratuity on the part of Congress and the Government.

Mr. SNELL. I can not deny that so far as the Claims Committee is concerned, but so far as the War Claims Committee is concerned I can say distinctly that I know—and I have spent as much time on this committee as any other gentleman—some were not gratuities on the part of the Government. If they were against the gentleman from Texas or myself and we were responsible financially they would collect them. But there is no way under heaven by which they can get their pay from the Government.

Mr. BLANTON. I do not want the gentleman from New York to understand that I am contending that all of them are claims that ought not to be paid. Even though they have no legal status, many of them are just and should be paid. And many are unjust and should not be paid.

Mr. SNELL. I want to confine my colloquy with the gentleman to claims that should be paid, and I ask the gentleman what remedy he has for taking care of those claims, and I want to ask him if he does not think there should be some method instead of the method we are following at the present time? I have been waiting for the gentleman to answer my question, because I am interested in it.

Mr. BLANTON. I want to answer the gentleman to his satisfaction. If the committee would take up those claims which have a good status, the status of which will be readily recognized by every Member of Congress when presented, they could be disposed of on their merits without delay. For instance, let me illustrate: The law is that you can not recover from this Government by reason of the action of tort committed by an employee of the Government against somebody else, and that is the law of the land. Down in my native State and in my natal city where I was born, Houston, Tex., but not in my district, during the war there was a mutiny in a colored troop stationed there. They mutinied against the lawful authority in a camp there, and they armed themselves with their rifles and bayonets and pistols and in a whole company went down the streets of Houston stabbing their bayonets through the bodies of women and young girls, if you please, through the bodies of policemen, and killed and injured many citizens, including several young girls. Now, you can not collect as a matter of law from the Government for injuries such as that, but as a gratuity the Government pays such a claim.

When I was a member of that committee several years ago the committee took up those claims that I just referred to, and the committee itself, every member of it voting unanimously, increased every claim in every bill on that particular matter. Not a single one of those bills has ever been called up on the floor of Congress for passage; not one.

But take the old Sevier claim, for instance, involving over \$100,000,000; an old, worn-out land claim that is over 100 years old. The committee wasted much of its time on that. All these bills that were passed in the dying hours of the last Congress by the Senate, one after another, carrying several hundred thousand dollars to a claim, were put through here without argument. My answer to the gentleman from New York is this: If the gentleman would have the committee bring in only the good bills, the ones that Congress would have confidence in, and confine its action to those, so that the Members of this House would not lose confidence in their Claims Committee, then you would be able to get action on practically every one of them, and you would not have them accumulating there. They would not come here under suspicion.

Mr. SNELL. Mr. Chairman, will the gentleman yield right there?

Mr. BLANTON. Yes.

Mr. SNELL. There are claims before the War Claims Committee that are admitted by everybody to be absolutely right and just. They have passed this body once or twice, and they have passed the other body once or twice, but the bills carrying them have not become laws. Suppose a claimant under such a bill is dead and nobody contends that the amount is not owing to him. What I want to take care of is such a fellow; the fellow that has a small claim that is absolutely honest and just. I want to see that he gets his claim paid. I am not interested in those claims involving hundreds of thousands of dollars. We are talking here in connection with legislation for the benefit of a man who has a small but legitimate claim

against the Government, and I think we should take some steps to take care of such claims.

Mr. LAYTON rose.

Mr. BLANTON. I think the gentleman from Delaware [Mr. LAYTON], who is nearly always present, frequently offers good suggestions; I think he has offered the best suggestion I have heard recently—he offered it a moment ago—and that is that when the committee passes upon these claims and finds that there is a bunch of good claims they should bring them in here in an omnibus bill, and embrace only those that are good in the omnibus bill, such as Members would not question, and then you could get them all considered at one time.

Mr. SNELL. The gentleman is not talking about conditions that actually exist. I am talking about conditions that exist, not what might be at certain times. I am talking about claims that are honest and just and which nobody denies. Can the gentleman show me how a man can get such a claim passed?

Mr. BLANTON. The gentleman from Delaware [Mr. LAYTON] has suggested an omnibus bill.

Mr. SNELL. How can you get it through the Congress?

Mr. LAYTON. We get pension bills passed through the House for old war veterans without any trouble at all.

Mr. BLAND of Indiana. We have 14 omnibus pension bills pending now, and the old soldiers are dying every day.

Mr. LAYTON. We do get the omnibus pension bills through for the old war veterans.

Mr. BLAND of Indiana. We have 14 omnibus pension bills pending now.

Mr. SNELL. Take the average small claim which a man has against the Government. He would rather throw it away than undergo all the trouble in trying to get it through.

Mr. BLANTON. The gentleman can not cite an omnibus pension bill that has failed in a Congress. Such bills always pass before Congress adjourns.

Mr. BLAND of Indiana. I can show omnibus bills that have failed, and I can show some that we can not have a conference on.

Mr. BLANTON. Some possibly failed in the famous filibuster when all the main supply bills failed, but—

Mr. SNELL. I do not know about the filibuster, but I know that pension bills failed in the last session of Congress.

Mr. BLANTON. There is a better way by which Congress itself can pass upon this matter. I do not think it is fair to delegate authority to every little subchief and every little sub-bureau and every little board and every little commission of the Government. It would mulct the United States Treasury.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ANDREWS of Nebraska. Would this bill result in anything more than a recommendation from the departments and independent establishments to Congress for the allowance of the claims that they review?

Mr. BLANTON. Yes; because the gentleman from Nebraska has had much to do with accounting and auditing, and he knows that their certification under this bill would come back to Congress in the nature of an audited claim by reason of this very bill, and whenever an audited claim comes to Congress the Committee on Appropriations always appropriates for it.

Mr. ANDREWS of Nebraska. I may say to the gentleman that under the provisions of the law this measure would not bring that matter within the jurisdiction of the accounting system.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment. I do not believe that this would relieve the Committee on Claims of one single bill, because as to every bill that is turned down by any of these departments and these bureaus and these commissions and these boards and these agencies and these other establishments of the Government upon which we are conferring this power, whenever they turn a bill down then the bill that is turned down would come before this Committee on Claims for action and consideration.

Mr. KING. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KING. I will ask this question for the purpose of giving the gentleman from Texas an opportunity to dilate further if he wishes. It appears here that the Committee on Claims have reported out more bills than the House can take care of. Does not the gentleman think a great deal of our difficulty in passing upon these claims is due to the archaic rules of the House relating to the Unanimous Consent Calendar, so that one Member from a distant district can object to a bill and stop its consideration?

Mr. LAYTON. That is a part of the difficulty.

Mr. BLANTON. The gentleman from Illinois has escaped the force of the suggestion made by the gentleman from Delaware [Mr. LAYTON], which would lay aside all that proposition, which is that the good claims could be brought in here in an omnibus bill that could be passed all at one time with almost as little time spent in the consideration of it as you would give to any one of the claims.

Mr. LAYTON. That is right.

Mr. BLANTON. That is the best suggestion that has been offered. We would not be delegating our authority. We would not be losing control over the matter. We would still give these claims our personal consideration. We would not turn these claims over to some little \$1,200 clerk down in a department to whom they were delegated by some bureau chief or some commission chief.

Mr. MANN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MANN. Does the gentleman recall the history of war claim omnibus bills for many years before Congress, passed frequently by one body or the other but seldom enacted into law, notwithstanding they were omnibus bills? Does the gentleman recall the history of omnibus bills from the Committee on Claims, which were passed by the House and passed with amendments by the Senate, but never got any further, none of them ever becoming laws?

Mr. BLANTON. The gentleman from Illinois surely is not in favor of this kind of legislation?

Mr. MANN. I am surely in favor of this bill, and I think I can convince the gentleman from Texas that it is a good bill. If he will yield me the time I will try to do it.

Mr. WALSH. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Massachusetts.

Mr. WALSH. The Navy Department at the present time has jurisdiction to settle small claims up to \$500.

Mr. BLANTON. Under certain circumstances.

Mr. WALSH. Does the gentleman think one department of the Government ought to have jurisdiction under certain circumstances to settle claims, and yet that people who have similar claims against other departments should be compelled to come to Congress and wait and perhaps be deprived of an equitable adjustment of their claims?

Mr. BLANTON. I think I followed the gentleman from Massachusetts into voting against that bill at the time it was passed. I know I have voted against all such measures, and I think he did.

Mr. WALSH. I did not vote against it.

Mr. MANN. The gentleman from Texas was here when that bill passed, and I do not think the RECORD will show that he voted against it.

Mr. BLANTON. I have voted against all delegation of legislative authority to the departments.

Mr. MANN. The gentleman did not vote against the bill which gave that authority to the Post Office Department.

Mr. BLANTON. I have voted against all such measures.

Mr. MANN. The gentleman voted for the Post Office bill which passed carrying that provision.

Mr. BLANTON. I think if the gentleman will go to the RECORD he will find I did not vote for it.

Mr. MANN. I am very sure that the RECORD will not show that the gentleman voted against it. He is always here and he always votes, and nobody voted against that bill.

Mr. BLANTON. I think I voted against it, because I have been against this proposition ever since I have been here.

Mr. JOHNSON of Washington. If the gentleman from Texas will allow me to refresh his memory, perhaps what he voted against was the omnibus bill authorizing the payment of some of these claims against the Navy Department. I have had to present numerous such bills, where ships of the United States have collided with other vessels or with docks. Now, in regard to small claims, I have had to take up the time of the House in this and previous Congresses with many of them. In one day we passed bills to settle claims from the State of Washington, one of a man whose cow was killed by eating Government dynamite, and another of a man whose bull's neck was broken by getting tangled up in a forest reserve telephone wire. Both those claimants were equitably entitled to be paid, both claims were for less than \$100, and the time used and the paper and money spent in getting those bills through the House of Representatives and through the Senate and signed by the President resulted in an unnecessary waste. Both claims could have been settled under a law like the one now proposed.

Mr. BLANTON. I will state to the gentleman why there is so much trouble about claims. Let me mention the old claim of the McClintic Marshall Construction Co. The bill was in-

troduced by the chairman of this committee for one of his constituents in his district.

Mr. EDMONDS. I want to correct that statement. That was not the claim of one of my constituents at all. It was a claim which came from Pittsburgh.

Mr. BLANTON. It was a Pennsylvania gentleman, who possibly will be one of his constituents some of these days.

Mr. EDMONDS. It was one of the bills fathered by the gentleman's friend, the gentleman from Pennsylvania [Mr. KELLY].

Mr. BLANTON. This was not a small claim. It was a claim involving \$790,000.

Mr. SNELL. Does this bill cover that kind of a claim?

Mr. BLANTON. Just one moment. That claim originally involved over \$1,000,000. It was pending here for years. It was based on a claim for loss which they alleged they sustained by reason of building the Gatun Locks for the Panama Canal. They had their witnesses who testified before the committee, and as a basis of their claim they alleged that they put in a better class of material in the construction of those locks than the contract called for.

They claimed that they used a better class of skilled labor in building those Gatun Locks than the contract called for. I sent to Mr. McAdoo and had him look up the old contract. I waded through that contract, with all the papers, and I confronted the representatives of that company while they were testifying before the committee with the contract. If you get the hearings, which are printed, you will see the colloquy that occurred. I said, "Your claim as a basis for this bill is that you used a better class of material than the contract called for." "Yes." "Here is your contract, which says in the construction of the Gatun Locks you are to use first-class A No. 1 materials, the best obtainable. Is there anything better than that?" "No."

There was the situation, and yet gentlemen speak about some one objecting to claims. It is necessary sometimes to have the right to object on unanimous-consent day to some claims. I objected to that claim for several years and kept it down, and yet in the dying hours of the last Congress the Senate passed that bill without any consideration and without any argument. It came over here in one of the appropriation bills in the dying hours of Congress and was passed by almost a unanimous vote. Nearly \$800,000 of the people's money on one such claim. It pays us to look out for these matters. Those honest and just should be paid, but among them are a lot that are not honest or just. There are a lot of claims that ought not to be paid, and it calls for the very best judgment and consideration of this Congress. We ought not to pass the buck. We ought not to pass this over to every little subclerk of every board and every commission of this Government.

Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND of Indiana. Mr. Chairman, assuming that all the facts stated by the gentleman from Texas are true concerning the celebrated Pennsylvania claim, I wonder if the departments could do worse than Congress did in allowing that claim. There is a demand for some tribunal to settle just claims against this Government and a statement of the facts must convince any fair-minded man that goes into the subject that we should give some redress now. I have in mind some claims that have been before Congress to my knowledge for more than 15 years. I have in mind one claim of about \$180, where a safe in a post office was robbed, which this bill will not affect I am sorry to say, where it has passed the House three times and we have been unable to get it through the Senate, not because they repudiated it but because they did not get the bill up for passage.

There is one branch of Congress that has got to a point where it does not take up small matters any more. Matters of international importance are discussed there almost exclusively, with the result that they do not get to these small claims over there. Where these claims are just, where the people feel that they have a grievance, it does a very great harm not to pay them within a reasonable time. There is only one way to pay them now, and that is to get a special bill through Congress.

In my district I have a star-route carrier of mail, who ran into an automobile and injured a man and his family, and as a result they filed a claim against the Post Office Department. I took it up with the Post Office Department, and they said "We have no appropriation for it; you will have to get a special bill through Congress." I introduced a bill and it will sleep there long after I am out of Congress. These folks can not get redress. They have a good case against the Government. Justice is withheld and they can not get relief.

Now, you speak of the omnibus bill route. Candidly, if an omnibus claims bill could be carefully prepared and would get through the Senate promptly, that would be the best plan.

But we know it will not work and it does not work now and never did satisfactorily work. Now, this is the only relief I know of. It is true that there are objections to it, but you can find fault with any plan; there is no system but what you could find in it some defect or objection. It seems to me that with the claims limited to \$1,000 you can clean the record of larger ones more promptly and thus get somewhere. But here is what bothers me, this bill only applies to claims arising after the passage of this act.

Now, gentlemen, that will still permit a repudiation of a debt. If there is any argument for this bill, it ought to apply to honest, just claims that have had the approval of Congress time and time again and yet never were paid. You should not shut out from the same remedy claims now due citizens from the Government. I am going to propose an amendment. I do not know whether it will pass, but I hope it will. I think we ought to have a limitation as to time somewhere. We have in most of the States in this Nation a 20-year limitation on judgments. I have prepared an amendment in line 2, section 2, to strike out the words "after the passage of this act" and insert the words "January 1, 1902"; that brings all claims arising within the last 20 years within the scope of the bill. Gentlemen, if there is any argument for the passage of this bill, for the allowance of claims arising in the future, the same argument and with a great deal more force applies to claims that have been storming Congress for the last half century.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. BLANTON. Many of the States have 10-year statutes on judgment.

Mr. BLAND of Indiana. Some of them have 10-year statutes on notes and 2-year statutes on accounts. I made this 20 years arbitrarily, and I have explained it because I thought some one would ask me why I made it 20 years. The chairman of the Committee on Claims will tell you that a great many of the just claims, that he recognizes as just and which the committee have recommended for passage and many of them passed through this House, are 15 and 16 years old.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. CROWTHER. The gentleman spoke about the august body at the other end of the Capitol, who were not bothering with small things nowadays. I hope they are not going to go back 20 years in their investigations in the preparation of the tariff bill that we are waiting for at this time and that the country is in stern necessity of.

Mr. BLAND of Indiana. If that is a question, I shall have to decline to answer it, because I am not prepared to discuss the tariff bill at this time.

Mr. PERKINS. The criticism of the gentleman from Texas [Mr. BLANTON] is that this will permit gratuities on the part of the Government. Would it not cure that objection if we inserted, in line 5, before the word "responsible," the word "legally," so as to make it read:

May be found to have been legally responsible.

Mr. BLAND of Indiana. I do not think that is the purpose of the act at all. The claims we speak of here are claims that are all right in equity but which are legally defective. Your suggestion would defeat the purpose of the act.

Mr. STAFFORD. Can the gentleman give the House an estimate of the number of dead, hoary claims that would be revived in case the amendment of the gentleman from Indiana were agreed to?

Mr. BLAND of Indiana. I believe the departments would exercise as much discretion as Congress, especially when gentlemen having claims come before the committee themselves and urge their payment. I believe we would not have any more unfair claims allowed by the departments than by Congress.

Mr. STAFFORD. But the committee does not have a rule of 20 years' limitation.

Mr. BLAND of Indiana. They have no limitation at all.

Mr. STAFFORD. If you are going to put it 20 years, why not make it 100 years, so that we could take in the French spoliation claims.

Mr. BLAND of Indiana. My amendment would not prevent the Congress considering them or change their status in any way.

Mr. STAFFORD. We still have the French spoliation claims, involving \$100,000,000 or more.

Mr. EDMONDS. We have a committee rule that we will not take up a claim originating before 1906 without a vote of three-fourths of the committee.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. RUCKER. I hope the gentleman's amendment will not be pressed. I have known claims here that are verified by the records of the departments, absolutely gilt-edged, that were 50 years old before Congress passed upon them. You may labor here for years and not get results. I believe the Government ought to pay every dollar of its indebtedness, and if it does not pay it to-day, that it ought to pay it to-morrow.

Mr. BLAND of Indiana. I agree with the gentleman that there is much to be said on the proposition that any claim proven to be just ought to be paid. My amendment goes further than the bill in this direction. I merely suggested the amendment in order to call attention to the fact that if the act passes as it is now, it applies only to claims arising after the passage of the act.

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

Mr. SISSON. Mr. Chairman, I must confess that I am somewhat surprised at this radical departure on the part of Congress in delegating to the departments the right to pay money out of the Federal Treasury. It seems to me that it is a most dangerous departure. Where is it going to end?

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. BOX. Does the gentleman realize that the bill provides that the report or the investigation made by the head of the department must be reported back with the claim and the reasons for it, and that Congress must finally pass upon it. We are not authorizing the department to pay out anything.

Mr. ELLIS. It will go right to the gentleman's Committee on Appropriations.

Mr. SISSON. The trouble about the bill, in my judgment, is that this is making a finding of the department tantamount to a judgment of a court. We pay judgments that are found by the courts. In other words, what I said I said advisedly. It gives the head of the department the same standing in Congress and before Congress that a judgment of a court would have. Congress pays judgments, but in that case the court must have some legal reason for paying the claims. If there is a legal claim against the Government a man can get his remedy easily now in the Court of Claims.

Mr. SNELL. If the gentleman had a claim against the Government which was absolutely right, admitted to be so, for \$75, how long would it take him to get it through the Court of Claims and get it from the Government?

Mr. SISSON. I do not know. It might take a thousand years, but I would not open up the doors of the people's Treasury by such bad legislation with that reason as an excuse. I am arguing against the precedent that is being set. This is a new departure and you are giving the heads of departments the same right and privilege in respect to these small claims that you give a court. I do not believe in it. This is some more Republican economy which means untold thousands.

Mr. EDMONDS. Pretty nearly every department has that right now.

Mr. SISSON. Oh, no; no department has the right to pass on these claims, any such claims, and finally adjudicate the indebtedness between the Government and the claimant. In every department in the Government, when the Democratic Party is in power and an influential Democrat goes down before one of these departments, if this bill were passed, he would get his claim allowed, and when the Republicans are in power and a strong Republican went down, he would get his claim allowed.

Mr. LAYTON. I wish the gentleman were right about it, for it has not been the case with me.

Mr. SISSON. The trouble is that you do not have that right now. Besides the gentleman is too modest as to his influence, for I am sure the gentleman gets what he goes after. But I do say this would become purely a matter of politics, and I do not think the Treasury ought to be opened up in that way. We already have too much of this kind of influence. I think that gentlemen should be practical in the legislation passed.

Mr. ANDREWS of Nebraska. Would these reports from the departments and the independent establishments come before the House through the Committee on Appropriations under the terms of section 2 of the bill which says that such amount as may be found to be due any claimant shall be reported to Congress as a legal claim for payment out of appropriations that may be made?

Mr. SISSON. It makes the finding of a department the same as a judgment of a court is my construction of the language. In other words, the bureau chief is substituted for the Court of Claims.

Mr. RUCKER. Only as to the facts.

Mr. SISSON. It is just like a claim.

Mr. RUCKER. If the Government owes it, ought it not to pay it?

Mr. Sisson. Yes; but I am unwilling to turn it over to the heads of the departments. This legislation goes too far. Under the present law even the Court of Claims can only pass upon legal claims. Under this bill the bureau chief can find for the claimant on equitable, or what he thinks is an equitable, claim. This bill will pass, for each Congressman has some little claim for some constituent, which the constituent thinks is just, and this is the easiest and shortest route to the pockets of the people.

I am not willing yet to make this Government absolutely bureaucratic. We have got practically a bureaucratic government now, and I do not want it absolute. We are nearly like the Russian Government overturned by the soviet. Let us not make it more so. If our Government is to be destroyed, let it be destroyed by some one other than by Members of Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Delaware [Mr. LAYTON].

Mr. LAYTON. Mr. Chairman and gentlemen of the committee, my real interest in this matter has arisen from personal experience which I want to narrate for the purpose of showing the injustice which the Government of the United States practices against its people. I want to say that I do not think that the Government of the United States ought to take money out of the pockets of an individual any more than an individual should take money out of the pockets of another individual. That is what we are doing in a spirit of callousness, because the Government can not be sued; and so we take advantage of that fact and allow thousands and thousands of claims coming from all over the country, absolutely just in every way, to go without settlement. The worst part of it is that it is generally the claim of the poor man, the little man who has no standing in this court. I have an instance. I was associated during the war with a corporation, or rather I was engaged down at a place called Indianhead. There was a man there who was employed by the company that I was serving as physician and surgeon as a restaurateur. He took care of the company's mess affairs. After the company's contract expired the restaurateur was asked by the captain at Indianhead, Capt. Lackey, to continue his services under exactly the same conditions that he was engaged in by the corporation. In other words, he bought the food, prepared the food, and fed the Government employees who were there engaged in Government work. They could not take and employ him to feed the marines under the law; but the captain of the station engaged him to keep his commissary open and feed other employees that did not have a Government suit upon them, and he did so. Capt. Lackey, the admiral in charge of that particular branch, and every officer who knows anything about it in the Government naval service, admit that this claim is absolutely honest in every way. He is a poor man, and is now carrying on his same business as a restaurateur at Scranton, Pa. He took out of his pocket nearly a thousand dollars and bought food to serve the Government, and it is impossible for him to get his pay. I introduced his claim when I first became a Member of Congress. It has been continued from year to year, and there seems to be no relief for him. Now, I do submit again for the consideration of the Congress that an omnibus claim bill would be the proper way to handle these small claims up to \$1,000. I am sure that the chairman of this committee will agree that he knows the claim I have cited is an honest claim, that this has been absolutely agreed upon by his committee, as well as the Navy Department, that it is a just claim. There are hundreds of such claims, undisputed, that could be introduced here in one bill and in this way be speedily adjudicated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen, since I have been a Member of Congress I have been very much impressed with the repeated surrender by Congress of its functions to departmental officials. Bill after bill has been reported out and passed which not only confers judicial functions upon different departments and bureaucratic officials but also confers upon them legislative functions and responsibilities which properly belong to the Congress and which ought to be exercised by the Congress. This is another instance of such surrender of power and responsibility. The purpose of this bill as stated in the report is to provide that the money may be more readily and speedily paid out of the Treasury. Another thing I have been impressed with is that the bill which has the best chance of passing through this Congress is one that reaches

into the Public Treasury, is one that makes it easier for the public money to be paid out. Now, I believe—

Mr. EDMONDS. That is not peculiar of this Congress.

Mr. DAVIS of Tennessee. No; I am not saying it is peculiar to this Congress, but peculiar to the Congress in general. I am not prepared to say that this plan will even work more equitably and more justly from the standpoint of the claimants than the present plan. It will make it easier in some cases, and it will make it harder in others for claimants to obtain what is due them. The functions embodied in this bill should not be conferred upon mere clerks, and that is what will result. If the power should be exercised by the chiefs of bureaus, it would be different, but every man in this Congress knows that will not be done, that it will simply be a formality of unintelligent approval on the part of the bureau heads, and that matters involving legal questions as well as facts will be passed upon by departmental clerks. Furthermore, you are injecting into it the well-known departmental red tape that is continually denounced not only by Members of Congress but by the public generally. I have in mind a case of one of my constituents who filed a claim for reimbursement for overpayment of income tax in 1917, and along in August of last year he received a letter from the assistant commissioner notifying him that there was due him twenty-four hundred and some odd dollars which would be paid in due course. That was six months ago. He failed to obtain a check from them, and in despair finally wrote me, and I have had it up with them repeatedly, and have been unable as yet to procure payment, although they admit that the claim has been approved by everybody and simply has to go through the ordinary course—the customary and senseless red tape before checks can be issued and mailed. I do not know how much longer the matter will be enmeshed in red tape, but I do know that my constituent has already been deprived of the use of his money for nearly five years.

Now, that is the sort of thing you are going to inject into these matters unless the claimant has some sort of sinister and secret influence by which he can expedite action. I had rather trust the Claims Committee, both from the standpoint of the taxpayers and the honest claimants with just claims. If necessary, as suggested by the gentleman from Delaware [Mr. LAYTON], let the Committee on Claims report out omnibus bills. But let us have this function performed by Congress, where it ought to be performed.

As stated by the gentleman from Texas [Mr. BLANTON], it is not a question of claims based upon legal rights. It is a case of moral obligations, and Congress ought to be the agent to determine whether or not the circumstances are so cogent that we are authorized to pay out the public money, even though no legal liability rests upon this Government. The question of how far we shall go in a charitable or philanthropic course, of what gratuities shall be extended, should not be determined by irresponsible and unknown subordinate officials.

And another thing. It will not stop here. As was suggested by the gentleman from Massachusetts, a bill has already passed authorizing the Navy Department to settle certain claims up to \$500, but you are now increasing the limit to \$1,000 and extending it to all departments and establishments. Efforts will be made, and no doubt successfully, to increase it to \$2,000, to \$3,000, and so on. Of course, the departments affected recommend this legislation, just as they favor all legislation which enlarges and expands their power and functions, but that does not justify Congress in surrendering its power and avoiding its responsibilities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I yield to myself two minutes.

Mr. Chairman, if you pass this bill you are going to find every department that has not a legal establishment, every bureau and every commission and every board and every agency of the Government upon which we confer this authority come to Congress in a very short while asking for an appropriation to pay attorneys to pass upon these matters, to pay special clerks and special stenographers, and the expense is going to be duplicated manifold. You are going to have numerous legal departments connected with all these bureaus, the expense of which you are going to have to bear out of the Treasury. The chairman knows that is so, and every one of us knows it. They can not pass on these claims without having the machinery for it, and they have not the machinery now. If we confer on them this authority they are going to ask us for the machinery, and the machinery will cost money.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. REED of West Virginia. Does not my colleague think that the Government would save money, because claimants with claims of \$2,000 will bring them down to \$1,000?

Mr. BLANTON. They will not do it. It sets a bad precedent. I yield three minutes to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Chairman, under the law the Government was never deemed guilty of a tort. This bill is not limited to tort claims, but claims involved in a contract may be presented to the Government under its present wording.

Mr. MANN. Will the gentleman yield?

Mr. CABLE. I have not the time. I am sorry.

Mr. MANN. The gentleman is not correct in his statement.

Mr. CABLE. Take the Post Office Department alone; they handle over 400,000 claims, and we have paid over \$5,400,000 on insured and registered mail. These claims are based on contract to carry the mail. If you put this bill through as it now reads you may interfere with insurance business of the Post Office Department and it may have many more claims to investigate.

Mr. LAYTON. Will the gentleman yield?

Mr. CABLE. I have not the time.

There is another proposition. This bill does not guard the Government, because when the Government official in any way causes the loss or damage it may be held responsible. The bill should provide in case only where the Government is entirely to blame for the accident that the claim can become valid. Another consideration is this, that claims should be presented within a certain time against the Government or they should not be allowed. Take it in any State. There is a limitation act, and if you do not sue within a certain time you can not recover. In other words, here is a bill that opens the Treasury to any kind of an old claim whatsoever and permits the head of a department, as I see it, to make a recommendation for settlement, and that recommendation is sent to Congress, and it is a legal claim against the Government.

Mr. BLANTON. Mr. Chairman, I reserve the balance of my time.

Mr. EDMONDS. Mr. Chairman, it seems to me that gentlemen do not quite understand this bill. We have over a thousand claims before the committee, 500 of which will be affected by this bill. This bill allows the head of a department the authority, which he has to-day, to prepare a statement in regard to some accident that has happened or some damage that has been incurred to somebody's property. Instead of reporting it to the Claims Committee he prepares and settles the claim only in so far as sending to the Appropriations Committee a statement that he has investigated this claim and asking the Appropriations Committee to make an appropriation to pay it. The result will be exactly what the gentleman from Delaware has been asking for, that a number of these bills should come before the House in an omnibus bill. The Appropriations Committee would not come in here for a lump sum of \$100,000. They would come in with a bill to pay Mr. Jones and Mr. Smith, as we have provided on many of our appropriation bills.

Mr. JOHNSON of Mississippi. If the claim propounded against the Government was more than \$1,000 and the claimant would take under \$1,000, would the head of a department be authorized to adjust the claim, or would it be necessary for the claim to be less than \$1,000 before it would be authorized?

Mr. EDMONDS. If the board would be willing to accept under \$1,000 and it could be settled for that it would be settled. They do it to-day. I call attention to a boat collision, where a boat was damaged to the extent of about \$800, and the owner settled for \$500 rather than to take the trouble of going to Congress.

Mr. JOHNSON of Mississippi. One other question. If the claim was just and should be paid, would the head of a department certify the findings to Congress for appropriation and they pay it?

Mr. EDMONDS. They would certify it to the Appropriations Committee for the appropriation.

Mr. MANN. If it came within the limit.

Mr. EDMONDS. Only within the limit, of course.

Mr. LAYTON. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. LAYTON. Does the chairman of the committee feel that if this bill becomes a law that the Committee on Claims reserves final jurisdiction?

Mr. EDMONDS. Beyond any question. I do not think there would be any question in a case but that he would take it down to the department, where he would have a right, rather than come before a committee; I mean before the finding of the department.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. LAYTON. What is meant by the phrase, "claims accruing," on the first line of page 2?

Mr. EDMONDS. Claims accruing after the passage of this act.

Mr. LAYTON. Therefore my claim would not come under the provisions of the act?

Mr. EDMONDS. No; but I believe a gentleman is going to offer an amendment which would enable them to go back and pay the claim.

Mr. LAYTON. I shall not vote for the bill unless it does. [Laughter.]

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BUTLER. Does this cover personal injury claims?

Mr. EDMONDS. It does not. It covers only claims for property damages. We have a great many claims pending before our committee for damages arising from automobile accidents, and in most instances we find that the Government was at fault. Most of the men concerned were afterwards discharged. Why should a man having a just claim be compelled to wait a hundred years for payment? Modern conditions are different from what they were even when I first came on the Committee on Claims.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. FULMER. I have a claim like the one the gentleman speaks of. It is still in committee. It has not been reported. Why has it not come out?

Mr. EDMONDS. If you remove from the calendar claims that are now on the calendar, we will put more on. It is a waste of time and foolish on the part of the committee to add more claims when the House lets them lie there. We have 50 bills on the calendar, and we can not get a day upon which to take them up.

Mr. FULMER. It is unfair for a man who introduces a bill not to be able to get his bill placed upon the calendar.

Mr. EDMONDS. We can not undertake to try to advance a bill unless a little persuasion is used with us.

Mr. FULMER. I will say to the gentleman that I have been to the subcommittee several times about that bill. It has been in the hands of the gentleman from Ohio [Mr. SPEAKS], and he has failed to report to the committee, and it is now in the hands of the gentleman from Pennsylvania [Mr. ROSE]. I have spoken to members of the committee several times about it.

Mr. EDMONDS. We try to take up all the claims we have, but it is a physical impossibility for 1,000 claims to be taken up by the committee. We have no desire to hold them. But what is the use in putting them on the calendar when it costs money to print the reports, and they do not go any further?

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. CABLE. Would not this cover all claims against the Post Office Department, and would it not include claims for loss of registered mail? It is not confined to tort actions. Would not that include damages to privately owned property? If you lost something, could you not bring in a bill for the loss?

Mr. EDMONDS. I do not think so.

Mr. CABLE. In other words, would not that affect the insurance business of the Post Office Department?

Mr. EDMONDS. It was not intended to do so. I will say that to the gentleman.

Mr. CABLE. I wanted to call the gentleman's attention to it.

Mr. EDMONDS. We have agreed on several amendments to offer to the bill. First, we want to cut out the language beginning on line 7 on page 1, "including the municipal government of the District of Columbia." That is taken care of by the municipal law at the present time. On line 7 of page 2 we want to cut out the word "reported" and put in place of it the word "certified," and on the same line 7 we want also to strike out the words "as a legal claim," so as to leave the matter open to the Committee on Appropriations, whether they want to pay it or not.

On page 2, line 4, strike out the last seven words, and, on line 5, the first eight words, and add the words "caused by the negligence of any officer or employee of the Government acting within the scope of his employment." That would answer the inquiry of the gentleman from Ohio [Mr. CABLE] in regard to post-office claims.

Mr. SUMMERS of Washington. Would not the gentleman give the last one again?

Mr. EDMONDS. Yes. We propose to cut out the last seven words on line 4 of page 2, and the first eight words in line 5, on page 2, and insert in place thereof the words "caused by the negligence of any officer or employee of the Government acting within the scope of his employment."

Mr. CABLE. Mr. Chairman, will the gentleman yield again?
Mr. EDMONDS. Yes.

Mr. CABLE. Registered mail could only be lost through the negligence of the Post Office Department, could it not?

Mr. EDMONDS. Possibly; but I think that the present law takes care of that. I do not think this affects that law.

Gentlemen, we feel that it is absolutely impossible for these small claimants to get justice under the method heretofore followed. I have been 10 years on the committee, and I have seen claims reported out at every session while I have been a member of the committee, and sometimes they have passed the House and sometimes they have passed the Senate, and if they have passed the Senate they have not passed the House, and vice versa. It is manifestly unfair to these people who have had minor losses to be "held up" by the Government. That is what is being done. I really think as a matter of fairness to the people of this country that we are in justice bound to pass such legislation as this.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. ROACH. Is it believed that the enactment of this bill into law would greatly expedite the payment of these smaller claims?

Mr. EDMONDS. There is no question about it. Most of these departments have a legal department. The gentleman from Texas [Mr. BLANTON] spoke about some of the Government establishments not having a legal department. You do not need to be a lawyer to use common sense. I am not a lawyer, but these claims are common-sense claims.

Mr. ROACH. In what way would their payment be expedited?

Mr. EDMONDS. The department would immediately get a report on the loss. They would probably investigate the claim through their different agencies. They would then report to the Committee on Appropriations for the first deficiency bill that came along, and the claim would go on a deficiency appropriation bill.

Mr. ROACH. They would have to come to Congress for the appropriation?

Mr. EDMONDS. The claims would be reported out by the committee.

Mr. ROACH. But they would be subject to the same delay as claims are now subject to?

Mr. EDMONDS. They would not be so subject, because they would not be held up on the floor as they are to-day.

Mr. ROACH. Would not the situation in the Committee on Appropriations be just the same as it is before the Committee on Claims now—that they would have so much business on the calendar that they could not reach it?

Mr. EDMONDS. They handle hundreds of cases now. I do not think there would be much difficulty about it.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BRIGGS. I understand the proposal is to adopt in the Committee on Appropriations the certification of the department where the claim arises. The Committee on Claims does not act directly upon the reports of the departments now, where an affirmative recommendation is made, without reporting from the subcommittee to the full committee. Why do they not just take the reports that come in, where they recommend favorable action on the claims, and transmit them to Congress with a favorable report?

Mr. EDMONDS. If the gentleman was on the Committee on Claims I think he could answer that question himself.

Mr. BRIGGS. I am not a member of that committee, and I am asking the gentleman for that information as a Member of the House.

Mr. EDMONDS. The Committee on Claims is divided up into five subcommittees. Those five subcommittees have probably 30 or 40 bills each to investigate. Before a bill goes to the subcommittee a report is received from the department. It may be that further proof is needed. It may be that they want some more affidavits, because they want to bring in the bill before the House in as nearly perfect condition as they can. It is only the claims that the departments actually agree to that would come under this bill. The Committee on Claims would still get the claims that were not agreed to by the departments.

Mr. BRIGGS. When a favorable report comes in from the department, why can not the Committee on Claims adopt it as a sufficient basis for the legislation?

Mr. EDMONDS. We do that at times.

The CHAIRMAN. I reserve the remainder of my time.

Mr. BLANTON. Mr. Chairman, I yield to the gentleman the remainder of my time in order that I may ask him some questions.

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. BLANTON. Is it not a fact that practically the greater part of the claims that come from the Post Office Department to the gentleman's committee, and which the gentleman's committee report here for passage, are claims that the Post Office Department has turned down?

Mr. EDMONDS. Does the gentleman mean claims for the robbery of post offices?

Mr. BLANTON. I mean all sorts of claims.

Mr. EDMONDS. No; most of our claims from the Post Office Department arise from automobile collisions. The Post Office Department has no jurisdiction of those claims.

Mr. BLANTON. Is it not a fact that many of the claims which the gentleman's committee has reported here for payment, coming from the Navy Department and the War Department, are claims that have been turned down by those departments?

Mr. EDMONDS. In some cases, not in a great many of them. We have not so very many cases from the Navy Department and the War Department. Most of our cases from the Navy Department are for boat collisions, and they have not turned them down.

Mr. BLANTON. Many of them have been turned down by the Navy Department.

Mr. EDMONDS. No; the only reason they send them to our committee is because the amounts are so large that they have not jurisdiction to pay them. They are allowed to pay claims up to \$500 only.

Mr. BLANTON. If we confer this authority upon various bureaus, commissions, agencies, and other establishments of the Government besides the executive departments, does not the gentleman think they are going to ask us for machinery with which to consider them; that is, for clerks and for extra stenographers and for attorneys to pass upon them?

Mr. EDMONDS. Most of the departments have their own attorneys. In regard to the rest, they prepare the cases anyhow now.

Mr. BLANTON. The gentleman from Pennsylvania said he was not an attorney, although chairman of the Claims Committee. I want to call his attention to the fact, however, that even though he is not an attorney, he has certain rules and regulations applicable to certain kinds of cases, which rules and regulations he enforces without exception concerning the business before his committee.

Mr. EDMONDS. The committee do not always work with me.

Mr. BLANTON. But the gentleman has certain rules, has not he?

Mr. EDMONDS. I have my own ideas.

Mr. BLANTON. Rules and regulations?

Mr. EDMONDS. Committee rules.

Mr. BLANTON. I mean certain rules; that if a claim comes within certain conditions it is reported. If it does not come within certain conditions, you do not establish a new precedent.

Mr. EDMONDS. Oh, every claim that comes before our committee is investigated before it is reported out.

Mr. BLANTON. What I am talking about is that you have precedents to go by.

Mr. EDMONDS. Yes.

Mr. BLANTON. Rules.

Mr. EDMONDS. Yes.

Mr. BLANTON. But in this bill you are submitting these claims to these various boards, commissions, and agencies without a single rule to guide or control their action.

Mr. EDMONDS. I think the departments are fairly honest.

The CHAIRMAN. The time of the gentleman has expired. The time for general debate has expired. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That when used in this act the terms "department and establishment" and "department or establishment" mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, lines 5 and 6, after the word "department," strike out "independent commission, board, bureau, office, agency."

Mr. WALSH. Mr. Chairman, if these words are eliminated the sentence will read:

That when used in this act the terms "department and establishment" and "department or establishment" mean any executive department or other establishment of the Government, including the municipal government of the District of Columbia.

Mr. BRIGGS. What does the gentleman understand by "other establishment"?

Mr. WALSH. It would mean the Shipping Board, the Veterans' Bureau, the Smithsonian Institution, or any other establishment outside of the 10 executive departments.

Mr. BRIGGS. The gentleman does not mean to say that they are not executive departments in the proper sense?

Mr. WALSH. They are not.

Mr. BRIGGS. Not in the technical sense?

Mr. WALSH. There is no technicality about it. The executive departments are the departments under the Cabinet officers.

Mr. BRIGGS. They are so designed, but the others are still executive departments.

Mr. WALSH. No; they are independent establishments.

Mr. BRIGGS. They exercise executive functions.

Mr. WALSH. They are independent establishments exercising—

Mr. BRIGGS. Executive functions.

Mr. WALSH. Administrative and executive functions. It appears to me that if this definition were to read:

Any executive department or any other establishment of the Government—

it would free the definition from doubt as to whether it might mean any executive department or the head of some bureau within the executive department.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. SUMMERS of Washington. Does not the gentleman think that if he would include in his amendment the words "or other establishment," the bill would still further be safeguarded?

Mr. WALSH. And confine it to executive departments entirely?

Mr. SUMMERS of Washington. Yes.

Mr. WALSH. I hardly think if we are going to provide means whereby small claims are to be adjusted and action on them facilitated, we ought to confine them to the executive departments. There are several other independent establishments where they might have claims arise, and it would seem hardly fair to these claimants that because their claim arose under another bureau they could not have it settled, whereas if it arose under the Department of Commerce or the Treasury Department or the Department of the Interior that their claim could be settled.

Mr. SUMMERS of Washington. My idea was that the heads of the executive departments were more fixed and definite and more highly responsible than the heads of departments that are changing more frequently.

Mr. WALSH. Well, I don't know about that—

Mr. BRIGGS. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. BRIGGS. Does not the gentleman think it would be advisable to have the word "independent" before the word "establishment," so it will not apply to every subordinate establishment of the Government outside of the executive departments?

Mr. WALSH. If they are not within the 10 executive departments or subordinate, they are independent.

Mr. BRIGGS. The word "independent" might indicate an establishment as a whole to make a recommendation or certification.

Mr. WALSH. I see the point the gentleman has in mind, but I do not think the word "independent" in phraseology that is creating a definition will add to it, neither do I think it will limit it. If it is an independent establishment it will cover it, and if it is not an independent establishment but subordinate to the executive department, it would not be another establishment.

Mr. BRIGGS. The gentleman recalls the recent appropriation bill in which independent offices are designated.

Mr. WALSH. The appropriations were for executive and independent offices.

Mr. BRIGGS. Exactly, so as to indicate that these estimates as a whole are separate and apart from executive offices. That is designated in the appropriation bill, and I thought it would be advisable to use similar language in this bill.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. I think it covers everything subordinate as well as independent.

Mr. LITTLE. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. LITTLE. Under this bill who would decide what bureaus would have the power to act under it?

Mr. WALSH. It would probably be determined in the office of the Comptroller General, appointed under the Budget law. Mr. Chairman, I do not care to discuss the matter any further.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. WILLIAMSON. Why not strike out the first paragraph, and amend section 2 by inserting the word "executive" before the word "department" in line 10 and striking out "and establishment" after the word "department"?

Mr. WALSH. I have stated that I did not think it was fair if a man had a small claim that arose under some department not within the executive departments that he should be required to come to Congress simply because it was a claim against some establishment not within one of the 10 executive departments, while if it had been in or under one of the 10 executive departments it could be adjusted. It seems to me that if we provide a relief it ought to be general and uniform so as to take in all Government activities.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. DAVIS of Tennessee. Mr. Chairman, I move to strike out the words "or other establishment."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the words "or other establishment."

Mr. DAVIS of Tennessee. Mr. Chairman, it occurs to me that these words not only cover the words which have been stricken out by the amendment just adopted but also any other bureau or establishment that might be lurking around somewhere in the country. In other words, I think it is entirely too broad and too indefinite. I do not know what the committee had in mind by using that phraseology. I am sure they did not intend for some far-away establishment in the Forestry Service or some other establishment either at the Capitol or distantly removed from the Capitol is intended to have conferred upon it any such function. Every post office in the country is an "establishment of the Government." Everything that requires a governmental function or is run by governmental officials may be termed an "establishment of the Government." I am sure it is not the purpose of this committee to cover any broad field of that kind. I think it sufficiently broad when you say executive departments. In my time I would like to ask the chairman of the committee what establishment is there that he desires to cover that would not be covered in the term "executive departments"?

Mr. EDMONDS. Answering the gentleman, I will say that this term was taken from the Budget bill and that is the reason it is in this language. I think the gentleman does not quite understand that by striking out the words "bureau, office, or agency" you would let the matter stand so that it must be a department head.

Mr. DAVIS of Tennessee. I understand that is true. It might be construed that it could be settled by the executive heads here or by one of those establishments.

Mr. EDMONDS. Oh, I do not think the Comptroller General would consider it that way. I do not think it is possible.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. BRIGGS. I notice in the language stricken out that the word "independent" was used before the expressions "commission, board, bureau, office, agency," indicating they should be independent and supreme within their own sphere. I therefore again suggest that the word "independent" ought to be inserted before the word "establishment."

Mr. EDMONDS. I would not raise any objection to that amendment.

Mr. DAVIS of Tennessee. Mr. Chairman, I ask for a vote.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I think perhaps I never have been considered very enthusiastically in favor of claims bills. I feel quite sure that I have prevented the passage of more private claims bills than any other man in Congress, living or dead. Yet I have recognized the desirability of the Government dealing justly with its citizens. Some years ago when I introduced a bill to reorganize the Lighthouse Service I inserted a provision in it authorizing the Lighthouse Service to make a settlement where a lighthouse vessel or tender came in collision with a privately owned vessel, and the amount of the

damage was not over \$500. That was the origin of this class of legislation.

Prior to that time and now it was and is the practice for the Court of Claims and for the accounting officers of the Government to send to Congress a statement of judgments against the Government, and also statements of audited claims against the Government. Those come in the form of House or Senate documents and are inserted in the appropriation bills, and are not subject to a point of order when the appropriation bill is under consideration. An ordinary claim inserted in an appropriation bill is subject to the point of order that payment of it is not authorized by law. I drew the language which is in this bill when I introduced this lighthouse bill and provided that when these claims were adjusted by the department they should be reported to Congress as a legal claim for payment out of appropriations, and so forth. I contended, and the Chair held, that that language authorized the department to report this claim as a legal claim, which could be paid and was not subject to a point of order that the appropriation for the payment was not authorized by law. That is what the language in this bill means.

Following the passage of the lighthouse bill the same authority was given to the Navy to settle damages for collisions of naval vessels. We have given the same authority to the War Department to settle various kinds of claims, caused by injury to property. We have recently made a provision and an appropriation in the Post Office Department for the settlement of such claims by the Post Office Department up to the limit of \$500. Various other branches of the Government have this authority, but not all of them. This bill proposes to confer upon all of the branches of the Government the authority to settle claims for "damage to and loss"—and I think it ought to be "damage to or loss"—of private property up to \$1,000.

In recent years the Government has entered upon industrial work in many directions. The War Department is operating motor trucks all over the country, the Post Office Department is operating motor trucks all over the country, and various other branches of the Government are operating motor trucks, doing other kinds of work, which trucks occasionally damage the private property of individuals. Why should we say that when a lighthouse tender runs into a dock and damages the dock to the extent of three or four hundred dollars we will pay that promptly, but that if a mail truck of the Post Office Department runs into a man's automobile or other property and damages it that man can whistle for his money?

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. SNELL. As far as the gentleman knows, has there been any very unfavorable results from this authority?

Mr. MANN. I am very glad the gentleman has called that to my attention. I have never heard a word of criticism from any Member of this House or elsewhere of any of these laws providing for the settlement of claims or of any of the claims which have been settled. No question has ever been raised, although every year we appropriate money for the payment of these claims. No question has ever been raised in this House or in the Senate in regard to the justness or the propriety of paying the claims. No action has been taken by the Government under these different authorities which has ever caused the slightest bit of criticism. Departments have been criticized many times about other claims, but these small claims have been considered so carefully that no one has ever criticized them. The criticism that comes from every source is that the Government, engaging in these great enterprises, refusing its citizens the right to sue it in the Court of Claims or elsewhere, violates every right of the citizen, ruins or damages his property, and then looks smilingly at him and says, "Go to the other place."

There is no practical chance of paying these claims under the present system. For myself—and I have no criticism to make of others—I will not introduce a claim for a small amount to go through the machinery of this House. I think the Committee on Claims ought to have the opportunity to consider larger claims against the Government and to give them consideration instead of spending their time considering claims of \$50 or \$500. We must change our system in some way; we must make provision in some way so that claims against the Government can be properly considered. It is true that all legal claims against the Government in one sense are now promptly paid, but the Government does not permit itself to be sued in the Court of Claims or elsewhere for injuries caused by torts. The Government can not afford to run great Army trucks all over the country over the highways of the country and say to the men running them, "You can run into any man's machine as you please, damage and ruin his prop-

erty, and there is no responsibility." And there is none now. So I think this measure is a very moderate measure, a very just measure, attended with no difficulty, attended with no danger, and I hope it may pass. [Applause.]

Mr. FRENCH. Mr. Chairman, during general debate I did not have an opportunity to say a word upon the bill, and I rise now to say I believe that this measure is a thoroughly meritorious proposition. The greatest asset that any Government can have is the absolute good will and absolute confidence on the part of the citizenship of that country. You are going to forfeit the good will, you are going to forfeit the honor that ought to be paid the Government by its citizens if you permit any condition to exist by which Tom, Dick, or Harry, wherever he may be in our country, who has sustained a loss at the hands of the Government can not find redress. Yet over and over illustration is furnished that that is the situation that exists to-day. I could mention to you claim after claim that I have had occasion to know of through my official work, meritorious claims of a few dollars to claims of several hundred dollars, that the officers in the department where the injury was done have wanted to right, claims which every neighbor said were just, claims as to which the claimants were ready and willing to furnish and did furnish the most substantial evidence that would be accepted in any court in the land by any jury, and yet under the law could not be paid. The hands of the Government were tied and no relief could be extended. I have worked year after year passing individual bills through this House, and they had such great merit in them that I think there is not a Member here who if he were in the place of the Government would not rest a night until he had gone to the person who had been wronged and he had made restitution. Yet the Government has been helpless to adjudicate or settle these claims in the absence of special legislation. Some of these claims I have been able to get through after several years of pressing upon the Congress. Sometimes my bill would pass this House during several terms, but fail in the Senate. Sometimes it would pass the Senate and fail here. Then, fortunately, we would be able to get a measure through both House and Senate in the same Congress.

Mr. Chairman, why use the time of the Congress to perform judicial matters when, by reason of the size of the Congress, it is not fitted for the work?

Gentlemen, this bill is a meritorious proposition. True enough, you do give some limited discretion, but the discretion you give to those on whom you place authority under the terms of the bill is only a modicum of the discretion you have already conferred upon executive officers and that you must confer. Turn to a multitude of laws and you will find you have conferred tremendous discretionary authority that involves the expenditure of money. In the adjudication, for instance, of pension claims, in the turning of a claim up or down, in the rating of claimants as having a certain degree of disability, you obligate the Government to the extent of hundreds or, if the claimant shall live for years, thousands of dollars before the claim shall have run its course. So in a multitude of other kinds of Government work.

Mr. LAYTON. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. LAYTON. Does not the gentleman think in the interest of justice and square dealing that all claims that have accrued up to this time should be placed under the beneficent provisions of this bill, as well as those that will hereafter accrue?

Mr. FRENCH. Well, I think that should be done, certainly within a period of time within which reasonable evidence could be required.

Mr. LAYTON. I would accept that.

Mr. FRENCH. The principle, though, that I have tried to emphasize is this, that as to small claims there ought to be given discretionary authority to the department whose officers have incurred or caused the damage to the individual making the claim the right to make a just settlement of that claim. I say more than the dollars that it will cost the United States will be the value in good will, in honor, and in support of our Government that will come from those who will find if they are wronged by the Government the wrong will be speedily righted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Sisson. Mr. Chairman, I feel that the facts as they have been stated on the floor here, if no complaint has been made of money paid out by these other departments which have been granted the right to settle claims, as, for example, the Navy and Post Office Departments and others, may be the very strongest reason why this bill ought not to pass. There would be no complaint because a citizen got \$500 out of the Treasury or \$1,000 out of the Treasury. In other words, there is nobody willing to speak for the Treasury Department. Everybody is

congratulated for every dollar he gets. Another thing about it is in legislation that has been passed granting the right to the department to make settlement that heretofore the bills provided for payment for claims that may arise after the passage of the act. Now, the department that will be called upon to pay will have to pay under the bills heretofore passed; the department charged with responsibility generally makes a record at the time. Therefore the settlement will be always the claims that are fresh, with living witnesses able to make the records, as, for example, the Navy Department.

The very moment a collision happens between a boat of the Government and a privately owned boat the claim originates, and if the Government is to blame is allowed; but a record is made at the time of all the facts by those in charge of the boat, and on that record the claim is based. In a crowded harbor our Navy boats do damage to some little craft, and it is necessary that they shall respond. That involves the rights of citizens of other countries also, which was the principal reason why we gave that right to the Navy. Now, the Post Office Department has the right to settle certain claims under certain conditions, but there was complaint made that in claims of the kind included under that law the very great restrictions involved in that legislation were too severe. But this bill absolutely opens up the flood gates of all time unless there is some limitation such as suggested by the gentleman from Indiana of 20 years. If you do not have some limitation you open up the floodgates, and I do not know how many thousands of claims will be poured in upon us.

Suppose a claim was \$985 and the other fellow has a claim of \$1,250 or \$1,825. If you are going to be so just and so fair as was suggested awhile ago, why should you require a man who has a claim of \$2,000 against the Government either to get through an act and go into the Court of Claims, even where the department says it is a just claim, and the man who has a claim of \$975 or \$995 has the claim paid by simply going to the department? The cry will go up, treat them all alike and off goes all restrictions.

Now, if we are seeking justice, and the gentleman wants to be so kindly just toward all citizens take off the limit now.

Mr. FRENCH. Will the gentleman yield?

Mr. Sisson. I will.

Mr. FRENCH. The very principle the gentleman complains of is applied in all of our courts, is it not?

Mr. Sisson. The principle is altogether different. There is a limited jurisdiction in certain courts, and the reason they do that is because these small matters may be settled in the courts close to the citizen and with but little expense, and the man with the greater claim has a court open to him, where the proceeding is identically the same. There is no difference in principle in the size of the claim. But I am wondering just why it was that the old fathers of our Government have been so wicked in the past, and why the Government has been so unjust; why, when these men founded this institution, they did not early discover this terrible error.

This bill can be denominated a bill to pay claims that have been turned down by committees of Congress and by both Houses of Congress and a bill to pay claims that have been denied in the Court of Claims, because there is no limitation in the bill as to the character of claims. In other words, open up an avenue to the Treasury for all unjust claims.

Mr. LONDON. So far as the language of the bill is concerned, it applies to claims accruing hereafter.

Mr. Sisson. I did not so understand the bill. It should only cover claims in the future and not be retroactive. I am opposed to the amendment of my friend from Indiana, who wants to limit it to 20 years back. The bill is bad enough if limited to claims occurring in the future.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. Sisson. I ask for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. Sisson. But I want to repeat that the very moment you pass this class of legislation claimants are not going to be satisfied with \$1,000 limitation. It will not be long before the argument will be made that was made by my distinguished friend, that the citizens will cut the claim down and the bureau chief will settle it. The gentleman from Tennessee [Mr. Davis] offers an amendment for the purpose of preventing postmasters under this bill settling claims, because under the general language we do not know how far down in the departments you may go to settle these matters.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. Davis].

Mr. DAVIS of Tennessee. Mr. Chairman, I ask that it may be reported.

The CHAIRMAN. Without objection, it will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. DAVIS of Tennessee. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 9, yeas 44.

So the amendment was rejected.

Mr. BRIGGS. Mr. Chairman, I offer the following amendment, page 1, line 6, after the word "other," insert the word "independent."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Briggs: Page 1, line 6, after the word "other," insert the word "independent."

Mr. EDMONDS. Mr. Chairman, we have no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. Briggs].

The question was taken, and the amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Edmonds: On page 1, line 7, strike out the words "including the municipal government of the District of Columbia."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government of the United States to consider, ascertain, adjust, and determine any claim accruing after the passage of this act on account of damages to and loss of privately owned property where the amount of the claim does not exceed \$1,000, and for which damage or loss the Government may be found to have been responsible. Such amount as may be found to be due to any claimant shall be reported to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed.

Mr. EDMONDS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Line 4, page 2, strike out the last seven words and in line 5 strike out the first eight words and insert in lieu thereof "caused by the negligence of any officer or employee of the Government acting within the scope of his employment."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 7, strike out the word "reported" and insert in lieu thereof the word "certified."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. BLAND of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Bland of Indiana: Page 2, line 1, strike out the words "the passage of this act" and insert in lieu thereof the words "January 1, 1902."

Mr. BLAND of Indiana. Mr. Chairman, I think most of us are agreed that there is extreme necessity for establishing some agency for the settlement of these claims. It is not fair that this Government should be pointed out with scorn by its citizens and have it said of it that it is not just to its debtors. Each one of you know that the files of the Committee on Claims today is filled with claims that are just as honest obligations against this Government as any bills it pays. Something is wrong with a system that permits that to go on. The responsibility is ours if we do not correct it here, inasmuch as this

matter has been called to your attention. Most of the claims that are piled up over there are just and honest. Still the bill that is now before us does not take care of those claims that are called so forcibly to your attention. If there is any reason for the Government to pay its just and honest debts, it ought to make, within certain limitations, the machinery provided in this bill applicable to the payment of these just and honest debts the Government now owes to its people.

Mr. LONDON. Why limit the amount to \$1,000?

Mr. BLAND of Indiana. For the reason the committee can give attention to larger claims, and because the consideration of small claims takes up the time of the committee, and they clutter up the calendars, and we can not get to them. I think there is good reason for limiting the amount. Some say, "Why do you limit it to 20 years?" The gentleman from Idaho [Mr. FRENCH] a moment ago answered that. We ought to set a time, arbitrary of course, as a limit wherein trustworthy proof can be found. We have to take hearsay and unsatisfactory proof back in past generations. But within 20 years, if the judgment stands on the record, you can collect it in most of the States of the Union. There are a number of claims that have been pending 20 years, and that have been allowed by this House two or three times, that never have gotten through the Senate, or have been allowed by the Senate and have never gotten through the House. Are we going to close the doors on this class of meritorious claims?

Mr. ROACH. Does not the gentleman believe that if these claims are established by competent evidence they should be allowed, even if they are more than 20 years old?

Mr. BLAND of Indiana. They are not affected by this bill.

Mr. ROACH. Why limit it at all if they are just claims, supported by legal evidence?

Mr. BLAND of Indiana. It is thought here that that privilege might be abused if the evidence was not available on account of the length of time that had elapsed since the claim accrued, and if we reduced the limit of time under 20 years it is thought we might shut off some just claims.

Mr. ROACH. Claims have been allowed in this Congress time and time again that were more than 20 years old.

Mr. BLAND of Indiana. The gentleman is a lawyer, and he knows that in framing legislation legislative tribunals always try to restrict matters where proof is required to a given length of time in order to shut out the possibility of perjury and taking hearsay testimony.

Mr. ROACH. The gentleman does not advocate a statute of limitations against a meritorious claim, does he?

Mr. BLAND of Indiana. Under the amendment I have offered gentlemen will have plenty of time to come to Congress and ask it to consider their claims.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. CHALMERS. Why make it 20 years?

Mr. BLAND of Indiana. Well, you might ask, Why not make it 5 years or why not make it 2 years? I think 20 years is established as a reasonable limitation in this country, from the fact that within that time a judgment is held to be valid. That is why I fixed it at 20 years. There are many claims pending before the Committee on Claims that are over 20 years old. The chairman of that committee will tell you that there are many such claims.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. MONTAGUE. Has the gentleman much confidence that classes of claims not covered by this bill will be passed hereafter in the manner usually provided for—in the form of separate bills?

Mr. BLAND of Indiana. There are some claims over 20 years old that are reported by the committee. I think the committee would have more time in which to consider those bills if this little stuff were taken off their hands.

Mr. MONTAGUE. There would not be much trouble here if it were not for the objections made by individual Members to such bills.

Mr. BLAND of Indiana. The trouble is that those bills get on the calendar, and it takes so long to get to them that people are worn out in the effort to get them passed through here.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LONDON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LONDON. I understand that in many States the statute of limitations in cases of tort is three years. Twenty years

may be reasonable in a claim based on an indenture or bond, but is unthinkable in accident cases. To open now the floodgates to all the claimants, and to enable a subordinate in a department to settle a claim 15 or 18 or 20 years old, will throw upon Members of Congress a new obligation. Every claimant would urge his Member of Congress to become his advocate in presenting the merits of a particular claim.

I think 20 years is entirely out of the question. It should not be considered at all. I would prefer to see all these claims go to the Court of Claims.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield right there?

Mr. LONDON. Yes. But I will vote for the bill, because it seems a majority of the membership are inclined to reject the idea of requiring a claimant in a case of tort to go to the Court of Claims.

Mr. BLAND of Indiana. I am a lawyer myself, and I take it the gentleman is a lawyer. Does the gentleman think the litigant should be required to go to the Court of Claims with a claim of \$40 or \$60 or \$100, or something like that?

Mr. LONDON. There should surely be a court to accommodate a claimant against the Government. In most of the States they provide that where a man has a claim against the city government he must notify the corporation counsel or the representative of the city government, so as to give the city government the opportunity to adjust the claim; but if they fail to reach an adjustment the court should be open to him. I regret that the committee has failed to give us an idea of the character of the claims that are now before the committee. They have failed to give us an analysis of the claims. I understand there are a thousand claims pending.

Mr. EDMONDS. Yes; there are a thousand claims pending.

Mr. LONDON. What is the character of those claims?

Mr. EDMONDS. On last Wednesday I gave a detailed list of them.

Mr. LONDON. So you have a complete record?

Mr. EDMONDS. Yes; we have a complete record. They have to do with all kinds of accidents, airplane accidents, and automobile accidents, and—

Mr. LONDON. How old are they?

Mr. EDMONDS. We had the other day before us one man who wanted to call up a Revolutionary claim. They run back as far as to the year 1777. [Laughter.]

Mr. LONDON. The gentleman will admit that it would not be safe to leave to the head of a bureau the final determination of a claim 20 years old?

Mr. EDMONDS. I am going to speak of the amendment in a few minutes. I do not agree with the amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. EDMONDS. Mr. Chairman, much as I sympathize with the amendment of the gentleman from Indiana [Mr. BLAND], I do not think it would be advisable for us to go into retroactive legislation. Undoubtedly it would greatly relieve the committee. It might be possible to amend it so as to go back a year or two, but even that is not good legislation. Of course, knowing that these claims will be settled by the departments in the future and that none of them will come to the committee, the work of the committee will be just that much more expeditious on back claims. We could get these out of the way, undoubtedly, and in doing so we would not have claims for small amounts coming before us to disturb us while we are considering claims for larger amounts.

Mr. BLAND of Indiana. It might make it easier for the consideration of the committee, but it would not make it easier for the consideration of such claims in this body or in the other body?

Mr. EDMONDS. No; it would not.

Mr. BLAND of Indiana. This does not include personal damages or post-office cases where there has been robbery committed?

Mr. EDMONDS. No. It only applies to one class of claims.

Mr. REED of West Virginia. The passage of this bill will not take from the Congress the jurisdiction of claims where some department reports to Congress?

Mr. EDMONDS. No. If the department refuses to report on a claim that the committee thinks is just, there is no reason why Congress should not pass that claim over the opinion of the department.

Mr. REED of West Virginia. You would still have concurrent jurisdiction?

Mr. EDMONDS. Yes.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. MONTAGUE. The question that occurs to me is the multiplicity of agencies to settle these claims. Would it not be wiser to have a commission to pass upon these claims? I think you should have some method of procedure in keeping with the customary action in matters of this character.

Mr. EDMONDS. I think the amount of these claims would come within \$100,000 a year. I do not believe it would be necessary to have any big body to determine them.

Mr. MONTAGUE. I do not mean to have any big body to determine them.

Mr. EDMONDS. Or to spend any money to hear them. I think they can be settled very reasonably in the departments. I have been looking at department reports on claims for 10 years, and I find that the departments are generally sensible in their conclusions on these claims.

Mr. MONTAGUE. But you do not confine it to these departments. The bill relates to minor officials also.

Mr. EDMONDS. No; that has been stricken out.

Mr. BARBOUR. For my own information I should like to ask the gentleman about personal injuries. The bill provides for the settlement of claims for loss and damage on account of injury to privately owned property.

Mr. EDMONDS. I will say to the gentleman that four years ago I took up the question with a number of Philadelphia lawyers in regard to whether it would not be a good thing for the Government to take care of personal-injury claims by allowing suits to be brought in court. These gentlemen were all high-class lawyers, and after they got through considering the matter they decided that it would be very inadvisable to allow personal-injury claims to be presented to a jury, owing to the fact that judgments would be rendered against the Government by juries which they would not render against individuals. I think we had better handle these cases in the way we are handling them, particularly in view of the number of cases that have been brought recently against municipalities, in which cases there have been shown to be collusion and fraud.

Mr. BARBOUR. Of course Government employees are taken care of, as I understand, under the United States compensation law?

Mr. EDMONDS. That is correct.

Mr. BARBOUR. And only the personal-injury claims of outsiders would have to be considered?

Mr. EDMONDS. We are taking care of personal-injury claims pretty well in the Committee on Claims. We are rather more sympathetic with those claims than we are with property claims.

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent to modify my amendment by making it 10 years instead of 20, or 1912 instead of 1902, as it now reads.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word. I am very much in favor of this amendment. We hear much said against retroactive legislation, but if I owe a debt I do not see any reason why I should not pay it because the debt was incurred a year or two years ago, or five or ten years ago, so long as the evidence is definite. As long as it is possible for satisfactory and convincing evidence to be submitted to a Cabinet head, I see no reason why these claims should not be considered. We have limited this bill very largely in its application now; and if a man has a just claim—and presumably this deals only with just claims against the Government—if he has been waiting for five or ten years, I do not see why his claim should not be adjusted the same as that of a man whose claim arises to-morrow. It seems to me the very fact that a claimant has been waiting a number of years adds to the weight of his claim rather than otherwise.

Mr. LAYTON. In other words, to emphasize what the gentleman has said, if a man has a just claim and has been deprived of it for all those years, he ought to enjoy the benefit of a speedy adjustment.

Mr. SUMMERS of Washington. Undoubtedly so. So it seems to me that in justice to our citizens, and to our Government as well, this amendment ought to prevail.

Mr. BOX. Mr. Chairman, I move to strike out the last two words. I have serious doubt about making this bill retroactive to the extent of 10 years, as is now proposed in the amendment. That will include a great many claims that have been passed on by the Committee on Claims and by the House. While the work of the committee is congested and is not being satisfactorily done, I believe it would be better not to reopen old cases that have been passed on, many of which have dragged along

during these 10 years. I think that would be attended with more risk than it is safe for us to assume.

Mr. BLAND of Indiana. I know my friend is an industrious member of the committee. What assurance can the gentleman give this House of any speedy adjustment of the claims that he has before his committee? What assurance can be given that they will be considered here on the floor of the House and then considered by the other body of this Congress within any reasonable time?

Mr. BOX. I am not able to give the gentleman the assurance he would like to have. At the same time I am not willing to have all these claims reopened, many of which have been considered and reported adversely by the committee. I believe that is unfair.

Mr. MANN. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois is recognized in opposition to the pro forma amendment.

Mr. MANN. We ought to remember the interests of the Government as well as the interests of the claimants in passing a bill of this sort. No one wants to impede the settlement of a just claim. On the other hand, we have no desire to pay unjust claims just because they are against the Government. When we pass a bill like this which provides for the settlement of future claims, every department will at once keep track of all the accidents which occur in which the employees of that department are concerned; but if you pass a law to allow settlement of claims 10 years old without any action, except by the department, you start and raise up an assembly of ambulance-chaser lawyers. [Applause.] Claims of all sorts will be presented about which the departments know nothing and have no record. These claims will be supported by affidavits which are very easily obtained in some parts of the country.

Mr. BLAND of Indiana. I have in mind a post-office claim.

Mr. MANN. That is the trouble. The gentleman has in mind a particular claim.

Mr. BLAND of Indiana. I have in mind the one the gentleman referred to a moment ago, where an automobile truck hit a man. That is the one the gentleman referred to a moment ago. I have a claim of that character in mind. The Post Office Department made an investigation and now have a full and complete record and ask to submit it to the Committee on Claims. The department have made an investigation and have considered payment, but they have not the authority.

Mr. MANN. The gentleman is taking my time to repeat a statement which he made to the House a while ago. In order to get his claim settled, which can be settled now under the jurisdiction of Congress, he wants to throw the door open so that a man who has no legitimate claim can go before the Post Office Department and file affidavits, which can be obtained for a dollar apiece, stating that some automobile was injured 10 years ago, about which the Post Office Department knows nothing, but must accept the testimony which is presented in the absence of any knowledge on the part of anyone in the department. I am not in favor of that kind of legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana, which the Clerk will again report.

The Clerk read as follows:

Page 2, line 1, after the word "after," strike out the words "the passage of this act" and insert the words "January 1, 1912."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BLAND of Indiana) there were—ayes 10, noes 57.

So the amendment was rejected.

Mr. CHINDBLOM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 2, strike out the words "passage of this act" and insert in lieu thereof the words "the date when this act goes into effect."

Mr. MANN. That means the same thing.

The question was taken, and the amendment was rejected.

Mr. CABLE. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Page 2, line 10, strike out the period and insert "Provided, That no claim shall be considered by a department or other independent establishment unless presented to it within two years from the date of the accrual of said claim."

Mr. CABLE. Mr. Chairman, this is simply a provision limiting the claims that are provided for in the act. In every State we have a limitation as to the time when claims can be filed. The same thing should be provided in this act to protect the Government. In other words, a claim may accrue and if we have no limitation they may wait four or five years until the Government is unable to obtain evidence and the Government

would be at a disadvantage, whereas if it is provided that the claim shall be presented to the Government within a certain time you have some protection.

Mr. BLANTON. Will the gentleman yield?

Mr. CABLE. Yes.

Mr. BLANTON. Railroads in regard to bills of lading and shipping live stock provide that the claim for damages must be presented within 30 or 60 days after the damage accrues. Does not the gentleman think 60 days is a reasonable time in the presentation for claims. Two years is a long time, and an administration might change in two years and many of its personnel.

Mr. CABLE. That might be, but I do not think it will. [Laughter.]

Mr. CHINDBLOM. The employees' compensation act has a limitation of time during which the employee of the Government may file a claim. I do not recall what the limitation is, but this limitation should not be for any longer period than that provided for in the compensation act. Perhaps some one will remember what that limitation is.

Mr. EDMONDS. I think it is one year.

Mr. CABLE. Mr. Chairman, I ask unanimous consent to modify my amendment by making it one year.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to modify his amendment in that regard. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend, on page 2, line 2, by striking out the word "and" and inserting the word "or."

The Clerk read as follows:

Amendment by Mr. MANN: Page 2, line 2, strike out the word "and" and insert in lieu thereof the word "or."

Mr. MANN. Mr. Chairman, the language of the bill would apparently indicate that no settlement could be made for injury to property unless it was an entire loss. I think it should be so that settlement could be made for damage or injury.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out the last word to ask the chairman of the committee a question. I notice in line 3 it says "damages to or loss of privately owned property." Does that mean that the property must be owned by the claimant?

Mr. EDMONDS. Yes.

Mr. WALSH. If he has hired the property or leased it, he can not make the claim?

Mr. EDMONDS. No; it must be made by the owner.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn and the Clerk will read.

The Clerk completed the reading of the bill.

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise and report the bill with sundry amendments to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote, and the amendments were agreed to.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 75 ayes and 11 noes.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The Doorkeeper will close the doors, the Ser-

geant at Arms will bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 254, nays 24, answered "present" 5, not voting 147, as follows:

YEAS—254.

Ackerman	Dominick	Kissel	Rhodes
Anderson	Doughton	Kline, Pa.	Riddick
Andrew, Mass.	Dowell	Knight	Roach
Andrews, Nebr.	Drane	Lampert	Rose
Anthony	Dunbar	Lanham	Rossdale
Arentz	Dunn	Larson, Minn.	Rucker
Aswell	Dupré	Lea, Calif.	Ryan
Atkeson	Dyer	Leatherwood	Sanders, N. Y.
Bacharach	Echols	Lee, Ga.	Sandlin
Barbour	Edmonds	Logan	Schall
Beck	Elliot	London	Scott, Mich.
Beedy	Ellis	Longworth	Scott, Tenn.
Begg	Evans	Lowrey	Sears
Bell	Fairfield	Luce	Shelton
Benham	Faust	Luhning	Siegel
Bixler	Favrot	Lyon	Sinclair
Black	Fish	McArthur	Sinnott
Blakeney	Fitzgerald	McClintic	Slemp
Bland, Ind.	Fordney	McCormick	Smith, Idaho
Bland, Va.	Foster	McLaughlin, Mich.	Smith, Mich.
Boles	Frear	McLaughlin, Pa.	Snell
Bond	French	McPherson	Snyder
Bowers	Frothingham	McSwain	Speaks
Box	Fuller	Magee	Stafford
Briggs	Fulmer	Mann	Stegall
Brooks, Ill.	Gahn	Mapes	Stedman
Brown, Tenn.	Garner	Martin	Stephens
Browne, Wis.	Garrett, Tenn.	Michener	Stevenson
Buchanan	Garrett, Tex.	Millsbaugh	Strong, Kans.
Bulwinkle	Gensman	Montoya	Strong, Pa.
Burdick	Gilbert	Moore, Ill.	Summers, Wash.
Burke	Glynn	Moore, Ohio	Sweet
Burroughs	Goldsborough	Moore, Va.	Swing
Burtess	Graham, Ill.	Moore, Ind.	Tague
Burton	Graham, Pa.	Morgan	Taylor, N. J.
Butler	Green, Iowa	Mott	Temple
Cable	Greene, Mass.	Murphy	Ten Eyck
Campbell, Kans.	Greene, Vt.	Nelson, A. P.	Thompson
Campbell, Pa.	Griest	Nelson, J. M.	Tillman
Carter	Griffin	Newton, Mo.	Tincher
Chalmers	Hadley	Norton	Valle
Chindblom	Hammer	O'Connor	Vinson
Christopherson	Hardy, Colo.	Oldfield	Voigt
Clague	Hardy, Tex.	Olpp	Voik
Clark, Fla.	Harrison	Osborne	Volstead
Clarke, N. Y.	Hawes	Overstreet	Walsh
Cockran	Hawley	Padgett	Wason
Cole, Iowa	Hayden	Paige	Watson
Cole, Ohio	Herrick	Park, Ga.	Weaver
Connally, Tex.	Hersey	Parker, N. J.	Webster
Connolly, Pa.	Hickey	Perkins	White, Kans.
Cooper, Ohio	Hicks	Perlman	White, Me.
Copley	Himes	Pou	Williams
Coughlin	Hoch	Pringle	Williamson
Crago	Hudspeth	Purnell	Wilson
Cramton	Hull	Radcliffe	Wingo
Cullen	Jefferis, Nebr.	Raker	Wood, Ind.
Curry	Johnson, Wash.	Ramseyer	Woodruff
Dale	Jones, Pa.	Ransley	Woods, Va.
Dallinger	Kearns	Rayburn	Woodward
Darrow	Keller	Reber	Wyant
Davis, Minn.	Kless	Reece	Young
Deal	Kindred	Reed, N. Y.	
Dempsey	Kinkaid	Reed, W. Va.	

NAYS—24.

Almon	Davis, Tenn.	Ketcham	Rouse
Blanton	Hooker	Lankford	Sanders, Tex.
Bowling	Huddleston	Larsen, Ga.	Sisson
Byrns, Tenn.	Jeffers, Ala.	Montague	Summers, Tex.
Collins	Johnson, Miss.	Rankin	Tyson
Cooper, Wis.	Jones, Tex.	Ricketts	Ward, N. C.

ANSWERED "PRESENT"—5.

Clouse	Knutson	Layton	Little
Collier			

NOT VOTING—147.

Ansorge	Fields	Kennedy	Miller
Appleby	Fisher	Kincheloe	Mills
Bankhead	Focht	King	Mondell
Barkley	Free	Kirkpatrick	Morin
Bird	Freeman	Kitchin	Mudd
Brand	Funk	Kleczka	Newton, Minn.
Brennan	Gallivan	Kline, N. Y.	Nolan
Brinson	Gerner	Kopp	O'Brien
Britten	Goodykoontz	Kraus	Ogden
Brooks, Pa.	Gorman	Kreider	Oliver
Byrnes, S. C.	Gould	Kunz	Parker, N. Y.
Cannon	Haugen	Langley	Parks, Ark.
Cantrill	Hays	Lawrence	Parish
Carew	Hill	Lazaro	Patterson, Mo.
Chandler, N. Y.	Hogan	Lee, N. Y.	Patterson, N. J.
Chandler, Okla.	Houghton	Lehlbach	Petersen
Classon	Hukriede	Lineberger	Porter
Colton	Humphreys	Linthicum	Quin
Codd	Husted	McDuffie	Rainey, Ala.
Connell	Hutchinson	McFadden	Rainey, Ill.
Crisp	Ireland	McKenzie	Reavis
Crowther	Jacoway	McLaughlin, Nebr.	Riordan
Denison	James	MacGregor	Robertson
Dickinson	Johnson, Ky.	Madden	Robson
Dewrey	Johnson, S. Dak.	Maloney	Rodenberg
Driver	Kahn	Mansfield	Rogers
Fairchild	Kelley, Mich.	Mead	Rosenbloom
Fenn	Kelly, Pa.	Merritt	Sabath
Fess	Kendall	Michaelson	Sanders, Ind.

Shaw
Shreve
Smithwick
Sproul
Steenerson
Stiness
Stoll
Sullivan

Swank
Taylor, Ark.
Taylor, Colo.
Taylor, Tenn.
Thomas
Tilson
Timberlake
Tinkham

Towder
Treadway
Underhill
Upshaw
Vare
Vestal
Walters
Ward, N. Y.

Wheeler
Winslow
Wise
Wright
Wurzbach
Yates
Zihlman

So the bill was passed.

The Clerk announced the following pairs:
Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. MUDD with Mr. RIORDAN.

Mr. HUTCHINSON with Mr. BANKHEAD.

Mr. KING with Mr. CRISP.

Mr. MONDELL with Mr. HUMPHREYS.

Mr. LINEBERGER with Mr. KITCHIN.

Mr. WHEELER with Mr. SMITHWICK.

Mr. PATTERSON of Missouri with Mr. DREWY.

Mr. OGDEN with Mr. KINCHELOE.

Mr. DENISON with Mr. McDUFFIE.

Mr. MADDEN with Mr. PARRISH.

Mr. BRENNAN with Mr. SWANK.

Mr. FREE with Mr. BYRNES of South Carolina.

Mr. GORMAN with Mr. RAINEY of Illinois.

Mr. LAWRENCE with Mr. O'BRIEN.

Mr. MORIN with Mr. LAZARO.

Mr. TOWNER with Mr. FIELDS.

Mr. TILSON with Mr. CAREW.

Mr. WINSLOW with Mr. BARKLEY.

Mr. RODENBERG with Mr. KUNZ.

Mr. FESS with Mr. OLIVER.

Mr. KAHN with Mr. WISE.

Miss ROBERTSON with Mr. UPshaw.

Mr. SHREVE with Mr. GALLIVAN.

Mr. REAVIS with Mr. CANTRILL.

Mr. JOHNSON of South Dakota with Mr. JOHNSON of Kentucky.

Mr. HUKRIEDE with Mr. MEAD.

Mr. CANNON with Mr. PARKS of Arkansas.

Mr. HILL with Mr. WRIGHT.

Mr. APPLEBY with Mr. BRAND.

Mr. MACGREGOR with Mr. QUIN.

Mr. CODD with Mr. THOMAS.

Mr. VARE with Mr. JACOWAY.

Mr. PATTERSON of New Jersey with Mr. TAYLOR of Arkansas.

Mr. LEHLBACH with Mr. DRIVER.

Mr. GERNERD with Mr. MANSFIELD.

Mr. HOGAN with Mr. LINTHICUM.

Mr. CONNELL with Mr. SULLIVAN.

Mr. BIRD with Mr. BRINSON.

Mr. MICHAELSON with Mr. SABATH.

Mr. VESTAL with Mr. TAYLOR of Colorado.

Mr. CHANDLER of Oklahoma with Mr. RAINEY of Alabama.

Mr. WURZBACH with Mr. STOLL.

Mr. SPROUL with Mr. FISHER.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PERMISSION TO SIT DURING SESSION OF THE HOUSE.

Mr. CRAGO. Mr. Speaker, the Committee on Military Affairs is now considering the Muscle Shoals proposition and it is now in session, and I have been requested by the chairman of that committee to ask unanimous consent that the committee might sit during the session of the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on Military Affairs be permitted to sit during the session of the House. Is there objection? [After a pause.] The Chair hears none.

APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR.

Mr. CRAMTON. Mr. Speaker, I offer a privileged report from the Committee on Appropriations.

The SPEAKER. The gentleman from Michigan offers a privileged report from the Committee on Appropriations, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

Mr. CARTER. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Oklahoma reserves all points of order. The bill is referred to the Committee of the Whole House on the state of the Union and ordered printed.

DAMAGES FROM COLLISION WITH NAVAL VESSELS.

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5349.

The SPEAKER. The gentleman from Pennsylvania calls up a bill on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5349, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5349, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels.

Be it enacted, etc., That the provision contained in the act entitled "An act making appropriation for the Naval Service for the fiscal year ending June 30, 1911, and for other purposes," approved June 24, 1910 (Public. No. 261, 61st Cong., 2d sess.), authorizing the Secretary of the Navy "to consider, ascertain, adjust, and determine the amounts due on all claims for damages where the amount of the claim does not exceed the sum of \$500, hereafter occasioned by collision, for which collisions vessels of the Navy shall be found to be responsible, and report the amounts so determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor," be, and the same is hereby, amended to read as follows, namely:

"The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages, where the amount of the claim does not exceed the sum of \$5,000, occasioned since April 6, 1917, and hereafter, by collisions or other accidents for which collisions or other accidents vessels of the Navy or vessels in the Naval Service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to the Congress through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor."

The committee amendments were read as follows:

Page 2, line 12, strike out the word "other," and after the word "accident" insert the words "incident to the operations of vessels." And on page 2, line 13, strike out the word "other."

Mr. EDMONDS. Mr. Chairman, this bill was introduced by the committee and passed by the committee, with the approval of the Navy Department. The only changes from the present law in this bill is the raising of the amount from \$500 to \$5,000 and allowing damages to other property, like wharves, and so forth, to come under the bill. In other words, anything that would be incident to the operation of vessels. It appears that we have a great many small collisions in connection with the operations of vessels in the Navy, and it does not take much of a collision to make more than \$5,000 in damages, and in settling these cases the Navy Department finds that they can only settle about 25 per cent. They thought where it was found the Navy Department was at fault that it would be just as well for them to pay these claims, rather than go to the trouble and the expense of printing, and then pass them through the House.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. EDMONDS. I will.

Mr. JOHNSON of Mississippi. In looking over the report and the bill I do not find any information as to how many new employees will be required. I would like the chairman to tell us whether it will be necessary to employ any more lawyers or any other additional help in settling these claims?

Mr. EDMONDS. Not a person. They are all investigated by courts of inquiry, and will be so investigated in the future, whether we pass this bill or not.

Mr. JOHNSON of Mississippi. And it will not furnish opportunity to employ any more lawyers?

Mr. EDMONDS. Not another person.

Mr. BRIGGS. Will the gentleman yield?

Mr. EDMONDS. I will.

Mr. BRIGGS. Upon what basis does the committee make this recommendation and draw a distinction between the authority of the Navy Department to pass on claims of this character to the extent of \$5,000 when all the other departments in reference to other claims are limited to \$1,000, such as in the case of the bill we just passed?

Mr. EDMONDS. We are taking into consideration of the claims made for collisions the amounts will be larger than anything that will be asked in the other departments.

Mr. BRIGGS. Does not the gentleman think that we have claims just as important as the claims of another character of cases where boats are injured?

Mr. EDMONDS. Well, the gentleman must remember these people have no chance to go into the courts on these cases. They

can not take cases of a collision of a naval vessel in an admiralty court.

Mr. BRIGGS. But they can go into the Court of Claims?

Mr. EDMONDS. No.

Mr. BRIGGS. Well, they can still come before the Claims Committee if the loss is considered to be over \$1,000?

Mr. EDMONDS. They can come before the Claims Committee, that is true, and we have passed a number of bills.

Mr. BRIGGS. Another question. Was not that one of the arguments the gentleman offered in the Committee of the Whole awhile ago to get his bill passed, and which we did pass, that the committee would have more time to look into these claims over \$1,000 and therefore devote their attention to such claims?

Mr. EDMONDS. Let me answer the gentleman's question. The Navy Department when there is a collision of any kind immediately convenes a court of inquiry. That court passes on the entire circumstances that occasion the accident. If there is something which happens in which they can acknowledge that the Navy is at fault, they acknowledge it. The result is that we respect the opinion of naval men on a naval proposition, and if the committee accepts their judgment we might as well pay them. Our committee accepts the Navy Department reports all the time as to these cases.

Mr. BRIGGS. How many of these cases has the committee reported at this session of Congress?

Mr. EDMONDS. We have reported, I think, about four or five.

Mr. BRIGGS. Have any been left in the committee pending there now?

Mr. EDMONDS. Yes.

Mr. BRIGGS. How many?

Mr. EDMONDS. I can not say exactly. I do not remember.

Mr. BRIGGS. If the committee has just adopted the findings of the Navy Department, why can they not be reported just as they come before the committee?

Mr. EDMONDS. There are a great many cases that we still have to take up in the committee because the Navy Department disputes them.

Mr. BRIGGS. Of course, it can not be regarded as a legal obligation, and still has to come before Congress for appropriate action?

Mr. EDMONDS. Up to \$5,000 they send it to the Appropriation Committee and they appropriate for it.

Mr. BRIGGS. Does the gentleman think that a claim of \$5,000 is different from any other?

Mr. EDMONDS. It is a different character of operation that has to be considered by the House. In one case a man's automobile is damaged for \$300 or \$400, or an airplane hits his field and it is damaged for \$75; it is a smaller claim.

Mr. BRIGGS. If it is damaged for \$1,500—

Mr. EDMONDS. He has to come before the committee.

Mr. BRIGGS. But these gentlemen go right to the department and have their settlements made up to \$5,000?

Mr. EDMONDS. That may be true. But remember that every day you detain one of these boats you pay demurrage for it, and the courts always allow the demurrage on boats that are in a collision.

Mr. BRIGGS. The gentleman knows that in filing a libel they give a bond.

Mr. EDMONDS. A man has no opportunity to do it. He can not proceed in admiralty against a Government vessel, and they can not libel a Government vessel.

Mr. BRIGGS. I know that. He has the same redress that every other claimant has that comes before Congress.

Mr. EDMONDS. That is true. If you damage a boat for \$5,000, every day that the boat is out of commission he charges demurrage on it. If you wait too long, the demurrage will be three or four times the amount of the bill. The demurrage is always acknowledged by the admiralty court and by the Navy Department.

Mr. BRIGGS. The gentleman does not mean to say that the demurrage piles up until the Government restores this \$5,000?

Mr. EDMONDS. We have a case before the committee now that answers the gentleman's question. A man had a boat that was run into by a naval boat. It was in the fall. He did not want to use the boat in the winter. He laid it up all winter and repaired it in the spring. The Navy Department surveyed the damage and they disputed the demurrage, but he charged them the demurrage until the boat was in commission again.

Mr. BRIGGS. I do not think this demurrage is a proper damage claim against the vessel. I do not think it comes within the rule of damages.

Mr. EDMONDS. I think the Shipping Board has been paying sufficient demurrage—

Mr. BRIGGS. That is a part of the damage claimed.

Mr. EDMONDS. That is always a part of the damage claimed. Mr. BRIGGS. And that is a part of the contract where the contract specifies it. That is an element of tort. They do not compute demurrage against a vessel by reason of not being able to utilize it as a damage claim.

Mr. EDMONDS. Yes; they do.

Mr. BRIGGS. Then it might average in a year or two years more than the vessel might have cost.

Mr. EDMONDS. That is true.

Mr. BRIGGS. And does the gentleman believe we ought to allow that claim?

Mr. EDMONDS. No. That is the reason it has not been reported out.

Mr. BRIGGS. I think a limitation of \$1,000 ought to apply to these claims as well as the others.

Mr. EDMONDS. I am not going to quarrel about the amount. We thought \$1,000 was a small amount for a ship as compared with the damage to an individual on shore.

Mr. WALSH. Will the gentleman yield?

Mr. EDMONDS. Certainly.

Mr. WALSH. We just passed a bill to provide for claims that might arise after the passage of the act. Now comes one increasing the jurisdiction of the Navy Department, making that jurisdiction retroactive back to April 6, 1917. What is the idea of the committee in making this great discrimination between that class of claims and between the different departments of the Government?

Mr. EDMONDS. That was at the request of the department.

Mr. WALSH. I know the gentleman too well to believe that his committee would do anything the departments come up and ask him to do. I would like some other reason than that, if any. They did not permit that in the other legislation.

Mr. LONDON. Is not that the date of the declaration of war, April 6, 1917, and is it not a fact that a number of collisions have occurred since that period?

Mr. WALSH. If they have they belong to the Committee on War Claims.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. EDMONDS. I will.

Mr. JOHNSON of Mississippi. Under the bill that you just passed can the Navy Department settle claims for \$1,000?

Mr. EDMONDS. Yes.

Mr. JOHNSON of Mississippi. Then, it is increased 100 per cent. What is the use of passing this bill?

Mr. EDMONDS. Because the damage in ships is very much heavier than would be the damage to private individuals.

Mr. JOHNSON of Mississippi. Not necessarily, is it?

Mr. EDMONDS. Oh, yes. Damages to ships are very expensive. It takes into question the value of the cargo and the damage of docks, and other things.

Mr. JOHNSON of Mississippi. Many of us do not know anything about the courts we impanel to try these cases. Who compose the court?

Mr. EDMONDS. The United States district court?

Mr. JOHNSON of Mississippi. I am not speaking of that. You say that the shipping interests or the Government impanel a court or a body of men to determine the damage immediately after the damage has occurred.

Mr. EDMONDS. That is the court of inquiry.

Mr. JOHNSON of Mississippi. Who compose the court of inquiry?

Mr. EDMONDS. It is composed of naval officers.

Mr. JOHNSON of Mississippi. Is it composed of officers of that ship?

Mr. EDMONDS. The officers of the ship are virtually under suspension. The court of inquiry is convened from outside officers. They go there and make an inquiry as to who is to blame. If a person is blamable, he is properly punished. They would not pay a claim unless they found the officer was to blame.

Mr. JOHNSON of Mississippi. Now, suppose a ship, after having been damaged, is delayed or held in a port for several weeks or months. Does this board of inquiry award damages for the delay in addition to the damage sustained to the ship?

Mr. EDMONDS. In the case I just cited the repairs were watched by the Navy Department, and when they put in their claim there was demurrage with the claim.

Mr. JOHNSON of Mississippi. They put in a claim for demurrage?

Mr. EDMONDS. Yes; they put in a claim for demurrage, but the department disputes the claim for demurrage, and it does not acknowledge the demurrage.

Mr. JOHNSON of Mississippi. Do they ever award demurrage?

Mr. EDMONDS. No; not so far as this class of claims is concerned.

Mr. JOHNSON of Mississippi. Is it the intention of Congress to authorize them to award demurrage? That is not your intention, and it is not the intention of the committee?

Mr. EDMONDS. No. We wanted to raise the amount so as to weed out as many of these claims as possible, and with all possible expedition.

Mr. JOHNSON of Mississippi. There is no intention to award the demurrages?

Mr. EDMONDS. No. I doubt if these cases would have any demurrage on them if they could settle them promptly.

Mr. Chairman, I reserve the remainder of my time.

Mr. WALSH. Mr. Chairman, I oppose the bill in its present form. If nobody else desires recognition, I would like to be recognized.

The CHAIRMAN. Does anybody on the committee opposed to the bill desire recognition? If not, the gentleman from Massachusetts is recognized for an hour.

Mr. WALSH. Mr. Chairman, this measure is confined solely to the Navy Department. The bill proposes to extend the jurisdiction of claims from the limit of \$500 as fixed in the naval appropriation bill for 1911, approved June 24, 1910, to \$5,000, and in addition to that it proposes to increase it so that this \$5,000 jurisdiction will apply to all cases of damages from accidents or otherwise arising since April 6, 1917.

Now, on the bill that we passed previously we voted down an amendment making it retroactive. There is no reason why we should give the Navy Department this power to settle cases just because it happens to concern damages to vessels and that class of property.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. BRIGGS. Does the gentleman believe that we ought to single out the Navy Department or any other department and to give it this jurisdiction in the case of claims reaching the sum of \$5,000 when we have just passed a bill here limiting the amount to \$1,000 covering all departments and independent establishments, including the Navy Department?

Mr. WALSH. I think if we are going to do that, it ought to be done in one bill, and I think that the other measure should have carried a provision with reference to damages to vessels. But the gentleman from Texas will appreciate, of course, the fact that when floating property—vessels and barges and launches and yachts and other craft of that sort—is damaged by naval vessels, the \$500 or the \$1,000 limit ordinarily in these times will not cover much of damage to that sort of property, and possibly there may be some good reason for increasing the limit within which the Navy Department can make adjustments and settlements.

Mr. BRIGGS. I am free to concede that there may be many instances of that kind, but I also assert that there are many instances in the case of other property where they have gone before the Committee on Claims, before Congress, and pursued the usual method of procedure, whereas now they will have only to go before the Navy Department in order to get their claims settled. I think it should be uniform.

Mr. WALSH. Well, that is true.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. LONGWORTH. Even if there is a good and valid reason for making the limit so much larger in the case of the Navy Department, is there any good reason for making this legislation retroactive?

Mr. WALSH. No. I was about to say that even though there is good reason for placing the limit here at \$5,000, certainly we ought not to make the provisions of this law retroactive, because we have just refused to do that to enable every other department to make settlements, even in the case of the Navy Department, and confined that measure to cases that occur after the passage of that bill. But with reference to vessels it is proposed that they can go back to April 6, 1917. In my judgment, we should not pick out a single class and make a special preference and discrimination in favor of a few vessel owners who may have claims pending which could not be settled because of the \$500 limit. We should not increase the limit to \$5,000 and in addition provide that we will let them in and have their claims settled even if they accrued at any time since April 6, 1917. I therefore suggest to the committee the advisability of amending this bill by eliminating the language, "occasioned since April 6, 1917," and substituting the language "accruing hereafter." If we do that, we can at least say that upon one calendar Wednesday, while acting upon legislation from a single committee, in attempting to pass a bill covering matters similar in character, we to that extent have been con-

sistent, and, if we do that, we shall establish a record that will be embellished with glory and effulgence. I would like to say further—

Mr. BUTLER. Tell us some more about that matter of embellishing. [Laughter.]

Mr. WALSH. I think that the sum—\$5,000—is a little bit large. The chairman of the committee stated that the reason why they reported this bill out is because the Navy Department wanted it. Well, we used to do that in the days when we were in the war. The gentleman who is now chairman of the Committee on Naval Affairs [Mr. BUTLER], the colleague of the distinguished chairman of the Committee on Claims [Mr. EDMONDS], realizes that many times he brought measures in here, or his committee reported measures in here, that were supported by himself and the members of his committee, and that because of the war emergency they were considered and passed without question. But we are beyond the war now.

Mr. LONGWORTH. Surely this bill is not in the interest of the Navy or naval vessels. It is in the interest of other people.

Mr. WALSH. Absolutely. This is not in the interest of the Navy Department. It is not in the interest of the preservation of naval vessels. It is for the benefit of people who have been unfortunate enough to have had their vessels damaged during the war. Well, there are a lot of other people who have suffered damage during the war as the result of activities in other departments of the Government.

Mr. EDMONDS. The gentleman will agree that we are here to represent not only the Navy Department but we are here representing the other people of the country, too.

Mr. WALSH. Well, sometimes we are representing the other people, too, but there ought to be a few of us here remembering that down yonder there is the Treasury Department that they try to lock up every night; but I am afraid that at times when the doors are not locked, as a result of our activities here, quite a considerable portion of the funds will become abstracted.

Mr. BUTLER. May I ask the gentleman whether he has discovered how many of these claims there are?

Mr. WALSH. I doubt whether the Navy Department told the Committee on Claims that, or gave them any information except that they wanted this legislation passed.

Mr. LONGWORTH. And there are 57 varieties of these claims.

Mr. LONDON. Will the gentleman from Massachusetts yield?

Mr. WALSH. I yield to the gentleman from New York.

Mr. LONDON. I desire to ask the gentleman from Massachusetts whether we should not postpone action until we get information on this very important question as to how many claims have arisen since April 6, 1917.

Mr. WALSH. We certainly ought to have that information.

Mr. LONDON. I do not believe we should take any action until we have that information.

Mr. RICKETTS. We ought not to take any action until we know.

Mr. WALSH. It might take more time than I have at my disposal before the gentleman could get the information. I yielded to my friend to enable him to propound an inquiry.

Mr. BUTLER. I should like to know how many of these claims there are pending. Once in a while we hear of a case where some fellow who is not able to steer his boat very well bumps up against a dock and knocks down a piece of the dock, or bumps into some other boat, but I did not know that it was necessary to pass this measure.

Mr. COCKRAN. Mr. Chairman, I suggest that the gentleman from Pennsylvania take us into his confidence. We can not hear what he is saying.

Mr. BUTLER. I desire to know how many of these claims there are.

Mr. EDMONDS. I do not know how many there are that will come under this bill.

Mr. LONGWORTH. What is the amount involved? It might run up into the millions of dollars.

Mr. EDMONDS. Oh, it will be nothing like that. There will probably be not more than 30 claims.

Mr. BUTLER. Has the gentleman any information whatever as to how many claims there have been?

Mr. EDMONDS. The information given me by the department was that the total number of claims under \$500 that have been settled since January 1, 1919, is 195.

The CHAIRMAN. Has the gentleman from Massachusetts yielded his time?

Mr. WALSH. I have not. I yielded to the gentleman from Pennsylvania [Mr. BUTLER] to propound an inquiry. I assumed that if the information was to be furnished it would be fur-

nished by the gentleman's colleague [Mr. EDMONDS] in his own time.

Mr. BUTLER. I have propounded my inquiry, and my colleague [Mr. EDMONDS] has given me the information as nearly as he can. I am surprised, however, to know that so many of these claims for collisions with naval vessels have been made against the Government, because naval gentlemen are supposed not to run against somebody else's ship. The gentleman says there have been 195 of these collision cases settled.

Mr. JOHNSON of Mississippi. Mr. Chairman, I want to ask the chairman of the committee how many claims in excess of \$500 have been filed with the Navy Department?

Mr. EDMONDS. I can not answer that question. The only information they have given me is that 80 per cent of their claims are under \$500.

Mr. JOHNSON of Mississippi. What is the use of this Congress undertaking to legislate on a matter concerning which we have absolutely no information? The chairman has stated the number of claims under \$500 that have been settled, but he has no information as to the number of claims that have been made in excess of that amount, whether 1 or 500. He just says he wants to pass this bill because the Navy Department want it passed. The people of this country repudiated that kind of business last year. They said they wanted economy and wanted to know the reason why.

Mr. BUTLER. Mr. Chairman, has not the naval appropriation bill always limited the amount of damages that may be paid in any one case to not exceeding \$500?

Mr. EDMONDS. Yes.

Mr. BUTLER. Time and time again the effort has been made to raise the limit to a higher figure, but Congress has always refused.

Mr. WALSH. The gentleman from Pennsylvania [Mr. EDMONDS] is chairman of the important Committee on Claims. Is he in favor of increasing the amount from \$500 to \$5,000, and is he in favor of making this legislation retroactive to April 6, 1917?

Mr. EDMONDS. If the gentleman from Massachusetts wishes to offer an amendment to prevent the bill being retroactive, I am willing.

Mr. WALSH. How about the limit to the amount?

Mr. EDMONDS. I am satisfied to reduce the limit. I think the committee will agree to reduce the limit.

Mr. WALSH. How about \$2,500?

Mr. EDMONDS. A limit of \$2,500 is satisfactory to me.

Mr. BUTLER. I want to know more about this than I do now before I will vote for this bill. The effort has been made here several times to increase the limit, and Congress has always refused to raise it above \$500.

Mr. WALSH. If the amendments which I have indicated are agreeable to the chairman I do not care to use the remainder of my time.

Mr. MANN. What are the amendments which are proposed?

Mr. WALSH. To limit it to claims arising after the passage of this act and to reduce the limit from \$5,000 to \$2,500.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provision contained in the act entitled "An act making appropriation for the Naval Service for the fiscal year ending June 30, 1911, and for other purposes," approved June 24, 1910 (Public, No. 261, 61st Cong., 2d sess.), authorizing the Secretary of the Navy to consider, ascertain, adjust, and determine the amounts due on all claims for damages where the amount of the claim does not exceed the sum of \$500, hereafter occasioned by collision, for which collisions vessels of the Navy shall be found to be responsible, and report the amounts so determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor," be, and the same is hereby, amended to read as follows, namely:

"The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages, where the amount of the claim does not exceed the sum of \$5,000, occasioned since April 6, 1917, and hereafter, by collisions or other accidents for which collisions or other accidents vessels of the Navy or vessels in the Naval Service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to the Congress through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor."

The following committee amendments were read:

Page 2, line 12, after the word "or," strike out the word "other," and, after the word "accidents," insert the words "incident to the operation of vessels."

The committee amendments were agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 13, after the word "or," strike out the word "other."

Mr. MANN. Mr. Chairman, I would like to make a suggestion. The bill says:

Where the amount of the claim does not exceed the sum of \$5,000 occasioned since April 6, 1917, and hereafter by collisions or accidents incident to the operation of vessels.

I wondered whether that ought not to be "damages incident to the operation of vessels." I do not know that I have any objection, but I think it would be better to say "damages incident to the operation of vessels."

Mr. MONTAGUE. Will the gentleman yield for a suggestion?

Mr. MANN. Certainly.

Mr. MONTAGUE. While the language as proposed is not as lucid as it should be, it seems manifest that the word "damages" in line 10 must be occasioned by collision or accident incident to the operation of vessels. Therefore the word damages is related to the two methods of operation.

Mr. MANN. I think that is true the way the bill is drawn, but I wondered whether it ought not to be "damages occasioned by collision or other damages incident to the operation of vessels."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. WALSH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 10, after the word "damages," insert the words "occurring after the passage of this act," and, in line 11, strike out the words "occasioned since April 6, 1917," and strike out the figures "\$5,000" and insert the figures "\$2,500."

Mr. WALSH. Mr. Chairman, have the three committee amendments been agreed to?

The CHAIRMAN. All the committee amendments have been agreed to.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. WALSH. I will.

Mr. HARDY of Texas. This bill is an amendment to existing law, and when you say in your amendment accidents that may occur hereafter, the legal interpretation would carry that word "hereafter" to the date of the original bill, and you might be making a provision that you do not intend to.

Mr. WALSH. I do not say "hereafter," but I say "after the passage of this act."

Mr. HARDY of Texas. It is the same thing and might refer to the passage of the original act.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to modify my amendment by having it read "after the passage of this amendatory act."

The CHAIRMAN. The gentleman from Massachusetts asks to modify his amendment in the manner suggested. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, this amendment as modified is along the line of what the gentleman from Pennsylvania assented to during the general debate. It does not make the provisions of the bill retroactive but only applies to claims arising after the passage of the amendatory act and reduces the sum from \$5,000 to \$2,500. As I said before, it may be possible, because of the nature of the property and the great number of naval craft in the various harbors of the country, that claims for a little larger amount should be given consideration than was the case in the bill that we passed previously. For that reason I have offered these amendments, and if they are agreed to I see no serious objection to the passage of the bill.

Mr. TINCHER. Mr. Chairman, I offer an amendment to the amendment to strike out "2,500" and insert "1,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TINCHER to the amendment offered by Mr. WALSH: In the last line of the amendment strike out the figures "2,500" and insert in lieu thereof the figures "1,000."

Mr. TINCHER. Mr. Chairman, I am opposed generally to class legislation. We have spent the greater portion of the day in the consideration of a bill which passed the House giving the departments of this Government the power to settle claims up to a certain amount, namely, \$1,000. Now you say to the country that the Navy and the people owning ships on the high seas are entitled to legislation that will enable certain officers of the Navy to settle their claims in a different manner from the claims of others, and it seems to me rather ridiculous. The present law authorizes settlement of these claims up to \$500.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. LONGWORTH. If the gentleman's amendment is agreed to, there is no use in passing the bill at all, because the other bill provides just what the gentleman now seeks. Therefore we might as well dispense with the consideration of this bill.

Mr. TINCHER. That might not be a great mistake.

Mr. LONGWORTH. Possibly not, but I am calling the gentleman's attention to the effect of his amendment.

Mr. TINCHER. I know, and call upon the committee to stop and think how ridiculous it will be that we should select out one class of claims and say, because a man is in the shipping business and has a boat, that therefore his claim ought to have a preference over other classes of claims.

I do not think there is any reason why this Congress should contemplate that the men working for Uncle Sam on the naval vessels are going to be reckless and do damage to other people's property to any greater extent than any other branch of the Government. I can not see why a man who has a damage of \$2,500 to his vessel should have a separate and distinct way of having his claim adjusted from what the man has who has a claim against the Government in some other line.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. HICKS. Perhaps there is a good reason. I know the gentleman wants to be fair about it. Damage to floating property is generally higher than ordinary damages caused by automobiles, for instance, because the property runs into hundreds of thousands of dollars in valuation. Therefore, the damages are higher as a rule.

Mr. TINCHER. Oh, Congress is going to be in session. We are going to have time, since we have given this power to the various departments to consider these small claims, to consider other claims. I am against delegating to any particular branch of the Government power to spend money without proper consideration.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. JOHNSON of Mississippi. I agree with the gentleman. Before he offered his amendment we passed a bill providing for the payment of claims up to \$1,000.

Mr. TINCHER. Oh, I was here at the time.

Mr. JOHNSON of Mississippi. We doubted the jurisdiction and gave them \$1,000. The gentleman from New York [Mr. HICKS] claims that because vessels are floating property damages may be higher than to some other class of property. I have been on the floor of this House and have seen Congress pass claims for \$5,000 and \$10,000 because of accidents and other things, so that that argument does not hold good. I think we ought to adopt the amendment of the gentleman from Kansas.

Mr. TINCHER. Mr. Chairman, I hope the chairman of the committee will accept the amendment, because I know he is opposed to class legislation.

Mr. EDMONDS. Mr. Chairman, I am opposed to the amendment. I think this bill is in the interest of economy for the Government. We all know that where it is acknowledged by the Navy Department that certain damage has occurred—and we also know that that damage will be higher in floating property than it will be on shore—that the committee itself will approve of paying the bill, because it is absolutely useless to throw a case into court where the Navy Department itself acknowledges that they have damaged a man for so much. We have always taken their reports. We have refused to settle upon the statements of the claimants because they very frequently ask a very much higher amount. We have tried to play the game squarely. I do not think, if gentlemen will stop to think a minute, that we will save any money for the Government by reducing this amount below \$2,500.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BRIGGS. Is it not true that the committee usually regards the recommendation of the department for a lower amount than the claim as being the amount which the committee would approve if it passes the claim at all?

Mr. EDMONDS. We always do.

Mr. BRIGGS. Is not that true not only of the Navy Department but of other departments?

Mr. EDMONDS. No; we have changed the claims from other departments, and we have brought in bills for claims that the other departments would not grant.

Mr. BRIGGS. But those are exceptions.

Mr. EDMONDS. No; I do not think so. I think the committee generally acts upon its own idea in respect to those claims.

Mr. BRIGGS. Is it not true of the committee when a claim is filed that it submits that claim to the department for recommendation, and, when the recommendation of the department comes in for a certain amount, that that is usually the amount regarded as of merit?

Mr. EDMONDS. Oh, no; there is a considerable difference between having a court of naval experts sit on a collision case and having some man who is the foreman of a gang of laborers out in the Forestry Bureau make a report in respect to some accident that has occurred. There is a good deal of difference between having an expert tell you the result of a survey made, to ascertain the amount of the damage, and a department official walking in and saying that this or that man was hurt and that we ought to pay him something. We send a letter to the department to the effect that one man puts in a bill claiming \$10,000 damages, or where another man puts in a bill claiming \$5,000 damages. The department sends back a recommendation and says yes, that they think that the man ought to have \$10,000, and in the case of the \$5,000 man they think that the man ought to have \$5,000.

Mr. BRIGGS. The gentleman will admit that the Navy Department is not the only department that has experts who pass on cases. There may be legal questions involved in the matter outside of the actual damages.

Mr. EDMONDS. Wherever the department disputes a claim we put through an admiralty bill for it.

Mr. BRIGGS. Suppose it does not. Suppose the naval men down there are not disputing the claim and they think that the computation of the amount of damages might be the amount of damages actually suffered without any question with respect to the legal liability one way or the other or the question of whether the United States ought to be regarded as liable. Is not that a matter that ought to go before the committee?

Mr. EDMONDS. Wherever there is a question of liability the Navy Department does not pass on the claim. They say there is a question and they dispute the claim. Where they come in and practically say to you, "If you take this case to court, we are going to go in and say that we have damaged this man in the amount of \$4,392." What are you going to do about it?

Mr. BRIGGS. But suppose the War Department has some trucks that damage an automobile and they say that we have injured the man to the extent of \$1,500. What about that?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONTAGUE. Mr. Chairman, I did not vote for the former bill, but I am willing in this case to vote for \$5,000, or if that be defeated I will vote for \$2,500. This bill suggests something which I think is rather an opprobrium to our Government. Private owners of ships have no remedy when they suffer damages by reason of collisions with the public vessels of our Government. We are among the very few nations in the world occupying such a position. As the chairman of the committee states, we have endeavored to meet this opprobrium by special bills from time to time. But we really do not meet it by this method because special bills very seldom get through this House. They are objected to by gentlemen who know nothing on earth about them. Consequently we have no remedy, and our Government suffers in the eyes of the civilized world. We insist that Government can do no wrong, and I am opposed to the application of any such regal maxim to the institutions of a free people. Governments do wrong just as individuals do wrong. Another observation: This class of cases are distinct from other cases that we deal with. The departments of the Government that pass upon damages are not experts as a rule. In the case of the Navy they are experts, and they are the most rigid experts in favor of their own freedom from negligence and of the fault of the private vessel, and when a board of naval experts admit the contention or claim of the private vessel it is almost self-evident that the Government is at fault in the collision. Therefore it seems to me if we wish to save time, to practice economy and justice, we should pass a measure of this sort.

Mr. MANN. Mr. Chairman, a moment ago I referred to a matter not involved in this amendment and that is the language of the bill providing for damages occasioned by collision and other accidents incident to the operation of vessels and suggested that probably the word "accidents" ought to be "damages." The report on this bill says:

It appears that upon occasions vessels cause damage to cargoes on vessels or docks by the discharge of oil or water, and to vessels and docks by their lines, and in other ways.

The bill makes provision for the payment of such claims as a collision claim. I think that is in error. The discharge of oil and water is not an accident and it is not a collision. If it is to be covered, the language of the bill ought to be changed to provide for accidents and damages caused by collision or other damages incident to the operation of vessels.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the question is on the amendment to the amendment offered by the gentleman from Kansas.

Mr. BRIGGS. May we have that reported?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The amendment to the amendment was again reported.

The question was taken, and the Chairman announced the ayes seemed to have it.

Upon a division (demanded by Mr. EDMONDS) there were—ayes 23, noes 21.

So the amendment was agreed to.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee if there is any use in proceeding further with the consideration of this bill?

Mr. EDMONDS. In my opinion I do not think so. I am not a lawyer and I do not know—

Mr. LONGWORTH. Then there is no use in proceeding further in the consideration of this bill in view of the fact we have just passed a bill which covers the question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts as amended.

The question was taken and the amendment as amended was agreed to.

Mr. EDMONDS. I move to strike out the word "accidents" in line 12 and insert in lieu thereof the word "damages."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: On page 2, line 12, strike out the word "accidents" and insert in lieu thereof the word "damages."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I offer an amendment to strike out the word "accidents," at the end of line 13 and the first part of line 14, and insert in lieu thereof "other damages."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Page 2, lines 13 and 14, strike out the word "accidents" and insert in lieu thereof the words "other damages."

The CHAIRMAN. The question is on the amendment.

Mr. WALSH. Mr. Chairman, what is the amendment?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. REED of New York. Will that language be broad enough to cover demurrage?

Mr. EDMONDS. I do not think after the explanation we have the department will pay the demurrage.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. EDMONDS. Mr. Speaker, I move that the committee do now rise.

Mr. McSWAIN. Mr. Chairman, I have offered an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 19, after the word "thereof," strike out the period, insert a colon and the following: "Provided, That the rules of the common law shall control in ascertaining the elements and amount of damage."

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, when that suggestion came to my mind, the amount of which the department would have jurisdiction under the bill was \$5,000. I do not believe there is very much danger now in view of the limit of \$1,000 set by the amendment since adopted. But I wanted to call to the attention of the committee the fact that to the lay mind ordinary demurrage is an element of damage, just as much as physical injury to the property. I remember very well when I first began practicing law—when my mind was that of a layman, although I had a license—I brought an action against a carrier for delay in transporting goods for \$3,000 damages, and the judge very properly on demurrer knocked out every cent of the allegation of damages. Now, Mr. Chairman, the chairman of the committee, when he was on the floor, said that elements of damage, such as demurrage, were very often and usually claimed, and that in one case where the injury occurred in the winter, about the time they were tying up the boat, and could not operate it on account of the ice, and the repairs were not made, demurrage was charged for the whole period of time. Before the Committee on War Claims a claim was filed by a bill for injury done to a vessel in New York Harbor by a Government boat. The amount claimed was

over \$5,000, and of that nearly \$3,000 was for demurrage. Now, there can not be, according to the rules of the common law, any recovery for demurrage, except for the period necessary for repairs, and that demurrage must be established by the strict rule of common law. The proposition is this: The Secretary of the Navy may not be a lawyer, and the naval court may not be familiar with the rules of the common law as to damage. They may be familiar as to the operation of ships, and therefore be able to carefully and strictly ascertain the question of liability and never impose liability upon the Government except where it is a clear case of liability, but having ascertained liability they must go further and ascertain the extent and nature of the damage. And therefore we must, to protect this Government, be bound by the rules of common law and not leave the act wide open and, merely because we were at fault, pay the man what he claims. I mean, merely because our boat was at fault.

Mr. EDMONDS. The gentleman knows that the admiralty law recognizes demurrage as a proper claim?

Mr. McSWAIN. I did not know that. I am not a proctor.

Mr. EDMONDS. The reason we denied the claim here on the floor was that they would not pay him demurrage for all winter. The committee does not feel justified in giving it to him, either.

Mr. McSWAIN. Anyway, Mr. Chairman, this is not to be an admiralty court, but a court created by the law of this Congress, and we have the right to prescribe the rules of evidence and the rules that should govern the ascertainment of damages.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. McSWAIN].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. EDMONDS. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 8, noes 24.

So the amendment was rejected.

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Texas demands a division.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Thursday, February 9, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

513. A communication from the President of the United States, transmitting an estimate of appropriation in the sum of \$1,105.37 to pay claims for damages by collisions, river and harbor work, which have been adjusted and settled by the Chief of Engineers, United States Army (H. Doc. No. 168); to the Committee on Appropriations and ordered to be printed.

514. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Labor for the fiscal year ending June 30, 1923, amounting to \$1,240,000, for the promotion of the welfare and hygiene of maternity and infancy under the provisions of the act of November 23, 1921 (H. Doc. No. 169); to the Committee on Appropriations and ordered to be printed.

515. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill authorizing the Secretary of the Navy to accept certain sites on the Pacific coast for naval purposes; to the Committee on Naval Affairs.

516. A letter from the president of the United States Civil Service Commission, transmitting report of the first four months of the fiscal year 1922, showing the number of employees receiving increased compensation at the rate of \$240 per annum, and the average number by grades receiving the same at each other rate; to the Committee on Appropriations.

517. A letter from the Acting Secretary of the Interior, transmitting report of the Commissioner of Patents for the calendar year 1921; to the Committee on Patents.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURTNESS: Committee on the Public Lands. H. R. 10007. A bill for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876; with an amendment (Rept. No. 676). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 9201. A bill to regulate divorces in the Canal Zone; with amendments (Rept. No. 677). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Idaho: Committee on the Public Lands. H. J. Res. 180. A joint resolution extending the provisions of the act of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of public resolution 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry, to citizens of the United States who served with the allied armies during the World War; with an amendment (Rept. No. 678). Referred to the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD: Committee on the District of Columbia. H. R. 10034. A bill creating the District of Columbia insurance fund for the benefit of employees injured and the dependents of employees killed in employments, providing for the administration of such fund by the United States Employees' Compensation Commission, and making an appropriation therefor; with amendments (Rept. No. 680). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWEET: Committee on Interstate and Foreign Commerce. H. R. 10196. A bill to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of article 3 of the war risk insurance act as amended; without amendment (Rept. No. 682). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DARROW: Committee on Naval Affairs. S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee*; without amendment (Rept. No. 679). Referred to the Committee of the Whole House.

Mr. JEFFERS of Alabama: Committee on the Public Lands. H. R. 8845. A bill for the relief of Mattie Alexander; without amendment (Rept. No. 683). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. THOMAS: A bill (H. R. 10325) for the relief of suffering coal miners and their families in the States of Kentucky, West Virginia, Alabama, Ohio, Pennsylvania, and Tennessee, and all other States and localities in the United States where needed; to the Committee on Appropriations.

By Mr. STOLL: A bill (H. R. 10326) to fix the compensation of sheriffs of any State or Territory for the subsistence and custody of United States prisoners; to the Committee on the Judiciary.

By Mr. VINSON: A bill (H. R. 10327) to extend the time for the completion of the dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by the acts approved June 3, 1912, March 1, 1916, and February 28, 1919; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: A bill (H. R. 10328) to amend the act of March 3, 1921, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes"; to the Committee on Indian Affairs.

By Mr. CRAMTON: A bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. FREAR: A bill (H. R. 10330) to extend the time for the construction of a bridge across Lake St. Croix at or near the city of Prescott, in the State of Wisconsin; to the Committee on Interstate and Foreign Commerce.

By Mr. PERLMAN: A bill (H. R. 10331) to amend an act entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," approved November 23, 1921; to the Committee on Ways and Means.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 267) to authorize the Secretary of War to expend not to exceed \$100,000 for the protection of Government property adjacent to Lowell Creek, Alaska; to the Committee on the Territories.

By Mr. KIESS: Concurrent resolution (H. Con. Res. 45) providing for the printing of 100,000 copies of the special report on diseases of the horse; to the Committee on Printing.

Also, concurrent resolution (H. Con. Res. 46) providing for the printing of 100,000 copies of the special report on diseases of cattle; to the Committee on Printing.

By Mr. KINDRED: Resolution (H. Res. 281) to investigate the removal of 133 ships from a safe anchorage in Jamaica Bay, N. Y., to Stony Point, in the Hudson River, N. Y.; to the Committee on Rules.

By Mr. RYAN: Resolution (H. Res. 282) for the recognition of the Republic of Mexico by the United States of America; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 10332) granting a pension to Anna Hewson; to the Committee on Pensions.

Also, a bill (H. R. 10333) for the relief of Francis A. Grenen; to the Committee on Claims.

By Mr. FAIRFIELD: A bill (H. R. 10334) granting a pension to Walter W. Brunn; to the Committee on Pensions.

By Mr. GRIFFIN: A bill (H. R. 10335) for the relief of Esther Freeman; to the Committee on Claims.

By Mr. HIMES: A bill (H. R. 10336) granting a pension to Samantha J. Pratt; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 10337) granting a pension to Roxey Phillips; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 10338) granting a pension to Sarah C. Britton; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 10339) granting a pension to L. D. Copin; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 10340) granting a pension to Henry Altman; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 10341) granting a pension to Hamilton Wallace; to the Committee on Invalid Pensions.

By Mr. RAINEY of Alabama: A bill (H. R. 10342) granting an increase of pension to John A. Shannon; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 10343) to correct the military record of William G. Freeman; to the Committee on Military Affairs.

Also, a bill (H. R. 10344) providing for the retirement of Joe Meredith; to the Committee on Reform in the Civil Service.

By Mr. RICKETTS: A bill (H. R. 10345) granting a pension to Harry Lee; to the Committee on Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 10346) granting a pension to Jeanne E. Durgin; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 10347) granting a pension to J. Oscar Rust; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3889. By Mr. ANSORGE: Petition of the Harlem Board of Commerce, of New York, favoring everything being done for disabled ex-service men in obtaining positions, etc., but opposing any bonus; to the Committee on Ways and Means.

3890. Also, petition of the Chamber of Commerce, State of New York, approving the stand taken by the Secretary of the Treasury with regard to the proposed bonus to ex-service men, as set forth in his recent letter to Representative Fordney; to the Committee on Ways and Means.

3891. Also, petition of the Brooklyn Chamber of Commerce, New York, opposing soldiers' bonus bill; to the Committee on Ways and Means.

3892. By Mr. BURROUGHS: Petition of Goodwill Council, No. 4, Junior Order of American Mechanics, by Choate E. McKenzie, secretary, and 35 other members, urging the passage of the Townner-Sterling bill; to the Committee on Education.

3893. By Mr. CULLEN: Resolution adopted by the Consumers League, of the Ridgewood-Rushwick section, urging the exemption from taxation the income derived from mortgages upon real estate; to the Committee on Ways and Means.

3894. By Mr. KENNEDY: Petitions of the Pan-Albanian Federation of America "Vatra" (the Hearth) (Inc.), of Lonsdale and Woonsocket, R. I., urging recognition of Albanian Government by the United States; to the Committee on Foreign Affairs.

3895. By Mr. KETCHAM: Resolutions passed at the annual county farm bureau meeting on January 10, 1922, protesting against the suspension of a large number of agricultural publications; to the Committee on Printing.

3896. By Mr. KISSEL: Petition of the adjutant general of the State of New York, urging the passage of Senate bill 2307 and House bill 7943, relative to National Guard legislation; to the Committee on Military Affairs.

3897. Also, petition of the New York State Federation of Labor, Utica, N. Y., urging the passage of the Fitzgerald bill (H. R. 10034); to the Committee on the District of Columbia.

3898. Also, petition of Rudolf Voigt, of Brooklyn, N. Y., relative to unemployment; to the Committee on Labor.

3899. By Mr. LINTHICUM: Petition of Adj. Gen. Milton A. Reckord, of Baltimore, Md., favoring the passage of Senate bill 2992, providing for complete records of soldiers being furnished for future reference; to the Committee on Military Affairs.

3900. Also, petition of the Real Estate Board of Baltimore, Md., protesting against passage of any form of soldier bonus legislation; also petition of Joseph L. Votta, of Baltimore, Md., favoring soldier bonus bill; to the Committee on Ways and Means.

3901. Also, petition of the Standard Accident Insurance Co., of Baltimore, Md., favoring passage of Underhill bill; to the Committee on Claims.

3902. Also, petition of James L. Wroten, of Baltimore, Md., favoring the passage of the Capper bill (S. 2531); to the Committee on the Judiciary.

3903. Also, resolution of the Maryland State Board of Forestry, F. W. Besley, state forester, of Baltimore, Md., protesting against the transfer of the United States Forest Service from the Department of Agriculture to Department of the Interior; to the Committee on Agriculture.

3904. By Mr. PADGETT: Resolutions adopted by the Dickson Chamber of Commerce, urging the acceptance of Henry Ford's Muscle Shoals offer; to the Committee on Military Affairs.

3905. By Mr. ROGERS: Petition of the Pan-Albanian Federation of American "Vatra" (the Hearth) (Inc.), of Hudson, Mass., urging the recognition of Albania by the United States; to the Committee on Foreign Affairs.

3906. By Mr. SINCLAIR: Petition of J. C. Allan, Elling Pederson, and Hon. W. J. Church, on behalf of the community of Baker, Benson County, N. Dak., favoring the passage of the Sinclair bill (H. R. 9461) for the stabilization of prices of farm products; to the Committee on Agriculture.

3907. Also, 13 petitions of citizens of Corinth, Lefor, Deering, Sherwood, Parshall, Norma, Gardena, Sentinel Butte, Arnegard, Flaxton, New Salem, Van Hook, Mohall, Coulee, and other places in North Dakota, urging the revival of the United States Grain Corporation and the enactment of legislation for the stabilization of prices of farm products; to the Committee on Agriculture.

3908. By Mr. SMITH of Idaho: Resolutions adopted by the Glens Ferry (Idaho) Business Men's Association, urging the enactment of legislation providing for a more rapid development

of the waste lands; to the Committee on Irrigation of Arid Lands.

3909. Also, resolutions adopted by the Civic Improvement Club of Wendall, Idaho, urging the enactment of legislation providing for a more rapid development of the waste lands; to the Committee on Irrigation of Arid Lands.

3910. Also, resolutions adopted by the Richfield Women's Club, of Richfield, Idaho, urging the enactment of legislation providing for a more rapid development of the waste lands; to the Committee on Irrigation of Arid Lands.

3911. Also, resolutions adopted by the Elmore Development League, of Mountain Home, Idaho, urging the enactment of legislation providing for a more rapid development of the waste lands; to the Committee on Irrigation of Arid Lands.

3912. Also, resolution adopted by the officers and members of the Crescent Improvement Club, of Emmett, Idaho, urging the enactment of legislation providing for a more rapid development of the waste lands; to the Committee on Irrigation of Arid Lands.

3913. By Mr. THOMPSON: Petition of citizens of Delphos, Ohio, for an investigation of the excessive cost of hard coal; to the Committee on Interstate and Foreign Commerce.

3914. By Mr. SMITH of Idaho: Resolution adopted by Elmore Post, No. 26, American Legion, of Mountain Home, Idaho, urging the enactment of the adjusted compensation legislation; to the Committee on Ways and Means.

3915. By Mr. SNELL: Resolutions adopted by Russell Grange, No. 1031, at Russell, N. Y., urging the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

3916. By Mr. SWING: Resolutions adopted by the Board of Trade, of Fullerton, Calif., indorsing the adjusted compensation bill for ex-service men and women; to the Committee on Ways and Means.

3917. By Mr. TIMBERLAKE: Petition of Fred I. Nichell and others, of Colorado, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3918. Also, petition of H. Riechers and others, of Colorado, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3919. Also, petition of John Furrer and others, of Colorado, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3920. Also, petition of L. N. Bonicksen and others, of Colorado, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3921. Also, petition of J. W. Turner and others, of Colorado, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3922. Also, petition of Ralph Norton, sr., and others, of Colorado, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3923. By Mr. WARD of North Carolina: Resolutions adopted by the forestry convention held at Wilmington, N. C., January 27, 1922, under the auspices of the North Carolina Forestry Association and the North Carolina Geological and Economic Survey; to the Committee on Agriculture.

SENATE.

THURSDAY, February 9, 1922.

(Legislative day of Friday, February 3, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

Mr. WARREN. I ask that the reading of the bill be proceeded with.

Mr. POMERENE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ashurst	Harris	Nelson	Robinson
Brandegge	Healin	Newberry	Sheppard
Cameron	Hitchcock	Norris	Underwood
Capper	Johnson	Oddie	Walsh, Mont.
Caraway	Jones, Wash.	Overman	Warren
Curtis	La Follette	Page	Watson, Ga.
France	Lodge	Poinindexer	Williams
Hale	McKinley	Pomerene	Willis

Mr. CURTIS. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], and the Senator from New York [Mr. CALDER] are detained at a meeting of the Committee on Finance.

Mr. UNDERWOOD. I wish to announce the absence of the Senator from South Carolina [Mr. DIAL], on account of illness.

The VICE PRESIDENT. Thirty-two Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Harrell	Keyes	McNary	Stanfield
Kendrick	Ladd	Spencer	Weller

The following Senators entered the Chamber and answered to their names:

Ball	Fletcher	Phipps	Sterling
Colt	Kellogg	Simmons	Swanson

Mr. FLETCHER. My colleague [Mr. TRAMMELL] is unavoidably absent. I will let this announcement stand for the day.

The following Senators entered the Chamber and answered to their names:

Bursum	Ernst	King	Sutherland
Culberson	Glass	Stanley	

The VICE PRESIDENT. Fifty-five Senators having answered to their names, there is a quorum present.

ADDRESS BY SENATOR PEPPER—MICHIGAN SENATORIAL ELECTION.

Mr. ASHURST. Mr. President, the able junior Senator from Pennsylvania [Mr. PEPPER] is reported to have delivered a speech at the Albany County Republican Club last evening. I would devote no attention to the speech if it were delivered by other than a Member of this body, but I can not believe he was correctly quoted in the morning papers, because I remember that when the junior Senator from Pennsylvania was appointed the organ of reform, the Philadelphia North American, commenting on the appointment, carried an editorial headed "Thank God!" So, evidently the junior Senator from Pennsylvania has been misquoted. I have, however, examined five or six different newspapers, two of them being Philadelphia newspapers, and they all carry the same dispatch. So I will let the junior Senator from Pennsylvania when he arrives tell the Senate whether or not he is correctly quoted when he is reported to have spoken as follows:

I am happy to be the bearer of greetings from Republicans in Pennsylvania to a loyal and representative group of Republicans of the Empire State.

It is to be regretted that this greeting could not be given to you by one whose proved service to the Nation and to the party was itself a passport to your esteem. If either of those two great leaders in whose shadow I stand were here to deliver the message, I realize that it would be far more worthily presented. A greeting by Senator Knox or Senator Penrose would be a far more fitting tribute to your own beloved leader, William Barnes.

But you must take me as I am—a new man in public life—the newest Member of the Senate of the United States, untested as yet by the trying experience of public service; a man who has his spurs yet to win, but who is terribly in earnest in his determination to win them; a man who has every incentive to strenuous effort, including the friendship of the colleague who bore me your invitation, the distinguished senior Senator from New York, JAMES W. WADSWORTH, JR., and possessing also the trust and confidence of the man whose political heroism put me where I am, the rightful leader of the Republican Party in Pennsylvania, William Cameron Sproul.

He then proceeds to discuss the issues of the day, following which he adverts to a subject which was decided two days after he took the oath of office here. I would not be so offensive as to assume that the Senator from Pennsylvania voted without examining the record in the Newberry case, which consists of 2,000 pages; he had two days in which to do it, and it can be done in two days. Discussing the Newberry case, the Senator is reported to have spoken as follows:

I now mention an example of individual courage. I refer to the action of those Republican Senators who steadfastly refused to be terrorized into voting to expel from the Senate the man who had been sent there by a clear majority of the voters of his State. When you realize the success attained by Senator NEWBERRY's implacable enemy in misstating the issue to the public, when you realize how millions of good people in this country had been fooled by Ford's insidious publicity into believing that not they themselves but the Michigan electorate had been duped, you will understand that it took no small degree of courage to face public moral condemnation, which was as vehement as it was unjust.

And in this test of moral courage every single Democrat in the Senate was found wanting. Not one soul was man enough to vote in accordance with his convictions.

"Not one soul was man enough to vote in accordance with his convictions."

They mouthed about the honor of the Senate and the integrity of the individual, and then they proceeded to tarnish that honor and impair that integrity by voting like a flock of sheep. Every single

Democrat voted slavishly to dishonor his own colleague for what an unimpeachable majority of the people of Michigan had done when, with full knowledge of all the facts, they freely registered their preference for Senator NEWBERRY.

Mr. President, it can not be that the junior Senator from Pennsylvania has been correctly quoted. I believe he is a man of courage. I have had opportunity within the past 8 or 10 years to be in Philadelphia and to know the people with whom the new Senator associates. They are a moral, upright, and courageous people. His attitude and demeanor since he took his seat here have been the attitude and demeanor of a gentleman. Therefore he must have been misquoted when he imputes dishonor to every Democratic Senator. Had he spoken those words upon the floor of the Senate, the gavel of our distinguished Vice President would have called him to order, and he could not again have opened his mouth until the Senate bade him proceed. I regret he is not here this morning, but I know when he arrives he will either avow or disavow this alleged speech.

This report of the speech makes him say that every single Democratic Senator acted dishonorably in their votes in the Newberry case. I call attention to the fact that eight Republicans voted with the Democrats. If the Democrats impaired their integrity when they cast those votes, then WILLIAM E. BORAH violated his conscience when he voted the same as did Members on this side of the Chamber; ARTHUR CAPPER stained his soul if the Democrats did; and JONES of Washington placed upon his conscience a stain if the Democrats did.

Mr. ROBINSON. Will the Senator yield to me?

Mr. ASHURST. I yield.

Mr. ROBINSON. Evidently the President did not feel that way about it, because he appointed one of the Senators who voted as did the Democrats, the Senator from Iowa [Mr. KENYON], to a seat on the United States circuit court bench.

Mr. ASHURST. Mr. President, one of the most powerful speeches delivered in the Senate in opposition to seating Mr. NEWBERRY was the speech of the junior Senator from Iowa [Mr. KENYON].

Mr. CARAWAY. Will the Senator from Arizona yield to me?

Mr. ASHURST. Yes.

Mr. CARAWAY. And the junior Senator from Pennsylvania voted to ratify and confirm the appointment of the Senator from Iowa.

Mr. ASHURST. Yes.

Mr. President, the Senator from North Dakota [Mr. LADD] voted to exclude the sitting Member, Mr. NEWBERRY; that dauntless man from Wisconsin, who has stood up manfully under the most terrific flail of abuse that ever a public man received [Mr. LA FOLLETTE], voted to exclude the sitting Member; the Senator from South Dakota [Mr. NORBECK] voted to exclude Mr. NEWBERRY; and the Senator from Nebraska [Mr. NORRIS], whom I will here designate as the most useful man in public life, voted to exclude Mr. NEWBERRY.

So I regret that the public press should carry a statement attributed to the junior Senator from Pennsylvania as having said that every Democrat violated his honor and violated his conscience when he voted to exclude the sitting Member from Michigan.

But, Mr. President, it is well to recur to the record in this case. Two days after the junior Senator from Pennsylvania took his seat he voted for the following resolution:

*Resolved, * * ** That whether the amount expended in the primary was \$195,000, as was fully reported and openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended.

The expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved.

Eight Republicans and the Senators on this side voted to refuse a seat to a man who was the beneficiary of such methods, and yet the morning newspapers make the junior Senator from Pennsylvania say that the Democrats stained their conscience with dishonor because they refused to seat a man whose election had been brought about by the methods which it has been disclosed were employed.

The junior Senator from Pennsylvania on the roll call voted for that resolution, which declared that such methods as were employed in the Newberry case were harmful to the honor and dignity of the Nation, and the morning newspapers make the junior Senator from Pennsylvania say that those who voted to put the seal of disapproval on such methods have stained themselves with dishonor.

Mr. President, that is all I have to say at this time in connection with this matter. I do not believe that GEORGE WHAR-

TON PEPPER uttered any such speech. He is not present this morning, and is entitled to the benefit of the doubt.

Mr. CARAWAY. Mr. President—

Mr. ASHURST. I yield to the Senator from Arkansas.

Mr. CARAWAY. May I ask the Senator what sort of an apology the Senator from Arizona is going to make if he finds out that the junior Senator from Pennsylvania did say what he is quoted to have said?

Mr. ASHURST. In the absence of the junior Senator from Pennsylvania, I am not going to say as to that; but, possibly, I will have something more to say later in connection with this case. The public press carry a dispatch that a Senator has said that I have been guilty of something dishonorable and that every Senator on this side has acted dishonorably and cowardly. I do not propose, first, that the newspapers shall carry such items without having their accuracy inquired into, and, if such a statement has been made, then I shall know what judgment to make of the recruit.

Mr. SPENCER. Mr. President—

Mr. ASHURST. I yield to the Senator from Missouri.

Mr. SPENCER. Mr. President, I do not wonder that the Senator from Arizona, who is my good personal friend and who is a man of the highest character and greatest charm, should be a bit oversensitive about the vote in the Newberry case. I am free to say that the more I look into it and I believe the more that the country looks into it the more inconceivable it is how any man of the unquestioned high character of the Senator from Arizona could ever have voted as he did.

I only suggest at this moment that while it is entirely to be understood that one might be a little sensitive about criticism of such a vote as the Senator from Arizona and his colleagues upon the other side of the Chamber gave in that case, nevertheless the junior Senator from Pennsylvania is not in the Chamber—

Mr. ASHURST. I have already made that observation.

Mr. SPENCER. And undoubtedly he is fully able to take care of himself without any assistance. Undoubtedly everything that he said he will stand by.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. SPENCER. I am not quite through. I suggest that the time is a bit premature, and yet I want again to say how cordially I sympathize with the Senator from Arizona in his anxiety over any criticism of his vote, because I know the Senator was wrong, and I hope the time will come when the Senator will be able to see as clearly as I believe the country is seeing more and more how unjust and unfair and unwarranted and inexplicable, from the standpoint which the Senator occupies as a man of distinction and ability, such a vote as he cast was.

Mr. ROBINSON. Mr. President, will the Senator from Arizona yield to me?

Mr. ASHURST. I yield to the Senator from Arkansas.

Mr. ROBINSON. I desire to ask the Senator from Missouri a question. Does the Senator from Missouri approve the remarks attributed by the press to the junior Senator from Pennsylvania, and quoted by the Senator from Arizona?

Mr. SPENCER. I was not in the Chamber when the remarks were read. I do not know what the junior Senator from Pennsylvania said, and I should not be willing to pass opinions upon a newspaper report in the absence of the man himself. If the junior Senator from Pennsylvania characterized in gentlemanly and parliamentary language, as I know he would, the unfortunate and misguided and unfounded action of the Democratic side with regard to the Newberry case, I should indorse it unqualifiedly. I have done precisely the same thing myself, and I hope to have the opportunity many times to do that thing.

Mr. ROBINSON. Mr. President—

Mr. ASHURST. I yield.

Mr. ROBINSON. The Senator from Missouri has illustrated the inadvisability of speaking here when one is totally unfamiliar with the question at issue. The Senator from Missouri usually discloses some familiarity with the subject concerning which he speaks. On this occasion he has demonstrated a total ignorance of the matter under discussion by the Senator from Arizona. The Senator from Arizona has read press reports of a speech which is alleged to have been delivered by the junior Senator from Pennsylvania, characterizing in distinctly unparliamentary language the acts of all Senators who voted against seating the Senator from Michigan [Mr. NEWBERRY]. The Senator from Pennsylvania [Mr. PEPPER] will, of course, be afforded an opportunity either to affirm or to repudiate that press report.

The Senator from Missouri [Mr. SPENCER], in what I take to be one of his characteristic efforts at humor, has expressed sympathy for Senators who voted against seating the Senator

from Michigan [Mr. NEWBERRY]; yet it is true, Mr. President, that in the very resolution which secured the Senator from Michigan his seat in this body a shameful, humiliating, and ignoble declaration is made—a declaration that casts a stain upon the title of the Senator from Michigan to his seat; a declaration that the methods by which he has acquired that seat are to be condemned; that the methods by which he obtained that seat are contrary to public policy, subversive of free government, and destructive of the honor and dignity of the Senate. When the Senator from Missouri votes for a resolution containing that declaration he is welcome to take all the pleasure he can derive from my vote, cast in an honest compliance with what I believe to be my duty to the Senate of the United States and to the people of this country. I decline to make a silly jest of a matter of such importance.

Mr. ASHURST. Mr. President, I have reflected on the question as to whether or not I should advert to the matter in the absence of the junior Senator from Pennsylvania, and since the junior Senator from Missouri has come into the Chamber I will repeat what I said. I am familiar with some of the acts of public life of the junior Senator from Pennsylvania, who to-day bears an excellent reputation. That he is a charming orator no man can doubt. That he is a scholar and a Christian gentleman no man doubts. Hence, as I said before the junior Senator from Missouri came into the Chamber, I was not prejudging this case. I was only calling attention to the fact that the Philadelphia papers, one Washington paper, and other papers carried the same dispatch, to wit, that the junior Senator from Pennsylvania, in the course of a speech given at Albany, at which Mr. William Barnes was present, had seen fit, so the papers say, to apply opprobrious epithets to his own colleagues; had seen fit, so the papers say, to charge them with moral cowardice and with dishonor. I am simply saying that I expect and believe, I have so much confidence in the mental fairness of the Senator from Pennsylvania [Mr. PEPPER] that I believe that when he arrives here he will at once seek recognition and disavow the alleged speech. If he says "I said it," we can quarrel that out here; so I am not drawing any conclusions or making any condemnation at this time.

Let me read again, for the information of the Senator from Missouri, what the junior Senator from Pennsylvania is alleged to have said.

The junior Senator from Pennsylvania [Mr. PEPPER] is alleged by the papers of the country this morning to have said that a certain vote was a test of statesmanship and then that the Newberry vote was a test of moral courage. Now, I am not much given to thrashing old straw. The Senate, by a solemn vote, decided the Newberry case, and it was ended so far as I was concerned; and there is no man who would stand in my presence and say that I tried to make any miserable political capital out of the blood of a fellow Member of the Senate, because if some man, big or little, said that to me he would receive something else than words, because his words would be foully false.

In addition to that, I feel justified this morning in saying that I have never by any insinuation charged a Member of the majority with an improper motive in any vote that he cast on the Newberry case. On this side we have been accused of partisanship in the Newberry case. Now, the papers say that Democratic Senators are accused of dishonor and of staining our souls with the crime of voting to turn out a fellow Member simply because of partisan prejudice. I am willing to believe that the votes in the Newberry case on your side, sirs, were cast because you believed you were right; but you have not the manhood over there, it seems—I do not go outside the Chamber to say this—you have not the manhood to say that Senators on this side voted for what they thought was right? It is eternally dinned in the public ear that we are voting for politics. Let the Democratic Party lose forever if it must win on the blood of some innocent citizen.

Mr. KING. Mr. President, will the Senator yield?

Mr. ASHURST. I yield, with pleasure.

Mr. KING. I suggest to my friend from Arizona that on the other side there were a number of distinguished Senators, some of whom I see in the Chamber this morning—the Senator from Washington [Mr. JONES], the Senator from Nebraska [Mr. NORRIS], and of course the Senator from Idaho [Mr. BORAH], and other Republicans—who voted against seating Mr. NEWBERRY. If the Senator from Pennsylvania is quoted accurately, then he charges with dishonor Senators of honor and integrity upon his own side.

Mr. SIMMONS. Mr. President, if I may interrupt the Senator, I do not think anyone on this side of the Chamber who voted against Mr. NEWBERRY is in need of any defense.

Mr. ASHURST. Will the Senator listen to the statement that has been published in the morning papers?

Mr. SIMMONS. Let me add that the reason why these charges are made upon the other side is because they have to get an excuse for their position, and this is their defense.

Mr. STANLEY. It is as good a one as they have.

Mr. SIMMONS. Yes. The excuse is that we voted corruptly.

Mr. ASHURST. It is unpleasant to thrash old straw, but the Senate now occupies a position that it shall not continue to occupy without my protest.

On the day when the unknown soldier was buried, where was the United States Senate? Patriotically, we came here at an early hour to take part in those sad yet beautiful exercises. We went out upon the portico. There we were told that the governors of the States would take the first place—very well; that the Justices of the Supreme Court would then take their place in the line—very well; then that the Cabinet ministers would take their place ahead of Senators in the line—very well; that the Assistant Secretaries of State and chiefs of bureaus should then take their place—very well; that the stenographers of the Cabinet ministers and the messengers to the Cabinet ministers should then take their place in the line of march; and then the Senators should take their places.

We took our places without murmuring, our sense of duty and propriety caused us to decline to object or make a complaint at that time. It would have been indecent under the circumstances if we had protested against the indignity that was offered to the Senate upon that occasion when the indignity was offered to us the War Department—

Mr. STANLEY. Mr. President—

Mr. WARREN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. WARREN. This is leading to debate that is entirely out of order until the bill is read. Senators insisted upon the bill having the formal reading, and under our rules nothing can intervene until that reading is completed.

The VICE PRESIDENT. The regular order is the reading of the bill.

Mr. WARREN. I ask for the regular order.

The VICE PRESIDENT. The regular order is the pending appropriation bill.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. The bill will be read.

Mr. KING. Mr. President, may I inquire of the Senator having the bill in charge whether in his reference to a demand being made for the reading of the bill he alludes to a statement made by the junior Senator from Utah yesterday?

Mr. WARREN. The junior Senator from Utah objected to a unanimous-consent agreement, which, of course, forced the reading of the bill, and it is about to be read as the Senator insisted should be done.

Mr. KING. Mr. President, I hope the Senator from Wyoming will do me the courtesy to state, or at least to believe, that the demand for the reading of the bill was merely because of the lateness of the hour, it then being half past 5.

Mr. WARREN. The Senator undertook to make the Senate sit still later by asking to have it read twice. That is the fact.

Mr. KING. If the Senator is going to insist, very well. I was about to withdraw my request. I rose merely to ask the Senator whether he considered the attitude of the Senator from Utah yesterday as a request for the reading, and I was going to withdraw that if he so considered; but if the Senator desires to be offensive—

Mr. WARREN. The Senator was very slow, after he came in, about withdrawing his request. The matter of these appropriation bills is nothing to me personally, but they have to be passed. There must be some time when they can be considered, and if the Senator insist on his right to object to a unanimous-consent agreement to do away with the formal reading, I, of course, submit with perfect good nature and ask that it may be done. When that is done we can proceed, then, in regular order, and if there is debate, it may occur; but certainly it can not occur in order when the first formal reading of the bill is in progress.

Mr. KING. If I may be permitted one moment, I resent the statement made by the Senator that there was any indication of delay upon my part in withdrawing my request for the read-

ing of the bill when I came into the Chamber to-day. When I came into the Chamber the Senator from Arizona had the floor. I did not know what had preceded my entrance into the Chamber; so I deny the implication carried in the words of the Senator from Wyoming. The Senator from Wyoming seems to think that he has a preeminent right here, a right of way for everything. I withdraw my request.

Mr. WARREN. Mr. President, the Senator knows I am not insisting upon any right not possessed by him and every other Senator. As I understand, the Senator has withdrawn the objection to a unanimous-consent agreement that we may omit the formal reading and proceed with the reading of the bill for amendment, the committee amendments to be first considered.

Mr. ASHURST. Mr. President, I shall finish in a very few moments.

Mr. WARREN. What I did intend to say to the Senator was that the reading should be first attended to. Have I consent to dispense with the formal reading of the bill?

The VICE PRESIDENT. Is there objection to dispensing with the formal reading of the bill? The Chair hears none.

Mr. STANLEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. ASHURST. I yield, but I want to conclude in a few minutes.

Mr. WARREN. Mr. President, the bill is now up for consideration, and I assume that if Senators address the Chair or address the Senate, their remarks will be directed to the bill, and that the latitude usually taken by Senators will be taken.

Mr. SIMMONS. The Senator has no right to impose any such condition.

Mr. HEFLIN. Mr. President, I give notice that I am going to speak on another subject, and I am going to speak quite soon, or we will have a quorum here all day, and I will speak all day at different times. I have postponed speaking for two days in order to allow some important legislation to be passed.

Mr. WARREN. Mr. President, the Senators evidently misunderstand me. The question is whether there is an appropriation bill before the Senate or not, and a Senator probably can indulge in the liberty that so often entertains the Senate and speak on another subject. But, of course, he must recognize that it is during the consideration of an appropriation bill.

Mr. HEFLIN. I misunderstood the Senator. I give notice that I shall speak on another subject.

ADDRESS BY SENATOR PEPPER—MICHIGAN SENATORIAL ELECTION.

Mr. STANLEY. Mr. President—

Mr. ASHURST. I yield to the Senator from Kentucky.

Mr. STANLEY. The Senator from Arizona has very pertinently and very properly commented upon the disposition to relegate the legislative department of this Government to that subordinate position in the public eye which it actually occupies in the transaction of the public business. Is the Senator surprised that the time has come when the heads of departments, when chief clerks in bureaus, who are really running this country, should advise this formal, stately, and comparatively innocuous assembly to go away back and sit down when there is something doing in the public eye? There was a time when, pursuant to the provisions of the Constitution of the United States, we enacted laws, and those laws governed the country. To-day we are more and more a mere conduit by which the constitutional power vested in us by the people is quietly and silently conveyed to various bureaus who run the country. This is not a government of laws any longer; it is a government of regulation, and why not let the rulers of the country have the first place on a great occasion of that kind, and let these little Senators, who once occupied a position of power, get in wherever they can?

Mr. ASHURST. Mr. President, when I was interrupted some time ago I was pointing out that on the day when the beautiful and sad services in honor of the unknown dead were had in this city, Senators, through some mistake or through some willful, deliberate attempt to insult the Senate, were relegated to the rear, but that the Senate was composed of men of good manners, and they declined at that time to notice the insult cast upon them by the War Department, and they declined to scramble and mar the symmetry of such beautiful exercises. Hence they took their places and marched behind the bureau chiefs et al.

We are all proud of the Senate. There is not a youth in the land but who hopes he may sometime have an opportunity either to be a Member of the Senate or to sit in its galleries and hear Senators discuss those questions which deal with the sovereignty of 48 States and the ever-present and complex propositions of State and national sovereignty; but surely the Senate

will not pass by and ignore a report wherein it has been alleged that some Member has charged nearly half of the membership with dishonor, cowardice, and with a partisanship so rank and so venomous that they are incapable of doing their duty on a great moral question. Let me read again the article referred to, because the junior Senator from Missouri has asked for the reading of it, and I read it to him. The report alleges that the junior Senator from Pennsylvania said:

And in this test of moral courage every single Democrat in the Senate was found wanting. Not one soul was man enough to vote in accordance with his convictions. They mouthed about the honor of the Senate and the integrity of the individual; and they then proceeded to tarnish that honor and impair that integrity by voting like a flock of sheep. Every single Democrat voted slavishly to dishonor his own colleague for what an unimpeachable majority of the people of Michigan had done when, with full knowledge of all the facts, they freely registered their preference for Senator NEWBERRY.

Mr. President, the junior Senator from Missouri, who does me the honor to listen to these remarks, having made the report in the Senate from the Committee on Privileges and Elections, according to the custom of the Senate, had charge of the Newberry case. He has spoken several times. He spoke ably. He gave himself a new dignity as a Senator; but I never heard from him the charge that those who did not agree with him on this great question stained themselves with dishonor. In the most heated conflicts, when the blood is running riot and when we are in clashing debate, I never heard him say, even in the moment of heat or anger or resentment, that anybody on this side or on any other side who did not agree with him was guilty of dishonor. So I trust that Senators will not feel impatient when I rise to speak on a question which I conceive to be of importance. Have you from North Carolina, sir, have you from Kentucky, have you from Alabama, have you, sir, from Utah, have you from Texas, has any Senator descended to such an estate that he can be told by the public press that a fellow Senator has said that he was guilty of dishonor when he voted his convictions?

The dignity and honor of this Senate will be maintained. When you open the door to your breasts and consult that monitor which all men carry—your conscience—you will say you do not believe that the Senator from Pennsylvania made that speech; and if he did make it, he should not have made it.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from North Carolina?

Mr. ASHURST. I yield.

Mr. SIMMONS. I think the record in this case shows that there were enough Senators on the other side of the Chamber who agreed with our position with reference to this matter to have made the seating of NEWBERRY impossible, and they only secured success in their schemes for keeping him in this body by the adoption of a stultifying resolution.

Mr. ASHURST. That is pretty severe.

Mr. SIMMONS. I mean to say that those who believe he was not entitled to his seat under the circumstances are not confined to this side of the Chamber; and I mean to say that there were enough on the other side of the Chamber, if I am advised correctly, who would have joined with us in our action but for a stultifying resolution which was adopted in order to get their votes.

Mr. ASHURST. In view of the resolution adopted by the majority, declaring that the methods used to procure the election of the junior Senator from Michigan were subversive of public liberty and were against the national honor, it does not lie in the mouth of any Senator on the other side to accuse us of dishonor when we vote to refuse a seat to the beneficiary of such methods.

Talk about Lorimerism. William Lorimer stood three days in that aisle and delivered a speech which I well remember. It brought tears to the eyes of spectators and of Senators alike. Had such a preamble as was attached to the Newberry resolution been attached to the Lorimer resolution, Lorimer would have torn it into pieces and flung it into the face of the one who introduced it, even though it would have seated him to accept it. I repeat, it does not lie in the mouth of anybody on the other side to charge the Democratic Senators and eight Republicans with dishonor simply because they do not agree with a majority on a great question which ought not to be partisan.

Mr. President, I ask unanimous consent to include in the RECORD, in 8-point type, in parallel columns, the resolution seating the sitting Member from Michigan and the alleged speech of the junior Senator from Pennsylvania, so far as it refers to the Newberry case. May I have that permission, and may the Public Printer be directed to print the two in parallel columns?

The VICE PRESIDENT. Is there objection?

Mr. SPENCER. I hope the Senator will not press his request. The newspaper clipping which he has is premature. If the Senator will modify his request to insert in parallel columns the resolution to which he refers and the full statement or full speech of the junior Senator from Pennsylvania, which can easily be obtained, I think there will be no objection.

Mr. ASHURST. I believe the Senator is right. I will therefore ask unanimous consent to insert in the RECORD what has just been furnished to me as the speech of our colleague, Mr. PEPPER. I read the legend:

For release 10 p. m., February 8.—Remarks of GEORGE WHARTON PEPPER, junior Senator from Pennsylvania, at dinner of the Albany County Republican organization, February 8, 1922.

I do not know that this actually is the speech of the Senator. There has been furnished to me purporting to be a copy given to the press. I ask unanimous consent to include in the RECORD this purported or alleged speech, and opposite the paragraph wherein the junior Senator from Pennsylvania is alleged to have talked of the Newberry case, I ask unanimous consent to insert the resolution adopted in the Newberry case.

Mr. JONES of Washington. Mr. President, may I ask the Senator from Arizona a question?

Mr. ASHURST. Certainly.

Mr. JONES of Washington. Has the Senator compared the clipping with the paper that he holds in his hand, and does he find that the newspaper correctly quotes the paper given to the press for release?

Mr. ASHURST. No; I have not. I think that is a wise observation. I will therefore ask the Secretary to read that portion of the alleged speech of Senator PEPPER whilst I compare it. I will ask the Secretary to begin with the last paragraph of the alleged speech, on page 1, and we will now compare and see whether the speech given to the press gallery compares or tallies with the speech that was published.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

That is an illustration of party loyalty. I now mention an example of individual courage. I refer to the action of those Republican Senators who steadfastly refused to be terrorized into voting to expel from the Senate the man who had been sent there by a clear majority of the voters of his State. When you realize the success attained by Senator NEWBERRY's implacable enemy is misstating the issue to the public—when you realize how millions of good people in this country had been fooled by Ford's insidious publicity into believing that not they themselves but the Michigan electorate had been duped—you will understand that it took no small degree of courage to face public moral condemnation, which was as vehement as it was unjust. And in this test of moral courage every single Democrat in the Senate was found wanting. Not one soul was man enough to vote in accordance with his convictions. They mouthed about the honor of the Senate and the integrity of the individual and then they proceeded to tarnish that honor and impair that integrity by voting like a flock of sheep. Every single Democrat voted slavishly to dishonor his own colleague for what an unimpeachable majority of the people of Michigan had done when with full knowledge of all the facts they freely registered their preference for Senator NEWBERRY.

Mr. ASHURST. That is all I care to have read.

Mr. JONES of Washington. Mr. President, will the Senator allow me to ask the Senator from Missouri a question?

Mr. ASHURST. Certainly.

Mr. JONES of Washington. I wish to ask whether the Senator from Missouri indorses that?

Mr. SPENCER. Mr. President, I do not believe, any more than the junior Senator from Pennsylvania believes—and I dare speak for him—that the Senators upon the other side of the Chamber are less honorable than the Senators on this side of the Chamber. The junior Senator from Pennsylvania, if Senators will read that language in the light of the circumstances around it, says no such thing as the Senator from Arizona seems to read into it. I believe that any man who voted to put the badge of eternal dishonor upon a colleague was branding himself, his own honor, by such an act.

Mr. KING. Mr. President—

Mr. SPENCER. Not yet. That does not mean that the man who voted through lack of information or for any one of a thousand other reasons is himself a dishonest man; but I do say to the Senator from Washington, who asked me the question, that any man who could vote to put upon his colleague a brand of eternal dishonor branded his own honor by the act. By that I do not mean that the man himself is a man of dishonor; I do not mean that the man is a dishonorable man, but I mean that that act reflects upon the man who thus voted and not upon the man against whom he voted. I do not want to quibble with words.

Mr. KING. Mr. President—

Mr. ASHURST. I yield to the Senator from Utah.

Mr. KING. The Senator from Missouri has quibbled with words and is guilty of a casuistry that is not worthy the distinguished Senator. His statement just made deliberately is

worse, in my opinion, than the statement attributed to the junior Senator from Pennsylvania. The junior Senator from Missouri has now branded every man who voted to unseat Mr. NEWBERRY as dishonorable and as guilty of dishonor, and the Senator from Missouri, I deliberately charge here, has made a more serious charge against his colleagues than was made by the junior Senator from Pennsylvania.

Mr. ASHURST. Mr. President, the Senate will now understand that I have caused to be read the alleged speech of the Senator from Pennsylvania, so far as it relates to the Newberry case. It tallies with the report which appears in the press dispatches of the Philadelphia Ledger, a reputable journal. I do not know its party politics, but it is a journal of wide circulation.

I now conclude my remarks, with the understanding that I have secured permission and that the Public Printer is directed to print the alleged speech in the RECORD, and opposite to and parallel with the paragraph relating to the Newberry case there is to be printed the resolution adopted by the Senate seating the sitting Member [Mr. NEWBERRY], and the roll call as well.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona?

Mr. SPENCER. I have not a particle of objection; in fact, I can see the desirability of printing in full the speech which the junior Senator from Pennsylvania made—

Mr. ASHURST. Is alleged to have made.

Mr. SPENCER. Is alleged to have made, and I have no doubt that the copy which the Senator from Arizona produces is in all probability a true copy. It comes with the earmarks, coming from the press, of an advance copy of the speech.

Mr. ASHURST. I am glad the Senator says that, because it gives me a feeling that I am not doing wrong in presenting it for the RECORD.

Mr. SPENCER. I think it has all the earmarks of authenticity.

Mr. ASHURST. It may be.

Mr. SPENCER. I have no objection whatever to incorporating in the RECORD the resolution in connection with the Newberry case, and the vote. In fact, I am proud of the vote, and the more often these two things are incorporated in the RECORD, the better I shall be pleased. But I suggest to the Senator that, aside from the typographical difficulty of the case, it is not quite fair to arrange them in any particular artistic arrangement. Let what the Senator wants precede the resolution, but do not let us draw a diagram of argument and insert in parallel columns in a partisan address something that is not directly concerned with the address.

Mr. ASHURST. No; there is a paragraph in the speech of the Senator from Pennsylvania which charges eight Republicans, as I construe it, and a number of Democrats, with dishonor. It charges them with a base and servile act. It charges them with having voted contrary to their consciences. It charges them with having voted as a flock of sheep on the most important question that can come before the Senate, to wit, the right of a sitting Member to a seat or of a man claiming the right to a seat. We are alleged to have been charged by a Member of this body with an act of dishonor, an act which, if true, should make our names a hissing and a byword throughout the Nation. There is a charge of a specific act of infamy; I want the country and the Senate to know what it was we did that put upon us this stain of dishonor. We are charged with this dishonor because we voted to unseat a man whom you yourselves say procured the election by means subversive of public liberty and national honor.

I ask again for unanimous consent to print in the CONGRESSIONAL RECORD in parallel columns that paragraph on the alleged speech of the junior Senator from Pennsylvania making the charge and opposite that what we really did. I am not seeking the niceties and artistic appearance of the RECORD. I want the charge to appear. I want the act upon which the charge is predicated to appear, and to appear opposite in parallel columns, so that when FURNIFOLD McLEND SIMMONS's constituents read that he has been guilty of dishonor, when THADDEUS H. CARAWAY's constituents read that he has been guilty of dishonor, when the constituents of that man who possesses as much greatness of heart and brain as any man this Republic ever produced, WILLIAM E. BORAH, read that he has been guilty of an act of dishonor, they can turn to the other column and see what that act was. When the constituents of the useful and able Senator from Washington, Mr. JONES, read that he has been guilty of an act of dishonor, let them, without thumbing through many pages, cast their eye over one column and see what it is he did that brought upon him this merciless flailing.

I think the Senate should grant me the right to direct the Public Printer to print in parallel columns the charge of dishonor made against us, and our reply, the resolution upon which we voted. The junior Senator from Missouri ought to withdraw his objection and let it be printed in the RECORD in that way.

Mr. SIMMONS. Mr. President, I wish to ask the Senator, in addition to what he has said about having to resort to the adoption of a stultifying and dishonoring resolution, if he does not know the fact, and it is a very significant fact in connection with this charge of partisan motives on this side of the Chamber, that the administration and all the forces of the Republican Party had to bring to bear all possible pressure from every direction in order to get enough Republican votes to seat Mr. NEWBERRY.

Mr. ASHURST. Mr. President, I renew my request.

Mr. SPENCER. I can not see in it any useful purpose, and I conceive it to be a bad precedent for the Senate to direct the typographical arrangement of material in the RECORD. I hope the Senator will print the full address of the junior Senator from Pennsylvania; I shall be glad to have him print the entire resolution; but I object to the designation as to the arrangement which the Senator from Arizona suggests.

Mr. ASHURST. Then, Mr. President, I move that the Public Printer be directed to print in the RECORD, in 8-point type, the alleged speech of the Senator from Pennsylvania [Mr. PEPPER], and that directly opposite the paragraph charging Democratic Senators with dishonor the Public Printer be directed to print, in the opposite column, the resolution adopted seating the sitting Member, TRUMAN H. NEWBERRY. On that I ask for the yeas and nays.

Mr. SPENCER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Norris	Stanfield
Ball	Heflin	Oddie	Swanson
Brandegee	Jones, N. Mex.	Overman	Underwood
Capper	Jones, Wash.	Page	Wadsworth
Caraway	Kendrick	Phipps	Warren
Colt	Keyes	Polindexter	Watson, Ga.
Cullerson	King	Pomerene	Weller
Fernald	Ladd	Ransdell	Williams
Fletcher	La Follette	Robinson	Willis
France	Lodge	Sheppard	
Glass	McKinley	Simmons	
Hale	McNary	Spencer	

The VICE PRESIDENT. Forty-five Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators and the following Senator answered to his name when called:

Hitchcock

The following Senators entered the Chamber and answered to their names:

Borah	Calder	Kellogg	McCormick
Broussard	Ernst	Kenyon	Moses
Bursum	Gerry	Lenroot	Sutherland

The VICE PRESIDENT. Fifty-eight Senators have answered to their names. A quorum is present.

Mr. ASHURST. Mr. President, when a quorum was called I had moved that there be printed in the RECORD the alleged speech of the junior Senator from Pennsylvania; and I further moved that directly opposite the paragraph wherein he charged certain Senators with dishonor there be printed the resolution adopted by the Senate seating Mr. NEWBERRY, but upon reflection it occurs to me that I ought to withhold that motion until the junior Senator from Pennsylvania is present to avow or disavow the speech. Hence I will ask permission to defer the motion until the junior Senator from Pennsylvania shall have had an opportunity to avow or disavow the correctness of the speech which I have asked be inserted in the RECORD this morning. Mr. President, have I permission to insert the alleged speech in the RECORD? Is that understood?

The VICE PRESIDENT. Is there objection? The Chair hears none.

The speech referred to is as follows:

REMARKS OF GEORGE WHARTON PEPPER, JUNIOR SENATOR FROM PENNSYLVANIA, AT DINNER OF THE ALBANY COUNTY REPUBLICAN ORGANIZATION, FEBRUARY 8, 1922.

I am happy to be the bearer of greetings from Republicans in Pennsylvania to a loyal and representative group of Republicans of the Empire State.

It is to be regretted that this greeting could not be given to you by one whose proved service to the Nation and to the party was itself a passport to your esteem. If either of those two great leaders in whose shadow I stand were here to deliver the message I realize that it would

be far more worthily presented. A greeting by Senator Knox or Senator Penrose would be a far more fitting tribute to your own beloved leader, William R. Barnes.

But you must take me as I am—a new man in public life—the newest member of the Senate of the United States—untested as yet by the trying experience of public service—a man who has his spurs yet to win, but who is terribly in earnest in his determination to win them. A man who has every incentive to strenuous effort, including the friendship of the colleague who bore me your invitation, the distinguished senior Senator from New York, JAMES W. WADSWORTH, Jr., and possessing also the trust and confidence of the man whose political heroism put me where I am, the rightful leader of the Republican Party in Pennsylvania, William Cameron Sproul.

It has always been a great thing to be a Republican; but it is especially satisfying to be a Republican to-day. The true test of satisfaction in life is the greatness of responsibility; and we are the heirs of the responsibility which crushed the Democratic Party—a responsibility so heavy that nobody but Republicans can discharge it. Therefore nobody can daunt us by pointing to the enormous difficulties in our path. Nobody can terrorize us by recounting the obstacles to achievement. We are they who are at their best when great demands are made upon them. We are the undaunted and the unterrified. We are Republicans.

There are three Republican characteristics which are standing us in good stead now. They are loyalty, courage, and a wholesome mixture of vision and common sense.

In the Senate the other day we passed the bill empowering the President, through a commission, to refund the indebtedness of foreign Governments to the United States. Democratic orators drew gloomy pictures of the frightful results which would follow if we insisted upon adopting a business method of dealing with a business situation. The recognized Democratic spokesmen on the floor of the Senate shrieked about the business connections of the Secretary of the Treasury, hinted darkly at the prospective control of the commission by international bankers, and broadly intimated that the administration could not be trusted in such a transaction. This was a challenge to party loyalty. We were not slow to respond. We declared our assurance that the interests of the Treasury are safe in the hands of Secretary Mellon, and we gave a rousing vote of confidence to our wise and faithful leader, President Harding.

That is an illustration of party loyalty. I now mention an example of individual courage. I refer to the action of those Republican Senators who steadfastly refused to be terrorized into voting to expel from the Senate the man who had been sent there by a clear majority of the voters of his State. When you realize the success attained by Senator NEWBERRY's implacable enemy in misstating the issue to the public—when you realize how millions of good people in this country had been fooled by Ford's insidious publicity into believing that not they themselves but the Michigan electorate had been duped—you will understand that it took no small degree of courage to face public moral condemnation which was as vehement as it was unjust. And in this test of moral courage every single Democrat in the Senate was found wanting. Not one soul was man enough to vote in accordance with his convictions. They mouthed about the honor of the Senate and the integrity of the individual, and then they proceeded to tarnish that honor and impair that integrity by voting like a flock of sheep. Every single Democrat voted slavishly to dishonor his own colleague for what an unimpeachable majority of the people of Michigan had done when, with full knowledge of all the facts, they freely registered their preference for Senator NEWBERRY.

Having given an illustration of party loyalty and of individual courage, I wish to refer briefly to what I have described as a wholesome mixture of vision and common sense. The Congress that is called upon both to enact a wise tariff law and, in the Senate, to pass upon the treaties which will come before us, must have these combined qualities in eminent degree.

It will be a statesman's task to determine whether the tariff or the treaties should first be disposed of. When I give free rein to my vision I am eager to take up the treaties. When I am dominated by prosaic common sense I give heed to the fact that the needs of American business unquestionably demand an immediate solution of the tariff problem. With the rashness of inexperience, if the decision were mine I should unhesitatingly press for an immediate consideration of the tariff, push it through against all irresponsible efforts at obstruction, and then proceed to the all-important problem of foreign relationships.

However, the order in which the tariff and the treaties shall come before the Senate will be determined by wiser heads than mine.

In anticipation of the coming of the treaties I have no disposition to discuss the several documents in detail. When you study them you will find that they are not so many isolated documents but that they are interrelated in such a way as to be parts of a great plan for dealing with international problems.

Perhaps you will permit me to state briefly my own attitude toward international relations.

I have always believed that a sound procedure is to apply on a world-wide scale principles which are familiar to all who in daily life are called upon to deal with ruptures between individuals.

If I perceive that two or more of my friends are drifting through misunderstanding toward hostility, I must take one of three courses with reference to their situation.

I may stand aloof on the theory that intervention may do more harm than good.

I may go to the other extreme and try to get all parties to exchange pledges with me that as their controversies develop they will submit them to my determination, will abide by my award, and that those who keep their pledge will unite with me in disciplining one who breaks it.

I may avoid both these extremes and say to my friends, "I do not ask you to assent to any particular solution of your problems or to make any promise respecting the course that you will pursue if efforts at adjustment fail; but I do ask you to give me your pledge that before you break apart or do any hostile act toward one another you will give me an opportunity to talk it over with you and a last chance to bring your minds together."

Here are three perfectly distinct courses: First, to stand aloof; second, to pledge the disputants to a particular method of settlement and to a plan for coercing the refractory; third, to exchange promises that before any hostile act is done by anybody all parties concerned will sit down and talk the situation over.

The first of these courses seems to me to be wholly inadequate. The second of them is essentially the program of the League of Nations, to the whole theory and practice of which the United States is unalter-

ably opposed as ever. The third course is the one along which our President would lead us, and in so leading us I believe that he will have behind him the vast majority of right-thinking Americans.

In this connection I call your attention to the remarkable speech made by ex-Gov. Cox at a recent Jackson Day banquet. I commend this utterance to you as a comprehensive statement of the political philosophy which the Democratic Party would apply to world problems. I hope that neither Gov. Cox nor his party will ever be permitted to get away from that speech. With obvious sincerity it commends to the American people a single remedy for industrial depression, high prices, international complications, and the financial difficulties of foreign States. The simple and sufficient remedy thus commended is to join the League of Nations. This naive prescription is accompanied by an attack upon the work of the American delegates to the Washington conference and is coupled with the following dignified assertion: "In the face of these fundamental truths the administration at Washington is vainly trying to bring better times by resort to the noisy methods of a circus." If a Republican administration were actually doing anything of this sort it would be deplorable judgment, for in this highly specialized line we must admit the superiority of our Democratic friends and the preeminent qualification of Gov. Cox to be the central figure in that particular form of popular entertainment.

But just as the Democratic standard bearer was sensing the failure of the Washington conference, the announcements were made which demonstrated its entire success. Just as he was luxuriating in the prospect of deepening international gloom, the sun burst forth and a new day dawned. And this was precisely what anybody but a Democrat might have expected, for just as President Harding has shown his capacity to gather about him the kind of men whom America likes to trust, so he and his great Secretary of State have worked out a method of dealing with international problems that is as effective as it is sound. If in a few words you are ever asked to sum up the difference between Republicans and Democrats, you can not do better than place side by side the present Cabinet and the one that immediately preceded it. If you are ever asked to make a comparative exhibit of Republican and Democratic achievement, you will do well to compare the splendid outcome of a conference modestly undertaken in the proper spirit with the futilities of a grandiose scheme that was bad in conception and worse in execution.

You, my good friends, and such as you are those who will stand behind the President as thus he resolutely attacks one grave problem after another, and as loyal Republicans you will rejoice with exceeding great joy when on the day of reckoning a grateful country exclaims, "Well done, good and faithful servant."

Mr. ASHURST. I yield the floor.

REPORT OF THE COMMISSIONER OF PATENTS.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, the report of the Commissioner of Patents for the calendar year 1921, which was referred to the Committee on Patents.

PETITIONS AND MEMORIALS.

Mr. LODGE presented petitions of sundry citizens of Worcester, Mass., praying for the adoption of House resolution 244, relative to extension of relief to the Armenians, which was referred to the Committee on Foreign Relations.

Mr. LADD presented the petitions of R. H. Bailey and 3 others of Fairdale; George Chapin, of Charlson, and 3 others; C. J. Baska and 22 others of Mohall; R. W. Patten and 32 others of Plaza and vicinity; and Andrew Gilbertson and 105 others of Medina and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices on certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented a petition of sundry students of the electrical department of the United States Veterans' Bureau Vocational School No. 1, of Camp Sherman, Ohio, praying for continuance of the above-named school, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 137) transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the possession of the Department of State, reported it without amendment and submitted a report (No. 487) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 1948) for the relief of Virgil O. McWhorter (Rept. No. 488); and

A bill (H. R. 7483) for the relief of Robert G. Whitfield (Rept. No. 489).

Mr. BURSUM, from the Committee on Military Affairs, to which was referred the bill (S. 942) for the relief of James Johnson, reported it with an amendment, and submitted a report (No. 490) thereon.

BILL INTRODUCED.

Mr. WILLIS introduced a bill (S. 3130) granting an increase of pension to Ruby J. C. Furlong (with accompanying papers); which was read twice by its title and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhues, its enrolling clerk, announced that the House had agreed to the concurrent resolution (S. Con. Res. 18) providing for the printing of 16,800 additional copies of Senate Document No. 114, Sixty-seventh Congress, relative to the improvement of the St. Lawrence River.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 5349. An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels; and

H. R. 7912. An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 1831. An act to amend section 237 of the Judicial Code;

S. 2124. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama;

S. 2468. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin;

S. 2802. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

S. 2994. An act to revive and reenact the act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island, in Baldwin and Mobile Counties, Ala.," approved October 5, 1917;

S. J. Res. 99. Joint resolution providing a site upon public grounds in the city of Washington, D. C., for the erection of a statue of Dante; and

S. J. Res. 140. Joint resolution relative to payment of tuition for Indian children enrolled in Montana State public schools.

MEAT PACKERS AND UNRELATED LINES OF BUSINESS.

Mr. WILLIS. Mr. President, I desire to submit a unanimous-consent request for printing in the RECORD. Senators will remember that on the 3d day of February there was under consideration a resolution introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] relative to a modification of the so-called consent decree which related to the packers. The resolution was adopted by the Senate unanimously, as far as I recall. I voted for it, I now remember, and I think every Senator present did.

I think as a matter of fairness, to keep the record straight, this statement from the Attorney General ought to go in the RECORD, because it is now discovered that on the 20th of January, almost two weeks before the time the Senate adopted the resolution, the interdepartmental committee had already reported to the Attorney General, and that report has now been approved.

I ask unanimous consent to have inserted in the RECORD a brief statement from the New York Times under date of February 8, 1922.

The VICE PRESIDENT. Without objection, it will be printed in the RECORD.

The matter referred to is as follows:

[From the New York Times of Feb. 8, 1922.]

DAUGHERTY REFUSES CANNERS TO COURT—REFUSES TO SEEK MODIFICATION OF DECREE FORBIDDING SALE OF UNRELATED COMMODITIES.

[Special to the New York Times.]

WASHINGTON, February 7.

The Department of Justice has turned a deaf ear to the request of California cannery companies that it should move for a modification of the decree forbidding packing companies to engage in the sale of commodities unrelated to their business. Attorney General Daugherty has ruled that the appeal should be made direct to the courts.

In the following statement issued this afternoon Mr. Daugherty said: "On the question of a modification of the consent decree in the case of the United States of America v. Swift & Co. and others, with reference to unrelated commodities, I have come to the conclusion that such grave and far-reaching questions, which affect not only the provisions of the decree with respect to unrelated commodities but which also strike at the very foundation of the entire decree and are of such vital interest to the public generally, are matters which, regardless of what position the Department of Justice might assume, must be ultimately decided by the court which entered the decree before any modification could be made, and as those who most strongly

oppose any modification, namely, the wholesale grocers, are now parties to this cause by intervention, which intervention has been sustained by the court since the request for this hearing before the Attorney General was granted, it seems that the way is now open for those who urged a modification and who so earnestly contended that they have been seriously injured by this decree and have never had their day in court to present such questions and contentions in the first instance to the court for decision, without the same being in any way prejudged by the Attorney General.

"Therefore I feel that this request by the California Cooperative Canneries Co. and others for a modification of this decree should be presented in the first instance to the court which entered this decree and not to the Attorney General."

HOUSE BILLS REFERRED.

The following bills were each read twice by title and referred to the Committee on Claims:

H. R. 5349. An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels; and

H. R. 7912. An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

Mr. LODGE. Mr. President, I am obliged to leave before 1 o'clock on business connected with the conference, and I am going to ask the indulgence of the Committee on Appropriations and the Senate to allow me to have an amendment on page 30 of this bill disposed of, if possible, before I go. I think there will be no objection to the request.

Mr. WARREN. There is no objection on the part of the chairman of the committee.

The VICE PRESIDENT. Is there objection? The Chair hears none. The amendment will be stated.

The ASSISTANT SECRETARY. The committee amendment on page 30 proposes, beginning with line 20 on that page, to strike out all of lines 20, 21, 22, 23, 24, and 25, and on page 31 all of lines 1 to 6, both inclusive, in the following words:

No part of the moneys appropriated or made available by this act shall be used or expended for the purchase, acquisition, repair, or reconditioning of any vessel, commodity, article, or thing which, at the time of the proposed purchase, acquisition, repair, or reconditioning, can be manufactured, produced, repaired, or reconditioned in each or any of the Government navy yards or arsenals of the United States for a sum less than it can be purchased, acquired, repaired, or reconditioned otherwise: *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost.

Mr. LODGE. Mr. President, I have no desire to take the time of the Senate in regard to that provision, which is part of the House bill, further than to say that it is based on provisions now existing in both the Army and the Navy appropriation acts providing for the supplying of articles required by the Government by navy yards and arsenals if they can furnish them cheaper than they can be obtained in the open market; and this provision adds "repair or reconditioning of any vessel." As I say, I do not want to take the time of the Senate to go into the details about it; but I have talked with the members of the committee and I think they will make no objection to leaving the House provision as it is.

Mr. HITCHCOCK. What page is it?

Mr. LODGE. Page 30.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. KING. Mr. President, I apologize to the Senator, but the matter really is not clear to my mind, and if the Senator can give a little further information about it I shall be under obligations to him.

Mr. LODGE. Mr. President, it is now provided by law, on page 29 of the act making appropriations for the support of the Army for the fiscal year ending June 30, 1922:

No part of the moneys appropriated in this act shall be used or expended for the purchase or acquisition of any article or articles that at the time of the proposed acquisition can be manufactured or produced in each or any of the Government arsenals of the United States for a sum less than it can be purchased or procured otherwise.

There is the same provision in regard to the Navy in the act making appropriations for the naval service for the year ending June 30, 1922, on page 20:

No part of the moneys appropriated in each or any section of this act shall be used or expended for the purchase or acquisition of any article or articles that, at the time of the proposed acquisition, can be manufactured or produced in each or any of the Government navy yards of the United States, when time and facilities permit, for a sum less than it can be purchased or acquired otherwise.

That is, it is a provision that where the Government is making certain articles, those articles can be purchased by other departments of the Government when they can get them cheaper in the open market. This provision of the House bill extends it to the repair or conditioning of ships. It gives an opportunity to the navy yards of the country to make bids on the conditioning or repair of ships, and if they are lower than those offered by private yards it gives an opportunity for the Government to have such bids taken.

Mr. KING. Mr. President, may I inquire of the Senator whether it is the intention, so far as the Senator knows, to keep up all of these navy yards at the expense of the Government, keeping the employees in the employ of the Government and subject to retirement?

Mr. LODGE. This, of course, can only apply to navy yards that are in existence, where the overhead charges are going on all the time. If their machinery and docks and everything are lying idle, and can be used to save money to the Government by supplying other Government departments with Government work, this provision gives them an opportunity to make the bid. That is all it is.

Mr. POINDEXTER. They have that opportunity now, have they not?

Mr. LODGE. No; they have not the authority.

Mr. KING. Mr. President, I think the course suggested by the Senator will not be effective unless certain factors of cost are not charged to the Government, because experience has demonstrated that ordinarily it costs a great deal more to take care of Government matters than for private persons to do the same thing.

Mr. LODGE. Mr. President, I had hoped not to be obliged to go into all these details. This work has been done by Government yards, and done much below the bids made by private yards, in the past. These provisions are strongly approved by the Director of the Budget, who certainly is economical. What is provided in the laws that I have already read—and I can show how much has been done in that way, if it is necessary—was put in by the House. The provision is a House provision, and they are not engaged in wasting money now.

Mr. OVERMAN. Mr. President, the evidence before our committee was that it would be very costly to the Government.

Mr. LODGE. Well, Mr. President, I suppose there is no help for it except to go into it.

Mr. OVERMAN. I should like to have the Senator read the testimony given before the committee by Mr. Lasker, who said that while it might save money in some respects to keep the navy yards going, he gave an example of a ship in Louisiana which was costing \$800 a day. He said that if he had to write back to a navy yard to get a little steering wheel or something of that kind which would cost \$25, it would cost \$1,000 to keep up the ship while he was getting the little piece of machinery for it. He could buy the piece of machinery for \$25, but being required to go to the navy yard to get it it would cost \$1,000. That was the evidence before our committee.

Mr. LODGE. Mr. President, there is also other evidence before the committee in the House.

Mr. SPENCER. Mr. President, if the Senator from Massachusetts will yield to me a minute, I should like to make an observation on this amendment, so that, if I am wrong about it, he can answer it in what he has to say.

The committee amendment strikes out this provision as incorporated in the House bill. Therefore, if it remains stricken out, it of course goes to conference, where it can be readjusted if it is deemed desirable. If we enact what the House enacted, as the Senator from Massachusetts indicates, we put ourselves in what seems to me a perfectly impossible condition, and I submit to this Senate this single illustration:

The House provision says that no part of the money of this appropriation can be expended for the repair of any ship unless that repair has been submitted to a navy yard, and it is found that the navy yard can not make the repair for a less sum than an outside bid. Now, everybody knows that a navy yard can not give anybody a bid, and never has given anybody a bid.

Mr. LODGE. Mr. President, I yielded for a question.

Mr. SPENCER. I did not ask the Senator to yield for a question. I asked him to yield for a statement.

Mr. LODGE. I did not yield the floor.

Mr. SPENCER. No; I asked the Senator if I might make a statement. I will stop at once, if the Senator desires, for I recognize his right to the floor.

Mr. LODGE. I yield to the Senator if he wants to make an argument now.

Mr. SPENCER. My statement will not be long, because I want to hear from the Senator from Massachusetts if I am wrong about it.

The navy yards never have given bids. All that they can do is to give estimates, and if, in the performance of a repair, the cost is larger than their estimate it has to be paid, and therefore it never can come into competition with an outside bid which is definite in its amount.

One thing more, and I am through:

Here is a ship in the harbor—and this amendment applies only to ships in the harbor. This is what the Senator from North Carolina [Mr. OVERMAN] evidently had in mind when he was speaking a moment ago. Two hours before that ship is ready to sail, some repair is found necessary. If this bill passes as the House passed it, no repair could be made unless it had first been submitted to a navy yard, which might be 400 miles away, and unless their estimate had been obtained; and the ship would be kept in harbor and kept from sailing until they got that estimate back from the navy yard, because the prohibition is explicit that no money can be spent for any repair of any kind while a ship is in harbor unless a navy yard has first bid on it.

I submit to the Senator from Massachusetts that that provision as the House has passed it is impracticable, is impossible, and will result in the grossest of extravagance.

Mr. LODGE. Mr. President, now that the Senator has made his statement and disposed completely of the amendment and declared what it is, and all about it, without giving me an opportunity to say anything or asking me a question, I will try to say something; but I hope he will at least give me his attention while I do so.

I am fairly familiar with navy yards. I have been on the Naval Affairs Committee for a great many years. There is a navy yard in Boston, and I am pretty familiar with the matter of navy yards. I am aware that they can not make what the Senator calls a bid. They make an estimate. It has been done repeatedly. The work has been sent to them on that basis.

I was going to say, first, on this very matter of the *Leviathan*, which is what has brought up this subject, that in 1920 the Todd Shipbuilding Co. bid \$10,740,000 for the reconditioning of the *Leviathan*, complete, including painting, refurnishing, and everything. The Boston Navy Yard estimated \$8,938,000 to recondition the *Leviathan*. That kind of work has been done at the navy yards before—not merely at the Boston yard, but it has been done at the Brooklyn yard—and the same request has been made. The Brooklyn yard has done the same thing, and all the yards with large forces of men desire to have this opportunity. There was a difference, in round numbers, of \$1,700,000 in favor of the yard. It seems to me that it is inexcusable in these times to leave these great yards like the Brooklyn and Norfolk and New York and Boston yards, with all their great machinery, with a dock—the Norfolk dock is not yet finished, but with the largest dock in this country at Boston, which they would have to use for the hull of the *Leviathan*—it is inexcusable to leave those yards idle and unoccupied on Government work—I am not undertaking to have them compete on private work—and not even allow them to make an estimate, when they offer accommodations that no other yard can offer at this moment.

I will admit that there is a side to the matter which appeals very strongly to me, but which is not an argument that will have any effect whatever when we are considering solely the cost to the Government; but there were 33,000 men employed during the war in the Boston Navy Yard and the Fore River yards. There are 5,000 employed to-day, and those men, nearly all skilled mechanics, are now out of employment. It happens—

Mr. HEFLIN. Mr. President, I want to say to the Senator from Massachusetts that I yielded in order that he might get this matter up and dispose of it; but I understand that there are four or five Senators on this side who object to it and want to discuss it.

Mr. LODGE. The Senator has a perfect right to make that objection, and I will let it go over; but I desire to be heard on it, and heard at some length, when it is up. I think I can demonstrate to the Senate, as it was demonstrated to the House, that this is in the direct interest of economy, and I will not put it on any other ground.

Mr. WARREN. Mr. President, I wish the matter might be finished at this time.

Mr. KING. It can not be finished at this time.

The VICE PRESIDENT. The Senator from Massachusetts has the floor under the unanimous-consent agreement. The question is on the amendment of the committee.

Mr. NORRIS. No, Mr. President.

Mr. LODGE. Mr. President, I told the Senator from Alabama, who I understood was entitled to be recognized, that I did not expect this would lead to protracted debate, but if it is going to lead to debate, it will take some time.

Mr. HITCHCOCK. Will the Senator from Alabama yield to me to ask a question for information?

Mr. HEFLIN. If it will take but a moment. I have yielded for two days.

Mr. HITCHCOCK. I would like to ask the Senator from Massachusetts, if this prohibition is omitted from the bill, whether the authorities would still be at liberty, in making repairs, to make them in the navy yards?

Mr. LODGE. They would not.

Mr. HITCHCOCK. Or must they make them by contract under the law?

Mr. LODGE. They would not be at liberty to allow the navy yards to recondition or repair vessels.

Mr. HITCHCOCK. That is, the law requires them to let it by contract outside of the navy yards?

Mr. LODGE. There is no authority now for the yards to be used for work other than that belonging directly to naval ships. This is a question, of course, of a Government ship, of a Shipping Board vessel. They built in the Boston yard, for instance, vessels for the Lighthouse Service, for the revenue service, tugs, which are not strictly naval vessels, but they have been allowed to bid on them in war times.

Mr. HITCHCOCK. One more question. Why make it obligatory on the administrative officers to submit it to navy yards for estimates in all cases? Why not make it simply permissive? In many cases it might be very highly objectionable.

Mr. LODGE. I do not see any reason why the Government should not have the authority to repair its own vessels.

Mr. HITCHCOCK. But it is made obligatory in this provision.

Mr. LODGE. The House provision requires them to take bids.

Mr. NORRIS. It does not make it obligatory unless they do it for less money than the outsiders.

Mr. LODGE. That is correct. The trouble is that they are shut off, and we are left with all this great machinery, unable to take a chance of saving money. This would probably save a million and a half. Of course, the question which has aroused this is that of repairing the *Leviathan*. The effort to prevent it is the effort to give it to a private yard, and I think the Government should at least have a chance to say whether it can do it cheaper or not in its own yards.

I beg the pardon of the Senator from Alabama.

Mr. OVERMAN. The Senator has read the testimony taken before the House committee but he has not read the testimony taken before the Senate committee. The Shipping Board says it is impossible to do this without costing the Government a thousand million dollars.

Mr. LODGE. The Senator has not listened to the debate or he would know that is not the fact.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. NORRIS. Does the Chair hold that the committee amendment which was briefly debated by the Senator from Massachusetts is the one now pending?

The VICE PRESIDENT. Under the unanimous-consent agreement, that amendment is pending.

Mr. NORRIS. I think the Senator should ask unanimous consent to have it laid aside.

Mr. LODGE. I ask unanimous consent that it may go over.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. LODGE. Mr. President, there is nothing to prevent the Senator from Alabama from making his speech, leaving that amendment pending, except that I can not be here for an hour or two.

Mr. HEFLIN. I have no objection to that course.

Mr. LODGE. I ask that the amendment may go over.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senator from Wyoming asks unanimous consent that the bill be read for amendment, and that the committee amendments be first considered. Is there objection?

Mr. HEFLIN. I object to taking up anything until I proceed with my speech.

The VICE PRESIDENT. The Chair was undertaking to provide that the Senator's speech might be in order.

Mr. HEFLIN. I do not object, if that is the plan. I did not want to have time taken to read the bill.

Mr. WARREN. Mr. President, the time has not arrived when one Senator can object to the taking up of a bill which is before the Senate in the regular way.

Mr. HEFLIN. I misunderstood the proposition, Mr. President.

The VICE PRESIDENT. The Chair hears no objection to the request of the Senator from Wyoming, and it is so ordered.

DEFLATION POLICY OF FEDERAL RESERVE BOARD.

Mr. HEFLIN addressed the Senate. After having spoken for nearly five hours, he said:

Mr. President, I inquire if the Senator from Wyoming desires to proceed later to-night? I think it will probably take me an hour longer to complete my speech. I am also pretty tired. I have been speaking nearly all day and have had no lunch.

Mr. WARREN. May I ask the Senator how long it will probably take him to conclude?

Mr. HEFLIN. I think I can finish in the morning in at least 30 or 40 minutes.

Mr. WARREN. With all respect to the Senator, I desire to say that he advised me yesterday and this morning that he would not speak longer than an hour or so to-day to finish his speech.

Mr. HEFLIN. I did not have any idea of occupying so much time.

Mr. WARREN. The Senator has now talked about six hours, and I am inclined to think that he may continue for a long time to-morrow.

Mr. HEFLIN. I assure the Senator that I have not much more material, and I will print much of it without reading.

Mr. WARREN. I ask the Senator if he intends to speak long to-morrow to give me notice as to how long he expects to proceed, so that I may go to my committee room and do some of the crowding work that is on hand all the time. I therefore wish he would tell me approximately how long it will take him to conclude.

Mr. HEFLIN. I do not think it is possible that I shall speak over 40 minutes. This is a very important matter, and I have a great deal of data which I wish to put into the Record.

Mr. ASHURST. Before the Senator from Wyoming moves to adjourn, will he yield to me?

Mr. HEFLIN. I will yield the floor with the understanding that I shall have the floor in the morning.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from Alabama still has the floor.

Mr. WARREN. I have no intention of moving to adjourn. I am going to propose that instead of adjourning, at the conclusion of to-day's session the Senate take a recess. It may be the desire to have an executive session or to transact routine business.

Mr. LODGE. We desire to have a short executive session.

Mr. WARREN. If the Senator from Alabama will yield to me for a moment, I ask unanimous consent that when the executive session shall have been concluded the Senate may take a recess until 11 o'clock to-morrow.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that when the Senate concludes its session to-day it shall stand in recess until 11 o'clock to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. HEFLIN. Mr. President, I have consented to yield the floor, with the understanding that I may have the floor and proceed in the morning when the Senate convenes at 11 o'clock.

The PRESIDING OFFICER. The present occupant of the Chair may not be in the chair at that time, and can not tell what the Senate will do or whom the Presiding Officer at that time will recognize.

Mr. HEFLIN. The Senator from Wyoming, in charge of the appropriation bill, has agreed to such an arrangement, and I am sure that nobody will object to any arrangement made in the Senate.

The PRESIDING OFFICER. The Chair has no duty to perform in the premises. The Chair is waiting for any motion that any Senator may desire to make.

Mr. HEFLIN. I ask unanimous consent that when the Senate reconvenes to-morrow at 11 o'clock I may resume my speech. I have the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HEFLIN. Mr. President, the great Federal reserve system that had stood foursquare to every wind that blew, that financed the World War and defied the expense and waste of that costly world conflict to shake in the least its firm foundations, is now insulted and humiliated by the Senator from Virginia when he intimates that it stood with fear and trembling

because of a little financial disturbance in the silk industry of little Japan. That was an excuse that Wall Street made for its wholesale robbery of the people of the South and West. I want to read at this point some excerpts from Federal Reserve Board Bulletin, March, 1920. Let me give you a few excerpts from this bulletin:

No ground for actual pessimism is to be noted. In district No. 5 (Richmond) "the year has opened prosperously, with no indications of any general business curtailment."

In district No. 6 (Atlanta) observations similar to those reported from the Cleveland district are presented. The need of increased production is recognized.

The outlook for agricultural development is good.

Mr. President, while the farmers were planting their crops and the merchants and bankers in the agricultural sections were all committing themselves on a large scale for the year's operations in 1920 the Federal Reserve Board was operating at another place. It was seeking to injure our foreign export trade. I read from the same Federal Reserve Board bulletin, as follows:

A material cut in the amount of credit available for the support of exportation is taking place.

CHANGE IN INVESTMENT CONDITIONS.

Brief mention has already been made of the report of the Federal Reserve Board which was issued to the public on February 23. In the report the board has restated its policy.

It should be recognized that credits extended to Europe create a demand for commodities that competes with the domestic demands and this competition is one of the potent causes of high prices. The expansion of credit set in motion by the war must be checked. Credit must be brought under effective control. Deflation, however, merely for the sake of deflation and a speedy return to "normal" for the sake of restoring security values and commodity prices to their prewar levels without regard to other consequences, would be an insensate proceeding in the existing posture of national and world affairs. All these factors were brought to the attention of the meeting of the Federal advisory council at its stated session on February 17.

Mr. President, in my speech I shall show by the facts of what was really done that the Federal Reserve Board did just what it said in this bulletin should not be done. I have said repeatedly that the Federal reserve banking system was amply able to meet the credit and currency demands of 1920, but that the Federal Reserve Board would not permit it to do so. Again I read from the Federal Reserve Board bulletin:

DISCOUNT POLICY AND CREDIT CONTROL.

[Extract from the sixth annual report of the Federal Reserve Board to Congress. Reprinted owing to exhaustion of advance edition of the annual report.]

The experience of the past three years has demonstrated the expansive power of the Federal reserve system. It should be understood, however, that an elastic system of reserve credit and note issue implies capacity to control and the ability to curtail credit. The ability of the system to check expansion under present circumstances and to induce healthy liquidation is now to be tested.

The Federal reserve system has met the requirements of war and readjustment by expanding without, however, encroaching upon its legal reserves; it is capable, if need be, of expanding still further without having recourse to the emergency provisions of the act, and very much further by availing itself of those provisions. But the time has come for it to demonstrate its power to move in the opposite direction, and to prove its ability to do so without shock and with a minimum disturbance of business and industry.

It must never be forgotten that productive industry is profoundly affected by credit conditions. Modern business is done on credit. One of its life-giving principles is credit. The mood and temper of the business community are deeply affected by the state of credit and may easily be disturbed by ill-considered or precipitate action. A system of credit control must always be judged by what it does to maintain a healthy condition of mind on the part of all sections and classes of the producing community. The ultimate test of the functioning of a credit system must be found in what it does to promote and increase the production of goods. True, in general, the truth of this observation deserves to be particularly emphasized in the present deranged state of the world industry and world trade when production is the crying need of the hour everywhere.

Too rapid or too drastic deflation would defeat the very purpose of a well-regulated credit system by the needless unsettlement of mind it would produce and the disastrous reaction that such unsettlement would have upon productive industry. Radical and drastic deflation is not, therefore, in contemplation.

The credit situation in the United States is at bottom sound and safe.

Our economic and financial position is essentially strong. There need be no occasion for apprehension as to our ability to effect the transition from war-time to peace-time conditions if reasonable safeguards against abuse of credit are respected.

There is, however, no need for precipitate action or extreme measures. Extremes must be avoided. The process of adjusting the volume of credit to normal basis should be effected in an orderly manner.

Senators, you will observe that Gov. Harding in this statement says: "A system of credit control must always be judged by what it does," and so forth. I agree with that statement, and upon it I indict the Federal Reserve Board's deflation policy which has resulted in business destruction and financial disaster.

Lincoln has truly said:

Any movement to artificially deflate before the debt can be paid, to change the medium of circulation upon which the debt was contracted, would be a crime.

In another warning, in effect, he said:

I warn the American people not to permit a repetition of the crimes of history. Following great periods of inflation, if drastic artificial deflation is attempted, disastrous results must follow. I warn them not to permit the money powers to take advantage of the condition of the people. I warn them not to permit high and usurious interest rates, contraction of the currency, or any change in the circulating medium that will affect the debt contracted until it has been discharged.

In Circular No. 98, 1920, from the Federal Reserve Bank of Richmond, there is the following statement:

The rise in rates has checked borrowing or expansion as it was intended to do.

Mr. President, a few days ago the Senator from Virginia [Mr. GLASS] made a speech in defense of the deflation policy of the Federal Reserve Board, and stated that the time had come for some one to combat the persistent misrepresentations made in the Senate for more than a year regarding that policy.

I want to call the attention of the Senate to the fact that the magazine called the Annals for the month of January is practically filled with defensive articles on the Federal Reserve Board's deflation policy. The Senator from Virginia spoke in the same month in which these articles were published and sent all over the country. For quite awhile the Federal Reserve Board has been seeking to get some one to defend its deflation policy upon this floor. I have been undertaking for more than a year to show to the country the evils of their deflation policy, of the ruin it has wrought amongst the people of the United States, and no one appeared to defend that indefensible policy upon this floor.

It appears that the Federal Reserve Board, and especially the governor of the board, thought that if they could induce the able and distinguished Senator from Virginia [Mr. GLASS] to come to their defense, that would probably be the very best thing that could happen. It is like the situation we frequently find in the country, when a man whose conduct has been very reprehensible, who has been guilty of the commission of high crimes and misdemeanors, employs a lawyer of ability and good standing to defend him, so that it will help his case with the jury, and create the impression that if his case were not a good one this lawyer would not appear in it. So it was with the Federal Reserve Board; it felt that if it could prevail upon Senator GLASS, one of the authors of the Federal reserve banking system, to defend their crime of mismanagement and praise their infamous policy of deflation it would help them in the estimation of the American people.

The Senator from Virginia [Mr. GLASS] did not give me any notice that he intended to criticize my position and to take me to task, so that I could be present; but I was kind enough to tell him yesterday that I was going to speak to-day, and would like for him to be present, and I am glad that he is here.

I said, Mr. President, when I spoke before, and interrupted the Senator briefly, that I did not agree with a good many things he was saying, and that after I conferred with John Skelton Williams, the former Comptroller of the Currency, an able, distinguished, and fearless Virginian, I would reply to many of the incorrect and misleading statements that he made in his speech.

I have had three conferences with that distinguished Virginian, Mr. Williams, who has given me the main data, facts and figures that I shall use to-day. My office adjoins the office of the Senator from Virginia, and when Mr. Williams was there discussing with me the many incorrect statements that appeared in the speech of Senator GLASS the Senator from Virginia heard him and phoned to me that he thought he should call my attention to the fact that he was hearing what we were saying. I told him the next day that there was no secret about it, and that I would not object to having him know all that we said. I told him that I was getting facts from one who knew, in the hope of setting him right.

The Senator from Virginia has made his speech. I have not sought to give any publicity to my brief reply, although I have received scores and scores of letters, some from his own State, congratulating me upon what I said immediately after he had finished a prepared speech several hours long. I have not undertaken to get anything I said into any newspaper in the United States, but a gentleman from New York, who works in connection with the Democratic national executive committee, slipped into a weekly bulletin an item to go out to Democratic newspapers of the United States, to the effect that the Senator from Virginia had corrected "these misrepresentations about the Federal Reserve Board, and had rendered the country a great service," and so forth.

Mr. President, that misleading statement regarding Senator GLASS's speech defending the deflation policy of the Federal

Reserve Board was sent out without the knowledge or approval of the committee.

I gave out the following statement at that time, and I desire that it shall appear in the CONGRESSIONAL RECORD:

To the Democratic newspapers of the United States:

Under the direction of Mr. Richard Linthicum, of New York, director of publicity for the Democratic national committee, there appeared, strange to say, on January 27 in the weekly news article sent out to the Democratic newspapers of the country a statement regarding the speech of Senator GLASS defending the deflation policy of the Federal Reserve Board. A portion of that statement undertakes to create the impression that the Democrats in Congress and the Democrats of the country approve the deflation policy of the Federal Reserve Board. That portion of the statement which would leave the impression that the Democrats indorse the drastic and destructive deflation policy of the Federal Reserve Board does violence to the truth and misrepresents the Democratic attitude upon this particular subject. I praise the Federal reserve banking system, but I condemn and repudiate the deflation policy of the Federal Reserve Board which destroyed property values by the billions in the United States, paralyzed business, drove men into insane asylums, and caused others to kill themselves. That deflation policy was inspired and set on foot by a Republican Senator and carried out under the direction of Gov. Harding, of the Federal Reserve Board, who, according to an editorial in the Washington Times of April 12, 1921, supported the Republican ticket in the national election of 1920.

Mr. President, as I stated before, I gave this statement to the Associated Press, the International News Service, and to other papers. I requested the legislative committee in the Library of Congress, that looks up information for Members of the Senate, to scan the papers of the country, and they were unable to find that article in a single newspaper in the United States. Who suppressed that article? The statement sent out to the effect that the Senator from Virginia [Mr. GLASS] had exposed the misrepresentations of those who had attacked the Federal Reserve Board went all over the country. Who was it that wanted my statement kept from the Democrats of the country?

Mr. President, in 1919 the value of the agricultural products of the United States was \$16,000,000,000. In 1920 they had been driven down by this remorseless deflation process to \$10,000,000,000, and in 1921 down to \$6,000,000,000. All that happened under the drive of this destructive and deadly deflation policy of the Federal Reserve Board inspired and ordered by the Republican Party. I want it distinctly understood at the outset that I praise the Federal reserve banking system, I helped to create it, I voted for it, I think it is a great system, but I have seen it perverted from the ends of its institution, I have seen it made the handy instrument of the money lords of Wall Street, and I have seen them manipulate it so as to deny sufficient money and credits to the South and West to prevent demoralization in business and financial disaster.

Mr. President, I repeat the trail of the serpent is over it all. I called the attention of the Senate once before to the fact that the Senator from South Carolina [Mr. SMITH] and myself and the former Senator from Georgia, Mr. Hoke Smith, and Congressman POU, of North Carolina, went down and called upon Gov. Harding in the early summer of 1919. We were trying to help the cotton producers. He told us that McFadden, a big cotton broker, had told him that cotton was going down to 15 cents, and I remarked that it would come nearer going up to three times 15 cents. I saw then that he was not friendly to an advance in prices. We talked about it after we left, and I am sure that Gov. Harding impressed the others as he had me. Cotton did advance, as I said it would.

I wish to show that that was the time they intended to start this deflation policy. The Republican Party was in control of Congress. It had obtained a majority in the House and Senate in the fall election of 1918. They got control of Congress on the 4th of March, 1919, and then is when the trouble commenced. The President was stricken down with a long and serious illness. Then it was that the money lords commenced their devilment. They tied up the farm loan banking system of the United States in the Supreme Court, and the farmers of the South and West could not get money from that source.

What next? We find Gov. Harding, head of the Federal Reserve Board, supporting the Republican ticket, according to the Washington Times, and he has never denied it. It is clear that Gov. Harding was seeking to placate the powers that he knew would be in charge of the Government after March 4, 1921. Gov. Harding's work of deflation pleased Republican leaders, and he has held on to his office.

In the early spring of 1920 the Republican Congress passed an amendment to the Federal reserve banking law which authorized and empowered the Federal Reserve Board to increase the rediscount rate. That is when the Republican plan was laid for the most destructive deflation policy that was ever instituted in the history of our country. When people needed money and credits more than ever that plan was to make it harder than ever to get either. They determined that the deflation policy must be commenced, and Republican leaders wanted

the War Finance Corporation put out of commission, and the Federal Reserve Board advised that that be done. On May 10 that great and helpful agency ceased to function.

Then what happened? The Federal Reserve Board called a meeting and the advisory council met here and was in session on the 16th and 17th of May, 1920. Further plans for deflation were made. The Senator from Illinois [Mr. McCORMICK] comes upon the floor of the Senate and gets through a resolution. On May 17, 1920, the Republican Senate passed that resolution. It is as follows:

Resolved, That the Federal Reserve Board be directed to advise the Senate what steps it purposes to take or to recommend to the member banks of the Federal reserve system to meet the existing inflation of currency and credits and the consequent high prices, and what further steps it purposes to take or recommend to mobilize credits in order to move the 1920 crop.

Senator OWEN, of Oklahoma, a Democrat, opposed the passage of that resolution and told you that it meant deflation and depression, and subsequent developments have shown that he was right. Here is what Gov. Harding, of the Federal Reserve Board, said in response to that deflation resolution:

The board will not hesitate, so far as it may be necessary, to bring to bear all its statutory powers in regulating the volume of credits, but wishes to point out that the most vital problems relating to the movement of the 1920 crop are physical rather than financial.

What is he telling the Republican Senate, this W. P. G. Harding, who believes a Republican is going to be elected President? He said:

The board will not hesitate to use every statutory power to regulate currency and credits.

In other words, he is assuring those with whom he is seeking favor that they can count on him to go the limit in producing the results that they desired. The Democratic Party was betrayed, and I repudiate the betrayer and denounce the betrayal.

Again I say the trail of the serpent is over it all. What next? The Republican Party in its platform adopted in June, 1920, at its national convention gave its approval to a policy of deflation. Never until the Republicans got control of Congress was there any disturbance of the wholesome and helpful service rendered by the Federal reserve banking system. As I said a moment ago, this deadly work was commenced by an amendment which was passed by a Republican Congress. Here is what occurred: Congressman PLATT, of New York, a Republican and chairman of the House Committee on Banking and Currency, and the Senator from Connecticut [Mr. McLEAN], a Republican and chairman of the Banking and Currency Committee of the Senate, introduced simultaneously the rediscount progressive rate amendment which proved to be so destructive to legitimate business in the South and West.

They both denied that it was in any way intended to work injury to the farmer. Congress was deceived as to the main purpose of the amendment. I was in Alabama in the primary campaign for the Senate when you passed it through the House, but I have noted in the CONGRESSIONAL RECORD that ex-Congressman McKeown, a Democrat, from Oklahoma, said that it would prevent the agricultural sections from obtaining the money and credits needed to prevent the sacrifice of their crops. The Republican leaders denied that it would do that, but that is exactly what it did.

The crime of 1873, when they demonetized silver, was put over in much the same way. Republican leaders at that time explained that "It was just a minor amendment to the mint laws." Nobody but the perpetrators of the crime knew that that amendment would demonetize silver and produce a panic.

Republican leaders assured Congress when they passed the rediscount amendment to the Federal reserve act, which meant financial disaster and business ruin to the agricultural sections, that it was intended to keep the large cities from getting the bulk of the money, so that the agricultural interests could be cared for and supplied. Gov. Harding told Senator SMITH, of South Carolina, that that was the purpose of the amendment. So, I repeat, the amendment was passed through Congress by the practice of deception and hypocrisy.

Mr. SIMMONS. Mr. President—

Mr. HEFLIN. I yield to my good friend the Senator from North Carolina.

Mr. SIMMONS. I wish to inquire of the Senator if that progressive scheme of interest to which he has referred was not a scheme by which the Federal reserve banks were enabled to charge certain member banks as much as 86 or 87 per cent interest.

Mr. HEFLIN. They did that very thing to a bank in Alabama.

Mr. SIMMONS. That was the scheme under which they did it, was it not?

Mr. HEFLIN. Absolutely. That was impossible before that amendment was passed. We had been getting money prior to

that time at 3, 4, and 4½ per cent, but they raised it up to 7 and then through that ruinous progressive interest scheme they went on up to as high as 87½ per cent, and they killed business in the South and West. The Senator from North Carolina is right. Under that progressive scale they beat down struggling banks in my State and other States that were trying to help farmers to hold their cotton so that they could at least sell for a price that would cover the cost of production. Then the Senator from Virginia [Mr. GLASS] is surprised when I refer to that destructive deflation as a murderous policy.

That is not all, Mr. President. What else happened? They got that bill through the House of Representatives; they got it through the Senate, and when it was up in the Senate here is what Senator OWEN said—

Mr. HITCHCOCK. What is the date to which the Senator from Alabama refers?

Mr. HEFLIN. This is May 18, 1920, at the time the crooked scheme of deflation was being put through. First, the farm loan bank was tied up in the Supreme Court; then the War Finance Corporation was suspended on May 10. The advisory council of the Federal Reserve Board assembled on the 16th and 17th, and the Senator from Oklahoma made this speech. Here is what the distinguished Senator from Oklahoma said:

The resolution of the Senator from Illinois [Mr. McCORMICK], however, offers a hook and an invitation from the Senate to the Federal Reserve Board to declare a policy of "deflation." It carries the suggestion of deflation. The policy of deflation set by the Wall Street stock exchange control, which broke the stock market by high-interest rates, meets the approval of the same class of financial experts domiciled in Chicago, who might naturally advise the Senator from Illinois; but I warn the Federal Reserve Board, and I warn the country, that if a panic in this country results from their policy they are liable to have a North Dakota reaction, where a State bank was established to furnish money at fair and stable rates, using the credit of the State and the taxing power of the people of the State for that purpose. You can go too far in the matter of taxing the people of this country by high-interest rates and the "deflation" of credit. If the Reserve Board leads the procession of banks in fixing high rates on the people; that is, on their own depositors, and a great industrial depression follows, why should they wonder if the people of this country should demand as a remedy that the reserve banks be made banks of deposit and discount? I warn the Federal Reserve Board that this country is not going to submit to any depression brought about by the banks of the country or under the policy of the board or under the advice of financiers domiciled either in New York or Chicago.

There you are. The Senator from Oklahoma, Hike Jove's war horse, "scented the battle from afar"; he knew what it all meant. He knew they meant financial distress and business depression, and he said so. Who is this great Democrat from Oklahoma? The Senator from Iowa [Mr. KENYON], interrupting the Senator from Oklahoma, said:

I think the Senator from Oklahoma probably has more knowledge on this subject than any other man. He is the real father of the Federal reserve system. Was it intended that these Federal reserve banks should be institutions for making money?

Mr. OWEN. It was not.

The Senator from Oklahoma was right.

Again, the Senator from Oklahoma said:

Now, these banks, making 100 per cent on a 4 per cent rate, ought not to be encouraged to make 50 per cent more than they made last year.

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. Mr. President, I took pains some days ago to have looked up in the Congressional Library newspapers which printed statements of Gov. Harding in 1920, and in every single instance where he put out a statement for the press to the effect that there would be a further reduction in the amount of money in circulation and in credits to be extended the newspaper in its market reports shows that cotton especially would break from 50 to 100 points the very next day.

Mr. HEFLIN. Absolutely. Mr. President, I am going to print in the RECORD some clippings from New York newspapers giving the market prices and making comments along the very line which the Senator from Georgia has suggested, which show beyond all doubt that the deflation policy conducted by Gov. Harding and his board drove the price of cotton down and down. It drove it down until the farmer who had 10 bales of cotton worth \$2,000 when the deflation policy was begun was forced to sell for one-fourth of that amount, just \$500.

And yet the Senator from Virginia, whose State produces an infinitesimal amount of cotton, is unable to appreciate the ruin wrought by that deflation policy in the cotton-growing States.

RESERVE GOVERNOR REFUSES TO GRANT HEARINGS.

Senators and Representatives, farmers, merchants, and bankers from the cotton-growing States pleaded with Gov. Harding to change his policy and prevent the sacrifice of the 1920 cotton crop and the complete loss of that year's labor and investment. Gov. Harding declined to do it. He exhibited irritation and impatience toward the able and faithful Senator

from North Carolina [Mr. OVERMAN] when he asked for a hearing upon this matter by the Federal Reserve Board. The Senator from North Carolina then demanded the hearing and got it.

It is strange, is it not, that Gov. Harding failed to impress those who appeared before him that he was very much concerned or disturbed about the distress that he was producing.

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I asked the Senator to allow me to interrupt him to make the statement which I made a moment ago, because in their booklet or annals or magazine, whichever it is, which they have gotten out they endeavored to prove and claim they did prove that the volume of circulation diminished because prices had diminished, when it was just exactly the reverse, and the current newspaper market reports show it.

Mr. HEFLIN. Absolutely. It does not take a wise man, a man does not have to be the author of any banking system, to understand what I am about to state. If the price of cotton is 40 cents and the spinners are buying and consuming the crop, and then the price is beaten down to 30 cents, if you will back the farmer financially so that he can hold until that price is paid, of course he will get 30 cents, because the spinner would be compelled to pay that price. The spinners said during that time that they were willing to pay 30 cents, that they wanted the farmer to get the cost of production and a little profit. Now, suppose that had been done; suppose that price-destroying Federal Reserve Board had said, "We are going to help you, not to hold the cotton for 40 cents but we will help you hold it for 30 cents, because your price has been reduced from 40 cents to 30 cents; that represents a loss of \$50 a bale, and that is as much as any farmer should be required to lose in one year on a bale of cotton. We are going to help you to get 30 cents a pound." Had that been done, there is not any more doubt that cotton would have brought 30 cents a pound than that I live and God reigns. The failure to do that not only forced the cotton crop of 1920 to sell below the cost of production but it left the farmer in debt.

Now, let me show you what they did. The Senator from Virginia furnished the Senate a table of the cotton prices. I hold in my hand a table which was prepared by John Skelton Williams, in whose word I believe implicitly and whose statement I accept upon the subject of banking and currency above that of anybody else in this country.

Now, I wish to show you what happened. The price of cotton in May, 1920, was 40 cents while in October, 1920, six months later, it had fallen to 20 cents. Senators, do you know how great a loss that was to the farmers of the South on a crop of 12,500,000 bales? I will tell you. In six months time, from May to October, a loss of 20 cents a pound was equivalent to \$100 a bale, so that on a crop of 12,500,000 bales the total loss was \$1,250,000,000. That was the loss on the cotton crop of the United States, on cotton which brings to this country in normal times the balance of trade, which gives to this country gold when all other products fail; cotton, which, when put in a dry place, can be kept for a hundred years. In that state no insect pest can harm it and no tooth of time can destroy it. No moth can corrupt it then, but thieves do sometimes break through and steal. The Federal Reserve Board's deflation policy literally robbed the farmers of the South of \$1,250,000,000 in six months, between May and October, 1920.

Senators, did it ever occur to you that the nearer to the presidential election Gov. Harding got, the harder he bore down with his deflation policy? Did you know that Democrats in Tennessee, Oklahoma, Arizona, and New Mexico will tell you that the deflation policy carried out by the Federal Reserve Board gave those States to the Republican ticket in the fall of 1920? Yes; they will. And it is the plain truth. From May, 1920, to May, 1921, just 12 months, during this mighty drive of the Federal Reserve Board under its deflation policy, the farmers of the South lost \$1,750,000,000. Do Senators wonder, then, that we had depression in the country? Do they wonder, then, that the grain growers of the West could not get a good price for their grain, when the policy of the Federal Reserve Board had killed the purchasing power of the South?

Let me say to my good friend from Nebraska [Mr. HITCHCOCK] that we in the South buy grain from the people of his section; we buy meat; we buy mules. When cotton brought a fair price, we paid good prices for all those commodities; but when the deflation policy of the Federal Reserve Board struck cotton down and deprived the farmers of the South, and therefore the merchants and bankers of their purchasing power, they struck the grain industry, the cattle industry, and the mule industry of the West a body blow.

What else did this man Gov. Harding do? He testified before the investigating committee of the Congress that Gov.

Cox, the Democratic nominee for the Presidency, saw him here in Washington in the early part of 1921, and told him that he endorsed the deflation policy and that he was glad he did not change it. I knew that Gov. Cox did not say that, so I wired informing him of Gov. Harding's statement. In reply he wrote me a long letter denying that he had said that to Gov. Harding. He stated in his letter to me that he, while touring the West in the fall of 1920, had wired Gov. Harding telling him that something had to be done to save the cattle industry. He said he realized that following the war it would be necessary to take some steps to meet conditions arising in the reconstruction period, but that he had in mind a safe, sane, and gradual coming down in prices and not the drastic deflation policy employed.

So Gov. Cox repudiated the statement of Gov. Harding, but, nevertheless, Gov. Harding when he revised his remarks in the printed book to which I have referred let that statement remain just as he had made it before, when he knew that Gov. Cox had repudiated his statement. That is the gentleman the Senator from Virginia is defending upon this floor. Again I say the trail of the serpent is over it all.

Now let us proceed a little further. The Republican platform of 1920 takes the Democratic Party to task for inflation. Smoke was curling from every smokestack in the country; industry was humming; the army of the hobo was put out of commission; every man and woman who wanted work found employment; and under the Democratic administration prosperity was seen everywhere. Here is what the Republican Party said in its platform in June, 1920, following the deflation resolution passed through this body at the instance of the Senator from Illinois [Mr. McCormick]. After referring to inflation, the Republican platform says:

The continuance of this policy since the armistice lays the administration open to severe criticism.

Then, down further, the Republican platform says:

As a matter of public policy we urge all banks to give credit preference to essential industries.

Mr. President, there is where the devilment was done. They gave notice to the banks: "This thing has got to come down, and come down in a hurry. We urge all banks to give preference to essential industries." What did they mean by that? They did not mean agriculture, because the Bible says, "By their fruits ye shall know them"; and we know that it crippled and nearly killed agriculture. Here is the Republican deflation mandate to the bankers of the country.

What did the Democratic Party say in its platform at that time?

Indeed, one vital danger against which the American people should keep constantly on guard is the commitment of this system to partisan enemies who struggled against its adoption and vainly attempted to retain in the hands of speculative bankers a monopoly of the currency credits of the Nation.

Listen, Senators:

Already there are well-defined indications of an assault upon the vital principles of the system in the event of Republican success in the elections in November.

You did not see anything in the Democratic platform demanding a deflation policy; but here it is in the Republican platform, couched in this language, intended to deceive the average man, but to carry the command home to the banker. It sent the pangs of fear through the whole banking fraternity of the United States.

Mr. President, what is the record?

1. Republicans take charge of Congress in 1919.
2. A trust company ties up the Federal farm loan banks in the Supreme Court in 1919.
3. A Republican Congress passed the rediscount amendment to the Federal reserve banking law in April, 1920, under which interest rates from 7 to 87½ per cent were charged.
4. A Republican Senate passed the McCormick deflation resolution May 17, 1920.
5. Gov. Harding assured the Republican Senate that he would use every power at his command to carry out the purposes of the deflation resolution.
6. The Republican platform adopted in June, 1920, committed that party to the policy of deflation.
7. In July, 1920, Gov. Harding commenced to operate the field guns of Republican deflation upon the agricultural sections of the South and West.

At first I could not believe that the Federal Reserve Board had been guilty of such wrongdoing and such reprehensible conduct as some others believed it had. I commenced to study the question, and upon investigation I was convinced that the Federal Reserve Board had been guilty of conduct that contributed to wholesale distress and business ruin in the agricultural sections of the country.

I see around me Senators now with whom I talked about this matter, and I found that they felt as I did. Senators SUMMONS; OVERMAN; HARRIS, of Georgia; SMITH, of South Carolina; FLETCHER, of Florida, and others that I could mention.

Mr. President, I believe that Gov. Harding and the board told Platt, "You put the bill through the House, give us the power to increase the rate from 4½ to 87½ per cent, so that we can deflate with a vengeance, and we will reward you and recommend you for appointment on the board," and when they got him on the board this man Platt and Harding became the "gold dust twins," one a wishy-washy or half-hammered Democrat and the other a hickory-nut-headed Republican, and they have hohobbed together through all of the affliction and long suffering that they brought upon the people. Why, this man Platt wrote some letters to Judge Brand, of Georgia, that contain suggestions just like some of those used in the speech of the Senator from Virginia. He suggested how hard worked Gov. Harding was. I want to say to the Senate, in the hearing of the Senator from Virginia, that Gov. Harding may have been hard worked, but he was not too hard worked to wire or write congratulations to the Republican nominee for President when he got his nomination. He was not too hard worked, I am reliably informed, to write him or wire him congratulations upon his acceptance speech at Marion, Ohio, when he was sounding the bugle call to battle against the Democrats, and he was not too hard worked to visit him in person at Marion during the fall of 1920.

In the fall of 1920 I was out in Oklahoma. I spoke to a large number of cotton producers. I said: "The Federal reserve system gives you a right to borrow on your warehouse receipt and hold your cotton until you can make them pay you the cost of production plus a profit." They did not applaud at all. Usually when I talked about that system and compared it with the old system, they clapped their hands, but they beheld in the Federal Reserve Board's deflation policy the old Wall Street hydra-headed monster that robbed them and fed upon their substance in the years that had gone.

The Senator from Virginia [Mr. GLASS] smiles when I talk about the hydra-headed monster of Wall Street; the Senator from Virginia must wake up to the fact that while the banking system that he helped to create is a good one, that Wall Street has gotten hold of its governing power. Christ did not try to destroy the temple at Jerusalem, but He did display indignation as He drove the money changers out of it. May we not condemn those who have maladministered the Federal reserve banking system in our efforts to protect and preserve the system?

Mr. President, when I finished my speech in Oklahoma the farmers came up and said, "You observed that we did not applaud your praise of the Federal reserve system." I said, "Yes." They said, "Word has come here from the Federal Reserve Board that the banks are not to lend any more money on cotton." Gov. Bickett, of North Carolina, testified before the Committee on Agriculture that word had come down the line to stop loaning and force collections, and he said, "Gentlemen, the situation with us is simply terrible. We can not get the money and credits needed to save our business." Senator Gronna, of North Dakota, testified that the Federal reserve banks were not furnishing money or credits to the cattle industry of his State.

No witness, not a single one, testified that the cotton producer, the grain producer, or the cattleman was receiving either credits or currency to enable them to sell their products for even the cost of production. The Senator from Virginia defends the Federal Reserve Board, and puts the blame upon the local banks. I want to testify for the bankers of my State, those that I know about, that they wanted to help the farmer. They did help him as long as they could do it and save themselves. No man should be required to put up his substance to save a situation that was intended should grow worse and worse, and when the powers that be were doing the thing that was making the risk one of certain loss and maybe ruin to the local banker.

The Senator from Virginia said that the banks in Alabama had eight millions of credit—eight millions, I believe—that they did not apply for. Why did they not apply for it? There was not any trouble when they could get money at 4 and 4½ per cent; but it was a different matter when the Federal Reserve Board put it up to 7 per cent, and the banks of my State could charge no more than 8 per cent, 1 per cent more than the rediscount rate of 7 per cent, making the bank indorse a man's paper and put all of its possessions behind it in order to make 1 per cent, when it knew that the Federal Reserve Board had refused to make a statement that it would help to secure a profitable price for cotton, and it was going down and down, and cotton

would be in two weeks' time \$25 a bale cheaper than when the bank loaned money on it. That is what did it, not the local banks.

Let me call your attention to another thing. The local banks were caught and held hard in the grip of the Federal Reserve Board's deflation policy. They had no notice that it was coming, and when it struck in all its fury the local banks were tied up and could not make any more loans until they were granted more money by the Federal reserve banks.

I want to read in this connection a statement published in the Birmingham News by Hugh McElderry, of Talladega, Ala., a banker and a very fine man.

MR. McELDERY COMES TO BAT.

To the Editor THE BIRMINGHAM NEWS:

The statement of Mr. W. P. G. Harding, as governor of the reserve board, that the country banker is responsible for the present deplorable condition of the farmer should not go unchallenged.

The reserve board had a brain storm and raised the discount rate to 7 per cent, and thereby tied a rock around the neck of the country banker and threw him into the sea. This action in turn, by deflation, threw the farmer, the retail merchant, the fertilizer manufacturer, in fact the whole country, into the sea of bankruptcy.

More than this, this action, by making the American dollar many times the value of the European dollar, fixed the exchange so we could do no business with Europe on a scale commensurate with their wants.

During the war, by every device conceivable by man and woman, we were induced to buy Government bonds at a low rate of interest, and thereby the Government absorbed the liquid capital of the country. If the reserve board had not had a brain storm and gotten panicky, they should never have raised the discount rate above 5 per cent, but raising the rate to 7 per cent, those of us who saw conditions refused to borrow at this rate and trimmed our sails for the inevitable bankruptcy we saw coming. Now to tell us we bankrupted the farmer, when almost to a man we stood solidly behind him and refused to foreclose a single loan, is little short of nonsense.

HUGH L. McELDERY.

TALLADEGA, ALA., December 16, 1921.

Mr. President, I have undertaken to show briefly some things about Gov. Harding. He sent an evasive letter up here to the Senator from Virginia [Mr. GLASS] to read, about not going to Alabama to vote in 1920, and the Senator said that there was one line in it that he hated to read, and that was he, Harding, did not want to vote for me. He must have known that if I got in the Senate I would expose his very bad record. I do not have to depend for election upon men who violate a public trust and prove unfaithful to their country.

Again I say, the Federal reserve bank in New York City paid more for a bank-building lot than all the Corn Exchange Bank's 26 structures cost in the city of New York. Senators, what do you think of that? Then gentlemen tell me that there was no graft in that crooked performance.

They got that bill through the House in February, 1919, just before the Republicans went in. It contained a provision which permitted those banks to set aside vast sums for procuring banking quarters. That was done at the instance of the Federal Reserve Board, when it had the respect and confidence of Congress. I was not there. The Senator from Virginia [Mr. GLASS] said the Senator from Alabama was present and voted for it. I said that day that I would like to see the RECORD. I knew I had no recollection of it. The Senator from Virginia said, "I have seen the RECORD." When I looked up the RECORD I found they did not have a record vote on the amendment. They passed it 15 minutes before the House adjourned, and according to those who participated in the debate there was nobody there except Platt, this same "gold dust twin" of Gov. Harding, manipulating it, working for it, and a few others, and they got it through. A quorum call some two or three hours before that did disclose that I was there, but I knew nothing about this matter. I was not present when it was passed and I did not vote for it.

I have talked to other Members about it, but nobody had any idea that it meant to let these banks have such a large per cent of the earnings for the purpose of speculating in real estate and doling out millions through the pretense of providing buildings for the banks.

Then they went out with that big progressive interest rate, and took money from the South and West, and the New York Federal Reserve Bank alone is able to take \$25,000,000 and put it into one bank building, which costs more than this Capitol, the House Office Building, the Senate Office Building, and the State War and Navy Building in this city. Yes; more than all four of them, and the lot on which it is to be built cost as much as all the 26 bank buildings of the Corn Exchange Bank in the city of New York. Do you wonder that I have made enemies among the crooks who have benefited by that graft game? In a colloquy which took place upon this floor between myself and the Senator from Virginia he said that New York bank building was to house 5,000 employees. The Senator from North Carolina [Mr. SIMMONS], I believe, said, "Are those people employed there now?" The Senator from Virginia said, "Will be." The

Senator from New York [Mr. WADSWORTH], Johnny on the spot, said, "Are now."

The truth is that many people will not be and are not now employed there. I do not mean to say that either one of the Senators misrepresented the situation to the Senate intentionally. A young man in my office gave me a note saying, "The Federal Reserve Board phoned me that they had cut down the force, which would now run up to 3,000." That is 2,000 short of 5,000. So, if the Senator from Virginia was mistaken in that, we will have to mix a little salt with a good many statements that he made about the whole matter under discussion. The Federal Reserve Board has palmed off on him a whole lot of misinformation.

There are millions of people in the South and West who have suffered tremendous losses under the policy of deflation. They have eaten, to their sorrow, its bitter, bitter fruit. They know where the shoe pinches, and they approve the stand that I have taken and the course that I am pursuing in this matter.

By the fight that I have made in this body, with the Senators from Georgia [Mr. HARRIS and Mr. WATSON], Senator SMITH, of South Carolina, both the Senators from North Carolina, the Senator from Nebraska [Mr. HITCHCOCK], and others, we have brought the interest rate down from 7 per cent to 5 per cent. Nothing but our constant, persistent protests against that robber rediscount rate of 7 per cent caused it to be abandoned. But, Mr. President, they did not abandon it until it had well-nigh ruined the farmers, merchants, and bankers of the South and West, and Wall Street had fed until it was full.

The Senator from Virginia said the time had come for some one to combat the persistent misrepresentations made about the Federal Reserve Board and its policy. I agree that the time has come to speak plainly. A Republican was running for President, and Gov. Harding, appointed by a Democratic President, who was lying stricken upon his bed, while a Republican House and Senate sat on Capitol Hill, wired, I am told, his congratulations to the candidate of the opposition party, felicitated him later upon his speech of acceptance, and went a little later to Marion, Ohio, to see him. The Times was right when it said he supported the Republican ticket. How did they get that information? I did not see it in the paper. A newspaper friend of Gov. Harding told me about the editorial being in the Times, and I unearthed it. May I say again that the trail of the serpent is over it all.

Mr. President, Democracy with me is almost a religion. I am a Democrat from hat crown to shoe sole. I believe that the right solution for all the problems that confront this country lies in the hands of the Democratic Party, and I have never been more convinced of that than since I have seen the Republican Party in power since the 4th of March, 1919. Here is the great money power, which controls the currency and credit of the country, lodged in the hands of this board. It is a tremendous power, Senators. I have seen it turned over until it is now working in a manner satisfactory to the Senator from Connecticut [Mr. McLEAN], who fought the system in the beginning, working satisfactorily to Mr. Platt, who fought it in the House in the beginning. Platt, a man who tried to kill it, now helps to administer it. The Senator from Connecticut [Mr. McLEAN], who tried to defeat it, now comes to the rescue of the Senator from Virginia when he assails me about my arraignment of the Federal Reserve Board.

It is time to indulge in plain talk, Mr. President. Let us turn that picture of Gov. Harding's actions around. If a man had been appointed governor of that board by a Republican President, and he had smiled and bowed all the way through the administration, and at last the chief was stricken down, lying prone upon his back in bed, and the opposition party should be around the country marshaling its forces, and they should select a candidate, and you would find the head of that board wiring the Democratic candidate congratulations, and then writing him on his acceptance speech, and then going to see him, would you not think he was sort of dicker with the Democratic Party? Would you not think he was trying to make fair weather with the party that he believed would soon come into power?

To clinch it, I am informed by good authority, and I have written to one of the men who heard the conversation, and he said it was a private conversation, and Gov. Harding can deny it if he chooses, that he (Harding) said in the presence of the governor of a southern State and a high official of the American Cotton Association, that he and Platt had arranged the matter and that he would remain on the board. The time has come, I repeat, for plain talk, Mr. President.

Mr. SIMMONS. Mr. President, I would like to ask the Senator, if he has any information on this point, whether the interests the Senator has been assailing are backing Mr. Harding

on the board? Do they desire and are they seeking his retention? Has the Senator any information about that?

Mr. HEFLIN. Mr. President, I have had numbers of letters saying that the very forces I have been fighting in Wall Street demanded that this man be retained. It was said here three or four weeks ago—I referred to it then, though I have forgotten what paper it was, that said they demanded that Harding be retained. Certainly that is so. I do not know whether it was the Wall Street paper or what paper it was, but these interests are for him. The interests that fought the Federal reserve banking system are now pleased with the way the Federal Reserve Board is manipulating it. The same Wall Street interests said to President Wilson, "If you will let this old banking system remain, we will support you and your party. We do not care anything about the Democratic Party or the Republican Party as such. We will help the party that will permit us to control the money supply of the country." But Wilson said, "No; I am going to knock out your teeth and I am going to cut off your claws. I am going to restore the control of the money supply and credit of this country to the Government, so the people can all obtain at all times what is necessary to carry on their legitimate business." And that is what we meant to do and did do when we broke the Wall Street control of the money supply of a hundred millions of people.

Now, what do we see? We see a banking system over there in New York with Gov. Strong at the head of it, who increased his salary from \$30,000 to \$50,000 by the sanction of the Federal Reserve Board, and clerks who drew \$1,600 increased to \$16,000, and clerks who drew \$1,800 increased to \$18,000 by the sanction of the same board.

Gov. Strong must be a pretty bad egg. I have been told that the Senator from Virginia who sits before me wrote to a man or told him in person down in Virginia that Strong was an unfit man to be at the head of that banking system up there. I heard him testify down here. He is a man of great energy and determination. He dominates the Federal Reserve Board now. He is the invisible governing power. He is also a very egotistical man, I am told. I understand that while the Senator from Virginia [Mr. GLASS] was Secretary of the Treasury Mr. Strong strode around in that pompous fashion of his and talked about what he would do and would not do, and Senator GLASS reminded him that he could and probably would ask for his resignation.

I am informed that that took place. That is the crowd whose strange conduct I have been criticizing and condemning.

Am I right or am I wrong in demanding that the Federal reserve banking system be administered fairly and honestly in the interest of legitimate business in this country?

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HEFLIN. With pleasure.

Mr. SIMMONS. Has the Senator any information that he can give the Senate showing the connection with Wall Street of the governor of the Federal Reserve Bank of New York, Mr. Strong? I have heard the charge frequently made that it was through Mr. Strong that Wall Street had been pipe-lined into the Federal reserve bank.

Mr. HEFLIN. Yes; so have I.

Mr. SIMMONS. Has the Senator any information that he can give us showing Mr. Strong's connection with it, and especially with the great banking house of J. P. Morgan & Co., because I have heard—I do not know whether it is true or not—that in some way or other he had some such business connection?

Mr. HEFLIN. I have heard the same thing and I have some statements in connection with my speech that I shall print in the RECORD emanating from John Skelton Williams that I think tie up the Federal reserve bank in New York with Wall Street's operations. He sets out and charges that on a number of occasions they loaned those speculative interests up there not millions but hundreds of millions of dollars; in fact, that at one time in the fall of 1920 they were loaning to two banks in New York \$250,000,000, and at the same time they were loaning on agricultural and call paper in 18 States just \$15,000,000. As I said the other day, that is \$5,000,000 less than the fertilizer bill of the farmers of my State alone.

Think of it. Wall Street! Why, the old system took money up there and drained the country. The old system sucked it out of the country and fed it into the maw of Wall Street, and I do not propose that the new system shall suck it up and carry it into Wall Street without my solemn protest.

I defend the system. Mr. President, I think it is the greatest banking system ever devised by the genius of man, and I do not

intend that anybody shall pervert and twist and confuse my indorsement of the system with my criticism and condemnation of the policy of the Federal Reserve Board. The great ocean steamer that has many times carried American passengers back and forth across the sea is not to be condemned because an incompetent or criminal pilot steers it upon the rocks. I am not condemning the Federal reserve banking system. I am condemning those who abused and violated the trust reposed in them and used that system to hurt rather than help American business in the time of great distress. The Senator from Virginia told us that it was the silk industry of Japan—poor little Japan—that precipitated a financial riot in the business world. How ridiculous, Mr. President.

Mr. President, when I saw the excuse that was made by the Federal Reserve Board as to why it would not permit Federal reserve banks to grant loans as it had done before, I thought of what happened to Harpalus, who kept the strong box of Alexander the Great, and who had charge of the trophies that he had captured with his conquering army. For a long time he kept and cared for the precious store intrusted to him and dealt honestly and squarely with his chief, but one day the tempter came and in an evil hour Harpalus betrayed his trust and proved false to his friend and benefactor. He fled with all his golden store to Athens. When they noised the news around that Harpalus with all this treasure was in the city, the people were indignant. They said, "Assemble the people. Send for Demosthenes to come and address them. Under the spell of his great eloquence Harpalus, the criminal, will be driven from the confines of dear old Athens." Harpalus sent for Demosthenes, and Demosthenes responded in person to the request. Harpalus placed upon a table a large and beautiful loving cup made of gold, and as soon as Demosthenes's eyes fell upon it he was fascinated and drawn to it. He went up to it and lifting it with both hands, he said, "How much is this worth?" Harpalus said, in substance, "It will not cost you anything." He called his servant and said, "Bind this up and send it over to Demosthenes's home." Demosthenes's rage commenced to cool.

The next day the people assembled, Demosthenes came into the hall, and at sight of the great orator of Athens the people cried, "Speech! Speech!" But Demosthenes stood with wool tied around his throat and said in a whisper, "I am too hoarse to speak." And the people of Athens banished him.

Mr. President, when I saw the Federal Reserve Board sitting above the storm of battle and administering this mighty Federal reserve banking system so as to meet every demand, when I saw the interests of the East and Northeast calling for money to loan the Allies, and it quickly responded, and when I saw the country itself call for a loan of \$10,000,000,000 for the allied nations and it quickly responded, and when I saw it called upon to float twenty-odd billion dollars of Liberty bonds, and it graciously responded without a tremor, I said, "God bless the great Federal reserve banking system."

Then I saw it when the bugle sounded truce on the battle fields of France, when the war was over and the curtain went down. I saw it after peace had come, in the year 1920, when the hungry wolves of Wall Street commenced to howl in anticipation of the financial feast that they somehow knew was going to be prepared for them from the substance of the South and West. I saw them advance as they did under the old banking system, and I said: "Let them come. We will meet them in the open field and fight them and whip them as we have done with the guns and battle blades of the Federal reserve banking system. Send for Gov. Harding, and when he comes out and tells those wolves of Wall Street that we are going to be furnished with the guns and ammunition necessary to whip them, they will turn and flee as they did in 1919." Gov. Harding appears with something tied around his throat and he tells the farmers, merchants, and bankers of the South and West that he, like Demosthenes, is too hoarse to speak. The wolves of Wall Street, like Harpalus, had their way; but, strange to say, President Harding, unlike the indignant people of Athens, did not dismiss or banish the governor of the Federal Reserve Board.

Mr. President, I commend to my friend, the Senator from Virginia, the public statements and speeches of John Skelton Williams. I was talking to the Senator yesterday about it, and I know he will not object if I tell you that he said he had never read a statement or a speech of John Skelton Williams on this great subject. Then I knew how to account for all the misinformation that the Senator from Virginia had inflicted upon the Senate and the country regarding the Republican deflation policy carried out by the Federal Reserve Board.

John Skelton Williams, at the time he acquired the valuable information that he has given to the country, was Comptroller of the Currency and a member of the Federal Reserve Board. He is a man of great ability and very high character. While he

sat on that board he called Gov. Harding's attention and the board's attention to the fact that instead of deflating credits and contracting the currency they could and should issue \$2,000,000,000 more without endangering in the least the gold reserve. He told them that, and he told them the truth; but they would not do it. Instead of doing that and preventing widespread disaster, they pumped the lifeblood out of the body of business in America and paralysis set in, and we have had a dreadful and terrible time, Senators. John Skelton Williams has dared to tell the people of the country the truth about the Federal Reserve Board's hurtful policy after a change took place in the mood and conduct of the members of that board. He has told us how, after the deflation policy had been ordered, the Federal Reserve Board held secret meetings to which he, a member of the board, was not invited. Who is this John Skelton Williams? He is the man of whom I am informed two years ago at a farmers' meeting in Lynchburg, Va., the Senator from Virginia [Mr. GLASS] said, in substance, "He is the greatest Comptroller of the Currency we have ever had, and practically the only one in 40 years." Now, back to the secret meetings of the Federal Reserve Board. Does that look like everything was open and aboveboard? It looks very suspicious and crooked to me. Why, Mr. President, the *Manufacturers' Record*, probably the greatest business magazine in the country, a periodical of high standing and large circulation amongst business men, has from the beginning strongly criticized the Federal Reserve Board's deflation policy. It said, among other things, that Gov. Harding had hoarded the lifeblood of the Nation and would not let it circulate.

COMMENDING MY COURSE.

And it told the truth. Col. George W. Armstrong, of Fort Worth, Tex., a big cotton farmer and cattleman, has written a book on that destructive deflation policy, called "The Crime of 'Twenty,'" and he has dedicated it to the editor of the *Manufacturers' Record* for the great fight that he has made along this line. The *Manufacturers' Record* calls attention to the fact that the Supreme Court of the United States condemned the conduct of the Federal Reserve Board. Am I not in good company with John Skelton Williams, Richard H. Edmonds, of the *Manufacturers' Record*, George W. Armstrong, and the Supreme Court? Mr. President, the people of my section have suffered sorely because of the crime of 1920, and the people of the West have suffered the same afflictions. As long as I have the strength to battle I shall fight for a fair and honest administration of our great Federal reserve banking system. I may not be able to get my arguments into the subsidized newspapers of the country. They may be able to keep them out of such papers, but they can not keep them out of the CONGRESSIONAL RECORD. Wherever my speech has gone, the one I made in brief reply to the Senator from Virginia, I have received many letters, some from his own State, commending my course and indorsing the fight that I am making for an honest administration of our great banking system.

To my mind the Federal Reserve Board has committed a grievous wrong against the people of the United States. Senators, it is no small offense for a board of five men to cut off credits and place the money supply beyond the reach of business that needed it to prevent financial ruin. I am fighting to make such a crime so odious that it will never be committed again. Of course, I know that those who made millions and hundreds of millions through the policy of deflation hope to be able to do it again, and that is the reason they dislike for me and others to expose this crime now. But I am not seeking to please them; I am fighting them and I shall continue to fight them whenever they work injury to my country.

What did John Skelton Williams tell them? He said, "You are shutting up money and hoarding gold that should be in circulation serving the purpose for which it was created." The *Washington Post* of January 23, 1922, declared that our country had been hurt by hoarding gold. What an indictment against the deflation policy that I have for months condemned. I am told of what a Senator quoting John Skelton Williams said to President Harding when the President said, "Well, you must admit that we have a very large gold reserve." The Senator said, "Mr. President, suppose the city of Washington was on fire and block after block was being swept away, and every fire alarm in the city was sounding, but no fire engine or fire fighter appeared on the scene. What would you think when it was all over and millions of dollars worth of property had been destroyed, if the firemen should come to you and boast that they had the largest water supply in the history of the city?"

Mr. President, at the instance of Wall Street gold was hoarded and kept out of circulation so that Wall Street could work its will on the helpless masses of America. When I was down home the other day I saw a young man moving his house-

hold goods along the road to a cotton-mill town. Two years before he owned a beautiful little farm, with young fruit trees about his dwelling house. He had a bright, cheerful wife and a fine boy and girl—twin joys of a happy little home upon the farm. The 14-year-old boy was walking along by the wagon. He had a troubled look upon his face as he walked along gazing upon the ground. I saw his little 6-year-old sister sitting with her mother in the wagon as she hugged a little doll to her bosom. The good wife and mother was trying to be brave through it all. The crop of 1920 and the little farm on which it was produced had been sacrificed upon the altar of a cruel and remorseless deflation policy.

He told me what had happened. The debt-paying power of his products had been destroyed and the little home and farm that he had provided for those he loved had been swept away and he was leaving the community where he was born and reared with debts incurred in farm operations still hanging over him.

Here was a hopeful, buoyant, and successful young farmer broken in spirit and ruined in business simply because he could not obtain financial aid to prevent the destruction of the debt-paying power of his products. He is one of the hundreds of thousands of farmers in the South who were literally robbed by that policy. When I saw this same young farmer previously he had a cheerful look on his face, but when I saw him leaving the home and moving his household effects along the public road he was a changed man. The bright and cheerful look that I had seen before was gone.

A lump came in his throat when he told me that the most trying ordeal came when his boy, with tears in his eyes and a sad tone in his voice, said, "Papa, what does all this mean?" Senators, that question was asked by many thousands of once happy boys and girls upon their fathers' farms in the South and West during the deadly drive of that destructive deflation. The farmer's products were taken from him at prices below the cost of production and then sold to the consumer at exorbitant prices and tremendous profits. Farmers lost their homes and farms and tens of thousands of them were driven from agricultural pursuits into cotton-mill towns and industrial centers.

Mr. President, when I saw this work of destruction going on I thought of the unfortunate Acadian farmers about whom Longfellow wrote in his poem *Evangeline*:

Waste are those pleasant farms, and the farmers forever departed!
Scattered like dust and leaves, when the mighty blasts of October
Seize them, and whirl them aloft, and sprinkle them far o'er the ocean.

As cruel as the decree of the king which took the crops and lands of the Acadian farmers was the disastrous deflation policy that destroyed the business and took away the farms of innumerable American farmers.

In describing the Acadian farmers' farewell to home and farm Longfellow said:

Soon o'er the yellow fields, in silent and mournful procession,
Came from the neighboring hamlets and farms the Acadian women,
Driving in ponderous wains their household goods to the seashore,
Pausing and looking back to gaze once more on their dwellings
Ere they were shut from sight by the winding road and the woodland.
Close at their sides their children ran, and urged on the oxen,
While in their little hands they clasped some fragments of playthings.

Tragedies as sad and heart-rending as this one have been enacted right here in the agricultural sections of the South and West. That deadly deflation policy left broken spirits, deserted farms, and ruined homes in its trail, and yet the Senator from Virginia and the cold and cruel Federal Reserve Board wonder why I should dare to criticize and condemn a policy that has brought so much distress and misery to millions of people in the agricultural sections of my country. Mr. President, I want to read something about the subject under consideration from some very eminent authorities. First, the governor of the Bank of France; second, the former chancellor of the exchequer, Mr. McKenna; and so on.

I read:

We have welcomed, whether by means of rediscount or by direct discount, all paper whose creation responded to the legitimate needs of commerce and production. By this liberal policy we expect to support with all our power the activities of widely varying business enterprises which in France are needed to lessen the violence of the crisis.

If the Federal Reserve Board had felt that way the story would be quite different.

Now, I will read to you the views expressed by the Hon. Reginald McKenna, formerly chancellor of the exchequer of England and now president of the London Joint City and Midland Bank, the largest bank in the world. These extracts from Mr. McKenna's statement are contained in an English newspaper, the *Clarion*, published under date of February 4, 1921:

Let us look at the policy of monetary deflation to be obtained by a high bank rate and a restriction of credit. Let us suppose that it were practicable by this process to bring prices permanently down to the

prewar level. What sort of charge would our national debt then mean to us? It ranks to-day at \$9,700,000,000, mostly borrowed when money was worth very much less than before the war. With prices back to their former level, the true burden of the debt would be more than doubled, or, in other words, the creditor would receive a huge premium at the expense of the debtor.

I think I have said enough to show that an attempt at monetary deflation of this kind can only end in the strangulation of business and widespread unemployment.

The editor of the *Clarion*, commenting on this statement, says:

Thus, in Mr. McKenna's opinion, the Government policy now being carried out by the banks, the policy of reducing the supply of money for industry, will inevitably result in—

1. The robbery of the majority of the people for the benefit of a few rich.
2. An unbearable rate of taxation.
3. Widespread unemployment.

Continuing, he says:

Mr. McKenna on this question is in entire agreement with us. He says:

"Monetary inflation, unlike speculative inflation, is not a temporary condition capable of remedy by raising the bank rate and restricting credits. Prices in this case are forced up over a protracted period of time, wages and contracts of all kinds are adjusted to new price levels, and fresh capital is embarked in business on this basis. In circumstances such as these the first effect of an attempt to force down prices by monetary deflation must be to cause severe trade depression. * * * The consequences of a continuous fall in prices entailed by dear money and restriction of credit, and accentuated by heavy taxation, must be complete stagnation of business."

Mr. President, that is as true as the Gospel. When cotton was 40 cents a pound the farmer in my county who made 10 bales of cotton could pay \$2,000 worth of debts with it, but when this deflation policy commenced and the price went down to 10 cents a pound, it required 40 bales of cotton, four times the amount he had, which would mean four crops, to pay the indebtedness that he incurred in making one crop in the terrible year of deflation. I read again:

"I think I have said enough to show that to attempt a monetary deflation of this kind can only end in the strangulation of business and widespread unemployment."

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Listen, Senators—

the robbery of the majority of the people for the benefit of a few rich men; second, an unbearable rate of taxation; third, widespread unemployment.

What have we in this country now? We have exactly those conditions. That is what Mr. McKenna said would happen under deflation, and that is what did happen. The masses have been robbed, a favored few have increased their already immense fortunes, and millions of men are out of employment.

I showed to the Senate a little while ago that we lost in 12 months' time on one cotton crop \$1,750,000,000. We lost that amount and Wall Street speculators got it. I have said here once before and I now repeat that if a man had sold a thousand bales of cotton on the bear side of the market in July, 1920, and had held his contract for seven weeks, he would have made \$45,000 on the 1,000 bales. Who lost that \$45,000? The cotton farmer. Who made it? The speculator in New York and other places. So when I am talking about the farmer losing so much money I want you to know that somebody got every dollar he lost.

What about wheat? Wheat had been selling for \$2 and a little more a bushel, but when it went down to \$1 a bushel what happened to the consumer? He did not get any benefit from the reduction; he continued to pay a high price for flour and bread. What happened to corn? The price of corn was beaten down low. What happened to the products of corn? Corn flakes—and I have referred to this once before in the Senate—sold for 15 cents a saucer.

I paid 15 cents for a saucer of corn flakes when the farmer of the West was getting 20 cents a bushel for his corn. I paid 15 cents for a saucer of oatmeal when the farmer was getting 17 cents a bushel for oats. Who got the money the farmer lost on grain? Not the consumer but the speculator. How about live stock? A sheepman in the West testified that he could not get financial aid to enable him to retain his large flock of sheep, that he was forced to sell them. He said after paying for feed on the way to market and for freight charges that he received above that amount just 34 cents a head. He lost more than \$8 a head on his flock of sheep. And yet at that very time the hotels of Washington were charging from 35 to 50 cents for one lamb chop.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia. Mr. WATSON of Georgia. A few days ago there was brought to me from the reception room a card bearing the name of Mr. Will Kendrick, of Mayfield, Ga., a business man whom I have known for many years. My colleague [Mr. HARRIS] perhaps knows him. He is a worthy gentleman and entirely trustworthy. Among other things which he told me, showing conditions in Georgia, was this: His son-in-law, a large farmer, found it necessary to run his farm on a basis of 15 plows less than he had been doing. That left him with 15 surplus mules, which, of course, he wanted to sell. There being no local demand for mules he shipped them to Atlanta—a carload of mules. They were sold and his net return from that carload of mules, which cost him \$150 apiece two or three years ago, was less than \$1 apiece for the mules, the net return being \$12.50.

Mr. HEFLIN. Mr. President, there are innumerable instances akin to the one mentioned by the Senator from Georgia.

Right in line with what the Senator from Georgia said, let me read from the testimony of Mr. Wilcox, a gentleman who represented farming interests and who appeared before the Senate Committee on Agriculture. He said:

When this call came for money, when the Eastern banks called on the Western banks for money, the Western banks called on the cattlemen, with the result that the cattlemen simply pushed into the market what they had; liquidated their cattle—

Listen, Senators—

they played square and gave what they had to settle and tried to settle. Then started an absolute flood of cattle going into the market back yonder, beginning in the spring when the cattle should have gone to the range.

Mr. President, I said that this terrible thing commenced in the spring of 1920, in May of that year, and that is when he says this devilment was done to the cattlemen of the country. Again he said:

In other words, instead of those cattle going to the range, as is customary and as should be the case, on account of this calling of loans they went to Chicago, Omaha, and Kansas City. As far as I could find out on my trip, there is probably not more than 50 per cent as many cattle on the ranges in the Northwestern country as there was a year ago. This situation is due altogether, so far as I can see, to the fact that they had to liquidate.

Yet my friend from Virginia does not seem to know that they were forced to liquidate. The cattle industry of the country was stricken down. Here is the testimony. The Senator wanted proof of a deflation, and here it is. This man said when the cattle ought to have been feeding upon the plains, when they should have been producing meat to feed the world, they were driven into the market place. They went to pay as far as they could go. One farmer in Iowa asked the question of the bankers, "What are you going to do with this money when you get it from us? Are you not going to loan it to somebody? Then, if you are, is there any interest more closely bound up with the welfare of the whole country than agriculture?" They have not answered him yet. What did they do with that money? They took it to New York and loaned it out in Wall Street, where the speculator could use it in beating down still lower the price of farm products. The Federal Reserve Board, although its actions would indicate it, is not the private property of any bank or set of banks. It is composed of Government officials, whose duty it is to see that the Federal reserve banking system is justly and honestly administered.

Mr. President, I have here a number of authorities upon this subject that I will read and make some comments upon, including some statements from Mr. Williams, so that my friend from Virginia can read them and answer them, if he can.

The Senator from Virginia says the Federal reserve banks did not refuse to lend money. The governor of North Carolina, Mr. Bickett, who appeared before our committee, says the trouble was that the call came all down the line to "Pay up your loans." He said that was the trouble, and the bankers of North Carolina said it came from the Federal Reserve Board in Washington; so the Senator from Virginia accepts the statement of Gov. Harding and his gold-dust twin, Platt, rather than believe the statement of reputable bankers in North Carolina.

Mr. President, I interrogated Gov. Harding right in that connection, and I want to read something that was said. Congressman BYRNES of South Carolina before that committee read a bulletin issued by the Federal Reserve Bank of Richmond, dated December 20, 1919, addressed to all member banks, saying:

Our present task, therefore, is to proceed with the deflation of credits as rapidly and as systematically as possible.

The Senator from Virginia said he wanted proof, and here it is.

What does that mean? "Go out after them. Take them as you come to them. Begin now and let none escape." That

statement was inspired by the Federal Reserve Board and was of itself enough to frighten bankers and demoralize business.

Now, listen. Gov. Harding said before our Committee on Agriculture:

I think that was excellent advice.

A little more light on the subject of deflation for the Senator from Virginia, and this from the governor of the board.

Do you get that, Senators? The very man who denies that he had anything to do with deflation admits that he gave sanction to a policy of deflation that was to be carried out as rapidly as possible.

When did they start in earnest and with a vengeance that merciless policy? They waited until May, 1920, until every cotton seed was in the ground and until the farmers of the West had planted. They waited until they got the farmers committed to large plans for the year's operations. They waited until they had bought their fertilizer and gone into debt on an inflated dollar. They waited until they had bought their implements and other things. They waited until the farmer was tied up and it was too late for him to beat a retreat. The merchants had made large advances and the local banks had granted credits. Then it was that the deadly deflation was begun. The Senator from Virginia [Mr. GLASS] says there were some who saw the storm coming and went to shelter. Yes; that is true. A Senator from a western State told me about a man who said to him in 1920: "The Republicans are going to put into operation a deflation policy. I have got \$25,000, and under deflation I can be worth \$50,000 at the end of the year." The man who had money could go to shelter or go and speculate and get out of things that he knew were going to be in the crash; but the farmer could not do that, and the merchant and banker who had made advances could not do that. Mr. President, he was bound hard and fast while the destructive policy of deflation beat upon him with all its fury.

When the Federal Reserve Board refused to go, as it had done before, to his rescue there was nothing he could do but to stand and suffer.

Now, let us see a little further about Gov. Harding.

In 1919 I received a telegram from a firm of merchants in my town, Stanley & Singer. They said:

Rumored here that Federal reserve banks will not back the local banks in carrying cotton.

That is another proof that they intended to start this deflation in the summer of 1919, when they had tied up the farm land banks, as I said. All of these things link up and connect. This firm wired me, and I called Gov. Harding myself and told him about the rumor being circulated in Alabama and I inquired if it was true. He waited a little while and said, "No." He is not very talkative on anything that would benefit the people, but he is a mighty palaverer when he is trying to evade an issue or dodge the truth on the witness stand. He has no equal when it comes to that. He is as slick as an eel in a bucket of soapsuds. But, Mr. President, I said to him, "It is not true is it?" He finally said, "No." I told him that I was going to wire down there that the rumor was untrue and that Federal reserve banks will continue as formerly to back the local banks, and he gave his permission for me to do that. I wired Stanley & Singer, in substance, this, "No truth in rumor. Federal reserve banks will continue to back local banks as formerly in handling cotton."

That telegram was printed in some Alabama papers and other newspapers in the South. We had Gov. Harding before the Committee on Agriculture in December, 1920, and he dodged and evaded questions propounded by Senator NORRIS, Senator KENYON, and others as to his willingness to change the policy of deflation and aid agriculture. He would dodge and evade and say, "That reminds me of so and so," and off he would go. We talked among ourselves about what a slick, smooth witness he was. I decided to pin him down and get a direct answer. I asked about Alabama banks complaining about the conduct of the board.

Let me read the questions and answers:

Mr. HEFLIN. Have they not complained to you that the banks are not being treated as they were last year? Have you not had complaints from banks in Alabama?

Mr. HARDING. We have had no general complaints. I have had a few complaints.

Of course, they made them to the governor of the board!

Mr. HEFLIN. Did you not have complaints in October that some action of the board had broken the price of cotton?

Mr. HARDING. I was urged while in Birmingham, on the 9th of October, to make a statement that the resources of the Federal reserve system would be available to the cotton producers of the South to hold their cotton until such time as cotton might go back to 40 cents a pound, and I declined to make any such statement.

Mr. President, does not the very tone of that reply show that he was not in favor of giving any aid at all?

His very manner and bearing impressed me that he was not friendly but hostile toward the plan to aid cotton producers.

Then I said to him:

I think that these conditions that now exist, caused by the war, require that something should be done to tide the farmers of the South and West over, and to keep them from suffering this severe loss.

Mr. HARDING. I would be very glad to do anything in my power to help the farmers of the South and West.

Now, Mr. President, in order to show that he did not desire or intend to aid the farmers of the South and West, I will read to you a question asked by me and his evasive answer. I said:

Are we authorized by your position in the matter of lending money on farm products to local banks, through regional banks in the Federal reserve system, to give out a statement that you and the Federal Reserve Board do not oppose but encourage regional banks in giving the fullest aid possible to farmers in handling their crops so as to enable them to obtain a living profit for their farm products?

AN ELUSIVE AND INDIRECT OFFICIAL.

I was putting it squarely up to him. He whirled in his chair, turned pale, and said:

The Federal Reserve Board always prefers to make its own statements.

Did that answer indicate that he wanted to do anything for the farmers of the South and West? I was asking him if he was not willing for us to give out a statement to our constituents that he was friendly to them and that he would help them, but he whirled in his chair and said:

The board always prefers to make its own statements.

I telephoned him once before and asked him if I could make a statement, and he said I could. That was before this conspiracy was entered into. That was before he wired Warren G. Harding, a Republican, congratulating him on his nomination, before he wrote him a letter congratulating him on his acceptance speech. That was before he journeyed, not to Jericho but to Marion, Ohio, in the fall of 1920, and that was before William Boyce Thompson, the treasurer of the Republican campaign committee, borrowed partly under a dummy note \$5,000,000 through a member of the Federal reserve bank in New York. It was before all that when he told me that I could make that statement about aiding banks in carrying cotton, and I wired that the Federal reserve banks would continue to back the local banks, and I asked the simple question here if I might do that again, and this gentleman, who is willing to help the farmers all he can, said, "We prefer to give out our own statements."

He never did give out any statement, and so his failure to give it out and his failure to permit me and others to give out a statement shows that he was against doing the thing that we wanted done. He was against reviving the War Finance Corporation. So was Secretary Houston. I put them in the same boat. I believe, as I live, that both of them supported the Republican ticket in 1920, and they were opposed to reviving the War Finance Corporation. At the time they killed it there were applications pending for \$65,000,000 to export cotton to countries that needed it beyond the seas; and Eugene Meyer, who testified before the committee, said to Gov. Harding, "You know that all the outstanding debts against the War Finance Corporation were good," and he could not deny it.

What was the reason, then, for killing the War Finance Corporation? I do not know whether my friend from Virginia was in favor of that or not. He did not appear to say anything about it one way or the other, but in referring to the man who succeeded him, Secretary Houston, the Bulletin of the Federal Reserve Board said that "the policy of Houston will be the policy of Secretary GLASS." So my friend from Virginia, my good and genial friend who thinks so much of the Federal Reserve Board, may have held to the same views that Secretary Houston held to.

Mr. GLASS. Mr. President, the Senator does not want to be absurd. Secretary Houston succeeded me and I preceded him. Therefore his policy could not have been my policy.

Mr. HEFLIN. I thank the Senator. The bulletin said that Secretary GLASS's policy would be Secretary Houston's policy.

Mr. GLASS. I repeat, Secretary Houston followed me, and my policy could not have followed Houston's policy.

Mr. HEFLIN. This bulletin said that his policy would be the same as the Senator's policy had been.

Mr. GLASS. The Senator should get it right.

Mr. HEFLIN. I have got it right.

Mr. GLASS. Then it will be the only thing the Senator has gotten right.

Mr. HEFLIN. I am going to set a lot of things right. I am going to set the Senator from Virginia right before I am through with him.

Mr. President, I said further to Gov. Harding:

I know a farmer in my county who has 50 bales of cotton, on which he ought to at least be able to get \$5,000.

He is unable to get this money, and he has mortgaged his farm.

Think of that, Senators, going back to the nest egg, driving them with their produce into a dead market, refusing to let them have money to fight the wolves of Wall Street, driving them away from the Federal reserve system, driving them into the farm loan banks to mortgage the roofter and the farm of their fathers to get money to hold one year's crop off the market.

Here is what I said to the governor of the Federal Reserve Board about that:

That is the condition that exists. I do not know what you hear or what comes to you on paper, Governor, but they are in a desperate condition.

Then I said again:

Whatever the amount is that they are getting, it is not sufficient to enable them to handle the crop as they should.

That is my contention, Mr. President, that the farmers of the South and the farmers of the West did not get the money that was necessary to enable them to hold their produce until they could get a price that would yield a profit.

One other thing was about to escape my mind. This deflation was planned, as I have said, at the time the Senator from Illinois [Mr. McCORMICK] introduced the resolution which the Senator from Oklahoma [Mr. OWEN] said meant the start of a deflation policy, and told them that it was done at the instance of Chicago and Wall Street, New York. What happened? They put that War Finance Corporation out of commission. We held a meeting over here—I was on the committee—and we reported a resolution in favor of reviving it.

Section 2 of that resolution directed the Federal Reserve Board to go to the aid of American farmers in distress. What happened to that? It died at the hands of a Republican Congress, and I did not hear my friend from Virginia open his mouth in advocacy of that proposition. There were some Senators here who did not favor it, but they could not beat section 2 of that resolution, and we passed it, but it died in the other branch of the Congress, and I understand that the Federal Reserve Board whispered the word down the line to kill it. I know it was killed.

Who is responsible for this deflation policy? If President Harding keeps in power a board which has dickered with the interests of Wall Street, and, as the editor of the Manufacturers' Record said, has lost the confidence and respect of the business men of the country, how can he expect good times to return? I want to assert here what I have said before, that the bankers of this country live in fear and trembling of that board. I have received letters from them.

Other Senators have received letters and have told me about them. The Senator from North Carolina [Mr. OVERMAN] the other day rose and asked me why it is that the banks are afraid of this board and are not willing to have their names used when they write letters to us about its policy. I say it is because they are afraid. They know what this board will do to them. One man said in a letter to me, "There are so many ways they can affect us injuriously and punish us; do not use my name." What are we coming to? These banking institutions, which should have money in ample supply to meet the needs of honest business, are afraid of five men sitting at the Capital of the Nation, where our great banking system is being mismanaged and run entirely to the satisfaction of Wall Street.

Mr. President, I want to read from a letter from a gentleman who resides in the State of my good friend from North Carolina [Mr. SIMMONS]. He said:

The rapid increase of bills payable among the banks in the agricultural section to keep the business of our section going are in addition to the exhaustion of the balances which banks are always able to accumulate during the fall, when crops were moving.

What happened? Crops were not moving. Do you expect a manufacturer of cotton to pay 35 cents a pound for cotton when he thinks it is going to 25? Of course not. If he will not do it, do you expect the merchant to pay that and hold it, when he knows he will lose \$50 a bale on it? Of course not. Then what happens? This man tells the truth. He says that when the crop is moving they have money with which to do the business of the community. Listen to this:

In the fall of 1920 our banks were not able to build up these balances in their correspondent banks north because of the disappearance of values during the fall of 1920, and January 1, 1921, found the average bank in agricultural sections not only without balances with their correspondents but owing large amounts to their correspondents, which they were absolutely unable to pay because of the inability of their farmer customers to sell their products at a price which would enable them to pay their debts to the banks.

He continues:

This situation, I contend, the banks in the agricultural sections were no more responsible for than the lending banks, both the borrower and the lender being inspired during the year 1920 by the slogan that went all over the country that the farmers should exert themselves to the uttermost to make products to feed and clothe a hungry and naked world. Banks all over the country, borrowing and lending banks, joined in this crusade.

Mr. President, they said to the farmers, "Go to it. Make a big crop of cotton. Make a big crop of wheat. Make a big crop of corn. Times are going to be good for five years. The Old World will consume everything we can make. Go to it." The farmers went to it, and when they came up in the fall time with their harvests to the market place they said, "Won't you aid us to hold this until we can get enough to cover the cost of production?" They turned their backs upon them. What did they do? They shoveled money into Wall Street by the millions and hundreds of millions, and denied it to the farmers, merchants, and bankers of the South and West.

Let me call your attention to a table and statement prepared by John Skelton Williams. It contains some matter to which I have already referred, but I desire for it to appear in full at this point:

THE TRAGEDY OF DEFLATION.

OUR FEDERAL RESERVE SYSTEM A NATIONAL BLESSING; ITS MISMANAGEMENT A PUBLIC CALAMITY—"DEFLATION"—LIABILITIES OF FAILED BUSINESS HOUSES, 1921, \$627,401,838, NEARLY SIX TIMES AS GREAT AS IN 1919 (\$113,391,237), AND OVER THREE TIMES AS MUCH AS IN THE PANIC YEAR 1907.

(These figures are exclusive of thousands of farmers and individuals who also became bankrupt and ruined in the same period.)

SUICIDES REPORTED IN UNITED STATES FIRST SIX MONTHS 1921, 7,016; SAME PERIOD LAST YEAR, 2,996; INCREASE IN DEATHS BY SUICIDE, SIX MONTHS, 4,120.

The following table shows the average monthly prices of leading agricultural, mining, and manufacturing products for the month of January, 1920, and for each month from May, 1920, to August, 1921, inclusive; also, the amount of credits extended by the 12 reserve banks for each month for the period from May, 1920. (Figures have been compiled from official monthly issues of the Federal Reserve Bulletins published by the Federal Reserve Board.)

EFFECT OF DEFLATION ON RAILROAD TRAFFIC.

Freight traffic on the principal railroads last year decreased 23.3 per cent compared with 1920, the greatest decline, relatively and absolutely, that the railroads ever experienced in a single year. Net ton-miles totaled 344,167,000,000 during 1921, 103,890,000,000 less than in 1920.

The collapse in prices of agricultural and other commodities was contemporaneous with the enforcement of the Federal Reserve Board's ruinous "deflation policies."

Months.	Corn, No. 3, Chicago.	Cotton, middling, New Orleans.	Sugar, granulated, New York.	Wheat, No. 2 red winter, Chicago.	Cattle, steers, Chicago.	Hides, packers, heavy native steers.	Hogs, light, Chicago.	Wool, Ohio grades.	Yellow-pine flooring, New York.
1920.									
January.....	\$1.47	\$0.403	\$0.1537	\$2.63	\$15.93	\$0.40	\$15.12	\$1.23	\$112.00
May.....	1.98	.403	.2247	2.97	12.60	.35	14.75	1.16	160.00
June.....	1.53	.403	.2120	2.59	15.03	.34	15.35	1.00	160.00
July.....	1.53	.395	.1910	2.80	15.38	.29	15.88	.90	160.00
August.....	1.53	.338	.1490	2.47	15.35	.28	15.73	.87	157.00
September.....	1.29	.270	.1426	2.49	15.25	.28	17.06	.83	157.00
October.....	.87	.208	.1078	2.20	14.68	.25	14.78	.72	152.00
November.....	.80	.178	.096	2.05	14.57	.22	12.14	.69	124.00
December.....	.73	.144	.080	2.01	12.09	.19	9.66	.54	124.00
1921.									
January.....	.65	.145	.075	1.96	9.84	.16	9.67	.54	110.00
February.....	.63	.132	.070	1.91	9.31	.13	9.70	.54	95.00
March.....	.61	.110	.078	1.67	9.56	.11	10.30	.52	95.00
April.....	.55	.111	.072	1.38	8.71	.10	8.85	.52	91.00
May.....	.60	.117	.083	1.56	8.42	.11	8.45	.50	91.00
June.....	.60	.110	.056	1.43	8.09	.13	8.25	.49	91.00
July.....	.60	.114	.054	1.22	8.40	.13	10.20	.49	91.00
August.....	.55	.129	.058	1.23	8.77	.11	10.39	.49	92.00

The collapse in prices of agricultural and other commodities was contemporaneous with the enforcement of the Federal Reserve Board's ruinous "deflation policies"—Contd.

Months.	Cotton, yarns, Boston.	Leather, sole hemlock, Chicago.	Steel billets, Bessemer, Pittsburgh.	Copper, ingot, New York.	Lead, pig, desilverized.	Petroleum, crude, Pennsylvania, at wells.	Pig iron, at furnace.	Total of all loans and discounts (including "bought paper") held by all 12 reserve banks (as officially reported at the end of each month).
1920.								
January.....	\$0.72	\$0.56	\$48.00	\$0.193	\$0.087	\$5.06	\$37.75	\$2,736,670,000
May.....	.76	.57	60.00	.190	.085	6.10	43.25	2,938,031,000
June.....	.72	.57	60.00	.190	.084	6.10	44.06	2,830,979,000
July.....	.70	.57	62.50	.190	.085	6.10	45.75	2,836,935,000
August.....	.63	.55	61.00	.190	.089	6.10	48.10	2,980,124,000
September.....	.54	.51	58.25	.186	.081	6.10	48.50	3,012,088,000
October.....	.43	.49	55.00	.167	.073	6.10	43.75	3,090,672,000
November.....	.96	.47	49.70	.145	.062	6.10	36.50	2,983,103,000
December.....	.31	.41	43.50	.136	.047	6.10	33.00	2,074,836,000
1921.								
January.....	.28	.40	43.50	.128	.049	5.77	30.00	2,622,174,000
February.....	.27	.38	42.25	.128	.045	4.18	27.50	2,560,013,000
March.....	.24	.37	38.40	.122	.040	3.00	24.20	2,355,160,000
April.....	.23	.37	37.50	.124	.042	3.18	22.87	2,180,178,000
May.....	.24	.37	37.00	.128	.049	3.35	22.00	1,995,051,000
June.....	.25	.37	37.00	.128	.045	2.65	20.75	1,782,951,000
July.....	.24	.35	32.25	.125	.044	2.25	19.37	1,661,036,000
August.....	.25	.34	29.60	.117	.044	2.25	18.20	1,527,255,000

For the four months from the end of January, 1920, to the end of May, 1920, the loans and discounts and bought paper held by the 12 Federal reserve banks show an increase of about \$200,000,000, and coincidentally there was an increase, rather than a decline, in commodity prices. Corn at Chicago averaged \$1.47 in January and advanced to \$1.98 in May. Wheat advanced from \$2.63 in January to \$2.97 in May. Cotton maintained its price. Cotton yarns advanced; copper was fairly steady.

From the end of May to the end of July there was a reduction of about \$100,000,000 in the credits by the Federal reserve system. Disquieting reports were spread as to the deflation policies of the reserve system, and the downward slide in prices got under way. As the table shows, commodity prices, responding to the deflation policies of the Reserve Board, proceeded to tumble. Corn, which had averaged \$1.98 in May, declined to \$1.52 in August. Cotton, from \$0.403 in May, averaged \$0.338 in August. Wheat, from \$2.97 in May to \$2.47 in August. Wool, from \$1.16 in May, averaged \$0.87 in August.

The aggregate credits extended by the Federal reserve system after declining for June and July from the May level increased somewhat to the end of October as a result of advances for the crop movement, but the curtailment of credit and pressure for the payment of loans was actively enforced in other directions and prices continued to fall. Bank deposits were shrinking and the reserve system failed to extend the aid which would have enabled member banks to meet depositors' demands without forcing the collection of loans, entailing many bankruptcies. Just at this time—September and October, 1920—urgent pleas for a change of policies were made to the Reserve Board by Senators, Congressmen, farmers' associations, and business men throughout the country, and by the Comptroller of the Currency, whose protests both to the Secretary of the Treasury and to the board against the board's destructive policies are of record; but all protests were of no avail. The figures in this table show that from the end of October, 1920, to the end of August, 1921, the deflation of credits by the reserve system was steady and continuous, and as the contraction proceeded prices continued to tumble. A part of the excess interest exacted from member banks was refunded after Mr. Williams in letters and public addresses had demanded of the reserve board that restitution be made.

The pressure exacted was illustrated in the small country national bank—nearly all of its loans to farmers—to which a Federal reserve bank actually charged interest as high as 87 1/2 per cent—average about 45 per cent per annum—for the use of \$112,000 for two weeks, September 15 to October 1, 1920.

From May, 1920, to August, 1921, covering exactly the period of the appalling and unprecedented drop in prices of agricultural products, the actual "contraction" or "deflation" of regional reserve bank credits amounted to the huge sum of \$1,411,000,000, and coincidentally the country from ocean to ocean and from Canada to the Gulf and the Mexican border experienced the most "crushing losses" and the greatest annihilation of property values in the Nation's history. The baneful effects of the board's plans and policies were seen and felt even before the aggregate of its loans and discounts began to show the shrinkage which, since October, 1920, has been drastic and continuous.

From January 1, 1920, to September 6, 1921, the total deposits of the national banks of the United States shrank from \$17,866,000,000 to \$14,561,000,000, the total loss in deposits for this period being \$3,305,000,000. During this period the Federal reserve banks, instead of easing the situation by granting accommodations to enable the member banks to meet these unprecedented demands upon them, exerted such pressure in requiring them to pay up or curtail their loans that the contraction or deflation in the credits which had been extended by the 12 Federal reserve banks showed, from the end of May, 1920, to the 1st of September, 1921, the colossal and destructive contraction, as above stated, of more than \$1,400,000,000.

Between the end of October, 1920, and the end of August, 1921, the amount of Federal reserve notes in circulation also shrank from \$3,351,000,000 to \$2,481,000,000, a contraction of \$870,000,000. This contraction in the circulating currency is all the more significant when we realize that a large portion of the Federal reserve notes outstanding were issued against gold retired from circulation and not against commercial credits with only the statutory percentage of gold.

SUMMARY.

Total loans and discounts and "bought paper" held by all 12 Federal reserve banks May 28, 1920.....	\$2,938,031,000
Total loans and discounts and "bought paper" held by all 12 Federal reserve banks Aug. 31, 1921.....	1,527,255,000
Total loans and discounts and "bought paper" held by all 12 Federal reserve banks Jan. 25, 1922.....	932,882,000

Actual contraction in credits extended by the Federal reserve system May 28, 1920, to Aug. 31, 1921..... \$1,410,776,000

Actual contraction in credits extended by the Federal reserve system May 28, 1920, to Jan. 25, 1922..... 2,005,149,000

Which means that the credits which were being extended by all Federal reserve banks on August 31, 1920, amounted to only 52 per cent of the amount outstanding May 28, 1920, and on January 25, 1922, the amount outstanding was only 31 per cent of the figures for May, 1920.

Average price for the 16 leading products showing in the above table for the month of May, 1920, was..... \$87.12

Average price for the 16 leading products showing in the above table for the month of August, 1921, was..... 27.07

Notwithstanding these facts certain officials of the reserve system are disseminating propaganda alleging directly contrary to the record, that during the period of the great fall in prices there was an increase or nearly a thousand million dollars in credits granted by the reserve banks.

VIEWS OF LEADING MEN AT HOME AND ABROAD.

The paralyzing and destructive deflation policies of the Federal Reserve Board which have been so world-wide in their effects contrast most vividly with the views of the ablest and best thinkers and leaders of our own and other countries.

The following extracts from the expressed opinions of eminent authorities are merely examples of countless others:

Sir Edward Holden, late president of the London Joint City and Midland Bank:

The president of the British Banking Reform League in referring to an address delivered several years ago by Sir Edward Holden on the "Depreciation of Securities in Relation to Gold," said:

"In that illuminating address Sir Edward showed conclusively that the maximum amount of trade which is possible depended upon the volume of bank loans allowed, and that the extent to which loans could be granted depended not upon the demands of trade nor upon the amount of securities offered, but upon the amount of legal-tender reserves controlled by the banks."

Lord Leverhulme, probably the greatest industrial leader in the British Empire:

"The process of too rapid deflation is undoubtedly the cause of the present unemployment and trade stagnation."

"The prices of commodities rose to the extreme limit during the war and their reduction was a prime necessity, but the fall has been too sudden for adjustment. This deflation has been accomplished through the banks calling in loans which were used to finance stocks at high prices, and the effect of the forced realization of these stocks has been to drive down prices of commodities below the cost of production."

Of Lord Leverhulme, a distinguished English writer in his well-known book, "The Mirrors of Downing Street," says: "I suppose that nobody will now dispute that Lord Leverhulme is easily the foremost industrialist, not merely in the British Isles, but in the world. I can think of no one who approaches him in the creative faculty. Not even America, the country of big men and big business, has produced a man of this truly colossal stature."

In marked contrast with the policies of our Federal Reserve Board are the views of the heads of the greatest banks abroad.

Hon. Reginald McKenna, of England, formerly chancellor of the exchequer, now president of the London Joint City and Midland Bank, the largest bank in the world:

"I think I have said enough to show that an attempt at monetary deflation of this kind can only end in the strangulation of business and widespread unemployment."

"The consequences of a continuous fall in prices entailed by dear money and restriction of credit, and accentuated by heavy taxation, must be complete stagnation of business."

The president of the British Banking Reform League, Mr. Arthur Kitson, in acknowledging receipt of one of John Skelton Williams' addresses on the deflation policies of the Federal Reserve Board, which had been sent him by request, said in his letter to Mr. Williams:

"I agree with all that you have written. We have been experiencing the same troubles in this country that you have had in the United States, and from identically the same cause. Our treasury officials under the influence of the big money lenders undertook to deflate our currency."

"The public stopped buying, business collapsed, firms closed their doors, and we have at the present time the greatest roll of unemployed that we have ever had since the 'hungry forties.'"

The same well-known authority in an address published in 1920 said: "The contraction which followed the Napoleonic wars, when our statesmen destroyed the 'cheap' money which had enabled Great Britain to carry on industries during the long war period from 1797 to 1813, and substituted the costly and inadequate gold basis, brought about the great fall in prices and that era of business depression which gave rise to the corn-law agitation resulting in the Chartist riots and the rise of the free-trade movement."

"Neither free traders nor tariff reformers seem to have understood that that period of social misery was directly attributable to the Government's contraction of the money supplies."

Hon. Moreton Frewen, leading English economist and publicist, a year ago in discussing the world crisis:

"What, then, are the common denominators which best account for the universality of that disaster now impending over the new year? I have pointed out one, namely, the deflation of credits and currencies. It is enough to say that if this intentional and malevolent destruction of credit is followed to its logical conclusions men's hearts may well fail them everywhere for the days that are at hand."

The governor of the Bank of France, properly regarded as one of the world's most eminent banking authorities, in his annual report a year ago declared:

"We have welcomed, whether by means of rediscount or by direct discount, all paper whose creation responded to the legitimate needs of commerce and production. By this liberal policy, to which we have remained and always will remain faithful, we expect to support with all our power the activities of widely varying business enterprises which in France are needed to lessen the violence of the crisis."

Prof. Gustav Cassel, an economist of international reputation, in his recent report submitted to the League of Nations:

"The downward movement of prices has not, as is sometimes assumed, been merely a spontaneous result of forces beyond our control. It is essentially the result of a policy deliberately framed with a view to bringing down prices and giving a higher value to the monetary unit."

"The world's work has been brought to a standstill to a degree that we have never witnessed before, and unemployment has risen to alarming figures, particularly in countries where the policy of deflation has been applied most severely."

Prof. J. Laurence Laughlin, professor emeritus of the School of Political Economy, University of Chicago:

"A crisis comes because credit has been unduly expanded in a period of prolonged prosperity; in an optimistic spirit men have entered into transactions beyond their actual means, as is shown when the test of actual payment is exacted, and in a time of fright collateral as well as goods falls in price. In such a situation liquidation needs time if disaster is to be prevented."

"The great need is some means—whatever it may be—which will enable a bank to make loans to a client, who can thereby be saved from failure and from hasty and ruinous liquidation."

Prof. Irving Fisher, professor of political economy, Yale University: The newspapers of January 31, 1922, in dispatches from London quote Prof. Fisher as pointing out in an address before the London School of Economics, at the London University, that the fundamental cause of the collapse in prices in this country was the abrupt way in which the Federal Reserve system raised discount rates under the "false idea that they must get back to the so-called normal of pre-war."

Continuing, the press dispatch quoting Prof. Fisher says: "The idea of suddenly wrenching back price levels when they had reached the heights of 1920 to 1913 level, whilst it did bring about justice to contract parties who had entered into contracts before 1913, produced a frightful injustice to the much larger number who had contracted at these high price levels."

"Consequently," says the dispatch quoted, "Prof. Fisher held it to have been a very great mistake of policy of the Federal Reserve Board to have raised the rates of discount so high and to have produced this fall of prices."

The late A. Barton Hepburn, a leading financier of New York and former Comptroller of the Currency, upon his return last summer from a visit to the Far East, was quoted by the Associated Press as follows: "Japan is backing up the banks in lending funds at a low rate of interest to struggling farmers who would otherwise go under, to the detriment of commercial life."

Contrast the intelligent policy of the banks of Japan with the Federal reserve, which charged in some cases 15 per cent and 20 per cent, and in one instance as high as 87½ per cent, to member banks whose loans were mainly to farmers.

Japan, a newspaper published in Tokyo, Japan, in April, 1921, discussing trade between the United States and China, referred to an instance of machinery purchased by a Chinese firm on a four months' sight draft, said significantly:

"When the Federal Reserve Board called in credits, the firm was told that they would have to pay cash on delivery. This almost threw them into bankruptcy." The newspaper significantly adds:

"The Chinese memory is a long one."

VIEWS OF UNITED STATES SENATORS AND REPRESENTATIVES.

The Joint Commission on Agricultural Inquiry, composed of prominent Senators and Representatives of both political parties, says in its report recently submitted to Congress:

"The debacle of prices in 1920 and 1921 reduced the farmer to a condition worse than he has suffered under for 30 years. Farmers are having the greatest difficulty in paying the debts incurred in producing the crops of 1920 and in securing credit necessary for new production. The commission believes that these difficulties are due in a measure to the credit restrictions and limitations of the past 18 months and in part to the fact that the banking machinery of the country is not adequately adapted to the farmers' requirements."

"The commission is of the opinion that a more liberal policy could have been adopted in the latter part of 1920 and the early part of 1921, and that the adoption of such a policy would have served to arrest, in part, the tide of deflation and to reduce the hardships and losses incident thereto."

Reserve Board deaf to repeated warnings. October 18, 1920, the Reserve Board was warned by John Skelton Williams, then Comptroller of the Currency and ex officio member of the board, in the following language:

"The plans and policies which have aided in bringing about deflation in the great staple commodities should be at once taken up for consideration and revised as far as may be necessary to meet present and changed conditions. If this is not done speedily, I am fearful as to the consequences which may ensue." Three days later, October 21, 1920, in a letter to Secretary of the Treasury Houston, Mr. Williams said:

"The strain upon the business fabric of the country is, in some respects, unparalleled and I do feel that the time has come for the exercise of such salutary and constructive powers as may be at our command. The situation has become more aggravated of late, and unless relief can be found an increase in bank failures, I believe, will be inevitable."

The board's answer to these and other warnings was, more pressure and deflation. The reduction in credits by the Federal reserve banks for the 12 months ensuing from October 15, 1920, to October 26, 1921, was more than \$1,722,000,000, every month showing a contraction. The shrinkage and annihilation of property values which accompanied this "deflation" of credits exceeds the wealth of empires. The world's history furnishes no parallel for the heart-rending wiping out of values and destruction of enterprises, homes, and fortunes, large and small, which we have witnessed in the past 18 or 20 months, while the Reserve Board was conducting its experiments.

Mr. Williams kept up his efforts to secure a reversal of the board's destructive policies, but his remonstrances were unavailing. In a letter to the Reserve Board governor, January 17, 1921, he said: "It is entirely true that I wish to go on record. I wish to be recorded definitely as having done my utmost to urge our board to saving or palliative action and consideration for the troubles of the public and thereby at least free myself from the censure that will fall on us with crushing force if we omit any possible effort to mitigate present and real suffering or to avert disaster; although the consideration of personal exculpation is, of course, slight and negligible in comparison with my main purpose and hope, which are to obtain from the board some prompt and effective action for relief."

Mr. President, not only was the rediscount rate increased to 7 per cent and the progressive interest rate applied for the purpose of preventing banks from getting money for agricultural purposes but the Federal Reserve Board made it plain to the president of the American Cotton Association and the farm organizations of the West that money would not be advanced for the purpose of holding farm products for a profitable price.

Mr. WATSON of Georgia. Mr. President, the Washington Times of Friday, January 27, 1922, there appears on the page devoted to business and finance a headline reading as follows:

Reserve banks decrease note circulation. Gold holdings increased by \$5,600,000, while the decrease in note circulation was \$45,706,000.

Mr. HEFLIN. There it is, Mr. President. Not little by little, but in fell swoops they have done this awful injury to the country. Whose country is this? Does it belong to the banking interests of the East? Are 100,000,000 people to be looked upon as objects of prey for the moneyed interests of New York? The Federal Reserve Board, which did and now does the bidding of Wall Street, has lost the confidence of the American people and should not be at the head of this great banking system. I am fighting to save the system from those who would destroy its usefulness.

The Senator from Virginia seemed himself to feel, while speaking, as John Skelton Williams said, that he was on very uncertain ground, for several times during his speech he frankly invited corrections. For example, in making a certain statement, which I will show was wholly inaccurate; he said in his speech to the Senate:

I hope Senators will take particular note of this declaration and convict me here, if they can, of any inaccuracy that appertains to it.

Later on, after presenting deflation statistics, he again said:

If any Senator can controvert this fact, I pause to have him do it.

Of course, as Mr. Williams said:

It was impossible, while the Senator was speaking, for you or anyone else to dissect and analyze long columns of figures, but I have read them carefully, and I shall point out to you for use in your speech of reply some of his many errors. The Senator's speech may be divided into four parts:

First. His denial that "there was deflation of either regional reserve bank credits or any diminution of Federal reserve currency for the period of the appalling drop in prices of agricultural products."

Second. His denial that gross favoritism and partiality were shown in the distribution of the funds of the Federal reserve system.

Third. His defense of the rank extravagance in the matter of bank buildings for which the Federal Reserve Board has already approved the appropriation of over \$72,000,000, with other enormous expenditures pending.

Fourth. His defense of the enormous salaries paid, especially by the Federal Reserve Bank of New York.

I will now proceed to point out the pitfalls of error and the sloughs of deception through which the distinguished Senator has been so unwittingly dragged by desperate men seeking to defend or cover up their guilt, and who, even now, are doubtless rejoicing at the guilelessness of the Senator from Virginia and the ease with which they have betrayed him in their attempts to dupe the public.

I feel justified in saying that the confidence which the Senator reposes in his informants may be creditable to his heart but not to his head. The result of his unguarded acceptance of the statements, arguments, and pleas and juggled statistics furnished to him by men now under grave criticism and public censure, is that his speech in the Senate will be shown to be reeking with error and saturated with specious claims and false conclusions and delusions.

I want to take up, first, the Senator's bold declaration that "for the period of the appalling drop in prices of agricultural products there was no deflation of either regional reserve bank credits or any diminution of Federal reserve currency."

In order to answer this, it is desirable to determine, first, what was the period to which the Senator from Virginia refers as that of "the appalling drop in prices of agricultural products?"

On page 1441 of the CONGRESSIONAL RECORD of January 20 I find that he said on the first day of his speech:

"The peak of extortionate prices in this country had all but pierced the clouds in the early summer of 1920, exceeding actually the highest point of the war period."

He repeats that statement a few minutes later and says: "The peak of extortionate prices in the United States, as I said before, had all but pierced the clouds in the early summer of 1920, exceedingly actually the high point of the war period." The leading staple products and their prices in May, 1920, and August, 1921, are as follows:

Products.	May, 1920.	August, 1921.	Shrinkage.	Percentage of August, 1921, price to price in May, 1920.
Corn.....	\$1.98	\$0.55	\$1.43	27
Wheat.....	2.97	1.23	1.74	41
Cotton.....	.403	.129	.273	32
Sugar.....	.2247	.058	.1667	25
Cattle.....	12.60	8.77	3.83	69
Hogs.....	14.75	10.39	4.36	70
Hides.....	.35	.14	.21	40
Leather.....	.57	.34	.23	59
Wool.....	1.16	.47	.69	40
Lumber.....	160.00	92.00	68.00	57
Cotton yarns.....	.76	.25	.51	32
Steel.....	60.00	29.60	30.40	49
Copper.....	.190	.117	.073	61
Lead.....	.085	.044	.041	51
Pig iron.....	43.25	18.20	25.05	42
Petroleum.....	6.10	2.25	2.85	36

The collapse in prices of agricultural and other commodities was contemporaneous with the enforcement of the Federal Reserve Board's ruinous "deflation policies."

[Figures have been compiled from official monthly issues of the Federal Reserve Bulletins published by the Federal Reserve Board.]

	Corn, No. 3, Chicago.	Cotton, middling, New Orleans.	Sugar, granulated, New York.	Wheat, No. 2 red winter, Chicago.	Cattle, steers, Chicago.	Hides, packers, heavy, native steers.	Hogs, light, Chicago.	Wool, Ohio grades.	Yellow pine flooring, New York.
1920.									
May.....	\$1.98	\$0.403	\$0.2247	\$2.97	\$12.60	\$0.35	\$14.75	\$1.16	\$160.00
June.....	1.83	.403	.2120	2.89	15.03	.34	15.35	1.00	160.00
July.....	1.53	.395	.1910	2.80	15.38	.29	15.88	.90	160.00
August.....	1.33	.338	.1490	2.47	15.35	.28	15.73	.87	157.00
September.....	1.29	.270	.1426	2.49	15.25	.28	17.05	.83	157.00
October.....	.87	.208	.1078	2.20	14.68	.25	14.78	.72	152.00
November.....	.80	.178	.096	2.05	14.57	.23	12.14	.69	124.00
December.....	.73	.144	.080	2.01	12.09	.19	9.68	.54	124.00
1921.									
January.....	.65	.145	.075	1.96	9.84	.16	9.67	.54	110.00
February.....	.63	.132	.070	1.91	9.31	.13	9.70	.54	95.00
March.....	.61	.110	.078	1.67	9.55	.11	10.30	.52	95.00
April.....	.55	.111	.072	1.33	8.71	.10	8.85	.52	91.00
May.....	.60	.117	.063	1.56	8.42	.11	8.45	.50	91.00
June.....	.60	.110	.056	1.43	8.09	.13	8.25	.49	91.00
July.....	.60	.114	.051	1.22	8.40	.13	10.20	.49	91.00
August.....	.55	.129	.058	1.23	8.77	.14	10.39	.47	92.00

	Cotton, yarns, Boston.	Leather, sole, hemlock, Chicago.	Steel, billets, Bessemer, Pittsburgh.	Copper, ingot, New York.	Lead, pig, desilverized.	Petroleum, crude, Pennsylvania, at wells.	Pig iron at furnace.	Total of all loans and discounts (including "bought paper") by all 12 reserve banks (000 omitted).
1920.								
May.....	\$0.76	\$0.57	\$60.00	\$0.190	\$0.085	\$6.10	\$43.25	\$2,938,031
June.....	.72	.57	60.00	.190	.084	6.10	44.00	2,830,979
July.....	.70	.57	62.50	.190	.085	6.10	45.75	2,836,935
August.....	.63	.55	61.00	.190	.089	6.10	48.10	2,989,124
September.....	.54	.51	58.25	.186	.081	6.10	48.50	3,012,088
October.....	.43	.49	55.00	.167	.073	6.10	43.75	3,099,672
November.....	.36	.47	49.70	.145	.062	6.10	36.50	2,983,103
December.....	.31	.41	43.50	.136	.047	6.10	33.00	2,974,836
1921.								
January.....	.28	.40	43.50	.128	.049	5.77	30.00	2,622,174
February.....	.27	.38	42.25	.128	.046	4.18	27.50	2,560,013
March.....	.24	.37	38.40	.122	.040	3.00	24.20	2,356,160
April.....	.23	.37	37.50	.124	.042	3.18	22.87	2,180,178
May.....	.24	.37	37.00	.128	.049	3.35	22.00	1,995,051
June.....	.25	.37	37.00	.128	.045	2.62	20.75	1,782,951
July.....	.24	.35	32.25	.125	.044	2.25	19.37	1,661,036
August.....	.25	.34	29.60	.117	.044	2.25	18.20	1,527,255

the country from ocean to ocean and from Canada to the Gulf and the Mexican border experienced the most "crushing losses" and the greatest annihilation of property values in the Nation's history. The baneful effects of the board's plans and policies were seen and felt even before the aggregate of its loans and discounts began to show the shrinkage which since October, 1920, has been drastic and continuous.

From January 1, 1920, to September 6, 1921, the total deposits of the national banks of the United States shrank from \$17,866,000,000

We will therefore accept "the early summer of 1920," said Mr. Williams, as he expresses it, as representing the peak of high prices, and the official price reports of the Reserve Bulletins, published monthly by the Reserve Board, confirm this view, for we find that the climax of average prices for the principal commodities was reached that month. For example, the average price in January, 1920, of No. 3 corn at Chicago was \$1.47.

Middling cotton at New Orleans averaged in January, 1920, 40 cents, and that high price was the average for May.

Sugar, from \$0.15 in January, reached its peak of \$0.22 in May, and then the decline began.

No. 2 red winter wheat at Chicago in January was \$2.63, but advanced to \$2.97 in May.

Hogs at Chicago, which in January, 1920, were reported at \$15.12, reached the high average of \$15.88 in July; and wool, which was quoted in January at \$1.23 and \$1.16 in May, steadily declined from the latter date.

In the accompanying large table, in addition to the average prices for each month, I have also shown in a parallel column the total amount of all loans and discounts, including bought paper, or, as the Senator expresses it, of "credits" granted, by all 12 Federal reserve banks and held at the end of each of the months named for this entire period—

Said Mr. Williams.

Mr. President, I will print at this point in my speech a larger chart and a more comprehensive statement furnished me by Mr. Williams.

The table below shows the average monthly prices of leading agricultural, mining, and manufacturing products during the period of great deflation from May, 1920, to August, 1921, inclusive.

From May, 1920, to August, 1921, covering exactly the period of the appalling and unprecedented drop in prices of agricultural products—the actual contraction" or "deflation" of regional reserve bank credits amounted to the huge sum of \$1,411,000,000 and coincidentally

to \$14,561,000,000—the total loss in deposits for this period being \$3,305,000,000. During this period the Federal reserve banks instead of easing the situation by granting accommodations to enable the member banks to meet these unprecedented demands upon them, exerted such pressure in requiring them to pay up or curtail their loans that the contraction or deflation in the credits which had been extended by the 12 Federal reserve banks showed, from the end of May, 1920, to the 1st of September, 1921, the colossal and destructive contraction, as above stated, of more than \$1,400,000,000.

Mr. President, from May to October, 1920, cotton declined 20 cents a pound or \$100 a bale. That loss figured on a 12,500,000 bale crop constituted a loss in six months' time of \$1,250,000,000.

Mr. GLASS. Mr. President, may I ask if the Senator from Alabama is now making a speech that Mr. Williams wrote for him, or is he making his own speech?

Mr. HEFLIN. I am now using indisputable data and facts furnished me by John Skelton Williams, of Virginia. I said in the outset that I had requested him to give me certain facts. He has furnished them to me, and with them I am literally annihilating the confusing and misleading statements given to the Senate by the Senator from Virginia.

He says in his statement to me:

Now, as to Senator GLASS's denial that there was "deflation" of reserve bank credits for this period, which official figures show was exactly the "period of the appalling drop in prices": the record shows that of the standard commodities listed, nearly every one reached the bottom of monthly averages in either July or August last, mostly in August, although some have continued to drop as credit granted by reserve banks declined.

I do not therefore believe that the Senator, with these facts before him—facts which were drawn from official reports by the Reserve Board itself in their monthly bulletin—will deny that the period from May, 1920, to August, 1921, was "the period of the appalling drop in prices of agricultural products."

During such period the Senator says that he "pointedly denies that there was deflation of either regional reserve bank credits or any diminution of Federal reserve currency."

That is a very plain categorical statement, but it is squarely contradicted by hard facts, both as to "deflation of regional reserve bank credits" and the "diminution of Federal reserve currency."

Mr. Williams was the United States Comptroller of the Currency, and he knows whereof he speaks.

Continuing, he says:

The official figures prove that the total amount of loans or credits extended by the 12 Federal reserve banks amounted, in May, 1920, to \$2,938,000,000, and by August, 1921, the total had been "deflated" to the tune of \$1,411,000,000. Although there were slight variations up and down in the few months between May, 1920, and October, 1921, there was from October on a wicked contraction or deflation practically every month—a steady, cruel, grinding, calling in of loans and credits, accompanied by unparalleled losses, failures, suicides, and ruin.

The heaviest general decline in commodity values took place in precisely that period of greatest credit contraction from September, 1920, to August, 1921. In those few fateful months, according to the admissions of the Federal Reserve Board itself, as set forth in its monthly bulletins, corn at Chicago dropped from \$1.29 in September, 1920, to \$0.55 in August, 1921. Middling cotton at New Orleans declined from \$0.33 in August and \$0.27 in September to \$0.11 in July and \$0.12 in August. Sugar at New York fell from \$0.142 in September to \$0.058 in August. Winter wheat at Chicago declined from \$2.49 in September to \$1.23 in August. Steers at Chicago fell from \$15.21 in September to \$8.77 in August. Hides shrank from \$0.28 in September to \$0.14 in August. The price of hogs fell from \$17.06 in September to \$10.39 in August.

Wool shrank from \$0.83 in September to \$0.47 in August, and yellow-pine flooring at New York from \$157 in September to \$92 in August. In cotton yarns the shrinkage was from \$0.54 in September to \$0.25 in August, while sole leather at Chicago dropped from \$0.51 in September to \$0.34 in August. The decline in steel billets was from \$55.25 in September to \$29.60 in August. Copper from \$18.06 in September declined to \$11.07 in August, and lead declined from \$0.081 in September to \$0.044 in August. Pig iron tumbled from \$48.50 in September to \$18.20 in August, and petroleum quoted in September, 1920, at \$6.10 averaged for August, 1921, \$2.25.

Again Mr. Williams said:

Senator HEFLIN, Senator GLASS would never have made such statements as those which he has made so "pointedly," if he had not been deceived by some one. He "pointedly denied" that there was any deflation, but he is pointedly told in reply, and it is proved by official records, that the "deflation" in "Federal reserve credits" was over \$1,400,000,000, or approximately 50 per cent for "the period of appalling drop in prices," following the peak which the Senator tells us correctly was reached in the early summer of 1920. He denies also that there was any "diminution" of Federal reserve currency in the period, but the official figures of the Reserve Board itself show that between the end of May, 1920, and the end of August, 1921, the amount of Federal reserve notes in actual circulation shrank \$635,000,000 despite the large amount of Federal reserve notes which were issued during this period, not to enable these reserve banks to make loans or extend credit to those needing it, but in exchange for gold turned into the Federal reserve banks and withdrawn from circulation.

That goes to the root of the whole question as to whether our Federal reserve system has, during the past two years, been handled intelligently, impartially, and faithfully.

In a letter which John Skelton Williams addressed to Senator OVERMAN, under date of December 2, and which was printed in the CONGRESSIONAL RECORD with the unanimous consent of the Senate, I find the following brief paragraph:

Economy and efficiency in the operation of the Federal Reserve Bank of New York are, of course, highly important; but the question of salaries paid, however grossly excessive they may be, or the expenditure of \$25,000,000 for a palatial bank building, are small in comparison with other faults and evils to which I have directed public attention in connection with the management of the Federal Reserve Bank of New York and the administration of the whole Federal reserve system by the Reserve Board.

When we survey the country and realize the ruin which has come to our agricultural and other interests coincidently with the carrying out

of the board policies, it is clear that is not a small matter. A business man declared the other day with terrible earnestness: "I had rather have 10 panics than 1 'deflation.'"

The national banks in New York City were given in proportion to their total loans and discounts a year ago three times as great an amount of reserve bank funds as our 7,699 "country" banks were allowed to get in their hour of need.

It is not a small matter to discover that if our "country" banks had been given by the reserve banks a year ago the same proportion of accommodations that was furnished to New York banks, sometimes in blocks of "forty or fifty million dollars" at a time, as Gov. Harding expresses it, and to use his language again, "instantly," that those "country" banks would have received for the use of the farmers, cattle raisers, industries, and business of the country, a thousand million dollars more than was accorded them. What this meant to the country we now realize.

The official figures tell the tale. They show that the "deflation" in their holdings of "bills discounted and purchased" by the 12 Federal reserve banks between October 22, 1920, when farmers and business men were pleading piteously for help or consideration, to November 16, 1921, was \$1,784,000,000, an actual contraction from \$3,050,000,000 in October, 1920, to \$1,266,000,000 as shown in the official statement two weeks ago.

The peace of the world is of transcendent importance to our own country and to every other country. The value of disarmament, which it is believed will aid in securing universal peace, is of proportionate concern. But the amount of material wealth which this country would save by a reduction of 50 per cent, or even 75 per cent in the cost of its Army and Navy, is small in comparison with the colossal losses which our industrial, agricultural, and commercial interests—in fact, the people of every class, from one end of the country to the other—have sustained, and the suffering they have endured in the past year or 18 months in the debacles of "deflation." These misfortunes and hardships, many of our wisest leaders and best thinkers claim, were accentuated, if not brought about, by the mismanagement or folly of men in charge of a banking and financial system, which, so long as it is able, intelligently, and faithfully administered, should ever be a blessing not only to this country but to the world.

I agree, as do many of you Senators, with that statement of Mr. Williams. Mr. President, what a wonderful help to the farmers of the country and to the merchants and bankers in the agricultural sections would have been that one thousand million dollars. The Federal Reserve Board could have accommodated us with that money and saved hundreds of thousands of people from sore distress and financial disaster.

Mr. Williams, in discussing this matter with me, said:

The lavish waste of seventy-two millions or one hundred millions of money, squandered with riotous recklessness in the construction of gorgeous banking palaces or in the payment of excessive salaries to men either competent or incompetent, is a small matter in comparison with the gigantic losses amounting to thousands of millions of dollars and the sacrifice of human lives for which this debacle of deflation is responsible.

Now, Senators, as to the loss of human lives. I ask your attention to the following press dispatch appearing in the newspapers of August 15, 1921:

SUICIDES IN THE WHOLE COUNTRY.

Here are the figures for the six months of 1921, and they are sufficient to cause unusual anxiety.

Suicides.	First 6 months, 1920.	First 6 months, 1921.
Men.....	1,810	4,527
Women.....	961	1,952
Boys.....	88	214
Girls.....	137	293
Total.....	2,996	7,016

Mr. President, a good many whose names are in this list died because of the deflation policy of the Federal Reserve Board. Quite a number of bankers committed suicide. Many people were driven insane. Thousands of people were driven from their homes, and hundreds of thousands lost all they had.

And yet I am bitterly assailed because I have dared to cry out against a deflation monster, who has demanded and drawn from our people an offering bloody enough for a Moloch.

Speaking to me about the suicide cases, Mr. Williams said:

These figures tell us that for the first six months of last year there was an increase of 4,120 in the number of suicides, nearly two and a half times as many as in the previous year. There is no telling how many of these men, women, and children were driven to desperation from cold and hunger and the collapse and ruin of cherished plans and enterprises for which for many long years they had dedicated their lives and energies; farmers surrendering to their creditors their plow horses, milch cows, and farm implements and becoming with their wives and children wanderers on the face of the earth.

LIABILITIES OF FAILED FIRMS THREE TIMES GREATER THAN PANIC YEAR 1907.

And here are the figures furnished by Dun's Mercantile Agency, which tell us that for the year 1921 there were 19,625 business failures as compared with 6,451 in 1919, an increase of 13,174; more than three times as many business failures in 1921 as in 1919.

And the liabilities of the failed business houses reached the appalling total of \$627,401,000, an increase over 1919 of \$514,000,000, more than five times as great as the liabilities of failed firms in the year 1919.

Again, Mr. Williams says:

The figures now tell us that the liabilities of the failed business houses in 1921 were more than three times as great as the total liabilities of all failed business houses in the panic year 1907, when total liabilities of failed houses was \$197,000,000 against \$627,000,000 last year. And the sad thing is that these crushing losses were to a large extent wholly unnecessary and should have been avoided.

And he is right again.

Mr. President, I repeat, a banking system that could finance the World War could certainly have prevented this disastrous situation at home in time of peace. The Federal reserve banking system was equal to the emergency, but the Federal Reserve Board would not let it function.

Mr. Williams in his statement to me said:

It is currently reported that President Harding hesitates to remove from the Federal Reserve Board a man or men responsible for such mismanagement and ruin on the ground that these men—some so-called Democrats and some Republicans—were appointed by his predecessor and not by himself and that he is therefore not responsible for their appointment. But the President is responsible, as you have said, for keeping them in office, now that their unfitness is plain and proven to everyone. The President and the members of his Cabinet have not hesitated in calling for the resignation in various departments of the public service of many faithful and capable men against whom no charges had been preferred but whose places were wanted for political purposes.

Mr. President, if this board was not performing exactly like President Harding wanted it to perform, every intelligent man and woman in the country knows that he would remove it. They know that he would not permit it to stay in power 24 hours. But the fact that he does permit it to stay in power, that he does not ask for the resignation of these men, shows beyond all doubt that the President is pleased with the deflation policy of the Federal Reserve Board, which rendered his party so much assistance in the campaign of 1920, when it lost Tennessee, Oklahoma, New Mexico, and Arizona to the Democratic Party.

Mr. President, on the first day of his two-day speech on the Federal reserve system Senator GLASS announced with emphasis and printed in the CONGRESSIONAL RECORD in italics the following statement:

Thus it will be noted that, so far from the truth is the accusation that the Federal Reserve Board "tumbled" the prices of farm products by a cruel policy of deflation, it is shown that during the whole period of falling prices the Federal reserve banks were supplying largely increased credit facilities and issuing a constantly increasing volume of Federal reserve notes.

Mr. Williams, the former Comptroller of the Currency, said in his statement to me:

Such a claim is preposterous. The official records squarely contradict the distinguished Senator's statement and prove that for "the period of falling prices" to which he refers the Federal reserve banks instead of "supplying largely increased credit facilities" and instead of "issuing constantly increasing volume of Federal reserve notes" actually contracted their credits by more than a billion and a quarter dollars and contracted the Federal reserve notes by more than \$600,000,000.

Again, he said:

With such facts as these standing in his way, how could Senator GLASS possibly justify himself in making the following astounding statement (p. 1240, CONGRESSIONAL RECORD, Jan. 20, 1922):

It is significant, Mr. President—and I call the attention of my distinguished friend from North Carolina [Mr. OVERMAN] to the fact—that these increased facilities were applied for and granted at the increased rate of rediscount put into effect by the regional reserve banks and approved by the Federal Reserve Board. This tremendous expansion of Federal reserve credits, aggregating nearly \$1,000,000,000 within the 12-month period of falling prices, was not managed except by an alarming encroachment upon the gold reserves of the regional banks, one of them, as I recall, barely escaping the humiliating, if not disastrous, experience of having its gold reserve wiped out of existence; it had to resort to the expedient of largely rediscounting with another Federal reserve bank at the North.

To call such a claim fanfare—

Mr. Williams said, if I may borrow a word used by the Senator from Virginia—

It would be giving it a dignity of which it is not worthy.

The distinguished Senator from Virginia can not escape or justify his statement by antedating the time when the collapse in prices began and figure from January, 1920, for the record shows that even if we assume that the "appalling drop in prices" began in January instead of May or June, 1920, and then compare the amount of credits which the Federal reserve system was making in January, 1920, with the amount of such credits which were outstanding in August, 1921, until which date the "appalling drop in prices" was mostly continuous, we find that the terrific shrinkage in credits even for that extended period amounts to more than \$1,250,000,000—more than a billion and a quarter.

A further analysis of the table which I have given you—

Said Mr. Williams—

shows that between the end of January, 1920, and the end of May, 1920, the amount of Federal reserve credits outstanding increased from \$2,735,000,000 to \$2,938,000,000, an increase for those four months of \$203,000,000, and I ask you, Senators, to note that during those four months the prices of nearly all of the leading commodities shown in the table to which I have directed your attention were either stable or showed a slight advance.

Mr. President, these facts and figures can not be refuted.

They prove the correctness of my position. I said when they could obtain money the prices of farm products were stabilized

and yielded a little profit, but when they commenced withdrawing money that is when the prices went down, and the farmers of the South and West were sacrificed.

But Mr. Williams tells us that in the one month between the end of May, 1920, and the end of June, 1920, "credits" granted by the Federal reserve banks were contracted over \$100,000,000 and the downward movement in prices got underway. The farmers, merchants, and bankers of the country know that that is true.

The record of what transpired proves his statement to be correct. I have never yet seen one of his statements disproven. He was, I repeat, Comptroller of the Currency at that time, and he knows all about this thing. He says:

Large amounts of existing loans in the Federal reserve banks were called in, but a limited amount of new loans were granted during crop-moving time, so that in October the aggregate amount of credits outstanding was about 5 per cent more than in May. The money supplied for the movement of the new crop was largely offset by calling in other loans, and this tended to facilitate rather than check the downward movement of prices.

In July, 1920, I, as Comptroller of the Currency, saw the growing demoralization and tried to ease the situation by issuing a statement which showed that the reserve banks at that very time had an unused lending power of \$750,000,000, and was quickly criticized by the New York Reserve Bank, through its chairman, and by the Reserve Board for interfering with their cherished "deflation" plans for which the triggers had been carefully set.

He tells what occurred. Listen:

In September and October, 1920, many Senators and Congressmen joined with farm organizations from the cotton section and the wool section and the wheat country, in fact, from all the great producing sections, and besought the Federal Reserve Board to relax the pressure which was being exerted and which was manifesting itself on all sides.

On October 18, 1920, I, as Comptroller of the Currency, in a letter to the Reserve Board, in urging a letting up of the pressure, used the following language:

"The plans and policies which have aided in bringing about deflation in the great staple commodities should be at once taken up for consideration and revised as far as may be necessary to meet present and changed conditions. If this is not done speedily, I am fearful as to the consequences which may ensue."

There he was, Mr. President, telling this same Federal Reserve Board just what its deflation policy was doing and pleading for its abandonment.

He told them in advance what was going to happen; and what he said would happen actually did happen.

Again, he says:

Three days later, October 31, 1920, in a letter to the Secretary of the Treasury, who was also chairman of the Federal Reserve Board, I said:

"The strain upon the business fabric of the country is, in some respects, unparalleled, and I feel that the time has come for the exercise of such salutary and constructive powers as may be at our command."

"The situation . . . has become more aggravated of late, and unless relief can be found an increase in bank failures, I believe, will be inevitable."

He told the truth; they did increase.

John Skelton Williams favored reviving the War Finance Corporation. He said at that time:

The revival of the War Finance Corporation would provide, in my judgment, a much-needed steadying influence at this time.

There he was, favoring the revival of this mighty agency. It has helped considerably, but the Federal Reserve Board favored putting it out of commission, and they wanted it kept out of commission. That was a part of the program.

Speaking of how the Federal Reserve Board acted when we pleaded for assistance, Mr. Williams said:

But to the pleading Senators, Congressmen, and farm organizations and public officials a majority of the Reserve Board remained obdurate, and the car of Suggernaut rolled gloomily on.

And that is literally true.

From October, 1920, to August, 1921, the deflation, contraction, and pressure by the Federal reserve banks was kept up. I will read to you the figures furnished to me by Mr. Williams, which show the actual contraction or deflation which took place each month in Federal reserve credits from October, 1920, to the end of August, 1921.

The figures represent in each instance the reduction in the amount of Federal reserve credits outstanding at the end of the last week in each month as printed in the Reserve Board's official monthly bulletin:

HEAVY REDUCTIONS MONTH BY MONTH.	
The shrinkage from October, 1920, to November, 1920, was.....	\$116,569,000
From November to December the contraction was.....	8,267,000
From the end of December to the end of January, 1921, credits were called in of.....	352,062,000
From January to February the reduction was.....	62,161,000
From February to March the shrinkage in Federal reserve credits was.....	263,853,000
From March to April the contraction was.....	175,982,000
From April to May.....	185,127,000
From May to June.....	212,160,000
From June to July.....	121,915,000
And from the end of July to the end of August the contraction was.....	133,781,000

making the aggregate contraction from the end of October, 1920, to the end of August, 1921, \$1,572,000,000, and from the end of May, 1920, to the end of August, 1921, the total shrinkage was \$1,411,000,000.

And yet the Senator from Virginia has declared "that during the whole period of falling prices the Federal reserve banks were supplying largely increased credit facilities and issuing a constantly increasing volume of Federal reserve notes."

Is there anyone in the Senate who does not believe that the distinguished Senator from Virginia has been grossly misled by some one? I can not believe that he would have made such a mistake advisedly.

The Senator read from his prepared speech a number of figures purporting to show that between January, 1920, and January, 1921, there was a material increase in loans made on "agricultural" and "live-stock" paper by certain reserve banks, but he fails to show that the maximum amount of "agricultural" and "live-stock" paper ever held by all of the 12 reserve banks at any time never amounted to as much as one-tenth of the total credits which the Federal reserve banks were extending for all purposes in October, 1920, although from 40 to 50 per cent of the entire population are engaged in agricultural or allied pursuits.

As I said before, quoting Mr. Williams, the Senator from Virginia is silent about the fact—which is shown by the official records and with which he is doubtless conversant—that in November, 1920, over \$250,000,000 had been dishd out to two banking institutions in New York City, both conspicuous for their speculative activities, while about that same time the total loans on "agricultural" and "live-stock" paper held by six Federal reserve banks covering 18 States amounted to only \$15,642,000.

The Senator from Virginia inserted in his speech a statement purporting to show the loans of Federal reserve banks on "agricultural" and "live-stock" paper for the year 1920 by months.

I ask the privilege of inserting a table furnished to me by Mr. Williams, which has been prepared from the official figures contained in a letter addressed to the Joint Commission of Agricultural Inquiry by John Skelton Williams, which gives a comparison between the increase in "agricultural" and "live-stock" paper which took place in the several reserve districts between May or June, 1920, and May or June, 1921, as compared with the shrinkage which took place in the loans secured by Liberty and other United States bonds in the various reserve districts between May or June, 1920, and May or June, 1921.

The VICE PRESIDENT. Without objection, permission is granted.

The table referred to is as follows:

Secured on United States obligations.

[In thousands of dollars.]

Location.	1920	1921	Decrease.
Reserve bank of:			
Atlanta.....	55,351	39,255	16,093
Cleveland.....	114,060	38,346	75,714
Kansas City.....	32,883	24,421	8,462
San Francisco.....	55,667	43,394	12,273
Dallas.....	42,801	11,295	31,505
St. Louis.....	58,459	31,256	27,203
Chicago.....	159,382	112,004	47,378
Richmond.....	59,837	39,090	20,747
New York, Boston, Philadelphia, and Minneapolis.....	869,858	345,368	524,490
Reduction.....			763,893

Agricultural and live stock paper

[In thousands of dollars.]

Location.	1920	1921	Increase.
Reserve bank of:			
Atlanta.....	4,390	13,158	8,768
Cleveland.....	429	971	542
Kansas City.....	38,396	32,097	16,299
San Francisco.....	27,874	32,183	4,309
Dallas.....	16,242	35,391	19,149
St. Louis.....	3,384	8,333	4,951
Chicago.....	25,840	58,101	32,261
Richmond.....	2,645	9,801	7,155
New York, Boston, Philadelphia, and Minneapolis.....	27,114	40,395	13,281
Increase.....			84,213

¹ Decrease.

² Increase.

(The periods for which the above figures are given are mostly about the 1st of June in each year; sometimes a few days before and sometimes a few days later, being the report for the week end. In a few instances the figures are those for about the middle of the last week in the months stated.)

Mr. HEFLIN. The figures show that there was a general reduction all down the line.

The above table shows that although there was an increase in the aggregate amount of agricultural and live-stock paper held by all 12 Federal reserve banks between May or June, 1920, and May or June, 1921, of about \$84,000,000, yet the shrinkage or contraction in loans secured by Liberty and other United States bonds for substantially the same periods amounted to more than \$760,000,000. In other words, the contraction in loans on Liberty and other United States bonds was more than nine times as great as the increase in "agricultural" and "live-stock" paper held. The hardship of this contraction is better realized when we consider that the loans called in on Liberty bonds were very largely held by the "country banks."

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. Mr. President, right there I will state for the information of the Senator that there was a citizen of Georgia who took \$10,000 in Liberty bonds to Atlanta not long ago in the hope of borrowing money on them. He could not borrow one dollar. At that very time, however, such bonds were being bought in New York as rapidly as they could be put upon the market. I suggest to the Senator that the very policy which forced the remote banks to refuse to lend on Liberty bonds but which allowed money to be loaned for their purchase in New York naturally tended to depreciate their value in the agricultural States and force them to sale in New York.

Mr. HEFLIN. Absolutely. Mr. President, it reminds me of the fable of the donkey and the lion. The lion said to the donkey, "If you will put on a lion's skin and run through the forest and bray as you can bray and stare the animals, I will stand here at the gate and slay them as they come out." When the donkey came back, the lion had slain so many animals that the donkey had driven out that it even made the donkey sick to look upon the gruesome sight. Why, Mr. President, I repeat, the Federal reserve sent \$250,000,000 to New York in November, 1920, when \$15,642,000 was all that we could get at that time for 18 agricultural States. The Federal Reserve Board's deflation policy was the donkey that drove our Liberty bonds upon the market while bond sharks were buying them at \$85 on the hundred. That deflation policy was driving those who owned bonds in the South out at the gate and the Wall Street wolves slew them as they came. That is what happened. They literally played into the hands of the Wall Street wolves; and now what has happened? They have these bonds. My heart goes out to the outraged and unfortunate people of the South and West who were pillaged and plundered in that fashion. When their country was in peril, they bought bonds when it was a difficult matter to make the arrangements. They stinted themselves; they made sacrifices to do that in order to help their country, and when the war was over the discount rate was raised 3 per cent higher than the interest rate of the bonds that they had bought, and, as I said before, they were put in the attitude of having to borrow money at 7 per cent to make payments on paper bearing 4½ per cent. John Skelton Williams shows in commenting on the speech of the Senator from Virginia—and I am using mainly facts given me by him in answering many of the statements made by the Senator from Virginia—

Mr. GLASS. Nobody could mistake that fact.

Mr. HEFLIN. I am glad the Senator is at last coming to appreciate something that John Skelton Williams has written and said, because the Senator told me that he had never read any speech he had made or anything he had written upon this subject, and I am going to make him hear some of it to-day.

Mr. GLASS. No; I was just admitting that John Skelton Williams wrote the Senator's speech for him; that is all.

Mr. HEFLIN. He furnished me facts and figures that I could get from no other reliable source. I said that at the beginning, but it does not make any difference who wrote out these facts or furnished them. They fairly bristle with the truth and they are literally cutting the entrails out of the speech of the Senator from Virginia.

SENATOR GLASS MAGNIFIES ACTUAL FIGURES SIXFOLD.

The Senator from Virginia said—

That even after commodity prices began to topple the Federal reserve banks made a desperate effort to impede the velocity of the fall. From January 1, 1920, to January 1, 1921, these reserve banks expanded loans to member banks in an amount approaching \$1,000,000,000. Yet, Mr. President, in the very face of this indisputable evidence, Senators berate the Federal Reserve Board and the Federal reserve banks with the utterly false charge of ordering and executing a policy of "murderous deflation." Such talk is wicked mummery.

Now, let us see whose talk is shown to be pitiful nonsense and wicked mummery. In square contradiction to this part of the Senator's speech, says Mr. Williams, the official records show that on January 1, 1920, the total amount of all loans,

discounts, and bought paper held by all 12 reserve banks amounted to \$2,805,818,000. On January 1, 1921, or December 30, 1920, the amount of such accommodations aggregated \$2,974,836,000. Instead of the reserve banks "expanding" their loans to member banks in an amount approaching "one thousand millions" for the particular period selected by the Senator from Virginia the total amount of expanded loans was \$169,018,000. That lacks a heap of being a billion, Mr. President. In other words, the Senator magnifies by sixfold the actual figures. He says that the increase was \$830,982,000 more than it was. May I ask again whose talk is "wicked mummery"?

During the first six or eight months of last year, 1921, commodity prices continued to "topple," as the Senator from Virginia expresses it; but during those months of vanishing values the reserve banks kept up their pressure. I will now give you the figures which show the total amount of "loans, discounts, and bought paper" held by all 12 regional reserve banks, as officially reported January 25, 1922. The figures are \$932,882,000.

This is an actual shrinkage, contraction, or deflation, whatever you have a mind to call it, of \$1,872,936,000. While the prices of commodities were still fading away between January 1, 1921, and, say, September 21 last, the official reports show that the actual contraction of credits by the 12 Federal reserve banks for that period was \$1,554,085,000, and Mr. Williams is right again. I want anybody who can to tackle his figures and disprove his statements.

Again, he said:

The appalling drop in prices being coincident with the appalling contraction and deflation in reserve-bank loans.

Although the cold, unvarnished facts also tell us that between October, 1920, and August, 1921, the reserve system cut its credits over 50 per cent, actually contracting its credits to the extent of over \$1,570,000,000, the Senator from Virginia says, to quote his language again:

Why, Mr. President, I am amazed at the broad liberality of this regional reserve banking system in that distressing time. Had I any criticism to make of its administration it would be that it too far transgressed the requirements of safe banking.

Why, Mr. President, the Senator is excusing and defending that deadly deflation policy. He says, in effect, that if he had any criticism to offer at all it would be because the board went too far in aiding the farmers of the South and the farmers of the West, making up a population of practically sixty millions of people.

I have been condemning the reprehensible conduct of this board. I have condemned its deflation policy. I have shown, time and again upon this floor, that it played into the hands of Wall Street; that Wall Street got all the money it wanted and that the South and West did not get the money they needed; but the Senator from Virginia says, "If I had any criticism to make, it would be that they were too liberal."

Mr. President, were such colossal blunders as I have pointed out to you ever made before by any Senator of this honorable body?

Let us now turn for a while to discuss the mad extravagance with which the reserve banks have been administered.

The distinguished Senator from Virginia declared with much fervor:

When the junior Senator from Alabama assumes that the contemplated expenditure of a certain sum of money for a regional reserve bank building in the North operates to restrict banking credits of cotton planters in the South he is talking pitiful nonsense. What have agricultural credits in the South got to do directly or indirectly with a bank building in New York or Chicago or Cleveland or San Francisco?

Mr. President, upon this point Mr. Williams says, "I am truly surprised at the view expressed by the Senator from Virginia." This same New York bank, which has planned the investment of over \$25,000,000 in a gorgeous banking temple in the Wall Street district of New York, a few hundred feet from Wall Street, has no moral right to squander such a sum in luxury and extravagance. The supervising authorities show a wanton waste and amazing imprudence and recklessness in authorizing such an expenditure, and by a bank which only a few months ago—listen, Senators—had its resources so completely tied up, largely in advances to speculative institutions, that it found it necessary to borrow money from time to time from seven or more of the other reserve banks in the East, West, North, and South; and, mark you, in order to relieve and help the New York Reserve Bank the Federal Reserve Board as late as January, 1920, I believe, passed a resolution authorizing the suspension of that bank's reserve requirements; and that, Senators, is the bank which, forgetful of the past and heedless of the future, has planned to invest in gorgeous banking quar-

ters, for land and building, scarcely 12 months after the board had suspended the reserve requirements for its relief, the huge sum of \$25,646,409.

Was it prudent or justifiable for the New York Reserve Bank, which just four months before had loaned so heavily, largely to big speculative borrowers, that it found it necessary to borrow \$60,000,000 and 12 months before was borrowing about \$100,000,000 from other reserve banks, to authorize the locking up in this banking temple of over \$25,000,000, which is several times as much as was paid for the Capitol of the Nation. As I said before, will any sane Senator except my good friend from Virginia defend such amazing imprudence and such riotous waste?

Senator GLASS's speech was so saturated with glaring inaccuracies—

Says John Skelton Williams—

and grave mistakes, some of them obvious—

Mr. GLASS. Mr. President, the Senator has not left John Skelton Williams for the last hour and 10 minutes.

Mr. HEFLIN. I remind the Senator again that I am fortified with facts furnished to me by the former Comptroller of the Currency, John Skelton Williams, himself a distinguished Virginian, who knows and will substantiate the truthfulness of every statement that he makes about this deadly deflation.

Mr. WATSON of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to the Senator.

Mr. WATSON of Georgia: I will insert there a fact which may be illuminating to the country in regard to the expense of buildings. The entire expense of the Houses of Parliament, which lodge the House of Lords and the House of Commons, was \$2,000,000.

Mr. HEFLIN. Why, Mr. President, the more you go into this thing the more it smacks of rottenness and of graft. That is why they are mad with me up there—because I have been fighting this thing and probably will succeed in having it stopped. It ought to be stopped. Why, they built a municipal building in the city of Philadelphia a few years ago that cost \$25,000,000, and they said it was surrounded with graft and scandal; and here is this banking concern in New York putting up a building that will cost a little over \$25,000,000, and am I not justified in suggesting that there is graft connected with it? Why, they paid more for the lot, I repeat, than the 26 Corn Exchange Banks paid for all their buildings and land. Let me see if I have not that statement here. Here it is. The Corn Exchange Bank, with 26 banking houses, all located in New York City, paid for its building and land \$4,012,685.66.

This Federal reserve bank in New York paid, so it says, a little more than \$4,000,000 for the lot. I wonder if any of the directors of the Federal reserve bank were interested in that real estate deal? I wonder if any of them got any rake-off out of that \$1,100,000 they paid to an architect, one man, in New York? Senators, does not that suggest graft? If that bunch would carry on the murderous deflation policy which it has carried on, and would lend \$5,000,000 through a member bank, three millions of which was on a dummy note in campaign times, to a director, would you think it would frown and step away from a little matter of graft?

There is, I repeat, the Corn Exchange proposition, a bank with 26 banking buildings, which it owns, which cost a little over \$4,000,000. The Senator from Virginia can not deny that this Federal reserve bank lot itself cost \$4,000,000—the real estate alone.

Mr. President, do you wonder that they hate and criticize me? If I were carrying on a crooked game, I suppose I would object to anybody getting after me. That is quite natural.

Senator GLASS's speech was so saturated with glaring inaccuracies and grave mistakes, many of them obvious, that I am not willing to take up the time of the Senate in exposing them all, but I will now ask your attention to the following. Shortly after giving a table and other figures as to "agricultural" and "live stock" paper held by the reserve banks for each month of the calendar year 1920, on page 1241 of the CONGRESSIONAL RECORD, the Senator says:

These figures prove beyond all controversy that instead of deflating credits and currency the Federal reserve banks during the period of falling prices enormously expanded bank credits and increased the volume of circulating notes. This is especially true with respect to credits in the agricultural sections of the United States, for it appears from the official figures that while agricultural credits were expanding commercial credits were contracting.

Senators, that is the most ridiculous statement any Senator ever put into public print, that while they were expanding credits and currency to the farmers of the United States commercial expansion was practically dead. What do you call this

speculating business in New York? You have to put it under the head of commercial expansion or acknowledge that it was for speculative purposes.

The official figures show that it was during the calendar year 1920 that the loans on "agricultural" and "cattle paper" reached their maximum. They increased from \$56,905,000 in January, 1920, to \$266,940,000 in December of the same year.

Think of that, Mr. President, the agriculture and cattle industry of the United States increased from \$56,000,000 to \$266,000,000, when they were loaning \$250,000,000 at one time to two banks which were speculating in Wall Street, just \$16,000,000 less than they were lending to all the cattle and agricultural industries of the United States. Was there ever such an indictment made against a speech or against a policy? I would not have known that, but for my friend John Skelton Williams. The position that he held enabled him to know it.

During 1921 "agricultural" and "live-stock" paper fluctuated within narrow limits, and starting with \$249,949,000 in January, 1921, declined in October last to \$199,027,000.

The following Table No. 1, copied from Senator GLASS's speech—page 1240, CONGRESSIONAL RECORD, January 20, 1922—shows definitely the amount of "agricultural" and "live-stock" paper outstanding each month for the calendar year 1920; and alongside of it is another Table No. 2 of figures drawn from the Federal Reserve Bulletin, which shows whether it is true that "while agricultural credits were expanding commercial credits were contracting," as asserted by the Senator. An "expansion" of agricultural and live-stock credits took place in 1920. In 1921 there was more contraction in that class of paper than expansion. The second table shows the amount of so-called "commercial paper, n. e. s.," outstanding each month, and does not include loans secured on war obligations, many of which were held by the "country" banks, and which class of loans shrank heavily during 1920; nor does it include "acceptances" or "bought paper."

Table No. 1.

Months.	Loans of Federal reserve banks on agricultural and live-stock paper for 1920.	"Commercial paper, n. e. s." paper not secured on war obligations or agricultural or live-stock paper or acceptances or "bought paper" 1920.	Increase.
January.....	\$56,905,000	\$608,000,000	
February.....	67,195,000	752,000,000	\$144,000,000
March.....	74,665,000	855,000,000	103,000,000
April.....	106,382,000	887,000,000	32,000,000
May.....	140,691,000	863,000,000	24,000,000
June.....	168,038,000	937,000,000	74,000,000
July.....	202,520,000	1,015,000,000	78,000,000
August.....	216,278,000	1,103,000,000	88,000,000
September.....	224,424,000	1,220,000,000	117,000,000
October.....	240,649,000	1,318,000,000	98,000,000
November.....	241,561,000	1,260,000,000	58,000,000
December.....	266,940,000	1,274,000,000	14,000,000

¹Decrease.

Total increase in "agricultural" and "live-stock" paper January to December, 1920..... \$190,035,000
Total increase in "Commercial paper, n. e. s." January to December, 1920..... 686,000,000

Which certainly indicates that no preference was given to "agricultural" and "live-stock" paper in the period in which it showed the greatest increase, as compared with "commercial credits," despite the declaration of the Virginia Senator that "while agricultural credits were expanding commercial credits were contracting," even though it may be true, as the Senator added, that from some date, not given us, to "last summer" there was a large contraction in "bankers' acceptances." During this same period there was a heavy contraction in loans secured by war obligations, of which so many were held by "country" banks.

In a letter to a Member of this body, printed in the CONGRESSIONAL RECORD a few weeks ago, John Skelton Williams told how the money fed out by the New York Reserve Bank is sometimes used. I quote:

* * * The official records will show, for example, that the banks borrowing the most heavily from the Federal reserve bank were sometimes loaning their funds largely for use * * *

In loans to directors of the Federal Reserve Bank of New York—to one director over \$5,000,000 on highly speculative securities; to another for the purpose of relending on Wall Street loans at fancy rates of interest. * * *

Who was the director of the Federal Reserve Bank of New York who was borrowing so heavily from a debtor bank to which the New York Reserve Bank was lending at that time about \$75,000,000 or \$100,000,000? There are nine directors in

the New York Reserve Bank, and as Mark Antony said of the conspirators who murdered Caesar:

They are all wise and honorable men and will no doubt with reason answer you.

Is it possible that that thrifty director could have been the distinguished gentleman who acted as treasurer for the collection of Republican campaign funds in New York during the last presidential election, although at the time of which I speak he was one of those nine trustees having in custody the funds of the great reserve bank at New York? Another director of the Federal reserve bank in a letter under date of October 19, 1921, which was published in the press, had assured Mr. Williams that—

the record of the directorate of the Federal Reserve Bank of New York will be found to be very exceptional in the fact that its entire membership, without reference to the sources of their election, have never failed to consider their action from the point of view that public office is a public trust.

It looks as if this director, who was accumulating \$5,000,000, and who was the treasurer of the Republican campaign committee, thought that his position was a private snap, not a public trust, at that time.

That New York reserve bank director also added in his letter that those directors—

all realized the peculiar charge upon them of considering the welfare of the public in the conduct of the bank.

It is one of these same men who, Mr. Williams tells us, borrowed over \$5,000,000, of which over \$3,000,000 was on a dummy loan, from one of the banks to which the New York reserve bank was extending huge accommodations; that another one of those directors in 1920 was borrowing money from a member bank which was being accommodated by the reserve bank at 6 per cent and was lending that money in Wall Street at fancy rates of interest. But, of course, those directors are, as I have said, all "wise and honorable men."

Among the other uses to which banks were applying the funds advanced by the New York reserve bank were, to continue the quotation from Mr. Williams's letter to the Senator from North Carolina:

(1) In speculative deals and operations, in sugar and sugar stocks, in oil and oil stocks, and other speculations in commodities and industrial stocks.

(2) In promoting the speculations of the executive officers of the borrowing banks, who borrowed heavily, both directly and indirectly, from their own banks and from other member banks.

(3) Funds were also loaned most generously by banks borrowing heavily from the reserve bank for operations in "copra" and coconut oil in the Philippines or the Straits Settlements and other remote regions, when farmers at home and dealers in cotton and cottonseed oil and raisers of wheat and corn were being ruined for lack of funds.

Think of that, Senators. This reserve board could vote to excuse the reserve of gold for the bank in New York in order that it might not be embarrassed, in order that it might have funds sufficient to satisfy its desires. It could approve a policy which permitted loans to men to speculate in stuff in the Philippine Islands while destruction reigned all over the South and the West under that deadly deflation policy. My good friend from Georgia [Mr. WATSON] reminds me of the fact that they loaned \$500,000 to a fishery off Alaska, and when John Skelton Williams asked them what their security was, they said, "Fish." He said, "Where are the fish?" They answered, "We haven't caught them yet."

That has not been disputed. They can not disprove anything that John Skelton Williams says. The speculation in copra in the Philippine Islands and the lending of money on fish, uncaught in the ocean, was all right, but you can not get money to keep cotton off the market until he who produces it can get the cost of production and enable him to provide for those whom God has given him to love, cherish, and support with the strength of his arm and the power of his brain.

But what are you going to do when the farmer who makes 6 bales of cotton is told to get up earlier in the morning and work later at night and be more industrious, and produces 10 bales, and when he produces them gets less for them than he used to get for 6? When a man applies himself as a student he grows in knowledge, his brain power develops more and more as the years come and go, but here is the farmer putting forth more effort, working longer hours, putting forth more energy, and producing more, but when he comes into the market place, instead of being rewarded, he is clubbed and robbed. That is what you did to him.

Mr. President, the records show that a bank to which the Federal Reserve Bank of New York was loaning at one time about \$100,000,000 was furnishing funds with which to engineer a notorious "corner" on the New York Stock Exchange, in which corner the president and two vice presidents of the bank

which was enjoying these huge accommodations from the New York reserve bank were largely interested financially.

Such evils as these—

Said Mr. Williams—

can best be cured or their recurrence prevented by the sunlight of publicity rather than by the Lethean ointment of secrecy and oblivion.

And I heartily agree with him.

As I said, for months they were sending money over there to be used in gambling deals for speculative purposes, and John Skelton Williams confirms what I have said.

Such evils as these, said Mr. Williams, can best be cured or their recurrence prevented by the sunlight of publicity rather than by keeping the thing covered up.

The hearings before the Agricultural Joint Commission show that in January, 1920, the Comptroller of the Currency had become alarmed at the recklessness with which the funds of the reserve system were being used by certain speculative institutions in New York City. In a letter addressed February 19, 1921, to the governor of the Federal Reserve Board, and printed in those hearings, among other things, he said very plainly:

In the letter which I wrote you on January 28, 1920, more than a year ago, I called your attention to the fact that the funds of the reserve bank of New York were being largely used, or misused, in lending enormous sums to a certain banking institution in New York City which had become conspicuous for its speculative operations and which was already being much criticized by conservative bankers. I pointed out to you that the New York reserve bank was, at that time, lending an amount nearly six times its own capital—that is to say, six times the capital of the reserve bank of New York to that one member institution—and I showed you that the money which the New York reserve bank had loaned to that one borrower on December 31, 1919, amounted to nearly twice as much as the aggregate amount of loans and discounts which the Federal Reserve Bank of Dallas was lending at that time to all of its member banks in that great district, embracing the entire State of Texas and parts of the States of Louisiana, Oklahoma, New Mexico, and Arizona.

It appears that in order to make these huge loans to those institutions the New York Federal Reserve Bank had found it desirable to rediscount or borrow, about the time of my letter to you of January 28, 1920, over \$118,000,000 from seven other Federal reserve banks, including, among others, the reserve banks of Dallas, Chicago, and Atlanta, whose resources available for their own member banks were to that extent lessened.

I said to you in my letter of January 28, 1920, to which I have referred: "This is a concentration of the funds of the system with one debtor bank conspicuous for its speculative operations and promotions which, in my judgment, is not only not justified, but distinctly dangerous, and I feel it my duty to register my strong dissent from a continuance of such conditions as these, by writing you as I am doing, as an ex-officio member of the board."

I also said in that same letter: "With such facts before us . . . as I have here undertaken to bring to your attention our responsibility becomes serious and very real," and I asked you to bring the matter to the attention of the board.

I have additional reasons now for believing that the funds advanced during the past year by the reserve bank of New York to that particular institution and also to other banks in that district have been used to a wholly unjustifiable extent for the promotion of stock deals and syndicate operations upon which extortionate interest and commissions have been exacted and in many of which syndicate deals and operations the officers of this heavy debtor institution have been directly and indirectly interested.

The Federal Reserve Board and the reserve bank of New York are empowered by law to make examinations of all member banks and I have several times urged upon you the desirability of having such an examination made of this leading debtor of the Federal reserve system, either by the examiners of the board or by the examiners of the Federal Reserve Bank of New York, in order that the New York Reserve Bank, at least, might have an intelligent understanding of the condition and operations of that institution and of the purposes for which the huge sums of money which it was lending to that member bank were being used. The importance of having such data is too obvious for discussion here.

Thus far, however, as far as I am informed, no such examination has ever been undertaken by the board or the New York Reserve Bank, although I learn, indirectly, that one or two of the board's examiners or the reserve bank's examiners have accompanied the State examiners on certain occasions in their examinations.

Meanwhile, I hear indirect reports which indicate that the member institution above referred to during the past year has been making large loans on time for speculative or other ventures for which it has charged, in certain instances, as high as 50 per cent per annum interest for money at the same time it was obtaining funds from the reserve bank at 5½ to 7 per cent per annum. You can ascertain whether these reports are correct or whether they are exaggerated.

A New York man, usually well-informed, recently referred to an instance where it was reported the head of a large manufacturing concern which employed thousands of men, found himself in need during the past year of \$5,000,000, for which he offered abundant collateral; but upon applying to the New York banks was forced, in order to get funds, to pay cash commissions of about \$1,000,000, in addition to 6 per cent per annum interest for the loan, which was repaid in less than six months, the money being obtained, I understand, largely from member banks which were borrowing from the reserve system at 6 per cent. I do not think such rapacity should be tolerated.

I again repeat the recommendations which I have made on several previous occasions that the examiners of the board or the bank of — be authorized and directed to make such an examination of the affairs of a certain leading debtor of the reserve bank of — as may be necessary for a proper understanding of its methods and practices and operations, and also to develop to what extent the funds for this institution are being used or have been used for the promotion of the speculative undertakings and syndicate operations of its own officers and directors and of the officers of other member banks which are also borrowing heavily from the reserve bank of —.

The manner in which certain New York banking institutions have borrowed enormous sums from the Federal reserve bank of New York at rates of from 5 to 7 per cent and have taken advantage of the necessities of needy borrowers in trying times by accommodating them with time money at rates, in some instances as high as 50 per cent per annum, and in at least one instance about 200 per cent per annum, is, in my opinion, uneconomic, unconscionable, and barbarous, and I am not willing, as far as I am concerned, to have such operations pass unnoticed or without protest.

Our reserve board will not hereafter be able to escape heavy public censure on the excuse that it was not advised of the details of such transactions. Such examinations as I urged the board to undertake more than a year ago would, I believe, have brought to light methods and practices calling for drastic action and remedy, and in my judgment it would have been the duty of the board if it had possessed a knowledge of the facts which it can now obtain if it desires them, to have refrained from granting enormous loans to institutions continuing or proposing to continue such operations as some of those to which our attention has more than once been directed.

As I have pointed out on other occasions, the records of this office show that the artificially fixed money rates in New York City have had the effect of drawing to New York City from all parts of the country many hundreds of millions of dollars which, from the standpoint of the public welfare, could be better employed if they had been permitted to remain in their own respective communities to be loaned there for legitimate business, and within the legal rates of interest permissible in the several States.

The reports of this office show that on December 29, 1920, the national banks alone in New York City held for account of correspondent banks in all parts of the country an aggregate of approximately \$800,000,000, while the total amount of money which all the national banks in New York City were lending to their correspondent banks in all parts of the country, directly and indirectly, amounted to less than \$280,000,000.

Official records also show that in addition to the deposit balances carried in New York national banks for outside banks the local New York banks were lending in Wall Street for outside customers and correspondents hundreds of millions of dollars drawn thither from all parts of the country to take advantage of the high interest rates maintained there partly, it has been alleged, for the express purpose of enticing money from other sections. My annual report for 1920 (p. 144) shows that the loans made by New York City national banks for account of all correspondent banks on May 4, 1920, amounted to more than \$600,000,000.

The official reports indicate that the total amount of money which the national banks in New York City have to the credit of their correspondent banks in all parts of the country plus the funds which the New York national banks have loaned in Wall Street for account of their correspondent banks in all sections of the country exceeds in the aggregate the total amount of money advanced to all member banks either on bills payable or on rediscounts by all of the Federal reserve banks, excepting only the Federal Reserve Bank of New York, but including the 11 reserve banks of Boston, Philadelphia, Chicago, Cleveland, Richmond, Atlanta, Dallas, St. Louis, Minneapolis, Kansas City, and San Francisco, with more than 8,800 member banks. These figures impress me as being significant and worthy of the study of the board.

I understand that the records also show that very recently four banking institutions in New York City were found to be borrowing from the New York reserve bank about three times as much money as all the national banks of the country, more than 7,500, had ever borrowed at any one time on their bills payable or on rediscounts prior to the inauguration of the Federal reserve system.

I wish to call attention here, before it escapes my mind, to another part of the speech of the Senator from Virginia. He reminded us that during the pinch in 1920—I believe it was—the Federal reserve banks of the North loaned money to help the South, but he forgot to tell the Senate that prior to that time, in 1919, when the South was prosperous, when cotton was bringing a good price, and when we did not need money to help us hold it off the market because the price was a profitable one, that the Bank of Atlanta and the Bank of Dallas and the Bank of St. Louis and the Bank of Richmond loaned to the Philadelphia and Boston banks, I believe, in the neighborhood of seventy-five or eighty million dollars.

I was glad the Senator reminded us that the northern banks had helped the South, showing how liberal they were in coming to our rescue. Mr. President, that is the purpose of the system, for one reserve bank to aid another. If one bank gets down, it is the duty of the other 11 banks to go to its rescue. The system was intended to meet every emergency in business in America, and if it can not do it it is a failure. It can do it. It used to do it. I do not believe that the Government, with its great resources, with its genius, is impotent to establish a banking system that will meet every need of all the people all the time. Do not tell me that we have to have a panic every 5 or 10 years.

RESERVE BOARD NEEDS MEN WHO WILL NOT TRUCKLE TO WALL STREET.

I do not know what the theorizing theorists may think of this; but, Senators, the day is coming, and it is not far distant, when the American people are going to demand that a board sit at the head of this system that can not be influenced, that can not be made to truckle and crawl before the powers of Wall Street. The fact that the board is performing exactly like Wall Street wants it to perform is well known. The Senator from Connecticut [Mr. McLEAN], who opposed the Federal reserve system, came to the rescue of the Senator from Virginia the other day in defending this deflation policy.

Congressman Platt, of New York, who fought the bill in the House, has become one of those who administer the law that he

tried to kill when it was being born, and Mr. Platt, a Republican, seems to have converted Gov. Harding to his way of thinking. A newspaper in the Capital of the Nation charged him editorially with having supported the Republican ticket in 1920, and he has never denied it. That little evasive letter he wrote to the Senator from Virginia was read while he was sitting up in the gallery. I do not know by what arrangement they fixed that up to let him know when the Senator from Virginia was going to speak. Mr. Platt was also in the gallery, the Gold Dust Twins, both sitting up there smiling down on the Senator, the gladiator from Virginia, as he defended the most murderous deflation policy ever devised by men.

Gov. Harding sat up there with that cold, icy grin upon his face, looking down with approval upon the Senator from Virginia, and as soon as the Senator from Virginia got through and I rose and said, "Mr. President," he absented himself in a hurry. He knew he was going to hear some very plain talk. I condemn the deflation policy of the Federal Reserve Board, but I praise the Federal reserve banking system. I did not have as much to do with preparing it as my good friend the Senator from Oklahoma [Mr. OWEN] and my friend from Virginia. The Senator from Virginia did have a good deal to do with it. They say that he drafted the first measure in the House, and when they got it over here they perfected it. The Senator from Iowa [Mr. Kenyon] said that the Senator from Oklahoma [Mr. OWEN] is really the father of the Federal reserve system. If my friend from Virginia will write a history of this legislation I will wager the authorship of it will be fixed according to his liking.

I told my friend from Virginia yesterday that I had praised the system and had given him credit a number of times for writing it, but I was reminded of my experience with old man Morris. Old man Morris had written a grammar, and when I was a little fellow one day he appeared in the community and I looked at him with astonishment. The teacher said: "He is the author of the grammar that you are studying." I got the little grammar and went over to him and said: "Prof. Morris, you wrote this book?" "Yes." "I want you to tell me something about it." He said: "You have been studying it. You know more about it than I do. It has been so long since I wrote it; it has all passed out of my mind." I told that to my friend from Virginia yesterday. It has been a long time since the Federal reserve system was put into effect, and he said he had not read anything John Skelton Williams has written or spoken on the subject, so he is just about out of information with reference to it. He knows less about its operation than those of us know who have been watching it and studying it.

Mr. President, another word about the New York bank. The comptroller urged that an independent examination be made of the New York institution which was then borrowing so recklessly from the reserve bank, and advised that that debtor institution be required to adopt more conservative policies, but for some reason or other, best known to themselves, the comptroller's colleagues on the board—Gov. Harding and the others—refused to make the examination urged by him. Whether it was because they were afraid of offending the potential magnates and speculators who were running the member bank or for some other reason, I know not. But I do know that the Federal Reserve Board and the Federal Reserve Bank of New York continued to dish out money to that institution in blocks of tens of millions of dollars at a time, and, as Gov. Harding expressed it in his testimony before the Agricultural Commission, "instantly," and that during the past year the bankers of New York City were called together suddenly to avert a grave financial catastrophe.

That banking institution of whose methods and policies Mr. Williams had warned the Reserve Board two years ago is understood to have been required to charge off anywhere from twenty-five to fifty million dollars of losses. A decent and conservative management and proper supervision and action by the Reserve Board and reserve bank—both of which had been duly warned and put on notice by the comptroller's office—might have averted the crisis and the contingent losses.

As an illustration of the gross inequality and injustice in the distribution of the funds of the Federal reserve system it has heretofore been pointed out and proven from official documents that on September, 1920, the national banks in the three big cities of New York, Chicago, and St. Louis were borrowing, mainly from the Federal reserve banks, about two and a half times as much money, in proportion to their total loans and discounts, as the "country" national banks—that is to say, the national banks outside of the central reserve and reserve cities—were borrowing at that same time. The national banks in the three big cities were borrowing about 24 per cent of all their loans while the "country" national banks were receiving ac-

commodations for about 10 per cent of their total loans. It is well known that the so-called "country" national banks embrace all of the national banks outside of some 60 or 65 reserve and central reserve cities, and they include about 7,600 national banks, mostly smaller banks, and do not include the four or five hundred larger national banks in the 60 or 65 reserve and central reserve cities.

The Senator from Virginia, either through a confusion of thought or because of misrepresentations made to him by his advisers, unfairly and incorrectly states that the evident purpose in making a comparison between "country" banks and banks in the big cities was to produce the wrong impression that the "country" banks necessarily engage in financing "agricultural products."

The fact is that the great bulk of the agricultural products are financed by the so-called "country" banks, although it never has been charged that the "country" banks devoted their resources exclusively to the financing of country products. They also, of course, deal with the merchants and industries in their respective communities. Yet the Senator from Virginia would have us charge to the account of agriculture every dollar used in the agricultural sections. Even, however, if that be done, the amount falls by hundreds of millions of dollars behind the amount supplied to other sections and industries. This point is not important, but it shows the eagerness with which the defenders of the Reserve Board grasp at trifles, magnify them, and misinterpret them to suit themselves. It is also interesting to note that as late as the autumn of 1920 the national banks in New York City were receiving in proportion to their total loans and discounts three times as great an amount of accommodations from the Federal reserve system as was accorded to the "country" national banks at the same time.

There is a further statement by the Senator from Virginia in this connection which should be noticed. He said:

Had they borrowed greater sums from their Federal reserve banks there is no assurance, indeed it is incredible to believe, that such funds would have been devoted to the use of agriculture.

That is a pure assumption on his part. It is a fact that the customers of the "country" banks were beseeching the reserve banks to extend them credit and further aid; and it is also a fact that the member banks were unable to give this aid because their reserve banks refused them the accommodations and demanded that they should pay or curtail the loans they already had rather than obtain others. Letters from all parts of the country will prove this.

Do you get that, Senators? Why did not the member banks respond? Because the reserve banks refused them the accommodations necessary.

The Senator further says in this connection:

Senators who use this insinuating argument fail to state that because of their larger reserve requirements member banks in these great central reserve cities are obliged to borrow about twice as much to keep up their 13 per cent reserve as a country bank has to borrow to keep up its less than 7 per cent reserve.

The Senator's argument is, itself, sophistical and delusive, and I think we can guess who put such an argument "over" on him. It is true that the banks in the central reserve cities are required to keep a reserve of 13 per cent on demand deposits, and it is also true that in the "country" banks a reserve of only 7 per cent is required; but it is wholly misleading to say that a bank in a central reserve city has to borrow "about twice as much to keep up their reserve as a country bank has to borrow to keep up its reserve." That argument is untrue and disingenuous.

To illustrate: Let us compare two banks—one in a central reserve city and one a "country" bank, each with \$200,000 capital and \$200,000 surplus, and each with a million dollars of deposits. These two banks desire to increase their accommodations to their customers and to bring the total amount of their loans and discounts up to \$2,200,000 each. The central reserve city bank has available funds as follows:

Capital	-----	\$200,000	
Surplus	-----	200,000	
			\$400,000
87 per cent of its deposits available for loans (13 per cent being kept as reserve)	-----		870,000
The amount to be borrowed	-----		930,000
Total loans as increased	-----		2,200,000

Now, listen to the figures as to the country bank:

The country bank has a capital of	-----	\$200,000	
Surplus	-----	200,000	
			\$400,000
93 per cent of deposits available for loans (7 per cent being kept as reserve)	-----		930,000
Amount to be borrowed	-----		870,000
Total loans as increased	-----		2,200,000

Therefore, in order to maintain its reserve and loan to its customers to the amount needed, an aggregate of \$2,200,000, a central reserve city bank only has to borrow less than 7 per cent more than the "country" bank has to borrow—\$60,000 being less than 7 per cent of \$930,000, borrowed by the central reserve city bank—and not about "twice as much," as the Senator charges. The fact is that some central reserve city banks do not find it necessary to borrow anything in order to maintain their reserve; some of them borrow 1 per cent or 2 per cent more, and others varying amounts.

But the idea which the Senator from Virginia conveys—that as a general proposition a bank in a central reserve city is obliged to borrow "about twice as much" to keep up its reserve of 13 per cent as a country bank has to borrow to keep up its reserve of 7 per cent—is a fiction.

That is the statement of John Skelton Williams, and it can not be denied.

And, again, he says it is to be regretted that he—speaking of Senator GLASS—has permitted himself to be misled by any such specious arguments, imposed upon him by untrustworthy informants.

I now wish to commend the Senator from Virginia for one expression which he used. He said:

I think had I been a member of the Federal Reserve Board, except in the direst necessity, I would not have agreed to expend one dollar in building operations at this time, because of the enormous profiteering of the building trades, both by the people who supply material and those who furnish labor. Investigations of the Lockwood committee in New York show appalling graft. They indicate a state of affairs which ought to land in jail many persons who now are going at large.

And yet when I talk about graft in connection with the \$25,000,000 transaction, it is said that I am reflecting upon honorable men.

And then, in response to a question from Senator NORRIS as to whether the Senator from Virginia was in favor of permitting a salary of \$50,000 a year to be paid by a reserve bank, the Senator from Virginia replied:

I will say to the Senator that, in this particular time of stress, I would think it bad policy to pay the president of even so great an institution as the Federal Reserve Bank of New York as much as \$50,000. Furthermore, when it was first suggested to me, while I was chairman of the Banking and Currency Committee of the other branch of Congress, to fix the salary at that figure, I protested that the time was inopportune to pay a salary that large. I thought it should be deferred; I believed the bank would incur the very sort of criticism it has incurred.

Then, why did the Senator criticize me for doing the thing that he says that he thought would be done? Why should the Senator from Virginia fall out with me when he said in the Senate it would be criticized? I was the first man to bring it to the attention of the Senate and of the country. After John Skelton Williams first broke the news to the public I brought it to this floor and started a resolution of investigation on its way, which resulted in a resolution offered by the Senator from North Carolina [Mr. OVERMAN]; and we are still on the trail. In that New York Federal Reserve Bank Building there is to be a swimming pool, a cafeteria, a gymnasium, ponderous, pompous, palatial arrangements, which are being constructed out of the raised rediscount rate which they have sucked out of the country. They have been rolling in this money. If they had let it alone, a certain per cent of it would have gone into the Federal Treasury.

The Senator from Virginia asks what has that got to do with loans in the South—it is their money? Well, all of it is not their money. The Government is entitled to a certain per cent of it; and unless they squander it in graft and in the erection of buildings the Government will get some of it, which will help relieve the burden of the overburdened taxpaying public of to-day.

The Senator from Virginia, as I have previously said, stated that the Federal reserve bank in New York have about 5,000 employees. I understand that that number is just 2,000 too much. He said they would have 5,000; and the Senator from New York [Mr. WADSWORTH], in whose State this palatial building is being erected, said "already have." He came quickly to the rescue of the Senator from Virginia. It turns out now, however, that the number of employees is about 3,000. I will refer to another bank in New York that has more loans outstanding than the Federal reserve bank in New York which has but 100 employees. I ask the Senate and I ask the country what right have the Federal reserve bank officials in New York, what right has the Federal Reserve Board, to permit the employment of 3,000 people when its loans have shrunk to less than those of the First National Bank of New York City? They will criticize me more now than they have been criticizing me.

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. I remind my friend, the Senator from Alabama, Mr. President, that the Senator from Virginia [Mr. GLASS], in his very able defense of the Federal reserve system, stated that they were violating the health laws of New York. That seems to me to be a very serious accusation against these law-abiding citizens, who, apparently, deserve such a eulogy at the hands of my friend, the Senator from Virginia. The inference is natural that a set of men who would deliberately violate one code of laws in New York would violate some other laws.

Mr. HEFLIN. Ah, Mr. President, that goes to the heart of the situation. If they will do that, will they not violate the rules of right and the laws of justice in taking a little graft? The idea of paying an architect a million dollars for his services while the farmers in my State are leaving the farms, walking out from under foreclosed mortgages, leading their wives and children to the cotton factories to work because they can not make proper arrangements to make a crop this year. Then talk to me about attacking the Federal Reserve Board's murderous deflation policy.

I think they thought when they got the Senator from Virginia started on this matter that they would make us use a soft pedal; that we would go away back and sit down and sing a low tune. I can imagine them saying, "He is one of the reputed authors of the measure, and if we can ever get him to defend our course we will go back into our States and over the country and say, 'We did not do anything wrong; CARTER GLASS defended our policy.'" I should dislike to think that they induced my friend to take that course. I am with him on preserving the system, but I am against him in his defense of the board's deflation policy. I do not intend that the system shall be perverted from the end of its institution and made the handy instrument of heartless interests that want to control the currency and credit of the country.

The Senator from Virginia compared the expenses of the New York Reserve Bank with the expenses of the Bank of France for 1920, and says the latter were approximately 150,000,000 francs or the equivalent, at the old rates of exchange, of about "\$30,000,000." For the year 1920 the expenses of administration of the Federal reserve system the Senator from Virginia says were reported in the annual report of the Federal Reserve Board as having been approximately \$30,000,000.

Will some Senator please inform me why the Senator from Virginia wished to make the comparison on the basis of the "old rates of exchange of gold equivalent"? Does he not know that during the year 1920 the gold equivalent of the franc was scarcely one-third of its gold value, so that on that basis the expenses of the Bank of France instead of being \$30,000,000, as the Senator states, would only be about \$10,000,000? In other words, if his figures as to the amount of francs are correct—which I do not admit without knowing more about the source of his information—the expenses of our reserve system were about three times as much as those of the great Bank of France.

Let us turn to the question of the exorbitant salaries of the Federal reserve banking officials.

Mr. President, in 1917 the total salaries and wages of all employees of the Federal Reserve Bank of New York—get these figures, Senators—including the Buffalo branch, aggregated \$970,580. The total amount of bills discounted and held by the Federal Reserve Bank of New York December 31, 1917, was \$399,078,000. The total wages and salaries of the Federal Reserve Bank of New York as of July 1, 1921—see board's report in reply to Overman resolution, page 53—amounted to \$4,988,703. The total bills discounted by the Federal Reserve Bank of New York January 25, 1922—listen, Senators—including bills bought, amounted to \$146,526,938. Get that? Nineteen hundred and seventeen, \$399,000,000; 1922, \$146,000,000. The principal business of the Federal reserve bank is, first, the custody of the member banks' reserves; second, the granting of discounts and loans; third, the clearing of checks for member banks; fourth, its business as fiscal agent for the Government, including the placing of Government loans, and so forth.

The most important function and department of the reserve banks relates to the extension of credit and the granting of loans. In this most important department we find, from the figures which I have just given you—listen—that the total of loans and discounts held at the present time by the Federal Reserve Bank of New York amount to less than 37 per cent of the bills discounted and bought paper held by that bank on December 31, 1917; and yet the cost for wages and salaries was, on July 1 last, and is probably now, more than five times as great as the salaries and wages at the end of 1917.

Senators, will you permit this thing to go on with these staggering facts confronting you?

In 1917 there were 12 officers, and that number has now been swelled to 40 officers, although the loans and discounts and bought paper are now but little more than a third of what they were in 1917. One of the largest and most important banks in New York, with assets of several hundred million dollars, employs less than 100 men—that is what I referred to—including officers and all other employees. By increasing the number of its officers to 40, the reserve bank of New York, with a greatly superfluous official staff, reduces the average salary paid all 40 officers to about \$13,000—listen, Senators—but 20 officers would be more than sufficient to perform the work to be done; so that if the amount paid for officers is divided by 20, the average salary would be about \$25,000, or double the salaries of members of the Cabinet. If the number of officers should be reduced to the number that ran the bank in December, 1917, when its loans and discounts were nearly three times as great as they are now, the average salary would be found to be over \$40,000 a year for each officer.

It seems inconceivable, but it is true, that this one bank is paying 40 officers an amount exceeding the combined salaries of the President of the United States, the Vice President of the United States, and one-half of the Members of the Senate, with the salaries of the governors of 12 States thrown in for good measure, including, among others, the governors of Massachusetts, New York, Pennsylvania, Maryland, Virginia, Texas, and California; yet they criticize me for assailing this nest of crookedness and graft.

The Reserve Board compares the average salaries paid by reserve banks to the average salaries paid to officers of large city banks, but that comparison will not hold. In the first place, the officials who have built up the business of the big individual banks are valued largely on account of their capacity as "business getters" as well as bankers and financiers and judges and dispensers of credit. They are supposed to have initiative and certain special qualifications which are not exercised in a reserve bank, where the deposits of money of member banks is compulsory, and where the character of the loans made is rather different from those made by member banks. Each rediscount made for a member bank has already been scrutinized and passed upon by the bank seeking the rediscount; but the records show, unfortunately, that despite that fact, in many instances not only indiscretion but a lack of plain common sense has been shown by the New York Reserve Bank in the granting of loans and the extension of credit. The charges of discrimination and favoritism have been completely sustained. "If wisdom and prudence were paid for in employing the officials of the New York Reserve Bank, the goods have not been delivered," says John Skelton Williams.

Another reason why the high salaries paid by the reserve banks can not be fairly justified by the comparison of high salaries paid by the member banks is found in the fact that many member banks pay huge salaries to their executive and other officers without the knowledge or approval of the stockholders. Get that, Senators. Many big banks are run by a ring of officers who fix their own salaries, and the stockholders are kept in blissful ignorance as to what the officers receive from the stockholders' funds.

I know they will criticize me now for giving that to the public and putting it into the CONGRESSIONAL RECORD where the country can read and where people who are interested in bank stock will inquire about what is happening to the dividends when they can raise these salaries and pay these big sums and the stockholders never know what they are getting.

John Skelton Williams says he knows of one case where the national-bank examiner was instructed to investigate a certain member bank in the New York district which was paying to its chief executive officer—the sum of \$75,000 per year. Having reason to suspect that this salary had not been approved by all of the directors or by the stockholders, the comptroller directed that the matter should be brought to the attention of the board of directors at a formal meeting. When this was done the \$75,000 officer reduced his own salary to \$37,500, and later on his salary was reduced to zero, but the officer still hung on to his job, not being paid one cent. They picked up this individual pet and paid him a salary of \$75,000, and John Skelton Williams discovered it and called this meeting and they took all the salary away from him. John Skelton Williams has rendered the country an invaluable service. But for him, I repeat, we never would have known of any of this crooked work, and the scandal connected with this Federal Reserve Board's policy, with this graft scheme in New York.

We know that the deflation policy worked ruin to all kinds of business, but we could never have gotten the facts from a board that was trying to deceive the people into believing that they had nothing to do with it.

Just a year ago the Comptroller of the Currency called upon the national banks to show in their regular reports of condition and to print in their statements published in the newspapers a statement showing the aggregate amount of salaries paid to the officers and the aggregate amount paid to other employees. Although compliance with this request from the comptroller would not have made public the individual salaries of officials, the request raised a storm of protest among the banks which were paying extortionate salaries, and many of them refused to publish the data.

Mr. President, we have come to the time that Andrew Jackson found, when the big banks of the country are undertaking to control everything—politics, business, credits, currency—and here they are refusing to respond to the Comptroller of the Currency to send to him and publish a statement of the aggregate salaries they pay, and they decline to do it. Here they were unwilling for either the stockholders or the public to know how their funds were being used.

The Federal Reserve Board, in its report to the Senate, makes comparison with the salaries paid to member banks, but it is always very careful to cover up the names of the member bank officers receiving the big salaries. Why is this? says John Skelton Williams. How can the Reserve Board pretend to justify a salary for reserve bank officers compared with anonymous salaries paid by anonymous banks to anonymous officers?

I must quote another statement by the Senator from Virginia, illustrating still further the errors and inaccuracies of his facts.

He said, on the second day of his speech, page 1246 of the RECORD in which his speech was first printed, the RECORD of January 20:

I think when we consider that the president of the New York Reserve Bank and the board of directors thereof are directly responsible for \$5,000,000,000 in cash and securities, the greatest gold reserve that ever was mobilized since the world began to revolve on its axis, we must admit that the responsibility of those officers is infinitely greater than that of the officers of a dozen individual banks combined.

The Senator from Virginia tells you that the New York bank directors are directly responsible for "\$5,000,000,000 in cash and securities." I have before me the statement of the Federal Reserve Bank of New York of January 25, 1922, which shows that the grand total of its resources on the date named was only \$1,505,783,000. Where does the other \$3,500,000,000 in cash and securities come from? They do not belong to the bank. The total amount of its cash and securities aggregate less than one-third of the amount claimed by the Senator from Virginia. Even if the bank should happen to hold in its vaults several hundred million dollars of securities for member banks, this would not justify the Senator's claim that the directors of those institutions are "directly responsible for \$5,000,000,000 in cash and securities." I should like to ask how the other three and a half billion dollars are accounted for? For whom does the reserve bank hold this vast sum?

So far as the Senator's claim that "the responsibility of these officers is infinitely greater than that of the officers of a dozen individual banks combined" is concerned, this is, of course, true as to many small banks; but there are two individual banks whose combined resources largely exceed those of the Federal Reserve Bank of New York, and there are a considerable number of banks in this country whose loans, discounts, and investments largely exceed those of the Federal Reserve Bank of New York, as official figures will prove.

The Senator from Virginia undertakes to deny certain statements made by me, and says:

- (a) The Federal Reserve Board did not accumulate \$100,000,000 or any other amount.
- (b) The Federal Reserve Board did not appropriate \$26,000,000 or any other amount.
- (c) The Federal Reserve Board can not under the law or the operation of the system appropriate one dime for any purpose.
- (d) No Federal reserve bank to cost \$26,000,000 is to be built anywhere.

I want you to get this, Senators.

(e) The proposed new Federal reserve bank building in New York is not to be erected in Wall Street.

Now, listen, Senators. John Skelton Williams, in his statement to me, says "I have read your statement and each one of the distinguished Senator's criticisms is either misleading or entirely untrue, as the official records will prove." He denies that the Federal Reserve Board appropriated \$26,000,000 or any other amount to the bank at New York, but he does not deny that the Federal Reserve Board connived with the directors of the New York bank and approved the construction of buildings estimated to cost, including the land, over \$25,000,000 by the very latest estimate, as stated by the Reserve Board in its report to the Senate dated October 31, 1921.

In fact, the original estimates for that building were about \$30,000,000, and subsequently reduced by about \$4,000,000, as

will be shown from the board's report to the Senate in response to the Overman resolution.

The Senator claims that the bank is not being built in "Wall Street," but, Senators, it is being built in the heart of the Wall Street district, within about 200 or 300 yards of Wall Street itself, although land could have been gotten a few hundred yards farther from Wall Street that would have been equally convenient to 97 per cent of the members of the New York Reserve Bank, and saved millions of dollars.

The Senator from Virginia said that the bank building in New York is designed and planned to accommodate 5,000 employees. But in 1917, when the total loans and discounts of the Federal Reserve Bank of New York were nearly three times as great as they are to-day, 829 employees were sufficient to transact its business, and I want to say here that was the time when we were selling Liberty bonds. That was the time when there was more work to be done than at any other time, and these 829 employees were sufficient then. Now they have multiplied them to about 3,000.

When the Senator made the statement that he did about the 5,000 employees the Senator from North Carolina [Mr. SIMMONS] inquired:

Mr. President, does the Senator from Virginia mean that that number of people are employed in the Federal Reserve Bank of New York?

To which the Senator from Virginia replied:

Will be.

The Senator from New York [Mr. WADSWORTH] added:

They are.

What justification has the Senator from New York for making such a statement as that? It is not true that 5,000 people are now employed by the New York Reserve Bank, as alleged on the floor of the Senate by the Senator from New York. The board's report says that in July last the number of officers and employees was 3,087, and I believe this has already been reduced since I brought this matter to the attention of Congress. Who misled the Senator from New York? I am sure that he would not willingly mislead the Senate, but some one has evidently deceived him.

Now, as to that monument of Federal Reserve Board extravagance, the Federal reserve bank building at New York, which has been aptly referred to as a "financial monstrosity," the Senator from Virginia said:

I have here an official statement which shows that Senators have been misled by estimates prepared a year ago, in March, 1921. It was an outside estimate of cost. Some Senators absurdly think that the estimated cost of a bank building in New York curtails rural credits in the State of Alabama.

Senators can imagine who the Senator was driving at then.

The estimated cost in March, 1921, of the building at New York was \$17,990,000, from which must be subtracted the price the bank will receive for its annex building, now being temporarily occupied and which will be abandoned and sold when the bank goes into the completed building.

What do Senators think of that? They are going to subtract money that has been sunk in another building which has already been erected. They are going to take that out of this.

Why should the cost of the "annex" be deducted from \$17,990,000? Instead of deducting it, there should be added to that \$17,990,000 estimated actual cost, the amount thus far expended on that annex, namely, \$2,210,000. To this also must be added the estimated cost of the "vault equipment," \$650,000; then add cost of land, \$4,791,000, making a grand total of land and building \$25,646,000, to which, I understand, should be added heavy taxes during construction. If any Senator has been misled as to these figures it is because he was misled by the Reserve Board itself. These are the estimates which were sent to the Senate by the board under date of October 31, 1921, in response to Senator OVERMAN's resolution. In fact, in submitting these figures the board called attention to the fact that the original estimates were, as has been stated, about \$4,000,000 more, or, say, \$30,000,000.

John Skelton Williams furnished me these indisputable facts from the record. When John Skelton Williams first brought this matter to the attention of the country, and we raised the question here, they wisely decided that they had better trim off about \$4,000,000 of the superfluity. So I helped to save the Government \$4,000,000 by the fight I have been making on this. That is doing pretty well for one Senator who does not know what he is talking about, according to the Senator from Virginia.

The taxes alone on the banking palace now proposed, at the present rate of taxation in New York, would amount, if taxed at estimated cost, to about \$700,000 a year, while the interest of 4 per cent per annum on the amount thus locked up would amount to another million dollars, and the cost of operating

this huge building is yet to be added. The expenses as proposed bring the total up to more than \$26,000,000.

The claim that the new building was needed in order to provide space for the storage of gold is nothing but a pretense. The land upon which the annex building alone stands furnishes space enough in which could have been built vaults sufficient to store not only the \$1,000,000,000 of gold carried by the New York Reserve Bank, but all the gold carried by all the other 11 reserve banks, and after that had been tucked away there would have been space enough left to take care of the entire gold supply of the whole world without crowding.

John Skelton Williams vouches for that, and I take it that he knows as much about it as does the Senator from Virginia.

The board admits that it set aside 23,600 square feet for a gymnasium, separate clubs for men and women, a large auditorium or moving-picture show large enough to seat 1,000 people, and a large restaurant. Senators, was there ever anything like it under the sun, with distress and disaster among the masses of millions in this country, 7,000,000 men out of employment, times hard, and the President still hugging to his bosom this Federal Reserve Board, which has carried on this deadly deflation policy for months and months?

The space thus superfluously set aside at the present basis of rentals in New York, according to the Reserve Board's own report to the Senate, will amount to more than the total rentals paid for the year 1917 for banking quarters by all 12 of the Federal reserve banks, only the Dallas bank at that time owning its own banking house.

The Senator says that the Illinois Merchants Trust Co. in Chicago has contracted for a building to cost about \$10,000,000, exclusive of real estate, and he adds that this bank does not do "one tithe of the business of this great reserve bank in New York." The Senator is again mistaken. I think he will find, says Mr. Williams, that the investments of the Chicago bank to which he refers, in loans and discounts, amount to about as much or more than those of the New York Reserve Bank, and why did he refrain from telling us that that structure is planned as a great general office building?

We have seen no evidence that the New York Reserve Bank planned originally to rent any portion of its building until this scandal was exposed. The Reserve Board tells us that the fees to architects and engineers alone will amount to \$1,106,000, exclusive of the huge commissions, fees, and so forth, to be paid to contractors; but what those fees to contractors are remains a profound secret, although it is rumored that the bank agreed to give one of the "contractors" a fee equal to about the total cost of the St. Louis Reserve Bank and the ground on which it stands.

Mr. WATSON of Georgia. Mr. President, I call the attention of the Senator from Alabama to a statement which appears in the New York papers this morning, to the effect that Dr. Guthrie says there is more unemployment in New York City right now than there has ever been, and that one of their charitable houses feeds 1,500 men every day.

Mr. HEFLIN. Mr. President, that is but a verification of the very statement I made. The Senator from Georgia is absolutely right.

Out on the firing line our boys were engaged in battle with the enemy, and the word went back to the ammunition base of supplies, "Send us ammunition; send us more ammunition. Send us men." They fed those men into the gaps as they were thinned out, and they held the line. They broke the power of the enemy, struck the decisive blow, and saved the day.

Mr. President, if you could have shown that we had ample supplies and an ample supply of man power, and the officer responsible for it had refused to send ammunition to the men fighting and offering their lives to hold back the enemy and win the war, they would have court-martialed the officer and shot him to death against a wall.

What did the Federal Reserve Board do here in this country? Our farmers, merchants, and bankers were down there fighting this battle against the organized forces of greed and graft, and the gamblers in Wall Street and Chicago. They cried out for help. John Skelton Williams said, "You can send \$2,000,000,000 to the banks in those districts. You can go to their rescue, help save the agricultural industry, and millions of homes of farmers, by feeding the ammunition to them with which to fight, and it is your duty to do it."

The general in control of this material refused to send that aid and to furnish that supply, and our farmers lost the fight, and many a farm is broken up, farm homes are deserted, and our people are driven away, many of them to towns and industrial centers. It is as bad as if an invading army had gone into that section. But the board that refused

to send aid to the struggling farmers, merchants, and bankers in the South and West was not court-martialed. It was rewarded by the Republican President. The President, so I am told, said to John Skelton Williams, "We have a good gold reserve." Mr. Williams answered, "Yes, Mr. President; but what would you think of your fire department if your city was on fire, and block after block should be consumed by the flames, and you gave the signal, and no firemen with their engines responded? Another block would be swept away, and the fire spread, and your city was demolished, gone up in a blaze and reduced to ashes, and you should then ask your fire department, 'Where were you when the conflagration raged and destruction swept the city? It is your business to furnish water to put out the fire and protect this other property from destruction.'" He said, "If your firemen should answer, 'We did not extinguish the flames, we did not try to put out the fire, but we have the greatest water supply we ever had in the history of the city,' what would you think of your fire department? What do you think of your Reserve Board's policy? Why did they not go to the rescue of these farmers in the South, these farmers in the West, and save them from utter ruin?"

They said, "We did not do that, but we have the greatest gold reserve we have ever had." What do the honest financiers tell us now? I am not talking about the blood-sucking leeches of Wall Street. The honest financiers tell us that this hoarding of gold is a detriment and a curse to the country, and that the Federal reserve banking system could have saved the day, but the board would not let it do it.

That is what you did. You hoarded gold, gold, accumulating more than two thousand millions, hugging it to your hearts, when agriculture, commerce, and industry were all pining and dying around you and the army of unemployed, hungry and half clad, was crying out for bread. I thought of the Scripture, the saying of the lowly Nazarene, who preached the gospel of democracy. He said:

Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me.

For I was an hungred, and ye gave me meat; I was naked, and ye clothed me.

Reverse that doctrine and you have the deadly and infamous policy of deflation of this board. The people had plenty, and deflation took it away. They were well clothed, and it made them naked. They were contented, and it spread discontent where contentment reigned. They were happy in their homes, and it took their homes.

That is the board whose deadly deflation policy I condemn. That is the board I indict. That is the board that I charge with high crimes and misdemeanors. I call upon the President to remove it. There is nothing he can do as President that would give more hope to the bankers of the country and honest business everywhere than to clean out that board. Let him start with the head of it. I understand that he has been offered a salary of \$100,000 a year in Wall Street.

Senator SIMMONS went up to the White House pleading in the fall of 1920, when this deadly work was being done. The President was stricken at that time. The Secretary asked, "What suggestion would you make, Senator SIMMONS? What would you do if you were President?" He replied, "I would remove Harding, the governor of the board, before night." Senator SIMMONS is not from Alabama. He is a big, bold, brave, patriotic Senator from the old North State of North Carolina, and dares to speak his conviction and to fight for the right and defend the rights of the masses of the people.

Mr. President, we have been keeping this fight up. It is a hard fight for some of us. I have not any Federal Reserve Board to furnish data to me; no Federal Reserve Board publicly fund to boost my speeches. The speech of my good friend from Virginia, or at least many points in it, were points I have read before, that have been suggested by the Federal Reserve Board itself. Some of the things suggested by Mr. Platt in his letter to Congressman BRAND of Georgia were repeated here by the Senator from Virginia. My opinion is that the things the Senator from Virginia stated here as information about the New York bank were furnished by the bank officials up there, in all probability. But I myself have worked, I have read the bulletins for months and months, issued through 1920 and into 1921 by the Federal Reserve Board, and I can convict that board with its own bulletins.

They started this deflation policy without cause, because if they had read those reports they would have known better. The reports from the various districts as to business and the general situation were like this: "Business is good; outlook is fine; orders are coming in; people are employed; agricultural prospects good." They have all these bulletins which they issued during February, 1920, March, 1920, and along during

that time. If the country was prosperous, why bring this blight down upon it? I will insert in my speech, when I get a chance to revise it, statements that I have referred to before about Mr. Harding's position and what he said in New York, and what has been said in statements in the New York Commercial, like this:

Gov. Harding refuses to change his policy with regard to holding cotton for a better price.

This knocks the bottom out of the holding movement. The farmers can not hold unless they can get help, and the governor of the board refuses to give it. This means cotton is going lower and lower. That is the substance of what market reports said at that time.

Charlie Verner, of Tuscaloosa, Ala., a banker in my State and a splendid gentleman, wrote me a letter that Gov. Harding made a speech in Atlanta which broke the price of cotton \$10 a bale, or 2 cents a pound, on that day. Gov. Harding's statement was to the effect that they were not going to help cotton. So I think, instead of trying to help, he was spreading the gospel of depression and was on the bear side of the market.

Let me remind you that Gov. Harding said that we must judge his deflation policy by what it did to business. Let me read:

[From the New York Commercial, Sept. 16, 1920.]

WASHINGTON, September 15.

Among other things said:

"Gov. Harding frowned upon the proposal that additional credits be provided as a means of holding cotton in warehouses beyond the usual marketing period in order to insure better prices."

This is the blow that sent terror into the hearts of our cotton producers and turned them over to the wolves of Wall Street. Let us see how New York cotton speculators and market manipulators construed this position of Gov. Harding.

[From the New York Commercial, Sept. 16, 1920.]

COTTON OFF FROM 12 TO 31 POINTS—FEDERAL RESERVE REFUSES SPECIAL AID TO SOUTH.

The conference held in Washington yesterday between representatives of the Cotton States and officials of the Federal reserve was disappointing to cotton holders, as the Federal reserve governor made it plain that the South could expect no special help. This decision will influence sentiment here regarding the ability of the planters to finance any sort of a holding movement now.

[From the New York Commercial, Sept. 17, 1920.]

Under the head of "Cotton-market opinions," W. J. Wallman & Co. said:

"The action of the Federal board in refusing special assistance to the cotton growers is certain to act against the growth of the hold-the-crop movement."

The New York Commercial cotton article on the same date said:

"Many traders were inclined to sell the market after overnight consideration of the refusal of the Federal Reserve Board to help the cotton planters, as it is believed that this decision will effectually kill most of the holding movement because of the difficulty of financing the proposition."

I will now read some interesting statements to show you how the cattlemen and cotton producers were deliberately deceived.

[From the New York Commercial, Sept. 21, 1920.]

(Washington bureau, New York Commercial.)

WASHINGTON, September 20.

RESERVE BOARD WILL NOT CURTAIL LIVE-STOCK CREDITS.

That the live-stock industry is confronting an acute situation as a result of the disposition on the part of the bankers to refuse to renew loans was asserted before the Federal Reserve Board to-day by a committee representing a conference of live-stock producers and bankers recently held in Chicago.

[From the New York Commercial, Sept. 21, 1920.]

The board was urged to promulgate instructions to Federal Reserve banks and member banks of the system to use a greater degree of liberality in handling loans of this character.

W. P. G. Harding, governor of the Federal Reserve Board, assured the delegation that the live-stock industry should have every consideration at the hands of the bankers of the country and that there was no intention to curtail its credit.

[From the New York Commercial, Sept. 15, 1920.]

WASHINGTON, September 14, 1920.

Advisory council to confer with reserve board next Monday. Frozen loans said to have been liquidated to sufficient extent to aid materially in financing crop movement. Board to meet with reserve governors and agents October 13.

J. S. Wannamaker, president American Cotton Association, said:

In September, 1920, after insistent demands for a more liberal policy, Mr. Harding invited leaders in the cotton industry to Washington to discuss the situation, and at that time issued an ambiguous statement which many of the leaders took at its face value and went home full of hope and expressing the highest appreciation of the attitude of Gov. Harding and the Federal Reserve Board. They wrote articles and made speeches and lulled their people into a sense of security. It was believed that every facility would be given the farmer to market his cotton in an orderly manner; in other words, that he could borrow money on his cotton for his immediate needs and hold the cotton until demand made a satisfactory market. But that fool's paradise was shattered on October 8, when, after another conference, held this time

in Birmingham, Gov. Harding ripped the mask from his policies and the cotton producer realized at last that he could expect no help from that quarter. Not only did he realize that he could expect no help, but he found out that what was supposed to be an agency of support to him in a crisis had been transformed into an instrument being used to beat him to his knees. With studied misunderstanding and with studied misrepresentation of the demands and needs of the cotton producer, Gov. Harding thus brutally blasted his hopes.

The action of the Federal Reserve Board promptly produced a buyer's panic, first in this country and later on in Europe. The United States being the creditor nation of the world, was certain to adversely affect financial conditions in foreign countries through the policies of drastic artificial deflation inaugurated in this country.

In this connection I will read a statement from "The Crime of 1920"—The Unpardonable Sin of Frenzied Finance, by George W. Armstrong, pages 160 and 161:

THE EXAMPLE OF TALAAAT BEY.

This is truly an amazing official record. It is suggestive of the official directions of the late lamented Talaaat Bey, brought out in the trial of the young Armenian who assassinated him, recently published in the daily press. Talaaat Bey openly pretended to the Allies that he was moving the Armenian women and children to places where there was food and safety. He secretly instructed the officers in charge to treat them with great kindness in public but to take them to a certain unfrequented place and there kill and bury them. When accused of the crimes he denied them with much bravado and injured innocence; so much so that the Government did not really know the truth until revealed by his written orders. Talaaat Bey admitted in his secret orders that his directions were inhuman and cruel, but justified them on the grounds of necessity and for reasons of state. We have here the same "safety" pretense, the same ulterior purpose of destruction, and the same injured innocence.

Although these sapient bankers, the Federal Reserve Board, knew that the inevitable and "logical result would be lower prices," with consequent disruption of industry, unemployment, bankruptcy, misery, despair, death, and suicide, they adopted their deflation program for reasons of State as coldly and as cruelly as did Talaaat, and they have pursued it and do now pursue it as relentlessly and as ruthlessly as did Talaaat, and they have lied about it as brazenly as did Talaaat, and they no doubt "kid" themselves into believing that they were acting for their country instead of their own ambitious designs as did Talaaat. But Talaaat was a "piker" in destructiveness as compared to them.

Gov. Harding said deflation must be judged by what it does to business, and I agree with him. I read:

[From Federal Reserve Bulletin, issued by Federal Reserve Board at Washington, July, 1920.]

Report from Boston district, No. 1. Cancellation of orders by retailers has been reported for some weeks, but this factor had no appreciable reaction in the form of reduced prices to the consumer. The cancellation movement has struck the New England cotton mills, and where actual cancellation of orders has not accrued there have been, in some cases, requests for delay in making shipments, all this being occasioned principally by curtailed bank credits.

In the same bulletin, under the headlines, "Working of credit control," we find this:

The general conclusion to be drawn is unmistakably to the effect that the operation of credit control through higher discount rates has had a marked success.

In the Federal Reserve Bulletin of August, 1920, we find the following:

In the South there has been some success in eliminating loans on United States obligations.

Federal Reserve Board Bulletin of February, 1920, quoting from Gov. Harding's speech to the bankers of the Federal reserve system on January 6, 1920, printed the following excerpts:

"There is no question that the credit structure of this country is expanded. We can not expect this year, nor next, nor in the immediate future, to regain a banking position which would be regarded as normal. The process is one that will require time and patience."

This is what he said, but the ruin wrought tells what he did.

In the same month in the same Federal Reserve Board Bulletin the Richmond (Va.) bank reported:

A material cut in the amount of credit available.

HARDING'S FORTY-FIVE-DEGREE BOGIE EXPLODED.

Let me read another short statement from John Skelton Williams:

An amusing feature of the distinguished Virginia Senator's speech was the ease with which he fell into Gov. Harding's "45-degree" trap. The reserve board governor has been prancing over the country shocking his audiences by pointing out to them how narrowly we averted disaster because of the fact that a chart showed that "loans and rediscounts" at reserve banks had been advancing at the rate of "45 degrees," and he depicted vividly what would have happened if that 45-degree advance had kept up.

The average schoolboy, however, knows that whether "45 degrees" is a safe ratio for loans to advance or not depends upon the horizontal and perpendicular scales used in making the chart. If the chart, for example, has 1-inch squares, and these 1-inch squares represent on the horizontal the months of the year, and if the 1-inch squares on the perpendicular scale should start, say, with one hundred millions of loans and each upright inch represent an additional one hundred thousand loan expansion, the chart line might show 80 or 85 degree advance in one month, and yet the total increase in loans would only be about 1 per cent, or, say, \$1,000,000.

If the 1-inch square on the upright scale, starting at one hundred million, should represent one hundred million increase in loans, the angle of advance might be only about "22½ degrees," and yet represent an expansion of about fifty times as great as the chart on the other scale showed, or an 85-degree advance.

It is to be regretted that Senator GLASS should have fallen into Gov. Harding's stupid sophistries.

Mr. President, the people of the country ought to know the truth about these things. It takes mighty plain talk to get it to them. We can at least get it to them through the Congress-

SIONAL RECORD. I am satisfied that the boys in the press gallery sent out the statement which I made the other day, but it was not printed. I do not quite understand that. I do not believe there is one of those young men who would be a party to helping throttle the press and suppress the truth and refrain from giving information that went out from this Chamber from a Senator.

If we have come to that, then you are going to see a revolution in this country in a political way. The people will not stand for the Democratic Party or the Republican Party—and ought not to do so—throttling the press and keeping information from the people. If the Republicans are doing anything that is good, give it to the country; if they are doing wrong, give that news to the country. If the Democrats are right, give its position to the country; if they are wrong, condemn that conduct and give it to the country. But do not let us have a press that can be manipulated, facts suppressed, and information kept out of the columns of the newspapers of the country.

I do not know how that statement from the Senator from Virginia ever got into the Democratic Bulletin. It was not done at the instance of the committee. I never said a word to any of them about my speech. I was not trying to get anything before the country from a Democratic standpoint. I never paid any attention to it, so when I got one of those circulars I was surprised. A Senator said to me, "They ought not to put that in there; they ought not to have said anything at all about what occurred between you and GLASS." But they did that, and a newspaper friend of Gov. Harding's has circulated that statement through some papers down in my country referring to my statements as misrepresentations about the Federal Reserve Board. Yes, they may be able to get out statements like that, but I do not intend that the people shall be deceived by them.

I state again that the deflation policy of the Federal Reserve Board does not have the sanction of the Democratic Party. Every leading Democrat of any consequence denounces it except by friend the Senator from Virginia.

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. This fact may be of interest to the Senator from Alabama, and it is only a minor thought. A few moments ago my secretary informed me that the editor of the Manufacturers' Record had called up my office in an effort to get that bulletin of May, 1920, in which Gov. Harding foreshadowed his purpose to contract the currency and to bring down prices, and that the editor could not get a copy of the bulletin. I have promised to have my copy of the bulletin typewritten in order that he may have a copy of it.

Mr. HEFLIN. I thank the Senator for that information. He will put that information in the hands of a brave warrior when he sends it to the editor of the Manufacturers' Record. In fact, practically all of those on this side that I know anything about and a few on the other side agree with my position.

Let me read in this connection an editorial from the New York Commercial, which throws light on the situation. This was in 1920 when deflation was on:

[Editorial.]

COMPTROLLER WILLIAMS ON EXCESSIVE INTEREST.

Comptroller of the Currency John Skelton Williams has created a disturbance in financial circles by his charges that the New York banks have been exacting excessive interest, which, of course, the bankers here promptly denied. The merits of the controversy, however, are rather overshadowed by the larger controversy between the two groups of Washington officials who have been at odds for some time as to the better method of restoring the financial equilibrium. Gov. Harding, of the Federal Reserve Board, and his colleagues thereon, have adopted the policy of a curtailment of credit for nonessentials for the purpose of causing a liquidation of commodities and bring prices down to something like a normal basis. The other group, as represented by John Skelton Williams, takes the ground that interest rates should be reduced, capital made easily obtainable, and production stimulated to meet the demand.

Mr. President, the Senator from Virginia defends the payment of \$1,106,000 to architects and engineers, saying that—

nearly all, if not all, the eminent professional architects of this country belong to the American Institute of Architects. They have a standard charge and any man who goes below that charge will be turned out of the institution. The New York bank paid the standard charge. It could not have gotten a competent architect for any less money.

Now, listen, Senators:

Again the Senator is wrong. The huge toll of \$1,106,000 exacted was unnecessary. Architects and engineers just as competent as those employed could have been found to do quite as satisfactory or more satisfactory work for much less money, and architects working for less would not have been "turned out" of the American Institute of Architects. In fact, I have reason to believe and now affirm that in some of the reserve districts capable and efficient architects and engineers have been found who were willing to make special terms which have resulted, or will result, in material savings in the matters of architects' and engineers' fees, and I would ask that the reserve board furnish the Senate, in proof of this assertion, a statement showing precisely what fees and what percentages were paid or agreed to be paid

in each where Federal reserve banks have erected buildings or made contracts for their construction. Let that statement show the amount and percentage of fees to contractors and percentage and amount of fees on estimated cost of buildings allowed to architects and engineers. If this information is furnished, it will show that the distinguished Senator from Virginia has also been deceived in this respect by his advisers.

The Senator from Virginia asserts in so many words that the estimated cost of the building, having certain savings in view, will be "\$12,836,000," not \$26,000,000. Why did the Senator fail to add that the new estimate of cost fails to include over \$7,000,000 already expended in cash for land and the annex and the \$650,000 for vault equipment and other important items? Does he consider such a comparison as he has made fair or square under the circumstances?

These facts from John Skelton Williams speak the truth.

The Senator declares with much emphasis that the cost of this extravagant building does not take one dollar from the Federal Treasury. It would have been more fair if the Senator should have said that while they may not take money out of the Federal Treasury they prevent many millions of dollars from going into the Treasury which, but for these extravagant buildings, would have been available to help pay expenses of Government.

Why is he so silent on the big charge-off of about \$7,000,000 for "depreciation" on account of buildings not yet finished, and does he not know that under the Federal reserve act 90 per cent of that \$7,000,000 of depreciation, or more than \$6,000,000, would have gone into the Treasury but for those bookkeeping charges of the reserve banks?

So it does look as if they were affecting Alabama and the other States, too. If they had not appropriated that \$7,000,000 to their use we would have gotten \$6,000,000 in the Treasury.

How is it that the distinguished Senator from Virginia failed to make any allusion to the \$12,000,000 collected from the Federal Government by the Reserve Bank of New York for alleged expenses in connection with the placing of Liberty bonds and fiscal agency matters? I should like to have a little more information on that point. That little item, says John Skelton Williams, was tucked away in a small corner in one of the annual reports of the Reserve Board; but it is important and needs a little ventilation. I think the Senate should be furnished with a statement of what, if anything, has been paid to other reserve banks on the same account.

Gov. Harding, in one of his recent speeches, says that the Federal Reserve Bank Building is not so high as some other buildings in New York, but he fails to tell how many stories it is. The Reserve Board's report to the Senate mentions, incidentally, that the officers are to have their offices on the tenth story. Is that the top story? Even if it were true that the building is to cost only about \$13,000,000, exclusive of land and annex, that is largely in excess of the cost of the huge Equitable Building in New York, which is built on a larger area than the proposed main building of the New York Reserve Bank and is 40 stories high.

Do you get that, Senators? That was \$12,000,000 collected from the Federal Government; there is \$12,000,000 collected for that, and \$6,000,000 that would have gone into the Treasury, making \$18,000,000.

I want to say in this connection that the Senator from Virginia said "the Senator from Alabama thinks printing presses were made to print money." Well, if they were not made to print money why do we use them for that purpose? We print the money of the Government on the printing presses. The Government prints this money.

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I yield to the Senator.

Mr. WATSON of Georgia. Why should there be any more prejudice against a printer than there is against a minister of the gospel?

Mr. HEFLIN. That is what I should like to know. The Senator from Virginia is himself a printer. Since the Senator from Virginia has suggested the question, I will say that is why these printing presses were made—to print money. I want to say to the Senator that the Federal Reserve Board has the power—and it has exercised that power time and time again—to issue Federal reserve notes. It prints those notes itself and sends them to the New York banks free of charge to them. There are some few of us learning something about this banking system. I never intend to entrust all knowledge on that subject to any one person any more. I am going to learn something about it myself, so that I shall know. We used to listen to some fellow tell us, "This will not do, and that will not do"; but I have learned something about it myself, and I have learned it mostly from John Skelton Williams. I have been reading what he says; and I will suggest to my friend from Virginia that it would be a good thing for him to peruse some of his pages.

Now, Mr. President, here is what happens: The Federal Reserve Bank in New York can come here to the Treasury and put up 40 per cent of collateral in gold and 60 per cent in other kinds of securities which are O. K'd by responsible parties in New York, and which the board will accept, and then the

Federal reserve system starts its printing presses to work and prints \$100,000,000 or whatever is necessary. The securities never get out of the community. Of course, they are subject to the call of the Government, but the owner keeps them and he gets \$100,000,000 without interest; he does not pay a penny of interest; and yet he gets that \$100,000,000 of Federal reserve money and he loaned it out at 7 per cent, the rediscount rate, or whatever he could get—it may be 10 per cent or 20 per cent or 30 per cent or 50 per cent. Then, when the time is out and he has run his course and has made millions out of the use of the Government's money, without paying a cent of interest, the notes are canceled and the printing presses print again for another concern, and so the Federal Reserve Board may go on using the printing presses of which my friend from Virginia has spoken.

We are learning a little something about this system. If the Government will grant the banks \$100,000,000 or \$200,000,000 and will not charge them any interest for six months, why, under heaven, does not the Reserve Board make those banks come to the rescue of the banks in my section and in other sections?

It has the power to do it. The Senator from Virginia intimated the other day that it had not, but it has. The Federal Reserve Board has the power to make one Federal reserve bank discount the paper of another. We know that. I guess some of them did not think we knew it, but it has that power; it can make them do it.

The Senator from Virginia left the impression by a considerable portion of his speech that the board had hardly any power at all. On the contrary, they have a great deal of power.

Mr. President, the Senator from Virginia tells us as an evidence of the amazing liberality of the reserve banks toward the agricultural districts that during the period of falling prices all of the member banks combined in South Carolina borrowed an aggregate of \$21,105,000, which, he says, was about \$13,000,000 more than their basic line. What has the Senator to say about the one bank in New York City which during the period of falling prices enjoyed accommodations from the Federal reserve system of \$150,000,000? Here is what the Comptroller of the Currency at that time says about that:

Now, Senator, I will give you some other comparisons drawn from official figures, showing what total amount of accommodations were received by the different reserve banks in the agricultural districts at the beginning of January, 1920. At that time the Federal reserve bank was lending to all the member banks in the States of Georgia, Florida, Alabama, and parts of Louisiana, Tennessee, and Mississippi on loans and accounts a total of \$88,000,000. In addition to that, it was carrying bought paper to the extent of \$16,000,000, and this amount included about \$10,000,000 with which they were accommodating other Federal reserve banks, principally in the North.

At the same time the Federal Reserve Bank of St. Louis was lending to all the member banks in that important district, including the greater part of Missouri, Arkansas, and parts of Illinois, Indiana, Tennessee, Kentucky, and Mississippi, a total of \$80,000,000, and in addition to that they held about \$31,000,000 of bought paper. These figures included over \$20,000,000 of paper which the St. Louis bank had taken from other reserve banks to accommodate them.

At the same time the total amount of loans and discounts which the Federal Reserve Bank of Kansas City held from all of the member banks in that great agricultural and live-stock district, including Kansas, Nebraska, parts of Missouri, Oklahoma, Wyoming, and Colorado, an aggregate of only \$88,000,000, and the additional bought paper which they held was about \$17,000,000.

At the same time, Senator, the total amount of accommodations which the Federal Reserve Bank of Dallas was extending to all of its member banks in the whole State of Texas and in parts of Oklahoma, Louisiana, New Mexico, and Arizona was \$57,000,000, to which is to be added about \$6,000,000 of bought paper. But, mind you, this amount included \$30,000,000 which the Dallas bank at that time was lending to the big banks of the North and East, which had invoked their assistance, as we find now, largely for the purpose of enabling them to lend principally to big speculators and for promotion schemes.

At this same time, the beginning of January, 1920, we find that one of the big banking institutions in New York City, which had become notorious for its speculative deals and operations and some of the executive officers of which were heavy borrowers, directly and indirectly, not only from their own banks but from other banks in the Federal reserve banking system which were being aided by the New York Federal Reserve Bank—that this big institution was borrowing about \$130,000,000 of funds from the Federal reserve bank in New York.

This means that that one big speculative institution at that time was being accommodated with about two and one-half times as much money as all of the member banks in the Dallas Federal reserve district.

Furthermore, that one bank had gotten from the New York Reserve Bank about 25 per cent more money than either the Federal Reserve Bank of Kansas City or the Federal Reserve Bank of Atlanta were lending at that time to all of the banks in either of those great and important districts.

And what is perhaps worse, we find that the Federal Reserve Bank of New York, in order to be able to lend that \$130,000,000 to that one bank and to enable it to make loans to other big speculative institutions, was borrowing in the middle of January, 1920, \$100,000,000 from other reserve banks, whose funds they were sucking up for such purposes as these.

At that time the total amount of money which all 12 Federal reserve banks were lending on agricultural and live-stock paper, or to all of the 9,000 member banks in all of the 48 States of the Union, was only \$51,068,000. Those were the figures for January 1, 1920, or, to be exact, December 30, 1919.

He continues:

The riotous prodigality with which funds were dispensed by the New York Reserve Bank, regardless of all considerations of prudence, is indicated when I tell you that it was in that same month, namely, January, 1920, I believe, that the Federal Reserve Board passed a resolution authorizing the waiving of the reserve requirements as to this same Federal reserve bank in New York.

And it was just 12 months later that this same Federal Reserve Bank of New York authorized the expenditure of \$25,646,000 for extravagant and wasteful banking quarters in New York City. The man at the head of that institution is the gentleman who is now drawing a salary equal to the salaries of six United States Senators and four times the salary of the Vice President of the United States and more than three times the salary of the Chief Justice of the United States, and at the time of which I speak he had not left for his vacation trip around the world, but was still on deck supposed to be looking after the management of the New York Reserve Bank, which, at that time, as I have shown you, was lending to one big speculative institution more than two and one-half times as much money as all 12 Federal reserve banks were lending on agricultural and live-stock paper at the beginning of January, 1920, to all of their member banks in the 48 States of the Union.

Mr. President, I was elected to represent in part the whole people of Alabama, and I am doing my best to do that. It is my duty as a United States Senator to safeguard to the best of my ability the rights and interests of the whole people of the country. In the discharge of my duty as a public servant I have incurred the displeasure of the Federal Reserve Board governor and those of the board with him who were guilty of maladministering the great Federal reserve banking system to the hurt and injury of millions of people. I have brought down upon my head the wrath of Wall Street newspaper yelpers, who always growl and bark at any public man who dares to attack the financial marauders who feed and fatten upon the substance of the people of the South and West.

I have made enemies of all those who greatly increased their fortunes out of the misfortunes of people stricken down and rendered helpless by the processes of drastic deflation. I have made enemies of those who did not want the truth told and their crooked conduct exposed.

Mr. President, the Senator who will shrink from the faithful discharge of his duty because of the fear of making enemies is himself a contemptible wretch and cringing coward. So every enemy made in the discharge of duty is an additional testimonial to faithful service rendered.

He hath no enemies, you say.

My friend, your boast is poor.

He who hath mingled in the fray of duty that the brave endure must have made foes:

If he has none, small is the work that he has done.

He has hit no traitor on the hip.

He has removed no cup from perjured lip.

He has never turned the wrong to right.

He has been a coward in the fight.

What would you have thought of one of our soldiers on the firing line in France if he had gone back and sought some safe and easy place? What would have been your opinion of him if he had considered his own personal comfort and ease above the cause of his country? When our boys were fighting on the battle fields of France they were battling against military despotism and the deadliest war machine that ever appeared upon the earth. If they had sought the lines of least resistance and failed us, then they would have had the contempt and scorn of every patriotic man and woman in America.

What are you to do and what am I to do when we see the Nation's great banking system changed by those in charge of it from the purpose of its creation? Are we to remain silent when we see this great banking system so mismanaged that it brings business distress and disaster to millions of people that it was intended to serve and to save from business ruin? Power to control the volume of currency and credits in this country is the most vital power in the economic life of the Nation. Prior to the late spring of 1920 that power, lodged in the Federal Reserve Board, was never abused. On the contrary, it was used so as to meet and supply the business needs of every section of the country. But under the deflation policy in 1920 I saw that power employed, not to uphold and sustain legitimate business but to strike it down and destroy it. I saw it hoarding the Nation's money supply and withholding credits from business when the Government's Comptroller of the Currency, John Skelton Williams, declared that the Federal Reserve Board could issue and put into circulation \$2,000,000,000 of currency and prevent distress among millions of people and the loss of many hundreds of millions of dollars. If condemning that cruel and wicked usurpation of power and exposing that infamous crime against the people brings me enemies, I welcome them. They are the enemies of my country, and I neither fear nor seek the favor of the enemies of my country.

CAROLYN UPSHAW.

Mr. WATSON of Georgia. I send to the Secretary's desk and ask to have read an editorial from the Washington Star of yesterday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Assistant Secretary read as follows:

CAROLYN UPSHAW.

Peace hath her victories no less than war. The city has its heroines no less than the battle field. Perhaps no field of war ever held a pluckier person than the little high-school girl, victim of the Knickerbocker tragedy, who died after a week of suffering, and who, shortly before her death, turned to her sister and said, with a smile, "I haven't cried yet."

Scores, reading, felt their eyes moisten; scores, remembering, will be braver through life as the result of that simple sentence from the lips of the dying girl, little more than a child, yet possessed of the brave soul of an American woman at her best. This was the spirit of those brave women who went to the West and Middle West and made the wilderness and forest smile; this was the spirit of those women, earlier yet, who came across the fearsome width of ocean to battle with unknown conditions.

The name of Carolyn Upshaw will live in Washington as that of a heroine, a woman who suffered bravely and went to meet her Maker with a smile on her lips. If this child, under such stress, could smile through pain and suffering, and take pride in her ability to refrain from weeping, surely in the ordinary affairs of life there is little excuse for such demonstrations. Men and women alike may learn from the example of this brave girl how to endure.

Mr. WATSON of Georgia. Mr. President, there was an old saying that "those whom the gods love die young." The most beautiful short poem in the literature of England commemorates a girl whom the gods loved and who died young; the most beautiful short poem in American literature hands down the name of a girl whom the gods loved and who died young.

This little Georgia girl, who was one of the victims of the tragedy which occurred here a few days ago, must have been beloved by the gods and by our God. Death never plucked a whiter, sweeter flower than when it plucked her; death never stilled a braver heart than when it halted hers.

Mr. President, she said, "I have not cried yet"; but I venture to say that the editor who wrote that beautiful tribute wept when he wrote it; I venture to say that every Senator who read it cried when he did so; I venture to say that countless thousands of people here in Washington and in regions round about cried when they read it; and I know in my heart that, as she was carried back to be given to the soil of Georgia, there could have hardly been a dry eye from our mountains to our seaboard.

ADDRESS BY SENATOR PEPPER—MICHIGAN SENATORIAL ELECTION.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. ASHURST. Mr. President, will the Senator withhold that motion for a few moments to enable me to propound an inquiry?

The PRESIDING OFFICER. Does the Senator from Massachusetts withhold his motion?

Mr. LODGE. I withhold it for a moment, but it is getting pretty late.

Mr. ASHURST. I do not wish to provoke discussion of any length, but wish to be fair regarding a discussion I precipitated this morning.

The Senate will remember that the morning papers carried the report of a speech alleged to have been made by the able junior Senator from Pennsylvania [Mr. PEPPER], and the alleged speech reflected so severely upon the Democratic Members of the Senate and, as I construe it, upon the eight Republicans who voted to deny a seat to Mr. NEWBERRY that I should like, if the Senator from Pennsylvania will not consider it offensive or presumptuous on my part, to ask him if the report in the various papers regarding his remarks on the Newberry case is correct?

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. I yield.

Mr. PEPPER. Of course, I do not regard the question as in the least offensive. I have not seen the reports in the newspapers to which the Senator refers, but I have every reason to believe that they are accurate, because what I said was said advisedly, and a copy of my remarks was given to the newspapers; so I assume that they have correctly quoted me.

Mr. ASHURST. Mr. President, during the absence of the Senator I took the liberty of saying that I believed he would avow or disavow that speech when he came into the Chamber. I see that I was not mistaken. I have been handed from the press gallery a copy of the purported speech alleged to have been made by the Senator before the Albany County Republican

Club last evening; that I realize that one Senator has no right to catechise another—and if he feels that I am improperly doing so he can object and I will sit down; that is his privilege—but the Senator is alleged to have said, amongst other things, the following:

I now mention an example of individual courage. I refer to the action of those Republican Senators who steadfastly refused to be terrorized into voting to expel from the Senate the man who had been sent there by a clear majority of the voters of his State. When you realize the success attained by Senator NEWBERRY's implacable enemy in misstating the issue to the public—when you realize how millions of good people in this country had been fooled by Ford's insidious publicity into believing that not they themselves but the Michigan electorate had been duped—you will understand that it took no small degree of courage to face public moral condemnation which was as vehement as it was unjust. And in this test of moral courage every single Democrat in the Senate was found wanting.

Not one soul was man enough to vote in accordance with his convictions. They mouthed about the honor of the Senate and the integrity of the individual, and then they proceeded to tarnish that honor and impair that integrity by voting like a flock of sheep. Every single Democrat voted slavishly to dishonor his own colleague for what an unimpeachable majority of the people of Michigan had done when, with full knowledge of all the facts, they freely registered their preference for Senator NEWBERRY.

Will the Senator advise us whether or not that is a reasonably correct report of his speech?

Mr. PEPPER. Mr. President, I believe it to be a reasonably correct report, and in answering that question perhaps the Senator will permit me to include this observation as a part of it:

When I, as a Member of this body, approached the consideration of the Newberry case, I assumed that the question would be considered as a judicial question upon which individual Senators would make up their minds upon the merits, as disclosed by the record and as elucidated by arguments on the floor. As far as I have observed, Mr. President, that was the spirit in which Republican Senators approached the question, because I observed that a number of them voted on one side and a number on the other; and I wish it understood that I have made no comment or criticism upon what seemed to me a perfectly permissible difference of opinion; but from what occurred on the floor I inferred, rightly or wrongly, that the Senators on the Democratic side thought the case one suitable for treatment as a party question.

That gave rise merely to a question of taste; and I should like it understood, Mr. President, that I made no comment or criticism upon that. But Senators on the Democratic side went further, Mr. President. They saw fit, through responsible spokesmen on the floor, to make the vote in the Newberry case a question of personal honor. There are pages in the CONGRESSIONAL RECORD to which I can refer in which it is stated by responsible spokesmen of the Democratic Party that Senators who voted against the resolution of expulsion dishonored themselves and wrote dishonor across their political records.

Mr. President, I assumed that the Senators were within their rights in making the vote a question of honor; and, assuming that the question of honor was properly raised by them and being conscious of undimmed honor myself and of unimpaired personal integrity, I chose to accept the issue, only I reversed the sides, sir, and put my friends upon the defensive; because I, sir, in the language which has been properly attributed to me, deliberately chose to stake my honor and my integrity against that of the Senators on the other side, and that issue can not be decided by the Senators in question. I am content to leave it to the decision of all who know us both.

Mr. ASHURST. Mr. President, after a brilliant eulogy upon his own "undimmed" honor, the Senator from Pennsylvania does not see fit to retract anything that he has said reflecting upon the honor of the men with whom he will be associated here for some time. Being a man of such punctilious "honor," as the Senator says of himself, and seeing in it a matter of honor where possibly dull and obtuse men might not, I will now advert to the record in the case.

Mr. LODGE. Mr. President—

Mr. ASHURST. I hope the Senator will permit me to proceed briefly. I am going to conclude soon.

Mr. LODGE. If we are going to take up the whole Newberry case and discuss it, we shall probably run pretty late.

Mr. ASHURST. I am not going to take it up. I hope the Senator will not press his interruption.

Mr. LODGE. I shall not interrupt the Senator.

Mr. ASHURST. I knew the Senator would not; but let me call attention to this:

On the 12th day of January last the case was up, and the case is over as far as I am concerned. I have not brought it up. If the Senator from Pennsylvania had not seen fit to make this speech, I never would have mentioned the Newberry case; but a resolution regarding the Newberry case was voted on, an

amendment was adopted, and the resolution then read as follows:

*Resolved, etc., * * ** (3) That whether the amount expended in this primary was \$195,000, as was fully reported and openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended.

The expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free Government, such excessive expenditures are hereby severely condemned and disapproved.

So this knight of the common people, the Senator from Pennsylvania, who has lifted many a lance, who has shot out many whizzing javelins in behalf of the cause of truth, entered the Senate on the 10th of January, with a record of 2,000 pages of testimony in the Newberry case before him—I would not be so offensive as to presume that he voted without reading those 2,000 pages, although he had but two days in which to do it—voted for that resolution, and then voted to seat the beneficiary. The Senator from Pennsylvania saw no moral question involved and he saw no difficulty, he found no obstacle, in voting to condemn the vast expenditures in the Newberry case, which the resolution said were contrary to public morals and derogatory to the best interests of the country, and were undermining the foundations of the Republic; he put his blessing, his seal of approval upon the seating of Mr. NEWBERRY, although he condemned the methods used, and then he charges all of the Democrats with having violated their consciences and stained their own honor in voting to deny a seat to a man who procured it by methods which he says undermine the Republic.

So, Mr. President, I will now, again disclaiming any desire to be contentious or offensive, ask the Senator into what category he puts WILLIAM E. BORAH, WILLIAM S. KENYON, ARTHUR CAPPER, EDWIN F. LADD, HOWARD SUTHERLAND, WESLEY L. JONES, ROBERT M. LA FOLLETTE, and one other Republican? I can not remember them all. Did those eight men who happened to vote and view the matter as the minority side viewed it, violate their honor, or are they absolved from all blame because they happen to be Republicans, or did they give this question a judicial investigation? Is the Senator excusing them, or is he condemning them? What is his answer to that?

Mr. PEPPER. Mr. President, without specifying individual Senators, I think I can fairly answer the question addressed to me by saying that my remarks had no application to any Senator who dissents from the following statement, on page 2020 of the CONGRESSIONAL RECORD, but were directed at any Senator who reaffirmed those remarks. The remarks to which I refer are these, and I quote from the speech of the senior Senator from Missouri [Mr. REED]:

Mr. President, there is not a Senator who voted for this resolution who did not brand in red letters above and over and across his political record the word "dishonor."

I answer the Senator by saying that my remarks have no reference to any Senator who dissented from that view, and they are applicable to any Senator who subscribed to it.

Mr. ASHURST. Then why did not the Senator say that in his speech before the Albany County Republican Club?

Mr. PEPPER. Mr. President, I am not sufficiently familiar with the procedure in the Senate to be aware to what length a catechism of this sort should be carried. I am quite ready to answer any questions that the Senate will be patient enough to have me answer, but I am not desirous of continuing the matter further.

Mr. ASHURST. Mr. President, I do not wish to pursue the matter any further. The Senator has avowed the speech, and said that every Democrat stained himself with dishonor, but that the eight Republicans who voted with them did not.

When the Senator was appointed to the Senate, a number of men in the Senate Chamber and out of it who are attempting to conduct a campaign to bring the Government back to the people rejoiced; a commendation went up, and the Philadelphia North American had an editorial that I read twice, entitled "Thank God," rejoicing over the appointment of the Senator from Pennsylvania; but he disappointed us to-day—

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state his question of order.

Mr. BRANDEGEE. The point of order is that the Senator from Massachusetts [Mr. LODGE] made a motion that the Senate proceed to the consideration of executive business. He stated that he withheld it, but I submit the Senator can not have a motion pending, which is not debatable, and then a series of speeches proceed upon the floor indefinitely. If this matter is of serious moment to the Senate, it can be continued to-morrow.

The Senator from Massachusetts must either withdraw his motion, or the Senate must proceed to the consideration of executive business.

Mr. ASHURST. The Senator from Massachusetts has been generous, and I am going to conclude now by asking that the speech of the junior Senator from Pennsylvania, which has been furnished me by the press gallery, be printed in the Record, and that opposite the paragraph wherein he says the Democratic Senators acted with dishonor there be printed the resolution, No. 172, upon which Senator Newberry was seated. Having made that request, I am through.

The VICE PRESIDENT. Is there objection?

Mr. SPENCER. I hope the Senator will not designate the place where the printer shall be required to put the resolution.

Mr. ASHURST. I do not blame the Senator for objecting. He does not want to see the speech of the Senator from Pennsylvania in juxtaposition to the resolution.

The VICE PRESIDENT. Objection is made to the request of the Senator from Arizona.

Mr. BRANDEGEE. I renew my point of order.

Mr. ASHURST. I am through. I yield the floor.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 52 minutes p. m.) the Senate, in accordance with the order previously made, took a recess until to-morrow, Friday, February 10, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 9 (legislative day of February 3), 1922.

PROMOTION IN THE DIPLOMATIC SERVICE.

CONSUL GENERAL OF CLASS 2.

Maxwell Blake, of Missouri, now agent and consul general at Tangier, Morocco, to be a consul general of class 2 of the United States of America.

UNITED STATES MARSHAL.

Harvey Sullivan, of Alaska, to be United States marshal, third division, District of Alaska, vice F. R. Brenneman, whose term expired January 7, 1922.

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE ARMY.

To be brigadier generals, to date from February 4, 1922.

Luke Henry Callan, colonel, Engineers.
John Campbell Greenway, colonel, Infantry.
Edward Gottlieb Heckel, colonel, Infantry.
John Van Bokkelen Metts, colonel, Infantry.
Robert Henry Tyndall, colonel, Field Artillery.
Guy Merrill Wilson, lieutenant colonel, Infantry.
Lincoln C. Andrews.
Charles Xavier Zimerman.
Henry A. Shaw, Medical.
John Hodgen Rice, Ordnance.

PROMOTIONS IN THE REGULAR ARMY.

To be lieutenant colonels.

Maj. Robert Gray Peck, Infantry, from December 16, 1921.
Maj. William Arden Alfonte, Infantry, from December 16, 1921.
Maj. Daniel Andrew Nolan, Infantry, from December 16, 1921.

POSTMASTERS.

ARIZONA.

James E. Harris to be postmaster at Mayer, Ariz., in place of M. B. Mayer, resigned.

ARKANSAS.

William H. Moreland to be postmaster at Tyronza, Ark., in place of Roy Wilson, removed.

Herschel Neely to be postmaster at Paragould, Ark., in place of A. S. Snowden. Incumbent's commission expired July 25, 1921.

CALIFORNIA.

Thomas W. Henry to be postmaster at Paso Robles, Calif., in place of W. D. Wood, resigned.

COLORADO.

Robert L. Wilkinson to be postmaster at Burlington, Colo., in place of R. J. Yersin. Incumbent's commission expired January 11, 1920.

DELAWARE.

Howard Rash to be postmaster at Cheswold, Del. Office became presidential January 1, 1921.

James E. Willey to be postmaster at Seaford, Del., in place of O. W. Short. Incumbent's commission expired October 5, 1921.

FLORIDA.

William B. Wingate to be postmaster at Callahan, Fla. Office became presidential January 1, 1921.

Edwin E. Williams to be postmaster at Passagrille, Fla. Office became presidential October 1, 1920.

Burdett Loomis, jr., to be postmaster at Pierce, Fla. Office became presidential January 1, 1921.

Jesse F. Warren to be postmaster at Apalachicola, Fla., in place of C. I. Henry. Incumbent's commission expired August 1, 1921.

ILLINOIS.

Henry C. Norcross to be postmaster at Carlyle, Ill., in place of W. C. Shoupe, removed.

Edgar C. Selk to be postmaster at Grafton, Ill., in place of W. T. Byrnes, resigned.

John R. McIntire to be postmaster at Grand Chain, Ill. Office became presidential July 1, 1920.

Alger H. Simpson to be postmaster at West Union, Ill. Office became presidential January 1, 1921.

INDIANA.

Zeno I. Moore to be postmaster at Paoli, Ind., in place of W. S. Tindall. Incumbent's commission expired January 24, 1922.

IOWA.

Richard G. Hulet to be postmaster at Leclaire, Iowa. Office became presidential April 1, 1921.

William R. Prewitt to be postmaster at Forest City, Iowa, in place of F. L. Wacholz. Incumbent's commission expired January 30, 1921.

Inga E. Cheely to be postmaster at Hornick, Iowa, in place of E. C. Baggs. Incumbent's commission expired January 13, 1921.

KANSAS.

Sidney H. Knapp to be postmaster at Concordia, Kans., in place of A. B. Carney, removed.

KENTUCKY.

Margaret Bondurant to be postmaster at Lynch Mines, Ky., in place of R. J. Bondurant, resigned.

LOUISIANA.

Solomon C. Knight to be postmaster at Elizabeth, La., in place of Joseph Muth, deceased.

Edgar A. Barrios to be postmaster at Lockport, La., in place of U. J. Barrios. Incumbent's commission expired July 21, 1921.

Elwyn J. Barrow to be postmaster at St. Francisville, La., in place of R. M. Leake, resigned.

Emmie G. Webb to be postmaster at Minden, La., in place of Charlton Fort, deceased.

MICHIGAN.

Charles W. Kates to be postmaster at Wells, Mich. Office became presidential October 1, 1919.

Bert W. Klackle to be postmaster at Bridgman, Mich., in place of B. W. Klackle. Incumbent's commission expired July 21, 1921.

MINNESOTA.

Nels E. Hawkinson to be postmaster at Grove City, Minn., in place of N. E. Hawkinson. Incumbent's commission expired August 7, 1921.

Edward J. Bahe to be postmaster at Hancock, Minn., in place of G. A. Blackman. Incumbent's commission expired August 7, 1921.

Ole E. Nelson to be postmaster at Marietta, Minn., in place of E. C. Sommermeier. Incumbent's commission expired August 7, 1921.

Alton E. Martin to be postmaster at Woodlake, Minn., in place of A. E. Martin. Incumbent's commission expired August 7, 1921.

MISSISSIPPI.

Charles F. Harris to be postmaster at Bentonla, Miss. Office became presidential July 1, 1920.

Maude D. Montgomery to be postmaster at Hermanville, Miss. Office became presidential July 1, 1920.

Irvin F. Brownlee to be postmaster at Sledge, Miss. Office became presidential October 1, 1920.

Clara L. Wright to be postmaster at Enterprise, Miss., in place of H. R. Ward. Incumbent's commission expired December 20, 1920.

Cecil W. Tinnin to be postmaster at Isola, Miss., in place of C. W. Tinnin. Incumbent's commission expired March 16, 1921.
Raymond H. Fairhurst to be postmaster at Lake, Miss., in place of J. A. Freeman, resigned.

Charles J. Hyde to be postmaster at Meridian, Miss., in place of B. F. Hyde. Incumbent's commission expired April 19, 1921.
Lemuel S. Jones to be postmaster at Yazoo City, Miss., in place of E. F. McCormick, resigned.

MISSOURI.

James D. A. Hood, jr., to be postmaster at Republic, Mo., in place of H. B. Ingler. Incumbent's commission expired July 25, 1921.

NEBRASKA.

Henrietta Andrews to be postmaster at Bellwood, Nebr. Office became presidential July 1, 1920.

NEW YORK.

Emil G. Schumacker to be postmaster at Valley Stream, N. Y., in place of W. H. Weise, deceased.

Fred H. Woolshlager to be postmaster at Castorland, N. Y., in place of G. E. Hufcut. Incumbent's commission expired December 20, 1920.

Lee W. Locke to be postmaster at Edmeston, N. Y., in place of C. A. Talbot. Incumbent's commission expired July 21, 1921.

Charles A. Daniels to be postmaster at Gilbertsville, N. Y., in place of C. A. Daniels. Incumbent's commission expired July 21, 1921.

McKenzie B. Stewart to be postmaster at Mooers, N. Y., in place of J. B. Fitch. Incumbent's commission expired February 2, 1921.

Peter H. Zimmerman to be postmaster at Wayland, N. Y., in place of J. B. Mattice. Incumbent's commission expired March 16, 1921.

NORTH CAROLINA.

John W. Chambers to be postmaster at Roxboro, N. C., in place of J. W. Noell. Incumbent's commission expired July 1, 1921.

NORTH DAKOTA.

Lawrence D. Larsen to be postmaster at Kindred, N. Dak., in place of M. H. Strehlow. Incumbent's commission expired December 20, 1920.

OHIO.

Milton J. Scott to be postmaster at Chillicothe, Ohio, in place of A. R. Wolfe. Incumbent's commission expired January 31, 1922.

Allen G. Bogart to be postmaster at Columbus Grove, Ohio, in place of H. B. Mapel. Incumbent's commission expired January 31, 1922.

OKLAHOMA.

Lena R. Allen to be postmaster at Owasso, Okla. Office became presidential January 1, 1921.

William N. Williams to be postmaster at Broken Arrow, Okla., in place of N. L. Sanders. Incumbent's commission expired July 23, 1921.

Ara N. Click to be postmaster at Jenks, Okla., in place of C. S. Cravens, resigned.

William A. Peters to be postmaster at Sallisaw, Okla., in place of A. S. Forman, resigned.

OREGON.

Ira Wimberly to be postmaster at Drain, Oreg., in place of Ira Wimberly. Incumbent's commission expired August 7, 1920.

Ben Weathers to be postmaster at Enterprise, Oreg., in place of Ben Weathers. Incumbent's commission expired July 21, 1921.

PENNSYLVANIA.

George C. Hughes to be postmaster at East Stroudsburg, Pa., in place of A. E. Eckert, deceased.

SOUTH CAROLINA.

Jasper E. Johnson to be postmaster at Gray Court, S. C. Office became presidential July 1, 1920.

Thomas J. Karnes to be postmaster at Georgetown, S. C., in place of R. T. King, jr., resigned.

SOUTH DAKOTA.

John R. Todd to be postmaster at Bowdle, S. Dak., in place of H. B. Baer. Incumbent's commission expired July 21, 1921.

TENNESSEE.

Sanders S. Proffitt to be postmaster at Concord, Tenn. Office became presidential January 1, 1921.

John G. Taylor to be postmaster at Mason, Tenn., in place of K. S. Booker. Incumbent's commission expired July 25, 1921.

TEXAS.

Sidney J. Eaton to be postmaster at Mullin, Tex. Office became presidential April 1, 1920.

Homer B. Young to be postmaster at Shiro, Tex. Office became presidential January 1, 1921.

Layfette T. Perateaux to be postmaster at Spring, Tex. Office became presidential July 1, 1920.

Robert N. Porter to be postmaster at Gregory, Tex. Office became presidential January 1, 1921.

Virgil A. Smith to be postmaster at Kenedy, Tex., in place of R. M. Bennett, resigned.

Charles L. Long to be postmaster at Graham, Tex., in place of N. S. Farmer. Incumbent's commission expired July 21, 1921.

Ralph C. Eubank to be postmaster at Liberty, Tex., in place of E. W. Sharman, resigned.

VERMONT.

Emeroy G. Page to be postmaster at Hyde Park, Vt., in place of E. G. Page. Incumbent's commission expired July 21, 1921.

WASHINGTON.

Henry R. James to be postmaster at Rochester, Wash., in place of H. R. James. Incumbent's commission expired July 21, 1921.

Orie G. Scott to be postmaster at Tekoa, Wash., in place of C. M. Vaupel. Incumbent's commission expired January 5, 1920.

WEST VIRGINIA.

Parsons M. Nelson to be postmaster at Beverly, W. Va. Office became presidential April 1, 1921.

WISCONSIN.

M. Vivian Brown to be postmaster at Minong, Wis. Office became presidential October 1, 1920.

Arnold E. Langemak to be postmaster at Sawyer, Wis., in place of W. R. Stephan. Incumbent's commission expired September 8, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9 (legislative day of February 3), 1922.

NAVAL OFFICER OF CUSTOMS.

Stephen S. Jewett to be naval officer of customs, district No. 4, Boston, Mass.

UNITED STATES MARSHAL.

Guy S. Brewer to be United States marshal, southern district of Iowa.

REGISTER OF THE LAND OFFICE.

Charles W. Miller to be register of the land office, Topeka, Kans.

RECEIVER OF PUBLIC MONEYS.

Isidoro Armijo to be receiver of public moneys, Santa Fe, N. Mex.

POSTMASTERS.

GEORGIA.

William T. Rudolph, Thomaston.
John D. Baston, Thomson.

MAINE.

Charles H. Bussell, Pittsfield.

MISSOURI.

Samuel A. Jones, Burlington Junction.
Birkley F. Wells, Clarksville.
Edwin K. Lett, Marquand.
Enos D. French, Skidmore.

NEBRASKA.

Isaac A. Reneau, Broken Bow.
Frank N. Thomson, Winnebago.

NORTH DAKOTA.

William A. Borderud, Davenport.
Minnie E. Anderson, Leonard.
Desha V. Poland, Parshall.
Joseph J. Simon, Thompson.

OHIO.

Charles H. Murlin, Celina.

OKLAHOMA.

Milton F. Gaylor, Slick.
William G. Pardoe, jr., Stroud.

SOUTH DAKOTA.

Fred Boller, Beresford.
 Gertrude M. Hall, Harrold.
 Richard A. Hummel, Hot Springs.
 Harley H. Cable, Hudson.
 Sidney N. Dorwin, Midland.
 Jacob A. Norby, Peever.
 Fred W. Hink, Raymond.
 Richard E. Scadden, White.
 William F. Berens, Worthing.

TEXAS.

James I. Carter, Arlington.
 Okey B. Cline, Emory.
 Alfred M. Finger, Hondo.

WEST VIRGINIA.

Joe Bell, Boomer.
 Frank O. Trump, Kearneysville.
 Andrew B. Canterbury, Pax.
 Melvin O. Whiteman, Wallace.
 Newt J. Neagle, Williamson.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 9 (legislative day of February 3), 1922.

POSTMASTER.

VIRGINIA.

James K. Carter to be postmaster at Clinchport, in the State of Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 9, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Unto Thee, our heavenly Father, we come. Thou alone hast a staff for the valley and a song for the plain. We are here with an open hand. From Thy bountiful supply satisfy our need. Impart to us strength to push through the strata of human fault, human strife, and human ignorance until we breathe the air of the upper clime. Be Thou the architect and the builder of our characters. May the temples of our souls grow and expand without noise, under the inspiration of Thy spirit, and rise to the music divine. Let Thy thoughts burn through our lips and speak through our conduct and always direct the counsels of our hearts. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

DAMAGES TO PRIVATE PROPERTY FROM NAVAL COLLISIONS.

The SPEAKER. The unfinished business is H. R. 5349, which the Clerk will report by title.

The Clerk read the title of the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels.

The SPEAKER. The previous question has been ordered, and the question is on the passage of the bill.

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 33, noes 1.

Accordingly the bill was passed.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed with amendments the bill (H. R. 2373) to authorize association of producers of agricultural products, in which the concurrence of the House of Representatives was requested.

The message also announced that the Vice President had appointed Mr. TOWNSEND and Mr. McKELLAR members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Post Office Department.

ST. LAWRENCE SHIP CANAL.

Mr. KIESS. Mr. Speaker, I desire to make a privileged report from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report, which will be read by the Clerk.

The Clerk read as follows:

The Committee on Printing, to which was referred the resolution (S. Con. Res. 18) providing for the printing of 16,800 additional copies of Senate Document No. 114, Sixty-seventh Congress, entitled "Message of the President of the United States transmitting the report of the International Joint Commission concerning the improvement of the St. Lawrence River," having had the same under consideration, report the resolution back with a recommendation that it do pass.

The Public Printer estimates the cost of printing at \$3,014.

Senate concurrent resolution 18.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 16,800 additional copies of Senate Document No. 114, Sixty-seventh Congress, entitled "Message of the President of the United States transmitting the report of the International Joint Commission concerning the improvement of the St. Lawrence River," of which 5,000 copies shall be for the use of the Senate document room, 500 copies for the Senate Committee on Foreign Relations, 100 copies for the Senate Committee on Commerce, 10,000 copies for the House document room, 1,000 copies for the House Committee on Interstate and Foreign Commerce, and 200 copies for the Committee on Rivers and Harbors of the House of Representatives.

Mr. WALSH. Mr. Speaker, how voluminous a document is this, and does it contain maps, plans, and drawings?

Mr. KIESS. Mr. Speaker, it does contain certain maps and drawings. The cost of the 16,800 copies is estimated by the Public Printer to be \$3,014. There has been an unusual demand for this from the Members and Senators of the States directly affected, and for that reason we provided that these copies should go to the document room rather than to the folding room, so that the Members and Senators directly interested could get sufficient copies.

Mr. WALSH. You increase the number by how many?

Mr. KIESS. The resolution provides for the printing of 16,800 additional copies.

Mr. WALSH. I understood there were 10,000 copies for the use of the Senate.

Mr. KIESS. No; 5,000 for the Senate and 10,000 for the House.

Mr. SMITH of Michigan. Are these copies to be distributed proportionately to the Members?

Mr. KIESS. No; these are to go to the document room.

Mr. SMITH of Michigan. And each Member can go there and get 500 or 1,000 copies if he wants them?

Mr. KIESS. Whatever he requires. Very many Members are not interested in this particular document, and that is the reason we do not want to send it to the folding room.

Mr. SMITH of Michigan. I should think they would all be interested in it. It is an important document and covers a very important measure.

Mr. KIESS. I think this will supply all that anyone will need.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEGISLATIVE APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative appropriation bill.

Mr. GARRETT of Tennessee. Mr. Speaker, does the gentleman want to arrange for the division of time for general debate?

Mr. CANNON. Now is the proper time to do that. The ranking minority member is the gentleman from Massachusetts [Mr. GALLIVAN] and the next minority member is the gentleman from Kentucky [Mr. JOHNSON]. The gentleman from Massachusetts is sick, and the gentleman from Kentucky obtained leave of absence because of a death in his family. I will ask the gentleman from Tennessee [Mr. BYRNS] how much time is desired for general debate?

Mr. BYRNS of Tennessee. The gentleman from Massachusetts [Mr. GALLIVAN], who is the ranking member of the subcommittee, is ill with the flu at Walter Reed Hospital, and, as stated by the gentleman from Illinois, the gentleman from Kentucky [Mr. JOHNSON], the other minority member, obtained leave of absence on account of a death in his family. The gentleman from Massachusetts [Mr. GALLIVAN] informed me through his secretary that he had agreed to yield some time to the gentleman from Louisiana [Mr. O'CONNOR], and the gentleman from Georgia [Mr. VINSON] also desires some time. Other gentlemen have just said they desired some time, and if they are to be taken care of I think we will require an hour and a half on this side.

Mr. CANNON. We are very anxious to see the bill passed to-day, and I see no reason why it should not pass to-day. I do not think we shall want an hour and a half on this side. What would the gentleman say to two hours' general debate?

Mr. BYRNS of Tennessee. Personally that is entirely agreeable to me, but it will result in depriving one or two gentlemen, who have just spoken to me, of time that they would like to have.

Mr. MANN. There is another appropriation bill to follow this immediately.

Mr. BYRNS of Tennessee. Yes; that is true. So far as I am personally concerned an hour on a side is entirely agreeable, and we will try to take care of these other gentlemen in some other way.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that there be two hours general debate, one-half the time to be controlled by the gentleman from Tennessee [Mr. BYRNS] and one-half of the time by myself.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the general debate be limited to two hours, one hour to be controlled by himself and one hour by the gentleman from Tennessee. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, with Mr. TOWNER in the chair.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, this bill providing appropriations for the legislative branch of the Government for the fiscal year 1923 carries, in round numbers, twelve and a half million dollars. In the rearrangement of the Budget this bill provides for the Government Printing Office, the Library of Congress, and the Botanic Garden, which are semiexecutive rather than strictly legislative, and leaving out the appropriations for those functions, the appropriations for the legislative work of the Government amount to less than \$11,000,000. This is an almost insignificant sum as compared with the total estimated expenditures of about three and a half billion dollars for the whole Government.

This bill therefore appropriates a comparatively small amount to provide for the lawmaking machinery compared with the appropriations for executive functions. The money we propose to appropriate for the legislative branch represents about \$1 in \$300 of the total estimated expenditure for next year; it will call for a per capita tax of 11 cents on the people in continental United States and about \$1 in \$24,000 of our national wealth—not a very burdensome tax on our wealth for legislative activities.

The legislative branch has always been the most economical part of the Government, and in proportion to the total cost of the Government it has been growing less ever since the adoption of the Constitution. Twenty-five years ago in the McKinley administration the appropriations for the legislative branch as presented in this bill represented \$1 out of \$100 of the total appropriations, and now it is proposed to appropriate for the Congress \$1 out of \$300 in the total expenditures. We have kept down salaries and expenditures for the legislative branch in the past, while circumstances have persuaded us largely to increase salaries, employees, and expenses in the executive departments, and add new departments and bureaus with new executive functions, until as I look back to the time when I first entered the House nearly 50 years ago and compare the executive part of the Government then and now, it is like going from Danville to the great metropolis of New York. [Laughter.] The executive branch of the Government has grown like the fabled bean stalk, while the legislative branch remains much as it was then, with a few more Members, a few more clerks, and better accommodations for Members.

We have continued to be economical in appropriating public money for the upkeep of the legislative branch, and that may be one reason why we receive so little attention other than criticism from the multiplied agencies of publicity. [Laughter.] We have been so careful about appropriating money for the lawmaking machinery that we have come to be regarded as only an agency for appropriating money to carry forward other plans for government, many of them quite different from the ideas of the founders of the Government.

I do not mention these contrasts for the purpose of criticism of the changes that have come with the growth and development of the country and its complicated and complex expansion into the greatest and richest Nation on the face of the earth; but I call attention to these changes simply to show that while Congress has grown in membership, has at long intervals increased our salaries and added to the clerical force and the accommodations, the legislative branch has remained proportionately the least expensive and least changed part of the Government. If we are to be charged with extravagance, it must be for yielding to the propaganda that daily and hourly pours in on Congress for the expansion of the executive branch and the judicial branch of the Government, with many newly created functions that dangerously approach the bureaucratic form of government.

The appropriations here recommended by the committee are nearly \$800,000 less than the appropriations for the current fiscal year and six and a quarter hundred thousand dollars less than the estimates submitted, showing that we are still more economical in appropriating for the legislative branch than for any other service.

The report accompanying the bill explains the changes made, and under the 5-minute rule the committee will try to elucidate any apparent discrepancies as to the relation of appropriations and estimates to be found in the bill. [Applause.]

Mr. Chairman, I yield such time, within the hour, to the gentleman from Minnesota as he may desire.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman from Illinois. There are very few changes in this bill from existing law. There are one or two, however, which I desire to call to the attention of the committee at this time, with the expectation that they will be discussed somewhat more fully under the 5-minute rule. At the present time the elevator conductors in this building and in the House and Senate Office Buildings are carried in part under the office of the Architect of the Capitol and in part under the appropriation for the office of the Sergeant at Arms and Doorkeeper of the Senate and the Sergeant at Arms of the House. The bill as reported by the committee undertook to put the elevator conductors directly connected with the House and with the House Office Building under the Sergeant at Arms of the House and those elevator conductors employed on the Senate side directly under the Sergeant at Arms and Doorkeeper of the Senate. This arrangement was not satisfactory to the House Office Building Commission, and as a result of some conferences an agreement was reached whereby all the elevator conductors will be placed under the control of the Architect of the Capitol.

In addition, there were three or four items which contain employees connected with the Capitol power plant, as well as other employees of the Capitol, and it seemed desirable to bring all the employees connected with Capitol power plant into one item, and so these items have been rearranged so as to transfer from the items to which I have referred to other items not connected with the Capitol power plant and employees in these items properly chargeable to the power plant to the Capitol power-plant appropriation.

There is one other change of considerable importance to which I desire to direct the attention of the committee. This relates to the Government Printing Office. Under the present arrangement appropriations for the printing of various Government establishments and departments are made under two methods. The first is called the allotment method. Under that method an appropriation running somewhere between five and six million dollars was made directly to the Government Printing Office.

This appropriation was allotted in specific amounts to specific departments. Against these allotments the charges for printing for the specific department is made. In addition there was usually carried in bills for departments specific appropriations for printing out of which payments were made direct to the Government Printing Office for such printing, and in addition there was scattered all through the bills for the departments items of appropriations a part of which were available for printing work at the Government Printing Office. It has been impossible to tell under this system the amount of money actually available to the departments for printing purposes. As a result it is impossible to keep real control of appropriations for this purpose. In addition there was the added disadvantage to the Government Printing Office that it could never tell in advance how much work, in money, it would be required to do in a fiscal year. This necessitated keeping the employees of the Printing Office at a peak unnecessarily high in order to take care of jobs that might pile up on them.

Another disadvantage of the situation arose from the fact that the appropriations as now made are, so far as they relate to the department, not subject to the deficiency limitation, and

it resulted very frequently in a large amount of business for the Government Printing Office at the latter end of the year when the Printing Office was not able to take care of it, and at the beginning of the next fiscal year the Government Printing Office would be confronted with a large carry over. The new arrangement will make the item for the Printing Office subject to the deficiency limitation so that the department will be required to allot the appropriation for printing to the four quarters of the year and consequently spread the expenditures out over the entire year and thus relieve the peak load of employees required to be carried at the Government Printing Office.

The present appropriation bill does away with the allotment method of making these appropriations and puts the entire Government on the basis of repay work. That is to say, it is expected that hereafter the appropriations for the printing of each department will be made in bills carrying the regular items for these departments. It is expected by that arrangement that the Printing Office items will be considered by the same men who consider the other appropriations, and who have a better knowledge of the requirements.

A difficulty arose in connection with putting all of this printing business on the repay basis in this way: These jobs are usually paid for after they are finished. In some cases, however, advances are made. As a result, it would happen that at the beginning of the fiscal year the Government Printing Office would have no funds with which to employ men and to buy material. In order to get around that situation we undertook to provide the Government Printing Office with a working capital, representing the amount which is ordinarily appropriated for congressional printing. That appropriation has averaged about \$2,000,000 a year. We have simply made that appropriation as heretofore direct to the Government Printing Office with a provision which makes it a working capital which can be used for any printing until that printing is repaid by the departments as ordered.

Those are the three principal changes that have been made by the subcommittee and the Committee on Appropriations in reporting this bill.

In general, the committee followed the policy of the Committee on Appropriations with reference to increases in salary, and I think no increases in salary have been made, with possibly one or two exceptions which will be indicated in connection with the debate under the 5-minute rule. There have been some 13 additions to the pay roll, most of them in the Library of Congress, where the increases in the appropriation during recent years have been very small, and where the salaries are generally admitted to be below the average of salaries throughout the Government service, and where the work has been very much hampered by both inadequate salaries and lack of sufficient employees. The committee did not feel justified under the general policy of the administration and of the committee in granting increases in salary. We did provide a few additional employees in the Library of Congress to take care of additional work.

I should say, also, that some recommendations in the Budget estimates were made for increases in salary of the employees directly connected with the operations of the House. However, we did not feel that we could adopt a different policy with reference to our own employees than has been adopted with reference to the Government employees generally, and these increases in salary were consequently not allowed or carried in the bill. I think that completes everything that I have to say at this moment.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. WALSH. I notice that the estimate for the legislative drafting service was \$30,000, and that the committee has carried the sum of \$40,000.

Mr. ANDERSON. There was an error in making up the estimates. What happened, as I understand it, is this: The expenditures of the House end of the legislative drafting service last year were less than \$10,000, I think, and the Clerk, without consulting the legislative service or anyone else, put the estimate in for the House end of the proposition at \$10,000. The Senate estimate came in at \$20,000, making a total of \$30,000. It so happens that under the law the total sum is divided equally between the House and the Senate. This would give \$15,000 to the House and \$15,000 to the Senate, and the Senate's pay roll at the present moment is more than \$15,000; so that the appropriation, even assuming no additional force on the House side, would not be sufficient to take care of the expenditures.

Mr. WALSH. I notice that during the pendency of revenue legislation or tariff legislation in the Senate the employees in the House end of the drafting service spend practically all of

their time at the Senate, often sitting upon the floor of the Senate. Does the gentleman know whether that may account for the expense being a little less in the House end during this last year?

Mr. ANDERSON. I do not think it does. I may say that the reason is substantially this: The number and the salaries of the employees on the House side is under the control of the Speaker of the House. The Speaker has not felt that the requirements of the service were such as to justify the full expenditure of \$20,000 on this side.

Mr. WALSH. I think the Speaker is correct in that. I am wondering how it is, if that is so, with the Senate having a drafting service of its own, it is necessary for the House service to spend so much of their time over there, when there are other committees of the House that might need the service.

Mr. ANDERSON. I presume the reason is that in connection with revenue bills on this side the drafting service in the first instance gathered a good deal of information at first hand, which is of very great value to the Senate.

Mr. MANN. And then, besides, the Senate is much more in need of a drafting service than is the House.

Mr. ANDERSON. The figures would indicate that.

Mr. WALSH. The need may exist, but I can not see that any benefit has been derived from the operations of the drafting service at the other end of the Capitol. We still have to contend with what they are doing over there when measures come back here.

Mr. ANDERSON. I think this is a very valuable service. I have had occasion to use it a good many times and have found it a very useful and a very valuable service. I think every chairman of any committee who has ever had anything to do with the legislative drafting service will testify to the same thing.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. LONGWORTH. I most heartily agree with the gentleman from Minnesota. In my judgment, the preparation of these very technical and difficult revenue and tariff bills would have been practically impossible had we not had the benefit of this drafting service.

Mr. WALSH. Before we had the legislative drafting service we used to pass income tax laws which permitted the issuance of blanks that the ordinary individual could understand. Since we have had the drafting service we have passed an income tax law that it takes a lawyer to understand and blanks have been issued that no lawyer can understand.

Mr. LONGWORTH. I regret that the gentleman is unable to make out his income-tax return, but I do not think that that is the fault of the legislative drafting service.

Mr. WALSH. I am citing that. It may be a mere coincidence.

Mr. LONGWORTH. So far as my experience in the House is concerned, the tariff and revenue bills of the past were almost childishly simple as compared with what they have been of late years.

It needs an expert, and the ablest man in the House or the Senate can not sit down and draft in a moment these very complicated and technical paragraphs which takes years of experience in practice.

Mr. WALSH. Of course, that is an expert opinion from a member of the Ways and Means Committee that is responsible for this.

Mr. ANDERSON. I yield back the balance of my time.

The CHAIRMAN. The gentleman from Tennessee is recognized for one hour.

Mr. BYRNS of Tennessee. Mr. Chairman, as has been stated, the gentleman from Massachusetts [Mr. GALLIVAN] is the ranking minority member of the subcommittee which prepared the pending bill and gave it his very close attention, both in the hearings and in the preparation of the bill, and would have control of the time and of the bill on the Democratic side if he were here. The gentleman from Massachusetts is one of the very able and zealous Members of the House, and I am sure we all regret that on account of his illness and confinement at the Walter Reed Hospital he will be unable to be here to-day and participate in its consideration. He had prepared some remarks which he had expected to deliver when this bill was taken up, and I wish to ask unanimous consent that they be printed in the Record in the regular 8-point type.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the remarks referred to may be inserted in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. GALLIVAN. Mr. Chairman, as compared to the estimates of other departments of our Federal Government, the

appropriations in this bill which we are about to consider are indeed modest. The first establishment of government here was for legislation, for lawmaking; and this House is the oldest part of our Government, which began its functioning before the adoption of the Constitution. Congress is often called extravagant in its expenditures for its own convenience and for better facilities for investigating and preparing laws. Every other month we are accused of being wasteful of the people's money when some new item now and then appears in an appropriation bill for Congress itself. Yet the items in this very bill to pay the salaries of Senators and Representatives, officers and clerks, mileage and countless other expenses which I will not enumerate, total in all but \$7,984,756.75. We have cut down the cost of printing the CONGRESSIONAL RECORD and all public documents, and have succeeded in our efforts at economy until, as you will observe, the Government Printing Office is allotted but \$2,000,000 in this bill to pay for printing and binding for Congress. The Library of Congress, the greatest library in the world, is to cost but \$951,955; and the Botanic Garden will be a thing of beauty for another year of our Lord at an expense of only \$90,016. If you add to these sums the amounts allowed to the Architect of the Capitol, who has unusual expenses from time to time, the Capitol police, the Legislative Drafting Service, and the Joint Committee on Printing, you will get a sum total of a little more than \$12,000,000, which the House is called upon to appropriate to maintain its legislative establishment for the fiscal year 1923.

I want to make some comparisons this afternoon between the sum total of this appropriation and the sums total of other appropriations already made for other governmental functions, some of which are newborn and, in the minds of many of us, hardly warranted.

For instance, the amount already approved by the Senate and the House for 1923 for enforcement of prohibition is \$9,250,000. No other department of the Government receives any specific sum for this purpose, but I want you to remember that an immense amount of work falls upon our Customs Service for border patrol work and prevention of liquor smuggling, and no one has yet been able to estimate that cost annually. The work of the Department of Justice and the United States courts has been greatly augmented by the litigation resulting from this law. The number of cases pending in the courts at the beginning of the present fiscal year was 142,000, compared to 118,000 of the previous year. This was cases of all kinds. Again, I ask you to remember that no estimate can be made of the additional expense incurred on account of the trials of prohibition cases. It is fairly safe to guess, however, that the direct appropriation for prohibition enforcement of \$9,250,000, plus the amounts to be expended by the Department of Justice and the Customs Service, will bring the entire cost to a figure not one dollar below that of the amount carried in this bill for the whole legislative establishment.

Why do I select the bureau which alleges that it is enforcing our nation-wide prohibition law? I will be happy to answer that question.

On January 16 last the second anniversary of nation-wide prohibition in the United States of America was celebrated by the present Prohibition Commissioner by the issuance of statements for the daily press in which, among a great many other boasts, he declared that the prohibition amendment was being enforced to a greater extent than had been anticipated and that the predictions of his opponents had not been borne out by actualities. This official unburdened himself in his declaration of so much nonsense that the adventures of Alice in Wonderland is infinitesimal compared to the remarkable career which Mr. Haynes alleges has been his own since he went on the job. Among other things he said that 17,500,000 out of 20,000,000 former drinkers have climbed the water wagon and are riding thereon. How does he know? Most everybody else knows that hard liquor can be had by anyone, anywhere, at any time—provided the price is paid. But if his statement was anywhere near the truth, his figures would certainly indicate that there was no further need of his office; and if the people are going dry in this most remarkable fashion, there wasn't any need to have appropriated \$9,250,000 for Mr. Haynes to spend for "enforcement" during the next fiscal year. This Congress has been guilty of a national extravagance wholly unwarranted if the dry chief's assertions were facts.

Mr. Chairman, the prohibition unit is a novelty in our Government machinery, a fifth wheel in the executive department, revolving on its own axis and interfering with all the effective wheels to retard their motion and make uncertain the guidance. It is an expensive organization, with no well-defined functions. It entrenches on the functions of the Department of Justice, which has a Bureau of Investigation

that was created to investigate all offenses against the laws of the United States and directs the work of the agents, whose compensation and expenses are paid from the appropriation, "Detection and prosecution of crimes." But we have here a prohibition unit which is a part of the Bureau of Internal Revenue and a part of the Treasury Department, and, instead of helping to collect revenue, it is spending more revenue than the whole Department of Justice in interfering with that department.

The prohibition commissioner demanded \$10,000,000 to present to the Department of Justice cases to investigate and determine whether there is cause for prosecution. Like the old woman gossip, his function is to make trouble for the people and work for the Department of Justice. It is a good illustration that it costs more to interfere with other peoples' business than it does to attend to your own business. It is a Paul Pry in the Government, and Paul Pry's have never been popular with the people, either as private meddlers or Government meddlers. The prohibition unit—it might be called prohibition eunuch—having no legitimate functions of its own, has no other way of spending its appropriation than by interfering with the duties and responsibilities of other officers, Federal, State, and municipal, and, as is generally the case with meddling, its activities have no limit and its agents no responsibilities to the law. It is simply a band of mischief makers, and it has been evident from the beginning that it is entirely foreign to our Federal policies.

Last year the pay roll of the prohibition unit amounted to \$792,340, and now it is to be swelled to several millions. Commissioner Haynes estimates his force at 3,674—he can only estimate, for he is adding butters-in so fast that he can not keep count of them. He has here in Washington himself at \$7,500, an assistant commissioner at \$5,000, a counsel at \$5,000, assistant counsel at \$4,500, and a special counsel at \$4,200, making a total of \$26,500 for chief administrators and counsel, not to mention their stenographers, clerks, janitors, and so forth. Then he has 51 State directors at from \$3,000 to \$5,000—and I will bet a red apple that the majority get the limit of \$5,000—making a total of \$250,000 for directors; 15 assistant directors at from \$2,500 to \$3,500, or \$50,000 for assistant directors; 36 field administrators at from \$3,000 to \$5,000, amounting to \$180,000; and 35 inspectors at from \$2,750 to \$3,300, amounting to \$110,000. Here we have \$650,000 for salaries of men who direct the work, and their traveling expenses are probably as much more, so that we have more than a million dollars to be spent on ornamental managers of this fund. That is largely political graft, and we might as well set it down so.

This is for the direction of the snoopers and spies who have to do the real work, the dirty work, for which men always have had to risk their lives, because the American people have no love for spies, whether they are followers of Benedict Arnold, the Anti-Saloon League, or any other order of spying.

What are these commissioners, assistant commissioners, counsel, assistant counsel, and special counsel, directors, assistant directors, administrators, and field directors doing while the real agents of the bureau are out looking for bootleggers and home brew? They are propagandizing if they are doing anything to earn their salaries, and the most ordinary investigator will prove the truth of what I say.

The present prohibition commissioner demonstrates his uncertainty as to his own duties by devoting more time to propaganda than to anything else. His press bulletins are like the dropping of leaves in autumn, and have made the propagandists that flocked to Washington during the armament conference regard themselves as mere pikers in their chosen profession. The only trouble with the prohibition commissioner is to find newspapers willing to print his daily interviews and prepared news. He rails at propagandists and is spending millions of dollars in propaganda. He charges that the brewers have subsidized the press and at the same time shouts that the press is a unit in support of the Volstead law and his agents. It is said that the great mass of the people in China believe that all the world beyond the Middle Kingdom is barbarous, and that the peasants of Russia believe that the Slav is the only human being who can talk. Commissioner Haynes should transfer his activities to China or Russia, for he has the same limitations as to knowledge of human nature and centers all conscience and all public morals in his bureau.

He held a conference with his State directors here in Washington at the same time the Anti-Saloon League held its "national convention." There might be an inquiry as to how many directors of the prohibition unit were also delegates to the Anti-Saloon League convention and had their traveling and per diem expenses paid out of the appropriation to enforce prohibition. The principal orator of the convention was the commissioner

and he appears to have economized time and effort by holding a conference with his subordinates in the same hall with the convention where the delegates acted in the dual capacity of representing the Government and also the Anti-Saloon League. Another fifth-wheel demonstration.

This is a big country, and we do things in a big way, but in this enforcement of the Volstead Act we are asked to do something in a big way that we have for 140 years tried to minimize, if not suppress, the development of paternalism and graft. When the Volstead law was proposed it was to enforce itself, because we were told that all the people wanted it and would respect and obey it. Then as an afterthought our colleague from Minnesota [Mr. VOLSTEAD] thought there should be a small appropriation to put the machinery in running order, but with the assurance that it would be a paying investment, just as good as Liberty bonds, because the prohibition unit would become a revenue producer instead of a revenue absorber, with fines and confiscations filling the Treasury more plentifully than from the old taxes on alcoholic liquors. I understand he has confiscated a lot of old jitneys which even Henry Ford will not buy for junk, and Henry is the biggest junkman in the world.

Congress made an appropriation of \$5,000,000, and before the close of the first year the commissioner came back for a deficiency. Again, for this fiscal year we gave him \$6,000,000, and he came back for a deficiency and got it, making his total appropriation \$7,500,000. You gave him \$9,250,000 for the next fiscal year without much protest, and, mark my word, the commissioner will come back for a deficiency before the year is closed.

That amount is called a very modest appropriation for the enforcement of the Volstead law, and I grant it, for the expenditure of \$7,000,000 has not enforced the law, but has, through its administration, brought all law more or less in contempt. But we have other Government functions, some of them as old as the Government, which are still functioning in a way to bring credit on the whole country and place the name of the United States at the top of the column.

The State Department is the link between this Government and the world, and at the present time, under the direction of Secretary Hughes, that department is doing more than all other world agencies to heal the wounds of the Great War, limit armament, and assure peace to suffering humanity. Secretary Hughes in directing this great work sends in an estimate for \$10,000,000 to pay the salaries and expenses of all our ambassadors, ministers, consuls, foreign trade agents, and conduct our foreign relations so as to keep Uncle Sam in his present place as first citizen of the world.

Commissioner Haynes asked us to give him the same amount—ten millions—to spread the doctrine of discontent, the doctrine of the bolshevist of Russia at home, and interfere with the amicable relations which Secretary Hughes has been trying to seal with all the rest of the world. Maj. Haynes appears to be one of those disturbers in the country who does not know that the war is ended and militarism has taken a holiday, for he wanted ten millions to arm his sleuths and encourage them to exercise war powers and enter our places of business and homes without a search warrant, to hold up on the street any man or woman going home with Saturday shopping or carrying a bottle of grape juice to a church sociable. Commissioner Haynes insisted that his estimate was modest, and so are all estimates for war, and Haynes is at the head of the only army that has not gone on a peace basis but is preparing a military campaign. He will not ask for marines, however, because marines are not grafters and cowards.

Maj. Haynes wanted ten millions to meddle with the private affairs of the people as did the Czar of Russia in the days of the Black Watch, which brought revolution and sovietism to that great empire and starvation to the people whom we are now trying to save.

Some people think our Presidents are extravagant with \$75,000 salary, house rent free, and other luxuries, but the whole estimate for the executive department proper was \$227,000, while Maj. Haynes demanded nearly forty times as much for misrepresenting the Executive in prying and snooping through the land and holding up innocent men and women and sometimes killing them because of the natural suspicion of the spy of all other people on the face of the earth.

Secretary Mellon sent us an estimate of \$11,550,000 to pay for the Customs Service, which manages our foreign imports and collects the revenue, but Haynes demands ten millions to cut off such revenues. The Secretary recommends ten millions to run the Bureau of Engraving and Printing, which makes our money and prints our Government bonds and certificates, but Haynes wanted the same amount to find out how every man

spends every dollar he earns. The Secretary estimates \$11,000,000 for the support of the Coast Guard, to pay the brave men who patrol 10,000 miles of coast, rescue wrecked mariners, and save ships and cargoes, but Haynes demanded almost as much money to pay an army to hunt down the people in their homes and see what they have in their larder and cellar.

The Public Health Service requested \$11,500,000 to fight epidemics and protect the health of the people, but Haynes begged for ten millions to interfere with the doctors, hold them up on their errands of mercy until they show that they have no alcoholic stimulant in their saddle bags to minister to dying men without a regular permit from the prohibition unit.

We are accused of extravagance in public buildings, but the estimates for public works is nine millions, and Haynes demands ten millions to take charge of our private homes and treat them as public places if not public works. The soldiers' homes want \$5,582,000 to care for the veterans of our past wars, but Haynes wants twice as much to see that the old soldiers do not spend a nickel of their pensions for anything stronger than one-half of 1 per cent. We have established national cemeteries for our soldier dead in this country and in France, where the graves are hallowed by the supreme sacrifice, and the War Department estimates the cost of caring for these soldier cemeteries at \$6,673,000, but Haynes wants ten millions to transfer the battle ground to this country and make war on all the people who fall under the suspicion of his spies.

The Geological Survey, the Bureau of Mines, and the national parks estimate that they will need about eight millions to conduct scientific experiments, investigate the mines, and establish safety devices to protect life, and to protect the great national playgrounds from the marauders and vandals who would destroy the wonderlands of the continent; but Haynes wants ten millions to send his marauders and vandals into the homes and the business places and playgrounds of all the people.

We are asked for \$7,848,000 to support the lighthouses of our coast and keep the lights burning for the sailors to find their way to safe harbor, but Haynes wants ten millions to put out the lights in our homes and harbors. Irrigation is to cost \$7,000,000, and Haynes wants ten millions to undo irrigation and make the land again a desert.

The whole Department of Labor is to cost \$6,301,835 to care for the multiplied activities of that department, but Haynes wants ten millions to irritate and exasperate labor and make more difficult the work of Secretary Davis.

The Attorney General asks for \$2,973,645 to prosecute all violators of the Federal laws, and the Federal courts, including the United States Supreme Court, circuit and district courts are to have \$12,560,000 to try all offenders, but Haynes wants ten millions to make criminals to be tried in the Federal courts by the Attorney General, to clog the dockets of these courts with police court cases and compel Congress to authorize more Federal judges.

The Prohibition Commissioner is not exactly like Don Quixote, hunting windmills to fight. He builds his own windmills and divides them into separate armies to engage in windjamming. And he is something of a genius in his line. Being a newspaper man, he works both ends of the game. He gives out daily bulletins and interviews to the daily papers telling the people what great advancement prohibition is making and how popular it is. He also comes to Congress with a tale of woe.

In the bulletins and interviews the commissioner assures the country that the Volstead law is popular and enforcing itself without effort; that the State and municipal authorities are working in cooperation with him, and that there are only a very few violators of the law. Then he comes to Congress for more appropriations. The present force of prohibition officers is not able to cope with the desperate conditions and he needs more money to replace the men who have sacrificed their lives in an effort to enforce the Volstead law. To Congress the picture is presented of a whole population turned criminal and courts that refuse to convict, of corrupt attorneys, and juries in sympathy with the lawless bootleggers and moonshiners.

Which of these pictures is true? Neither. The great majority of the people of the country are law-abiding but not in sympathy with the Volstead law, and are violently opposed to some of the activities of the prohibition officers in the name of the law. The American people never were in sympathy with spies or even detectives, and they have treated spies as enemies wherever they discovered such characters. They will continue to regard spies as undesirable persons whether they spy for themselves, for corporations, or for the Government. They threatened to hang spies on Boston Common when they represented England, and they will continue to hate spies even when they claim to spy for Uncle Sam.

Don Quixote armed himself cap-a-pie and sallied forth on his good steed, *Rosinante*, and followed by his faithful squire, *Sancho Panza*, to fight windmills and rescue fair maidens from the giants who thus masqueraded. Commissioner Haynes has improved on the methods of Cervantes' hero, and with the same quixotic ideas modernized, he has armed himself with a typewriter to send his windjamming to the public, creating both cruel giants and brave knights-errant of rescue. Commissioner Haynes's windmills blow both hot and cold, wafting good news of great victories over giant evils, and frantic appeals for more legislative power to his good right arm to fight the giants who still defy the law and threaten the Constitution and the very life of the Nation unless we give him more money.

The commissioner's daily bulletins to the press picture the triumphant march of the Volstead law into the hearts of the people, who have learned to revere it as the ark of the covenant, and driving the fear of both God and the Government into the hearts of the bootleggers until they are fleeing to foreign parts or are suing for mercy in repentance; and then the commissioner comes to Congress with a tale of woe, wailing that the Constitution and the law are flouted by the people, the press, the police, the juries, and even the judges. To the press he gives assurance that there are no longer any opponents of the eighteenth amendment, no violators of the Volstead law, no more bootleggers or moonshiners, and that the reports to the contrary are but the seditious propaganda of the brewers, who are plotting to overthrow the Republic. But to Congress he intimates that the whole people have turned criminal and the law is in danger if we do not give him the last dollar in the Treasury and a mortgage on the debt owed us by the foreign Governments. To the press he gives out the happy news that in every part of the country the State and municipal authorities are heartily cooperating with the Federal prohibition agents and there is the utmost harmony in upholding the Volstead law. To Congress he says that his men are opposed and even killed in trying to do their duty, while State officials, city police, prosecuting attorneys, and courts give aid and comfort to the enemy.

Commissioner Haynes's windmill is a double back-action machine which wafts the breezes of heaven whichever way he wills, for weal or woe, as he desires to impress the public with the success of his administration or Congress with his urgent need of more money. Great is the Volstead law, and Haynes is its prophet!

The Commissioner of Internal Revenue reports that at the close of the fiscal year June 30, 1921, there were 42,000,000 gallons of spirits in distilleries and bonded warehouses. Without the tax that liquor could be purchased by the Government for \$20,000,000. In other words, the Government could purchase all the whisky in the country for what we have already spent in trying to prohibit its sale to the public, or what Commissioner Haynes asks to run his bureau or unit for the next two years. That would settle this prohibition question, for the Government would own and control all the legitimate liquor and the Internal Revenue Bureau could, as in the past, suppress the moonshiner. But does any prohibitionist, does Commissioner Haynes, or Wayne B. Wheeler recommend such a settlement? If they have, we have not heard of it. On the contrary, the radical prohibitionists are most bitterly opposed to the Government taking over this liquor, and their opposition is logical from their point of view. They have broken into the Treasury with several thousands of them on the pay roll, and they do not propose to let go the Government teat. They want \$10,000,000 this year, and next year they will want more, for Commissioner Haynes says that his organization is still only a skeleton of what he expects to make it. If it takes \$10,000,000 to support his skeleton organization, what will this prohibition unit absorb when it is clothed with flesh? Why, the doctors tell us that the skeleton is but a slight part of the weight of the body, and its power of consumption of food is nil, and so it will be with this prohibition skeleton; and when it is fat this ten million will be swelled into a hundred million, and still the beast will be yelling for more.

We have long heard the outcry against the Government being in partnership with the distillers and brewers to raise revenue by taxes on liquors which President Garfield said were the only volunteer taxes paid in this country, but the same people who conducted that propaganda are now trying and succeeding in getting into partnership with the Government in taking millions out of the Federal Treasury. They said it was an unpardonable sin for the Government to tax liquors, because the tax made the rum dealers partners with the Government by helping to support it. But they insist that it is legitimate for the Government to take the Anti-Saloon League into partnership in handling the revenues secured from taxation by con-

tributing ten millions of it to members of the league who have secured their transfer to the Government pay roll. It may be, as the gentleman from Wisconsin [Mr. Nelson] said the other day, an outrage to raise \$500,000,000 revenue for a soldiers' bonus by a tax on beer, but I am sure the gentleman is ready to vote with his colleague, Mr. Volstead, for any appropriation that will take care of the Anti-Saloon Leaguers who are still waiting to get on the pay roll of the prohibition unit. This question of partnership with the Government appears to be like many other partnerships, one of personal desire. No group of American people have so persistently sought to get into partnership with Uncle Sam on the income side rather than the outgo side as the men who manage the Anti-Saloon League, and under the patronage of Mr. Volstead they have been mighty successful in getting their hands into Uncle Sam's pocket.

Gentlemen, you have created a Frankenstein which already has you by the throat and wrings appropriations from you at will. You realize that this \$10,000,000 is to support a pension roll for the most persistent and presumptuous grafters that ever appeared before Congress, but you are already afraid of the monster and will continue to appropriate whatever it may demand until the American taxpayers rise up and clear the Augean—I beg pardon, the Anti-Saloon League—stable into which this House has been converted. And I believe that the time is not far distant when the American people will go to the polls and demand that Congress shall make good its promise of economy in all branches of the Government, not only reduce appropriations for legitimate functions of government but stop this waste of money in feeding an illegitimate child of Federal power more hateful to the great majority of the American people than any war powers ever used by any of our Presidents when we were engaged in war. You hesitate to pass a bonus bill for the boys who went into the trenches to fight the German autocracy, but you will vote to appropriate millions to pension a lot of men who remained at home during the war to plot against the legislative power of Congress and dictate to you how the taxes are to be distributed and how they may interpret the law for the administrative branch of the Government, regardless of the enactments of this body. Your Frankenstein has in two years taken possession of your votes, if not of your souls, and it will continue to delve its arms into the Treasury until the voters next November show you that they have no fear of the monster and do not propose longer to be represented on this floor by cowardice when it comes to appropriating their tax money to an army of political pap suckers.

The Prohibition Commissioner assures us that he has appointed only good, moral men, recommended by ministers of the Gospel and temperance people, to do this work of enforcing the Volstead law. When we place this assurance against the record of some of the inspectors and agents that the commissioner has in the field it seems like a serious reflection on the judgment or the honesty of the ministers and temperance people who vouched for the character of the inspectors and agents who have searched homes without a warrant, have killed men on mere suspicion, have trafficked with bootleggers, and have acted like very ordinary lawless men in the name of the law.

The activities of the Prohibition Commissioner are not confined to official duties in enforcing the Volstead law, notwithstanding his request for \$10,000,000 to pay his official agents. He is said to be organizing vigilance committees of private citizens and giving them semiofficial status as "dollar-a-year men" to act as informers. We had some experience with dollar-a-year men during the war, for many of them used their semiofficial positions to secure Government information to aid them in advancing their own business, and that might be one of the results of this new scheme of the Prohibition Commissioner, with bootleggers informing on other bootleggers to get rid of rivals and punish too successful competitors. But the suggestion that the Government aid and father vigilance committees is something new in this country and entirely outside of Government activities.

Commissioner Kramer invited the clergy to aid in enforcing the Volstead law by acting as informers on the members of their congregation, and Commissioner Haynes invited the public school-teachers to take up the same work, but both the clergy and the school-teachers rejected the invitation of turning informers as one that would bring upon them the suspicion of playing the spy instead of teaching the ways of upright and open manly communications to their pupils. These efforts to organize bands of informers to assist the official informers all contradict the assertions of the friends of the Volstead law that it is being observed by the great majority of the people, for any law that must be enforced by organized and unorganized informers, official and unofficial spies, can not win the respect of the people. These efforts are a confession of failure

on the part of the prohibition unit just as its demands for more money is a confession of failure.

We have tried this experiment of forcing prohibition on the people for two years, and the one appreciable development has been in the cost of the enforcement. I know that Mr. VOLSTEAD, the Prohibition Commissioner, and Mr. Wayne B. Wheeler almost daily assure us that the law is being enforced, but we also know that the Doweyites out in Zion City, Ill., continue to assure us that the earth is flat just as did the cave men many thousand years ago; and I have just as much confidence in the statements of facts presented by VOLSTEAD, Haynes, and Wheeler as I have in the Doweyites who still assert that the earth is flat; no more. They are all dwelling in the cave-man consciousness that the saying of it makes it so. The records of the courts, police departments, and the prohibition office all deny that prohibition is or can be enforced upon all the people.

While the arrests for drunkenness never measure its mischief, they tell an important story. Consider these figures:

The licensing board in Boston states that in July, 1919—the first month of Federal prohibition—the arrests for drunkenness numbered 669. Last July the number was 2,700, a trifle more than four times as many. Those 669 arrests in July, 1919, were about 13 per cent of the average July arrests for the last four years of open liquor selling. The arrests in July, 1921, were almost 52 per cent of the same earlier average.

The director of the food and drug division of the Massachusetts State Board of Health reports that during the year ending with last month authorities of 124 cities and towns of the Commonwealth brought in for analysis 3,831 samples of "hooch" as against only 1,429 submitted by 50 municipalities the year preceding. In part, of course, this increase of 268 per cent indicates merely an increased vigilance, yet the number of "hooch" makers is, of course, increasing. Between the thirst for alcoholic drinks and the thirst for profits illicit brewers and distillers will take up every inch of slack that Federal enforcement leaves.

If other data were needed, they could be found in reports from institutions maintained for the reclaiming of inebriates. After a few months of Federal prohibition some of these havens found themselves almost out of business. But not all have been able to shift their operations to less painful duties. The Washingtonian Home on Waltham Street, in Boston, established in 1865, reports that the number of patients it has admitted in 1921 shows such an increase over 1920 month by month that while all admissions for 1920 totaled 410, last year up to October 31, the total number had reached 559.

The number of cases in September last were within two of the highest number ever received in a September.

My contention is that it is not attempted to enforce the Volstead law upon the great majority of the people, those who have influence which the prohibition officers respect or of which they are afraid.

I represent in part a State where we still venerate the Pilgrims for the great venture they made and the development of a great nation from that venture. And in considering our strenuous efforts at reform by law, I have been led to reread a part of the chronicles of Gov. Bradford, which were some years ago discovered in London and presented to the State of Massachusetts and published under the title of "History of the Plymouth Plantations." I wish some of our present-day fanatics could read that book. In that great experiment of colonizing a peculiarly devout and religious people where careful selection was made of the immigrants to insure a harmonious settlement which could live under one code of morals, it was hoped to demonstrate that human nature could be controlled by statute. The Plymouth colony was said to be homogeneous and capable of direction in the paths of virtue and righteousness by its leaders, just as Mr. Volstead feels competent to lead in moral reform to-day.

But after 23 years of the experiment Gov. Bradford became pessimistic and in 1642 he wrote in his chronicles:

Marvelous it may be to see and consider how some kinds of wickedness did grow and break forth here in a land where the same was so much witnessed against and so narrowly looked into and severely punished when it was known; as in no place more or so much that I have known and heard of; insomuch as they have been somewhat censured even by moderate and good men for their severity in punishments. And yet all this could not suppress ye breaking out of sundrie notorious sins (as this year gives us too many sad precedents and instances), especially drunkenness and uncleanness.

And here Gov. Bradford recites a list of crimes which I can not read on this floor or print in the CONGRESSIONAL RECORD without violating the postal laws as well as the rules of debate here. But the governor proceeds:

I say it may justly be marveled at, and cause us to fear and tremble at the consideration of our corrupt natures which are so hardly bridled, subdued, and mortified; nay, can not by any other means but ye power-

ful work and grace of God's spirit. But—beside this—one reason may be, that ye devil may carry a greater spite against the churches of Christ and ye Gospel here by how much ye more they endeavor to preserve, witness, and strictly punish the contrary when it ariseth either in church or commonwealth; that he might cast a blemish and stain upon them in ye eyes of ye world who use to be rash in judgment. I would rather think this than that Satan had more power in these heathen lands, as some have thought, here in more Christian nations, especially over God's servants in them.

Then Gov. Bradford becomes philosophical and writes:

Another reason may be that it may be in this case as it is with waters when their streams are stopped or dammed up, when they get passage they flow with violence and make more noise and disturbance than when they are suffered to run quietly in their own channels. So wickedness here more stopped by strict laws and more nearly looked into so as it can not run in a common road of liberty, as it would and is inclined, it searches everywhere and at last breaks out where it gets vent.

Ever since the days Gov. Bradford tried to curb and confine human nature by statute there have periodically risen up fanatics who try the same experiment notwithstanding the growth and development of liberty in the old Commonwealth, which became the model for this greatest of nations. I commend Mr. VOLSTEAD to Gov. Bradford's confessions of 300 years ago, and I am more constrained to follow Bradford, whose real work, not his fanaticism, has stood for 300 years than the modern imitators of his failures who have not learned that the old founders of the Plymouth Colony recognized the error of their ways and builded a Commonwealth which is to-day recognized as the cradle of liberty—or was until Congress cringed before the fanatics of the Anti-Saloon League and enacted the Volstead law and the Willis-Campbell law. I believe that history will repeat itself and the people will as surely compel you to repeal this law as they compelled the repeal of the Blue Laws of New England and other foolish attempts to regulate the natural rights of man as to food and drink and control of the home without interference from the officers of the law.

There have been two years of prohibition. All that time those who wanted the Volstead act have had their own way. They have had an amount of power committed to their hands such as was never before intrusted to the exponents of any moral, social, or economic theory. They have had an amendment incorporated in the Constitution. At their behest, legislation has been enacted which went far beyond the restrictions of the constitutional amendment. Bone-dry prohibition has been backed up by unrestrained police ascendancy, by denial, as in New Jersey, of trial by jury, by colossal sums of money, and by a standing army of spies. Localized rigor and suppression have proved themselves rivals of national rigor and suppression. States and cities, as well as the Federal Union, have been caught in the meshes of Volsteadism.

And in all candor and sadness, I ask every man who means to be square with himself, sincere prohibitionists included, whether the conditions for the last two years have been anything but straight hell? An economic-social orgy such as the planet had never before seen, has swept this country. The debauch is going on, and is getting worse. Isn't it time to make an end of the tragic farce? Honest, now, isn't it?

Mr. BYRNS of Tennessee. Mr. Chairman, I wish to take but a very few moments of the committee's time for the purpose of calling attention to a House resolution which I have just introduced, and in order that the House may know just what is contained in the resolution I ask the Clerk to read it in my time for the information of the House.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

House resolution.

Whereas the press of the country has repeatedly carried statements from the Director of the Budget that great economies have been made through the operations of the Bureau of the Budget; and

Whereas the President of the United States has recently been quoted in the newspapers of the country as having declared that through the operations of the bureau a direct saving of \$32,000,000 and an indirect saving of \$104,000,000 has been effected in the last six months; and

Whereas there is now pending before the Committee on Appropriations requests of the President and the Director of the Budget for a deficiency appropriation of \$180,704,281, which it is declared will be needed in addition to the appropriations already made by certain permanent Government activities for the current fiscal year; and

Whereas the Director of the Budget in discussing this deficiency has stated, "Were it possible to spend all of this money during the current fiscal year, the information now at hand indicates that reduction in expenditures under other appropriations will offset any such increase"; and

Whereas if such savings have actually been made, as alleged, an appropriation to cover this deficiency can be avoided by a transfer of such savings for that purpose; and

Whereas both the President and the Director of the Budget have announced such alleged savings only in the most general terms and have not indicated in what way or in what departments or independent establishments of the Government they have been effected: Now, therefore, be it

Resolved, That the President be, and he is hereby, respectfully requested, if not incompatible with the public interest, to inform the House in what way these savings have been made and from what particular appropriations heretofore made by Congress, and in what specific amounts.

Mr. BYRNS of Tennessee. Mr. Chairman, I have introduced this resolution in the utmost good faith. There have been deficiency appropriations made for this fiscal year amounting to \$156,000,000, in round numbers, and, as the resolution states, there is now pending before the Committee on Appropriations further requisitions for additional appropriations amounting to over \$180,000,000. Whether these requests will be increased before the deficiency bill is taken up and finally passed, of course, I do not know, but it has occurred to me, and I am sure it will occur to other Members here, that if there has really been a saving to the amount indicated, and if this deficiency which is now being asked will be offset, as the Director of the Budget has stated, through savings from other appropriations made by the Congress, then it is highly important that we know in advance of the preparation of the deficiency bill where those savings have been effected. Of course if there are such balances in the Treasury which are not needed during the fiscal year, it will be possible to divert those balances and thus avoid the necessity of making another appropriation by way of a deficiency bill. If it is not a mere paper saving, if it is something more than a mere fanciful saving from the extravagances of the departments, which the Bureau of the Budget assumes it has prevented, certainly there ought to be no objection to the furnishing of the information called for by this resolution. We know, of course, that very naturally there have been savings, or at least there should be savings, due to the fact that the appropriations for the present fiscal year were made under estimates which were submitted more than a year ago, and since those appropriations have been made there has been a reduction to a considerable extent of the cost of material and the cost of supplies, and I dare say it has been found possible in many departments and independent establishments to dispense with employees which it was not anticipated more than a year ago could be dispensed with during this fiscal year. If no savings have been made, then the administration is subject to and is deserving of criticism. So I take it that naturally there are considerable savings that have been made, and the object of this resolution is simply to bring detailed information of such savings directly to the House in order that the House may have advantage of it when it comes to consider the deficiency appropriation bill. Unfortunately the numerous statements which have been made heretofore in regard to alleged savings and which have been published broadcast throughout the country have been in the most general terms. The country has not been told where those savings have been effected. The public were not given information just how they have been made and there has been no opportunity on the part of the country to analyze those claims of savings and see whether they are something more than mere paper savings or a mere hope upon the part of the Bureau of the Budget. We should know whether these declarations are founded on real facts or whether they are merely founded on a hope. I repeat, I offer this resolution in the utmost good faith, and I trust the committee to which it will be referred will report it to the House, and that it will be adopted in order that this information may be supplied. I reserve the remainder of my time.

The CHAIRMAN. Does the gentleman from Illinois desire to yield to some one?

Mr. CANNON. I have no requests, but I reserve the remainder of my time.

Mr. BYRNS of Tennessee. I have some requests, and I yield 30 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, we are facing one of the gloomiest periods in the history of this country. The clouds of unemployment are lowering and millions of men and women all over the land are sorely troubled, knowing not what may be their lot on the morrow. The optimistic bravely whisper words of encouragement into the ears of despondent parents with the assurance that beyond yon cloud the sun still is shining; but the tortured breadwinner wants work and not poetic phrases. The situation is poignantly expressed in an article by Arthur Woods, chairman of the committee on civic emergency measures, President's conference on unemployment, former chairman of the National American Commission of the American Legion, which appeared in the American Legion Weekly under date of February 3, and from which I quote:

"There is not one jobless ex-service man in Louisiana, the American Legion employment bureau of that State having found work for every veteran seeking employment."

This is a telegraphic item which has been going the rounds of the newspapers throughout the country for a number of weeks. I hope it

is true. Probably it is approximately the healthy condition of affairs as far as the ex-service man in the State of Louisiana is concerned—of this I have no doubt.

But such is not the happy situation of his comrades in arms who dwell in other parts of the Union for which he fought and bled, shivered and starved, taking his life in his hands day after day at \$1 per. Let us see.

The plight in which so many ex-service men find themselves to-day is the plight of the country's workers as a class. Our industries are not functioning as they should; therefore the men who feed the fires and turn the wheels and ship the goods and keep the books have no work to which they may go. The United States is in the throes of industrial depression. Times are hard and work is scarce. Winter is with us, and while the prospects for spring are encouraging, the man who has worked this week may find his name dropped from the pay roll next time a cut is made.

These unemployment problems are the surface symptoms of an internal disorder. To a very large extent they are due to the fact that our tremendous industrial organization, expanded and built up to meet extraordinary demands of the outside world during the war, now faces a situation where this outside demand has ceased, largely due to lack of money to buy or credit to open an account and lack of power to consume.

Now, what are we doing about it? What is the Legion doing about it?

There's many a hard-bolled human in this country to whom sentiment and patriotism do not appeal. The fact that to-day's jobless man worked yesterday for him in France means nothing. On the other hand, consider the splendid company of high-minded, large-hearted, appreciative employers who would gladly put the ex-service man to work; but they have no work. There is scant demand for the manufacturers' product. Their mills are working on part time or not at all, and because they are not enjoying a normal production the railroad man is laid off; the bookkeeper has no items to enter in his ledgers; the shipping clerk finds no invoices to make out; the truck driver gets no goods to deliver; the bank clerk's services are not in demand because deposits are falling off; and the butcher, the baker, and the corner grocer consequently find their trade cut in two and no need for helpers. It is a vicious wheel of depression and unemployment.

So, I ask, what is the Legion doing to put a spoke in this wheel? In a general way I think I can answer this question. Questionnaires were sent out to all the 11,000 posts last autumn. Based upon the figures received it was reported to national headquarters of the Legion that the condition is most critical in the large cities rather than in the country or in the smaller communities, and, generally speaking, it seems to be worse in the East than through the Middle West and West. I quote now from the telegram sent by the former national commander of the American Legion, John G. Emery, to President Harding on September 30 last, just before the gathering of the President's conference on unemployment, of which I am a member and chairman of the emergency committee:

WARREN G. HARDING,

President of the United States, Washington, D. C.:

I have the honor to report that the American Legion committee on unemployment has to-day committed the Legion to the task of caring for the 900,000 jobless service men. We desire to cooperate with your committee and have placed the responsibility directly upon the 11,000 Legion posts of the country to see that our buddies get employment. The soldier wants work, not charity. Industry is the basis upon which we shall see that he gets food and shelter.

JOHN G. EMERY,
National Commander.

As a matter of fact the unemployment situation is as serious and acute in New Orleans among wage earners generally as it is in the larger cities in the Union. Ponder over this startling and mournful statement. Nine hundred thousand men who were willing to go through hell to serve their country only a few years ago are without employment to-day—and that means, perhaps, without bread in the near future—and millions of their fellow workers, women who have to earn their living by toil and men who could not serve in the Army or Navy on account of advancing years, walk the streets of our big cities agonized and helpless in the face of the most fearful calamity that has ever befallen our agricultural and business interests. What a tragic commentary on a civilization that can boast of the wonders that have been accomplished in the fields of art, architecture, engineering, and science generally—

Man's imagination has conceived all
Numbers and letters, all tools, vessels,
And shelter, every art and trade, all
Philosophy and poetry and politics.

But has not yet given to the world a cure for the most dreadful malady that has ever cursed the human race—poverty, penury, and want. The glory that was of Greece, the grandeur that was of Rome, may be claimed by a country which is powerless to remedy or prevent a situation which threatens the very existence of millions of its devoted sons and daughters. Government and all of the other agencies through which the Nation functions and expresses itself are honestly and sincerely looking and trying to find, if not a remedy, at least a palliative. God grant they may find the relief for those who cry for bread, for when Government and other human agencies fail us we are driven to the hope that lies in religion and instinctively we cry out, "God help us!" But God helps those who help themselves, and help ourselves we shall. American toilers in country and cities may have their backs to the wall, but they are neither down nor out. It is the fearful virulence of the malady at this time, a malady that has been insidiously dragging the people down to prostration through years, that will cause us not only to find a palliative

but a remedy also for this disease of unemployment and all it means—anguish at the suffering of loved ones, tortured minds, and that slow physical and mental disintegration called starvation. The rehabilitation of the whole country and the restitution of agriculture and the industry of the Nation must and shall be accomplished, for self-preservation is the first law of nature and governs nations as well as individuals; and both the Nation and the individual desire to live. To conquer the disease we must find its cause and remove that cause. The utterances of three of the foremost men of this country throw a flood of light on the origin of this frightful disease that is making our America look thin and gaunt to-day. Listen to these words, words that should be preserved by Americans who love their country and wish the ship of state to weather every gale and steer safely between the whirlpools and the rocks which threatens every nation, which functions for the rich and the great, the powerful and the strong, and is unmindful of the cry of the masses who desire to live their lives free from the terror and horror, inspired by these hundred-headed, hundred-headed monsters, poverty and famine. Listen to the great Republican orator, ROBERT M. LA FOLLETTE, who addressed the Senate recently in flaming words inspired by the Biblical warning, "They have sown the wind, and they shall reap the whirlwind."

For 50 years the world has been drifting, and this country especially, into the condition in which it now finds itself. A half century ago there was in the United States an approach to equality of opportunity. Some were richer than others, but there was an unlimited scope for achievement through labor, invention, and enterprise. Business was organized in small units. Competition prevailed in industry.

The credit of the nation was diffused throughout the entire country and was administered locally, so that all those who were of good character and had reasonable security to offer could obtain the relatively small amounts of capital which they needed to carry on their enterprises.

THE COMING OF MONOPOLY.

But, sir, during the last half century a great change has come about. Industry, commerce, and finance have taken on monopoly forms. Monopoly interests have acquired control not only of the major industries but of raw material, of fuel, of transportation, and of credit.

During these years feeble and pitiful attempts to prevent the growth of these monopolies, or to control them after they were established, have been made from time to time, but any critical review of the cases which were started under the so-called Sherman Act will force the unbiased mind to the conviction that there was never downright sincerity behind the prosecutions.

The unorganized people, with their attention constantly distracted by false issues or betrayed by false leaders, have thus far been defeated in their contests with organized wealth.

WHY THE PEOPLE HAVE FAILED.

The secret of this failure, in my opinion, lies chiefly in the fact that the people as a whole have been unable to comprehend what the powers of wealth learned long ago. These monopolies and exploiters early discovered that the road to economic profit and power was through the control of government.

They knew that a man may labor all his life with his hands or his brains and have less at the end of his life of industry and frugality than he had at the beginning. But they learned that by the use of the Government, the use of the State to create special privileges, wealth beyond measure can be amassed within a few years.

For that purpose they have always been zealous to secure and maintain control of the machinery of government—control of the presidency, control of the United States Senate, control of the House of Representatives, control of Cabinet appointments.

While the minds of the people were diverted by sham battles over inconsequential issues the powers of wealth have spared neither trouble nor expense to insure that their servants should be in control of the powers of government.

LEVY TRIBUTE TO EVERYONE.

These privileges enabled those who possessed them to levy tribute on everyone else. They collected pennies, dimes, and dollars from the millions, and by so doing accumulated billions for the few.

This they accomplished in a variety of ways, but chiefly by legislation relating to the great fundamental economic processes, of which the greatest are transportation and credit.

The war completed the enthronement of the profit taking, privileged, imperialist group. They found they possessed a power greater than they had ever fully realized, and they used it during the war and in the years immediately succeeding the war as they had never dared to use it before.

Thus the economic state and the political state have become so merged that to-day they can hardly be distinguished.

Those who are nominally in control of the political Government dare not make a move without first consulting those who rule the economic world; and the exercise of their power has been made manifest on this floor time and time again, and they have been forced time and time again to abandon or reverse their most sacredly pledged policies when their financial masters so directed.

INEQUALITY OF WEALTH.

Through this process of accumulative monopolization and profiteering there has been created in the United States an inequality in the distribution of wealth which is without parallel in the history of the world.

This inequality in the distribution of wealth, produced primarily by special-privilege legislation, is in itself a prime cause for the unending cycle of panics and depression with which this Nation is afflicted.

This is how the process is worked: During the period of high prices and apparent prosperity the small properties which the people have acquired by their industry and thrift are mortgaged on the basis of the inflated value of the dollar in order to provide the working capital

which they need to carry on and expand their enterprises. Such mortgages are placed upon the farm, the small factories, and the stores of the tradesmen.

PARALYZING EFFECT OF DEFLATION.

In the meantime prices inevitably advance faster than wages and several times as fast as salaries. The point is thus soon reached where the amount of commodities which can be purchased by the people appreciably declines, and there is no longer a market for the full output of industry. Then comes deflation.

Loans on farms, factories, stores, and homes are foreclosed, and those who control the credit of the Nation come into possession or control of the properties which have been given as security for the loans. Thus financiers become the residuary legatees of the Nation's distress.

Now, give ear to the words of one of the greatest men in public and private life that America has ever produced from the time that Columbus touched our shore to this very hour, one who has never faltered in his affection or allegiance to all of his countrymen, the brave and dauntless champion of the masses, CLAUDE KITCHIN, who in trumpet tones shouted to the people of this land in the celebrated minority view of the revenue bill of 1921:

An analysis of the statistics contained in the detailed report as to corporation incomes and income and excess-profits taxes in the report of the commissioner for the calendar years 1917 and 1918—the 1918 report being the first and only one containing the details of corporate income and income and excess-profits taxes arranged in classes according to the amount of profits each class made—shows that 180 corporations making annually from \$5,000,000 up to \$300,000,000 and over (the steel corporation made over \$500,000,000 net profits in 1918) had a net income of \$2,554,000,000, and while paying only \$203,000,000 income tax paid \$848,000,000 excess-profits taxes, while the over 300,000 corporations making from nothing up to \$100,000 net income yearly paid only \$285,000,000 excess-profits taxes.

One thousand and twenty-six corporations, with a net income of \$4,255,000,000, more than one-half of the total corporate net income of all the 317,559 corporations, while paying only \$333,000,000 income tax, paid \$1,422,000,000 of excess-profits tax; that is, paid over one-half, or nearly two-thirds, of the entire excess-profits tax, and \$344,000,000 excess-profits tax more than the remaining 316,500 other corporations. At a glance one will see that the proposed proposition is one to relieve a few hundred of the biggest profiteering corporations in the United States, and not, as Secretary Mellon says, to unclog business. It also shows the small amount of income tax paid in proportion to the excess-profits tax paid. It further shows the conscienceless and exorbitant profits on invested capital they made, from 20 to over 50 per cent on the capital invested.

Of course, the excess-profits tax will not be as much hereafter as in 1917, 1918, and 1919, but the proportion between these big rapacious profiteering corporations and the balance of the corporations will remain the same, and, in fact, will be more in favor of the big corporations, for the reason that these corporations have a monopoly and can at will fix and keep up their prices. The 9,634 corporations making \$250,000 yearly profits and over paid in excess-profits taxes \$2,217,000,000, over five times as much as they paid in income taxes and about seven-eighths of the entire excess-profits taxes. The repeal of the excess-profits tax will relieve these few corporations of hundreds of millions of taxes wrung from the people by conscienceless profiteering, but will not relieve the more than 300,000 other smaller and weaker corporations as the Republicans would seem to think.

One will see at once that the more than 300,000 other corporations will derive but little or no benefit from the excess-profits tax repeal and the Government will be deprived of hundreds of millions of dollars, not four hundred and fifty millions, or less, estimated by the guessers at the Treasury Department, but much more than \$600,000,000 annually, which the Government will sorely need.

An analysis of the returns as detailed in the reports of the Commissioner of Internal Revenue since January 1, 1916, up to and including the present commissioner's report of July 12, 1921, will show that corporations in the United States made net profits from January 1, 1921, in round numbers, \$50,000,000,000—to be more exact, \$47,000,000,000. After deducting all the taxes they paid since January 1, 1916, income, excess-profits tax, and other war taxes, they have a clear profit left of \$38,000,000,000, more than four-fifths of which was made by less than 10,000 corporations, and more than half of which was made by 1,026 of the big profiteering corporations, which includes the Steel Trust, the Bethlehem Steel Co., the Du Pont companies, the various Standard Oil companies, the coal combine, the Woolen Trust, the meat packers, etc. Let every Democrat and Republican bear in mind always that these same corporations were filling their coffers with these fabulous billions for the profits of their stockholders while our brave boys in France were spilling their blood for the protection and defense of their country.

Remember, too, that not a large stockholder or officer or director of one of the rapacious corporations ever faced a German gun, braved a danger, took a risk, made a sacrifice, or endured a suffering during the entire war, but remained at home in safety 3,000 miles from the danger line, and made the war and its resulting stress of their Government and the people an opportunity to plunder and profiteer upon both to the extent of these inconceivable billions, while our boys in France were being killed and their eyes being shot out and their legs and arms being shot off.

Next but not last, for I am not invoking their utterances in the order of their merit, for they are equally great, informing, inspiring, and patriotic declarations, but am calling them so that I can a tale unfold. Let me now quote from a celebrated address from one of the world's greatest scholars and orators, W. BOURKE COCKRAN, who in discussing the tariff bill said on July 14, 1921:

I can not believe that any system of taxation which allows the Steel Trust to collect revenues on a billion of water, on stock that it is not pretended represented, when issued, any property or thing of value except the right to levy tolls on the American people which the trust enjoys under a protective tariff, is a Democratic measure. If the dividends paid on that billion of water could be drawn from the ocean, from the rains of heaven, from any source except the toil and thrift of the American people, I might not object to it. But since every dollar

that goes to pay dividends upon that monstrously fraudulent creation of watered stock is wrung from the labor of honest Americans, I can not recognize as Democratic any measure that sanctions continuance of such spoliation.

* * * This combination took two falls, or rather several falls, out of the American people, if I may use such an expression. First, manufacturers of the various products of steel organized themselves into a trust, or rather into a number of different trusts. One was called the Federal Steel Co., composed of several corporations. There was still outstanding a formidable competitor of this concern in the Carnegie Co. Then there was the American Bridge Co. and the American Tube Co., the American Steel & Wire Co.—a whole series of companies, each one of them itself a trust, formed by an amalgamation of several other corporations. And in each of these trusts water was the most extensive ingredient. Its proportion to actual property was about 2 to 1.

The late Mr. Morgan was active from the beginning, I think, in the Federal Steel Co. I know he was predominant in the American Bridge Co. and in the American Tube Co. Other gentlemen of kindred disposition, though not of equal renown, were active in the Steel & Wire Co. Under Mr. Morgan's persuasion and guidance all these concerns were brought together and joined with the Carnegie Co. in a new corporation owning property which, with the water already mentioned, had a nominal value of about \$670,000,000, speaking in round numbers. To that volume of capital, already inflated, they added another \$1,000,000,000 of pure water. If such an adjective can be properly employed to describe any feature of that transaction. For that billion of water there was absolutely no property whatever—not even a wheelbarrow—added to the assets of the steel company. But prices to consumers of steel were raised forthwith from about \$18 a ton for steel rails to \$27 or \$28, and prices of all other steel products were raised in like proportion. The American people have been paying dividends on that billion of water ever since. Does my friend from Michigan [Mr. FORDNEY] deny the accuracy of that statement? Yet this Steel Corporation, Mr. Carnegie stated under oath more than 10 years ago before the Committee on Ways and Means, needed no protection for any reason or purpose except to levy excessive prices on the American people.

* * * It is quite true that Mr. Carnegie had enjoyed the benefit of a protective tariff in former years. Indeed, he had been very urgent in demanding it for his industry. But we were not very much interested—at least I was not—in the necessity for protection several years before. What we were deeply interested in then was whether protection was needed in 1909 for production of steel, and the greatest and soundest authority upon that subject, giving the sources of his conclusions, said that nobody but one willfully blind would say protection was needed at that time. I do not think the gentleman from Michigan is willfully blind, but I do think that he is most unfortunately and perversely blind on every question that affects this most pernicious doctrine. I say this beside: If Mr. Carnegie had never testified, we have but to look at the prices the steel company has been charging ever since its formation to realize that it has exacted tribute from the American people equal to the dividends paid for many years on \$1,000,000,000, and for this enormous exaction no return whatever has been made to the community that has been plundered. [Applause on the Democratic side.]

And now, for nearly 20 years, that trust has grown and thrived until this water, which Mr. Carnegie thought worthless when it was created, has come to be worth over par, every dollar of its value extorted from the public. If the people contributing it did not suffer from the exaction, there might not be much cause for complaint. But what was the effect of these trusts?

Mr. Chairman, what is true of the Steel Co. is true of all other trusts. But aside from the profits they have yielded their managers—I do not say their stockholders, because the history of these concerns shows that stockholders have been plundered and the people oppressed with cheerful but rigid impartiality—what has been the effect of these trusts on the general welfare? Injurious to a degree that few realize; grievously injurious to our material prosperity. But, worse still, they have seriously corrupted the moral fiber of the country, as I hope to show before I conclude.

Instead of seeking to enlarge their profits by increasing the volume of production, which would have been for the general benefit, lowering the cost of living while at the same time increasing the demand for labor, which necessarily operates to raise the rate of wages, they have almost invariably preferred to obtain higher profits from restricted production, the obvious effect of which has been to diminish the demand for labor and correspondingly to depress the rate of wages.

High tariffs and the trusts, which are their spawn, have prevented the American laborer from reaching the standard of wages which, had he been left free to improve the opportunities extended to him by his Creator, he would most certainly have attained.

Do we, after these illuminating paragraphs in the historical exploitations of our country, have to wonder, do we have to ponder long, do we have to reflect upon the causes that have led to watered capitalization of our industries, gathering in and taking and stealing the lion's share of the wealth produced in our time, leaving to the hapless toilers in the country and in the city a position akin to that of Lazarus of old, who, in his rags and leprosy, begged for the crumbs which fell from the rich man's table? Do we have to marvel at railroad rates, which are the result of the extortionate charges demanded and secured for the steel, which is the largest factor in their equipment? The genesis of the Steel Trust is the genesis of a vast number of the 317,000 corporations doing business in this country. The bar sinister is across the escutcheon of a great majority of these activities. Their birth was tainted and tarnished with illegitimacy and their operations have not improved that status in many, many cases. "Water," to express good will or some synonymous phrase, forms a large part of the capital stock, and it is this water, which represents nothing of real value, nothing on God's green earth, nor aught in the waters below it, which expresses no service to God or man, that exacts toll from the American people in behalf of those few

who hold it, while millions struggle for bread. Watered stock drawing the substance of the people, while flesh and blood agonize for the morrow. Millions are out of employment. But the hand of the oppressor is not withdrawn—aye, it is more heavily laid upon us.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. O'CONNOR. Wait until I have finished. I do not know whether I am being purposely interrupted or not. I do not want to be rude to anybody, especially to the gentleman from Texas. I do not mean this for the gentleman from Texas, but if what I am saying does not set well on the stomachs of some Members they should withdraw or make answer on this floor in order that their comments might be of public knowledge.

Mr. BLANTON. It is on the question of millions being out of employment.

Mr. O'CONNOR. When I finish I will yield.

Listen once more, for ye shall know the truth, and the truth will make you free:

[Legislative Bulletin—People's Legislative Service.]

FEBRUARY 2, 1922.

PROFITEERING STILL RAMPANT—BIGGEST SHOE CORPORATION EARNS 21 PER CENT PROFITS ON WATERED STOCK IN 1921.

That profiteering in some of the main necessities of life is still rampant is indicated by the report of the profits of the Endicott-Johnson Corporation (the largest shoe manufacturers in the world) for the year ended December 31, 1921, made public to-day.

This report shows for the calendar year 1921 net profits, after fixed charges and Federal taxes, of \$4,642,889. This is equivalent, after deducting preferred dividends, to \$10.79 a share (\$50 par value) earned on the \$16,856,825 outstanding common stock. As the par value of the stock is only \$50 per share, this means profits of 21.58 per cent on the common stock.

This compares with net profits of \$3,150,441, or \$6.43 a share on the common stock outstanding in the preceding year.

It is a matter of common knowledge in financial circles that the common stock of this corporation is heavily watered.

Furthermore, this greatly increased profit was earned on a smaller volume of sales than in 1920. Gross sales in 1920 were \$74,970,000, but dropped in 1921 to \$58,892,000, and yet the profits in the latter year were 50 per cent greater.

This will be of interest to farmers who find they have to pay the price of the entire hide for one pair of low-grade shoes.

It ought also to interest Attorney General Daugherty, who is making war on the retailers as the prime cause of high prices.

The above facts are taken from the annual report of the Endicott-Johnson Corporation, published in the Wall Street Journal of February 2, 1922.

BASIL M. MANLY, Director.

Keep in mind that the rapacity of this corporation is the rapacity of a great number of the 317,000 corporations that operate and do business from ocean to ocean. Keep in mind that the giants among them were relieved from their just obligation of supporting the Government which saved their civilization and incidentally preserved and fortified their fortresses and citadels of privilege, even while they were through their intellectual advocates shouting for a reduction of wages of American men and women who had borne the heat and burden of the day, whose children had died like dogs in the mud across the ocean that soulless creations might live and thrive in a land for which heroes died to make and keep free. Keep in mind that while their literary tools were crying for a reduction in the pay of those who had toiled with head and hand, money was demanding an increase in pay and insisting upon the repeal of the law that made them contribute to the country which had saved them and that protected the consuming public from their rapacity and greed. In order to bolster up their cry for a reduction in the pay of wage earners and to head off and confuse the public, the Nemesis which was scenting and taking to their trail, these artful dodgers shouted "Stop thief!"—stop union labor. Backed by a howling propaganda, this ruse has been in a measure successful. But their triumph is only momentary, for the American people may be fooled some of the time, but not all the time. Soon or late they will determine that it is watered stock which is the thief, and not union labor; that the open-shop cry is bunk and guff to throw the inquisitors off the track and to beat down organized labor first and all other labor subsequently, so that the wage earners of America shall be the servants and the hirelings of the rich and opulent, and the masses made vassals to an industrial and commercial autocracy which will control and direct the Republic while still preserving the name and form by which to delude the people.

Mr. Chairman, I am not opposed to corporations legitimately and honestly organized and administered. Corporations honestly created and operated are necessary for the development and welfare of our country. Nor have I any envy for the rich man who has lordly estates. On the contrary, I have a lively admiration for the man who by honest labor and toil of head, hand, heart, and brain has accumulated a competence. America needs her rich, her honest rich men and her honest corporations, but she does not need either dishonest men or dishonest corporations, for they are enemies to their country and the gen-

eral welfare. I will not stand silent while rich men and conscienceless corporations through intellectual minions endeavor to throttle and manacle and enslave labor. I will raise my voice here and on the hustings against any attempt to destroy one of America's greatest assets, the patriotic American Federation of Labor, which stands like a lion in the path of the bolsheviki and the anarchistic movements of which we have been warned time and again by the Department of Justice. Long live men like Judge Alton B. Parker, who recently informed the National Civic Federation that—

Organized labor has done more than any other agency to check the doctrines of Russian reds, I. W. W., and parlor socialists who threaten the stability of the United States Government.

He especially praised Samuel Gompers and his associates for upholding the United States Government, saying:

Search where you will over the world and nowhere will you find as here labor standing foursquare in opposition to every wind that blows against this Government.

Yes, we must protect and defend the American Federation of Labor, which stands heel to heel, and shoulder to shoulder, and heart to heart with the American Legion for this Republic. I am for the Federation as an American who wishes to see his country remain the land of the free and the home of the brave—not an imperial autocracy with a few thousand financial, industrial, and commercial institutions in absolute control of the destiny of the country, while our once bold and militant yeomanry are made retainers and vassals in the land of their birth and our city dwellers reduced to servitude and industrial slavery.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'CONNOR. Can the gentleman give me five additional minutes?

Mr. BYRNS of Tennessee. I yield the gentleman five additional minutes.

Mr. O'CONNOR. I am for the preservation of the American Federation, because it is the great instrumentality by which American men and women have been able to secure even an approach to their share of the wealth they helped to create as toilers of the land. We must maintain our labor organizations and protect them, if necessary, in a fair wage, as that means a country free in fact as well as in name. Do not beat down labor by assisting its enemies by acts of omission or commission. Organized labor is America's greatest asset. [Applause.]

Now, I am ready to answer the question of the gentleman from Texas.

Mr. BLANTON. I want to ask this question: The gentleman spoke of the millions of men being out of employment, and he spoke of about 900,000 service men being out of employment, and if I understood what the gentleman was driving at he was arraying labor against capital. Would it not be better to bring labor and capital together and make them friends? I want to ask the gentleman what would this country do without capital? I hold no brief for capital, for I am the poorest man in the House, but in justice to the great Steel Corporation the gentleman spoke of, it is to-day employing 264,000 men and paying them an average wage of over \$1,900, and those 264,000 satisfied employees last year bought 255,000 shares of stock of these companies.

If the gentleman's union clients, for whom he is speaking here so eloquently, would take the \$78,000,000 which they pay every year into the union coffers as dues and initiation fees, and would buy stock with it, such as the employees of the Steel Trust did last year, it would not be long before they owned every railroad in the country and every public utility.

Mr. O'CONNOR. I do not know that the gentleman meant exactly what the word "clients" usually conveys. I have no labor organization as a client, nor have I any other sort of client, as I do not practice law, now that I am a Member of Congress. The gentleman has said repeatedly on the floor of this House that he came from poor people, and at times I wondered why he was not zealous in behalf of those from whom he sprung. The Steel Trust does not need the speech he made here to-day in its behalf, though it is in line with many of his other utterances. I say that flesh and blood in America, that must fight and die, when necessary, for our country is entitled to a fair wage, rather than that these soulless corporations should wring millions and millions from watered stock, which is nothing more nor less than thievery. That is my answer to the gentleman.

Mr. NOLAN. I would like to ask the gentleman from Texas how much stock the common laborers in the Steel Trust could buy at 50 cents an hour? That is what they pay them.

Mr. O'CONNOR. I thank the gentleman for his interrogatory. I like the gentleman from Texas. His viewpoint at times is exceedingly interesting and instructive. It is exceedingly in

contrast, however, with what it ought to be here on the floor. I can understand that the fellow who never knew anything of the suffering and trials of the masses of this country should superciliously and arrogantly believe he possesses every virtue that those who are born less fortunately financially do not possess. I can understand the fellow who lays the flattering unction to his soul that he is to the manner born and obligated to defend and protect predatory wealth. I can understand and pity him. I can understand the attitude assumed here on the floor of this House at times by upstarts who would pose as the champions of big interests. But it is incomprehensible to me that a man should have started from the bottom and attained high position, and then forget and scorn the rungs of the ladder by which he made his ascent. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the remainder of my time to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON. Mr. Chairman, there is an overwhelming demand and an urgent necessity for the agricultural interests of the country to be represented on the Federal Reserve Board.

As the law stands to-day the board consists of five members, the Secretary of the Treasury and the Comptroller of the Currency being ex officio members; the other five to be a "representation of the different commercial, industrial, and geographical divisions of the country."

The Senate on January 17 passed by a large majority a bill which is now pending before the Banking and Currency Committee of the House, amending section 10 of the Federal reserve act, increasing the membership of the board to six and authorizing the appointment of an additional member so that due regard could be given to the agricultural as well as the commercial and industrial interests of the country. In plain language the amendment to the law simply means that the new member to be appointed by the President when the bill becomes a law is to be a farmer. I hope that the new member will not be a theoretical farmer or one who classifies himself as a farmer based solely on his ability to write lurid newspaper or magazine articles advising the farmers how they should farm, but an actual farmer—one who has cultivated or is now cultivating the soil; who is acquainted with the needs and hardships of the farmers of the country, with their trials and tribulations, the problems with which they are constantly confronted, their lack of credit facilities; and one whose every pulsation of his heart beats in harmony and unison with that great body of our citizenship which follows the noblest of all occupations—tilling the soil for a livelihood.

The passage of the bill by the Senate and its presence before the Banking and Currency Committee of the House is a severe accusation and indictment against the present board and its policies, for if fair treatment and wise business policies had been inaugurated and pursued, and agriculture in its varied and numerous branches had been properly cared for in the extension of credit such as the necessity demanded and such as should have been given in accordance with the creating act, the necessity of this legislation probably would not be so urgent.

The farmers of the country, as far as credit accommodations from the Federal reserve banking system were concerned, were willing to leave their cause in the hands of those whom they thought would protect their interests and in whom they had confidence; but, Mr. Chairman, since acts speak louder than words, since they were denied accommodations that were accorded to those in more favored occupations; since they, by the withdrawal of currency from circulation and the refusal to extend credit accommodations at a low discount rate, were forced to sell the products of their labor and that of their wives and children far below the actual cost of production; since deaf ears were turned to their pleadings and entreaties they to-day demand by this legislation that one of their own be made a member of this board that holds and shapes the credit of the Nation, so that in the future, as far as it lies within the power of one member of the board, no discrimination shall be practiced and credit accommodations shall be extended to save agriculture from such a depression as now confronts it. [Applause.]

The Federal reserve act and the board that governs its operation from the very beginning was looked upon as a harbor of safety in times of financial stress and storm; a refuge where business could seek shelter and assistance from depression. Little did the country dream or think that this harbor, with its placid waters, would become more turbulent than the storm-tossed billows on the outside.

In all the annals of this Government, from the very foundation down to this good hour, never before has any governmental agency or board or set of men wrought such havoc, destruction,

demoralization, and stagnation to business as have the policies of this board. These policies which they have inaugurated and ruthlessly carried into effect dealt agriculture a cruel and heartless blow. In the West corn has become the fuel of the producer; in the South cotton is being forced upon the market at a price far below the actual cost of production; the hide of the cow will scarcely bring enough to pay for a pair of shoe strings for the herder; with millions starving throughout the world the grower of wheat is unable to make a living from its production, and as an evidence of the results of these policies they have left in their wake poverty and hunger, bankruptcy, suicides, and business chaos such as the country never before witnessed; almost equaling the devastation of war itself, to an extent that it will require 20 years or more for its recovery.

Mr. Chairman, it is well known that by the act creating the Federal reserve banking system every national bank was compelled to become a member. It was not discretionary as to whether or not they desired to join; the very letter of the act made it mandatory and each one had to subscribe to stock in the Federal reserve bank of their respective district in a sum equal to 6 per cent of the paid-up capital stock and surplus.

If any national bank within the district did not join and subscribe to the required amount of stock, it would forfeit all rights, privileges, and franchises granted to it by the national banking law. The act further provided that State banks and trust companies were eligible for membership under such rules and regulations as were to be promulgated by the board. Therefore State banks had the privilege of becoming members, but the act did not make it compulsory or mandatory. It was left to their option. Each State bank could determine for itself whether it desired membership.

In the act creating the system the territory of the United States was divided into districts and the States of Alabama, Florida, Georgia, southern Louisiana, southern Mississippi, and eastern Tennessee were placed in district No. 6. A Federal reserve bank was then located in Atlanta, Ga. The membership up to January 1, 1921, in the Federal Reserve Bank of Atlanta was 375 national banks and 87 State banks and trust companies, a total membership of 462 banks, yet there were over 800 State banks in the district eligible.

Mr. Chairman, shortly after the organization of the Federal reserve bank at Atlanta a determined and systematic campaign was inaugurated to induce the State banks that were eligible, particularly in Georgia, to become members. However, after much effort, no satisfactory results were obtained, as up to January 1, 1919, only 64 State banks in the entire district had joined.

Being confronted with practically a total failure, a most cowardly and sneaking warfare of the submarine character was declared on them. The governor and board of directors, acting as the agents and carrying out the well-laid and determined plans of the board, instituted a most insidious and dastardly attack on the 300 or more State banks in Georgia, as well as the banks in other States, which had not signified their intention of becoming members.

Their policy was to force State banks to become members or else go down in this ruthless warfare. No longer could a State bank remain independent; it either had to become subservient or else close its doors; it was either submission or destruction. Had this policy been permitted to run its course without the interference of the mandate of the Supreme Court the destruction and impairment of the 300 or more nonmember banks in Georgia would be too tragic to contemplate.

Let me briefly recount to you the method of warfare. The State banks were charging for the service rendered by them in paying checks drawn upon them at a distance and forwarded through the mail. This charge included the expense incident to the paying bank and a small profit. It was an important part of the income of these nonmember State banks.

The board determined to compel the nonmember banks to open a nonmember clearing account with the Federal reserve banks, and under their requirement they would be forced to maintain a much larger reserve than conditions justified, hence lessening the lending power of the State banks and destroying the remuneration for handling the checks drawn upon them. To successfully prosecute this warfare the Federal Reserve Bank of Atlanta systematically commenced to accumulate vast numbers of checks on the nonmember banks until they reached a large amount and then to cause them to be presented for payment over their counter in cash.

This, as can readily be seen, would have necessitated the nonmember banks carrying large amounts of cash in their vaults which would remain idle, and in turn lessen their lending power or else force a run on the bank. If any of the great corporations of the country had carried on so vicious and illegal a campaign

against their competitors, the whole country would demand that they be punished.

There was no relief offered to the nonmember State banks from this destructive policy but the courts of the country to which they appealed, and in the case of the American Bank & Trust Co. et al. against the Federal Reserve Bank of Atlanta, the Supreme Court of the United States, in an opinion on May 16, 1921, by Mr. Justice Holmes, said:

The defendants say that the holder of a check has a right to present it to the bank upon which it was drawn for payment over the counter, and that however many checks he may hold, he has the same right as to all of them and may present them all at once, whatever his motive or intent. * * * But the word "right" is one of the most deceptive of pitfalls; it is so easy to slip from a qualified meaning in the premise to an unqualified one in the conclusion. Most rights are qualified. A man has at least as absolute a right to give his own money as he has to demand money from a party that has made no promise to him; yet if he gives it to induce another to steal or murder, the purpose of the act makes it a crime.

A bank that receives deposits to be drawn upon by check, of course, authorizes its depositors to draw checks against their accounts and holders of such checks to present them for payment. When we think of the ordinary case, the right of the holder is so unimpeded that it seems to us absolute. But looked at from either side it can not be so. The interests of business also are recognized as rights, protected against injury to a greater or less extent, and in case of conflict between the claims of business on the one side and of the third persons on the other, lines have to be drawn that limit both. A man has a right to give advice, but advice given for the sole purpose of injuring another's business and effective on a large scale might create a cause of action. Banks, as we know them, could not exist if they could not rely upon averages and lend a large part of the money that they receive from their depositors on the assumption that not more than a certain fraction of it will be demanded on any one day. If without a word of falsehood, but acting from what we have called disinterested malevolence, a man by persuasion should organize and carry into effect a run upon a bank and ruin it, we can not doubt that an action would lie. A similar result, even if less complete in its effect, is to be expected from the course that the defendants are alleged to intend, and to determine whether they are authorized to follow that course it is not enough to refer to the general right of a holder of checks to present them, but it is necessary to consider whether the collection of checks and presenting them in a body for the purpose of breaking down the petitioner's business as now conducted is justified by the ulterior purpose in view.

If this were a case of competition in private business it would be hard to admit the justification of self-interest considering the now current opinion as to public policy expressed in statutes and decisions. But this is not private business. The policy of the Federal reserve banks is governed by the policy of the United States with regard to them and to these relatively feeble competitors. We do not need aid from the debates upon the statute under which the reserve banks exist to assume that the United States did not intend by that statute to sanction this sort of warfare upon legitimate creations of the States.

The very language of the decision above quoted is an indictment so emphatic and clear that the country marvels that after such a decision the men who sought to accomplish the ruin and destruction of the nonmember State banks are still permitted by the President, who has the power to remove the members for cause, to continue to direct the policies of the Federal reserve system.

What greater cause is required or demanded? The very language of the decision which the august tribunal used in declaring illegal the method of warfare on State banks surely furnishes ample and sufficient grounds, and in this connection let me read to you a part of a communication written by the distinguished editor of the *Manufacturers' Record*, Richard H. Edmonds, to Thomas J. Hamilton, editor of the *Augusta Chronicle*, of Augusta, Ga., which appeared in that paper on the 9th of January:

Many months ago I wrote to President Harding and said that so long as these men remained in office there would be no revival of confidence in the Federal Reserve Board and no important revival in business. Moreover, I added that if they were retained in office the Republican Party would be swept out of power, and I have reminded him that the recent defeat of the Republicans in State elections is only indicative of what will happen in the next congressional election, unless there is a radical change made by him in the management of the Federal Reserve Board and all Federal reserve banks, which have been guilty of the immorality of trying to break State banks, which did not agree to their par clearance methods. Under the act which created the Federal reserve system the President has the power to remove members of the board for cause. Surely abundant cause has been shown. It is up to President Harding, therefore, as to whether he will make this change and thus bring about a revival of confidence. President Wilson appointed these men. The mistake in the selection of men was made by him, but President Harding will make a greater mistake if, after seeing their disastrous work, he permits them to continue in office.

The one action which the agricultural conference called by President Harding through Secretary Wallace could take to advantage and really the only one needed would be to pass unanimous resolutions recounting what has been done, and demanding of President Harding the removal of every man on the Federal Reserve Board responsible for the management of that board during the last two years, and the removal of every officer or director of the various reserve banks responsible, directly or indirectly, for the warfare upon State banks.

The efforts of the board having been nullified by the decision of the Supreme Court, thwarted in its warfare of subservience or destruction, is now seeking to convince the country that the failure of the State banks to join the reserve system is the cause of the lack of credit accommodation and for that reason the agricultural interests of the South and West are in a deplorable condition.

In the Atlanta Constitution of Sunday, January 29, appeared an article reading in part as follows:

So much has been said about the agricultural interests not having received ample credit accommodations during the present crisis that the Constitution Saturday made inquiry of Gov. Wellborn as to the basis of such criticism and as to what cause he attributed the lack of greater facilities.

Gov. Wellborn stated that the main reason, in his opinion, was that in the South and West, where the agricultural interests are dominant, a great majority of the country banks are State institutions which have failed to take advantage of their opportunity to join the Federal reserve system.

Ah, Mr. Chairman, this is but a willful and deliberate effort, bold and determined in its character, on the part of the reserve bank to escape responsibility for the part that they have played in the stagnation of business and to lay the responsibility of their sins and unwarranted policies at the doors of the State banks. [Applause.]

The State banks of Georgia need no defense at my hands. These cherished institutions are dear to the hearts of the people of their respective communities. It is to them they turn for assistance in their hour of distress; they have their confidence, and from constant business dealings they are cognizant of the fact that almost superhuman efforts have been exerted to aid them in this crisis and to stem the tide of depression and deflation put in motion by the policies of the Federal Reserve Board.

There can not be produced a scintilla of evidence to justify the contention that the failure of the State banks to join the system has been the cause of lack of credit accommodations for the agricultural interests of the South and West, but, sir, on the contrary, one of the contributing factors has been the unjustifiable, constant, and continued increase and discriminatory discount rates, thereby making it almost impossible for even member banks to borrow. On January 1, 1920, the discount rate of the Reserve Bank of Atlanta on commercial and industrial papers was 4½ per cent; on that very same day and at the same bank the discount rate on agricultural and live-stock papers was 5½ per cent. A deliberate discrimination against agricultural papers of three-fourths per cent.

Within less than 26 days the discount rate on agricultural paper was increased to 6 per cent, and on November 1 was as high as 7 per cent. The legal rate of interest in Georgia is 8 per cent, and no member bank could scarcely afford to pay a discount rate of 7 per cent and the progressive rate put into effect, and in turn lend to their customers with only a margin of 1 per cent, for it would in a great many instances not be sufficient to pay the operating expenses of the institution. It naturally follows, as doth the night the day, that high priced money necessarily means fewer loans. The discount rate had been constantly increased until it had almost reached the point where member banks which were carrying loans for nonmember banks and other customers could not obtain accommodations for their correspondents, necessarily lessening credit accommodations to the people who patronized the State banks.

Why this discrimination against agricultural paper and in favor of commercial industrial paper? In each instance they had to bear the indorsement of the member banks discounting them. One was just as secure as the other for the liability of the member bank was back of each.

It was only by these exorbitant rates of discount and the establishment of the so-called progressive rates that the Federal Reserve Bank of Atlanta, on a paid-up capital of \$4,053,050 was able to earn over and above all of its exorbitant expenses a net profit in 1920 of \$6,010,324.13, or more than 140 per cent.

I challenge the thought that it was ever the intention of Congress that these banks should become such gigantic money-making institutions. The very language of the act creating the same nullifies any such thought or idea, for by the plain letter of the law the dividend to the stockholders was limited to 6 per cent.

To earn this enormous net profit of \$6,010,324.13, the bank had to adopt the methods of the profiteer and the Shylock—deliberate contraction of the circulation of Federal reserve notes, hence creating a greater demand and then raising their discount rates and establishing the progressive rates. This policy by which they enriched themselves and impoverished others has paralyzed agriculture as well as all other business.

Mr. Chairman, another factor in lessening credit and forcing agricultural products on the markets at less than the actual cost of production was the unauthorized withdrawal during the year 1920 of nearly a billion dollars of Federal reserve notes from circulation.

On January 1, 1920, there was in circulation \$3,319,415,111 of Federal reserve notes, and during that year the Federal reserve banks carrying out the well-laid plans of the board, withdrew from circulation \$924,166,032 of Federal reserve notes, reducing the per capita circulation from \$59.14 to \$52.19.

When money becomes scarce, credit accommodations are more difficult to obtain. The business expansion and development of this country did not take place during an era of a contraction of the currency. Whenever there is a marked withdrawal of currency from circulation, certain things are inevitable—bread lines in almost every city; closed factories; agriculture at its lowest ebb, and general depression in all lines of business.

No panic has ever been produced in this country by an expansion of the currency. The history of every one shows beyond a doubt that they occur only when large volumes of currency are withdrawn from circulation.

One of the dominant reasons for the very creation of the Federal reserve system was to make impossible in the future such a panic as that of 1907 which was caused by the large banks and moneyed interests of Wall Street deliberately withdrawing from circulation immense amounts of currency. Yet, in spite of the fact that this system was created by Congress to prohibit such a recurrence, we find the Federal Reserve Board following a course similar to that pursued by the moneyed interests, and the result of the depression in the latter instance has been even greater.

There can be no escape, Mr. Chairman, from the conclusion that the willful withdrawal of nearly a billion dollars from circulation, the unjustifiable raising of the discount rates, the establishment of the progressive rates, the inauguration of the deflation policies, the increase of the value of the monetary unit as compared with the value of products, and the general refusal of credit accommodations are the greatest blunders in the financial history of the world, and are responsible in producing the present agricultural crisis and general business depression. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER.

Salaries: Sergeant at Arms and Doorkeeper, \$6,500; Assistant Sergeant at Arms, \$2,500; Assistant Doorkeeper, \$3,600; Acting Assistant Doorkeeper, \$3,600; two floor assistants, at \$2,500 each; messengers—5 (acting as assistant doorkeepers, including one for minority) at \$1,800 each, 37 (including 1 for minority) at \$1,440 each, one \$1,000, 1 at card door \$1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, \$2,800; storekeeper, \$2,500; stenographer in charge of furniture accounts and records, \$1,200; upholsterer and locksmith, \$1,440; cabinetmaker, \$1,200; 3 carpenters, at \$1,080 each; janitor, \$1,200; 4 skilled laborers, at \$1,000 each; laborer in charge of private passage, \$900; 3 female attendants in charge of ladies' retiring rooms, at \$720 each; 3 attendants to women's toilet rooms, Senate Office Building, at \$720 each; telephone operators—chief, \$1,500, 4 at \$900 each, night operator \$720; telephone page, \$720; 24 elevator conductors, including 14 for the Senate Office Building, at \$1,200 each; laborer in charge of Senate toilet rooms in old library space, \$660; attendant for service in old library portion of the Capitol, \$1,500; press gallery—superintendent \$2,500, assistant superintendent \$1,600; messenger for service to press correspondents \$1,000; laborers—3 at \$800 each; 34 at \$720 each; 16 pages for the Senate Chamber, at the rate of \$2.50 per day each during the session, \$4,720; in all, \$183,080.

Mr. ANDERSON. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 7, lines 5 and 6, strike out the following: "24 elevator conductors, including 14 for the Senate Office Building, at \$1,200 each."

Mr. ANDERSON. Mr. Chairman, this is in accordance with the general policy of placing these elevator conductors under the Architect of the Capitol, and in the proper place an amendment will be offered inserting these elevator conductors in the bill under the architect.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

For packing boxes, \$970.

Mr. BLANTON. Mr. Speaker, I make the point of order against line 22, which makes an appropriation for packing boxes.

The Chair will probably remember that in the last legislative appropriation bill I made a point of order to such a provision for packing boxes for the House, and the Chair sustained it, there being no law authorizing it, and there is no law authorizing these boxes. They are the cedar, pine, or oak boxes which heretofore have been given to Members every year.

Mr. ANDERSON. Mr. Chairman, I submit there is nothing in this paragraph which indicates that these are packing boxes for Senators at all. I do not know whether they are or not. It seems to me the purchase of packing boxes for the Senate is a proper item of contingent expense, just as much so as drinking water, and therefore that this item is in order.

Mr. BLANTON. The Chair will note the precedents sustaining a similar point of order in the last bill. These are undoubtedly packing boxes for the Members of the Senate. You can not get around it. There is no provision of law for it. It is clearly legislation on an appropriation bill, I submit to the Chair.

Mr. MANN. Mr. Chairman, this comes under the head of contingent expenses of the Senate. There is no specific authority of law providing postage stamps for the Secretary of the Senate or the Sergeant at Arms; no authority of law especially providing for fuel oil or cotton waste or advertising or purchasing of furniture or repair of furniture, and yet it would be ridiculous to say that because there is no specific authority of law for these things that under the time of contingent expenses they could not be allowed. The same is true of packing boxes.

Mr. BLANTON. I will cite the Chair to the precedent. If the Chair will look in the Record of February 10, 1921, he will note where the Chair sustained a similar point of order.

The CHAIRMAN. Under the ruling of the Chair cited by the gentleman from Texas this item has been held out of order. While the present occupant of the chair, aside from that ruling, does not desire to so hold, yet in view of the ruling cited the Chair feels that he should follow the precedent established and sustain the point of order.

Mr. WALSH. Mr. Chairman, in view of the statement made by the Chair, I take it that the Chair will not take it amiss if I respectfully appeal from his decision.

The CHAIRMAN. The present occupant of the chair thinks the ruling ought to be overruled. [Laughter.]

Mr. WALSH. I respectfully appeal from the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division, if the Chair please.

The CHAIRMAN. The gentleman from Texas calls for a division.

The committee divided; and there were—ayes 1, noes 23.

The CHAIRMAN. The ruling on the question of order is not sustained. The point of order is overruled.

Mr. DAVIS of Tennessee. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do so for the purpose of asking the chairman of the committee why this bill carries an appropriation for packing boxes for Senators, but does not carry an appropriation for boxes for Members of the House?

Mr. ANDERSON. I will say to the gentleman that in the face of the decision of the Chairman of the Committee of the Whole last year our committee did not feel justified in putting in the bill an item for packing boxes for Members of the House. In view of the recent test perhaps it might be proper to do so.

Mr. DAVIS of Tennessee. I will ask if it is proposed to offer such an amendment at the proper time?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. MANN. During the war the boxes were not provided, because I understand the cost of the boxes was raised so much that the Clerk of the House could not probably furnish the proper number for the amount appropriated, or at least he wisely decided not to do so. Possibly some new Members of the House do not know what these boxes are. Every Member of the House ought to receive them, in my judgment. [Applause.] When Members come here they have to send home many things in the way of documents, and so forth, which can only be sent in a proper box.

Mr. SMITH of Idaho. And the boxes as now constructed are so arranged as to enable the files to be taken out of the filing cases and shipped in the boxes without disturbing the files at all.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. REED of West Virginia. I notice at the top of page 9 an item "Miscellaneous items, exclusive of labor, \$100,000." Why would not that purchase packing boxes?

Mr. MANN. That is for other purposes.

Mr. REED of West Virginia. It just says, "For miscellaneous items."

Mr. MANN. It is made for other purposes, not for packing boxes.

Mr. REED of West Virginia. It could be used for that, could it not?

Mr. MANN. It could not be if the money is used for other purposes.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. MANN. I will yield if I have the floor.

Mr. ROACH. I am one of the new Members, and I do not know what number would be necessary to supply these packing boxes to the Members. I think they should have them, but not being advised of the amount heretofore appropriated I would like to inquire of the gentleman if he can give us that information?

Mr. MANN. I do not remember the amount of the appropriation heretofore.

Mr. ANDERSON. Four thousand three hundred dollars. That is the recollection of Mr. Page, the Clerk of the House.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, the gentleman from Illinois [Mr. MANN] is a little inaccurate. He is not usually inaccurate, but he is in this instance, because during the war packing boxes were furnished. In December, 1917, during the war, the Clerk furnished to each Member a cedar box, a pine box, and an oak box. In December, 1918, he likewise furnished each Member with a cedar box, a pine box, and an oak box. In December, 1919, the year following the war, the Clerk furnished each Member with a cedar box and a pine box and an oak box. But in December, 1920, after the war, for the first time the Clerk ceased to furnish to Members these packing boxes, because the cost went up to such an extent that he could not buy them for the amount of the appropriation. On the succeeding legislative appropriation bill, as was stated, I made the point of order against the item, and it was stricken out of the bill, and it was not put back, and no appropriation was made for these boxes in that legislative bill. The gentleman from Illinois says these boxes should be furnished, but I called attention to the fact at the time I made a fight on this item that our distinguished friend from Illinois [Mr. CANNON], the gentleman in charge of this bill now, during his long legislative career had probably received, if he had gotten all that was coming to him, 44 cedar boxes and 44 pine boxes and 44 oak boxes, and God only knows what he has done with them. Why, he did not have ward heelers enough to take them all in. [Laughter.]

Mr. CANNON. Will my friend yield?

Mr. BLANTON. Yes; I yield.

Mr. CANNON. I am aware that I received many applications throughout the country, especially for cedar boxes, and Texas was in the saddle.

Mr. BLANTON. Yes; and the gentleman had so many of them that he even had to furnish my State with some of them. Why should this be carried on any longer?

Mr. CANNON. But I did not respond, nor did I receive the cedar boxes.

Mr. BLANTON. Well, the gentleman usually gets what is coming to him, but maybe did not get all that was credited to him.

Mr. CANNON. Oh, yes.

Mr. BLANTON. The gentleman has had them credited to him, and by making proper application to the Clerk each year he would have received them. But I say it is wrong. It is one of those little things that we ought to stop.

Mr. REED of West Virginia. Did you get yours?

Mr. BLANTON. Yes; while they were in the getting I got them. That is the way you answer the question, "Didn't you get yours?" But if you will help me keep this out of the bill I will not get any more, and you will not get any more, and it will stop. All it needs is the votes of ourselves, the recipients of these things, to stop them, and we ought to stop them.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman indicate how he gets his files and papers back to his home at the close of the session?

Mr. BLANTON. I have not had to take them home yet from a session of Congress, and I do not anticipate that I shall have to in the near future.

Mr. SMITH of Idaho. If Congress adjourns early in July, the gentleman may be home five months this year.

Mr. BLANTON. I do not think Congress is going to adjourn then. I think the gentleman has doubts about it. We are going to be kept here month after month during the year, every year, to attend to the business of the people.

The CHAIRMAN. The time of the gentleman from Texas has expired. The pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Salaries: Doorkeeper, \$5,000; maintenance and repair of folding room motor truck, \$500; special employee, \$1,800; superintendent of reporters' gallery, \$2,000; janitor, \$1,500; messengers—17 at \$1,180 each, 14 on soldiers' roll at \$1,200 each; laborers—17 at \$720 each, 2 known as cloakroom men at \$840 each, 8 known as cloakroom men, 1 \$600 and \$120 additional so long as the position is held by the present incumbent, and 7 at \$600 each; 2 female attendants in ladies' retiring rooms at \$800 each; superintendent of folding room, \$2,500; foreman, \$2,100; chief clerk to superintendent of folding room, \$1,800; 3 clerks at \$1,600 each; janitor, \$720; laborer, \$720; 31 folders, at \$900 each; shipping clerk, \$1,200; 2 drivers, at \$840 each; 2 chief pages, at \$1,500 each; 2 telephone pages, at \$1,200 each; 2 messengers in charge of telephones (1 for the minority), at \$2,160 each; assistant messenger in charge of telephones, \$1,500; 42 pages, during the session, including a press-gallery page and 10 pages for duty at the entrances to the Hall of the House, at \$2.50 per day each, \$12,390; 24 elevator conductors, including 14 for the House Office Building, at \$1,200 each; laborer, \$800; superintendent of document room, \$2,900; assistant superintendent, \$2,100; clerk, \$1,700; assistant clerk, \$1,600; 8 assistants, at \$1,280 each; janitor, \$920; messenger to press room, \$1,000; in all, \$185,190.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDERSON: On page 14, line 14, after the figures "\$2,000," insert the following: "Assistant to the superintendent of the reporters' gallery, \$1,200."

Mr. ANDERSON. Mr. Chairman, this is to provide for the employee who was authorized by resolution of the House day before yesterday.

Mr. WALSH. Will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Massachusetts.

Mr. WALSH. The resolution which was agreed to the other day authorized the appointment of an assistant to the superintendent of the House press gallery. I think it is ordinarily known as the House press gallery. Does not the gentleman think he ought to modify the language of his amendment to conform to the language of the resolution authorizing this employee?

Mr. ANDERSON. I think the gentleman is correct. I ask unanimous consent to modify the amendment so as to read "assistant to the superintendent of the House press gallery."

Mr. MANN. The press gallery.

Mr. ANDERSON. The language of the resolution is "House press gallery."

Mr. MANN. All these items are under the House.

The CHAIRMAN. Without objection, the modification will be made as suggested by the gentleman.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Minnesota offers another amendment, which the Clerk will report.

Mr. ANDERSON. In lieu of the word "reporters," in line 14, page 14, substitute the words "House press."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 14, line 14, strike out the word "reporters," and in lieu thereof insert the words "House press."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I have a further amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 15, lines 6, 7, and 8, strike out the following: "24 elevator conductors, including 14 for the House Office Building, at \$1,200 each."

Mr. ANDERSON. Mr. Chairman, these elevator conductors will be provided for in the bill making appropriations for the Interior Department, under the Architect of the Capitol.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ARENTZ. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Nevada offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ARENTZ: On page 14, line 16, strike out the figures "\$1,200" and insert "\$1,440."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. This is a statutory position and the salary is fixed by law. The amendment proposes legislation on an appropriation bill.

Mr. ARENTZ. I know the gentleman from Texas would like to see work of a similar nature paid for at the same rate. If the gentleman will refer to page 6, under the office of Sergeant at Arms and Doorkeeper of the Senate, he will see 37 doorkeepers at \$1,440. Does not the gentleman from Texas believe that the men doing similar work as assistants of the Doorkeeper of the House should receive the same pay?

Mr. BLANTON. If the chairman of the committee has no objection to this amendment, I am not going to insist on my point of order, and I withdraw it.

Mr. ANDERSON. Mr. Chairman, I make the point of order. These salaries are fixed by law, and I think in accordance with the general policy we ought not to permit increases of salaries at this time.

The CHAIRMAN. The point of order is sustained.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct the totals of the paragraphs to conform to the action of the House.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the Clerk be authorized to correct the totals of the bill in accordance with the action of the House. Is there objection?

There was no objection.

The Clerk read as follows:

For compensation of W. Ray Loomis as assistant in the document room, \$2,500.

Mr. BEGG. I make a point of order against lines 16 and 17.

The CHAIRMAN. The gentleman from Ohio makes the point of order.

Mr. BEGG. This is a change in the statutory regulations on an appropriation bill.

Mr. BLANTON. Mr. Chairman, I want to call the Chair's attention to a resolution passed by the House providing for this particular position. It was discussed at some length. The attention was called to the special work that this man does and of its valuable nature. Perhaps the gentleman from Ohio overlooked the resolution.

Mr. BEGG. Mr. Chairman, the resolution that put this man on the statutory roll reads as follows:

For his services as editor and compiler of the weekly compendium and as assistant in the document room.

Now, two-thirds of the reasons for his being appointed is omitted, because we have ceased to use the compendium. As assistant in the document room is only a partial reason why his appointment was made. It is a change of statutory law which says he has the two duties added to that of assistant in the document room, and I submit that you might as well repeal a part of any statute as a statute of this kind.

Mr. ANDERSON. Mr. Chairman, I do not know of any precedent applicable to a situation of this kind. As I understand the matter, Congress has ceased to provide for two of the elements of this man's services for which he was originally employed. However, Congress it seems to me might proceed to appropriate for his employment for the third function which he performed. In other words, it is not this appropriation which repeals that part of the resolution; it is the action of Congress failing to provide for it, and repealing the function does not repeal altogether the resolution under which this man is employed, and it is still in order to appropriate for his salary under one of the functions which he has conducted.

Mr. BEGG. Mr. Chairman, I should like to add one word. I agree with the gentleman from Minnesota that there was evidently a reasonable belief that we needed this man at this salary when he was employed on the statutory roll to do this particular work, which work was to issue the compendium both weekly and monthly. Now Congress has decided that we do not need these documents. There is nothing for him to do in that particular, and I submit that a \$2,500 assistant is not needed in the document room.

Mr. SNELL. Will the gentleman yield?

Mr. BEGG. Certainly.

Mr. SNELL. What is this man doing at the present time?

Mr. BEGG. I understand that he is not here now. My best information is that he is not even in the city. He has been connected with a commercial business down town, but I guess he severed his connection with that some time in the past.

Mr. SNELL. I think it is important for the committee of the House to know whether he is here and whether he is doing any work.

Mr. BEGG. The best information I have is that he is not here. Whether he is away on a leave of absence or not I can-

not say. I am sure that we put him on the roll for two reasons. It is certain that he has not compiled a compendium. I am not in favor of putting a man on the statutory roll to be a servant of this House.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. BLANTON. I have had occasion several times lately to call on this man for information concerning matters of legislation pending before the House, and I have found him each time I called on him in Mr. Grayson's room in the document room, and I do not know of a man connected with the Capitol, unless it is Joel Grayson himself, who knows more about what there is in the Capitol and can put his hand on it.

Mr. BEGG. I think if the gentleman goes there now to call on him he will find that he is not here.

Mr. BLANTON. He may not be here to-day, but every time I have called upon him he has been able to put his hand on what I wanted and he has rendered very valuable assistance. It is that kind of men that we want here at the Capitol on the pay roll.

Mr. BEGG. I can readily understand why the gentleman from Texas wants him kept on the pay roll.

Mr. BLANTON. Oh, he will render the same service to anybody else.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. BEGG. Certainly.

Mr. REED of West Virginia. Is it not a fact that this man still compiles the information, although Congress does not publish it?

Mr. BEGG. What in the name of reason is the use of keeping a man on the pay roll to compile information that Congress does not use?

Mr. REED of West Virginia. I think a Member could get it if he wanted it.

Mr. BEGG. I know that it has not been published for nearly a year.

The CHAIRMAN. The Chair is ready to rule. The resolution authorizing the employment of this man was passed in July, 1919, presented by the gentleman from Illinois [Mr. IRELAND], chairman of the Committee on Accounts. The resolution is as follows:

Resolved, That there shall be paid, out of the contingent fund of the House until otherwise provided for by law, compensation at the rate of \$3,000 per annum, payable monthly, to W. Ray Loomis for his services as editor and compiler of the Weekly Compendium and Monthly Compendium and as assistant in the document room.

There was an amendment to the resolution which reduced the amount to \$2,500. The appropriation in the bill reads as follows:

For compensation of W. Ray Loomis as assistant in the document room, \$2,500.

The question is whether this appropriation is warranted under the authority which I have read which constitutes the law justifying the appropriation. It appears to the Chair that there is no possible question about that. The appropriation was only authorized by existing law for the purpose of providing, as stated, for the services of compiling a compendium and as assistant in the document room. This appropriation is not for such purpose, but for the purpose of paying for an assistant. The identification of the individual would not help, in the judgment of the Chair, in making it possible for the Chair to hold that it was authorized by existing law when the only existing law is distinctly different from the appropriation, and the point of order is sustained.

The Clerk read as follows:

Office of majority floor leader: Clerk, \$2,500; assistant clerk, \$1,500; janitor, \$1,000; in all, \$5,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I have never been the floor leader of the House, but for some years I was the minority leader of the House. I know something more, probably, than the ordinary Member would know, although we all know fairly well about the duties and the work of the floor leader of the House. I think that the floor leader ought to have an additional employee, I am not going to offer an amendment at this time. I think the gentleman from Wyoming [Mr. MONDELL], now the floor leader, and whoever becomes floor leader hereafter, ought to have in addition to the employees now given to the floor leader the services of some man or woman whose salary should be, say, \$4,000 a year, who will be able to examine carefully all of the bills reported to the House and all of the reports in order to render assistance to the floor leader, who, by reason of his position, is supposed to know and ought to know with regard to all of the bills reported to the House and many which are not reported,

which have been introduced. As I say, I shall not offer the amendment at this time because I think it ought to come from the Committee on Accounts. However, it is my judgment that a provision of that kind should be made. I think it would be to the interest of the Government, the interest of economy, the interest of the House, to make a provision of that sort, whichever side is in the majority in the House.

The Clerk read as follows:

POST OFFICE.

Salaries: Postmaster, \$4,000; Assistant Postmaster, \$2,200; registry and money-order clerk, \$1,500; 34 messengers (including 1 to superintend transportation of mails), at \$1,200 each; for the employment of substitute messengers at the rate of not to exceed \$100 per month each, \$1,000; laborer, \$720; in all, \$50,220.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Why the "\$5,000" in line 11?

Mr. MANN. That seems to be a total.

Mr. ANDERSON. That is a total. It is evidently in the wrong place.

Mr. WALSH. In line 9 we have the total, "in all, \$5,000."

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the figures "\$5,000," in line 11, page 16, be stricken out and a period substituted for the comma at the end of line 10.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the figures "\$5,000," in line 11, on page 16, be stricken out and that a period be substituted for the comma at the end of line 10. Is there objection?

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman should first get unanimous consent to return to that paragraph, because we have passed it.

The CHAIRMAN. Of course, if unanimous consent be given for the striking of it out, that would be included.

Mr. MANN. This is a request for unanimous consent.

Mr. ANDERSON. The paragraph, of course, is not agreed to until the whole bill is agreed to.

Mr. BLANTON. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read as follows:

CLERK HIRE, MEMBERS AND DELEGATES.

For clerk hire necessarily employed by each Member, Delegate, and Resident Commissioner, in the discharge of his official and representative duties, \$3,200 per annum, in monthly installments, \$1,408,000: *Provided*, That the joint resolution approved July 11, 1919, shall apply to this appropriation in the same manner as it applied to the appropriation for clerk hire for Members, Delegates, and Resident Commissioners for the fiscal year 1922.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman in charge of the bill what is to be done with reference to paying the bonus which has heretofore been paid. I understood from the committee that it was going to drop the bonus, but I notice the same provision is carried here that would warrant it.

Mr. ANDERSON. That proviso has no relation whatsoever to the bonus. It relates to the provision for paying the salary to the clerk instead of to the Member.

Mr. BLANTON. But the joint resolution referred to there places these employees on the roll, so that they would draw the bonus.

Mr. ANDERSON. That is true. If other employees get the bonus, these employees ought to get it. This bill does not provide for the bonus. The whole question of the bonus, I understand, will be taken up in a deficiency bill.

Mr. BLANTON. Is that not going to be left off after July 1?

Mr. ANDERSON. I can not speak for the House or for the committee on that question. I do not know what the policy will be with respect to it.

Mr. BLANTON. It will be the sixth bonus that Congress will have paid the civilian employees of the Government.

Mr. ANDERSON. My impression is that the bonus will be paid, and I hope it will be.

The Clerk read as follows:

For furniture, and materials for repairs of the same, including not to exceed \$12,000 for labor, tools, and machinery for furniture repair shop, \$30,000.

Mr. ROACH. Mr. Chairman, I offer the following amendment. After the period in line 8, page 18, amend by inserting the following:

For packing boxes, \$4,500.

Mr. BLANTON. Mr. Chairman, I make the point of order that that is legislation on an appropriation bill unauthorized by law.

The CHAIRMAN. The point of order is overruled, and the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROACH: Page 18, after line 8, insert a new paragraph, as follows:
"For packing boxes, \$4,500."

Mr. BLANTON. Mr. Chairman, I make the additional point of order that the amendment offered by the gentleman is not germane to the paragraph to which it is offered. The paragraph under which it is offered has no reference to packing boxes. It deals with a subject that does not embrace packing boxes. The paragraph which the gentleman offers is in connection with no paragraph either before or succeeding it which relates to packing boxes.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Just a moment. The only paragraph in the whole bill that relates to packing boxes is on page 8, 10 pages previous, which has already been passed.

And in making that point of order, that it is not germane to the paragraph, I want to cite the Chair to a decision rendered by the very distinguished parliamentarian, the gentleman from Connecticut [Mr. TILSON], that such an amendment must be germane to the paragraph and even though offered as an additional paragraph, as a new paragraph, it nevertheless, for the purpose of germaneness, is to be construed with the paragraph preceding it. In other words, the decision of the gentleman from Connecticut then rendered was based upon this kind of a case. An amendment was offered after the last paragraph of a bill as a new paragraph, and yet the gentleman from Connecticut held, based upon a long line of authorities, that such an amendment, even though offered as a new paragraph, notwithstanding, must be germane to the paragraph immediately preceding.

The CHAIRMAN. The Chair is ready to rule. The question of whether or not it must be or must not be relevant to the preceding paragraph is to be governed always by circumstances. In an appropriation bill in most cases that is entirely impossible. However, for purposes of convenience usually the appropriations for similar lines of purposes are grouped together, and as an indication the present group is contingent expenses of the House. This, of course, will be a contingent expense of the House. The Chair will further state that when this appropriation was originally adopted in an appropriation bill it was exactly in the same position that it now occupies and follows the same preceding paragraph. The objection is not sustained.

Does the gentleman from Missouri desire to be recognized?

Mr. ROACH. Mr. Chairman, I do not desire to be recognized except to state this. I am not clear as to the correct amount that will be necessary to be appropriated for this particular item. If the chairman of the committee has any suggestion to make relative to the amount to be appropriated and necessary to furnish these boxes I would be glad to hear it. The necessity for the packing boxes is apparent to every Member about me for the papers and documents accumulating in his office at a rapid rate and for which provision should be made.

Mr. ANDERSON. I will state to the gentleman that the last time we carried that item at \$4,500.

Mr. ROACH. And the gentleman thinks that is the correct amount?

Mr. BLACK. Mr. Chairman, may I have the amendment reported? I rise in opposition to the amendment and ask that it be reported in my time.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the amendment be again reported.

There was no objection.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the ayes appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 47, noes 10.

So the amendment was agreed to.

The Clerk read as follows:

Protection of the Capitol: For an additional uniformed police force for the protection of the Capitol Building and Grounds, the Senate and House Office Buildings, and the Capitol power plant, and for emergencies, and each and every item incident thereto, \$15,000: *Provided*, That the appointments to the positions herein provided shall be made by the Sergeants at Arms of the two Houses and the Architect of the Capitol, and shall be made solely on account of efficiency and special qualifications.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. May I inquire the meaning of this paragraph, "For an additional uniformed police force"? Does that include extra men, who are not on the regular force, or is it the regular force under that name?

Mr. ANDERSON. This is the regular force, but these are not, as I understand it, patronage employees. The employees

provided for under the item at the top of page 19, as I understand it, are patronage employees, but the police employed under the item to which the gentleman refers are not such.

Mr. DOWELL. But they are regular employees?

Mr. ANDERSON. They are regular employees on the force.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF ARCHITECT OF THE CAPITOL.

Salaries: Architect of the Capitol, \$6,000; chief clerk and accountant, \$3,000; civil engineer, \$2,400; construction draftsman, \$2,000; 2 clerks, at \$1,200 each; compensation to disbursing clerk, \$1,000; laborer in charge of toilets in central portion of the Capitol, \$660; laborer for cleaning rotunda, corridors, dome, and old library portion of Capitol, \$660; 2 laborers in charge of public toilets of the House of Representatives and in the terrace, at \$720 each; forewoman of charwomen, \$480; 21 charwomen at \$240 each; in all, \$25,080.

Mr. ANDERSON. Mr. Chairman, I offer a new paragraph at this point.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDERSON: On page 21, after line 8, insert the following new paragraph:

"For 48 elevator conductors, including 14 for the Senate Office Building and 14 for the House Office Building, at \$1,200 each, \$57,600."

Mr. ANDERSON. Mr. Chairman, practically this amendment is to bring all the elevator conductors under the supervision of the Architect of the Capitol and it does not change the present situation so far as the patronage concerning these is concerned.

Mr. DOWELL. Is this going to insure us a better service than we have, or is it for some other purpose?

Mr. ANDERSON. We hope so.

Mr. DOWELL. Is that the purpose of this change?

Mr. ANDERSON. It is the only purpose, except to bring the items together and avoid appropriating for them in several different places under different titles of appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

CAPITOL BUILDINGS AND GROUNDS.

Capitol Buildings: For work at the Capitol and for general repairs thereof, including cleaning and repairing works of art, flags for the east and west fronts of the center of the Capitol and for Senate and House Office Buildings; flagstaffs, halyards, and tackle; wages of mechanics and laborers; purchase and maintenance, and driving of motor-propelled, passenger-carrying office vehicles; and not exceeding \$100 for the purchase of technical and necessary reference books and city directory, \$129,500.

Mr. HICKS. Mr. Chairman, I move to strike out the last word. I do so for the purpose of making an observation in reference to the display of the flag on the east and west porticos of this building. There has been in this country a good deal of agitation with reference to the public display of the national ensign. During the war the Superintendent of the Capitol issued an order that night and day the flag should fly over the east and west porticos of this Capitol, and that was accepted, I think, as a standard throughout the country. As one who has been somewhat interested in the American flag, I have had numerous requests for information whether or not that order was still being maintained. I found that shortly after the war the order was rescinded and that the flag was flown only in the daytime. I have a feeling—it may be only a matter of sentiment, but sentiment is very potent in all human affairs, and it may not be of great national importance—that there should be one place in America where the American flag should fly by day and by night, and that place, it seems to me, is over the Capitol of this Republic. I do not like to offer an amendment—maybe it would not be proper to put it in as an amendment—but I should like to see consideration given to the matter in some way on the part of this House in order that our people would know that there was one place where the American flag was flying at all times, in all weather, and under all conditions. I merely bring this forward so that the Superintendent of the Capitol may know one Member at least favors the flying of our national emblem by night and by day over the seat of the Federal authority. [Applause.]

The Clerk read as follows:

For constructing conduits and installing all mains, cables, apparatus, etc., including personal services, necessary to provide the Botanic Garden with heat and light from the Capitol power plant, the work to be done under the supervision of the Architect of the Capitol, \$20,000.

Mr. LONDON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the subcommittee how the appropriation for the Botanic Garden comes to be placed in an appropriation bill for the legislative branch of the Government?

Mr. ANDERSON. It is a part of the legislative establishment and always has been under the control and jurisdiction of Congress.

Mr. LONDON. It is not in any way a part of the legislative work. How does the Botanic Garden happen to come under the jurisdiction of Congress?

Mr. MANN. It was in the first instance under the Joint Committee on the Library.

Mr. ANDERSON. It was first under the Joint Committee on the Library, and it is a historical development of many years ago.

The Clerk read as follows:

LIBRARY OF CONGRESS.
SALARIES.

General administration: Librarian, \$7,500; chief assistant librarian, \$4,500; chief clerk, \$2,500; librarian's secretary, \$1,800; assistant chief clerk, \$1,600; assistant in charge of supplies, \$1,400; clerks—one \$1,200, two at \$1,000 each; stenographers and typewriters—one to chief assistant librarian \$1,200, one \$1,200, one \$900; messenger, \$840; messenger to chief assistant librarian, \$600; junior messenger, \$420; operator of photographic copying machine, \$600; in all, \$28,260.

Mr. HICKS. Mr. Chairman, I move to strike out the last word. A few moments ago when the gentleman from Minnesota [Mr. ANDERSON] was speaking, he referred to the fact that there were low salaries paid in the Library. And the report on this bill says:

The committee recognizes the fact that a low standard of pay obtains in the Library, but does not feel that an exception should be made to the policy adopted respecting increases in salary generally pending legislative action on the general subject.

I sincerely hope, Mr. Chairman, the time will come, and come soon, when the legislative committee will bring forth a bill increasing the pay of many of these employees in the Library. To me it is a wonder how some of these employees live on the salaries the Government pays them. We witness in responsible positions as chiefs of the bureaus and others who are performing valuable services, men of experience, men of skill, men of knowledge, whose pay is below probably what would be paid for the same kind of work by outside libraries. I know by acquaintanceship with Dr. Putnam, the Librarian, a man of culture and ability, that at times he has had to use his personal friendship and appeal to the sentiment of service in order to retain many of these faithful employees, whose places he could not fill without loss to the Government. The pay for the work they are doing is entirely too small for the magnificent monument they are erecting for the public benefit. We want to pay Dr. Putnam and the men under him a proper compensation for the work they are doing and I regret that this pay is not now adequate.

Mr. CONNALLY of Texas. Why does not the gentleman offer an amendment increasing the salaries?

Mr. HICKS. I would do that but for the statement in the report, and I assume that the chairman of the legislative committee will soon bring in a bill providing for the increases.

Mr. ANDERSON. I assume that the Library of Congress, like other departments, will be taken care of under the reclassification bill.

Mr. HICKS. I hope so, and I hope that my friend from Texas agrees that these salaries are low. I desire to pay my tribute to Dr. Putnam and his coworkers in the Library for their unselfish service, for their achievements, and for their constant efforts for the public good.

Mr. CONNALLY of Texas. I have not investigated them, but it occurs to me that if the gentleman is of the opinion they should be increased it would be more tangible to offer an amendment.

Mr. HICKS. I do not do it because of the report, not because I do not feel it is deserved.

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Manuscript: Chief of division, \$3,000; assistants—chief \$1,500, one \$960; junior messenger, \$420; in all, \$5,880.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out the "\$3,000" in line 13 of page 27, and insert in lieu thereof "\$1,500."

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: On page 27, line 13, strike out the "\$3,000" and insert in lieu thereof "\$1,500."

Mr. WOOD of Indiana. Mr. Chairman, my purpose in offering this amendment is to call the attention of the committee to a set of facts existing, about which there can be no dispute, with reference to the present chief of this division. I am willing to agree with the gentleman from New York [Mr. HICKS] that in the main the salaries paid to the employees of

the Library of Congress are very, very small in comparison with the ability and accomplishments that should be, and are, for the most part, required of them; but the present chief of the division of manuscripts devotes little, if any, of his time to the work to which he is supposed to be giving his full time to the Government. The law requires that this gentleman should give all of his time to the Government as chief of the manuscript division. The chairman of the Committee on Appropriations, who had his attention called to the fact that this gentleman was not devoting his time to the duties to which he is assigned and for which he is being paid, was informed by Mr. Putnam himself that he was absent and out of the city, not on any work connected with the Library at all, 112 days last year. And that is but a drop in the bucket. During the time that this gentleman is in Washington but a very small portion of his time is devoted to this manuscript division.

I wish to say to this committee that I have taken some pains to inquire, and it is a fact that will not be disputed that, so far as the routine work of the manuscript division is concerned, it is absolutely performed by Mr. Fitzpatrick, the assistant. He used to do all the work before Mr. Moore came there, and when Mr. Moore came he announced in the presence of three or four people that he knew nothing about manuscript or historical work, and that things would go on as before in this division.

Mr. CONNALLY of Texas. Who appointed him?

Mr. WOOD of Indiana. I do not know.

Mr. CONNALLY of Texas. Why not fire him and let the assistant do the work?

Mr. WOOD of Indiana. That ought to be done. But the fact is, gentlemen, if you would go over there to-day in this manuscript division, in ninety-nine cases out of one hundred you would not find Mr. Moore there at all, and even if you found him there and made any inquiry concerning any business with reference to the manuscript division he would turn you over to Mr. Fitzpatrick; and that has been done in the last 10 days by a number of people for the purpose of ascertaining the fact. I bring it to you.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. DOWELL. The gentleman does not desire to employ this man a part of his time?

Mr. WOOD of Indiana. I do not desire to employ him at all. But he does not employ himself at all. That is what I am talking about.

Mr. DOWELL. Why does not the gentleman move to strike out all of his salary?

Mr. WOOD of Indiana. I think that should be done.

Mr. DOWELL. But under the gentleman's amendment he would be employed part of the time, and the rest of the time he would not be expected to be there. I think you ought to have him discharged if he is inefficient.

Mr. WOOD of Indiana. I would be glad if the gentleman would modify my amendment by moving to strike out the entire salary. But the fact is that this gentleman is compelled under the law to devote his entire time to this work, and he is devoting but little of his time to it, and he admits that this routine work, at least, is performed by Mr. Fitzpatrick, the assistant chief of this division.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. LONDON. When the law provides that a man shall devote his entire time to his work it means he shall devote to his work the entire time allotted for the performance of his work. It does not mean his entire time after he has performed this service?

Mr. WOOD of Indiana. No. The work is not performed by the chief of this division, but is performed by the assistant chief.

Mr. LONDON. Is it not the duty of the chief to get a man under him to work? [Laughter.]

Mr. WOOD of Indiana. Even then it requires supervision, and this gentleman is not there for the purpose of supervision.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. WILLIAMSON. Is this the same man who is connected with the Fine Arts Commission?

Mr. WOOD of Indiana. Yes. And he devotes most of his time, if not all of it, to the affairs of that commission.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. LINTHICUM. The gentleman made a reference to the officiousness of some one on Maryland Avenue, and spoke of this gentleman having had charge of the location of a comfort station at the end of the avenue. I have investigated that question since that time, and I find that the Fine Arts Commission

had nothing to do with it. It was done through the Commissioners of the District of Columbia.

Mr. WOOD of Indiana. If this man is employed as a specialist in this division and required to give but little of his time to the performance of duty the language in this item should be changed to fit the case. But it is a fraud on the Government to provide a salary for full time when we know that the occupant of the position does not give full time to the discharge of the duties of his office and when we know that most of his time is occupied in doing things in no wise connected with his office.

Mr. ANDERSON. Mr. Chairman, of course it is impossible for a member of the committee to know about every employment in every bill with which he has to do, but it so happens that this matter has come up before, and there is some information existing with respect to it. The item which the gentleman from Indiana [Mr. Wood] proposes to strike out is the salary of the chief of the manuscript division of the Library of Congress.

Now, the important thing about the manuscript proposition is to get the manuscripts. They do not normally come in very largely through voluntary donations. They have to be sought for. They have to be obtained from the people who have them or who have collected them. This requires a very wide acquaintance among people of letters, among university men, and among people who have wide acquaintance with public men. The work of the chief of the manuscript division consists very largely in forming the contacts with the people who have these manuscripts and visiting them and inducing them to place those manuscripts in the Library.

It is true that the chief of this division has been absent from Washington more or less. I have here a list of the times during the past year when he was absent, and the purposes for which he was absent, which list I shall be very glad to put into the RECORD. I also have a letter from the librarian, which I shall ask to have inserted in the RECORD. The librarian says that during the incumbency of this man, Mr. Moore, more important manuscripts have been brought into the Library than at any similar period during its history. He is regarded as a most valuable man in this particular work, and I hope that the amendment of the gentleman from Indiana will not be agreed to.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Indiana.

Mr. WOOD of Indiana. Does not the gentleman think that under the law if a man is paid for his entire time he ought to give his entire time to the Government?

Mr. ANDERSON. There are a great many ways of giving your entire time. We are paid for our entire time, but we do not stay here in the Hall of the House or in the committee room the entire day every day. We occasionally think we have sense enough to see how we can properly be away from here, and if our duties properly take us away from here we go.

Mr. WOOD of Indiana. Does the gentleman think he would be justified, or that his constituents might justify him in going away from his duties here and staying away 112 days in one year?

Mr. ANDERSON. I think it might depend altogether upon the circumstances and character of the conditions at the time.

Mr. WOOD of Indiana. If you were doing something entirely disconnected from your congressional duties?

Mr. ANDERSON. I do not think there is anything that indicates that this man has been away entirely disconnected from his duties for 112 days.

Mr. WOOD of Indiana. Why, the very letter you have there from Mr. Putnam says Mr. Moore was absent 112 days last year.

Mr. ANDERSON. I presume the gentleman refers in part to the trip which he made abroad, which was a trip for the War Department in connection with the landscape work on the American cemeteries in France, in which case the War Department paid the expenses of the trip and the Library continued the payment of his salary.

Mr. WOOD of Indiana. His salary went on just the same?

Mr. ANDERSON. It did; and I think he earned it several times over.

Mr. MANN. Mr. Chairman, I move to strike out the last word. A few days ago the gentleman from Ohio [Mr. Fess] showed me a letter from Dr. Putnam, the Librarian of Congress, in regard to Mr. Charles Moore, following the discussion of that subject when the appropriation bill was before the House which carried the appropriation for the Fine Arts Commission. This letter from Dr. Putnam stated, as I recall, that Mr. Moore is the most useful man in acquiring manuscripts that the Government has ever had. The manuscript division of the Library endeavors to secure possession of historical manuscripts for the

Library. A Member of the House now on the floor told me within a day that he had received a letter from Mr. Moore desiring to obtain some manuscript in relation to a peace treaty which was proclaimed a few years ago. Dr. Putnam says that Mr. Moore, with his wide acquaintance, is able to go to many people who have valuable historical manuscripts and to secure these manuscripts from them without cost to the Government, and these manuscripts are of great value in the possession of the Government. Dr. Putnam further says that Mr. Moore's connection with the Fine Arts Commission is a valuable asset to the Government in securing these manuscripts. Now, if we are to retain Mr. Moore in this position, I think it would be a very invidious distinction to say that the chiefs of all the other divisions in the Library should receive \$3,000 a year and that the chief of this division should receive only \$1,500 a year.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. WOOD of Indiana. Does the gentleman know any other chief of division in the Library who does not give his time to the Government?

Mr. MANN. This man does give his time to the Government.

Mr. WOOD of Indiana. How much?

Mr. MANN. He gives all of his time to the Government, and most of his time to the work of securing these manuscripts. These trips which Mr. Moore makes as chairman of the Fine Arts Commission generally have in connection with them the opportunity to see somebody who has some valuable manuscript. And by the way, referring to these trips, the gentleman from Indiana [Mr. Wood] the other day severely criticized the fact that these vouchers of the Fine Arts Commission were not required to be certified or verified under oath. There was a great deal of criticism of that. An order to that effect was made by the President, or I think by the Secretary of the Treasury, a number of years ago, at the request of the then secretary of the Fine Arts Commission, who I think at that time was Col. Hart, and it was done without the solicitation of the Fine Arts Commission at all, and is immaterial to the Fine Arts Commission. Certainly no criticism of them or of Mr. Moore is justified because of that order.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to insert with my remarks upon this item the letter from Mr. Putnam to the chairman of the Committee on Appropriations.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to insert in the RECORD the letter to which he refers. Is there objection?

There was no objection.

The letter is as follows:

LIBRARY OF CONGRESS,
OFFICE OF THE LIBRARIAN,
Washington, January 24, 1922.

To the CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I have, and welcome, your inquiry with reference to Charles Moore—his relation with our service.

It has been in a sense special, as acting chief of our division of manuscripts. To this he came on August 17, 1918, to take temporary charge of the division during a protracted absence of its then chief, Dr. Gaillard Hunt, whom the State Department had borrowed for emergency war service. A few months ago Dr. Hunt was assigned duties at the department, which imply his permanent retention there. Mr. Moore has accordingly been continued, with great profit to the Library, for our manuscript collections consist largely of family papers deposited with us through gift or bequest. Only occasionally are they proffered. For the most part they have to be sought. In many cases the mere fact of their existence is unsuspected until disclosed through some casual remark or contact.

Mr. Moore's fortunate qualities for this quest and solicitation include the facts:

- (1) That he has a wide personal acquaintance scattered over the country, and an especially wide one among men in public life.
- (2) That he is himself an historian, an officer of the American Historical Association, and intimate with the entire group of men whose search for historical sources puts them in touch with the owners of such original material.
- (3) That to a professional standing, he adds the personal breeding which facilitates the approach to them, and the skill which makes it effective.
- (4) His acquaintance is wide also among university men and men of letters, whose interest is important to the Library in both the enrichment and use of its collections. As a member of the Institute of Architects and of the American Federation of Arts, he could aid in the enrichment and use of our collection of prints and literature of the fine arts.
- (5) His chairmanship of the Fine Arts Commission in itself insures contacts and relations which prove informing and helpful. So much so, that any trip made by him in behalf of the commission almost invariably results in an incidental increase of our collections. This is true of each trip to New York, for instance, and was true of the trip to Europe made for the War Department last spring. (See inclosed copy of my letter to Representative Wason, May 15, 1921.) In the latter case purchases for us rather than gifts resulted, but they required negotiations in London.

In addition to the solicitation of gift material, there is also the task of inspecting material offered for purchase, and the promotion of relations with other institutions with which we exchange or cooperate in service.

As a net result of the above more personal collections of historical importance have been added to our manuscript division during his incumbency than during any similar period preceding. A glance at my last three annual reports indicates this. If you will scan the 60 pages of these describing accessions of manuscripts, you will note collection after collection whose acquisition has been due largely to his active initiative.

In these interests the chief of our manuscripts division might well spend at least half of his time "in the field."

During the past year Mr. Moore spent but 112 days, of which 65 went to the trip abroad and only 15 to annual leave. (See dates appended.)

During each year preceding the absences were less. One to the Pacific coast in 1920, though partly personal and debitable to annual leave, included certain addresses at universities descriptive of the Library and its aims and likely to benefit it.

The expense to it, on the other hand, of such trips as he has taken has been trifling—in the fiscal year 1919 only \$46.05; in 1920, \$120.27; in 1921, \$107.89. [The dates and itineraries are annually reported by me to Congress and referred to your committee.] I have reason to believe that whatever the expense to the Government of any trips that he has taken, he has been, like the rest of us, out of pocket for expenses not chargeable.

The salary of the position is only \$3,000. If I knew of a man who could bring to the service the unique experience and qualities which has Mr. Moore, I know of none who could be secured in his place at less than double that sum.

It is the only compensation he draws from the Government, his service as chairman of the commission being purely honorary.

He is, in fact, one of the men, of whom my staff includes several, whose interest seems to lie primarily in doing a scholarly public service for its own sake.

The decisions of the Commission [of Fine Arts] inevitably induce some criticisms and antagonisms. Mr. Moore had expressed to me concern lest these might incidentally embarrass the Library. But I overcame these scruples in the conviction that if the public interest required the commission at all, and him at the head of it, it was an obvious economy that he should be resident in Washington, and that so long as the Library was also getting its full value from his services, and a greater value than would be had from any other man available, my duty to it was clearly fulfilled.

Faithfully, yours,

HERBERT PUTNAM, Librarian.

January 10-11. New York: Roosevelt Memorial Commission—Root papers. Morgan Library—Washington papers.

(Personal.) February 28. New York: Arts and letters meeting.

March 5-May 9. Trip to France and England for War Department. Return expense—\$250—paid personally.

May 28-30. Boston-Gloucester Commission.

June 10-11. New York: One day at Morgan Library.

(Personal.) June 20-25. Boston: Harvard commencement week.

(Personal.) July 26-August 5. On Cape Cod.

(Personal.) August 23-September 4. Bangor, Me., and Windsor, Vt.

Hamlin and Everts papers.

September 19-20. New York.

September 26. Osso, Va.: Betty Lewis papers.

November 18-19. New York: One day at Morgan Library—Lincoln papers.

(Personal.) November 25-26. New York: American Historical Association meeting.

December 13. New York: Commission.

(Personal.) December 27-31. St. Louis: American Historical Association meeting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. Wood].

The question being taken, the amendment was rejected.

The Clerk read as follows:

LEGISLATIVE REFERENCE SERVICE.

To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, \$25,000: *Provided*, That not to exceed one person shall be employed hereunder at a rate of compensation exceeding \$3,000 per annum.

Mr. BURTON. Mr. Chairman, I move to strike out the last word. I am afraid that the Committee on Appropriations has not made effective provision for the legislative service. I should propose an amendment and urge it vigorously except that I am not willing to run counter to the general spirit of economy. But this bureau has received \$45,000 in earlier years. This amount has been cut down to \$25,000. It is of the greatest value to the Congress, to Members of the House and of the Senate. I have been familiar with that Library for 30 years, and I conjecture that there are many Members of this House who do not fully realize how valuable an asset it is for furnishing information. There is, I believe, a more complete collection of official documents issued by the British Government in the Library of Congress at Washington than in the British Museum, for I have examined both. At least this is true: That these documents in this Library are very much more readily available than they are in the British Museum; the reader can obtain access to them in much less time. I can illustrate how complete the Library is, for several years ago I was skeptical about the correctness of a statement which I read in regard to the passage of a statute in New South Wales in Australia; it seemed to me that the writer had made a mistake. Within less than 30 minutes after I arrived at the Library I found that statute with a complete copy of all laws passed by the different Commonwealths of Australia. The information therein contained can be digested and furnished to Members of Congress

at this time, and it is extremely useful. I would like to ask the chairman of the committee why the amount was placed at \$25,000?

Mr. ANDERSON. It was carried at \$25,000 last year.

Mr. BURTON. And the year before at \$45,000.

Mr. ANDERSON. In 1921 it was \$25,000, and in 1920 it was \$45,000. It has been \$45,000 only one year.

Mr. BURTON. We have quite as much occasion to use the Library now as at any time. A number of questions are constantly arising as to the legislation of other countries, in regard to the soldiers' bonus, and other subjects; also, upon a very wide range of topics I have found that the response from the legislative service bureau has been very prompt. I think not only are the salaries in that Library very low, but they are badly adjusted. The expert does not receive sufficient consideration, an understanding of which is essential here. I am not sure that this is the case now, but some years ago the messenger at the door at the House of Representatives reading room was receiving \$780 a year. A most expert bibliographer, the first man to enter the Library as a graduate from the library school at Albany, a master of several languages and very expert in that branch of the work, was receiving the same salary. I take it that this report of the committee promises as soon as this reclassification bill passes that more adequate salaries will be paid to these employees in the Library.

Mr. ANDERSON. I can not speak for the committee, but as far as I am personally concerned I think there are a good many civil-service employees of the Government whose services ought to be extended. I think we have gone about as far as we can go in restricting the expenses of the civil services of the Government, particularly those that touch the service of Congress.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For providing a safe, permanent repository, of appropriate design, within the Library of Congress Building for the originals of the Declaration of Independence and the Constitution of the United States, \$12,000, to be immediately available.

Mr. BLACK. Mr. Chairman, it is evident that we will have no difficulty in finishing consideration of the bill now under discussion to-day, and I hope the House will pardon me for interrupting the reading of it a moment to speak upon a topic which I think might not be out of place just at this point. The paragraph which has just been read makes an appropriation to provide a safe, permanent repository of appropriate design within the Library of Congress Building for the originals of the Declaration of Independence and the Constitution of the United States.

Mr. Chairman, it is proper that this should be done, and I have no objection to the appropriation. It is well that the material elements, the ink and paper, upon which the deathless ideals contained in these two great documents were written, should be preserved for the eyes of future generations to behold. But a far more important thing than the mere preservation of these material elements is to preserve in the minds and hearts of the American people the principles and ideals of the fathers which they wrote into these two documents.

The Bible tells us that on one occasion one of the Pharisees, which was a lawyer, asked Jesus a question, tempting Him, saying, "Master, which is the great commandment in the law?" Jesus answered, "Thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy mind. This is the first and great commandment."

"And the second is like unto it, thou shalt love thy neighbor as thyself. On these two commandments hang all the law and the prophets." No Christian will question the authority of the answer.

Likewise upon the Constitution of the United States and the Declaration of Independence rest the whole fabric of American government, and if in an evil hour we ever cast their principles aside, either from considerations of expediency or studied indifference, then our whole structure of Government will be imperiled. I sometimes think, I do not know whether I am correct or not, that there is a certain growing irreverence for the Constitution, and contempt for the restraints of organized government. As a member of some of the committees in the House, I have not infrequently heard men of more than ordinary intelligence suggest that upon a mooted constitutional question Congress need not give very serious attention to it, but should go ahead and vote for the bill and leave the interpretation to the courts of the country. I do not take that view of congressional duty. I have the highest respect for the courts, but I think a Member of Congress should also feel a very keen sense of his own responsibility to the Constitution. Mr. Chairman, the whole essence of the Constitution, it seems to me, is

involved in that provision of it which guarantees to every person that he shall be protected in the enjoyment of his life, liberty, and property. That is within itself the highest end and purpose of Government. Any Government which does not guarantee to its citizens protection in the enjoyment of these natural rights is either the tyranny of despotism or the tyranny of anarchy, and in either event is intolerable to freemen.

I realize that of these three natural rights the least sacred of them is that of the right of private property, and if we ever have to relinquish any of them, it will probably go first. Yet if the property of the citizen be not protected by the law of the land, then there will be no incentive to accumulate and one of the greatest of all civilizing influences will be lost. The protection of the citizen in the enjoyment of his property rights is one of the oldest and most highly prized rights of the Anglo-Saxon race.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. There are few finer passages in English literature than those familiar words of Edmund Burke in his speech upon the excise bill, "The poorest man may, in his cottage, bid defiance to all the forces of the Crown; it may be frail, its roof may shake; the wind may blow through it, the storms may enter, the rains may enter, but the King of England can not enter. All his forces dare not cross the threshold of the ruined tenement." It seems to me that there is a growing disposition in this country among a certain portion of our people—I hope the number is a much smaller minority than sometimes seems probable—to penalize a man because forsooth he has accumulated property.

I do not enter the lists as a champion of wealth. Because if to be wealthy is a crime, I shall have no trouble to prove myself "not guilty." But I do know if you deprive the citizen of his right to accumulate, then he will not accumulate, and chaos and industrial anarchy is the inevitable result. One of the best things Mr. Lincoln ever said was:

Property is the fruit of labor; property is desirable; it is a positive good in the world. That some should be rich shows that others may become rich, and hence is just encouragement to industry and enterprise. Let not him who is homeless pull down the house of another, but let him build one for himself, thus assuring, by example, that his own shall be safe from violence when built.

I am sure that most Members of the House will agree with me that capital for the most part is but the wages of yesterday, and that it is just as necessary to protect the wages of yesterday from confiscation and unlawful seizure as it is the wages of to-day. You can not deny fair earnings to capital without ultimately impoverishing labor, and by fair earnings to capital I, of course, mean only those which are reasonable and just. Unfortunately there are some labor leaders in high authority who seem to have no adequate conception of this fundamental fact. Take the railroad problem, for example. Secretary Hoover very correctly said in his speech a few days ago that a veritable witch's cauldron is being stirred up in that great industry by appeals to class hatred. Regardless of whether one agrees or not with the tentative valuation which the Interstate Commerce Commission has fixed as to the value of the railroads of the United States, he is bound to admit that it has taken lots of somebody's accumulated wealth to build them.

The number of railroad stockholders in 1920 was 700,795, according to Interstate Commerce Commission reports.

The exact number of railroad bondholders is not recorded, but is generally estimated at approximately 1,000,000 people, making the total number of security holders at the end of 1920 1,700,000.

Some of these stockholders and bondholders have large amounts invested and some have small amounts, but they all contribute to make up the sum and total of the whole.

If these people do not continue to furnish the money to finance the railroads for the future, and they certainly will not unless they are given at least a reasonable opportunity to earn fair returns on their investment, then, may I inquire, who will furnish the money?

Not likely the railroad employees, though it must be admitted that, based on 1921 salary earnings, they would within a few years be in a position to furnish a large amount of the capital needed if they cared to make the necessary savings and would invest it in that way.

For example, since 1916 the total compensation paid to railroad employees increased from \$1,500,000,000 in that year to \$3,700,000,000 in 1921, an increase of \$2,200,000,000 per annum. If the railroad employees want to own the railroads let them

accumulate but one-half annually of the amount of such increase and they could take such accumulations and at the present value of railroad stocks in less than four years could purchase controlling interest in all the railroads of the United States. Bonds would not have to be purchased because control of the properties depends upon the ownership of the stock, and it is my understanding that there is about six and one-half billions capital stock outstanding, while the outstanding bonds is upward of \$10,000,000,000—

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. McSWAIN. I would ask the gentleman whether the railroad employees would be able to save one-half of these additional earnings, if the whole of the additional earnings are to be spent in added rents, in added cost of groceries, and added cost of clothes?

Mr. BLACK. No. If such were true they could not. But such is not the case. In my judgment this increase of \$2,200,000,000 in compensation over the figures of 1916 has given the railroad employees very excellent opportunity to make some substantial accumulations. Whether they have done so I do not presume to say; but if they have done so they have not invested such savings in railroad securities. I am making no attack upon the railroad employees. I am simply calling attention to a very important question. Somebody has got to furnish finances to operate the railroads or the employees will have no employment and the country will have no adequate transportation. If the more than a million and half investors in stocks and bonds are not given an opportunity to earn a fair return on their investments then they will simply not invest, and the Government will have to step in and furnish the finances or the whole railroad development will come to a halt.

I trust the gentleman from South Carolina is not one of those who holds to the theory that a nation can abolish poverty by destroying wealth. That is a very interesting theory, but not a new one at all. It has been tried out, off and on, for 6,000 years, and always with disaster. Lenin and Trotsky are trying the experiment in Russia, and to-day that vast country, which was once the granary of Europe, has fifteen or twenty millions of its people starving to death and have to receive a good part of their scanty sustenance from the United States, which Trotsky denounced a few years ago when leaving it as the "damn capitalist country."

Mr. McSWAIN. Mr. Chairman, I would suggest to the gentleman that I did not attack his political philosophy or question his political economy. I merely questioned the soundness of his arithmetic.

Mr. BLACK. I am glad to hear the gentleman say that, for I have the highest respect for him.

Now, Mr. Chairman, let me say, in conclusion, that notwithstanding the complexities of modern industrial and economic problems, we will do well to adhere to the principles of the American Constitution in effecting their solution. We should not be ready to embrace the shallow and specious arguments of some irresponsible agitators of the present day. The newest is not always the best.

The hero of an hour will pass as quickly as he came. The flash light will dazzle and blind, but when the eyes are rubbed the impression will have passed away. And men are like impressions. There are more of the flash-light kind than there are fireflies on a summer's night, but there are some who are carved along deep lines for great purposes. It was these kind of men who wrote the Declaration of Independence and framed our Constitution.

And faded will be the glory of the country and feeble will be our love for the liberty of our fathers when we shall turn our backs in repudiation of their greatest handiwork.

The Clerk read as follows:

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, \$12,000.

Mr. LONDON. Mr. Chairman, I move to strike out the last word. The House has not the time to listen to a discussion of the numerous questions presented by the gentleman from Texas [Mr. BLACK]. But when the gentleman from Texas speaks of the Constitution and the Declaration of Independence in the same breath he makes a very serious historical error. The Declaration of Independence represents a period of democratic enthusiasm, while the Constitution of 1787 represents a period of reaction, of fear of democracy. The builders of the Constitution sought to establish a form of government which should retain the power of government in the hands of those who owned property. The Declaration of Independence was the greatest document in the history of the struggle of mankind for liberty. It proclaims that all men are born free and equal.

Of course, that is not exactly true. When born, men are equal in their helplessness only, and the helpless are not free. The Declaration of Independence announced the noblest ideal ever presented to mankind. The framing of the Constitution, as the gentleman knows, followed a period of confusion, of chaos. It was the result of the effort of a young democracy to place itself on its feet. It was a very successful effort, it is true, to establish a stable form of government, but it was a departure from the Declaration. I can not go into that any further. All I want for the present to say to the gentleman from Texas is that when he talks of accumulated capital as the result of saving, he repeats an old piece of nonsense contained in textbooks of economists who have long ago been repudiated by thinking men. Take the gentleman's proposition of saving on an income of \$1,800 per year. Let us assume that a man saves \$800 a year. If he lives a thousand years he will have saved \$800,000. Unless the gentleman can provide a remedy, can show us how we can live for 1,000 years and thus save \$800,000, his entire economic structure falls to the ground.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last two words. I do not expect to take very much time, but I do want to set forth my entire dissent to the proposition advanced a few minutes ago that from the Declaration of Independence to the adoption of the Constitution this country was festering with chaos and anarchy. If there ever was a time when statesmanship was displayed it was displayed in the first place in winning the Revolutionary War and in the next place in working out a situation which brought about the adoption of the Constitution, the foundation of this great Government, and instead of chaos and anarchy there never was a time when in this country rights were more rigidly regarded and more sacredly enforced than by the fathers of this country at that time. That is all I want to say. I dissent from that proposition distinctly.

The Clerk read as follows:

During the fiscal year 1923 any executive department or independent establishment of the Government ordering printing and binding from the Government Printing Office shall pay promptly by check to the Public Printer upon his written request, either in advance or upon completion of the work, all or part of the estimated or actual cost thereof, as the case may be, and bills rendered by the Public Printer in accordance herewith shall not be subject to audit or certification in advance of payment: *Provided*, That proper adjustments on the basis of the actual cost of delivered work paid for in advance shall be made monthly or quarterly and as may be agreed upon by the Public Printer and the department or establishment concerned. All sums paid to the Public Printer for work that he is authorized by law to do shall be deposited to the credit, on the books of the Treasury Department, of the appropriation made for the working capital of the Government Printing Office, for the year in which the work is done, and be subject to requisition by the Public Printer.

Mr. GARRETT of Tennessee. Mr. Chairman, I reserve a point of order upon the paragraph. I think the proposition requires some explanation, being a departure in law.

Mr. ANDERSON. Of course, if the gentleman desires me to make a statement in respect to it, I will say that all of these items asked for public printing and binding, page 33, are parts of the same general plan. I do not know whether the gentleman was here when I made a statement at the beginning of the debate or not, but I will be glad to repeat what I said. The gentleman knows there are two methods of making appropriation now for work in the Government Printing Office. One of those is being made by the allotment method. Under that the appropriation has heretofore been made, some five or six million dollars, directly to the Government Printing Office. This appropriation has been allotted to the various Government departments in specific amounts. Whenever printing was ordered by a department from the Government Printing Office which was authorized by law, the amount of the printing was charged against the allotment of the department which had ordered the printing. In addition, in all bills, or practically all bills, appropriating for the various departments there were items for printing specifically and other items which could be used for the purpose of obtaining printing at the Government Printing Office. In the case of those appropriations payment was made by the department direct to the Government Printing Office for the printing that they ordered. The proposition of this bill is to put all printing upon one basis, that is, upon the repay basis by which the amount for printing for each department will be appropriated directly for that department. In that way we hope eventually to collect all items for printing for each department under a single item, so we will know exactly what the printing for each department is costing.

Mr. GARRETT of Tennessee. May I ask the gentleman?

Mr. ANDERSON. Yes.

Mr. GARRETT of Tennessee. Why the necessity for the provision contained in part of line 18, page 35—

and bills rendered by the Public Printer in accordance herewith shall not be subject to audit or certification in advance of payment.

Mr. ANDERSON. The object of it is simply to establish a credit to the department in order to avoid a period during which under this scheme the Printing Office might have no money with which to pay employees and buy material which it was necessary to purchase in order to do the printing.

Mr. GARRETT of Tennessee. Of course, this means that there will be no audit at all?

Mr. ANDERSON. Oh, yes; there will be the regular audit after payment is made.

Mr. GARRETT of Tennessee. But no effective audit if the money is paid.

Mr. MANN. The money is paid only by transfer on the books.

Mr. ANDERSON. And a settlement has to be reached between the Government Printing Office and the department before they have an audit.

Mr. MANN. Certainly. It is only a transfer on the books anyhow. And this is through transfer so the Printing Office will have money to its credit without waiting a year.

Mr. ANDERSON. That is all it amounts to.

Mr. GARRETT of Tennessee. I withdraw the reservation.

Mr. LONDON. Mr. Chairman, I move to strike out the last word, for the purpose of calling attention to the condition in the office of the Public Printer so far as employment is concerned. I have been informed that a number of men have been discharged in the bookbinding department. I assume that the Public Printer has been compelled to discharge a number of employees by reason of the economies forced in every department or by reason of lack of work.

What I would like to suggest to the Public Printer is that he should at least follow the recommendations adopted by the unemployment conference which was called by the President. While the conference did not accomplish very much, it did, among other things, recommend to private employers that in reducing their force, instead of entirely separating men from their jobs, they should divide the work on hand among as many employees as possible. The conference advised that employers should retain all workers, if possible, so as to distribute the opportunities of employment among the largest possible number of workers.

Mr. ANDERSON. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. ANDERSON. Of course, that will work out in a plant where ultimately you can expect to get up to the peak of employment you had. But here is a plant where the department is overmanned from any point of view of requirement in the future.

Mr. LONDON. The practice I am now suggesting was the practice, to an extent, at least, of the former Public Printer. I understand he found a way of applying that principle to some extent.

Mr. ANDERSON. They were taking them on then.

Mr. LONDON. You take a number of men, place them in positions which they believe to be permanent, and then throw them out of employment. I submit that in so acting you inflict an injury the effect of which should be softened as much as possible by a considerate employer.

The Clerk read as follows:

For furniture and fixtures, typewriters, carpets, labor-saving machines and accessories, time stamps, adding and numbering machines, awnings, curtains, books of reference, directories, books, miscellaneous office and desk supplies; paper; twine, glue, envelopes, postage, car fares, soap, towels, disinfectants, and ice; drayage, express, freight, telephone and telegraph service; repairs to building, elevators, and machinery; preserving sanitary condition of building, light, heat, and power; stationery and office printing, including blanks, price lists, and bibliographies, \$39,000; for catalogues and indexes, not exceeding \$16,000; for supplying books to depository libraries, \$75,000; equipment, material, and supplies for distribution of public documents, \$35,000; in all, \$165,000: *Provided*, That no part of this sum shall be used to supply to depository libraries any documents, books, or other printed matter not requested by such libraries.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I think we have usually carried the item for binding reserve remainders. That seems to be left out in this bill. What might be the purpose, may I ask?

Mr. ANDERSON. My recollection is, I will say to the gentleman, that was proposed to be stricken out by the Budget Commission in making the estimate. I do not know what the reason was.

Mr. MANN. What do they know about it? However, if the gentleman does not have the information, I will let it go.

Mr. ANDERSON. I do not have it in mind, and I do not recall any testimony on it.

Mr. MANN. I wish I knew.

The Clerk concluded the reading of the bill, as follows:

In order to keep the expenditures for printing and binding for the fiscal year 1923 within or under the appropriations for such fiscal year, the heads of the various executive departments and independent establishments are authorized to discontinue the printing of annual or special reports under their respective jurisdictions: *Provided*, That where the

printing of such reports is discontinued, the original copy thereof shall be kept on file in the offices of the heads of the respective departments or independent establishments for public inspection.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What is proposed by this? Do you propose that they shall not print their annual reports?

Mr. ANDERSON. No. This item was carried last year. The object, if I understand, was to cut out a good deal of detail in the reports which was wholly unnecessary and which really added nothing to the sum total of human knowledge. And I understood as a result of this provision there has been a very large reduction in the volume of departmental reports and in the cost of printing them as well.

Mr. MANN. You say this was carried last year? What was it carried in?

Mr. ANDERSON. In the sundry civil bill. And it had such good results last year that we thought we would carry it again and see if we could scrape up a little bit.

Mr. MANN. Very well.

I withdraw the point of order.

Mr. ANDERSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. ANDERSON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BLANTON. Mr. Speaker, I demand a separate vote on the Roach amendment.

The SPEAKER. The question is on the other amendments. The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment by Mr. ROACH: Page 18, after line 8, insert a new paragraph as follows:

"For packing boxes, \$4,500."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the Chair was in doubt.

Thereupon the House divided; and there were—ayes 40, noes 5.

Mr. BLANTON. Mr. Speaker, I object to the vote because a quorum has not voted, and I make the point of order there is no quorum present.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. Those in favor of the amendment will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 190, nays 79, answered "present" 1, not voting 160, as follows:

YEAS—190.

Ackerman	Cole, Iowa	Fairfield	Hutchinson
Anderson	Cole, Ohio	Favrot	Johnson, Wash.
Andrew, Mass.	Collins	Fish	Jones, Pa.
Andrews, Nebr.	Colton	Fitzgerald	Kearns
Anthony	Connolly, Pa.	Focht	Kendall
Arentz	Cooper, Ohio	Foster	Ketcham
Atkeson	Cooper, Wis.	Frear	Kieck
Bacharach	Copley	Free	King
Barbour	Coughlin	French	Kinkaid
Beck	Cramton	Frothingham	Kissel
Beug	Cullen	Fuller	Kline, Pa.
Bixler	Curry	Gensman	Lampert
Biles	Dale	Glynn	Larson, Minn.
Bond	Dallinger	Graham, Ill.	Layton
Bowers	Darrow	Green, Iowa	Lazaro
Brooks, Ill.	Davis, Minn.	Greene, Mass.	Leatherwood
Brooks, Pa.	Davis, Tenn.	Grest	Lee, N. Y.
Browne, Wis.	Deal	Hadley	Little
Burdick	Dempsey	Hardy, Colo.	London
Burtness	Dickinson	Hardy, Tex.	Luce
Burton	Dominick	Harrison	Luhning
Butler	Dowell	Hayden	McArthur
Cable	Drane	Herrick	McClintic
Campbell, Kans.	Dunbar	Hersey	McCormick
Campbell, Pa.	Dupré	Hickey	McDuffie
Cannon	Echols	Hicks	McFadden
Chalmers	Elliott	Himes	McLaughlin, Mich.
Chindblom	Ellis	Huddleston	McLaughlin, Nebr.
Christopherson	Evans	Humphreys	McLaughlin, Pa.
Clark, Fla.	Fairchild	Husted	McPherson

Madden	Olpp	Shelton	Ten Eyck
Magee	Osborne	Shreve	Towner
Maloney	Perkins	Sinclair	Tyson
Mann	Petersen	Smith, Idaho	Vaile
Mapes	Radcliffe	Smith, Mich.	Voigt
Millsbaugh	Raker	Snell	Volstead
Mondell	Ransley	Snyder	Walsh
Montoya	Reed, N. Y.	Speaks	Walters
Moore, Va.	Reed, W. Va.	Stephens	Wason
Moore, Ind.	Rhodes	Stevenson	Webster
Morgan	Riddick	Strong, Pa.	White, Kans.
Mott	Roach	Summers, Wash.	Wilson
Murphy	Robison	Sweet	Wood, Ind.
Nelson, A. P.	Rosendale	Swing	Woodruff
Nelson, J. M.	Sanders, N. Y.	Tague	Woodyard
Newton, Mo.	Schall	Taylor, Ark.	Young
Norton	Scott, Tenn.	Taylor, N. J.	
O'Connor	Sears	Temple	

NAYS—79.

Almon	Doughton	Lowrey	Scott, Mich.
Aswell	Fields	McSwain	Sisson
Bankhead	Fisher	Michener	Stafford
Barkley	Fulmer	Montague	Steagall
Beedy	Gahn	Moore, Ill.	Stedman
Bell	Garner	Moore, Ohio	Stoll
Black	Garrett, Tenn.	Oldfield	Strong, Kans.
Bland, Ind.	Gilbert	Overstreet	Summers, Tex.
Bland, Va.	Hammer	Paige	Swank
Blanton	Hoch	Park, Ga.	Tillman
Bowling	Jacoway	Parks, Ark.	Vinson
Box	Jeffers, Ala.	Pou	Watson
Brand	Johnson, Miss.	Quin	Weaver
Briggs	Jones, Tex.	Ramseyer	White, Me.
Buchanan	Klecza	Rankin	Williams
Bulwinkle	Lanham	Rayburn	Williamson
Byrns, Tenn.	Lankford	Ricketts	Wingo
Cockran	Larsen, Ga.	Rouse	Woods, Va.
Connally, Tex.	Linthicum	Sanders, Tex.	Wright
Crisp	Logan	Sandlin	

ANSWERED "PRESENT"—1.

Collier

NOT VOTING—160.

Ansorge	Goldsborough	Lawrence	Rosenberg
Appleby	Goodykoontz	Lea, Calif.	Rogers
Benham	Gorman	Lee, Ga.	Rose
Bird	Gould	Lehlbach	Rosenbloom
Blakeney	Graham, Pa.	Lineberger	Rucker
Brennan	Greene, Vt.	Longworth	Ryan
Brinson	Griffin	Lyon	Sabath
Britten	Haugen	McKenzie	Sanders, Ind.
Brown, Tenn.	Hawes	MacGregor	Shaw
Burke	Hawley	Mansfield	Siegel
Burroughs	Hays	Martin	Sinnot
Byrns, S. C.	Hill	Mead	Slomp
Cantrill	Hogan	Merritt	Smithwick
Carew	Hooker	Michaelson	Sproul
Carter	Houghton	Miller	Steenerson
Chandler, N. Y.	Hudspeth	Mills	Stiness
Chandler, Okla.	Hukriede	Morin	Sullivan
Clague	Hull	Mudd	Taylor, Colo.
Clarke, N. Y.	Ireland	Newton, Minn.	Taylor, Tenn.
Classon	James	Nolan	Thomas
Clouse	Jeffers, Nebr.	O'Brien	Thompson
Codd	Johnson, Ky.	Ogden	Tilson
Connell	Johnson, S. Dak.	Oliver	Timberlake
Crago	Kahn	Padgett	Tincher
Crowther	Keller	Parker, N. J.	Tinkham
Denison	Kelley, Mich.	Parker, N. Y.	Treadway
Drewry	Kelly, Pa.	Parrish	Underhill
Driver	Kennedy	Patterson, Mo.	Upshaw
Dunn	Kincheloe	Patterson, N. J.	Vare
Dyer	Kindred	Perlman	Vestal
Edmonds	Kirkpatrick	Porter	Voik
Faust	Kitchin	Pringey	Ward, N. Y.
Fenn	Kline, N. Y.	Purnell	Ward, N. C.
Fess	Knight	Rainey, Ala.	Wheeler
Fordney	Knutson	Rainey, Ill.	Winslow
Freeman	Kopp	Reavis	Wise
Funk	Kraus	Reber	Wurzbach
Gallivan	Kreider	Reece	Wyant
Garrett, Tex.	Kunz	Riordan	Yates
Gerner	Langley	Robertson	Zihlman

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. PATTERSON of Missouri with Mr. SMITHWICK.

Mr. DUNN with Mr. BYRNS of South Carolina.

Mr. KAHN with Mr. RIORDAN.

Mr. GRAHAM of Pennsylvania with Mr. DREWRY.

Mr. LAWRENCE with Mr. LEE of Georgia.

Mr. GORMAN with Mr. PADGETT.

Mr. PATTERSON of New Jersey with Mr. WISE.

Mr. WINSLOW with Mr. THOMAS.

Mr. REECE with Mr. GARRETT of Texas.

Mr. KLINE of New York with Mr. CAREW.

Mr. DENISON with Mr. RAINEY of Illinois.

Mr. LINEBERGER with Mr. KITCHIN.

Mr. CHANDLER of Oklahoma with Mr. MEAD.

Mr. BRENNAN with Mr. UPSHAW.

Mr. MUDD with Mr. BRINSON.

Mr. TILSON with Mr. HAWES.

Mr. ROSE with Mr. LEA of California.

Mr. WHEELER with Mr. KINDRED.

Mr. OGDEN with Mr. MARTIN.
 Mr. KELLER with Mr. O'BRIEN.
 Mr. FAUST with Mr. DRIVER.
 Mr. THOMPSON with Mr. GALLIVAN.
 Mr. RODENBERG with Mr. RUCKER.
 Mr. GERNEERD with Mr. SULLIVAN.
 Mr. APPLEBY with Mr. GOLDSBOROUGH.
 Mr. CONNELL with Mr. PARRISH.
 Mr. FESS with Mr. GRIFFIN.
 Mr. PURNELL with Mr. HUDSPETH.
 Miss ROBERTSON with Mr. OLIVER.
 Mr. HILL with Mr. JOHNSON of Kentucky.
 Mr. BIRD with Mr. CARTER.
 Mr. CORD with Mr. WARD of North Carolina.
 Mr. HOGAN with Mr. HOOKER.
 Mr. MICHAELSON with Mr. KUNZ.
 Mr. VARE with Mr. LYON.
 Mr. REBER with Mr. CANTILL.
 Mr. VOLK with Mr. SABATH.
 Mr. REAVES with Mr. KINCHELOE.
 Mr. MORIN with Mr. TAYLOR of Colorado.
 Mr. HUKRIEDE with Mr. RAINEY of Alabama.
 Mr. COLLIER. Mr. Speaker, is the gentleman from Massachusetts [Mr. TREADWAY] recorded?

The SPEAKER. He is not recorded.
 Mr. COLLIER. I have a pair with him. If he were here, I would vote "no." As it is, I vote "present."
 The result of the vote was announced as above recorded.
 The SPEAKER. The Doorkeeper will open the doors.
 The doors were opened.
 The SPEAKER. The question is on the engrossment and third reading of the bill.
 The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
 On motion of Mr. ANDERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:
 H. R. 8762. An act to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 2468. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin;

S. 2994. An act to revive and reenact the act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island, in Baldwin and Mobile Counties, Ala.," approved October 5, 1917;

S. 1831. An act to amend section 237 of the Judicial Code;

S. 2124. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama;

S. 2802. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

S. J. Res. 99. Joint resolution providing a site upon public grounds in the city of Washington, D. C., for the erection of a statue of Dante; and

S. J. Res. 140. Joint resolution relative to payment of tuition for Indian children enrolled in Montana State public schools.

LEAVE OF ABSENCE.

Mr. YATES, by unanimous consent (at the request of Mr. BROOKS of Illinois), was granted leave of absence indefinitely on account of private business.

INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10329, the Interior Department appropriation bill.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10329, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman does not care to take up that bill this afternoon, does he?

ADJOURNMENT.

Mr. CRAMTON. No; due to the necessary absence of my colleague from Oklahoma [Mr. CARTER]. Pending that motion, Mr. Speaker, I move that the House adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Friday, February 10, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

518. A letter from the Secretary of the Navy, transmitting statement of documents and publications printed by the Navy Department during the fiscal year ended June 30, 1921, together with the cost of preparation and the number of copies printed and distributed; to the Committee on Printing.

519. A letter from the Secretary of the Treasury, transmitting report showing the number of documents received and distributed by the Treasury Department during the calendar year ended December 31, 1921, together with the number remaining on hand January 1, 1922; to the Committee on Printing.

520. A letter from the Secretary of the Interior, transmitting report of the proposed irrigation project, Colorado River Indian Reservation, Arizona-California; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Idaho: Committee on the Public Lands. H. R. 9499. A bill to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands; with amendments (Rept. No. 687). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 10003. A bill to further amend and modify the war risk insurance act; with an amendment (Rept. No. 688). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LOGAN: Committee on Claims. H. R. 8448. A bill for the relief of Joseph Zitek; with an amendment (Rept. No. 685). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8767. A bill for the relief of F. E. Taylor and B. C. Broom; with an amendment (Rept. No. 686). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINCHER: A bill (H. R. 10348) authorizing the use of a special canceling stamp in the Hutchinson (Kans.) post office; to the Committee on the Post Office and Post Roads.

By Mr. PORTER: A bill (H. R. 10349) for the promotion of certain officers of the United States Army now on the retired list; to the Committee on Military Affairs.

By Mr. DARROW: A bill (H. R. 10350) authorizing the Secretary of the Navy to accept certain sites on the Pacific coast for naval purposes; to the Committee on Naval Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 10351) to establish a fish-hatching and fish-cultural station in the State of Idaho; to the Committee on the Merchant Marine and Fisheries.

By Mr. RAMSEYER: A bill (H. R. 10352) to amend an act entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," approved November 23, 1921, and to provide for the payment of adjusted compensation to the veterans of the World War, and for other purposes; to the Committee on Ways and Means.

By Mr. NOLAN: A bill (H. R. 10353) to prepare for future cyclical periods of depression and unemployment by systems of public works; to the Committee on Labor.

By Mr. ROBSION: Resolution (H. Res. 283) directing the Committee on Mines and Mining to investigate conditions prevailing in the United States in the coal-mining industry; to the Committee on Rules.

By Mr. SCOTT of Michigan: Resolution (H. Res. 284) providing for services of an additional clerk for the Committee on the Territories; to the Committee on Accounts.

By Mr. BYRNS of Tennessee: Resolution (H. Res. 285) requesting the President to inform the House of Representatives in regard to savings made in appropriations by Director of the Budget; to the Committee on Appropriations.

By Mr. MOORE of Virginia: Memorial of the Legislature of the State of Virginia, memorializing the Congress of the United States for amendments to the act to regulate commerce and to the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS of Illinois: A bill (H. R. 10354) granting a pension to Charles L. Dewey; to the Committee on Pensions.

Also, a bill (H. R. 10355) granting a pension to Hester Co-hoon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10356) granting an increase of pension to Lura Hines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10357) granting a pension to Mary E. Hollingsworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10358) granting a pension to Ellen Unfleet; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 10359) granting an increase of pension to Annie Murphey; to the Committee on Pensions.

By Mr. DALLINGER: A bill (H. R. 10360) granting a pension to Julia E. Good; to the Committee on Pensions.

By Mr. FAVROT: A bill (H. R. 10361) authorizing the sale and patent of certain alleged public lands in Louisiana; to the Committee on the Public Lands.

By Mr. McPHERSON: A bill (H. R. 10362) granting a pension to Theresa A. Hunter; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 10363) granting a pension to William W. Moore; to the Committee on Pensions.

By Mr. PRINGEY: A bill (H. R. 10364) for the relief of Christopher M. Ladd; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 10365) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation in Idaho; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 10366) granting an increase of pension to Catherine O'Leary; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10367) for the relief of Artemus W. Pentz; to the Committee on Claims.

By Mr. ZIEHLMAN: A bill (H. R. 10368) granting an increase of pension to Wilson N. Fuller; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3924. By Mr. CULLEN: Resolutions adopted by the Merchants' Association of New York, relative to the Great Lakes waterway; to the Committee on Interstate and Foreign Commerce.

3925. By Mr. FULLER: Petition of A. A. Carlson and 52 other citizens of Rockford, Ill., favoring speedy enactment of a protective tariff bill with adequate protective rates based on American labor costs and American living standards; to the Committee on Ways and Means.

3926. By Mr. GALLIVAN: Petition of Messrs. F. L. Dunne & Co. and Walter C. Brooks & Co. (Ltd.), protesting against paragraph 1678, page 200, lines 11 to 15, in House bill 7456; to the Committee on Ways and Means.

3927. By Mr. KING: Petition from Dora Andrews, president, and other members of the Presbyterian Church, of Geneseo, Ill., opposing polygamy and polygamous living; to the Committee on the Judiciary.

3928. By Mr. KISSEL: Petition of C. O. D. postage permit, Buffalo, N. Y., urging the passage of House bill 9722; to the Committee on the Post Office and Post Roads.

3929. Also, petition of village of Spina, St. Louis County, Minn., urging the speedy enactment of the joint resolution making Columbus day a legal holiday; to the Committee on the Judiciary.

3930. Also, petition of Harrison, Smith & Co., of Philadelphia, Pa., opposing the proposed soldier bonus bill; to the Committee on Ways and Means.

3931. By Mr. MERRITT: Petition of Local Branch, No. 24, Pan-Albanian Federation of America, of Bridgeport, Conn., favoring the recognition of Albania by the United States; to the Committee on Foreign Affairs.

3932. By Mr. MORIN: Petition of 40 employees of Post & Flagg, of Pittsburgh, Pa., protesting against the enactment of the adjusted compensation bill; to the Committee on Ways and Means.

3933. By Mr. A. P. NELSON: Petition of Beloit Chamber of Commerce, of Beloit, Wis., registering its two votes in the affirmative on each of the four questions in referendum No. 38, being the report of the national chamber on legislation for the Veterans of the World War; to the Committee on Ways and Means.

3934. Also, petition of Northern Hemlock and Hardwood Manufacturers' Association, approving the Great Lakes waterway; to the Committee on Interstate and Foreign Commerce.

3935. Also, petition of the Northern Hemlock and Hardwood Manufacturers' Association, protesting against the transfer of the Forest Service; to the Committee on Agriculture.

3936. Also, petition of citizens of Superior, Wis., protesting against the passage of House bill 4388; to the Committee on the District of Columbia.

3937. Also, petition of the Northern Hemlock and Hardwood Manufacturers' Association, favoring Lakes States experiment station; to the Committee on Appropriations.

3938. By Mr. PAIGE: Petition of John H. Dixon and others, objecting to the false statements made by Judge Robert Marx relative to the electrical department of the United States Vocational Board Vocational School, No. 1; to the Committee on Interstate and Foreign Commerce.

3939. Also, petition of the Pan Albanian Federation of America "Vatra" (the Hearth) (Inc.), Local Branches Nos. 10, 35, and 72, urging the recognition of the Government of Albania by the United States; to the Committee on Foreign Affairs.

3940. By Mr. ROACH: Petition of citizens of Moniteau and Cole Counties, in Missouri, asking for a revival of the United States Grain Corporation act, or some measure for stabilizing agricultural products; to the Committee on Agriculture.

3941. By Mr. SNELL: Resolutions adopted by Massena Grange, No. 704, of Massena, N. Y., favoring the passing of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

3942. Also, resolutions adopted by Winthrop Grange, No. 538, at Winthrop, N. Y., petitioning Congress to pass the Voigt bill (H. R. 8086), which seeks to prohibit the movement of bogus milk in interstate commerce; to the Committee on Agriculture.

3943. Also, resolutions passed by Crary Mills Grange, No. 54, at Crary Mills, N. Y., petitioning Congress to secure the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

3944. Also, resolutions adopted by Parishville Grange, No. 928, at Parishville, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

3945. Also, resolutions adopted by Heuvelton Grange, No. 947, of Heuvelton, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

3946. By Mr. TAGUE: Resolution adopted by Major Grady Camp, No. 3, United Spanish War Veterans, of East Boston, Mass., urging that veterans of the War with Spain participate in the benefits of the so-called soldier bonus bill now being considered by Congress; to the Committee on Ways and Means.

3947. Also, resolution adopted by Colonel Fred B. Bogan Camp, United Spanish War Veterans, of Charlestown, Mass., urging that veterans of the War with Spain participate in the benefits of the soldier bonus now under consideration by Congress; to the Committee on Ways and Means.

3948. By Mr. TINKHAM: Letter from F. W. Hunnewell, secretary to Harvard University, transmitting a copy of a resolution passed by the president and fellows of Harvard College, protesting against the provision of the pending tariff bill which provides for a heavy duty on foreign books; to the Committee on Ways and Means.

3949. Also, resolution adopted by the Department of Massachusetts, Veterans of Foreign Wars, relative to the recent order issued by the Secretary of the Navy; to the Committee on Naval Affairs.

3950. By Mr. WOODYARD: Petition of Palestine Council, No. 33, Junior Order United American Mechanics, of Palestine, W. Va., and Katherine Taylor, secretary State Council of West Virginia, Daughters of America, of Huntington, W. Va., favoring passage of the Sterling-Towner bill; to the Committee on Education.

3951. By Mr. YOUNG: Petition of Anton Struxness, of Woodworth, N. Dak., and six others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3952. Also, petition of C. P. Skramstad, of Nome, N. Dak., and 18 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3953. Also, petition of Carl Skramstad, of Nome, N. Dak., and 19 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3954. Also, petition of E. O. Craig, of Esmond, N. Dak., and 92 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3955. Also, petition of S. M. Schmid, of Wishek, N. Dak., and 28 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3956. Also, petition of John Hill, of Wing, N. Dak., and 21 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3957. Also, petition of J. L. Pampas, of Bantry, N. Dak., and 42 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3958. Also, petition of Dazey Farmers' Cooperative Elevator Co. and 55 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3959. Also, petition of J. A. Moxness, of Bergen, N. Dak., and 81 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3960. Also, petition of Edward Fahey, of Mapes, N. Dak., and 46 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

SENATE.

FRIDAY, February 10, 1922.

(Legislative day of Friday, February 3, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Over-lue, its enrolling clerk, announced that the House had passed a bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Director of the United States Veterans' Bureau transmitting a list of useless records in that bureau having no historic value and requesting action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The President pro tempore appointed Mr. FREELINGHUYSEN and Mr. JONES of New Mexico members of the committee on the part of the Senate and ordered that the Secretary notify the House of Representatives thereof.

PETITIONS.

The PRESIDENT pro tempore laid before the Senate a telegram in the nature of a petition from the general secretary of the Federal Council of the Churches of Christ in America favoring the passage of Senate joint resolution 160, authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria September 4, 1920, for the purchase of wheat from the United States Grain Corporation, and for other purposes, which was referred to the Committee on Finance.

Mr. FLETCHER presented a petition of sundry citizens, firms, and organizations of Lake Worth, Fla., praying for immediate enactment of legislation to eliminate the war tax on telegrams, which was referred to the Committee on Finance.

Mr. CAPPER presented two petitions of sundry citizens of Kinsley, Brookville, and Falun, all in the State of Kansas, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices on certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. LADD presented a resolution adopted by the Board of County Commissioners of Bottineau County, N. Dak., favoring the enactment of legislation appropriating \$5,000,000 for the relief of farmers in drought-stricken regions, which was referred to the Committee on Agriculture and Forestry.

He also presented the petitions of J. D. St. Peter, of Parshall; J. L. Severson and 3 others, of Robinson; Edwin K. Eckre and 9 others, of Walcott; E. O. Nyhous and 27 others, of Ypsilanti and vicinity; W. J. Maddock and 23 others, of Plaza; L. Noltmiller and 47 others, of Valley City; John Nathan and 30 others, of Goodrich; C. Bertel and 35 others, of Windsor and vicinity; Lawrence Madland and 43 others, of McKenzie and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices on certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. SWANSON presented a joint resolution of the Legislature of Virginia, which was referred to the Committee on Interstate Commerce, as follows:

Joint resolution memorializing the Interstate Commerce Commission in regard to a reduction in freight rates.

Whereas the Interstate Commerce Commission is now holding in Washington a hearing on the question of reduction in freight rates and has invited shippers and others interested in the matter to give testimony;

Whereas carriers by railroad have been granted during the past three years an increase in freight rates of approximately 80 per cent;

Whereas commodities that constitute a large part of the tonnage handled by carriers are selling for about prewar prices, and many of these commodities can not be transported to market on the present freight rate without loss to producer;

Whereas markets where shippers formerly found ready sale for their products must be abandoned and business relations of long standing discontinued as a result of the percentage increase in freight rates;

Whereas since water rates have been reduced to practically prewar basis many all-rail shippers must lose their business or be ruined in competing with those shippers who enjoy water rates;

Whereas industrial plants are closed down or running part time, business is paralyzed, millions of men out of employment, tonnage handled by railroad carriers has fallen off, and nothing in sight to indicate an improvement in business conditions under present high freight rates;

Whereas a pyramiding of freight rates is unavoidable in the natural course of commerce (a half dozen freight charges often being made on the same article between producer and consumer);

Whereas this multiplicity of freight charges, of approximately 80 per cent more than they were prior to 1917, prevents such a reduction in living cost and rental charges as the present price of agricultural products and building material at point of production would seem to warrant; railroads says wages must be reduced before rates can be cut; labor is reluctant to accept a reduction because it has not seen a material reduction in the cost of living and rental charges; the producer of raw material must sell his product at prewar prices, and after the product has traveled the usual avenues of commerce and the multiplicity of freight charges are added to the first cost he must pay for it as a manufactured article at from 50 to 100 per cent more than prewar prices;

Whereas we believe a substantial reduction in freight rates is necessary and will materially aid in bringing about normal business conditions; that it will result in a revival of business and consequent increased tonnage to the carriers, which increased tonnage will more than offset revenue from rate reduction: Now, therefore, be it

Resolved by the senate (the house of delegates concurring): First, That the Interstate Commerce Commission be, and hereby is, memorialized and urged to order a substantial reduction in freight rates.

Second, That our Senators and Representatives in Washington be requested to favor the passage of such legislation as will enable the carriers to reduce expenses, so that employees may be warranted in accepting lower compensation by reason of less cost of living.

Third, That a certified copy of this preamble and these resolutions be transmitted to the Interstate Commerce Commission and to the Members of the Senate and House of Representatives from Virginia.

Agreed to by the senate January 25, 1922. O. V. HANGER,
Clerk of Senate.

Agreed to by the house of delegates January 26, 1922.
JNO. W. WILLIAMS,
Clerk of House of Delegates and
Keeper of the Rolls of Virginia.

Mr. SWANSON presented a joint resolution of the Legislature of Virginia, which was referred to the Committee on Interstate Commerce, as follows:

Joint resolution memorializing the Congress of the United States for amendments to the act to regulate commerce and to the transportation act of 1920.

Whereas the Interstate Commerce Commission has so construed the transportation act of 1920 (generally known as the Esch-Cummins Act) as to cause it to make orders advancing freight rates and passenger fares applicable to intrastate transportation in disregard of State laws and the orders of State commissions; and

Whereas such construction of said act is in direct contravention of the understanding had at the public hearings on the Esch-Cummins bill, as repeatedly stated by its patron, Senator CUMMINS, who has consistently stated that the effect of said act was never intended to interfere with the jurisdiction of State commissions over intrastate rates and fares, except to the extent already defined by the United States Supreme Court in the Shreveport cases; and

Whereas in certain recent cases the Interstate Commerce Commission has asserted that under said transportation act of 1920 it has the same authority over electric railroads that it has asserted in steam railroad cases, thereby abridging the constitutional regulatory powers of the States; and

Whereas it has shown to be impracticable for the Interstate Commerce Commission to attempt to supervise the distribution of cars on an equitable basis as between individual shippers throughout the United States, and there should be some governmental authority within reasonable reach to which appeal can be made to provide such equitable distribution of cars; and

Whereas by the said transportation act of 1920 the Interstate Commerce Commission is given exclusive authority to authorize the total abandonment of lines of railroad, and has exercised this authority at long range with apparent lack of complete information as to the local conditions: Therefore, be it

Resolved by the Senate of Virginia (the House of Delegates concurring), That we urge upon our Senators and Representatives in Congress to so amend the existing legislation as to clearly define and limit the powers of the Interstate Commerce Commission so that no intrastate rate or fare may be changed or set aside without proof by competent evidence, and upon findings of fact made, that the same injures a person or persons, or a locality or localities, engaged in interstate commerce to such an extent as seriously to diminish the business of such person or persons or seriously to retard growth and development of such locality or localities;

Resolved further, That our Representatives in Congress are requested to advocate the incorporation in such amendatory legislation through the Capper or Nicholson bills, or in some other way, a declaration of the purpose of Congress to recognize the rights of the several States to exercise full and final jurisdiction over all rates for intrastate transportation which do not injure persons or localities engaged in interstate commerce in the manner aforesaid; and

Resolved further, That said Representatives in Congress be respectfully urged to advocate such legislation that the regulatory authorities of the States may make reasonable orders and regulations, not in conflict with the Federal law or with lawful orders of the Interstate Commerce Commission, requiring cars within the respective borders of such States to be equitably distributed to shippers desiring same; and

Resolved further, That our Representatives in Congress be respectfully urged to advocate an amendment under the law so that certificates of convenience and necessity granted by the Interstate Commerce Commission shall not purport to relieve the carriers obtaining the same from conforming to the laws of the States with respect to construction and operation within the States for intrastate transportation, or with respect to the abandonment of such transportation; and

Resolved further, That copies of the foregoing preamble and of these resolutions be forwarded by the clerk to each Senator and Member of the House of Representatives in Congress from Virginia and to the chairmen of the Senate and House Committees on Interstate and Foreign Commerce.

Agreed to by the Senate January 25, 1922.

O. V. HANGER,
Clerk of Senate.

Agreed to by the House of Delegates January 26, 1922.

JNO. W. WILLIAMS,
Clerk of House of Delegates and Keeper of the Rolls of Virginia.

Mr. NELSON presented a resolution adopted by the board of directors of the Traverse County Farm Bureau, of Wheaton, Minn., favoring enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STANLEY:

A bill (S. 3131) granting a pension to Leona J. Johnson;

A bill (S. 3132) granting a pension to Mary Ellen Woodward;

A bill (S. 3133) granting a pension to George Price;

A bill (S. 3134) granting a pension to George T. Cooney; and

A bill (S. 3135) granting a pension to Charles C. Watson; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3136) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, and for other purposes; to the Committee on the District of Columbia.

By Mr. KING:

A bill (S. 3137) to declare the purpose of the people of the United States as to the political status of the people of Porto Rico, and to provide an autonomous government for the said

island, creating the Associated Free State of Porto Rico; to the Committee on Territories and Insular Possessions.

AMENDMENT OF DEPARTMENT OF JUSTICE APPROPRIATION BILL.

Mr. NELSON submitted an amendment proposing to appropriate \$5,000 for salary of the Chief Clerk of the Court of Claims, intended to be proposed by him to the Departments of State and Justice appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

PROPOSED ST. LAWRENCE RIVER IMPROVEMENT.

Mr. KING submitted the following resolution (S. Res. 235), which was referred to the Committee on Commerce:

Whereas the project for the canalization of the St. Lawrence River, and the development of hydraulic power in connection therewith, between Lake Ontario and the head of tidewater in the St. Lawrence River below the city of Montreal, at the joint expense of the Governments of the United States and the Dominion of Canada, contemplates that the Government of the United States shall contribute one-half of the cost of the construction of the necessary channels, dams, locks, and hydraulic works in that portion of the St. Lawrence River between the northern boundary of the State of New York and the mouth of the Richelieu River, which portion of the St. Lawrence River passes entirely through Canadian territory, and upon which the United States has no riparian rights, or rights with respect to the water power, and has no contact with the banks, or with the proposed navigable channels, canals, dams, locks, or hydraulic works, for which the Government of the United States is expected to appropriate one-half of the cost of construction: Now, therefore, be it

Resolved, That it is the sense of the Senate that, as a condition precedent to the Government of the United States joining with the Government of the Dominion of Canada in the construction of such works, the Dominion of Canada cede to the United States the territory lying between the Richelieu River, Lake Champlain, and the northern boundary of the State of New York, including the bank and the bed of the St. Lawrence River to the center of the channel thereof, from the point of intersection with the northern boundary of New York to the mouth of the Richelieu River, in order that the United States may become joint owner with the Dominion of Canada of the course of the St. Lawrence River to the head of tidewater below the city of Montreal, and joint owner with the Dominion of Canada in the proposed canals, channels, dams, locks, and hydraulic works, and of all rights of navigation and of water power appurtenant thereto.

HOUSE BILLS REFERRED.

The bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, was read twice by title and referred to the Committee on Appropriations.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The reading clerk proceeded to read the bill.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Last evening when we took a recess it was agreed by unanimous consent that the Senator from Alabama [Mr. HEFLIN] was to have the floor at the opening of the session this morning to proceed with his remarks.

The PRESIDENT pro tempore. The Chair observed that by unanimous consent the Senator from Alabama is entitled to the floor, but the Senator from Alabama is not here.

Mr. WARREN. The Senator from Alabama notified me through his secretary that he would be unable to finish his speech this morning on account of extreme hoarseness, and I was to say that to the Senate. I was waiting until perhaps we might have a fuller attendance. I wish to say now that the Senator from Alabama is entitled to the floor, but has relinquished it and sent word accordingly. So we may proceed with the appropriation bill.

Mr. BRANDEGEE. That being cleared up satisfactorily—Mr. HEFLIN entered the Chamber.

The PRESIDENT pro tempore. The Senator from Alabama is now present. The Senator from Alabama is entitled to the floor.

Mr. HEFLIN. Mr. President, I informed the Senator from Wyoming [Mr. WARREN] that I did not feel able to go on with my speech this morning and that he might proceed with the bill.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed.

The first amendment of the Committee on Appropriations was, on page 3, line 3, in the items for Office of the President, to increase the appropriation for printing and binding from \$3,000 to \$4,000.

The amendment was agreed to.

The next amendment was, on page 3, line 4, after the word "traveling," to insert "and official entertainment," so as to make the paragraph read:

Traveling expenses: For traveling and official entertainment expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, \$25,000.

The amendment was agreed to.

The next amendment was, on page 3, line 13, to increase the appropriation for fuel for the Executive Mansion and greenhouses from \$8,000 to \$12,000.

The amendment was agreed to.

The next amendment was, on page 3, to strike out lines 17 and 18 in the following words: "For reconstructing one greenhouse, Executive Mansion, \$5,000," and to insert, "For reconstructing greenhouses, Executive Mansion, \$6,000."

The amendment was agreed to.

The next amendment was, on page 4, after line 17, to insert:

ARLINGTON MEMORIAL BRIDGE COMMISSION.

To enable the commission created by section 23 of the public buildings act approved March 4, 1913, to investigate and report to Congress a suitable design for a memorial bridge across the Potomac River from the city of Washington to a point at or near the Arlington estate, in the State of Virginia, together with such surveys and estimates of cost as they may deem advisable, to be expended under the direction of the commission, and to remain available until expended, \$25,000.

The amendment was agreed to.

The next amendment was, on page 5, line 11, to strike out "\$125,000" and insert "\$150,000," so as to read:

For carrying on the work of the Bureau of Efficiency as authorized by law, including salaries and contingent expenses; supplies; stationery; purchase and exchange of equipment; printing and binding; traveling expenses; per diem in lieu of subsistence; not to exceed \$100 for law books, books of reference, and periodicals; and not to exceed \$150 for street car fare; in all, \$150,000.

The amendment was agreed to.

Mr. WARREN. In the items for the Bureau of Efficiency, on page 5, line 14, where the word "one" appears the second time, I move to amend by striking out "one" and inserting in lieu thereof "three" and the word "each" after the numerals; and in the same line where the word "six" occurs, to strike out the word "six" and insert the word "eight."

The PRESIDENT pro tempore. The proposed amendment.

The READING CLERK. On page 5, line 14, strike out the word "one" and insert in lieu thereof the word "three" and the word "each" after the numerals, and in the same line strike out the word "six" and insert in lieu thereof the word "eight," so as to read:

Three at \$4,250 each; eight at \$4,000 each.

The amendment was agreed to.

The next amendment was, under the subhead "Civil Service Commission," on page 5, line 19, before the word "each," to strike out "\$5,000" and to insert "\$6,000;" and on page 6, line 10, to increase the total from "\$305,420" to "\$308,420," so as to make the paragraph read:

CIVIL SERVICE COMMISSION.

Three commissioners, at \$6,000 each; chief examiner, \$3,500; secretary, \$2,500. *Provided*, That the secretary of the Civil Service Commission shall be deemed an employee for the purposes of this act; assistant chief examiner, \$2,400; chiefs of divisions—1 \$2,400 (who shall act as assistant secretary), 2 at \$2,000 each; certification clerk, \$2,000; examiners—7 at \$2,400 each, 3 at \$2,000 each, 6 at \$1,800 each; clerks—6 of class 4, 28 of class 3, 39 of class 2, 52 of class 1, 34 at \$1,000 each, 22 at \$900 each; messenger, \$840; assistant messenger, \$720; skilled laborer, \$720; 4 messenger boys, at \$420 each. Custodian force: Engineer, \$840; general mechanic, \$840; telephone switchboard operator, \$720; 2 firemen, at \$720 each; 2 watchmen, at \$720 each; 2 elevator conductors, at \$720 each; 3 laborers, at \$660 each; 4 charwomen, at \$240 each; in all, \$308,420.

Mr. CARAWAY. Mr. President, I wish to inquire, with reference to this amendment, the reason for increasing the salaries of the Civil Service Commissioners?

Mr. WARREN. I will state to the Senator that the Budget calls for \$7,500 each for the Civil Service Commissioners, as their duties are greatly increased. We have on several occasions heretofore attempted to raise their salaries, but we have not come together in both Houses. I think without a doubt they are earning the \$7,500 which the Budget estimate calls for, especially when we consider that so many of the newer commissioners, like the Federal Trade Commissioners and others, are paid \$10,000, who, of course, have less perhaps to do than the Civil Service Commissioners.

I will say to the Senator from Arkansas that in the bill the only salaries the committee has recommended to be increased are these three to be increased \$1,000 each, and another one to be increased \$400, which is the salary of a man in a very important office in charge of all of the many Government buildings and who has a large retinue of men under him.

Mr. CARAWAY. I sincerely hope the committee will recede from the proposed increase of salaries of the Civil Service Com-

missioners. With a general cutting of pay of people all over the country whose salaries are small, and with millions of men out of employment, I see no occasion for raising the salaries of commissioners who are receiving now \$5,000. The present commissioners are no better men than those who preceded them. One of the greatest men of the Republic served on that commission at \$5,000 a year and raised no complaint. Others went through all the time of increase of pay generally during the late war, and there was no increase of their pay.

I am going to say now the only unkind thing I have ever said about a man since I have been a Member of either branch of Congress, where he was not present to reply. The present Civil Service Commissioners are not entitled to an increase of pay. They are not entitled to it because they are not exercising the functions of their office with a fair and impartial judicial temperament. I know whereof I speak when I say that the commission is lending itself to the most outrageous abuses of candidates for offices in my own State. I speak of no other. They not only are refusing to grade certain papers so they thereby make others eligible but are refusing to permit anybody to see the papers. Certain papers which were graded and which showed the applicants were not entitled to ratings because graded as low as 60 per cent were seen by a politician from my State to have had those grades raised to 70 or 75 per cent. Men who are entitled to ratings can not get them. They will not pass on them at all, and will not permit anybody to see the papers. They are lending themselves to a positive fraud, and I am not going to permit any increase of their pay if I can help it. Of course, I may not be able to prevent it.

I say now in apology that this is the only time I have ever said anything unkind about anybody, in office or out of office, who was not able to reply in the same forum and at the same time. I realize that it is bad taste, but their conduct is so shocking that it has to be stated. I hope the Senate will not increase the pay of these men who are prostituting their offices for partisan purposes. I hope the Senator will withdraw the proposed amendment asking for an increase of pay.

Mr. WARREN. I wish to say to the Senator from Arkansas that I could not withdraw it, because it was acted on by the full Committee on Appropriations. I think, if the Senator wishes, and no one objects, we might lay it aside until we have a more complete attendance of the Senate.

Mr. CARAWAY. I was going to suggest that be done until others are present, because I do not care now to suggest the absence of a quorum, in order that others might vote upon it.

Mr. WARREN. I ask that the amendment may be passed over for the present.

The PRESIDENT pro tempore. Without objection, the amendment on page 5, line 19, will be passed over for the present, and also the amendment in line 10, page 6, increasing the total.

Mr. WARREN. I ask that the clerks at the desk be authorized to correct the totals, where necessary, when we finish the bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The next amendment was, on page 6, line 12, to strike out "\$56,780" and insert "\$100,000," so as to read:

For additional employees for the Civil Service Commission, \$100,000.

The amendment was agreed to.

Mr. WARREN. I desire to offer an amendment at this point, in order to enable the commission to conduct another line of investigation. We erred in inserting that amount in a lump sum in this place. I send to the desk two amendments, desiring that the one which is written in pencil may be first considered and that which is in typewriting be considered next.

The PRESIDENT pro tempore. The Secretary will state the first amendment proposed by the Senator from Wyoming.

The READING CLERK. On page 6, line 14, after the word "except," it is proposed to strike out "three" and insert in lieu thereof "five."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to. The Secretary will now state the second amendment proposed by the Senator from Wyoming.

The READING CLERK. On page 6, line 14, after the word "each" and before the period at the end of the line, it is proposed to insert a colon and the following proviso:

Provided further, That \$40,000 of this amount may be expended only in connection with all expenses incident to investigations and research as to the character and training and experience of applicants for examination.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 9, line 17, after the word "commission," to insert "by the officer in charge."

of public buildings and grounds, who shall be the secretary and shall act as the executive officer of said commission"; and in line 19, to strike out "\$6,000" and to insert "\$10,000," so as to read:

For expenses made necessary by the act entitled "An act establishing a Commission of Fine Arts," approved May 17, 1910, including the purchase of periodicals, maps, and books of reference, to be disbursed on vouchers approved by the commission by the officer in charge of public buildings and grounds, who shall be the secretary and shall act as the executive officer of said commission, \$10,000.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. McNARY. Mr. President, does that amendment contemplate an increase in the salaries under the commission?

Mr. WARREN. Oh, no; it is to cover all expenses.

Mr. McNARY. The amendment was stated so hurriedly that I did not catch its full import. I see now it is as stated by the Senator from Wyoming.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Commission of Fine Arts," on page 9, line 19, after the figures "\$10,000," to strike out the proviso in the following words:

Provided, That no person shall receive compensation hereunder at a rate exceeding \$1,800 per annum and only one person shall be employed at that rate: *Provided further*, That no part of this sum shall be expended for traveling expenses other than those incurred by members of the commission for actual travel only in going to and returning from Washington to attend the meetings of the commission.

The amendment was agreed to.

The next amendment was in the items for Employees' Compensation Commission, on page 10, line 7, after the words "special agents," to insert "2 at \$2,000 each"; in line 15, after the word "month," to strike out "\$8,000" and to insert "\$10,000"; and in the same line, to strike out "\$122,940" and to insert "\$128,940," so as to read:

EMPLOYEES' COMPENSATION COMMISSION.

Salaries: Three commissioners, at \$4,000 each; secretary, \$3,000; attorney, \$4,000; chief statistician, \$3,500; chief of accounts, \$2,500; assistant chief of accounts, \$1,600; accountant, \$2,250; claim examiners—chief, \$2,250, assistant \$2,000, assistant \$1,800, 5 assistants at \$1,600 each; special agents—2 at \$2,000 each, 2 at \$1,800 each, 2 at \$1,600 each; clerks—7 of class 3, 12 of class 2, 27 of class 1, 3 at \$1,000 each; chief telephone operator, \$1,000; messenger, \$840; experts and temporary assistants in the District of Columbia and elsewhere to be paid at a rate not exceeding \$8 per day, and temporary clerks, stenographers, or typists in the District of Columbia, to be paid at a rate not exceeding \$100 per month, \$10,000; in all, \$128,940.

The amendment was agreed to.

The next amendment was, on page 10, line 23, to increase the appropriation for contingent expenses Employees' Compensation Commission from "\$19,000" to "\$20,000."

The amendment was agreed to.

The next amendment was, on page 11, line 6, after the numeral "11," to insert "and advancement of costs for the enforcement of recoveries provided in sections 26 and 27 where necessary, and not exceeding \$25 in any one case"; so as to make the paragraph read:

Employees' compensation fund: For the payment of compensation provided by "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, including medical, surgical, and hospital services, and supplies provided by section 9, and the transportation and burial expenses provided by sections 9 and 11 and advancement of costs for the enforcement of recoveries provided in sections 26 and 27 where necessary, and not exceeding \$25 in any one case, accruing during the fiscal year 1923 or in prior fiscal years, \$2,500,000.

The amendment was agreed to.

The next amendment was, on page 12, line 2, to increase the appropriation for authorized expenditures of the Federal Trade Commission from "\$800,000" to "\$900,000."

The PRESIDENT pro tempore. The question is on the amendment reported by the Committee on Appropriations.

Mr. McNARY. Mr. President, it was not thought that this appropriation bill would come up so early this morning. It contains a number of important items, and many Senators desire to be present when they are considered. We have reached one such item now, and I think it is proper that I suggest the absence of a quorum, in order that absent Senators may be notified that we are working on a bill that is of very great importance. I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Brandegge	Hale	Moses	Pepper
Cameron	Harris	Myers	Philips
Capper	Healin	Nelson	Sheppard
Caraway	Jones, Wash.	Norris	Wadsworth
Cummins	Kendrick	Oddie	Warren
Fletcher	Keyes	Overman	Williams
Gerry	McNary	Page	

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOR], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], and the Senator from Indiana [Mr. WATSON] are detained from the Senate in attendance upon the Committee on Finance.

The PRESIDENT pro tempore. Twenty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Kellogg	Newberry	Sutherland	Watson, Ga.
Lenroot			

The following Senators entered the Chamber and answered to their names:

Ball	Ernst	Lodge	Stanley
Borah	Fernald	Ransdell	
Colt	La Follette	Stanfield	

The PRESIDENT pro tempore. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. WARREN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

The following Senators entered the Chamber and answered to their names:

Bursum	Harreld	Jones, N. Mex.	Sterling
Culberson	Kenyon	Pittman	Weller
Frelinghuysen	King	Simmons	

Mr. CARAWAY. I desire to announce that the junior Senator from South Carolina [Mr. DIAL] is detained by illness.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present. The Secretary will state the pending amendment.

The READING CLERK. On page 12, line 2, after the word "act," it is proposed to strike out "\$800,000" and insert "\$900,000."

The amendment was agreed to.

The READING CLERK. On page 12 the committee proposes to strike out lines 4 to 24, both inclusive, and on page 13 lines 1 to 14, both inclusive, and in lieu thereof to insert:

For carrying out the provisions of the act of June 10, 1921, establishing the General Accounting Office, including salaries of officers and employees, traveling expenses and per diem in lieu of subsistence while absent on official business outside the District of Columbia not to exceed \$50,000, rent, purchase, and exchange of books, and contingent and miscellaneous expenses, \$2,496,101.

Mr. KING. Mr. President, before considering that item, I give notice that I shall move—I shall not press the motion now—to reconsider the vote by which, on page 5, the amount of \$125,000 was increased to \$150,000, and various other changes of which I have not been advised were made.

I should like to inquire whether the item under the head of "Civil Service Commission" has been disposed of?

The PRESIDENT pro tempore. The amendment on line 19, page 5, was passed over.

Mr. WARREN. I will say to the Senator that the matter of salaries of the commissioners was passed over.

Mr. KING. I shall not press it at this time, but I give notice that before the bill is passed I shall submit that motion. I understand that it is necessary to give notice of a motion to reconsider within the calendar day.

The PRESIDENT pro tempore. Does the Senator move to reconsider or simply give notice that he will do so?

Mr. KING. I give notice that I will do so.

Mr. WARREN. The Senator, as I understand, gives notice that at a later time he will move for reconsideration.

Mr. KING. Yes; I do not want to interfere with the item now being considered.

Now, I should like to ask the Senator having the bill in charge to explain to the Senate the reason for striking out all of the matter found on page 12 and page 13 down to and including line 14, and substituting in lieu thereof the general provision for \$2,496,101.

Mr. WARREN. Mr. President, I am very glad to respond to that inquiry. In fact, I intended to explain it anyway. That is for the Comptroller General's office, which, as the Senator well knows, is a new office. When that office was created it was a consolidation of all of the accounting of the Government—for instance, all of the auditors and others—and it extended into a very large number of men. While it cut down the

total amount necessary, and was in the line of economy generally, it was the assembling of various interests and various kinds of work, all pointing to the one matter of the general accounting of the Government.

Some of the officials continued under the old salaries and some of them were suspended, and the Comptroller General has managed the office with less money than was required with the regular lines of employment heretofore obtaining. In other words, he has saved money, and necessarily, when he started, there had to be a lump-sum appropriation. I think the Senator knows that the Committee on Appropriations and the Senate, and especially the chairman of the committee, are irrevocably opposed to lump-sum appropriations where they do not reduce expenses or where they are avoidable. In this matter the subcommittee of the House and the full committee passed the item exactly as we are undertaking to restore it, but when it got on the floor before the bill was passed it was stricken out, and this long line of statutory places was inserted instead. The Comptroller General said this would be a very delightful arrangement if his department were fully established and we could afford those salaries, but at the present time and for the next year it would cost them considerably more to handle it until they could get a little more consolidation, to which I will refer in a moment. So, from his evidence, to which the Senator may refer if he wishes to do so, it was made very plain that by using men at lower salaries for certain work which could be done, filing, and so forth, he would have more help for the same amount of money than he would have if we provided for this line of statutory salaries.

Furthermore, we are entering upon the consideration of a general reclassification, as the Senator knows, which would take in this department with all the others; so it would seem as if, taking everything into consideration, we ought to respond to the Comptroller General's wish this one year and make the item as it was first provided for by the House committee, because it looks to me as if by that course we would save a good deal of money.

In this connection I wish to say that at this time the employees of this establishment are necessarily housed in 17 or 19 different buildings, but they are assembling them as fast as they can. There is one building which has now been relinquished, a building which I think the Navy Department had, the Walker-Johnson Building, which has been rented for years to the United States and is under lease until July. The Comptroller General said he was anxious to go into that building and that he had arranged with the proper committee to go into it, but to move in now and to move out on the 1st of July would be a great inconvenience, and he wished to make a new lease, which would cost anywhere from \$25,000 to \$30,000; so we added \$27,500 to the House appropriation. That is the only difference between the appropriation we have recommended and the bill as it passed the House in regard to this one item.

In this connection I will state that one of the offices of the Comptroller General has been in the new annex of the Treasury Department, and he states that when they turned over the auditing of the various establishments the upper story of that building was packed full of sacks of mail, including checks by the tens of thousands, and various papers which were in mail sacks unopened and which had not yet been checked up and examined and filed. That occasioned the employment of many men at not high salaries, but that work will be cleaned up during the coming year.

Mr. KING. Mr. President, there may be sufficient reasons to justify this departure from accepted practice and rule. I have heard the Senator from Wyoming, as well as other Senators, frequently declaim against the unwisdom of lump-sum appropriations.

Mr. WARREN. The Senator is right about that. In this case it is not a change; it is simply continuing for one year more, only the second year, this proposition of a lump sum.

Mr. KING. During the last administration, when we were in the war and immediately following the war, a policy was adopted with respect to some of the new executive agencies and administrative bodies of making appropriations in lump sums to meet the expenses of such agencies. Our Republican friends criticized very severely what they stated was a departure from accepted practice, and I sympathized entirely with their criticism; indeed, supported them in their criticism. They declared that that policy would lead to waste and extravagance and to the employment of inefficient persons. Undoubtedly there was much truth in this charge. I believe many inefficient persons were employed and that there was extravagance in the administration of some of these bureaus and new Federal agencies. Large salaries were paid in many of the executive agencies which were created, much larger than in the established depart-

ments of the Government, and it was not unusual to find in the same building an individual doing a given class of work at a salary of \$1,500 or \$2,000 or \$3,000 and another person doing exactly the same character of work receiving double that compensation.

That evil grew out of the "lump-sum" appropriation plan, a plan which imposes no proper restrictions or limitations upon those charged with their expenditure. And now the Senator from Wyoming, who is doing most excellent work in keeping down appropriations, accepts that which he has condemned and characterized in the preceding administration as unwise and indefensible; he is now perpetuating a policy which he declaimed against with so much vigor, and, as I believe, with so much justice. His explanation seems plausible as one listens to it, and if one had ample time to examine it carefully and compare existing conditions with the reasons alleged, it might be found to be warranted; but I confess, Mr. President, notwithstanding the explanation which he has made, that I am not converted to his view.

I am not able to understand why officials who are assigned certain work to do in this new agency or under this particular branch of the Government should be differentiated from employees in other branches of the Government who are performing like service.

It seems to me, Mr. President, that this enormous appropriation, \$2,496,000, for this one branch of the service is entirely too great. I understood from the Senator that the work was greater now, or might be greater, than in the past.

Mr. WARREN. No; Mr. President.

Mr. KING. I may be in error in regard to that inference.

Mr. WARREN. I think the Senator overlooks the fact that there were six different large establishments of auditors alone which have been done away with by this combination, and the business of those different auditors has been taken charge of by this new office. The Senator will remember that the law was passed only a short time ago, late last year, and the reorganization has been carried on with all the rapidity we could expect; but of course there is the checking up of the different departments, which we had held down pretty close in our appropriations, and this will be only for the one year, as I said before.

I do not know what the House will do if this is agreed to. There still will be the conference committee to consider it; but the House adopted this long amendment, and of course it was against the wish of the House committee, and I was convinced, after looking into the facts and taking the evidence, that this was the best thing to do, so we have inserted it and will let it go to conference.

Mr. OVERMAN. Mr. President, it is well known that I have been fighting lump-sum appropriations for years, and we succeeded before the war in abolishing practically all of them; but from the testimony before the committee I am satisfied that for one year only it is necessary to have this lump-sum appropriation. It is agreed this will go only through this year, until the matter can be arranged. It will save money to the Government. As the Senator from Wyoming has said, they have 10 or 15 buildings in this city where work was being done under the old auditing system. We have abolished all those different offices and put them all under the one system, and are going to try to get them into one building if we can. There are thousands and thousands of checks which have been sent out which are in bags stored away, and there are also all kinds of documents which ought to be filed. If we have to employ people at large salaries to do that, as under this proposed system we would have to do, it would be wrong and cost a great deal of unnecessary expense, when you can hire men for eight or nine hundred dollars to attend to the filing of the checks.

The Comptroller General has said that this will be an ideal system of salaries when he gets his department organized, but while we are going through this evolution, or period of reorganization, we can employ men at much lower salaries than are fixed here. The Comptroller General does not propose to increase one man's salary, but he proposes to employ a lot of men at smaller salaries than are indicated in the House provision.

Under this new system, by which we abolished all the auditing offices, we left the comptroller with 10 large buildings filled with records, and he is trying to get them under one system, and he says he can employ men at lower salaries than those fixed by the House. That is the reason why I am supporting this amendment.

Mr. FLETCHER. Mr. President, I gather from what the Senator from Wyoming said that we do not really save anything by it, because this lump-sum appropriation of \$2,496,101—

Mr. OVERMAN. The amount is the same, as far as that is concerned.

Mr. FLETCHER. No; I think the Senator is wrong.

Mr. WARREN. I said there was \$27,500 additional for the rent of this new building, to be available after the 1st of July.

Mr. FLETCHER. Then the lump sum of \$2,496,101 is \$27,500 more than the items in the House provision would aggregate?

Mr. OVERMAN. This includes the rent of one building, and the Comptroller General must have another building.

Mr. FLETCHER. It is really an increase over the House estimate.

Mr. OVERMAN. Not as to the system I have been talking about. That is simply for the rent of a building.

Mr. WARREN. Perhaps I did not explain that fully. The Senator is correct as to the amount the Comptroller General deems necessary to have expended, but he will employ 20 or 30 or more men for the same money if he does not have to pay the large salaries which are included in the proposed statutory plan.

Mr. FLETCHER. What I was trying to get at was the difference between this total amount, the lump sum, and the amount of appropriation under the House provision.

Mr. WARREN. The difference is \$27,500; and that is to cover the rent of a building.

Mr. KING. If it is merely desired to employ a larger number of individuals to do what might be denominated temporary clerical work and a less number of higher paid employees, that could easily be accomplished by eliminating from the House text a number of items, covering what are called higher grade men, who, I understand, are not desired, and then provide for the employment of 20 or 30 or 40 individuals, or whatever number is necessary, at a compensation not to exceed a certain amount, the aggregate being within the total appropriation provided in this bill.

Mr. OVERMAN. Will the Senator let me read one paragraph just at this point?

Mr. KING. Let me say that I have read all the testimony taken before the House committee and the Senate committee.

Mr. OVERMAN. Probably the Senate ought to hear it. The Comptroller General said:

To illustrate what I mean by neglect, when we came into existence on July 1 of last year we discovered in the Veterans' Bureau alone about 11,000,000 checks issued by the old War Risk Bureau that were in mail sacks and never had been sorted, and thousands of requests from soldiers, from Members of the Senate and Members of the House, and from relatives of soldiers asking about payments that should have been made during the progress of the war.

Mr. CARAWAY. Does the Senator mean that there are 11,000,000 checks or checks amounting to \$11,000,000?

Mr. OVERMAN. Eleven million checks.

Mr. WARREN. Eleven million in number.

Mr. OVERMAN. And they are stored there now in old sacks and bags, and he has to get them and sort them out. He said further:

We could not answer those requests for information, because we could not find the checks. We used all the cheap labor we had, and hired some other cheap labor. We pay \$900 and \$1,000 a year for those check sorters; and we rushed that work, realizing that it was the right thing to do not to keep the soldiers out of information or money that was coming to them, with the result that now those checks are all sorted, and we are in a position to give 15-minute service on any inquiry coming to us with reference to any payment due to a soldier from the beginning of the war up to the present moment.

Mr. KING. Let me say to the Senator that the evil of which he now complains, or rather the condition to which he refers, was brought about by this very policy. We appropriated large sums for the Bureau of War Risk Insurance when Mr. Cholmeley Jones and others were in charge; these sums amounted to hundreds of millions of dollars. It was intended that the disabled soldiers and their dependents should be amply provided for, and that those entitled to insurance benefits should be fully paid. I am afraid that in the administration of the law there were too many employees—high-priced men and low-priced men—too much machinery, too much red tape. Inefficiency manifested itself and waste resulted. These checks referred to by the Senator from North Carolina accumulated and many soldiers who were entitled to relief were denied for indefinite periods that which was clearly their due. There is still inefficiency and waste, if I am to believe all the reports brought to my attention, in the administration of the laws dealing with the Veterans' Bureau and the hospitalization plan of the Government. It is now proposed to continue the lump-sum plan and permit the employment, practically without limit, of thousands of employees to administer the law.

Mr. OVERMAN. Suppose that to be true, it is no answer to the proposition we have before us. Since the present official has been in charge of this system, with \$10,000,000 and 10

different combinations all put under him and all this chaos turned over to him, he must meet that situation. That has been done since the last appropriation. If the previous officials were at fault, and perhaps they were, as the Senator says, the present official ought not to be held responsible for it.

Mr. KING. The lump-sum appropriation is responsible for the chaos, and now the Senator thinks a lump-sum appropriation will relieve us of chaos.

Mr. OVERMAN. I do not know whether it will or not.

Mr. KING. If a lump-sum appropriation produces chaos, let us hope that a lump-sum appropriation will eliminate chaos on the theory that like cures like. The Senator will remember the Latin maxim, *similia similibus curantur*.

I believe it is exceedingly unwise, and I register my protest against the policy that looks to a continuation of the lump-sum plan. If the arguments in favor of it exist here, then the argument will be much stronger for the maintenance of such a policy, and this will be pointed to as a precedent to continue the policy of lump-sum appropriations when the bill to reorganize the departments and coordinate agencies is before us for consideration.

Mr. OVERMAN. It will never be continued, so far as that is concerned.

Mr. KING. While it is not particularly pertinent to the pending amendment, it is pertinent to the bill as a whole, and I should like to inquire of the Senator having the bill in charge whether he can advise us as to the comparative cost of all the agencies, departments, bureaus, and instrumentalities provided for in the pending bill and the same agencies, bureaus, departments, and instrumentalities for the present fiscal year and the preceding fiscal year. I am not making any criticism, but the Senator will see that under the report submitted it is impossible to institute a comparison between the various agencies and departments for the coming year and the agencies and departments for the past year. Because of this consolidation and coordinating we can not say that the cost for any particular item was the same last year as this year, because that item may be merged with some other item, but in the aggregate covering the same governmental agencies, the same governmental administration. Will the Senator advise us whether there have been any economies or whether the same amount in the aggregate is found in this bill as in the bill for the present fiscal year?

Mr. WARREN. The amount appropriated by the pending bill is larger than ever before, because of the immense addition for disabled soldiers; that is, compensation, vocational training, and hospitalization. I think I have exactly the figures. The amount in the pending bill for the purposes I have mentioned is \$406,038,843.45. Then there is an item for the Shipping Board and the Emergency Fleet Corporation of \$100,459,000. Those two amounts together to over a half billion dollars, and yet the smaller amounts we are passing on here, small in comparison, are all lower than or, if not lower, only equal to what we have spent heretofore. The Senator naturally in his comparisons must make allowance for these two large sums.

Mr. President, I wish to say a word about the matter of the disabled soldiers. It may be unavoidable, but in my opinion some of this money should not be expended. It serves no good purpose. I believe that every disabled soldier should have every possible care that is needed, but when it comes to having 32,000 to 35,000 in the hospitals, where hundreds of them are adjudged by the physicians who care for them to be sufficiently recovered to go out into the world, it seems that the various appropriations we have made, as the result of one Sweet bill after another, have gotten the pay so high that the compensation for a man with a family or even a single man, added to his allowance for vocational education, for hospitalization, and general support, is more than he can earn in any other way, and so it suits some of them better to live in a hospital than elsewhere.

We never had an army, and probably never will have, but what there will be some "coffee coolers." There have been some men even in the volunteer service whom we have had to watch, and still more, perhaps, in a drafted service. They were the first ones after the Civil War, and all other wars, who called for help from the Government, because the young men and the old men of vigor and honesty seek to support themselves, if able, rather than to rely upon the Government.

I wish it distinctly understood that not a word of what I am saying applies to those noble heroes who actually need and ought to have the support of the Government. I have no desire to stint or in any way to take from that which is necessary for them. But the latest maneuver, if I may be allowed to say it, is a proposition which I believe came over in the last so-called Sweet bill, which proposes to decentralize the Government Veterans' Bureau and place a lot of depots or district offices about the country. I happened to know of one of them in an-

other State where there are between four and five hundred clerks, where they use three upper stories in a very large office building for the clerks, paying rent amounting to more than \$50,000 per annum. Salaries start with five or six thousand dollars for the head, and go on down. When we multiply that by 14, and then calculate what good they have accomplished, we find that the work all has to come back here to Washington after all.

Every soldier who feels that he has been wronged or is not receiving compensation enough through his local agency writes to his Senator or his Representative in Congress, and that Senator or Representative, without knowing what the situation is, turns the letter over to his clerk and tells him to write down to Col. Forbes and recommend that this man have whatever he asks for. I have said to Director Forbes, as others have said to him, that if every request of that kind that comes from my office should be turned down, if it was done upon examination and then turned down, I would be satisfied; but the report comes from that office that "Members of the House and Senate are our superiors, and they demand these things of us, and we are satisfying them as well as we can, but we will acknowledge that there are funds creeping out that should not perhaps be paid out."

I notice that the director and his assistants were outspoken in their opinion that decentralization is not a success, and calls for \$19,000,000 or \$20,000,000 a year more just to carry out the idea of having these institutions nearer, in a theoretical way, but not a practical way, to the men who are to receive the benefactions.

Mr. KING. With the item of appropriations to care for disabled soldiers I am entirely in sympathy, but I have had many complaints from various parts of the United States of the vast amount of machinery employed in the administration of the vocational rehabilitation act and in the distribution of funds to disabled soldiers. I believe that the cost is entirely too much; that the overhead expenses can not be defended. In my opinion millions are wasted in superfluous machinery and in paying the salaries of inefficient and incompetent officials, as well as thousands who are wholly unnecessary.

I received word quite recently of the fact that in one city, which I shall not name, the officials administering the law demanded the most expensive office building in the city, though it resulted in turning out tenants who had been there for years. They demanded the building, said the Government must have it, took three or four floors of this costly and expensive building, and placed a large number of employees therein. I was told by one of the leading Republicans of the city that 50 per cent of the persons so employed were not needed.

The Government is imposed upon, and thousands of persons are placed in executive positions when they are not needed.

There never was a situation which so called for economy and retrenchment as that which the Government finds itself in.

Mr. OVERMAN. One instance given the committee, as I recollect it, was that of a man who got a hundred dollars a month compensation and was drawing \$5,000 a year in outside employment.

Mr. KING. I was not commenting upon those who are receiving funds from the Government because of injuries. I was criticizing the enormous amount paid for administration. The Senator will correct me if I am in error, but there are hundreds and, indeed, thousands of officials of the Government employed in distributing this money to the needy—to those who are entitled to it. Thousands are employed where there should be but hundreds.

Mr. OVERMAN. There is where there is need of reform, and I wish the Senator would endeavor to bring it about. This decentralization has cost, as the Senator has stated, about \$19,000,000; and I do not get half the service I did when the work was performed here in Washington. When I write for information to the bureau my letter is sent to Atlanta; an examination is made there, and then another examination is made here, and the correspondence goes from one place to another, and one never gets anywhere. I have seen similar criticisms in some of our newspapers of the bureau because of the policy of decentralization and the consequent difficulty former soldiers have in getting examinations. There is so much red tape about it that it is almost impossible to get any relief at all for the men who need it.

Mr. KING. It seems to me that Congress ought to address itself to the question of reforming the administration of this great bureau. No one desires to restrict appropriations for the wounded and the disabled. They should be liberally compensated for the injuries which they received in the service of their country; but, I repeat, there is too much expense in connection

with the administration of the law; there is too much money wasted and there are too many employees of the Government engaged in distributing the money to those who are entitled to it.

Mr. OVERMAN. The Senator from Utah is right about that. There is where the trouble lies.

Mr. FERNALD. Mr. President, while my friends are looking over the printed matter in connection with this subject, I desire to make a few suggestions which, it seems to me, may be very pertinent at this time. I quite agree with the criticism which has been offered by the Senator from Utah [Mr. KING] in reference to many of these questions. I am in full sympathy with cutting down the number of employees in the different departments of the Government. At one time we had something like 112,000 or 115,000 employees. That number, however, has now been reduced to between 77,000 and 80,000, as I recall.

Mr. KING. Why do we not reduce the number to about 40,000, the same as it was before the World War?

Mr. FERNALD. I was about to make a suggestion along the line of the question of the Senator from Utah. There is no reason in the world why we should not reduce the number of Government employees to less than 50,000 in the next three months. However, I desire to say to my friend from Utah that I think these matters should be taken up before the committees, and that Senators should make their criticisms there rather than on the floor of the Senate. I do not take much time in the discussion of matters on the floor; but, as my colleagues on various committees will witness and recall, I do attend committee meetings pretty faithfully. I wish to say to my friend from Utah—and I feel sure that he will heartily agree with what I have to say—that many economies may be effected by bringing these matters to the attention of the proper committees, I am going to take a few moments to state exactly what has been done in that regard in the committee of which I happen to be chairman.

That committee—the Committee on Public Buildings and Grounds—in years gone by has spent many million dollars; but in the three years during which I have been the chairman of that committee we have not spent a single dollar.

I desire to say that that committee has also had charge of the United States Housing Corporation, and it has been a troublesome business. That corporation operates the dormitories between here and the Union Station, which take care of more than 1,800 girls. In the operation of that business we turned over to the Government last year \$25,000, which was derived from a profit of 1 cent on each meal furnished to each girl. That, I think, is a most remarkable showing. As reported the bill which the Senate now has under consideration cuts the appropriation of 1920 for the Housing Corporation from \$250,000 to a little less than \$70,000. I myself have been over every item of expense which is to be incurred for the officers and clerks and all those who are connected with the Housing Corporation.

Mr. KING. Will the Senator yield to me?

Mr. FERNALD. Yes.

Mr. KING. As I recall reading the pending bill on yesterday, there is considerably more than \$1,000,000 carried in the bill for the Housing Corporation.

Mr. FERNALD. Yes.

Mr. KING. The Senator from Maine now says that there has been a profit of \$25,000 in its operation.

Mr. FERNALD. Yes.

Mr. KING. The Senator, of course, does not take into account the interest upon the capital which was invested, and the money which the Government spent, running into many millions of dollars, in the Housing Corporation.

Mr. FERNALD. No. That was before my chairmanship of the committee, and that expenditure seemed necessary during the war period.

Mr. KING. Neither has the Senator taken into account the item of deterioration.

Mr. FERNALD. No; but I want the Senator from Utah to wait for just a moment until I get through, for I am not advocating the Government going into that sort of business. I have always maintained when those buildings need to be repaired to any great extent it will be necessary for the Government to go out of that business, for, in my judgment, the Government can not conduct any kind of business successfully.

However, I merely wish to call the Senator's attention to the fact that in the case of all of the Government departments, if everybody connected with them, and particularly the committees of Congress, should undertake to cut down the appropriations, that result may be accomplished. The appro-

priation provided for the Housing Corporation is only \$67,750, the sum of \$70,000 having originally been asked for. I went over the amount paid each individual involved and found that the sum in the aggregate amounted to \$67,750; so I suggested to the chairman that that exact amount should be appropriated. Therefore I hope that when we reach that particular item there will be no criticism of it. Furthermore, something like \$27,000,000 worth of property at this time is handled by the United States Housing Corporation. It was handled last year for 0.63 per cent. I doubt if there is any commercial house in the country that would handle a business of that size at so low a cost as that.

Mr. FLETCHER. Mr. President, may I ask the Senator whether all that property is in the District of Columbia?

Mr. FERNALD. No; it is scattered over 38 States.

Mr. KING. Why is it not sold?

Mr. FERNALD. We are selling it just as fast as we can. We have already sold about \$40,000,000 worth, and it is being advertised and sold just as rapidly as possible.

Mr. FLETCHER. May I ask the Senator about what proportion of the property is in the District of Columbia?

Mr. FERNALD. I am unable to state the exact proportion, but a considerable percentage of the property is located here. We turned in last year \$3,451,000 proceeds derived from sales. Much of this property is sold to tenants who are working in the navy yards and other Government establishments on the basis of percentage payments each year; so that it will be necessary for a long time to continue business relations with those to whom the property has been sold; but I am going to suggest at no late date that this work be turned over to the Treasury Department so as to do away entirely with the Housing Corporation. When, however, it is considered that we have cut the number of employees of that corporation something over 1,000 in 1920 to 33 at the present time I think it will be conceded that we have made a pretty good advance along the line of economy.

I speak of this one activity because the Senator from Utah and I have been quite in accord on these matters. He has and I have time and again in the Senate suggested that the different commissions which are constantly being created and located all over the country to do one thing and another are costing the people millions and millions of dollars. Every one of these matters should be treated as a business proposition, and, as I take a little pride in the management of the Housing Corporation, while the Senate had this matter under consideration and the Senator from Utah was discussing it, I wanted merely to say that there are some departments of the Government which are handled in an economical and business way.

Mr. KING. Mr. President, it is gratifying to know that we have a business man in the Senate who is giving attention to these important matters. The State of Maine is to be congratulated upon sending us a shrewd business Yankee who applies business principles to the affairs of the Government. I wish that every department could make as fine a showing as the department which is controlled by the Senator's committee.

But, Mr. President, let me say, not by way of criticism at all with respect to the agency with which he is now connected, that we expended several hundred million dollars in the erection of the buildings controlled by the Housing Corporation, which are now in a sense, so far as those which have not been disposed of are concerned, under his control. I presume if we should figure up all that was spent in the District of Columbia and vicinity and at and near the navy yards and in other places where houses were constructed by the United States, the amount involved would be found to aggregate hundreds of millions of dollars. It is quite likely that when the final liquidation of those enterprises shall have been consummated the Government will be out 75 to 90 per cent of the cost of the buildings and grounds; in other words, the Government will lose hundreds of millions of dollars in its housing schemes and projects. I hope the Senator from Maine will speedily get rid of the various buildings now in his charge and not needed by the Government and cover into the Treasury of the United States the amounts received therefrom.

Mr. FERNALD. I am in entire accord with the Senator, and we are doing that just as rapidly as possible.

Mr. KING. Mr. President, I wish to ask the Senator from Wyoming or the Senator from Washington—I think the latter can answer my question—if it is not a fact that appropriation bills as framed by the House and the Senate committees contain less in the aggregate than the recommendations of the Bureau of the Budget?

Mr. JONES of Washington. I think that is true.

Mr. KING. We have heard so much about the Budget, Mr. President, and about the great economies and saving that have been effectuated by the Budget system that one becomes some-

what nauseated with the constant repetition of the theme by the apologists for the administration. The other day we were regaled with a florid account of the meeting of several hundred Federal employees who were supposed to have had something to do with the Budget Bureau. The President addressed the gathering, and there was much glorification over the reforms which have been wrought. Gen. Dawes was there and a number of brooms were exhibited.

Let me add that I have confidence in Gen. Dawes, and if he had the power he would achieve real reforms. But he is hampered and restricted; as a result nothing substantial has been done by the Bureau of the Budget. We were told that there had been more than \$100,000,000 saved in a given period by the Budget organization. Of course, that statement is accurate. Sometime ago when a statement was made by the administration to the effect that many millions of dollars had been saved—I have forgotten the exact amount—I offered an innocent resolution directing the Appropriations Committee to ascertain the amount that had been saved and recapture it and turn it into the Treasury. I was afraid the amount might take wings and fly away, so I was eager to have it secure in the Treasury. The resolution has not been heard of, and no money has been turned into the Treasury. The Senate committee and the House committee have been more economical than the Budget organization or the executive officers, and, in my opinion, they always will be.

I would rather trust the Senate committee and the House committee with respect to the appropriations than the executive officials of the Government. If we want economy, the economies must be effectuated by the Senators and Representatives and not by executive departments or officials. Executive officers have always desired to extend their authority, their jurisdiction, their power, to increase their emoluments, and to multiply the personnel under their jurisdiction or in the departments or agencies with which they were identified.

The burden of working reforms in the administration of the Government and in effectuating economies rests ultimately with Congress. If we had more Senators such as the Senator from Maine there would be a genuine movement to secure a reduction of the expenses of the Government.

I make the prediction, Mr. President, that, with all the economies which have been boasted of by the apologists for the administration and the boasted improvement spoken of by the Budget organization and others in the executive departments of the Government, the appropriations for the coming year will be four hundred million or five hundred million dollars in excess of what they should be.

I have looked in vain in the recommendations of the Budget authorities for improvements and reforms so much needed. In what I have said I am making no criticism of Gen. Dawes. I have said, and repeat, he can not row against the bureaucratic tide. I have looked in vain from this administration for that integration of agencies, that coordination of administrative bureaus, that will bring about the needed reforms in the Government.

The Senator from Maine [Mr. FERNALD] has stated that here in the District there are more than 70,000—I think he said 80,000—employees. Before the war there were from 37,000 to 40,000. Where are the changes? Where are the reforms? I repeat, the reductions in expenses, wherever occurring, are due to the House and the Senate. I pause here long enough to express my admiration of the work being done by the chairman of the Appropriations Committee of the House, Mr. MADDEN. I also congratulate my friend from Wyoming [Mr. WARREN] for the fine work that he is doing, but he has not cut the appropriations enough. The Appropriations Committees have not cut enough. We have yielded too much to the importunities of executive officers, and we will continue appropriating these millions and billions, hundreds of millions of which ought not to be appropriated, until the people themselves, groaning beneath the burdens, will, with irresistible demand, compel us to work the economies and reforms in the administration which are imperatively needed.

Mr. President, it seems as if democratic governments do not know what reforms and economies are. It has been said by scholars and students and publicists that the most uneconomical and inefficient administrations in the world are found in democratic governments. I am afraid it is true. We have introduced here what we call the civil-service principle. Can anybody say that it has improved the administration of the Government? Certainly it has not brought any reforms, and I have looked in vain to find improvements. The civil service has been a sham and a delusion from the beginning, and in its administration to-day it has not changed.

Mr. President, as the Senator states, this bill contains in the aggregate millions more than similar bills or previous appropriation bills comprising the same subjects. When we get through meeting the deficiency bills, and when we make the appropriations for the coming fiscal year, I predict that for the year 1922 there will be no reforms, there will be no economies; the appropriations will be far greater than were stated; and for the fiscal year 1923 the appropriations will be hundreds of millions of dollars in excess of what they should be. We will see how much economy is practiced when we reach the naval bill and the Army bill. We will see whether the administration is in good faith in its professions of retrenchment. I offered a resolution to reduce the Navy to 50,000 and the Army to 75,000. It will soon become apparent whether there will be reforms in the Army and in the Navy. The appropriation bills that have come before us, showing, through the efforts of the committees—not the efforts of the executive departments—some improvements and some reforms do not go far enough. I regret that the bill before us does not carry in the neighborhood of forty to fifty million dollars less than it does. Those cuts, of course, should not be made in the appropriations for the wounded soldiers and the disabled soldiers; but there should be a large cut in the appropriations for the administration of that department, and there should be very large cuts in other administrative branches that are provided for in this bill.

Mr. WARREN. Mr. President, may we proceed with the bill?

The VICE PRESIDENT. The question is on the committee amendment on page 12, beginning with line 4, which will be stated.

The READING CLERK. On page 12, under the subhead "General Accounting Office," it is proposed to strike out lines 4 to 24, both inclusive, and on page 13 to strike out lines 1 to 14, both inclusive, and in lieu thereof to insert:

For carrying out the provisions of the act of June 10, 1921, establishing the General Accounting Office, including salaries of officers and employees, traveling expenses and per diem in lieu of subsistence while absent on official business outside the District of Columbia not to exceed \$50,000, rent, purchase, and exchange of books, and contingent and miscellaneous expenses, \$2,496,101.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 14, line 10, to strike out "\$60,000" and to insert "\$65,725," so as to read:

Salaries: For officers, clerks, and other employees in the District of Columbia necessary to collect and account for the receipts from the sale of properties and the receipts from the operation of unsold properties of the United States Housing Corporation, the Bureau of Industrial Housing and Transportation, property commandeered by the United States through the Secretary of Labor, and to collect the amounts advanced to transportation facilities and others, \$65,725.

Mr. KING. Mr. President, I note there an increase in the amount over the appropriation carried by the House bill. Is there any explanation for that?

Mr. WARREN. That is a matter pertaining to the subject which the Senator from Maine [Mr. FERNALD] was just discussing.

Mr. KING. That is the item to which the Senator from Maine referred, is it?

Mr. WARREN. Yes.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1, on page 16, the last clause read being as follows:

In all, \$1,050,700.

Mr. WARREN. Mr. President, to correct the total just read, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 16, line 1, it is proposed to strike out "\$1,050,700" and in lieu thereof to insert "\$1,056,425."

Mr. FLETCHER. Mr. President, may I inquire of the Senator how the receipts from the rents compare with this outlay—what they yield in comparison with what we are paying out?

Mr. WARREN. The boarding houses, if I may put it that way, are making a little money. I think they cleared about \$30,000 last year. Of course, all that money goes into the Treasury, and we have to appropriate it again.

As to the real estate, the rentals and sales, the Senator from Maine [Mr. FERNALD], in discussing the matter a few moments ago, said that it was being disposed of at the rate of about \$3,000,000 or \$3,500,000 a year. The money comes in in partial payments and is turned in; but there is a great deal more to follow in the years to come.

Mr. FLETCHER. I did not know but that the Senator might have the figures showing what the Government had actually

received outside of the sale of property—what we are actually receiving as rents from this property.

Mr. WARREN. I do not happen to have it at hand here.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to line 8 on page 16, the last paragraph read being as follows:

INTERSTATE COMMERCE COMMISSION.

For 11 commissioners, at \$12,000 each; secretary, \$7,500; in all, \$139,500.

Mr. KING. Mr. President, may I ask the Senator, with respect to the appropriations carried under this heading, whether there is any limitation upon any of the employees as to their compensation, except the commissioners themselves and the secretary?

Mr. WARREN. There is not, to my knowledge. The appropriation is some hundreds of thousands of dollars less than it has been heretofore—I should say between four and five hundred thousand dollars less. That is one place that has been exceptional in this Government in many ways. They have established what may be called a high court, and we have placed them, of course, not above the Supreme Court of the United States but, we might say, nearly or quite next to them. The original law which initiated this commission of course provided the number of commissioners and their salaries. That has been changed to some extent, but as to the other amounts it is the one lump sum that has run ever since it was inaugurated.

Mr. KING. May I inquire of the Senator whether schedules have been submitted to the committees showing the compensation of the various employees?

Mr. WARREN. Yes; I will state to the Senator that last year we obtained a list from, I think, every existing institution that was paying under a lump sum, so that we have among our files of last year all of those items, the salary of every employee.

Mr. KING. How do they compare with the salaries paid in other departments of the Government for similar service?

Mr. WARREN. There are a number of high-class positions, quite a number of attorneys, receiving quite large salaries. I should say, of the two, taking them all together, they are more liberal. I will not say taking the character or supposed character of the men; but they run higher, of course, than institutions of what might be called less importance.

Mr. KING. Does the Senator know how the salaries compare with those paid in the Shipping Board?

Mr. WARREN. The salaries paid to employees of the Shipping Board, aside from three or four salaries, I think are less than these are for the attorneys, and so forth; but there are two or three persons in the employ of the Shipping Board who have been receiving \$35,000 each.

Mr. KING. Does the Senator recall the maximum amount paid for salaries under the Interstate Commerce Commission—the highest salary paid to officials?

Mr. WARREN. I do not recall it now, but it is probably something less than the salaries of the commissioners themselves, unless it is for temporary employment. In that case it might be more.

Mr. KING. Does the Senator know whether or not the number of employees has increased?

Mr. WARREN. I think it can not have increased, from the fact that we are cutting down the appropriations for the Interstate Commerce Commission.

Mr. KING. Is that reduction with respect to the employees, or is it found in the item which provides for the ascertainment of the physical value of the railroads of the United States? The Senator will recall that a great many millions have been spent there.

Mr. WARREN. I recall it, and it has gone over a number of years, and the roads have changed very materially, and it will have to be gone over additional times after the first. There are some reductions in that, and there are reductions in the general line, and also in some lines an increase. For instance, legislation from time to time places additional duties on them. In the railroad line, outside of the physical valuation, as the Senator knows, in the last year or two we have made considerable increases in their duties.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, and the Assistant Secretary read to line 7, page 19, the last paragraph read being as follows:

For printing and binding, \$150,000, including not to exceed \$10,000 to print and furnish to the States at cost report-form blanks; and including not to exceed \$1,500 for printing orders of the Interstate Commerce Commission, other than that done at the Government Printing Office.

Mr. FLETCHER. Mr. President, I would like to ask the chairman of the committee if he would not accept an amendment on page 19, to strike out, on line 5, all after the word "blanks," so as to eliminate the words:

And including not to exceed \$1,500 for printing orders of the Interstate Commerce Commission, other than that done at the Government Printing Office.

That is now entirely in the control of the Joint Committee on Printing as to every other department.

Mr. WARREN. I wish to say that I consulted with the chairman of the Committee on Printing as to that, and while he proposed an amendment, he said that it meant no possible difference in the amount of money, and as they had provided for it in that way, he did not object to it. If the Senator wishes, I can offer the amendment at this time, on page 19, line 5, after the word "blanks," to strike out the remainder of the paragraph.

Mr. FLETCHER. That is what I suggested.

Mr. WARREN. I offer the amendment.

The amendment was agreed to.

Mr. WARREN. Mr. President, we have an amendment to offer which alludes to another matter, but the law requires it, and I send it to the desk to be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 19, after line 7, insert the following:

INTERSTATE GOVERNMENTAL COMMISSION, COLORADO RIVER.

For salaries and expenses as authorized in the act approved August 19, 1921, entitled "An act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes," to be immediately available and to continue available during the fiscal year 1923, \$10,000.

Mr. KING. Mr. President, under whose jurisdiction is that appropriation?

Mr. WARREN. The commission is composed of one man representing the Government of the United States and one member, the governor or an appointee of the governor, from each of the several States mentioned. The Government's appointee is the Secretary of Commerce, Mr. Hoover, and, of course, he draws no salary for this work. This appropriation is to pay the expenses of meetings and traveling expenses. We have made no appropriation heretofore, and as they will have to assemble very soon to continue the work, we have made the appropriation immediately available. It simply carries out the law.

Mr. KING. I know they recently met and the work was not completed, and, as the Senator has said, perhaps many meetings will be required before a satisfactory adjustment of a very important matter shall have been reached. I would like to ask the Senator, before that amendment is passed upon, as I have to step out a moment, to let the next item, for the National Advisory Committee for Aeronautics, be passed over temporarily. I want to confer with the Senator from Washington, who is absent from the Chamber, with respect to that item.

Mr. WARREN. Without objection, I will ask that that be passed over.

The VICE PRESIDENT. It will be passed over temporarily. The question is on agreeing to the amendment offered by the Senator from Wyoming on behalf of the committee.

The amendment was agreed to.

The reading of the bill was resumed, beginning with line 1, page 20.

The next amendment of the committee was, on page 23, line 17, to strike out "\$3,600" and to insert in lieu thereof "\$4,000."

Mr. KING. I would like to ask the Senator from Wyoming the necessity of raising the amount given by the House. It would lead to conflict between the two bodies.

Mr. WARREN. When the Senator says the two bodies, does he mean the House and the Senate?

Mr. KING. Yes.

Mr. WARREN. Since the bill passed the House there have been changes in the responsibilities, and it will be necessary to keep an experienced man there. They have a most excellent man, who had intended to take more lucrative employment, and his chief has asked for \$4,500, so we have made it \$4,000.

Mr. KING. Let him go and let them get somebody else.

Mr. WARREN. The Government would have to pay the price, considering the responsibility this man has. He has to take charge, under the United States officer who is the head of public buildings and grounds, of all of these Government buildings, of which, as the Senator knows, there are a great number. Others have just been turned over, including, I understand, the big Interior Department Building; and those buildings, and all

the men who work under the head of the public buildings and grounds, are superintended by this particular man I am speaking of. It does not make any difference whether it is this man or some other man. I think the place is really worth \$4,000.

Mr. KING. While the Senator has the floor, may I interrogate him just a moment in order to avoid further observations later on? I notice in the bill provisions for a large number of employees in the State, War, and Navy Building—assistant superintendent, a large number of clerks and engineers, lieutenants, electricians, plumbers, and skilled laborers, chauffeurs, 14 firemen, 15 elevator conductors, 48 laborers, a gardener, 3 attendants; then in the Walker Johnson Building a large number of employees; in the Potomac Park office building a very large number of employees, including clerks. I do not know why they need so many clerks. There is provision for a large number of carpenters and general mechanics, a large number of guards, 23 lieutenants, 23 sergeants, 23 again, 140 laborers, just in the Potomac Park building, 21 additional employees; then in the Mall building a large number of clerks and employees; temporary building, Virginia Avenue, a great number of employees; temporary buildings, B and C Streets, Twentieth and Twenty-third Streets NW., a great number of employees—assistant superintendents, clerks, principal clerks, clerks of classes 1, 2, and 3, messengers, a large number of firemen, and a great number of laborers, so that in those buildings covered by the items to which I have referred, though I have not tabulated the number, I think there are probably a thousand employees provided for just to take care of a few buildings.

Mr. WARREN. The expression "a few buildings" does not state the case fairly at all. It is a mile square or more of buildings, if they were in shape to measure them. The number of employees has been cut down largely. These are largely war matters, matters which have hung over from the war, until we can get down to a different basis. The Secretary of War has been able to cut from sixty-odd thousand employees down to five thousand and some, and I think that is about as fast as the Senator could expect us to cut. These are cut down until every man is done away with who could be spared with safety.

Mr. KING. Those sixty-odd thousand the Senator speaks of were not in Washington. They were in various camps and cantonments, and places where Government storehouses are located.

Mr. WARREN. They were in Washington and hereabout, not all of them in Washington, but they were all in the direct employ of the War Department. This matter of public buildings we have cut down \$179,440, while taking on some additional work from other departments—that is, where they were doing their own janitor and watchmen work—so that the whole reduction does not appear in this \$179,000.

Mr. KING. The Senator does not mean, of course, that there was only \$179,000 appropriated in all of the items to which I have referred?

Mr. WARREN. No; I mean it is that much less than for the present fiscal year.

Mr. KING. If that is all the reduction, then it is wholly inadequate.

Mr. WARREN. I have already said that it was not all the reduction. I thought the Senator understood me.

Mr. KING. I did not understand that.

Mr. WARREN. Some of the buildings which have been turned over later of course had their groups of employees, who have been dispensed with, to some extent at least, because of the taking over by this particular branch.

Mr. KING. The War Department, under the guise of caring for surplus material following the war, had a very large number of employees, thousands of them. As I recall, when the last Army bill was under consideration it was disclosed that there were in these camps substantially as many clerks and employees as there were soldiers. We had in the department following the war a large number, thousands, upon the theory that they were needed to dispose of the surplus proceeds following the war and to adjust the records and put them in shape. One officer of the War Department insisted upon having a large number of men in order to get the files and the records in proper shape, showing the enlistments and discharges. I have forgotten the number, but it went into the thousands, who were in that one bureau or agency of the War Department. I think the War Department has been grossly extravagant in the past, and I am not sure that the present bill reveals the fact that it is free from criticism now on account of its extravagance.

The PRESIDING OFFICER (Mr. McNARY in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued to the end of line 9, page 24.

THE TRUTH ABOUT THE WAGES OF RAILWAY EMPLOYEES.

Mr. LA FOLLETTE. Mr. President, I desire to avail myself of the liberality of our rules to submit some observations upon the standard of wages paid to labor at this time. I am quite conscious of the fact that whoever undertakes to speak a word for labor at this time assumes something of a burden in view of the propaganda that has been made by the great industrial organizations of the country to reduce the wages of all labor. But throughout my public life I have never taken the easier way. I have tried as best I could from my point of view to render a public service whenever it was needed. I believe that the time has come to say a word in opposition to the general and widespread movement in the country to "take it out" of labor in order to reduce the cost of living.

Everyone feels the burden of high prices. They have not been greatly reduced since the war period. But there has been a general and well-organized movement to return to what are called normal conditions by way of reducing the wages of labor, to reduce the cost of meat and flour and steel and transportation by "deflating" labor. I think that the conditions which confront the American people to-day are the culmination of a false and wicked economic system, which is encouraged, sustained, and fostered by our National Government.

For more than a quarter of a century great business organizations have been effecting combinations in practically every line of production, the purpose of which has been to suppress competition and build up a monopoly control of prices in every line, but in manufactured products especially. This has resulted in squeezing the farmer and in plundering the consumer to the limit of the power of these great organizations and business combinations, in bullying and oppressing labor, in so far as it has been possible, in every branch of industry.

To meet that situation, to meet the organization power of the enormous aggregations of capital engaged in what we may term big business, the wage earners have, in the face of the bitterest opposition, endeavored to organize to the end that they might cooperate and collectively bargain with their employers, the great combinations. In this they have been only partially successful. Only a small minority are organized.

I do not believe there is anyone on the floor of the Senate who will undertake to say that there is any branch of what may be termed big business in the country that is not thoroughly and completely organized, giving them the power that enables them to dictate prices and to control everything that pertains to their business. And yet, Mr. President, there has been created in this country a sentiment against any organization on the part of labor to meet this condition in the industrial world.

Even a little group of Members of this body, representing agricultural constituencies, realizing that the farmer has been one of the victims of this complete organization of capital and power in the industrial world, has been subjected to every sort of criticism and attack. It has not been confined to the representatives of the great, powerful industries.

The President of the United States, his Secretary of War, and other members of his official family, have engaged in making an attack upon those Senators who have sought relief in view of the economic embarrassment that now afflicts agriculture as a result of the organization of big business into combinations and trusts to control everything the farmer buys and everything the farmer sells. This humble, this almost pitifully weak attempt to assemble together a few Senators in this body representing agricultural constituencies, to endeavor to relieve that situation, has made them the target of attack, not only through the publications that are specially supported by industrial combinations but from the administration, attacks by the President in person and by members of his official family.

So distressing is the situation of agriculture that even the administration has thought it necessary to assemble a conference to consider that situation, and yet any movement on the part of representatives of agricultural constituencies looking to a direct benefit to agriculture through legislation, because it impinges upon the system of organized monopoly, is made the subject of attack from official sources of the highest order. Emanating from the same sources are these attacks that are made upon labor's attempt to resist the same encroachment.

Labor has been able to organize, as I said, to the limited extent of about 25 per cent of the wage earners of the country, not a very alarming situation. Of course, the farmers, widely scattered over the whole country, find it next to impossible to effect any sort of comprehensive movement that shall afford them relief. They have been making some endeavors in that direction. They have attempted defensive organizations, just as labor has attempted to effect and has partially succeeded in effecting organizations for precisely the same purpose.

Mr. President, the great business combinations not only control our markets but they are all-powerful in government. There is not a Senator who would dare challenge the statement that they are very potential in the national conventions of each of the political parties of the country; that they are very powerful in legislation; and that they are very potential in the selection of Federal judges on the bench.

The individual, be he farmer, laborer, or consumer, is utterly helpless under existing conditions. He can not stand alone against organized business in combinations. The farmer, the laborer, and the consumer have a common interest. They do not enjoy any Government privilege or any advantage derived from legislation. They have alike been exploited by the privileged monopolies.

Mr. President, I wish to say that the farmers, I think, have a large and very direct interest in seeing that the wage earners and the men and women throughout the Nation who are working on salaries are constantly employed under the most favorable conditions. I believe that the farmers of the country ought to make their cause his cause, and, I think, for sound economic reasons. They constitute the great body of the farmer's market for all his staples.

When millions of workers are unemployed, when the purchasing power of tens of millions of those who are employed is unduly curtailed, it is inevitable that the market for everything the farmer produces suffers the greatest depression.

Now, Mr. President, I should like to invite the attention of Senators who do me the honor to listen to me to a very brief discussion of the relation of wages to the cost of living.

WAGES AND THE COST OF LIVING.

When the war ended and the American people found time to look after affairs at home they demanded a reckoning with those responsible for the riot of plunder which ruled in American business.

While the war was on the people blindly accepted the mounting costs of living as a part of the war burden. There was no time to investigate its cause; no facts upon which to determine as to its justice.

But when the war was over and prices continued to soar, when living cost 25 per cent more in 1919 than in 1918, and in 1920 cost 17 per cent more than in 1919, the limit of forbearance had been reached. The storm broke. The American people demanded that the robbers who were plundering the public after the war be called to account. And, sir, the robbers were ready to hunt down the enemy of society; the robbers themselves were ready to raise the cry of "Stop thief" and to lead an indignant public off on a false trail.

They raised a great hue and cry against labor. They claimed that the unions had forced enormous wage advances, and that this had lifted the general wage level and thus caused the unprecedented increase in prices.

Mr. President, there is not the slightest chance in the world that those really chargeable with the economic wrongs which the public suffers will ever be justly punished, but at least the responsibility should be placed where it belongs.

I have undertaken as best I can that task. I will say now that you can not put it on labor, and if Senators will give me their attention here this afternoon I will prove that assertion.

I lay down certain propositions here which are economically true and admit of no denial.

1. The nominal increase in wages has been uniformly less than the increase in the cost of living each year since the war.

I hope Senators will let that sink into their minds, for that is the first proposition I start with. I repeat it. I say "the nominal increase in wages," because I am going to distinguish in what I have to say here to-day between real wages, actual wages as measured by their purchasing power, and nominal wages. "The nominal increase in wages," I repeat, has been uniformly less than the increase in the cost of living each year since the war.

I want to amend that statement; I want to say not only since the war but during the war and since the war as well.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I yield.

Mr. NORRIS. I wish to ask the Senator if, for the purpose of his comparison, when he uses the expression "since the war" he means since the armistice?

Mr. LA FOLLETTE. No.

Mr. NORRIS. What does the Senator mean?

Mr. LA FOLLETTE. I want to withdraw the phrase "since the war"; I want to amend my statement by saying the nominal increase in wages has been uniformly less than the increase in the cost of living each year while the war was on and since

the war closed. I broaden the statement, I correct it, because I know that I can support my amended statement.

Mr. NORRIS. Then the Senator from Wisconsin means, as I understand him—I want to understand the proposition correctly, if I can—that the nominal increase in wages of labor has been less than the increase in the cost of living each year since the beginning of the war?

Mr. LA FOLLETTE. At every stage.

Mr. KING. And I might say, if the Senator will pardon me, that in the District of Columbia one of the principal causes contributing to the distress of the people has been the enormously high rents, which, instead of going down, have increased here nearly 100 per cent in the last year.

Mr. NORRIS. Yes; and that has been despite the attempt of Congress to reduce rents.

Mr. LA FOLLETTE. Yes; the feeble attempt of Congress.

Mr. NORRIS. Yes; feeble and unsuccessful.

Mr. LA FOLLETTE. I will state my propositions again in order to have them appear in the Record in a connected way. I lay down certain propositions here which are economically true and admit of no denial:

1. The nominal increase in wages has been uniformly less than the increase in the cost of living each year during the war and every year since the war.

2. The nominal increase in wages has followed and not preceded the increase in the cost of living.

3. Whatever nominal increase there has been in wages since the outbreak of the European war in 1914 has been forced by the increased cost of living, unjustly imposed upon the public by the war profiteers. Listen, sirs, wage advances have been one of the effects of high prices and not the cause of high prices.

A table compiled by the United States Department of Labor conclusively establishes these propositions, and shows in the most graphic manner how far behind the cost of living the wages of union labor trailed even during and since the war period when "high" wages have prevailed.

The comparison of this table, which I wish to have printed in the Record, Mr. President, in connection with my remarks, is made with 100 as the base in 1913. I wish to read, very hurriedly and very briefly, the percentages in the table for the consideration of Senators.

I start with 1913.

Taking 100 as the base for wages and 100 as the base for the cost of living, in 1914 the union wage rate had advanced to 102. The cost of living had advanced to 103.

In 1915 the union wage rate still stood at 102, but the cost of living had advanced to 105.1.

In 1916 the union wage rate had advanced from 102 to 106, but the cost of living had advanced from 105 to 118.3.

In 1917 the union wage rate had advanced to 112, but the cost of living that year had advanced to 142.4.

In 1918 the union wage rate had advanced to 130, but the cost of living had advanced that year to 174.4, as shown by the report of the Department of Labor.

Who is responsible for this increase in the cost of living? Was it due to the increased cost in wages? No, no.

In 1919 the union wage rate had been advanced to 148 from 130 the year before, but the cost of living had gone up to 199.3. If the union wage rate and the general scale of wages had not advanced somewhat, you would have had starvation everywhere in the country.

In 1920 the union wage rate had advanced to 189, but the cost of living, for which there was some responsibility attaching to somebody besides labor, had advanced to 216.5. The peak was reached in 1920, with the wages of union labor showing an increase of 89 per cent and the cost of living an increase of 116 per cent over 1913.

I ask unanimous consent that the table to which I have referred be inserted entire in the Record at this point.

The PRESIDING OFFICER. Without objection, the table will be printed in the Record.

The table referred to is as follows:

The comparison is made with 100 as the base in 1913.

Year.	Union wage rate.	Cost of living.
1913.....	100	100
1914.....	102	103
1915.....	102	105.1
1916.....	106	118.3
1917.....	112	142.4
1918.....	130	174.4
1919.....	148	199.3
1920.....	189	216.5

Mr. LA FOLLETTE. Not once during the period from 1913 to 1920 did the wages received by organized labor breast or reach the level of the steadily mounting cost of living. Wage advances lagged behind, and far behind, price advances throughout all this period of profiteering.

Mr. President, labor has struggled in the face of strongly opposing odds to maintain old standards of living, and it has lost in the struggle. Nominal wages may be high, but I say here now what I have contended on this floor again and again for three years and more, that real wages are low; and I am going to prove it this afternoon.

The total earnings of a laborer at the end of the week—listen to this statement—will buy less food and clothing and fuel to-day than they would buy before the war. In fact, sir, real wages have actually declined, not only during the period of the European war, but real wages have actually declined in this country for a period of 20 years, when you measure the wages that the man earns by the purchasing power of his labor, and that is the way he has to measure it; and I am appealing to Senators here this afternoon to get a new point of view of this problem.

I am coming now to fix the responsibility for the increased cost of living which has been the cause of despair to the American people for a period of many years. The responsibility does not rest upon labor. I will tell you where the responsibility rests.

WHO IS RESPONSIBLE FOR THE HIGH COST OF LIVING?

In a critical study of the relation between wages and the increased cost of living, Prof. William Jett Lauck, the economist, made an analysis for the years 1912 to 1918, inclusive, of the financial reports of all corporations having an annual income of \$1,000,000 or more, in the lines of business in which the ordinary consumer is particularly interested, as reported in Moody's and Poor's Financial Manuals. Mr. President, I do not think wide public attention has ever been called to this great, this monumental service which Prof. Lauck rendered; but these facts will reach the public finally, and their consideration will help to settle the question of the title to some seats on this floor before another November passes; and therefore I am going to put them into the Record. These corporations were shown to have taken \$800,000,000 more in annual profits on the average for the years 1916, 1917, and 1918 than for the three-year period of 1912, 1913, and 1914; and the figures for production showed conclusively that the increased profits were not due to increased production. They were due to the fact that the corporation took a larger proportion of every dollar spent by the purchaser. The corporation took that.

These corporations, typical of the practices of all—now, just get this—nearly trebled their average net income on capital stock during the period covered by Prof. Lauck's studies. That they have continued to fleece the public, the increased prices for 1919 and 1920 and present prices conclusively prove.

These great profiteering organizations in every line of business raised prices until the people could no longer meet their extortionate demands. They were confronted with the alternative of reducing their profits or cutting the wages of labor. They turned upon labor. For more than a year they have been making war on labor unions, and charging labor with responsibility for high living costs.

This attack on labor in the end will fail. There will be great hardship and suffering, but in the end the truth will prevail. Labor will be vindicated, and will come out of the battle with a solidarity welded in the fire of common suffering, a great fighting force in the eternal struggle between the masses and privileged monopoly.

Mr. President, I address myself especially to-day to a consideration of the wages of the railway employees of the country. I do this at this time because the railroad corporations appear to have effected a combination with certain leaders of one or more of the farm organizations to aid in the propaganda to create public sentiment against the present wage scale of railway employees. I believe that all farmers' organizations would better serve the interests of agriculture in securing a substantial reduction in transportation rates by repealing all provisions of the Esch-Cummins law upon which the Interstate Commerce Commission fixed the value of railway property at the grossly excessive sum of \$19,000,000,000 as a basis for freight and passenger rates, and also by repealing such provisions of the same law as have operated to impair and destroy the authority of State railway commissions over intrastate transportation.

I come now to speak what I believe to be the truth about the wages of railway employees.

THE WAGES OF RAILWAY EMPLOYEES.

Mr. President, I assert as an economic fact that, under present conditions, there can be no further reduction of the wages of railway employees without national disaster. Railroad labor

is receiving at present the least it can receive without sinking below the level of efficiency necessary to maintain the railroads in successful operation. It is receiving substantially no more real wages in terms of commodity values for services rendered than it received 20 years ago.

It is receiving far less than necessary to maintain itself at a comfort and decency level of existence. It is receiving so little that its buying power is greatly diminished, with consequent loss and hardship to other industries, particularly agriculture, which depends for one of its important markets upon the 10,000,000 people who derive their support from railroad labor. It is receiving so little that it has failed utterly to share in its rightful proportion in the increased productivity of the Nation's industry which has been achieved during the last quarter century.

It is no longer a question merely of justice or injustice to a class of employees; inexorable economic laws bar the way to a further reduction of the wages of railway employees.

I know that all this is contrary to the popular belief on the subject. The railroad executives, by costly propaganda which has extended to every part of the country, have created and fostered the impression that exorbitant railroad rates are due largely to exorbitant wages claimed to be paid to labor and that railroad rates can only be reduced by reducing the pay of railroad employees. There never was a more shameless, wanton, and vicious falsehood than this foisted upon the public. On another occasion I hope to deal with the cause of excessive railroad rates and the remedy. To-day I am dealing only with the single proposition that the wages of railroad employees can not be further reduced under present conditions without bringing disaster to the industries of the country.

The railway executives have filled the newspapers of the country with the figures they recently gave at the hearings before the Interstate Commerce Commission and before the Senate Committee on Interstate Commerce to show the great increase in the amount paid to labor during the last few years, and from this they seek to have the conclusion drawn that the compensation of the individual employee has been exorbitantly increased. They point out that the labor bill in 1916, before the enactment of the so-called Adamson law, was \$1,468,576,000. In 1917, when the Adamson law was in effect, the compensation of employees was \$1,739,482,000; that in 1918 it was \$2,613,813,000; in 1919, \$2,843,128,000; in 1920 that it stood at \$3,698,216,000. (Interstate Commerce hearings, 1921, vol. 1, p. 14.)

They then summarize these totals and point out that the wage increase in 1917 was \$270,905,000; 1918, \$874,331,000; 1919, \$229,315,000; 1920, \$855,087,000.

They neglected to state that there were nearly 700,000 more employees in 1920 than in 1916 and that pay for extraordinary overtime in 1920 amounted to \$275,000,000, or about 8 per cent of the total compensation paid to employees. (See testimony of Prof. Frank J. Warne before the Senate Committee on Interstate Commerce, hearings, 1921, p. 1187.) They neglected also to point out that included in compensation to employees are the salaries paid to officers during 1920, which amounted to nearly \$100,000,000, showing a great increase over salaries paid under public operation. (Interstate Commerce hearings, 1921, p. 1156.) Then the railroad executives, by the simple device of dividing the total amount paid to employees by the number of employees at a given date arrive at what is called the average earnings of an employee. By confining this operation to a particular class of employees, as engineers, the result is set forth as the average earnings of an engineer. And by the same method the so-called average earning of the different classes of railway employees is arrived at.

It must also be remembered that the attempt to deal statistically with the wages of railway employees must depend upon statistics published by the Interstate Commerce Commission, and these in turn are merely figures furnished by the railway companies themselves.

Mr. Warne in his testimony at the hearings above referred to—page 1187—thus sums up the fallacies of the so-called wage statistics presented before the committee by the railway executives who appeared as witnesses:

First. They include annual compensation to general and division officers exceeding in amount, in 1920, \$92,000,000, which should be excluded.

Second. They include compensation paid employees engaged in new construction work, which properly should be charged to capital account and not operating expenses.

Third. They include compensation paid employees of affiliated and owned companies other than transportation.

Fourth. They include the additional compensation resulting from employment of larger number of employees in consequence of increased volume of traffic. In 1920 this increase in number of employees over

1915 exceeded 694,000 and represents an increase in total compensation in excess of \$550,000,000.

Fifth. They include payments for overtime and increases in overtime, which economically represents not wage increase but the purchase of more man-hours, usually at higher rates. On the basis of 1920, a year of an extraordinary amount of overtime, as much as \$275,000,000, or 8 per cent of the total compensation, was for overtime.

Sixth. They include in total compensation of class I roads for 1920 at least 98 roads, representing a mileage in excess of 6,500 miles, which were not included in earlier years. This shows an arithmetical increase in compensation of approximately \$32,000,000 without a cent increase in wages.

Seventh. They include a larger number of more highly paid employees, such as engineers and conductors, in the later years of increased volume of traffic, compared with earlier years when traffic was not so heavy.

Eighth. They include in 1920, in total compensation, retroactive wage-increase awards by wage-adjustment boards, the amounts of which more properly belong to payments for preceding years.

Ninth. They include in 1920 compensation to employees of the United States Railroad Administration in 1918 and 1919 who returned in 1920 to their former positions with the carriers.

Tenth. They include total compensation to employees in traffic, advertising, publicity, and industrial bureaus and like activities whose services were discontinued under the United States Railroad Administration.

In a general way these various items total more than \$1,250,000,000 of the total compensation paid in 1920.

In view of this criticism of the railway executives' figures it may well be asked whether any figures can be arrived at which will at all fairly represent the wages being paid to railroad labor at the present time and which have been paid to it during any considerable number of years in the past. All available figures on the subject are furnished in the last analysis by the railroads themselves. All figures obtainable from the Interstate Commerce Commission are only such as the railroads furnish. The ingenuity of the railroads in devising schemes and combinations to mislead the public and misrepresent the wages of the employees seems to be exhaustless. Literally hundreds of pages of testimony were taken up by the representatives of the employees in the hearing I have mentioned in exposing the fraud of the railway officials in this matter.

I might pause to say that I remember that in the testimony of Prof. Warne he calls attention to the fact that the Interstate Commerce Commission required the railroads to report these wages and the amounts paid to employees only once a year. Their attention was called to the fact that the railway companies were selecting times in the year which would show most favorably to the roads in the reports upon the average amounts paid to employees. So the Interstate Commerce Commission, their attention being called to the matter, made a correction in their requirements, and asked the railroad companies to report twice a year. After further time, they still found errors and distortions in their reports to the Interstate Commerce Commission after making an investigation of the subject, and increased the reports required from the railroads to quarterly reports and finally to monthly reports, in an endeavor to correct the distortions and subterfuges resorted to by the railroads in making these reports favorable to themselves and unfavorable to labor. I cite that as merely directing attention to the character of the tables upon which we must all make our computations with respect to the average pay of railway employees; but, Mr. President, in so far as it impeaches the character of the record, it must be readily seen that the advantage is all on the side of the railroads, because they control these reports, they make them themselves, and with the best possible checks which the Interstate Commerce Commission can make upon their work, they are still very unreliable. So that any figures I submit here to-day ought to be considered, in so far as they are faulty at all, as having been made so by the railroads to their advantage and as against the interests of the employees. So true is this that the employees practically refuse to recognize the figures or to attach any importance to them.

I have, however, caused to be prepared from these railroad sources a series of tables in which the errors, whatever they are, are necessarily all on the side of the railroad contentions and against those of the men. These tables, computed from railroad sources, show a rate of compensation to the men in excess of the actual compensation as claimed by the men. But even accepting these figures, they show in a startling manner the falsity of the railroad claims.

These figures, therefore, represent the average earnings of the different classes of railway employees as much higher than they actually were during the year 1921, for the reasons which I have pointed out. It must be remembered also that prior to 1914 the railroads reported their number of employees to the Interstate Commerce Commission only once a year, and as the average wage is arrived at by dividing the aggregate amount received by the number of employees, it was always within the power of the railroads to make a favorable showing as to the

average earnings of employees. I have, however, tested out this table by all means available to me and believe it to be substantially correct when certain allowances are made for the year 1922, to which I shall later refer.

The first figures I present are contained in Table I and are intended to show the average actual earnings of railroad employees in dollars from and including 1900 to and including 1921, the years 1900, 1907, and 1913 being taken as typical of the period covered by those years, and 1917 is taken as the last prewar year in which the roads were operated by the private owners. The year 1921 represents during its first half the wage conditions growing out of Federal control and adjustment by the Railroad Labor Board. In its last half it represents the effects of the beginning of the policy of wage reductions.

The earnings of 1921 are presented from the best available sources. The first set of figures shown under 1921 represents the amount which would have been earned during a full year at the rate of wages paid during the first half of the year. The second set of figures under 1921 represents the amount which would have been earned in a full year at the rate of wages paid during the second half of the year following the general wage cut ordered by the Railroad Labor Board, effective July 1, 1921. This wage cut averaged 12½ per cent, ranging from 8 to 16 per cent for the various classes. This last set of figures represents the present rate of earnings, except that it fails to take into account the reduction in earning power, amounting to approximately \$100,000,000, or about \$62 per man, resulting from subsequent decisions of the board abolishing overtime pay and other valuable rights which shopmen and laborers have previously enjoyed and from the practice of the railroads subcontracting a large part of their work at low wages:

TABLE I.

PART I.—Average earnings of railroad employees.

[Calculated from reports of the Interstate Commerce Commission.]

	All employees.	Engineers.	Firemen.	Conductors.	Trainmen.	Machinists.	Trackmen.	Telegraph operators.
1900.....	\$567	\$1,161	\$662	\$1,004	\$604	\$698	\$311	\$641
1907.....	641	1,340	758	1,143	745	841	370	741
1913.....	757	1,661	954	1,407	976	1,007	436	864
1917.....	1,000	2,043	1,239	1,965	1,237	1,394	601	1,018
1921 ¹	1,790	2,858	2,102	2,628	2,030	2,202	1,072	1,990
1921 ²	1,575	2,629	1,892	2,391	1,807	1,995	903	1,791

¹ Represents the average earnings of the first half of 1921 multiplied by 2.

² Represents the average earnings of the first half of 1921 multiplied by 2, the product being reduced by the percentage ordered in the Labor Board decision of June 1, effective July 1, varying from 8 to 16 per cent for the various classes.

PART II OF TABLE I.—Increase in earnings compared with cost of living.
[Earnings and cost of living in 1900 used as base of 100.]

	Cost of living.	All employees.	Engineers.	Firemen.	Conductors.	Trainmen.	Machinists.	Trackmen.	Telegraph operators.
1900.....	100	100	100	100	100	100	100	100	100
1907.....	119	113	115	115	114	123	120	119	116
1913.....	145	134	143	143	141	162	143	140	135
1917.....	194	177	171	187	196	205	200	193	159
1921 ¹	270	316	246	318	263	336	315	345	311
1921 ²	264	278	227	286	239	299	286	289	270

¹ Represents the actual earnings of the first half of 1921 multiplied by 2.

² Represents the actual earnings of the first half of 1921 multiplied by 2, the product being reduced by the percentage ordered in the Labor Board decision of June 1, effective July 1, varying from 8 to 16 per cent for the various classes.

The increases shown in the first part of this table upon first sight appear large. The advance from \$567 average for all employees in 1900 to \$1,575 in 1921 seems to be very substantial and sufficient to compensate for every change that has taken place. But this impression is dissipated when we examine the second part of the table and see the enormous increase in the cost of living that has taken place during the same period. One also feels a distinct shock when he discovers what miserable wages the railway men were receiving in 1900 and the other glorious, golden years of "normalcy." Think of it, Senators, the average earnings of all railway employees, high and low, in 1900 was only \$567, or at the rate of less than \$2 a day. That was the wage upon which a man was expected to raise and educate a family, care for them in sickness and health, and lay by a few dollars for the day when he would become

too old or too broken to perform the hazardous and strenuous work of the railroads and be thrown on the scrap heap by the relentless demands for ever-increasing efficiency, or put to tending crossings at a dollar a day.

Five hundred and sixty-seven dollars was the average earning of railway employees of the country in the year 1900. I do not believe it is possible to find even a railroad president or a banker to-day who will deny that such wages were far below any decent American standard.

Keeping this fact in mind, that the railroad workers were thus underpaid before the war, let us examine Part II of the table. This shows us that the railroad workers, as a whole, have barely kept pace with the increased cost of living, and that the most-favored occupations have at the very most only made up a small part of the amount by which they were underpaid in prewar days. We find that the only groups whose earnings have increased as fast as the increase in the cost of living are those who in 1900 were earning \$2 a day or less. The earnings of the engineers and conductors, whom the railroad propagandists constantly denounce as men whose wages have been exorbitantly increased as a result of the war, have, as these figures clearly show, fallen far behind the increase in the cost of living, and they are actually worse off than they were at the beginning of the century.

In preparing this table I have not taken into account the enormous losses in earning power resulting from recent rulings of the Railroad Labor Board depriving employees of compensation for overtime and other valuable rights which they have enjoyed many years. Nor have I taken into consideration the reduction in earnings due to the illegal practice in which some of the railroads have engaged of subcontracting their shop work, their maintenance, and even some of their operating services, in order to reduce the wages of the workers and destroy their organizations. The losses in earning power as a result of these rulings have been conservatively estimated at \$100,000,000, or about \$62 for each employee.

If these factors are taken into account and proper allowances made for them, it will be found that the wages of railroad employees have lagged behind the increase in the cost of living and that they are therefore less well off than they were in 1900, when they were earning an average of \$567 a year.

In order to demonstrate clearly the effects of the constantly decreasing purchasing power of wages, I have prepared a separate table (Table II) which shows the buying power of the railway men's wages in terms of the value which the dollar possessed in 1900.

The number of dollars which a workman may receive for the services of a day, a month, or a year means very little. It is the purchasing power of that dollar which counts. So, in order to gain any idea of the actual earnings of railroad labor at the present time and to compare it with its earnings in the past, it was necessary to translate both into purchasing power at some given time. That I have done in Table II in connection with the figures showing the change in living cost during the same period. I have taken the year 1900 as the base at which the purchasing power of the dollar represents 100 cents. During the 21 years which have followed the buying power of the dollar has declined until to-day it stands at only 38 cents. Prior to 1913 there were no figures available on living cost except the figures for food. Subsequent to that time all other items which go to make up the cost of living—clothing, fuel, rent, and miscellaneous expenses—have entered into the calculation of the Department of Labor, so that we now have a well-balanced set of figures available.

But it is significant that food prices have corresponded substantially with the prices of the other commodities, so there is little doubt that the measurement of the dollar prior to 1913 by its purchasing power of food is substantially correct when applied to the general cost of living.

THE BUYING POWER OF RAILWAY WAGES.

TABLE II.—Buying power, in dollars of average annual earnings of railroad employees (basis of purchasing power of the dollar in 1900).

	All employees.	Engineers.	Firemen.	Conductors.	Trainmen.	Machinists.	Trackmen.	Telegraph operators.
1900.....	\$567	\$1,161	\$662	\$1,004	\$604	\$698	\$311	\$641
1907.....	538	1,126	637	960	626	706	311	622
1913.....	522	1,146	658	971	673	695	301	596
1917.....	520	1,062	644	1,022	643	725	313	529
1921 ¹	662	1,057	778	972	751	815	397	736
1921 ²	599	999	719	909	687	753	342	681

¹ First six months.² Second six months.

The following figures represent the changes in the purchasing power of \$1 as used in making the above calculations:

1900	\$1.00
1907	.84
1913	.69
1917	.52
1921 (first six months)	.37
1921 (second six months)	.38

The figures for 1900 and 1907 represent the purchasing power of the dollar in terms of the cost of food only, but for the other years in terms of all items entering into the cost of living, as reported by the Bureau of Labor Statistics.

This table, to my mind, presents the actual situation of the railway employees accurately and impressively. No honest mind can examine these figures without being convinced that the wages of the workers on the railroads can not be cut, under present conditions, without inflicting a grave injustice upon this splendid body of men of whom the Railroad Labor Board in its first decision said:

This long delay and succession of disappointments, coupled with the pressure of the further rise in living costs, produced deep and not unreasonable dissatisfaction on the part of railroad employees who felt themselves called on to make sacrifices, as they believed, far beyond those of any other class. Nevertheless, the great majority have continued to serve and to conduct the transportation of the country, awaiting with disciplined and patriotic patience the reduction of living costs, the decision of the director general on their requests, the action of Congress, the conclusion of the conference, the appointment of this board, the presentation of evidence to it and its decision.

It is worth while to analyze these figures in some detail. We find that during the first 13 years of the century the advance in the average earnings of all employees fell so far short of the constant increase in the cost of living that at the beginning of the World War they had actually lost \$45 a year in buying power. Now, this would not have been so serious a matter if these men had been well paid at the beginning of the century. But they were not. Those were the days of the "full dinner pail," but in spite of extravagant promises and fervid oratory the dinner pails of the railroad workers with their earnings of \$567 a year could not have been filled with anything more substantial than hot air. So when they were robbed by the rapid inflation of prices of \$45 a year, leaving them with an actual buying power of only \$522 a year, this great group of Americans, in many respects the very backbone of the Nation, were actually in poverty.

And yet the cost of living had been rapidly advancing from 1913 on through 1914, 1915, 1916, and 1917, but these railroad workers had been held down, subjected to conditions that reduced their buying power in 1917 below that of 1913. They remained at this miserable level until 1918, their buying power in 1917 being actually \$2 less than in 1913. Then the United States went to war and the railroad employees came to occupy a strategic position, more important perhaps than that of any other group, unless it be the American sailor. The movement of troops, munitions, food, raw materials, and supplies of all kinds depended upon the railroad workers of the United States. Underpaid and overworked during the great traffic jams of 1916 and 1917—who can forget them?—which brought the railway corporations the greatest profits in the history of those organizations—the railway men might have used their power to extort any wages and working conditions they chose to demand. But they did not; they stuck to their posts through the terrible winter of 1917-18 until the privately managed railroads broke down and the Government was forced to assume control.

One of the first acts of the Railroad Administration was to do what the private owners had always refused to do. They created a commission. Do you remember about it? It was headed by the late Franklin K. Lane, then Secretary of the Interior. It was a commission to study and readjust the wages of all railroad employees. The work of that commission was done imperfectly and with great conservatism, but it resulted in what appeared to be large increases, because the Lane commission in this one readjustment had to make up all the deficit in buying power which the private owners had inflicted upon the workers during the preceding 18 years. The Lane commission submitted a report, from which I want to put into the Record two or three paragraphs. I should like to burn them into the minds of Senators. Listen to what that commission said:

It has been a somewhat popular impression that railroad employees were among the most highly paid workers. But figures gathered from all the railroads dispose of this belief. Fifty-one per cent of all employed during December, 1917, received \$75 per month or less.

Think of it! In 1917 the cost of living had gone up 42 per cent over what it had been in 1913, and yet 51 per cent of the railway employees were trying to keep the breath of life in a family on \$75 a month. They stuck to their posts and worked all through that terrible winter. The report continues—

and 80 per cent received \$100 per month or less.

The cost of living, however, as they got into 1918 had increased 74 per cent; it had almost doubled before the Lane commission got to work. Talk about loyalty to this Government! Find me some other band of men who equaled the loyalty of the railroad employees during that period.

What were those employees doing? What were the shipbuilders on Hog Island doing throughout this period? All the business organizations of this country were plundering the Government in its hour of need, and they are now making this crusade against the railway employees of the country to squeeze out of them the small real increases that have been made—and there have been very few actual increases made—in the earning power of their wages in 20 years.

Mr. President, it is difficult to find language in which to characterize the despicable, the diabolical character of this crusade that has been prosecuted and to which the press has loaned itself. Business organizations have adopted resolutions, and the Farmers' Conference that was in session here the other day passed a resolution to the effect that the wages of railway employees must be reduced, becoming the mere tools of the owners of the railway properties and of the other big business combinations combined with them in order to make this raid on labor.

I quote further from the Lane commission report, as follows:

The greatest number of employees on all the roads fall into the class receiving between \$50 and \$65 per month, 181,693, while within the range of the next \$10 in monthly salary there is a total of 312,761 persons.

Just think, Mr. President and Senators, of the heads of families trying to maintain a family, to clothe them, to heat the homes, to pay the doctors' bills, to keep the children in school in 1918 on \$50 a month when the cost of living was 74 per cent higher than it was in 1913. Think of these employees, receiving no advances in their pay, trying to take care of a family on from \$50 to \$60 a month! The report continues:

In December, 1917, there were 111,477 clerks receiving annual pay of \$900 or less. In 1917 the average pay of this class was but \$56.77 per month. There were 270,855 section men, whose average pay as a class was \$50.31 per month; 121,000 other unskilled laborers, whose average pay was \$58.25 per month; 130,075 station-service employees, whose average pay was \$58.57 per month; 75,325 road freight brakemen and flagmen, whose average pay was \$100.17 per month; and 16,455 road passenger brakemen and flagmen, whose average pay was \$91.10 per month.

They say further:

These, it is to be noted, are not prewar figures; they represent conditions after a year of war and two years of rising prices. And each dollar now represents in its power to purchase a place in which to live, food to eat, and clothing to wear, but 71 cents, as against 100 cents on January 1, 1916.

That shows how rapidly the purchasing power of the dollar had declined.

The wage increase provided for by the Lane Commission was followed by other wage readjustments made necessary by the ever-mounting prices of the necessities of life, until during the first half of 1921, after the return of the railroads to private operation, the earnings of railroad employees were raised by the Railroad Labor Board to their highest point.

THE RAILROAD CORPORATION'S PROPAGANDA.

Then it was that the floods of railroad propaganda were turned loose, at a cost of millions of dollars, to damn these workers in the eyes of their fellow men. Full-page advertisements pilloried them in every newspaper in the United States as the cause of every evil, real and imaginary, from which the Nation was suffering. And all this expense was added to the cost of transportation.

What was the giddy height of wealth and affluence to which these workers had been raised so that the profiteers were forgotten while they were denounced? What were the princely incomes of this new class of war-made plutocrats? Oh, Mr. President and Senators, listen while I reveal the facts. They were actually earning—these 2,000,000 men who run the Nation's railroads—at the very peak of their affluence at an average rate which would have yielded them \$1,790 a year, \$10 less than Henry Ford pays the humblest and most unskilled worker in any of his plants or on his railroad. Mr. Ford pays a minimum wage of \$6 a day and runs full time 300 working days a year.

But this \$1,790 a year was in terms of the inflated dollars of 1921, which were worth only 38 cents in terms of the commodity prices of 20 years before. In terms of the buying power of the dollars of 1900 this \$1,790 was worth only \$662. This is the wealth in which the railroad workers were rolling at the very height of their earning power—the equivalent of just about \$2 a day in terms of the days of normalcy and the full dinner pail.

But this did not last long, for with the decision of the Railroad Labor Board in June, 1921, the era of wage increases ended and the period of wage cutting began. By this one decision the wages of railroad employees were cut so their earning power was reduced to the level of a buying power of only \$599 in the values of 1900. The effect of this decision is shown in table 2, but it has not been possible to include in that table the effects of subsequent decisions of the board and the growth of the practice of subcontracting, which have reduced railway employees' earning power by an amount which can not be exactly calculated, but which may be conservatively estimated at \$100,000,000 a year.

Thus the incomes of railroad employees as a whole have now been reduced to the magnificent level of some \$567 in purchasing power at which they were when the century began. They are back exactly where they started.

It is just like Alice in Wonderland. Do you remember how in "Through the Looking Glass" Alice and the White Queen started to run and for a long time ran so hard that Alice was quite exhausted and looking round her in surprise said to the White Queen:

"Why, I do believe we've been under this tree the whole time! Everything's just as it was!"

"Of course it is," said the Queen. "What would you have it?"

"Well, in our country," said Alice, still panting a little, "you'd generally get to somewhere else if you ran very fast for a long time, as we've been doing."

"A slow sort of country!" said the Queen. "Now, here, you see, it takes all the running you can do to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that."

So in this plunderland the railroad employees, like little Alice, have been running for 20 years and are now back exactly where they started.

But while the railway men as a whole have thus managed to maintain their buying power some of them have actually suffered a considerable decrease. The engineers, who began the century with \$1,161 a year, now have a buying power in terms of the same values of only \$999. The conductors from a buying power of \$1,004 have now declined to \$909.

Thus it is that the decline of the dollar from a commodity value of 100 cents in 1900 to 69 cents in 1913 and then to 38 cents in 1921 has wiped out all the apparent gains which the railway workers have been able to secure either through the work of their organizations or as a result of the supposed generosity of those who administered the railways during the period of Federal control.

Table I is the same as Table II, except that it shows in percentages what Table II shows in actual figures. Table III is as follows:

TABLE III.—Buying power of average annual earnings of railroad employees (1900-1921).

Year.	All employees.	Engineers.	Firemen.	Conductors.	Trainmen.	Machinists.	Trackmen.	Telegraph operators.
1900.	100	100	100	100	100	100	100	100
1907.	95	97	96	96	104	101	100	97
1913.	92	99	100	97	111	100	97	93
1917.	91	91	96	101	105	103	100	82
1921 (1). . . .	117	91	118	97	125	117	128	115
1921 (2). . . .	105	86	108	90	113	108	110	106

¹ First half.

² Second half.

This table which assumes 1900 as the base of 100 per cent shows, using as an illustration the engineers, that the wages of the engineer in 1907 while higher than his wages in 1900 by the difference between \$1,161 and \$1,340, in reality had 97 per cent of the purchasing power in 1907 which his earnings had in 1900. In the same way it will be observed that the purchasing power of the earnings of the engineers in 1921, as shown by the table, is but 86 per cent of the purchasing power of his far smaller earnings in 1900.

The Harvard bureau of economic research has made a careful study of the physical volume of goods produced in the United States since 1899. Its results are published in the Review of Economic Statistics issued by the bureau for the month of September, 1919, to January, 1920. They show that from 1900 to 1917, while population increased 34 per cent, the physical production of agriculture, mining, and manufacture in the United States increased 83 per cent. In other words, the physical production of goods per capita increased by more than one-third from 1900 to 1917. We are certainly safe in assuming that the increase from 1900 to 1921 was therefore at least 30 per cent. This means an increase of 30 per cent per capita in the output of our industries in actual physical goods. If labor,

therefore, is simply to hold its own and receive the same relative proportion of the total product it received in 1900, it would be necessary for the buying power of the earnings of labor to be increased by 30 per cent.

The proportion going to labor on any sound economic theory ought to be even larger than that shown on Table IV. Labor ought to demand and ought to receive not the same proportion of the product that it received in 1900 but an increased proportion. To whom does this increased product go if no part of it goes to labor? The answer is plain. It must go to capital. It must go to swell the great fortunes. To deny to labor the right to share in the increased product and wealth of the country is to make it an outcast in its own home. It is to reduce it to a permanent static position above which it can never hope to rise.

I have so far purposely refrained from dealing with standards of living. I do not believe that the wages of labor anywhere should be fixed merely by answering the question how little labor can receive and still function efficiently. I believe that labor should share in the ever-increasing wealth of the country.

President Harding will not be charged certainly with any undue bias in favor of labor, not by anyone who knows him, and knows his record when he was a Member of this body. In an address in New York City on May 23 last, as reported in the press of the country on May 24, he laid down the principle I assume he proposes that his administration shall apply in fixing the compensation of labor wherever that becomes a Government function. As reported in the press of the country on May 24, he said:

In our effort at establishing industrial justice we must see that the wage earner is placed in an economically sound position. His lowest wage must be enough for comfort, enough to make his house a home, enough to insure that the struggle for existence shall not crowd out the things truly worth living for. There must be provision for education, for recreation, and a margin for savings. There must be such freedom of action as will insure full play to the individual's ability.

This, you will see, is what the President promises as the minimum. It is that to which the lowest paid worker is entitled and which he should receive wherever the fixing of his wage becomes a function of the Federal Government, if the declaration of the President is made good.

Now, let us go one step further and see whether the wages which railroad labor is receiving to-day are enough "to make his house a home." Is it enough to assure him those "things truly worth living for"? Is it enough to insure "education for his children"? Is it enough to provide for himself and his family even the humblest "recreation"? What is the "margin for savings" which is left railroad labor on the basis at which it is being paid at present?

These are questions which can be easily answered. The field of living costs is one that has been rather completely covered during the last few years. During the years 1906 to 1914 four studies of living costs were made, and since 1917 no less than 13 other investigations of the same character have been completed. The method of making these studies has been to list the articles necessary to maintain a workingman's family, and then to find out the market price of each of these articles. These studies have taken as a base a husband, wife, and three children of dependent ages, on the assumption that the living wage must consider the family as the unit, if the race is to be perpetuated. The best of these studies probably was that made by the United States Bureau of Labor Statistics during 1919 and 1920. The present cost of the decency and comfort budget for the ordinary industrial worker published by that bureau in 1920 is at least \$2,200, and the average cost of seven decency and comfort budgets worked out by various public and private organizations stood at \$1,970 in May, 1921, when food prices were substantially below their present level. Bear in mind that these decency and comfort budgets are not as liberal as that demanded by President Harding in the speech from which I have just quoted. Thus the Bureau of Labor Statistics says of its budget of \$2,200 per year for the laborer and his family:

It needs to be emphasized that the budget level adopted in the present study is in no way intended as an ideal budget. It was intended to establish a bottom level of health and decency below which a family can not go without danger of physical and moral deterioration. This budget does not include many comforts which should be included in a proper "American standard of living." Thus, no provision is directly made for savings other than insurance, nor for vacations, nor for books and other educational purposes.

Now, turn to your table of railroad wages and take even the exaggerated figures for 1921, and you find that the only two classes of railroad labor which even approach the health and decency level are the conductors and the engineers.

All others are far below it. And mind you, this is not the level that President Harding has promised. It is a level far below that. The telegraphers, a highly skilled body of men,

upon whose accuracy and faithfulness and skill and alertness the operation and the movement of the trains must depend, are short by over \$400 annually of the decency and comfort level of living. The trackmen, upon whose labor the maintenance of the entire railroad system of the country is dependent, now receive only \$900 a year. They are thus \$1,300 below the amount which has been fixed as the minimum level upon which a family can be maintained in health and decency. I wish to call your attention to the fact that it was to this class of labor that President Harding referred specifically when he stated on May 24:

We must see that the wage earner is placed in an economically sound position. His lowest wage must be enough for comfort, enough to make his house a home, enough to insure that the struggle for existence shall not crowd out the things truly worth living for.

This clear-cut enunciation by the President has been entirely ignored by the Railroad Labor Board in fixing the wages of railroad employees. Refusing to recognize that the track laborers, like almost every other class of railroad employees, were already below the level at which a decent living could be maintained, this board or arbitrators, in fixing the new wage scale to take effect as of July 1, 1921, ordered a drastic cut, averaging 12½ per cent, in the wages of all employees. Not only did they ignore the maxim of the President by reducing the general level of railroad wages, but they went still further and imposed the heaviest cuts upon those classes of employees who were already lowest paid and who were, therefore, least able to bear the burdens. They reduced the wages of the more highly paid employees 8 per cent, but they cut the wages of the trackmen and other low-paid laborers 16 per cent. This is, in my opinion, one of the most cruel and indefensible acts ever perpetrated by a governmental institution. So far as I can discover these low-paid laborers were selected for slaughter by the Railroad Labor Board because it was believed that in the existing condition of unemployment these men were least able to offer effective resistance.

Think of it, Senators! Here we have the largest single class of railroad employees, numbering more than 300,000 men who, in rain and snow, under the broiling sun of midsummer, and in the icy blasts of winter, perform heavy and disagreeable labor. By the decision of a Government board these men have had their wages reduced to a point where they are now able to earn only \$900 a year. This is equal to only \$3 a day, or \$18 a week. In terms of the purchasing power of money in 1900, the \$900 a year which these men now have an opportunity to earn is equal to only \$341. In other words, in terms of the actual buying power of money, these men are reduced to the level of \$1 a day. Every mature man knows that it has not been possible, at least in the Northern and Western States, to hire men for \$1 a day since the famine period of the nineties.

But this is only a foretaste of what the railroads hope to do to labor, if they are able to bend the Railroad Labor Board to their will, or, failing that, to evade the provisions of the transportation act by turning over their maintenance work and a large part of their operation to subcontractors. If they are able to do either of these things, they hope and expect to reduce the wages of trackmen to an actual rate of \$1.50 for a 10-hour day, which will be equivalent, in the purchasing power of 1900, to only 59 cents.

This may seem to be a sensational charge, but let me read you from the Wall Street Journal of January 12, 1922:

The carriers have announced their intention, subject to conferences with their employees and the rulings of the Railroad Labor Board, to reduce the wages of men in the train service 10 per cent from the present scale and wages of all other employees to the levels paid for similar labor in the various markets for such labor.

A few of the carriers are already effecting some of these savings, and it is interesting to consider what one of them—the St. Louis-San Francisco—is accomplishing in this way by letting maintenance and even some operating work on contract.

In a free labor market labor, if employed at all, will be employed at the market, and private contractors, were the carriers thus permitted to hire labor at the market, would have no advantage over the railroads. * * * The St. Louis-San Francisco was engaged in 1921 in re-laying with heavier steel a good deal of light rail in Alabama, Mississippi, Oklahoma, and Texas. If the company had undertaken the work on its own account, it would have had to pay the track laborers the board's scale of 38 cents an hour. At these wages it is estimated that the labor cost of the steel laying would have been \$550 a mile. The contract cost of this work was actually \$350 a mile, a saving of \$200, or about 36 per cent.

But this is only part of the case against the Labor Board. The contractors have to make a profit. The track workers employed by them received \$1.50 a day for 10 hours, or 15 cents an hour. * * *

What Frisco achieved could have been accomplished by other roads, and was accomplished by a few, as the result of contract work. The difference between what was and what might have been is a deficit to the fixation of wages and working conditions by Government.

The inevitable conclusion from this article is that the railroads hope and expect that they will be able, if they succeed in their purposes, to force labor to accept employment at a dollar and a half for a 10-hour day. In terms of actual buying power

this \$1.50 would be worth only what 85 cents would buy in 1913 and what 59 cents would buy in 1900. This would be less than Chinese coolies were paid in the days when the Pacific railroads were permitted to import them freely and to exploit them unmercifully.

I do not believe that the railroads can by any possibility succeed in forcing the wages of American labor down to any such level. But I take a much stronger position on this subject than simply warning against drastic wage reductions. I assert that under existing conditions any further reductions in railroad wages are unjustified, and if made will produce economic disaster.

WHAT HAS CAUSED THE DEPRESSION?

Merchants and manufacturers are wondering to-day where their markets have gone. Farmers are in despair because they are unable to sell their crops. Why is this? It is in large part because the men who do the Nation's work in factories, on railroads, or in mines, either through wage cuts or through unemployment, have been deprived of the purchasing power with which to buy the food, clothing, and other necessities of life in normal quantities.

You may not realize it, gentlemen, but these despised industrial workers, whose toil and sweat drives the wheels of the railroad, the factory, and the mine, together with their families, constitute more than half the population of the country and consume an ever greater proportion of the Nation's staple products—its corn, its wheat, and its cotton. They use little wool and less silk and consume little or none of the products of the luxury trades, but they are the great market for the things the farmer produces.

All the millionaires in the United States could stop eating and cease to wear clothes and the markets for wheat, corn, and cotton, susceptible as they are to the slightest influence, would not notice the difference. But let the fifty-five millions who make up the families of America's workers be forced by wage cuts or unemployment to curtail their purchases at the grocery and clothing stores, and the inevitable result is a depression, if not a panic, in every market for staple products in the United States, and even the markets in Liverpool will feel the shock.

When the workers are well paid and steadily employed, there is prosperity and a good market, not only for merchants but for farmers and manufacturers as well. When half the workers are on the streets seeking employment, and the other half are being paid wages insufficient to maintain a decent standard of living, there is commercial and agricultural stagnation and depression, which all the unemployment conferences and agricultural conferences in the world can not relieve or even appreciably alleviate.

This is the great economic truth which every statesman must realize. It is so self-evident that a child in grammar school can understand it. And yet it is ignored and violated every day by those who are now in control of the destinies of this Nation.

The masters of American finance and business devoted the year 1920 to "deflating" the farmers, using as their agency the Federal reserve system, the most powerful and ruthless financial instrument ever constructed by human ingenuity. Through their machinations the producers of corn, cotton, and wheat have been ruined, and despair fills the countryside in every agricultural district.

The year 1921 has been devoted by these same masters of business and credit to the infernal, but not less congenial, task of "deflating" labor and destroying their unions, which alone stand between them and serfdom. In this they have, thank God, not yet fully succeeded. Labor, unlike the farmers, was not so vulnerable to the weapon of concentrated credit control by which the agricultural producers were forced to throw their crops on the market at an enormous sacrifice. Labor has been crushed by the slower but not less formidable processes of unemployment and wage cutting. So to-day five or six millions of toilers in the United States are out of work and their families are hungry, largely to the end that their spirit may be crushed and a new generation of serfs may be bred. The United States Supreme Court and the lower courts are depriving the workers of their weapons of defense one by one and seeking to bind them with chains, so that their masters may with impunity scourge them into submission.

This alliance of the Federal courts and the vested interests for the conquest of labor may succeed. I pray that it may not, but I sometimes fear that it may. No such powerful combination has ever been arrayed together for an evil purpose in the history of this country. In comparison with it the slave power, with its representatives sitting arrogantly in the Senate and House and with its spokesman as Chief Justice of the

Supreme Court delivering the Dred Scott decision, pales into insignificance by the record that is being made by the Federal courts in our own time.

This effort to crush labor and reduce the free-born American workers to the condition of Russian serfs may succeed, although I still have such faith in the courage and the integrity of the American people that I believe they will finally achieve a glorious victory as overwhelming as that which crushed the slave power in 1865. But, in any event, success can be achieved by these sinister forces only after a period of strife and chaos which is too horrible to contemplate, and their success, however and whenever accomplished, will mark the downfall of the American Republic.

I thank Senators for their very patient attention and attendance during the delivery of this address.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading was resumed at line 10, page 24.

The next amendment was, on page 28, after line 16, to insert:

The Public Buildings Commission (the commission in charge of the State, War, and Navy Departments Buildings, to wit, the Secretary of State, the Secretary of War, and the Secretary of the Navy) is hereby authorized and directed to acquire by purchase, so far as they may be able to at prices deemed by them to be reasonable and fair, otherwise by condemnation in accordance with the provisions of the act of Congress, approved August 30, 1890, providing for a site for the enlargement of the Government Printing Office, the following squares of land for public purposes, to wit, the whole of squares known as numbers east of 87; east of 88; 124; 125; 145; 146; and 147, in the city of Washington, D. C., as officially recorded in the office of the surveyor, District of Columbia. The commission is further authorized to reduce the area to be acquired where by reason of improvements constructed, or unreasonable prices asked, or for other reasons in their judgment the public interests may require: *Provided*, That if acquired by purchase, the cost of the squares, including expenses incident thereto, shall not exceed the sum of \$1,500,000, which sum is hereby authorized and the same is hereby appropriated: *Provided further*, That the squares authorized to be acquired herein shall be under the control of the superintendent of the State, War, and Navy Departments Buildings.

Mr. WARREN. I move an amendment to the committee amendment. On page 28, line 17, I move to strike out the words "the Public Buildings Commission" and insert in lieu the word "the."

The amendment to the amendment was agreed to.

Mr. WARREN. There is another amendment to the committee amendment on the same page which I offer. On line 20, page 28, I move to strike out the parenthesis after the word "Navy" and insert in lieu thereof a comma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 29, line 25, to strike out "\$300,000" and to insert "\$375,000," so as to read:

For salaries and expenses of the United States Tariff Commission, including purchase and exchange of labor-saving devices, the purchase of professional and scientific books, law books, books of reference, and periodicals as may be necessary, as authorized under Title VII of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, \$375,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 19, in the appropriation for the United States Shipping Board, to strike out the following paragraph:

No part of the moneys appropriated or made available by this act shall be used or expended for the purchase, acquirement, repair, or reconditioning of any vessel, commodity, article, or thing which, at the time of the proposed purchase, acquirement, repair, or reconditioning, can be manufactured, produced, repaired, or reconditioned in each or any of the Government navy yards or arsenals of the United States for a sum less than it can be purchased, acquired, repaired, or reconditioned otherwise: *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost.

Mr. WARREN. That amendment was laid aside the other day because several Senators are interested in a particular item, so I ask that it may be passed over temporarily.

The VICE PRESIDENT. Without objection, it will be passed over.

The next amendment was, under the subhead "Emergency shipping fund," on page 32, line 1, after the word "ships," at the end of the line, to insert: "and (d) \$55,000,000 from moneys collected from mortgages, leases, accounts, and bills receivable other than those arising from current operations, and from moneys collected from the sale of ships, plants, material, securities, and other assets, prior to July 1, 1923, less such por-

tion of said \$55,000,000 which shall have been collected during the fiscal year 1922 under the provisions of an act entitled "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes," approved March 4, 1921," so as to make the proviso to the emergency shipping appropriation fund read:

Provided, That no part of this sum shall be used for the payment of claims other than those resulting from the current maintenance and operation of vessels; (c) the amount received during the fiscal year 1923 from the operation of ships; and (d) \$55,000,000 from moneys collected from mortgages, etc.

The amendment was agreed to.

The next amendment was, on page 32, line 11, after the figures "1921," to strike out the proviso in the following words:

Provided, That no part of the sums hereinbefore appropriated shall be used to pay a greater sum than 5 per cent as commissions for the placing of advertising matter contracted for.

The amendment was agreed to.

The next amendment was, on page 32, line 23, after the word "representatives," to insert "or arising out of any legal obligations on the part of said board or corporation," so as to make the paragraph read:

For the payment of claims, damage charges and miscellaneous adjustments, authorized under the provisions of the merchant marine act, 1920, \$50,000,000, of which \$30,000,000 shall be immediately available: *Provided*, That no claim shall be paid out of the amount appropriated herein unless the Shipping Board shall find that such claim grew out of an agreement, express or implied, entered into with United States Shipping Board or the Emergency Fleet Corporation or their legal representatives or arising out of any legal obligations on the part of said board or corporation.

The amendment was agreed to.

The next amendment was, on page 33, line 5, before the word "newspapers," to strike out "bulletins," so as to make the paragraph read:

No part of the funds appropriated or made available in this act for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be expended for the preparation, printing, publication, or distribution of any newspapers, magazines, journals, or other periodicals, or for services in connection therewith, not including, however, the preparation and printing of documents and reports authorized and required to be issued by law.

The amendment was agreed to.

The next amendment was, on page 33, to strike out lines 16 to 20 in the following words: "Not more than six officers or employees of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid an annual salary or compensation in excess of \$11,000. But no compensation or salary shall exceed \$25,000," and in lieu thereof to insert: "Not more than 13 officers or employees, including 7 attorneys, of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid an annual salary or compensation in excess of \$11,000."

The amendment was agreed to.

The next amendment was, on page 34, line 3, after the word "employees," to insert "and all auditing of every nature requiring the services of outside auditors shall be furnished through the Bureau of Efficiency."

The amendment was agreed to.

The next amendment was, in the items for the United States Veterans' Bureau, on page 35, line 23, after the word "vehicles," to insert "including not exceeding 10 passenger-carrying vehicles at a gross cost not exceeding \$7,500."

Mr. WARREN. I ask that the amendment be rejected, as I have an amendment to offer covering it.

The amendment was rejected.

Mr. WARREN. I now send to the desk an amendment to come in at this point, which I ask may be adopted.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 35, line 23, after the word "investigation," insert the words "passenger carrying and other," so as to read "passenger carrying and other motor vehicles."

The amendment was agreed to.

Mr. WARREN. I send to the desk another amendment to come in at this point.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 36, line 1, after the word "same," insert:

and not to exceed 10 passenger-carrying vehicles at a total cost of not exceeding \$7,500 may be purchased.

The amendment was agreed to.

The next amendment was, on page 36, line 4, to strike out "\$25,815,942" and to insert "\$34,970,974.65," so as to read:

For carrying out the provisions of an act entitled "An act to establish a Veterans' Bureau and to improve the facilities and service of such bureau and to further amend and modify the war risk insurance act approved August 9, 1921," including salaries and expenses of the

central office at Washington, D. C., and regional offices and suboffices, and including salaries, stationery and minor office supplies, furniture, equipment and supplies, printing and binding, rentals and alterations, heat, light, and water, miscellaneous expenses, including telephones, telegrams, freight, express, law books, books of reference, periodicals, ambulance service, towel service, laundry service, repairs to equipment, storage, ice, taxi service, car fare, stamps and box rent, traveling and subsistence, salaries and expenses of employees engaged in field investigation, passenger-carrying and other motor vehicles, including purchase, maintenance, repairs, and operation of same, and not to exceed 10 passenger-carrying vehicles at a total cost of \$7,500 may be purchased, salaries and operating expenses of the Arlington Building and annex, including repairs and mechanical equipment, fuel, electric current, ice, ash removal, and miscellaneous items, \$34,970,974.65.

The amendment was agreed to.

The next amendment was, under the subhead "United States Veterans' Bureau," on page 36, line 16, to strike out "\$160,000,000" and to insert "\$145,000,000 and not exceeding \$15,000,000 of any unexpended balance for this purpose," so as to read:

Compensation: For military and naval compensation for death or disability, \$145,000,000 and not exceeding \$15,000,000 of any unexpended balance for this purpose.

The amendment was agreed to.

The next amendment was, on page 38, line 21, to strike out "\$127,000,000" and to insert "\$146,409,188.80," so as to read:

Vocational rehabilitation: For carrying out the provisions of the act entitled "An act to provide for the vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended, \$146,409,188.80.

The amendment was agreed to.

The next amendment was, on page 38, line 24, after the word "cantonment," to insert "acquired for use as a training center, except Camp Sherman, Chillicothe, Ohio," so as to make the proviso read:

Provided, That no part of the foregoing sum shall be used for the establishment, maintenance, or operation of training schools at any Army camp or cantonment acquired for use as a training center, except Camp Sherman, Chillicothe, Ohio.

The amendment was agreed to.

The next amendment was, at the top of page 39, to strike out the additional proviso in the following words:

Provided further, That no part of the foregoing appropriation shall be expended for construction work except necessary minor repairs.

The amendment was agreed to.

The VICE PRESIDENT. The reading of the bill is completed. The first amendment passed over is on page 5.

Mr. LODGE and Mr. CARAWAY rose.

Mr. WARREN. Does the Senator from Arkansas [Mr. CARAWAY] desire to speak on the amendment upon page 5?

Mr. CARAWAY. I was going to suggest that it be passed over temporarily, in order that we may consider the amendment which, I understand, the Senator from Massachusetts wishes to present.

Mr. WARREN. Very well.

Mr. LODGE. On page 30, where the committee proposes to strike out from line 20 on that page to and including line 6, on page 31, in lieu of the words inserted by the House I move to insert what I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 30, lines 20 to 25, and page 31, lines 1 to 6, in lieu of the words proposed by the committee to be stricken out insert:

No part of the moneys appropriated or made available by this act shall be used or expended for the repair or reconditioning of any vessel owned or controlled by the Government, if the expense of such repair or reconditioning is in excess of \$5,000, or if the cost of said repair or reconditioning requires that estimates should be made, until an opportunity has been given to the Government navy yards to estimate upon the cost of such repair or reconditioning if performed by said navy yards; *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost; *And provided further*, That the provisions of this clause shall take effect upon the passage of the act.

Mr. WARREN. I have no objection to the amendment.

Mr. JONES of Washington. Mr. President, I do not think the amendment should be agreed to. In the first place, I do not think there ought to be any limitation upon the matter of appropriation for the care of this shipping. It is really a private business, a private concern carried on by an agency of the Government. It will be carried on just as economically as possible, and it can not be carried on economically if Congress limits the discretion of those whom we have placed in authority and in charge of the work. I do not think there should be any limitation at all.

However, taking the amendment as suggested, I doubt if it really carries out in language what the Senator intended, and I wish to call the attention of the Senator from Massachusetts to the language of the amendment, which reads:

No part of the moneys appropriated or made available by this act shall be used or expended for the repair or reconditioning of any vessel owned or controlled by the Government of the United States if the expense of such repair or reconditioning is in excess of \$5,000.

Then it continues with the word "or." I take it that that part of it is complete, although that probably was not the intention. It then reads:

Or if the cost of said repair or reconditioning requires that estimates should be made, until an opportunity has been given to the Government navy yards to estimate upon the cost of such repair or reconditioning.

I think the phrase "until an opportunity has been given" does not relate to the first part at all.

Mr. LODGE. It was intended to do so.

Mr. JONES of Washington. I thought it was. The word "and" instead of the word "or" would probably cure that.

Mr. LODGE. I have no objection to that change.

Mr. JONES of Washington. But this requires, if the expense is \$5,000 or more, that the matter shall be submitted to the navy yards of the United States; in other words, every navy yard in the United States would be called upon to submit estimates upon the proposition. The expense of making those estimates in the various navy yards of the Government would far exceed the cost of repairs in many instances, and it seems to me that all this should prevent the adoption of the amendment.

Mr. LODGE. If the Senator will allow me, I have no objection to making the amount larger. I want to put in some limit, so as not to require them to go to the yards for trivial repairs. That is the reason why I added the phraseology about the estimates. If the Senator thinks it more desirable to make the limitation larger, as much as \$50,000, I have no objection.

Mr. JONES of Washington. If there is any amendment to be adopted, I think it should read that the nearest navy yard should be required to give an estimate, without requiring estimates from all the navy yards of the United States.

Mr. LODGE. I agree to that. I think that is very well.

Mr. JONES of Washington. Of course, the Senator understands I do not think we ought to adopt any limitation.

Mr. LODGE. I understand that the Senator is arguing the general question.

Mr. JONES of Washington. I am suggesting this in case the provision is adopted.

Mr. LODGE. It is my intention, if the amendment is rejected, to endeavor to have an amendment made which will require all these items above \$100,000 to be submitted to Congress.

Mr. JONES of Washington. That, of course, would be very unwise. We can not carry on a business in competition with private interests in that way at all. I know the Senator does not desire to hamper the business in that way. These Government vessels are engaged in private business and commercial business. That is all they are engaged in.

Mr. LODGE. Yes; but—

Mr. JONES of Washington. I do not yield to the Senator just now. Government ships are entirely different. They are doing an entirely different kind of work; they are carrying on an entirely different sort of business; but these ships are being run or attempted to be run by the Shipping Board of the Government of the United States in commercial business in competition with the world's ships. Now I yield to the Senator.

Mr. LODGE. If it is not Government business, then the sooner we cease making appropriations to carry on the Shipping Board the better. We had better have that door opened.

Mr. JONES of Washington. We are simply making the necessary appropriations in order to enable us to get out of this business as soon as we can, with as much profit as possible.

Mr. LODGE. I have supported the Senator in that, as he knows.

Mr. JONES of Washington. I know the Senator has.

Mr. LODGE. I have not fought it; but it is Government work, paid for by the Government, of course, and it would not last 24 hours if the Government was not behind it.

Mr. JONES of Washington. Technically, of course, it is. The ships are owned by the Government until they are disposed of.

Mr. LODGE. Absolutely.

Mr. JONES of Washington. But they are not engaged in Government business like a battleship is.

Mr. LODGE. That is quite true, but they are Government ships on Government work.

Mr. JONES of Washington. Oh, certainly; they are Government ships and it is Government work.

As I said, the navy yard is called upon to make an estimate. The Senator knows that better than I do, because he is upon the Committee on Naval Affairs. Nevertheless, we should not lose sight of the fact that if an estimate is submitted and the

work is given to a navy yard, then we start on the work, and if it costs twice as much as the estimate we have to pay that money or else abandon the work. That is all there is to it. If an estimate is made of \$500,000 and the actual cost is \$1,000,000, we have to appropriate the other \$500,000 or else lose the first \$500,000 that has been expended. But if we allow the conditioning of these vessels to be made by contract with private parties we know when the contract is let what the cost is going to be. If it is carried on in a businesslike way, ample security is required to insure compliance with the contract so the Government knows exactly what the work is going to cost, knows the time within which it is to be done, and the time may be a very essential element in a contract of this kind.

The hearings disclose a letter from the Secretary of the Navy with reference to this proposition. It is found on page 36 of the Senate committee hearings. A telegram was sent from the editor of the New York American to the Secretary of the Navy with reference to the matter which is really involved here, namely, the reconditioning of the *Leviathan*. The Secretary wrote this letter. It is dated November 8, 1921, a couple of months ago, and reads:

GENTLEMEN: I have at hand your telegram of November 5, 1921, in which you make inquiry in regard to the reconditioning of the *Leviathan* by the Navy.

In April, 1920, the Shipping Board first requested bids upon reconditioning the *Leviathan*. At that time the status of the work in certain navy yards, notably in the Boston Navy Yard, was such that it appeared advantageous for the department to cause that yard to submit an estimate for doing this work.

The reconditioning of the *Leviathan* was not undertaken as a result of the bids received at that time.

Recently the Shipping Board again decided to secure bids for reconditioning the *Leviathan* under modified specifications, with the idea of ascertaining whether the work can now be done at a cost which will be within the means available to the Shipping Board.

I ask the attention of Senators to this statement:

A bid by a private firm is a guaranty of the performance of the work at a price named and within a time stipulated.

A bid by a navy yard is the estimated cost of the work. If work is awarded a navy yard after an estimate, the actual cost of the work is charged, whether same be greater than or less than the estimated cost. Estimates ordinarily run fairly close, say within about 10 per cent, but in a big reconditioning job, where the actual amount of work necessary can only be revealed after opening up work and uncovering all defects, it is difficult to make an estimate that will fall within 10 per cent of the actual cost.

The letter continues, on page 38 of the hearing, after certain interruptions:

Furthermore, the stipulated time for the performance of work for other departments of the Government must always be subject to the condition that urgent naval work shall take precedence, even if such precedence causes failure to perform the other Government departments' work within the time stipulated.

That is a very important element. I hope the Senate will give that consideration. Note what the Secretary says:

Furthermore, the stipulated time for the performance of work for other departments of the Government must always be subject to the condition that urgent naval work shall take precedence, even if such precedence causes failure to perform the other Government departments' work within the time stipulated.

In other words, if a contract should be let at the Boston Navy Yard for the reconditioning of the *Leviathan*, the reconditioning to be done within a certain period of time, and urgent naval work should come in, the work on the *Leviathan* would be put aside and the reconditioning possibly could not be carried on.

What is desired with reference to the *Leviathan*? On page 38—

Mr. OVERMAN. Will the Senator from Washington yield to me? I think there ought to be a quorum here, and I suggest the absence of a quorum.

Mr. JONES of Washington. I hope the Senator will not suggest the absence of a quorum.

Mr. OVERMAN. I suggest the absence of a quorum. Of course, we will want a quorum present when the President addresses the Senate.

Mr. JONES of Washington. I realize that the President will shortly address the Senate.

Mr. OVERMAN. I understand the President will be here at half past 3 o'clock, and it is now nearly that hour. So I make the suggestion there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Cummins	Harris	Lenroot
Borah	Curtis	Heflin	Lodge
Brandeggee	Dillingham	Hitchcock	McCormick
Broussard	Ernst	Jones, N. Mex.	McCumber
Bursum	Fernald	Jones, Wash.	McLean
Cameron	Fletcher	Kellogg	McNary
Capper	Frelinghuysen	Kendrick	Myers
Caraway	Gerry	Keyes	Nelson
Colt	Hale	King	Newberry
Culbertson	Harreld	Ladd	Norris

Oddie	Ransdell	Stanley	Watson, Ga.
Overman	Sheppard	Sterling	Watson, Ind.
Page	Shortridge	Sutherland	Weller
Pepper	Simmons	Swanson	Williams
Phipps	Smoot	Wadsworth	
Poinexter	Spencer	Walsh, Mont.	
Pomerene	Stanfield	Warren	

Mr. HEFLIN. I desire to announce that my colleague [Mr. UNDERWOOD] is absent on account of illness.

Mr. CARAWAY. I wish to announce the absence of my colleague [Mr. ROBINSON] on official business.

The VICE PRESIDENT. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

EXECUTIVE SESSION—SUBMISSION OF TREATIES.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business in open executive session.

The motion was agreed to; and (at 3 o'clock and 30 minutes p. m.) the Senate proceeded to the consideration of executive business in open executive session.

Mr. LODGE. I move that the Vice President appoint a committee of two Senators to escort the President of the United States into the Senate Chamber.

The motion was agreed to; and the Vice President appointed Mr. LODGE and Mr. SIMMONS, who retired and immediately reentered the Chamber, escorting the President of the United States, who was accompanied by his secretary, Mr. George B. Christian, Jr., and members of his Cabinet.

The President was greeted with prolonged applause, and, standing at the Secretary's desk, he spoke as follows:

THE PRESIDENT'S ADDRESS TO THE SENATE.

MR. PRESIDENT AND GENTLEMEN OF THE SENATE: I have come to make report to you of the conclusions of what has been termed the Washington Conference on the Limitation of Armament, and to lay before you the series of treaties which the United States and the other powers participating in the conference have negotiated and signed, and have announced to the world. Apart from the very great satisfaction in reporting to the Senate, it is a privilege as well as a duty to ask that advice and consent which the Constitution requires to make these covenants effective.

Accompanying the treaties I bring to you the complete minutes of both plenary sessions and committee meetings, and a copy of the official report made to me by the American delegation to the conference. Both the complete minutes and the official report of the American delegation are new accompaniments to the executive report of a treaty or treaties, but they are fitting testimonials to that open and simpler diplomacy for which the world has asked, and the practice of which contributed largely to the success of the conference so recently adjourned. I trust they will facilitate that ample and helpful understanding which is desirable in the Senate, and reflect that understanding which was the keynote of the conference itself. The whole transaction is quite out of the ordinary. I am not thinking of the achievement, which I hope the Senate will come to appraise highly, as I do and as the world seems to do. [Applause.] I am not thinking of the commendable processes by which agreements were wrought, though this was a conference wholly of free nations, exercising every national right and authority, in which every agreement was stamped with unanimity. Indeed, it was a conference of friends, proceeding in deliberation and sympathy, appraising their friendly and peaceful relations and resolved to maintain them, and give to the world new assurances of peace and actual relief from the burdens of excessive and competitive armament. But the out-of-the-ordinary phases which I have in mind are that the Senate—indeed, the Congress—has already advised in favor of one, and inferentially of two, of the treaties laid before you to-day, and the naval pact negotiated and signed is in accordance with your expressed wish. It calls a halt in the competitive construction of capital ships in the great navies of the world, and affords the first actual relief from naval burdens which peoples have been able to acclaim since steam and steel combined to add to naval strength in warfare.

But though the treaty recommended by the Congress marks the beginning of a naval holiday and that limitation of naval armament which accords with a world aspiration, the particular justification of this progressive and highly gratifying step was the settlement of the international problems of the Pacific, attended by new understandings in place of menacing disagreements, and established sureties instead of uncertainties which easily might lead to conflict. Much as it was desirable to lift the burdens of naval armament and strike at the menace of competitive construction and consequent expenditure, the Executive branch of the Government, which must be watchful for the Nation's safety, was unwilling to covenant a reduction of arma-

ment until there could be plighted new guaranties of peace, until there could be removed the probable menaces of conflict. Therefore, all the treaties submitted for your approval have such important relationship, one to another, that, though not interdependent, they are the covenants of harmony, of assurance, of conviction, of conscience, and of unanimity. These we have believed to be essential to perfect the fulfillment which the Congress had in mind.

As a simple matter of fact, all of the agreements, except those dealing directly with the limitation of armament, take the place of various multipower treaties, arrangements, or understandings, formal or informal, expressed or implied, relating to matters in the Pacific Ocean, in which all the powers signatory were essentially, if not equally, concerned. The new agreements serve to put an end to contradictions, to remove ambiguities, and establish clear understandings.

No matter what mental reservations may have existed, or what doubts may have prevailed, because here was an experiment new in many phases, all of the powers came to the conference knowing it was to deal with very practical situations affecting their international relations. There was mutual interest, quite apart from the greater achievement for world peace, and a way to common understanding was found to be practical and speedily arranged. If it has developed a new world school of diplomacy, let it be so called. It revealed the ends aimed at in the very beginning, and pointed the way to their attainment. The powers in conference took the world of the Pacific as they found it in fact. They dealt with actualities by voluntary and unanimous agreement, and have added to mankind's assurances and hopefully advanced international peace.

It is worth while saying that the powers in this conference sought no concert to dispossess any power of its rights or property. All the signatories have given up certain rights which they had, as their contribution to concord and peace, but at no sacrifice of national pride, with no regret or resentment to later flame in conflict. Some relinquished certain rights or prerogatives which they had asserted, notably in the settlement of the Shantung controversy, dealt with in a covenant quite apart from the group herewith submitted. But every concession was a willing one, without pressure or constraint. The conference record is quite unparalleled, not alone because there was the maximum of good feeling and neighborliness throughout the session but common rejoicing in the results; and the separations in departure were marked by genuine cordiality, good will, and new hopes.

It is not necessary to remind you that the conference work was not directed against any power or group of powers. There were no punishments to inflict, no rewards to bestow. Mutual consideration, and the common welfare, and the desire for world peace impelled. The conclusions reached and the covenants written neither require nor contemplate compulsive measures against any power in the world, signatory or non-signatory. The offerings are freewill; the conscience is that of world opinion; the observance is a matter of national honor.

These treaties leave no power despoiled. The delegates of every power participating adjourned with every right and every authority with which they came, except that which was willingly and gladly given up to further the common welfare. I can assure you the nine powers have been brought more closely together, they are stancher neighbors and friends, they have clearer and better estimates of one another, they have seen suspicion challenged and selfishness made to retreat, they have keener and more sympathetic understandings, and they are more strongly willed for right and justice in international relations than ever before. I believe, with all my heart, the powers in conference have combined to make the world safer and better and more hopeful place in which to live. [Applause.]

It was a helpful thing to have the conference reveal how common our human aspirations are and how easy it is, when the task is properly approached, to reconcile our national aspirations. There are mutual and essential interests affecting the welfare and peace of all nations, and they can not be promoted by force. They can be revealed and magnified in that understanding which, it is now proven, the conference of peace promotes, and the same understanding makes compulsion and despoilment hateful in the eyes of mankind.

The treaties submitted, seven in number, are—

The covenant of limitation to naval armament between our Republic, the British Empire, France, Italy, and Japan.

The treaty between the same powers in relation to the use of submarines and noxious gases in warfare.

The treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and their insular dominions in the Pacific.

A declaration accompanying the four-power treaty reserving American rights in mandated territory.

An agreement supplementary to the four-power treaty defining the application of the term "insular possession and insular dominions" as relating to Japan.

A treaty between the nine powers in the conference relating to principles and policies to be followed in matters concerning China.

A treaty between the nine powers relating to Chinese customs tariff.

I invite your prompt approval of all of them. It is quite impossible to readjust our naval program until the naval treaty has your sanction, even though you urged its negotiation. It is not possible to make the readjustment in full confidence until the whole program has commended itself to your approval.

I am not unmindful, nor was the conference, of the sentiment in this Chamber against Old World entanglements. Those who made the treaties have left no doubt about their true import. Every expression in the conference has emphasized the purpose to be served and the obligations assumed. Therefore, I can bring you every assurance that nothing in any of these treaties commits the United States, or any other power, to any kind of an alliance, entanglement, or involvement. [Applause.] It does not require us or any power to surrender a worth-while tradition. It has been said, if this be true, these are mere meaningless treaties, and therefore valueless. Let us accept no such doctrine of despair as that. If nations may not establish by mutual understanding the rules and principles which are to govern their relationship; if a sovereign and solemn plight of faith by leading nations of the earth is valueless; if nations may not trust one another, then, indeed, there is little on which to hang our faith in advancing civilization or the furtherance of peace. Either we must live and aspire and achieve under a free and common understanding among peoples, with mutual trust, respect, and forbearance, and exercising full sovereignty, or else brutal armed force will dominate, and the sorrows and burdens of war in this decade will be turned to the chaos and hopelessness of the next. We can no more do without international negotiations and agreements in these modern days than we could maintain orderly neighborliness at home without the prescribed rules of conduct which are more the guaranties of freedom than the restraint thereof.

The world has been hungering for a better relationship for centuries since it has attained its larger consciousness. The conception of the League of Nations was a response to a manifest world hunger. Whatever its fate, whether it achieves the great things hoped for, or comes to supersede, or to failure, the American unwillingness to be a part of it has been expressed. That unwillingness has been kept in mind, and the treaties submitted to-day have no semblance or relationship save as the wish to promote peace has been the common inspiration.

The four-power treaty contains no war commitment. It covenants the respect of each nation's rights in relation to its insular possessions. In case of controversy between the covenantee powers it is agreed to confer and seek adjustment, and if said rights are threatened by the aggressive action of any outside power, these friendly powers, respecting one another, are to communicate, perhaps confer, in order to understand what action may be taken, jointly or separately, to meet a menacing situation. There is no commitment to armed force, no alliance, no written or moral obligation to join in defense, no expressed or implied commitment to arrive at any agreement except in accordance with our constitutional methods. It is easy to believe, however, that such a conference of the four powers is a moral warning that an aggressive nation, giving affront to the four great powers ready to focus world opinion on a given controversy, would be embarking on a hazardous enterprise.

Frankly, Senators, if nations may not safely agree to respect each other's rights, and may not agree to confer if one to the compact threatens trespass, or may not agree to advise if one party to the pact is threatened by an outside power, then all concerted efforts to tranquilize the world and stabilize peace must be flung to the winds. Either these treaties must have your cordial sanction, or every proclaimed desire to promote peace and prevent war becomes a hollow mockery.

We have seen the eyes of the world turned to the Pacific. With Europe prostrate and penitent, none feared the likelihood of early conflict there. But the Pacific had its menaces, and they deeply concerned us. Our territorial interests are larger there. Its waters are not strange seas to us, its farther shores not unknown to our citizens. Our earlier triumphs of commerce were there. We began treaty relationships with China full 80 years ago, in the youthful vigor of our Republic, and

the sailings of our clipper ships were the romance of our merchant marine, when it successfully challenged the competition of the world. Seventy years ago Commodore Perry revealed Japan to commerce, and there followed that surpassing development of the island empire with whom our unbroken peace found a most gratifying reflex in the conference just closed.

A century ago we began planting the seeds of American friendship in Hawaii, and 70 years ago Webster told the Senate that the United States could "never consent to see these islands taken possession of by either of the great commercial powers of Europe." Whether it was destiny, or the development of propinquity, or the influence of our colonists, or faith in our institutions, Hawaii came under the flag in 1898, and rejoices to-day as a part of our Republic.

The lure of the waters, or the march of empire, or the call of commerce, or inscrutable destiny led us on, and we went to the South Seas and planted the flag in Samoa. Out of the War with Spain came our sponsorship in the Philippines and the possession of Guam; and so we are deeply concerned in the mid-Pacific, the South Seas, and the very center of the Far East. We crave peace there as we do on the Continent, and we should be remiss in performing a national duty if we did not covenant the relations which tend to guarantee it. For more than a half century we have had a part in influencing the affairs of the Pacific, and our present proposed commitments are not materially different in character, nor materially greater in extent, though fraught with vastly less danger, than our undertakings in the past.

We have convinced the on-looking and interested powers that we covet the possessions of no other power in the Far East, and we know for ourselves that we crave no further or greater governmental or territorial responsibilities there. Contemplating what is admittedly ours, and mindful of a long-time and reciprocal friendship with China, we do wish the opportunity to continue the development of our trade peacefully and on equality with other nations, to strengthen our ties of friendship, and to make sure the righteous and just relationships of peace.

Holding the possessions we do, entertaining these views, and confessing these ambitions, why should we not make reciprocal engagements to respect the territory of others and contract their respect of ours, and thus quiet apprehension and put an end to suspicion?

There has been concern. There has been apprehension of territorial greed, a most fruitful cause of war. The conference has dissipated both, and your ratification of the covenants made will stabilize a peace for the breaking of which there is not a shadow of reason or real excuse. We shall not have less than before. No one of us shall have less than before. There is no narrowed liberty, no hampered independence, no shattered sovereignty, no added obligation. We will have new assurances, new freedom from anxiety, and new manifestations of the sincerity of our own intentions; a new demonstration of that honesty which proclaims a righteous and powerful Republic.

I am ready to assume the sincerity and the dependability of the assurances of our neighbors of the Old World that they will respect our rights, just as I know we mean to respect theirs. I believe there is an inviolable national honor, and I bring to you this particular covenant in the confident belief that it is the outstanding compact of peace for the Pacific, which will justify the limitation of armament and prove a new guarantee to peace and liberty, and maintained sovereignty and free institutions.

No allusion has been made to the treaty restraining and limiting the use of the submarine, and the prohibition of noxious gases in warfare. Since we are asking the world's adherence, it is easily assumed that none in America will hold aloof.

Nor need I dwell on the nine-power treaty relating to principles and policies to be followed in the relationship of the signatory powers to China. Our traditional friendship for the ancient Empire, our continued friendship for the new Republic, our commitment of more than 20 years to the open door, and our avowed concern for Chinese integrity and unimpaired sovereignty make it easy to assume that the Senate will promptly and unanimously assent. China's own satisfaction in the restorations covenanted here has been officially expressed, quite apart from the testifying signatures.

Perhaps I may fittingly add a word which is suggested by my relationship as a former Member of the Senate. I had occasion to learn of your very proper jealousy of the Senate's part in contracting foreign relationships. Frankly, it was in my mind when I asked representatives of both the majority and minority to serve on the American delegation. It was designed to have you participate. And you were ably represented.

The Senate's concern for freedom from entanglements, for preserved traditions, for maintained independence, was never

once forgotten by the American delegates. If I did not believe these treaties brought us not only new guaranties of peace but greater assurances of freedom from conflict, I would not submit them to your consideration.

Much depends on your decision. We have joined in giving to the world the spectacle of nations gathering about the conference table, amid the convictions of peace, free from all passion, to face each other in the contacts of reason, to solve menacing problems, and end disputes and clear up misunderstandings. They have agreed to confer again when desirable, and turn the revealing light of world opinion on any menace to peace among them. Your Government encouraged and has signed the compacts which it had much to do in fashioning. If to these understandings for peace, if to these advanced expressions of the conscience of leading powers, if to these concords to guard against conflict and lift the burdens of armament, if to all of these the Senate will not advise and consent, then it will be futile to try again. Here has been exercised every caution consistent with accomplishment. Here was a beginning on your advice, no matter when conceived, and the program was enlarged only because assurances of tranquillity were deemed the appropriate concomitants of the great experiment in arms limitation.

I alluded a moment ago to my knowledge of the viewpoint of the Senate, from personal experience. Since that experience I have come to know the viewpoint and inescapable responsibility of the Executive. To the Executive comes the closer view of world relationship and a more impressive realization of the menaces, the anxieties, and the apprehensions to be met.

We have no rivalries in our devotion to the things we call American, because that is a common consecration. None of us means to endanger, none of us would sacrifice, a cherished national inheritance. In mindfulness of this mutuality of interest, common devotion, and shared authority, I submit to the Senate that if we can not join in making effective these covenants for peace, and stamp this conference with America's approval, we shall discredit the influence of the Republic, render future efforts futile or unlikely, and write discouragement where to-day the world is ready to acclaim new hope. Because of this feeling, because I believe in the merits of these engagements, I submit them to the Senate with every confidence that you will approve. [Prolonged applause.]

Mr. LODGE. Mr. President, I ask that the message of the President, the report of the American delegation, and the minutes of the conference and the committees of the conference be referred to the Committee on Foreign Relations and printed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. I ask that the treaties, which are included in the appendix to the report of the American delegation, be also printed separately for the convenience and use of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. I ask that the injunction of secrecy may be removed, which is simply disposing of an old rule.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HITCHCOCK. Mr. President, I would like to inquire concerning the printing of the minutes of the conference.

Mr. LODGE. I have asked that they be printed.

Mr. HITCHCOCK. I did not understand that they were included in the Senator's request.

Mr. LODGE. I asked to have them referred to the Committee on Foreign Relations and printed. That was my request.

Mr. HITCHCOCK. The minutes, as well as the treaties?

Mr. LODGE. I asked to have the President's message, the report of the American delegation, and the minutes of the conference and the committees of the conference—

Mr. BRANDEGEE. And the treaties.

Mr. LODGE. The treaties are included in the report of the delegation, and I made a separate motion as to them. I asked to have the President's message, the report of the American delegation, the minutes of the conference and the committees of the conference referred to the Committee on Foreign Relations and printed. I then asked that the appendix to the report of the delegation, which contains the treaties alone, be printed separately as well as with the report of the delegation.

Mr. SMOOT. Does the Senator ask that they be printed for the use of the committee or as a public document?

Mr. LODGE. I intended to ask that they be printed as a public document, of course. I ask that order now.

The VICE PRESIDENT. Without objection, that order will be made.

Mr. LODGE. I suppose there will be a sufficient demand later to make it necessary for the Committee on Printing or the Committee on Foreign Relations to ask for a large number to be printed. Already I have had requests from the House for that

purpose, but I thought to-day it was sufficient to have the order entered to print them all as Senate documents. I ought to state that the minutes of the plenary conference and the minutes of all the meetings of the committees of the conference will make a very large document.

Mr. SMOOT. May I suggest to the Senator that he ask now that additional copies to the cost of \$500 be printed, because they can be printed so much more cheaply now than if we print the first 1,674 copies and then make a reprint. I am quite sure the Senate will need even more than \$500 worth of them, but we can only order \$500 worth without a concurrent resolution, so I would like to have the Senator make the request now.

Mr. LODGE. Very well; I make the request suggested by the Senator from Utah.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CURTIS. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to.

The VICE PRESIDENT. The Senate resumes its legislative session.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1923, and for other purposes.

Mr. JONES of Washington. Mr. President, I was reading from a letter from the Secretary of the Navy, especially where he states that in the performance of work given to a navy yard, any private work in the yard must be subordinate to the Government's work, and if any work must be delayed in its execution it, of course, would be the private work. So that if, under the estimates submitted by the Secretary of the Navy, the navy yard should undertake the work to be done in a specified time, and if Navy work came in which would extend the private work over that time, that would have to be done. In other words, there is no assurance when a job is given to a navy yard that it will be finished within the time stipulated, and this is very pertinent with reference to a matter that is now pending with the Shipping Board. Mr. Lasker said:

For instance, the *Leviathan*, unless she is ready by March of 1923, would lose the spring trade of 1923, which runs into enormous sums.

In other words, if the *Leviathan* is to be reconditioned, it ought to be done and ready for the spring business of 1923. If that is not done, the Government in the operation of that ship would lose a great deal more money than if the vessel were ready to take advantage of that trade. This is a very large job, and if given to some navy yard the probabilities are that the Government work would prevent the carrying on of that work as expeditiously as it ought to be carried on.

I want to read further from the letter of the Secretary of the Navy. He says:

As the total cost of reconditioning the *Leviathan* will probably run somewhere between \$6,000,000 and \$8,000,000—

I hope Senators will give attention to this—

It will be seen that an estimate submitted by a navy yard would not give the Shipping Board the exact information which they desire as to cost and time of performance of this work. The necessity for economy is so great that the authorities of the Shipping Board do not feel that they could take the chance of overrunning the estimated cost by possibly \$500,000 or \$600,000. They must have a guaranteed total expenditure.

Mr. President, that the navy yards can not give. The Secretary continues:

In addition to the above uncertainties which surround the submission of estimates by a navy yard and their acceptance by the Shipping Board, the department finds—

This is, the Navy Department finds—

the department finds that at the present time the status of work at navy yards is such that it would not be advantageous to undertake the reconditioning of the *Leviathan* at a navy yard.

Mr. President, that letter comes from the Secretary of the Navy himself, who states that under the conditions in the navy yards on the 8th of November, which is the date of the letter, "it would not be advantageous to undertake the reconditioning of the *Leviathan* at a navy yard." The letter continues:

The above facts are known to the Shipping Board as well as to the Navy Department, and have been developed after the most considerable consultation on the part of all concerned.

I hope that the above information will give you an insight into the existing conditions. The relations between the Shipping Board and the Navy Department are entirely harmonious, and each of these branches of the Government is considering not only its own interests but is cooperating with the other, to the end that the best interests of the whole country may be served in arriving at important decisions such as the one here discussed.

Mr. President, I want to call attention to the fact that bids have already been called for for the reconditioning of this vessel. I hold in my hand the specifications for that work [exhibiting] embracing over a thousand pages. If we are going to require the submission of bids or estimates on the part of the navy yards, they must go all through these specifications and consider them item by item. It will take them—I was going to say months, but I do not know how long it will take them to do it. It certainly will take them several weeks with a very large force, and it will be very expensive.

Mr. NORRIS. May I interrupt the Senator?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES of Washington. I yield.

Mr. NORRIS. There was so much confusion in the Chamber when the Senator began to speak that I was unable to hear all he said. I wish to ask him, first, whether what he has stated would not be true in the case of any private concern which desired to bid on this work? Would they not have to examine these specifications just the same?

Mr. JONES of Washington. But that has already been done; the bids have already been submitted.

Mr. NORRIS. But estimates have not been submitted by the navy yards.

Mr. JONES of Washington. No; I think not on the last occasion when bids were called for; but the navy yards submitted estimates once before; they did that last year.

Mr. NORRIS. If those estimates were complete, then we have their bid or their estimate.

Mr. JONES of Washington. Oh, no; not on these particular specifications.

Mr. NORRIS. I understood the Senator to say they had been submitted to the navy yards.

Mr. JONES of Washington. They were in the first instance submitted to the navy yards.

Mr. NORRIS. If they were not submitted to the navy yards, I do not quite understand why the Senator should blame the navy yards.

Mr. JONES of Washington. I am not blaming the navy yards.

Mr. NORRIS. If I understand the Senator, he is using that as an argument why the committee amendment should be adopted, to show that it ought to be adopted, and that the navy yards ought not now to be allowed to submit estimates because it would involve delay. Is not that the Senator's argument?

Mr. JONES of Washington. This is one reason. But I am not blaming the navy yards; they were not responsible, of course.

Mr. NORRIS. If it is not their fault, then I can not understand why the Senator should use that even as an argument for the striking out of this language.

Mr. JONES of Washington. I have just read to the Senate from the statement here in the testimony that if the *Leviathan* is to be reconditioned it ought to be accomplished by the spring of 1923, and if these specifications, and all that sort of thing, must be gone over by the navy yards the chances are that it will delay the work and it can not be accomplished by that time.

Furthermore, independent of that, if a contract of such magnitude is to be let to a navy yard the probabilities are very great that the work would not be completed within that time, even if the navy yard agreed to do it, because if any Government business comes in the contract work must be subordinated to it and must be postponed. In other words, the probabilities are that it would not be accomplished by that time by a navy yard.

Mr. NORRIS. Of course, that is a risk which must be taken in the case of a private bidder as well. It often happens that a piece of work is not completed in contract time by a private concern. I do not myself know why we should assume that a navy yard would be any less expert than would be a private institution.

Mr. JONES of Washington. Let me suggest to the Senator that from a private contractor the Government requires a bond to guarantee the completion of the contract and to save the Government if it is not complied with. It is true that the private contractor may not fulfill his contract; but if the officials of the Government will use their business judgment, as I am satisfied they will, and employ practical business methods—

Mr. LODGE. Mr. President—

Mr. JONES of Washington. I will ask the Senator to wait for a moment, if he please.

Mr. LODGE. I beg the Senator's pardon. I shall not again interrupt him.

Mr. JONES of Washington. I did not intend to be discourteous, but I had not completed the sentence.

Mr. LODGE. I thought the Senator paused.

Mr. JONES of Washington. If they use business methods—as I assume they will do—then they will take a bond from the contractors to insure that they will comply with their contract; but, of course, no bond is furnished by navy yards and we have to rely upon their ability to complete the work on time.

Mr. NORRIS. But the Senator from Washington does not use that as an argument why we should not utilize our own property in our own navy yards, does he?

Mr. JONES of Washington. I was only using that as an argument why, in view of what it is desired to accomplish, we should not incur the delay of a month.

Mr. NORRIS. I may be mistaken in my comprehension of the matter, but it seems to me that what the Senator is saying amounts to this, that in the case of the *Leviathan* we ought to strike out the provision granting authority for the reconditioning of the vessel in a navy yard, because—at least that is one reason—plans and specifications have been submitted to private corporations so that they may bid without delay.

Mr. JONES of Washington. They have already bid on the work.

Mr. NORRIS. Very well; but if we submit the proposal to a navy yard they will have to take the time in order to look it over; therefore we should take away from the navy yards the opportunity to do the work.

Mr. LODGE. Mr. President, I do not think the Senator from Washington means to create any misunderstanding.

Mr. JONES of Washington. Certainly not.

Mr. LODGE. In 1920 the Todd Shipbuilding Co. submitted a bid for reconditioning the *Leviathan* of \$10,740,000, while the Boston Navy Yard bid \$8,938,000. That was for a complete reconditioning, furnishing equipment, painting, and everything concerning the ship, outfitted for use. This year bids have been asked from three private yards, but the Government has refused to allow the Boston Navy Yard to bid.

Mr. NORRIS. To my mind the Government can not be excused for taking such a course. Even if it should result in some delay, as we have our navy yards, if they are equipped to do this work, and can make a bid on it, and can do it cheaper or as cheaply—I would go even further than that; but that far I think I can safely go—if they can do it as cheaply as a private yard could we ought, if for no other reason than to maintain our own yards, to give it to them.

Mr. JONES of Washington. Let me suggest to the Senator that I think this is the reason why the bids were not called for from the navy yards. I quoted a few moments ago from a letter from the Secretary of the Navy, dated November 8, in which he had this to say:

In addition to the above uncertainties which surround the submission of estimates by a navy yard and their acceptance by the Shipping Board—

This statement is from the Secretary of the Navy, and not from the Shipping Board—

the department finds that at the present time the status of work at navy yards is such that it would not be advantageous to undertake the reconditioning of the *Leviathan* at a navy yard.

I have no doubt that these questions were gone over with the Shipping Board; in fact, the Secretary of the Navy says:

The above facts are known to the Shipping Board as well as to the Navy Department, and have been developed after the most considerable consultation on the part of all concerned.

That is all that I know about it.

Mr. NORRIS. Mr. President, will the Senator let me interrupt him there?

Mr. JONES of Washington. I yield to the Senator.

Mr. NORRIS. If in this instance, or in any other, a navy yard is not equipped to do the work and does not want to submit bids, that is an entirely different proposition. It seems to me, however, that it ought to have the opportunity of doing so.

Mr. JONES of Washington. Mr. President, I take it this is the reason why the navy yards were not given the opportunity to submit estimates under the last specifications, as they were given such opportunity under the first specifications. I take it from the statement of the Secretary that in consultation with the Shipping Board he told them it would not be advantageous to have the navy yards submit bids.

Mr. LENROOT. Mr. President, I should like to ask the Senator from Washington if it is not the position of the Shipping Board that all existing bids expire on February 15, and the board is satisfied that unless the bidders can be held to the bids they have already submitted it can not ever again get bids so low as those it now has?

Mr. JONES of Washington. Yes; I was just coming to that point. I ask the attention of Senators to this statement by Mr. Lasker. Senator OVERMAN asked:

How do you know what it is going to cost, or do you know?

Mr. LASKER. Yes, sir; we do. The contract will be given February 15.

Senator OVERMAN. To the lowest bidder?

Mr. LASKER. To the lowest bidder; and it will cost, all told, \$8,200,000.

I hold in my hand a letter from John Wanamaker, of New York, furnishing contractors, addressed to J. W. Powell, president of the Emergency Fleet Corporation, Munitions Building, Washington, D. C. The letter explains itself, and I want to read it to the Senate:

DEAR SIR: We beg leave to address you concerning our proposal for supplying the steward's equipment for the S. S. *Leviathan*. Our prices are guaranteed according to the proposal until February 15, 1922.

I take it that that item is included in the bid of \$8,200,000, and that this firm is what might be called a subcontractor supplying steward's equipment under the principal bid.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. JONES of Washington. Yes.

Mr. LENROOT. That bid amounts to over a half million dollars, but, as a matter of fact, Wanamaker is not the lowest bidder. The amount involved, however, over \$500,000, is under one specification.

Mr. JONES of Washington. He is not the lowest bidder for that particular work, but I think his proposal is a part of the lowest bid for doing all of the work. Then the letter continues:

Our prices are guaranteed according to the terms of the proposal until February 15, 1922.

The market has taken an upward turn since December 15, 1921. Wool to-day is 35 per cent higher, linen 20 per cent. This, however, does not affect our prices until February 15. We have obtained the necessary guaranties to protect us until the date mentioned, but the guaranty which we obtained will cease on February 15.

As we are the lowest formal bidder, we are intensely interested to know as to when you expect to arrive at a decision to proceed with the work. We would like to know a few days previous to the 15th instant, so as to be able to cover ourselves in the market.

Anticipating an early reply, we are,

Yours, very truly,

JOHN WANAMAKER, New York,
By E. C. MORRIS, Contract Bureau.

Mr. President, that shows the urgency of the matter. I think we have the situation now fully before the Senate. From the letter of the Secretary of the Navy I infer that he conferred with the Shipping Board when it was contemplated to ask for new bids on the revised specifications; that the Navy Department pointed out their views that it would not be advantageous to have the Navy undertake this work, and, therefore, bids were not called for from the navy yards. Bids have been called for from private contractors; they have been received and the lowest bidder has been accepted, so far as acceptance goes, and the contract is to be let by February 15. One of the subcontractors who was to furnish to the principal contractors certain supplies says that he can not guarantee his bid after February 15, and unless action is taken by that time the chances are that all the bids will be off, and instead of a bid of \$8,200,000 we will probably have a larger bid if it is desired to carry on the work.

Mr. President, it seems to me that under these conditions we ought not to hamper the Shipping Board. Let me say a word in the nature of a general statement. I am not going to take much more time.

Mr. NORRIS. May I ask the Senator another question there?

Mr. JONES of Washington. Yes.

Mr. NORRIS. Assuming that all the Senator says is correct—and, of course, I am not doubting what he says at all—if it is necessary to make an exception of this particular case for the reason that the Senator has given, that the matter must not be delayed beyond the 15th of February, we could very easily meet that by adding a proviso stating in effect that this particular provision shall not apply in a case where bids had already been received.

Mr. JONES of Washington. Of course that could be done; but I just want to say, in a general statement with reference to the situation, that while these ships that the Shipping Board has as Government property they are being used in a commercial way. They are being used in competition with the ships of all the world. The business ought to be carried on just as economically and just as efficiently as it is possible to carry it on. It is absolutely necessary to do that in order to maintain our standing in competition with the nations of the world and the other shipping of the world. It is difficult enough for our private shipowners to maintain their position. I think the great majority of the sentiment on this floor is that it is more

expensive to carry on Government operation; that Government operation is carried on with less efficiency than private operation; and so this shipping being engaged in this commercial business we should place just as few restrictions upon the Government agency that is handling it as we feel that we can possibly get along with.

Mr. President, we have given to the Shipping Board a tremendous task. Without in any way criticizing the past administration or wishing that what I shall say shall be taken in that sense—because I try to make due allowance for the conditions that confronted the administration when this great shipping fleet was developed and the primary purpose for which it was developed—I want to say that the present Shipping Board took over a chaotic mass of shipping, with a chaotic condition with reference to accounts, information with reference to its handling, and all that sort of thing, that is simply indescribable. They are doing their best to get it upon a business basis. The Commerce Committee have had members of the Shipping Board before them several nights, and we have had them tell us what they are doing, what the conditions were that faced them, and what they have been able to accomplish in the time they have been in office. I want to say that I have been amazed at the accomplishments that they present to us, considering the conditions that confronted them at the time they went in. In my judgment they are doing a great work, and it is being done by the whole board and the Emergency Fleet Corporation working together, trying to get business principles applied and business policies used in the endeavor to bring up the American merchant marine and get this great business of the Government in such shape that it can be gotten into private hands in a way entirely consistent with the welfare of the country, they believing that that is what Congress desires.

Mr. HITCHCOCK. Mr. President—

Mr. JONES of Washington. I yield to the Senator.

Mr. HITCHCOCK. Would it interrupt the Senator if he should give us, in a few moments, an outline of the accomplishments of the Shipping Board during the period to which he refers?

Mr. JONES of Washington. Mr. President, that would take a long time. Four hundred pages of testimony, I think, were taken before the House committee. I have here a summary of this work, prepared, I think, by the Shipping Board and submitted to the Appropriations Committee. Here is a statement that is a very striking one to me as to the character of this business. I think, if the Senator would like to have it, that it would be interesting to the Senator to read just a page here:

The activities of the United States Shipping Board and its agencies have been as wide in scope as the commerce of the whole world. It contracted for the purchase of ships under various types of purchase contracts. In the performance of these contracts it became a co-worker in the building of ships. It undertook the duties and responsibilities of a banker and became a party to the financing of the shipbuilding program. It became a general contractor and assisted in providing greater shipbuilding facilities. It became a manufacturer and undertook to increase the output of ship equipment. It became a lumber merchant and acquired timber forests. It became an insurance company and sold protection against insurable losses. It entered transportation fields and built and operated street railways. It built and operated hotels for housing workmen; it built homes for the families of workmen, and in so doing created townships with paving, water, gas, sewers, moving-picture theaters, hospitals, and all the necessities and conveniences of municipal life.

The relation of the Shipping Board to the maritime needs of the country led naturally into wider activities. It constructed and operated fuel-oil stations the world over. It organized shipping agencies in the larger ports of the world. It became associated in the creation of an American shipping survey and registry. It contracted with foreign nations for cargo space. It organized a recruiting service to man the ships and instruct American manhood in the art of seaman-ship. It maintained warehouses, and provided the ships with necessary stores and supplies. It controlled the dry docks and ship-repair yards of the country. It established an organization for the repair and upkeep of ships, and later it had the duty of holding and preserving the laid-up or idle ships.

With the coming of the armistice—

Mr. President, this describes the activities of the Shipping Board before the armistice, while we were in war, trying to build up this as a war machine—

With the coming of the armistice new duties were thrust upon the Shipping Board. It became one of the biggest merchants in the history of the country. It had available for disposal an immense amount of property, including ships, tugs, shipyards, land, buildings, equipment, homes, hotels, street railways, electric transmission lines, timber forests, machinery, a warehouse full of marine engines, ship stores, and materials and supplies of almost every conceivable character and description.

There, to my mind, is a vivid description of the various activities of this board.

Mr. NORRIS. Mr. President, can the Senator think of anything that it did not do?

Mr. JONES of Washington. I do not know of anything that it did not do.

Mr. NORRIS. I have wondered if the adoption of the eighteenth amendment interfered with its activities at all.

Mr. JONES of Washington. There are some people who contend so. I am not looking into that question, however.

Mr. KING. Mr. President, I may say, if the Senator will permit me, that what it did do it did not do well, so that it did not do that well.

Mr. NORRIS. It had too much to do. You could not expect it to do it well.

Mr. JONES of Washington. How could we expect an enterprise so vast as that, so far-reaching, to be carried on without loss and without inefficiency and without disorganization, and so on, especially when it was largely done during the war? And let us not forget, Mr. President, when we are talking about the Shipping Board, that the Congress of the United States required it to do this.

Mr. HITCHCOCK. Mr. President, I think perhaps the Senator misunderstood me, or else I misunderstood him.

Mr. JONES of Washington. I am coming now to what I understood the Senator to ask.

Mr. HITCHCOCK. I understood the Senator to speak in great praise of the achievements of the Shipping Board since its present constitution.

Mr. JONES of Washington. Yes.

Mr. HITCHCOCK. That is what I was inquiring about.

Mr. JONES of Washington. Yes; I knew that, and I am coming right to that now, briefly.

When the present Shipping Board came in, here is one statement that it makes:

Voyage accounting and auditing was a thorn in the side. All sorts of disputes arose between the managing agents and the Fleet Corporation. The fundamental cause of the accounting chaos was the failure to clean up matters. By June 30, 1921, the discrepancy between the Fleet Corporation controlled accounts and the managing agents' accounts was \$47,000,000.

They state that drastic measures have been applied; and while they do not contend that their accounts are as yet perfect and complete, they do make the showing that they have these operators' accounts in practically correct form, practically complete shape; that they have them practically all adjusted in that respect.

Here is another statement that Mr. Lasker makes. He says that on August 15, 1921, he said to the Senate Committee on Appropriations:

If by the 1st of December we have not cut the employees 30 per cent or more I shall be disappointed.

This is what he says to the committee:

The number of employees as of June 15, 1921, was 8,324. The pay roll of December 31, 1921, shows a total of 5,035, after allowing for those to be separated after expiration of accrued leave and accomplishment of other changes already ordered.

This is equivalent to a 39.5 per cent reduction, or 9.5 per cent more than the ratio mentioned by the chairman on August 15, 1921, and a saving of \$4,942,319 in annual salaries of 3,289 employees, who were dropped.

Approximately one-half of the saving is in the comptroller's department. June 15, 1921, the personnel there consisted of 3,086, with annual salaries of \$5,787,035. On December 31, 1921, the number had been reduced to 1,535, with annual salaries of \$3,138,802, a reduction of \$2,648,231.

Here is a very striking example of what they have done, and I invite the attention of the Senate to it. We have, of course, a great many of our ships laid up. There is no business for them. They can not be run economically. A good many ships were laid up when the present board took charge, and of course they had to be watched and looked after. Here is one concrete example of what they have done:

In July, 1921, there were 719 steel vessels laid up with 4,577 employees, with an average annual cost per vessel for wages and incidental expense of \$12,233.16.

That is per vessel. Mark you, that is what it was costing on an average in July, 1921, to maintain a laid-up vessel, to look after it and care for it.

Now, there are 1,029 vessels laid up, total employees reduced to 3,421, average annual expense \$5,013.12.

Instead of \$12,233.

Based on the number of steel vessels laid up as of this date, this shows an annual reduction of approximately seven and one-half million dollars. The reduction in number of employees amounted to 25 per cent.

Mr. KING. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. KING. I recall reading that testimony; but it occurred to me as I read it that it was unfair in the deductions or implications which the writer or witness intended should be drawn from that statement. It must be borne in mind that some of the ships that were tied up—to use that expression—in July, 1921, had been tied up but a short time, and they were being brought into the docks and tied up from time to time, and no

policy had been adopted then as to what should be done with them. That is to say, some of the Shipping Board expected an immediate revival in business, so that the ships would be again conditioned or put into commission for service; so they kept them in more or less of a condition so that they could be speedily put on the water again.

Mr. JONES of Washington. And they are being kept in that condition now.

Mr. KING. But it became apparent later, and is apparent now, that they would probably be tied up for an indefinite period, so a policy was adopted—and it could be adopted when it was known that they would be tied up for some time—of caring for a larger number in a more economical way, and those facts ought to be taken into account.

Mr. JONES of Washington. I am not saying they are not taken into account. I am just simply giving the evidence. I shall not take the time this afternoon to go fully into this question. We will discuss the whole shipping matter a little later, and I do not want to embark on that subject in connection with this bill.

As I said a while ago, I do not intend to criticize the preceding board in any way, shape, or form, because I am looking to the future. I think we have to look to the future. I believe, Mr. President, that you may point out wherein this board has had better advantages than the other, or that certain conditions appeared to be different, and so on. Grant it all. I make no criticism, and I have no controversy about it; but I am convinced that the present Shipping Board is doing its utmost to do whatever is for the best interest of the Government and the best interests of the American shipping, and I am satisfied that the chairman of that board, Mr. Lasker, and the members of the board, and the members of the Emergency Fleet Corporation are exercising possibly not the best possible judgment, but as good judgment as would be exercised by anybody. They are doing their best in this great work. I have been actually amazed at the wonderful comprehension which Mr. Lasker has acquired with reference to the details and intricacies of this great business within the last six months. I simply want Congress to give these men a chance, to have confidence in them. If we have not confidence in them, let us get rid of them; but as long as we keep them, let us have confidence in their integrity, confidence in their ability, confidence in their patriotism, and confidence in their determination to make a success out of this if they can.

I am convinced of it myself, and I do not know of any man who could have been gotten for this tremendous job who would have done in six months what Mr. Lasker has done as chairman of the board, with the aid of the other members of the board.

Mr. NORRIS. Mr. President, I hope the Senator will not infer that any Senator who is opposed to the committee amendment is inclined for that reason to find fault with the Shipping Board. I do not understand that that has anything to do with the question.

Mr. JONES of Washington. No; not at all; I am not arguing on the amendment at all.

Mr. NORRIS. On the question the Senator has raised, I would like to ask if these vessels which are tied up are fully equipped, ready to go to sea and carry passengers and freight?

Mr. JONES of Washington. A great many of them are. They would need some reconditioning, of course, but they are trying to keep these ships in good condition.

Mr. NORRIS. Why are they spending eight or ten million dollars then to repair one ship if they already have ships which are in repair and ready to be used, but which are tied up?

Mr. JONES of Washington. They have no ship like the *Leviathan*.

Mr. NORRIS. None so big?

Mr. JONES of Washington. Nothing like it.

Mr. NORRIS. Which would do the same work?

Mr. JONES of Washington. Oh, no; I suppose it is the one ship, really, in its class.

Mr. NORRIS. They expect to be able to utilize that ship?

Mr. JONES of Washington. Yes; they think they can utilize it to very great advantage in the North Atlantic, in crossing the Atlantic.

Mr. RANSDELL. I would like to suggest, if the Senator will permit, that while we have a great many cargo ships, we are very short of combined cargo and passenger ships, which the *Leviathan* is. She is principally a passenger-carrying ship, but she carries a good deal of cargo. We do need really for a well-balanced merchant marine, if I understand it correctly, quite a number of ships which will carry passengers and a certain quantity of cargo.

Mr. LODGE. Mr. President, if the Senator will allow me a moment, I think it is perfectly well known to everybody who is at all familiar with ocean travel that the most unprofitable

ships are those ships of enormous tonnage, like the *Vaterland*—now the *Leviathan*—the *Olympic*, the *Aquitania*, and ships of that kind. They are extremely expensive to run, they are luxury ships, and they are not profitable freight carriers. They are building an entirely different type of ship now. They are going back very largely to ships of lesser tonnage, because the others are so enormously expensive. I dare say that Mr. Lasker thinks this will be a profitable ship, but that is not the general experience. Certainly for freight, no one would think of building such a ship.

Mr. JONES of Washington. That is true.

Mr. FLETCHER. Mr. President, I merely wish to say, in this connection, that we often speak about how the British have built up their merchant marine, and how we have failed to accomplish what we probably should have accomplished in that direction. The very best illustration of the reason why we have failed and why Great Britain has built up her merchant marine lies in these two great ships, the *Imperator*, taken by the British, and the *Leviathan*, taken by the United States. The *Imperator* was put in condition, and has been making money "hand over fist" for months, and the *Leviathan* is tied up at a dock at a dead expense to the Government of thousands and thousands of dollars. That is just the difference between the British merchant marine enterprise and the American. We take our ship and tie it up at a dock, and at great expense keep it there. The British put theirs into service, and earn money on her. There is no question but what the *Leviathan* can earn a tremendous profit. We need just such a ship to carry passengers. The profits are made in the carrying of passengers.

Mr. NORRIS. Mr. President, as far as the passenger traffic is concerned, the Americans, as I understand it, supply most of the money that is made in that service, and the difficulty has been that Americans who go abroad are so inclined to travel in English ships that they do not patronize ships flying the American flag.

Mr. FLETCHER. That is because we have never given them the service.

Mr. OVERMAN. Mr. Lasker says that if we would fix this vessel up, they would get the traffic; that Americans would take passage on her.

Mr. NORRIS. I understand they are going to do so, but there are a good many American ships now on the ocean in the passenger-carrying business. I read an article last night, which I believe was an interview with some man connected with the Shipping Board, perhaps the chairman of it, in regard to an advertising plan he has in mind for the purpose of calling the attention of the American people to the fact that in going across the Atlantic, as they do by the thousands, they ought to patronize American ships, and that they have the ships. But he said that if all the Americans who went abroad, estimating the travel in the coming year according to the travel in past years, would travel on American ships, they would not be able to carry all of the Americans who went abroad, and they could make money "hand over fist" if the people would only travel in American ships instead of foreign ships.

Mr. JONES of Washington. My information is that Americans are traveling more and more on American ships.

Mr. NORRIS. I hope so.

Mr. JONES of Washington. I hope so, too; and my information is also that the *George Washington* is making money in the carrying of passengers.

Mr. LENOX. I would like also to call attention to the fact that the *Leviathan* is now costing us \$700,000 a year merely to take care of her.

Mr. LODGE. That is an example of the excellent management of the Shipping Board. That ship has been lying there ever since the troops came back and nothing has been done to her.

Mr. JONES of Washington. The Shipping Board, either this one or the one before the present board, is not entirely to blame. It was proposed that the *Leviathan* be sold unconditionally, and a bid was made for her, I think, of nearly \$4,000,000. Congress held that up by resolution.

Mr. NORRIS. That was a bid under which the ship might have gone out from under the American flag.

Mr. JONES of Washington. No; it had to go under the American flag. I take blame to myself with reference to that. I am inclined to think we made a mistake. I joined in reporting favorably the resolution to withhold action upon it, and I am inclined to think we made a mistake.

Mr. NORRIS. I remember the occasion now, since the Senator speaks of it, and I voted for the resolution, or if I did not, I was in favor of it, and I am still in favor of it. That was a long time ago. Have they not had sufficient time to equip the ship and get it going?

Mr. JONES of Washington. The present Shipping Board is trying to do it; but it has only been in office about six months. The other Shipping Board did not; it did not have the money.

Mr. NORRIS. How much time has elapsed since that resolution was passed?

Mr. JONES of Washington. I think about two years.

Mr. NORRIS. It ought to have been equipped in two years.

Mr. JONES of Washington. We would have had to provide the money.

Mr. FLETCHER. They did not have the money, and we did not have any Shipping Board about half the time.

Mr. NORRIS. They had money with which to work on the other ships, did they not?

Mr. JONES of Washington. No; not extensively. They kept them somewhat in repair out of receipts from operation.

Mr. LENROOT. I would like to say to the Senator from Nebraska that what there was of the Shipping Board could never get the approval of the committee of either House to go ahead with the reconditioning, owing largely to the way the financial operations of the Shipping Board were then being conducted.

Mr. RANDELL. I would like to add just this statement to the debate about the *Leviathan*: It was a very expensive ship in its original cost. I do not remember exactly, but it cost something like \$25,000,000 or \$30,000,000. It is an asset on our hands.

Mr. JONES of Washington. It did not cost that originally, but Mr. Ferguson, testifying before our committee when that matter was being considered, said it would cost from \$25,000,000 to \$30,000,000 to replace the *Leviathan* at this time.

Mr. RANDELL. Very well; put it that way.

Mr. JONES of Washington. That was two years ago.

Mr. LODGE. It did not cost anything like that sum when it was built.

Mr. JONES of Washington. No; it did not.

Mr. RANDELL. But it would cost that to replace it.

Mr. LODGE. I think it probably would.

Mr. RANDELL. It is a dead asset on our hands. The Senator from Wisconsin [Mr. LENROOT] just stated that it is costing about \$700,000 a year. I do not remember that that is exactly correct.

Mr. JONES of Washington. It is a liability in the shape in which it is now.

Mr. RANDELL. It is a tremendous liability right now. It can be repaired and made practically a new ship, and a very valuable asset, at a cost of \$8,200,000. As I read the testimony of Mr. Lasker and others, it will certainly pay a good dividend on a \$15,000,000 valuation, if we spend \$8,200,000 on it. It will then become a paying proposition, something of which we, as Americans, would be proud, something which would help us to build up that merchant marine we all talk so much about, something which would balance the merchant marine; something which we have not now, for we have not a ship like that to come in competition with the great ships of England.

With a dead asset, costing us a tremendous amount to care for, would it not be good business to spend \$8,200,000 and make a profitable asset on a valuation of \$15,000,000? It seems to me there can be no question about that. We must either do that, Senators, or we ought to take this hulk out in the ocean and sink it. One or the other ought to be done.

Mr. LODGE. I am not opposing the reconditioning of the *Leviathan*, but I want it reconditioned at the lowest price.

Mr. RANDELL. We will discuss that phase of it later.

Mr. LENROOT. I made the statement that it was costing \$700,000 a year to care for the *Leviathan*, and I wish to be entirely accurate about that. It is costing us \$44,000 a month for care. The ship is using a pier for which we could receive \$18,000 a month if the *Leviathan* were not there. Therefore it is costing us \$62,000 a month, or a little over \$700,000 a year.

Mr. JONES of Washington. I could cite other changes this board has made, but I shall not take the time to do it, as I hope we will be able to get this bill through to-day. I know the Senator from Massachusetts wants this vessel reconditioned, and the only question in my mind is whether or not we should hamper the Shipping Board in using its best judgment as to how it should be done. I have no doubt, as I said before, that it conferred with the Navy Department, and the Navy Department said it would not be advantageous to do this in the navy yard. Therefore they called for bids. The bids have been received. The contract can be let by the 15th of the month. If it is not let, then the chances are it will cost more to do what everybody seems to think ought to be done.

Mr. President, I do not believe that we ought to put any restrictions upon the Shipping Board, especially in this respect.

Mr. KING. Mr. President, before the Senator resumes his seat may I ask him a question?

Mr. JONES of Washington. Certainly.

Mr. KING. The Senator has been discussing the amendment before us from one angle only, as I have understood his statement. Will the Senator give us his views as to the wisdom of embarking upon a policy which will inevitably lead to the continuation of Government plants, shipping plants, navy yards, that we do not need, merely for the purpose of coming into competition with private plants that are engaged in the construction, reconditioning, and repair of ships?

Mr. JONES of Washington. I do not wish to go into that question. I reported a bill to the Senate which was passed and is now a law, in which we declared it to be the policy to have an American merchant marine ultimately, privately owned and privately operated. I am stronger now in my belief in that policy than I was even at that time. But we are confronted with a situation that we can not get away from. We have the ships and we can not sell them now. What the Shipping Board is trying to do is to create conditions under which these ships can be sold, and under which they can be sold at an advantage to the Government, and build up an American merchant marine.

Mr. KING. If the Senator will pardon me—

Mr. JONES of Washington. I am coming now to what the Senator asked. I would strain a point in the building of battleships probably, and real naval ships; I would favor their building or repair in navy yards, because I realize the importance of maintaining navy yards to some extent, although if we ratify the treaties probably not nearly to the extent we will need hereafter; but, generally, I am in favor of having the work done in private yards where it really is of a private character.

While, as the Senator from Massachusetts said, these are technically Government ships, yet they are ships we have to get into private ownership, and when they are in private ownership we shall want to have private shipyards in the country. While I am not making that as an argument in this case for having these vessels repaired in private yards, I would rather see it done on that account. But the main stand that I take here is that the less we interfere with the business discretion of the Shipping Board in the handling of the great property that they now have in their charge the more likely they are to succeed. That broad proposition governs my action in this case.

Mr. LODGE. Mr. President, it is now after 5 o'clock and I have something I desire to say about this question. I think I can bring it clearly before the Senate that my purpose, at least, is to do the work more economically than the Shipping Board is even willing to try to do it. I shall want some little time to go over the facts. Therefore, preferring not to go on to-night, I am going to move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator withhold that motion for a moment?

Mr. LODGE. Certainly.

Mr. WARREN. There were two reservations made by the Senator from Utah [Mr. KING], which he informs me he does not wish to bring up, one on the purchase of certain lands and another one on the Bureau of Efficiency. So those may stand as agreed to.

Mr. KING. Let it be understood that the one with respect to the Bureau of Efficiency and the other with reference to the purchase of certain lands may stand as agreed to.

Mr. WARREN. They were agreed to, and the Senator gave notice that he might wish to move to reconsider.

Mr. KING. I withdraw that notice.

Mr. FLETCHER. There is an amendment proposing to increase the salaries of the members of the Civil Service Commission, which was passed over.

The VICE PRESIDENT. That was passed over.

Mr. KING. I should like to have the item relating to the Bureau of Aeronautics go over until to-morrow.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to, and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 11, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 19 (legislative day of February 3), 1922.

APPOINTMENTS IN THE DIPLOMATIC SERVICE.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Alanson B. Houghton to be ambassador extraordinary and plenipotentiary to Germany.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Fred Morris Dearing to be envoy extraordinary and minister plenipotentiary to Portugal.

Roy T. Davis to be envoy extraordinary and minister plenipotentiary to Costa Rica.

Albert Henry Washburn to be envoy extraordinary and minister plenipotentiary to Austria.

Theodore Brentano to be envoy extraordinary and minister plenipotentiary to Hungary.

AGENT AND CONSUL GENERAL.

Joseph M. Denning to be agent and consul general at Tangier, Morocco.

RECEIVER OF PUBLIC MONEYS.

Harry B. Drum to be receiver of public moneys at Billings, Mont.

PROMOTIONS IN THE NAVY.

To be rear admiral.

Jehu V. Chase.

To be captains.

Lyman A. Cotten.

John J. Hyland.

William P. Cronan.

To be commanders.

Charles S. Joyce.

Edmund S. Root.

Harold G. Bowen.

Arthur K. Atkins.

Anthony J. James.

Wilhelm L. Friedell.

Henry A. Orr.

William H. Toaz.

Turner F. Caldwell.

Ferdinand L. Reichmuth.

Isaac C. Kidd.

Charles C. Hartigan.

Sherwoode A. Taffinder.

Lesley B. Anderson.

Ronan C. Grady.

Hollis M. Cooley.

Edward D. Washburn, jr.

Harold Jones.

Edwin A. Wolleson.

Isaac C. Bogart.

Harvey Delano.

Robert A. White.

Frank H. Roberts.

Stephen Doherty.

Albert C. Read.

To be lieutenant commanders.

Andrew B. Denney.

William B. Cothran.

Theodore S. Wilkinson, jr.

Frank T. Leighton.

Leo L. Lindley.

Monroe Kelly.

William C. Wickham.

Charles H. Morrison.

Robert G. Coman.

Joseph M. Deem.

Deupree J. Friedell.

George B. Keester.

Thalbert N. Alford.

Theodore H. Winters.

Joseph A. Murphy.

Henry T. Settle.

Hollaway H. Frost.

James B. Will.

Thomas Moran.

Spencer S. Lewis.

Walden L. Ainsworth.

Edwards B. Gibson.

Walter A. Edwards.

Bolivar V. Meade.

Godfrey de Courcelles Chevalier.

Hugh P. Le Clair.

Fitzhugh Green.

Granville B. Hoey.

Wilbur J. Carver.

Lucius C. Dunn.

Ewart G. Haas.

Francis A. La Roche.

Roy C. Smith, jr.

James G. Ware.

Samuel W. King.

To be lieutenants.

Ralph G. Risley.

Charlie P. McFeaters.

Lloyd H. Lewis.

Maxwell Case.

Frederick D. Powers.

Samuel B. Brewer.

Kenneth Floyd-Jones.

John H. Forshaw, jr.

William H. Hartt, jr.

Robert Poole.

John W. Rogers.

John K. Jayne.

Elmer V. Iverson.

Ernest A. Foote.

William Masek.

Frank G. Kutz.

Axel Lindblad.

Miles R. Browning.

To be lieutenants (junior grade).

Kenneth Floyd-Jones.

John H. Forshaw, jr.

William H. Hartt, jr.

Robert Poole.

John W. Rogers.

John K. Jayne.

Elmer V. Iverson.

James M. Johnston.

Stuart S. Murray.

William J. Strachan.

Axel Lindblad.

Ralph B. Netting.

To be surgeon.

Claude W. Carr.

To be medical directors.

Will M. Garton.

William H. Bell.

Holton C. Curl.

To be passed assistant surgeons.

James E. Houghton.

Elwood A. Sharp.

Ammi L. Johnson.

To be dental surgeons.

William L. Darnall.

Marson W. Mangold.

Logan A. Willard.

Edward E. Harris.

John V. McAlpin.

To be passed assistant dental surgeons.

William R. Taylor.

John A. Walsh.

Hubert F. Delmore.

Harrison B. Duncan.

To be pay inspectors.

David C. Crowell.

Walter D. Sharp.

Graham M. Adee.

To be pay directors.

Walter B. Izard.

William A. Merritt.

To be paymasters.

Major C. Shirley.

George S. Wood.

Harold C. Gwynne.

To be passed assistant paymasters.

Earl LeR. Bailey.

Wallace Prior.

To be civil engineers.

Walter H. Allen.

Ralph Whitman.

Frederick H. Cooke.

Ralph M. Warfield.

Albert A. Baker.

POSTMASTERS.

CALIFORNIA.

Joseph F. Carroll, Bell.

William H. Nicholson, Ben Lomond.

Thomas J. Durfee, Bieber.

Marion B. Cheever, Camp Meeker.

Mary T. Monsport, Capitola.

Roswell M. Wilbur, Delano.

Alice R. Scheeck, Eldridge.

Theodore H. Zimmerman, Fillmore.

Clarissa P. Mosher, Inglewood.

Thomas H. Faus, Lindsay.

Patrick P. O'Brien, Los Angeles.

Jessie Hossack, Merced Falls.

Loring N. Kirk, Upland.

Arthur M. Becker, Visalia.

John P. Day, Woodlake.

COLORADO.

Henry A. Danielson, Boone.

Clarence A. Smith, Delta.

Edward P. Owen, Genoa.

Richard G. Dalton, La Junta.

IOWA.

Paul S. Miller, Corydon.

William C. McCurdy, Massena.

KANSAS.

John W. Coleman, Sylvia.

Jacob K. Luder, Waldo.

MICHIGAN.

George B. McIntyre, Fairgrove.

Thomas H. McGee, Farmington.

Charles T. Lockwood, Portland.

Edward A. Gast, St. Joseph.

NEBRASKA.

Clyde W. Norton, Kearney.

Blanche Snyder, Oconto.

Philip Stein, Plainview.

NEW JERSEY.

Elbert Wilbert, Bayhead.

Clark P. Kemp, Little Silver.

William H. Cottrell, Princeton.

NEW YORK.

Ella Babcock, Lake Huntington.

NORTH CAROLINA.

John W. Chapin, Aurora.

J. F. Stawles, Pinetops.

Abram L. Alexander, Plymouth.

OHIO.

Herman W. Davis, Bedford.

Frank M. McCoy, Bloomingburg.

Herbert S. Cannon, Canal Winchester.

Charles E. Schindler, Coldwater.

Earl R. Burford, Minerva.

Ward B. Petty, Sycamore.

OKLAHOMA.

Eugene J. Blossom, Atoka.

George N. Davina, Colony.

William I. Fisher, Cordell.

Thomas E. Miller, Francis.

Walker D. Guthrie, Granite.

Irvin T. Boldrey, Helena.

Jason A. N. Horton, Hunter.

Charles L. Bell, Lindsay.

Walter S. Florence, Madill.

Lee R. Johnson, Olustee.

PENNSYLVANIA.

Jerome G. Shelley, Richfield.

SOUTH DAKOTA.

Frank I. Neal, Aurora.

Charles H. Hess, jr., Blunt.

Frederick M. Webb, Hitchcock.

Henry W. Kuntson, Leola.

TEXAS.

Ima L. Jeffrey, Bigwells.

David E. Watson, Centerville.

Joseph C. Eakin, Chilton.

William J. Ott, Cuero.

Elam O. Wright, Estelline.

Robert Dempster, Hitchcock.

Thomas L. Darden, Meridian.

Sam G. Reid, Oglesby.

Charles E. Simpson, Refugio.

Joseph E. Willis, Rochelle.

Frank L. Aten, Round Rock.

William J. Hall, Tiffin.

Thomas J. Hill, Yoakum.

UTAH.

C. Thomas Martin, Milford.

VERMONT.

Albert E. Currier, Danville.

VIRGINIA.

Leo H. Beach, Camp Humphreys.

Charles A. McKinney, Cape Charles.

James W. Milton, Eagle Rock.

Norman V. Fitzwater, Elkton.

Ernest A. de Bordenave, Franklin.

James E. Johnson, New Church.

William A. Wine, Quicksburg.

Floyd E. Ellis, Roanoke.

Ella M. Shifley, Rose Hill.

George N. Kirk, St. Charles.

Lee S. Wolfe, South Boston.

Ernest H. Croshaw, Stony Creek.

John W. Layman, Troutville.

WASHINGTON.

Mark D. Keeney, Bothell.

Harry L. Bras, Centralia.

Eugene J. Edson, Coulee.

Jerome E. Depew, Elk.

Leonidas I. Wakefield, Elma.

Franz S. Drummond, Gig Harbor.

Ralph L. Philbrick, Hoquiam.

William F. Ulrich, Index.

Anna A. Chapman, Kirkland.

Eugene M. Splawn, Lyle.

Howard H. Lair, Marcus.

Helen L. Hadenfeldt, Mukilteo.

Winslow M. McCurdy, Port Townsend.

Walter C. Sommers, Prosser.

Thomas Harries, Renton.

Golda R. Moore, Roy.

Juanita Morris, St. John.

David M. Donnelly, Sedro Wooley.

John Maloney, Skykomish.

William I. Leech, Stellacoom.

Andrew J. Diedrich, Valley.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 10, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, again Thou hast opened for us the gates of day. Where our strength ends Thou dost begin, and where our hope fades Thou dost come. Blessed be Thy holy name! We are grateful that we still have a place in the heart of God and a refuge in His house of defense. In all our ways lead us out and on and up. Amid the currents and the denials of life help us always to put good things to noble uses and cast aside all things else. As we live with the arms of God about us, O may His moral law be within. We would have our work be full of wisdom for our country and have it bring every enlargement of life to our citizenship everywhere. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. DOWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Ansorge	Penn	Knight	Robertson
Atkeson	Fess	Kreider	Robison
Barkley	Fields	Kunz	Rodenberg
Bird	Focht	Langley	Rogers
Bland, Ind.	Funk	Lee, Ga.	Rose
Bland, Va.	Gallivan	Lee, N. Y.	Ryan
Brennan	Gerner	Lineberger	Sanders, Ind.
Brinson	Gould	Luhning	Shaw
Britten	Graham, Pa.	Mansfield	Siegel
Brown, Tenn.	Green, Iowa	Martin	Slomp
Butler	Greene, Vt.	Mead	Smith, Mich.
Cantrill	Hays	Michaelson	Sproul
Carew	Hill	Mills	Stedman
Chandler, N. Y.	Hogan	Montague	Steenerson
Chandler, Okla.	Houghton	Moore, Ill.	Stiness
Clark, Fla.	Hukriede	Mott	Sullivan
Clarke, N. Y.	Husted	Mudd	Taylor, Colo.
Classon	Ireland	Nelson, J. M.	Thomas
Codd	James	O'Brien	Tilson
Cole, Ohio	Jefferis, Nebr.	Ogden	Tinkham
Connell	Johnson, Ky.	Parker, N. J.	Treadway
Connolly, Pa.	Johnson, S. Dak.	Parker, N. Y.	Underhill
Crowther	Kahn	Parrish	Upshaw
Curry	Keller	Patterson, N. J.	Vare
Davis, Minn.	Kelley, Mich.	Perlman	Vestal
Dempsey	Kelly, Pa.	Pou	Volk
Demison	Kennedy	Rainey, Ala.	Ward, N. Y.
Dowry	Kiess	Rainey, Ill.	Winslow
Driver	Kindred	Reavis	Wood, Ind.
Dyer	Kirkpatrick	Reber	Yates
Echols	Kitchin	Riordan	

The SPEAKER. Three hundred and seven Members have answered to their names. A quorum is present.

Mr. CRAMTON. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

INTERIOR DEPARTMENT APPROPRIATIONS.

Mr. CRAMTON. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10329, the Interior Department appropriation bill.

Pending that motion, Mr. Speaker, I should like to come to an agreement as to the limit of general debate. I will ask my colleague, the gentleman from Oklahoma [Mr. CARTER], how much time he thinks will be needed on his side?

Mr. CARTER. I have demands for a little more than two hours on this side, Mr. Speaker.

Mr. CRAMTON. Does the gentleman think that could be reduced to an hour and a half?

Mr. CARTER. I do not think we could get along with less than two hours. At first I thought we could get along with an hour and a half but since then I have had additional requests for time, and I am sure it will take two hours.

Mr. CRAMTON. Then, Mr. Speaker, I ask unanimous consent that the general debate upon the bill be limited to four hours, two hours to be under the control of the gentleman from Oklahoma [Mr. CARTER] and two hours under my control.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the general debate be limited to four hours, half the time to be controlled by himself and half by the gentleman from Oklahoma. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Michigan.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, with Mr. GRAHAM of Illinois in the chair.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. CRAMTON. I will ask the Chair to notify me when I have used 30 minutes.

Mr. Chairman and gentlemen of the House, the pending bill makes appropriations for the Department of the Interior for the fiscal year ending June 30, 1923. The matter carried in this bill has been carried in other bills heretofore. The pending bill includes all of the items that have heretofore been in the Indian appropriation bill, all of the items that have been in the pension appropriation bill, a number of important items from the sundry civil bill, and others from the legislative, executive, and judicial appropriation bill. This bill carries the full provision to be made by the Government for all the activities of the Department of the Interior for the year 1923. Because of the range of these important activities the bill becomes one of very great importance and of chief interest to Members from the West, because it includes the Indian Service, the Reclamation Service, the national parks, and general questions relating to the public lands. The subcommittee, recognizing that fact, have endeavored to make Members interested in these problems of immediate western concern and also of great national importance feel free to come in with the committee and assist in every way in the hearings.

We have been especially glad to have the cordial good wishes and cooperation of the gentleman from New York [Mr. SNYDER], chairman of the Committee on Indian Affairs; the gentleman from Oregon [Mr. SINNOTT], chairman of the Committee on the Public Lands; and the gentleman from Nebraska [Judge KINKAID], chairman of the Committee on Irrigation of Arid Lands.

For these purposes the appropriations for 1922 were \$315,195,149.67. The estimates sent to Congress for the same purpose for 1923 were \$299,377,032, the reduction between the current law and the estimates being chiefly due to the reduction of the appropriation for pensions, due to the continued death of Civil War veterans and their widows; and the reduction in the items for reclamation fund work, due to the fact that that appropriation is drawn from the reclamation fund, and it is anticipated will contain less money than was anticipated a year ago. Your committee have reduced these estimates from \$299,377,032 to the extent of \$3,754,920, leaving a bill of \$295,622,112.

Mr. LONDON. Will the gentleman yield?

Mr. CRAMTON. I am going to ask to be interrupted as little as possible until I finish my statement, but, of course, I yield to the gentleman from New York.

Mr. LONDON. I do not want to interfere with the development of the gentleman's statement, but I understood that a large appropriation was to be made for the Reclamation Service, in view of the unemployed.

Mr. CRAMTON. If the gentleman will permit and wait until I come to that subject—and in the meantime I am going to ask that I be permitted to go ahead with my statement and take up the details under the 5-minute rule. So I will defer answering the gentleman at present.

In making these reductions the committee would like the House to understand that these reductions are not made through a theory that the department has been extravagant or unreasonable in requests. Men like Secretary Fall and Assistant Sec-

retary Finney, heads of the department; Dr. Bain, Bureau of Mines; Dr. George Otis Smith, of the Geological Survey; Mr. Burke, our own former colleague, of the Indian Service; Mr. Mather, that enthusiast of the National Park Service; Director Davis, of the Reclamation Service; Dr. Tigert, of the Bureau of Education; and the other men at the heads of the various bureaus and establishments impressed the committee highly by their zeal, intelligence, and efficient conduct of their bureaus. But your committee have recognized the need for economy that is now supreme and that the present time is not only a period for economy, of necessity for the fullest economy, but it must include wherever possible retrenchment as well. And many things that are a proper activity to be carried in ordinary times must now be suspended and deferred.

The Interior Department is the department that in ordinary times we hope to see expanded and developed.

I have in mind in this statement not to discuss generally the details of the bill, leaving them until we come under the 5-minute rule. Inasmuch as this is the first time since the establishment of this department 70 years ago that it is all provided for in one bill, it seems fitting that I should discuss in a general way for the House the services and activities of this great department.

It is interesting to note that in the report of the Committee on Agriculture of this House, February 12, 1849, recommending the new "Home Department," it was stated:

The general fact remains unaffected that war and preparations for war have been practically regarded as the chief duty and end of this Government, while the arts of peace and production, whereby nations are subsisted, civilization advanced, and happiness secured, have been esteemed unworthy the attention, or foreign to the objects, of this Government. It seems to us that this should not always continue, but that we should, as a wise people, reorganize the Government so far as to fulfill these duties also, which are suggested by the nature, aspirations, and wants of our race as physical, moral, and intellectual beings; that it should do something toward protecting the people against those internal enemies, ignorance, destitution, and vice, as well as against those foreign foes who may invade or who it is apprehended may assail us.

The department then was established and given supervision of the Land Office, the Patent Office, of Indian Affairs, and of Pensions, as well as certain officers of the courts, the Census, and the Commissioner of Public Buildings. From time to time other branches have been added, until it is now, perhaps, the greatest department in the Government so far as the development of our resources and the promotion of the welfare of our people are concerned.

It is now housed primarily in a splendid department building that has 16 acres of floors, 25 miles of water and soil pipes, 10 miles of heating pipes, 100 miles of wire. It has here and in the field in all something like 22,000 employees. It is well to note that it is one department of the Government that did not become inflated during the war. Its number of employees is probably less to-day than before the war or during the war.

The Interior Department primarily administers a tremendous national estate, lands and forests, coal and oil, oil shale, phosphate, potash, water power, and so forth, which Secretary Fall, in his annual report, in an interesting statement, estimates will bring eventually \$12,000,000,000 to the Government. That is, he estimates that it will bring to the Treasury of the United States ultimately \$12,000,000,000, although if the actual value of the mines, and so forth, from which the Government will ultimately secure only royalties, is considered, then the value of this great national estate would be \$150,000,000,000.

Prominent in that is our great area, the public lands, which has been from time to time reduced, but which contained on June 30, 1921, 189,729,492 acres of land unappropriated and unreserved. In addition to that in Alaska there are 378,165,760 acres, making a total acreage of 567,895,252 acres.

The following statement of the area of public domain and public-land business for the year 1921 will be of interest in this connection:

June 30, 1921.	
Area unappropriated and unreserved (exclusive of Alaska)	Acres.
-----	189,729,492
Reservations and withdrawals (public-land States only):	
National forests	154,487,792
National monuments	399,942
National parks	5,463,444
Indian reservations	71,244,591
Carey Act withdrawals	1,471,341
	<hr/>
	1233,067,110
	<hr/>
	422,796,602

¹ Do not include reclamation withdrawals, no figures for which are available. Other withdrawals, such as coal (39,875,414 acres), phosphate (2,724,340 acres), etc., aggregating 49,291,168 acres, are omitted from the total reservations and withdrawals for 1921 for the reason that the greater part of such withdrawals have been covered by entries for the surface title.

Fiscal year 1921.

Area passed to patent	Acres.
10,117,810	
Receipts:	
Public lands	\$10,453,969.72
Indian lands	\$903,371.93
Naval petroleum reserves	\$3,118,511.07
Expenditures	\$3,149,024.05
Number of employees in land service (General Land Office and field)	1,256

This great domain is immediately under the General Land Office, first established in 1812. As early as May 18, 1796, under an act of Congress of that date, these activities commenced. That act authorized a surveyor general and a survey of certain lands northwest of the Ohio River and above the mouth of the Kentucky River, and also provided for the sale of public lands at Cincinnati and Pittsburgh. The first land offices were established at Cincinnati, Chillicothe, Marietta, and Steubenville. Ohio is now one of the few States other than the original 13—which retained all their own lands—which have no Federal public lands to-day. As the consideration of the bill progresses and the question arises with respect to the abolishment of some existing land offices, it will be well to remember that these offices from time to time have been created or abolished as the need has been apparent.

The Indians, who are the wards of the Nation, required attention from our Government in the very earliest days. The act of August 7, 1789 (1 Stat., 149), required the Secretary of War to—

perform and execute such duties * * * in relation to Indian affairs.

And the act of July 9, 1832, authorized a Commissioner of Indian Affairs to—

have the direction and management of all Indian affairs and of all matters arising out of Indian relations.

There are to-day in this country, it is stated, a total of 312,381 Indians, of whom about 165,000 are full bloods. Of those Indians not only is there the care of the adults but there is the education of the children. There are 90,448 Indian children of school age, of whom 83,633 are eligible for school attendance, and of that total 62,761 are in school. The capacity of the Indian schools is 64,016, but there remain about 20,000 Indian children not in schools, in part because of lack of school capacity, but in large degree also through lack of success in getting them into schools. Certain nomadic tribes in the Southwest as well as a few of the Seminoles in Florida and others greatly complicate that problem.

The property of the Indians is estimated by the Indian Service as amounting to something over \$1,000,000,000. The responsibility for the administration of that estate is largely in the Indian Office.

Your committee would not do justice to very conscientious officials of the Government if I failed to say here that while all of the estimates from the Interior Department came before our committee on a very moderate and reasonable basis, without any inflation or extravagance, still we must say that a former Member of this House, Hon. Charles H. Burke, who for a long time was chairman of the Committee on Indian Affairs in this House and who is now the Commissioner of Indian Affairs, came before the committee with really the cleanest slate of any branch in the department. [Applause.]

This will be apparent to anyone who studies the estimates for that office and who realizes that in the recent past in the bills presented by the gentleman from Oklahoma [Mr. CARTER], when he was chairman of the Committee on Indian Affairs and in charge of the Indian appropriation bill, and by the gentleman from New York [Mr. SNYDER], when chairman of that committee and in charge of the bill, as well as by the late Mr. Elston, of California, last year in charge of the bill, the totals have been greatly reduced to bedrock. Still Commissioner Burke took seriously the desire of the administration for economy, and gentlemen will find that the Indian Bureau estimates were well pared down before they ever got to the Budget office or to Congress, being well below the current appropriation. I feel that when an officer of the Government treats Congress fairly, meets us in good faith in a program that we are trying to carry out, he is entitled to the confidence and appreciation of the Congress. [Applause.]

The total appropriations in the bill for the Indian Bureau amount to \$12,295,722. Of this amount \$2,433,370 comes from tribal appropriations, from the funds of the Indians, and \$9,862,352 from the Federal Treasury, of which \$1,730,707 is reimbursable—that is, supposed to come back sometime to the Treasury.

The Bureau of Pensions carries on a great activity of the Government. It has, of course, the larger portion of the money

carried in this bill, being for the payment of pensions, \$252,000,000. It is a long time since the Civil War, and the greater number of those cared for are Civil War veterans and their widows. It is interesting to note that last year—1921—the expenditures so long after the Civil War amounted to \$258,715,842, which is apparently the peak to be paid for pensions. That is the most that has ever been paid, and it is the expectation that in 1922 the amount will be less than in 1921, and in 1923 it will be still less.

The following table giving information concerning pensions will be found to be of interest:

Amount paid to pensioners, 1790 to 1921, inclusive.

War of the Revolution	\$70,000,000.00
War of 1812	46,094,573.39
Indian wars	20,017,921.79
War with Mexico	54,471,002.27
Civil War	5,749,030,455.07
War with Spain	76,007,334.21
Regular Establishment	57,302,421.04
World War	99,404,400.00
Unclassified	16,513,425.54

6,089,536,537.71

The pension roll.

	1920	1921
Pensioners on the roll June 30:		
Civil War—		
Soldiers	243,520	218,775
Widows, etc.	290,209	281,327
War with Spain—		
Soldiers	23,144	31,066
Widows, etc.	7,288	8,216
Regular Establishment—		
Soldiers	14,477	13,832
Widows, etc.	4,554	4,081
World War—		
Soldiers	76	63
Widows, etc.	52	32
Indian wars—		
Soldiers	3,745	3,784
Widows, etc.	2,483	2,569
War with Mexico—		
Soldiers	148	109
Widows, etc.	2,423	2,135
War of 1812—		
Widows, etc.	71	64
By classes—		
Soldiers	285,110	267,629
Widows	299,363	290,955
Minors	2,373	2,163
Helpless children	913	919
Other dependents	4,422	4,285
Nurses	109	102
Total of all classes	592,190	566,053
Deaths of Civil War pensioners:		
Soldiers	27,871	24,775
Widows, etc.	20,874	19,451

Largest number of Civil War soldiers on the roll was in 1898—745,822
Largest number of Civil War widows on the roll was in 1912—304,373

These heroes of the great Civil War crisis are now but a quarter of a million and passing in numbers of pathetic magnitude. The cost of the administration of the Bureau of Pensions, I think, will compare quite favorably with other bureaus doing similar work. For 1921 the number of claims passed upon amounted to 91,515, and they were disposed of at an average cost of \$17.25 per claim. The disbursements for pensions cost ten and a quarter cents per hundred dollars.

On June 30, 1921, there were 99,100 applications pending, 47,000 more than a year previously. This great gain was due very largely to the two acts passed in 1920—the act of May 1 and the act of June 5. The first provided a minimum of \$50 for Civil War veterans, but an increase of \$72 in the event that the veteran should be incapacitated to an extent requiring regular care and attendance of another person. The minimum age of these Civil War veterans is about 73, and it is to be expected that great numbers of them are making applications to be given the \$72 rate.

The second, the act of June 5, 1920, for Spanish-American War veterans, also has brought in an immense flood of claims, about 2,500 a month.

Some progress has been made under the present administration. There were 99,000 claims pending the 1st of July, and on the 1st of December about 94,000, while to-day it is about 93,000. The normal condition, with the work current, would mean not over 35,000 to 50,000 cases pending.

Some time that bureau would catch up with its work with its present force. But so many of these applications for pensions are men or women of 75, 80, and 85, veterans of the Civil War or their widows, that delay manifestly means often death gets to them before the pension which the Government ought to give

them. In addition the delay is distressing even among Spanish-American claims. Many of those claimants are more or less helpless and destitute and in need, and at the present time a Spanish-American War claim, filed last April, gets to-day its first consideration by the bureau, and that is only the beginning. The application is looked over and the needed evidence is called for, and then must ensue another wait of months, and then again. The bureau and Secretary Fall have appealed for a temporary force to bring that work up current. Commissioner Gardner said in his annual report:

There is, however, a limit to patience, and when several months elapse between the filing of claims and the first calls for the proof necessary to establish title to pension, and several months more between the receipt of the proof called for and its consideration, patience gives place to dissatisfaction. The bureau is dealing with claimants of advanced age, or who are suffering from service disabilities, or who are orphans in dire distress, especially widows and minor children. These claimants are in every section of our country and elicit general sympathy in their localities because of their claims upon the Government obligated, as the martyred Lincoln aptly expressed it, "to care for him who shall have borne the battle and for his widow and his orphan."

When the public sees cases of dire distress or physical helplessness unrelieved by reason of long delay in considering claims for pension, when they witness soldiers and widows, especially of the Civil War, dying before being granted the relief provided for them by the laws of a generous Government, the bureau becomes the subject of severe criticism, which in turn reflects upon those charged with the administration of the affairs of the Government.

It would be a great relief to the bureau if the work of adjudicating claims was current. It would disarm criticism, eliminate dissatisfaction, obviate the hundreds of complaint letters coming to the bureau every week, to answer which consumes time that should be devoted to the work of adjudication of claims and adds to the cost of the pension system for services thus diverted from the regular work. In other words, to be in arrears in work increases the cost of and interferes with and retards the regular operations of the bureau. The work of the Pension Bureau should be made current, to do which will necessitate a temporary addition to our force. Once it is current our present permanent force of employees can keep it current. Congress alone can remedy the conditions as they exist in the bureau at the present time.

Your committee have very carefully investigated the question and recommend \$306,800 for a temporary clerical force for one year to bring the work up current.

Mr. HUDSPETH. Will the gentleman yield?

Mr. CRAMTON. Very briefly, that I may not take time that others should have.

Mr. HUDSPETH. Does the gentleman think a year would be sufficient to bring that work up? I want to state—

Mr. CRAMTON. The gentleman will pardon me. I do not want to take up too much time in discussion of this, but it has been the conviction of the committee, fortified by special investigation, that it can be done in a year and that it should be done.

The retirement law is also administered by the bureau, and the following data will be of interest in that connection:

Claims disposed of	33,913
Cost of adjudication	\$51,023.52
Cost per claim disposed of	\$1.505
Disbursed for annuities, etc.	\$2,913,547.34
Cost of payment of annuities, etc.	\$17,440
Cost for each \$100 disbursed	\$0.598

Up to June 30, 1921, 7,367 original claims for annuity and 33,500 claims for refund had been filed. Of this number 338 claims for annuity and 6,779 claims for refund were pending on July 1, 1921.

The Treasury Department reports that for the fiscal year ended June 30, 1921, \$12,513,636.69 had been transferred to the "Civil service retirement and disability fund," as provided in section 8 of the act, and that the fund had been increased through the receipt of interest and profits on that portion of the fund which was available for investment and from miscellaneous sources by \$72,752.68, making a total of \$12,586,389.37.

The total disbursements for the fiscal year on account of annuities, refunds, and allowances were \$2,913,547.34, leaving a surplus in the fund for the year of \$9,672,842.03.

The Bureau of Education has a work which comes very close to the aspirations of a nation such as ours, where we base our hope of successful democracy upon real development of education among our people. That bureau, established in 1867, has grown and developed its activities and is worthy to-day of much further development. It is first a clearing house for information concerning education, educational agencies, and forms of education. It is, second, the administrative office for the Federal aid to the land-grant colleges. Since 1890, \$53,002,000 have been disbursed in that work, including for 1922, \$2,500,000.

A third branch of its work, to which I specially call your attention, because you may not be as familiar with it as with other activities of the bureau. That is the work of the bureau for natives of Alaska. The work is of vast extent and is carried on under peculiar difficulties. If Alaska were superimposed on the United States its northernmost capes would be on the boundary between the United States and Canada, its southeasternmost extremity would touch the Atlantic coast at the State of Georgia, the Aleutian Islands would skirt the Mexican border, and the westernmost of its islands would lie on California. The 67 villages in which the bureau's work is located would fall in 21 different States. The Territory has been divided into six school districts, each under the immediate supervision and direc-

tion of a district superintendent; one of these supervision districts contains fully 100,000 square miles. The work is carried on for the benefit of adults as well as for children. In the Alaskan native community the school is the center of all activity—social, industrial, and civic—says this Bulletin No. 35. Each schoolhouse is a social center for the accomplishment of practical ends. Many of the buildings contain, in addition to the recitation room, an industrial room, kitchen, quarters for the teacher, and a laundry and baths for the use of the native community. There are cooperative enterprises, financed by native capital and conducted by the natives themselves. I call attention, for instance, to the Hydaburg colony, which, only a generation removed from savagery, under the guidance of the bureau, have turned the dense forest into a thriving, well laid out, electrically lighted, self-governing town, with several miles of planked streets, a modern dock and float landing, a sawmill, a cannery building, church, cooperative store, shingle mill, and lumber yard.

Again at Noorvik. On this tract, within the Arctic Circle, the colonists, under the leadership of the teachers, have built a village, with well laid out streets, neat single family houses, gardens, a mercantile company, a sawmill, an electric-light plant, and a radio station, which keeps them in touch with the outside world. Remember this is within the Arctic Circle.

Now, as to the Reclamation Service. As you are all aware, this is a comparatively recent development in our governmental activities. In the time we have carried it on we have expended \$131,038,387, derived from the following sources:

Total receipts, sales of public lands	\$103,094,467
Bond loan	20,000,000
Proceeds of oil-leasing act	4,617,665
Proceeds of potassium royalties	12,725
Rio Grande Dam appropriation	1,000,000
Judgments, Court of Claims	450,118
Increase of compensation funds	1,863,512

131,038,387

Of that amount we have actually expended on construction work on reclamation projects \$128,528,622. That is a revolving fund. It is added to from time to time by funds derived from the sale of public lands, from oil royalties, and so forth, from the public lands and it is used in building reclamation projects. Then the cost of those projects are in time to come to go back to the fund, repaid to the Government by the people who get the benefit of the project, and used again for other projects. I tell you, the results must be seen to be fully appreciated. The people of the West appreciate it, and those in the East who come in contact with it can not help but appreciate it. It has been my privilege to visit some 20 of those projects. It is nothing short of miraculous. You go over a waste area decorated only by sagebrush and apparently of soil so barren that no matter how much water was put upon it it never could produce anything, and find adjacent similar land under irrigation, perhaps the water brought by immense engineering works from reservoirs hundreds of miles away, and there you see the finest kind of agricultural development.

To go over such an area, to visit a city of 10,000 or 15,000 people, and know that within 10 or 15 years that site where the city now stands was only a desert waste, and to find in that city the very highest type of American civilization, with splendid school buildings and every other community activity, was very gratifying.

I asked from the Reclamation Service some figures, and they have given facts which you will find in the hearings with reference to the Minidoka project in Idaho; figures that were prepared in January, 1920. In 1904, 16 years before, the land was an uninhabited sagebrush desert, with no town, no farm, no railroads, no facilities of any kind, and all that it has to-day is the result of the construction of the irrigation work, at a cost of \$5,800,000. Of this amount over \$1,000,000 was repaid at the end of 1919, and more since.

Now, that one project, created at an expenditure of \$5,800,000, which is to come back into the Treasury, has created value in the way of farm land and improvements to the extent of \$30,373,000. There is an assessed valuation of that project of \$14,570,000. The crops produced in 1919 amounted in value to \$5,924,000—more than the entire cost of the project. As to shipments, there were 6,900 carloads of shipments of hay, potatoes, beets, cattle, wheat, sugar, sheep, flour, and other products.

Now, as to the purchase of manufactures: During my tour I remember one evening, after a day spent in going over a project, I believe in the State of Oregon, and, being from the State of Michigan, as I went down the street of that town, a town built by reason of the development of an irrigation project, I was interested to note that along that street, on both sides of it, were hundreds of automobiles, that never would have been

bought except for the project, and most of those automobiles came from the State of Michigan, very properly; and so I feel that the State of Michigan has an immediate selfish interest in the development of those splendid new home regions found in the West.

On this Minidoka project in Idaho the wholesale purchase of manufactures in 1919 amounted to \$7,139,000, as follows:

Dry goods, clothing, shoes	\$1,293,000
Lumber	1,060,000
Automobiles, trucks, etc.	1,040,000
Groceries	814,000
Hardware	589,000
Coal, feed, flour, and bags	486,000
Farm implements	434,000
Machinery and supplies	375,000
Electrical supplies	279,000
Jewelry and miscellaneous instruments	249,000
Drugs and sundries	172,000
Cigars, etc.	124,000
Furniture	121,000
Other merchandise	103,000

Total for one year..... 7,139,000

Then as to the war activities of this project. There were from it over 1,000 men in the Army and 4,100 Red Cross members. In addition they took in Liberty loans, Red Cross subscriptions, and other subscriptions for war activities, \$2,014,000 from that project. And let me remind you as to these projects that they provide for the maintenance of a home and a family on a small area of land, 40 or 60 acres in many cases, and that nearly always the man who owns the land cultivates it, to my mind the ideal development for this America of ours. [Applause.] In addition to that development of the country it is estimated that these projects increased the population of towns adjacent, so that they may support not only their own population but in towns and cities adjacent there has been an increase in population, as the table in the hearings (p. 613) will show, from 76,807 in 1900 to 310,844 in 1920 in certain cities and towns.

In the pending bill I should say that we have made a reduction of \$1,500,000 below the estimates this year submitted for reclamation work. The reason is this: Those appropriations are taken from the money in the reclamation fund, and no more can be used than is in the fund, whether appropriated or not.

In the last year or two we have been overestimating the amount in the reclamation fund, and hence we have been appropriating several million dollars more for the Reclamation Service than there would be available in the fund. That resulted in expensive changes of plans in the Reclamation Service and turned rejoicing to grief in western communities when they had to go without those projects that were appropriated for and which they thought would be built. So this year we asked Director Davis to submit a revised estimate on a conservative basis of how much money would be in that fund, and by reason of his estimate, with a reduction of \$1,500,000, our appropriations were cut in the same way.

The Geological Survey is a great service, which has been remarkably well administered under Dr. George Otis Smith. It is a service which joins in an effective and very necessary way with every activity in connection with the national domain, and has other important work. For instance, recently from Dr. Smith, in response to an inquiry, I learned that they have developed in connection with that service a potash field in Texas which is going to be of great value to this Nation.

Dr. Smith says concerning it:

At four points in western Texas wells drilled in search for oil have penetrated great thicknesses of ordinary salt which show potash at different horizons. In each of these wells one or more beds from 5 to 15 feet thick have been traversed in which a potash content of 10 per cent is strongly indicated. Core drilling is, of course, necessary to prove the exact thickness and composition of these beds, but I feel that I am conservative in expressing my belief that over an area of at least 200 square miles there is spread a bed of potash salts thick enough for underground mining just as the salt beds of the same age are mined in Kansas.

To sum up, it is evident that these western Texas deposits, containing as they do considerable amounts of water soluble potash salts suitable for direct use in agriculture, hold promise of supplying a large demand in the near-by States, irrespective of the possible competition with imported potash salts in the Atlantic seaboard region, and assure the United States of protection against a serious potash shortage in the event of war.

In the pending bill your committee has made some reductions in the estimates for the Geological Survey, not because of any lack of confidence in the survey or any lack of appreciation of their work but because we have felt that some of its activities which must be done sometime are some of the things that now can wait.

The Bureau of Mines, which is able to show such a direct relation between the work it has been carrying on for the safety of the miners and the reduction in the loss of life, has

demonstrated in many lines its value. The accompanying table shows this connection with coal mining:

Year.	Number of major disasters at coal mines.	Number killed by major disasters.	Average number killed by each major disaster.	Percentage of total number killed by all causes.
1911	15	413	28	15.5
1912	13	254	20	10.5
1913	8	464	58	16.7
1914	11	316	29	12.9
1915	11	262	24	11.5
1916	11	154	14	6.9
1917	9	262	29	9.7
1918	4	54	14	2.1
1919	9	201	22	8.7
1920	8	61	8	2.7

Many of their activities throughout the West have resulted in great economies in the development of our oil wells and the conservation of the product. In many other lines important work is being done.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. I will have to take five minutes more, Mr. Chairman.

The Patent Office has been much before Congress of late. Its work began in 1790. It is interesting to note that Thomas Jefferson was the first man in charge of it as Secretary of State. In his time there were only three patents issued in the first year, and in three years only about 60. It has had various vicissitudes, but it has wonderfully developed and has had a great part in the development of this country. It probably, on basic inventions, has passed more patents than all the other countries put together. The basic patents issued by the Patent Office since 1836 include the telegraph, vulcanization of rubber, the sewing machine, the harvester, the telephone, the incandescent electric light, the phonograph, the moving-picture devices, the typewriter, the airplane, high-speed steel, the linotype, the air brake, and the automatic car coupler. These give us some idea both of the great industrial development in a short period of time in this Nation and the problems of the Patent Office. It receives now 110,000 applications a year, issues 40,000 patents, registers 12,000 trade-marks, and its accumulated surplus to date of receipts over expenditures in the Treasury is \$8,000,000. In the pending bill your committee have not granted the additional clerks and increased salaries asked for by reason of the fact that a separate bill for the relief of the Patent Office has passed the House and is now pending in the Senate.

Then there are our national parks. Their development has been under the leadership of Mr. Stephen T. Mather, an idealist and an enthusiast, who, in my judgment, has done as much as any man in the Government to inspire the men under him, the rangers in the parks and the men in the bureau here, to have zeal for their work. He has been accomplishing tremendous things in improving the parks, in increasing the facilities for your comfort when you visit them, and in interesting the people of the Nation in them. I think none of the cuts that were made in the pending bill hurt my feelings or strained my conscience more than those which were made in the appropriations for the Park Service; but we adopted the policy of providing for the continuance of the present activities, and in so far as we thought possible have postponed new developments.

There are other activities in the Department of the Interior. I will not take your time now to enumerate them. There is St. Elizabeths Hospital, with its population of 4,000 unfortunate, who are cared for there under the leadership of that great specialist, Dr. White.

There is Howard University, where we take care of those who in a sense are also our wards, the colored race, in an educational way.

There is the Freedmen's Hospital. There are the Territories, particularly Alaska, with that great engineering enterprise, the Alaska Railroad, now nearing completion.

These, my friends, are some of the activities of this great department of the Government.

It would not be fair to those who most deserve credit if, in concluding these remarks, I failed to express to you the indebtedness which I personally feel to my associates on the subcommittee. I am in a sense an easterner, a tenderfoot, trying to pass upon western problems; but I have been fortunate enough to have with me men like the gentleman from Idaho [Mr.

FRENCH] and the gentleman from Oklahoma [Mr. CARTER], both of whom are experts and men of the finest judgment; also the gentleman from South Carolina [Mr. BYRNES], who probably does not know any more than I do—and that is very little—about these problems, but who is so able and has had such a long experience in committee work that his cooperation is very valuable indeed. Then there was our colleague, Mr. Elston, one of the dearest friends I have had in Congress since I have been a Member, whose tragic death, just as we were beginning the hearings, saddened the committee throughout its labors.

I thank you for your kind consideration. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, in the absence of the gentleman from Oklahoma [Mr. CARTER] I will control the time on this side, and I will ask to be recognized for 15 minutes.

The CHAIRMAN. The gentleman from South Carolina is recognized for 15 minutes.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, the gentleman from Michigan [Mr. CRAMTON] was generous but was mistaken in saying that I know as much about the activities that are provided for in this bill as he does. I think by his statement he has demonstrated that he has a very clear conception of the problems which are met by the appropriations in this bill. I have seldom known a more faithful worker than the gentleman from Michigan [Mr. CRAMTON] has proved himself to be in the consideration of this bill, and he is to be congratulated upon the result of his efforts.

I am not going to refer to the details of the bill. There are only two or three items as to which there is any difference between members of the committee, and those items will be discussed when the bill is considered under the 5-minute rule. I desire to speak of the financial situation that now confronts the Congress and the country.

The press tells us that the Ways and Means Committee has about decided to levy additional taxes amounting to \$350,000,000 a year in order to pay the soldiers' bonus. I contend that it is the duty of the Congress, instead of levying additional taxes upon the people, to pay the soldiers' bonus out of the savings which have been effected by the Bureau of Budget, according to the statement of the President. The people are asking for less taxation, not more taxation. Last week the President of the United States announced to the country that he was speaking with the authority of the Bureau of the Budget in saying that in less than six months of this fiscal year the administration had reduced the appropriations Congress made for the current year directly by the sum of \$32,000,000 and indirectly by the sum of \$104,000,000. That makes a saving out of the funds that you appropriated for this fiscal year of \$136,000,000 in less than six months. We have no reason to believe that with the condition of the country as it is and the demand for economy as pressing as it is, the administration will be any less energetic during the next six months. Therefore it is evident that by June 30 they will have saved out of the funds appropriated for this year an amount equal to the amount saved in the first six months, which will make a total saving of \$272,000,000.

Now, within the last 48 hours the Secretary of the Navy announces that he has suspended work on all naval armament to be scrapped as a result of the conference. If the people are to be given the benefit of the action of the Arms Conference, the millions of dollars that will be saved by the Navy between now and the end of the fiscal year on June 30 ought to be credited to the account of the taxpayers, and if you will only give them \$78,000,000 in addition to the \$272,000,000 which Director Dawes and the President indicated they could save, then you will have \$350,000,000 on the 1st of July with which to pay the bonus to the soldiers of the World War. And yet you do not intend to pay the bonus until January 1, 1923. Why, you could take your savings effected by the President and Director Dawes, and the savings you claim in the Navy Department, invest them at interest until January 1, 1923, when you want to pay the first installment of the bonus, and you would have more than enough to pay the bonus to the soldiers. Instead of that you are working day after day planning to levy a tax on gasoline when all the State legislatures are engaged in doing the same thing, planning to levy a tax on bank checks, planning to levy a tax on real estate transactions, and a stamp tax upon many documents, when at the same time you are announcing in the daily press of the country that you are saving millions of dollars, and the chairman of the Committee on Appropriations announced in the Sunday papers that the saving was great. The headline in the Washington Post reads, "Sees surplus in 1923." If that be so, I ask you to defend your action in levying a tax upon bank checks, gasoline, and real estate transactions in the

face of a declared surplus by the chairman of the Committee on Appropriations. The people of the country are not in favor of paying more taxes to add to the surplus created by your economy.

There is another headline in the Washington Post, "MADDER says Congress's policy will net \$100,000,000." By executive order the President has created a chief coordinator. A chief coordinator is now in demand. I want him to coordinate the statement of the President, Budget Director Dawes, and the chairman of the Committee on Appropriations. I am unable to learn just exactly how much is saved, and wish they would agree.

Every morning I take up the newspaper and my heart is gladdened and my appetite quickened by the good news that millions are being saved. I rejoice at it, and I ask now that you let the taxpayer share the pleasure and have some benefit from the saving we are effecting in the newspapers instead of levying new taxes to pay the bonus to soldiers.

But let me again refer to the statement by the gentleman from Illinois, the chairman of the Committee on Appropriations. The headline in the Post says, "Three hundred and fifty-seven million dollars cut in Budget." That made me feel good. The soldiers' bonus only calls for the payment of \$350,000,000 on January 1, 1923. If the cut in the Budget is \$357,000,000, your difficulties are at an end. You have a surplus of \$7,000,000, and the \$357,000,000 can lie idle in the Treasury until January 1, 1923, when you can pay it to the soldiers and avoid this levying of taxes on gasoline, bank checks, and real-estate transactions.

Of course, my fear is that some day or other there will come a rude awakening, and as a matter of fact there will be no surplus, but instead of a surplus we will have to enact a deficiency bill. I express this fear because I have to tell you that while we have created a surplus in the Washington Post and a saving of \$136,000,000 down at the meeting of the department heads in the Pan American Building last week, at which the President presided, the Appropriations Committee will this week begin hearings on a deficiency bill, for which the estimates total \$180,000,000, and you will be called upon in a few days to reconcile the alleged saving of \$136,000,000 with an actual deficit of \$180,000,000, requested by the President and Budget Director from the Appropriations Committee.

That is high finance, and it causes me to make some reference to the Budget Bureau. I favored the creation of the Bureau of the Budget, and I had great hopes for its success. I still hope, but my hopes have been somewhat shattered. I turn to page 9 of the report of the Bureau of the Budget, and I ask you to look at it, and there you will find that this bureau, which daily saves millions of dollars in the newspapers, sent to Congress for consideration at this session total estimates of appropriation of \$3,801,659,53, and in the column next to it is a statement of appropriations made for 1922, and that amounts to only \$3,771,900,514.01. So that this economical Bureau of the Budget for the year 1923, four years after the close of the war, asks you to appropriate \$29,213,145 more than you appropriated last year. And then, not content with that, they have submitted supplemental estimates since they filed their estimates in December amounting to \$80,083,220, making a total of \$109,296,365 that they have asked you to appropriate over and above what your appropriations were for this fiscal year.

If that is the way the Budget Bureau is to function, then the sooner it is dispensed with the more benefit will come to the taxpayers. I rejoice that to date the Committee on Appropriations in the bills reported to this House has reduced by \$64,000,000 the estimates submitted by the Budget Bureau, which was to save money for the taxpayers and prevent a willfully extravagant Congress from raiding the Treasury. An idea of how this bureau has functioned would be secured if the gentleman in charge of this bill would advise the House with reference to one little item in this bill. One official of the Government said that on two occasions he told a representative of the Bureau of the Budget that he could reduce a particular estimate, but notwithstanding that he acquiesced in the reduction and asked for it, the official of the Bureau of the Budget, in his generosity or carelessness, failed to reduce the estimate. The gentleman from Michigan [Mr. CRAMTON] is authority for the statement, and I know that it will not be questioned.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MANN. Would the gentleman be willing to give the case?

Mr. BYRNES of South Carolina. The gentleman from Idaho [Mr. FRENCH], a member of the subcommittee, is as well acquainted with it as I am. I refer to Dr. Smith, of the Geo-

logical Survey. He did not make the statement to me, but the gentleman from Michigan [Mr. CRAMTON] so stated in the full meeting of the Committee on Appropriations the other day.

Mr. MANN. I am merely asking for information so that the Director of the Budget may have it and find out why.

Mr. BYRNES of South Carolina. I have given it to him as the gentleman from Michigan gave it to us. I will say to the gentleman from Illinois [Mr. MANN], who has been interested in this Budget Bureau, that my belief is that we have wasted six months in the development of the organization of the Bureau of the Budget. It was never intended that the principal function of the Bureau of the Budget should be that which has engaged most of its attention during the last six months. There never was a time when the Chief Executive could not call in the various heads of departments and demand that they keep their expenditures within the appropriations and even reduce them, and as the head of the department has the power to remove the chiefs of the various bureaus if they fail to comply, his insistence would be effective. The Bureau of the Budget apparently has directed its activity to restricting authorized expenditures. I have no doubt they have done some good work along that line, but that is not its only function. I have yet to learn of any activity by the Comptroller General, from which officer the Congress expected so much. And in the preparation of the estimates no organization has been developed. Whoever heard of resorting to the policy that has been followed—for instance, calling in business men, excellent men in their respective businesses, but having no knowledge of government at all, to prepare these estimates and then return to their homes and render no aid to Congress. In one instance the president of an elevator company was called in—one of the best business men in the country, it is said. He was sent into one of the departments and spent some days in investigations in order to pass upon the relative value of the various activities of that department in preparing estimates to be submitted to Congress. How could he possibly go to the bottom of it? How could he know the relative value of the activities? It is not possible at all, and the only system that they could have pursued in order to secure any results would have been to take the appropriations made by the Congress, select some man familiar with the work of a department, make him an employee of the Budget Bureau, and then send him into that department to study its activities, and after he prepares the estimate and submits it have him then go before the congressional committee and sit there and defend his estimates and help the congressional committee.

Yet up to this time in no one instance that I know of have we had the representative of the Bureau of the Budget to sit with the subcommittee to defend the estimates submitted by the Bureau of the Budget or to help them in framing them, and so far as the practical work is concerned it has consisted in submitting the estimates, which have been reduced \$64,000,000. For instance, in this bill the gentleman from Michigan has had to delve into every item in this appropriation bill just as he would have had to do two years ago, before the creation of the Budget Bureau, and we never have seen the representative of the Bureau of the Budget since the first day we met.

My idea has been that if under the new direction of Gen. Lord the Budget Bureau will select a capable man and send him into a department to make a study of its activities; then have him prepare the estimate and come before Congress and sit daily with the Committee on Appropriations to defend the estimates of the bureau, something can be accomplished, but it can not be done in the way in which it has been conducted for the past six months. This time has been thrown away, because the gentlemen who made these estimates have in many instances gone back to their business, and now we will have to start all over with a new organization. By this time we should have had a permanent organization.

I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, I yield 20 minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. You all know how it feels when you have had a beautiful speech prepared and then two brilliant and able speakers have preceded you and cut into the subject that you had planned to discuss. At any rate, I congratulate my colleagues on the committee, Mr. CRAMTON and Mr. BYRNES, upon their comprehensive statements. I do not mean to say that I would have made the same remarks made by my predecessor, my distinguished and delightful friend from South Carolina [Mr. BYRNES], or that I would draw the conclusions that he has drawn. On the other hand, much that he said about the bill is what I had in mind.

Before proceeding with the bill itself, let me refer to just one or two things stated by my distinguished colleague [Mr. BYRNES] immediately before he took his seat. He condemned the Budget system in its operations during the first six months because in contrasting the estimates submitted to Congress by the Budget he finds they are approximately \$110,000,000 above the last appropriation bill covering the same items referred to by the Budget, passed in the last Congress. Did the distinguished gentleman himself realize what an arraignment he thus makes of his own administration which submitted the last estimates to the Congress before the estimate submitted by the Budget, the estimates one year ago, when the Congress scaled down the estimates \$1,500,000,000 in round numbers below the amounts asked for by the administration? [Applause on Republican side.] If what my friend has said is an arraignment of the Budget system, what must it be of the administration of his own party that was succeeded by the present administration under which the Budget system is functioning?

I am not going at length to defend the Budget system. I have not the slightest doubt that it will justify itself; indeed, that it has already justified itself. It has made it possible for the administration to coordinate as never before the different departments of Government, to call attention to and to eliminate duplication of work, to estimate in a systematic way the expenditures for which the Government is willing to stand. It had about six months in which to do its first work. It has already justified itself during those six months by submitting estimates for the next fiscal year lower by \$1,500,000,000 than were submitted one year ago by the Democratic administration, and I have not the slightest doubt that it will continue to justify itself during the years that are to come.

Gentlemen, there is always something heroic in appearance, at least, when in reporting an appropriation bill one can point to a cut of \$10,000,000 in one item, \$100,000,000 in another, and so on down the line. I remember last year, when we considered the Navy bill, we had before us estimates of approximately \$700,000,000 for the running of the Navy for the present fiscal year. We were able to come before the Congress and report a bill having scaled down the estimates in round numbers approximately \$300,000,000, or, in other words, more than the amount we are asking for in the present Interior Department measure. We can not do that in this bill. This bill pertains to what the distinguished chairman of the subcommittee has so aptly called the home department of the Government. It is, if you please, a sort of kitchen of the Government. You can economize in your family circle by abandoning one of your two automobiles, you can economize by not building an addition to your home or by omitting to make a trip to Europe that you had hoped to make, but when it comes to the handling of the living expenses of the home you can not cut those expenses much below what the superintendent of the household tells you is absolutely necessary. We have then before us to-day the home department of the Government—the Department of the Interior. This department was established about 70 years ago, on March 3, 1849. At the time it was established it was said on the floors of the Congress that up until then it had cost \$700,000,000 for the administration of the Government of the United States since Washington was first inaugurated. We were told that up to that time it had cost about \$1,000,000 of the \$700,000,000 to provide for the agencies of Government that had distinctively to do with peace; the encouragement of arts and sciences, education, agriculture, facilitation of commerce, and just such things as this bill to-day pertains. We were told that at the time the Interior Department was created it was costing this Government approximately \$12,000,000 to \$14,000,000 annually to maintain the War and the Navy Departments. From that beginning until now the Department of the Interior has continued to do a tremendous work, a most important work, and for a small amount of money.

Another thing that you must bear in mind is this: The bill carries \$295,622,112, but of that amount the sum of \$253,987,720 is for pensions of the veterans of the Civil, Spanish-American, and Indian Wars, and soldiers of the Regular Army; in other words, for war purposes or purposes resulting from war.

For purposes apart from war and its consequences the bill carries a little more than \$40,000,000.

I want to take this opportunity to congratulate the representatives of the Interior Department who appeared before our committee upon their evident frankness and sincerity in presenting their cases. Of course, with the estimate, they showed by arguments the importance of the particular work which they brought before the committee and sometimes emphasized matters beyond reason. But let me tell you that a man is not worth his salt who does not exaggerate the work in which he is engaged and unconsciously magnify it more than the rest of

the people on the outside think that it deserves. That is the case of those who appeared before us as they urged the respective agencies of their great department. But I want to tell you that, uniformly, they were frank. They laid their cards on the table and left us to determine whether the work that they were carrying forward was a worthy work.

Mr. LAZARO. Will the gentleman yield for a question for information?

Mr. FRENCH. Briefly.

Mr. LAZARO. There was an article in the press recently on this home department and the work of Secretary Fall. Will the gentleman tell us something relating to the public-lands money and that relating to these oil leases?

Mr. FRENCH. I will in a moment. I will come to that in a little bit if the gentleman will bear with me. I was just speaking a word of approval about the frankness and candor on the part of the representatives of the Interior Department. As a Member of Congress I have had membership on various committees. We have had witnesses of all kinds urging claims, appropriations of one kind and another, and sometimes you know just as well as I do that when a witness sits across the table from you you feel that just before he came there he had knelt down in his home on his knees and had made a prayer something like this, "Dear Lord, help me to say nothing to the committee this day that will hurt my case." That is what you have to meet. You must use a corkscrew to pull evidence from such a witness. In shaping this bill the committee members were face to face with men who were willing to lay their cards on the table, willing to justify their case, willing to explain fully the work they were carrying forward.

I am not going to refer here at length to our national assets. I would like to do it. It is a very splendid story, but the chairman has outlined the subject. Our public domain has been given over to home building for the most part, and this great work was accomplished through the Department of the Interior. Yet to-day we have public lands, exclusive of Alaska, that aggregate 200,000,000 acres. Besides that we have 154,000,000 acres in forest reserves. The Interior Department has to do in whole or in part with all this acreage.

The monetary value of this estate is estimated at \$12,000,000,000—land, mineral wealth, forests, water power—a vast estate.

Then there is Alaska, with her untold wealth. There are our national parks, with their marvelous scenic beauty and natural wonders.

Within the United States and Alaska are more than 340,000 Indians, whose property aggregates more than \$1,256,000,000, and, in whole or in part, these Indians and their property must have the attention of our Government.

The Interior Department has to do with all these matters, and handles them through such agencies as the General Land Office, the Geological Survey, Reclamation Service, Bureau of Mines, Indian Bureau, National Park Service—all of them great and vital bureaus of the Government. Then, under the Department of the Interior is that most important yet starved Bureau of Education. There is the Patent Office, there is the Bureau of Pensions, and then there are other great agencies for service, such as St. Elizabeths Hospital, Freedman's Hospital, Howard University, Columbia Institute for the Deaf, and probably I should also add certain matters connected with Hawaii and with the building of the Government railroad in Alaska.

The gentleman from Louisiana has suggested I refer to receipts of public lands and how they are handled. In a general way most of the receipts of the public lands to-day go into the reclamation fund. We have certain receipts from forest lands and forest reserves that will be considered in another bill. Let me say that a percentage of such receipts go to the counties of the States where the forests are located to take the place of taxes that would accrue to the States were the forest to pass to private ownership.

Again, under the coal, gas, and oil law, to which the gentleman from Louisiana referred, the law provides that 10 per cent of all money received from sales, bonuses, royalties, and penalties, excepting those from Alaska, shall go into the Treasury of the United States. The law provided further that 70 per cent of the receipts accrued when the act was passed and 52½ per cent of future receipts should be turned into the national reclamation fund, and that the future 37½ per cent should be paid over to the State when collected for public road and public school or other public educational purposes.

Thus for the most part the income from the public domain of the country goes into the reclamation fund, which fund is a revolving fund. Last year approximately \$14,000,000 was received by the Federal Government and turned over for reclamation use. The Reclamation Service was created only about 20 years ago. Since this time it has received approximately

\$123,000,000, and this money is being expended for the purpose of reclaiming land under a system by which it will be paid back during a period of 20 years by those receiving the benefit of reclamation. Was there any other phase that the gentleman from Louisiana wanted to inquire about?

Mr. LAZARO. I wanted the gentleman to discuss the coal and oil leasing act.

Mr. FRENCH. My time is very limited, and I wonder whether that subject would not be handled better when we get to the items under the five-minute rule? We are receiving. I am glad to say, quite handsome royalties under the gas, oil, and coal leasing bill.

In the short time I have left let me refer in a sort of rambling way to a few activities. There is the Bureau of Mines, one of the newest Federal agencies, and I want to tell you of some of its activities. That bureau was created about 11 years ago. It is a most fascinating study just to look at the page in the hearings that we had, to show, for instance, the saving of life that has been brought about largely through the activities of that one particular bureau. The bureau was created chiefly for the purpose of promoting safety among the mine workers of the country. Its activities have the hearty support of the miners as well as the support of the mine operators. The chairman called your attention in brief to the great saving of life that has been made during the last 11 years. You will find that the percentage of loss of life in the different mining activities of the country begins like a thick wedge about 11 years ago and that it continues to draw down to a thin wedge last year.

In 1911 there were 15 major mine disasters, and in 1920 there were 8; in 1911 there were 413 killed in these disasters, and in 1920 only 61 were killed. The total killed in 1911 was 3,539; the total killed in 1920 was 2,809, or a saving of 730 human lives. Thus the wedge is growing thinner. We expended last year approximately \$1,400,000 upon this bureau. If you will apply your arithmetic, you will find that the cost of saving of human life, if all the money spent for the bureau were for this purpose, amounts to \$2,000 per individual. What is a human life worth? Surely, it is worth more than that, and if all the money we are appropriating for that one bureau could be utilized exclusively for the purpose of promoting safety in the mines of this country, there would be abundant justification for the maintenance of the work.

But that is only one of the functions of the bureau. In carrying it forward we educate the miners and train them. Cars that you are familiar with, operated by the bureau, go over the country visiting the various mining sections, instructing the miners how to handle their work in safety, how to avoid and detect gases, how to restore men who have been overcome, and, in other words, how in general to conduct themselves so as to avoid the accidents and the perils that necessarily are incident to the carrying forward of mining operations.

But important as that is, that is only one of the agencies of the Bureau of Mines. One of the most important agencies of the Bureau of Mines is the carrying forward of scientific work of tremendous value to the country. Let me refer to just one or two illustrations that you may have in mind what I mean.

A few weeks ago you heard the address by my distinguished colleague from Texas [Mr. LANHAM] upon helium. It was the day that a balloon carried by helium floated over the city of Washington. Perhaps you are not aware of the fact that much or most of the scientific work that was done to make possible the use of the gas helium, which is not an explosive, which is not inflammable, which means greater safety for aviation, was carried forward in the Bureau of Mines.

Let me give you another illustration: About a dozen years ago, as you would travel through mining sections of the West, where especially copper and lead ore were being produced, you would see the smelters with their tall chimneys from which the smoke of a light color was going quietly forth. You would look over the hills and the mountains and you would see what looked like a region that you would expect would surround a volcano. What was it? The vegetation was being killed by gases that were being emitted from the chimneys.

More than that, metals were being wasted. The Bureau of Mines began to consider whether or not from the various economic standpoints something could be done. Whenever lead and copper ores together were in such quantities that the lead represented less than 25 per cent of the mass of lead and copper, it was impossible to extract that lead from the lead and copper mass and to save it. In other words, as you would melt down the ore in the great smelter, the lead would become vapor. It would volatilize at a lower temperature than would the copper, and it would pass away in vapor with other gases through the great chimney, to work destruction upon the vegetation of the surrounding country.

Now, Dr. Cottrell, within the Bureau of Mines, went to work on that problem and spent some years in wrestling with it. He devised a process by which, through screens and certain electrical appliances in the top of the chimney, the lead fumes were condensed, solidified, and recovered, and there was saved that which prior to 10 years ago was an absolute waste.

Is it worth while, then, to carry on an agency by which there can be saved 500 pounds out of every 2,000 pounds of ores mined when it is found in mass with lead and copper?

Now, that is merely one of the activities of this great department. The chairman referred to the national parks. I, too, am favorably impressed with the national parks. Here is a service that is somewhat unique. Many of the services of this Government take from the Treasury money without giving back in dollars and cents to the Federal Treasury any return. Here is a service that, during the time especially that it has been presided over by Mr. Mather, has come to be practically self-sustaining, so far as the maintenance of the different parks may be concerned, and the addition that we are calling for in this bill above the receipts of the various national parks for the most part can be taken to mean an investment by the Federal Government in the building of roads and other equipment to make the parks more accessible to the public.

In other words, here is a service that to-day is turning back annually approximately 40 per cent of the expenditures in its behalf, the other 60 per cent going into roads and other Government improvements; and with the increase of the facilities for the various parks throughout the country a still greater sum will be turned back to the Government.

As I told you, the Interior Department is an old department. It has been combed again and again from the standpoint of trying to save money. We are not going to be able to scale down the appropriations here as you could scale them down, for instance, in the naval bill of a year ago; but, on the other hand, by reason of the age of the department it has suffered something of deterioration that ought not to have been. Take, for instance, the Patent Office. That office to-day is housed in a building that is not adequate for efficient, businesslike work. Yet you are calling upon the department there to render service. We have had our attention called, for instance, to the filing system, the file cases for hundreds of thousands of different patent devices. Something like 60 young men are there constantly engaged in going to the files and bringing out cases in the carrying forward of a daily work that means revenue to the Government. Here are inadequate files and an antiquated filing system by reason of it, and with that system the office is required to-day to use 60 men to do the work that 30 men could do if we would provide up-to-date appliances.

There are other departments which need all the encouragement and serious attention of the legislative committees of this Congress.

Mr. ARENTZ. Will the gentleman yield?

Mr. FRENCH. I yield to the gentleman from Nevada.

Mr. ARENTZ. I know the gentleman does not care to make a statement that is not correct and I should like to say just a word on the Cottrell process to clear it up. In all smelting operations certain minerals are volatilized—gold, silver, lead, copper, bismuth, and other metals. The fumes that come from these smelting operations carry these volatilized metals. These fumes are passed through high-tension electric currents and the fumes are dissipated. That, in a few words, is what the gentleman, as I know, meant to say.

Mr. FRENCH. I am very glad the gentleman, who is a mining engineer, has said in splendid scientific language what I tried to say in the poor language of a layman. [Applause.]

Mr. CARTER. Does the gentleman from Michigan wish me to yield some time now?

Mr. CRAMTON. Yes.

Mr. CARTER. I yield 40 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Chairman and gentlemen, since this bill carries the appropriations for the Bureau of Indian Affairs and the Indian field service, I take this occasion to make some observations in regard to the Indian problem. That problem, to my mind, is principally one of salvage—to make the best we can out of the lives of the Indians who remain in the United States to-day—and its ultimate solution must be sought in developing among them an independent and self-sustaining citizenship.

The oldest and the easiest way to solve the Indian problem was to kill the Indian, a very simple and a very satisfactory solution, so far as the white people were concerned. That was the method adopted by my ancestors in New England and by yours in other parts of America. Later the policy was changed to one of driving the Indians out of parts of the country that white settlers desired. Thousands of Indians who originally

lived in Georgia and Alabama, in Ohio and Kentucky, in Michigan and Illinois, and other sections of the eastern United States were moved west of the Mississippi River. As civilization and settlement passed on to the West, the reservation system was adopted, and the Indians were gathered together on tracts of land taken out of the public domain and set aside for their use.

It would be both vain and useless to consume time condemning or praising our ancestors for what they did to or for the Indians. What they did, they did, and the results lie before us. One side of the picture does not give us warrant to boast that justice and fair dealing have characterized the treatment that the people who first inhabited this country have received from the American Government.

The other side of the picture is much brighter. It shows tens of thousands of men, women, and children of Indian blood who in every way are so much in advance of their own grandfathers that their progress can only be characterized as astounding. In the same community there will be found men who have fought, killed, and scalped their enemies dwelling with their children and grandchildren, who live, act, and dress as their white neighbors do. Old warriors who, with painted faces and the tactics of barbarians, fought the United States soldiers can be seen daily carrying their children's children to public schools in wagons.

I can remember as a small boy a tribe of Indians living near where I was born who went about clad in little more than a breechclout—naked, good-natured, friendly savages. To-day most of the members of the Pima tribe can speak English, have fairly comfortable homes, a number of them own automobiles, and practically all of them make as good use of the land that they have and the water supplied to them for irrigation as their white neighbors—a marvelous change within the last 40 years.

Millions of acres which but a few years ago were prairies ranged by buffalo hunters to-day are fertile farms cultivated by the sons and grandsons of these same Indians. Thousands of Indian children are attending schools maintained for them by the Government. Indian medicine men have been displaced in most tribes by white doctors with hospitals to which Indian patients are taken. Where once there was war between the red and white men, to-day there is more than peace—there is being successfully established the friendly communion of neighborliness.

Indians are bank presidents, judges, public officials, lawyers, teachers, doctors, actors, storekeepers, manufacturers, clerks, salesmen, trained nurses, artists, authors; in short, they are successfully making their way in all the commercial and professional branches. The real blanket Indians are the old full-bloods, too set in their ways to change. In another generation or two they will have become but a memory if a proper policy of education is pursued.

The march of progress has entirely wiped out of existence a number of tribes, but has carried forward other tribes on the road of civilization. The white men, first the conquerors and then guardians of the Indians, took to them whisky and rum, the greatest curses ever brought to a primitive people. They introduced diseases which carried away thousands of natives, but they have also given to the Indians schoolhouses, hospitals, modern farm machinery, better cattle, and many creature comforts of which the original Americans were totally ignorant. The balance is therefore not wholly against the white man, as many would have us believe.

The American public, as a whole, knows but little of Indians and its interest in them is less than its knowledge of them. To most white men and women the American Indian falls into two classes; Indians who are dissolute paupers and beggars, the recipients of Government rations and money which at once goes for drink, and Indians who are wealthy beyond dreams of avarice through their possession of oil fields, cattle, or timber. About all the average person knows of Indians is that they are something or other which the Government, in some way or other, is trying to do something or other for.

I should hesitate to risk asking the Members of this House the question, "What do you really know about the American Indians?" I should not like to disclose their lack of knowledge about the Government's wards which can be sensed by anyone at all familiar with Indians, who reads the debates in the CONGRESSIONAL RECORD on bills affecting the red men of our country. This kind of ignorance is responsible for much of the criticism, even abuse, which comes from many good people who think Uncle Sam is mistreating, enslaving, debasing, pauperizing, and otherwise wronging his Indian nephews and nieces. It also is at the bottom of many of the complaints from well-meaning people who think the Government is doing altogether too much for the Indians.

The Government departments having to do with Indians publish but little about them. The Bureau of Ethnology has issued

an excellent series of bulletins, many of them beautifully illustrated, but they are technical in their nature. The trouble with the ethnologist is that he wants to keep the Indian in his old state; he is interested in describing the ancient tribal customs and is not concerned about modern conditions.

The Bureau of Indian Affairs issues an annual report containing a vast amount of information about the Indians as they are to-day and of the Government's relations with them and of its activities in their behalf. But it is a Government report—concise, statistical, and formal.

Many writers have published books and articles about the Indians, some of them intensely interesting and most valuable in an educational way. But nowhere can there be found a comprehensive presentation of the conditions, welfare, progress, and modern life of the American Indians. No one has brought together in a readable, easily understandable form all the data touching the present-day Indians and their affairs.

I have no intention of attempting such a task, but I have gathered some information which may serve to shed a little light upon this question. I can presume to speak upon it after 10 years' service on the Committee of Indian Affairs and also on account of the personal contact that I have had with the Indians of my State, where they comprise a material element in our population, there being more than 40,000 of them in Arizona, more full-blood Indians than in any other State in the Union.

THE INDIAN SERVICE.

Living in communities or scattered over wide areas in 24 States are thousands of men, women, and children who are wards of the Government. They are American Indians who by an act of Congress have been placed in charge of the Secretary of the Interior. By authority of law he delegates the administration of his guardianship activities to a commissioner who is the executive head of the Bureau of Indian Affairs. This branch of Government service is divided into two coordinating departments—the Indian Office in Washington and the Indian Field Service, which is composed of about 130 units known as agencies, reservations, nonreservation schools, hospitals, sanitariums for tubercular patients, and warehouses.

In the Indian Office in Washington are divisions or sections which have to do with the education, health, agriculture, industries, finances, irrigation projects, welfare, probate matters, forests, lands, and live stock of the Indians and their legal and social relations with their white neighbors. There is scarcely an activity of human endeavor that does not come within the scope of everyday work and administration of the Indian Bureau. It is a unique department of the Government; there is nothing else like it.

The Indian Service began under the War Department in 1789, and was later transferred to the Department of the Interior. Any Commissioner of Indian Affairs has my sympathy. He has a most perplexing and unappreciated job. He stands in the relation of father to the biggest family in the world, for he has direct, almost personal, supervision over the affairs of more than 200,000 men, women, and children who are spread over 24 States, who are members of more than 100 different tribes, whose habitations range from the Everglades of Florida to the mountains of Montana, from the northern timber belt to the deserts in the Southwest, from the rich prairies of the Middle West to the highly developed irrigation areas of the Pacific coast. Every reservation and every Indian on a reservation presents a problem.

Each day in the routine of his work the Commissioner of Indian Affairs must be something of an executive, an administrator, a business man, a school-teacher, a doctor, a lawyer, a banker, a farmer, a stock raiser, a forester, a miner, an oil man, an expert accountant, a missionary, a mentor, and a friend of man. The property of the Indians under his supervision has an aggregate value close to a billion dollars, and this property belongs to a people which is emerging from a condition of primitive barbarism. The Indians to-day represent every degree of civilization, ranging all the way from almost pagan savagery to men and women of refinement and culture.

To carry on the multitudinous activities of the Indian Service there are 5,502 employees, with a total pay roll of \$4,493,041, an average salary of \$817 a year. The Washington Indian Office has 256 employees, exclusive of the commissioner and assistant commissioner, with an annual pay roll of \$340,750, or an average salary of \$1,331. The superintendents, principals, teachers, and other employees in the school service number 2,443, with a pay roll of \$1,742,498, an average salary of \$713. The total personnel of the reservation and agencies number 2,394, having a pay roll of \$1,796,205, making an average salary of \$750 a year. The balance of the employees, including the field and investigation sections, irrigation service, allotment service, pro-

bate lawyers, experts, and warehouse force number 409, having a pay roll of \$613,588, an average salary of \$1,500.

It will be noted that the average salary of the employees in the entire Indian Service is but \$817 a year, and this does not include the salary of the commissioner and assistant commissioner, which are but \$5,000 and \$3,500, respectively. I am reliably informed that the pay of the Indian Service employees averages lower than the pay of employees in any other Government department.

A proper salary reclassification bill, when finally enacted into law, should materially improve this situation, which admittedly needs improvement.

Mr. ARENTZ. Mr. Chairman, I would suggest that the Lehlbach reclassification bill does not contemplate taking care of those outside of the District of Columbia. The largest number of employees in the Indian Service are out of the District of Columbia. Something should be done for the men and women in this service.

Mr. HAYDEN. That bill lays down the principle of equal pay for equal service.

Mr. ARENTZ. If that should be consummated, it would be a good thing.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. ANDREWS of Nebraska. What does the gentleman mean by equal service, equal pay? How would you apply the principle?

Mr. HAYDEN. If one person be employed as a teacher under the Bureau of Education in Alaska, for example, doing a certain grade of work, and another person were doing the same work in the Indian Service in Arizona, I should say that the same pay should be given for the same service.

Mr. ANDREWS of Nebraska. Take three concrete cases. Here is an appointment clerk receiving \$4,500 a year for handling a roll of 19,000 people. Here is another appointment clerk handling a roll of 67,000 people and another one handling a roll of 1,500 people. Like service, like pay. How are you going to distribute the salaries?

Mr. HAYDEN. The very statement of the case which the gentleman from Nebraska has made indicates that one of those men is doing much more work than either of the others.

Mr. ANDREWS of Nebraska. I should like to carry that on in connection with the customs service, where you have, for instance, 50 people employed as liquidating clerks, some of them younger, some of them older, some of them inexperienced, relatively, some of them well trained. They are all liquidating clerks. Like service, like pay. Will you make the younger, the inexperienced, equal in salary with the man who is older and who has experience?

Mr. HAYDEN. Certainly I should not.

Mr. ANDREWS of Nebraska. How would the gentleman apply the rule?

Mr. HAYDEN. Mr. Chairman, the gentleman again states a case that answers itself. But to return to my subject. Complaint has been frequently made about not only the inefficiency but the narrowmindedness of Indian Service employees. But why should any broad-gauge, energetic, and efficient man or woman stay in a service where the pay is so poor and the opportunities for advancement so limited? The only reason that there are not more drones and incompetents is that a considerable number, after entering upon this work and realizing its importance, have become imbued with a sincere desire to be helpful to the Indians. The earnestness of some of them even makes them fanatical, so that they honestly believe that in every dispute the Indian is always right and the white man always wrong, regardless of the merits of the controversy. It is only to this missionary spirit, however, that I can attribute the continued presence in the Indian Service of men and women of my acquaintance who I am sure could readily obtain a larger material reward for their time and efforts in other occupations.

THE INDIAN POPULATION.

The number of Indians in the United States is not exactly known. The United States census for 1920 gives a total of 242,959 as the Indian population in the United States, exclusive of Alaska; the 1910 census gave a population of 265,683, which would indicate a decrease of 22,724 Indians. But this decrease, as explained by the Census Bureau, is due to the fact that in the 1920 census the enumerators did not include as Indians a number of persons of Indian blood who were so much more white than Indian that they were enumerated as white people.

The 1921 annual report of the Commissioner of Indian Affairs shows a total Indian population of the United States, exclusive of Alaska, as of June 30, 1921, of 340,838. This total includes 2,582 white persons who married into the Five Civil-

lized Tribes—the Cherokees, Creeks, Seminoles, Chickasaws, and Choctaws—of Oklahoma and 23,405 freedmen who are the descendants of the Negro slaves brought into Indian Territory by the five tribes when they were removed from their eastern and southern homes.

Eliminating the intermarried white and freedmen, the report of the Indian Commissioner would indicate that there are 314,850 Indians in the United States. Of this number, 23,735 are persons of Indian blood who are not under the supervision of the Bureau of Indian Affairs, leaving a total of 291,116 as representing the men, women, and children of Indian blood who are on tribal rolls or are under the supervision and care of the United States Indian Service.

An analysis of the statistics carried in the 1921 annual report of the Commissioner of Indian Affairs shows that of the 291,116 Indians who are under the supervision, in varying degrees, of the Government 165,031 are full bloods, 46,181 are mixed bloods with a larger proportion of Indian blood in their veins, and 79,904 are of one-half or less Indian blood.

There is an apparent difference of 48,157 between the 1920 United States census and the 1921 report of the Commissioner of Indian Affairs as respects Indian population in the United States. The greater part of this difference comes in Oklahoma. The census population of the Oklahoma Indians is given as 55,949. The Bureau of Indian Affairs figures are 93,494, showing a difference of 37,545. A large part of this difference is accounted for in the explanation given by the Census Bureau and the further fact that the population figure of the Five Tribes, as shown in the commissioner's report, is not a census total but is the original net enrollment which must be maintained as a basis for determining land ownership and heirship.

There is also a difference of 10,530 between the Indian Service and the census figures in Arizona, which I think can be explained by the fact that the census enumerators were so poorly paid in 1920 that they could not afford to travel long distances over the reservations and make an accurate enumeration, with the result that a large number of Indians in my State were not counted.

The following table gives the figures of Indian population in the different States:

State.	Indian Service.	United States census.
Alabama.....	405	405
Arizona.....	43,519	32,989
Arkansas.....	106	106
California.....	12,725	17,360
Colorado.....	785	1,383
Connecticut.....	159	159
Delaware.....	2	2
District of Columbia.....	37	37
Florida.....	452	518
Georgia.....	125	125
Idaho.....	4,017	3,098
Illinois.....	194	194
Indiana.....	125	125
Iowa.....	342	529
Kansas.....	1,498	2,276
Kentucky.....	57	57
Louisiana.....	1,066	1,066
Maine.....	839	839
Maryland.....	32	32
Massachusetts.....	559	559
Michigan.....	7,593	5,613
Minnesota.....	12,968	8,761
Mississippi.....	1,412	1,105
Missouri.....	171	171
Montana.....	12,587	10,956
Nebraska.....	2,520	2,888
Nevada.....	10,949	4,907
New Hampshire.....	44	44
New Jersey.....	99	99
New Mexico.....	23,247	19,512
New York.....	6,933	5,504
North Carolina.....	11,824	11,824
North Dakota.....	9,240	6,254
Ohio.....	152	152
Oklahoma.....	119,481	55,949
Oregon.....	6,608	4,590
Pennsylvania.....	353	353
Rhode Island.....	106	106
South Carolina.....	394	394
South Dakota.....	23,159	16,384
Tennessee.....	56	56
Texas.....	2,110	2,110
Utah.....	1,559	2,711
Vermont.....	24	24
Virginia.....	822	822
Washington.....	8,151	9,060
West Virginia.....	7	7
Wisconsin.....	10,404	9,495
Wyoming.....	1,764	1,843
Total.....	340,838	242,959

In 22 States all of the Indians are on reservations, or are attached to reservations, or are scattered Indians who are under the care of an agent. In 2 States part of the Indians are under Federal supervision and part are not, and in 24 States and the District of Columbia there are no reservations or agencies. This general statement must be modified by another statement to the effect that in the 22 States referred to there are many Indians who, having received patents in fee to their allotments, are full citizens and no longer are under Federal supervision. Many of them, however, having an interest in undivided tribal property, or being heirs of deceased tribesmen, are under the so-called supervision of the Indian Bureau, which in their cases is acting as trustee or administrator of an estate.

At the close of each fiscal year the agents and superintendents of the Indian field service report to the Washington office the number of Indians who are on the rolls of agencies or reservations; of Indians who live off reservations but are, in some degree, under the care and supervision of agents and of others who, in some respect, are related to the Government in its administration of Indian affairs.

The simple fact that an Indian may be carried on a tribal roll does not necessarily imply that he or she is a Government ward and under Federal supervision. Thousands of Indians who have become full citizens by receiving patents in fee to their property and all their funds, Indians who are free as any Member of this Congress, have their names on tribal rolls.

This apparent anomaly is easily explained by the fiduciary functions of the Bureau of Indian Affairs, which, besides being an administrative bureau, is a large probate institution with tens of thousands of clients. It also is a big title and trust organization, acting as trustee and agent for tens of thousands of men, women, and children who happen to have Indian blood in their veins.

The tribal roll is the basis, the beginning, of title to Indian property; it is the official record to which heirs must go to prove heirship; it is necessary to keep up the tribal rolls for the determination of heirs, the disposition of probated property, and for the sale and lease of millions of acres of Indian-owned land. So long as there is tribal property in the form of land or money, or both, so long will tribal rolls be maintained, for every member of the tribe or the heir of a member has an interest in tribal property, even though he or she is a full-fledged citizen and the unrestricted owner of an allotment with a patent in fee for the allotted land.

INDIAN RESERVATIONS.

An Indian reservation can be described as a tract of land set apart for the exclusive occupancy and use of Indians. This was the case in the beginning, but as white settlers moved into the Indian country reservations were opened for settlement. That is, the surplus tribal lands were sold, the proceeds deposited to the credit of the tribe in the United States Treasury, and held for disposition in the discretion of Congress. Such reservations are known as diminished reservations.

Some reservations were instituted through treaties; others by agreements ratified by Congress which had the effect of treaties; others were formed by Executive order of the President; and still others by purchase authorized by Congress. Practically all the Indian reservations in Arizona were created by Executive orders setting apart areas of the public domain for the use of the Indians.

There are over 200 tracts of land in the United States which fall within the reservation class. Some are tiny California rancherias of but few acres each, for a dozen or less families; others cover areas of millions of acres, such as the Navajo Reservation in northeastern Arizona and northwestern New Mexico, with an area exceeding 8,000,000 acres, which is larger than some States in the Union.

Considerably less than a hundred reservations have resident superintendents, whose business is to look after the affairs of the Indians on their several reserves. The 31 mission reservations, or rancherias, for example, are grouped into two jurisdictions, each with an agent. In New Mexico the 19 pueblos are divided into two groups, each with its agent. None of the New York reserves have a resident superintendent, but are under the rather theoretical supervision of an agent. There are some reservations which are such in name only, such as the Cherokee, Choctaw, Chickasaw, Creek, and Seminole reserves in Oklahoma, for they have been allotted, most of the allotments have been sold, and it is impossible in passing through them to distinguish Indian from white land.

A typical Indian reservation is in charge of a superintendent, who is a pocket edition of the Commissioner of Indian Affairs, in that he is face to face with almost all of the perplexing problems which confront the commissioner. His is a many-sided job.

In the first place, he is held strictly accountable to the Government for all Government property, such as the agency and school plants, tools, implements, material, supplies, and cash. He also is accountable for all Indian property and money held in trust by him for the Indians. He is responsible to the Commissioner of Indian Affairs for the maintenance of law and order on the reservation. He is a special disbursing officer, and under bond, the premium of which he has to pay out of his meager salary.

The superintendent of an Indian reservation rests on no bed of roses. On one side of him is the Government, with its demand of 100 per cent accountability; on the other side are a score or more of employees living in an isolated community whose very isolation tends to develop petty jealousies and factional cliques; hundreds of Indians each with his problem, demand, complaint, and request. He is subjected to frequent inspections and check-ups and at any time he is apt to have charges preferred against him by disgruntled employees, dissatisfied Indians, or white men who assert that they have not been treated fairly by him. These charges, if of sufficient importance, are investigated by the Indian Office and action taken when necessary.

If there is a boarding school on the reservation the superintendent has the task of feeding, clothing, doctoring, amusing, and educating a hundred or more young Indians fresh from the soil, many of whom, perhaps, can not speak English. He may have a hospital to look after, a large agency farm and herd, a Government sawmill, flour mill, machine shop, and other industrial plants.

If his Indians are allotted he must attend to leasing their allotments, if they are not farmed by the allottees. He sells their lands and must attend to the estates of deceased Indians. If the tribe owns timber lands whose timber is sold he must see to it that the white lumberman pays for the timber he cuts. This requires a close inspection of logging operations to see that every log is measured, that the trees are cut according to the contract and the regulations. If there are irrigable lands under ditch he must be an irrigation engineer as well.

And with all these duties he is required to encourage the Indians to farm their lands, raise live stock, cut hay, make gardens, prepare for the winter, to send their children to school, to improve their living conditions, and, in short, to get ready to take their places as full-fledged citizens when the time arrives for that consummation of the Government's purpose.

Mr. HUDSPETH. Will it disturb my friend if I ask him a question?

Mr. HAYDEN. Certainly not.

Mr. HUDSPETH. In recent years they have been purchasing cattle for the Indians on these reservations; has that been a success?

Mr. HAYDEN. It might be called a financial success so far as the operation itself is concerned. The Indian Service has taken over from the persons who leased the grazing land on the reservations their grazing rights and supplied tribal herds. But no more meat has been produced on the range than before. The herds are usually managed by some white man employed to supervise the business. The profits have been deposited in the Treasury to the credit of the Indians. The tribe receives this profit instead of the money formerly obtained by leasing the grazing land.

Mr. HUDSPETH. Then the Indian does not handle the cattle, neither in building up the herd or in grading them.

Mr. HAYDEN. Usually all the work has been done under the supervision of a white man. I can not see that the Indian has been greatly benefited by that policy. At one time as much as \$600,000 was annually appropriated to furnish tribal herds to the Indians, but that amount was gradually reduced until now practically no money is expended for that purpose.

Of course it is better to spend money in buying live stock for the Indians, even if the cattle are not turned over to the individual Indians but remain the property of the tribe, than it is to issue rations to them. In some cases the increase from the tribal herds has been issued in lieu of rations.

I might say with respect to the establishment of the ration system that there was a good reason for it. President Grant during his administration sent out a commission composed of a number of Army officers to make a study of the Indian problem. They went over the various reservations, and on concluding their work figured up the cost of the maintenance of the Military Establishment in the Indian country and divided that amount by the number of Indians killed. It was discovered that over a period of years it had cost more than a million dollars to kill an Indian. The commission determined as a matter of business that it was better to feed the Indian than to kill him. That was the reason for the establishment of the ration system. I realize that it has pauperized many Indians and made them dependent on the Government, but its

original adoption was a saving to the Government in dollars and cents.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. I yield to my friend from Louisiana.

Mr. LAZARO. Would the gentleman tell us something about the educational system under this bureau? Is it practical? Has it accomplished anything?

Mr. HAYDEN. I am glad to answer the gentleman's questions.

Perhaps there is no better illustration of the inescapable complexities and unavoidable difficulties constantly confronting the Government in its efforts to help the Indian people along the road to self-sustaining citizenship than is furnished by the Indian Service school system. The Indian day schools, reservation boarding schools, and nonreservation boarding schools last year had a total enrollment of 23,847 pupils. A large proportion of these Indian school children could not speak English when they entered school. They came from homes where the parents knew little, if any, English.

A large number of these non-English-speaking pupils were young men and women 18 to 20 years old, who sat in classes with little children under 9 years of age. Most of this class of older pupils were in the day schools, of which there are 167, but many of them, because of unavoidable circumstances, were taken into the reservation boarding schools where, it is supposed, only children who have gone through the day schools can enter.

In the large nonreservation schools the children of tribes which are traditional enemies to each other are brought together. In these nonreservation schools the entire Indian problem of the Government is localized. In one such school, for instance, will be found children from 30 to 40 tribes differing widely in their racial characteristics, their home environments, their tribal customs, their prejudices and traditions, in aptitude and intelligence, and in their capacity for education.

The Indian day schools are scattered over reservations taking the place, in their communities, of public schools. Some of them are so remote from any white center of population that practically they are isolated for months of the year. The day-school teachers are not only teachers but they also act as sub-agents, looking after the health and general welfare of the Indian families in their neighborhood.

I have always believed that these little Indian day schools, outposts on the frontier of civilization, are the most potent agencies the Government has to help the Indians emerge from their condition of ignorance and superstition and give them a start on the road of progress. These underpaid, isolated, and almost forgotten day-school teachers never have received the recognition by the Government which is their due. I am informed that the Indian Service has the utmost difficulty in securing men and women to fill these modest but all-important positions.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. HAYDEN. I yield.

Mr. JOHNSON of Mississippi. I notice the committee has appropriated or reported in this bill an appropriation of \$44,000 for an Indian school in Mississippi and for a number of things in connection therewith. It provides the position of a doctor and a matron. How are those employees selected?

Mr. HAYDEN. Through civil service. There is practically nobody in the Indian Service who does not have a civil service status, except the commissioner and the assistant commissioner.

Mr. JOHNSON of Mississippi. Now, in selecting the matron, what qualifications does she have to possess?

Mr. HAYDEN. I am not familiar with the regulations of the Civil Service Commission governing such positions, but there are certain qualifications specified in an examination which they must take.

Mr. JOHNSON of Mississippi. Does the matron have to take the civil service examination?

Mr. HAYDEN. Every such position is under civil service.

Mr. JOHNSON of Mississippi. The doctor also?

Mr. HAYDEN. Yes.

Mr. JOHNSON of Mississippi. May I ask you do these people have to reside on the reservation?

Mr. HAYDEN. They may take an examination in any part of the United States, and being appointed, are sent for service wherever the Indian Bureau directs.

Mr. JOHNSON of Mississippi. They are required to remain on the reservation?

Mr. HAYDEN. And actually do. But I was speaking of the Indian day schools. The American people first became educated in the "little log schoolhouse" where the children attended, but lived at home. When they returned from school at night they told their fathers and mothers what they had

been doing, and the whole family became interested in education. In most cases I think that it is a mistake to take young Indian children away from the reservations to school. By a hothouse process great improvement is apparently made in the nonreservation Indian boarding schools, but when the pupils return home they often go back to the blanket.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. HAYDEN. Gladly.

Mr. SMITH of Idaho. I am in thorough accord with the attitude of the gentleman from Arizona in reference to boarding schools being on the reservation. Will the gentleman kindly indicate what progress has been made in the plan to abandon these institutions which are scattered all over the country—as, for instance, those at Hampton, Va., and Carlisle, Pa.—and centralizing these activities in schools on the Indian reservations?

Mr. HAYDEN. No money is now being appropriated for Hampton Institute, and about three years ago the Indian school at Carlisle, Pa., was abolished. Some of the other nonreservation boarding schools have been closed, one or two of the smaller ones.

I am sure that the gentleman will find that the Indian Bureau is now of the opinion that greater stress should be placed upon the Indian day schools wherever they can be established. Where additional boarding schools are necessary, they should be located on the reservations as near as possible to the fathers and mothers of the Indian children. It would be poor economy, however, to at this time abandon a number of the large nonreservation boarding schools which, although not properly located, nevertheless represent an investment of many hundreds of thousands of dollars, which can be utilized with some measure of success in educating the Indians.

Mr. WALSH. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. WALSH. Has the gentleman any statistics to show how many of these Indians exercise the right of citizenship and vote?

Mr. HAYDEN. I have no information as to that. None of them vote in Arizona, but in a great many of the States where their property has been given to them in severalty the Indians exercise all the rights of citizenship.

Mr. WALSH. Then most of the competent Indians exercise the right of suffrage?

Mr. HAYDEN. That is true.

Mr. NELSON. Will the gentleman state in reference to the grades, how high they go in the grades?

Mr. HAYDEN. Instruction in the ordinary day school on an Indian reservation extends to what is equivalent to about the sixth grade in the public schools. The Indian boarding schools in many cases educate small children through all the grades.

But the nonreservation boarding school is usually an industrial school where half the time is devoted to instruction in farming and learning trades. Great stress is being placed upon the industrial features, which is entirely proper.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. SMITH of Idaho. What is being done with reference to the future of these Indian boys and girls who have been graduated from the schools and colleges?

Mr. HAYDEN. It works out in this way: When the first generation of children have been taken away from the reservation and sent to a nonreservation boarding school and they go home and find that their fathers and mothers were never contented when they were gone, out of respect for their parents they are liable to lapse back into the tribal ways and customs. I talked with an Indian day-school teacher on the Navajo Reservation two years ago, who told me about 60 Navajo children that were sent to his school. Most of them came in like a lot of little wild burros, gathered together by the Indian police. They did not want to be there and had no idea of what it was all about. Among them were three children whose parents had been to an Indian school in their time, and he said that those three children by their conduct stood out above all the others. He said that their fathers and mothers had told them what the school was for and what they were expected to do, so they came willingly. He believed that it would take at least another generation to teach the fathers and mothers, forcibly in a degree in the first instance, to understand what education means. They tell their children, who are of the second generation, about it and the problem will be practically solved in the third generation. That will end the complaint that on the face of things a large amount of money has been expended on Indian schools with little apparent benefit, because in many instances the pupils go back to the old tribal ways on the Indian reservations.

Mr. SMITH of Idaho. Does the gentleman know whether it is still the policy of the Indian Bureau to send Indian police to capture the children and to carry them perhaps a thousand miles to some Indian institution?

Mr. HAYDEN. The Indian Service, so far as I know, has rarely adopted the policy of using force in securing pupils for these schools. Much persuasion is ordinarily used, accompanied by a small measure of force. That is the only way to get the Indian children into the schools.

Mr. LAZARO. What do they teach the Indian pupils at these boarding schools? Do they teach them manual arts?

Mr. HAYDEN. Yes. The appropriations for reservation and nonreservation boarding schools are made on a basis of \$225 per pupil a year where the attendance exceeds 200, and \$250 where it is below 200. This per capita is appropriated to cover the entire expense of educating, lodging, and boarding a pupil for one school year. When the Indian appropriation bill was under consideration in the House last year, a Member inquired how it was possible to lodge, feed, clothe, educate, and care for a child for one year for \$225. The answer to that is that the children in a Government boarding school practically work their way through the school. As an illustration of this I will cite one of the largest nonreservation schools which last year had an average enrollment of over 800 Indian boys and girls, and in which, as in all nonreservation schools, industrial and domestic training is an essential part of the educational work. The girls are taught the domestic sciences, poultry raising, gardening, and nursing. Boys are taught all the mechanical arts, agriculture, dairying, raising live stock, and fruit growing.

The girls make practically all of their own clothing. A sewing teacher and two assistants, the only paid employees in the sewing room, with the help of the girls, not only make dresses, aprons, and other articles of female clothing, but towels, pillow cases, and bedspreads for an institution which has more than 800 pupils. The tailor and one assistant, with the help of the boys in his class, not only do all the mending, but make clothing, cut down suits for larger boys to fit the smaller boys, and in general do all the work which a tailoring establishment does. In the shoe and harness shop one instructor, with the detail of Indian boys, keeps in repair the shoes of all of the children and the harness for the working animals.

The hospital has one paid nurse; the student nurses provide the assistance necessary for the care of the sick. The entire laundry work for this establishment is done by Indian girls, under the supervision of one laundress and an assistant. The dormitories have one matron for each building, who merely supervises the work and teaches the students. The boys and girls take care of their rooms and dormitories, doing all the cleaning, bedmaking, and scrubbing.

The steam and electrical plant is in charge of an engineer and two assistants, the only paid employees. These men teach steam and electrical engineering, and with the boys detailed to that department operate the entire plant, the ice-making machinery, look after the water and sewer systems, making all repairs, and do much new construction.

The carpenter shop has one carpenter and an assistant, who, with the boys detailed to the carpenter shop, keep in repair all the buildings of this institution. During the last 10 years the improvements that have been made by the boys in its industrial departments could not be duplicated with outside labor for \$10,000 a year, according to the report of the superintendent. About a year ago the boys of the industrial department built a gymnasium, with an actual cost to the Government of \$8,000. It is estimated that if this gymnasium had been built under contract it would have cost at least \$30,000.

In addition to this the boys in all of the nonreservation schools are putting into practice what they have learned of farming, dairying, stock raising, and gardening so successfully that the products of school farms, gardens, dairies, and herds go a long way toward supplying these large schools, each with its hundreds of students, with all their vegetables, milk, butter, eggs, poultry, fruit, and meat. It is this that enables the superintendents of the schools to pull through on the per capita payment provided by Congress.

The children in the boarding schools are in their academic classrooms for about half of the day. Long before they go to their classes they have swept and cleaned the dormitories, halls, porches, and grounds; have made up their beds, have helped the cooks in the kitchen prepare the breakfast, and have washed the dishes afterwards, and many of them in the cold months have arisen before daylight to milk the cows and care for the horses, pigs, cattle, and poultry. The Indian students in the Government schools have no sinecure. Almost every minute of

their day is occupied with useful work, recitation, and study. I know of no educational institution for white children where the day's program is more closely adhered to.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. LEATHERWOOD. Do they carry the scholastic instruction of the pupils beyond the sixth grade?

Mr. HAYDEN. The curriculum in these schools is adapted to the needs of the Indians and the parallel with the public school system can not be closely drawn in regard to grading the pupils.

If it is an industrial school, at least half of the time is devoted to teaching the pupils to do something with the hands, which, I think, is of more importance than mere book learning. They ought to learn how to speak the English language and read and write sufficiently well to engage in business. When that much is accomplished, I think that under the present circumstances we should be satisfied, considering the fact that when they first come to the schools most of the Indian children know nothing whatever of the English language.

Mr. LEATHERWOOD. Do the majority of the Indian pupils that go to nonreservation schools return to the blanket condition afterwards?

Mr. HAYDEN. The statement can be safely made that up to this time the majority of them, after having been to school and having gone back to the reservation, could not be distinguished from those who have not been to school. From their appearance one could not tell whether they had been to school or not. But it does not depend on the kind of hat an Indian wears or the style of blanket he uses. If he has been to school, he has ideas in his head, and as the father of a family he impresses these ideas upon his children by teaching them the value of education. Through that process we can ultimately hope to make good citizens out of most of the Indians.

Mr. LEATHERWOOD. Is it the gentleman's experience and observation that it is inadvisable to have them attend nonreservation schools?

Mr. HAYDEN. My experience has been that while the instruction received at the day schools sometimes does not appear on its face as of the best, yet more lasting results are actually obtained. Boarding schools, if established, should be located as near as possible to the homes of the Indian children rather than to send them far away from their relatives and friends. It is necessary, however, to utilize the facilities that the Government has provided. For instance, there are now on the Navajo Indian Reservation, in Arizona, over 5,000 children for whom no schools exist. They are growing up in ignorance of the English language and civilized ways of living. They should be forced, if necessary, to attend school. That is the only avenue of progress for them, and the nonreservation boarding schools should be utilized to the fullest extent in their education.

Mr. LEATHERWOOD. How far, or to what grade, is it compulsory? How far is the compulsory part of it actually carried?

Mr. HAYDEN. The Commissioner of Indian Affairs gathers up the Indian children as best he can. In my State he would have authority under the compulsory school law to force the Indian children into schools. I do not see why the same laws should not apply to the Indian as to the white children with respect to compulsory education.

Mr. LAZARO. The gentleman is so familiar with the subject that I wish to ask him a question for information. What is the effect of civilization upon the health of the Indians in general?

Mr. HAYDEN. A civilized man realizes that he can not live down in the dirt; that there must be fairly sanitary conditions surrounding his cooking and about his home. When Indians who have been used to sleeping out of doors and to having the whole world to roam over are crowded together and forced to do things apparently in the white man's way the resulting congestion has often led to the spread of diseases that have caused a great many Indians to lose their lives. The Indian medical service has improved greatly in the last few years, particularly along the lines of sanitation. I am sure that the statistics will bear me out in saying that the Indians are not decreasing in numbers as they formerly were.

Mr. KINDRED. Will the gentleman yield?

Mr. HAYDEN. I yield to my good friend from New York.

Mr. KINDRED. I have had the privilege of seeing a great deal of the Indians in the gentleman's district. I was very much interested in the question asked by the gentleman from Louisiana [Mr. LAZARO] as to the influence of civilization, generally speaking, on the Indians as well as upon the black races. I believe it is conceded that there has been a rapid development of tuberculosis among the Indians and also among the Negro race since what we call civilization has partly embraced them.

I want to ask the gentleman another question, on a subject which I was interested in a few years ago. That is in the school conditions which the gentleman has so well described in his own State. Is there much interference with the Indians going to school, caused by eye diseases?

Mr. HAYDEN. There has been much difficulty on account of trachoma among the Indian tribes all over the United States. Mr. KINDRED. That is what I particularly referred to.

Mr. HAYDEN. But the Indian medical service is doing all that it can to eradicate that disease, and I understand with considerable success.

Mr. CRAMTON. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. CRAMTON. In connection with what the gentleman stated a moment ago, the last report of the Commissioner of Indian Affairs shows that the number of births among the Indians last year was greater than the number of deaths, showing that they are not now decreasing.

Mr. HAYDEN. I am sure that is true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. I yield to the gentleman 20 minutes more.

Mr. HAYDEN. When some legislation relating to the Indian Service was under discussion last year the gentleman from Pennsylvania [Mr. KELLY] made some observations relative to the Indian Bureau which I thought at the time were based upon misinformation, but it may be interesting to him to know that his remarks met with a measure of approval from a very good friend of mine in Arizona. I want to read an extract from a letter which he has written to me, not only for that reason but because I am sure that what he says will be read with interest, and I hope with profit, by those in the Indian Service who are broadminded enough to realize that there is a white man's side to the Indian question and that justice can not be done if they continually insist that the Indian shall always have the advantage of every situation. My friend says:

I was much interested in the House debate of August 4 on the Indian appropriation bill. Personally, I am much in accord with Representative KELLY. I am firmly of the belief, judging from the experience and knowledge I have of Indian agents and other officials, that the great aim of the Indian Service is to perpetuate itself. I also agree with you that isolated instances of overzealousness or bureaucratic tyranny do not prove any case.

You point out in your speech the need for road building on the reservations. That need is actual. Our eastern cousins, who imagine the red man to be a statue of bronze, should attempt to drive an automobile through some of our Indian reservations. I think their Indian idealism would drop from them like a winter's cloak. The reservations include practically 90 per cent of the trout streams in Arizona. The best camping in the State is to be found within their confines. It is the vacation ground, par excellence, of the people of the State. Yet we see agency superintendents exercise power that keeps every white man from "lighting" there, except to fill his radiator or his gas tank.

I am reliably informed by old-time white settlers on and near the reservations that the Indians will deliberately set fire to the forest to get work in putting it out. Moreover, it sounds quite unreasonable that the Indian reservations should be closed when the adjoining Forest Service lands are left open. States laws relating to game and fish prevail upon the forest reserves. Not so upon the reservation. Here the word of the superintendent is the word of God. He is the dictator—the court of last resort—for the Indian. He is the incarnation of the worst of bureaucracy. He is a product of that system. That it affects the people of Arizona so harshly is what hurts. Poor Lo, as you know, is the favored son of Arizona. He has practically a strangle hold on much of its best land, and a white man can be kept off at the whim of a superintendent.

Really, Carl, the Indian reservations in Arizona are little principalities, occupying space in the State to the detriment of most of the people, and owing allegiance to all intents and purposes to a gentleman who sits in Washington and whose one great desire is to see the work perpetuated ad infinitum.

As the State grows in population the ever-increasing problem, or one of them, will be the Indian reservations. The rights of the people of the State should be protected on these reservations. The Indian has rights, of course, but sentimentalists in the East, apparently, would approve of a course that forced the white man into Sonora and the placing of the good acres of the Salt River Valley at the disposal of the poor Apache.

What I have just read is typical of many complaints that I have received relative to the administration of Indian affairs. They come from men who represent the civilizing spirit of America and to whom the lack of progress among Indians is an abomination. When they see great natural resources, which if utilized at all are not fully used, tied up by the reservation system their every instinct calls out for development. To hold these lands back, awaiting the time when the Indians may make a higher use of them, is undoubtedly wasteful and a great burden upon the States wherein the reservations are located.

Take the State of Arizona, for example. It is true that we have had a greater proportionate increase in population than any other State during the past decade, but after all it can not be expected that taxation will be light when all the elaborate machinery of a modern State government must be maintained and paid for by only a little over 300,000 white people. We have unlimited faith in the future, but when it is realized that title to over one-half of the entire area of the State is in the Federal Government, of which over 20,000,000 acres are held for the

benefit of Indians, one can readily understand, as my friend has indicated, how this question of the untaxed lands under Federal control is of vital importance.

That is why the citizens of my State greeted with unanimous approval the announcement that Congress has at last provided that no more Indian reservations can be created by Executive order and why they look askance at any proposal, however pleasingly presented, to establish additional Federal reserves of any character. If the friends of the Indians insist that the present reservations shall be maintained they at least owe it, in all fairness, to the white people of the West who are bearing the burden of State building to aid us at all times in obtaining assistance from Congress for road construction, irrigation projects, and every other form of development in the Indian country.

So long as a considerable number of those connected with the Indian Service maintain a policy of doing little or nothing in cooperation with the white people of the States where these reservations are located, when by their actions they indicate that they believe that the Indians should be isolated and that they will be contaminated by contact with white people who reside near the reservations, then expressions of the kind that I have read may be expected to be repeatedly made by good citizens who feel outraged whenever they come in touch with the representatives of such a bureaucracy.

OBSTRUCTIVE CRITICISM.

There is another and totally different variety of criticism to which the Indian Bureau is subjected that is both unjust and obstructive and with which I have no patience because I doubt the honesty and good motives of those who indulge in it. Perhaps what they say and do is unworthy of attention, but unless these harmful activities are openly discussed anyone seeking light on the Indian problem is sure to be misled and confused. I shall not attempt to cover the whole field, because if serious heed were given to all of the various theories and preachments offered for directing the affairs of the Indians legislation would be often suspended and administration would function with difficulty.

It must not be overlooked that some of the best people in the world are trying by individual and organized effort to improve the condition of the Indians. There are many associations, both religious and secular, that are actuated by the highest motives for Indian welfare, whose activities are essentially in harmony with the general aims of good administration and whose suggestions and criticism are offered from time to time with sincere and helpful purpose. These forces are worthy of real appreciation, because they represent men and women of deep sympathies, of hopeful vision, and of practical judgment. These are social factors in our great country whose influence rings true.

On the other hand, we find the spurious, the imitators, the pseudo-reformers masked behind pretentious federations and cooperative associations, which are usually controlled by some one-man functionary, who as chief grand counselor or attorney in fact for all the Indians he can hoodwink into his following, promotes his ulterior designs under the guise of philanthropy. This type of Indian friend and advisor is instanced by a certain agitator, who, after years of meddlesome scheming to gain recognition by the Indians of his State, succeeded in having about 50 of their number with himself indicted by the Federal grand jury on the charge of conspiracy to obstruct and impair the Government in the exercise of its proper functions and of conspiring to commit an offense against the United States in attempting to alienate from the Government the confidence of certain Indians. Whatever clemency is due these deluded and entrapped Indians will no doubt be accorded, and it should be equally certain that exact justice is meted out to the one who is responsible for their plight.

The too frequent misfortune of the innocent-minded Indian is the shifty trickster who "organizes" with a constitution and by-laws that seem to breathe benevolence from every syllable, and then goes to the Indians in the pose of a haloed savior with an alluring message that there is great wealth in store for them at Washington, or that millions of acres of land, or the value of it, can be recovered to them through his influence and management if they will just "sign on the dotted line," pay membership fees to his organization, and defray his expenses to the National Capital, with like expenses of a retinue of Indians to give scenic effect to his mission. Instances are of record where Indians with no money beyond their most frugal daily needs have been approached in such manner as to be impressed that they could not share in the benefits of such a great enriching scheme unless they contributed with others an annual fee for financing it, and in order to secure the fabulous returns promised have virtually taken bread from the mouths of their children and reduced their families to the verge of destitution.

Perhaps more effectively harmful to the Indians are the fulminations of persons having some literary standing, who are

able to present their views and criticism in such form and temper as appeal to the dispassionate reader, and who lighten their dark descriptions with the glamour of sincerity. A sinister disturber of this stamp has recently gotten into the magazines and syndicate news with a doleful picture of conditions among the Blackfeet Indians. His allegations include charges that fee patents to land have been forced upon these Indians against their will, that by outrageous robbery a trader has acquired about 400 of such patents, that last winter no bacon was issued with Indian rations, that one family actually starved to death, that \$25,000 appropriated for rations was spent in constructing an automobile road for the whites, that the Indians were unable to get wood for fuel, and that not one-tenth of their crops planted were harvested. These and other implied calamities were found to be gross exaggerations, and in some instances wholly groundless.

To spread broadcast in civilized communities and among the Indians themselves such a declaration of appalling destitution and maladministration, fabricated as it was out of exceptional instances, hearsay, distortion of fact, and fancy fed by love of the limelight and mercenary returns was not only an invitation to many self-supporting Indians to become idlers and beggars but it was a slander against the Indian Bureau and an affront to the Congress under whose authority that bureau functions. It becomes a menace not easily ignored when such clever and bold characters, while making their living by misrepresenting the true attitude of the Government toward the Indians and the real condition of the Indians themselves, are planting the seeds of a morbid sentiment among whites and of ignorant resentment among Indians.

Mr. LEATHERWOOD. Does not the gentleman think that some benefit might be derived on behalf of the Indians in cases where complaints are made to refer them to some one to investigate other than a person in the department interested in the result?

Mr. HAYDEN. That would be highly desirable, but Congress can not investigate every charge that is made. That is an Executive function. Under the law, the Secretary of the Interior and the Commissioner of Indian Affairs are authorized to go outside the civil service and select inspectors of their own choosing who are their eyes and ears and whose duty it is to truthfully report the actual facts to the department. If we can not rely on the Secretary of the Interior and the Commissioner of Indian Affairs to select competent inspectors who will make honest reports I do not know what we can do. Congress has provided ample appropriations for the inspection service to get at the actual truth about the condition of the Indians.

Mr. LEATHERWOOD. I was prompted to ask the first question by a concrete case where, I think, there was a just complaint against the Indian agent. They referred the complaint right back to the person himself who reported that he was 100 per cent right.

Mr. HAYDEN. Certainly there are inspectors enough in the Interior Department so that it was not necessary to do that.

Among other retarding elements to both legislation and administration are a few mixed bloods who have learned some of the white man's vices and trickery with a little of his honesty and integrity. They are capable enough to be of some assistance to uneducated Indians and shrewd enough to give this aid in order to gain confidence and a following, but are unscrupulous in pushing their larger and selfish designs. It will be recalled that one of this class a few years ago submitted to a congressional committee a list of about 160 Indians who were said to have died on a northwestern reservation from lack of sufficient nourishment. It has since been proven that over 100 of these same Indians are living to-day and that only 12 died within the entire period covered by the false report.

In this vexatious group are also certain individuals who have managed to identify themselves with some missionary enterprise or lecture bureau, and whose social status is indicated more by an artful array of paint, feathers, and trappings than by any evidence of Indian blood in their veins, but who get an audience among many intelligent people and are able to denounce the Indian Bureau and the Government for maintaining it with enough platform accomplishments and grace of diction to carry some weight. These speakers sometimes secure the adoption of ready-made resolutions by civil or social welfare organizations endorsing their plausible sophistries without serious investigation. Their representations are largely based on exceptional, accidental, or unfortunate instances and not on total results or a comparison of Indian conditions by such periods of time as is necessary in estimating human progress anywhere.

And last but not least among the disturbers are a group of professional claims attorneys who have kept alive a large number of fraudulent Indian claims and year after year seek to

obtain money from the Indians in payment for their alleged assistance. I am glad to say that within the past week the Committee on Indian Affairs has submitted adverse reports on two bills authorizing money to be paid out of tribal funds to lawyers of this character who had rendered no real or substantial service to the tribes, but whose activities have, in fact, been detrimental to them. I hope that this action by the committee will serve as notice to all such attorneys that Congress does not intend to give further consideration to bogus Indian claims.

In conclusion, let me say that I hold no brief for the Indian Bureau. I realize its shortcomings, the chief one of which is a lack of courage to do impartial justice where the Indians are clearly in the wrong. Too often the officials of the bureau, through fear of criticism, adopt the easy expedient of saying that they are merely the attorneys for the Indians and have no further responsibility than to protect the interests of their clients regardless of the effect upon the community in which the Indians reside. Such a policy is most unsound because it fails to recognize the fundamental fact that the Indians and their white neighbors have much in common and that only by proper cooperation can both races prosper.

The best way to attain a spirit of mutual helpfulness is to know the conditions under which those with whom we should work in harmony are compelled to labor. It is with that idea in mind that I have submitted these remarks and I hope that the facts which I have presented here will aid a little in a better understanding of the Indian problem. [Applause.]

Mr. CARTER. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, it has been a favorite pastime of the Republicans to denounce the Democrats as incompetent. I am not the champion of the Democratic Party; it is an extremely difficult task to defend the Democrats. [Laughter.] They have been more or less incompetent. The truth is that there is no such thing as a Democratic Party. Wilson attempted to nationalize the Democratic Party. He was the only great leader in modern times that they have had, the greatest leader since Thomas Jefferson. But they never stood behind Wilson. When he advocated the League of Nations they did not stand behind him. I was the only supporter he had. [Laughter.] Of course, I stood for the real thing.

A short time before the election of 1918 we had in New York a gathering of public men, among whom was a prominent English journalist, to discuss the League of Nations. I was to talk on Congress and the League of Nations. They wanted to know what Congress thought of the League of Nations. I told them to be perfectly frank Congress did not know anything about the League of Nations, did not think about it, and was probably incompetent to deal with it. [Laughter.]

The Democrats have a few organizations in the large cities, for instance, Tammany Hall in New York, which is purely a New York City organization. It is no more Democratic than it is Populist. It is Tammany Hall pure and simple. The organization will readily knife the presidential candidate if by doing so it can elect a Democratic governor. It will knife a Democratic governor to elect a city mayor. Then the Democrats have the Southern States, cursed by the race problem and with the race problem always before them to the exclusion of everything else, so that they are utterly incapable of looking beyond that and to understand the trend of modern events.

Such Democrats as we do have continue the same old talk against the trusts and about the necessity of reestablishing competition. Although we do not hear so much now about busting the trusts, they seem to believe that the solution lies in dissolving large modern industrial enterprises and breaking them up into a number of small ones. They are looking back all the time. Their wisdom is confined to Jefferson, and Jefferson is dead, but they do not seem to know it. [Laughter and applause.]

Now, we have the Republicans in power, Republicans elected not because the people wanted Republicans, but because the people did not want the Democrats. Permit me incidentally to make the observation that during a substantial part of the existence of this Republic the National Government did not have both branches of Congress and the President of the same political faith. That has helped the country immensely, as they were unable to legislate and therefore unable to do mischief.

It seems that the American people do not vote for a party; they vote against a party. They voted against the Democrats and elected the Republicans, and the Republicans have a fat majority—fat, thick, dull, so fat that there is no evidence of muscle anywhere. It is all flabbiness. You do not find any action, you do not find any definite program.

The President comes out one day against the bonus, and then he is seeking new means of taxation to pay the bonus. For more

than a hundred years we have had a discussion of protection and free trade and unemployment under both. That does not prevent the Republican leaders from claiming a new discovery, that the only way of solving the problem of unemployment is by a protective tariff—something new, something never heard of before, a new evidence of the statesmanship of the Republicans.

The Republicans have been in power since March 4, 1921. The number of unemployed has been growing steadily since that time. It has assumed threatening proportions in the United States. Congress has been in session almost all of the time. No one has seriously suggested anything to grapple with the problem. Where is the Republican statesmanship, where is Republican wisdom, where is Republican intelligence? Why is not some of that intelligence which was employed in accumulating unheard-of fortunes being used to give work to willing hands? Why does no one apply himself to a solution of the problem? Is it because it is to the interest of those who shape the policies of the Republican Party to intimidate the great industrial masses of the American people by keeping them in a state of helplessness? Is it because unemployment plays into the hands of those who would like to perpetuate themselves in power?

The Democrats entertain the false hope that if there is continued unemployment they may win in the next election. That may not necessarily follow. When the masses are helpless they can be coerced to vote the way their masters want them to vote.

I appeal to the Democrats from a political standpoint—for one can not successfully appeal to them from the standpoint of statesmanship and patriotism—and I say to them that they are making a grave error in not offering some solution. What is the Democratic solution? What does a Democrat know? He goes back a century and digs up as a slogan free trade. These questions are not solved or touched by free trade. England has free trade, plenty of it, and plenty of unemployment, too.

What is your solution? Is there no solution at all? I have before me the New York World. The first column on the first page is devoted to a description of a bread line, with 1,500 in it, who are being fed every day at St. Mark's Church. That is only one place in New York—1,500 men in one bread line—and our statesmen are debating the tariff!

I do not suppose there is anyone here who seriously believes that the adoption of a high protective tariff will in any way help the industrial situation. Nobody is in a position to export or import, and almost all European countries have the same complaint that we have—their imports have increased, while their exports have diminished.

The remedy of necessity must be a radical remedy, entirely different from those heretofore employed. It is a pity that we have not on the floor 50 men who can speak in the name of the workers, who can speak in the name of organized labor. I have no quarrel with the personnel of Congress. A majority of the Members of this House are self-made men, men who have risen out of poverty through their own efforts. The conditions which have enabled them to do that no longer exist. They believe that all can help themselves in the same way. That is not true. The men who are here and who have by individual effort succeeded in rising are the chosen few.

They have a duty to perform. It is their obligation to take care of the many, to offer a remedy for the many. Your very intelligence, your very ability, your very gifts impose upon you the duty of taking up the cause of the many. I am sorry that we have not here a larger number of men who understand the interests of the masses from personal knowledge, from a knowledge of to-day. The workers have no voice here, no one represents them. I can not adequately represent them singlehanded, I am too much of a philosopher. What you need here is some fellow who would make of himself a nuisance, a disturber—not only one, but many, who would wake you up.

What remedy do you propose? To let things alone? Conditions are bound to grow worse. Crime is increasing, and our foolish judges run to the legislatures asking for heavier and more drastic penalties—a perfectly idiotic thing to anybody who has studied penology.

A century ago there were more than 100 crimes punishable by death. The number of crimes has not increased because the death penalty has been removed. The contrary is true. When you impose a severe penalty for attempted burglary or attempted larceny, when the penalty is so severe that the unfortunate offender is faced by life imprisonment, in nine cases out of ten he will kill. These severe sentences uniformly result in an increase in the crime of murder.

An increase in the penalty is no relief. Crime is on the increase. You can not stop crime by preaching to people. The natural law of existence is too strong, the law of self-preservation. Of course, it is true that the war has been a contributing

cause. The war has trained people to disregard human life and to kill, but that is merely incidental. It is poverty, destitution, starvation that are principally responsible for the so-called wave of crime to-day.

Is there any remedy along the lines heretofore proposed? My answer is, no. Place 1,500 men in a bread line and you degrade them, you destroy their self-respect and annihilate them as useful citizens. What men need is an opportunity to work and to earn their bread by honest toil. When private industry can not supply work, the public agency known as the Government must undertake it. When private industry either because of selfishness or because of inability to look into the future can not conduct industry, it becomes the duty of the Government to act—the Government which represents the social element in civilized society, which is supposed to represent the collective will and conscience of the people.

The Government should extend every form of public work. But that is not enough. The scheme that was attempted in England, unemployment insurance, which under ordinary circumstances is some sort of a palliative, would not do now because there is too much unemployment. What then is to be done? We must help the workers themselves to organize and to run industries whenever the private employers fail to do so. The President in his last message, speaking of cooperative societies, advised the farmers to cooperate. The American farmer has more intelligence than the industrial worker and the farmers do cooperate. The workers should be taught to cooperate, and the Government, instead of hindering them, instead of adding the employers in the open-shop fight, instead of seeking to curtail the activities of labor organizations, should extend aid to such labor organizations and such cooperative societies that laborers will form so that they might establish and run their own industries and build homes for themselves.

There is no other way out of it. The Government must do for labor what it has done for the farmer, the well-to-do farmer so far. The Government is financing the farmer. It loans him money to help him export his product. Private industry will not help, private industry never looks ahead. It lives from day to day and from hand to mouth. It is too selfish. In those industries where there is competition everybody is for himself. In those industries where there is a monopoly, of course, the monopoly has no soul.

The Government must become the banker of the workers and help them organize industries so that they will have employment.

During the war when the Government was in need of war material it proceeded to help the manufacturers financially so that they might increase their plants. I want to know whether the same process of reasoning can not be applied in the extraordinary emergency which we are facing to-day—an emergency of millions of men in distress. I do not want to see the worker humiliated by giving him something for nothing. I want him to work for his livelihood. He can not get that opportunity to-day.

Can you Republicans and Democrats, out of your great stock of wisdom, present something tangible? I want you to prove to me that the proposition which I make is not sound. It would not do to denounce it. It will not do to say that it comes from socialists, soviets, bolsheviks, or I. W. W.'s. One of our Southern States just now is busy preventing by legislation the spread of Darwinism, of the doctrine of evolution.

But what is your remedy? Why do you not offer any suggestion? I have brought up the question of unemployment a half dozen times. I am weary of it, and I am weary of playing the part of the one disturber; but I have not heard a suggestion come from anybody except Mr. FORDNEY, who thinks that the American valuation will cure it all. On this, fortunately, there is a serious difference of opinion even on the Republican side. The distinguished Republican, the gentleman from Illinois, Mr. MANN, says that he does not understand what American valuation means. What is your proposition; what is your suggestion?

Of course you are not altogether to blame. The workers are to blame, the great industrial masses. Toothpick Makers' Union 675 is primarily interested in the welfare of Toothpick Makers' Union 675 and does not care for the rest of the world. The workers do not study, do not organize, do not prepare for the future. They make no demand upon the Congress. What will you tell them when you come before them? What will you tell them as to how you have met the problem of unemployment? What will you have to say? The only thing you may perhaps say is that the Democrats have nothing better to offer. None of you have anything whatever to recommend. We must get away from the old method of thinking. There are new problems that have to be faced to-day.

Mr. SEARS. Is the gentleman taking himself seriously or is he speaking for home consumption?

Mr. LONDON. I am always speaking seriously. I want to tell the gentleman I never say anything at home that I do not say here.

Mr. SEARS. Why does not the gentleman make a suggestion?

Mr. LONDON. I have made a suggestion, and more than once. I advocate the extension of every form of public works, the elimination of child labor, if the gentleman is interested in that, the reduction of the hours of labor in proportion to the increased productivity resulting from inventions, the strengthening of labor organizations. What I have emphasized in this talk is the necessity of assisting labor unions and cooperative labor organizations by the Government loaning them money so that they could build homes and establish industries. That is my practical suggestion.

Mr. SEARS. I was wondering why it was that the gentleman, when the Democrats were in power, took so much pleasure in referring to what the Republicans would say, and now that the Republicans are in power, I was wondering why he took such pleasure in talking about what the Democrats would say. He does not put his suggestions in any concrete form. Why does he not put them into effect, instead of simply referring to Democrats?

Mr. LONDON. I do not quite get the gentleman.

Mr. SEARS. I mean, why does not the gentleman introduce a bill and pass it, to correct the evils he complains of?

Mr. LONDON. Well, I have a number of bills that are sleeping quietly in committee, without even having the benefit of a cradle to be rocked in. [Laughter.]

Mr. SEARS. Does not the gentleman know that there are a great many Members of Congress who have bills in exactly the same condition?

Mr. LONDON. Oh, I get the point now. The gentleman means to say that the Democrats, being in the minority, are not now responsible. Is that the idea?

Mr. SEARS. No. When we were in power the gentleman represented the Socialist Party.

Mr. LONDON. I represent one four hundred and thirty-fifth, so far as the number of the Members is concerned, although I admit that I represent a larger proportion than that in the matter of intelligence, but that does not count here. [Laughter.] Numerically I represent only one four hundred and thirty-fifth of the membership of the House, and it is a safe thing to assume that if the Democratic minority can not get any action, I can not. But the Democrats do not ask for anything; they do not demand anything.

Mr. SEARS. I have asked for something.

Mr. LONDON. Oh, the gentleman has asked for an appropriation of \$1,500 for a post office in the village of Chippochook. [Laughter.]

Mr. SEARS. Of course, the gentleman, having come from New York, knows nothing but New York. I want to make this suggestion to the gentleman—

Mr. LONDON. I wanted to indulge in some pleasantries with the gentleman.

Mr. SEARS. Does the gentleman want my suggestion?

Mr. LONDON. Yes.

Mr. SEARS. Give us reasonable freight rates, so that we can ship our products to the consumers, and then devise some way by which the producer can get some portion of the profit.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield right there?

Mr. LONDON. Yes.

Mr. CHALMERS. Let me suggest that if you develop water transportation that will be a good answer. [Laughter.]

Mr. KINDRED. May I answer the suggestion of the gentleman from Ohio by suggesting that we develop the Great Lakes and St. Lawrence waterway? [Laughter.]

Mr. LONDON. These profound suggestions remind me of the Liberal Club, sometimes nicknamed "The Sanhedrim," where it was known in advance what anecdote each man would tell and what speech he would deliver. It was known in advance, no matter what the subject under discussion was, that one man would talk on mesmerism, and another on spiritualism, a third one on the single tax.

The subjects of water transportation and the St. Lawrence project are not without merit, but they are not relevant. Of course, it is desirable to eliminate the middlemen so as to save to the farmer the cost of handling his products, but if the Democratic Party will eliminate the middlemen it will lose its main support. When a Democrat gets up to speak he is proud to proclaim the fact that he is poor. He is afraid of being suspected of having succeeded financially. [Laughter.] You know what happens to middlemen. Between the hosts of the organized

workers united politically and economically and with a definite program, on one hand, and the band of industrial pirates now in control of things, on the other hand, the middlemen are facing destruction.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. CRISP. I know that the gentleman is a student of world conditions. Will the gentleman answer the question as to how many men, in his judgment, are unemployed in the United States and how many are unemployed in the world?

Mr. LONDON. I want to say to the gentleman from Georgia that one of the saddest reflections upon our Government, upon the present administration, is that we do not even know the number of unemployed. Our Census Bureau can give you the exact number of head of cattle, but it can not tell you how many men and women are unemployed to-day, and the figures are all the way between 4,000,000 and 6,000,000. When it was necessary to pass a law restricting immigration the Secretary of Labor said 6,000,000 were unemployed; and when Secretary Hoover got scared at the magnitude of the figures he said it was 3,000,000. I do not know which one was further removed from the truth. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CRAMTON. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho [Mr. SMITH].

The CHAIRMAN. The gentleman from Idaho is recognized for 10 minutes.

Mr. SMITH of Idaho. Mr. Chairman, the expansion of our trade and the development of our national resources is the ambition of every citizen interested in the welfare of the people. While we have made the most wonderful strides along industrial lines it must be admitted that our agricultural possibilities have not received the attention their importance deserve.

No question of greater importance confronts the people than the problem of increasing the food supply to keep pace with the increasing population. The demands upon the agricultural resources of America will not diminish, and as the years go on our constantly increasing numbers will call for an ever enlarging supply of products from the soil.

One hundred years ago Great Britain could feed her 8,000,000 population from the products of her own land; now she is at the mercy of an enemy who could blockade her coast line. To-day her 40,000,000 residents of the island would be at the mercy of an enemy that could prevent the importation of foodstuffs.

The United States is still an agricultural Nation regardless of the fact that 70 per cent of her people live in towns and cities, but with her rapid industrial expansion the demands upon her agricultural resources will also rapidly increase, and the time is not far distant when the United States will become an importer instead of an exporter of the products of the farm.

Our population in 1800 of 5,000,000 increased to 23,000,000 in 1850, to 50,000,000 in 1880, to 76,000,000 in 1900 and to 110,000,000 in 1920. In 10 years more the population will doubtless be 140,000,000, by which time the shortage of foodstuffs will be alarming unless the Government aids in reclaiming the waste lands and encourages the production of food on a larger scale than heretofore. We have in this country hundreds of millions of acres of fertile land lying idle which can be reclaimed and carved into productive farms at a comparatively low cost, if the work is undertaken on a large scale. Individual effort would be futile and private capital is not attracted to such stupendous ventures. Only by Government aid can a large, comprehensive reclamation policy be undertaken and carried to a successful conclusion.

The best possible argument in favor of the continuance and enlargement of the Government's plan to make land available for settlement is afforded by the splendid record of the United States Reclamation Service since its organization in 1902. During the 17 years the service has been in operation much has been accomplished in reclamation of the arid lands and in increasing the food supply and the national wealth.

Twenty-six projects have been undertaken in 16 different States and many of them have been completed. Nearly 2,000,000 acres of land have been placed under a permanent water supply

and nearly 1,000,000 additional acres will soon be supplied with water from storage reservoirs. Forty thousand families have established homes on these lands and are happy and prosperous. Cities and towns have sprung up on these projects, and the national wealth created amounts to about \$600,000,000, nearly five times the amount expended by the Government in reclamation work. The reclamation fund which is represented by the receipts from sales of public land, leases, and repayment charges is far inadequate. Nearly \$50,000,000 is required to complete projects now under way and \$100,000,000 to construct new projects which have been approved.

The success attending the Government policy in reclaiming the arid lands of the West can be duplicated in reclaiming the swamp lands of the South, and the millions of acres of waste lands in the Southern States can be transformed into productive farms through Government cooperation.

Many people who have not investigated the importance to the whole country of reclaiming the waste lands appear to regard the question as a local one, and that the only people benefited are those who may make homes on the land or those living in the section of the country where the land is reclaimed. As a matter of fact every section of the country is benefited by land reclamation. Every acre of waste land that is placed under cultivation creates a market for merchandise, building material, staple food products, clothing, and every other kind of manufactured article which generally come from the central and eastern sections of the country.

The adoption of a broad and comprehensive plan to reclaim the waste lands of the country would go far toward giving work to those out of employment in construction work on projects, or by reason of the need of labor on account of the increased demand for commodities manufactured in the industrial centers.

The following statistics with reference to two reclamation projects in the western country should convince the most skeptical that the benefits of the reclamation of waste lands are national in their scope and not local.

The Yakima project in Washington is a fair example of what reclamation has accomplished. This project is about 10 years old. The city of Yakima, in the center of the project, contains a population of nearly 20,000. Over 300,000 acres of the irrigated land are tributary to the city, the trade of which is dependent almost entirely upon the products of the soil, with the exception of one lumber mill.

Comparative statement of products on the Yakima project.

Products.	1917	1918	1919	1920
Fresh fruits.....	\$11,524,300	\$12,081,320	\$20,393,223	\$16,035,549
Fruit products.....	1,277,375	1,298,200	1,839,500	1,192,003
Grains.....	1,591,065	1,701,300	1,642,200	2,389,000
Hops.....	360,000	435,600	900,000	1,950,000
Vegetables.....	1,324,000	1,513,370	2,045,350	1,021,175
Hay.....	3,125,195	3,800,900	5,171,500	2,859,110
Wool hides, poultry products.....	1,225,000	2,209,000	3,230,880	1,955,000
Live stock.....	4,177,750	3,656,500	4,403,500	3,425,720
Dairy.....	1,335,000	1,493,600	1,443,625	1,159,250
Miscellaneous.....		2,090,000	1,533,292	435,000
Lumber.....	1,000,000	1,000,000	1,500,000	2,250,000
Sugar beets.....	1,145,250	1,011,500	1,324,500	1,435,000
Honey.....	88,125	184,000	175,000	190,000
Total.....	28,175,555	32,365,290	45,602,576	37,218,795

Outgoing carload shipments:	
1918.....	28,105
1919.....	31,830
1920.....	35,892

Value of manufactured products received on the project.

Products.	1918	1919	1920
Automobiles, tires, and accessories.....	\$2,195,000	\$3,225,000	\$2,600,000
Hardware and building supplies.....	900,000	1,200,000	1,100,000
Mixed groceries.....	1,750,000	2,000,000	2,150,000
Farm machinery.....	600,000	750,000	500,000
Ready-wear clothing.....	1,600,000	2,000,000	1,500,000
Shoes.....	700,000	1,000,000	1,000,000
Furniture and household supplies.....	1,000,000	1,500,000	1,200,000
Cotton and woolen goods.....	800,000	1,200,000	1,000,000
Drugs.....	700,000	1,100,000	1,250,000
Millinery, notions, crockery, and electrical apparatus.....	800,000	1,000,000	950,000
Insurance premiums.....	2,500,000	3,000,000	3,200,000
Total.....	13,545,000	17,975,000	16,450,000

It is important that consideration should be given to the last item in the above table, that of insurance. Practically all of the insurance companies operating in this section have their headquarters in the East, and several million dollars leave

this valley each year to build up eastern industry and commerce; all of which would be impossible were it not for irrigation. As a matter of fact, all of the aggregate productive wealth of this section, now amounting to above \$40,000,000 annually, with the exception of lumber as above stated, is the product of water scientifically applied to rich volcanic ash soil. The annual total lumber output does not exceed \$1,500,000.

BOISE PROJECT, IDAHO.

Boise, the capital of the State, is a city of less than 25,000 people, and is near the center of this project. The origin of many commodities which the Boise merchants receive in carload lots per annum clearly demonstrates the interdependence of far separated districts in practically every State in the Union, and indicates the market developed in one city on the Boise project largely the result of reclamation.

Approximate number of carload lots of merchandise reaching Boise annually from various States:

City.	Commodity.	Number of carloads.
ALABAMA.		
Anniston.....	Pipe and fittings.....	4
Bessemer.....	do.....	6
ARKANSAS.		
Fayette.....	Hardwood.....	4
Fort Smith.....	Wagon wood.....	6
COLORADO.		
Denver.....	Crackers.....	4
Pueblo.....	Wire fence.....	6
Do.....	Nails.....	18
Do.....	Bar iron.....	8
Do.....	Bale ties.....	12
Do.....	Barbed wire.....	6
Do.....	Bolts and spikes.....	2
Denver.....	Paper.....	2
Fort Lupton.....	Canned beans.....	4
CONNECTICUT.		
New Britain.....	Hinges.....	2
Bridgeport.....	Ammunition.....	6
FLORIDA.		
Arcadia.....	Grapefruit.....	12
IOWA.		
Cedar Rapids.....	Cereals.....	12
Newton.....	Electric washers.....	8
Clinton.....	Wire.....	1
Mount Pleasant.....	Canned corn.....	4
Davenport.....	Pumps.....	2
Dixon.....	Wire cloth.....	1
ILLINOIS.		
Chicago.....	Furniture.....	12
Do.....	Sirup.....	26
Do.....	Pipe and fittings.....	8
Do.....	Boilers.....	1
Do.....	Oil.....	1
Galva.....	Machinery.....	1
Chicago.....	Electric washers.....	1
Do.....	Catalogues.....	3
Decatur.....	Pumps and tanks.....	1
Rock Island.....	Agricultural implements.....	4
Joliet.....	Wire fence.....	6
Chicago.....	Canned goods.....	4
Aurora.....	Grindstones.....	2
Chicago.....	Autos.....	8
Chicago.....	Wagon wood.....	4
Chicago.....	Starch.....	3
Proviso.....	Coal.....	1
Aurora.....	Barn-door hangers.....	1
Chicago.....	Paint and varnish.....	2
Granite City.....	Enamel ware.....	3
Quincy.....	Stoves.....	2
De Kalb.....	Barbed wire.....	1
Quincy.....	Cereals.....	2
INDIANA.		
Kendallville.....	Wind mills.....	2
Newtendon.....	Washing machines.....	1
Gary.....	Iron roofing.....	2
Indianapolis.....	Pork and beans.....	2
Do.....	Corn meal.....	1
Connersville.....	Autos.....	4
Anderson.....	Shovels.....	3
Indiana Harbor.....	Steel bars.....	1
Elwood.....	Kitchen cabinets.....	1
KANSAS.		
Topeka.....	Cereals.....	2
Hutchison.....	Salt.....	6
Wilson and Wichita.....	Flour.....	8
Wichita.....	Egg case fillers.....	4
Do.....	Brooms.....	2
KENTUCKY.		
Newport.....	Iron roofing.....	4
Louisville.....	Soap.....	10

City.	Commodity.	Number of carloads.
LOUISIANA.		
New Orleans.....	Bananas.....	8
Gretna.....	Cottolene.....	6
Harvey.....	Molasses.....	2
Crowley.....	Rice.....	4
New Orleans.....	Oyster shells.....	2
MAINE.		
Rumford.....	Paper bags.....	4
MICHIGAN.		
Lansing, Flint, Alma, Detroit.....	Autos.....	220
Detroit.....	Stoves.....	2
Do.....	Paint.....	3
Jackson.....	Wood handles.....	2
Do.....	Agriculture implements.....	1
Detroit.....	Salt.....	2
Adrian.....	Wire fence.....	6
Lawton.....	Grape juice.....	3
Grand Rapids.....	Cereals.....	2
Lansing.....	Concrete mixers.....	1
MINNESOTA.		
Minneapolis.....	Cereals.....	6
St. Paul.....	Sirup.....	4
MARYLAND.		
Baltimore.....	Oysters.....	3
MASSACHUSETTS.		
Milton.....	Chocolate.....	2
Boston.....	Sirup.....	4
Do.....	Range boilers.....	2
MISSOURI.		
St. Joseph.....	Pancake flour.....	1
Kansas City.....	Radiators.....	3
Do.....	Autos.....	30
St. Louis.....	Sirup.....	1
Do.....	Tinware.....	6
Do.....	Sweeping compound.....	1
Do.....	Cereal beverages.....	8
Do.....	Stoves.....	4
Kansas City.....	Soap.....	2
*OKLAHOMA.		
Sand Springs.....	Fruit jars.....	10
PENNSYLVANIA.		
Lebanon.....	Bolts and nuts.....	2
Chester.....	Toilet paper.....	1
TENNESSEE.		
South Pittsburg.....	Stoves.....	1
TEXAS.		
Wichita Falls.....	Fruit jars.....	12
WISCONSIN.		
Racine.....	Wagon irons.....	1
Sheboygan.....	Bath tubs.....	6
La Crosse.....	Beverages.....	14
Milwaukee.....	Tinware.....	3
Superior.....	Salt.....	1
Kenosha.....	Furniture.....	2
Wauput.....	Canned goods.....	1

The foregoing data is but an index of what the manufacturers of the East and South sell to the irrigationists who are engaged in intensively farming irrigated land in the Rocky Mountain and Pacific Coast States. There are 20,000,000 acres of arid lands yet to be reclaimed.

For the past 100 years the best thought and energy of the world have been devoted to the building up of an industrial system which now seems top-heavy. It is the view of the most thoughtful minds in the world to-day that sweeping changes of far-reaching effect will have to be made in our present system in order to prevent its collapse. There are few who fail to realize the menace to our national security which results from the steadily increasing congestion of humanity in our large centers of population. Without doubt our social and economic stability could be most readily strengthened by the development of our latent land resources, converting them into living means of production. The most valuable of all our undeveloped resources is the vast acreage of now unproductive land. Its development and settlement would establish the economic independence of hundreds of thousands of our citizens, whose stability and character would be assured by their foothold on the soil.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. SMITH of Idaho. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CRAMTON. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. RHODES], the chairman of the Committee on Mines and Mining.

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. RHODES. Mr. Chairman and gentlemen of the committee, I had not expected to secure recognition during the course of this discussion, assuming that the entire time would be consumed by the committee reporting the bill under consideration, but during the remarks of my distinguished friend from Idaho [Mr. FRENCH] my attention was particularly called to a matter in which I am much interested.

The gentleman from Idaho called attention to the scientific work being done by the Bureau of Mines and what that bureau has contributed to science. I wish not only to add my word of approval to what my friend from Idaho said, but I want to plead with Congress for more generous appropriations to be placed at the disposal of the Bureau of Mines in carrying forward its scientific and research work.

I can not refrain from mentioning an additional concrete case, illustrating the value of the work of the Bureau of Mines, by calling the attention of the committee to this fact: Prior to 1915 no radium had been produced in the United States, but in the year 1915 a cooperative agreement was entered into between the Bureau of Mines and the National Radium Institute. Accordingly leases were obtained upon large areas of land in Colorado, and a plant was erected at Denver for the recovery of radium, and Dr. R. B. Moore, of the Bureau of Mines, was placed in charge of the work. The enterprise was financed by Dr. Howard A. Kelly, of Johns Hopkins University, and Dr. James Douglass, an eminent surgeon of the city of New York.

This work continued for a period of five years. At the end of that time, when the books were closed and operations ceased, 8½ grams of radium had been recovered, of which the United States received 2 grams for its share of the radium thus recovered. To-day that 2½ grams of radium is the property of the United States. One-half a gram is in the possession of the Bureau of Standards. Another half a gram is in possession of the Bureau of Mines at the University of Nevada, where further experimental work is going forward in radium work and in the treatment of the complex ores peculiar to the Northwest. The Bureau of Mines loaned one-half a gram to Dr. Kelly, of Baltimore, and one-half a gram to Memorial Hospital, of New York City. These 8½ grams of radium recovered during that period of five years are worth to-day more than \$1,000,000, and that part of the radium that came into the ownership of the United States was used during the war in the treatment of our soldiers, sailors, and marines who were afflicted with cancer. That same radium to-day is being used by these eminent surgeons, I am told, in the treatment of cancer in cases of poor people who are unable to procure medical treatment.

Thus, I say, Mr. Chairman and gentlemen of the committee, this achievement of the Bureau of Mines as a contribution to medical science and to the relief of suffering humanity is of such great value and importance that I feel it my duty to make known this fact to the House. I only regret that more Members of Congress and the public at large do not know more of the wonderful work that has been accomplished by those splendid men who are so loyally devoting their talents for the public good at such small salaries here in the Bureau of Mines.

Not only is this true, Mr. Chairman, but another question was raised by the gentleman from Louisiana [Mr. LAZARO], who interrogated the gentleman from Idaho, making inquiry as to what was being done with the royalties arising from oil and coal lands under the oil leasing act.

The Bureau of Mines at present is conducting scientific research work along lines of recovering oil from shale. That is one of the most promising endeavors that is going forward in any branch of the Government at present. The oil experts of this country are agreed that our reserves of petroleum oil are perhaps limited to 25 years. It has been determined that oil can be successfully recovered from shale, which is a very refreshing thing to know in the face of the growing demand for the use of petroleum oil and the wonderful rapidity with which the supply is being diminished. Answering the gentleman from Louisiana [Mr. LAZARO], I beg to state that the United States, through the operation of the recently enacted oil-leasing law, is turning into the Treasury large sums of money every month as a result of the 10 per cent royalty that the Government derives from this source. Fifty per cent of this money goes

into the reclamation fund and 40 per cent goes into the public treasury of the local county, or, to be more exact, I should say into the treasury of the State in which the property is located. These two particular endeavors, carried on by the Bureau of Mines, together with the many other useful things it has accomplished, in my humble judgment, justifies more liberal appropriation for that department.

Because I am favored by such an unusually large attendance of Members on this occasion, I can not refrain from calling attention to a larger question of which this is a part that I have in my mind. The mining industry of the United States has been encouraged and promoted largely through the activity of the Bureau of Mines. I hope the day will come—in fact, I trust it is now here—when Congress will expend larger sums of money in the publication of useful documents and scientific publications in relation to the various governmental activities connected with the mining industry.

Mr. Chairman, do you realize that the mining industry in 1920 contributed twice as much tonnage to the railroads of this country as did agriculture, three times as much as animal industry, and twelve times as much as forestry? Exclusive of the value of bituminous coal, the mining products of the United States in 1920 exceeded \$6,000,000,000, and yet to-day we have that great department of the Government, the Bureau of Mines, tucked away in a secondary Cabinet office about which little is said and less is known.

Mr. Chairman, I ask unanimous consent that I may extend my remarks in the Record by printing in 8-point Record type an article that I recently wrote for the Engineering and Mining Journal, published in New York City, on this subject, which appeared in the January issue of that journal.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record by printing the article in question in 8-point Record type. Is there objection?

There was no objection.

The article referred to is as follows:

WHAT CAN LEGISLATION DO FOR THE MINING INDUSTRY?

When President Harding, in his inaugural address, declared for more business in Government and less Government in business, he struck a high chord in the minds of the American people. The President evidently meant to warn Congress against the passage of such laws as impose hardships upon the individual citizen and the business world, and did not say that legislation necessary to encourage the basic industries of the country was not justified. The English common law was adopted as the basis of our jurisprudence at the foundation of this Republic, and since that time both the organic law and our Federal and State statutes have grown up by accretion, amendments to the Constitution and new statutes having been enacted from time to time to meet the varying necessities of the American people. We not only have the most wonderful Constitution ever struck off by the minds of men in a given period but we have the most humane, liberal, and just laws known to the civilized world to-day. The preeminent position occupied by the United States among the nations of the earth is not the result of chance, but is the direct result of legislation reflecting the wants and needs of a self-governing people guided by an all-wise Providence.

It is generally conceded that agriculture is the most important of the occupations of men. It is also conceded that the mining industry stands second in importance to agriculture. From the days of the ancient Egyptians down to the present time every great nation of the earth has encouraged its mining industry. It has been said that the material strength of the German Empire, under William Hohenzollern, was largely due to the development of its coal and iron mines; and that Japan's greatest weakness to-day lies in her lack of mineral resources. The United States has the greatest developed and undeveloped mineral wealth of any country on the globe. At the close of the Revolutionary War mining in the United States had not arrived at a stage where it could even be called an industry. With the advance of science and education has come the development of our mining industry. In 1920 our mine products, raw and manufactured, provided 60 per cent of all tonnage carried by class I railroads in the United States. The finished mine products for that year alone amounted to a greater tonnage than all other manufactured products combined. Excluding the shipment of bituminous coal, the mining industry in 1920, in raw materials, provided twice as much tonnage as did agriculture, three times as much as forestry, and twelve times as much as animal industry.

Our early statesmen with all their prophetic vision could not foresee the tremendous possibilities of our mining industry,

nor could they foresee the effect of scientific research upon its future development. All our industrial achievements have been made possible by the enactment of laws pursuant to the public-welfare clause of the Federal Constitution.

Legislation has directly developed great agricultural areas of the Northwest through our beneficent reclamation laws, and has stimulated the mining industry through the activity of the Bureau of Mines. Congress has been a little tardy in the exercise of its power under the Constitution in initiating legislation directly affecting industry. There was a time in the history of this country when such legislation was considered improper, but with the passing years and more liberal education, the public mind has so changed upon that question that to-day the demand for the same is far in excess of the ability of Congress to supply. To illustrate: Our Government was exactly 100 years old when Congress first exercised its power under the interstate-commerce clause of the Constitution to regulate traffic through the instrumentality of the Interstate Commerce Commission. At that time it was urged that the vesting of such power in an auxiliary branch of Government was in violation of individual rights, and that the carriers themselves should be left free to make and enforce freight and passenger rates. Now, everybody concedes, even the carriers themselves, that Congress not only had such power under the Constitution, but wisely exercised the same in the creation of the Interstate Commerce Commission by the act of 1887. Our very industrial and economic life depends upon legislation, and our law-making bodies, both national and State, are reasonably responsive to the necessities of the people in enacting the same. The judiciary has been more slow in responding to new and changing conditions arising from time to time in our industrial life than the legislative, yet this branch of the Government can be depended upon to sympathetically interpret such laws as may be enacted upon the subject.

The development of our national resources is one thing and their conservation is quite another thing. We often hear the expression that our resources are unlimited, but in truth and in fact they are limited. It would be hard to think of one resource but what is diminished by use under natural laws, the only exceptions, perhaps, being water and electric power. Our mineral products are annually being depleted and are not replaced by natural laws like the recurring annual agricultural crops or the replacement of the cut-over forest by an early growth of young timber. Therefore it is the plain duty of Congress to safeguard the welfare of the Nation by aiding the economic development of our mining resources and their conservation, because the supply at hand must serve both present and future generations. Our country has grown from a mere handful of people in the thirteen original Colonies to a population of 105,000,000, whose present needs far exceed those of the past, and, with an ever-increasing population, the wants of the future will correspondingly multiply.

In answering the question, What can legislation do for the mining industry in the future? we can best judge by what has been done in the past. By act of Congress the Bureau of Mines was established in 1910 for the purpose of doing scientific, research, and experimental work in mining and metallurgy, and to reduce mine disasters by aiding in an advisory capacity the mine operators of the country in working out safety problems in mines. Coincident with the action taken in this regard by the Federal Government, every State in the Union interested in either coal or metal mining that did not have a department of mining promptly enacted a code of mining laws. Through the operation of our State and Federal mining laws the number of mine accidents in recent years has greatly diminished, the death rate among workmen reduced, working conditions have been made more easy, and the health of the employees improved by the use of safety and health appliances. By a well-directed system of instruction and education carried on by the Bureau of Mines workmen and operators have been taught how to avoid mine disasters and have been brought into a closer relationship, the result of which has had a large influence in creating the nation-wide movement in all industries for greater human safety. There were fewer fatalities in mine accidents in the United States in 1920 than in any previous year. The value of this work can not be measured in dollars and cents.

Another concrete example of what legislation can do for the mining industry is shown in tests now being carried on in the recovery of oil from shale and the elimination of waste in the recovery of petroleum oil by the economic use of scientific methods. It has been determined that shale oil can be successfully recovered from the Colorado and Utah shale at an approximate cost of \$3.50 per barrel. Geologists are agreed that the greatest deposits of oil shale are located in the Northwest, especially in Colorado and Utah; and our oil experts hold that

the supply of shale oil far exceeds the supply of petroleum oil. If this view of the matter be correct, the only remaining question to be considered is how to bring the price of production down to a reasonable cost. It is true, from a practical standpoint, that no market can be found in this country for shale oil at \$3.50 per barrel so long as petroleum oil can be obtained at \$1.50 per barrel, or at any other price below the cost of producing oil from shale. However, Scotland has produced shale oil for 70 years, and is producing it to-day, at a cost of about \$4 per barrel, but none is produced for export, the entire amount being used for domestic purposes. Tests are now being made in the recovery of oil from sand, tar, and asphalt, in the hope that as the supply of petroleum oil is depleted a process may be worked out by which oil may be recovered, not only from shale but from these other sources. It is thought our possibilities for the recovery of oil from the oil sands especially are equal to the possibilities of shale oil. Under the operation of the recently enacted oil leasing law the Government has a force of expert oil men in charge of the oil-leasing stations in Colorado, Wyoming, California, Oklahoma, Texas, and Louisiana, who go out into the field and assist, in an advisory capacity, the more inexperienced operators in the bringing in of oil wells, so as to avoid as much waste as possible. The oil operators, like the coal and metal mine operators, welcome the assistance the Government is rendering in this regard.

Another concrete case of what legislation has done for the mining industry is shown under the operation of the so-called Pittman Act, which became effective April 23, 1918. Under this act the Secretary of the Treasury is authorized, through the Director of the Mint, to purchase the silver produced by the silver mines in the United States at the fixed price of \$1 per ounce delivered at the mint or the New York assay office. While the American silver miner has not received less than \$1 per ounce for his silver since the passage of this law, yet the price of foreign silver since April 23, 1918, has been less than 50 cents per ounce. Had it not been for the existence of this legislation American silver would have gone possibly as low as 50 cents per ounce and would have closed practically all the silver mines in the United States in 1919, just as the lead, zinc, barytes, cobalt, and copper mines have been and now are closed in most States, on account of the lack of proper protection. The effect of closing the silver mines would not only have thrown thousands of men out of employment but would have added greatly to the reduction of our gold supply, because there is a recoverable amount of gold in most silver ore. Briefly stated, legislation is conserving our forests, reclaiming arid lands, propagating rare seeds and plants, stimulating industry, and making life worth while.

So much for what legislation has done. Now let us turn to what legislation may do for the mining industry.

On account of the alarming reduction in our annual output of gold since 1915, there has arisen a demand in some quarters for legislation to increase the price of gold. The total gold production in the United States in 1920 was 50 per cent less than the 1915 production. Our 1920 production was 2,395,000 ounces, being a reduction of \$10,000,000 over the preceding year, and if it had not been for the abnormal importation of gold into the United States during the past three years our gold reserve would have been reduced to the danger point. By legislative act the standard gold dollar contains 25.8 grains of gold nine-tenths fine. During the recent period of high prices gold was the only commodity that did not go up in price, yet the price of labor and material increased from two to four fold. In fact, every factor entering into the cost of producing gold increased, but the price of gold remained fixed at \$20.67 per ounce. Many western gold-mining operators assert that on account of this fact they have been compelled to close their mines permanently. This situation gave rise to the so-called McFadden bill, proposing to impose an excise tax of 50 cents a pennyweight upon all gold going into the fine arts for a period of five years. The Treasury Department does not look with favor upon this proposed legislation, upon the ground that the effect would be to disturb the gold standard by raising the price of gold from \$20.67 to \$30.67 per ounce. Friends of the measure contend that the legislation is justified, as a temporary measure at least, in order to revive the languishing condition of the gold-mining industry.

Recent reports from California, Alaska, Colorado, South Dakota, Montana, and Arizona indicate the gold-mining industry needs rehabilitation. The writer expresses no personal opinion one way or the other on the McFadden bill at this time, but he does say that unless there is a decline in the cost affecting the production of gold it will be necessary in the near future to enact legislation of some sort in behalf of the gold-mining industry. The United States to-day is not only the creditor

Nation of the world, but our coffers contain one-third of the gold of the world. The commanding position we occupy as a creditor Nation is the result of the late war and may not be abnormal; but our holding one-third of the world's supply of gold is abnormal, and with the return of normal conditions abroad we can not expect to hold so large a supply of gold. It is true, our legal gold reserve will never be endangered so long as we occupy our present unique position. But is it fair to allow the great gold-mining industry of the United States to remain under the present handicap because of these abnormal conditions, even though our Treasury is filled with gold? Are not the gold miners of the United States entitled to produce sufficient gold to meet the coinage and industrial requirements of the country, instead of our obtaining so much gold from abroad? Gold mining in all ages of the world has been a permanent industry, and it is essential that gold mining in this country go on at a normal rate. Gold mining is a hazardous enterprise for the reason that capital once invested can not be easily diverted into other industry and because it takes a long time to develop a paying gold mine, unless it be the unusual bonanza discovery, which seems to be a thing of the past. In fact, gold mining is no casual industry and can not be intermittently suspended and resumed without serious interference with production. It is a well-known fact that the high-grade gold ore reserves are being rapidly exhausted, and unless science can open the way by which the gold content of low-grade ores can be successfully recovered the time is near at hand when legislation must be enacted to relieve the present precarious condition of the industry. Those who oppose change in existing law should be reminded that the downfall of empires and republics in the past has been brought about by failure to meet new conditions. The virility of this Republic lies in its ability to meet by legislation the new and ever changing industrial and economic conditions. The decrees of ancient Venice were considered irreversible. One writer in speaking of the laws of the ancient Medes and Persians said, "They altereth not, neither do they change." That condition is not true in our Republic. Our growth and development have been brought about by the law of evolution. Growth, development, and expansion are all made possible by the law of healthy change.

There is another question so close of kin to the proposed gold bonus legislation that it should be mentioned in this connection. Under existing law there is nothing to prevent the destruction of gold coin for use in the fine arts. In 1919 \$80,337,600 of gold coins and bullion were sold by the United States Mint for use in the fine arts, of which \$3,500,000 consisted of gold coins of various denominations. In other words, five, ten, and twenty dollar gold pieces were actually broken up and destroyed. It is estimated that at least \$8,000,000 in gold coins were destroyed in 1920. Another startling fact in connection with the use of gold in the fine arts is that the 1919 gold production in this country was \$21,948,000 less than the amount consumed in the fine arts and manufactures that year. Congress has no right to prevent by law the use of commercial gold from going into jewelry and industry, but Congress should prevent the destruction of gold coins for such purposes, and such legislation is now in contemplation.

Last, but not least in the consideration of legislation necessary to stimulate the mining industry, is the creation of a new executive department of government, to be known as the department of mines. It is entirely inconsistent with the importance of the great mining industry, in the light of its contribution to our whole economic structure, to relegate this indispensable function of government—as is true to-day with the Bureau of Mines—to a small department in a secondary Cabinet office. Our total output of mineral wealth in 1920 was \$6,707,000,000. With one-half of the world's output of coal, iron, and steel, and all other mineral products about in the same proportion, are we not entitled to a department of mines in the President's Cabinet?

Mr. CARTER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentlemen, we are closing general debate now on another one of the numerous supply bills of this Government. This particular bill which is under debate at this time carries \$295,622,112 to be taken out of the people's Treasury. And by actual count the membership here on the floor is just 10 Congressmen. Ten Congressmen only, out of 435, to consider a measure that takes \$295,622,112 of the people's money out of the Treasury!

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. No; I can not yield; the gentleman has had plenty of time. I know that the gentleman does not approve of this situation because he is nearly all the time here. We know that the distinguished chairman of the subcommittee [Mr.

CRAMTON] is one of the hard-working Members of this Congress, and if all the bills had the consideration from other Members that this distinguished chairman of the subcommittee gives to the bills we would have better legislation.

But let me call your attention to what happened under these conditions. Yesterday we had another of these supply bills under consideration and passed it, carrying millions of dollars to be taken out of the people's Treasury, and when we came to an item to provide packing boxes—cedar chests that you put your clothes in—you do not put papers and periodicals into cedar chests, you put clothes into them, and that is what they are manufactured for; that is what they are bought for by Congress, and that is what Members use them for—cedar chests, pine chests, and oak chests. When we reached that item of the bill that carried the appropriation for cedar, pine, and oak boxes I made a point of order against it. I called the Chair's attention to the fact that there was a precedent for sustaining the point of order in the last Congress, where in the legislative bill, when that item was reached, I made a point of order, and the Chair sustained it, and it went out of the bill, and so this last year we did not have any cedar, pine, or oak boxes. But when the Chair sustained it yesterday, he did it reluctantly. Here is his language:

Under the ruling cited by the gentleman from Texas this item has been held out of order, and while the present occupant of the chair, aside from the ruling, does not desire to so hold, yet in view of the ruling cited the Chair feels that he should follow the precedent and sustain the point of order.

He did sustain it and it went out. He indicated by suggestion, however, that he would like to have somebody appeal from the decision and set a new precedent, so as to secure for us all the cedar, oak, and pine chests. Immediately the very bright and ever-present gentleman from Massachusetts, the actual floor leader of the House, Mr. WALSH, caught the cue and appealed from the decision of the Chair. Let me show you how many men voted on the appeal. There were a little more here than there are at this time. There were 24 Members present yesterday when the appeal was decided. The Record shows, on page 2359, that the Chairman, when he said the "noes" appeared to have it—those that did not agree with the Chair's decision—the Record shows that I demanded a division, and the question was taken and the ayes were 1 and the noes 23. I was the only one who voted to sustain the ruling of the Chair, keeping out the packing boxes, and the other 23 voted to overrule the decision of the Chair, voted to overrule the rules of the House by which legislation ought to be passed, and the packing boxes were put back into the bill by a vote of 23 to 1.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. Just a moment. That was in Committee of the Whole House on the state of the Union which frames these bills, and under the rules I could not force a record vote there. But when we got back into the House—I want to show you how these things change when you force the yeas and nays on record—when we got back into the House I demanded a separate vote on the packing boxes and forced a record vote, and then instead of the vote being 1 to 23 the Record shows that there were 79 Members voted against that proposition, nearly four times as many as were present when the point of order was sustained and then set aside. If those 79 Congressmen had been here when the point of order was made and when the appeal was taken from the decision of the Chair, they would have kept that item out, and they would not only have voted to keep the packing-box money in the people's Treasury but they would have upheld the rules of the House.

Mr. CARTER. Has the gentleman any assurance that they would have voted the other way if they had been here? It was not a record vote.

Mr. BLANTON. Sometimes when you have a record vote you can change things, and that is one reason for a record vote. It is to place the responsibility where it belongs.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. No; I can not yield. The gentleman is the distinguished subwhip of the Republican Party, and the chairman will give him all the time he wants.

Mr. BEGG. I would like to know how many of the boxes the gentleman has himself.

Mr. BLANTON. I do not want the gentleman to interpose any remarks into my speech.

Mr. BEGG. Does the gentleman know that his speech is costing the Government more than the packing boxes?

Mr. BLANTON. Oh, the cost to the Government goes on whether you stay here or not. That old gag about "costing" is the worst piece of foolishness I know of. We could adjourn tomorrow and not come back until December and practically the same expenses of Congress would go on just the same, and the

distinguished and intelligent Member from Ohio knows it as well as I do.

Mr. BEGG. It would not cost so much for printing.

Mr. BLANTON. Oh, but the daily Record has got to be filled up. [Laughter.] If I were not using these 10 minutes right now, some other Member would be occupying the floor and the printing would be the same.

Mr. ARENTZ. Should there not be some discrimination shown?

Mr. BLANTON. Mr. Chairman, I would rather be putting something good into the Record than the people want than something that they might not want. There is not a Member of Congress who can get up here now in this House and justify the action of taking the people's money and buying cedar chests with it. Oh, you may claim some excuse, possibly, for the pine and the oak chests, but you have not any excuse whatever for the cedar chests. The distinguished gentleman from Illinois [Mr. CANNON], who has spent 44 years in this House, said yesterday that during the 44 years he had had many applications from Texas for his cedar boxes. You know, we use them as things of monetary value when they are given to us.

When I made a speech against these cedar chests yesterday, as was the case a moment ago, a gentleman from West Virginia then said, "Oh, but didn't you take yours?" Of course I took them, and you take them. Why, if I had not taken them, then some subemployee of the many which the House has on its pay rolls would have gotten them. These chests are purchased by the Clerk; the money had already been taken out of the Treasury and spent for the chests when we receive them; they are placed to my credit, and if I had not gone down and received them then somebody else would have gotten them. I took mine, of course. I would have been a fool not to have taken them. But I say now what I told the gentleman from West Virginia yesterday if the distinguished subwhip of this House from Ohio [Mr. BEGG], who is one of the strong men in the House, would get up here and use the same vim on this fight that he uses concerning other fights on some improper measures and help stop this petty graft, we might get rid of it.

Mr. BEGG. Will the gentleman yield now?

Mr. BLANTON. Yes.

Mr. BEGG. How can I stop it when the gentleman is so anxious to continue it by taking his boxes?

Mr. BLANTON. Oh, I would not take them, and no other Member could, if we stopped the law and appropriation that furnished them.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CARTER. Mr. Chairman, in view of the large, enthusiastic, and impatient attendance here this afternoon, I feel somewhat reluctant in consuming the time of the House, but I do want to take the time to thank the majority members of the subcommittee for their courtesy to the minority members in consideration of this bill, and to add just a word with reference to the Indian Bureau portion of the bill.

Just after the subcommittee report on this bill was submitted to the general Appropriations Committee, the chairman of the Committee on Appropriations came to me on the floor of the House and said, "You boys held this bill down wonderfully well, and I want to compliment you on having done a splendid job." I repeat this not as a compliment to myself, but as a slight tribute to the chairman of our subcommittee, the gentleman from Michigan [Mr. CRAMTON], the gentleman from Idaho [Mr. FRENCH], and the gentleman from South Carolina [Mr. BYRNES]. All of them labored assiduously to try to bring this bill to that point which they thought would thoroughly conform to the views of the membership of the House. The gentleman from South Carolina [Mr. BYRNES] and I contributed, I think, the usual share of minority members on subcommittees. So far as I now recall there was practically complete agreement on all items agreed to in the bill, with the exception of the increase in the Bureau of Pensions force and continuation of officials known as surveyors general in the Public Lands Bureau. Mr. BYRNES and I dissented from these two propositions because we felt that they were unnecessary appropriations at a time like this, when the country is demanding economy and reduction in taxation, and for other good reasons which we will be able to explain when the items are reached in the bill.

When I first came to Congress I was considerable of an iconoclast, but my 15 years' service here and association with gentlemen on both sides of the House have brought me to a better realization of that old proverb, "There is so much good in the worst of us and so much bad in the best of us that it hardly behooves any of us to talk about the rest of us." Yet while some of the sharp edges have been knocked off my iconoclastic

views, I am still not very much of a hero worshipper. It is not often I can find very much good to say about any Republican public official; in fact, I do not agree with Republican officials on anything worth mentioning. I feel, really I know, that the views taken by them on practically every public question are erroneous; but I am not so steeped in partisanship that I fail to recognize good in a public official even though he view public questions from a different angle from myself. The instance to which I am about to call the attention of the House is made somewhat more difficult from the fact that the bureau chief to whom I must refer was at one time a Member of this House, and during his membership here he and I disagreed very materially on many Indian questions, especially those in Oklahoma and South Dakota. I can recall no more bitter debates having been waged around the Indian question than those between this gentleman and the Oklahoma delegation. Much of that difference of opinion, however, was thoroughly dissipated when each of us came to understand the real purpose of the other. All of us here, and especially those of us who have served on appropriating committees, understand the customary attitude of the usual bureau chief. As a rule he does not come before the committee for any economical purpose in reducing his estimates, but he rather considers his duty before the committee to maintain and justify every appropriation recommended, no matter how large and unnecessary it may be.

This gentleman to whom I refer is the present Commissioner of Indian Affairs, Hon. Charles H. Burke, for many years a Member of this House and for a while chairman of the Committee on Indian Affairs. I do not care to sing his praises any further than to say this: When he and his Assistant Commissioner of Indian Affairs, Mr. Meritt, came before our subcommittee, in the language of the street, they literally "laid their cards on the table." They made no attempt to conceal anything from the committee. For instance, when one of their appropriations overlapped some other branch of the public service, or was supplemented by another amount, they did not hesitate for a moment to tell us so; in fact, they did not wait to be asked, they usually volunteered the information. Then when we came to make up the bill in the committee, we found it next to impossible to make any reduction in the estimates that they had made in each individual case. As a matter of fact, they had cut their estimates so broadly and so intelligently that at times we felt somewhat dubious about making the few cuts which we did make, and that accounts for the small reductions made in the estimates for the Indian Bureau in this bill.

So far as the commissioner himself is concerned, I do not know that it is necessary for us to sing his praises for having seen and done his plain duty. His whole work on the floor of this House was one intelligent fight for economy in expenditures in all branches of the Federal Government, so when he took his place as Commissioner of Indian Affairs he was thoroughly equipped to view the necessities of his bureau not only from the Indian Bureau standpoint but from the angle of view of this House itself. I thank you. [Applause.]

The CHAIRMAN. The Clerk will read.

Mr. WINGO. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WINGO. Do I understand we are ready to commence work on the bill?

The CHAIRMAN. The time for general debate is finished, as the Chair understood.

Mr. WINGO. There are only seven Republican Members present and one is asleep, and I think we should have a quorum here.

Mr. CRAMTON. Will the gentleman reserve his point of order for a moment. The gentleman is aware that the President is addressing the Senate at this time. Those who are interested in the address are over in the Senate, and those who are more interested in this bill are here. I hope we can begin reading the bill and make a little progress and then adjourn at a reasonable hour.

Mr. WINGO. I do not want what I say to appear to be critical of absent Members. I do not blame them for not being here during general debate. I have been here all the time and had a hard time to keep awake while some gentlemen simply talked to fill the Record, but when we commence actual consideration of the bill we should have more of the working Members present.

Mr. CRAMTON. I think there are a great many Democrats as well as Republicans in the Senate.

Mr. WINGO. There are but three or four active working Members of the House present.

Mr. CRAMTON. I do not know who are included in that.

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

Mr. CRAMTON. I hope the gentleman will withdraw it for the present.

Mr. WINGO. In view of the fact that the President is speaking over in the Senate and many Members are over there whom I would not like to disturb, I shall withdraw the point of order. I presume the gentleman will not try to handle any disputed items, but simply wants to read the bill until we reach a disputed item and then adjourn. I understood the afternoon program was to have the bill explained in a general way, then let those who simply wanted to fill the Record talk and not try to do detail work on the bill.

The Clerk read as follows:

CONTINGENT EXPENSES, DEPARTMENT OF THE INTERIOR.

For contingent expenses of the office of the Secretary and the bureaus, offices, and buildings of the department; furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, street car fares not exceeding \$350, and expressage; not exceeding \$500 shall be available for the payment of damages caused to private property by department motor vehicles, exclusive of those operated by the Government fuel yards; purchase and exchange of motor trucks, motor cycles, and bicycles; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles and motor trucks, motor cycles, and bicycles, to be used only for official purposes; diagrams; awnings, filing and labor-saving devices; constructing model and other cases and furniture; and other absolutely necessary expenses not hereinbefore provided for, including traveling expenses, typewriting and labor-saving machines, \$58,000: *Provided*, That within 30 days after the approval of this act the Secretary of War is authorized and directed to deliver to the Department of the Interior, without payment therefor, one motor-propelled passenger-carrying vehicle.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. The gentleman from Michigan will give his attention. I notice he has provided here that "not exceeding \$500 shall be available for the payment of damages caused to private property by department motor vehicles exclusive of those operated by the Government fuel yards." First, I want to know why you have excluded those operated by the Government fuel yards?

Mr. CRAMTON. The language is the same language as the current law. The gentleman will realize how careful this committee must be not to widen what might look like a legislative provision, and hence we did not widen the language as it now is.

Mr. WINGO. Is not there as much danger from their motor vehicles as the others?

Mr. CRAMTON. It may be; I am not informed. We took the language as carried heretofore.

Mr. WINGO. Will the gentleman tell me how many cases there were last year?

Mr. CRAMTON. I know the amount was small; \$500 is the limit of the appropriation, and there was no request for a larger amount.

Mr. FRENCH. If the gentleman will yield I will say that the same provision touching such vehicles referred to will be found later on in the bill as applying to fuel yards and motor trucks.

Mr. WINGO. Why not include them in this provision?

Mr. CRAMTON. Because we took the language as it came in.

Mr. WINGO. I thought we were going back to normalcy and doing away with surplus language and duplication of provisions. For instance, we passed a bill in the House a day or two ago enlarging the present existing statutes so as to authorize the consideration of claims up to a thousand dollars. The gentleman thinks it better to carry this?

Mr. CRAMTON. Until that becomes a law, and naturally then this would go out.

Mr. WINGO. I notice they are going to get another motor-propelled passenger vehicle. Can the gentleman tell me how many of these passenger vehicles they have in the department?

Mr. CRAMTON. Not many. I think that is in the hearings. They have some trucks to haul ashes with and some delivery busses. The new car is for the use of the Secretary, as other department Secretaries.

Mr. WINGO. My observation has been this department does not possess as many passenger motor-propelled vehicles as some of the other departments.

Mr. CRAMTON. Their expenditure for the current year for maintenance and repair for the first five and a half months, from the 1st of July to the 13th of December, was under \$3,000. That was from their contingent fund for maintenance and operation of those vehicles.

Mr. WINGO. Mr. Chairman, I believe I will withdraw the pro forma amendment and offer an amendment to strike out the words in lines 2 and 3, page 4, "exclusive of those operated by the Government fuel yards," giving notice that later on I shall move to strike out the provision that carries those words so as to have only one provision covering this matter.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, lines 2 and 3, strike out the words, beginning in line 2, "exclusive of those operated by the Government fuel yards."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For per diem in lieu of subsistence of two special inspectors, while traveling on duty, at not exceeding \$4, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior, \$3,500.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. The chairman will note the expression here, "employment of typewriters," page 6, line 4.

Mr. CRAMTON. I suppose that means to apply to typists.

Mr. BLANTON. No; stenographers cover that.

Mr. CRAMTON. But they sometimes have clerks who are typists but who are not stenographers.

Mr. BLANTON. This has no reference to machines?

Mr. CRAMTON. I assume not.

The Clerk read as follows:

CUSTODY OF INTERIOR DEPARTMENT BUILDINGS.

The responsibility for the care, maintenance, and protection of the Interior Department Building, the Pension Office Building, the Patent Office Building, and the General Land Office Building, and the disbursement of the funds appropriated therefor, shall be transferred on July 1, 1922, and thereafter, from the Secretary of the Interior to the superintendent of the State, War, and Navy Department Buildings: *Provided*, That the superintendent of the State, War, and Navy Department Buildings is hereby authorized to manufacture and sell at cost to the executive departments and independent establishments of the Government such quantities of ice, electricity, and steam as he may be able to manufacture or generate with the equipment that is available in the buildings under his supervision.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

Mr. WINGO. What is the change provided for in that paragraph, the first part of it?

Mr. CRAMTON. The change is this: There are four buildings in the district under the jurisdiction of the Department of the Interior—the main Interior Department Building, the Patent Office Building, the Pension Office Building, all three of which are used almost entirely by the department, and the old General Land Office Building, formerly used by the department, but now occupied entirely by other activities. In the report of the Secretary of the Interior he suggested that the old General Land Office Building should be turned over to the Superintendent of Public Buildings and Grounds, because it is no longer used by the department. Col. Sherrill, the officer in charge of public buildings and grounds, made a survey of the buildings with a view to following that action. He showed that a very gratifying reduction in the expense of maintenance could be secured in that event, and because of that and with the full approbation of the Secretary of the Interior, Col. Sherrill, at the request of the committee, then made a further survey to ascertain what could be accomplished if the other three buildings were likewise turned over. As the result of that survey, it developed that an immediate reduction of approximately \$74,000 could be made, to which would be added, in the event there should be \$240 bonus paid, in addition to the dropping of 82 employees, a saving of \$18,000, or a total saving of about \$92,000 this year and perhaps more hereafter.

Mr. WINGO. It tends to centralize the control?

Mr. CRAMTON. Yes; and it puts the control in the hands of specialists.

Mr. WINGO. The gentleman is satisfied that it will promote economy?

Mr. CRAMTON. Yes. I would like to put into the Record at this point the letter of the Secretary of the Interior agreeing to the change, demonstrating the willingness of Secretary Fall to accept any suggestion that means efficiency and economy.

Mr. WINGO. The gentleman will insert that?

Mr. CRAMTON. Yes. I ask unanimous consent, Mr. Chairman, to insert the letter.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the letter referred to:

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1922.

Hon. LOUIS C. CRAMTON,
Chairman Subcommittee on Appropriations,
House of Representatives.

MY DEAR MR. CRAMTON: Confirming my phone message, Secretary Fall and I are entirely willing, if the committee deems it advisable, that the plan for consolidated control of the buildings of the Inte-

rior Department be placed in the office of Public Buildings and Grounds, provided your committee believes that it will result in increased efficiency and economy.

As will appear from the records, we have managed our buildings in a very economical manner, but as pointed out in Capt. Hoover's report to your committee of January 27, 1922, it may be possible to improve upon that through the operation of a consolidated force under which mechanics and others may be shifted from point to point, as their services are needed. This department is very much in favor of coordinating governmental activities to secure efficiency and economy and to place activities in departments to which they are properly related. Secretary Fall so expressed himself in a letter to Chairman Brown of the Efficiency Commission November 10, 1921.

Again assuring you of our willingness to cooperate in every way for the improvement of the service, I am

Respectfully,

E. C. FINNEY,

First Assistant Secretary and Budget Officer.

Mr. WINGO. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Traffic in Intoxicating Liquors: For suppression of the traffic in intoxicating liquors among the natives of Alaska, to be expended under the direction of the Secretary of the Interior, \$15,000.

Mr. CRAMTON. Mr. Chairman, in response to the desires of some of the Members, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Michigan moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. CLAGUE, by unanimous consent, was granted leave of absence, for February 10 and February 11, on account of important business.

LEAVE TO WITHDRAW PAPERS.

Mr. MANN, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Capt. John B. Jeffery, Fifty-sixth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Saturday, February 11, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

521. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Interior, transmitting copy of the second annual report of the Perry's Victory Memorial Commission, was taken from the Speaker's table and referred to the Committee on the Library.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURROUGHS: Committee on Interstate and Foreign Commerce. H. R. 9490. A bill to provide for medical and hospital services for the officers and seamen of the Coast and Geodetic Survey; with amendments (Rept. No. 689). Referred to the Committee of the Whole House on the state of the Union.

Mr. WARD of New York: Committee on Agriculture. S. J. Res. 12. A joint resolution authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic; without amendment (Rept. No. 690). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 7544. A bill authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay; without amendment (Rept. No. 692). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 8927. A bill authorizing establishment of rural routes of from 36 to 75 miles in length; without amendment (Rept. No. 693). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FROTHINGHAM: Committee on Military Affairs. S. 2736. An act providing for the conveyance of certain unused military reservations in the State of Massachusetts to the city of Salem and the town of Marblehead; with amendments (Rept. No. 691). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3814) granting a pension to Benjamin Ratliff; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10307) granting an increase of pension to James F. Lyons; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SWEET: A bill (H. R. 10369) to authorize the acquisition of a site and the erection thereon of a Federal building at Eldora, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10370) to authorize the acquisition of a site and the erection thereon of a Federal building at Independence, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10371) to authorize the acquisition of a site and the erection thereon of a Federal building at Dubuque, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10372) to authorize the acquisition of a site and the erection thereon of a Federal building at Waterloo, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10373) to authorize the acquisition of a site and the erection thereon of a Federal building at Eagle Grove, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10374) to authorize the acquisition of a site and the erection thereon of a Federal building at Waverly, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10375) to authorize the acquisition of a site and the erection thereon of a Federal building at Hampton, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. VOIGT: A bill (H. R. 10376) providing for the purchase of a site and the erection of a public building thereon at Hartford, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10377) providing for the extension and enlargement of the post-office building at Sheboygan, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10378) providing for the purchase of a site and the erection of a public building thereon at Portage, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. BROWNE of Wisconsin: A bill (H. R. 10379) to amend a provision contained in the Indian appropriation act for the fiscal year 1917, approved May 18, 1916 (39 Stat., 123-156), appropriating the sum of \$95,000 to be used in addition to the tribal funds of the Stockbridge and Munsee Tribes of Indians in Wisconsin who are enrolled under the act of Congress of March 3, 1893; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNE of Wisconsin: A bill (H. R. 10380) granting a pension to Emma A. Drake; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 10381) granting a pension to Matilda Mitchell; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 10382) granting a pension to Mary C. Davis; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 10383) granting a pension to Katharine Falk; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Mississippi: A bill (H. R. 10384) for the relief of the estate of Robert Moore; to the Committee on War Claims.

By Mr. LAMPERT: A bill (H. R. 10385) granting a pension to Agnes Ditter; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 10386) granting an increase of pension to Mary Ann Bandy; to the Committee on Invalid Pensions.

By Mr. SPROUL: A bill (H. R. 10387) granting a pension to Minnie A. Houser; to the Committee on Invalid Pensions.

By Mr. WEBSTER: A bill (H. R. 10388) granting a pension to Rose G. Bingman; to the Committee on Pensions.

By Mr. WURZBACH: A bill (H. R. 10389) granting an increase of pension to Mary E. Trask; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3961. By the SPEAKER (by request): Petitions of the Pan-Albanian Federation of America "Vatra" (the Hearth) (Inc.), Local Branches Nos. 1, 2, 3, 5, 8, 9, 10, 11, 12, 15, 16, 21, 35, 49, 60, urging the recognition of the Albanian Government by the United States; to the Committee on Foreign Affairs.

3962. By Mr. ANSORGE: Petition of the American Historical Association, of New York, urging the Government to provide an adequate building in which to concentrate and safeguard official records and files; to the Committee on Public Buildings and Grounds.

3963. By Mr. BYRNS of Tennessee: Papers in support of House bill 10350, granting an increase of pension to Annie Murphy, widow of S. O. Murphy; to the Committee on Pensions.

3964. By Mr. CAMPBELL of Pennsylvania: Petition for beer and light wines, signed by residents of the thirty-second district of Pennsylvania; to the Committee on the Judiciary.

3965. By Mr. CULLEN: Resolution adopted by the Association of State Foresters at its second annual meeting at Chester-town, N. Y., relative to the control of the pine-bark beetles; to the Committee on Agriculture.

3966. Also, resolutions urging the erection by the Government of a national archives building; to the Committee on Public Buildings and Grounds.

3967. Also, resolution adopted by the Association of State Foresters at its second annual meeting at Chestertown, N. Y., September 20-22, 1921, relative to the proposed transfer of any of the activities of the United States Forest Service from the Department of Agriculture to any other department; to the Committee on Agriculture.

3968. By Mr. FULLER: Petition of F. A. Noling and 51 other citizens of Rockford, asking for speedy enactment of a protective tariff bill based on the American labor cost and the American standard of living; to the Committee on Ways and Means.

3969. Also, petition of the Trade Circular Addressing Co., of Chicago, Ill., opposing increase of postage on first-class mail; to the Committee on Ways and Means.

3970. By Mr. KISSEL: Petition of the Brotherhood of Locomotive Engineers, New York State legislative board, Albany, N. Y., relative to taxation; to the Committee on Ways and Means.

3971. Also, petition of William F. Deegan, State commander American Legion, New York City, urging discharge of inefficient employees of Veterans' Bureau; to the Committee on Interstate and Foreign Commerce.

3972. Also, petition of the Merritt & Chapman Derrick & Wrecking Co., of New York City; to the Committee on the Judiciary.

3973. By Mr. LAMPERT: Petition signed by members of the Milwaukee (Wis.) Chamber of Commerce, legalizing the manufacture and sale of beer and light wines; to the Committee on the Judiciary.

3974. Also, resolution from the Bricklayers, Masons, and Plasterers' Union No. 31, of Neenah-Menasha, Wis., favoring the manufacture and sale of beer and wines; to the Committee on the Judiciary.

3975. By Mr. RIDDICK: Petition of residents of Eureka, Mont., urging the return of light wines and beer; to the Committee on the Judiciary.

3976. Also, petition of farmers of Sioux Pass, Joplin, and Rapelje, Mont., urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

3977. By Mr. ROGERS: Petition of Robert W. Thomson, president of the Lowell (Mass.) Rotary Club, opposing the proposed tax on stocks and bonds, also real estate, or any other tax to "kill business"; to the Committee on Ways and Means.

3978. Also, resolution adopted by Charles H. Moloy Camp, No. 42, Department of Massachusetts, United Spanish War Veterans, of Woburn, Mass., urging the addition of the Spanish War

veterans to the soldier bonus bill; to the Committee on Ways and Means.

3979. By Mr. SINCLAIR: Petition of citizens of Amidon and Midway, N. Dak., praying for a Federal appropriation for the purchase of feed and seed this spring; to the Committee on Agriculture.

3980. By Mr. SNELL: Resolutions adopted by Macomb Grange, No. 768, of Macomb, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

3981. Also, resolutions adopted by Scotch Bush Grange, No. 699, of St. Lawrence County, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

3982. By Mr. STEPHENS: Petition opposing the suggested securities transfer tax by James A. Reilly, president of the Cincinnati Chamber of Commerce; Cincinnati Stock Exchange; Ohio Valley Group, Investment Bankers' Association, Gordon Reis, president; M. E. Moch & Co.; W. C. Wachs, president Cincinnati Clearing House Association; Channer & Sawyer; and J. R. Edwards, vice president Fifty-third National Bank, all of Cincinnati, Ohio; to the Committee on Ways and Means.

3983. By Mr. VARE: Memorial of Pennsylvania Grand Lodge, American Patriotic League, favoring the reenactment of the Immigration bill; to the Committee on Immigration and Naturalization.

3984. By Mr. WILLIAMSON: Resolutions passed by the Newark Community Club, Marshall County, S. Dak., urging the passage of an emergency act establishing a minimum price on wheat; to the Committee on Agriculture.

3985. By Mr. YOUNG: Petition of Haral Christianson, of Arena, N. Dak., and 16 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3986. Also, petition of Iver Tolstad and Harry Simonsen, of Rogers, N. Dak., and others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3987. Also, petition of Henry Smedshammer, of Litchville, N. Dak., and four others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3988. Also, petition of Hjalmer Hanson, of Braddock, N. Dak., and five others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3989. Also, petition of Martin Mickelson, of La Moure, N. Dak., and three others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3990. Also, petition of Charles Severyn, of Rugby, N. Dak., and 166 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3991. Also, petition of C. E. Persinger, of Fullerton, N. Dak., and 41 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3992. Also, petition of Ole Bratterud, of Leeds, N. Dak., and 45 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3993. Also, petition of G. J. Johnson, of Kensal, N. Dak., and 30 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3994. Also, petition of Juel Skare, of Balfour, N. Dak., and 26 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3995. Also, petition of Frank Prater, of Arena, N. Dak., and 36 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3996. Also, petition of John Saton, of Berlin, N. Dak., and six others, urging the revival of the United States Grain Corpora-

tion, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3997. Also, petition of Ole Erhardt, of Harlow, N. Dak., and 41 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3998. Also, petition of G. P. Lee, of Reeder, N. Dak., and 36 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

3999. Also, petition of Andrew Martinson, of McGregor, N. Dak., and 50 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

SENATE.

SATURDAY, February 11, 1922.

(Legislative day of Friday, February 3, 1922.)

The Senate met at 12 o'clock meridian on the expiration of the recess.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment offered by the senior Senator from Massachusetts [Mr. LODGE].

Mr. WARREN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lodge	Sheppard
Ball	Glass	McCormick	Shortridge
Borah	Harrell	McNary	Simmons
Brandeggee	Harris	Myers	Spencer
Bursum	Harrison	Nelson	Stanfield
Calder	Heflin	Newberry	Stanley
Capper	Hitchcock	Norris	Sterling
Colt	Jones, Wash.	Oddie	Swanson
Culberson	Kellogg	Overman	Walsh, Mont.
Cummins	Kendrick	Page	Warren
Curtis	Kenyon	Phipps	Watson, Ga.
Dillingham	Keyes	Poinexter	Weller
Edge	King	Pomerene	Williams
Fernald	Ladd	Ransdell	

Mr. CURTIS. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from Indiana [Mr. WATSON] are absent on official business, attending a meeting of the Committee on Finance.

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I will let this announcement stand for the day.

Mr. HEFLIN. I wish to announce that my colleague [Mr. UNDERWOOD] is absent on account of illness.

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. Mr. President, I would like a moment to look over a suggested amendment which has just been handed to me and which I think will probably cover what I want. I have not had time to read it, for I have just come in from a committee meeting. [After a pause.]

This draft of an amendment to take the place of the clause in the House text which the committee propose to strike out has been handed to me by the Senator from Washington [Mr. JONES] and I am very glad to substitute it for the one which I offered. I move it as a substitute for the language in the House text proposed by the committee to be stricken out.

The VICE PRESIDENT. The amendment in the nature of a substitute will be stated.

The ASSISTANT SECRETARY. In lieu of the amendment heretofore offered and in lieu of the words of the House text from line 20, on page 30, to line 6, on page 31, which the committee

proposes to strike out, the Senator from Massachusetts moves to insert:

No part of the moneys appropriated or made available by this act shall, unless the President shall otherwise direct, be used or expended for the repair or reconditioning of any vessel owned or controlled by the Government if the expense of such repair or reconditioning is in excess of \$5,000 until a reasonable opportunity has been given to the nearest available Government navy yard to estimate upon the cost of such repair or reconditioning, if performed by such navy yard within the limit of time within which the work is to be done: *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States; and all expenditures in connection with such work are to be considered in estimating the cost: *And provided further*, That the provisions of this clause shall take effect upon the passage of this act.

Mr. OVERMAN. Is the amendment which has just been read, and which, I understand, has been suggested by the Senator from Washington [Mr. JONES], offered as a substitute for the proposition of the Senator from Massachusetts?

Mr. LODGE. The Senator from Washington has handed me the amendment which I have sent to the Secretary's desk, and I gladly accept it and offer it as a substitute for the amendment heretofore offered by me.

Mr. JONES of Washington. Mr. President, I merely desire to say that I think the amendment as now suggested cares for the situation, taking both interests into account.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts.

Mr. HARRISON. May I ask the Senator from Massachusetts in what respect does the amendment propose to change the original proposition? Does it modify it in any other respect than to give the President the right to approve what may be done or to direct that something else shall be done?

Mr. LODGE. Mr. President, the original proposition, as it came from the other House, was very drastic and very inelastic. It compelled inquiry at all the navy yards in the country before even a screw driver or any other small article could be purchased in connection with the reconditioning of a vessel. That, of course, was impracticable. The question involved relates to repairing and reconditioning the *Leviathan*; and I shall take a few moments before I leave the floor to speak concerning the reason why the matter has been brought up.

If I may have the attention of the Senate for a few moments, I shall take advantage of the opportunity to explain why I have proposed this amendment and why I have very gladly accepted the proposition as drafted by the Senator from Washington [Mr. JONES].

This question, I repeat, has arisen in connection with the reconditioning and repair of the *Leviathan*. Let me say frankly at the beginning that, although what I am about to state I shall not advance as a reason for action, I wish the Senate to know why it has made me feel very strongly in regard to the matter. In the metropolitan district of the city of Boston there are between a million and a half and two million people. They are gathered there on the edge of the ocean. It is a great manufacturing region, particularly that to the north of Boston. We have there the Charlestown Navy Yard, which is one of the oldest in the country, being more than 100 years old. During the World War the United States bought a dock which had been built by the State of Massachusetts and which was lying just across the harbor from the navy yard. It is the largest dock in the United States, and is built in the best possible manner of stone and cement. It is 1,200 feet long. I repeat, there is no dock of equal size in the United States, for the great dock at the Norfolk Navy Yard, which, I understand, will be a little larger, has not as yet been finished.

In connection with the Charlestown Navy Yard the Government established another plant for the operation of vessels in the dock. One principal reason for the purchase by the Government during the war of that dock was that it was the only dock in which, if need be, such a vessel as the *Leviathan* could be placed for repairs to the hull.

We have also a great private yard at Quincy, the Fore River Shipbuilding Co., where ships of the largest tonnage are built. In that private yard and in the navy yard at Boston there were over 33,000 men employed, almost all of them being skilled mechanics. There are now only 5,000 employed, including both the private yard and the navy yard. From twenty-five to twenty-eight thousand skilled mechanics have been thrown out of work. Undoubtedly some of them have regained employment, but many have not been able to do so. There is a serious condition of unemployment in that section of the country.

The government of the State of Massachusetts appropriated \$50,000 for some work, I think, in connection with woodland or the parks. The purpose was partly to afford work to some of the unemployed. They were to apply at the Statehouse, and a

long line of men appeared there waiting to obtain employment. Toward the end of the line, the places ahead having all been taken before they reached the place, there happened to be four ex-service men. There were other ex-service men higher up in the line, but the four of whom I now speak remained there all day, until they fainted from exhaustion, and the opportunity for employment by the State was gone before they could be reached.

I merely mention this to show the condition that exists. There is real suffering and genuine lack of employment. I should be less than human if I did not feel deeply the distress caused by conditions left by the war for which no one is responsible.

These people see these great works belonging to the Government, including the greatest dock in the country, with a plant attached to it, lying there entirely idle. The navy yard has very little work, and, of course, it is inevitable that the navy yard force will be still further reduced. A great reduction has just been made at the Washington Navy Yard, and, as Senators have noticed from the items in the newspapers of yesterday and to-day, the severity of the experience of these men is being taken up by their comrades in the labor organizations.

It is said that they have no better claim than anybody else; but there are many of these men who went into the navy yard as apprentices and have been there from 20 to 30 years. Although I know very well that reductions must come, I think they have a certain claim upon the Government if there is an opportunity for Government work which must be done.

Representatives of these men in New England, together with the mayors from all the surrounding cities, have been down here to see me and other Senators from that section. One representative of the men at the yard, who was very manly and straightforward, said, "I recognize that inevitably the mechanical forces of the yards must be reduced; I recognize the effect of the treaties; I know naval work must decrease. We do not ask charity; we know the Government can not support us and give us work there if there is no work to be done; but if there is Government work to be done, we should like a chance to bid on it. We are aware, of course, that private yards will give bonds and guaranties." I may say, parenthetically, Mr. President, that I have had rather a protracted experience in naval matters, for I was a member of the House committee which authorized the first three ships of the new Navy—the *Massachusetts*, the *Indiana*, and the *Oregon*—and I have yet to hear of a successful effort to collect penalties from a contracting firm. There may be such instances; I presume there are; but none have been produced, although we hear much about the guaranty furnished by private yards. The men of whom I speak stated to me, through their leaders, that they were willing to give and would gladly give a guaranty on their own wages, that they would give bond individually, to insure that they would do the work in a given time and at a certain rate. The wages in that yard are not to be reduced in the future, as Mr. Lasker estimates; they have been reduced already by the Government 25 per cent. Those men, as I say, are willing to bond their own wages in order to secure some assurance of work for themselves and support for their families. That is unbusinesslike, no doubt, and that would be the condemnation that would come from the Shipping Board, but the suggestion was well and honestly meant, and I confess that it appealed to me.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. LODGE. Yes.

Mr. KING. In preparing the estimate of cost which they might be willing to submit, would there be taken into account as a factor the amount of capital, or any part of it, invested by the Government and the depreciation from the use of Government tools and facilities?

Mr. LODGE. Certainly the second item would be taken into consideration, but they would not take into consideration the interest on the capital invested in the navy yard, because the United States is going to keep the navy yard in any event; it can not do anything else with it.

Mr. KING. Will there be taken into account those factors that would be properly chargeable to deterioration?

Mr. LODGE. Of course, the draft of the bid would be made by the experts who prepare the bids for all naval ships which are built. The men who work with their hands are not going to make the designs.

Mr. KING. The Senator can see that if a bid were submitted by persons in control of the Government navy yard and they did not take into account deterioration involving loss to the Government, the replacement of tools, and all that sort of thing, it would give them a material advantage over private competitors.

Mr. LODGE. Mr. President, it is provided in the amendment that all such expenses shall be computed.

I do not wish to detain the Senate. I hope that they will adopt the amendment which has been prepared by the Senator from Washington and which I have submitted in lieu of the amendment heretofore offered by me.

Mr. OVERMAN. Mr. President, I should like to interrupt the Senator to ask him a question.

Mr. LODGE. I yield.

Mr. OVERMAN. In connection with the question of a navy yard submitting an estimate it will take money to prepare and submit estimates and to do the work thereunder, will it not?

Mr. LODGE. Oh, yes; I think I know the point the Senator has in mind, that there would be great delays if the work were entrusted to a navy yard, but none if it were given to private contractors.

Mr. OVERMAN. Private contractors have already made estimates.

Mr. LODGE. Yes; they have made estimates.

Mr. OVERMAN. And Mr. Lasker says that if the navy yards were called upon for estimates delay would ensue.

Mr. LODGE. I have not finished, and should like to proceed; but I will yield to the Senator.

Mr. OVERMAN. I ask the Senator how can a navy yard make an estimate without Congress appropriating the money to enable them to do the work, which, in this instance, will take something over \$8,000,000, as I understand?

Mr. LODGE. It has been done over and over again. If the Senator understood about navy yards, he would realize that such work has been carried on repeatedly.

Mr. OVERMAN. I am asking the Senator for information—

Mr. LODGE. I will give the Senator the information in a moment.

Mr. OVERMAN. How can the navy yards do the repairing and reconditioning work without an appropriation by Congress?

Mr. LODGE. In this instance no appropriation whatever will be required, for the money can be utilized which the Shipping Board have received from the sale of ships.

I did not mean to go into the question of bids. I was going to say that those interested at the Charlestown Navy Yard do not expect to get the work unless they can show that they can complete it at a lower cost. It has been done again and again. I have here a list of ships which have been built by navy yards under their estimates. I cite the case of the *Bridge*, which was a United States ship, although not a warship. In 1914 the navy yard submitted an estimate and did the work on that vessel for \$37,842 less than their estimate.

Mr. OVERMAN. I asked the question of the Senator because I can not understand why the Secretary of the Navy himself, Mr. Denby, has written a letter—

Mr. LODGE. I am familiar with his letter; it has been read here a number of times, and I have read it, of course, myself.

Mr. OVERMAN. Although the Senator has read it, I wanted to call his attention—

Mr. LODGE. I have had my attention called to it over and over again.

Mr. OVERMAN. All Senators have not heard it, perhaps. I wish to understand about it. The Secretary says the navy yards can not do the work, and, if they can not do it, what is the use of providing that they shall do it?

Mr. LODGE. It can be done by the navy yards, notwithstanding what the Secretary of the Navy may say.

Mr. OVERMAN. The Secretary of the Navy seems to have a contrary view.

Mr. LODGE. I know it can be done, because it has been done. The reason for the action of the Shipping Board, I am afraid, is that when they allowed the navy yard to bid a year ago the bid of the navy yard was \$8,938,000 for reconditioning the *Leviathan* against the lowest outside bid of \$10,740,000. The trouble is not that the navy yard will estimate too high, but that it will estimate too low.

That is the trouble. That is the trouble all of the time; and let me say to the Senate that when they destroy all the navy yard forces and plants in this country the United States will be at the mercy of contractors. We have been all through that on the armor-plate question. The navy yards and the Government plants have been worth to this Government all that they have ever cost by keeping down the bids of contractors.

I am under no delusion about Government work. I have been connected with our naval bills here for 30 years. If I may be pardoned a personal word, my father was a China merchant. He built and owned clipper ships for his trade as a merchant with China. The earliest memories I have are of going to the

shipyards and seeing those ships—the famous American clipper ships, the finest merchant ships under sail that the world ever saw, the finest and the fastest, built on our Atlantic coast, necessarily largely in New England, where we had the wood and the harbors.

Mr. FERNALD. In Maine, largely.

Mr. LODGE. I do not pretend to know or be an expert about naval matters, but I knew enough about wooden ships as a boy to know very well, when they proposed to build wooden ships for the use of the Government in the war out of green timber, that within a comparatively short time those ships would be water-logged, owing to the green timber, and would begin very soon to rot; and Mr. Lasker was very lucky when he sold those boats, which cost millions, for \$2,700 apiece. I knew enough to know that. I have been studying the question for a great many years.

Mr. Lasker is a very rich man and a very successful man, and no doubt knows an immense deal about many things, but he has been there only about six months; and when he thinks that it is no matter what becomes of the unemployed men in New York and Brooklyn and Philadelphia and elsewhere he has still something to learn. He does not even know the value of the navy yards to the United States.

Do you suppose for one moment that if we destroyed our navy yards, took all the work from them, and broke up their organizations, we could get low bids from contractors? It is a very easy thing for the ship contractors to combine. There are not many of them who build ships, and that has been the service of the navy yard. Apart from the personal feeling which I naturally have, the reason why I press this matter is because we are going to have a Navy under the treaty—a reduced Navy, but I hope a good Navy, an efficient one as far as it goes. We shall have to keep some navy yards, and I do not want to see this country put at the mercy of the contractors. If anybody thinks that is economy, he errs. That is not the road to economy.

You can build cheaper in the Government yards to-day, owing to the fact that the plant is there, costing the Government every hour, and the Government has to maintain it and keep it up. It has to have its marines; it has to have its inspectors; and they can build cheaper for that reason, if for no other. Moreover, their wages have been brought down, as I have said, 25 per cent in the last few months; and all I have asked is that they should have an opportunity to bid for the work, to make an estimate. If public opinion and the judgment of the President do not justify their having it, if their estimate is not low enough to show that it would be an advantage to the Government to accept it, if it is not an economical saving to the American people, I do not want them to have it; but I do not think it is fair to say to the people in the navy yards, this great body of skilled mechanics, "You shall not even have an opportunity. We are going to give it to a private contractor somewhere." Give them at least a chance.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. LODGE. I will.

Mr. EDGE. The Senator will correct me if I have the wrong interpretation, but, as I understand the amendment, it practically places with the President the authority finally to award the contract, rather than with the Shipping Board, and it can be awarded either to private interests or to a navy yard. Is that the practical effect of the amendment?

Mr. LODGE. Unless the President shall direct otherwise, it gives him the power to allow the yard to estimate, and then it is for him to decide whether they shall have the work or not.

Mr. EDGE. Under the present law have not the Shipping Board the same power to award it either to private interests or to navy yards, if they so elect?

Mr. LODGE. The present board has no power to do anything in the navy yards.

Mr. EDGE. Have they not the power to award a contract for reconditioning to a navy yard, if it meets with their approval, under the present law?

Mr. LODGE. While I have seen interpretations to the effect that they have that power, I do not think under the present law the navy yards have the absolute right to bid.

Mr. SWANSON. Oh, if the Senator will permit me, they made a bid, as the Senator stated, about a year ago, on the *Leviathan*.

Mr. LODGE. Yes; they were asked for estimates. During the war Secretary Daniels took estimates all the time.

Mr. SWANSON. But, I say, no law has been repealed that authorized the bid which the Senator stated was given about a year ago.

Mr. LODGE. I doubt very much if there is a law authorizing it now, or if there ever was; but there is no doubt in my mind that the head of the Navy Department has the right to do it.

Mr. EDGE. Mr. President, following my question, in order that I may understand the matter clearly, under the House bill now under consideration, however, even if the Shipping Board did previously have power to award the contract to a navy yard, that power would be denied them. Is not that correct?

Mr. LODGE. They would be compelled to take a bid from every navy yard in the country if they could get it.

Mr. EDGE. Under the House bill that we are now considering?

Mr. LODGE. Yes; under the provision that it is proposed to strike out. It is very drastic, as I said when I began—too drastic, too inelastic—and there is no limit of price. If they broke a davit, they would have to go to a navy yard and get an estimate on it. It is absurd, of course.

Mr. EDGE. But in effect, then, we are practically delegating to the President the power that they would have. Is not that correct?

Mr. LODGE. The amendment I have offered delegates to the President a power which the Navy Department has not hesitated to exercise in the past, although I think it is doubtful whether it had strict authority.

Mr. EDGE. And the Shipping Board?

Mr. LODGE. No; not the Shipping Board.

Mr. EDGE. I do not understand it, then.

Mr. LODGE. The Shipping Board has taken charge of almost all the affairs of the universe, but, thank God, it has had nothing to do with the Navy of the United States.

Mr. EDGE. Then, if the Shipping Board under existing law have the power—I have asked the question, and there seems to be some doubt about it—to award a contract for reconditioning a Shipping Board vessel—

Mr. LODGE. Undoubtedly they have.

Mr. EDGE. Under the Senator's proposed amendment, if adopted, that power will be removed, and the President will be the final arbiter. Is that correct?

Mr. LODGE. If the President is satisfied that it is for the public interest to have an estimate from the nearest available navy yard, and if he thinks that it is to the advantage of the Government to adopt that naval estimate and send the *Leviathan* to the only dock that will take her—perhaps the dock in Boston—he can do it.

Mr. EDGE. And he also can send her to a private yard if he so elects. Is that correct?

Mr. LODGE. He can. The private yard is not going to be injured.

Mr. CALDER. Mr. President, I am in sympathy with the proposition advanced by the Senator from Massachusetts [Mr. LODGE]. We have a number of great navy yards in this country. Until 8 or 10 years ago they were used primarily for the repair of naval vessels, but during the past 10 years they have been used also to construct naval vessels. These navy yards have built up great organizations, and from my observation I am quite sure that if properly managed they could repair Shipping Board vessels or any other vessels in competition with the private yards. I hope, therefore, that the Senator's amendment will prevail.

Mr. President, there is one other thought that I have in my mind concerning this whole subject, and I am glad the chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN], is present, because I want him to understand the situation that prevails in the navy yards of the country.

During the past two or three years—in fact, since the war closed—we have permitted a great many of our battleships and other naval craft to run down. The last Congress, as the result of a determination to cut down the amount of money allotted for the Navy, failed to appropriate sufficient money to keep the going ships of the Navy in proper repair. I know that in the navy yard at New York we have enough work to keep the present force there employed, despite the stopping of the building of two battleships which were under construction and which will be scrapped; we have enough work there to keep the present force employed in repairing the ships that are lying at the docks in that yard, the ships we are going to keep; but we lack sufficient money to repair those vessels. In making the appropriations for the Navy at this session of Congress we ought seriously to take into consideration the matter of providing enough money to keep up to the very highest state of efficiency the ships that we are not going to destroy. Some of our battleships will be done away with, many in the course of construction will not be appropriated for, but we ought to appropriate enough money to keep the ships that we are going to maintain

in the very best state of efficiency, so that, if called upon, they will be really useful. We have to-day in our Navy a number of ships that are not really fit to go to sea and be effective and that condition should not continue.

Mr. SWANSON. Mr. President, I have heard with a great deal of pleasure the splendid speech made by the Senator from Massachusetts [Mr. Lodge], and I fully concur with him as to the general proposition. The only thing he and I differ about is the special application of the amendment to this proposition at this time. I am satisfied that the Government navy yards ought to be and will be utilized. I am willing to vote for an amendment to the law that will enable them to make bids in competition.

When this matter was pending before the Shipping Board and before the Navy Department I interested myself very actively to have the Norfolk Navy Yard permitted to make estimates for the repair of the *Leviathan*. I did that in spite of the fact that at that time there was a private shipyard in my State which was one of the bidders. I urged that both the navy yards should be permitted to bid. Neither the Navy Department nor the Shipping Board thought it wise to do that, although I persisted and insisted that they be given that opportunity, as well as Boston and Brooklyn. They said they would award the contract to the lowest bidder. Advertisements were sent out, and I think there were three bidders, possibly two north and one south. After those bids were made the lowest bidder was found to be at Newport News, which bid a great deal less than any other bidder in the country. I do not know to what extent the Senator from Massachusetts interested himself in the matter at that time to have the navy yard at Boston have the privilege of bidding.

The Senator from Massachusetts has said the reason this matter is brought up, especially at this time, is on account of the repairs of the *Leviathan*. I submit to the Senate, would it be an act of fairness and justice to adopt such a provision when the Government had advertised and three concerns had bid and one concern had gone to an expense of \$35,000 to make the estimates? Such a bid can not be made without great expense, and when a concern making the bid had kept its organization together expecting to have this work, as the contract was to be signed on the 15th of February, when the bid practically had been accepted, and they were simply preparing the terms of the contract, is it just for this to be brought up now and to interrupt it and have this work given to Boston? Is that just? Is it fair? Is it the great national spirit which animates America? Is that the broad spirit which should animate both sides of this Chamber? There was no complaint, no demand that Government navy yards should be permitted to bid until the lowest bid had been made by a concern located at Newport News.

If this is not made to apply to the *Leviathan*, if that is excluded, I am in favor of the amendment offered by the Senator from Massachusetts; but it is an act of injustice, it is not right, it is not proper, when the Government had asked bids for the repair of this ship, to refit it, and three firms bid, and one bid was practically accepted, to come in at this time and set that aside.

This is to be left to the President, and that makes it less objectionable than the amendment offered yesterday. I do not believe the President of the United States, when his constituted subordinates, his appointees, had advertised, and people had gone to the extent, at his invitation, of making bids to refit the ship, would set the bid aside.

There is another objection to this amendment as offered. It says "the nearest shipyard." Nearest to what? Nearest to politics? Nearest to where this political power is, or nearest the ship?

Mr. LODGE. The nearest available shipyard.

Mr. SWANSON. The opportunity ought to be given to every shipyard on the Atlantic or Pacific coast, wherever the ship is. Why should Boston alone be permitted to bid?

Mr. LODGE. Because it has the only dock that will hold the ship.

Mr. SWANSON. The Norfolk yard can repair the ship.

Mr. LODGE. They have not their 1,300-foot dock finished. The Senator knows that.

Mr. SWANSON. I understand; but so far as this ship is concerned it can be repaired at Norfolk as well as anywhere else. Why not amend it to say so as to provide that any ship shall be repaired in any yard on the coast where the ship may be?

Mr. LODGE. If the Senator will allow me, then his objection would be that it would take too long to see what the different firms would do.

Mr. SWANSON. I have not gotten to that phase of it yet.

Mr. LODGE. The Senator is doing what is perfectly natural and right. Of course, we know the bid is not complete, but the lowest bidder on the limited bid is Mr. Ferguson, of the Newport News yard.

Mr. SWANSON. That is right; but I tried to get permission, when he was making his bid, for the Norfolk Navy Yard to come in and make estimates. I made the request of the Shipping Board and of the Navy Department, and asked them to let the Norfolk yard have that privilege. After they refused to do it, after they wasted three or four months, and it was awarded to a southern shipyard, then this fight commenced. If it had been awarded to a private shipyard in Massachusetts or some other place, I doubt whether this fight would have been made.

Mr. LODGE. We have one of the largest private shipyards in the country, but they have not a dock which will take that ship.

Mr. SWANSON. They did not bid on it.

Mr. LODGE. They do not bid; and you have not a dock that will take it.

Mr. SWANSON. What I object to is delay, no activity, nothing done until after a yard goes to all the expense of getting up its estimates, goes to the extent of keeping people in its office getting up its bid, and then breaking faith with them and giving this to Boston. I am frank and candid in stating that I do not think it is right. I do not think it is the proper kind of spirit to have in this matter.

In addition this should be amended so as to take care of yards in the future. When the time comes I will ask the Senator to unite with me, if he will, to give these navy yards the privilege of doing this work. I think they ought to be utilized, but I do not think we should adopt this simply to make it apply to one contract which has been practically awarded to the lowest bidder.

Mr. LODGE. It has not been awarded yet.

Mr. SWANSON. It has been practically awarded.

Mr. LODGE. Mr. Lasker may have promised; he may have practically awarded it, but he has not yet awarded it.

Mr. SWANSON. I understand the suggestion was made to delay awaiting this action. They went to an expense of \$35,000 to make these estimates; the Government had invited them, and it was known when they were opened that they were the lowest bidder, and they had said they would award it to the lowest bidder. The only delay was to have the contract written. The contract was being written and revised to carry out the bid, and pending the signing of it this interruption comes. If the Senator will leave out the *Leviathan* and not apply it to that ship, I am for a stronger amendment even than this.

Mr. LODGE. Of course, I will not leave it out. I want to begin now. This is a ship which will cost at least \$10,000,000 to restore before they get through, and I would like at least to have it appear what it can be done for and have some bid besides Mr. Ferguson's.

Mr. SWANSON. Did the Senator go up to the Shipping Board and the Navy Department while this thing was pending and try to get them to let that navy yard bid?

Mr. LODGE. I went to the Navy Department.

Mr. SWANSON. I went repeatedly to both and urged them to give the privilege of bidding to the Norfolk Navy Yard and to other navy yards, but after they had refused, in good faith, I thought the Government ought to be fair in its dealing with people; that it ought to be a model in that respect. It seems to me it is bad faith, and it is not right, as soon as this is awarded to a southern shipyard to try to change the law.

Mr. LODGE. I think we can leave the question of honest dealing with the President of the United States, as this amendment does, in preference to the Shipping Board.

Mr. SWANSON. I am willing to leave it to the President, unless this is considered a suggestion of what the law-making power wants done. When this thing is put through, they will say, "Mr. President, this was passed because it was the impression of Congress that this ought to be awarded to the Boston yard, where the fight was." I say that is all this has been done for, and I do not believe, if this were done, the President could afford to violate an offer made at his invitation.

Mr. LODGE. That is Mr. Lasker's theory.

Mr. FLETCHER. Mr. President, I call attention to the hearings before the committee, at page 37, where Mr. Powell, one of the vice presidents, said:

The company that is the low bidder on this job I happen to know spent \$35,000 making their estimates to find how much to bid on that job. They have reduced the elements of uncertainty to the very smallest amount and for whatever it is they are taking it, they will be glad to take it in order to get the job.

Then Mr. Lasker, on page 38, said, in answer to a question by Senator OVERMAN:

How do you know what it is going to cost, or do you know?
Mr. LASKER. Yes, sir; we do. The contract will be given February 15.
Senator OVERMAN. To the lowest bidder?
Mr. LASKER. To the lowest bidder; and it will cost, all told, \$8,200,000. In addition to the hidden things which you can reduce to the minimum with the private bidder, the Navy does not guarantee and can not guarantee that their whole general estimate may not be wrong. They can give you no guaranty.

That is from the hearing on this particular matter. If the contract is to be let on February 15, I do not know that we need to bother very much about what goes into this bill, because very likely it can not be approved by that time.

I desire to make a parliamentary inquiry, Mr. President, in regard to this matter.

The VICE PRESIDENT. The Senator will state his inquiry.
Mr. FLETCHER. The offer of the Senator from Massachusetts now is in the form of a substitute, as I understood him to say, but the question seems to arise in this manner. The Senate committee has reported an amendment to the bill, to wit, that lines 20 to 25 on page 30, and lines 1 to 6 on page 31, be stricken from the bill. That is the committee amendment, and it seems to me the question comes first on whether the Senate will agree to that amendment. If the Senate does not agree to that amendment, then it would be in order for the Senator from Massachusetts to amend that provision in the bill, I presume, by the proposal he has made. But the first question is whether the Senate will agree to the committee amendment.

Mr. LODGE. The committee amendment is a motion to strike out and, of course, a motion to strike out and insert takes precedence.

Mr. FLETCHER. The committee proposes an amendment to strike out certain language.

Mr. LODGE. I am aware of that. Does the Senator hold that that prevents perfecting the clause, or offering a substitute? Does the Senator hold that we can not amend it because the committee has reported in favor of striking it out?

Mr. FLETCHER. It seems to me the question would be, first, whether the Senate will agree to the committee amendment or not.

Mr. LODGE. Then it is not open to amendment. Where a motion is made to strike out, you have a right to perfect the clause proposed to be stricken out. I am doing that now.

Mr. FLETCHER. What is the Senator's proposal?

Mr. LODGE. To substitute the amendment drafted by the Senator from Washington.

Mr. FLETCHER. For the committee amendment?

Mr. LODGE. For the House language.

Mr. FLETCHER. I leave it to the Chair whether that is proper.

The VICE PRESIDENT. The Chair will state the parliamentary situation. The Senator from Massachusetts [Mr. Lodge] moved to insert, in lieu of the language which is proposed to be stricken out by the committee amendment, the language of his amendment. After that has been done, then the question will be on agreeing to the committee amendment, and I assume the Senator from Massachusetts will then argue that the committee amendment should not be agreed to, but should be rejected, and leave his language intact.

Mr. OVERMAN. Mr. President, the history of this amendment is this: It was not reported by any committee of the House of Representatives. The evidence shows it was offered by a gentleman from Massachusetts for the purpose of having the *Leviathan* repaired at the Boston Navy Yard.

Mr. LODGE. Of course, that was the purpose.

Mr. OVERMAN. That was the purpose, and I suppose that is the purpose of the Senator from Massachusetts in moving to strike out the Senate amendment this morning.

Mr. LODGE. I made no motion to strike out. The motion of the committee was to strike out the language, and I moved to perfect the text.

Mr. OVERMAN. When the committee of the Senate heard the evidence, they struck it out. When it came to the Senate, the Senator from Massachusetts moved to disagree to the committee amendment, but the next day, when he found a fight was to be made against his motion, he came in with a substitute, and when he found that substitute was to be fought, he came with a substitute which was proposed and was to be offered by the Senator from Washington, which he accepts, and he offers it.

Mr. LODGE. Mr. President, I was tied hand and foot during the closing days of the Conference on the Limitation of Armament; I could not be here, and during that time, without one word to me, or one moment to be heard before the committee, which I should have welcomed, this decision was taken.

I find no fault with it. The committee wanted to get the bill through. The chairman of the committee, to whom I explained the matter, has been most considerate, as he always is, and I think I am warranted in saying that he has no objection to the amendment offered by the Senator from Washington.

Mr. WARREN. That is true.
Mr. OVERMAN. I understand that, but I feel some responsibility for striking out this amendment in the committee. I moved to strike it out, and every member of the committee was in favor of it, because it was an attempt upon the part of these gentlemen to require the repair of this ship in the city of Boston or at the Boston Navy Yard, and upon the evidence before the committee of Mr. Lasker, chairman of the Shipping Board, who is denounced here by the Senator from Massachusetts, and on the evidence of the Secretary of the Navy, who said it was impractical to submit a bid for this work, we struck it out. I admit that the Senator from Massachusetts, as he said this morning, knows more than the Secretary of the Navy. We had evidence before us, and we acted upon the evidence, and I want to read what Mr. Lasker, who is an official of the United States and who represents the President, said.

Ought we to take his evidence or take the evidence of the Senator from Massachusetts or some mayor from the city of Boston or some other one interested? Let us take what the Government officers say, the Secretary of the Navy himself, and let us take the evidence of Mr. Lasker. If Mr. Lasker is a bad man, nevertheless he represents the Government and we should not tie his hands; we do not want him put in a position for the public to say he is an inefficient officer. If he is not the man for the place, he should be removed. Let us see what he said:

Mr. LASKER. If the Congress should pass that provision, I would say that there is no living man who could follow that mandate of Congress.

That is what he is talking about.

If there was a fine attached to it, every human being would have to quit the Shipping Board. Congress has ordered—or the House of Representatives has ordered—in that clause a practical impossibility. This whole thing came about through the desire of a certain navy yard—

At Boston—
to get the reconditioning of the *Leviathan*. Long before this is law the *Leviathan* will be given to the lowest bidder, as we have to give it, because we can not spend a huge sum just to give it to one locality—
Boston.

The Secretary of the Navy wrote a letter explaining why such a thing as this was impractical, and if I may read to you what he said, I think it will throw considerable light on this.

That letter was read to the committee. The Secretary of the Navy and all the navy yards had a right to bid on this thing. Why did they not bid? The Senator from Massachusetts wants them to bid now. Why did they not bid before? Private ship yards were allowed to bid and did bid, but the navy ship yards did not bid, and why? It was because the Secretary of the Navy wrote that it was impractical and impossible, and he could not do it. Yet the Senator from Massachusetts wants to adopt an amendment here wiping out these low bids, where private bidders have spent some \$35,000 in order to make the bids, where the amounts of the bids are known, and he wants to require them now to put the matter in the hands of the President and to burden the President with this matter. If that were done, politics would get into it and influence would be used. Instead of permitting the Shipping Board to let the contract to the lowest bidder, it is desired to enact a law here to tie the hands of the Shipping Board, as Mr. Lasker has said.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. OVERMAN. Certainly.

Mr. KING. Was there any evidence tending to show that the bid which has been accepted was too high?

Mr. OVERMAN. Not at all.

Mr. KING. Or was unjust or unfair?

Mr. OVERMAN. Not at all.

Mr. KING. Does the evidence show that it was a reasonable bid?

Mr. OVERMAN. It has not been accepted, but the amount of it is known, and, of course, I suppose by exerting certain influence they can get the navy yard to bid lower after they know the amount of the bid submitted by the private yards. This bid is much lower than the estimated cost, the amount it was believed by the Shipping Board it would cost.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. OVERMAN. Certainly.

Mr. NORRIS. Is the Government under any obligation to accept the bid regardless of any legislation here?

Mr. OVERMAN. No.

Mr. NORRIS. It can reject all bids if it sees fit?

Mr. OVERMAN. The Government is under no more obligation to accept the bid or any bid than the Senator would be if he asked for bids for the building of a house.

Mr. SWANSON. Mr. President, the Government, as I understand it, is really morally bound and has morally accepted the bid. Counsel has been directed to meet with counsel of the Shipping Board to prepare the contract. It is expected that the contract will be signed on the 15th. I understand, and it was generally understood, that the contractor kept his men and organization together for some time after the bids were submitted. It was generally understood they were simply waiting for the contract to be signed, and for counsel on both sides to prepare the contract for signature, and notice was given to wait until it was actually done, as I understand the situation.

Mr. NORRIS. Still the Government is under no obligation to accept any of the bids, and I do not suppose it would advertise for bids under any other consideration than that it reserves the right to reject any and all bids. It certainly would have the right, it seems to me, without being placed under any legal or moral liability, to reject them all for whatever reason might appear to the Government to be sufficient.

Mr. OVERMAN. Mr. Lasker further said:

All I know is that the Shipping Board is always criticized for being inefficient.

We hear the Senator from Massachusetts criticizing the board this morning. It may be so. If Mr. Lasker is inefficient, he ought to be turned out of office.

Mr. LODGE. I beg the Senator's pardon; he is misquoting me. I did not say he was inefficient.

Mr. OVERMAN. I inferred that from what the Senator said.

Mr. LODGE. Not at all. I said he was a very able man, a very rich man, and had had no experience with ships until six months ago, and therefore I ventured to make the suggestion.

Mr. OVERMAN. Mr. Lasker continued:

Everybody considers it as inefficient—

That is what everybody has said—

It has neither business standing nor official standing. If Congress puts this proviso in, it is just adding something more to increase the claimed inefficiency—to make it by law more inefficient than it could be inefficient actually.

What was the committee to do in the face of all this testimony? The Senator from Washington [Mr. Jones], chairman of the Committee on Commerce, was present. The motion to strike it out was unanimously carried. The Senator from Massachusetts now comes on the floor of the Senate and moves that we recede from or not agree with the committee action. He says it is too drastic. I am glad he admits that.

Mr. LODGE. Does the Senator say I pressed for the House language? Never!

Mr. OVERMAN. I said the Senator moved that we disagree with the Senate committee amendment proposing to strike out the language in the House text, which would have the effect to restore the House text.

Mr. LODGE. I did not so move.

Mr. OVERMAN. I so understood it. If the Senator says he did not, I apologize.

Mr. LODGE. I said I should move to disagree.

Mr. OVERMAN. The Senator said that he had to leave at 1 o'clock, and would move to disagree to the Senate committee amendment, and the next morning he came in with a substitute. He was not satisfied with the substitute when he found there was to be a fight made on it, and so he comes in now ready to accept a substitute prepared by the Senator from Washington [Mr. Jones], which leaves the matter in the hands of the President. If the Senator from Washington, chairman of the Committee on Commerce, is satisfied, I do not know that I ought to make any objection to it, except to say that the President ought not to have this burden put upon him. It ought to be left to the Shipping Board, especially when the Secretary of the Navy, who is the head of the great Navy Department, says he can not make the estimates through the navy yards as is proposed.

How is the Secretary of the Navy going to make estimates unless he is satisfied that Congress will appropriate the \$8,000,000 necessary to enable them to do the work? Congress will have to make an appropriation to enable them to do the work. Mr. Lasker can not pay out any money for the work until it is delivered, so Congress in the next naval appropriation bill will have to make provision for eight or ten million dollars to enable them to make the repairs, when we already have private shipyards estimating what it will cost and proposing to do the work for a certain sum which they say is quite low and on which they say they will lose some \$200,000. The reason why they made the low bid is because it is their desire to keep their force and organization together. A laborer is a laborer wherever he may be. A laborer

in a Government navy yard is a laborer, and a laborer in a private shipyard is a laborer just as much as a laborer in a Government navy yard.

It was stated on the floor by the Senator from Wisconsin [Mr. LENROOT] that the way the situation now stands the *Leviathan* is costing the Government approximately \$700,000 a year. What are we going to do? Are we going to let the navy yards bid on this work? How long will it take them to bid on it? The Shipping Board say that they want the *Leviathan* in shape by spring, because they have already engaged passengers for it, and they will make thousands and perhaps millions of dollars on the operation of the *Leviathan* through passenger and freight service. Do we want to delay the matter?

As Mr. Lasker said, we ought to do something to make him more efficient, but it seems to be the desire to tie his hands. The Senate can do that if it wants to. I am not in favor of tying his hands. I am not in favor of the Government spending \$700,000 a year for the care of the *Leviathan* when we can have the ship repaired and let it go on its way carrying passengers and earning money. How long will the navy yard take to estimate what they will do the work for? There is a book of a thousand pages which they will have to have their engineers go over, and it will take them probably two or three months. That means \$50,000 gone for the first month, \$50,000 gone for the second month, and probably \$50,000 gone for the third month, and we are getting nowhere.

Do we want this ship reconditioned? Do we want it on the sea? The sooner we do it the better. Now that we have this private shipyard bid for the work, and a low bid, too, and as long as we can have the work done at once, I say let us do it in that way instead of adopting this amendment and having a navy yard undertake to recondition the vessel with probably very great delay and great loss involved.

Mr. NORRIS. Mr. President, Senators are getting excited and nervous over this proposition. I am sorry to see it. People are prejudiced often when they do not know it. Most of us are liable to be biased, unconsciously often, and I have no doubt that these great statesmen here who are expounding this question are unconsciously influenced somewhat in the positions which they assume by the fact that they have navy yards in their States.

Mr. OVERMAN. I have no navy yard in my State.

Mr. NORRIS. I said these great statesmen. [Laughter.]

Mr. OVERMAN. Ah, the Senator does not consider me in that class.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER (Mr. Edge in the chair). Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. With pleasure.

Mr. LODGE. I think the Senator will admit, though I lay no claim to being a great statesman, that at the very outset I confessed the charge that I do represent a State where a navy yard exists, and I have great sympathy for the men there employed.

Mr. NORRIS. The other statesman, the Senator from Virginia [Mr. SWANSON], also admitted that he had a navy yard in his State and a private yard as well.

I find no fault with Senators if they are influenced either consciously or unconsciously, but in submitting my testimony that may conflict with theirs it is proper for me as a witness to show that I have no such bias or prejudice. We have no navy yard in my State although we do have some of the best locations in the world. Locations for dry docks, and so forth, could be supplied there cheaper than anywhere on the Atlantic or Pacific coasts or even the Gulf of Mexico. It might be difficult to get the ships to them, but there would be no danger of airplanes or bombs from the enemy. It would be too far inland. When a ship was once constructed or reconditioned there it would be safe; it would not be where it could be torn to pieces either by an enemy or by the waves and tossing of the sea.

Mr. President, I feel, therefore, that those of us who do not have navy yards in our States are better qualified on this question than those who do. To my mind it is a greater question than whether we shall help Boston or whether we shall help Norfolk, much as we love both of them. It is a question, in the first place, of economy in the repair of these ships. In the next place—a very important consideration, I think—it is a question that we should maintain our navy yards to the extent that they can be maintained by giving them all to do that we can of Government work.

I have advocated for a great many years that the Government of the United States ought to build its own vessels. I have advocated for a great many years, and often on the floor of the

Senate when I was not supported by any of the Senators who had navy yards in their States, that the Government of the United States ought to do its own work, ought to make its own guns, ought to build its own ships of war, and ought to do everything that is necessary to be done in the maintaining of its Navy. In Government yards it ought to manufacture its guns and its ammunition. In other words, it would, in the first place, I think, give us the material cheaper than we would get it where a profit was made by private parties. In the next place, it would take profit out of war. When we take the profit out of war and take away from war the probability of a profit of money or territory, we have done a great deal toward perpetual and permanent peace. At the same time, as long as it is necessary under world conditions to maintain a Navy, we will have to maintain navy yards. We have the machinery, we have the overhead expense, outside of the one item of labor, that we must keep up anyway, and we must keep in good condition. Why not, then, do Government work in Government yards by Government officials and at Government expense? If I had my way about the *Leviathan*, and had the power to do it, I would not ask for bids from anybody, but I would send the *Leviathan* to the Government navy yard which is best equipped to take care of the work and let that yard repair the *Leviathan*, whatever the expense might be.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield to the Senator.

Mr. KING. Does the Senator from Nebraska think that the experience recently revealed by an item which we all saw in the newspapers relative to the city of Chicago with respect to that municipality applies in principle to the Government doing its work and is duplicated in the experience of the Government? The Senator will recall that it cost the city of Chicago \$5,480 to repair for one year two Ford cars which were worth about \$800, and that ratio was maintained with respect to all other similar work; so the city authorities of Chicago finally concluded that they must abolish the shops and leave to private garages the repair of their vehicles.

Mr. NORRIS. Mr. President—

Mr. KING. I believe, if the Senator will pardon me a moment further, that there is very much in what the Senator has said; yet I doubt not that whatever the Government touches in the way of building ships or erecting buildings or anything else it mars, and that the expenses are infinitely greater than if the work were done by private individuals or private corporations.

Mr. NORRIS. Mr. President, the Senator from Utah may pick out an illustration here and there which will demonstrate just what he has stated, but if I were going to take the time to debate the fundamental proposition—which I am not—as to the Government doing its work or private parties doing it, I could select just as many illustrations showing the reverse of what the Senator has stated to be true. When the Government carries on a business, if some crooks represent the Government we shall have much crooked work; there is no doubt about that. The same is true also of private parties. There is nothing which brings the blush of shame to the cheek of an American citizen to a greater extent than the history of the construction in America of railroads, which are privately owned. There are very few of the railroads, if their history were disclosed to the public, as to which there would not be found all kinds of corruption, all manner of inefficiency. Almost every Senator on a moment's notice can think of dozens of great railroad systems of the country which at one time or another during their history have been guilty of just that kind of corruption. I put in the *Record* not very long ago a reprint of a public document which showed how private parties—some of whom are now connected with the great private shipbuilding yards which are building ships and making armor plate for the Government of the United States—had passed off on the Government worthless armor plate, which was full of holes and hollows, and which was of such a character that it might have meant the difference between victory and defeat of our Navy upon the high seas. We do not have that to contend with if we construct our ships in Government navy yards.

It is true the Government pays the bill, and sometimes pays more than it otherwise would, but in the end that would not be so. If we had had no navy yards or if we had none now, or if we shall pass a law which will prohibit the Government authorities from having any of the Government ships repaired in Government navy yards, but that all such work shall be done by private parties—if we shall do that and practically wipe the Government navy yards from the face of the earth, we shall find the price of such repairs will go beyond the blue sky line.

Mr. President, we must not forget that the navy yards, with their expensive machinery, which the taxpayers have had to

pay for, must be maintained, and that when we have some work to do there is where it should be done. I am glad that the Senator from Massachusetts [Mr. LONGE], and apparently all the other Senators on this side of the Chamber, following him, have finally come to the position that some few of us had previously occupied, that it is worth something as to some governmental industries to put the Government of the United States itself, to some extent, into business.

That is what we are for now. We are going to have the Government do this work; we want the Government instead of private parties to do it. I presume we shall follow along and take the next step which is logical; we shall next have Government ownership of railroads; we shall get the Government into other things as to which there ought to be a Government monopoly.

Mr. KING. Including mining and manufacturing.

Mr. OVERMAN. Is the Senator from Nebraska in favor of that?

Mr. NORRIS. Yes; I am for Government ownership of railroads. This is but the first step. If we have the Government repair and build the ships, we shall, perhaps, get the Government into the railroad business, find out how well it works, and how much we may thereby save to the people.

Mr. President, the Navy is going to be cut down, thanks to the work of the great Conference on the Limitation of Armament, which has just adjourned. The men in the navy yards realize that. Many of them, in consequence, will have to lose their jobs. The Government can not build ships merely in order to give men work; that would not be economical and the men themselves do not expect it to be done; but for a great many years, perhaps forever, we shall maintain some repair shops on the part of the Government; we shall maintain many of these yards. I have not as yet seen a disposition to do away with any of them. It costs thousands of dollars every day merely to keep them going. Now, when we have some work to do for the Government, why not utilize them, and, to the extent that we can, keep men employed in those navy yards working on our own ships?

I do not like the substitute the Senator from Massachusetts has offered. It seems to me if we had taken the House provision in the bill and put a limitation into it as to the amount, excluding small amounts, that we would have a provision which would conform to our ideas. I am not in favor of providing that the nearest navy yard shall be the only one that shall bid. Let them all bid, if they want to do so; let them all submit estimates, if they desire; although the proper way would be, it seems to me, to give to some authority, the President, the Secretary of the Navy, or the Shipping Board, whoever it is who has charge of the matter, the right to send any ship to be repaired to any yard they might wish, to any one of the Government establishments they might see fit. If it happened to be that the Boston Navy Yard were engaged in some other work, or for some other reason it might not be economical to have the repairs done there, let it be sent to the Norfolk Navy Yard. If that be not a good place, if there be some reason why the work should not be done there, let it be done at the New York Navy Yard. Some person in charge will always know which is the best place at which to have the work done, where it may be most economically performed, and which is the best-equipped place to do the work, and that would be the place where it ought to go.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator.

Mr. KING. May I inquire of the Senator what his view with respect to this feature of the matter is? One of the important elements in figuring upon a contract such as the one before us relates, first, to the capital invested, which would mean the shipyard, the machinery, all the mechanical devices, appliances, and so forth; secondly, the overhead; and, thirdly, the depreciation in machinery, the deterioration of the property. Coming to a governmental yard, we find all of these elements to be considered. Then, there is another, for, as I understand, the employees are under the civil service; they enjoy the benefits of retirement, pensions, and so forth, which have to be paid by the taxpayers of the country. In submitting a bid by a navy yard those factors, one would think, ought to be taken into account, because the private yard has to take into account in submitting a bid the capital invested, overhead, and all of those elements which relate to privately conducted business. Manifestly, if a Government yard may bid for this work, and it does not have to take into account these obvious factors, which can not be gotten away from, it will have such a superior advantage that perhaps no private person could compete with the Government.

Mr. NORRIS. I will say to the Senator I think that it would have an advantage. I merely suggest what ought to be taken into consideration. I do not set myself up as an expert. For instance, I would not say offhand that they ought to take into

consideration overhead, except the immediate overhead expense that applies to the particular repair work upon which the bid is submitted. They ought not to take into consideration the deterioration, which is going to take place in any event, whether they do the work or not. In other words, if they are going to submit a bid, they ought to consider only those things the expense of which would be increased by the particular work for which they are bidding.

Mr. KING. I venture to suggest to the Senator, with his permission, in view of the fact that we have such a large number of navy yards, many of which ought to have been abandoned long ago, and certainly many of which ought to be abandoned now, if we are to keep all of these yards going by having private work done in them, I think it is manifest that we are going to drive all the private shipbuilding concerns out of business, because the navy yards of the United States can practically construct not only the war craft but they can construct and repair a very large portion of the merchant ships that would be built in the United States. If that be done, if we are to project the Government into private business, if we are to keep these yards in esse for the purpose of doing private business, then we can not hope for any private capital to engage in similar work, because, with the Government behind the multitude of Government yards, with all of the advantages that flow from the plan suggested by the Senator, such as the capital not being considered and other factors which may be involved, private yards will not be able to compete.

Mr. SIMMONS. Mr. President—

Mr. NORRIS. I will ask the Senator from North Carolina to allow me first to answer the Senator from Utah [Mr. KING], and then I will yield to him.

Mr. SIMMONS. Very well.

Mr. NORRIS. I am not trying to do some of the things which the Senator from Utah has enumerated; I am not trying to drive anybody out of business; I am not in favor of maintaining all the navy yards of the United States for the purpose of doing private repair and other work. I have not advocated anything of that kind, and I do not now advocate anything of that kind. I have no doubt that we have some navy yards which we could very well scrap, and which we ought to scrap; I have one in mind about which I know something; but I am not an expert on that question. Perhaps there may be a number of others that ought to be scrapped, and when the time comes to scrap them we ought to scrap them, just as the recent international conference has scrapped battleships; but so long as we shall maintain—and I presume that there will be some yards which we will maintain continually—so long as we have to retain those which we feel it is necessary to retain, we ought to keep them equipped so that in case of emergency they could be put to immediate use by the Government. Therefore, in order to keep them in that condition, we ought, it seems to me, to do Government work in our navy yards. Now I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I simply wish some information. I understood the Senator from Utah to make the point that the navy yards might monopolize not only all the Government work but all of the private shipbuilding of the country. I do not understand that there is any authority—and I wish to ask the Senator about that—for a Government-owned yard to contract for the construction of private vessels.

Mr. NORRIS. Not that I know of. I do not know of any such authority.

Mr. SIMMONS. I did not suppose there was. I had supposed that under the law that part of the business now was left entirely to private shipyards. If I am mistaken about that, I should like to know it, because I think that has considerable bearing on the question we are discussing.

Mr. KING. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. KING. What I intended to say was that if we maintain all of these navy yards, and put them to the use contemplated and projected by a large number of individuals, it is clear to me that we are going to affect materially the business of private yards and the construction of vessels by private yards.

The Senator probably saw in the morning paper that an effort is being made by some of the employees of the navy yard—and I am not criticizing them—to have the Government construct in those yards whatever the Government requires. For instance, if it requires brooms or requires chandeliers or requires motor vehicles, or anything that enters into the requirements of the Government, it is proposed that they be constructed, wherever possible, in these yards. That would mean in time that these yards and other governmental mechanical plants would be occupied in the construction of a multitude of things that the Government requires, coming into competition to

that extent, of course, with private individuals and private plants. If the Government begins to make its motor vehicles and construct its chairs and its machinery and its desks—I saw desks mentioned—and its typewriters, and so on, the effect upon private enterprise might be very serious. I agree with the Senator that, as I understand the law now, private vessels may not be constructed in Government yards.

Mr. RANDELL. Mr. President, if the Senator will yield, I think I can answer to some extent the question propounded by the Senator from North Carolina.

The PRESIDING OFFICER. Does the Senator from Nebraska further yield?

Mr. NORRIS. I yield to the Senator from Louisiana.

Mr. RANDELL. It is my understanding, Mr. President and Senators, that the navy yards have a right to do private work, and certainly that they have a right to do work for other branches of the Government, provided always that the work of the Navy is not interfered with.

Mr. KING. I think that is right.

Mr. RANDELL. That is referred to in this letter of the Secretary of the Navy which has been mentioned a number of times. I will quote just that brief paragraph from it.

Mr. SIMMONS. Does the Senator mean that a navy yard could contract with a private corporation to construct a ship of commerce?

Mr. RANDELL. I do. I will say that several years ago I was in the navy yard in New Orleans and I saw a great ship that had sunk in the Mississippi River and had been at the bottom of the river for a number of years. It was brought up, and, at a cost, I think, of about four or five hundred thousand dollars—several hundred thousand dollars, anyhow—it was being rebuilt in the navy yard there. There was no Government work there at that time, and I am quite sure I am right in stating that the Government navy yards have a right to contract for any kind of work, even to the construction of a ship from the very bottom up, provided there be no Government work to interfere with it; and Mr. Denby, in substance, said that in this paragraph of his letter. I read from the letter. It has been referred to a number of times here. It is on page 38 of the testimony:

Furthermore, the stipulated time for the performance of work for other departments of the Government must always be subject to the condition that urgent naval work shall take precedence, even if such precedence causes failure to perform the other Government departments' work within the time stipulated.

Mr. SIMMONS. That is for other Government departments.

Mr. RANDELL. Yes; I know. In this instance he alludes to the fact that they are doing work for other departments of the Government; but while I have not looked into it fully, I will state to the Senator from North Carolina that I am quite sure that is the rule. I know it was done in some instances in the New Orleans Navy Yard. I am convinced from my knowledge of the situation that they can take private contracts, with the consent, of course, of the Secretary of the Navy, provided their work does not interfere with needed Government work.

Mr. SIMMONS. Then the logic of that would be that when the United States shall place in private hands the vessels it now owns and go out of the shipping business altogether, and when we shall have reduced our Navy to a minimum, if we keep these Government navy yards, with no work to do for the Government, we will simply be maintaining them as competitors against private shipyards in this country?

Mr. RANDELL. It would seem to be that.

Mr. NORRIS. Mr. President, the position I take on this proposition is that while the Government itself is fully equipped to do some work, and we have the work that has to be done, it is poor business to go out and get somebody else to do it. The farmer who is running a ranch and has a little forge or a tool-house, and breaks a handle to his hoe or to his axe, and is fully equipped to repair it, would be foolish if he should go 2 or 3 miles away, where there was a manufacturing establishment, and get their price on repairing his hoe or his axe or something of that kind that he was fully equipped to do.

The Government has the ships. It owns them. We have paid for them out of the Treasury of the United States. They need repairs. We have the yards with which to do it. We have all the tools. We have everything, all paid for at public expense. We have the men there ready to do the work; and now we are going to take the ships and turn them over to some private concern and let them do the work and let our own plants lie idle. It is not good business; and I am glad to see that there are Senators here who have formerly occupied other positions, who believe now that it is good business for the Government to do its own work.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. NORRIS. I yield to the Senator.

Mr. WATSON of Georgia. Would it be treating the employees in the navy yards right to give the work to a private company where it naturally would fall within their own province?

Mr. NORRIS. I do not think so. I do not think it would be treating them right.

Mr. WATSON of Georgia. Mr. President, if the Senator will allow me further, I do not see any force in the argument made here an hour ago that because one of the bidders for the contract had spent \$37,000 in studying the specifications and making his bid he should be awarded the contract, because at the time he undertook that examination and incurred that expense he did so knowing that his bid might be rejected.

Mr. NORRIS. Why, of course.

Mr. WATSON of Georgia. So that was a risk that he took.

Mr. NORRIS. Of course it was. Unless the Government agreed in its invitations for bids to accept the lowest bid, or something of that kind—and if it made that kind of an agreement the men who made it certainly have not good business sense—I can not myself understand why the Government is legally, morally, or in any other way bound to accept any bid that is made. It has the right to reject them all, and it passes on the reasons that are sufficient to make a rejection. If somebody has gone to some expense in making a bid, which I presume all of the bidders did, that is one of the risks of the business.

Mr. KING and Mr. WATSON of Georgia addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from Utah. Then I will yield to the Senator from Georgia.

Mr. KING. Apropos of what the Senator has just stated and what the Senator from Georgia has stated, may I make a suggestion? The Senator from Georgia did not see any force in the argument made some time ago with respect to the propriety or fairness, after inviting bids and getting them and publishing them, of then having somebody else, to wit, Government yards, with those bids before them, make other bids. I suggest to the Senator from Georgia that in private matters that would be very unfair. If I were to advertise for bids on a house and the Senator from Georgia and the Senator from Nebraska and others were to bid upon that house, and after I had all the bids I should publish them and then go to some other person with whom I was connected and show him those bids and have him bid, it would be unfair. Now, the Government—

Mr. NORRIS. Mr. President, I hope the Senator will pause there for just a moment. In this case, assuming now that all the elements involved are as the Senator has given them—and I think he has exaggerated them a little—they have invited bids, opened the bids, found out what was the lowest, and the Senator says now that we are under some obligation to accept the lowest bid.

Mr. KING. No; I have made no such statement.

Mr. NORRIS. I take it, however, that the Senator meant that. My theory is that when we have opened the bids and looked them over we see that we can do the work better ourselves. We therefore reject all the bids, and say that we will do this work ourselves. It is our property. We have the plant here, and we say to the bidders that their bids are not sufficiently low to induce us to leave our plants idle and discharge our men and turn this work over to them. I think that is the position we are in now.

Mr. KING. Let me ask the Senator whether this is not the position: The Shipping Board is a private corporation in the sense that it is a corporation, of course created to carry out certain Government work.

Mr. NORRIS. Oh, yes.

Mr. KING. We have put nearly four billions of money into the shipping business. We have created two corporations—the Shipping Board and the Emergency Fleet Corporation—and those corporations proceed as if they were private corporations, subject, of course, to such limitations as are imposed by law. They advertise, as any corporation would advertise, for the construction of ships or for the reconditioning and repair of ships. In this instance the matter involved was the reconditioning and the repair of the *Leviathan*. Great publicity was given to the matter, and men and corporations were invited to bid. The Navy, it would seem from Secretary Denby's letter, if it was not invited to bid, had its attention challenged to the matter, and the Navy concluded that it would not bid, because of some inconveniences that might arise. Thereupon men of integrity, corporations of high standing, made investigations

extending over a long period of time, costly investigations, and they submitted bids. Moreover, it was stated that the work must be begun quickly and completed at a certain time, because it was desired to put the ship into commission at an early date in order to get the trade of the coming year.

With all those facts before them, these corporations made those bids. There is no contention that the bids are not fair, that they are not low, that they are not just, that any advantage is taken of the Government—nothing of that character.

After the bids are in it is found that the Newport News Shipbuilding Co. has made the lowest bid, and that it is fair and reasonable, and the attorneys have been told to draw the contract. We then pass a law saying: "No; we reject that contract, and we insist, now that the bids are known and all these steps have been taken, that the matter be referred to the Navy Department in order to let some of these navy yards, with all of the advantages which they have, with the possibility of their being closed down temporarily, if not permanently, bid with all of that information before them."

I merely suggest those facts, stated by the Senator from Virginia [Mr. SWANSON], without drawing any conclusions or making any comment, to see if the Senator may not find in them something that may distinguish this case from some of the cases that he had in mind.

Mr. NORRIS. Mr. President, of course I have not any personal knowledge as to all the things that have happened in regard to the *Leviathan*. Transactions may have happened between the Government and this bidding concern that I know nothing about that morally bind the Government; and if so, I do not want to relieve it from any such obligation. If I were the governmental official dealing with the matter, and found that to be true, I would accept that bid. I do not want the Government to do anything dishonorable under any circumstances, Mr. President.

My contention is that, having advertised for bids and received them openly, having found out what was the lowest, unless there is something else involved, we are under no obligation of any kind to accept any bids. We have a right to reject them all, and Congress, finding the thing in that condition, would, without any moral obliquity, pass a law which would reject them all, in my judgment. I do not see anything wrong about it.

Mr. JONES of Washington. The Senator suggested a moment ago that he had objected to this substitute because it limits it to the nearest available navy yard.

Mr. NORRIS. Yes.

Mr. JONES of Washington. The Senator from Massachusetts has no objection to striking out the words "nearest," and changing the word "navy yard" to "navy yards"?

Mr. NORRIS. That would be better.

Mr. JONES of Washington. And that will meet the objection of the Senator from Virginia, I understand.

Mr. NORRIS. It will meet my objection.

Mr. JONES of Washington. I certainly have no objection, and on behalf of the Senator from Massachusetts I ask that this change be made in the substitute: Strike out the word "nearest" before the word "available" and change "navy yard" to "navy yards," and then in the line just below change the word "yard" to "yards," so that it will read:

Until a reasonable opportunity has been given to the available Government navy yards to estimate upon the cost of such repair or reconditioning if performed by such navy yards.

Mr. NORRIS. I think that improves it very greatly.

Mr. RANSDELL. Mr. President, I do not know that I can add very much to this debate, if anything at all. The subject has been pretty fully discussed. I think however, that in the discussion many of us have overlooked some very important things which should be considered.

I ask Senators to recall the speech made yesterday afternoon by the chairman of the Commerce Committee, the Senator from Washington [Mr. JONES], who appealed to the Senate to consider the extreme difficulties under which the Shipping Board labors. I was very much impressed by what the Senator said. I am somewhat familiar with the legislation which led up to the formation of the Shipping Board in its present shape and with all of the legislation in connection with it.

I sympathize deeply with the very onerous and difficult duties of the Shipping Board. It has one of the most important and difficult tasks ever imposed upon American citizens, and I for one think we should hold up their hands. We should not tie their hands but should free them and hold them up.

There has been a great deal of criticism directed toward the Shipping Boards; and I use the word "Boards" advisedly, because we have had a good many of them since the original

law was passed, and the present board has not been free from criticism.

Mr. President and Senators, I am one of those who do not believe in criticizing people about something which I could not do any better myself if I were in charge of it. It is my candid opinion that the present board is doing the very best it can with an extremely difficult situation, and deserves to be upheld and to be helped by every patriotic American, and not to be abused and criticized?

In the present case what do we find? This appropriation bill carries \$50,000,000, not for reconditioning the *Leviathan* but for doing many things which it is necessary for the Shipping Board to do, and it authorizes an expenditure of \$55,000,000 additional which the board expects to derive from the proceeds of sales of ships. Another \$50,000,000 is provided to settle claims. These are general provisions, and reach out into many things. Why do we wish to say to the board "You must do this and you must do that" in the handling of its business? Why not treat it as we would an ordinary board of good business men if we expected results? The American people are expecting good things of this board, which is now handling a great number of assets, which have cost us over \$3,000,000,000. We want it to make a success of the merchant marine of the United States. We expect it to make a success of this merchant marine; and yet in this little bill we tie its hands and say, "You can not do anything as an ordinary business man would; you can not go to the yard where you can make the best bargain—the navy yard or the private yard or one of your own yards, if you still have one—but you must go to the navy yard. You must deal with navy yards. You are a Government agency. We own you, and we command you to go to the navy yard."

That is an evidence of lack of confidence in the board. I have confidence in it. We must have confidence in it if we expect it to do what it was created for. If we expect it to be efficient we must allow it to handle this difficult business as an ordinary board of directors of a private corporation would do, and not tell it what steps it should take.

Mr. President and Senators, I for one am tired of so much Government in business. I do not wish business to be too much interfered with by Government. We can get along better if we have less direction from Washington. Our experience in Government control and Government handling of things which can better be done by private persons has not been very pleasant.

Some of our people, in considering this question, do not seem able to differentiate between the Navy and the navy yards, on one hand, and the ships of commerce and the private yards, on the other, which are expected to handle the ships of commerce. The navy yards were built originally for the use of the Navy. That is their principal purpose; that is their prime purpose, and under no circumstance can any private work be done in a navy yard for another department of the Government, or for a private person, to the detriment of the naval work. Do not let us ever forget that.

Whenever these Government navy yards undertake anything for another department or for a private person, that department or that private person has to agree that when the Navy wishes something done, the private work or the other department work must be put aside temporarily.

We have had the *Leviathan* lying idle for a long time, and it is costing an immense sum. The officers of the Shipping Board tell us they wish to make contracts to put this great ship into commission next spring, and it will be very detrimental to American shipping interests if they can not do so. Who can promise us, if the Boston Navy Yard undertakes the reconditioning of the *Leviathan*, that it can go ahead and finish the work by next spring? Many things might happen to a number of great war ships of the Navy which would have to be repaired of necessity and reconditioned of necessity in the Boston Navy Yard, and in that event, of course, the work would stop at once on the *Leviathan*. Everyone knows that, and from business reasons, the Shipping Board can very well ask that it be not required to take such chances as that.

But, Mr. President, the point I am trying to make is that we should leave the Shipping Board just where it stands now. It has a perfect right now to deal with the navy yard if it can make a better bargain, or to deal with the private yard if it can make a better bargain with a private yard. Why not leave it free to do as it thinks best with this very important matter?

Bear in mind, it is not only the *Leviathan* which we have under consideration here, but if you pass this law it will tie the hands of the Shipping Board until the law is repealed. You do not know how embarrassing it will be for the board in a great many cases.

If the *Leviathan* were the only thing, I for one would not be bothered at all, because I am quite sure that the Chief Executive of this Nation will say to the Shipping Board, under the discretion given him in this provision, "Go ahead, gentlemen, and do what you contemplated doing. You have acted wisely, as patriotic men. You have gotten all the bids you could. You have taken every precaution which could be taken in regard to an important matter like this, and, so far as any discretion is vested in me under the terms of this amendment, I say now, your hands are free, act as you deem best, accept the bid made or reject it." That is what President Harding will say to them, I am sure.

It is not that, sirs, which bothers me. It is the general effect of the proposed interference with a great branch of our Government—the Shipping Board—handling such a difficult problem as it has to handle. It ought to be free. Its hands ought to be unshackled. Instead of weighing them down, we ought to hold them up.

Mr. President and Senators, I personally have the utmost confidence in the Shipping Board as now constituted. I expect it to build up and start on a road of great prosperity a magnificent American merchant marine, and I sincerely hope, sirs, that we will not trammel it by this piece of legislation.

Mr. FLETCHER. Mr. President, I am not quite certain whether the Senate has agreed to the amendments on page 32.

Mr. WARREN. I will say to the Senator that all amendments have been agreed to except in this and one other case, that relating to the salaries of the three Civil Service Commissioners. Otherwise, all amendments have been passed upon.

Mr. FLETCHER. Mr. President, I do not feel that I would be quite warranted in joining wholeheartedly with my friend from Louisiana [Mr. RANSDELL] in refraining from any sort of criticism of the Shipping Board, or from offering what appear to me to be some objections at least to certain proposals which they make and certain things which they have already done. I agree with him, however, that it is most desirable that we give cordial support to the Shipping Board in all respects which our judgment and conscience may approve. I am not in favor of making captious objections here and there. I am not disposed or inclined to offer any criticism merely for the sake of criticizing. I do think, however, that we ought to point out anything that appears worth while in a constructive way.

I would not feel quite warranted in acquiescing in full in the course which they have pursued and in indorsing absolutely and unreservedly all they propose. They are asking for a good deal of money in the bill. While I do not feel warranted in making any strong opposition to granting what the committee have seen fit to allow, I do feel that in all reason there is ground for some protest as to some of the expenses incurred by the Shipping Board and the Emergency Fleet Corporation.

I am inclined to believe that when they reorganized the Fleet Corporation, as they did according to resolutions printed in the hearings before the House committee, they created some machinery that calls for additional and to some extent unnecessary expenditures. For instance, they organized a number of bureaus under that reorganization scheme. They have now, of course, the office of the chairman, which calls for considerable expense, \$122,700. They have a bureau of traffic which calls for an expenditure of \$47,960; a bureau of operations, \$10,440; a bureau of construction, \$20,360; a bureau of law, \$9,900; a legal department, \$27,740; a bureau of research, \$43,540; total, \$312,000; and with other objects of expenditure, as set out on page 866 of the hearings, making a grand total of \$392,500 for administration expenses.

That is \$42,000 more than was appropriated for 1922. Their administration expenses now amount to more than in the previous year, although they are now operating only 390 berth steamers. On December 31, 1920, they were operating 785 berth steamers and 51 tramp steamers. Now they are operating only 390 berth steamers and their expenses seem to be increasing all the while.

They claim under one head that they are not losing as much by operating their ships now as they did some few months ago, which is quite true. The fact is they have ceased to operate the ships. Out of a total tonnage of 11,287,125 dead-weight tons owned by the Government, there are only 3,156,485 dead-weight tons now in operation. The other ships are tied up. Of course, there is no loss on operating them along new routes, or any route, because they are tied up at the docks, and yet the administration expenses, as they are now proposed on page 866 of the hearings, are \$42,000 more this year than last year. I can not see why that should be. And I can not quite appreciate it, since they have so largely decreased the number of ships in

operation, and so many ships are tied up, thus preventing any loss from operation. I am not criticizing the fact that they are tied up, because we all know that commerce has fallen off and the exports and imports have decreased very largely, and it is perhaps the wisest thing to tie up most or all of these ships; but in doing so we ought to save some expense in connection with the agency that is operating the ships.

Another item I might mention is the question of the legal department. In the annual pay roll, June 5, 1921, it is shown that they had at that time employed in that division 191 people, and they were costing the Government \$544,880. Now they have, after all discharges and deductions, made as late as December 31, 1921, 284 persons employed, and it is costing \$962,681 a year. That is the legal division. The increase there is in number 93 and in amount of actual expenditures \$417,801 over the previous year's expenditures. This appears at page 849 of the hearings. It does seem to me that there is certain ground for very serious question about whether they are exercising good judgment and proper economy in connection with that particular division of the board.

Mr. President, I shall not take the time to review the hearings. As I said, I am not mentioning this by way of merely finding fault with what is being done, but as stressing what appears to me to be the necessity of properly guarding against unnecessary outlays in connection with the work. It does seem to me there are opportunities for a very great reduction, and that, whereas we have decreased the number of employees, they appear to have increased the amount paid them to such an extent that the expenditures are, in my judgment, not justified.

We have these ships. We do not know what is going to become of them. We are to discuss the question later on of proposals in that connection. Mr. Lasker in his testimony indicates that we are expected hereafter to provide subsidies in order that we may create a market for the ships and eventually dispose of them perhaps in that way. We will deal with that when we get to it.

I have never been convinced by anything I have ever heard or read on the subject that subsidies have ever built up a merchant marine for any country anywhere at any time.

From the Marine Journal of February 4, 1922, I read the following item:

SOVIET BUYS SIX 3,150-TON SHIPS FROM BRITISH.

Soviet Russia has purchased in Great Britain in the last six months, according to a report based on Lloyd's records to the Department of Commerce by Consul General Skinner at London, six steamers of 3,150 tons each at prices ranging from £25,000 to £32,000, and two smaller steamers. One of the larger steamers, formerly the *Ashwin*, has been renamed the *Trotsky*. Others of these of the 3,150-ton vessels were the *Pinevin*, renamed *Arcos*; *Tintern Abbey*, renamed *Jacob Sverdlov*; and the *Neathabbey*, now called the *Vneshtorg*. The *Brann* has apparently not had its appellation changed. Up to November at least several of these were still sailing under the British flag, although owned by the soviet authorities.

We recently gave \$20,000,000 to keep Russian people from starving to death, and yet the government there seems able to spend about £180,000, or nearly a million dollars, for ships, and buys those ships from Great Britain without apparently any opportunity being given to the United States Shipping Board to deal with them in that connection.

I presume there will be countries wanting these ships. Unquestionably they are splendid ships, well built, well constructed, and up to date in all respects. They will eventually be in demand. There is no question that we will need 15,000,000 dead-weight tons of merchant ships to carry half of our commerce overseas. We have only 11,000,000 tons now and about 3,000,000 in operation. Eventually we will need 15,000,000 tons when matters are more normal and trade is restored. We ought to have under our flag at least 15,000,000 tons of merchant ships. So we have not overbuilt and we have not overdone the thing. It is well enough, however, under the present circumstances that we do not operate the ships simply because we have them. It may be advisable, and I think is advisable, that they should be tied up when the operation is not profitable.

I call attention to these few items, Mr. President, because I do not feel that I can lend my unequivocal indorsement to the vast expenditures being made by the Shipping Board in all the respects which the hearings show. I think there are chances yet for economy, and I hope they will see their way clear to pursue a course of that sort, so we may have relief from this enormous overhead outlay and not be called upon year after year for these large appropriations.

Mr. KING. Mr. President, may I inquire the parliamentary status of the amendment offered by the Senator from Massachusetts?

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts to perfect the language appearing in the bill on page 30, beginning at line 20.

Mr. KING. Mr. President, yesterday the spirit of peace brooded in the Chamber. The President of the United States presented to the Senate the results of the Washington conference, including the treaties which had been signed. The Senator from Massachusetts, with great gratification and pleasure, listened to the speech of the President and gave evidence of a pacific and benignant spirit. To-day, Mars seems to have entered the Chamber. The Senator from Massachusetts has been very vehement, not to say passionate, in the advocacy of the amendment which is now before us. The desire for peace in the Pacific for which he has contended evidently did not bring a peaceful spirit when there is discussed this measure, which seems to be of great importance to his State. And my friend from Virginia [Mr. SWANSON] has fallen into the same passionate and rather belligerent attitude when he proclaims the virtues of the proposition for which he contends.

Mr. President, if the treaties submitted mean anything, it would seem that they call for a reduction in the number of navy yards in the United States, as well as a reduction in the personnel of all forces, fighting and noncombatant, connected with the Navy Department. As I understand the contention of the advocates of the treaties now before the Senate, capital ships, if not abolished, are to be greatly reduced. Much of the work in the navy yards relates to either the construction of capital ships or the construction of guns and other things appertenant to fighting craft.

It is rather paradoxical that, after so zealously contending for the reduction of our Navy, there should be so quickly precipitated a contest to maintain navy yards and the construction personnel found therein. It must have been known that when capital ships were limited and the naval program suggested by Secretary Hughes was adopted there would not be the need for the same number of naval plants as existed in the past nor for the same number of persons to be employed therein.

But before the ink on the treaties has had time to dry there is a tremendous campaign inaugurated to save the navy yards and to keep them active, though in so doing millions of dollars of cost to the Government would be incurred.

It has been observed by those familiar with governmental activities that it is easy to create commissions and governmental agencies and increase the number of bureaus and employees of the Government, but it is an impossible task to abolish commissions and Federal agencies and Federal works and shops and enterprises and to decrease the employees of the Government. When a commission is fastened upon the Government, or when positions are created, they seem to become embedded in the entire political and governmental superstructure, so that it appears impossible to remove them unless the whole Government structure is successfully challenged.

I am not making these observations by way of criticizing the employees who are threatened with a loss of their positions in the various navy yards of the Government. As a matter of fact, I deeply sympathize with these employees. My investigations lead me to the conclusion that most of the employees in the navy yards are men of the finest character. I believe they are efficient and will compare most favorably with any employees that can be found anywhere in the United States. Some of the workmen in the navy yards are men of the highest integrity as well as of the highest skill. They have had pride in their work and have served their country faithfully. It would seem that under the circumstances there were strong moral grounds for the retention of these persons in governmental positions as long as it is possible, or certainly as long as it is just and fair to the Government and to the taxpayers. Of course, no one should urge that navy yards be maintained and operated merely to furnish positions to individuals, no matter how faithful and patriotic they may be.

Everyone must understand that when we cut down the construction of naval craft there must be a reduction in the number of employees in our navy yards. Undoubtedly the Government will maintain navy yards for an indefinite period. We will have some form of naval craft as long as conditions in the world are as we now perceive them to be. And of course that will require the maintenance of navy yards. There were many who hoped that the work of the Washington conference would be productive of more beneficial results and bring about a practical cessation of naval construction. There were those who believed that the League of Nations offered a means to bring about not only naval disarmament but disarmament upon land. The United States refused to enter the League of Nations or to

cooperate with it in its efforts to secure a reduction of military and naval armaments. When we refused this cooperation there were millions in our country who hoped that some steps would be taken by our Nation to make contribution to world peace. The Washington conference, it was hoped, would relieve the people, by reason of its hoped-for beneficent results, of the oppressive burdens which armies and navies impose upon them.

For the current year we will spend five hundred millions for our Navy and nearly four hundred millions in the maintenance of our Army. This stupendous sum is too great to be borne in the hours of peace by this Republic, rich as it is. There can be no justification in the eyes of the world or in the eyes of patriotic Americans for the United States spending this stupendous sum in peace times. There is no reason why our naval program should not be reduced for the coming year at least \$250,000,000. The cost of our Army should not exceed \$150,000,000. The prodigious amounts called for by the War and Navy Departments can not be defended. It is to be hoped that when the naval appropriation bill and the military appropriation bill for the fiscal year 1923 are finally passed they will have relieved the American people of onerous burdens which they are now bearing.

Mr. President, there will be tremendous pressure brought to bear upon Congress to maintain all of the Government navy yards now in operation. It is well known that a number of them are of no utility and could have been abolished years ago with profit and advantage to the United States; but influences, political and otherwise, operated to prevent the consummation of a plan which economy and the interest of the public imperatively demanded.

I repeat that notwithstanding the Washington conference seems to indicate a great reduction in the cost of naval construction, there will be demands made for hundreds of millions for the Navy for the coming year and for the maintenance of large naval plants and the employment of thousands of persons in naval construction or in extraneous work not essential to the Navy. There will also be a determined effort to prevent a constant and proper reduction in the naval personnel, so that if economies are effectuated it will only be by the assertion upon the part of Congress of its undoubted power, backed by a courageous and determined purpose to serve the public weal and to answer the demands of a higher and better spirit of international amity and good will.

During the consideration of the last naval appropriation bill I called attention to the navy yards at Portsmouth and Brooklyn, and insisted that they should be abandoned. I offered a motion by way of amendment to the bill calling for the disposition of the Portsmouth and Brooklyn Navy Yards. My information was that they were unnecessary, and that they were maintained rather to furnish employment to people than to serve the interests of the Government. It is time that we disposed of some of these governmental yards, because their upkeep and their operation will entail millions of expense upon the Government. As I have indicated, strong efforts will be made to compel the Government to maintain all its present navy yards, even though they will not be required by the Government in its naval program and in its naval operations. Already it is suggested that where navy yards are not required for naval construction or the repair of warcraft they would be devoted by the Government to other purposes. The suggestion is made that they be employed in the construction of whatever commodities or articles the Government may require. I have heard the suggestion that the Government construct automobiles and furniture and typewriters and engines and mechanical appliances employed in reclamation projects and road work. One letter which I received suggested that the Government should construct its own engines and trucks and motors and harnesses and saddles and all articles and appliances used in any of the branches of the Government. Still others have suggested that these naval plants be employed in the construction of tractors and private munitions, including guns and pistols, and so forth. Nearly all of these suggestions, of course, contemplate governmental control and supervision and the retention of all Government employees that are now found in these plants, and the extension to them of all of the benefits flowing from civil service, retirement, or other features which may be found in subsequent legislation relating to employees of the Government.

Undoubtedly the amendment before us will be regarded by some, if it shall be carried, as the beginning of a policy upon the part of the Government of maintaining all naval yards, and their utilization for the construction of articles and commodities required by the Government, or for the purpose of adventuring into private fields of enterprise and business. It would be unfortunate, in my opinion, if the Government responded to all the suggestions and demands that have and will

be made looking to the continued operation of all naval plants by the Government and under the control of the Government.

In my opinion, many of the yards should be sold or closed. A few should be retained and kept in a high state of efficiency, which would mean that the most modern machinery should replace worn-out or antiquated appliances and that men of the highest skill and ability should be retained. To maintain a navy, which undoubtedly we will have for many years yet to come, will require several navy yards, and they should be of the very highest type and manned by men of the highest skill and ability. If the question of dealing with the *Leviathan* in the manner indicated by the Senator from Massachusetts would not be regarded as a precedent, if it could be considered as sui generis, I should support it. However, if the amendment offered by the Senator from Massachusetts should be adopted, there should be added to it a provision providing that in determining the costs for repairs and reconditioning the *Leviathan* there should be taken into account such factors as are usually considered in estimating the costs of construction, and so forth. If a bid is submitted by a private firm or corporation not only the cost of materials and the labor cost are taken into account but also the question of deterioration caused by the work to be done to the plant, the question of insurance, amount of capital invested, and so forth.

Mr. President, in my opinion there will be work for several years for the Boston Navy Yard, so that it is not as important as the Senator from Massachusetts thinks that the *Leviathan* be refitted and repaired at that place. With the scrapping of some of our capital ships, the demand will be made that the warcraft retained be kept up to the highest standard of efficiency. Some of our vessels are in need of repair; some of our submarines are in a confused, if not helpless, state mechanically. The yards which will be kept will have an abundance of work for an indefinite period, so I do not take the doleful view of the Boston yard that is taken by my distinguished friend. What is required is that Congress immediately determine upon a suitable naval program and then execute it. Such a program will, in my opinion, call for some new ships of various types and the putting into perfect condition the warships which will be retained.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Gerry	Ladd	Sheppard
Brandeggee	Gooding	Lodge	Simmons
Bursum	Harris	McCormick	Spencer
Capper	Harrison	McNary	Stanfield
Colt	Heflin	Newberry	Sutherland
Culberson	Jones, Wash.	Norris	Swanson
Cummins	Kellogg	Overman	Warren
Curtis	Kendrick	Page	Watson, Ga.
Edge	Keyes	Phipps	Williams
Fernald	King	Ransdell	

Mr. NORRIS. I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Chamber on account of illness in his family. I will let this announcement stand for the day.

The PRESIDING OFFICER. Thirty-nine Senators having answered to the roll call, there is not a quorum present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names:

Borah	Fletcher	Kenyon	Oddie
Calder	Glass	Myers	Polindexter
Caraway	Jones, N. Mex.	Nelson	Watson, Ind.
Dillingham			

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

Mr. KING. Mr. President, I desire to offer an amendment to the amendment. I have written it out hastily, and if I may just call attention to the context, the relation which the amendment would have to the amendment offered by the Senator from Massachusetts will be apparent. I read the amendment offered by the Senator from Massachusetts, commencing with the proviso:

Provided, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost: And provided further, That the provisions of this clause shall take effect upon the passage of this act.

I offer the following, to be inserted after the word "cost," so as to make the amendment read:

All expenditures in connection with such work are to be considered in estimating the cost: *Provided*, That in considering such expenditures there shall be taken into account all legitimate and proper overhead expenses, all losses resulting from the use of such yards, including buildings, plants, and the machinery therein, the deterioration in value of such plants, machinery, and yards by reason of the use thereof in such work, the cost of insurance, and, generally, all factors that are fairly to be considered and estimated in determining cost involved in such work of repairing or reconditioning of vessels.

Mr. LODGE. It seems to me the Senator has in there a great deal of unnecessary language. Of course, the purpose of the amendment is to make it impracticable. I suppose that would include taking into account the original cost of the Boston yard 100 years ago.

Mr. KING. No; I am not asking for anything in relation to capital.

Mr. LODGE. I think it would include that. At all events, I am ready to have a vote on it.

Mr. KING. In order that there may be no question, I will add the words "excluding capital investment."

Mr. LODGE. That is not the way it is offered.

Mr. KING. I will add "excluding capital investment."

Mr. LODGE. It is almost impossible to pass on anything of that sort, involving all that accounting, and I am sorry the Senator feels it necessary to press it at this time. However, let the Senate vote on it.

Mr. KING. If I may be permitted, I modify it so as to read:

And, generally, all factors that are fairly to be considered and estimated, excluding capital investment, in determining the cost involved—
And so forth.

Mr. LODGE. As far as I have any control I do not feel willing to accept it, and I hope it will not be adopted.

Mr. KING. Just one word. It seems to me great advantage would be given to the yards, an undesirable advantage, an unfair advantage, if they are to take into account merely the cost of the material and the cost of labor. This amendment which I have suggested merely asks that there should be taken into account some of the engineering factors which are involved in determining the cost of construction. Properly, the capital should be included, but I have waived that, and there would only be taken into account the overhead, insurance, deterioration, damage, and loss to the plant and the machinery by reason of that particular work. It seems to me that with the great advantage to be derived from paying no interest upon capital it gives a tremendous advantage to the navy yards in bidding upon any of this work, and I submit the amendment.

Mr. NORRIS. Mr. President, it is a very unsatisfactory thing to be compelled to pass upon amendments of this importance, which are more or less technical in their nature, when they are offered from the floor, when there is a good deal of confusion on the floor, and I would not like to be bound even by my own judgment thus obtained without a fair opportunity of examination and consideration of the amendment. So much in a general way.

Mr. President, the object of this amendment, as I get it, is to make sure that the navy yard will bid high enough to give them a hint that they had better add all these things. In other words, it seems to me the effect of it will be to give the private party an advantage in the bid; in other words, its tendency will be to increase the bid or the estimate of the Government.

The only information I have in regard to it is from hearing it read, and the Senator specifically uses in that amendment the language that insurance there must be taken into consideration.

I do not know, but I have an idea that the Government carries its own insurance. Why, then, should that be taken into consideration? The danger of burning, destruction, is very little, if any, greater when a yard is in use than when it is not in use.

Mr. CALDER. Much less.

Mr. NORRIS. I presume that is true; that when they are using the yards the danger of fire is less than when they are not in use. If they should not make a bid and should be idle the danger of destruction by fire would be greater, and if there is anything considered in regard to insurance it ought to be the other way instead of adding to the bid.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Utah [Mr. KING] to the amendment offered by the Senator from Massachusetts [Mr. LODGE].

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

On a division, the amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is upon agreeing to the committee amendment as amended.

Mr. OVERMAN. I understand that is to strike out a clause in the House text and to insert.

Mr. LODGE. It has been perfected.

The PRESIDENT pro tempore. The amendment proposed by the committee is to strike out a certain part of the House text. The amendment as amended was agreed to.

Mr. LODGE subsequently said: Mr. President, I misunderstood what was done, and I thought what was done was right in regard to the ship amendment that was adopted. My amendment was used to perfect the text which the committee proposed to strike out. It was carried. Therefore it took the place of the House text, and I supposed, of course, that the committee proposition was rejected, because otherwise it would have left my amendment out of the bill.

Mr. OVERMAN. That is the question I asked at the time, and I was informed that the House language was stricken out.

Mr. LODGE. I misunderstood it.

Mr. WARREN. The chairman of the committee understood that it was stricken out at the time the Senator rose and asked permission to consider it early.

Mr. OVERMAN. I remember that I called attention to that fact, and asked what the parliamentary situation was.

Mr. LODGE. The Senator did, and I misunderstood it. I ask now that by unanimous consent it may be corrected, and that the clear intention of the Senate may be carried out.

I ask unanimous consent to reconsider the vote by which the committee amendment was adopted, and to have the committee amendment rejected, which will leave the Lodge amendment in place.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the vote by which the committee amendment, as amended, was agreed to shall be reconsidered. Is there objection? The Chair hears none. The question now is upon agreeing to the amendment of the committee. [Putting the question.] The "noes" have it, and the amendment is rejected.

Mr. LODGE. That, I understand, carries out the purpose of the Senate.

The PRESIDENT pro tempore. The next amendment passed over is on page 5, line 19.

Mr. HARRISON. Mr. President, we have not yet finished with the Shipping Board item, have we?

Mr. WARREN. Everything has been finished except one item, so far as the committee amendments are concerned. The Senator from Arkansas [Mr. CARAWAY] is now in the Chamber, and we have reached the matter which was passed over at his request, in regard to the salaries of the Commissioners of the Civil Service Commission.

Mr. HARRISON. Have all these provisions touching the Shipping Board been adopted?

Mr. WARREN. Yes; except as to notice of the Senator from Utah [Mr. KING] that he would move reconsideration as to one amendment. What we agreed to do was to take up the committee amendments first, and I wish to dispose of this committee amendment, which I call to the notice of the Senator from Arkansas.

Mr. HARRISON. Touching the Civil Service Commission?

Mr. WARREN. Yes.

Mr. HARRISON. I thought perhaps while we were on the Shipping Board item we might go ahead and discuss it.

Mr. WARREN. It would be entirely in order for the Senator to call that up when we have disposed of the other.

Mr. CARAWAY. If the Senator from Mississippi is ready to proceed, that is agreeable to me.

Mr. WARREN. I can not agree to that under the unanimous consent we have already entered into.

Mr. HARRISON. I want to discuss the amendment offered by the Senator from Arkansas, too.

Mr. CARAWAY. That suits me.

Mr. KING. A parliamentary inquiry. May I inquire whether the amendment on lines 21 to 25, page 33, has been adopted?

Mr. WARREN. The Senate amendment in the form of a substitute for the House item is exactly what the House committee had recommended and adopted, but failed to carry, and so it will go to conference.

Mr. KING. I desire to move to reconsider, if we have adopted that. May I inquire whether the provision found on page 32, authorizing the use of \$55,000,000, has been adopted?

Mr. WARREN. Certainly.

Mr. KING. The Senator says, "Certainly," so there can be no doubt about it. I shall move to reconsider that in a moment when I get the floor.

The PRESIDENT pro tempore. The Chair does not clearly understand the amendment to which the Senator from Utah refers.

Mr. KING. I refer to the amendment at the bottom of page 33.

Mr. WARREN. The Senator remembers what the rule is, that a motion to reconsider must be made by some one who supported the amendment, and I judge from the inquiry of the Senator that he did not support the amendment to which he refers.

Mr. KING. I was out of the Chamber attending a committee meeting when this amendment was agreed to. I did not suppose it would be taken up yesterday afternoon when that committee meeting called me from the Chamber for a moment.

The PRESIDENT pro tempore. The Senator from Utah moves to reconsider the vote by which the amendment beginning on line 21 and ending on line 25, page 33, was agreed to.

Mr. KING. I ask the consent of the Senator having charge of the bill that that vote may be reconsidered.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. NORRIS. The inquiry is whether that amendment is to strike out and insert also, or is it just to insert?

The PRESIDENT pro tempore. The amendment was to strike out and insert. The question is upon the motion of the Senator from Utah to reconsider the vote.

Mr. HARRISON. I want to discuss that motion, and, at the same time, the Shipping Board appropriation, and also an item that is carried on page 3, which I suppose was adopted on yesterday or the day before. I am sorry I was unavoidably absent from the Chamber and out of the city and did not know when it was adopted. I call the attention of the chairman of the committee to the item on page 3, because I want to ask him some questions about it. It is as follows:

Traveling expenses: For traveling and official entertainment expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, \$25,000.

This item has been carried in prior bills for a long time, and it has never read just as it is incorporated here. Heretofore this item has been carried—and if I misstate the facts I wish the chairman of the committee would call my attention to it—“for traveling expenses of the President of the United States, to be expended in his discretion, and accounted for on his certificate solely, \$25,000.”

The committee suggested, and I believe there has already been adopted by the Senate, the amendment to add the words “and official entertainment.” It may be that this question was discussed when this provision was adopted, but I want to know, if the Senator will tell me, why the words “and official entertainment” are included in this provision, and whether or not there was any request for an additional \$25,000 to this appropriation.

Mr. WARREN. So far as a request is concerned, from whom would the Senator expect such a request?

Mr. HARRISON. The request naturally would come through the Budget Committee or the White House.

Mr. WARREN. It did not come from there.

Mr. HARRISON. Did it come from any other source?

Mr. WARREN. A request came, perhaps not exactly in the form of a request, but a suggestion from one or two Democratic Senators.

Originally when the Congress increased the salary of the President and others there were no taxes and no traveling expenses involved; it was simply a straight \$100,000 salary that was proposed. That was cut down to \$75,000, and afterwards by statute traveling expenses of \$25,000 were allowed. I believed then, and I still believe, that we ought to cover the expense of travel. As the Senator knows, in old times when an official trip was made the railroads furnished a full train free to the President of the United States. He took with him members of the press and persons engaged in official business of the United States, and the railroad provided the dining cars and all that was necessary.

Now, however, the situation, as the Senator knows, is different. The traveling expenses should cover the entertainment of those men who go with the President as invited guests in an official way, and there should be no question about it. However, the question has been raised by one or two that expenditures for traveling expenses must be confined to the narrow matter of railroad fare alone, and to do away with that suggestion the committee inserted the words which the Senator has mentioned. I dare say that heretofore Presidents have spent the money for that class of entertainment, believing that the law as it stood covered the situation.

Mr. HARRISON. So, as I gather from the Senator's remarks, this is to take care of the newspaper men or anyone else who might travel with the President when he goes on one of his trips.

Mr. WARREN. Any entertainment of an official character, and any part of that appropriation that might be left could be used for official entertainment.

Mr. HARRISON. Do they intend to use any part of this for any of the official functions here in Washington when they are not on trips?

Mr. WARREN. I will say to the Senator that I know nothing of that.

Mr. HARRISON. But under the provision could they do that?

Mr. WARREN. The Senator is a lawyer and I am not.

Mr. HARRISON. As chairman of the committee the Senator has not inquired as to that, then, nor have the committee?

Mr. WARREN. The Senator must understand that I have to figure from a layman's view rather than a lawyer's view. It would seem to be a rather narrow construction that the President, in entertaining those with whom he must come in contact in the line of business, should have to go down in his own pocket and pay for it. It would be a narrow construction of the law. I believe myself that it was the intention of the law, which was perhaps too narrow, to provide all expenses that are incident to travel, which would carry with it, of course, all official entertainment.

I do not desire to say that the Government is parsimonious so far as matters of entertainment are concerned. On the occasion of the Panama-Pacific Exposition in San Francisco we gave \$50,000 or more to the Navy to entertain friends of the Navy, and we gave, I think, \$100,000 to the Army, which was never used because it was coupled with the construction of a building. But our Army and our Navy and our officials are too often placed in the embarrassing situation where, no matter who may come here from another country, they are unable, unless they have funds of their own, to entertain them.

All other countries, and I will not except any for I know of none, provide straight entertainment funds. I noticed, and undoubtedly the Senator did, because he is a great reader of the daily press, an item the other day concerning representatives who might come from Canada and other places. I believe Canada refused to entertain the idea of sending an ambassador or minister to the United States because it would involve a matter of between \$90,000 and \$100,000. Of course, the salaries would not be any large portion of that. The ambassadors who are here from foreign countries are all provided with straight funds for entertainment purposes.

I hope the Senator does not feel that the economies of this Government require us to do differently from all other countries and that we can not at least have entertainment and travel expenses for the President.

Mr. HARRISON. The Senator is assuming that I am combating the proposition. I am trying to get some information about it. This provision heretofore has been for “traveling expenses.” A like amount has been provided, but here the words “and official entertainment” are inserted and a request made for \$50,000.

Mr. WARREN. There was no request of that nature. It was considered in the committee, but the bill shows for itself that there is nothing of the kind.

Mr. HARRISON. Does the Senator state there was no such suggestion from any outside source?

Mr. WARREN. There was none. I suggested myself that it would only be an honorable and decent thing to have something for the head of the Nation—not only for the President, but I would do the same for the heads of the Navy and the Army who have to entertain foreigners from time to time as they come here. That is the thought in mind. I am responsible for it.

Mr. HARRISON. That suggestion did not come officially from any other source?

Mr. WARREN. It did not. If the Senator would like, I might bring here from my office the story of some millions of dollars that were expended by our last President—

Mr. HARRISON. I thank the Senator from Illinois [Mr. McCormick] for prompting the Senator from Wyoming.

Mr. WARREN. Even if he had prompted me, I may say to the Senator that I have the pamphlet either in my desk or in my office, and I shall be glad to read to him where a thousand dollars some weeks and two thousand dollars some other weeks were passed over to Dr. Grayson and from Dr. Grayson passed to the President, and no accounting has been made for it. I myself find no fault with that. The President was entertaining on account of the United States.

Mr. HARRISON. Can that be the reason why the Senator felt the sum here should be increased?

Mr. WARREN. It had nothing to do with this whatever. I desire to say to the Senator if this costs a penny additional he might have cause for complaint from his standpoint, but it does not cost anything more than heretofore.

Mr. HARRISON. I am not complaining. I am trying to get information.

Mr. WARREN. I understand perfectly what the Senator wants. He and I do not have any trouble. He is only trying to make some political capital out of it.

Mr. HARRISON. I believe it was the Senator who brought politics into it. I am only trying to get information which apparently I can not corkscrew even out of the chairman of the committee. May I ask the chairman of the committee if this \$25,000 additional was suggested by him to the committee because the words "and official entertainment" were inserted in the provision?

Mr. WARREN. That had nothing to do with it either. There was a conversation in the subcommittee about the other matter. The doings of the committee and the subcommittees are not always a matter of publicity in the Senate, but we do nothing in our committee that I am ashamed to disclose and nothing about which I would not like to have the Senator from Mississippi or any other Senator know in detail.

Mr. HARRISON. I feel that way about the Senator. The Senator talks about the dazzling splendor of the last administration.

Mr. WARREN. Have I found any fault with the last administration?

Mr. HARRISON. The Senator never finds fault with anything.

Mr. WARREN. I was about as good an adherent of that administration as was the Senator from Mississippi.

Mr. HARRISON. That is why the Senator is occupying his place now in the Senate.

Mr. WARREN. I went so far in the matter that a great many of my friends in the Senate, one sitting not far from me now, gave me very severe castigation because of it, and I deserved it, I dare say.

Mr. HARRISON. I am not finding fault with the Senator. I have agreed generally with the Senator, but the Senator should not get riled at me because I am seeking information.

Mr. WARREN. I am not riled. I could not become riled at or with the genial Senator from Mississippi. The Senator merely wishes to contribute something to literature, I take it.

Mr. HARRISON. Yes; in behalf of the taxpayers. The Senator spoke about the expenditures in the last administration by the President. I notice that in the last campaign a speaker's series of pamphlets were issued and sent all over the country to prejudice the minds of the people against the President's trip to Paris, and they headed it:

Mr. Wilson at court—Royal pageantry and dazzling splendor.

That is the kind of literature that was distributed all over the country, and yet fault is found with me, because, forsooth, I ask the chairman of the great Committee on Appropriations why, for the first time in the history of the Government, an appropriation of \$25,000 is made, and an insertion is made of the words "and official entertainments." The Senator becomes riled at me and finds fault with me.

Mr. WARREN. I beg to say to the Senator that he must not state in the record that I am riled at that.

Mr. HARRISON. All right; I will withdraw that. He is not riled.

Mr. WARREN. I never could be that. I have too much sympathy for the Senator. I hope that the Senator is not charging that the chairman of the Committee on Appropriations or the committee itself was the editor or instigator of the pamphlet which has aroused the Senator.

Mr. HARRISON. I think the Senator never would have allowed it to be distributed as a campaign document, especially if he had ever thought that at this time, so early in the administration, there would be a request for an appropriation for \$25,000 "for official entertainments" for the first time in the history of the country.

Mr. WARREN. But they have not asked \$25,000 nor 25 cents nor 1 cent additional.

Mr. HARRISON. The provision is for \$25,000 "for traveling expenses" and "official entertainment."

Mr. WARREN. Very well. That is what the statute provides as to the amount, and it is exactly the amount that has been appropriated every year. Not a cent has been added to it.

Mr. HARRISON. It seems that running through the whole bill is a spirit of extravagance and a desire to employ a whole

lot of useless officers and to give them high salaries. Here is an item:

For reconstructing greenhouses, Executive Mansion, \$6,000.

A new item was adopted. The item was increased from \$8,000 to \$12,000 for fuel for greenhouses, and so forth. So it would seem there is some "pageantry and extravagance" practiced by others than those who are advertised in the campaign literature by the Republican committee in the last campaign.

But, bad as that may be, there are other provisions in the bill—

Mr. WARREN rose.

Mr. HARRISON. I yield to the Senator to explain.

Mr. WARREN. The Senator is alluding to items that have been carried every year, less or more, according to the amount of repairs necessary. As to the item for fuel, that is a matter, as the Senator knows, first, of great advance in expense in the price of coal, and, secondly, he knows that the plant propagations are started there for the public gardens and the ornamentation of the entire city.

Mr. HARRISON. Is not coal a little lower than it was last year?

Mr. WARREN. I have said coal is higher than in former times, and, besides, we have been providing too little to last the year around.

Mr. HARRISON. Higher this year than it was last year?

Mr. WARREN. Yes. Of course, it depends upon localities and the kind of coal.

Mr. HARRISON. Both of the items carried increased appropriations, as the Senator will recall, for coal from \$8,000 to \$12,000, and the other a new item of \$6,000 for reconstructing greenhouses.

Mr. WARREN. It is not a new item, as I think the Senator will admit when he considers it. What does he say it provides for?

Mr. HARRISON. Reconstruction of greenhouses, Executive Mansion.

Mr. WARREN. There are some twenty-odd of those greenhouses, and they last only a certain number of years, very few years, because of the constant wetting and heat and rotting away. The consequence is there is something going on every year as to some of them in the way of repairs or reconstruction.

Mr. HARRISON. There are other items except the new one put in by the committee.

Mr. WARREN. There was one greenhouse which was to be refitted or reconstructed, I believe, at \$5,000. It was necessary to fix two of them, and we changed the item to make repairs, or reconstruction of two greenhouses, and increased the amount for that reason.

Mr. HARRISON. That is a new item to which I was calling attention.

Mr. WARREN. No; it is in place of an old item.

Mr. HARRISON. Here is another item, for ordinary care, repair, and refurnishing of the Executive Mansion, \$50,000; for fuel for the Executive Mansion and greenhouses, \$12,000, formerly \$8,000. Then there is another item for care and maintenance of greenhouses, Executive Mansion, \$9,000. Then there is another item for repair to greenhouses, Executive Mansion, \$3,000. Then there is another item for reconstructing greenhouses, Executive Mansion, \$6,000. Then follows an item for improvement and maintenance of Executive Mansion grounds—within iron fence—\$10,000, and so on down the line. I shall not read all these large expenditures which are made to keep up the greenhouses. I hope the appropriation is large enough to grow plenty of flowers, and that they will be beautiful and ornamental.

Some days ago I read a very interesting article by Mr. Lasker, head of the Shipping Board—

Mr. WARREN. Before the Senator proceeds, does he wish to strike out any of the items he has mentioned?

Mr. HARRISON. Yes; I believe there is a motion now pending, but later I shall so move, and I hope I can get the aid of the Senator from Wyoming.

Mr. WARREN. The Senator will not get the aid of the Senator from Wyoming.

Mr. HARRISON. I did not think I would; but I am going to move to reconsider the vote by which those items were agreed to anyway.

Mr. WARREN. And the Senator's motion will be defeated, and he will wish to have it defeated.

Mr. HARRISON. No; the Senator can not put me in that position, especially after I have argued so forcefully here to-day against those items. I hope the Senator thinks it has been done forcibly.

Mr. WARREN. The Senator's argument will call for the rejection of his motion.

Mr. HARRISON. Now, Mr. President, I want to read from the Chronicle—

Mr. SPENCER. Mr. President, will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. HARRISON. I gladly yield.

Mr. SPENCER. The fact of the case is that the item for the reconstruction of greenhouses is not a new item, but provides precisely the same amount which was appropriated and spent last year. It is called reconstruction, but it really is to replace certain portions of greenhouses which have deteriorated. Each year it is necessary to provide for a certain amount of so-called reconstruction in order to keep the greenhouses in proper condition. Last year \$6,000 was estimated and appropriated and spent.

As to the item for fuel, the Senator from Mississippi is quite right. Last year the amount of the appropriation was \$8,000, but it was not enough to pay for fuel, and it has not been so for a number of years, and accordingly deficiency items have come in. This year the estimate was for \$14,000, but the committee thought they might get along with \$12,000 without incurring a deficiency. Just so much is required for fuel used at the White House as in the case of the Senator's house or of my house, and yet the Senator objects to appropriating enough to pay for fuel.

Mr. HARRISON. The only difference I see between the Senator from Missouri and the Senator from Wyoming touching the appropriation for the greenhouses is that the Senator from Wyoming says that some of the items are new, and in one case, at least, there is an increased appropriation.

Mr. WARREN. No.

Mr. HARRISON. But the Senator from Missouri says that the appropriation for the last item is for the same amount as last year.

Mr. WARREN. I beg pardon. I did not say that there were any new items. I said that as to this particular item we added an "s" to the word "greenhouse," in order to make it plural, but that we appropriated the same amount as was appropriated last year and the same amount as was asked for this year, which was \$1,000 more than the House had provided. That is the case, but it is by no means a new item.

Mr. HARRISON. Mr. President, the bill shows upon its face that the House appropriated \$8,000 under the item in lines 12 and 13, "for fuel for the Executive Mansion and greenhouses." The committee have raised that to \$12,000.

Mr. WARREN. Yes; but the estimate was for \$14,000, and this appropriation is nothing new so far as that is concerned. There is nothing new about it; it is not a new item.

Mr. HARRISON. It is for an increase, however. The other item to which I called the attention of the Senator was:

For reconstructing one greenhouse, Executive Mansion, \$5,000.

The committee has stricken that out and in its place has inserted:

For reconstructing greenhouses, Executive Mansion, \$6,000.

That is an increase over the House bill.

Mr. WARREN. It is an increase over the bill as it came from the other House, but the language is not different; the language is exactly the same, except that the letter "s" was added to the word "greenhouse." The amount of the appropriation, however, was changed from \$5,000 to \$6,000, which was the amount estimated for this year and the same as allowed last year.

Mr. HARRISON. That is what I have stated.

Mr. WARREN. The Senator from Mississippi, I fear, did not quite study his lesson before he began to speak or he would not separate them in just that way.

Mr. HARRISON. I always study my lesson. I said that the two items in the bill had been increased, one from \$8,000 to \$12,000 and the other from \$5,000 to \$6,000. Now, the Senator from Missouri says that the same amount was carried last year in the original bill. I do not know whether the Senator from Wyoming and the Senator from Missouri agree as to that or not.

Mr. WARREN. The Senator from Missouri is exactly right.

Mr. HARRISON. Yes; but a part of it was carried in a deficiency bill.

Mr. WARREN. That is not different from what I have stated.

Mr. HARRISON. A part of the amount was carried in a deficiency bill. Is that not correct?

Mr. WARREN. A part of it may be covered by a deficiency bill, but it has not, perhaps, been provided for as yet. However, the full amount has been estimated for, because the \$8,000 went only a part way through this year, and the remainder, of course, will have to be provided.

Mr. HARRISON. The amount which was requested by the Budget Bureau was \$14,000, and the committee have provided \$12,000, so that the difference will come in as a deficiency some day.

Mr. WARREN. We do not know.

Mr. HARRISON. And the Senator will ask the Senate to make the appropriation.

Mr. WARREN. We hope it will not come in as a deficiency, and I hope the Senator has not changed his position, but will stand with us and join in the hope that we shall have to appropriate less instead of more.

Mr. HARRISON. I hope it will be less, but we are not getting less.

When the Senator from Missouri [Mr. SPENCER] interrupted me I started to read from the Chronicle. What I shall now read is from a speech which was delivered by Mr. Lasker on October 5. Among other things he said:

We believe we have our losses checked and hope to require not more than \$5,000,000 a month for operations from now on until the end of the Government's fiscal year, June 30 next. Five million dollars a month is a huge sum, but small compared to keeping alive an organization with \$3,500,000,000 invested and operating and developing essential strategic trade routes, which must necessarily be run at a loss under the present trying conditions of world-carrying trade. We can not but believe that if we can produce a constructive policy, the taxpayer, hard pressed though he is, will not only approve of the continued operation at the present cost, but applaud same, in the comparison to the previous loss entailed.

Yet notwithstanding that speech and the statement that the Shipping Board would cost only \$5,000,000 a month, and the subsequent statements which have been issued to the press and published everywhere that the Shipping Board had effected a great saving to the taxpayers of the country, that great reforms and economies had been worked out, we find that in this bill practically \$150,000,000 is being carried for the administration of the Shipping Board. The first item, of course, is to pay the seven commissioners \$12,000 each and a secretary \$5,000, making a total of \$89,000. Then the next appropriation which is requested is \$350,000; the next is \$20,000; and then we come to the emergency shipping fund. I quote from that item as follows:

For administrative purposes, miscellaneous adjustments, losses due to the maintenance and operation of ships, for the tie-up, reconditioning and repair of ships, and for carrying out the provisions of the merchant marine act, 1920, (a) the amount on hand July 1, 1922—

I have no idea how much will be on hand in 1922, but they have a right to expend that during the coming fiscal year—

(b) \$50,000,000: *Provided*, That no part of this sum shall be used for the payment of claims other than those resulting from the current maintenance and operation of vessels; (c) the amount received during the fiscal year 1923 from the operation of ships—

No one knows how much that will be. I suppose the Shipping Board does not know.

Mr. WARREN. Is the Senator alluding to the \$55,000,000 item?

Mr. HARRISON. Yes; I am coming to that.

Mr. WARREN. I think I ought to say at this point for the information of the Senator from Mississippi that a year ago that same or similar provision was placed in the bill. The officials of the Shipping Board have collected everything they could; but most of the amounts will be uncollected, although during the year they may perhaps collect 5 per cent or 10 per cent. It has, however, seemed to the committee that we should make it a "spurring up" point to help them collect it in order to obtain the funds with which they wish to go on. We hope that the remainder will be collected to the utmost possible extent, and that whatever can not be collected immediately may be put in the shape of secured indebtedness. In other words, we want to give the board responsibilities, rather than have the matter go into the courts, so as to make the best settlement we can and secure the money as soon as possible.

Mr. HARRISON. Yes. The next item is:

(d) Fifty-five million dollars from moneys collected from mortgages, leases, accounts and bills receivable other than those arising from current operations, and from moneys collected from the sale of ships, plants, material, securities, and other assets, prior to July 1, 1923, less such portion of said \$55,000,000 which shall have been collected during the fiscal year 1922 under the provisions of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes," approved March 4, 1921.

Then there is another item as follows:

For the payment of claims, damage charges, and miscellaneous adjustments authorized under the provisions of the merchant marine act, 1920, \$50,000,000.

So running through this bill are enormous amounts, which are contradictory to the prophecy made by Mr. Lasker, the head of the Shipping Board, and to the statements which he is constantly issuing to the public.

Mr. FLETCHER. Mr. President, before the Senator passes from that may I interrupt him?

Mr. HARRISON. Certainly.

Mr. FLETCHER. On page 865 of the House hearings Mr. Lasker reports the loss from operation to be \$4,000,000 a month.

Mr. HARRISON. Yes; \$4,000,000 a month. How can we expect the American people to believe the head of the Shipping Board when he makes statements such as those to which my attention has been called, and then we find him here requesting and obtaining of Congress enormous sums of money to run and operate the Shipping Board?

But that is not the worst of the matter. No wonder that the farmer in the Middle West, who is to-day receiving 25 cents a bushel for his corn, no wonder that the farmer in the great Northwest, who is to-day receiving a small amount per bushel for his wheat and demanding that Congress guarantee a price to him for the next year, is discouraged when he realizes that men employed in the Shipping Board under the last administration who received \$6,500 a year are now receiving \$35,000 a year, and when they realize that men who in the last administration worked under the Shipping Board and who received \$2,500 a year are now in some instances receiving \$10,000 a year.

We fought out here during the last Congress the question of imposing a limit to the number of men who might be employed by the Shipping Board at salaries above a certain amount a year, and a proviso was moved in connection with the appropriation for employees of the Shipping Board limiting the salary which could be paid, as I recall, to not over \$10,000 a year, with the exception of one employee who might receive in excess of that. Then we voted on the proposition of allowing not more than three to receive a greater salary than the sum I have named. I believe that that provision was finally adopted, if my memory serves me correctly. Yet in this bill, despite the boasted economy of the present administration, the great reforms that have been worked, and the savings made, we see the Shipping Board requesting and obtaining from the Appropriations Committee of the Senate a provision which gives them the right to employ at least 11 men who may be paid over \$11,000 a year.

We fought it out once and the fact was revealed on this floor that an ex-Representative, who had not prosecuted a lawsuit perhaps in 12 years, but perhaps because he had made some Republican speeches in the last campaign, was given a job to write bills which might be presented to Congress touching the merchant marine of the country and was paid \$10,000 a year. At the same time the further fact was revealed that an ex-Senator, who was one of the close advisers at Marion during the last campaign and who is slated for the Supreme Bench of the United States, was to receive \$5,000 merely to advise the general counsel of the Shipping Board when his advice was sought. With condemnation still ringing in the ears of the chairman of the Appropriations Committee, we find that committee bringing into this body a new provision and saying that the board shall be allowed to employ at least 11 men who are to receive over \$11,000 a year.

Oh, the Senate committee are more generous than the House were, because the House in the bill as passed by it only allowed six officers or employees of the Shipping Board to receive in excess of \$11,000, but the Senate committee goes them five better and allows them to employ 11 to receive over \$11,000 a year. The Republican side must answer to the voters this fall from one end of the country to the other why they have increased the salaries of men working under the Shipping Board who received \$6,500 a year during the last administration to \$35,000 a year. You will have to explain why you are paying these enormous sums to attorneys for the Shipping Board.

It is pitiful to think of the low prices the farmers are receiving, the low wages that the laborers are getting, the millions and millions that are hungry and without clothing throughout this country, and yet see Congress appropriate these enormous sums increasing salaries for these high officials. If you think that the people are not watching and looking and waiting, you are very much mistaken. They know that that provision is in the bill. They know what you are trying to do—so when you come to vote on the motion made by the distinguished Senator from Utah [Mr. KING] to reconsider the provision giving to the Shipping Board the right to name at least 11 officers and employees who shall receive over \$11,000 a year, I hope that it will prevail.

Now, Mr. President, I want to pass from the Shipping Board for a moment and address myself to another amendment that

is pending, one that was offered by the distinguished junior Senator from Arkansas [Mr. CARAWAY]. It also relates to an increase of salary. It looks as if this administration is bent on trying to find jobs for its adherents and increasing salaries, forgetful of the needs of the American people and unable to solve the great problems that are pressing upon Congress. We wait here for days for some program to be given to us, for some policy to be revealed, and none comes. We are handed by the Appropriations Committee, though, day after day, bills seeking to increase salaries, thereby adding to the burdens of taxation in this country.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. HARRISON. I do.

Mr. WARREN. Perhaps the Senator will permit me to say that this is the second large bill we have practically completed, except for a conference report, and that in the two together no attempt has been made to raise a single salary, with the exception of the point that is not yet settled in regard to the three Civil Service Commissioners, and \$400 in the case of one position that has been changed in its responsibilities; so that if those three go out, it simply leaves a matter of \$400, where a man steps from one place to another, out of all this total of approximately \$700,000,000.

Mr. HARRISON. I thank the Senator for indorsing what I said. The last bill carried that appropriation.

Mr. WARREN. Which one?

Mr. HARRISON. The appropriation of \$7,500 to pay to a person who received at one time only \$1,800 during the last administration.

Mr. WARREN. The Senator is mistaken about that. It took the place of the House provision, which carried \$10,000. In other words, we cut down the House provision from \$10,000 to \$7,500.

Mr. HARRISON. I say that the administration is bent on increasing salaries, and the incident to which the Senator calls my attention proves it. There was a young man named Gilbert, I think, working in the Treasury Department, who received at one time during the Wilson administration \$1,800 or \$2,000 a year; and the Secretary of the Treasury now beseeches the committees in the House and in the Senate to make an appropriation of \$10,000 a year for this man.

Mr. WARREN. The Senator, of course, is indulging in ancient history.

Mr. HARRISON. It is history, anyway.

Mr. WARREN. I do not know the early history of the thousands of men who have been employed by the Government, and I do not know to what man the Senator is alluding or what salary he formerly received, except that he was one of the Assistant Secretaries of the Treasury under the past administration, and I know that the lowest salary paid to an Assistant Secretary of the Treasury is \$5,000.

Mr. HARRISON. Yes. He is a very efficient gentleman; but I said that during the last administration, at one time, he worked for \$1,800 or \$2,000 a year, and just before we went out of power he was appointed to take Mr. Lefingwell's place, I think, as Assistant Secretary of the Treasury.

Mr. WARREN. The Senator might say that he worked for \$13 a month, as I did once, and I should not dispute it, because I do not know; but I do know that the first we knew of him on this side of the Chamber was when he was Assistant Secretary of the Treasury, receiving \$5,000 a year; and everyone who has spoken of him on the floor here has spoken of him as a very competent man.

Mr. HARRISON. Why, he is a splendid young man. He is a Democrat; and I think you have the best excuse for increasing his salary that you have in the case of anyone, because he is the most competent man in the Treasury Department to run that department, and I do not know how you would get along without him.

Mr. WARREN. Does the Senator know that he is a Democrat?

Mr. HARRISON. I am not exactly sure. Since he has been associated with you and a few others he may have changed.

Mr. WARREN. Was he ever a Democrat?

Mr. HARRISON. I do not know about that. I do not want to do him an injustice. I hope he is. It may be if you find out he was you would dispense with his services. I hope not.

Mr. WARREN. I know nothing about it; but I will enter against that the statement that he has always been a Republican, and the people can take their choice. I do not know Mr. Gilbert's politics, nor does the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. I can see now why you are insisting on paying him \$10,000 a year, then.

Mr. WARREN. We did not insist upon paying him \$10,000 a year as it happened. The House insisted upon it. We did not.

Mr. HARRISON. Anyway, Mr. President, I have come now to discuss another provision in this bill. Here are the Civil Service Commissioners up here. They have been receiving \$5,000 a year for a long time. In the years gone by they have done some very efficient work. They have been very impartial, and no power and no influence, however great, could swerve them in the discharge of their official duties. I do not know whether they can be influenced now. I hope they can not be. I have a very high respect for the Civil Service Commission. I notice, however, that this very generous Appropriations Committee proposes to increase the salaries of the commissioners from \$5,000 to \$6,000 a year. There are other increases made for the Civil Service Commission. For instance, the appropriation for additional employees for the Civil Service Commission is increased from \$56,780, as recommended by the House, to \$100,000, as recommended by the Senate. The way they are now interpreting certain orders issued by the President and by the Postmaster General and executing the civil-service rules, I do not know that there is any use in making any appropriation for the Civil Service Commission. There is where we really could effect a saving to the taxpayers of the country.

The way the thing operates now—and I look into the faces of Senators on the other side who agree with me; if they do not, I wish they would rise and speak—it is a farce the way postmasters are being named throughout the country. I pause for an answer, but none come. We know that the civil-service rules are not followed. They hold out great hopes to persons who take the examinations throughout the country that the one who receives the highest rating will be put on an eligible list of three, and one of them will be appointed, and so forth. I do not know who it is that works the thing around, whether it is the commissioners themselves or some fellow in some part of the commission up there, or whether the word goes down the line from the Postmaster General or his First Assistant, or from the President; but you know and I know that they work it around to put some fellow in the office that "the powers that be" desire to have appointed; you know, too, that if a poor person, be it a girl or a boy or a man or a woman, has not Republican influence now, he or she has no chance to get a job under this civil-service system.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. Yes.

Mr. NORRIS. I do not think the Senator wants to leave the impression—at least, I hope he does not, and if he does, I want to controvert it—that the Civil Service Commission is to blame for the condition of which the Senator complains, and which I agree exists.

Mr. HARRISON. I really do not think they are to blame. I think it is due to the orders that are being issued from high authority. They naturally desire to stand in with the "powers that be."

Mr. NORRIS. I think it is perfectly plain what is being done, and nobody is concealing it, as far as I know. I do not agree that the order ought to have been changed. I am on record against it myself, in a written communication to the Postmaster General at the time it was contemplated to change it. The old order that was issued by President Wilson applying to post offices above the fourth class, including the first, second, and third class offices, provided that civil-service examinations should be held, and that the Postmaster General should appoint the highest one on the list. President Harding changed that order. He had a perfect legal right, of course, to change it. I think myself it was bad policy to change it, and that it ought not to have been changed; but he changed it, and provided that the postmasters should be selected from the three highest on the list certified by the Civil Service Commission.

I understand that where there are any post offices in a district represented by a Republican Member of the House of Representatives, the practice is for the Republican Member of Congress to make a selection from the three highest on the list that is recommended to the Post Office Department, they send it to the President, and the President sends it to the Senate. Where there is not a Republican Member of the House of Representatives, I suppose it goes through some other party machinery. I think I have stated the matter correctly.

Mr. HARRISON. The Senator is correct; I do not want to do the commission an injustice. Of course, they are following orders from higher up.

Mr. NORRIS. Personally, I have never agreed with the administration in making that change. As I said, I am on record against it myself, and protested against their making it. I would have been glad to have the order of President Wilson improved in any way it could have been improved, but I did not want the Post Office Department to take a step backward and put these post offices on the political pie counter. I advocated that when there was a Democratic President, and I felt in honor bound to advocate the same when there was a Republican President. I think, myself, it is a step backward, although it can be, I think, very truly said that under the prior administration of President Wilson the Post Office Department very often did not carry out in good faith—and I think I could prove it in a good many instances—the work of the Civil Service Commission. In a great many instances, many of which came under my personal observation, they practically nullified the orders of the Civil Service Commission and the real intent of the law. But I did not consider that any reason why my party should be guilty of an act probably worse than that. It ought to have improved on it, if improvement were possible, and, as I think ought to be done, should have kept the post offices of the country entirely out of partisan politics.

Mr. FLETCHER. Mr. President, I think the Senator from Nebraska is correct, that if we are going to have a Civil Service Commission at all, we should have it function as it is intended to function.

Mr. NORRIS. If the Senator will permit me to add to what I have said, something which the remark of the Senator from Florida reminds me, I concede that under the law the President has a right to make appointments of postmasters. He has a right to resort to any method he pleases, and whatever method he adopts, as far as I am concerned, as long as I am in official life I will help him carry out in good faith. I will not interfere with it, because he has a right to adopt it, though as a matter of policy I disagree with him entirely. But I think a political party, no matter whose party it may be, which goes before the people and says, "We are going to take these offices or those offices, whatever they may be, out of politics and put them on the merit basis," ought to keep them on the merit basis in good faith; they ought to be sportsmen enough so that when the rules they themselves have laid down work against them, they ought to take their medicine, and if that kind of an administration of the law brings a postmaster into office of the opposite party, we ought to be sportsmen enough to stand for it and defend it, or we ought to frankly say to the people, "We are going to put these offices on the political pie counter and give them out to deserving Democrats or deserving Republicans," as the case may be.

Mr. FLETCHER. I think that is very true. We are told that there will be examinations, and that the appointments will be based on the grades made before and certified to by the Civil Service Commission. I am not willing, however, to let this pass with the clean bill of health given by the Senator from Mississippi, apparently, or the Senator from Nebraska, to this Civil Service Commission. I have reason to believe, and I want to say it now very briefly, that the Civil Service Commission, as it functions now, does not regard as at all controlling the findings of the examiners and the agents whom they appoint to make investigations with reference to these appointments and with reference to the applications; that they make their own rulings, and those rulings are plainly influenced by political considerations. In other words, the Civil Service Commission as it is now constituted is a great political machine, and they disregard the findings and the reports of their own people and establish grades and make certificates as to eligibility and as to qualifications of their own volition and arbitrarily, and are evidently influenced by political considerations.

Mr. CARAWAY. If the Senator from Mississippi will allow me to interrupt a moment, I will just briefly state to the Senator from Nebraska that no Member of the House or the Senate of the Republican faith is elected in my State, and therefore the chairman of the State central committee is the official distributor of offices, although I understand he is advised by a committee of 16 men, 13 of whom drew the 13 best places in the State to start in with; but he passes upon everybody's right to hold an office, even to that of a rural carrier. The fortunate ones are named in advance of taking the examination. The faithful have been told who shall have the places in order to discourage anybody else from entering the examination as far as possible. At Glenwood, the one to whom the place has been given made around 60 per cent, 10 per cent less than the passing grade, as I understand, and after that had been certified, and it was shown he was not eligible to appointment, the distributor of offices came up here, went to the Civil Service Commission, and they changed that grade

and gave the man 70.2 per cent, and now his name is pending before the Senate for confirmation.

Mr. HARRISON. I thank the Senator for his information.

Mr. NORRIS. May I interrupt the Senator again?

Mr. HARRISON. Certainly.

Mr. NORRIS. If the statements made by the Senator from Florida and the Senator from Arkansas are correct, the Civil Service Commission ought to be investigated; and if those facts are found to be true the commissioners ought to be removed from office, if they are responsible. As far as I am personally concerned, I have seen nothing which has led me to believe that the Civil Service Commission as now constituted has been anything but fair. I concede that they might be unfair and I not know it. If it is true that political influence is being used to make a difference in the grades of persons applying for positions under the Civil Service Commission, Senators owe it to the country that they prefer their charges and that the Civil Service Commission be properly investigated and the commissioners removed from office, because if there is any place in the Government where we ought to have a square deal, without regard to politics, where the law bringing life to the commission was based on the theory that politics should be abolished, it is in reference to the work of the Civil Service Commission, and no member of that commission, whatever his politics may be, has any right to serve 10 minutes if he is permitting his official acts to be influenced or controlled in the slightest degree by the politics of anybody being examined.

Mr. CARAWAY. If the Senator would like to, he may go to the Post Office Department and examine the record of the case I suggested at Glenwood, and I think he will agree with me that that is a rather extraordinary thing to happen, that in the case of a man who has been promised the office in advance and fails to make the examination, his rating being given out, they go back and amend it, claiming, I understand, though I get it from some source I can not now vouch for, that they learn something more about his business efficiency, and by that means he got a re-examination, to all intents and purposes, and got on the eligible list. I have two or three more cases, and when the Senator from Mississippi is through, I should like to call the attention of the Senate to them.

Mr. HARRIS. Mr. President, I am not familiar with the conditions in other States, but the greatest complaint in my State against the Civil Service Commission is that the ex-service men are not getting a square deal. They are actually turning ex-service men out who have rendered good service, and are not carrying out the spirit of the law passed by Congress in regard to giving preference to ex-service men. More than a year ago I introduced a resolution in the Senate to investigate the treatment given the ex-service men by the Civil Service Commission. They are not giving these deserving soldiers the credit Congress intended. In a number of instances in my State it has come to my attention where the ex-service men have been discriminated against, and it is time something was done to prevent it. The ex-service men risked their lives to save our people, and we should leave nothing undone in our efforts to assist them. The men who went to war should at least be given preference in positions of the Government in times of peace.

Mr. HARRISON. Of course, the Post Office Department names the inspectors who are going around to investigate the applicants, and I imagine that in most instances those inspectors are pretty good Republicans. Some of them are politicians, and naturally they make their reports to the Civil Service Commission and the authorities who are high up, naturally, who have some influence with the Civil Service Commission. There are thousands of ex-service men who have held positions in the post offices, as well as others, who have passed examinations and made the highest grades who have been ignored, and others, mere politicians, put in their places. I am not going to fall out with the present administration if they abolish the whole civil service touching postmasters and take the responsibility and name these persons to office. That really appeals to me very strongly, and if it were within my power that is what I would do; but when you say you are going to follow civil-service rules and advertise to a community to come and take the examination you should not fool anybody into studying up on it and making a grade away above 90 and then have somebody else appointed merely because he is a Republican politician who made probably 65 or 66 per cent.

Be that as it may, we could rehearse instance after instance which would condemn the present administration and show the unfairness of their policy, but the most glaring instance I know of in the whole history of the civil service has been practiced by this administration. They violated the law in letter and in spirit, and it was done by the highest in authority in America,

the President of the United States. There were probably hundreds of good deserving Republicans at Marion who desired to be appointed postmaster. They had read of the civil service law, and what a friend the Republican Party had been to it in the past. They believed that they would be treated fairly when it came to holding an examination for the postmastership at Marion. They relied upon the assertions the President and the leaders of the party had made, in forum and in hamlet, in every campaign. They believed they were the friends of civil service, and that they would get a fair deal when the successor of the then democratic postmaster at Marion should be appointed; but, like a clap of thunder out of a clear sky, the President of the United States, who had before paid high tribute to the civil-service employees and to the system, stamped it under his feet, repudiated it, spurned it as though it was a poisonous thing, and wrote an Executive order appointing the postmaster at Marion.

Oh, how can the followers of civil service have any faith or confidence in the administration after that act? If it be true that the President should do it and name some friend postmaster at Marion through an Executive order, why should he not issue an Executive order for Senators to appoint their friends in their home towns? Why should he not issue an Executive order for the Republican Congressmen, so that they might name some friend as postmaster in their home town? It is the beginning of the end of the civil-service system during this administration. If I were President of the United States and had committed such an act as that, I would not have the face ever again to advocate civil-service reform or contend for civil-service requirements or enforcements.

I do not know whether that nomination has been confirmed or not, but I shall oppose its confirmation, and I shall ask, if it has not been confirmed, that the Senate shall sit in open executive session to consider the nomination. I want to put Senators on record to see whether or not they will indorse an act, even though it comes from their own President, which will destroy the civil service at one fell swoop, as President Harding did in that instance.

Mr. CARAWAY. Mr. President, I received a letter to-day from the president of the Civil Service Commission, who conceives that I was unfair to the commission in what I said about it yesterday, and asks that I have his letter incorporated in the Record. I understand that for fear I should not do so he has also supplied other Senators with copies of the letter and asked, if I should fail, that they do so. I shall gladly place that letter in the Record, if I may do so by unanimous consent.

Mr. NORRIS. Will the Senator have the letter read?

Mr. CARAWAY. If the Senator from Nebraska wishes it.

Mr. NORRIS. I should like to hear it.

Mr. CARAWAY. At the request of the Senator from Nebraska I ask to have the letter read by the Secretary.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 11, 1922.

Senator THADDEUS H. CARAWAY,
Senate Office Building.

MY DEAR SENATOR CARAWAY: Your statements with reference to the Civil Service Commission as printed in the CONGRESSIONAL RECORD of to-day are before me. I appreciate your prefacing your statement with a reminder that the commission was not present to state its side of the case, and for that reason I am assuming that you will do us the justice of inserting this letter in the RECORD.

We must flatly join issue with you in the proposition that any ratings are changed arbitrarily or wrongfully. Such is not the fact. No one in your State or in any other State can prove such an assertion.

Personally I looked into the matter of the contest for postmaster at Paragould, Ark., about which you wrote the commission. If your complaint is based upon this, nothing could be fairer than that you should place the entire correspondence in the RECORD as proof of our position.

The Government receives its vouchers and affidavits from citizens in the community under a pledge of confidence. A banker, for instance, is taken into his private office and assured by a representative of the Government that if he will tell the exact facts about the candidates his statements will be kept by his Government as strictly confidential. That pledge must be kept.

You asked in your letter of February 3 to the commission that it send to you by one of its clerks the papers in the case of Paragould, Ark., and you suggested that if we did not comply you would put it in the form of a charge against the commission. The commission wrote you on the 7th that it could not comply on account of the confidential relation above stated.

With reference to your allegation that the commission is refusing to grade certain papers in order that it may make others eligible, permit me to remind you that this, too, was covered in our correspondence, and that when you made the charge against us you had in hand the facts with reference to this and could have given them to the Senate. However, to repeat, I will explain to you again that in cases of first and second-class post offices we actually give numerical ratings to only the highest three, but we very carefully compare all others before we select the highest three. As between the third and any other competitor for third place, we give a great deal of study.

As suggested to you in my letter, the reason for not rating numerically the various other candidates is in the interest of economy of time when there is a great congestion of work, and also economy of appropriation. In Chicago, for instance, we had more than 40 candidates. You can see how perfectly useless it would have been, after having decided who belonged in the highest three to continue on and decide the relative order of the other candidates. There would be sharp contests, for instance, as to whether a man was eleventh or twelfth, or again whether another pair was twenty-third or twenty-fourth. The amount of time consumed in this idle discussion would be folly. Furthermore, the Executive order makes it necessary to select from the highest three. In case we are reasonably asked to review our work, we do so, but such review consists in making sure that we have the right three. Sometimes, however, it might affect the order of the candidates composing that three. It is rarely that there is any change upon review. Occasionally, however, the commission has found that it has overlooked some evidence, or in some way erred. In such cases we have corrected our mistakes or revised our judgment, but we have never done this except on the evidence which is reduced to writing and is a part of the case. It has never been done on the "say so" or suggestion of any "influence."

I might also add that the majority of candidates who do not succeed in making one of the first three places are fully as satisfied not to have it known whether they are fourth or fortieth.

I will close this letter in the exact language in which I closed my letter of February 7, namely, "You may be assured that I would be glad to extend to you every courtesy possible."

Yours, very truly,

JOHN H. BARTLETT, *President.*

Mr. CARAWAY. Mr. President, I am pleased to have the letter appear in the RECORD. It contains three statements, each one of them false, and known by Mr. Bartlett to be so at the time he made them. It is ungracious, and I am conscious of that, as I said in my first mentioning of these facts, to discuss an official unkindly who is not permitted to answer in the same forum and at the same time the charge is made. This charge against the Civil Service Commission is the first of its kind that I ever made. I hope it shall be the last.

I am conscious of another thing, that if I say what occurred in a telephonic conversation the party representing himself to be a certain official speaking to me could and probably will deny that he was there. But to show how absurd this statement of Mr. Bartlett is, I asked if the commission would restate these papers, and was told that the papers were not in their possession, that they were in the possession of the Post Office Department, and that they did not have access to them. If the man who told me that was not the official he represented himself to be, of course that ends that. I know some one answering the phone at the commission's office made that statement to me. Whether he was the person he claimed, I do not know. It might have been some one else. I do not know anyone of those commissioners, thank the Lord. I have as large a list of acquaintances as I care for of the kind they seem to be.

I was first told that the men whose papers I asked about had not made a passable grade. I do not know who told me that. When I called on the telephone for the chairman of the commission, I know some one in the office there told me so. When I rather doubted that and wanted the papers reviewed, I was switched to another person, and then I was told, as I said a moment ago, that the papers were not in their possession and they could not review them, that they had been turned over to the Post Office Department. I said, "Is it the rule of the Civil Service Commission to transmit to the Post Office Department papers on which the grades are made?" I was told that was the rule and that I could not see them.

Some one at the commission talked to me over the telephone—I do not know who it was—and told me that there were five excellent applicants from Paragould, that their papers were so good that after finding three of them were entitled to be certified they did not rate the other papers. I was rather curious to know how they should know who was first and who was second, unless they graded all the papers.

Then I received a letter full of evasions saying that the papers had been received in confidence. I had notified them that I had the written request of the men whose grades had not been certified, according to their understanding, asking me to see the papers, not granting permission to see them, but asking that I would do so and let them know what was wrong. I was then told that the whole thing was in confidence. Now, I am told that some banker in a back room may have said something derogatory about some candidate's reputation and that such information was received under the pledge of secrecy.

Since this matter has come up this afternoon two Senators have told me of cases which they are going to submit when the commission of investigation begins its hearings. It seems that the Senator from Nebraska [Mr. NORRIS] did not know that the Senate had adopted a resolution to investigate the Civil Service Commission along this very line.

Mr. NORRIS. Mr. President, if the Senator will permit me, I did know that. I was aware of it.

Mr. CARAWAY. I beg the Senator's pardon.

Mr. NORRIS. I wish to say to the Senator that I supported the resolution directing the inquiry.

Mr. CARAWAY. I am sure the Senator would. It does not seem that the inquiry is going to get under way very soon.

I have been told, as I said, by Senators of cases even more flagrant than those to which I have called attention. The Executive order requires, as I now recall—and if I am mistaken in that I hope some one will correct me—that the applicant must be a patron of the office to which he expects to be appointed as postmaster. In other words, he is not eligible for examination and rating and appointment unless he is a patron of the office in which he aspires to serve as postmaster. Am I correct?

Mr. NORRIS. I think that is correct.

Mr. CARAWAY. Just for the enlightenment of the president of the Civil Service Commission, there is another place in my State about which I shall give the facts to the committee that is to investigate the Civil Service Commission. They gave a rating to an applicant there and the President has nominated him because he was the choice of the political machine down there. I am not finding fault with that feature of it. That man's name is now pending in the Senate for confirmation as postmaster in a town even though he does not live in the county where the office is located. He lives 30 miles away and is a patron of another post office. He does not own a dollar's worth of property in that county. He does not vote there. He is a citizen and voter of another county and a patron of another post office.

I am sure this information was possessed by the commission when it certified his eligibility and was known by the Post Office Department when it transmitted to the Senate his nomination.

Mr. NORRIS. The Senator does not mean he is postmaster at another post office?

Mr. CARAWAY. No; but he is a patron of another post office. He lives in another county.

Mr. NORRIS. I thought perhaps he was going to have two post offices and thus lessen overhead expenses.

Mr. CARAWAY. I doubt, if the charges are true, that one man could afford to have two post offices in my State. I know, because a copy of a letter was furnished me from a man who prefaces his letter by saying that he has been a lifelong Republican and has been a member of the Republican State committee. He was at the time he wrote chairman of the Republican county committee of his county. Another Republican was selling the offices, and they were rated at from \$150 to \$250 apiece. They had sold the office in the town where he lived. He wrote the letter to the Postmaster General and sent me a copy of it. That did not prevent the man who has purchased the office from being nominated, and his nomination is now pending before the Senate for confirmation.

Mr. NORRIS. In that case the man who bought the office got it.

Mr. CARAWAY. Yes; just like the man from Michigan who bought a seat in this body got it.

Mr. NORRIS. Does the Senator think he paid too much for the post office?

Mr. CARAWAY. He is a good business man. I would not like to say that he did, because he evidently knew what he was buying. What I meant to say is that no man could afford to have two at the price for which they were selling. That was in answer to the suggestion of the Senator that they were, perhaps, trying to give the same man two jobs.

That is not an isolated case. These incidents may all be subject to explanation, and I do not doubt, if anyone wants to accept the statement of the chairman of the Civil Service Commission, that he could "explain" them. I would like to read to you again the second paragraph of the letter of Mr. Bartlett, president of the Civil Service Commission.

We must flatly join issue with you in the proposition that any ratings are changed arbitrarily or wrongfully. Such is not the fact. No one in your State or in any other State can prove such an assertion.

How can I prove that they change ratings arbitrarily or change ratings wrongfully when they will not let me see the papers on which they make the alleged ratings? It is a silly thing for a man who is the head of a great commission to say, "Well, I guess you can prove we did the things, but you can not show we were arbitrary in our ratings"; in other words, that if you steal something I can show that you stole it, but, except for your act, I can not prove that you had in your heart the intent to steal. I can not prove what was in his mind. Of course I can not prove why he certified as eligible one who had just before, on the same papers, been certified as not making a passing grade. I can show that he did it, and I know that when he says he did it for any reason except for a political reason no one is going to believe he is telling the truth. I can

not prove it, but I know it, and every man that reads his statement or looked at the papers will know it, and, of course, he knows it. Again, I should be very much pleased for him to suggest how we could prove that his conduct was not inspired by good motives except by proving what he did. But enough of him.

I do not agree with the Senator from Mississippi that the commissioners are at all times responsible for ignoring the rights of ex-service men where they are on the eligible list. It is true that the administration, in my State, with possibly one exception, so far as I know, has turned down every ex-service man who was eligible to appointment as postmaster and has named some one else whose service consisted in contributing something toward the success of the campaign that resulted in the election of the present President.

I am myself a good spoilsman. Since you folks are in power—and I do not think you are going to be again—I am perfectly willing that you shall have every office, high and low, that is subject to Executive control.

Mr. NORRIS. Mr. President, may I ask the Senator a question there?

Mr. CARAWAY. Yes.

Mr. NORRIS. The Senator excited my admiration when he indicated that he was such a good sportsman, but he gave a reason for being so that rather takes away all the honor that I was going to bestow on him. He gave as the reason he was willing that we should have the spoils that he thought we would not have them very long.

Mr. CARAWAY. Of course.

Mr. NORRIS. What would the Senator say if he honestly believed we were going to have them for the next 10 years? Would he still be willing that we should have them?

Mr. CARAWAY. I can not conceive that the people are going to make another such awful mistake.

Mr. NORRIS. It may be that they will continue making these mistakes, because they have, I confess, had a pretty difficult time to know what to do or where to go. They got pretty tired of you.

Mr. CARAWAY. Yes.

Mr. NORRIS. Now, they are pretty tired of us, and God only knows where they can go and be satisfied. They have got to jump out of the frying pan into the fire, and they may do it; but if they do that, for the reason that they put us in office, it will not be long before they will put us back, because they will get just as tired of you as they did before.

Mr. CARAWAY. No; they never can grow as weary of anybody else as they are of this administration. Some things are possible. I am willing for the Republicans to have the offices. Will Rogers said last night, "I had a conversation with the President, and said, 'Mr. President, this administration has made lots of mistakes.' The President said, 'Yes; I appointed most of them myself.'" [Laughter.]

I am not critical about the character of men whom the Republican Party selects for office in my State, except I think they should be decent, competent citizens; and I presume most of them are; I am making no charge against them; I think they are. I do think, however, that the Republican Party ought to live up to the spirit of the law which Congress has passed, and for which the President voted before he went out of the Senate, to give ex-service men the preference where they are on the eligible list.

We said to them when we asked them to go to war that whatever good things were to be given out when the war was over, they should have them; and the present Postmaster General—or has he yet gone into the movies? I do not remember. I have not seen an interview from him recently, and I do not know whether he has gone into the movies or is just going.

Mr. NORRIS. I do not know, I am sure.

Mr. CARAWAY. Well, I presume nobody knows.

Mr. NORRIS. Does the Senator from Arkansas attend the movies?

Mr. CARAWAY. Not of the kind, I think, the Postmaster General is going into. I have always gone to those—

Mr. NORRIS. The Senator has probably seen his picture on the screen?

Mr. CARAWAY. No. I think there is some kind of a censorship of the movies.

The Postmaster General was quoted as saying that the American employer who, when there were good places to be given out, did not give them to the ex-service man was no longer an American. Well, I presume that applies as much to the Post Office Department as it does to a man who runs a factory, and if the Postmaster General were to be judged by his own declaration of what constitutes Americanism, and by his acts, why, God bless your soul, the Alien Property Custodian would have

all his property before night, because the Postmaster General has absolutely ignored the provision of the civil service law and the spirit of the law, which directed him to give ex-service men the advantage where good jobs were to be given out, but has universally turned them down.

I do not know, and far be it from me to suggest, that the Postmaster General can not find anybody in the Republican Party who went to war; that they all stayed at home in good jobs; I would not suggest that; but he does not seem to be able to find any ex-service man in my State whose politics meets the requirements of the powers that be in my State when it comes to measuring men for public office. But, so far as I am concerned, I wish to say here and now that if I can do so I am going to make the Senate go on record in every case where an ex-service man who is entitled to an appointment by being on the eligible list has been ignored. If I can get an open executive session of the Senate, I want a record vote, so that all the world may know whether the Senate indorses the administration in turning down ex-service men who went 3,000 miles from home and offered to lay down their lives for the liberties of their country, and went with the assurance that when the war was over whatever good things might be given out would be given to them; but when they come back and ask for a little third-class or fourth-class post office they are turned down for some man who did not wear his country's uniform when the Great War was raging beyond the seas.

I do not know whether or not it is true, but I desire to cite another case occurring in another town in my county. I have letters from reputable people stating that the person whose name is now pending for confirmation as postmaster in this town, although there were two ex-service men on the eligible list, the party nominated, so the people swear—and I know those who have furnished the affidavits and I presume they tell the truth—the successful candidate lives in Tennessee.

In another case I have all the facts, including letters and copies of letters of the man himself who was nominated as postmaster of another town in my State. He is a lawyer. He claimed to help ex-service men who were disabled to obtain compensation from the Government.

A poor boy, stripped of whatever vitality he ever had by his services beyond the sea, and who is now drawing compensation for practically total disability, went to his office and asked him to write a letter to the War Risk Bureau to assist him to secure compensation. It was not at all an effective letter that was written, but the man to whom I have referred wanted the ex-soldier to pay him \$25 for writing the letter. He said, "The Government has no right to fix my fees; I know enough to fix my own charges; you have got to pay, and if you do not pay"—I am not using his exact language, but I will put it in the Record—"if you do not pay, then you are not a good citizen; then you are dishonest; you must pay your honest debts." He wrote a series of letters and abused him. After he had been paid \$2.50 at one time and \$5 at another for the very nominal service which he had performed, he still wanted \$27.50, because, he said, he took some acknowledgments. Yet, despite all these facts, the man who had vilified and abused this poor, crippled soldier boy because he would not submit to his extortion has been rewarded by being selected as postmaster, although nearly every citizen who is a patron of the office had signed petitions against his appointment. On one rural route leading out of the town, where there may be possibly 85 families, I think, something more than 80 signed a petition protesting against this appointment, but he had evidently paid his contribution and the office is his if the Senate will ratify what the Civil Service Commission and the Postmaster General have seen fit to put up to the Senate.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. CARAWAY. Yes.

Mr. NORRIS. As I understand, the Senator has not yet, at least, shown that the Civil Service Commission is to blame for the appointment of the man to whom he has referred?

Mr. CARAWAY. No; I can not say the Civil Service Commission is to blame.

Mr. NORRIS. But I understand the Senator is criticizing the Civil Service Commission for this particular case?

Mr. CARAWAY. Possibly the Senator's suggestion is well taken. I rather think that I wandered a bit far afield, although I am not certain but that all of this information was in the hands of the Civil Service Commission when they certified him as a perfectly proper and eligible person to be postmaster there. However, for fear that you and I may know what influenced them in giving the ratings, they now say that they have all of this information under a pledge of secrecy, and we can not see it.

Mr. President, all that I have said is drawn out in my opposition to the increasing of the salaries of the Civil Service Commissioners; and, as my understanding is that the amendment to increase their salaries is to be withdrawn, I yield the floor.

Mr. RANDELL. Mr. President, just a word. As a member of the Civil Service Committee of the Senate, in the absence of the chairman, I wish to say that I am sure that in the very near future that committee will make a painstaking examination of the matter referred to by the Senator from Arkansas [Mr. CARAWAY] and by some other Senators, and I feel sure that we will do as near what is right and just in the matter as can be done.

Just one other word in regard to the increase in salaries for the Civil Service Commission proposed in the bill. I have not read the testimony and am not able to speak very fully in regard to it; but I know, Mr. President and Senators, that after very careful investigation the Civil Service Committee has reported to the Senate a bill to reclassify all the employees of the Government, and under the terms of that bill the Civil Service Commission is given charge of that reclassification. It is charged with very onerous, important, and difficult duties.

I am not here to defend the present personnel of the commission or to say anything in the world about that. If they have done wrong, I am sure they will be held accountable for it. I know nothing about that; but I am here to say that in my humble opinion we would make a great mistake not to approve the proposed increase of the salaries paid those commissioners from \$5,000 to \$6,000, because of the very heavy additional duties we are going to put upon them in a few days.

The measure is entirely a nonpartisan one. It has already passed the House, and I am quite sure it will pass the Senate; and it is a measure that is in the interest of good administration. It ought to be passed, beyond any question. I shall not discuss it now, but it adds tremendously to the duties and the importance of the Civil Service Commission, and I, for one, believe they ought to have the increase recommended by the Appropriations Committee.

Mr. KING. Mr. President, may I inquire what amendment is before the Senate at this time?

Mr. WARREN. This amendment is the one that was passed over.

The PRESIDENT pro tempore. The question is upon agreeing to the motion of the Senator from Utah [Mr. KING] to reconsider the vote by which the amendment to strike out and insert from lines 16 to 25 on page 33 was adopted.

Mr. WARREN. I beg pardon, but we have not finished the bill itself. We have not had a vote upon the matter of the salary of the three Civil Service Commissioners.

The PRESIDENT pro tempore. No; the question is upon the motion of the Senator from Utah for the reconsideration of the vote to which the Chair has referred.

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. KING. I yield.

Mr. JONES of New Mexico. I did not know that the Senator desired to address the Senate.

Mr. KING. Mr. President, as I understand, the motion before the Senate deals with one feature of this bill relating to the Shipping Board. The House bill provided that not more than six officers or employees of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation "shall be paid an annual salary or compensation in excess of \$11,000, but no compensation or salary shall exceed \$25,000." As I understand the Senate committee amendment, that provision is stricken out, and we are now asked to support a provision stating that not more than 13 officers or employees, including 7 attorneys, shall be paid an annual salary or compensation in excess of \$11,000. May I inquire of the Senator why this change was made and also what interpretation is placed by the committee upon the Senate amendment concerning the limitation of \$25,000?

Mr. WARREN. Mr. President, first we are restoring just what the subcommittee and the committee of the House put in their bill. Late in the consideration of the bill, in fact after days had been spent on it, and late in the afternoon, as it is here now, with a very small attendance of the House, they changed this provision, and put it in the shape of the matter which we struck out. We thought it better to reinstate what the House had done, after considering the showing that had been made in the testimony and especially in the concrete form of it. The House item reduced the salaries of three or four of the men who have had \$35,000, and, of course, would prevent more than six altogether getting over \$11,000.

There are cases as to these claims of \$300,000,000 where the opponents of the Shipping Board are employing lawyers who

are paid very many times \$35,000 a year. They are making tremendous fees, and of course the lawyers for the Shipping Board are protecting the largest business in the world. There is no other business as large as this shipping business, with the amount of capital invested in it, and it is a competitive business against all the world, and they have to have suits brought in all sorts of places and under all sorts of conditions. It is necessary to have, for instance, a vice president in charge of the traffic. It is necessary to have another in charge of operations, another in charge of commerce, and so forth, and so forth. And I will say that the Shipping Board did not take advantage of the authority to employ six at \$35,000. They did not have six at \$35,000. They had only two at \$35,000 and one at \$25,000 and, I think, one or two at \$12,000, as I remember now. We felt that we had better put it back as the House committee had it, and when it goes to conference both matters will be there, and then we can see whether they were right or whether, just in the storm of passing the bill at the last moment with perhaps 15 or 20 Members present, those Members were right. That was our object in putting in this amendment.

Mr. JONES of Washington. Mr. President, will the Senator yield to me for just a moment?

Mr. KING. Yes; I shall be glad to yield.

Mr. JONES of Washington. I have not had an opportunity to look up the matter fully, but, as I understand, before the last bill was passed the Shipping Board had seven attorneys who were getting, I think, \$15,000; at any rate, it had seven attorneys who were getting more than \$11,000.

Mr. KING. As I recall, some were getting \$17,000, others \$20,000, and Mr. Bullitt was getting \$20,000.

Mr. JONES of Washington. Possibly so. These men have been prevailed upon to stay during the present year at \$11,000.

Mr. KING. That is, 13 of them.

Mr. JONES of Washington. No; I am talking about the seven attorneys that the Senate provided for. I am assured by the chairman of the Shipping Board that these men say they will not stay any longer than this year. They have the business pretty well in hand, and it would seem that we would probably lose much more than the additional salary if there should be a disorganization of the board and these men should quit and we should have to get in a lot of other men. It may be possible that we would get men who would render just as good service as these. I do not know a man who can say positively that we could or that we could not; but there is not any question about the tremendously important character of the legal work that must be done or of the very great amount of it, or of the vital interests of the Government at stake. I am satisfied that if the Senator or I were at the head of a big organization like this as a private owner we would not hesitate for one moment at the amount of money that is proposed to be paid to these men during the next year.

It was really to meet that situation, I think, that the Senate committee made the provision that it did. As the chairman has said, it is a matter that we hope to go into very carefully in conference. I know that a year ago the House committee was very much opposed to this increase. I remember very distinctly that this was the situation.

The House reported, I think, provision for not more than three employees over a certain salary. The Senate cut that out and left it open, leaving it entirely to the Shipping Board to determine the number or the salaries of their employees. In conference the House finally agreed to the limitation of six above \$11,000. They would not go any further than that. When they went over this matter before the House committee the Shipping Board made such a strong case that they evidently convinced the House subcommittee of the need of at least 13 men at salaries over \$11,000.

Mr. KING. Seven of those will be attorneys?

Mr. JONES of Washington. Yes.

Mr. KING. And the other six will consist of whom?

Mr. JONES of Washington. There is the head of the traffic bureau and the operating man.

Mr. KING. Mr. Kimball, Mr. Smull, Mr. Love?

Mr. JONES of Washington. Mr. Smull and Mr. Love and Mr. Frye. They are the three \$35,000 men. They each hold extremely responsible positions, as the Senator knows. Then there is one man up in New York, I think, who gets \$25,000, or probably more. I am not sure about that. At any rate, we allowed only the six in the last bill. Upon the showing made before the House committee, that committee reported 13; and the Senator knows enough about the House committee to know that there must have been a very strong case made showing the need of increasing that limitation. The Senate committee thought, on the showing made and in view of the action of the subcommittee of the House, that this was the wise thing to do. I think so very strongly myself.

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. KING. I do.

Mr. JONES of New Mexico. I should like to ask the Senator from Washington, while he is detailing the action of the House subcommittee on this subject, if he is willing to state what the action of the Senate subcommittee was on this subject?

Mr. JONES of Washington. I was not on the Senate subcommittee, and I do not remember. I think the Senate subcommittee did not report in favor of that. I think that was the case. I have no objection to the Senator reporting what the Senate subcommittee did, because he was a member of the Senate subcommittee and I was not.

Mr. JONES of New Mexico. I suppose it ought to appear in the RECORD at this time or some other time that the Senate subcommittee agreed with the action of the House that there should be a limitation upon these salaries of not exceeding \$25,000.

Mr. JONES of Washington. Oh, yes; the subcommittee agreed to the action of the House; but I want to appeal to the Senator from Utah, who knows the proceedings in the House and how things are done there, and how apt amendments of this character are to get in a bill upon the floor of the House, and how carefully the subcommittees go into these matters, and the weight that should be attached to the recommendations of the subcommittees. I have my opinion about it. It may be different from that of the Senator from Utah; but I want to say that the action of the subcommittee of the House, based as it was upon hearing the testimony given by the representatives of the Shipping Board, and carefully considering all that testimony, is entitled to far greater weight upon a matter of this importance than the action of the House itself.

Mr. KING. The Senator can not contend that it was entitled to far greater weight than the action of the subcommittee of the Senate.

Mr. JONES of Washington. I am not questioning the action of the subcommittee of the Senate; but it is true, and the Senator from New Mexico will bear me out in the statement, that that subcommittee did not give to the matter the extended consideration that the House committee did in this whole Shipping Board proposition. The House committee took testimony for weeks, four or five hundred pages in length, and while it may be that the subcommittee of the Senate arrived at a fairer and a juster conclusion than the House, yet my judgment is that there is not a Senator here who, if he had in his charge a business of a hundredth part of the value and the intricacy of this Shipping Board business, would hesitate for one moment on a question of an eleven-thousand-dollar or a fifteen-thousand-dollar salary for one, two, or half a dozen men, or more than that.

Mr. KING. I would like to say to the Senator that I have made inquiries, and it is my opinion that if Judge Payne had remained with the Shipping Board six months longer he would have settled all of the claims thus far handled and settled by the new régime and most of those not yet disposed of; and it is also my opinion that his adjustments and settlements would have been of greater advantage to the Government than those effected by the new legal department.

The Shipping Board was in a chaotic condition when Judge Payne was called to its aid. He was making great changes and working great reforms when he was named to succeed Secretary Lane in the Interior Department. The new administration has received millions of money from appropriations and now asks \$150,000,000 more.

Mr. JONES of Washington. The Senator can get into no controversy with me over what Judge Payne might have done or would have done or anything of the kind. Nevertheless I have my own opinion as to what the results would have been, and I believe the Government of the United States would have been out millions and millions of dollars which it is going to save by proper action now.

I think I know what I am talking about, because I have been in close touch with the Shipping Board organization during the last three or four years. I know something about how these matters have been settled, and I know something about what the Government has lost by reason of action which has been taken in the past; but it is in the past, and it is gone, and I am not going to spend any time upon it. What I want Congress to do is to look in the face the conditions which confront us.

The record shows the very large number of suits which are pending, involving hundreds of millions of dollars of claims against the Government, which must be defended by attorneys. It may be that they can be properly defended by attorneys getting \$3,000 or \$4,000. It may be that five or six such attorneys can look after this business. I want to say that if I had this

business I would not let my interests rest in the hands of three or four or five thousand dollar men, if I could get men at higher salaries. I would not take a man who would offer to do it for \$5,000 or \$6,000 a year, because I would feel pretty well satisfied that he was not competent to protect my interests and the interests of the Government.

If we are going to tie the hands of the Shipping Board by saying "You can not keep these men whom you have and who have charge of these cases; we are going to make you get rid of these men and take some other men, or else make these men work for eight or ten or eleven thousand dollars a year," we might just as well throw up our hands, so far as establishing a merchant marine, or so far as protecting the interests of this Government against the claims that have been made against it, is concerned.

It probably is not an argument at all, but I want to say that if I were on the Shipping Board and Congress were to take such action as that with me, I would quit the next day and let Congress run it. We can not expect these men to go on month after month and year after year and bear the criticisms they have to bear and which they are bearing, doing the work they are doing, toiling day and night, and worrying over these things, honestly trying to protect the rights and interests of the Government of the United States, and when they come to Congress and tell what they feel they need to take care of the business of the Government, have Congress deliberately say, "You do not know what you are talking about. You do not know what you need. We know better what you ought to have than you do, and we do not propose to give you the assistance and the aid and the help which you think you ought to have." They would be justified in saying, "We will have to give up." As a matter of fact, if we do not do what these men reasonably think we ought to do to uphold their hands and help them, and they make a failure, they can very well say that Congress was to blame for the failure, and that the board were not. I would like to see them put in such a position that, when an accounting is made, if there is a failure, we can lay the cause of the failure at their doors.

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. KING. I yield.

Mr. JONES of New Mexico. I do not care to discuss this matter at present, but I think I ought to say, in connection with the remarks of the Senator from Washington, that the testimony which was taken by the House subcommittee was all before the subcommittee of the Senate when it was considering this question.

Mr. KING. Mr. President, everybody concedes the importance of the work assigned the Shipping Board. Few persons are satisfied with its record; most persons believe that record is very bad. There are many who believe that no matter what reforms may be wrought the work of the board will prove disappointing and its attempt to operate a merchant fleet will continue to be a frightful expense and a colossal failure. Billions have been lost and hundreds of millions more will be swallowed up in this monumental failure. Of course, the present board are not chargeable with the defaults of their predecessors. They inherited a situation which called for men of courage and ability, and those now in control are entitled to fair treatment and a reasonable opportunity to demonstrate what they can do.

Congress and the country have been patient with the new administration of the Shipping Board. There has been a sincere desire to see some improvement and to discuss evidence that the huge investment of three and a half billions of dollars will not be entirely lost. It was thought that there would be an end to the demands for appropriations to keep alive this inert and clumsy object, known as the Government-owned merchant marine and Emergency Fleet Corporation. But we are doomed to disappointment. Millions follow millions—the huge creature seems unappeasable. Its appetite for food from the taxpayers of the country is insatiable. This bill carries directly and indirectly \$150,000,000. And, of course, there is no assurance that further appropriations will not be made. Indeed, I believe that every Senator expects that the Treasury will be called upon to meet further demands from the Shipping Board.

There are fewer ships controlled by the Shipping Board engaged in ocean traffic than there were one year ago. The new administration has tied more ships to the docks and evolved a costly and extensive organization. The Senator from Washington yesterday spoke with enthusiasm of its "achievements." I am interested to find out what they are. There may be important gains secured by the new régime. I hope so. I am anxious to perceive them. The country will be glad to obtain their

benefits. The gains and achievements are so important to the country that we must appropriate directly more than \$100,000,000 at a time when the country is burdened with debt and the people are groaning beneath the heavy Federal and State tax exactions, and, in addition, grant the board the authority to use \$55,000,000, which is due from various Governments, including the United States, and corporations.

In other words, \$155,000,000 more must be poured into the cavern which has drawn approximately three and a half billions from the people. However, I desire to do no injustice to any of those now connected with the administration of the Shipping Board or the Emergency Fleet Corporation. I feel certain that there are men of the highest character connected with these organizations, and that they are endeavoring to bring to a successful conclusion the enterprise in which they are engaged.

But I doubt the wisdom of some of their policies, and see difficulties, if not defeat, in their pathway.

Knowing that the people will not be willing to have the present unsatisfactory condition continued, a propaganda is being waged to secure the passage of an act to give subsidies to American ships. It is felt by some, doubtless, that subsidies to privately owned ships will be less objectionable than a continuation of a policy which locks ships in the harbors and votes tens of millions from the Treasury annually to meet the expenses of keeping up an expensive organization.

Mr. President, I have carefully read all of the testimony taken by the various committees of the House and Senate relating to the Emergency Fleet Corporation and the Shipping Board—testimony covering hundreds, if not thousands, of pages, and extending over a period of more than four years—and I can not help but feel that no activity of the United States has ever been so wasteful and extravagant as that which relates to the construction and operation of the ships controlled by the Shipping Board.

During the past week I have read the testimony taken by the House Appropriations Committee, consisting of several hundred pages, and I can not reach any other conclusion than that there is now extravagance in the Shipping Board. It is too finely organized; there are, in my opinion, needless employees and many persons who are receiving compensation greatly in excess of what is fair and reasonable.

I might say in passing that an examination of this volume which I have before me, beginning with the statement of Mr. Lasker, at page 798, and concluding on page 1175, shows that there is such an arrangement of the testimony, of the data, and the figures that it is very difficult to ascertain with any degree of certainty just what the board has done and is doing and what the costs of operation are.

If it were not so late, I should call attention to the vast number of organizations, assistants, heads of unnumbered departments or divisions of employees, officials, big and little, great and small, but always numerous, the large amounts which they receive, the enormous expenditures made, for the purpose of impressing upon the Senate, if I could, how insincere or, at least, how inaccurate are the claims of economy in connection with the present administration of the Shipping Board and how hollow and worthless are the protestations that the administration in power is devoted to economy and reform.

Mr. President, I shall say no more upon this particular item. I shall not call for a quorum, because most of the Senators have gone home owing to the lateness of the hour, although I shall ask for a vote. Before the vote is taken I should like to be advised by the Senator having the bill in charge whether he will accept as an amendment to the committee amendment the last sentence found in the House text, which is stricken out, to wit, "but no compensation or salary shall exceed \$25,000," so that as amended it would provide for 13 officers and employees, including 7 attorneys, who might be paid annual salaries or compensation exceeding \$11,000 but not exceeding \$25,000.

Mr. WARREN. I am willing that the Senator should have a vote on both propositions, but I shall ask for a division of the vote. I would not feel at liberty, on the part of the committee, to accept the amendment.

Mr. KING. I will then withdraw that amendment and tender an amendment to the amendment of the committee to add at the end of that amendment the words "but no compensation or salary shall exceed \$25,000."

Mr. WARREN. The Senator may have two votes, one on this and then one on the committee amendment. I could not accept the amendment as offered.

Mr. KING. I do not ask the Senator to accept it, but I ask if he has any objection to my withdrawing my motion now, which would involve the Senate amendment as it now stands, and perfecting it by offering that amendment. I will do that

anyway, Mr. President. I move to amend the Senate amendment as I have suggested.

The PRESIDENT pro tempore. The motion is not in order until there is a reconsideration of the vote by which the amendment was agreed to.

Mr. KING. I took it for granted that it was always the rule where Senators were called out on official business, as I was, attending another committee meeting, and an amendment is passed, to reconsider the vote pro forma.

Mr. WARREN. I understood from what the Senator stated that he did not vote for the amendment. I thought he asked unanimous consent that the vote be reconsidered, and I supposed he had received it. I appeal to the Chair to know whether the Senator asked unanimous consent.

The PRESIDENT pro tempore. The Senator from Utah withdraws his motion to reconsider, and asks unanimous consent that the vote by which the committee amendment was agreed to shall be reconsidered. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. KING. I move to amend the committee amendment by adding at the close thereof the following words:

But no compensation or salary shall exceed \$25,000.

Mr. WARREN. I shall ask for a division. That is a privilege always accorded.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Utah.

The ASSISTANT SECRETARY. On page 33, line 25, to add at the end of the committee amendment, the part to be inserted, the following words:

But no compensation or salary shall exceed \$25,000.

Mr. JONES of New Mexico. On that I ask for the yeas and nays.

Mr. WARREN. I hope the Senator does not want the consideration of the bill to go over for another day.

Mr. JONES of New Mexico. I feel rather keenly about this amendment.

Mr. WARREN. If the Senator wants to force the bill over to another day, of course he has that right.

Mr. JONES of New Mexico. I am very anxious to accommodate the distinguished Senator from Wyoming.

Mr. WARREN. I want to say to the Senator that it is hardly a personal accommodation to me. We must have an end of these measures in order to keep up with the work before our committee.

The PRESIDENT pro tempore. The Senator from New Mexico demands the yeas and nays on the amendment offered by the Senator from Utah.

Mr. JONES of New Mexico. I do not know that I shall insist upon the demand. I ask for a division.

The PRESIDENT pro tempore. The Senator from New Mexico demands a division.

Mr. WARREN. I understand the question to be on the amendment offered by the Senator from Utah to the committee amendment?

The PRESIDENT pro tempore. The vote is about to be taken on the amendment proposed by the Senator from Utah to the committee amendment.

Mr. KING. Which would prevent the payment of more than \$25,000 to any one person as compensation.

On a division, the amendment to the amendment was rejected. The PRESIDENT pro tempore. The question is now upon agreeing to the committee amendment.

Mr. KING. Mr. President, I move to strike out, in line 21, page 33, the word "thirteen" and insert in lieu thereof the word "ten," so that it will limit the number who will get this tremendous amount and reduce the number to 10.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah to the committee amendment.

The amendment to the amendment was rejected.

Mr. KING. I now move to amend the committee amendment by inserting at the close thereof the following:

But no compensation or salary exceeding \$20,000 shall be paid to any of said 13 officers or employees.

The amendment was rejected.

Mr. KING. I now offer the following amendment. The distinguished Senator from Missouri [Mr. SPENCER] says that this is silly. I know it is silly to attempt any economy.

Mr. HARRISON. The Senator refers to the junior Senator from Missouri?

Mr. KING. Yes; the junior Senator from Missouri. Of course, the senior Senator from Missouri would not say that. I know it is silly to attempt any economies or retrenchments in these appropriation bills, but at the expense of being charged

with a silly effort by the distinguished junior Senator from Missouri I shall make one more effort.

Let me say that under the present law a number of officials of the Shipping Board are obtaining \$35,000 salaries. Those who have voted against the amendments which I have suggested approve of that course. There is no limitation. The Shipping Board could pay \$50,000 if they desired to do so, but in their desire for economy and in the plentitude of their mercy for the poor taxpayers of the United States they have restricted it to \$35,000.

I shall make one more effort which my friend will denominate as silly. I move to add at the close of line 25, page 33, the following:

But no compensation or salary shall exceed \$30,000, and that amount shall not be paid to exceed three persons.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Utah to the committee amendment.

The amendment to the amendment was rejected.

Mr. KING. Mr. President, I desire to congratulate the people of the United States upon having here such faithful guardians who protect the interests of the people and the oppressed taxpayers.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment, which will be stated.

The READING CLERK. On page 33, after line 20, insert the following:

Not more than 13 officers or employees, including 7 attorneys, of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid an annual salary or compensation in excess of \$11,000.

The amendment was agreed to.

Mr. HARRISON. Mr. President, of course we did not ask for a yea-and-nay vote on that question, but it pains us to the very core to think that of all the distinguished Republicans who are present on the other side only one, the junior Senator from Nebraska [Mr. NORRIS], voted with the solid phalanx on this side of the aisle to help the taxpayers of the country and to repudiate these extravagant expenditures of money.

The PRESIDENT pro tempore. The question now is on the amendment passed over on page 5, line 19, which will be stated.

Mr. KING. I would like to challenge attention to the item which we have been considering, namely, the Shipping Board fund. I can recur to it after disposing of the item just suggested by the Chair, if it is preferred by the chairman of the committee. I wanted to move and shall move to strike out all of item (d) on page 32.

Mr. WARREN. Has the Senator obtained leave to reconsider the vote by which that amendment was agreed to?

Mr. KING. I ask unanimous consent, in view of the fact that this item was previously disposed of, to reconsider the vote by which the amendment in line 2, page 32, was agreed to.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote by which that amendment was agreed to is reconsidered.

Mr. KING. I now move to strike out the item (d), found on page 32, which provides—

and (d) \$55,000,000 from moneys collected from mortgages, leases, accounts and bills receivable other than those arising from current operations, and from moneys collected from the sale of ships, plants, material, securities, and other assets, prior to July 1, 1923, less such portion of said \$55,000,000 which shall have been collected during the fiscal year 1922 under the provisions of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes," approved March 4, 1921.

The PRESIDENT pro tempore. The Chair is of the opinion that the amendment is not in order. The question is on agreeing to the committee amendment.

Mr. KING. I stated the matter conversely.

I do not propose to be hurried in the presentation of this matter very briefly. This item gives to the Shipping Board \$55,000,000. On the preceding page we appropriate \$100,000,000, so that, if I read the bill correctly—and if my interpretation is wrong, I hope I shall be corrected by the chairman of the committee—we are called upon to appropriate and do appropriate \$155,000,000 to the Shipping Board for the coming year.

Mr. WARREN. Fifty million dollars of that amount is for the settlement of adjusted claims. There is only \$50,000,000 outside of the \$55,000,000, and that \$55,000,000, or collections thereon, is provided for in the law of last year. They have collected only a small amount.

Mr. KING. They have collected between five and six million dollars.

Mr. WARREN. And they will collect perhaps less this year, so there is really only \$50,000,000 appropriated for the Shipping Board, other than the amount involved in the claims.

Mr. KING. I am not quite sure of all the deductions to be drawn from the statement of the Senator. I call attention to the testimony of Mr. Montgomery, the expert for the Shipping Board, and it is practically the same testimony as that given by Mr. Lasker. It is found on page 142 of the hearings before the House Committee on Appropriations, Sixty-seventh Congress, first session. We find there at the time this testimony was given, or at least on June 20, 1921, a statement of estimated quick assets consisting of cash on hand \$36,145,852; notes and accounts, foreign Governments, \$31,400,000; United States Government departments, \$15,300,000; United States relief organization, \$900,000; vessel purchasers, \$143,700,000; individuals, firms, and corporations, \$96,000,000; investments and loans, \$87,000,000; materials, supplies, ship stores, and so forth, \$90,000,000.

So that on June 30 of last year there were quick assets in the hands of Mr. Lasker, or of the board, aggregating \$500,445,852. That is a fund which has been made available for the purpose of meeting the expenses of the Shipping Board. That is made available to the extent of the cash on hand, plus \$55,000,000. In addition to that fund we are now asked to appropriate in cash \$100,000,000; and—

For expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1923, for administrative purposes, miscellaneous adjustments, losses due to the maintenance and operation of ships, for the tie-up, reconditioning and repair of ships, and for carrying out the provisions of the merchant marine act, 1920, (a) the amount on hand July 1, 1922; (b) \$50,000,000.

The amount on hand July 1, 1922, I presume would be \$36,000,000, plus the \$50,000,000 cash which we are now called upon to appropriate. Then follows the \$55,000,000 to which my motion is directed.

Then on page 32 for the payment of claims, damage charges, and miscellaneous adjustments, authorized under the provisions of the merchant marine act, 1920, we as asked to appropriate \$50,000,000 more. So that, as I stated at the outset, the bill carries appropriations amounting to \$155,000,000, plus.

What has become of these assets, these quick and liquid assets? It may be responded that they have not been collected. We were told by Mr. Montgomery and Mr. Lasker, when they testified last year, that there was a vast amount of material, supplies, ships' stores, and so forth, on hand which would be available for sale and that the proceeds derived therefrom, as I recall the testimony, could be utilized in paying some of the claims against the Government. These materials were estimated to be worth \$90,000,000.

What has become of that \$90,000,000? What has become of the \$36,000,000 of cash on hand, plus the larger appropriation carried in the former deficiency appropriation bill, the amount of which I have just forgotten? What has become of the sum due from foreign Governments amounting to \$31,400,000? What has become of the \$15,300,000 due from various departments of the Government of the United States to the Shipping Board? Have those amounts been collected?

What has been collected from the purchasers who were owing to the Government \$143,700,000? What has become of the \$96,000,000 due to the Shipping Board from individuals, firms, and corporations? Five hundred million dollars were there as quick, liquid, available assets. What disposition has been made of them?

Mr. President, we are asked to make this enormous appropriation in the face of the testimony which was given at the former hearing which indicated, as I recall, that the demands to be made upon the Government for future appropriations would be very much less than those which are sought by the pending bill.

I can not understand the attitude of Senators allowing these enormous appropriations to go through without due consideration. We are asked to appropriate, and we do appropriate without discussion, \$155,000,000 for this agency which has already consumed money out of the Treasury to the amount of more than \$3,350,000,000 or \$3,400,000,000. I should like some explanation, aside from the necessity of making the appropriation, why we should be willing to make an appropriation of this character, leaving it to the individuals in charge of the board to which the appropriation is made to utilize it as they see fit. If these vast sums are due, they should be collected, and turned into the Treasury, and then Congress should make appropriations, so that it would know just exactly what it is called upon to appropriate.

As I have indicated, it apparently seems to be the purpose of the committee to treat the \$500,000,000 of available assets as a fund which may be used by the Shipping Board without making due returns to Congress or, at any rate, covering any of these funds into the Treasury of the United States. It seems to me that it is unwise to give such authority to any agency of the Government, no matter how competent or efficient or honest that agency may be.

If \$55,000,000 is due the Government—and that and a great deal more is due—it ought to be collected and turned into the Treasury of the United States. Then if we have got to make appropriations for this great organization, whose demands seem to be insatiable, we ought to make the appropriations deliberately from the Treasury of the United States, with full knowledge of the burdens and the liabilities and, of course, of the purposes for which the money is to be used.

I ask the Senate, Mr. President, to reject this amendment, which gives to the Shipping Board the authority to use \$55,000,000 without any supervisory power from any agency of the Government, as well as the \$100,000,000 which we are asked to appropriate by the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. HARRISON. Mr. President, I ask unanimous consent to reconsider the vote by which the amendment was adopted on page 3, line 4, inserting the words "and official entertainment" in the clause making an appropriation of \$25,000 "for traveling and official entertainment expenses of the President of the United States."

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent for the reconsideration of the vote by which the committee amendment in lines 4 and 5, on page 3, was agreed to. Is there objection? The Chair hears none, and the vote is reconsidered. The question now is upon agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The question now is upon the committee amendment which was passed over, which the Secretary will state.

The ASSISTANT SECRETARY. On page 5, line 19, under the heading "Civil Service Commission," the committee proposes to strike out "\$5,000" and to insert "\$6,000."

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.] The ayes seem to have it.

Mr. HARRISON. Let us have a division on that, Mr. President.

Mr. CARAWAY. I understood that amendment was to go out of the bill.

Mr. WARREN. No; I said that after the Senator made his remarks, inasmuch as he would then have expressed himself on the subject, it would be all right to vote on it, and let it go out, if the Senate so decided.

Mr. CARAWAY. I certainly misunderstood the Senator.

Mr. WARREN. I am sorry the Senator misunderstood me.

Mr. FLETCHER. The Senator from North Carolina understood that it was not to be insisted upon.

Mr. CARAWAY. That was the understanding I had.

Mr. KING. I will have to suggest the absence of a quorum if the amendment is insisted upon.

Mr. CARAWAY. I ask the Senator not to make that suggestion.

Mr. WARREN. Mr. President, rather than have any misunderstanding of the matter, I would prefer to have the amendment go out. I do not wish to have any Senator think that there has been any unfair advantage taken.

Mr. CARAWAY. No; I am not making any accusation against the Senator.

Mr. WARREN. I understand that.

Mr. CARAWAY. But I so thoroughly understood that the amendment was to go out that I made no point of it.

Mr. WARREN. I am sorry the Senator misunderstood anything that I have said. The facts are as I have stated them; but if any Senators have an idea that I am not fair about the matter, why let it go out. I think, however, that we ought to take a vote on it and have a division.

Mr. KING. I withhold my suggestion for a moment.

Mr. CARAWAY. I wish to say to the Senator from Wyoming that I am not standing here in the position of criticizing him, for I entertain for him a very high regard, but it was my understanding, as well as the understanding of other Senators, that the amendment was to go out.

Mr. KING. I do not want to call for a quorum, but I will have to unless the amendment does go out.

Mr. WARREN. Mr. President, there seem to be two angles to the situation now. One is a misunderstanding with the Senator from Arkansas, for whom I have great respect. I would dislike very much to seem to offend any of the proprietaries. Furthermore, another Senator proposes that he will have to call for a quorum, which he knows and we all know will take a very long time.

Mr. KING. A number of Senators left here with the understanding, which has been expressed, and it will be only fair to them that they be recalled if that understanding is not adhered to.

Mr. WARREN. Let the amendment go out. If there is one attribute that I want to establish here beyond others, it is fairness on my part in the conduct of the appropriation bills which happen to be in my charge. While I believe that the Civil Service Commissioners should have the amount proposed by the amendment, and even \$7,500, as estimated—not the individuals particularly, but the offices, and while they are occupying the offices—at the same time we seem to be in a position where we will have to pass it over and make the increases when we come to the efficiency rating measure, which will, I presume, comprehend all salaries up to those of Cabinet officers. So I will permit the amendment to be rejected, and shall hope to reach it in another way at a later date.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will state the next amendment passed over.

The ASSISTANT SECRETARY. The next amendment passed over is, on page 6, in line 10.

The PRESIDENT pro tempore. By unanimous consent, the amendment, on page 6, line 10, will be disagreed to. Under the unanimous-consent agreement already entered into, the Secretary will make the necessary corrections in totals.

Mr. KING. Mr. President, the Senator from Washington was not present when the item for the "National Advisory Committee for Aeronautics" was reached, on page 19. May I inquire of him, in view of the fact that there is a bill pending, which is the unfinished business, providing for the establishment of a bureau of aeronautics, whether he thinks this amount ought to be carried in the bill?

Mr. JONES of Washington. Mr. President, the National Advisory Committee for Aeronautics was created by an act passed in 1915. It is composed, I think, of the Secretary of War, the Secretary of the Navy, the Secretary of the Smithsonian Institution, and others. It is a scientific organization. What their actual needs are, however, I do not know, although I suppose that was shown to the subcommittee. The committee, however, does not deal with practical aviation or anything of that sort, but is a purely scientific organization. I have here a description of its activities by one of its members. I quote from the statement of Joseph S. Ames, chairman of the executive committee, National Advisory Committee for Aeronautics, as follows:

It was established by law in 1915, having 12 members, appointed by the President. It consists of two representatives from the Army, Gen. Patrick and Col. Bayne; two from the Navy, Admiral Moffett and Admiral Taylor; Dr. Walcott, Secretary of the Smithsonian Institution; Dr. Stratton, Director of the Bureau of Standards; Dr. Marvin, Chief of the Weather Bureau; and five civilians from private life.

Dr. Ames says further:

Our committee is charged primarily with the consideration and undertaking of scientific work dealing with aviation. We conduct laboratories and research institutions which look after this subject of aviation; that is, its purely scientific side.

As to the details and objects of their work I can not give the Senator the information he desires, but it must have been given to the subcommittee, of which I was not a member.

Mr. KING. I heard a great deal of criticism about the committee as a fifth wheel to the coach and as wholly unnecessary. As the Senator remembers, we have made very generous appropriations for the Army and for the Navy in connection with aeronautics, and this organization, as I have been advised—I have made no personal investigation—hardly appears to justify its existence.

Mr. JONES of Washington. I can not give the Senator any more information than I have given with reference to the particular organization. The Senator from Missouri, who was on the subcommittee, may enlighten the Senator further.

Mr. KING. We are about to create a bureau of aeronautics, some sort of a civil organization, under the Department of Commerce, and it occurred to me that if we have this organization functioning, and then create a bureau of aeronautics and have that functioning, and then have an organization in the Navy and in the War Department doing aeronautical work and re-

search work. It would be an unpardonable and indefensible duplication.

Mr. JONES of Washington. Of course, the purpose of the bill which is the unfinished business does not contemplate doing the work which this organization does. The work of this organization may not be necessary; I can not say about that; I have not looked into that particularly; but the bill that is pending to create a bureau of aeronautics does not do the work, at any rate, that this Dr. Ames says this organization does and was created to do. This organization may not be necessary; I do not know; I do not pretend to say; I have not examined that question.

Mr. KING. May I ask the attention of the Senator from Missouri for just a moment? My information is not full enough to justify me in moving to strike it all out, but, in order that that matter may be fully considered in conference will the Senator consent to an amendment striking out "\$200,000" and inserting "\$150,000"? If that is done in conference the situation may be carefully considered.

Mr. NORRIS. Mr. President, I wish to interrupt the Senator, if he will permit me.

Mr. KING. I yield.

Mr. NORRIS. It may be that this is all necessary, although I have not heard anything to indicate that it is. It occurs to me that none of it is necessary.

Mr. KING. That is my information, I will say to the Senator.

Mr. NORRIS. I think the motion ought to be made in the Senate to strike out the entire provision. We are in a position now where we can do nothing else, because the provision is in the House text; so that the way to get it properly before the conference is to strike it all out. The difference between the \$200,000 and \$150,000 would not reach the meat of the matter.

Mr. WARREN. I have consulted with my colleague on the committee who has charge of a bill, which will come up later, in regard to the proposed Bureau of Aeronautics, and, with the understanding that the matter shall be considered in conference, I am willing that the amendment may go out entirely.

Mr. NORRIS. Then, I move to strike it all out, commencing with line 8, on page 19, including the remainder of the page.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Nebraska.

The ASSISTANT SECRETARY. On page 19, after line 7, it is proposed to strike out:

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS.

For scientific research, technical investigations, and special reports in the field of aeronautics, including the necessary laboratory and technical assistants; traveling expenses of members and employees; office supplies, printing, and other miscellaneous expenses, including technical periodicals and books of reference; equipment, maintenance, and operation of a research laboratory, known as the Langley Memorial Aeronautical Laboratory; maintenance and operation of one motor-propelled passenger-carrying vehicle; personal services in the field and in the District of Columbia; in all, \$200,000: *Provided*, That the sum to be paid out of this appropriation for clerical, drafting, and messenger service for the fiscal year ending June 30, 1923, shall not exceed \$42,000.

For the construction of an additional laboratory building necessary in connection with the operation of the research laboratory, \$10,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TREASURY DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I wish now to call up a conference report, which will take but a moment—the conference report on the Treasury Department appropriation bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate resumed the consideration of the report of the committee of conference on certain amendments of the Senate to the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20 and 21.

F. E. WARREN,
W. L. JONES,
WM. J. HARRIS,

Managers on the part of the Senate.

MARTIN B. MADDEN,
WALTER W. MAGEE,
JOSEPH W. BYRNS,

Managers on the part of the House.

Mr. HARRISON. Mr. President, may I ask the Senator just one question? All the matters in disagreement have been agreed upon?

Mr. WARREN. Everything had been agreed upon except these two items, on which we recede to the House, thus cutting out the appropriation of \$1,000,000 for the Treasury vault and \$500,000 for an archives building.

Mr. HARRISON. This is a final report?

Mr. WARREN. It is a final report.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

SUPPLEMENTAL ESTIMATE, POST OFFICE DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Post Office Department for the fiscal year ending June 30, 1923, in amount \$52,000, for rent of suitable buildings in the District of Columbia, etc., which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

REPORT OF PERRY'S VICTORY MEMORIAL COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a copy of the second annual report of the Perry's Victory Memorial Commission, which was referred to the Committee on the Library.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a joint resolution adopted by the board of directors and the Americanization committee of the Bridgeport (Conn.) Junior Chamber of Commerce, favoring the making of satisfactory inspection of immigrants prior to their arrival at the various ports of debarkation, which was referred to the Committee on Immigration.

He also presented a memorial of members of Emma Hart Williard Chapter, Daughters of the American Revolution, of Berlin, Conn., remonstrating against the enactment of legislation detrimental to or permitting encroachment upon the national parks, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted at the annual meeting of the Connecticut Vegetable Growers' Association, at Hartford, Conn., January 25-26, 1922, favoring acceptance of the proposals of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted at the annual meeting of Connecticut Vegetable Growers' Association, at Hartford, Conn., January 25-26, 1922, protesting against the proposed transfer of the Forest Service from the Department of Agriculture to another department, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Emil L. G. Hohenthal, of South Manchester, Conn., praying for extension of relief to the suffering peoples of Austria by deferring payment of Austria's debt for 20 years, etc., which was referred to the Committee on Foreign Relations.

He also presented petitions of members of Local Branch No. 22, of Grosvenor Dale, and Local Branch No. 51, of Waterbury, of the Pan-Albanian Federation of America, both in the State of Connecticut, favoring the recognition of Albania by the Government of the United States, which were referred to the Committee on Foreign Relations.

He also presented memorials of members of the faculty of Yale University and Wesleyan University, both in the State of Connecticut, remonstrating against the placing of a tariff duty on reference and text books in the pending tariff bill, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Waterbury, Conn., praying for immediate passage of the so-called soldiers' bonus bill, which were referred to the Committee on Finance.

He also presented a memorial of the executive committee of the National Association of Ice Cream Manufacturers, of New Haven, Conn., remonstrating against the enactment of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented petitions of 500 employees of the Bridgeport Brass Co. and 339 employees of the Wallace-Barnes Co., of Bristol, both in the State of Connecticut, praying for inclusion of the American valuation plan in the pending tariff bill, so as to maintain the American standard of living for workers, which were referred to the Committee on Finance.

He also presented a telegram in the nature of a petition from R. S. Baldwin, committeeman, State Dairymen's League, of Hartford, Conn., praying for the enactment of the so-called Volstead-Capper bill for cooperative marketing of farm products as it passed the House of Representatives, which was ordered to lie on the table.

He also presented the petition of A. W. Honywill, jr., American Society of Mechanical Engineers, of Hartford, Conn., praying for the enactment of the so-called Lampert Patent Office bill, which was ordered to lie on the table.

Mr. LADD presented a resolution adopted by the North Dakota Farm Bureau Federation, of Fargo, N. Dak., favoring an appropriation of \$15,000 for investigation of the manufacture of flax straw into paper and pulp, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted at a meeting of the Sauter Federal Land Loan Association, at Brockton, N. Dak., favoring the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices on certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented the petitions of N. O. Peterson and 14 others of Turtle Lake, A. L. Loudonback and 19 others of Amidon and vicinity, P. F. Wolf and 189 others of Hague and vicinity, Jack Hendrick and 12 others of South Heart, B. J. Kramme and 38 others of Honeyford and vicinity, and P. J. Hutton and 34 others of Reeder, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices on certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented a resolution adopted by the executive committee of the Massachusetts Federation of Churches, at Boston, Mass., favoring prompt ratification by the Senate of the treaties negotiated by the Conference on Limitation of Armament, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the city council of Lynn, Mass., favoring the enactment of legislation for the deportation of all aliens who claimed exemption from the draft on the ground that they were aliens and who rendered no military service to their own countries, which was referred to the Committee on Immigration.

Mr. CAPPER presented a resolution adopted by Division No. 214, International Brotherhood of Locomotive Engineers, of Chanute, Kans., favoring the passage of Senate bill 2901, providing for restoration of the excess-profits tax, which was referred to the Committee on Finance.

He also presented a resolution adopted by Division No. 422, International Brotherhood of Locomotive Engineers, of Goodland, Kans., favoring the passage of Senate bill 2901, providing for restoration of the excess-profits tax, and protesting against the enactment of the so-called Volk bill, providing for the imposition of a general sales tax, which was referred to the Committee on Finance.

He also presented a resolution adopted by Baxter Post, No. 123, Grand Army of the Republic, of Baxter Springs, Kans., favoring the passage of the so-called Morgan bill, providing for increased pensions to veterans of the Civil War and their widows, and also for the monthly payment of pensions, which was referred to the Committee on Pensions.

Mr. KENDRICK presented a petition of sundry citizens of Crook County, Wyo., praying for acceptance of the proposals of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. J. Hixenbaugh, of Glenys, Wyo., and sundry other citizens of that vicinity, praying for the revival of the Government Grain Corporation so as to stabilize the prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Laramie River Live Stock Association, of Laramie, and the Sheridan Commercial Club, of Sheridan, both in the State of Wyoming, protesting against the proposed transfer of the Forest Service from the

Department of Agriculture to another department, which were referred to the Committee on Agriculture and Forestry.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 10, 1922, they presented to the President of the United States enrolled bills and joint resolutions of the following titles:

S. 1831. An act to amend section 237 of the Judicial Code;

S. 2124. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama;

S. 2468. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin;

S. 2802. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

S. 2994. An act to revive and reenact the act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island, in Baldwin and Mobile Counties, Ala.," approved October 5, 1917;

S. J. Res. 99. Joint resolution providing a site upon public grounds in the city of Washington, D. C., for the erection of a statue of Dante; and

S. J. Res. 140. Joint resolution relative to payment of tuition for Indian children enrolled in Montana State public schools.

DELAWARE RIVER BRIDGE.

Mr. CALDER. I ask unanimous consent to report back favorably from the Committee on Commerce House bill 9931, extending the time for completing the construction of a bridge over the Delaware River and to submit a report (No. 491) thereon. The passage of this bill is very urgently desired by the Senators from Pennsylvania. It is the regular routine permission with regard to the construction of bridges, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the time for completing the construction of the bridge authorized by act of Congress approved August 24, 1912, to be built by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. across the Delaware River near the city of Trenton, N. J., which has heretofore been extended by Congress to August 24, 1922, is hereby extended for a further period of three years from the last-named date.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 3138) to provide for the appointment of commissioners of the Public Utilities Commission of the District of Columbia, and for other purposes; and

A bill (S. 3139) to license insurance brokers, agents, and solicitors in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. McNARY:

A bill (S. 3140) to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges under Federal irrigation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. BURSUM:

A bill (S. 3141) to amend an act entitled "An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases," approved May 1, 1920; to the Committee on Pensions.

AMENDMENT OF DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. SHEPPARD submitted an amendment proposing to appropriate \$1,500 to aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., Washington, D. C., intended

to be proposed by him to House bill 10101, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ADJOURNMENT.

Mr. WARREN. If there is nothing more for consideration now, I move that the Senate adjourn.

Mr. HEFLIN. Are we not going to have an executive session?

Mr. WARREN. Not to-night.

I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until Monday, February 13, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 11, 1922.

The House met at 12 o'clock noon.

The chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou whose life is the light of men, again Thou hast touched the old earth with a heavenly glow. We thank Thee for rich privileges; and may we rise to their opportunities and to their call. Impress us that anything but genuine fidelity to them, which is an active relation, is failure, and sullies the page of life with forbidding fingers. Before Thee we are so limited and dependent that the silence of necessity is with us. With our ever-present labors may our zeal never slacken, our faith never weaken, and our love never grow cold. O broaden and deepen the range of our understanding and our moral natures. Strengthen our wills for the right. Chasten our pride and continue to fit us for strong and acceptable service for our country that has so honored us. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ASSOCIATION OF AGRICULTURAL PRODUCERS.

Mr. VOLSTEAD. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 2373) to authorize association of producers of agricultural products, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Minnesota calls up from the Speaker's table H. R. 2373 and moves to concur in the Senate amendments. The clerk will report the Senate amendments.

The Senate amendments were read.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman please explain the effect of the Senate amendments?

Mr. VOLSTEAD. These amendments, with the possible exception of the first one, do not make any change in the bill as we intended to pass it in the House. The effect of that amendment is this: In the bill as it passed the House there was no specific limit upon the amount of farm products in which these associations might deal. Under this amendment they can only deal in an amount of such products of nonmembers equal to the amount of products dealt in for members of the association. In that respect it limits the scope of these associations; but it is not believed that that limitation will interfere with their operation.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes; I yield to the gentleman from Texas.

Mr. GARNER. Does the gentleman think the bill is better as it comes back from the Senate than it was when it went over there?

Mr. VOLSTEAD. I think it is practically the same. I do not believe it is changed much one way or the other. That is the general opinion of those who have examined it.

In connection with what I desire to say in regard to this legislation, I may be permitted to offer some observations on legislation that this Congress has passed in the interest of agriculture, and to emphasize the need of that industry for relief.

In this industrial depression it has been noticed that the more thoroughly an industry is organized the less it has suffered and the less its prices have been deflated. This was noticeable in the dairy industry, which is more largely controlled by cooperative farm organization than any other branch of industry except that of certain fruit growers. Milk, cream, and butter have maintained a much higher average of prices than many other farm products. In this country, until within the last few years, farmers have made but little effort to combine, though those with whom they have had to deal are combined in large corporations. At the beginning of the last Con-

gress a bill was introduced for the purpose of giving to the farmers the privilege of combining, so that they might offer their products in cooperation with each other. Hearings were held by the Judiciary Committee, of which I have the honor of being chairman, but the bill failed to receive the necessary support. After consulting with officers of various farm organizations so as to get their views, I drafted a bill which, after being approved by those officers, I introduced and succeeded in passing in the House, but it was so amended in the Senate that in my view it would defeat its purpose, and it consequently failed of passage at that time. I again introduced this bill in the early part of the first session of this Congress and then secured its passage in the House. It has been pending in the Senate for many months. The Senate again sought to amend it, and a prolonged fight was provoked over those amendments.

The farmers are not seeking a chance to oppress the public, but insist that they should be given an opportunity to meet business conditions as they exist, a condition that is very unfair under the present law. When a farmer seeks to sell his products he meets in the market place the representatives of vast aggregations of organized capital that largely determine the price of his products. Personally he has seldom anything to say about the price. If he seeks to associate himself with his neighbor for the purpose of collectively negotiating for a fair price, he is threatened with criminal prosecution. Corporations with which he is compelled to deal, such as grain-elevator companies and the packers, may be composed of thirty to forty thousand members. These members collectively do business as one person. The officers of the corporation act as agents of such members. This bill, if it becomes a law, will allow farmers to form like associations, the officers of which will act as agents for their members. Business corporations have under existing law like powers and privileges to those sought to be conferred on farm organizations by this bill. The measure does not seek to grant a class privilege, but aims to equalize existing privileges by changing the law applicable to business corporations so farmers can take advantage of it.

A number of States have passed laws allowing farmers to collectively bargain for the sale of their products, among which are Minnesota, Wisconsin, Illinois, New York, and Pennsylvania; but the State can not give these associations the right to enter interstate and foreign commerce, hence the necessity for this legislation.

Like associations have been very successful in some of the European countries, and there is no reason to believe that they can not be made equally successful in this country. The agricultural press and the officers of the farm organizations have everywhere indorsed this bill. Personally, I believe that it will prove of great value. To give you some idea of the importance that representative farm organizations attach to this legislation I shall insert in the Record a letter that I received from officers of such associations. It is as follows:

WASHINGTON, D. C., February 9, 1922.

HON. A. J. VOLSTEAD,

House Office Building, Washington, D. C.

DEAR MR. VOLSTEAD: We heartily congratulate you and those associated with you on the passage of H. R. 2373, the farmers' collective marketing bill. When in the last Congress, now some two years ago, you drafted and introduced this bill it met, as we all remember, very vigorous opposition, an opposition that was strong enough to defeat it in the Senate at that time. In this Congress you again introduced and caused its passage in the House by an overwhelming majority, and, due in large measure to your firm stand for the House bill in conference, to your persistence and your loyalty to the interests of the farmers, it was possible to renew the fight in the Senate, where it this week finally passed by a like overwhelming majority.

We consider this measure a forward step of the very highest value to agriculture, and we hope now to effect by self-help of the character permitted by this bill a fairer marketing condition for agricultural products.

Very respectfully, yours,

MILO D. CAMPBELL,
President National Milk Producers' Federation.
JOHN D. MILLER,
Chairman Executive Committee,
National Board of Farm Organizations.
T. C. ATKESON,
National Grange Representative.
GREY SILVER,
American Farm Bureau Federation.

I want to again emphasize what you already know, namely, the deplorable condition in which the farmers find themselves financially. The difficulties can not very well be overestimated. I have reason to know from actual experience what the situation is. I own a farm near my home, and though this farm will average with the ordinary farms in that locality, which is one of the best farming sections in the State, it did not pay much more than the taxes against the land during the last two years. There is no mistaking the necessity for any relief that Congress can give if a very large number of the farms are not to be sold under foreclosure sales. Bankruptcy is staring a large number of farmers in the face.

The late war had the usual effect of inflating prices. When the end came the supply of articles needed for peace-time use were scant and the demand forced prices still higher; the ease with which money could be borrowed from the Federal reserve system greatly aggravated the situation. The speculator and the profiteer took prompt advantage of the opportunity to fleece the public. It was inevitable that following this boom there should be an industrial depression, as every boom is followed by such a depression. In this instance the depression is world-wide, as the war involved directly or indirectly every country. The first effect of the reaction came in 1920, when mines, mills, and shops commenced to discharge a large number of their employees, and the railroads, which up to that time had been unable to care for the traffic, suddenly found themselves with idle equipment. But this depression differs somewhat from like depressions in that instead of a sudden break in the general level of prices the retail price of manufactured products remained for many months practically unchanged while the prices of many farm products fell to a level much lower than the average prewar prices. The farmer in the fall of 1920 found himself with a crop that had cost him in labor, rent, and material war prices, but which he could not sell so as to repay him what it had cost him to produce. This was not only true of the crop raised in 1920, but also of the crop of 1921.

Congress recognized this situation, and for the purpose of preventing foreign agricultural products from coming in competition with those grown at home, it replaced the Underwood tariff law, which allowed nearly all farm products to be imported free of duty, with a protective tariff. As foreign countries were in such financial straits that they could not purchase our products, Congress revived the War Finance Corporation and appropriated \$500,000,000 for use in financing such purchases. This made it possible to export large quantities of such products. Later, to relieve the financial stress of the farmers in this country, the war finance act was again amended by providing that it might loan to the farmers through banks, co-operative farm organizations, and other financial institutions money to aid agricultural production. Many millions of dollars have been and are still being loaned by the Government in this way. The war finance act as so amended permits the use of the Government's credit to the extent of a billion five hundred million dollars.

The Government has also advanced many millions to the farm loan banks and Congress has amended the farm loan act so as to make it possible to sell bonds from which money can be loaned to the farmers. A joint committee of the House and Senate, of which my colleague, Representative ANDERSON, is chairman, has worked out a plan to provide a permanent means of securing to farmers long-time credit on personal property security through the farm loan banks. This should be considered and acted upon in the near future.

To prevent gambling in wheat and other farm crops Congress has passed a law to regulate and control grain exchanges, and by still another law has placed stock yards and stock exchanges all over the country under Federal supervision and control. These laws should be of substantial assistance in protecting farmers against unfair market conditions.

It has been proposed that the Grain Corporation be revived and a law passed fixing the price on certain farm products which the Government should guarantee. To the extent that this demand rests upon the industrial dislocation that is due to the war it makes a strong appeal. Is it not possible to do that as to two or three staple products? Of course I realize that there would be strong opposition from the millions of idle people in the East who are clamoring for cheap food, and that as a consequence it would be difficult to fix a price high enough to be of any value; but these idle people are interested because the market for a large share of their products is among the farmers who under the present conditions have no purchasing power. I know it is contended that Congress has no power to pass such a law, that it is only under the war powers that Congress can do that, but Congress has exercised the right to readjust the conditions created by the war, and the difficulties under which the farmers suffer are clearly due to a condition created by the war. The Committee on Agriculture of the House is now considering the question, and I hope that this plan or some other plan can be worked out that will relieve the present deplorable situation.

There can be no prosperity in this country, either East or West, until freight rates both on sea and land are lowered. Efforts have repeatedly been made to secure a reduction in railway rates, but we are met with the claim that the prices of labor and material are still too high to permit of any substantial reduction. The claim that the increases in the freight

rates are due to the Esch-Cummins law ignores the fact that most of the increases took place while the roads were under Government management and before that law was passed, and that the increases made after its passage were only to meet the increase in wages allowed by the Labor Board to railway employees. The most discussed part of that law has been the so-called guaranty clause. That clause will expire the first of next month and will put an end to the unfounded claim that the Government is guaranteeing the railroads any fixed income. The roads have not made half the net profits that some said the law guaranteed to them, nor can the Government be asked to make up any such loss as there is nothing upon which it can be based. Because of the misapprehension regarding that clause among a great many people I am glad it will soon expire.

Personally I believe that lower freight rates would stimulate business and increase instead of lower railway income, and I notice that this view is being presented by the large commercial and manufacturing interests. I hope that before another crop is moved there may be a substantial reduction in freight rates.

The Great Lakes and St. Lawrence waterway to the ocean must be constructed in the near future. That it will eventually be constructed no one can doubt. It will when in operation be the most effective means of controlling freight rates, and its effect in building up the country can not be overestimated. It will bring ocean commerce into the very center of the continent and provide actual competition not only in transportation but in markets. The great financial interests in New York City are constantly diverting traffic to that port, which is said to be one of the most expensive ports in the world to enter.

Let me add, though it only affects agriculture the same as it affects other industries, I am glad that Congress has been able to make substantial reductions in the expenses of the Government. Not only millions but billions have been saved. This relief in the tax burdens will greatly help all industries; and I feel that every American citizen has reason to be gratified at the success which attended the recent conference for limitation of armaments. It will mean a reduction of many millions in taxes and has settled many difficult problems that have threatened war. While I believe that we should strive to keep down taxes, I can not justify refusing to grant to the ex-service men the adjusted compensation they ask. These men when inducted into the service had no chance to dicker for adequate compensation. They had to take what the Government gave them. Why, under those circumstances, are they not entitled to ask that the Government make up to them the amount that their pay while in the military or naval service was less than the pay they could have earned in civil life? I do not believe that the money to pay this compensation should be raised from a sales tax. Such a tax would fall much too heavily on those who can least afford to pay it. I am not able to see why an excess-profits tax would not be a proper tax for that purpose. It is in line with the policy under which we demand a proportionately higher tax from those who receive a large income than from those who receive the smaller income. Why should not a person who makes more than a reasonable rate of income be made to pay a part of his excess profits to the Government? It has been urged that this form of taxation discourages enterprise and is the cause of high prices, but that is true of all income taxes when applied to incomes derived from industry. No one suggests that such taxes be discontinued on that account.

To encourage industry and prevent money from being withdrawn from business and placed in tax-free securities the Government should have the power to impose a tax on such securities. It will require a constitutional amendment to give that authority, and such an amendment is now being framed for submission to the House.

We have a few men in Congress who would like to place a large share of all taxes on land. I am glad that Congress has nothing to do with taxes on land or personal property. Both real and personal property are taxed by the State legislatures as heavily and in many instances more heavily than they can stand.

Let me say in conclusion that a condition must be created that will give to the farmer a reasonable return on his investment, together with pay for his work. There can be no real prosperity until that is done. Agriculture is the great basic industry upon which the prosperity of all other industries depends.

THE SPEAKER. The question is on concurring in the Senate amendments.

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 33, noes 1.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present, and object to the vote on that ground.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. It is clear that there is no quorum present. As many as are in favor of concurring in the Senate amendments will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 276, nays 8, answered "present" 1, not voting 145, as follows:

YEAS—276.

Ackerman	Dunbar	Lampert	Rhodes
Almon	Dunn	Lanham	Ricketts
Andrews, Nebr.	Dupré	Lankford	Roach
Anthony	Echols	Larsen, Ga.	Rodenberg
Appleby	Elliott	Larson, Minn.	Rouse
Arentz	Ellis	Lawrence	Rucker
Aswell	Evans	Lazaro	Sanders, N. Y.
Atkeson	Fairchild	Lea, Calif.	Sanders, Tex.
Barbour	Fairfield	Leatherwood	Sandlin
Beck	Favrot	Lee, Ga.	Schall
Beedy	Fields	Lehlbach	Scott, Mich.
Begg	Fish	Little	Scott, Tenn.
Bell	Fisher	Logan	Sears
Benham	Fitzgerald	London	Shelton
Bixler	Fordney	Lowrey	Shreve
Black	Foster	Luce	Sinclair
Bland, Ind.	Frear	Luhning	Sinnott
Bland, Va.	Free	Lyon	Sisson
Blanton	French	McArthur	Siemp
Boles	Frothingham	McClintic	Smith, Idaho
Bowers	Fuller	McDuffie	Smith, Mich.
Bowling	Fulmer	McFadden	Smithwick
Box	Funk	McLaughlin, Mich.	Snell
Brand	Gahn	McPherson	Stegall
Briggs	Garner	MacGregor	Stedman
Brooks, Ill.	Garrett, Tenn.	Magee	Stephens
Brooks, Wis.	Garrett, Tex.	Maloney	Stevenson
Buchanan	Gensman	Mann	Stoll
Bulwinkle	Gilbert	Mapes	Strong, Kans.
Burdick	Glynn	Martin	Summers, Wash.
Burke	Goodykoontz	Merritt	Summers, Tex.
Burness	Graham, Ill.	Michener	Swank
Burton	Green, Iowa	Miller	Sweet
Butler	Greene, Mass.	Millspaugh	Swing
Byrnes, S. C.	Hadley	Mondell	Taylor, Ark.
Byrnes, Tenn.	Hardy, Colo.	Montoya	Taylor, N. J.
Cable	Hardy, Tex.	Moore, Ohio	Taylor, Tenn.
Campbell, Kans.	Harrison	Moore, Va.	Temple
Cannon	Haugen	Moores, Ind.	Ten Eyck
Carter	Hawes	Morgan	Thomas
Chalmers	Hawley	Mott	Thompson
Chindblom	Hayden	Murphy	Tillman
Christopherson	Herrick	Nelson, A. P.	Timberlake
Clark, Fla.	Hersey	Newton, Minn.	Tincher
Clouse	Hickey	Nolan	Tyson
Cole, Iowa	Hicks	Norton	Vaile
Cole, Ohio	Himes	Oldfield	Vestal
Collier	Hoch	Oliver	Vinson
Collins	Huddleston	Osborne	Voigt
Colton	Hudspeth	Overstreet	Volstead
Connally, Tex.	Hull	Padgett	Ward, N. C.
Cooper, Ohio	Humphreys	Paige	Wason
Cooper, Wis.	James	Park, Ga.	Watson
Crago	Jeffers, Ala.	Parks, Ark.	Weaver
Cramton	Johnson, Miss.	Perkins	Webster
Crisp	Johnson, Wash.	Petersen	White, Kans.
Crowther	Jones, Pa.	Porter	White, Me.
Curry	Jones, Tex.	Pou	Williamson
Dale	Kearns	Pringey	Wilson
Dallinger	Ketcham	Purnell	Wingo
Darrow	Kiess	Quin	Wise
Davis, Minn.	Kincheloe	Raker	Woodruff
Davis, Tenn.	King	Ramseyer	Woods, Va.
Dempsey	Kinkaid	Rankin	Woodyard
Dickinson	Kissel	Ransley	Wright
Domineck	Klecza	Rayburn	Wurzbach
Doughton	Kline, N. Y.	Reece	Wyant
Dowell	Kopp	Reed, N. Y.	Young
Drane	Kraus	Reed, W. Va.	Zihlman

NAYS—8.

Cullen	Kindred	Sabbath	Tague
Griffin	Riordan	Stafford	Walsh

ANSWERED "PRESENT"—1.
Cockran

NOT VOTING—145.

Anderson	Clague	Gerner	Johnson, S. Dak.
Andrew, Mass.	Clarke, N. Y.	Goldsborough	Kahn
Anson	Classon	Gorman	Keller
Bacharach	Codd	Gould	Kelley, Mich.
Bankhead	Connell	Graham, Pa.	Kelly, Pa.
Barkley	Connolly, Pa.	Greene, Vt.	Kendall
Bird	Copley	Griest	Kennedy
Blakeney	Coughlin	Hammer	Kirkpatrick
Bond	Deal	Hays	Kitchin
Brennan	Denison	Hill	Kline, Pa.
Brinson	Drewry	Hogan	Knight
Britten	Driver	Hooker	Knutson
Brooks, Pa.	Dyer	Houghton	Kreider
Brown, Tenn.	Edmonds	Hukriede	Kunz
Burroughs	Faust	Husted	Langley
Campbell, Pa.	Fenn	Hutchinson	Layton
Cantrill	Fess	Ireland	Lee, N. Y.
Carew	Focht	Jacoway	Lineberger
Chandler, N. Y.	Freeman	Jeffers, Nebr.	Linthicum
Chandler, Okla.	Gallivan	Johnson, Ky.	Longworth

McCormick	O'Connor	Rogers	Tinkham
McKenzie	Ogden	Rose	Towner
McLaughlin, Nebr.	Olpp	Rosenbloom	Treadway
McLaughlin, Pa.	Parker, N. J.	Rossdale	Underhill
McSwain	Parker, N. Y.	Ryan	Upshaw
Madden	Parrish	Sandness, Ind.	Vare
Mansfield	Patterson, Mo.	Shaw	Volk
Mead	Patterson, N. J.	Siegel	Walters
Michaelson	Perlman	Snyder	Ward, N. Y.
Mills	Radeliffe	Speaks	Wheeler
Montague	Rainey, Ala.	Sproul	Williams
Moore, Ill.	Rainey, Ill.	Steenerson	Winslow
Morin	Reavis	Stiness	Wood, Ind.
Mudd	Reber	Strong, Pa.	Yates
Nelson, J. M.	Riddick	Sullivan	
Newton, Mo.	Robertson	Taylor, Colo.	
O'Brien	Rohsion	Tilson	

So the Senate amendments were agreed to.

The following pairs were announced:

Mr. FAUST with Mr. BANKHEAD.
Mr. OLPP with Mr. GALLIVAN.
Mr. TREADWAY with Mr. PARRISH.
Mr. LAYTON with Mr. DREWRY.
Mr. BRENNAN with Mr. BARKLEY.
Mr. CONNOLLY of Pennsylvania with Mr. HAMMER.
Mr. OGDEN with Mr. KITCHIN.
Mr. NEWTON of Missouri with Mr. MEAD.
Mr. STRONG of Pennsylvania with Mr. O'BRIEN.
Mr. HUKRIEDE with Mr. RAINEY of Illinois.
Mr. KELLER with Mr. UPshaw.
Mr. REBER with Mr. CAREW.
Miss ROBERTSON with Mr. HOOKER.
Mr. CHANDLER of Oklahoma with Mr. JOHNSON of Kentucky.
Mr. GORMAN with Mr. BRINSON.
Mr. BACHARACH with Mr. LINTHICUM.
Mr. GRIEST with Mr. O'CONNOR.
Mr. HUTCHINSON with Mr. MONTAGUE.
Mr. PATTERSON of Missouri with Mr. SULLIVAN.
Mr. RADCLIFFE with Mr. CANTRILL.
Mr. WINSLOW with Mr. JACOWAY.
Mr. KNIGHT with Mr. CAMPBELL of Pennsylvania.
Mr. GRAHAM of Pennsylvania with Mr. GOLDSBOROUGH.
Mr. ROSSDALE with Mr. MCSWAIN.
Mr. PATTERSON of New Jersey with Mr. DEAL.
Mr. GERNERD with Mr. MANSFIELD.
Mr. TILSON with Mr. KUNZ.
Mr. WALTERS with Mr. DRIVER.
Mr. CODD with Mr. TAYLOR of Colorado.
Mr. ROSE with Mr. RAINEY of Alabama.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote whereby the Senate amendments were agreed to was laid on the table.

By unanimous consent, Mr. VOLSTEAD had leave to revise and extend his remarks in the RECORD.

Mr. BURNES. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement I made before the Committee on Agriculture on January 31 relating to the stabilization of farm prices, and I ask unanimous consent that it be printed in 8-point type.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to insert in the RECORD a statement he made before the Committee on Agriculture January 31 relating to the stabilization of farm prices and that it be printed in 8-point type. Is there objection?

There was no objection.

THE INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10329, the Interior Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GRAHAM of Illinois in the chair.

The Clerk read the title to the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Colorado: Surveyor general, \$3,000; clerks, \$11,100; contingent expenses, \$500; in all, \$14,600.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 13, line 8, strike out lines 8 and 9.

Mr. BYRNES of South Carolina. Mr. Chairman, the amendment I have offered is to abolish the office of surveyor general in the State of Colorado. If my amendment should be adopted,

I will offer the same amendment as to the offices in Wyoming, Washington, and Oregon. South Dakota has been eliminated from the bill by the committee. I do this for the reason that the work of surveying land in the States mentioned has progressed to such a stage that in each of the States I have mentioned the land unsurveyed is less than 8,000,000 acres. In the case of South Dakota only 301,000 acres remain unsurveyed, and the bill does not provide for that surveyor general.

For the same reason that actuated the committee in the case of the surveyor general of South Dakota I submit that we should not continue the office of surveyor general for the four offices I have mentioned, and especially in view of the fact that the Land Office, when under the control of Mr. Tallman, recommended to the Congress that they abolish the office of surveyor general in all of the States.

The gentleman from Indiana [Mr. Wood] two years ago offered that amendment. It was defeated. Now I wish to offer amendments which seek not to abolish them in all the States but only in those States where the work has so progressed that there is no justification for the continuance of an officer at the salary of \$3,000. It can not be successfully argued that it will hamper the work, because the department head charged with the duty of carrying on this work voluntarily recommended to Congress that it be abolished, and set forth the manner in which the work could be carried on, in his opinion, even more efficiently than it is now carried on; that the surveys which are submitted to the surveyor general of the States, there examined by him and then forwarded to Washington for further examination and approval, could in case the office is abolished be forwarded directly from the field by the deputy in charge to the office in Washington and sent directly back to the States and thus time be saved. The only justification for the continuance of the office is to pay a salary of \$3,000 a year to some man who holds the office.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. BYRNES of South Carolina. I can not. Mr. Tallman made the recommendation to the Committee on Appropriations, and it was endeavored to enact it into law. The present official, Mr. Spry, when asked by the committee his opinion, as appears on page 103 of the hearings, said if he made any change at all he would only permit it to apply to the officers themselves. That is exactly what Mr. Tallman recommended, and that is exactly what the Appropriations Committee saw fit to endeavor to enact into law, and that is exactly what I am seeking to do to-day, to abolish the office. If my amendments should be adopted, then later an amendment will be offered by me providing for carrying on the work of these offices which are abolished in the manner recommended by the Land Office.

It is solely a question of whether you desire to introduce a little economy by abolishing these four offices which will mean a saving of more than \$50,000 and promote efficiency.

Mr. BLANTON. Mr. Chairman, I want to ask the gentleman from South Carolina if it is not a fact that the Committee on Appropriations in the last Congress brought in his identical proposition here, abolishing not merely one, but the offices of 13 surveyors general in 13 different States? That upon the recommendation of the majority leader of this House, who recommended to the committee that the snickersnee be applied to the appropriations, and the subcommittee, the distinguished gentleman from Indiana [Mr. Wood], acting on that recommendation, did use the snickersnee and cut out of the appropriation bill the appropriations for 13 of these surveyors general, and abolished 13 offices? I ask him further if it is not a fact that in the face of that action, when the majority leader learned of what had been done to the surveyor general's office in Wyoming the gentleman from Wyoming came back on the floor of this House and offered an amendment to put all 13 of them back into the bill, and by his speech of insistence secured enough votes in the Committee of the Whole to put them back? Is not that the fact?

Mr. BYRNES of South Carolina. Mr. Chairman, I do not know what was said by the majority leader as to the use of the snickersnee, but I do know that the gentleman from Indiana [Mr. Wood] reported the bill which provided for the abolishment of all of the surveyors general.

Mr. BLANTON. And that was done on the recommendation of the Commissioner of the General Land Office, Mr. Tallman.

Mr. BYRNES of South Carolina. That is correct.

Mr. BLANTON. And it was done in the interest of economy. It was done upon the recommendation of Mr. Tallman that these offices could be better conducted from Washington by reason of the circumstances mentioned by the gentleman from South Carolina. Yet in the face of our effort and the efforts of the Republicans to effect economy, the effort to carry out the recommendations of the heads of departments, where they make

recommendations for economy, we have all of these offices but one placed back in this bill. The question is whether we are going to carry them on. I agree with the gentleman from South Carolina that we ought to take them out. If we mean economy, we ought to mean it by our vote and action and not merely by the spoken word.

Mr. FRENCH. Mr. Chairman, I am compelled to say that I am not able to agree with my distinguished colleague from South Carolina that the office of surveyor general in the State of Colorado or any State other than that noted in the bill be abolished at this time. As a western man, I am just as much interested in economy as anyone in this Chamber. Two years ago there was a broad proposition brought in here to wipe out something like 13 different surveyors general's offices. It was urged that it would mean a saving of \$39,000 in salaries paid to these men. We were able then to demonstrate that probably there would be no saving; but if so, it would be at tremendous inconvenience to the West. At this time we come before you with a bill that not only recognizes the surveyors general's offices, but considers other offices that involve vastly more expenditure of Government money throughout the West, and before we proceed many pages in the bill I shall show that we are proposing to abolish offices that will involve a saving of not merely \$39,000, but offices which, together with salaries, rents, and other expenditures, mean a saving to this country of \$128,800. The western Members generally are in favor of the proposition, and they would be in favor of this proposition if it meant that the work could be handled in an economical way, if it meant that it could be handled in a way that would appeal to the best interests of the people who are to be served. It might be a stroke of economy to abolish all of the United States district attorneys' offices throughout the United States and the offices of the United States marshals throughout the United States. It is conceivable that the work could be handled by the Department of Justice through deputies sent out to the various States. I recognize that that is theoretically possible, but it is not the businesslike or the economical thing to do. You would vote against it if the proposition should be made, even though it should be suggested that there would be a saving of some money that is now paid to the United States district attorneys and to marshals throughout the country. Here is a similar proposition. Has the time come when we may discontinue the surveyor general's office in the State of Colorado? I say that it has not. We have to-day approximately 8,000,000 acres unsurveyed in the State of Colorado. Last year that office supervised the survey of approximately 358,000 acres of land. More land remains in Colorado to-day unsurveyed than was surveyed last year in all the United States.

The office in Colorado still has reason for existence, not only in the surveying of public land but because of the mineral applications which mean mineral surveys in the great mining State of Colorado. One of the most important duties of the surveyor general of any State in the West where there is mining is that which he has to do in connection with mining surveys. He designates or lists the deputy surveyors general throughout the State. When a mining entry is sought the applicant wants a survey of his land. He takes up the matter with the surveyor general of the State and asks to have some particular man listed with that officer designated to make the survey. The mining applicant himself bears the expense of this work, but the responsibility of checking over the work of these surveyors when it may come in rests upon the surveyor general's office. If you transfer the work to the office in Washington, it means then that you are going to transfer from an immediate officer who can be reached to a distant officer work that this mining applicant is interested in. To him it means much delay. To him it may mean much expense. We touched upon that question before the subcommittee, and we were told by the officers of the department that possibly there would be no economy to the Government in the transfer of this work, but, on the other hand, we were told that possibly it would cost more; and I want to tell you that if it is questionable whether it would cost the Government more there is no question on the matter of whether it would cost the applicant in the West more to have the work done close at hand or here in Washington.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. I want to call attention to the attitude of the department. We did not discuss this question with officers of the department so far as this specific office is concerned. We did discuss the question with officers of the department

so far as all the offices of surveyors general throughout the West are concerned. It is the attitude of the officers of the department responsible to speak that it would be an unwise thing to abolish these offices till the work shall be further advanced. Let us see what the evidence is. Commissioner Spry admitted or stated, as my colleague said, that if he were to abolish any one particular officer it would be this one in question, but he is not the only one who testified, and, more than that, I would agree with his statement that if you are to abolish some officer in each of these offices probably this particular officer could be abolished to better advantage than those who are more familiar possibly with the details of surveys and that class of work.

Mr. JOHNSON of Mississippi. What reason did he give for retaining it?

Mr. FRENCH. The handling of the work of the office. I have tried to indicate that there is more work in Colorado that must be done.

It must be done by some one there or some one here.

Mr. JOHNSON of Mississippi. What did Mr. Spry say about it?

Mr. FRENCH. He believed that it should not be abolished. Let me quote.

Mr. JOHNSON of Mississippi. Did not he say it could be abolished without injury to the service?

Mr. FRENCH. No; he did not say that.

Mr. JOHNSON of Mississippi. I ask for information.

Mr. FRENCH. What he said was this, when he was pressed on that point. What he said was:

If I made any change at all, I would only permit it to apply to the officers themselves. I think it would work a very great inconvenience on the Public Lands case to take bodily surveyors general's offices.

Mr. BYRNES of South Carolina. He said he would only take out the officers, and that is exactly what—

Mr. FRENCH. If he "made a change"—that is the point—and if I made a change that is what I would do, but I would not make a change. Let us hear what Mr. Bond, chief clerk at the office, said before the committee in answer to a question:

If these field officers were removed, if their work was stopped in the different districts, their personnel would come to Washington. We can not handle that work with our force. We have not enough qualified employees.

Further on he said:

My idea is that if we brought those offices to Washington and maintained a custodian force in the field and undertook to put in charge of the assistant supervisors of the surveyors the handling of these additional offices we will saddle, perhaps, more work upon each one of these assistant supervisors than will be helpful, because he is supposed to be kept busy now.

Further on he said—remember this is Mr. Bond, chief clerk of the Land Office:

I doubt very much if we would save any money. I doubt if we would save the \$3,000 that the surveyor general is now getting by having two offices, having a force here and a force in another office.

I want to tell you those who are charged with the responsibility for this work do not believe this plan would mean for economy or efficiency or for convenience to the people who are most of all dependent for service.

This whole question was precipitated some two years ago when the then Commissioner of the General Land Office made the recommendation as to all surveyors general's offices. Hon. Clay Tallman was then commissioner. I have great respect for Mr. Tallman, and he is a close student of western problems. But on this question he stands alone so far as I know among officers who have studied the question. Did any of his predecessors feel the same way? Not that I ever heard. His judgment is contrary to the judgment of the officers of the Land Department to-day and it is contrary to the judgment of the Members of Congress from the West, who know the actual conditions.

Mr. SEARS. Will the gentleman yield for a question?

Mr. FRENCH. I will.

Mr. SEARS. There is no desire on my part to inconvenience the West, as I have tried to show during my congressional career, or any section of the country. Take my State. I have had several surveys, and one of them was pending almost a year because they could not send somebody.

Mr. FRENCH. But you do not have a surveyor general in your State?

Mr. SEARS. No; we have to come to Washington like you have to come perhaps.

Mr. FRENCH. Let me make an illustration right on that point. The Forest Service some years ago started off with the idea of handling a great deal of its work from Washington. Let me give you one experience. An application was made by a gentleman, whose name I could give, from the southern

part of Idaho to cut some deadwood from the forest reserve for his winter use. The request was made in June. The application came to Washington and months went by and he could not get favorable action. The applicant wrote to Washington repeatedly without result. Finally along about November he took several wagons, hired several men, went onto the forest reserves, cut out the amount of dead timber that he wanted, had it carefully measured and surveyed, and everything put into proper shape preparatory to any difficulty. He took the wood to his home before the snows would fall and make it impossible for him to get to the forest. Then he notified the department of what he had done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. The department at first was going to prosecute this man, as, of course, he could have been prosecuted under the law. Well, my constituent said, "I know I have cut down this timber. If I had not cut this timber, my family would have suffered for lack of fuel. There is no other reasonable place I could get it except from a forest reserve. You have let my application hang on for six months without acting. I have measured the timber I have cut off, I have witnesses to pass on every detail of it, I am willing and ready to pay for it, and if you want to prosecute you will publish to the world precisely what you have done." The department did not prosecute. I want to tell you further, the Forest Service has come to employ a different method of doing business 3,000 miles away and is working under a policy by which it handles just such problems as that through local officers, and under which you do not find 1 per cent of the difficulties that existed in the forest administration of the past. The officers who administer the law are on the ground and are coming into contact with the people who must live under the law instead of attempting to handle the immediate administration 3,000 miles away. The same principle applies to the surveyors general's offices to-day.

Mr. CARTER. Mr. Chairman, the gentleman from Idaho [Mr. FRENCH] is always interesting and impressive, and he knows as much about this situation as any man on the floor of the House. The thing proposed to be done by my colleague on the committee [Mr. BYRNES] is that there shall be stricken from this bill all surveyors general's offices in States where the unsurveyed lands are less than 8,000,000 acres. This would include Colorado, Oregon, Washington, Wyoming, and South Dakota, and in the latter State the elimination has already been made by the committee report. If that is done it will effect a saving of \$52,930, because the motion would then be made to strike that amount out of the total.

Coming, Mr. Chairman, as I do, from the West, and knowing a little about these matters, I would hesitate to join in any request or any fight to have any service stopped that the West might need. But I feel sure, and I am sure the gentleman from Idaho himself is certain, that the work would progress just as well without these five surveyors general as with them. That position is justified, Mr. Chairman, by the statement of Mr. Tallman, the former Commissioner of the General Land Office, who says:

It is apparent at the outset, however, that you would save the salary of 13 surveyors general, and then we have more or less other overhead in the 13 different offices that you would eliminate if you had it all in one.

As to the methods by which this work would be handled in case of a transfer and consolidation of the work in the General Land Office at Washington, it may be stated, first, that it will be necessary to maintain in each State, as at present, the field surveying organization, with headquarters where necessary for the conduct of the work, presumably in the same offices or a part thereof, now occupied by the surveyors general. The field surveyors, instead of submitting their field notes of survey to the offices of surveyors general, would transmit same direct to Washington. Instructions for surveys would likewise be prepared in the Washington office and sent to the field surveying organization direct. There would be no necessity of moving the official field notes and plats now kept in offices of surveyors general from their present location. It will be desirable to keep them where they are for reference by the field surveying service, in which case they could also be made available to the public, as they are now, and such files would very probably be kept up to date, with additions of transcripts of field notes and plats of future surveys.

Consolidation of the offices of surveyors general in one office would undoubtedly result in a saving of overhead expenses, in the saving of much correspondence, and in the development of a single standard of efficiency for the entire force.

If we are really in favor of economy, we ought not to need any stronger recommendation than that of the former Commissioner of the General Land Office himself. I know that the political exigencies are great. Coming from the West, I have often had that pressure brought to bear on me with reference to such matters. But it was thought that times had changed,

and now we are supposed to be embarking on a system of real economy, where we would cut off political offices that are merely sinecures and which do no good except for political purposes. Therefore, Mr. Chairman, I hope the amendment proposed by the gentleman from South Carolina will be adopted, and I hope that the others will be adopted, so that this money may be saved, and I feel sure that no damage will be done to the service. Just let me add that two years ago, as you will recall, the Committee on Appropriations brought in a recommendation that all the offices of surveyors general be abolished. We propose here to abolish only those in States where the unsurveyed lands are less than 8,000,000 acres. Conditions have undergone no change whatever since then. If they were political sinecures then, they are political sinecures now, and if you voted for the abolishment of all of them then you certainly ought to vote for this amendment, which does not go nearly so far.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The question was taken, and the chairman announced that the "noes" appeared to have it.

Mr. BYRNES of South Carolina. Mr. Chairman, I call for a division.

The CHAIRMAN. The gentleman from South Carolina calls for a division.

The committee divided; and there were—ayes 21, noes 41.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Oregon: Surveyor general, \$3,000; clerks, \$8,010; contingent expenses, \$500; in all, \$11,510.

Mr. WILLIAMSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 13, after line 19, insert a new paragraph, as follows:

"South Dakota: Surveyor general, \$2,000; clerks, \$3,100; contingent expenses, \$200; in all, \$5,300."

Mr. WILLIAMSON. Mr. Chairman, I would like to call the attention of the committee to the fact that there are still 301,707 acres of unsurveyed public land in South Dakota. Also to the fact that we have in the Black Hills one of the richest and most important mining sections in the United States. There is a great deal of work for the surveyor general to do there in connection with mining claims. To abolish the office will put the people of our State to a great deal of inconvenience and expense, and particularly be the cause of much delay in getting mining claims surveyed.

I observe from the report that there were surveyed in South Dakota during the year 1916, 37,137 acres; for the year 1917, 8,766 acres; for the year 1918, 32,552 acres; for the year 1919, 57,513 acres; for the year 1920, 58,455 acres; and for the year 1921, 5,217 acres. Now, the fact that only 5,217 acres were surveyed last year indicates very little with reference to the importance of this office in South Dakota.

The chances are that next year, if the office is maintained, there will be surveyed at least 50,000 acres of additional public land. It is highly important, therefore, that the surveyor general's office should be retained for at least another year.

I want to say in this connection that when I was approached some time ago by the gentleman from Idaho [Mr. FRENCH] with reference to the abolition of one of the land offices in my State I immediately gave my consent to have all those abolished in my district where the income and the remaining unpatented lands did not warrant a further continuation of the office. I am not in favor of maintaining any one of these offices that is not absolutely needed and which ought not to be retained for the benefit and convenience of the people. But I do not believe that the time has come when this office should be abolished in South Dakota.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIAMSON. Yes.

Mr. MANN. If they surveyed only 5,217 acres last year, why did they not survey more?

Mr. WILLIAMSON. I do not know why it was that they surveyed only 5,217 acres last year; but the gentleman will observe that in the year 1919 they surveyed 57,513 acres, and in the year 1920, 58,455 acres.

Mr. MANN. I know; but if they can survey 58,000 acres in one year, why do they not survey as much as that in the next year instead of cutting it down to 5,000 acres?

Mr. WILLIAMSON. That may be due to a great many causes. That land is there and yet to be surveyed. There are over 300,000 acres yet unsurveyed.

Mr. MANN. If the land is there unsurveyed and the surveyor's office have nothing to do, why do they not go ahead and survey the land? That is what I would like to know.

Mr. WILLIAMSON. I do not know that that is the fact. There are mineral claims to be surveyed. The record of these surveys are kept in the State office and do not appear in this report.

Mr. MANN. The appropriation has been carried here in the bill for years.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WILLIAMSON. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. Does not the Surveyor General of the United States remove these surveyors from one district to another?

Mr. WILLIAMSON. Yes; in some States they have more than they can do and surveyors from adjoining States are sent in. Last year was a light year in this office, but next year they will have a great deal of work to do. I will be entirely willing to have this office abolished after next year should the work not increase, but there will certainly be a great deal of work to do in the coming year.

Mr. KINKAID. Will the gentleman yield for a question?

Mr. WILLIAMSON. I yield to the gentleman from Nebraska.

Mr. KINKAID. Is it not true that the surveyor general's office is restricted pretty much to passing on the reports made by surveyors in the field, and that the surveyor general does not really control the work that is done in the field, but that that work is controlled by the General Land Office here at Washington? Is not that the case?

Mr. WILLIAMSON. Yes; that is the case.

Mr. KINKAID. And the surveyors in the field who do the work there are transferable from one State to another wherever the demand is the strongest for the survey of unsurveyed lands? I know that to be the case in many instances. I know the deputy surveyor who has done most of the surveying in Nebraska has been doing a large amount of the surveying also in South Dakota.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent to proceed for two minutes more to call attention to another point.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. WILLIAMSON. I want to say also that the office in South Dakota is engaged to a considerable extent in making surveys of mining claims. The number of mining claims to be surveyed will be immensely increased this year, as mining has taken on new activities, and the chances are that there will be five times as much work in the Black Hills during the coming year as there was last year. I can not find a report upon the number of mining claims that have been surveyed. Has the committee any information upon that?

Mr. FRENCH. The officers of the department reported to us that they did not have sent to Washington much of the information as to this kind of work that the gentleman is referring to. He would have to look to the local surveyor for that.

Mr. WILLIAMSON. But nevertheless that is an important part of the work, as the gentleman knows. I think this office should be retained at least for another year.

Mr. CRAMTON. Mr. Chairman, in view of what the gentleman has said, I think as a matter of justice I should call attention to the fact that in the hearings this matter was taken up with the Land Office. The chief clerk, Mr. Bond, in response to questions, stated that the surveys are very nearly completed, but that the office had been left open because of the mineral work in the Black Hills to which the gentleman from South Dakota [Mr. WILLIAMSON] has referred; but that a year ago the bureau recommended the closing of the office, thinking that Mr. Schweitzer, who has charge of the Nebraska office, could handle all the work, as he has been doing, very largely. A little further on Gov. Spry, Commissioner of the General Land Office, said:

There is no more reason for its continuance this year than there was last year, of course, and we have been anticipating some action on the part of Congress looking toward the discontinuance of the South Dakota office. We are not protesting its discontinuance at all, because of the reasons stated in the report.

Mr. BYRNES of South Carolina. Is there any revenue from these offices at all?

Mr. CRAMTON. There is some slight revenue, but not substantial.

Mr. WALSH. Net revenue?

Mr. CRAMTON. There are some fees that come in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. WILLIAMSON].

The question being taken, the amendment was rejected.

The Clerk read as follows:

The use of the fund created by the act of March 2, 1895 (28 Stat. p. 937), for office work in the surveyors general's offices is extended for one year from June 30, 1922: *Provided*, That not to exceed \$25,000 of this fund shall be used for the purposes above indicated.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph extending for one year the use of the fund created by the act of March 2, 1895, for office work in the surveyors general's offices. How much is that fund?

Mr. CRAMTON. The fund is \$100,000, a continuing fund appropriated in 1895, and being reimbursable it is continued as at first appropriated. It is to be used jointly with deposits made by railroad companies for surveying within their grants, to pay the Government's share of the surveys. The railroad companies pay for the surveying of their own land.

Mr. WALSH. That was passed in 1895?

Mr. CRAMTON. It was appropriated first in 1895.

Mr. WALSH. How long is it going to take to survey these railroad lands?

Mr. CRAMTON. I have no information as to that.

Mr. FRENCH. If the gentleman will yield to me, I will say that in the parts of the country where settlement has followed closely upon survey work the survey of land is practically completed now, but in parts of the country that are heavily timbered, mountainous, and probably hardly worth settling at all, but usable chiefly for grazing purposes and timber purposes, there are areas aggregating millions of acres still unsurveyed. We better let this item run along for awhile; I do not know how long.

Mr. WALSH. Did they do considerable of this work last year?

Mr. FRENCH. Sometimes it is not an advantage to survey ahead of time, for the reason that you may have to resurvey. If you will turn to the records showing the surveys made this year, you will find several hundred thousand acres of land surveyed that are classified as resurveys. In other words, the surveying was done too far ahead, or was improperly done. Here might be a case where it would be economical not to push the work too fast, because it will cost no more in the long run, and you may survey too far ahead of time, so that the survey posts would be obliterated at the time they would be of desirable use.

Mr. WALSH. Does the gentleman know how much they used of this fund last year?

Mr. CRAMTON. About \$21,000 or \$22,000.

Mr. FRENCH. That would not take care of very much surveying work.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

Registers and receivers: For salaries and commissions of registers of district land offices and receivers of public moneys at district land offices, at not exceeding \$5,000 per annum each, \$372,000: *Provided*, That the offices of registers and receivers at the following land offices are hereby consolidated, and the applicable provisions of the act approved October 28, 1921, shall be followed in effecting such consolidations: Montgomery, Ala.; El Centro and Susanville, Calif.; Durango, Lamar, and Montrose, Colo.; Coeur d'Alene and Lewiston, Idaho; Topeka, Kans.; Baton Rouge, La.; Cass Lake, Crookston, Duluth, and Jackson, Minn.; Billings, Great Falls, Kalispel, and Missoula, Mont.; Lincoln, Nebr.; Elko, Nev.; Bismarck, N. Dak.; Pierre, S. Dak.; Vernal, Utah; Walla Walla and Yakima, Wash.: *Provided further*, That, with the exception of the land offices mentioned in the last preceding proviso, and also the land offices at Eureka, Calif., and Burns, Oreg., and where the land office shall be the only remaining land office in any State, no money herein appropriated shall be expended for the maintenance of any land office, other than as is provided in this paragraph, in a land district having public land area of less than 100,000 acres, or whose cost of maintenance shall exceed 33 1/3 per cent of the revenues of the office for the fiscal year ending June 30, 1922: *And provided further*, That the land office at Springfield, Mo., and the offices of register and receiver thereat are hereby abolished.

Mr. RAKER. Mr. Chairman, I reserve the point of order.

Mr. JOHNSON of Washington. Mr. Chairman, I reserve the point of order.

Mr. RAKER. Mr. Chairman, I make the point of order against the amendment upon the ground that it is legislation on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, in response to that, the item comes clearly within the Holman rule. The effect of it is, as the gentleman must fully understand, in the first place, to reduce the number of officers and further to reduce the expendi-

tures under this item. There is a reduction of \$78,000 by reason of the new language in the item. It is clearly within the Holman rule. Further, it abolishes a number of officers and comes within the language of the rule which provides that by the reduction in the number and salary of officers of the United States it shall be in order.

Mr. RAKER. Has the gentleman the act of October 28, 1921, there?

Mr. CRAMTON. Yes.

Mr. RAKER. Mr. Chairman, the Holman rule does not seem to me to apply in this case. In the first place, in establishing the first part of the section it provides, as the law now exists, a salary for the register and the receiver at this land office at not exceeding \$3,000 per annum each and fixes their salaries. If we turn to the act of October 28, 1921, while the committee may have intended to fix the salary of some officers, they have left them out of this bill and do not provide for them at all. That act provides that the register shall receive a higher compensation, but under the law this will require additional clerks, which would make the salary larger than the register is getting. So that it does not reduce expenditures on the part of the Government. It is an effort upon the part of the Appropriations Committee to carry out what the act of October 28, 1921, puts up to the President upon certain facts and conditions, and clearly the Committee on Appropriations ought not to be permitted to do that.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MANN. This proposition does decrease the number of officers of the United States, does it not?

Mr. RAKER. It increases others, while it decreases some.

Mr. MANN. Does it not decrease the number by eliminating certain ones?

Mr. RAKER. I think the only way that I can answer that, to answer it clearly to the gentleman, would be to say that you have to take the whole proposition together. If it reduces some and adds more, it is not a decrease.

Mr. MANN. You have to take this proposition by itself. The question is whether this proposition reduces the number of officers, and if you cut out half of them that is a reduction, is it not, in the number?

Mr. RAKER. It would be as the gentleman makes the statement.

Mr. MANN. I am making the statement in accordance with the facts of the proposition. It reduces the compensation of those officers that it abolishes, does it not?

Mr. RAKER. I am in serious doubt about that.

Mr. MANN. If you abolish an office, you do not pay that compensation.

Mr. RAKER. Oh, well, it provides that there shall be no receiver, and you fix the compensation of the register higher and add more to the expense of the Government by the registership, and add to each of these offices a clerk, which makes it cost more than the receivers cost.

Mr. MANN. The salary of the register is now a possible \$3,000 a year. This item provides it shall be exactly the same. There is no increase.

Mr. RAKER. Not in this, but they refer to the act of October 28, 1921.

Mr. MANN. But this provides not exceeding \$3,000 per annum.

Mr. CRAMTON. And, further, the gentleman is assuming a state of facts that does not exist. The language before us, as the gentleman from Illinois has emphasized, proposes to reduce the number of officers by abolishing one in each of these consolidations. The gentleman from California assumes what is not the fact. He assumes that clerks are to be put in their places, which is not true. They already have clerks sufficient in these offices to answer the needs, so that it is a reduction in the number of officers.

Mr. RAKER. I think my first point is good, but there is another objection to this in that it does not reduce the expenditures. Take the second proviso:

Provided further, That, with the exception of the land offices mentioned in the last preceding proviso, and also the land offices at Eureka, Calif., and Burns, Oreg., and where the land office shall be the only remaining land office in any State, no money herein appropriated shall be expended for the maintenance of any land office.

That is new legislation.

Mr. MANN. That is a mere limitation.

Mr. JOHNSON of Washington. Why the exemption?

Mr. MANN. We are discussing the point of order now. That is a mere limitation on an appropriation.

Mr. JOHNSON of Washington. It exempts two places that might just as well come in, and that is new legislation.

Mr. MANN. That is not legislation. We can say that we appropriate for Colorado, that we appropriate for Wyoming, but that we do not appropriate for California, if we want to, and if the law provides that there is authority for the three States, we can say that no portion of the money appropriated shall be expended in one of them.

Mr. RAKER. Let me call the gentleman's attention to the fact that this is new legislation. There was nothing in the hearings to justify the committee coming in here and attempting new legislation on this appropriation bill in regard to the land offices that are working in good shape and are costing less to the Government than the procedure to put this upon the statute books.

Mr. MANN. That goes to the merits of the case and not the point of order.

Mr. RAKER. There can be no question about it on earth that this method is going to cost the Government more and do less good.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. JOHNSON of Washington. Can the gentleman find any legislation to warrant this proposed legislation where the cost exceeds 33½ per cent, and so on?

Mr. RAKER. No; that is new legislation.

Mr. MANN. That is a pure limitation. Anybody can see that if they will read the language.

Mr. FRENCH. Will the gentleman allow me to make a suggestion? These two provisions are practically a recital of the law as it has been for many years. It has been arbitrary law that when the public lands in any State became diminished to less than 100,000 acres the land office should be abolished, and as to land offices which cost to maintain them in excess of 33½ per cent over the present revenue it is up to the Secretary himself to abolish them or not.

Mr. JOHNSON of Washington. What does the gentleman say to the exception as to the land offices in Eureka, Calif., and Burns, Oreg.? Is not that legislation on an appropriation bill?

Mr. FRENCH. No; that is a limitation. May I make an observation in connection with this subject which the gentleman from California thinks would not limit expenditures? As a matter of fact the register and receiver are paid flat salaries of \$500, and then they are both paid fees up to \$3,000 each. Now, if we diminish the fees of the office, make it possible for the register and receiver to receive not the salary and fees and small amounts up to \$3,000 combined, the gentleman must see that in that case there would be no saving of fees, but, on the other hand, there would be a saving of \$500 flat salary.

Mr. RAKER. The act of October 28, 1921, authorizes the President to consolidate the offices of receiver and register in any land office, by and with the advice and consent of the Senate, after 60 days' notice whenever the compensation of the receiver shall fall below the sum of \$4,000 per annum and in his opinion the interest of the service warrants such abolition. After the Congress had passed this and given it to the President to determine upon the facts, without a hearing, without any testimony, without anything before the committee, the committee comes in here and by legislation attempts to do away with the public offices that have been necessary and proper in all the land administrations from the beginning up to the present time.

I can not see how you overlooked the fact that when we abolished the receivers, the testimony given by the Land Office at the public hearings when the bill was under consideration which I have just referred to, they admitted that in practically every instance a clerk would have to be hired at a salary all the way from \$1,200 to \$2,000, and that would add over \$1,000 or \$1,500 more to the Government expense and the flat salary of \$500 the gentleman speaks of. You can not blow hot and blow cold on the same thing.

Mr. MANN. Mr. Chairman, under the existing law there is a register and receiver at the land offices, each of whom receives a fixed salary of \$500 a year, and in addition certain fees and commissions up to a possible salary of \$3,000 a year. This item in the bill proposes to consolidate the two offices, so that the pay of both the register and receiver will be a fixed salary of \$500 and a possible salary of \$3,000; there shall be only one register and receiver who is to receive the salary that he now receives. The bill therefore abolishes a large number of surveyors of land offices. The rules provide that no appropriation shall be reported in any general appropriation bill or be in order as amendment thereto for any expenditure not previously authorized by law unless in continuation, and so forth. Nor shall any provision in such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the re-

duction in the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

This bill reduces the number of officers and reduces the compensation of all the officers who are abolished. That is perfectly patent on the face of the bill. The second proviso in the bill, if the Chair has carefully examined it, as I have no doubt he has, is a pure limitation upon the appropriation with certain exceptions which it has the right to state and says no money herein appropriated shall be expended for the maintenance of any land office other than provided in this paragraph, and so forth. That is just a limitation and nothing else, no legislation about it at all.

The CHAIRMAN. The Chair is ready to rule. This section has really three proposals in it—first, to consolidate certain offices; second, a proviso to limit the expenditure of the fund appropriated; and, third, the abolishing of certain offices named in the section. The point of order may be decided, the Chair believes, by a reference to section 2 of Rule XXI of the House, a rule familiar to all of us. The rule provides, in part:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and the salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money covered by the bill.

It is very evident to the Chair that the number of officers to be provided for by this section is reduced by this consolidation; in fact, it would seem the number is practically reduced one-half. It is equally evident to the Chair that it does reduce the amount of money to be expended. The Chair finds by reference to the current law that the sum of \$450,000 was appropriated for exactly the same purpose for the current fiscal year. For the same purposes this bill proposes to appropriate \$372,000, or a reduction from current law of \$78,000, a very substantial decrease. The second part of the section is evidently simply a limitation, and the Chair can see no reasonable point that can be made against it. The third part of the section could be properly comprehended within the same reasoning that is used as to the first part of the section, as it is nothing but a proposition to abandon certain offices.

We are not without precedents in this matter. In the Sixty-third Congress, second session, Chairman BYRNS of Tennessee presiding, the point of order was made against the following proviso:

Provided, That the offices of the Commission of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, be, and the same are hereby, abolished, and in lieu thereof there be appointed by the President, by and with the consent of the Senate, a superintendent of the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of \$5,000 per annum.

It was contended that the proviso was not in order under that portion of the second clause of the Holman rule which I have just read.

The Chair, on consideration of the matters that were urged at that time against the provision, held that the point of order was not well taken. Later, in the consideration of the legislative, executive, and judicial appropriation bill in February, 1920, in the House, Mr. LONGWORTH being Chairman of the committee, a point of order was made against the provisions of that act relative to surveyors general, the effect of which provisions was to abolish several offices of surveyors general. The gentleman from California [Mr. RAKER] made a point of order at that time against the provision. The Chair in ruling upon it determined that the provisions of the bill did constitute a reduction in appropriation and was in order. He took the appropriation in the then current law and compared it with the expenditures to be made under the proposed bill, and finding it was a reduction, held on that comparison that because of that reduction the point of order would not lie. I think these precedents are sufficient. The section is plainly not subject to the objection made, and the point of order is overruled.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 15, line 5, after the word "Crookston," insert the word "and." Line 6, strike out the words "and Jackson," and in the same line, after the word "Minnesota," insert the words "Jackson, Miss."

Mr. CRAMTON. Mr. Chairman, this is simply to correct a typographical or clerical error in the provision.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, lines 2 and 3, after the words "El Centro," in line 2, strike out "and Susanville."

Mr. RAKER. Mr. Chairman, I will not take any of your time. I think a statement will be sufficient. Susanville is the county seat of the county of Lassen. It is the center of business over all of that country. Two men doing the work better than one, a competent man for register and a competent man for receiver. The work has been progressing for 40 years in fine shape. If you abolish the receiver you place in charge a clerk who is sent from some other place. He knows nothing about land-office law, practice, or procedure. For the life of me I can not understand where you economize when you fix the salary that is fixed for the receiver, who gets \$500 and then depends upon commissions running up to \$2,000, sometimes \$2,500, and you fix the salary of the clerk at \$2,200, which really runs more than the receiver's. Now, that is what is done by this legislation. It is to take away from the local people a competent receiver to do the work and place in charge a clerk. He has to act as a judicial officer, he acts in a judicial capacity, and I trust the committee will adopt the amendment.

Mr. FRENCH. Mr. Chairman, I am unable to agree with the amendment proposed by the gentleman. The fact of the business is the land office at Susanville under existing law is eligible to be abolished entirely in the discretion of the Secretary of the Interior, because the expense of maintaining that office at this time exceeds the limit fixed by the law by reason of which discretionary authority to abolish is conferred upon the Secretary.

Now, Mr. Chairman, maybe right here I ought to say a few words touching the reason why this paragraph ought to pass in the way we have framed it. I remember reading a few weeks ago in one of the papers an observation of Abe Martin, in which he said this: "Lafe Bud has resigned as cashier of the Podunk Bank." He added, "The idea was not original with Lafe." [Laughter.] The fact of the business is that this legislation is to help the Department of the Interior to do that which, generally speaking, it has the authority to do right now and wants to do.

Let me tell you that during the last 15 years, possibly more, quite a number of land offices have gotten to the point where they ought to have been abolished, but the department found itself in this situation: Members of the House or of the other branch of the Congress, chambers of commerce, commercial clubs, and other organizations that could see great merit in economizing in somebody else's district, or in some other part of the country, impressed upon the department the idea that a great wrong would occur if the local land office should be abolished. The result is that we have to-day something like 44 land offices throughout the United States that fall beneath the ban that Congress has already enacted into law and are subject to being abolished because the land districts contain less than 100,000 acres of public lands or because the expense of maintaining the offices is greater than 33½ per cent of the receipts, this latter in the discretion of the administration.

Under the provisions of this section about 15 land offices will be abolished by July 1 next and in about 25 land offices the office of receiver will be abolished and the work be placed under a register.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. I will be glad to yield.

Mr. JOHNSON of Washington. I would just like to make the suggestion that Members of the House and Members of the Senate and chambers of commerce and commercial clubs and others seem to have used the same sort of pressure on the General Land Office that the editors of the publication known as School Life must have used on the committee that framed this bill, because School Life has been shot in here to be retained, and a precedent is thus set for the reestablishing of Government publications which have been ordered discontinued. It is a form of pressure, to be sure. The gentleman stands here as a Member of Congress and objects to Senators and Congressmen having influence with the Land Office to save registers and receivers and land offices and yet recognizes the fact that the committee itself is subject to pressure along other lines.

Mr. FRENCH. In answer to the suggestion of the gentleman from Washington, I will say that the item for the publication of School Life meets with my hearty approval and, I believe, the approval of the members of the committee, and we believe that that one publication, more than any other of the Bureau of Education, is the vehicle or medium through which the bureau can best be heard by the world. If you want to abolish that, you can do it; but if there is to be a Bureau of Education,

there ought to be some way of informing the public concerning it—of interpreting its work, if you please, to the world.

Mr. JOHNSON of Washington. School Life has a circulation of 30,000 copies "to inform the world," as the gentleman says.

Mr. WALSH. "Curfew shall not ring to-night." [Laughter.]

Mr. FRENCH. I want to turn now, Mr. Chairman, to the subject we are discussing.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. RAKER. Under this law, approved October 28, 1921, these offices are not to be abolished unless in the opinion of the President the interests of the service warrant such abolition. No President would deprive a large community of the opportunity to do business, would he?

Mr. FRENCH. Mr. Chairman, the gentleman has just restated what I have stated, that as regards the 33½ per cent under the law a discretionary responsibility is placed upon the department. But I want to say this, that as regards the law touching the abolition of the land offices, either whether they fall below in the number of acres to constitute a land district or because they exceed in expense the amount of receipts, the department has been exceedingly lenient, until we have reached this time where there are now 44 land offices that come under one or the other provision of the law, saving only the limitations that do not apply to the last land office in a State. Let me say that there are something like 15 land districts that do not have a township of surveyed and unsurveyed public land within them to-day. Let me tell you that there are seven land offices, I believe, that do not have one-fourth of a township of surveyed and unsurveyed public land within their jurisdiction and one with only 1,805 acres. Let me tell you that there are a number of land offices that cost not only more than a third of the income to maintain them, but cost more than the entire income. There are a number that cost nearly twice as much as the total income, and there is one that costs 280 per cent of its income for its maintenance, and yet we have been maintaining that office and going into the Treasury and paying approximately three times as much for maintaining the office as the receipts coming into it amount to.

Gentlemen, I say the amendment ought not to prevail, and this section ought to be adopted. The adoption of this section and the next will mean a saving during the coming year of \$128,800.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MANN. Why does an economical Congress and an economical administration maintain these offices?

Mr. FRENCH. We are now proposing to abolish those that ought to be abolished. We are proposing to cut down the number of offices by abolishing receivers in those offices where the work has gotten into such shape that both officers are not needed. By withholding appropriations we can strengthen the department.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the expenses of depositing public money; per diem, in lieu of subsistence, of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices, and in the opening of new land offices and reservations, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for actual necessary traveling expenses of said clerks: *Provided*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office, \$350,000.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. Can the gentleman from Michigan [Mr. Cramton] advise the committee how many new clerks are going to be added by virtue of the provision just passed?

Mr. CRAMTON. It is my recollection that this item is reduced \$50,000 by reason of the action taken in the former para-

graph. Instead of increasing we have reduced the amount to the extent of \$50,000.

Mr. RAKER. But my dear friend did not answer my question, and that is, How many additional clerks will be required by virtue of the adoption of the former paragraph?

Mr. CRAMTON. There will be no additional clerks needed, but some will be dispensed with; and altogether there will be \$50,000 saved in this paragraph by reason of the action taken in the former paragraph.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to insert in the Record at this place a statement made by a Land Office official, to the effect that there will be added in each instance from \$1,500 to \$2,500 in each office that is to be abolished.

Mr. WALSH. Will the gentleman insert also a statement as to where they are going to get the money to pay? And, in addition to that, who is the official who made the statement?

Mr. RAKER. The statement was made by Mr. Finney before the distinguished gentleman from Oregon [Mr. SINNOTT], the chairman of the Committee on Public Lands, in the House Office Building some months since. It is in the printed hearings.

Mr. WALSH. If it is already in print in a statement made by the Acting Secretary of the Interior to another committee, why dump it in here?

Mr. RAKER. What is the use of saying that we are economizing and going to abolish one office, and then in the next breath provide an officer to fill that place by another name? There is no distinction.

Mr. WALSH. The gentleman asks what is the use. In that situation there is no use, but there is a little dispute as to whether that is the situation or not. Now, I do not see how it is going to help it any to print what somebody else said some six months ago before one of the gentleman's important committees. This matter was not under discussion.

Mr. RAKER. Yes; that was one of the questions, that if they abolished the receiver it would cost more in the long run for the clerk.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out, on page 16, in line 3, after the word "offices," the words—

and in the opening of new land offices and reservations, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 16, line 3, after the word "offices," strike out the words "and in the opening of new land offices and reservations, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914."

Mr. JOHNSON of Washington. Mr. Chairman, if the situation with regard to land offices is as the gentleman from Idaho has stated, that such a large number of them are carried on at such an excess of cost over income, it does not seem necessary at this time, when we are undertaking to effect the economy indicated in the preceding paragraph, to make any part of this \$350,000 available for the opening of any new land offices whatever.

Mr. FRENCH. Mr. Chairman, I understand there are two propositions involved in the gentleman's motion. The first one pertains to opening new land offices. As to that I do not know that I would have any serious objection to the gentleman's proposition prevailing, provided it would not tie the hands of the department in their ability to move a land office from one part of a land district to another. I think we ought to leave the language to take care of that situation. There are land districts in which the land office is located where the lands near the office have passed into private ownership and there is no longer any need to have the land office there, and it might be a very desirable thing to move the land office itself.

Mr. JOHNSON of Washington. Certainly where there is no business, there is no reason for moving the land office. It should be discontinued. I refer entirely to the kind of offices that are not paying, the kind denounced by the gentleman from Idaho. If there is no business for them, why remove them at all?

Mr. FRENCH. It may be that none will be removed.

Mr. JOHNSON of Washington. I am quite sure none will be removed.

Mr. FRENCH. That is a matter that we ought to leave to the discretion of the department. So far as the second part of the paragraph is concerned, with regard to permitting expenses for the travel of certain clerks, that is a very desirable provision, because it might save the placing of a permanent clerk in an office; for instance, if we could allow a little traveling expense, we could send a clerk for the rush season while a reservation was being opened.

Mr. JOHNSON of Washington. My proposed amendment does not touch the traveling expenses of clerks at all. The gentleman has partially indorsed the amendment to strike out that part of the amendment which covers the opening of new offices. That is all there is to it.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. What is the idea of this appropriation—to make the opening up of this land easier or more difficult?

Mr. JOHNSON of Washington. The whole paragraph is for contingent expenses of land offices. In the preceding paragraph we are striking down a lot of so-called unnecessary land offices on the ground that the expense runs as high as 200 per cent more than the income of the offices. Then, in the next paragraph, it is proposed to carry an appropriation for the establishment of new land offices under the sundry civil act approved August 1, 1914.

Mr. WALSH. We all appreciate the fact that it is much easier to open up new land offices than it is to open up new lands.

Mr. JOHNSON of Washington. Certainly.

Mr. WALSH. Now, what is the idea of the department in opening up this land? Is it to facilitate it or to make it more difficult?

Mr. JOHNSON of Washington. The object is to provide a medium by which a man, if he takes a notion, may get onto some land where he may have to use a force pump to shoot seed into a hard stony ground, or weight the seed down with a stone in shifting sandy land. Homesteading these days consists of going on the public land and trying to do that thing, which is practically impossible on most of the lands of the public domain now left in the United States; that is, make a living without capital and without resources.

Mr. WALSH. That is one of the elements in the program to encourage thrift and industry, I suppose.

Mr. JOHNSON of Washington. I have a case now where a man who was a soldier spent \$2,000 in trying to perfect a homestead in Montana, and while he was away during the war, in cold weather, the neighboring homesteaders went onto his land and tore down his house and fences and took them away and burned them for fuel, and for that reason he is now without the required house on his homestead claim and may lose his homestead.

Mr. WALSH. That poor soldier needs a copy of School Life.

Mr. JOHNSON of Washington. And a bonus.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. WALSH) there were—ayes 7, noes 12.

So the amendment was rejected.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: For protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, \$485,000, including not exceeding \$35,000 for the purchase of motor-propelled passenger-carrying vehicles for the use of agents and others employed in the field service and for operation, maintenance, and exchange of same and for operation and maintenance of a motor boat: *Provided*, That the compensation of the chief of field service employed hereunder, including his services in the District of Columbia, shall not exceed \$3,500 per annum and the compensation of all others employed hereunder shall not exceed \$2,700 per annum each, except in Alaska, where a compensation not to exceed \$3,000 per annum may be allowed: *Provided further*, That agents and others employed under this appropriation may be allowed per diem in lieu of subsistence, pursuant to section 13 of the sundry civil appropriation act, approved August 1, 1914, and actual necessary expenses for transportation, except when agents are employed in Alaska they may be allowed not exceeding \$5 per day each in lieu of subsistence.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I want to ask the chairman what is the general result of the sales of timber; how much money is taken and what is the cost of the supervision of these sales?

Mr. CRAMTON. I have not the data at hand as to that particular item. This section provides generally as to the protection of public timber, public lands, and so forth.

Mr. SNELL. The information I want is not carried in this bill?

Mr. CRAMTON. I have not it at hand.

Mr. SNELL. What does "settlement of claims for swamp land and swamp-land indemnity" mean?

Mr. CRAMTON. That is a general item for caring for a number of different matters.

Mr. JOHNSON of Washington. A motor boat is provided for in the same item, and I suppose that is to get around over the swamp lands.

Mr. SNELL. It costs \$485,000, and I wondered what kind of service it was.

Mr. CRAMTON. The item last year cost \$550,000. All the work of protecting the public lands and timber upon them is carried in this item.

Mr. SNELL. What is the "settlement of claims for swamp land and swamp-land indemnity"?

Mr. CRAMTON. I am not familiar with it and have not anything in reference to it.

Mr. SNELL. Mr. Chairman, I move to strike out, on page 16, line 18, the figures "\$485,000" and insert "\$250,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 18, strike out "\$485,000" and insert in lieu thereof "\$250,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 8, noes 15.

So the amendment was rejected.

Mr. WHITE of Kansas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Mr. WHITE of Kansas moves to strike out, in line 10, page 17, the figure "\$5" and insert "\$4."

Mr. WHITE of Kansas. Mr. Chairman, I make that motion simply because \$5 is too much. Four dollars is enough. I do it in the interest of economy.

Mr. MCKENZIE. Will the gentleman yield?

Mr. WHITE of Kansas. Yes.

Mr. MCKENZIE. Can the gentleman give us any information as to the expenses of travel?

Mr. WHITE of Kansas. Yes; all that is necessary. There is no excuse for this whatever. The cost of living has gone down. This is in lieu of subsistence, and \$4 is sufficient—\$3 is enough.

Mr. CRAMTON. I want to call attention to the fact that \$5 only has reference to travel in Alaska, and, as I understand, that is not an unreasonable amount.

Mr. BLANTON. I want to ask the chairman if it is not a fact, with respect to all supply bills which we have considered up to this time and passed, including the one passed day before yesterday, and in this bill, every allowance for subsistence has not been over \$4, and that this is the only instance where you make it \$5.

Mr. CRAMTON. I can not speak as to all the supply bills. In this bill before us there were several cases where they get \$4 and they asked for \$4.50 or \$5, but were denied by the committee.

Mr. BLANTON. That is what I say, all the other supply bills have placed it at \$4.

Mr. CRAMTON. I will not say as to all the bills, but in this particular one it has been carried heretofore at \$5, and is recommended at \$5, and it relates only to travel in Alaska. All the travel in the United States only gets \$4.

Mr. BLANTON. Does the gentleman know that it costs the natives in Alaska any more than it does here to travel?

Mr. CRAMTON. I do not understand that natives are on the pay roll.

Mr. BLANTON. I think some of them are.

Mr. MANN. Wherever they go in Alaska it costs like everything—more than it does in Washington. [Laughter.]

Mr. BLANTON. They get along here on \$4 for subsistence.

Mr. MANN. They ought to get along for less.

Mr. CARTER. The only necessity for making this \$5 is, as the gentleman in charge of the bill has said, that this applies only to persons traveling in Alaska where the travel is much more difficult and much more expensive than it is in the United States.

It seems to me that a dollar more than is usual to be paid in other parts of the country is very reasonable for subsistence in that frigid country.

Mr. WHITE of Kansas. This is for subsistence.

Mr. CARTER. Yes.

Mr. WHITE of Kansas. It has nothing to do with traveling expenses.

Mr. CARTER. I may have used the word "traveling" inadvertently. What I meant was that while a man was traveling

his subsistence would cost more in Alaska than in other parts of the country.

Mr. WHITE of Kansas. I may have gotten this wrong, but as I read it the sense conveyed to me is that when they are traveling elsewhere than in Alaska they may be allowed not exceeding \$5 per day. This is a small item. It may not be necessary to save money on small items of this kind, but I insist we might as well begin here and adopt this amendment.

Mr. CARTER. If the gentleman will read the language carefully, he will notice that the exception is when they are traveling in Alaska. Those traveling in Alaska are to be allowed the \$5 per day.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The amendment was rejected.

The Clerk read as follows:

Hearings in land entries: For hearings or other proceedings held by order of the Commissioner of the General Land Office to determine the character of lands, whether alleged fraudulent entries are of that character or have been made in compliance with law, and of hearings in disbarment proceedings, \$20,000: *Provided*, That where depositions are taken for use in such hearings the fees of the officer taking them shall be 20 cents per folio for taking and certifying same and 10 cents per folio for each copy furnished to a party on request.

Mr. RAKER. Mr. Chairman, I reserve the point of order on the proviso. That is new language, is it not?

Mr. CRAMTON. It is in the current law and has been carried for a considerable time.

Mr. RAKER. The 20 cents per folio, and the 10 cents per folio?

Mr. CRAMTON. Exactly.

Mr. RAKER. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Surveying public lands: For surveys and resurveys of public lands, examinations of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$600,000, of which such amount as may be allotted for work in Alaska shall be immediately available: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied in whole or in part by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and to survey under such other acts as provide for land grants to the several States and Territories, and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, except railroad land grants, and including the survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior, and other surveys shall include lands adapted to agriculture and lands deemed advisable to survey on account of availability for irrigation of dry farming, lands subject to disposition under mineral land laws where survey thereof is not otherwise provided for, lines of reservations, and lands within boundaries of forest reservations, and including such retracements and re-marking of State boundaries as shall be found necessary in order to close the public land lines thereon. The surveys and resurveys provided for in this appropriation to be made by such competent surveyors as the Secretary of the Interior may select, at such compensation, not exceeding \$200 per month each, as he may prescribe, except in Alaska, where a compensation not exceeding \$300 per month each may be allowed such surveyors, except that the Secretary of the Interior may appoint not to exceed one supervisor of surveys, whose compensation shall not exceed \$300 per month, and not to exceed 10 surveyors who may be employed in a supervisory capacity, whose compensation shall not exceed \$250 per month each, and per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and actual necessary expenses for transportation, said per diem and traveling expenses to be allowed to all surveyors employed hereunder and to such clerks who are competent surveyors who may be detailed to field duty hereunder: *Provided further*, That the sum of not exceeding 10 per cent of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public land survey corners wherever practicable: *Provided further*, That not to exceed \$10,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: *Provided further*, That not to exceed \$50,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon and California Railroad lands and the Coos Bay Wagon Road lands.

Mr. WALSH. Mr. Chairman, I reserve the point of order on the paragraph. I just want to ask a question or two which will probably satisfy me on the point of order. What is the necessity for such a tremendous sum being carried in this bill every year for surveys and resurveys in the examination of surveys heretofore made and reported to be defective or fraudulent? What is the matter with the surveying system that they have that makes necessary these reexaminations and resurveys?

Mr. CRAMTON. I suppose that surveyors are fallible. I am not advised as to how large a proportion of this is for the correction of errors, but the gentleman will note that this item not only covers those matters but also all of the surveys of the public lands which we have now in this country and in

Alaska, nearly 800,000,000 acres yet to be surveyed. For many years they have carried for this item \$700,000 a year. The committee felt, however, that there could be some retrenchment in that, and we made a reduction of \$100,000 in the amount. We do not want to destroy the office or to disorganize it, but we thought there could be some economy made.

Mr. SNELL. Does the gentleman state that there are 800,000,000 acres yet to be surveyed?

Mr. CRAMTON. In this country and in Alaska.

Mr. SNELL. How many years will it take to do that at the rate we are going?

Mr. CRAMTON. I shall have to leave that to the gentleman from New York.

Mr. SNELL. Are we really making any progress in getting definite information?

Mr. CRAMTON. Certainly. All of the land that is being taken for settlement, for reclamation, for mining in any event must be surveyed before it is taken. I could not state to the gentleman how much is surveyed in the year, but there is an immense area surveyed each year.

Mr. WALSH. About a million acres a year.

Mr. CRAMTON. Oh, more than that.

Mr. FRENCH. I have the figures right here.

Mr. TINCER. Mr. Chairman, will the gentleman from Massachusetts yield to me for a question?

Mr. WALSH. Yes.

Mr. TINCER. I just wondered if we could not save this expenditure by transferring all of the public lands to the Agricultural Department.

Mr. WALSH. I think if we transferred them to the various States it would be much better.

Mr. SNELL. This paragraph provides that not exceeding 10 per cent of the whole amount may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public-land survey corners wherever practicable. The gentleman does not mean that 10 per cent of that whole amount may be spent in that way?

Mr. CRAMTON. That seems to be the language, but there is no requirement that they must use it for that purpose. I think the gentleman will admit that there is not much use in surveying land without properly marking it.

Mr. SNELL. I would like to know how much land is surveyed, if you have to pay \$60,000 a year for markers. I think we ought to have some information upon that.

Mr. SMITH of Idaho. Mr. Chairman, it seems to me that the gentleman from New York is very ignorant of the scope of the country.

Mr. SNELL. I am asking for information from the source where I would expect to get it.

Mr. CRAMTON. There was expended in the last fiscal year \$27,600 for iron posts, and they estimate for the current year \$20,000, and for 1923, \$20,000.

Mr. SNELL. Why not cut the amount down to 3 per cent instead of 10 per cent.

Mr. CRAMTON. If the gentleman wants to run the risk of hampering this department, it could be very easily done.

Mr. SNELL. They have three times as much as they expend.

Mr. CRAMTON. I assume the gentleman would give the Land Office credit for this, that they are not going to buy tons of iron posts and scatter them around the public domain except where they are needed to mark lands actually surveyed. When the land is surveyed they will use the posts.

Mr. SNELL. I never heard of any survey that took 10 per cent of the entire cost to buy the markers.

Mr. CRAMTON. The gentleman sees that the figures indicate that it does not.

Mr. SNELL. It takes 5 per cent.

Mr. CLOUSE. I would like to know about what is the length of the life of one of these iron posts?

Mr. CRAMTON. I have no acquaintance with them.

Mr. CLOUSE. It is true that they do corrode and rust out in a very short time. Why would it not be better to replace the iron with stone monuments, that are indestructible? Would it not be as economical?

Mr. ARENTZ. I can refer to a set of surveys made a number of years ago, the so-called Benton surveys, made by simply driving a wagon over the country and dropping a rock. These resurveys are now largely being made of those surveys.

Mr. CLOUSE. Why did not they drop a rock in a good place and—

Mr. ARENTZ. In many sections of the country they could not find a rock over a distance of 4 or 5 miles, and, in addition,

your rock is moved by animals bumping against it, or a wagon comes along, or something of that sort.

Mr. CLOUSE. I have not yet seen a place where they could not find a rock.

Mr. WALSH. I withdraw the reservation of the point of order.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 24, after the word "Interior," strike out "\$600,000" and insert "\$700,000."

Mr. HAYDEN. Mr. Chairman, let me direct the attention of the committee to the fact that here is a reduction of \$100,000 in a most necessary appropriation, made against the advice of the Director of the Budget and over the protest of the Interior Department. In the hearings the Commissioner of the General Land Office made this statement, which appears on page 83:

In fact, there was one estimate made for the surveying of public lands that the department suggested that we ask an increase for of \$100,000 over what had been considered because of the fact of the crying need out through the West that the public lands should be surveyed correctly.

Again, Gov. Spry states, on page 145:

It might interest you to know that we asked for \$800,000, and we could use every dollar of it properly, but Mr. Dawes's committee cut it down \$100,000.

That is, Gen. Dawes left the amount at the same sum as is carried in the appropriation for the current year, or \$700,000.

Mr. SNELL. Will the gentleman yield for a question?

Mr. HAYDEN. Let me finish quoting the commissioner:

So intense is the feeling in the West that the governor of Utah proffered to me an additional \$50,000 for the State of Utah, as an appropriation in order that the public lands of the State might be surveyed so that the State itself might receive its school lands. Now, what is true of Utah is true of every other public land State. Being a lump sum, wherever we can save on one hand, we can get that much additional surveying on the other, and all that estimate can be used to advantage. The surveying is the basis of the entire scheme of the General Land Office. Without the surveying of the public lands you have nothing at all.

Gentleman should remember that some years ago, when the appropriations for this purpose were not what they should have been, that complaint came up from all over the West.

The western Members of Congress took the matter up with the Committee on Appropriations and received no relief. It was necessary for us, those directly interested in the matter, to confer with our friends in the House, and then the appropriation was increased to \$700,000 on the floor of the House against the advice and over the protest of the Committee on Appropriations. I can not understand, in view of the absolute necessity for the continuation of this work of surveying the public lands, why the committee on its own motion makes this reduction.

Mr. SNELL. Will the gentleman yield for a question?

Mr. HAYDEN. Certainly.

Mr. SNELL. How long have these surveys been going on?

Mr. HAYDEN. Ever since the public-land policy of the Government was first established. That occurred when the thirteen original States turned over their surplus lands to the United States.

Mr. SNELL. How many acres do they survey each year?

Mr. HAYDEN. In 1916, 10,861,000 acres were surveyed; in 1917, 8,870,000 acres; in 1918, 10,535,000 acres; in 1919, 7,346,000 acres; in 1920, 12,237,000 acres; in 1921, 6,208,000 acres; and the work must go on. In my State there yet remain over 35,000,000 acres of public land to be surveyed.

Mr. SNELL. Are they going over this land a great many times? The chairman of the committee says there are 800,000,000 acres, so they must be going back over it again?

Mr. HAYDEN. The gentleman does not realize the enormous extent of the public domain and that in order that it may be developed and disposed of it must be surveyed. This work has to be done. It will cost no more to do it now than some time in the future, and we might as well carry out the well-established policy of taking care of the needs of the situation. The annual appropriation of \$700,000 has been barely enough to do that, so why reduce it?

Mr. SNELL. According to the present plan it will take 80 years to finish it.

Mr. HAYDEN. Surveying must continue until the last acre is mapped and platted. The testimony of the Commissioner of the General Land Office is that he actually needs an additional \$100,000; that approval was given to his request for \$800,000 by the Secretary of the Interior, but the Committee on Appropriations, instead of giving him \$100,000 more, has arbitrarily cut this appropriation \$100,000, a most inconsistent and unjustifiable procedure. I would like to find out from somebody

on whose motion and for what reason this cut was made. It certainly originated nowhere except in the Committee on Appropriations. There was no such request from any other source.

Mr. ARENTZ. If the gentleman will permit, we have a section in southern Nevada aggregating 10,000 square miles without a section corner, and has not been surveyed, and yet a bill or, rather, a report was made by the Bureau of Mines a short time ago on a mining bill, which is now H. R. 7136, requiring every man who selected a mining claim to find a section corner before he located. He would have to locate according to cardinal lines, and it is an absolute impossibility under the circumstances.

Mr. HAYDEN. That is simply another illustration of the fact, which has been so thoroughly demonstrated by remarks that have been made here to-day, that there are people who can not begin to appreciate the immense extent of our public domain and the necessity for mapping and platting it in accordance with the United States system of surveys, so that it can be disposed of as provided by law.

Mr. ARENTZ. It must be done, in any event, at some future time in order to complete the survey of the public lands in our country.

Mr. CRAMTON. Mr. Chairman, the information of the committee is that the demand for these surveys has been decreasing in recent years. Of course, there is no object in going out and surveying the public lands before there is a demand for the surveys. The survey must follow the demand. The demands were 5 per cent less this year than a year ago, and 15 per cent less than two years ago. There is in the gentleman's State of Arizona and in the State of Utah greater pressure than in any other place, but, generally speaking, the demand has lessened, and the committee felt that we should make that reduction in the appropriation.

Mr. HAYDEN. It is news to me that the demand for surveys is lessening. I have received repeated requests for surveys, and have communicated with the department, and I have received the same reply in most cases, to the effect that they have only so much money and they can cover only so many townships in a year, and that we must wait.

Mr. CRAMTON. As I stated, the demand in the gentleman's State is great, but, generally speaking, there has been a reduced demand.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WALSH. Has the gentleman taken into consideration the fact that possibly these swamp lands and these cut-over lands that are to be given the ex-service men in the way of bonus will all have to be surveyed when that measure passes in the near future, and that unless these lands are surveyed, and accurately surveyed, of course, the ex-service men will be justified in considering that we have treated them very unfairly?

Mr. CRAMTON. There is a great deal in what the gentleman has said; but are we to understand that his speech is in favor of a larger appropriation here or in behalf of the bonus to the service men?

Mr. WALSH. No. Perhaps if you give them \$100,000 this year, you will not have to make so large an appropriation later.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. They might get along by having these lands surveyed and giving them away, and so escape the necessity of coming with a request for a deficiency of \$500,000 for that purpose later. I was just wondering whether the matter of these lands that were included in the bonus bill was given consideration by the committee in recommending this appropriation.

Mr. CRAMTON. I will say to the gentleman that any land that is now being taken up from the Government, regardless of the bonus bill—any land that is now being taken up on these reclamation projects is being taken up by former service men. They have the preferential right, and there are many of them making applications. There may be 30 applications for one available location, and, of course, as we do develop our reclamation system further, service men will take up those lands. But the remainder of the gentleman's question is rather, I should say, of an academic nature.

Mr. WALSH. Well, that is about as much information as we usually get when we make inquiries.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. SUMMERS of Washington. Does not the gentleman from Massachusetts know that the cut-over lands were surveyed before they were cut over?

Mr. WALSH. Yes. They will have to be surveyed again. They cut over the boundary marks.

Mr. SUMMERS of Washington. What authority has the gentleman for saying that?

Mr. WALSH. The gentleman from Idaho [Mr. SMITH], in response to a previous inquiry, said that these marks or boundary stones were obliterated or rusting, particularly in the swamp and cut-over lands.

The CHAIRMAN. The gentleman's time has again expired.

Mr. SMITH of Idaho. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Idaho is recognized for two minutes.

Mr. SMITH of Idaho. The gentleman from Massachusetts [Mr. WALSH] has made a reference to the item for resurveys. In the way of explanation I wish to say that there has been very little land resurveyed in recent years. Prior to 1910 the surveying of the public lands was done by private contract with professional land surveyors, but the system was changed by legislation 11 years ago and the surveyors were placed on a salary basis. It was discovered that many of these surveys that had been made under the contract system were not accurate, or that the monuments had been obliterated, and the system was changed and the surveyors appointed as employees of the Department of the Interior. Under this method the surveys have generally proved satisfactory, and resurveys have not been found to be necessary excepting in rare instances.

Mr. MONDELL. Mr. Chairman, I think that the statement made by the gentleman from Idaho [Mr. SMITH] is conservative, perhaps overconservative. I doubt if any resurveys have been ordered on lands that have been surveyed in the last 25 years. I do not happen to know of any. The resurveys are in the main for the correction of surveys that were made 25, 30, 40, and 50 years ago, at a time when they were using stone markers and wooden markers as monuments of surveys. There were two faults in the olden days. One was the failure of the contract surveyor to do his work thoroughly. In some places, unfortunately, he never did it at all, except on the plats. But where the survey was made on the ground in those old days it was marked by stone monuments, small fragments of stone picked up in the vicinity, more or less crudely marked, or by small sticks driven into the ground. Those stones were easily removed. The wooden pins rotted and the monuments of the surveys were obliterated.

About 18 years ago, as I recall, we began to use iron markers for our land surveys, so that even under the contract system, which had been improved by that time, particularly in the matter of the investigation after the survey, our surveys were generally accurate and were well marked. I am quite sure that no resurveys have been necessary since we began to use the iron markers. In the main the necessity for resurveys relates to those old surveys before the day of the iron marker and before the day of the very careful examination of the contract surveys.

Mr. COLTON. Mr. Chairman, I think the amendment of the gentleman from Arizona ought to be adopted. In reply to the remark made by the gentleman from Massachusetts [Mr. WALSH] a few moments ago, I should like to say that in most Western States—I know it is true in my own State—there are not sufficient funds now to survey the land as rapidly as the demand is made for it, not alone by ex-service men but by men who desire grazing homesteads and enlarged homesteads and other lands. Less than 25 per cent of the lands in my own State are on the tax rolls to-day, and whenever an attempt is made to get more land on the tax rolls and put it to beneficial use would-be settlers are met with the statement, "This land is not surveyed," and there is a real demand for increased surveys of the public lands in the Western States. I hope the amendment of the gentleman from Arizona will prevail.

Mr. BLANTON. Mr. Chairman, I call the attention of the committee to the fact that some of the most valuable land in the United States to-day, when first located, was surveyed by surveyors who would attach the initial corner of a block of surveys to some permanent, natural object, on the bank of a river, for instance, and then start and run a base line 20 miles or more in one direction. Every 1,900 varas along the base line they would fix their section corner, either marked on the ground or merely called for by course and distance, and after running that base line they would then plat out that whole

block of surveys on that base line, making the field notes for same in their office. To-day, 50, 60, or 75 years after the initial survey was made, if you have contests in court over boundary suits, the litigants must go back to that initial corner, fixed on some natural object like the bank of a river, to plat out those surveys, each survey depending upon that base line. Most of the resurveying is to establish the actual corners and fix up artificial objects for corners of each survey for the convenience of owners, and that is done privately by the original owners or the subsequent owners. It is just a matter of convenience. It is unnecessary that the Government should do that. Some of the most valuable surveying has been done by office plats on fixed base lines. I think we certainly ought not to adopt the amendment of the gentleman from Arizona [Mr. HAYDEN], because it would be a waste of \$100,000. There ought to be a stop to this waste some time.

Mr. COLTON. The gentleman understands that if this motion prevails the money will not be used altogether for resurveying. A large part of it will be used for original surveys.

Mr. BLANTON. So far as this bill limits it, it could all be used for resurveying if they wanted to. If you appropriate money for several different purposes and place it in the hands of some agent of the Government to spend for any of those different purposes, the gentleman from Utah knows that the agent of the Government, if he wants to, is authorized by that legislation to spend all of it for one of those purposes.

Mr. COLTON. That is very true, but the gentleman is aware of the fact that the great majority of this money will be spent for original surveys.

Mr. BLANTON. Oh, I know; but to show the inconsistency of the Committee of the Whole, on an amendment a while ago we almost put back into the bill a provision to retain the surveyor general in a State that last year did not survey more than 5,000 acres of land. Yet the gentleman from Utah knows, if he has had any experience with surveying, that there have been instances where first-class surveyors have fixed sufficient corners to survey accurately as much as 6,400 acres in less than a week, and have the field notes approved by the Land Commissioner. They have done the surveying and had their field notes filed and approved inside of a week. I can cite the gentleman to many such instances. Why, the big blocks of land that the Texas & Pacific Railway Co. has had surveyed under the alternate section law, the big blocks of public land that the Santa Fe Railway Co. has had surveyed, the big blocks of land that the Southern Pacific Railway Co. has had surveyed under various laws, have been surveyed so rapidly that you will find cases where their surveyors have surveyed over 5,000 acres in one day and designated the corners accurately and had their field notes approved by the land commissioners, and their work stood the test in courts. It is foolishness to keep increasing this expense year after year when your Land Commissioner before your committee testified that the work had decreased to such an extent that we ought to do away with 13 of these surveyor general's offices entirely.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

Mr. FRENCH. Mr. Chairman, I feel that something ought to be stated in reply to the gentleman's statement that the money can be used for resurveys. The item in the bill does not fix any limitation. I am not surprised that the gentleman should be inaccurate when he says that any part of it or all of it may be used for resurvey. The fact is that the permanent law fixes it at 20 per cent that may be used in the discretion of the Secretary for resurvey work.

Mr. HAYDEN. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. HAYDEN. As a matter of fact the 20 per cent is never reached.

Mr. FRENCH. Probably not; it is a matter for the good judgment of the Secretary.

Mr. HAYDEN. The demand has been so great for the expenditure of money for surveys of new land that it is a difficult matter to get a resurvey, and there must be a very good reason for it.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. There seems to be some misunderstanding in regard to this item. The statement in regard to the surveyor general of the State has nothing to do with it. They do not do the surveying at all. In the second place, this money, if the law is enforced, is supposed to be all reimbursable. Just stop and think a moment. Here is the public land scattered all over the public-land States and in Alaska that ought to be in the hands or ownership of private individuals. There are many ex-service men to-day who are trying to get land surveyed, so that they can

get homesteads on this land. The sale of the land and the handling of it is supposed to pay all these expenses.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Where is there any provision in this paragraph making the expenditure reimbursable?

Mr. RAKER. All the money that comes from the sale of public lands goes into the Public Treasury. This is an expenditure by the Government for handling its own land, and if the Government expends \$10,000, thereby bringing back \$100,000, it is \$90,000 to the good. It is surveying its own property to the end that its citizens may go out and locate on the land in a proper way and know where their homes are to be.

Mr. WALSH. Does not most of the money that comes from the sale of public lands go into the Reclamation Service?

Mr. RAKER. It is public money and the Government gets the benefit of it. It is not a donation to anyone; it is not a contribution to anyone; this is not a new enterprise.

Mr. WALSH. It takes \$600,000 out of the Public Treasury.

Mr. RAKER. It is merely surveying the land that it owns, that is intended for its citizens to have and make their homes upon. The sooner you put them in the hands of private ownership, in the hands of ex-service men and others, the better; it then becomes taxable and goes upon the tax roll and serves to build up the cities, towns, and school districts.

Mr. WALSH. That is what the gentleman means by reimbursable?

Mr. RAKER. It is reimbursable; the Government does not lose the money; it does not contribute it to anything.

Mr. ROACH. Can an entry be made on land before it is surveyed?

Mr. RAKER. No.

Mr. SNELL. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. SNELL. Here is \$600,000 that goes for surveys taken out of the proceeds of the land sales.

Mr. RAKER. What is the difference?

Mr. SNELL. It comes out of the Public Treasury.

Mr. RAKER. The money is received for the sale of timber, stone lands, desert lands, swamp lands, and every dollar the Government receives for land goes into the Public Treasury.

Mr. SNELL. I supposed it went into the reclamation projects.

Mr. RAKER. That is the Public Treasury.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken; and on a division (demanded by Mr. HAYDEN) there were 8 ayes and 23 noes.

So the amendment was rejected.

The Clerk read as follows:

SURVEYING AND ALLOTTING INDIAN RESERVATIONS.
(Reimbursable.)

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (24 Stats. L., p. 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, \$58,000, reimbursable, to be immediately available: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I notice that the language just read is for the survey, resurvey, classification, or allotment under the act of 1887, and it is under the head of reimbursable. I think it is very likely that this is the item that the distinguished gentleman from California [Mr. RAKER] had in mind when he was endeavoring to convince the committee that the \$600,000 appropriated in the previous paragraph was a reimbursable item. This is the only reimbursable item, and the gentleman from California, who is always enthusiastic about appropriations from the Public Treasury and quite frequently accurate in the arguments he advances, had evidently this paragraph in mind. This is the appropriation which is reimbursable by the language of the bill, and the other appropriation of \$600,000 has nothing in it which either requires it to be reimbursable or in the administration of the law even is reimbursable. The gentleman has a unique definition of money being reimbursed to the Treasury of the United States when the appropriation is made for it if it results in the development of the country, the building of schools and churches, grocery stores, and homes, and thinks thereby that the Treasury is being reimbursed by some sort of a revolution of the fund. However, I think the gentleman is in error, and I feel quite sure that before he left his place in the well and took his seat he had discovered that he had created an erroneous impression

in his own mind and that he regretted he sought to create a like impression in the minds of the other members of the committee. Because I asked him a few questions, I take the floor now to assure the gentleman from California and the other members of the committee that he did not lead me into an erroneous interpretation of the paragraph under consideration at that time.

Mr. RAKER. Mr. Chairman, I have listened with a great deal of interest to what the distinguished gentleman from Massachusetts [Mr. WALSH] has said. Ordinarily he gets pretty close to the point, but it seems to me that this time he has gone somewhat far afield with the item now before the committee and the one we just passed. This item is the expenditure of public money for the purpose of surveying lands that belong to the tribes of Indians, from which the Government gets no return. It is advancing them the money, but they claim repayment out of that fund after the Indian sells his land or the Government sells it for him. On the other hand, it is not that with respect to the other item at all. We have property. We do not know the value of it. We survey it, and then after the sale of the land we pay back the expense we have been put to in its survey, and then have on hand, say, 90 per cent of it, so that as a matter of fact we pay it back to the Government and have in the fund 90 per cent more than when we started. That is clearly a returning of the expense money, a recompensation, and the one is of considerable importance for the purpose of development. I would not attempt to mislead if I could, and I could not if I would, the gentleman from Massachusetts.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield to the gentleman from New York.

Mr. SNELL. Is there any record where any of this money has ever been returned to the Treasury in Washington?

Mr. RAKER. Oh, yes; millions of dollars.

Mr. SNELL. When?

Mr. RAKER. Every year.

Mr. SNELL. Earlier in the bill there is a provision that it goes into the reclamation projects.

Mr. RAKER. Originally, before the reclamation act, it went into miscellaneous receipts or the general fund, and now it goes into the reclamation fund.

Mr. SNELL. That is a revolving fund used in these same States?

Mr. RAKER. Why, sure.

Mr. SNELL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. As I understand it, all of the appropriations we made in the Bureau of Indian Affairs come out of the Indian fund?

Mr. CRAMTON. Oh, no; they do not. They come from two sources, but under different conditions. Some of the money comes from Indian tribal funds, but the larger proportion comes from the Federal Treasury. Of that which comes from the Federal Treasury some is reimbursable and some is not.

Mr. SNELL. Are these the same items that are always carried in the Indian Bureau under the old system of appropriating, or practically the same?

Mr. CRAMTON. Yes.

Mr. SNELL. I had always understood that all comes from the treasury of the Indians.

Mr. CRAMTON. That never has been the case.

The Clerk read as follows:

For necessary miscellaneous expenses incident to the general administration of Indian irrigation projects, including salaries of not to exceed five supervising engineers.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. In general debate on this bill making appropriations for the Interior Department, members of the Appropriations subcommittee in charge of the measure were quite complimentary to each other. I think they were justified in exchanging the compliments, because this committee seems to have found a way for the reestablishment of Government publications. Members of the House will note a line or two in one of the first few paragraphs of the bill, at the bottom of page 6, authorizing the publication of School Life and Glimpses of Our National Parks. These two may be printed to the amount that their respective editors can induce their chiefs to give from the appropriation, which is \$145,000. I will not undertake to say which publication will drag down the most money, but I know to a certainty.

However, my purpose in taking the floor is to suggest to the other appropriating subcommittees that if they are being pressed by those who would have certain of the various Government publications reestablished, this committee has pointed the way by which it can be done. We all know that persistence, propaganda, and back fire, properly applied, will make Congress yield,

as a rule, and here we have a sample. School Life and Glimpses of Our National Parks have come back. Now, then, why should not the other publications come back by the same method? Shall the Journal of Agricultural Research stay dead, while School Life lives and breathes to the extent of 30,000 copies per issue?

Is there no hope for the Monthly Labor Review, while Glimpses of Our National Parks resume their bright pages to lure the rich to the wonders of the far West? Is it more important to know about Old Faithful geyser than it is to know the cost of bread?

If the Government magazines are to come back one by one, what incentive is there for the Committee on Printing to wrestle with a plan for uniformity in printing and distribution of certain ones which can be shown to be desirable and necessary?

I do not say that School Life is not intrinsically good, as far as it goes. The trouble is the matter of distribution. School Life may be a very fine publication, and I have no doubt that its editor and its assistant editor know that it is a fine publication. However, it has a circulation of only 30,000 copies. It was said a few moments ago that School Life is necessary to spread the information gathered by the Bureau of Education. Thirty thousand copies will not spread that information very far.

Mr. WALSH. Oh, no; it was to interpret it.

Mr. JOHNSON of Washington. Well, then, even to interpret it, 30,000 copies are not enough, and two editors can hardly make a start.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. RAKER. The gentleman mentioned the complimentary speeches that have been made. Would they be reproduced in these publications?

Mr. JOHNSON of Washington. They may be and perhaps might well be. I wish, however, that everyone would understand that the Sixty-sixth Congress provided that periodicals and journals and magazines of the Government should not be continued unless specifically authorized by Congress. These publications had come into existence literally by the hundred, and the date set for the death of the unauthorized magazines was set at June 1, 1921. That Congress lost heart somewhere and extended the time of execution until December 1, 1921. That was done in the other legislative body. On that date they died, and great was the lamentation. Since then, so far as I have been able to ascertain, instead of being the man who struck them all down, I am the Member who is trying to get some of them back in a legitimate and proper manner, and I am confronted all of a sudden by a device here on the part of a subcommittee of the Committee on Appropriations that slips in a couple of them and thus lets down the bars so that they can all be started up again. Now, then, if those who know how to handle propaganda and back fire will get busy with the Committee on Appropriations, instead of putting all of their time on the Committee on Printing, they can probably get a whole lot of these publications restored. I say this with earnestness and in good faith.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. In this very bill, where are the friends of the Indians, that they have not sought here to revive the Indian school publications which were struck down? What good does it do the members of the Committee on Printing to go before the Committee on Agriculture with a plan by which desirable Federal publications may be restored? What will the public think when they see the 30,000 copies of School Life restored, while so valuable a publication as the Journal of Scientific Research is still dead?

Mr. WALSH. Who gets these copies of School Life? Where is it distributed?

Mr. JOHNSON of Washington. As far as I am able to ascertain it goes largely to the higher educational institutions. It was a little eight-page sheet paper, full of good, light school matter that might be really desirable for the country school-teacher. The big colleges, the big places get it. When the poor little country school-teacher writes in for a free copy, she is informed that the appropriation is not sufficient. The Bureau of Education writes that they would like to send it free, but Congress is so stingy that they can not, but that it can be sent for 30 cents a year. They ask these country school-teachers to subscribe. The paid subscription list is, I believe, about 600.

Mr. WALSH. It goes to the higher institutions of learning? Mr. JOHNSON of Washington. Yes; and to exchanges. I do not particularly criticize *School Life*. It has a mission. One of its duties is to sustain its editor and his assistant. He is endeavoring to get high-school pupils to subscribe for it. One school has subscribed for about 200 copies, and thus education is advanced.

But I call attention to the solution of the Government magazine problem. If Members of Congress are receiving letters calling for the reestablishment of the *Journal of Agricultural Research*, the *Agricultural Experimental Record*, or the *Monthly Labor Review*, do not write back to your constituents that you are helpless. Just go to one of these subcommittees and have them restored. Do not turn your complaints over to the members of the Committee on Printing. Go to the Appropriations Committee, which legislates as it doles out the dough. There is now no excuse for any Government magazine which anybody thinks is as good or better than *School Life* to stay dead. [Applause.]

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I notice that all of these items for irrigation of Indian lands are reimbursable. I want to ask the chairman of the committee to what extent are items of this character being reimbursed?

Mr. CRAMTON. I can not offhand tell the gentleman the amount, but I will say that very largely these items are not being reimbursed while the lands are in Indian ownership. Although they are reimbursable, I do not think that a large percentage of the money has come back.

Mr. SNELL. Well, I understood earlier that they are very largely returned. I have also understood, as has the chairman, that none of this money ever comes back.

Mr. CRAMTON. It is a lien on the land and sometime will come back. In some cases the Indians upon these lands in the first place are not familiar with irrigation propositions and it is difficult to get them to work the land. There are some cases where there has been quite desirable progress in that direction, and in some other cases not so much. I think the hearings give an idea of the amount that has come back, but I can say to the gentleman that in large part it is not being reimbursed as yet.

Mr. SNELL. I notice this covered a wide area, and I was wondering if it paid to have as many new projects as this bill actually carries unless the Indians are taking advantage of it.

Mr. CRAMTON. The bill does not contain any proposition for the beginning of a new project. Some of them are for maintenance only of existing projects and others for some extensions of existing projects.

Mr. SNELL. It will be the policy of the committee to continue this forever regardless of what advantage the Indians take of it? I do not mean the committee, but I mean the department.

Mr. CRAMTON. I can say this: This year the department did not ask for a new project, and it is my understanding, and in this I may be wrong, because I am not any too familiar with these matters, but it is my understanding that there has been a cutting down on these irrigation developments on these Indian lands as the result of the work of the gentleman from New York [Mr. SNYDER] and the gentleman from Oklahoma [Mr. CARTER].

Mr. SNELL. I feel there should certainly be a beginning of it if there is ever going to be any benefit from it.

Mr. CRAMTON. In some cases progress is being made.

Mr. SNELL. As far as the gentleman knows they were not making much progress on them?

Mr. CRAMTON. I would not even say that, but in a majority of the cases they are not in a position apparently to pay this money back.

Mr. FRENCH. Mr. Chairman, I would like to make this observation. As the chairman of the subcommittee has said, this money is reimbursable and the land itself is security for construction charges. Now, the Government to some extent is coerced in the matter of carrying forward irrigation work where possibly there is not as satisfactory farming of the lands by the Indians as we would like. This comes about for the reason that unless we develop irrigation projects for Indian lands, the water that could be used for irrigation of these lands in another 10 or 25 years will be appropriated by white settlers, and then the Government might need to indemnify the Indians because it can not carry out the treaties it has entered into with them, or, if not indemnify the Indians, leave a situation of great hardship for the Indians to meet.

Mr. SNELL. To what extent are we under obligation to furnish water?

Mr. FRENCH. It depends upon the particular reservation. Take the Yakima Reservation.

The Government a few years ago had to appropriate a million dollars in order to develop an irrigation system to carry out a treaty that it had made 40 or 50 years ago. Again, in many of the public land States, in fact, in all of them, where irrigation prevails, the law does not prevail touching water rights that prevails in the gentleman's State. You have the riparian right, but in arid and semiarid States the right of use prevails, and the first person who appropriates the water for legitimate use has the water.

Now, then, shall we, who, you may say, are the guardians of the Indians, preserve necessary and adequate water for Indian lands, or shall we let it be diverted for some other use now, and let the Indians in another 15 or 20 years wake up to find that the Government, which had been supposed to protect their interests, had not protected them, but on the other hand had permitted them to be the possessors of worthless and barren land, because no water source was left from which irrigation could be had?

Mr. SNELL. Are we obliged to do this without being reimbursed for it?

Mr. FRENCH. For all construction work at least it is planned we will be reimbursed, but whatever reimbursement occurs will be spread over a long period of years. We are meeting the situation in a way that may not be perfectly satisfactory, but still it is the best way we can adopt now.

Mr. MANN. The gentleman from New York [Mr. SNELL] ought to remember that most of this money is purely for operating expenses. While it is theoretically reimbursable, it never will be reimbursed. But we can not abandon the construction of the irrigation plant.

Mr. SNELL. The construction cost has not been reimbursed?

Mr. MANN. As to the construction cost, that will probably be reimbursed, but we are spending money to operate them. We are not getting back the money to pay the operating expenses, and that seems just like throwing money away, but we can not quit it.

Mr. SNELL. We must keep it up?

Mr. MANN. Yes; I suppose we must keep it up.

Mr. CRAMTON. On this point Mr. Meritt, the Assistant Commissioner of Indian Affairs, says in the hearings:

The appropriations requested are largely for maintenance and operation and repairs of present projects; these projects are small and are on the reservations where the Indians have no great amount of money to their credit, and we use Indian labor very largely in doing the work on these projects, so as to give employment to the Indians.

Otherwise we would probably spend as much money in taking care of them.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield to me?

Mr. CRAMTON. Yes.

Mr. GARRETT of Tennessee. Is the discussion on that item ended?

Mr. CRAMTON. I hope so.

Mr. GARRETT of Tennessee. Mr. Chairman, it has been my understanding—perhaps I ought not to use that word—it has been my thought from certain things said to me that the House would not sit later than this to-day. It is perfectly evident that you can not conclude the consideration of the bill this afternoon, and I do not understand that the business of the House is in such condition as to require us to sit longer. Would it not be agreeable for the gentleman to move to rise?

Mr. CRAMTON. I would be glad if the gentleman will defer that for a little time. I have no knowledge of any understanding or expectation that we should rise as early as this. Personally I would be glad to have the committee run as long as we can, but at any rate a little later than this.

Mr. GARRETT of Tennessee. I wish to reiterate, because I always want to be fair about it, that there was no understanding, but there was a belief that this is about as long as we would want to run.

Mr. MANN. Wait a few minutes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of 1 chief irrigation engineer, \$4,000; 1 assistant chief irrigation engineer, \$3,000; 1 field cost accountant, \$2,250; and for traveling incidental expenses of officials and employees of the Indian irrigation service, including sleeping car fare, and a per diem not exceeding \$3.50 in lieu of subsistence when actually employed in the field and away from designated headquarters, \$5,500; total, \$14,750.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. TEMPLE). The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 24, line 12, after the word "traveling" insert the word "and."

Mr. CRAMTON. Mr. Chairman, that is simply to correct an error in the language.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all for irrigation on Indian reservations, \$149,500, reimbursable as provided in the act of August 1, 1914 (38 Stats. L., 582): *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available: *Provided further*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of the Interior for the necessary expenditures for damages by floods and other unforeseen exigencies: *Provided, however*, That the amount so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order on the paragraph.

Mr. WALSH. What is the necessity for this interchangeable provision in the discretion of the Secretary as to damages by flood, and so forth?

Mr. CRAMTON. Well, simply that in the event that on an irrigation project a flood should do very large or serious damage, of course they could not wait to come to Congress for an appropriation to take care of the situation. Possibly you will notice that all these amounts are small, two or three thousand dollars or \$4,000 or up to \$10,000. This is simply to give them discretion to interchange the amounts in the event of such a catastrophe or emergency.

Mr. WALSH. Mr. Chairman, I will withdraw the point of order.

The CHAIRMAN. The gentleman from Massachusetts withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

RELIEVING DISTRESS, ETC.

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from hospitals and sanatoria, \$370,000: *Provided*, That this appropriation may be used also for general medical and surgical treatment of Indians, including the maintenance and operation of general hospitals, where no other funds are applicable or available for that purpose: *Provided further*, That out of the appropriation herein authorized there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts: Blackfoot Hospital, Montana, \$12,500; Carson Hospital, Nevada, \$10,000; Cheyenne and Arapahoe Hospital, Oklahoma, \$10,000; Choctaw and Chickasaw Hospital, Oklahoma, \$35,000; Fort Lapwai Sanatorium, Idaho, \$40,000; Laguna Sanatorium, New Mexico, \$17,000; Mesquite Hospital, New Mexico, \$10,000; Navajo Sanatorium, Arizona, \$10,000; Pima Hospital, Arizona, \$13,000; Phoenix Sanatorium, Arizona, \$40,000; Spokane Hospital, Washington, \$10,000; Sac and Fox Sanatorium, Iowa, \$40,000; Turtle Mountain Hospital, North Dakota, \$10,000; Winnebago Hospital, Nebraska, \$18,000; Crow Creek Hospital, South Dakota, \$8,000; Hoopa Valley Hospital, California, \$10,000; Jicarilla Hospital, New Mexico, \$10,000; Truxton Canyon camp hospital, Arizona, \$5,000; Indian Oasis Hospital, Arizona, \$10,000.

Mr. CRAMTON. Mr. Chairman, I offer an amendment to the bill at this point, to follow the item just read.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 26, after line 13, insert a new paragraph, as follows:

"That there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to be immediately available, and to remain available only until June 30, 1922, for the relief of destitution among Indians, to be used in the discretion of the Secretary of the Interior, for the furnishing of food, clothing, and other supplies: *Provided*, That where able-bodied Indians have no means of support this appropriation may be used to pay such Indians for work performed in the construction of roads or other improvements on the reservation, or for the purchase of necessary seeds and implements to enable them to cultivate their farms: *Provided further*, That no part of this appropriation shall be used for the purchase of food, clothing, or other supplies that can be furnished by the War or Navy Departments or by the United States Shipping Board from surplus stock in time to meet the present emergency; and the War and Navy Departments and the United States Shipping Board shall, upon receipt of formal request therefor, and without charge, turn over to the Indian Service at the point of storage any such surplus food, clothing, or other supplies: *And provided further*, That a sum equal to the total value of all supplies furnished by the other governmental agencies shall be reserved from the appropriation made herein and be covered back into the Treasury: *And provided further*, That where relief is given under this resolution to any tribe of Indians having available tribal funds held in trust for such tribe in the Treasury of the United States the expenditure for such relief shall be reimbursed from such tribal funds to the extent that they may be available."

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment.

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

Mr. WALSH. Mr. Chairman, this is more than an appropriation. It is more than making available certain funds to be

reimbursed from tribal funds. It is extending the authority of some of the departments of the Government, and providing that certain men may be put to work in return for money to be paid from this appropriation. As I caught it, it contains several features of legislation that this committee does not have jurisdiction to report.

Mr. BLANTON. Mr. Chairman, in addition to the one made by the gentleman from Massachusetts [Mr. WALSH], which is good and should be sustained, I make the further point of order that it is an amendment providing an appropriation of money to be expended during the present fiscal year, and is not an appropriation of money to be expended during the next fiscal year ending June 30, 1923.

Mr. CRAMTON. Mr. Chairman, if I may be permitted, I will speak first of the point raised by the gentleman from Texas. The bill before us makes appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, and a number of rulings were made by the various occupants of the Chair a year ago when the various appropriation bills were up, that inasmuch as the Committee on Appropriations has jurisdiction of deficiency appropriation bills it is in order in one of the regular appropriation bills to include an item for the current year. In the rulings last year that was well established.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. The gentleman will find that in every such instance that was where the Committee on Appropriations itself incorporated the item into the bill when preparing it. This is an entirely different proposition, where the chairman of the subcommittee, unauthorized by the committee, seeks to impose on an appropriation bill for the next fiscal year an amendment from the floor appropriating money to be spent during the present fiscal year. It is not something that has been brought here in an appropriation bill by the Appropriations Committee.

Mr. CRAMTON. The amendment offered is, in substance, the same as the resolution that was reported by the Committee on Appropriations, and the action of the gentleman from Michigan is only following out the instructions of the Committee on Appropriations. But, further, I do not know of anything in our parliamentary law that gives any greater parliamentary status to a provision in a bill put in by the committee before the bill is reported than to an amendment to that same bill offered on the floor. The gentleman admits impliedly that if this had been put in the bill before it was reported it would have been in order. If so, it is in order when offered as an amendment from the floor either by myself or by the gentleman from Texas or anyone else.

As to the matter suggested by the gentleman from Massachusetts [Mr. WALSH], on the ground that it is legislation, I wish to say, in the first place, that it is an appropriation of \$100,000 and in so far as there is anything in the item that the gentleman from Massachusetts would class as legislation, it is largely in the nature of a limitation. That is to say, it is true that it authorizes the use of certain surplus property instead of cash; but I do not think the gentleman would urge seriously that that renders it subject to a point of order. We provide further that if any Indian tribe have funds available for this use and money is spent for their relief under this resolution, in that case the money expended shall be reimbursable out of the funds of that tribe; and I do not think the gentleman from Massachusetts will object to that, either on its merits or on a parliamentary basis. The fact is that Congress by proper legislation, in the act of November 2, 1921, gave specific authority to the Bureau of Indian Affairs to do certain things, and if the appropriation is once granted, then the Bureau of Indian Affairs have authority to do the things necessary to accomplish these purposes. It is provided that the Bureau of Indian Affairs shall direct, supervise, and expend such moneys as Congress may from time to time appropriate for the benefit, care, and assistance of the Indians throughout the United States for the following purposes: General support and civilization, including education; for the relief of distress and conservation of health; for industrial assistance and advancement and general administration of Indian property.

Those authorizations absolutely warrant the amendment that is offered. Everything sought to be done under that comes under the heads suggested, and is necessary for the proper and economical performance of that function.

Mr. WALSH. What jurisdiction has the Committee on Appropriations over surplus supplies for the War and Navy Departments?

Mr. CRAMTON. I am frank to say that I can not speak positively, but I assume that you can appropriate property of

the Government as well as you can appropriate dollars of the Government.

Mr. WALSH. That may be true; but when the Committee on Appropriations starts out on the business of appropriating property, it is legislating and not appropriating. The Committee on Appropriations may appropriate money and that is all.

Mr. CRAMTON. I would not admit the gentleman's point; but if that is his most valid parliamentary objection to the bill, and the Chair sustains his point, then I will offer the amendment with that language eliminated. I dare say the gentleman would not care to have that done. If that is the only thing in the amendment that makes it subject to the point of order, then I shall offer it without the language.

Mr. CARTER. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from Oklahoma.

Mr. CARTER. I just want to make this suggestion to the gentleman from Michigan [Mr. CRAMTON], with reference to his statement concerning the appropriation of tribal funds.

Prior to the year 1915, as I now recall, these tribal funds could be used by the Secretary of the Interior without appropriation by Congress. In the Indian appropriation bill passed during that year there was a limitation placed upon that matter which required the Secretary of the Interior to come to Congress for an appropriation before he could spend tribal funds, and that limitation carried with it the authorization of Congress for the committee to appropriate tribal funds.

Mr. CRAMTON. Mr. Chairman, I thank the gentleman for his statement, which certainly clears up that portion of the language. If the gentleman from Massachusetts will withhold his point of order temporarily—

Mr. BLANTON. I want to be heard on one point that will cover the other phase of the case.

Mr. CRAMTON. I was going to say that if the gentleman from Massachusetts will withhold the point of order and permit me to place in the Record the statement of Commissioner Burke, I am willing that the committee shall rise.

Mr. BLANTON. And the point of order will be pending?

Mr. CRAMTON. Yes; the amendment and the point of order will be pending. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record at this point on the merits of the amendment.

The CHAIRMAN. The amendment and the point of order are pending, and the gentleman from Michigan asks unanimous consent to extend his remarks in the Record on the merits of the amendment. Is there objection?

There was no objection.

Mr. CRAMTON. This is the item for immediate emergency relief which was offered as a separate resolution on last suspension day. At that time, while it received a substantial majority of the votes on the roll call, it did not receive the necessary two-thirds, and did not pass.

At that time it was urged upon the floor that at least so far as the Blackfeet Indians are concerned there is no need of this relief. In so far as the remarks of the gentleman from Montana [Mr. RUDICK] referred to the highly colored and sensational newspaper reports of wholesale starvation among those Indians, he was no doubt quite correct in denouncing such reports as exaggerations. But, of course, the Bureau of Indian Affairs, the Budget office, the President of the United States, and the Committee on Appropriations of this House, each of whom have in turn indorsed and urged the item here proposed of \$100,000 for general relief wherever needed among the Indians, who are the wards of the Government, have not been led to such action by such newspaper propaganda and irresponsible exaggerations.

There is an immediate and pressing need for relief among the Blackfeet of Montana and 30 other tribes scattered well through the West. That this is true is well established by thoroughly reliable and competent evidence. No one has starved to death or frozen to death, and no such fatalities in wholesale number are expected in any event. But if this appropriation is not made there is good reason to believe that many will suffer from cold and hunger, want of food and clothing. The amount is not large, considering that the Indians to be aided will number many thousands.

The amendment provides that the able-bodied Indians must work in return for whatever is supplied them. It is also provided that so far as available the surplus stores of the War Department, and so forth, shall be utilized, cutting down the cash expenditures half or two-thirds. Further, that if a tribe has any available tribal funds in the Treasury any relief given such tribe shall be reimbursed to the Federal Treasury from such tribal funds.

I called to the attention of Hon. Charles H. Burke, Commissioner of Indian Affairs, the questions raised concerning the

need for this item, particularly among the Blackfeet, and have the following letter from him in thorough support of the item. It will be noted that Commissioner Burke says he spent five days on the Blackfeet Reservation in Montana last August and made a thorough investigation and found conditions then "were such as to convince me of the need of additional help in order to prevent hardship and actual suffering this winter." His statement covers the situation thoroughly in a conservative and explicit way and makes apparent the need of the item. He writes the following letters of February 8 and February 9:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 8, 1922.

Hon. L. C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: This will refer to H. J. Res. 264, providing for the relief of destitution among Indians. The original estimate, based on reports from the field, was \$155,992. Of this amount, \$114,297 was intended for the Indians of the Papago and San Carlos Reservations in Arizona and the Blackfeet Reservation in Montana, as follows:

Papago	\$25,000
San Carlos	25,000
Blackfeet	64,297
Total	114,297

The remainder of the amount requested (\$40,625) is required in various smaller amounts for similar purposes on different reservations. The Papago and San Carlos Indians have no tribal funds to their credit, but the Indians of the Blackfeet Reservation have tribal funds to the amount of approximately \$65,000 on deposit in the Treasury of the United States, which, however, is not available for expenditure without specific authority of Congress.

The situation on the Blackfeet Reservation is the most serious owing to the extremely severe winters which prevail in that section. I spent five days on the reservation last August and made a thorough investigation. I found no starving Indians, and do not believe there have been any. However, the conditions were such as to convince me of the need of additional help in order to prevent hardship and actual suffering this winter. The superintendent—one of the best men in the service and in whom I have every confidence—reports that it will be necessary to ration 1,500 Indians for five months, at an estimated cost of \$27,640, in addition to the supplies already authorized. This represents a reduction of 500 as compared with the number receiving rations last winter—2,000. Besides the food supplies, additional clothing and blankets will be necessary, at an estimated cost of \$20,732. In order to assist the able-bodied Indians in their efforts at self-support by the cultivation of their land, thereby reducing the number on the ration roll, it will be necessary to furnish them with seed and implements next spring, at an estimated cost of \$15,925.

The tribal funds of the Blackfeet Indians now in the Treasury—\$65,000—are being drawn upon each year for general support and civilization purposes under authority of Congress, \$39,000 therefrom being included in our regular estimates for the fiscal year 1923. This amount must come out of the \$65,000 mentioned above, leaving only \$26,000 for future authorization, which at the present rate of annual expenditure will not be sufficient for another year.

All the Indians to be furnished aid are wards of the Government. The supplies on hand will soon be exhausted and no money is available for the purchase of the additional supplies necessary. The need is immediate and the quantity of supplies that can be furnished by other governmental agencies in time to meet the present emergency is problematical. While as above stated there have thus far been no starving Indians on the reservations mentioned, there will undoubtedly be considerable distress and suffering during the present winter unless means for relief are provided as contemplated by the resolution.

In view of the fact that part of the winter has already elapsed, the total amount of the estimate has been reduced to \$100,000.

Cordially, yours,

CHAS. H. BURKE, Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 9, 1922.

Hon. L. C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: Referring to H. J. Res. 264, to provide funds for the relief of destitute Indians, I have just received the following telegram from Mr. F. C. Campbell, our superintendent at Blackfeet, where the situation is the most serious:

"Great Falls Tribune, February 8, carries Washington dispatch, February 7: 'Opposing the proposed appropriations, Representative RUDICK, Republican, of Montana, declared he personally had investigated the situation at the Blackfeet Reservation, in Montana, where the Indian Service had reported the situation especially bad, and found there was no need for Government relief.' As the office knows, we are now using rations that were originally intended for about 500 old and indigent Indians. Since December 1 the ration roll has increased from 425 to 900. In all probability it will be necessary to issue to about 1,600. We now have sufficient supplies to take care of the situation for about four weeks, after which time either Congress or some other agency will have to provide, or else there will be serious destitution." This telegram will serve to show the urgency of the situation and the necessity of funds being made available at once.

Cordially, yours,

CHAS. H. BURKE, Commissioner.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TEMPLE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10329, the Interior Department appropriation bill, and had come to no resolution thereon.

ABRAHAM LINCOLN, THE CONGRESSMAN.

Mr. CABLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a talk I gave last night by wireless telephone on Abraham Lincoln, the Congressman.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record by printing an address on Abraham Lincoln, the Congressman. Is there objection?

There was no objection.

The address is as follows:

ABRAHAM LINCOLN, THE CONGRESSMAN.

Mr. CABLE. Throughout this broad land of ours and in many remote spots in the Eastern as well as the Western Hemisphere, I doubt if there is a person living who does not know of Abraham Lincoln, the greatest character of his age. We all know of him as the great emancipator and the foremost thinker of his time, but how much do we know of Lincoln as a Member of Congress? In fact, how many of us even remember that he ever served in the House of Representatives?

All sides and periods of Lincoln's life are worthy of study, but inasmuch as the great work which he did in later years was so magnificent it totally eclipsed his political life from young manhood until he came into national prominence.

Lincoln, always a man of the people, the truest type of American statesman, served one term in the Thirtieth Congress of the United States. He did not seek reelection by reason of a friendly understanding that existed in his district among the members of his party, the Whigs. Although but 37 years of age at the time of his election, he came to Congress skilled and proficient in the art of politics and statesmanship, acquired by experience and his keen insight of human nature.

By no means was Lincoln an amateur at holding public office. In addition to being captain of a company of Sagamon County Rifles, he had served two terms in the Illinois State Legislature and was the Whig candidate for speaker each term; he was deputy county surveyor; postmaster at New Salem, Ill.; he had made two campaigns for Congress before being successful; he had served as a member of the Whig State central committee, and in addition was on the Harrison electoral ticket in 1840 and on the Clay ticket in 1844.

But little has been recorded of his life in Washington as a Member of the House, but it is known that he occupied a seat in the Chamber in the center of the last row on the left-hand side. With eight other Members he boarded with a Mrs. Spriggs, whose house was located on the spot now occupied by the fountain in front of the Congressional Library.

He served on the Committee on the Post Office and Post Roads, of which Joseph M. Root, of Norwalk, Ohio, was the chairman. He also was a member of the Committee on Expenditures in the War Department.

Abraham Lincoln is best known for his untiring and successful fight against slavery. He will always be known as the Great Emancipator. He carried this fight into the halls of Congress. Fifteen days after the session began a memorial against slave trade in the District of Columbia was presented to Congress by residents of the District. A motion to lay the memorial on the table, or, in other words, to kill it, was made. Lincoln by his vote saved it, as the result of the roll call stood 97 to 97, the Speaker also voting in the negative, thus permitting it to be considered by the Judiciary Committee.

Following this Lincoln introduced a bill to abolish slavery in the District of Columbia. It provided that the question should be determined by a vote of the white male citizens over 21 years of age who had resided in the District for more than a year. The owners of the slaves were to receive full cash value for their loss from the United States Treasury and the slaves a certificate of freedom. A board consisting of the President, the Secretary of State, and the Secretary of the Treasury were to pass upon the value of the slaves. Also Lincoln's bill provided that all persons born of slave mothers were to be free.

Lincoln's record in Congress showed that he also favored adjusted compensation for soldiers. At the time he took his seat in the House all the battles of the Mexican War had been fought, but the American Army was still in Mexico. The records show that Lincoln voted for all measures favorable to the soldiers and their families. At one time he introduced an amendment after obtaining the floor to grant bounty lands to men who had served as privates in the Mexican War. He also suggested that bounties be given to all volunteers of the War of 1812.

Lincoln also favored Federal aid for the construction of highways. In his single term as Congressman he made less than a dozen speeches, and one of his most important talks was a reply to the President's veto message against improvement by Federal aid.

"If the Nation refuses to make improvements of the more general kind because their benefits may be somewhat local," said Lincoln, "a State may for the same reason refuse to make any improvement of a local nature because its benefits may be somewhat general. A State may well say to the Nation, 'If you will do nothing for me, I will do nothing for you.'"

In the same speech he said: "This Capital is built at the public expense and for the public benefit; but does anyone doubt that it is of some peculiar local advantage to the property owners and the business people of Washington? Shall we remove it for this reason? And if so, where shall we set it down and be free from the difficulty? To make sure of our object shall we locate it nowhere, and have Congress hereafter to hold its sessions, as the loafer lodged, 'in spots about'?"

Lincoln was always active for the party workers. Then, as well as now, there were men who deserved reward for their efforts, and Lincoln was always ready to see them rewarded, as he was a good party man. He often reminded Cabinet members in his persistent, good-natured way that a vacancy should exist in various departments, as the place was now held by one who had failed in the proper discharge of any of the duties of his office. Then, again, the records show that Lincoln would call the department head's attention to the fact that some Democrats under their employ were distinctly partisan and openly opposed the election of Gen. Taylor. Lincoln also brought charges against the Democratic postmaster of Springfield, Ill., on the grounds of political activity. He also insisted, inasmuch as he and a Col. Baker were the only Whigs from Illinois, that they be consulted before any appointments were made in that State.

Even in his single term in Congress Lincoln gained great popularity, and his wit, his command of the English language, and his ability to attack his political enemies on the floor of the House brought him much attention. The Congressional Globe tells us that "he was able to

obtain the floor amongst many competitors." At one time Lincoln stated that he wanted to make a general talk, but he would give way to take up the question which was pending. However, for fear that he would not talk there were cries throughout the House of "No! No! Go on."

His unflinching frankness and honesty at one time brought him a rebuke from a Member of the House when the Committee on the Post Office and Post Roads had reported out a bill which authorized the Postmaster General to enter into a contract with the railroads to carry the mails. This was but a month after the session began. Lincoln rose and said: "I have made an effort for some few days since to obtain the floor, but have failed. The Committee on the Post Office and Post Roads is composed of five Whigs and four Democrats. The report has met the approval of all Whigs and all Democrats except one. I want to say further than this."

At this point he was interrupted by a Member who gave Lincoln to understand that it was not in order to ever mention on the floor of the House what had taken place in the committee.

Lincoln then said: "If I have been out of order in what I have said, I take it all back so far as I can."

At this there was much laughter. He then continued: "I have no desire, I assure you, gentlemen, to be out of order, although I can never keep long in order."

Some Members of Congress, if mentioned in history at all, are known by a law that bears their name. Not so with Lincoln. No such law exists, as far as I can find; neither is one needed. His fame will be perpetuated long after the laws of his Congress are repealed or forgotten. The services he rendered in the House aided in his broad comprehension of the needs of the Nation that followed. His bills were few. They chiefly dealt with the problems of the Post Office Department. He prepared reports on other bills reported out by the committee. One permitted the postmasters at county seats to take subscriptions for newspapers and periodicals.

Lincoln recognized the power of the press and the need of newspapers, for he said in his report: "Our republican institutions can best be sustained by the diffusion of knowledge and the due encouragement of a universal spirit of inquiry and discussion of public events through the medium of the public press."

The logic of his debates in the House could not be answered. Courage, honesty of purpose, just dealings with his fellow men, both in Congress and out, made him the one great figure of the age.

ADJOURNMENT.

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 37 minutes p. m.) the House adjourned until Monday, February 13, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

522. A letter from the Secretary of War, transmitting a list of leases granted by the Secretary of War during the calendar year 1921; to the Committee on Expenditures in the War Department.

523. A communication from the President of the United States, transmitting an estimate of appropriation in the sum of \$6,500 required by the Library of Congress, legislative establishment, for the Legislative Reference Service, fiscal year 1922 (H. Doc. No. 171); to the Committee on Appropriations and ordered to be printed.

524. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims, amounting to \$212,800.85, which have been submitted by the Secretary of the Treasury and require an appropriation (H. Doc. No. 172); to the Committee on Appropriations and ordered to be printed.

525. A communication from the President of the United States, transmitting a list of judgments rendered against the Government by the district courts of the United States, as submitted by the Attorney General through the Secretary of the Treasury, which requires an appropriation (H. Doc. No. 173); to the Committee on Appropriations and ordered to be printed.

526. A communication from the President of the United States, transmitting schedules of claims amounting to \$3,706,144.82 allowed by the various divisions of the General Accounting Office, as covered by certificates of settlement (H. Doc. No. 174); to the Committee on Appropriations and ordered to be printed.

527. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, in the amount of \$97,200 (H. Doc. No. 175); to the Committee on Appropriations and ordered to be printed.

528. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1923, in the amount of \$15,000, for the repairs to the roof of the Arlington Memorial Amphitheater (H. Doc. No. 176); to the Committee on Appropriations and ordered to be printed.

529. A communication from the President of the United States, transmitting a supplemental estimate of an appropriation for the War Department, for the construction and enlargement of the barracks for the guards at the United States Disciplinary Barracks, Fort Leavenworth, Kans., in the amount

of \$198,000, fiscal year ending June 30, 1923 (H. Doc. No. 177); to the Committee on Appropriations and ordered to be printed.

530. A communication from the President of the United States, transmitting supplemental estimates of appropriations in the sum of \$1,950,000 for the War Department for the fiscal year ending June 30, 1923 (H. Doc. No. 178); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BENHAM: Committee on Public Lands. H. R. 9710. A bill authorizing extensions of time for the payment of purchase money due under certain homestead entries and town-lot purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.; with amendments (Rept. No. 694). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. Con. Res. 42. A concurrent resolution thanking the people of Florida for the statue of Gen. E. Kirby Smith; without amendment (Rept. No. 695). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on War Claims. H. R. 7425. A bill for the relief of Zah Barmon; without amendment (Rept. No. 696). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10360) granting a pension to Julia E. Good, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOCHT: A bill (H. R. 10390) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUDDLESTON: A bill (H. R. 10391) to amend subdivision (d) of section 206 of the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: Resolution (H. Res. 286) for the consideration of House bill 9597; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 10392) granting an increase of pension to James A. Padgett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10393) granting a pension to Julia May Keen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10394) granting an increase of pension to Jacob Adams; to the Committee on Pensions.

By Mr. CABLE: A bill (H. R. 10395) granting a pension to Caroline Leasure; to the Committee on Invalid Pensions.

By Mr. CHALMERS: A bill (H. R. 10396) granting an increase of pension to Frederick W. Duden; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 10397) granting an increase of pension to Rebecca Roberts; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 10398) granting a pension to Louella Sevey; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 10399) for the relief of Trexler Lumber Co.; to the Committee on War Claims.

By Mr. RICKETTS: A bill (H. R. 10400) granting a pension to Joseph Smith; to the Committee on Pensions.

By Mr. SABATH: A bill (H. R. 10401) granting a pension to Mary E. Wright; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 10402) granting an increase of pension to Margaret E. Nunley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10403) granting an increase of pension to Lucy Ann Nelson; to the Committee on Invalid Pensions.

By Mr. VOLK: A bill (H. R. 10404) for the relief of Leon Schulman; to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 10405) granting a pension to John W. Farmer, jr.; to the Committee on Pensions.

Also, a bill (H. R. 10406) for the relief of the heirs of A. S. Fogler, jr.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4000. By the SPEAKER (by request): Resolution adopted by the Brotherhood of Railway Carmen, Glenwood Lodge, No. 520, recording itself as unalterably opposed to courts to fix wages and working conditions; to the Committee on the Judiciary.

4001. Also (by request), resolution adopted by the Common Council of New Britain, Conn., favoring the manufacture and sale of beer and light wines; to the Committee on the Judiciary.

4002. By Mr. BURROUGHS: Petition of Mr. Vangjel, president, and other officials of Local Branch No. 4, the Pan-Albanian Federation of America (Inc.), of Manchester, N. H., urging action by the United States toward the recognition of Albania; to the Committee on Foreign Affairs.

4003. Also, petition of Nicholas Peter, president, and other officials of Local Branch No. 27, the Pan-Albanian Federation of America (Inc.), of Franklin, N. H., urging action by the United States toward the recognition of Albania; to the Committee on Foreign Affairs.

4004. By Mr. CRAGO: Resolution adopted by the Association of State Foresters, urging the passage of legislation referring to the control of pine-bark beetles; to the Committee on Agriculture.

4005. Also, resolutions adopted by the Association of State Foresters, protesting against the proposed transfer of any of the activities of the United States Forest Service from the Department of Agriculture to any other department; to the Committee on Agriculture.

4006. Also, resolutions adopted by the Association of State Foresters, urging that a Federal appropriation of \$300,000 be made for demonstrating methods of control to pine owners, in cooperation with the States, for strict enforcement of the Federal quarantine prohibiting shipment of blister-rust host plants; to the Committee on Agriculture.

4007. By Mr. CRAMTON: Resolution of the Woman's Club of Sandusky, Mich., expressing approval of any legislation for the establishment of the President's forest; to the Committee on the Public Lands.

4008. By Mr. DAVIS of Tennessee: Resolution adopted by the Kiwanis Club of Murfreesboro, Tenn., favoring the acceptance of Henry Ford's offer relative to the Muscle Shoals project; to the Committee on Military Affairs.

4009. By Mr. KING: Petition of Dr. L. N. Tate and other citizens of Galesburg, Ill., urging passage of Fess-Capper bill; to the Committee on Education.

4010. By Mr. KISSEL: Petition of the adjutant general of the State of New York, relative to service records of the officers and men of the World War; to the Committee on Military Affairs.

4011. Also, petition of the Ernest A. Arnold Co., of Superior, Wis., relative to the Great Lakes waterways; to the Committee on Interstate and Foreign Commerce.

4012. Also, petition of United States Coast Guard Station No. 91, Arverne, N. Y., urging the passage of House bill 7211; to the Committee on Interstate and Foreign Commerce.

4013. By Mr. LUCE: Petition of Oak Square Methodist Episcopal Church, Brighton, Mass., regarding the postponement of payment of the Austrian debt; to the Committee on Ways and Means.

4014. By Mr. McDUFFIE: Resolution adopted by the members of the Hokes Bluff National Farm Loan Association, of Gadsden, Etowah County, Ala., urging the acceptance of the Henry Ford offer relative to taking over Muscle Shoals; to the Committee on Military Affairs.

4015. By Mr. SNELL: Resolutions adopted by Hermon Grange, No. 886, of Hermon, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4016. Also, resolution adopted by Morristown Grange, No. 676, at Morristown, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4017. Also, resolutions adopted by Rensselaer Falls Grange, No. 1038, at Rensselaer Falls, N. Y., favoring the passage of House bill 8086, introduced by Mr. Voigt; to the Committee on Agriculture.

4018. By Mr. TEMPLE: Petition of Local Union, No. 38, American Flint Glass Workers' Union, of Beaver Falls, Pa., in support of House bill 9691; to the Committee on Ways and Means.

SENATE.

MONDAY, February 13, 1922.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee this morning for the men who have given luster and character by devotion and consecration to the highest influences that make for the country's welfare. We thank Thee for him and his present influence continuing through the years whose natal anniversary has been so close to us. The Lord enable us to understand the high purposes and the singular devotion and the noble patriotism which distinguished his career. May the days as they come and go better express to the world at large as to the people of our loved land that patriotism pays in the highest sense and to the glory of Thy name. Amen.

The VICE PRESIDENT being absent, the President pro tempore took the chair.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Friday, February 3, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

INCREASE OF SALARIES IN PATENT OFFICE.

Mr. BRANDEGEE. Mr. President, while I am perfectly conscious that no Senator by giving a notice can secure any additional rights, nevertheless, in behalf of the senior Senator from California [Mr. JOHNSON], I desire to give notice that immediately upon the disposition by the Senate of the pending unfinished business the Senator from California will move to proceed to the consideration of the bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes.

This is a very important measure, known as the Lampert bill. A similar bill was passed by both branches of the Congress at the last session, but failed in conference, owing to the inclusion of a matter not closely related to the question of increasing salaries.

I wish to say that there is the greatest interest throughout the country in saving the Patent Office from total disruption. I have rarely been connected with a measure in which there has been such widespread interest and to which there appears so little opposition as there is to the question of giving sufficient pay to the very high-class employees of the Patent Office.

I hope that at last, inasmuch as the subject has been pending for several years, the Senate, before it gets implicated in the great questions of the treaties and the tariff, will take up this measure and dispose of it.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington. I present a telegram from the State of Washington Tax Investigation Committee, by Nathan Eckstein, chairman, protesting against the proposed Federal tax on gasoline, which I move be referred to the Committee on Finance.

The motion was agreed to.

Mr. JONES of Washington presented seven petitions of sundry citizens of Creston, Wilbur, Rocklyn, Peach, Dayton, Spokane, Hood River, Yakima, Huntsville, Turner, and of Columbia County, all in the State of Washington, and of Moscow, in the State of Idaho, relative to the condition of agriculture, and praying for the enactment of legislation fixing the minimum price on wheat at \$1.50 per bushel at Pacific coast terminal points for a period of three years or more, which were referred to the Committee on Agriculture and Forestry.

Mr. KING. I present a letter signed by L. C. Montgomery, chairman of the Utah Cattle and Horse Growers' Association, inclosing a petition praying that the live stock owners of the West who hold permits to graze stock on the national forests be relieved from the payment of grazing fees for the year 1922 and for other relief. I move that the letter and petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. KING. Mr. President, I have received a number of letters, some of them in the form of petitions, which I have not brought to the Senate this morning, protesting against the alleged monopoly of the Standard Oil Trust and its subsidiary organizations, and praying that certain resolutions now pending before the Committee on Commerce may receive attention and that the alleged activities of the Standard Oil Trust and its subsidiary corporations, which, it is alleged, are destroying independent companies, be investigated.

I ask that the Committee on Commerce take notice of these communications, which informally I thus bring to the attention of the Senate.

Mr. FERNALD. I present a resolution adopted by the National Cannery Association at their annual meeting at Louisville, Ky., representing an organization with an output of \$800,000,000 per year, favoring the policy of extending administrative freedom in the execution of the tariff laws so as to meet the rapidly changing foreign tariff situation requiring prompt action in emergencies. I move that the resolution be referred to the Committee on Finance.

The motion was agreed to.

Mr. LADD presented the petitions of Charles A. Wales and 35 others, of Van Hook and vicinity; Carl S. Hillestad and 4 others, of Esmond and vicinity; Elbert M. Pedersen and 17 others, of Brady and vicinity; N. B. Garnas and 245 others, of Oberon and vicinity; Oscar Strand and 83 others, of Plaza and vicinity; C. Mathson and 8 others, of Williston; S. L. Jordahl and 26 others, of Regan and vicinity; David Gallaway and 13 others, of Epworth; Alfred J. Egli and 19 others, of New Salem and vicinity; Nels Ronon and 9 others, of Rolla; Mrs. R. H. Joos and 16 others, of Wimbledon; Charles Serr and 26 others, of Upham and vicinity; C. E. and G. S. Anderson, of Souris; and Fred Speak and 20 others, of New Rockford, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of H. P. Kayser, of Cathay, N. Dak., praying for extension of relief to the suffering peoples of Austria by deferring payment of Austria's debt for 20 years, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 1734) to correct the military record of William B. Johns, submitted an adverse report thereon, which was agreed to, and the bill was indefinitely postponed.

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 156) authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia, reported it without amendment and submitted a report (No. 492) thereon.

He also, from the same committee, to which was referred the bill (H. R. 8924) to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920, reported it without amendment and submitted a report (No. 493) thereon.

He also, from the same committee, to which was referred the bill (S. 3046) to donate the gates at the head of West Executive Avenue, in the city of Washington, D. C., to the Hayes Memorial Museum, Fremont, Ohio, reported it without amendment and submitted a report (No. 494) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 854) to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture, reported it with an amendment and submitted a report (No. 495) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KELLOGG:

A bill (S. 3142) amending an act entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," approved November 23, 1921; to the Committee on Finance.

A bill (S. 3143) making an appropriation to provide for the establishment and maintenance of a forest experiment station in the Lake States; to the Committee on Agriculture and Forestry.

A bill (S. 3144) granting a pension to Annie M. Biggs; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 3145) providing that certain vessels in certain circumstances may be documented and admitted to the coastwise trade; to the Committee on Commerce.

By Mr. DIAL:

A bill (S. 3146) to amend section 5 of the United States cotton futures act; to the Committee on Agriculture and Forestry.

APPOINTMENTS OF POSTMASTERS.

Mr. SWANSON. I introduce a resolution which I ask may be read and go over under the rule.

The resolution (S. Res. 236) was read, as follows:

Resolved, That the Committee on Post Offices and Post Roads of the Senate be directed to investigate and report to the Senate to what extent the Post Office Department has violated acts of Congress and Executive orders of the Presidents in making appointments of postmasters and rural carriers in the following particulars:

To what extent have results of examinations held by the United States Civil Service Commission and the results thereof certified to the Post Office Department been ignored and acting postmasters been appointed in lieu of regular appointees?

To what extent have acting postmasters been continued in office after eligibles have been secured as the result of examinations held by the United States Civil Service Commission and certification made to the Post Office Department?

To what extent have eligible registers been set aside before the legal termination of the eligibility of the individuals and examinations held to create a new list of eligibles?

To what extent has the intent of Congress been ignored as expressed by act of Congress approved July 11, 1919, granting preference to honorably discharged soldiers, sailors, and marines in making appointments of postmasters and rural carriers?

To what extent have the Executive orders of the President dated April 13, 1920, and October 8, 1920, been violated in making appointments of postmasters of the first, second, and third class?

To what extent have appointments been made of postmasters to offices of the fourth class of persons failing to pass required examination, or whose standing on the eligible register was fourth or lower?

To what extent have postmasters and rural carriers been removed from office and vacancies created under charges of political activity?

To what extent have acting postmasters been appointed to offices of the first, second, and third class while Congress was in session and such appointments not reported to the Senate, the person so appointed discharging the duties and receiving the compensation of postmaster without being confirmed by the Senate; also whether such appointments are not in violation of or an evasion of existing law?

The PRESIDENT pro tempore. The resolution will go over under the rule.

EX-PRESIDENT WOODROW WILSON.

Mr. CARAWAY. Mr. President, I ask unanimous consent to have printed in the *Record*, following the statement I am about to make, an editorial that appears in the last issue of Collier's Weekly entitled "The man they can not forget." It seems to me it might be appropriate in view of the fact that three years ago he laid before the Senate certain treaties, and there are now pending treaties covering in part the same situation as was covered in the former treaties. I ask that the editorial be printed in the *Record* in the regular 8-point type.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

THE MAN THEY CAN NOT FORGET.

[From Collier's Weekly, Feb. 18, 1922.]

One of the permanent possessions of a human heart is the memory of its great enthusiasms. You may have come to disdain and even despise them, but they are never uprooted. Then you reached your highest, and you know it.

When a noble ideal kindles such enthusiasms, that ideal becomes one of those things that without warning, at rare intervals, flares up. And you sit in the light of the flare and ponder. Why did it fail? Not because it was not beautiful, right, desirable. Was it because you were not fit for beauty, righteousness, desirability?

Peoples are like men. They may lay aside their great hopes, but to the end there are hours when they sit with them and ponder.

Perhaps that is the explanation of the persistent, mysterious, unconscious way in which men to-day draw together around Woodrow Wilson. It requires explanation. Why, in Washington for months now, has the sight-seeing wagon followed his car? Why do the chattering tourists inside grow silent as they pass it? They don't peer. They lift their hats and sigh, and it sometimes takes minutes and striking sights to break the mood the fleeting glimpse of that drawn, long, white face has stirred.

Why is it that on Sundays and holidays men and women and children, most of them busy through the week, walk to his house and stand there in groups, speak together in hushed tones as if something solemn and ennobling moved in them? Curiosity? Men chatter and gibe and jostle in curiosity. These people are silent, gentle, and orderly. You will see them before the theater on nights when it is known that Mr. Wilson is within, quietly waiting for him to come out. There will be fifty, a hundred, even sometimes a thousand.

They cheer him as he passes, and there are often chokes in the cheers, and always tenderness. Why do they do it? Nothing more instinctive, more unplanned, goes on in Washington. Let it be known that he is in his seat in a theater, and the whole

house will rise in homage. Let his face be thrown on the screen, and it will draw a greeting that the face of no other living American receives. And that is not true in Washington alone.

Why should the vast throng that packed Pennsylvania Avenue from end to end on armistice day have stood reverently, with heads bared in silence as the bier of the unknown soldier passed, attended by all the official greatness of the moment—the President, his Cabinet, the Supreme Court, the House, the Senate, the Diplomatic Corps, Pershing, Foch—why should this great crowd have watched in silence until, quite unexpectedly, a carriage far down the line came to view? Why should this crowd, unconscious of what it was doing, have broken into a low cry of sympathy and grief, "There's Wilson!" The cry flew down the long Avenue.

They saw him as the man who had called into service the boy they honored, who had put the wonderful light in his eye, that light of which a great French surgeon said, "The American soldier is different from all others. I don't know what it is, whether it is God, the Monroe doctrine, or President Wilson; but he has something in his eye." Yes; Wilson's place was by the dead soldier, and the people knew it, and told him so by their unconscious outburst.

Woodrow Wilson means something to the people of the United States; something profound, something they can not forget. People think of him now as the man who was behind the inspiration of their greatest moments; who stirred them to a fresh understanding of the meaning of words that had become mere patter on many tongues—"democracy," "union." He made them realities, personal, deep—showed them as the reason of all that is good in our present, all that is hopeful in our future, the working basis on which men may strive to liberty or soul and peaceful achievement. He made them literally things to die for, lifting all of our plain, humble thousands who never knew applause or wealth or the honor of office into the ranks of those who are willing to die for an ideal—the highest plane that humans reach.

People are thinking also of his work in that afterwar period, when the hate, revenge, and bitterness that war has loosed have none of the restraints that war compels, and we must, by reason and good will and patience, restore our controls—that terrible period we speak of as reconstruction. There, too, he kindled enthusiasms. "Now," he said, "let us do what men have long dreamed—give to each people its chance, cut down the foolish barriers of trade, limit our armaments, enter into a union of all nations pledged to cooperation and peace."

The peoples of the earth rallied to his plan, pledged themselves. And then the loosed passions began their war on him. Those who wanted peace and believed it easy; those who hated peace and believed it impossible; those who envied his place, differed with his judgments, failed of his favor—these and many more joined in an attack such as few men have ever faced in the history of this earth. He fought to a finish that he might secure the pledge of the nations to the ideal of world cooperation.

He won—won with the peoples of the world, if not with all of their Governments. They look to him as the man who drove that ideal so deep into the souls of the nations that no man or men can ever destroy it. It has become an asset of tormented humanity, a possible way out of slaughter and hate. Through all the future men will be building upon it, adapting, expanding, as men have built on Washington's work, on Lincoln's work, knowing that their efforts rest on something essentially sound and secure.

They are simple people, remember, those thousands whose hearts he had enkindled. They are the people who do the work of the world, and their minds are easily bewildered. "He has deceived you," they were told. "He has given you dreams. Dreams are not for men. You live by realities, not ideals. Out with him! Down with him! As a great nation, you have strength, you have gold. Keep them. Stand alone. Do not forget that you do not live by ideals."

And the people withdrew—bewildered. But the shouting over, they remembered their long days of exaltation, of sacrifice, of freedom and boldness, of worthwhileness. Was it only a deception? Was all they had felt a mere magic of words on their untrained minds, the stir of a fleeting passion in their lives? Was there no sense, no reality, in it all?

That is what thousands upon thousands have been asking in these past days. And slowly they are turning to him who led them. His suffering face and palsied side are a symbol of their crippled hopes. "How is it with him," they ask, "a living sacrifice to that faith and that vision? Does he still believe? Has he lost faith as well as strength?"

And so they seek him. He means something to them; they don't quite know what. He is a living link with their noblest phase. Those who destroyed that phase are giving them nothing in its place. What does it all mean? And so they follow his carriage, gather before his house, stand in rain and snow and cold before the theater to get even the most fleeting glimpse, something that will bid them live again as they did in those great moments.

THE CALENDAR.

The PRESIDENT pro tempore. Morning business is closed. The calendar is in order under Rule VIII.

Mr. CURTIS. I ask unanimous consent that the call of the calendar begin where we left off the last time, at Order of Business No. 420.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. DIAL. Mr. President, I have a bill pending which is the first bill on the calendar, which I am very anxious to have disposed of. I ask the Senator from Kansas if he will not so modify his request as to enable me to have that bill first considered?

Mr. CURTIS. I have asked unanimous consent that the procedure which I have suggested be followed because I know that there are on the calendar a number of bills preceding the Order of Business which I have indicated which, if taken up, will occupy the entire morning hour. As there is unfinished business coming up at 2 o'clock, I thought we might save time if we agreed, by unanimous consent, that the calendar be proceeded with where its consideration was last left off, and that we might go through the calendar from that point. There are a number of bills on the calendar subsequent to Order of Business 420 to which there will be no objection and which ought to be disposed of. I am told that the bill referred to by the Senator from South Carolina will be opposed; that there are a number of Senators who wish to make speeches upon it. So if that bill be taken up this morning it will occupy the entire morning hour and we shall in all probability have no other business considered at all. It is merely in the interest of what appears to be the best and most orderly procedure that I have made the request.

Mr. McNARY. I have been informed by the Senator from Illinois [Mr. McCormick] that he would object to unanimous consent for the consideration of Order of Business 22, being Senate bill 384, to which I understand the Senator from South Carolina refers.

Mr. DIAL. As I understand, the question of unanimous consent is not involved, as to-day is calendar day. However, I shall not now insist on the consideration of the bill to which I have referred, but I do hope to have the bill disposed of at an early day. I am interested in at least one bill farther down on the calendar than is the bill to which I have referred which I should like to have passed to-day. Therefore I shall not object to the request of the Senator from Kansas [Mr. Curtis].

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas?

Mr. NEW. I ask what is the request?

The PRESIDENT pro tempore. The Secretary will state the request of the Senator from Kansas.

The ASSISTANT SECRETARY. The Senator from Kansas [Mr. Curtis] asks unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, beginning with where the Senate left off when the calendar was last under consideration, namely, at Order of Business No. 420.

Mr. NEW. Mr. President, I do not know that I can very well object to that request, and I am not disposed to object to it, but there are a number of bills on the calendar immediately preceding that referred to in the request, which I am very anxious to have considered. I wonder if the Senator from Kansas would modify his request to some extent, so as to make it possible to secure their consideration?

Mr. CURTIS. Mr. President, I made the request in order to save time. I am satisfied that if the Senate takes up the bills to which the Senator from Indiana refers the morning hour will be consumed without any business practically being disposed of on the calendar. I should like to see the calendar gone through with. When that shall have been done, if there is any time remaining before 2 o'clock it could be devoted to other measures that might be taken up by unanimous consent or even by motion.

Mr. NEW. Of course, I shall not object.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas? The Chair hears none. The Secretary will state Order of Business No. 420.

CHARLES S. FRIES.

The bill (S. 2445) for the relief of Charles S. Fries was announced as first in order on the calendar.

Mr. KING. Mr. President, before giving consent to the consideration of that bill, I should like to ask whether, under existing law, compensation would not be provided for the proposed beneficiary? My understanding is that, under existing law, certain employees of the Government who suffer injuries within the scope of their employment are entitled to compensation. If the employment of the beneficiary of this bill comes within that category there would apparently be no necessity for the bill. If not, what is there to distinguish this case from cases of employees of the Government who do receive compensation for injuries?

Mr. CURTIS. I understand the Senator from Missouri [Mr. SPENCER] is familiar with the bill, and I suggest that he may be able to answer the question of the Senator from Utah.

Mr. SPENCER. Mr. President, I regret to say that I am not familiar with the circumstances of the bill. I did not report the bill.

Mr. KING. I suggest that the bill be passed over temporarily until some Senator comes into the Chamber who is familiar with it. I am not urging any opposition to it, but I think we ought to have some explanation of it.

Mr. CAMERON. Mr. President, I regret that I can not give a definite answer to the question of the Senator from Utah. I understand, however, that this bill has been pending for some time, and that it is a very worthy case. Of course, it has been favorably reported by the Committee on Claims, which I think made a very thorough investigation of the facts in the case. I trust the Senator from Utah will not object to the bill, because I believe it to be a meritorious measure.

Mr. KING. Mr. President, I have no doubt the Senator believes the bill is meritorious, and quite likely it is. Unfortunately, however, the report gives us no information relative to the case. I have propounded the inquiry whether under existing law this claimant might not receive compensation; and if not, why not?

Mr. CAMERON. I am unable to answer that question.

Mr. KING. The report on the bill is very incomplete. I suggest the bill be passed over temporarily.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

ESTATE OF FRANK R. TOBIN DECEASED.

The bill (S. 2323) for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased, was announced as next in order, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased, the sum of \$1,000, in full settlement for damages to said estate by soldiers of the United States Army in 1916 and 1917, near El Paso, Tex.

Mr. KING. Mr. President, reserving the right to object, I ask for an explanation of the bill.

The PRESIDENT pro tempore. Does the Senator from Utah object to the present consideration of the bill?

Mr. KING. I ask that the report on the bill be read.

The PRESIDENT pro tempore. The Secretary will read the report on the bill.

The reading clerk proceeded to read the report (No. 419) submitted by Mr. CAPPER on January 16 (calendar day, January 17), 1922, as follows:

The Committee on Claims, to whom was referred the bill (S. 2323) for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in Senate Report No. 407, Sixty-sixth Congress, second session, which is appended hereto and made a part of this report.

[Senate Report No. 407, Sixty-sixth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 1533) for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass with an amendment.

In line 4, strike out the figures "\$2,238.60" and insert in lieu thereof the figures "\$1,500."

In the years 1916 and 1917 the United States Government had, at and near the city of El Paso, Tex., a great many of the State militia, they having been encamped at Fort Bliss and in the neighboring country. Near these camps is a place known as Tobin, Tex., same being about a mile or two from the place where the Pennsylvania Militia were encamped. This town of Tobin is owned by the Frank R. Tobin estate, and this estate is being administered by his widow, Mrs. Frank R. Tobin, or Anna M. Tobin, as independent executrix. There are, or were, several houses at this small place and also a pumping plant, including gasoline engine, well, etc.

While the militia was encamped in this county they literally destroyed the property at Tobin. The pumping station was broken,

a fire engine was torn to pieces, and the houses were mutilated and almost ruined.

Your committee, after carefully considering the evidence submitted, is of the opinion that the claim for damages is a meritorious one and that the estate should be reimbursed in the sum of \$1,500.

The facts in detail are fully set forth in the following correspondence which is appended hereto and made a part of this report:

SEPTEMBER 5, 1916.

From: J. F. Woodson, El Paso, Tex.

To: Gen. Frederick D. Funston.

Subject: Reports damage by Pennsylvania troops to property of Mrs. Tobin, of Tobin, Tex. No objection to troops using property as drill ground or other legitimate purposes. Desires guard for property.

[First indorsement.]

HEADQUARTERS SOUTHERN DEPARTMENT,

Fort Sam Houston, Tex., September 9, 1916.

The COMMANDING GENERAL PENNSYLVANIA DIVISION,

El Paso, Tex.:

For investigation and report.

By command of Maj. Gen. Funston.

OMAR BUNDY,

Colonel, Adjutant General, Department Adjutant.

[Second indorsement.]

HEADQUARTERS SEVENTH DIVISION,

Camp Stewart, El Paso, Tex., September 13, 1916.

To the division inspector, for full investigation and report.

By command of Maj. Gen. Clement.

D. G. DAVIS,

Major, Adjutant.

[Third indorsement.]

INSPECTOR, SEVENTH DIVISION, N. G. U. S.,

Camp Stewart, El Paso, Tex., September 20, 1916.

The COMMANDING GENERAL DIVISION,

Camp Stewart, El Paso, Tex.:

Returned with report. This day, in company with J. F. Woodson, Esq., counsel for Mrs. Tobin, of El Paso, Tex., and Mr. Coles, of the same place, I visited the premises alleged to have been damaged, and found marked evidence of wanton damage to the several buildings in the nature of broken windows, doors, plumbing fixtures, damaged and defaced interior and exterior woodwork; some of the plumbing fixtures and woodwork are missing, the fire engine has been stripped of all metal parts detachable, and in many cases parts have been knocked off, thus breaking the fixtures, and the same is true of the water pump. If all this damage was done by the militia, their injury to Mrs. Tobin would be substantial, and Mr. Coles estimates the cost of restoring the same to its former condition at not less than \$1,000. From pencil marks on the walls and woodwork it appears that it was not alone boys from Pennsylvania, but from Rhode Island, Massachusetts, North Carolina, and Kentucky who took part in this destruction, and that some of the visits to the premises have been up until shortly before this investigation. At the time of the original damage and complaint Gen. Clements did offer to have the parties found upon the premises make restoration, but in the presence of the offenders the representation was made on behalf of Mrs. Tobin that she did not care that the boys should do this, but was anxious that a guard should be established about the premises for the protection thereof from further injury. Gen. Clements is of the opinion that had he been permitted to handle this matter as he thought best all future trouble should have been avoided and Mrs. Tobin saved the damage to her property and the expense of maintaining a civilian guard. As shown by the draft attached to Mr. Woodson's letter, it will be seen the premises in question are at least 1 mile distant from our nearest troops and is on the opposite side of the railroad and beyond the limits of Camp Stewart. To-day Mr. Woodson stated his intention to make claim for the damage done, and in this connection further stated he thought the burden should rest upon the United States. In addition, he asks a guard be furnished from this division, and from reasons apparent from the above report Gen. Clements declined to do this.

M. M. TAGGART,

Major, Inspector Seventh Division, N. G. U. S.

Mr. KING. Mr. President, I shall not ask that any more of the report be read, for I see that it embraces several pages. I have hurriedly read through the report, and I submit to the Senate whether, under the circumstances of this case, the Government is liable. The facts seem to be that some members of the militia committed acts of vandalism upon the property of Mrs. Tobin. After something had been done by way of destruction, and before all of the destruction had been wrought by the militia, one of the officers of the Army went to Mrs. Tobin, ascertained what the damages were, detected who the offenders were, and offered to have payment made by those who had committed the wrong; but Mrs. Tobin, apparently, indicated that she had no desire that the militiamen who had done this wrong and committed the acts of vandalism should be made to pay and, apparently, was satisfied to let the matter rest, provided a guard was furnished in the future, which was done. So far as I can discover, no other acts of vandalism were committed for which any compensation is claimed.

Mr. SHEPPARD. Mr. President, if the Senator will permit me to interrupt him, I desire to call his attention to the fact that it appears further on in the report that the depredations continued and grew to such an extent that Mrs. Tobin was compelled to place a private guard over her property at an expense of \$75 per month, who remained until after the militia had left the place.

A study of the report will show that what Gen. Clements promised was to restore the bricks and doors taken, that Mrs. Tobin and her attorney did not understand that he promised payment; that Gen. Clements stated he would court-martial the

men who did the damage, but that Mrs. Tobin and her attorney said they did not want this done, that what they wanted was protection; that no property was restored and that after the interview with Gen. Clements the depredations continued as heretofore stated.

Mr. KING. I notice on page 7 of the report a letter signed by H. L. Scott, major general, Chief of Staff, Acting Secretary of War, in which it is stated:

From these facts as set forth in the papers referred to it is shown that the damages incurred to Mrs. Tobin's property were due to the wanton acts of individual soldiers for which they alone could be held responsible, and it is considered probable that had the offer of Gen. Clements to require the soldiers found guilty of the acts of vandalism to make reparation therefor further depredations to the property of Mrs. Tobin would have ceased. Claim for the damages incurred as set forth in the papers can not be favorably considered by this department, the damage being in the nature of torts committed by individual soldiers.

Those are the facts, apparently. Acts of vandalism were committed by individual soldiers. An officer of the Army offered to compel payment, and the owner of the property refused that course. Later, as suggested by the Senator from Texas, further acts of vandalism were committed; and an investigation, as reported by Gen. Scott, discloses the fact that if his offer had been accepted no further acts of damage would have been committed. The acts were those of individuals. They were torts of individuals. If the Senate feels that under those circumstances the Government should pay, I shall make no further objection to the consideration of the bill.

Mr. CAPPER. Mr. President, I call the attention of the Senator from Utah to the last paragraph of the report of Col. Carter, the Army inspector, who seems to have gone into the whole matter very thoroughly; and he concludes his report with this recommendation:

In the absence of sufficient evidence to fix the responsibility for the damage suffered by Mrs. Tobin on particular individuals or organizations of the Army, it is deemed but just that Mrs. Tobin should be reimbursed by the Government. If no funds are available for the purpose, I recommend that Mrs. Tobin be asked to submit a detailed statement of the amount of damage done, and when this has been verified Congress be asked to appropriate the money.

Mr. KING. Mr. President, I should like to ask the Senator from Kansas a question. Suppose that a number of soldiers who come to Washington from their camps surrounding the city should commit acts of arson or assaults upon individuals, or should steal property, acting individually. They are not drilling. They are not under command of an officer. They are here temporarily, furloughed or released for the day, and they commit the acts to which I have just referred. Does the Senator think the Government should pay?

Mr. CAPPER. That is a pretty close question; but the difficulty here seems to have been in placing the responsibility. This inspector admits that they have not been able really to place the responsibility on the particular unit or organization or soldiers; and yet the Army admits, through its representative who was placed in charge of this investigation and who evidently has gone into it very thoroughly, that there is an obligation there upon the part of the Government, and this is the only way in which it can be met.

Mr. KING. I suggest to the Senator from Kansas that if we pass this bill without some restrictions, we are going to establish a precedent the effects of which can not be foretold. If the Government is to be responsible for the tort of every soldier, not while he is in the line of duty, not in service, but when he is on furlough, or when he is released for the day, when he is outside of the reservation, when he is away from the camp—if the Government is to be responsible for all acts of wantonness and vandalism or for all torts committed under those circumstances, we are going to impose upon the Treasury of the United States, possibly, a considerable sum.

I hope that there are but few soldiers who would be guilty of acts of vandalism and wanton destruction such as those referred to in this report. If that is to be the principle, the only security lies in the fact that there probably will be few soldiers guilty of acts of wanton destruction of property; but I submit that it ought not to be the law that the Government is responsible for acts of soldiers or officers when they are not in the line of duty, when they are not at post, when they are about their own business, when they are under furlough, when they are away from camp. If we pass this bill and establish this precedent, and soldiers away from camp, released for the day, go out and destroy property, we shall be establishing a precedent that will impose very heavy burdens on the Government.

Mr. CAPPER. Mr. President—

The PRESIDENT pro tempore. May the Chair suggest that Rule VIII limits Senators to one speech on a bill. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHEPPARD. I ask that the entire report be incorporated in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report (No. 419) submitted by Mr. CAPPER on January 17, 1922, is as follows:

The Committee on Claims, to whom was referred the bill (S. 2323) for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased, having considered the same, report favorably thereon, with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in Senate Report No. 407, Sixty-sixth Congress, second session, which is appended hereto and made a part of this report.

[Senate Report No. 407, Sixty-sixth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 1533) for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass with an amendment.

In line 4, strike out the figures "\$2,233.60" and insert in lieu thereof the figures "\$1,500."

In the years 1916 and 1917 the United States Government had, at and near the city of El Paso, Tex., a great many of the State militia, they having been encamped at Fort Bliss and in the neighboring country. Near these camps is a place known as Tobin, Tex., same being about a mile or two from the place where the Pennsylvania Militia were encamped. This town of Tobin is owned by the Frank R. Tobin estate, and this estate is being administered by his widow, Mrs. Frank R. Tobin, or Anna M. Tobin, as independent executrix. There are, or were, several houses at this small place and also a pumping plant, including gasoline engine, well, etc.

While the militia was encamped in this county they literally destroyed the property at Tobin. The pumping station was broken, a fire engine was torn to pieces, and the houses were mutilated and almost ruined.

Your committee, after carefully considering the evidence submitted, is of the opinion that the claim for damages is a meritorious one and that the estate should be reimbursed in the sum of \$1,500.

The facts in detail are fully set forth in the following correspondence, which is appended hereto and made a part of this report:

SEPTEMBER 5, 1916.

From: J. F. Woodson, El Paso, Tex.

To: Gen. Frederick D. Funston.

Subject: Reports damage by Pennsylvania troops to property of Mrs. Tobin, of Tobin, Tex. No objection to troops using property as drill ground or other legitimate purposes. Desires guard for property.

[First indorsement.]

HEADQUARTERS SOUTHERN DEPARTMENT,
Fort Sam Houston, Tex., September 9, 1916.

The COMMANDING GENERAL PENNSYLVANIA DIVISION,
El Paso, Tex.:

For investigation and report.

By command of Maj. Gen. Funston:

OMAR BUNDY,
Colonel, Adjutant General, Department Adjutant.

[Second indorsement.]

HEADQUARTERS SEVENTH DIVISION,
Camp Stewart, El Paso, Tex., September 13, 1916.

To the division inspector, for full investigation and report.

By command of Maj. Gen. Clement:

D. G. DAVIS, Major, Adjutant.

[Third indorsement.]

INSPECTOR, SEVENTH DIVISION, N. G., U. S.,
Camp Stewart, El Paso, Tex., September 20, 1916.

The COMMANDING GENERAL DIVISION,
Camp Stewart, El Paso, Tex.:

Returned with report. This day, in company with J. F. Woodson, Esq., counsel for Mrs. Tobin, of El Paso, Tex., and Mr. Coles, of the same place, I visited the premises alleged to have been damaged and found marked evidence of wanton damage to the several buildings in the nature of broken windows, doors, plumbing fixtures, damaged and defaced interior and exterior woodwork; some of the plumbing fixtures and woodwork are missing, the fire engine has been stripped of all metal parts detachable, and in many cases parts have been knocked off, thus breaking the fixtures, and the same is true of the water pump. If all this damage was done by the militia, their injury to Mrs. Tobin would be substantial, and Mr. Coles estimates the cost of restoring the same to its former condition at not less than \$1,000. From pencil marks on the walls and woodwork it appears that it was not alone boys from Pennsylvania, but from Rhode Island, Massachusetts, North Carolina, and Kentucky who took part in this destruction, and that some of the visits to the premises have been up until shortly before this investigation. At the time of the original damage and complaint Gen. Clements did offer to have the parties found upon the premises make restoration, but in the presence of the offenders the representation was made on behalf of Mrs. Tobin that she did not care that the boys should do this, but was anxious that a guard should be established about the premises for the protection thereof from further injury. Gen. Clements is of the opinion that had he been permitted to handle this matter as he thought best, all future trouble should have been avoided, and Mrs. Tobin saved the damage to her property and the expense of maintaining a civilian guard. As shown by the draft attached to Mr. Woodson's letter, it will be seen the premises in question are at least 1 mile distant from our nearest troops, and is on the opposite side of the railroad and beyond the limits of Camp Stewart. To-day Mr. Woodson stated his intention to make claim for the damage done, and in this connection further stated he thought this burden should rest upon the United States. In addition he asks a guard be

furnished from this division, and from reasons apparent from the above report Gen. Clements declined to do this.

M. M. TAGGART,
Major, Inspector Seventh Division, N. G., U. S.
[Fourth indorsement.]

HEADQUARTERS SEVENTH DIVISION,
Camp Stewart, El Paso, Tex., September 20, 1916.

The COMMANDING GENERAL SOUTHERN DEPARTMENT:

Attention invited to third indorsement.

C. M. CLEMENTS,
Major General, N. G.
[Fifth indorsement.]

HEADQUARTERS SOUTHERN DEPARTMENT,
September 25, 1916.

The ADJUTANT GENERAL OF THE ARMY,
Washington:

For consideration in connection with any claim for damages that may be submitted in this case.

FREDERICK FUNSTON,
Major General, Commanding.

EL PASO, TEX., October 3, 1916.

Gen. FREDERICK D. FUNSTON,
Fort Sam Houston, San Antonio, Tex.

DEAR SIR: Under date of September 5, 1916, I wrote you in regard to damage to the property of Mrs. Frank R. Tobin, at what is known as Tobin, Tex., the damage having been done by the Pennsylvania National Guard. I have had no reply from your office, but about 10 days after my letter had been mailed Maj. Taggart, of the Pennsylvania Guard, notified me that he desired to meet me at Tobin to investigate the damage. I met him and we went over the property rather carefully, at which time he admitted to me that the improvements had been practically ruined; but I have had no further information in regard to the matter, although he seemed to think a guard should be detailed there and that such would be done within a few days after he was there.

Mrs. Tobin is still at the expense of keeping a guard to protect this property against the militiamen, and as I wrote you before she is not financially able to continue this seemingly unnecessary expense, and yet she does not care to have her houses absolutely ruined and carried away. She has also suffered considerably more than \$1,000 damages at the hands of these boys, and it seems to her and to me that there should be some way of being paid for this damage. While I do not like to bother you about these matters, yet I have used every way I know of to prevent the conditions, but without success, and if you can suggest to me the manner in which I should proceed, as the representative of Mrs. Tobin, to have the Government make recompense for her loss I shall be greatly obliged to you.

If your quarters are not the proper ones at which to make claim and complaint, please advise me and I will take it up with the proper department.

Trusting that I may hear from you, I remain,

Very truly, yours,

J. F. WOODSON.

[First indorsement.]

HEADQUARTERS SOUTHERN DEPARTMENT,
Fort Sam Houston, Tex., October 14, 1916.

The COMMANDING GENERAL,
El Paso, Tex.:

1. Who will direct an officer of the Regular Army to make an investigation and report of the above-mentioned case. The report of investigation and all inclosures thereto will be submitted to these headquarters in duplicate.

By command of Maj. Gen. Funston:

OMAR BUNDY,
Colonel, Adjutant General,
Department Adjutant.

[Second indorsement.]

HEADQUARTERS EL PASO DISTRICT,
El Paso, Tex., October 18, 1916.

To district inspector, El Paso, Tex., for compliance with the first indorsement.

By command of Brig. Gen. Bell:

H. H. WHITNEY,
Lieutenant Colonel, Adjutant General,
District Adjutant.

[Third indorsement.]

HEADQUARTERS EL PASO DISTRICT,
OFFICE OF THE INSPECTOR,
El Paso, Tex., October 23, 1916.

To the DISTRICT COMMANDER:

Returned. Report of investigation herewith.

J. MCL. CARTER,
Colonel of Cavalry, District Inspector.

[Fourth indorsement.]

HEADQUARTERS EL PASO DISTRICT,
El Paso, Tex., October 28, 1916.

The COMMANDING GENERAL SOUTHERN DEPARTMENT,
Fort Sam Houston, Tex.:

Inviting attention to inclosed report of the district inspector, made in compliance with first indorsement, page 2.

1. The conclusions and recommendations of said report are concurred in.

GEO. BELL, Jr.,
Brigadier General, Commanding.

[Fifth indorsement.]

HEADQUARTERS SOUTHERN DEPARTMENT,
November 11, 1916.

COMMANDING GENERAL SEVENTH DIVISION,
Camp Stewart, El Paso, Tex.:

1. To note.

2. Such action as may be necessary to preclude further complaints of this nature will be taken.

3. These papers to be returned to these headquarters.

By command of Maj. Gen. Funston:

OMAR BUNDY,
Colonel, Adjutant General,
Department Adjutant.

[Sixth indorsement.]

HEADQUARTERS SEVENTH DIVISION,
Camp Stewart, El Paso, Tex., November 16, 1916.

THE COMMANDING GENERAL SOUTHERN DEPARTMENT:

1. Noted.
2. Proper guard has been stationed at Tobin.
3. The case against enlisted men belonging to the Eighteenth Pennsylvania Infantry was investigated and the regimental commander was directed to make settlement with Mrs. Tobin for that part of the damage which was known to be committed by his men.

C. W. CLEMENTS,
Major General, N. G.REPORT OF INVESTIGATION OF DAMAGE DONE TO THE PROPERTY OF MRS.
FRANK R. TOBIN, TOBIN, TEX.HEADQUARTERS EL PASO DISTRICT,
El Paso, Tex., October 26, 1916.

This ranch is located on the El Paso & Southwestern Railway, about 1 mile north of the camp of the Pennsylvania troops. On October 23 I called on Maj. Gen. Clements, commanding the Pennsylvania (Seventh) Division, for the purpose of ascertaining what information he had as to the damage done to the Tobin property. Gen. Clements stated that some time ago a man claiming to represent Mrs. Tobin came to him with an attorney and represented that damage had been done to the property at Tobin and stated that the amount of the damage was \$30. Gen. Clements offered to pay this amount, but the man refused to take it and stated that he did not desire reimbursement, but wished to have some protection against further damage.

Later further injury was done to the property, but there was no proof that the injury was committed by Pennsylvania troops. Many soldiers had written their names, together with their companies and regiments, on the walls of the houses on the Tobin property. Some of these names were of men belonging to Pennsylvania and many to other State troops. Gen. Clements stated that he had declined to put a guard over this property, as it was at some distance from his camp and the troops of his command were not the only offenders. He caused an investigation to be made by an officer of his command with a view to determining the amount of the damage and responsibility therefor (a copy of the report of this officer, Maj. M. H. Taggart, Inspector Seventh Division, hereto attached).

I then visited the property which had been damaged, and found there Mr. Charles Phillips, who is now employed by Mrs. Tobin as caretaker. He states that he took charge of the property on August 7, 1916, and that considerable damage had already been done. He has confined his efforts to stopping further damage, but since he has been in charge soldiers have come while he was away and broken into the houses and committed other depredations. Mr. Phillips states that while he is present on the ranch he is unable to prevent depredations, as soldiers come daily and he can not be at all places at the same time. He has devoted himself to protecting the main ranch house and the well.

On the walls of the ranch house and other buildings and on the boiler of the steam fire engine a great many men have written names and organizations. These are principally from the First, Second, and Third Pennsylvania Regiments. Some are from Massachusetts and Rhode Island regiments and a few scattering names from Kentucky and South Carolina regiments. Mr. Phillips states that a great majority of the damage was done before the Kentucky regiments arrived. I took the names of a number of these men and found that the organizations of most of them had been ordered home for muster out. Those that I was able to interview claimed that they merely visited the ranch while out walking, and finding the names of many men written on the wall, added theirs to the list. They knew nothing as to who committed the depredations other than defacing the walls by writing on them.

Most of the destruction that I observed appeared to be pure vandalism—articles that were removed having no value and no conceivable use. Windows have been smashed and doors torn off the hinges. A steam fire engine, housed in an outbuilding, has had all removable parts wrenched from it. The pump at the well had been dismantled and many of the parts broken. Judging from the appearance of the steam fire engine it was not in a serviceable condition when the National Guard came to El Paso, but numerous parts of some value have been removed. A number of school benches were removed from the schoolhouse and carried away. Five dwellings, a store, and a schoolhouse have been damaged as has been indicated. Some of the smaller outbuildings have had doors torn off but have suffered no other substantial damage. Two of the dwellings and some of the houses and the store are apparently old buildings, the board flooring having rotted, but three of the dwellings and the schoolhouse are substantial stone or brick buildings of one story, practically new, and evidently until recently in good state of repair.

The caretaker, Mr. Phillips, states that he visited this ranch last spring, before the militia arrived, as census enumerator for the school district; that he then entered each of three houses then occupied, and that they were then in good repair in every respect.

I am unable to report as to the exact value of the damage done to this ranch, but I do not believe an estimate of \$1,000 is excessive.

Mr. J. F. Woodson, attorney for Mrs. Tobin, states that he is unable to give the names of the organizations of the men who committed the depredations on the Tobin property. He first reported the matter to Gen. Clements about August 1, 1916. Shortly after the Pennsylvania troops arrived he noticed upon visiting the ranch that the pump had been dismantled and several pieces broken. He then caught soldiers taking away in a wagon brick and some doors which they had wrenched from one of the houses. The men gave fictitious names, but Mr. Woodson was convinced that they were from the Pennsylvania division, then the only organization camped near the Tobin property. He reported the matter to Gen. Clements, division commander, who sent an aide with Mr. Woodson to the ranch, where they again found some soldiers carrying away brick. The aide arrested these men and took them back to camp. Mr. Woodson asked Gen. Clements not to try them. Gen. Clements offered to pay for the damage done shortly after the Pennsylvania troops came to El Paso. Mr. Woodson told him that he did not want pay, but he did want a guard detailed to prevent further damage. Gen. Clements refused to detail a guard to protect the property. Report of the matter was not made to Gen. Bell, Maj. Taggart, of the Pennsylvania division, on investigation made a few days afterwards, promised that a guard would be established. The material part of the damage to this property was done before any other than the Pennsylvania troops arrived.

There seems to be no doubt that the injuries complained of in the letter of Mr. Woodson were committed by soldiers. I am unable to obtain convincing evidence as to the command to which these men belong, but from the fact that the Pennsylvania division has for more than three months past been camped nearer this property than any other organization, that the majority of names found written on the walls and other places in the ranch are of men belonging to Pennsylvania troops, and that members of this command have been arrested while committing depredations on the ranch, I am of the opinion that by far the larger part of the injury was done by Pennsylvania troops.

On October 25 several soldiers who claimed to be members of Company F, Eighteenth Pennsylvania, were caught carrying away property, and their names were reported to the chief of staff of the Pennsylvania division, whereupon a guard from that division was established over the property and is now maintained.

In the absence of sufficient evidence to fix the responsibility for the damage suffered by Mrs. Tobin on particular individuals or organizations of the Army, it is deemed best just that Mrs. Tobin should be reimbursed by the Government. If no funds are available for the purpose, I recommend that Mrs. Tobin be asked to submit a detailed statement of the amount of damage done, and when this has been verified Congress be asked to appropriate the money.

J. MCL. CARTER,
Colonel of Cavalry, District Inspector.

NOVEMBER 11, 1916.

Mr. J. F. WOODSON,
Attorney at Law, El Paso, Tex.

DEAR SIR: Receipt is acknowledged of your letter of October 3, 1916, addressed to Gen. Funston, wherein you make mention of certain damage having been done to the property of Mrs. Frank R. Tobin, at what is known as Tobin, Tex., by members of the Pennsylvania National Guard, and in replying thereto it is suggested that in case you so desire, that you, as representative of Mrs. Tobin, or Mrs. Tobin herself, submit a detailed statement of the amount of damage claimed to have been done to the property in question, and forward same to these headquarters for consideration of the War Department.

Instructions have been issued from these headquarters which it is hoped will preclude the necessity of further complaint from you in connection with this matter.

By direction of the department commander.

OMAR BUNDY,
Colonel, Adjutant General, Department Adjutant.

EL PASO, TEX., November 17, 1916.

Col. OMAR BUNDY,
Adjutant General, United States Army, San Antonio, Tex.

DEAR SIR: Your letter of the 11th instant in reference to the matter of damage to property of Mrs. Frank R. Tobin, at Tobin, Tex., received, for which you will accept my thanks.

I feel quite sure that Gen. Funston, as well as you, will do all that can be done in the premises, and as soon as I can find time to do so I shall make out a list of the damages and send to that department.

Very truly, yours,

J. F. WOODSON.

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, October 7, 1916.

From: Quartermaster General.

To: Mr. J. F. Woodson, attorney at law, El Paso, Tex.

Subject: Claim of Mrs. F. R. Tobin for damages.

1. Your letter of the 5th ultimo to the commanding general, Southern Department, in which you set forth the claim of Mrs. F. R. Tobin for damages incurred to her property at Tobin, Tex., by soldiers of the Pennsylvania Militia, stating that the pump to the pumping plant was knocked to pieces with a hammer and the gasoline permitted to run into the ground, all tools stolen, the doors taken off the houses, the windows broken out, walls ruined, fire engine broken and all parts taken away that were capable of being taken, and that you personally saw the Pennsylvania boys carrying the doors away, and stating that the damage to the property is at least \$1,000, and requesting that action be taken to see that right is done in the premises, has been referred to this office with a report of the inspector of the Seventh Division, National Guard of the United States, who reports that in company with yourself as counsel for Mrs. Tobin and Mr. Coles he visited the premises and found marked evidence of wanton damage to the buildings and property as described by you; that from pencil marks on the walls and woodwork it appears that it was not alone Pennsylvania boys who committed the depredations, but also those from Rhode Island, Massachusetts, North Carolina, and Kentucky; that after the original damage and complaint Gen. Clements offered to have the parties found upon the premises make restoration, but this offer was not accepted, representation being made on behalf of Mrs. Tobin that she did not care that the boys should do this but was anxious that a guard should be established about the premises for the protection thereof from further injury; that Gen. Clements is of the opinion that had he been permitted to handle this matter as he thought best all future trouble could have been avoided and Mrs. Tobin saved the damage to her property and the expense of maintaining a civilian guard, whom she had employed to protect her property.

2. The damage sustained to the property of Mrs. Tobin is in the nature of torts, the depredations referred to being committed by individual soldiers without authority, and a claim for compensation for such damages can not be favorably considered by the department, the individuals who committed the depredations alone being responsible for the damages incurred.

3. The War Department has no jurisdiction in the settlement of claims for damages incurred to private property. Congress alone can grant relief in such cases. If the claim is presented to Congress it should be supported by an itemized statement of the damages incurred and definite information as to the cost of repair for each item claimed for. The papers in the case will be retained upon files of this office and will be furnished to Congress, or any committee thereof, upon due call therefor.

HENRY G. SHARPE,
Quartermaster General, United States Army.
By F. W. COLEMAN,
Captain, Quartermaster Corps.

WAR DEPARTMENT,
Washington, November 3, 1916.

Mr. J. F. WOODSON,
Attorney at Law, El Paso, Tex.

Sir: Your letter of the 28th ultimo, requesting that Mrs. Frank R. Tobin be given speedy redress by the War Department for damages incurred to her property in the town of Tobin, Tex., by troops of the Pennsylvania Militia, alleging that the troops destroyed her pumping plant and removed from her houses many of the doors, broke practically all the windows in the houses, removed every piece of the fire engine which could be removed, and ruined the walls of the buildings and damaged the property in excess of \$1,000, has been received and considered.

It appears from the records of the office of the Quartermaster General that under date of September 5, 1916, you communicated with the commanding general Southern Department, advising him of the damages incurred to the property of Mrs. Tobin, and requesting that he arrange to have Gen. Clements, commanding the troops in the vicinity of Tobin, detail a guard to protect the property from further molestation and damage. In response to your communication the division inspector, Headquarters Seventh Division, Camp Stewart, El Paso, Tex., was instructed to investigate and report upon the case, and his report dated September 20, 1916, states that in company with yourself as counsel for Mrs. Tobin and a Mr. Coles, of El Paso, Tex., he visited the premises alleged to have been damaged; that he found marked evidence of wanton damage to the several buildings in the nature of broken windows, doors, plumbing fixtures, damaged and defaced interior and exterior woodwork, some of the plumbing fixtures and woodwork missing, the fire engine stripped of all metal parts detachable and in many cases parts knocked off, thus breaking the fixtures, and the same also true of the water pump; that Mr. Coles estimated the cost of restoring the property to its former condition at not less than \$1,000; that from pencil marks on the walls and woodwork it appears that it was not alone the boys from Pennsylvania but also from Rhode Island, Massachusetts, North Carolina, and Kentucky who took part in this destruction; that complaint had been made to Gen. Clements, who offered to have the guilty parties make restoration, but in the presence of the offenders the representation was made on behalf of Mrs. Tobin that she did not care that the soldiers should do this, but was anxious that a guard should be established about the premises for the protection thereof from further injury; that Gen. Clements is of the opinion that had he been permitted to handle the matter as he thought best all future trouble would have been avoided and Mrs. Tobin saved the damage to her property and the expense of maintaining a civil guard.

From these facts as set forth in the papers referred to it is shown that the damages incurred to Mrs. Tobin's property were due to the wanton acts of individual soldiers for which they alone could be held responsible, and it is considered probable that had the offer of Gen. Clements to require the soldiers found guilty of the acts of vandalism to make reparation therefor further depredations to the property of Mrs. Tobin would have ceased. Claim for the damages incurred as set forth in the papers can not be favorably considered by this department, the damage being in the nature of torts committed by individual soldiers. Congress alone can grant relief in such a case, and in the event of an appeal to Congress for relief by Mrs. Tobin all the papers of record in the department will be furnished to Congress, or to any committee thereof, upon due call therefor.

Respectfully,

H. L. SCOTT,
Major General, Chief of Staff,
Acting Secretary of War.

EL PASO, TEX., July 15, 1918.

HON. MORRIS SHEPPARD,
United States Senator for Texas, Washington, D. C.

MY DEAR SIR: Your very kind letter of the 10th instant, in regard to the matter of damage to property of Mrs. Tobin, received by me last evening, and I am grateful for your consideration of this matter, as is Mrs. Tobin.

Complying with your request, I am handing you the following letters: From Quartermaster General's Department, of date October 7, 1916; from Acting Secretary of War, of date November 3, 1916.

You will observe from each of these letters that I was advised that no action except through Congress could be had and no relief other than through that body given.

In each of these letters you will also notice that it is suggested that Gen. Clements offered to have the parties found upon the premises make restoration of the damage, and that the representative of Mrs. Tobin refused to accept the offer. I deem it proper that you should know the facts in regard to this matter. The Pennsylvania Militia camped very near this property, and practically all the damage was done by the Pennsylvania Militia. What happened as regards Gen. Clements's offer was this: I went to Tobin one day and found the Pennsylvania wagons loading brick from that place, which I had them unload, and told the drivers and men the property was private property and to leave it alone. I went back that evening and found the Pennsylvania wagons again doing the same thing, and I again had them unload. The next morning, in company with Mr. Frank Coles, whom you no doubt know, I drove out toward Tobin and passed a Pennsylvania wagon headed in that direction. We drove on beyond Tobin and gave them time to enter the place, and then we returned to Tobin and there found the wagons again loading. We reported to Gen. Clements, and he sent his aid to meet the returning wagons and had the men placed under arrest. They were returned to headquarters. The general, in the presence of Mr. Coles and myself, stated that he would court-martial the men. It was not the desire of Mrs. Tobin or myself to have these men imprisoned or disgraced, and I told Gen. Clements that we did not desire such action, but that we desired our property protected. Gen. Clements stated that he would ascertain the names of all the men who had been committing depredations at Tobin and that he would have every brick and door searched for in his camp and returned to Tobin, and promised us we would have no further trouble at that place. No bricks nor any doors, or other property, were ever returned to Tobin. At no time did I suggest or state to Gen. Clements that any damages were waived by Mrs. Tobin or would be so waived; and to show that he never so understood, you ought to find from the records in the War Department that within a short time after this incident above mentioned the major of Gen. Clements's militia visited Tobin, made an inspection of the damage done, and probably made a report thereof.

At any rate, this major, in the presence of Mr. Coles and myself, stated that the Tobin property had been practically ruined. But even

after this the depredations continued, and grew to such an extent that Mrs. Tobin was compelled to place a private guard over her property at an expense of \$75 per month, who remained until after the Pennsylvania Militia had left this place; and even with this guard present they continued to take and damage property until leaving Texas. I requested Gen. Clements to furnish us a guard, but he, in an abrupt manner, told me he would do no such thing. So far as the War Department is concerned, we got no relief until report was made to Gen. Funston, after which Col. Carter appeared here, and on October 7, 1916, Col. Bundy wrote me as follows:

"Instructions have been issued from these headquarters which, it is hoped, will preclude necessity of further complaint from you in connection with this matter."

And about that time a guard was placed at Tobin by some department of the Army—very likely not by Gen. Clements or with his sanction. In fact, Gen. Clements never at any time offered to pay for the damage sustained by Mrs. Tobin, but my understanding was that he would locate in his camp the brick and doors that had been taken from the Tobin property and have them returned to Tobin, and perhaps make restoration in that way. It was never understood that Gen. Clements offered to pay for the damage which had been done by his men; and even if he had, the depredations continued long after my conversation with Gen. Clements, and a great portion of the damage was done after that time. Gen. Clements was antagonistic all the way through and apparently made no effort to protect the property or to control his men. To show his attitude, he made a speech at a banquet here in which he stated publicly that he and his men had been charged with destroying a whole city (Tobin), but that he had settled the entire matter for \$6.25. This was an unqualified falsehood. Unfortunately, I was not present at the banquet, or the public would have received the true facts in regard to this \$6.25 item, which are as follows: Long after the arrest of the men, as above mentioned, the guard at Tobin caught the Pennsylvania boys removing an inside partition from one of the buildings and hauling it off in wheelbarrows. There were six of these men, one of them at least being an officer. Our guard compelled them to haul the partition back to where they got it, and detained the wheelbarrow and some of the men for a while. When the wheelbarrow was sent for it was let go only with the agreement that the wall was to be restored. An officer came to me and agreed that his company would pay for the damage to the lumber and that his company would then replace the partition wall. We agreed upon \$6.25 for the damage to the lumber; and the check which his company issued will show by recitation thereon the limitations of its payment and the entire transaction; but the wall was never replaced by the Pennsylvania Militia, but as they left here before request that it be done we have no complaint on that account.

I write you rather fully in regard to these matters, because I am under the impression that you should have the entire history of the case before you. All I have said can be verified by copies of correspondence by Mr. Coles and by others.

I find that Col. Bundy did write me for a detailed statement of the damage, as suggested in your letter, and I find that I did write him I would furnish same when I had time. I do not believe this statement was ever furnished. Likely it was overlooked by me. Gen. Funston died early in 1917, and during the spring of that year the war came on. After the entry of our country into the war I had in mind taking up with you this matter, but concluded that at the beginning of the war by our country our Senators would have a great many serious problems to contend with and that they should not be worried with private claims, and for this reason the matter was dropped for the time being, I being of the opinion that after some of the great problems had been disposed of would be time for consideration of this private claim, and hence the delay. A statement can and will be furnished you at any time if needed.

It always struck me as rather queer that either Gen. Clements or the War Department would question the payment of a claim which is shown to be legitimate, simply on the ground that Mrs. Tobin, in her kindness, did not insist upon imprisonment or disgrace of certain soldiers. The position of the War Department and Gen. Clements no doubt was that had Mrs. Tobin insisted upon the punishment of these men it would have been an object lesson to the others and would have prevented further depredation. This may be the proper way to look at it; but it does seem to me that a United States army should not be permitted to go on and continue the destruction of private property simply because the owner, through her goodness of heart, has seen fit to ask that the soldiers be not imprisoned. At any rate, the damage has been done, and largely in excess of the amount found by Col. Carter, as indicated in your letter. However, I am disposed to accept what the Regular Army inspectors have determined, and Mrs. Tobin feels likewise. We have always taken this position, and from the beginning of the trouble have always been willing, and so stated, to leave the adjustment of the matter of damages to the determination of the Regular Army.

As above suggested, it is rather strange that Gen. Clements concluded that no damages were to be claimed, after he detailed a major in his militia to investigate the damage and to make report thereof, but Gen. Clements never so understood, and if he did he had no reason for so understanding, as I can readily verify by Mr. Coles, who was present with me at the conversation with Gen. Clements, and who will no doubt state to you that the court-martial of the men caught was abandoned at my request simply through a feeling of sympathy for the men who were serving the country and in the hope that an act of kindness would have as much influence in stopping depredations as would an imprisonment.

If I can be of any further aid in connection with this matter, or furnish any other information, statements, or other evidence, I shall be exceedingly glad to do so upon request from you.

Again thanking you, I remain,

Very truly, yours,

J. F. WOODSON.

WATSON B. DICKERMAN, ADMINISTRATOR.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. KING. Let that bill go over.

Mr. CALDER. Mr. President, I am not going to ask for the consideration of this bill at this moment, or request the Senator from Utah to withdraw his objection; but the bill is the result of a recommendation of the Court of Claims, and in the course of a few days I am going to ask the Senate, during some morn-

ing hour, to take it up and consider it. It is a measure that ought to be passed, in justice to the finding of the Court of Claims and the people who are entitled to this money.

The PRESIDENT pro tempore. The Senator from Utah objects, and the bill will be passed over.

WILLIAM E. LEWIS.

The bill (S. 159) for the relief of William E. Lewis was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William E. Lewis, out of any money in the Treasury not otherwise appropriated, the sum of \$1,106.25, representing loss of Liberty bonds, fourth issue, having a face value of \$1,000, plus accrued interest of \$106.25, said bonds having been stolen by an employee of the Immigration Service.

Mr. KING. Mr. President, I should like to ask the chairman of the committee what, if anything, was done by the Immigration Service toward apprehending the criminal and punishing him for his larceny?

Mr. SPENCER. Mr. President, at the request of the chairman of the committee and because I happen to be familiar with this case, I should like to answer the Senator from Utah.

For a long while the guilty party could not be found. Finally a clerk in the department by the name of Gale pleaded guilty. He has been arrested, and is now under bond pending his trial. The man who stole the bonds was found and he is now in custody.

Mr. KING. Was he bonded?

Mr. SPENCER. I can not say whether he was or not. That brings up the question that we have discussed before—that he ought to have been bonded.

Mr. KING. May I suggest to the Senator, in view of the fact that we are having so many cases of defalcation upon the part of Government officials, that the Committee on Claims or some other committee should report a bill requiring the bonding of these officials, because the Government ought not to be compelled to meet all these obligations resulting from the thefts and defalcations and embezzlements of its officials.

Mr. SPENCER. I think there is a great deal of merit in the suggestion of the Senator from Utah.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMMA H. RIDLEY.

The bill (S. 1540) for the relief of Emma H. Ridley was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 to Emma H. Ridley, widow of Dr. George V. Ridley, who lost his life January 7, 1907, in the discharge of his duty in the Canal Zone while in the employ of the Isthmian Canal Commission.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. SKILL.

The bill (S. 1603) for the relief of Joseph W. Skill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the provisions of the act approved September 7, 1916, "An act to provide compensation for employees of the United States receiving injuries while in the performance of their duties, and for other purposes," are hereby extended to Joseph W. Skill, who was permanently disabled while employed by the Department of the Interior at Imperial Valley, Calif., and that he be paid such sums as would properly be due him within the provisions of section 4 of the said act of September 7, 1916. The United States Employees' Compensation Commission is hereby authorized and directed to make payments in compliance with the terms of the said act of September 7, 1916, and in accordance with the rules and regulations of said commission. Any money in the United States Treasury not otherwise appropriated is hereby appropriated for the purpose of this act.

Mr. OVERMAN. Mr. President, how much does this bill appropriate? It seems to me it is a very strange bill.

The PRESIDENT pro tempore. As the Chair understands the bill, it does not appropriate any amount.

Mr. OVERMAN. I could not understand, from the reading of the bill, what the report of the committee is. Unless an explanation can be made, I shall ask that it go over.

The PRESIDENT pro tempore. If the Senator desires, the bill will be reported again.

The READING CLERK. The original bill provided:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph W. Skill, who was permanently disabled while engaged in the employment of the Department of the Interior at Imperial Valley, Calif., the sum of \$5,000.

The committee amendment proposes to strike out that portion of the bill, and to insert the following:

That the provisions of the act approved September 7, 1916, "An act to provide compensation for employees of the United States receiving injuries while in the performance of their duties, and for other purposes," are hereby extended to Joseph W. Skill, who was permanently disabled while employed by the Department of the Interior at Imperial Valley, Calif., and that he be paid such sums as would properly be due him within the provisions of section 4 of the said act of September 7, 1916. The United States Employees' Compensation Commission is hereby authorized and directed to make payments in compliance with the terms of the said act of September 7, 1916, and in accordance with the rules and regulations of said commission. Any money in the United States Treasury not otherwise appropriated is hereby appropriated for the purpose of this act.

Mr. CAPPER. It will be for the United States Employees' Compensation Commission to determine how much is due him under the law.

Mr. OVERMAN. I understand it now.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. KING. Reserving the right to object, I ask for an explanation of the bill.

The PRESIDENT pro tempore. Does the Senator from Utah object to the present consideration of the bill?

Mr. KING. Yes; unless I get an explanation of it.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2372) for the relief of Alfred Sjostrom was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CAPT. FRED S. JOHNSTON.

The bill (H. R. 927) for the relief of Capt. Fred S. Johnston was announced as next in order.

Mr. KING. Reserving the right to object, I ask for an explanation of the bill.

Mr. OVERMAN. Let the bill be read. I would like to hear it.

The PRESIDENT pro tempore. The Secretary will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Fred S. Johnston, supply officer One hundred and eighth Regiment Infantry, United States Army, the sum of \$68 in full payment of all claims against the Government for reimbursement on account of newspaper advertisements of proposals for bids for forage supplies for the use of the Third Regiment New York Volunteer Infantry, National Guard, United States Army, at Rochester, N. Y., from April 26 to May 8, 1917, said advertisements having been published on the order of said Capt. Fred S. Johnston without specific authority of law or departmental orders.

Mr. OVERMAN. I object to its consideration.

The PRESIDENT pro tempore. The bill will be passed over.

SIX MINUTE FERRY CO.

The bill (H. R. 1268) for the relief of the Six Minute Ferry Co., of Vallejo, Calif., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the Six Minute Ferry Co., of Vallejo, Calif., the sum of \$1,500, the total cost of repairing the damages caused to the ferry slip of the Six Minute Ferry Co. during the launching of the U. S. S. California in November, 1919.

Mr. KING. I would like to ask the Senator having the bill in charge whether there has been any recommendation by the Navy Department in favor of this claim.

Mr. CAPPER. There has been. The Senator will find on page 3, in the last paragraph of the report of the committee, a report made by Secretary Daniels, in which he said:

As the Navy Department has no authority to pay the claim, the claimant was advised that relief could be secured only through a special act of Congress.

The responsibility for the damages caused to the ferry slip owned by the Six Minute Ferry Co. clearly rests with the Navy, and it is believed that the claim of the company in the sum of \$1,500 is reasonable and just and should be paid. It is therefore respectfully recommended that bill H. R. 15555 receive favorable action by Congress.

The bill has already passed the House.

Mr. SHORTRIDGE. Mr. President, I am very sure that this is a meritorious bill. The damage was suffered in the way in-

licated. The bill was carefully considered; it comes to us from the House, and I hope it will meet with no objection here.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. FEITEL HOUSE WRECKING CO.

The bill (H. R. 1372) for the relief of the M. Feitel House Wrecking Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the M. Feitel House Wrecking Co., out of any money in the Treasury not otherwise appropriated, the sum of \$292.41, same representing a shortage of 236 cords of wood sold by the Government, but never delivered, to said M. Feitel House Wrecking Co., on August 18, 1920.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUFFALO HOUSEWRECKING & SALVAGE CO.

The bill (H. R. 1721) to authorize the refund of a part of the purchase price of Camp Mills to the Buffalo Housewrecking & Salvage Co. was announced as next in order.

Mr. KING. Let the bill be read.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Buffalo Housewrecking & Salvage Co., of Buffalo, N. Y., the sum of \$1,800, as refund to said company because of the sale of certain buildings at Camp Mills by the Government, after inspection of the camp by the above-named company, which purchased Camp Mills, and after the said company had been informed that said buildings were included in the sale of said camp.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES S. FRIES.

Mr. CAMERON. Mr. President, I ask that the Senate recur to Senate bill 2445, for the relief of Charles S. Fries, and that it be considered at this time. The objection to it has been withdrawn.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent that the Senate take up at this time Senate bill 2445. Is there objection?

There being no objection, the bill (S. 2445) for the relief of Charles S. Fries was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles S. Fries the sum of \$1,248, out of any money in the Treasury not otherwise appropriated, for injuries received while employed as a decorator in the United States Capitol on October 24, 1911.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. R. GRACE & CO.

The bill (H. R. 1733) for the relief of W. R. Grace & Co., was next in order.

Mr. KING. Let the bill be read.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. R. Grace & Co., of 7 Hanover Square, New York City, the sum of \$263.73, the amount which said W. R. Grace & Co. paid as customs duty on 180 bales of caraway seed, which was imported on May 15, 1918, the entry on which was liquidated on August 10, 1918, and which was reported for exportation by the Department of Agriculture on November 13, 1918, after the expiration of the 30-day period provided by law for the filing of protests after liquidation of entry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCHOONER "CHARLOTTE W. MILLER."

The bill (H. R. 2144) for the relief of the owners of the schooner *Charlotte W. Miller*, was announced as next in order.

Mr. KING. Let the bill be read.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the claim of the owners of the schooner *Charlotte W. Miller* for damages alleged to have been caused by collision between said schooner and the United States steamship *D-2* in the forenoon of Tuesday, July 31, 1917, about 2 miles east of Cornfield Shoal lightship, in Long Island Sound, and subsequently on the afternoon of the same day and thereafterwards further injured so that she became a total loss, because the U. S. S. *Ontario* took charge of the sunken schooner, relieving the salvors of the owners then in charge thereof, and herself attempted to tow said sunken schooner to New London, Conn., may be sued for by the owners of the said schooner *Charlotte W. Miller* in the district court of the United States for the district of Rhode Island sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be

due against the United States in favor of the owners of the said schooner *Charlotte W. Miller* or against the owners of said schooner *Charlotte W. Miller* in favor of the United States and upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 3270) for the relief of Estella Barnett was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5965) for the relief of the owner of the vessel *Urania Artau* was announced as next in order.

Mr. KING. Let that go over. I have no objection to the claim being referred to the proper court.

The PRESIDENT pro tempore. The bill will be passed over.

CLEVELAND TRINIDAD PAVING CO.

The bill (H. R. 6437) for the relief of the Cleveland Trinidad Paving Co., of Cleveland, Ohio, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to the Cleveland Trinidad Paving Co., of Cleveland, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of \$775.

Mr. KING. I would like to have an explanation of the bill.

Mr. WILLIS. In the first place, I ask unanimous consent to have printed in the RECORD the committee report on the bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report referred to is as follows:

[Senate Report No. 433, Sixty-seventh Congress, second session.]

CLEVELAND TRINIDAD PAVING CO.

Mr. CAPPER, from the Committee on Claims, submitted the following report to accompany H. R. 6437:

The Committee on Claims, to whom was referred the bill (H. R. 6437) for the relief of the Cleveland Trinidad Paving Co., of Cleveland, Ohio, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in House Report No. 457, Sixty-seventh Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 457, Sixty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 6437) for the relief of the Cleveland Trinidad Paving Co., of Cleveland, Ohio, having considered the same, report thereon with a recommendation that it do pass with the following amendments: Strike out all on pages 1 and 2. In line 6, page 3, strike out the figures "\$3,017" and insert in lieu thereof "\$775."

Attached herewith is a letter from the Acting Secretary of the Interior, giving the full facts in the case:

DEPARTMENT OF THE INTERIOR,
Washington, August 9, 1921.

Hon. GEO. W. EDMONDS,
Chairman Committee on Claims,
House of Representatives.

MY DEAR MR. EDMONDS: Referring to copy of H. R. 6437, for relief of the Cleveland Trinidad Paving Co., I find, from examination of the records of the Indian Office, that on February 7, 1910, permit was granted to the Cleveland Trinidad Paving Co. to remove sand from a tract of land reserved for the Cheyenne Indian School on certain conditions, including the payment of \$100 per acre for the privilege. The tract embraced 10.95 acres, and the company thereafter paid the sum of \$1,095 to the superintendent of the Cheyenne and Arapaho School, who placed the same in the fund, "Miscellaneous receipts, class 4," and expended the money for the Cheyenne Indian School.

The permit given by the department to the Cleveland Trinidad Paving Co. was to expire by limitation on December 21, 1912. The act of June 17, 1910, provided for the sale of certain tracts of land no longer required for use in connection with the Cheyenne and Arapaho Indian School, and by some misunderstanding as to the proper description of the tracts covered by the permit of the Cleveland Trinidad Paving Co., the greater part thereof was sold under the act recited, as is fully set out in the accompanying papers. The company was therefore deprived to a very large extent of the privileges for which it had paid the sum of \$1,095, and has heretofore made claim upon this department for the return of a part of the money paid by it to the Government. The record shows that the company could reasonably anticipate procuring some 100,000 cubic yards of commercial sand from this tract, while, due to the circumstances, slightly over 6,000 yards were obtained. A railroad spur was put in and expensive machinery purchased and installed. It is represented that the actual loss has been \$3,017, exclusive of the depreciation of machinery, and this statement appears correct. However, the company has heretofore expressed through its attorneys a desire to have returned to it the sum of \$775, which represents the amount paid for the use of 7.75 acres sold from the tract covered by its permit. As the record will show, it was the intention of the department to withhold from sale the tract of land covered by the permit to the Cleveland Trinidad Paving Co. in order to protect the rights of the company under its permit.

I have considered the matter and am of the opinion that the Cleveland Trinidad Paving Co. is equitably entitled to the return of a part of the consideration paid by it under the permit, and recommend the enactment of H. R. 6437, provided it is first amended as follows:

In lines 1 and 2, page 2, after the word "Interior," strike out the words "the greater part" and insert in lieu thereof "7.75 acres."

Strike out all of page 2 after the word "deprived," in line 6, and insert in lieu thereof the words "of the use of land for which it had paid the sum of \$775; therefore."

In line 6, page 3, after the word "of," strike out the sum of "\$3,017" and insert in lieu thereof "\$775."

A copy of H. R. 6437 with the suggested amendments incorporated therein is inclosed. Indian Office file No. 60744-09 is also inclosed for your information. Please return to the Indian Office as soon as practicable.

Sincerely,

E. C. FINNEY, Acting Secretary.

Mr. WILLIS. The report, which is very clear, shows the following facts: On or about February 7, 1910, the Cleveland Trinidad Paving Co. bought from the Government of the United States the right to take sand from a certain Indian reservation. It paid for that right, which covered some 10.95 acres, at the rate of \$100 per acre. As a matter of fact, the company was able to take from the tract only about 6,000 cubic yards of sand, whereas it had been expected to be able to get something like 100,000 cubic yards. The reason for that was because two years after that a law was passed by the Congress providing for the sale of certain of this land, and the land was sold, the very land covered by the permit issued to this company. Not all of the land was sold, but about 7.75 acres.

Meanwhile, the company had put in switches and made arrangements to exercise its rights under the terms of its permit. It therefore brought in a claim of some \$3,000, covering the various losses. The committee, in its wisdom—and I think the committee was right—decided that all the Government could properly do was to make a refund to the company for the 7.75 acres which it had sold of the land covered by the company's permit. So the bill provides for a payment to the company of \$775.

Mr. KING. That is the proportional part of the entire purchase price?

Mr. WILLIS. Yes. If the Senator will figure a moment, he will see that they bought 10.95 acres at \$100 per acre, and the bill provides simply for the portion taken out of their permit by the act of Congress.

Mr. OVERMAN. Was the claim referred to any department for a report?

Mr. WILLIS. It was; and I have asked that the departmental report be printed in the Record. Let me read just a sentence to the Senator.

Mr. OVERMAN. If the department favors it, I have no objection to the passage of the bill.

Mr. WILLIS. The department favors it and recommends the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GAETANO DAVIDE OLIVARI FU FORTUNATO.

The bill (H. R. 6622) for the relief of Gaetano Davide Olivari fu Fortunato was announced as next in order.

Mr. KING. Let the bill be read.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the claim of Gaetano Davide Olivari fu Fortunato, managing owner of the Italian bark *Doris*, against the United States for damages alleged to have been caused by collision between the said bark and the United States collier *Jupiter* in Chesapeake Bay on the 17th day of October, 1916, may be sued for by the said Gaetano Davide Olivari fu Fortunato in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Gaetano Davide Olivari fu Fortunato, or against Gaetano Davide Olivari fu Fortunato in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF N. FERRO.

The bill (H. R. 8217) to authorize the payment of \$872.96 to the Government of Italy for the relief of the heirs and assigns of N. Ferro was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, upon the request of the Secretary of State, to the Italian Government, out of any money in the Treasury not otherwise appropriated, the sum of \$872.96 to reimburse the heirs and assigns of N. Ferro, deceased, formerly Italian consular agent at Gulfport, Miss., for expenses incurred in repairing the damages to the Italian bark *Penice*, caused by collision with the United States barge No. 15.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COL. HERBERT DEAKYNE.

The bill (H. R. 1370) for the relief of Col. Herbert Deakne, Corps of Engineers, United States Army, was read and considered in Committee of the Whole, as follows:

Be it enacted, etc., That the accounting officers of the Treasury are hereby authorized and directed to allow and credit the accounts of Col. Herbert Deakne, Corps of Engineers, United States Army, the sum of \$45.85 disallowed against him on the books of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN LIGHTHOUSE EMPLOYEES.

The bill (H. R. 3249) for the relief of certain employees of the Bureau of Lighthouses was announced as next in order.

Mr. KING. I would like an explanation in regard to the bill. Let me premise my inquiry by asking the view of the Senator from Texas [Mr. SHEPPARD] with respect to obligation on the part of the Government, morally or legally, to care for the private property of individuals who may be employed in the Government service.

Mr. SHEPPARD. As a general rule, I do not think there is any obligation, either legal or moral, to care for their private property. In this case, however, the employees of certain lighthouses exhibited unusual heroism through two of the most terrific storms that ever afflicted the Texas coast, and on account of their heroism and because they remained at their posts when their own lives were imperiled, they lost certain articles of property which they were compelled to possess, compelled to purchase themselves in order to perform their duties. They were cut down by the committee to only that property which they were required to possess in the ordinary performance of their duties. I think, in view of all the circumstances, an exception should be made in this instance.

Mr. KING. I have no objection to the bill.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following employees of the Bureau of Lighthouses, Department of Commerce, stationed at Bolivar Point Lighthouse, Tex., the several sums appropriated herein, the same being in full payment for the losses suffered by the said employees by loss of personal property needed at the station for lighthouse purposes or reasonably necessary in connection with official duties, namely:

To Mrs. H. C. Claiborne, widow of H. C. Claiborne, keeper, for losses in the storm of September 8, 1900, \$234.48; for losses in the storm of August 16, 1915, \$191.50.

To J. P. Brooks, first assistant keeper, for losses in the storm of August 16, 1915, \$125.87.

To C. T. Morris, second assistant keeper, for losses in the storm of August 16, 1915, \$47.50.

In all, \$599.35.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HOWARD MAY AND OTHERS.

The bill (S. 2746) for the relief of William Howard May, ex-marshal of the Canal Zone; William K. Jackson, ex-district attorney of the Canal Zone; and John H. McLean, ex-paymaster of the Panama Canal, now deceased, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. SWANSON. Mr. President, I hope the Senator will withhold his objection until I can make a brief statement.

Mr. KING. I withhold my objection for that purpose.

Mr. SWANSON. These men were the first officers on the Panama Canal Zone. Mr. May was the first marshal there. When he went to the Panama Canal Zone he occupied Government quarters, but under the ruling of the Comptroller of the Treasury the Government charged him for the use of the Government quarters and it was deducted from his salary. The other employees expected to have their quarters furnished to them by the Government. Marshals in the United States have quarters furnished them in the United States courts without cost to them.

The Secretary of War has recommended that the bill pass because the money was paid by Mr. May for the occupation of governmental quarters in the Panama Canal Zone. I hope the Senator will not object. There is no objection to it from any source.

Mr. KING. May I inquire of the Senator whether it was for residence or for offices?

Mr. SWANSON. It was for offices, not for residence. He paid \$282 at the time he was marshal there for rent of Government quarters where, as I understand, everybody else had them furnished free of cost. The other officers were likewise charged for occupying governmental quarters. In the United States proper the marshals and district attorneys have quarters given

them free. It was simply an interpretation of the law by the Comptroller of the Treasury that prevented them from having the quarters free in the Canal Zone. It is not a question of money furnished him to pay for quarters outside of a Government building.

Mr. KING. I inquire of the Senator again, because the bill is very ambiguous, whether, for instance, the former United States attorney, John H. McLean, is asking reimbursement of \$470 collected from him for rent of quarters or whether that was collected for rental of a house?

Mr. SWANSON. All of it, as I understand, is for rent of offices. I do not know the details of all the cases, but I understand all the items are for quarters which are given free to officers ordinarily. I do not think it was for residences, but I could not state positively. Secretary Weeks recommends the passage of the bill. It is simply to extend to Mr. May and the others the same privileges that are given to similar officials in the United States in the furnishing of Government quarters, as I understand.

Mr. KING. With the understanding that it is for rent of quarters, I withdraw my objection.

Mr. SWANSON. That is my understanding of it. I do not know anything about it except that Mr. May's case came to me, and the others were put in by the committee, but I understand it was simply for quarters that were furnished these officers in the Canal Zone and for which they paid this rent.

Mr. FLETCHER. I think the bills should be made to read in accordance with the recommendation of the Secretary of War.

Mr. SWANSON. The Secretary of War had charge of Government quarters and the officers down there, and he recommends the passage of the bill. I know in Mr. May's case it is to reimburse him for rent which he paid for quarters that are ordinarily furnished to such officials without cost.

There being no objection, the bill was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment in line 10, page 1, to strike out \$37.13 and insert \$77.13, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to William Howard May the sum of \$280.32, being the amount collected from the said William Howard May for rent of quarters while holding the office of marshal of the district of the Canal Zone.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to William K. Jackson the sum of \$77.13, being the amount collected from the said William K. Jackson for rent of quarters while holding the office of district attorney of the Canal Zone, said refunds to be made out of the appropriation for maintenance and operation of the Panama Canal.

That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen the accounts of John H. McLean, former paymaster of the Panama Canal, and allow credit to the said John H. McLean for payments made by him, as follows: Four hundred and seventy dollars and twelve cents paid to Charles R. Williams as a refund of the amount collected from him for rent of quarters while holding the office of district attorney of the Canal Zone, \$403.33 paid to Miguel A. Otero as a refund to him of the amount collected for rent of quarters while holding the office of marshal of the Canal Zone; \$214.83 paid to Burt New as a refund of the amount collected from him for rent of quarters while a land commissioner in the Canal Zone; and \$114.68 paid to George A. Connolly as a refund of the amount collected from him for rent of quarters while a land commissioner in the Canal Zone.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN W. WILLEY.

The bill (H. R. 5659) for the relief of Ellen W. Willey, widow of Owen S. Willey, was read and considered in Committee of the Whole, as follows:

Be it enacted, etc., That in the administration of the pension laws the late Owen S. Willey, who served in the United States Navy from July 11, 1860, to April 16, 1863, as an acting master's mate, shall hereafter be held and considered to have been discharged honorably from the naval service of the United States as an acting master's mate on April 16, 1863: *Provided*, That no pay, bounty, pensions, or other emoluments shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING. Mr. President, I enter a motion to reconsider the vote by which the bill was just passed until I have a chance to examine the record further. I have seen this observation made by the Secretary of the Navy:

The object of the bill is to afford relief in an individual case as distinguished from all other cases of like character, and in the absence of special or meritorious circumstances the department is opposed to this class of legislation as not being for the best interests of the service.

Mr. JONES of Washington. If the Senator will read the first part of the report he will see that the man was punished inadvertently upon charges made against another man whose name was spelled W-i-l-l-e-y.

Mr. KING. I enter the motion to reconsider, and if upon an examination of the record I find it is a just bill I shall withdraw the motion.

Mr. JONES of Washington. I think if the Senator examines the first part of the report he will be satisfied to let the bill stand passed.

OPERATION OF GOVERNMENT-OWNED RADIO STATIONS.

The joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, was announced as next in order.

Mr. KING. Reserving the right to object, may I inquire if the Senator from Maine [Mr. HALE] desires to have the joint resolution taken up at this time?

Mr. HALE. I think it better to have it passed over temporarily.

Mr. KING. I suggest that it be passed over temporarily. The Senator from Washington [Mr. POINDEXTER], who reported the joint resolution, is not present at the moment.

The PRESIDENT pro tempore. The joint resolution will be passed over.

OFFICERS IN SUPPLY CORPS OF NAVY.

The bill (S. 2390) to redistribute the number of officers in the several grades of the Supply Corps of the Navy was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

NAVAL TITLES ON TABLETS AND MEMORIALS.

The bill (H. R. 5013) to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Navy is hereby authorized, in his discretion, to sanction the inscription upon any monument, tablet, or other memorial erected to any person who has died or may hereafter die from wounds, injuries, or disease incurred in the line of duty while a member of the naval service, of the rank for which the deceased qualified and to which he would have been appointed in due course except for his death.

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TRANSPORTATION OF DESTITUTE DISCHARGED SOLDIERS.

The bill (S. 2935) to amend section 3 of the act entitled "An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children," approved June 30, 1921, and for other purposes, was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That section 3 of the act entitled "An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children," approved June 30, 1921, is amended to read as follows:

"Sec. 3. That the authority conferred by this act shall cease and determine on June 30, 1922."

"Sec. 2. That the appropriation 'Pay of the Army, 1922,' shall be available to pay the expenses incident to carrying into effect the provisions of the act approved June 30, 1921, as amended, under such regulations as have been or may hereafter be prescribed by the Secretary of War."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY P. COLLINS, ALIAS PATRICK COLLINS.

The bill (S. 2380) for the relief of Henry P. Collins, alias Patrick Collins, was announced as next in order.

Mr. KING. Let that bill go over.

Mr. HALE. Mr. President, I hope the Senator from Utah will not object to having that bill considered at the present time. It involves a very simple case.

Mr. KING. A reading of the report indicates that this man twice deserted from the Army, and it is now proposed to put him on the list so that he may get a pension.

Mr. HALE. The first charge of desertion was removed under the act of Congress, approved July 5, 1884, which provided that if the soldier, within a reasonable time, after such charge of desertion was made, voluntarily returned to his command and served faithfully to the end of his term of service he should be relieved from the charge of desertion. This soldier did

follow that course; he did reenlist within three months in the same command. He was wounded twice before his first desertion and served in Libby Prison. After his second enlistment he was again wounded, was sent to the hospital, and deserted from a hospital in the latter part of March, 1865, immediately before the close of the war.

In view of his record, the fact that he was three times wounded, and that he was imprisoned in Libby Prison, I think it perfectly reasonable that the charge of desertion against him should be removed.

Mr. KING. If there were only one charge of desertion I should not object, but as there is a second charge of desertion I do object.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

ALMOND S. ROOT.

The bill (S. 2654) for the relief of Almond S. Root was announced as next in order.

Mr. KING. In view of the fact that the bill, the title of which has just been stated, has been reported adversely by the Senator from Wisconsin [Mr. LEXROOT], I ask that it be indefinitely postponed.

Mr. JONES of Washington. Does the Senator think that he should do that in the absence of the Senator from Utah [Mr. SMOOT]? I think the Senator's colleague asked that the bill remain on the calendar, though I am not sure about that?

Mr. KING. I had supposed that there being an adverse report on the bill, it would pursue the usual course.

Mr. JONES of Washington. The action which the Senator indicates is usually taken when a bill is reported adversely, but the bill has been retained on the calendar at the request of the senior Senator from Utah, I think, although I am not sure.

Mr. KING. If the Senator from Washington is of that opinion, I shall withdraw my request and merely ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

FRANK FERRIN.

The bill (H. R. 2004) for the relief of Frank Ferrin was announced as next in order.

Mr. KING. Let that bill go over.

Mr. PHIPPS. I hope the Senator will not object to the consideration of this bill, which has received the approval of the other House. It is a very meritorious case, of a boy less than 16 years of age who went into the service of his country, was wounded, and was imprisoned in Libby Prison, where he was sick. At the age of 18, while recuperating, his father induced him to go away to his home. He was kept there for a time under his father's influence; and when it became rumored that he would possibly be run down because of having deserted, which he had no intention of doing, he reenlisted in the service under an assumed name and faithfully performed his duty as a soldier in the United States Army. I think, if the Senator from Utah will read the details in this case, he will have no objection to the passage of the bill.

Mr. KING. Mr. President, I should like to inquire of the Senator from Colorado whether or not this soldier obtained a bounty when he reenlisted?

Mr. PHIPPS. There is no record in the papers which shows that he obtained a bounty at any time, and I think I have gone over the papers very carefully.

Mr. KING. I ask the attention of the Senator for just a moment. The first part of the report states:

The record of the War Department shows this soldier enlisted August 20, 1861, and was mustered into service August 23, 1861, as a private, Company H, Third New Hampshire Volunteer Infantry, to serve three years; that he was captured at Pinckney Island, S. C.; that he was sent to Richmond, Va., for exchange October 6, 1862, and confined there October 10, 1862—

That is, four days—

that he was paroled at Aikens Landing, Va., October 12, 1862; that he reported at Camp Parole, Md., October 31, 1862; and that he deserted from the last-named place January 20, 1863.

The report does not state that he deserted because of any opportunities of the father, but continues:

While absent in desertion from this organization he again enlisted August 12, 1864, under the name of Cyrus F. Dunby, and was mustered into service on the same day as a private, Company C, Fourth Massachusetts Heavy Artillery Volunteers, to serve one year. It appears that he served faithfully in this organization until June 17, 1865, when he was mustered out and honorably discharged the service with the company as a private.

Mr. SPENCER. I desire to say to the Senator from Utah that when this soldier originally enlisted he was but 16 years of age; he was a mere boy. When he was captured and paroled and came home and was stricken with typhoid fever, as the Senator will see from the report, his father said that, being under 18 years of age, the Government could not keep him, and

the boy stayed at home; but the moment he had recovered from the typhoid fever, in 1864, the boy reenlisted and served until the end of the war. The committee felt that certainly there was no intentional desertion in the case of a boy like that. A deserter does not return for reenlistment. When this boy had recovered from typhoid fever he came back into the Army.

Mr. KING. May I say to the Senator that the record does not quite bear out his statement. The report states that—

In an affidavit by the soldier on September 7, 1891, he states: "He was transferred from the Naval to Camp Parole Hospital at Annapolis, Md., having been treated in said hospital for chronic diarrhea, and while in said last-named hospital he was solicited by his father to return to Manchester, N. H., his home, his father assuming that inasmuch as he, the said Frank Ferrin, was under the age of 18 years, that he, the said father, would and could compel the United States authorities to release him, the said Frank Ferrin, from the service of the United States."

This is a mere affidavit of the boy himself, and it appears that there is nothing to indicate even the truthfulness of the statement that while there suffering from diarrhea his father importuned him to return. Let me say to the Senator—

Mr. SPENCER. The Senator has not got that quite accurately. In the letter at the close of the first paragraph it is shown that the date when the boy deserted was January 20, 1863. That appears at the close of the first paragraph. The time when he was sick of the typhoid fever, as stated at the close of the paragraph on the second page of the report, was January 20, 1863. His desertion was synchronous with the attack of typhoid fever, and when he recovered from that, in 1864, he reenlisted. I submit to the fairness of the Senator—and it is not a bill in which I am interested personally, except from the mere standpoint of justice—that there is no shadow of foundation for a charge of desertion, and all this bill does is to remove the charge of desertion against this 16-year-old soldier.

Mr. KING. The Senator knows, of course, that the bill is the basis for the granting of a pension; that is what it is for. I shall insist on my objection until I have a chance to confer with the War Department about it.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The bill will be passed over. The Secretary will state the next bill on the calendar.

BILLS PASSED OVER.

The bill (S. 2632) to correct the military record of Martin Cletner was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2179) for the relief of Richard Parke was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was announced as next in order.

Mr. KING. Mr. President, I think I shall ask that that bill go over. I am not willing, with the information which is in our possession, to authorize the Secretary of the Navy to make settlements for so large a sum without any judicial inquiry.

Mr. JONES of Washington. Mr. President, I recognize that this is rather an important bill and ought not to be passed if any Senator has any doubt about it. I hope, however, the Senator from Utah will examine into the matter. I believe it would save the Government a great deal of money to give this authority to the Secretary of the Navy.

The PRESIDING OFFICER. The bill will be passed over.

INCREASE OF SALARIES IN PATENT OFFICE.

The bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, it is evident that that measure can not be taken up under the five-minute rule. Notice has been given that upon the conclusion of consideration of the unfinished business the Patent Office measure will be pressed for consideration. I have no doubt it will be, and that there will be no objection to it being taken up then.

The PRESIDING OFFICER. The bill will be passed over.

PHILIP S. EVEREST.

The bill (S. 1730) for the relief of Philip S. Everest was considered as in Committee of the Whole. It proposes to appropriate \$300, to be paid to Philip S. Everest, superintendent and special disbursing agent Bad River (Wis.) Indian Reservation, in full compensation on account of moneys expended by him for the benefit of an Indian allottee upon that reservation whose allotment had been erroneously located by said agent through misinformation given to him as to the location of a reservation corner.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER MAYFLOWER.

The bill (S. 1813) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, let the bill be read.

The bill was read.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments on page 1, line 3, after the name "*Mayflower*," to strike out "and the claims of the passengers aboard said steamer"; in line 10, after the name "*Mayflower*," to strike out "and by the passengers on said steamer by reason of personal injuries and property damage sustained in said collision," so as to make the bill read:

Be it enacted, etc., That the claim of the owner of the steamer *Mayflower* rising out of a collision between said steamer and the United States submarine *L-10* in President Roads, Boston Harbor, on the 11th day of August, 1917, for and on account of the losses alleged to have been suffered in said collision by the owner of said steamer *Mayflower* through damage to and detention of said steamer *Mayflower* may be submitted to the United States Court for the District of Massachusetts, the district in which said collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty: *Provided*, That the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability with costs as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendments were agreed to.

Mr. KING. Mr. President, may I inquire of the Senator from Washington what, if any, steps are being taken by the Committee on Commerce—and I should like to know whether they can take any steps—to reduce the number of collisions for which the United States is being held responsible? It seems as if half of our vessels are guilty of some neglect in operation, as the result of which we are having hundreds of suits to defend and hundreds of claims for prosecution against the Government owing to the alleged negligence of those in charge of the vessels.

Mr. JONES of Washington. Mr. President, the committee has not been doing anything. We have our navigation laws which cover these matters, and regulate how vessels shall be run, and provide for inspection, and provide for the licensing of officers, and so forth; and I have had no complaints with reference to the enforcement of those laws. I have assumed that they are being carried out as fully as possible. Of course, with the large number of vessels that we have, coastwise as well as otherwise, it is not impossible that some men get to be officers who are careless, and act in an irresponsible way, and bring about trouble; but I will say to the Senator, as I said a moment ago, that there has been no complaint made to the committee and the committee has not been giving the matter any consideration. We assume that the Bureau of Navigation and the Steamboat-Inspection Service are looking after these matters as fully as they possibly can.

Mr. KING. What I had in mind was whether or not the laws are being enforced, because it would seem that there ought not to be so many of these suits against the Government; so many claims for damages owing to the alleged unskillful or negligent operation of Government vessels.

Mr. JONES of Washington. Of course, it may be true that during the exigency of the war a good many officers who had not the requisite skill were put on vessels. A great many officers were taken in under a certain license system because of the necessities of the war. It may grow somewhat out of that condition, but I can not say.

Mr. FLETCHER. Mr. President, in the merchant marine act of 1920 we made certain provisions with regard to admiralty suits and claims arising against merchant vessels of the United States. This claim is based on a collision with a naval vessel, and, of course, we have not had anything to do with the operation of naval vessels, Army transports, and things of that sort. This was a collision with a vessel of the Navy.

Mr. JONES of Washington. I was not giving any attention to the bill that was under consideration; but I want to suggest to the Senator from Utah that, as I understand, under the law

every claim for damage caused by collision with a naval vessel must come to Congress. It can not be settled outside. That was one of the very purposes of the bill that came up just a moment ago.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the owner of the steamer *Mayflower*."

PACIFIC COMMISSARY CO.

Mr. STANFIELD. Mr. President, I should like to ask unanimous consent to consider Order of Business 367, Senate bill 34, for the relief of the Pacific Commissary Co.

Mr. FLETCHER. Mr. President, I think we ought to go on in the regular way. We are getting along pretty well. I do not think we ought to take up something out of order now. We are proceeding under unanimous consent at the present time.

Mr. STANFIELD. I do not believe it will take more than a moment; and inasmuch as there are parties interested in this bill who have been detained by its being passed over I hope the Senator will not object. It will take only a moment.

Mr. FLETCHER. Was it included in the list to-day? We began to-day at No. 420 by unanimous consent, and I do not think we ought to go back of that number. We can take up this bill when we get through with the rest of the calendar, but we began to-day where we left off before, at No. 420. It would not be fair to take up bills back of that, I think.

The PRESIDING OFFICER. If the unanimous-consent agreement for to-day was that there should be considered to-day only bills commencing with No. 420 on the calendar, and proceeding from that point, it would bar the request of the Senator—

Mr. FLETCHER. Precisely.

Mr. KING. That was the agreement.

The PRESIDING OFFICER. Because unanimous consent has already been given to consider only bills after Order of Business 420. The Secretary will state the next bill on the calendar.

STEAM LIGHTER "CORNELIA."

The bill (S. 1814) for the relief of the owner of the steam lighter *Cornelia* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the owner of the steam lighter *Cornelia* rising out of a collision between said steam lighter and the U. S. destroyer *Bell* in Broad Sound, Boston Harbor, Mass., on the 9th day of August, 1918, for and on account of the losses alleged to have been suffered in said collision by the owner of said steam lighter *Cornelia* by reason of damages to and detention of or the loss of said steam lighter, her boats, engines, boilers, tackle, apparel, furniture, and supplies, may be submitted to the United States Court for the District of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability with costs as in like cases in admiralty between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOONER "HORATIO G. FOSS."

The bill (S. 1817) for the relief of the owners of the schooner *Horatio G. Foss*, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the owners of the schooner *Horatio G. Foss*, arising out of a collision between said schooner and the United States collier *Jupiter* off Winter Quarter Light Vessel on the 18th day of May, 1918, for and on account of the losses alleged to have been suffered in said collision by the owners of said schooner *Horatio G. Foss* by reason of damages to and detention of said schooner; may be submitted to the United States court for the district of Massachusetts, under and in compliance with the rules of said court, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be pro-

vided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2885) to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefore, and for other purposes, was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN KANSAS.

The bill (H. R. 9060) to authorize the Secretary of War to lease a certain tract of land to the city of Leavenworth, in the State of Kansas, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 11, after the word "said," to strike out "company" and insert "city," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lease to the city of Leavenworth, a municipal corporation in the State of Kansas, the following-described tract of land in the military reservation at Fort Leavenworth, in the State of Kansas:

Beginning at the northwest corner of the 20-acre tract of land formerly in said military reservation granted to the Leavenworth Coal Co. by the act of Congress approved July 20, 1868; thence north in extension of the west line of said 20-acre tract 500 feet; thence east parallel to the north line of said 20-acre tract 820 feet, more or less, to the railroad right of way; thence southerly on the west line of said right of way 503 feet, more or less, to the north line of the said 20-acre tract; thence west on the said north line to the place of beginning, containing 9½ acres, more or less, reserving to the United States, or assigns, the coal, or royalty for the coal, underlying said lands, for the purpose of constructing and maintaining thereon a reservoir and such other works as may be necessary to enable said city to supply the troops at Fort Leavenworth and its other patrons with pure water: *Provided*, That the said city shall have the free and uninterrupted use of said tract of land for the purposes above named, under the direction and control of the Secretary of War, so long as it is so used, and that when it ceases to occupy and use it for such purposes the lease shall be null and void.

That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

Mr. KING. Mr. President, may I inquire the reason for not selling the land? If we are to lease the land, apparently, for permanent occupation by the city, and it is to construct a reservoir upon it, why not alienate it completely?

Mr. CAPPER. The bill simply authorizes the city of Leavenworth to take over the land on the same terms on which it is now being used by the Leavenworth City Water Co., because the city of Leavenworth is to handle the waterworks hereafter. There never has been any arrangement of that kind, and the city of Leavenworth does not seem to want to purchase the land. There seems to be no reason why there should be any change in the arrangement that has existed there for quite a long while.

Mr. KING. May I inquire whether the fee-simple title to the property is in the Government, or are they merely tenants?

Mr. CAPPER. No; I think the title is in the Government. There is a very brief report here from the Secretary of War.

Mr. KING. It seems to me that if the city is to acquire the land for the construction of a reservoir, and it is not needed by the Government, the best thing to do would be to dispose of it entirely and not take two bites of the cherry.

Mr. FLETCHER. Mr. President, I understand that a company, a corporation, now has a lease of this land for the purpose of supplying water to the city, and the city has acquired all the rights and interests of that company. This bill simply authorizes the city to take the place of the company that has had a lease of the land heretofore for the purpose of acquiring the water, and when it ceases to be used for that purpose it goes back to the Government.

Mr. CAPPER. The city of Leavenworth has simply undertaken to take municipal ownership of its water plant, and this transfer to the city of Leavenworth is a formal matter.

Mr. KING. I have no objection to the consideration of the bill.

Mr. CAPPER. There is one amendment.

The PRESIDING OFFICER. The amendment has been agreed to. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, ordered to a third reading, read the third time, and passed.

JULIO CARRAZCO.

The bill (S. 156) for the relief of the heirs of Julio Carrazco, deceased, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay \$2,000 to the dependents of Julio Carrazco, a citizen of Mexico, who was killed by United States troops near Los Adobes, in the district of El Indio, Tex., on January 18, 1918, which said sum of \$2,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. KING. Mr. President, the conduct of this Government, as revealed in the bill before us, is in singular contrast with that of the Mexican Government. This bill indicates that a Mexican was killed, without fault upon the part of the Government of the United States, by a soldier. We appropriate to compensate the family of the deceased, owing to his death.

Mexico treats with contumely the claims made upon her Government growing out of the butchery and assassination of hundreds of Americans upon Mexican soil as well as a large number of Americans who were killed by Mexicans when they were upon American soil and under the American flag. Approximately 800 Americans have been killed, as shown by the recent investigation by the Senate Committee on Foreign Relations, either within Mexican territory or upon United States soil along the Mexican border.

Mexico has refused to make reparation for these wrongs. Wives have been made widows and children have been made orphans through the wanton attacks of Mexican soldiers and Mexican nationals. Hundreds of millions of dollars of American property has been confiscated or destroyed since 1912, and no steps are being taken to compensate Americans who have sustained these losses. The Mexican Government has exhibited, and still exhibits, a most cynical and callous disregard of the outrages committed upon American citizens. The Government of Mexico, whether under Huerta, Carranza, or Obregon, has shown the same indifference when its attention has been challenged to the murders, assaults, and robberies committed, and the acts of expropriation which have taken place.

Thousands of American citizens were driven out of Mexico during President Taft's administration; tens of thousands were compelled to leave Mexico when Mr. Wilson was the Chief Executive; and the situation in Mexico to-day gives no substantial promise that protection to American citizens will be provided. Indeed, a number of American citizens have been killed during the administration of President Harding. Only recently a friend of mine was killed upon Mexican soil by Mexicans. Thousands of American citizens, despoiled of their property, are found along the border States, where for years they have been waiting for redress for the wrongs to which they have been subjected and for opportunity to enter Mexico that they might, if possible, save some of the remnants of their former holdings. Hundreds, if not thousands, of men and women who have been robbed of their possessions by the Mexican Government and the Mexican nationals have gone to their graves, their last days being days of poverty, sorrow, and want. Thousands of American citizens are now anxiously waiting for compensation and for relief from their condition of penury and want resulting from the larcenies and brutal and exploiting policies of the Mexican Government.

Our Republican friends denounced the Wilson administration for its policy of "watchful waiting." Complaints were made that a vigorous policy in dealing with Mexico was lacking. May I invite the attention of our Republican friends to the fact that this administration is pursuing a policy of "watchful waiting"; that Americans are still being murdered by Mexicans on Mexican soil; and that American property is still being confiscated or destroyed, and that tens of thousands of Americans who have interests in Mexico are unable to reenter Mexico or to attempt to repurchase whatever property, real and personal, may have escaped the destructive forces that have operated, apparently, without restriction in most parts of Mexico for many years last past? More than \$500,000,000 of property owned by Americans has been seized or destroyed in Mexico since 1912. The Obregon government is doing nothing to compensate Americans for their losses. Property belonging to Americans is still being expropriated, and there seems to be no genuine reform or no change in the internal conditions of our southern neighbor.

It is time for Mexico to clean house, to mend her ways, to afford protection to American citizens lawfully within her borders, and to make reparation for the crimes which the Government and Mexican nationals have committed against American citizens.

And let us hope the "virile and vigorous" foreign policy promised the country by the Republicans will be adopted in dealing with Mexico.

I am glad this Nation can do justice to Mexican nationals, though Mexico may be deaf to the cries of justice and heedless of the obligations which every civilized nation must observe.

Mr. DIAL. Mr. President, Mexico does not even return the church property which she has seized from citizens of the United States.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAX B. BALDENBURG.

The bill (S. 462) for the relief of Max B. Baldenburg was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Max B. Baldenburg, formerly employed as civilian clerk, Engineer Department at Large, United States Army, on duty with the American Expeditionary Forces, the sum of \$789, out of any money in the Treasury not otherwise appropriated, such sum being the difference between the amount due the said Max B. Baldenburg as per diem allowances while so employed, under the terms of his employment and as established and authorized by the Chief Engineer, Base Section No. 3, and the amount allowed for such purposes by the Comptroller of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. GATTIS.

The bill (S. 1917) for the relief of John H. Gattis was announced as next in order.

Mr. KING. Let the bill go over. I want to look into it.

The PRESIDING OFFICER. The bill will be passed over.

BLANCHE WINTERS.

The bill (S. 2024) for the relief of Blanche Winters was announced as next in order.

Mr. KING. In view of the precedents which we have established, I could not consent to the consideration of this bill, carrying such a large amount. If the \$25,000 be stricken out and \$10,000 inserted, I shall not object to its consideration.

Mr. CURTIS. A similar bill has passed the Senate three times carrying this amount, but if the Senator is going to insist upon his objection I would rather change the amount than to have the bill delayed.

Mr. KING. I suggest that the Senator do that.

The bill was considered as in Committee of the Whole.

Mr. KING. I move to strike out "\$25,000" and insert in lieu thereof "\$10,000."

Mr. CURTIS. That is agreeable.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 1, line 7, to strike out "\$25,000" and to insert "\$10,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Blanche Winters, widow of Charles F. Winters, of Kansas City, State of Missouri, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$10,000 as compensation and relief for the loss, by death, on January 11, 1918, at Camp Funston, in the State of Kansas, of her husband, Charles F. Winters, who, while engaged in the discharge of his duty, in conducting the camp bank at Camp Funston, in the State of Kansas, and in protecting the money and funds of the Government of the United States of America and of the soldiers of the United States Army, was killed by Louis R. Whistler, a commissioned officer and captain of Company E, Three hundred and fifty-fourth Infantry Regiment, Eighty-ninth Division, of the Army of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. B. WATERMAN.

The bill (S. 1059) for the relief of J. B. Waterman, was announced as next in order.

Mr. KING. Let that go over.

Mr. WILLIS. Will the Senator not withhold his objection, and let me make a statement about the bill?

Mr. KING. Certainly.

Mr. WILLIS. A similar bill has already passed the Senate once. Indeed, I inherited the bill from my illustrious predecessor. The matter was gone over very carefully, and after full investigation the Senate decided that it was a meritorious measure.

The facts of the case are simply these: The postmaster at Belpre, Ohio, kept the funds, as he was authorized to keep them, in a safe in the post office. There is no question but what the safe was properly locked by the employees of the office.

The office was broken into and this sum of money, \$418.25, was stolen from the office. It does not seem to me that the Senate of the United States would want to reverse itself in a case which has been carefully investigated, and where the claim is so just as this evidently is. I hope the Senator will not object to the consideration of the measure.

Mr. KING. We have a number of these cases before us where postmasters, for one reason or another, have presented claims growing out of alleged burglaries, and so on. The evidence has shown in many of the cases that they were negligent, that they did not lock the safes, or that they had imperfect safes, which was known to them. I find on the first page of the report the statement:

The Post Office Department objected to the allowance on the ground that the postmaster, J. B. Waterman, had allowed the lock of the safe to get in bad condition.

Mr. WILLIS. Will not the Senator just read on a little?

Mr. KING. It continues:

However, the sworn evidence of several competent witnesses goes to establish the postmaster's claim that the lock was in good enough order to be as near proof against burglary as a new lock would have been. No witness testified otherwise, but the inspector thought the lock defective.

That was the report of the Government inspector, that the lock was defective. May I inquire of the Senator what report Mr. Burleson, the Postmaster General, made?

Mr. WILLIS. It is specifically stated in what the Senator has read. Postmaster General Burleson thought the bill should not pass; in other words, he made an unfavorable report. With great respect, I suggest that the distinguished Postmaster General had not gone into the facts as to this particular case at all. While it was reported that the lock was not in good condition, the affidavits show, peculiar as it may seem, that the difficulty they had was not in locking the safe, but in getting it unlocked. It was more difficult to get it unlocked in the condition in which they found it than when it was working all right, so that instead of its condition aiding the burglar it impeded him. The affidavits, which I have read, and which the Senator has perhaps read, show that they had great difficulty in getting the safe unlocked, so that the alleged defect in the lock could not have aided the burglar in any way.

Mr. KING. Will the Senator permit me, in my time, if not in his, to read from the report of the Postmaster General, which says:

The evidence in this case shows that burglars entered the post office and opened the safe therein, both without the use of force, and took from said safe the Government property for which credit is claimed. The postmaster's safe was defective and he had removed a part of the lock, so that in turning the combination around the lock closed in such a manner that the door could be opened only by turning the lock to a certain number. The inspector was able to open the safe without any difficulty and without previous knowledge of the number.

It was concluded from these facts that the postmaster was not affording to the funds and stamps in his custody that degree of protection required by section 356 of the Postal Laws and Regulations of 1902, which reads in part as follows:

"4. Where stamps and funds are kept in iron safes with 'combination locks,' such safes must be carefully and completely locked at night or when the office is left without occupants for any considerable length of time. The common practice of closing safes with what is termed a 'day lock' or 'day combination' affords no protection against experienced burglars; and in case of loss resulting therefrom no credit will be allowed."

Conforming to the practice of the department in such cases, this claim was disallowed under date of December 6, 1912.

It is not a new claim. He continues:

The evidence in this case has been reviewed, but the department does not feel warranted under the law in changing the conclusion already reached.

In the face of that recommendation of the Post Office Department, and that full review by them, I hope the Senator will justify me in making my objection.

Mr. WILLIS. I trust the Senator, who never is unfair, will not do a thing which would seem to be unfair in reading the statement of the Postmaster General, who was not there, without at the same time permitting the reading of the statements of the men who were there, and who know the facts. Will he not permit me just now to read into the Record what those men said about this very thing? They were there, they saw it and they know about it. The Postmaster General's testimony, as the Senator well knows as an able lawyer, is third or fourth hand. This is the testimony of the men who were there.

Mr. KING. The Postmaster General's report would, of course, be based upon the investigation made by inspectors. We will be compelled to discredit our inspectors if we support this claim. Of course, the Senator can properly read what he wants to, but I hope he will let the bill go over, so that I can make further investigation, and next Monday, during the morning

hour, I shall be glad to have the Senator call the bill up. This course will facilitate its passage.

Mr. WILLIS. With that statement of the Senator I am glad to give him plenty of time to look into the matter, but the next time we have a calendar day I would like to get the bill passed.

Mr. KING. I will join with the Senator in getting it up.

The PRESIDING OFFICER. The bill will be passed over.

JESSIE M. WHITE.

The bill (S. 643) for the relief of Jessie M. White was announced as next in order.

Mr. KING. Let that go over.

Mr. FLETCHER. May I ask the Senator's attention to the bill? In this case I hope the Senator will not insist on his objection.

Mr. KING. I withhold the objection.

Mr. FLETCHER. The Senator withdraws his objection?

Mr. KING. Temporarily. Let the bill be read.

Mr. FLETCHER. It is the case of a locomotive engineer in the Panama Canal Zone, who was injured by a stone which was dislodged by blasting on the canal, by the authorities there, and as a result of the injury the man died. The bill carries the precise amount which was recommended by the department.

Mr. KING. May I inquire of the Senator whether under the compensation act provision would not be made for the family of the deceased?

Mr. FLETCHER. This amount is the amount which would be paid under the compensation act, but under the rules it is necessary to have a special act passed. It is set out in the report that—

Under the decisions of the Secretary of Commerce and Labor it has been held that the year for which compensation is payable under the act begins to run on the date on which the injury results in incapacity for work and terminates with the anniversary of the date of beginning of incapacity.

Then it recites when he was injured and when he died, so that technically he would be ruled out of compensation, but the bill allows him just what he would have been allowed under the law.

Mr. KING. I have no objection to the consideration of the bill.

The bill was considered as in Committee of the Whole.

It had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "\$2,797.20," and to insert in lieu thereof "\$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jessie M. White, widow of the late Mark White, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 in compensation for injuries sustained in the discharge of his duties while employed in the Canal Zone, and which resulted in his death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. SPATES.

The bill (S. 1352) for the relief of Benjamin F. Spates was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. ODDIE. I ask the Senator from Utah if he will not allow the bill to be considered now?

Mr. KING. No; I will not.

Mr. ODDIE. A similar bill has been before the Senate for a great many years, and it has passed the Senate once.

Mr. KING. It is hoary with age, providing for payment of a claim for an alleged injury suffered away back in 1885. If we began reviving cases of that kind the Government would never get through paying.

Mr. ODDIE. The Government is not doing justice unless it pays this claim.

WILLIAM COLLIE NABORS.

The bill (S. 1405) for the relief of William Collie Nabors was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

JESSE GOODIN.

The bill (S. 2664) for the relief of Jesse Goodin was announced as next in order.

Mr. KING. Let that go over.

Mr. FLETCHER. May I ask the Senator's attention to the bill before he insists upon his objection? There are three of these cases—Senate bill 2664, Senate bill 2665, and Senate bill 2666—and they all arise out of the same circumstances. I am

sure the Senator will appreciate the situation and will allow these bills to pass.

The facts are that many people were on a wharf near Pensacola when one of the air machines, operated by an aviator connected with the naval air station there, swooped down on them and killed a number of them.

The Secretary of the Navy reported as follows on the bill:

The facts and circumstances connected with the accident are incorporated in the findings of the naval board which investigated the case, a copy of which, together with the opinion and recommendation of the board, is inclosed herewith.

The bill provides for the payment to the father of the deceased a sum of \$2,500. The department has no means of determining whether this amount is reasonable and just under the circumstances, but it is of opinion that it is not excessive.

In each of these cases the precise amount recommended by the department has been fixed by the committee.

Mr. KING. Let me ask the Senator whether, under the usual rules of pecuniary liability, the claimants would be entitled to anything? The Senator knows very well that in some instances where a son is killed and he makes no contribution whatever to the father, the father would not be entitled to compensation in an action at law, even where negligence was proven.

Mr. FLETCHER. The claim arose out of the death of his daughters, Alice and Lillie Goodin, on March 1, 1921, as a result of being struck by the United States Navy airplane near the wharf at Pensacola, Fla. There were two daughters killed.

Mr. KING. There are three cases?

Mr. FLETCHER. There are three cases altogether.

Mr. KING. What is the aggregate amount involved?

Mr. FLETCHER. Five thousand dollars was the amount claimed in the bill as introduced and \$3,000 was allowed by the committee. One of the others is \$2,500 and the third is \$2,000. From \$5,000 the committee reduced the latter to \$2,000.

There being no objection, the bill was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment in line 5, to strike out \$5,000 and insert \$3,000, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jesse Goodin, of Pensacola, Fla., the sum of \$3,000 as full compensation for the death of his daughters, Alice and Lillie Goodin, on March 1, 1921, on account of having been struck by United States Navy (N-10) seaplane (A-2458) while piloted by John W. Alcorn, ensign, United States Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HATTIE TOLBERT.

The bill (S. 2665) for the relief of Hattie Tolbert was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Hattie Tolbert, of Pensacola, Fla., the sum of \$2,500 as full compensation for the death of her mother, Mary Goode, and her sister, Irma Dean, on March 1, 1921, on account of being struck by United States Navy (N-10) seaplane (A-2458) while piloted by John W. Alcorn, ensign, United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ED THOMAS AND PAULINE THOMAS.

The bill (S. 2666) for the relief of Ed Thomas and Pauline Thomas was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, to strike out "\$5,000" and insert "\$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ed Thomas and Pauline Thomas, of Pensacola, Fla., the sum of \$2,000 as full compensation for injuries received and suffered by their daughter, Pauline Thomas, on March 1, 1921, on account of having been struck by United States Navy (N-10) seaplane (A-2458) while piloted by John Alcorn, ensign, United States Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUREAU OF AERONAUTICS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 3076) to create a bureau of aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes.

N. MAY JERNEGAN.

Mr. DIAL. Mr. President, before the unfinished business is taken up, will the Senator from Washington [Mr. JONES] kindly allow me to ask for the present consideration of the bill (H. R. 5597) granting an increase of pension to N. May Jernegan? I probably will not be in the city next Monday when the calendar is called. I do not think there is any objection to the bill. It is unanimously reported by the committee.

Mr. JONES of Washington. If there be no discussion of the measure, I have no objection. I ask that the unfinished business may be temporarily laid aside for the consideration of the bill to which the Senator refers.

The PRESIDING OFFICER. Without objection, the unfinished business is temporarily laid aside.

Mr. BURSUM. Mr. President, the bill referred to by the Senator from South Carolina is a very meritorious bill. It is the only one of several of its kind that has not been passed.

Mr. JONES of Washington. I suggest that the bill be read. However, if it leads to any discussion, I shall not consent to its present consideration.

The bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of N. May Jernegan, widow of Warren G. Jernegan, late of the Hospital Corps, United States Army, War with Spain, and pay her a pension at the rate of \$125 per month in lieu of that she is now receiving: *Provided*, That one-third of the pension allowed by this act shall be for the benefit of the child until he shall reach the age of 21 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. FINE & SONS.

Mr. NEW. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 1362) for the relief of M. Fine & Sons. I make the request in the belief that it will entail no discussion and that it can be disposed of very promptly. If it does encounter discussion, I shall withdraw the request.

Mr. JONES of Washington. If it will lead to no discussion, I have no objection to its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$13,473 to M. Fine & Sons, of New York, N. Y., to reimburse them for the purchase of 10,000 yards of flannel shirting which was returned to the depot quartermaster, Jeffersonville, Ind., on account of being 8½ ounces instead of 9½ ounces.

Mr. NEW. I would like to make just the briefest kind of a statement with reference to the bill, if I may be permitted.

Mr. JONES of Washington. If there is no objection to the bill, let it be put on its passage.

Mr. FLETCHER. I do not object to it personally. I can not speak for anyone else on this side, but I would like to hear what it is about. I am not advised myself as to the circumstances in connection with it.

Mr. JONES of Washington. If it leads to discussion, I shall have to object. The unfinished business has been delayed three or four days and there are one or two very important bills to follow it, so I am very anxious to proceed with it.

Mr. NEW. It will not take me longer than two minutes.

Mr. JONES of Washington. I yield for two minutes.

Mr. NEW. The Government made a deal with M. Fine & Sons to furnish some wearing apparel to the Government for the soldiers. It was to be made at the Government depot at Jeffersonville, Ind. The Government was to furnish the cloth, and the cloth was to weigh 9½ ounces to the yard. The Government sent the cloth to M. Fine & Sons, and they paid the Government for it. They took off 2 yards of that cloth to start filling the contract and found that instead of weighing 9½ ounces it weighed 8½ ounces. That fact was reported to the Government. The Government said, "We will not accept the manufactured goods as of that weight." The cloth was returned to the Government, but M. Fine & Sons have never been reimbursed and the Government simply has thirteen thousand and some dollars of M. Fine & Sons' money, which it has had two years, and through no fault of M. Fine & Sons.

That is the whole story. The purpose of the bill is to return to M. Fine & Sons the \$13,473 which they paid the Government for something the Government did not furnish. The department recommends the passage of the bill.

Mr. FLETCHER. The Government still has the cloth?

Mr. NEW. The Government has the cloth. That was returned to the Government; and the Government has the money as well.

Mr. FLETCHER. There is a report by the committee in favor of it and the department itself favors it?

Mr. NEW. Yes. The bill passed the House. The department favors it and the committee favors it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUREAU OF AERONAUTICS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3076) to create a bureau of aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. JONES of Washington. I ask that the bill may be read.

The reading clerk read the bill.

Mr. JONES of Washington. Mr. President, the Senator from Oregon [Mr. STANFIELD] has a bill which he thinks may be passed without any discussion. If so, I am willing that the unfinished business may be temporarily laid aside and that the request for the consideration of his bill be submitted to the Senate.

The PRESIDING OFFICER (Mr. McNARY in the chair). In the absence of objection, it will be so ordered.

PACIFIC COMMISSARY CO.

Mr. STANFIELD. I ask unanimous consent that Senate bill 34, which has been pending here for some time, may be now considered.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the consideration of the bill named by him.

Mr. HITCHCOCK. Let us have the bill reported.

The PRESIDING OFFICER. The Secretary will read the bill by title.

The READING CLERK. A bill (S. 34) for the relief of the Pacific Commissary Co.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. OVERMAN. Has the bill been reported favorably by the committee, Mr. President?

Mr. STANFIELD. It has been reported favorably.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of," to strike out the figures "\$38,262.02" and to insert "\$31,847.87," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Pacific Commissary Co., of Seattle, Wash., or to its receiver, trustee out of court, or other legal representative, the sum of \$31,847.87, in settlement of the claim of said company against the United States under an understanding and agreement between the officers of said company and the officer in command of the Army cantonment at Camp Lewis, Wash., whereby said company was to be compensated by the United States for any losses that should be sustained by said company in furnishing meals to Army officers at said camp during the months of August, September, October, and November, 1917, at the price fixed by the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

CALL OF THE ROLL.

Mr. BORAH obtained the floor.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The reading clerk called the roll, and the following Senators answered to their names:

Borah	Hale	Lenroot	Simmons
Brandegee	Harris	McNary	Smith
Bursum	Harrison	New	Spencer
Calder	Hedlin	Newberry	Stanfield
Cameron	Hitchcock	Norris	Sutherland
Capper	Johnson	Oddie	Swanson
Caraway	Jones, N. Mex.	Overman	Trammell
Culbertson	Jones, Wash.	Page	Warren
Cummins	Kellogg	Pepper	Watson, Ga.
Curtis	Kendrick	Phipps	Watson, Ind.
Dial	Keyes	Pomerene	Weller
Fletcher	King	Ransdell	Williams
Glass	Ladd	Sheppard	Willis

Mr. RANSDELL. I desire to announce that my colleague [Mr. BROUSSARD] is unavoidably absent on official business. I

should like to have this announcement stand until he is able to return in the course of the next two or three days.

Mr. WILLIS. I desire to announce that the Senator from Montana [Mr. MYERS] and the Senator from Washington [Mr. POINDEXTER] are unavoidably detained on business of the Senate.

Mr. HARRISON. I desire to announce that the Senator from Tennessee [Mr. SHIELDS] is detained from the Senate on account of illness. He is paired with the Senator from Maine [Mr. HALE]. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. There is a quorum present.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. BORAH. Mr. President, the so-called adjusted compensation bill, more popularly known as the bonus bill, is not immediately before the Senate, but the subject is one which is perhaps entertaining the consideration of the Members of Congress more than any other question now on the calendar or to be on the calendar in the immediate future. I think, therefore, it not inappropriate to discuss the subject.

There are two features of the question which immediately present themselves for consideration. The first is the economic feature of it; the other involves a fundamental principle of government. The former question is, perhaps, the more immediate and vital, although the latter should in the end be more controlling. I shall not undertake to discuss the latter question at the present time, but, as the debate proceeds, it will undoubtedly give rise to discussion.

Mr. President, the disabled soldier stands out and apart from the rest of the citizens of the country, and is entitled to receive and does receive and will continue to receive the gracious consideration of his Government at all times. There is no difference of view, so far as I know, as to the obligation of the Government to equalize as nearly as it can the chances of the disabled soldier in the struggle of life. What we are doing and what we propose to do with reference to the disabled soldier is a matter of much concern and has its bearing upon the proposal of a bonus. The legislation which is proposed with reference to the soldier who has returned unimpaired in body or in mind will have its immediate bearing upon the ability and the willingness of the Government to discharge its obligations to the disabled soldier. It is, therefore, important to inquire what is the obligation which the Government assumes and which the Government must assume with reference to the disabled soldier and how will that obligation be affected by the legislation which is proposed with reference to general compensation. We can not dissociate the questions. One necessarily must have its bearing upon the other.

I call attention to some figures bearing upon the question of appropriations for the disabled soldier up to this time.

In 1918 we appropriated \$179,287,800 for allowances or benefits on account of soldiers and sailors who participated in the World War.

In 1919 we appropriated \$89,253,833.

In 1920 we appropriated \$305,193,993.

In 1921 we appropriated \$271,619,400.

In 1922 we appropriated \$330,250,400.

Making a total for those five years of \$1,175,605,426.

On Saturday last we passed a bill carrying an appropriation, in round figures, of \$406,038,844. I am not sure that that is the exact amount for which the bill passed the Senate.

Mr. WARREN. The Senator need add 45 cents only to the figures he has quoted to make the amount exactly correct.

Mr. BORAH. That appropriation will have to be increased later; and it is perfectly safe to say that appropriation bills passing and those which are to be taken care of in the immediate future will carry at least \$500,000,000 for the disabled soldiers and sailors of the late war.

Mr. WARREN. If the Senator will permit me, we already have estimates for a deficiency bill of \$93,000,000 to complete the fiscal year 1922, and, judging by the past, there will be more asked for 1923 through one or more deficiency bills.

Mr. BORAH. Then, there should be added to the figures for 1922, in addition to the \$330,250,400, about \$93,000,000, making in all for that year about \$423,250,400.

Mr. WARREN. About \$93,000,000; not less than that.

Mr. KING. Mr. President, will the Senator permit me? I think, in addition to the figures stated by the Senator from Idaho and those just given by the Senator from Wyoming, there are a great many other items that are found in other appropriation bills, but the amounts ought to be directly chargeable to this branch of the service.

Mr. WARREN. I did not mind the 1922 figures quoted, because we had one or two large appropriations in deficiency bills, but I assume that the Senator already had those figures. I desire to say, however, that there is quite a good deal of expense in the Public Health Service and other such services, as the Senator from Utah has stated, which, while it can not be enumerated and brought down to exact figures to add to this, is appropriated for the support of our veteran service.

Mr. BORAH. Yes. I think, therefore, it is a very conservative statement when I say that we will appropriate \$500,000,000 for the coming year to take care of those who were engaged in the late war, and who suffered disabilities.

Mr. President, of course, that is only the beginning. The amount which we are now appropriating will continue to grow very rapidly for the next 30—possibly 50—years. I venture to say that within the next 10 years we will be appropriating \$1,500,000,000 a year for the disabled soldiers and sailors of the late war. No one will complain so long as the appropriations are based upon the necessities and the requirements of the disabled soldiers; and I call attention to the matter only that we may know something of the burden which we are compelled to assume and which we will be under obligations to take care of from year to year. We will not shirk the duty, I trust, but we ought not to place ourselves in a position where it may become practically impossible for us to meet it as we should.

These young men who came home, many of them, thousands of them, and it may run into hundreds of thousands of them, supposing that they were in good health, uninjured, and unimpaired in mind or body, find and will find that subtle diseases were contracted or injuries received or the hardships they were compelled to undergo have undermined their health and many times shattered their minds.

Day by day the number we will have to take care of is increasing, and for years will increase. I think it is perfectly reasonable to say that this sum will increase from year to year until it will reach at least \$1,500,000,000 a year in a few years. Even this amount may be greatly increased.

As an illustration, I go back a moment and review the increase of pension appropriations for the Civil War veterans. When we compare the appropriations made for the Civil War veterans and the percentage of increase and the number of years through which the appropriations increased it is perfectly safe to say that before this Government shall have discharged its obligation to the wounded or disabled soldiers the taxpayers of this country will have met an obligation of at least \$75,000,000,000. Conservative experts have estimated it at \$100,000,000,000. That sum seems so staggering and so stupendous that I hesitate to prophesy that we will reach that sum, but I do not know by what process we can reason it down below \$75,000,000,000.

Look for a moment at the Civil War pension appropriations. In 1875, 10 years after the close of the Civil War, our appropriation bill for pensions was \$29,980,000. That was 10 years after the conflict. We are now appropriating \$500,000,000 within four years after the World War. In 1898, and prior to the Spanish War, we appropriated for the veterans of the Civil War \$141,263,880. From 1875 to 1898 there had been this large increase; and in 1921, 56 years after the Civil War, we appropriated \$279,150,000 for pensions. If, therefore, we compare the rate of increase, taking into consideration the larger number with whom we shall have to deal and the greater seriousness of the war as to injuries and wounds, we shall arrive readily at the conclusion that the amount of money which I have suggested as the probable amount which the taxpayers will have to meet is a reasonable figure.

One of the reasons why I am opposed to the bonus bill is because even with the large sums which we are now appropriating I do not believe that we are doing all that we ought to do by the disabled soldiers, and this bonus will make it more difficult to discharge that duty.

I am perfectly aware that the subject of neglect of the disabled soldier is one which is calculated to create much feeling and possibly some undue sentiment, and therefore facts and figures may be exaggerated; but after all these things are taken into consideration I entertain no doubt at all but that those who are in charge of this service—and they are faithful and efficient—could utilize altogether to the benefit and advantage and happiness and welfare of the disabled soldier \$200,000,000 a year more than they are now receiving.

I know by personal observation, as every Senator here knows, there are many cases which call for consideration at the hands of the Government not now being cared for. We know that those who are in close touch with the disabled soldiers are constantly presenting to the Government the fact that the situa-

tion has not yet been met. Only a short time ago a letter was addressed to the President of the United States calling attention to the fact that the neglect of the disabled soldier was a smirch upon the good name of the United States, and stating facts and circumstances which seem to have warranted the conclusion which the writer drew. Among other things, they say:

For example, in the Longview Asylum, at Hamilton County, Ohio, there are 42 gallant soldiers who broke down mentally under the stress of war, although Longview is so overcrowded that 240 of the inmates sleep on the floor like cattle.

I never have heard that statement controverted. Other instances are given, many of them. Other statements have been made which seem to be well founded; and those things, taken in connection with the personal knowledge which every Senator has, either through letters or through observation, lead to the belief that owing to the fact that the Government is now apparently bearing every burden in the way of tax gathering that it can, we are not meeting the situation with reference to the disabled soldier as we should.

Does anyone doubt, Mr. President, that if we impose upon the taxpayers of this country an additional burden of from three and a half to five billions of dollars it will have its effect, and its tremendous effect, in the way of crippling the Government in taking care of those who have every right to be taken care of at the hands of the Government? Can anyone doubt for a moment that in the years which are to come, during the next 4 or 5 or even 10 years, as we are called upon to meet this obligation to the disabled soldiers, we shall be embarrassed by the fact that we have distributed, or agreed to distribute, some five billions of dollars to those who are not disabled? With this bonus of five billion resting upon us many dollars will be denied to the disabled.

I doubt not that it is the wish of the ex-service men throughout the country that the Government should be absolutely certain that it is first meeting, and is meeting unmistakably, the obligation to the disabled soldier, and that it will not be embarrassed in meeting it in the future, before it takes upon itself the burden which is proposed by this contemplated measure. I am sure that all ex-service men want the disabled taken care of as they should be, and none desire to cripple the Government in doing so.

From a message sent a few days ago to Ex-President Wilson by the disabled veterans of the World War I read as follows:

Resolutions looking to the better care of disabled veterans were adopted at the closing session. The conference went on record as favoring immediate construction of all hospitals for which allocation has been made, and establishment of rest homes for convalescents as well as for training men in poor physical condition; also tubercular sanatoriums. It was voted to ask Congress to investigate needs of the War Department in order that service records might be available in establishing the justice of disabled men's claims, etc.

These matters are pouring in upon us day by day and being brought to our attention in many different ways, and I think them important matters to consider in connection with this bill.

Mr. President, let us go back, now, to the 12th day of July, 1921, when this question was before the Senate in the consideration of a measure then upon the calendar. So serious was the financial condition of the country, and in such distress was the Treasury of the United States, that it was deemed necessary to have the President come to the Senate and advise us as to the condition of the country, and as to the probable consequences to the country financially and economically should we pass the bonus bill at that time. I go back to the 12th day of July, 1921, and ask the Senate to consider seriously whether the conditions were worse at that time than the conditions as they exist now, not only with reference to the Treasury, but as to the taxpayer, and as to the condition of industry throughout the country.

If there has been any marked or substantial change in the situation for the better I am not advised of it. Said the President:

If this measure could be made effective at the present time without disaster to the Nation's finances and without hindrance to imperative readjustment of our taxes it would present an entirely different question than that which is now before you. * * * The enactment of the compensation bill in the midst of the struggle for readjustment and restoration would hinder every effort and greatly imperil the financial stability of the country. More, this menacing effort to expend billions in gratuities will imperil our capacity to discharge our first obligation to those we must not fail to aid.

Is not that the precise situation at the present time? Is the financial condition of the Treasury any more satisfactory, notwithstanding the effort to relieve the situation? Have the taxes been reduced to any substantial extent, to such an extent that the taxpayer has felt the relief? Are we in any better position to take care of the disabled soldier than we were on the 12th of July, 1921? Certainly before we change the program and impose this burden upon the taxpayers it is our unmistakable obligation to the country to demonstrate beyond

question that the situation has changed, and that the menace then threatening does not at this time exist. If we impose this burden now without a showing that the situation in the country is far better and that the country is so improved economically and financially that it is able to carry it, there will be but one conclusion—that we are passing the bill for sinister and indefensible reasons.

Again, the President said:

There are the revision, including reduction, of our internal taxation, the refunding of our war debts, and the adjustment of our foreign loans, and it is vitally necessary to settle these problems before adding to our Treasury any such burden as is contemplated in the pending bill.

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. I yield.

Mr. JONES of New Mexico. I believe in quoting the President the Senator read the word "gratuities" as being a proper term to apply to this adjusted compensation bill. I should like to inquire if the Senator who is now addressing us views this adjusted compensation bill as providing for the payment of a gratuity?

Mr. BORAH. I am going to discuss that before I sit down, but I will say in passing that I would much prefer to regard it as a gratuity than as compensation. If I were going to compensate the soldier for his service in the Great War, where he imperiled, or was willing to imperil, his life, I would not care to put it at \$2 a day, payable in little installments spread over a number of years.

Mr. JONES of New Mexico. I would simply like to state that some of us who are very much in favor of this adjusted compensation bill do not regard it as providing for a gratuity, and I can quite understand how a person who would regard it as a mere gratuity might be opposed to the bill. So I am quite anxious to hear the Senator discuss that question when he reaches it in the course of his remarks.

Mr. BORAH. I did discuss it on or about the 13th day of July, and on that particular point. Gentlemen talk about compensation, Mr. President, "adjusted" compensation. Adjusted to what, to what standard? Your stable boy, the unfortunate woman, circumscribed by race and environment, who scrubs the floors of your Capitol, receives more wage than you propose to pay as compensation to the boys who were willing to imperil their lives. I would infinitely rather call it a bonus, a gratuity, from the hearts of the American people, than to insult an American soldier by telling him that he was worth no more than the charwoman upon your Capitol steps.

The President said further:

It is unthinkable to expect a business revival and the resumption of the normal ways of peace while maintaining the excessive taxes of war. It is quite as unthinkable to reduce our tax burdens while committing our Treasury to an additional obligation which ranges from three to five billions of dollars. * * * A modest offering to the millions of service men is a poor palliative to more millions who may be out of employment. Stabilized finance and well-established confidence are both essential to restored industry and commerce.

Mr. President, upon the strength of that message the bill was sent back to the committee. When we were advised by the President that the bill would threaten the entire scheme and plan of bringing back stability to the industrial and financial conditions of the country, the Senate concluded that it would wait until that condition of affairs had passed.

I ask the advocates of the bonus bill, of the adjusted compensation bill, if the conditions which the President pictured to us—and which, no doubt, were founded upon facts—have changed in any material particular whatever? I shall undertake to call attention to the condition of some of the leading industries of the country to show that the situation is far worse in the country at this time, taken as a whole, and by no fault of the administration, I might say, but by reason of economic conditions which must inevitably have come after the war and which did come, than it was six or eight months ago, and we are less able to meet this situation and at the same time take care of the obligations which devolve upon us than we were at the time the President delivered his message.

Take, for illustration, the letter of Mr. Mellon, the Secretary of the Treasury. I am not going to discuss Mr. Mellon's theories or views about things. He may or may not believe in the bonus. Men may differ in their views upon public questions, but he states certain facts with reference to the Treasury and the condition of the Treasury and the financial situation of the country which are stronger and more impelling than the facts which he stated in January, 1921.

First, he contends that there must be a net reduction below the Budget estimates within the two years of 1922 and 1923 or we shall have a deficit of \$300,000,000.

That is the situation so far as the primal facts with reference to the Treasury are concerned. After the estimates are submitted, we are facing a deficit of \$300,000,000. Do Senators think they will be reduced? Who does? We will not have a deficit of \$300,000,000, if the Secretary is correct; we will have a deficit of \$500,000,000 or more. With all our taxes, with all our burdens, with all our promises, we are facing a deficit of from three hundred to five hundred millions. Now, if you are thinking of politics and elections turn that over in your mind. There will be no generalities in the next campaign. We have got to look the taxpayer—the distressed farmer, the worried business man—in the face and talk of concrete things. He will want to know facts and facts about his relief which we promised.

Furthermore these estimates did not take into consideration the \$50,000,000 which is asked by the Shipping Board for the settlement of claims. It did not take into consideration the \$7,000,000 for the Grain Corporation on account of the Russian relief. It did not take into consideration the \$5,000,000 to be paid under the Colombian treaty; and it did not take into consideration the \$50,000,000 on account of additional compensation to Government employees. Here is a sum of \$112,000,000 which was not included in the estimates, which estimates must be reduced as presented or we will have a deficit of \$300,000,000, says the Secretary.

It is a very serious thing, when the people are bearing about all they can bear in the way of a tax burden, to advise them that the worst is not here yet, that we must increase our taxes and increase the burden even without taking into consideration the large sum which we are proposing to cover by this bill.

Further, the Secretary said:

The sources of revenue are drying up faster than the expenditures of the Government are decreasing.

That is no doubt true. It did not need a Treasury letter to tell that. The sources of taxation are becoming dry. From whence are we to draw the increased taxes? Our expenditures in Government affairs increase faster than the sources of taxation increase. Said the Secretary further:

The bonus bill would impose an additional burden of from \$3,330,000,000 to \$5,250,000,000, and it is impossible to meet the bonus bill without providing for additional taxes with which to meet it.

I quote now his exact language:

It would be dangerous in the extreme to attempt to finance the expenditures involved in the bonus through new borrowings. The position of the Treasury remains unchanged.

So far, therefore, as the Treasury is concerned, the barometer by which to test the condition in the country, the Secretary advises us that it remains unchanged since the 12th day of July, 1921. It would seem that ordinary prudence upon the part of Congress would require a presentation of a new set of circumstances and conditions upon which to found the proposed legislation, Congress having at one time refused it because of conditions which were less menacing than they are at the present time.

I think the taxpayer of the country is carrying about all he can carry and, what is of more significance to me than the fact that economically and financially his resources are being exhausted, I suggest that his patience is being exhausted. It is a very dangerous situation when the patience of a people has reached a limit. It is that kind of dynamite the destructive effect of which no human foresight can foresee.

Let us look at the agricultural conditions of the country as compared with the time when the President spoke in July, 1921. I think there is nothing more serious in this country than the agricultural condition. It is a condition which has been growing toward its present status for years, but it has been tremendously accentuated by what has happened during the last several years, particularly since the close of the war. We have known for years that there was a heira going on from the farm to the city, that vast acreages throughout the country were being abandoned; that farms were being abandoned; that a large portion of the agricultural population had given up the struggle upon the farm and gone to the city to work for wages; that congested centers were receiving those who ought to be producing. That is a notorious fact in the history of our country. It has been noticeable to all who have investigated it. But that condition has widened and deepened rapidly in the last few years. It is now nothing less than a problem the solution of which along right lines is indispensable to the future happiness of our people and the stability of our institutions. When the agricultural interests become demoralized, the whole country economically and politically becomes demoralized.

The farm mortgages of owners of farms in 1910 amounted to \$1,726,172,851. Ten years afterwards, in 1920, that indebted-

ness had increased to \$4,018,711,213. This figure does not include the rented farms or the indebtedness of those who are living upon rented farms. As nearly as can now be estimated, the indebtedness of the agricultural interests of the country, of the farmers of the country, owners and tenant farmers, is now \$8,500,000,000. An average interest upon that of 7 or 7½ per cent equals \$620,000,000 a year. That is the basic condition with reference to the farming interests of the country. That is the condition which existed in 1920. That is the burden and the debt which they are carrying. Who can calculate what it means to continue to add to their burden?

I have a letter written by a farmer well known to all north-western men, a man very active in the agricultural life of the Northwest, and whose statement, I think, is not at all exaggerated, Mr. Mansfield, of the State of Washington. Speaking specifically of the conditions in his portion of the country, he said:

There are thousands of farmers in Montana, Washington, and southern Idaho who are unable to send their children to school on account of not having books; a great many of them are living mostly on bread and milk; a good many of them have to go to their banker and beg for money enough to buy a sack of flour. * * * A great many of the farmers, even in our best districts, have not been able to pay their last summer's store bill; therefore they can not take in these people who are hungry and out of work. Farmers will be able to hire but very few men in the spring. In consequence poor farming will be done and acreage will be cut.

That is the condition which prevails not only in the territory which is covered by the gentleman's letter but which prevails throughout the agricultural region in the Middle West and far West very generally. When the time comes to plant the crop, it must be planted then or not at all. When the time comes to gather the crop, it must be gathered then or not at all. We are going to face a condition now inside of the next 90 days in which hundreds of thousands of farmers throughout the country will not be able to plant their crops.

They will not be able to put in their acreage. They are not in a position to hire the help to do so. I submit, Mr. President, that before the Congress advises the farming interests of the country that, notwithstanding the serious condition which prevails, they propose to put upon them their proportion of from \$5,000,000,000 to \$5,250,000,000 of additional indebtedness we ought to take counsel among ourselves as to what will be the probable effect. And suppose these farmers come to you and say we did our duty in the war—we extended our acreage, we paid enormous prices for farm implements, we bought more Liberty bonds than we could afford, which we have since had to sell at a loss; our prices were fixed, the prices we had to pay were not fixed, but we were patriots, we responded to the call; we are now in distress; we want an adjusted compensation bill to help us save our homes, the struggle of a lifetime—what answer will you give them? In other words, is this adjusted for only one class, who did their duty, or are you proposing to throw open the Treasury to all who have enough votes to count?

The young men throughout the country who came back unimpaired in body and mind can not recover until the country recovers. They can not come back economically and financially until the country comes back. The pitiful sum which will be paid to them, small in itself but aggregating tremendously against their fellow citizens, will do them no good if it continues to embarrass the country and prevent recovery in financial and economic conditions. What avail will it be to the soldiers of the country if they receive their five or six hundred dollars and impose an additional burden upon the country so as to delay recovery, to continue to prostrate business, and discourage industry and prevent a recovery?

I read from Mr. Charles F. Scott, a former Member of Congress. I do not think that he is unduly prejudiced in favor of the farmer, as he was criticizing in the same article what is known as the farm bloc. He said:

The farmers have played in awfully hard luck this past year and really deserve sympathy. Right here in Allen County there are many tenant farmers who, after a whole year of hard work, are actually in debt, the crop they raised not selling for enough to pay their rent. * * * Two or three mass meetings have been held, and the only resolutions they have adopted have been by way of an appeal for economy in public expenditures—

Asking that the expensive load they are carrying may be lightened, asking that there may be some relief in the way of the tax burden which is being placed upon them. It is little enough for them to ask, but even that we deny them.

So much, Mr. President, for the farming conditions, though before I pass on I do wish to mention an item which I think of some consideration. On January 1, 1921, according to the report of the Department of Agriculture, there were 10,000,000 less head of live stock on the farms than on January 1, 1920. Milch cows had decreased 298,000, other cattle 1,180,000, swine

5,078,000, sheep 2,047,000. I suspect that these figures are modest, because in my judgment, with reference to two of the items, they should be much larger.

Mr. KING. They are too small with respect to sheep, as we all know.

Mr. BORAH. Undoubtedly. Do you think, therefore, Mr. President, that the condition in reference to the farming interest particularly is any better than it was on the 12th of July, 1921? Do you think the farmer is any better prepared to meet the situation than at the time Congress thought that it was unsafe to impose this burden? Are we any nearer to a restoration of financial conditions, or are we simply nearer the election?

As to the labor condition in the country, it is estimated that there are from four million to four and a half million people out of employment. I have seen statements to the effect that this nonemployment number has decreased to some extent, but they have only been general statements. I know that there is still a very large number of men out of employment, and throughout the cities there seems to be no decrease in the number of the unemployed.

The railroad situation, I venture to say, is no better than it was at that time. If anyone will read some two or three of the statements which have been made before the Interstate Commerce Commission within the last 20 days, he will conclude that, so far as the transportation question is concerned, it has not yet been settled. Some of the most extraordinary propositions are being made to settle the railroad question. If some of the proposals seriously urged are adopted, I presume we will no longer hesitate to recognize the soviet government.

I read a most interesting statement made by Mr. Hoover in regard to the railroad situation, which indicates that he regards it as not only distressful but menacing. In his statement in regard to it he said:

There is nothing that is so irrecoverable a loss to the Nation as idle shops and idle men. To-day we have both in the United States.

Yes; we have them both. Yet we are bending every energy and using all the brain power we have to find something more to tax. We lay on burdens like heirs who riot in some vast inherited estate. There is a day of reckoning. Do not forget it comes this year on November 7.

Mr. President, how are we going to pay the bonus? There is no trouble about voting an appropriation so long as we can vote it out of the air; so long as we merely vote the appropriation and trust to Divine Providence to get the money. When we announce, however, that we are going to lay a tax upon automobiles or that we are going to lay a tax upon gasoline or that we are going to lay a tax upon postage or that we are going to impose a sales tax, then a different situation immediately arises, for there are more taxpayers in the United States than there are ex-service men. The situation immediately becomes serious.

It has been proposed thus far to raise the tax in several different ways. I understand that none of them has yet been accepted or agreed upon, largely for the reason that as soon as it was divulged that a tax was to be laid here or there the protest was so keen and so determined that it was thought wise to shift it somewhere else. It would be ludicrous if it were not tragic.

Mr. President, I have no fear of the passage of a bonus bill if there be included in the bonus bill the method of paying the bonus; but I venture the prophecy now that, after some weeks of investigation and consideration as to what particular industries or what particular commodities are going to be taxed, the question of how the tax is going to be raised will be abandoned and we shall pass the bonus bill without providing for any method of paying it. We will take a reckless chance that in some way or somehow we will find a way to put on this burden and hope to conceal the fact from the taxpayer and the country. I prophesy you will have trouble. Your proposals have called the people to the watchtower, they know now that whether you put it in this bill or a separate bill that they must meet it. It is too late to soothe their anxiety by a little piece of legislative ledgerdom.

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. I yield.

Mr. JONES of New Mexico. In that connection I desire to join in the prophecy which the Senator from Idaho has just made. It will be exceedingly gratifying to me to know, and I should like to inquire if the Senator can inform me, of any reason why there should be attached to the bonus bill a revenue measure for the purpose of paying the burdens which will be imposed by it any more than a revenue measure should be

attached to every other appropriation bill which comes before the Congress?

Mr. BORAH. Mr. President, of course the only reason why we should attach a method of paying the appropriation which will be provided by the bill is to have the money with which to pay it. The soldier, perhaps, would like to feel that it will be paid. The Secretary of the Treasury has told us that there is nothing with which to pay it. We must increase taxes somewhere; we must either increase them in this bill or we have got to pass an additional tax bill. We have not now sufficient means with which to pay the bonus. Then, why not provide the method of its payment in the bill itself? Of course, if we had sufficient funds in the Treasury to pay the appropriation which will be required, there would be much force in the position which the Senator from New Mexico takes, but we have not sufficient funds. We must either write the method into the bill or we must pass an additional bill carrying the necessary taxes, and, so far as the taxpayer is concerned, it will not make any difference to him.

Mr. JONES of New Mexico. The Senator from Idaho has just indicated that under appropriations already made or contemplated there will be a deficit of \$300,000,000. Why should not the Congress in making appropriations have anticipated that situation and provided in the bill making the appropriation the method for raising the revenue?

If this compensation is to be paid to these men, why single this bill out as a vehicle, if you please, through which to carry tax measures which would not otherwise be enacted? If the bonus is to be paid, if it is to be a burden upon the Government, why not raise the revenue for this debt precisely the same as for any other, and, instead of putting a revenue measure upon this bill, why not revise the revenue law and raise the money necessary to meet the demands upon the Treasury? Why not consider a revision of the law and revise the excess-profits tax or adopt some other provision which doubtless would be incorporated if we were revising the revenue law to meet what would be considered as just demands upon the Treasury? Why should this measure be singled out here for the purpose of carrying obnoxious means of raising revenue?

Mr. BORAH. Obnoxious! Of course, everything is obnoxious now which proposes to raise any more revenue. And the thing we want to do is conceal if we can the obnoxious part. The Senator from New Mexico loses sight of the fact that it is immaterial, so far as the recovery of the country is concerned, whether we put the tax in this bill or whether we put it in another. I am perfectly aware that as a political proposition it is more desirable to put it in another bill; but so far as the taxpayer is concerned it does not make any difference whatever, because we have got to lay the tax somewhere; and I submit to the Senator from New Mexico that we have laid upon the people of this country all the taxes we should lay upon them. Whether we do it by special bill or by a general tax bill does not make any difference to the taxpayer; he has got to pay it anyway; the country has got to bear it; and the economic conditions of the country have got to suffer; industry will be retarded, and agriculture will be still further demoralized. Therefore, Mr. President, why should not Congress say, "We are going to pay this bonus, and this is the method by which we are going to pay it," and let the country look it in the face and say whether or not they like it? Let us have the courage to be specific, to assume responsibility.

Mr. EDGE. Mr. President—

Mr. BORAH. I yield to the Senator from New Jersey.

Mr. EDGE. As a matter of fact, according to the statistics which the Senator has read, at the present time, without the additional tax which would be necessary for the payment of a bonus, millions of men are unemployed. Therefore the present system of taxation must be a deterrent to business without any regard to what would be necessary to be raised for the payment of the bonus. Is not that true?

Mr. BORAH. Yes; it is true. The Senator referred a while ago to the question of gratuity and asked whether I looked upon it as a gratuity. I do look upon it as a gratuity. I believe the soldier himself, when he comes to reflect upon it, would much rather feel that he was receiving from the country a gratuity of \$500 or \$600 than that he had consented to place a money value upon his services as a soldier. I can understand how a people out of the graciousness of their hearts, as a matter of gratuity, might wish to donate money to those who had been in their service as soldiers, but I confess that I am utterly unable to comprehend the proposition that a Republic should undertake to fix a financial compensation for those who were willing to sacrifice when their country was in peril. That is the doctrine of Hessianism; that is the infamy of the old practice in Europe,

of a hired soldiery. I think it is infinitely more complimentary to the soldier to say, "We tender you this out of the fullness of our Treasury and out of the fullness of our hearts," rather than to say, "We have fixed a dollar or two dollars a day compensation upon your services as a soldier." Between the two I prefer the gratuity.

But, Mr. President, where are we going to draw the line in this situation in which we find ourselves. You know quite as well as I do that thousands of people who were not drafted into the Army, nevertheless performed valuable services for the Government, services without which the war could not have been won, and who are now in just as distressing condition financially as the soldier may be in.

Will you permit the mother who purchased Liberty bonds at a time when she could not afford to do so, and who has since been compelled to forfeit them or to sell them at a lower figure, and who now may be in want or indigent, and who, perhaps, may have children dependent upon her—will you permit her to suffer, to go hungry, and even to starve, and at the same time dole out to another who performed an equal service in the war, but no greater in proportion to ability and who may not need it at all, \$500 from the Public Treasury? You say "adjusted compensation." Adjusted for what? For service in the war. Where are you going to stop? Did nobody render any service except the man who was conscripted? Did not thousands of citizens render equally good service, and are they not now in need of our help? When we begin to appropriate from the Public Treasury for indiscriminate distribution, there is no line that I know of on the hither side of turning the Treasury over to those who have the most votes. And that is a very hazardous thing to try to estimate.

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. I yield.

Mr. JONES of New Mexico. The Senator, of course, does not overlook the fact that the legislation which was provided for the recruiting of men for the service in time of war embraced something over 24,000,000 men, each one of whom was subject to the call of his country and to be put in the ranks of the country's Army. Out of the 24,000,000 we selected only 4,000,000. The other 20,000,000 remained at home, remained in private employment, many of them, the great majority of them in private employment of their own choosing. They slept under comfortable roofs; they slept in good beds at night; they had their meals regularly. They were subject to the call of their country, just the same as the 4,000,000 men were who were selected to go into the ranks of the Army, but they remained here in civil life, receiving the highest wages ever known in the history of the country.

I ask the Senator if he does not realize that that puts upon this Government some sort of a special obligation to the 4,000,000 men who were called, as compared with the 20,000,000 who were subject to call but who were not called, who remained in civil life and worked for the highest wages ever known in the country, who remained in the ordinary walks of activity, keeping in the channels of business and industry and commerce, retaining their jobs, their employment, and building up for the future, whereas the 4,000,000 were taken away and deprived of those opportunities and those privileges? Does not the Senator realize there is some difference there?

Mr. BORAH. Of course, I can not—

Mr. GLASS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield to the Senator from Virginia.

Mr. GLASS. Mr. President, if I may ask the Senator from New Mexico a question, if he had the choice would he prefer to be one of the 20,000,000 who remained in civil life or one of the 4,000,000 who served in the Army, and especially one of the 2,100,000 who went to the other side to fight? If it were for the Senator to choose, would he prefer to be one of the 2,000,000 who went to the firing line in France, or one of the 20,000,000 who remained here?

Mr. JONES of New Mexico. Mr. President, if I may answer that question, of course many thoughts arise in the mind from the suggestion which the Senator has made. I can realize that there may be a spirit of patriotism for the country which would cause many to want to get into the service of the country. I have no doubt that spirit did actuate thousands and hundreds of thousands; but we did not conduct this war upon that principle. We passed legislation here providing that everybody within certain ages should be subject to the call of the country, whether he wanted to go or not. It is wholly immaterial what I would do under the circumstances. The situation must be judged by the legislation which the Congress passed.

We passed a law which enabled the Government to put its hand upon the shoulder of every one of those 24,000,000 people, whether they wanted to go or not, and we simply utilized the services of 4,000,000 of them in one way, and the services of the 20,000,000 others in another and a very different way. I submit that it is not a question of individual preference, whether one would want to fight for the Government or whether he would prefer to work in a munitions factory, or whether he would prefer to work upon the railroads to move the munitions to the front, and receive higher wages for it. I submit that the question presented by the Senator from Virginia has no application whatever here and is not to be considered in connection with this subject.

Mr. BORAH. I can not quite agree with the Senator from New Mexico that it has no application to the argument. It seems to me that it does reveal, in an unmistakable way, the sordid situation into which these boys are dragged when you come to consider the question of compensation. The Senator from New Mexico eliminates from consideration everything except the mere matter of recompense, which I submit again the soldier himself will resent. The time will come when the soldier himself will resent the proposition that a money compensation has been fixed upon his service, for the very reason which the Senator was driven to use in answer to the Senator from Virginia.

Mr. President, I was about to say, when the Senator from Virginia asked the question, that it is a little difficult to compare the 20,000,000 who did not go with the 4,000,000 who were called to go, because we do not know their different circumstances and conditions; but let me ask the Senator a question. Let us take an individual case and illustrate the proposition by it.

Suppose a young man who has been in the Army was conscripted and has returned uninjured, sound in body and mind. He is now in good circumstances and condition. He does not need the \$500. There is no occasion for paying it to him so far as injuries are concerned or so far as want is concerned. Beside him is his neighbor, a man who did everything within his power, either as a laborer or otherwise, to forward the cause of the war, to assist in winning the war; and they were just as necessary to winning the war, as they were told over and over again, as the soldier was. Suppose this neighbor is now in indigent circumstances. He needs money. With all his labor he saved little because of the high prices. He did his part as a citizen. He responded to the call of patriotism. He met the situation as he could, but in some way or other misfortune has overtaken him. How can the Senator say that he will pay to that man who did his duty \$500, but he will leave the other man, who did his duty, in indigent circumstances and unassisted by the aid of the Government? These young men who were conscripted did their duty; no criticism or censure can be assessed against them. Their country is proud of them. But hundreds of thousands who were not in camp did their duty. They worked days and nights; some with pay; some gave their time for nothing. They were necessary to the success of the war. Some of them now are idle, hungry; their children are hungry. Will the Government remunerate one and turn away from the other? I denounce it as intolerable, indefensible. I would count myself unjust and cruel to pursue such a course. The Government must be just to all; it must treat all alike, or it ceases to be a Government; it is merely organized cowardice.

Mr. JONES of New Mexico. Mr. President, I do not agree, of course, with the premise of the Senator from Idaho in the discussion of this whole measure. I think that the civilian who sustains loss through the ordinary vicissitudes of life, the hazards of business, the chances of gain, and the chances of loss that he takes in every walk of life is in an entirely different situation from the citizen who had no option in the matter, who was taken by his country, who was given no chance to profit or make material gain. If he is indigent his situation is quite different, and there is an obligation to that citizen quite different from the one who becomes indigent or has met with adverse circumstances in the ordinary walks of life; and there are thousands of them, hundreds of thousands, in this country to-day of that very class. Just recently it was estimated that in the city of New York alone there are 75,000 ex-service men now patronizing the charitable soup houses of the city, and I ask the Senator if there should not be some consideration shown them; and it is no answer that there may be other thousands who are not in need.

Mr. BORAH. Mr. President, I submit that the Senator's proposition may be answered by a single statement. We will assume that there are 75,000 soldiers in New York who are in need, that there are 100,000 other citizens who are in need, and that they did their duty in the war just as effectively and just

as necessarily as the man who was conscripted. Do you propose to say to me that I shall dole out of the Treasury to those 75,000 men sufficient to take care of them and leave those 100,000 who are indigent but who did their duty voluntarily as citizens without any assistance whatever?

Mr. JONES of New Mexico. Mr. President—

Mr. BORAH. Let me pursue the matter a little further before the Senator goes on. I ask the Senator to reflect upon the premises of his argument. He says that these men were conscripted, they were not permitted to exercise their discretion, they were not permitted to stay at home, they were compelled to serve their Government, and therefore he would pay them \$500 each. The man who was the neighbor of one of these men, and who was not conscripted, was moved by patriotism and voluntarily went and did his duty. He met the situation as his country called for it. Which one, according to the Senator's own argument, is more entitled to the consideration of his Government?

Mr. JONES of New Mexico. I am sorry that I have been unable to make clear to the Senator the difference as I have tried to do. It seems to me the Senator is laboring under an impression which I do not entertain, that this whole matter is a question of favoritism. It is true that the citizen who served his country in the production of foodstuffs and other necessities of life, and munitions and other supplies to enable our armies to go ahead and fight our battles, did a great service for his country; but that same service was performed by every citizen of this country, and under conditions of his own choosing. He was not taken away from one employment and put into another. He was not taken away from his home and his family and sent into another land or put into a Government camp. His condition was entirely different; and it is not a question of a mere gratuity and considering these people on the same plane at all. I quite agree that if we once concede that everybody who served his country, regardless of the conditions under which he served, is entitled to the same consideration, then there is no answer to the argument presented by the Senator from Idaho; but if we recognize a distinction here, then it seems to me the Senator's argument must fall.

Mr. BORAH. Mr. President, I recognize a distinction only as to the disabled soldier. I recognize no distinction between the different citizens who did their full duty to their Government, whether they were conscripted or whether they volunteered. I recognize no distinction where the soldier comes home uninjured and unimpaired.

Mr. KING. Mr. President, before the Senator leaves that subject may I venture to make a suggestion?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Yes.

Mr. KING. I want to suggest to the Senator from Idaho, in view of the statement made by the Senator from New Mexico, that there were thousands and hundreds of thousands of young men who assumed the burden of caring for their families to permit their brothers to go overseas. Two or three or four in one family would be subject to conscription. They did not draw lots it is true. All were subject to the draft. Some came before the draft board and others did not; but among the members of the family themselves it was agreed that A and B would care for the family and C might go. A or B might have preferred to go rather than to stay, but family considerations prompted them to take that course. There were thousands of cases of that character and others analogous, where it is clear that the men who stayed at home were performing just as much service for the country as those who went overseas.

Mr. BORAH. Mr. President, in the Great War everyone who was loyal to the Government performed service according to his station or position or situation, and it was necessary for each and every one to perform that service in order that we should be successful. It would have been an act of folly or a crime to send these young men across the water if the people at home were not willing to make whatever sacrifices had to be made and to do whatever was necessary to be done in order to meet the situation. I have just as much respect I believe for the ex-service men as the Senator from New Mexico has, but, at the same time, I can not discriminate between the man who was conscripted and did his duty, and did it nobly, and the man who was not conscripted but did his duty and did it nobly, in case misfortune has overtaken them both. If I am called upon to meet and take care of the situation, I want to put it upon some basis of necessity. In other words, Mr. President, if I could single out the 75,000 soldiers who the Senator says are in want, I would feel that I should do by them just the same as I would do by 75,000 citizens who had also done their duty in the war and who also were in want. I will make no

discrimination between the different citizens of my country, all of whom performed every obligation resting upon them during the great conflict, unless one or the other has received an injury by reason of doing it.

That has been the rule in this Republic from its beginning. No other rule has ever been thought of. No other rule, in my judgment, will inure to the benefit of the country in the end. If we can not have service from the citizen upon the basis of patriotism, of voluntary service, then the Republic is at an end.

Mr. JONES of New Mexico. May I just add a word, Mr. President? I think the remarks just made by the Senator from Idaho clearly illustrate the different points of view. Of course, with the premise assumed by the Senator from Idaho I think his conclusion naturally follows; but this bill is framed upon an entirely different idea. The bill does recognize a distinction. If the Senator is unwilling to recognize any distinction, of course, he is opposed to this bill; but some of us, at least, and I hope a very substantial majority of us, view the matter from an entirely different point of view. We feel that there is a difference and that that difference should be recognized, and while we realize that the amount of compensation provided by this bill is insignificant, yet it is at least a recognition of this very difference which we believe to exist but which the Senator from Idaho does not believe to exist.

Mr. BORAH. That never has been recognized to exist before in the history of any free country.

Mr. JONES of New Mexico. This country has never before passed such legislation as we passed for the purpose of carrying on the last war.

Mr. BORAH. Oh, yes, we have.

Mr. JONES of New Mexico. Not at any other time.

Mr. BORAH. Yes, we have.

Mr. JONES of New Mexico. I would like to have the Senator suggest the time.

Mr. BORAH. We conscripted soldiers during the Civil War.

Mr. JONES of New Mexico. The Senator from Idaho knows that was under quite a different measure from the selective service law. If he will just reflect a moment, the distinctions will certainly occur to him.

Mr. BORAH. They do not readily occur to me.

Mr. JONES of New Mexico. I assume it would serve no good purpose to discuss the matter at this time.

Mr. BORAH. I think it would come to me after a while, perhaps.

Mr. JONES of New Mexico. I have no doubt it would.

Mr. BORAH. I voted against the conscription act because I believed that the voluntary service of this country would have been sufficient to protect the interests of the Republic, and I have never had any doubt about it at all. I am one of those who believe that if you have to conscript men in order to get them into the Army, you have not a Government which will last very long. I have not a particle of doubt but what if we had never passed the conscription act we would have had all the young men of this country we wanted to meet the situation. I voted against the conscription act because I believed the only true basis of patriotism was voluntary action upon the part of the citizens, and therefore I do not quite grasp the virtue which the Senator seems to think a man acquired by reason of the fact that he was conscripted. I do not think the fact that a man was conscripted added anything to a man's stature as a citizen, that it added anything to his morality, or that it added anything to his patriotism. I think in all probability we would have had more than we wanted if we had never passed the conscription act. The Senator argues that because the Government forced a man to go, and he was not permitted to exercise his discretion and stay at home, therefore he is entitled to more consideration than the citizen who did stay at home under the operation of the conscription law, but did his duty. I confess I do not see it in that light. At the same time I must not be understood to reflect upon the young man because he was conscripted. I had sufficient faith to believe he would have gone without conscription. He would have gone because he was a patriot.

Mr. JONES of New Mexico. Mr. President, I think the Senator does not quite follow the views which I have been trying to present. I know that the Senator did not believe in the legislation which was passed by the Congress. I did, and if I had had my way about it it would have gone very much further and would have brought into the service of the Government at Government pay a great many of those who were permitted to remain in civil life and draw competitive wages. But I am calling attention to the fact that the legislation which we passed affected 24,000,000 people, and the law itself applied equally to the 24,000,000. When we singled out 4,000,000 of them and put them in a worse position than the other 20,000,000 I submit

there was a vast difference created and something which should be recognized, and I am sorry the Senator from Idaho, with his great, brilliant learning and power and talent, is unable to recognize that difference.

Mr. BORAH. Of course, I appreciate the Senator's sentiment, but I really consider it a compliment that I am unable to recognize the difference. I repeat, there is nothing I could do that I would not do for the man who has been disabled, for the man who has suffered, for the man who has lost by his service, but when the other man comes home just as well as he was when he went away. I then place him in the common citizenship of the country. Whatever law applies to him must apply to all, and whatever law applies to all must apply to him. He is a part of the citizenship of the country, and he is entitled, in my judgment, to no discrimination and no consideration other than that which applies to the whole country. Of course, when the war came on the entire country was called upon to act, and some performed service here and some performed service there, and I do not see how I could discriminate between the citizens, all of whom did their duty, and none of whom received injuries or detriment. I do not think I am entitled to the sentiment which the Senator has expressed.

Just a word more and I will conclude. I read yesterday in the New York World a statement by a distinguished divine in New York, who said:

New York is resting over a social volcano and does not seem to care. Unemployment is upon the increase. Desperation seems to be the order of the day. Thousands of men are turning to crime. Other thousands, formerly competent and cheerful workers, are becoming rapidly unemployable. Mass meetings advocating all sorts of red revolution are becoming increasingly popular. Madness is in the air. And yet those in positions of supposed responsibility are not only letting the situation develop to a crisis, without lifting a hand to improve it, but they class as "anarchist" and "red" any Christian pastor who sets out to feed the starving or offers the house of God on these freezing nights as a shelter to His suffering children.

He said further in the interview that his church is feeding 1,500 men, and that they are sleeping upon the floors of the church night after night.

It is that condition of affairs which interests me when I come to consider this proposition. I know that those young men did their duty, were perfectly willing to do their duty, would have done their duty if no conscription act had ever been passed, and the debt of gratitude which the United States owes to them is beyond the power of language to portray. I admit it all. It was a terrific task, and they were willing to meet it; but, in my humble opinion, the situation which confronts this country at this time is more perilous and requires more consideration and more sacrifice at the hands of these young men than the distressful days in which they were in the camps.

If we are going to recover in this country at all, we can not recover along the road over which we are now traveling. We have \$24,000,000,000 of indebtedness. We have from four to five billion dollars of annual expenses. We have confronting us the task of taking care of the wounded soldiers, at an expense of some \$75,000,000,000 in the next 40 or 50 years.

The interest on our public debt amounts to almost a billion a year. Our obligation to the soldier will take over a billion five hundred million a year. How can we recover if we continue to increase these obligations and this indebtedness and this burden of taxation? What shall it profit these young men with their five or six hundred dollars if their country continues in distress?

I think, Mr. President, that while the appeal to patriotism was strong and effective in the days of 1916 and 1917, the appeal to patriotism now is more essential than it was even at that time. It is not so difficult to get men to do their duty in time of war; the stress and the intensity of the situation nerve them to action. They see things as they are. But in time of peace, when subtle influences are undermining the very pillars of the Government itself, men drift and drift and procrastinate until it is too late. In my opinion the task of the young man who went to war in 1918 is only beginning. We need his leadership, we need his self-sacrifice, we need his command of the respect of the people to point a way out of this situation. He must lead, but he can not succeed along lines now being pursued. If we engage in this indiscriminate distributing money from the Public Treasury, conditions will grow worse for him, as well as for his fellow citizens. If he comes here and asks of the Public Treasury, others will come and ask of the Public Treasury. It will become a matter, as in some countries of Europe, of one class invading the Treasury one day and another class invading the Treasury the next day.

In my opinion the hour of service is now, and not in 1917 and 1918. Every man who is well, every man who is enjoying health, every man who came back unscathed, every citizen, whether under the law of conscription or as a voluntary citizen,

who did his duty then must continue to do his duty now or we shall suffer more in the future than we have suffered in the past. I am not a pessimist, neither am I ungrateful, but the blind fatuous policies now uppermost in legislation are literally driving this country to economic chaos and thousands and even millions of good people to despair.

BUREAU OF AERONAUTICS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3076) to create a Bureau of Aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes.

Mr. JONES of Washington. Mr. President, I do not know of any opposition to the bill which is pending as the unfinished business. The only objection to the bill I have had presented to me has come from those who think that it does not go far enough in giving power to the National Government to regulate aviation.

The proposition first presented was submitted in a bill which covered all forms of aviation, both intrastate and interstate. The committee, after considering the matter very carefully, concluded that we should not go that far. It was very strongly urged that we did not have the legal power or authority to do it, and there is certainly very grave doubt of our authority to do it. So the committee thought we ought to avoid such controversial questions as we could avoid and yet start with what the committee conceived to be absolutely essential in providing for civil aviation.

Mr. OVERMAN. Let me ask the Senator why it is necessary to take control of aviation out of the War and Navy Departments and put it in the Department of Commerce?

Mr. JONES of Washington. I will come to that, although I will say to the Senator that we do not take anything out of the War and Navy Departments at all.

Mr. OVERMAN. Is it not proposed to take the bureaus now in the War and Navy Departments and put them in the Department of Commerce?

Mr. JONES of Washington. No; we do not do that.

Mr. OVERMAN. It is proposed to make a separate bureau?

Mr. JONES of Washington. Yes; to deal with all sorts of aviation except Army and Navy aviation.

Mr. HARRISON. Mr. President, will the Senator in this connection allow me to ask him a question?

Mr. JONES of Washington. Certainly.

Mr. HARRISON. There was a commission appointed to co-ordinate the various bureaus and endeavor to effect a saving for the Government. Mr. Brown has been working on the matter as the personal representative of the President. He has made his report to the President, but the commission have not yet been called together to consider it. I wish to inquire if Mr. Brown was consulted with reference to this matter since in the War Department there is one bureau, or one branch of aviation that is there considered, another in the Navy Department, and now it is proposed to have another in the Department of Commerce. Was Mr. Brown consulted at all about the matter?

Mr. JONES of Washington. He was not. I wish to say that the committee went into the matter very fully. I should like to see all the aviation matters that can possibly be brought under one head treated in that way, but it seemed to be perfectly clear to the committee that aviation in the Army and Navy is entirely different from commercial aviation. The machines are different to a great extent. Of course, in the Army and in the Navy the pilots are enlisted men. They are trained for specific purposes. They make their experiments to accomplish certain definite and particular things along particular lines. They are subject to the orders of their superior officers, and, of course, to Army and Navy discipline.

It seemed to the committee entirely clear that Army and Navy aviation is materially different from civil aviation. The pilots are entirely different. They are under a different system of control. So we concluded that it would not be wise to try to disturb the Army and Navy aviation, but that we should leave that under the organizations under which it now exists. There, of course, they do not add any expense other than what may be necessary for the development of machines, and that would have to be done anyway.

As I said, the pilots are already in the Army and in the Navy, and so are the mechanics and all that class of men, so that from the standpoint of economy there seems to be no reason why Army aviation and Navy aviation should be taken from there and put some place else. But from the very nature of their aviation, as compared with civil aviation, and what we are desirous of promoting, there seemed to the committee every reason why it should be left where it is, and that civil aviation,

taking all the civil branches of the Government, aviation of the Post Office Department, of the Coast Guard, or whatever there may be elsewhere, should be put under a civil bureau or aeronautic division.

Mr. HITCHCOCK. Mr. President—

Mr. JONES of Washington. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. It seems to me there is a possibility that this bureau might more economically be put under the War Department. We have in the War Department, for instance, at the present time the Engineers, who are in charge of our river and harbor development. That works great economy over what we would have if the work were in the Department of Commerce. The art of aviation, after all, is only one art, whether the men are engaged in war or in peace. It seems to me what the Senator is doing now is to create a fourth department of the Government that will be interested in aviation.

Mr. JONES of Washington. It is not a department.

Mr. HITCHCOCK. The Navy Department and the War Department are already in it. The Post Office Department is already in it. Now we are going to have the Department of Commerce interested in aviation and maintaining a bureau whose expense will constantly grow.

Mr. JONES of Washington. Let me suggest to the Senator that by the bill the aviation work of the Post Office Department is put under the civil bureau. All the civil activities of the Government in aviation, except the Army and Navy, are proposed to be put under this bureau.

Mr. HITCHCOCK. Why should not the whole science of aviation, whether used by the Army or the Navy or the Post Office Department or in civil life, be located in one department of the Government instead of being scattered among three or four? I can not see that there is any difference between aviation when it is used in peace and aviation when it is used in war, except that the machines differ. A man who is a good aviator in war is a good aviator in peace, and the same science of aviation applies in the one case that applies in the other. It seems to me the Senator is being tempted and led into the same vicious course that we have gone into so many times in the development of unnecessary Government machinery.

Mr. JONES of Washington. The Senator, I understand, is or at least was a member of the Committee on Military Affairs, and I have no doubt that he has given this matter a great deal of consideration. He knows better about the military conditions than I do. I do not pretend to know anything particularly about the Army and the Navy, but I can see much complication in having the military organization dealing with a great enterprise like this, which we hope to develop into a great enterprise of a purely commercial character. It is different from river and harbor work.

Mr. HITCHCOCK. The reason why the engineering work on rivers and harbors was placed in the War Department was because they had to have engineers in the War Department, and the same engineers who pass on military problems could pass on the problems of bridges, navigation, harbor construction, and river work. So it seems to me with aviation. In the art of aviation, if we may call it such, or the science of aviation, the same man who had charge of the aviators in the Army, testing those aviators, developing them and training them, could test, train, and develop aviators likewise for civil life. Of course, the Senator has studied the proposition more than I have, but it seems to me we are, under a slight temptation, drifting right off again into the mistake of unnecessarily multiplying Government machinery.

Mr. JONES of Washington. I do not desire to multiply Government machinery any more than is absolutely necessary, and I have endeavored to prevent multiplication just as much as possible. I do not agree with the suggestion of the Senator that we have Army engineers in charge of river and harbor work because we must have Army engineers. I think the fact we put the Army engineers over river and harbor work grows very largely out of the jurisdiction of the National Government over navigable streams and navigable waters.

Mr. HITCHCOCK. That is all right, but it could have been put in the Commerce Department and then we would have had another corps of engineers doing exactly what the Army engineers are doing. Engineering is no less a science than aviation.

Mr. JONES of Washington. The river and harbor work is not specifically work for national defense to aid us in time of war, and so on, and yet Army aviation is for the very purpose of developing aviation along specific lines for the national defense as an arm or branch of the Army or an arm or branch of the Navy. It seems to me that is entirely different from civil

aviation. Of course, we could create a board for the licensing of civil aviators, but that would not save us anything.

It must not be forgotten that the organization proposed is a limited one and will develop only as civilian aviation grows. I take it that even the work which we contemplate to have done here, if the Army were capable of doing it, could not be done without some additional officers in the Army. Gen. Patrick, of the Aviation Corps, is an Army officer who does other things and has other duties to perform. I think his time and attention are given up almost exclusively and would all be taken up with the work that they have with reference to Army or military aviation.

Mr. OVERMAN. Mr. President, I would like to inquire what is being done, if anything, in aviation in a commercial way other than the carrying of mails? Are we using flying machines at all for carrying freight? Why should the matter be put in the control of the Department of Commerce? I can not understand the reason for it.

Mr. JONES of Washington. The very thing we want to do is to aid in the development of civil aviation. We do not want the Government to get into it except as may be necessary for the protection of the public. We have eliminated all provisions under which the Government might be obligated to buy landing fields, to buy machines, and all that sort of thing.

The main purpose of the bill is to see to it that machines used in interstate commerce are in good condition, are safe and well constructed, and that the pilots who operate them have the capacity to operate them properly; in other words, they must be licensed. We have nothing of that kind now except as it may have been provided for in the various States. The civil aviators who fly around over Washington City and over the District of Columbia and in the different parts of the country have no license. They do not now have to have any license. If the Senator should desire to go up in an airplane, he has no assurance either that the machine is safe or that the man who runs it knows what he is doing or how to operate the machine. The principal purpose of the bill is to lodge in a department or bureau of the Government authority to make investigation of the machines and to see that the men who propose to run them are competent to do so, and to lay down the rules of the road just as now we have rules of the road for automobiles.

Mr. OVERMAN. But it is proposed to put the matter entirely in a department that never has had anything to do with aviation and knows nothing about it. It seems to me the matter of licensing operators ought to be lodged in a department that knows something about aviation.

Mr. JONES of Washington. Of course this is a new proposition in our country.

Mr. OVERMAN. That is the reason why I am asking about it.

Mr. JONES of Washington. It is an entirely new proposition. We are just starting to build up an organization that will know about it. Of course, the Army people have been trained for the development of Army machines and to operate those. That is all very true. If it is desired to take the Army people away from Army work, and take them out of the Army, that is another proposition.

Mr. OVERMAN. That would seem to me to be the way it ought to be done. It would seem to me it ought not to be turned over to a department that does not know anything about aviation. Why should we have to create a department to license these aviators? Why not have an automobile department to license chauffeurs?

Mr. JONES of Washington. Every State has just that thing. In every State it is necessary to submit to an examination before one can operate an automobile in the various States of the country.

Mr. OVERMAN. Why not leave it to the States to license the aviation pilots?

Mr. JONES of Washington. There is the proposition. If the States would do it, probably it would be all right, but there are only four or five States which have adopted to any degree any comprehensive legislation with reference to the licensing of pilots. Some of them have. Massachusetts, Kansas, and two or three other States have done it. But it seemed to the committee that we ought to have something that would regulate those flying at any rate in interstate commerce. If we had a central organization we could adopt general rules and regulations that would then be followed by the various States.

Most of the countries of the world are doing this. At the Paris conference there was an international air navigation convention held, and they agreed upon a set of rules for the government of international aviation. Practically all of the

countries that had representatives in that convention have ratified those rules, except the United States. The rules were transmitted to Congress and presented to the Senate by Mr. Knox on September 15, 1919, but we have not ratified them.

The action proposed by the pending bill is in line with that proposition for the purpose of getting the country to do something to aid in the development of this great industry. It is just in its infancy, and yet it is estimated that we have 2,200 civilian airplanes in the country to-day, and possibly 500 more that are privately owned.

There are about \$40,000,000 invested in the industry; 92 different corporations contemplate going into the industry; there are over 100 manufacturing plants connected with it; and during the last 20 months it is estimated that machines have flown about 14,000,000 miles in this country.

Mr. KING. Those have been war airplanes and airplanes engaged in the Postal Service.

Mr. JONES of Washington. Many of them have been discarded war machines; that is true; but we should like to see the airplane developed as an adjunct of commerce and of passenger transportation. It is being developed in other countries. While we invented the airplane, yet other countries have taken the lead. They recognize the importance of this means of transportation and communication, and they are developing it to a wonderful extent. I have put a considerable portion of the testimony with reference to this matter in the Record.

Mr. FLETCHER rose.

Mr. JONES of Washington. I shall yield in just a moment. I call the attention of the Senator from North Carolina [Mr. OVERMAN] to the fact that the British Government has granted a subsidy of £600,000 to be paid in three years for the development of civil aviation routes. That shows how it recognizes the importance of this industry and the steps that it is taking to develop it. Over \$3,000,000 are to be spent in three years as subsidies and aids, pure and simple. We do not propose any aid. They have an air ministry over there while here it is contended we should not even provide a bureau. They not only have an air ministry but they say, "We will pay \$3,000,000 in three years to encourage and aid in the development of civil aviation." Now, I yield to the Senator from Florida.

Mr. FLETCHER. I was going to say in reference to the subject of commercial aviation that in a recent address delivered by Mr. C. F. Redden, discussing the operations of the Air Transportation Co., he states that:

During the past year our fleet of 15 boats has flown nearly 100,000 miles. They have carried 8,614 passengers and 29,002 pounds of freight and mail, and without a single serious mishap.

This one concern, the Air Transportation Co., is operating 15 boats.

Mr. Redden continues:

Eighteen months ago we inaugurated a passenger-carrying service around New York, up and down the Sound and from New York to Atlantic City. After five months' operation we felt justified in enlarging our operative organization, and on November 1 of last year a fleet of six 11-passenger converted Navy flying boats inaugurated a daily mail and passenger service between Key West and Habana and also between Palm Beach, Miami, Bimini, and Nassau.

This is just one of the concerns which are operating boats of this kind. These boats, of course, are hydroplanes.

Mr. OVERMAN. Are they doing any considerable freight business?

Mr. FLETCHER. They have carried 29,002 pounds of mail and freight.

Mr. OVERMAN. Oh, "mail and freight."

Mr. FLETCHER. They carried that amount during the time specified here. The public seems to favor flying boats rather than land planes, but the land planes have not, perhaps, been given so much attention. I have not the figures before me. These are regular routes being operated in this country now, other routes have been laid out, and it is contemplated that a regular service on schedule time will be in operation within a comparatively short period, very much the same as the service between England and France and the countries in Europe. They are carrying passengers and freight and express matter and that sort of thing on regular schedules. It seems to me that we should encourage rather than hold back the development of this new science and these new opportunities for transportation.

Mr. OVERMAN. Aviation is a very interesting subject and one that ought to be pushed and inquired into, I will say to the Senator from Washington; but I inquired of him to ascertain what this bill is designed to accomplish, what its object is, and why we should establish another bureau. The Senator from Washington is a member of the Committee on Appropriations, and he, therefore, knows what the establishment of a governmental bureau means. It always involves the

expenditure of hundreds of thousands of dollars. We now have an aeronautical bureau in the Navy Department and we have another one in the War Department. Why should we have another bureau of aeronautics, making in all three great bureaus for this purpose? That is the point that I was about to make.

Mr. JONES of Washington. I am in sympathy with the idea of the Senator from North Carolina, and I think he will bear me out that in the committee I have been consistent in my endeavors to prevent the duplication of bureaus.

Mr. OVERMAN. Yes; and that is why I was somewhat surprised at the Senator's present position.

Mr. JONES of Washington. But I can not see the room for expansion in the Army aviation bureau or in the Navy aviation bureau, because those bureaus must confine their work to certain lines, and that work must largely be governed by officers of the Army and officers of the Navy. I do not think we have any evidence of the expansion or the growth of those bureaus, which are confined to a particular line of work and which must be so confined. There can not be any excuse for their expansion. If we should provide for their carrying on the line of aviation work proposed by the bill, they would have to expand—there is no question about that—and I have no doubt that the expense would be just as great as in the case of the bureau which it is now proposed to establish. We have started it out in a very modest sort of way. It was proposed by the bill as it was originally introduced to create a bureau with a commissioner drawing a salary of \$7,500, and then an assistant commissioner, and so on. We have eliminated the assistant commissioner, we have fixed the salary of the commissioner at \$6,000, and we provide only for additional employees where Congress may appropriate for them. Unless the industry develops rapidly, the bureau will not so develop; but, of course, if the industry shall develop as we really hope it will and as I am inclined to think that it will develop, then we will need a larger force, but we would need that same force in the Army or in the Navy.

Mr. FLETCHER. May I suggest to the Senator that the Army and the Navy will receive the advantages and benefits arising from this development through the civil agency?

Mr. JONES of Washington. Yes. In addition to that, the building up of civil aviation will furnish a reserve from which the Army may draw in case of war when it is needed, whereas if we confine our efforts along this line to the Army we will not build up such a reserve. If the civil bureau shall be established we will have trained mechanics; we will have scientific methods of constructing machines, trained pilots, and all that sort of thing, in civil life, who, if the need comes in war, will be available. If we do have war it is going to be largely in the air, and there is where we need to make the preparations.

It is interesting to note what the countries on the other side of the ocean are doing. For instance, let us take Italy. I have here the Aeronautical Digest, which gives information with reference to this industry all over the world. As to Italy it says:

Italy has increased her air budget for 1921-22 to 66,000,000 lire, an advance of over 26,000,000 above the 1920-21 budget.

Some idea of the business already being done by aerial routes can be gained from the annual report of one of the 20 private companies which the Government has licensed.

They license them there.

This is the Societe Anomima Imprese Aeree of Milan, which is using both airplanes and dirigibles in its transportation business. During the first year of its existence it carried a total of 3,291 passengers without a mishap. Its total mileage for the year is over 100,000 kilometers and its entire hourage of actual flight 9,998 hours and 11 minutes.

The Digest gives an account of an exposition held in France, and says:

Twenty-six countries were represented at the first International Congress of Aerial Navigation held in connection with the Aeronautical Salon in the Grand Palais, Paris.

Here is an interesting statement which is almost unbelievable:

Breuet told of an airplane which, leaving Paris and flying at an altitude of 12,000 meters, would fly completely around the earth and return to Paris 24 hours later. The ultimate speed of machines flying at this height, he said, would be 800 meters per second, which is faster than that of an artillery projectile.

I presume we would consider that a dream. I like to fly, but I do not think I want to fly that fast. Here is the kind of machine, however, that they are developing over there already:

Paris to Buenos Aires in three days, making only five stops on the way. The cost of the journey, he said, would, roughly, correspond with that of a first-class passage to-day on an ocean liner.

Paris Exposition: The machines built for the France-Morocco line are fitted out with large sections, reminding one of a yacht cabin. They also contain a small cooking galley, lavatory, and baggage room. They are built of metal trellis work, covered with metal plates, and lined with wood. These bodies give a wonderful impression of strength and solidity. Other giant planes contain seats which can be converted into sleeping berths. There is even a toilet room.

Two, three, and four engine planes are the features of the exposition. Among these is the largest airplane ever built in France, the super-Goliath *Farman*, which is 22 meters long and spans more than 34 meters. The total power of its four engines is 1,500 horsepower. Weighing 10,000 kilos, this giant can carry 20 passengers in a single flight of 10 hours from Paris to Algiers.

France has gone ahead of all countries in the promotion of its commercial aviation, as shown by a statement in the *Journal des Debats* that during June last French air companies carried 1,553 passengers.

I think there is a misprint there; evidently there has been some mistake.

Estimates show that in 1920 French airplanes carried 5,864 passengers, as against 729 in 1919, and 124,195 kilos of merchandise were transported, an increase over the 1919 figures of 14,080 kilos. More than 1,000,000 miles were traveled by commercial planes in 1921.

The longest traffic route at present is that from Toulouse to Casablanca, Morocco, which takes about a day and a half, with a stop overnight.

The Digest gives an account of the airplane situation in the various countries there, Germany, England, and other countries. I am not sure whether the Senator from Florida referred to a statement with reference to the company that is operating from New York, but I rather think he did. I was very much surprised myself to find that we have a company in this country which is operating, as I recall, 10 passenger machines pretty regularly. They took one of these machines and started at Key West, Fla., went to New York, thence to Montreal, thence down the Mississippi, and clear around back to Key West without any mishap, a trip of 7,000 miles.

Some may say they are doing that without any legislation of this kind, and therefore why do we need any legislation? Some of course are doing it, and yet the industry is being discouraged in a way because of the fact that the Government is taking no steps to insure the safety of proper aviation. I have the testimony of one of the representatives of the manufacturing branch of the industry and I want to read what he says. I quote from Mr. Frank H. Russell, vice president of the Curtiss Aeroplane & Motor Corporation and secretary of the Manufacturers' Aircraft Association. We asked him about accidents, and whether he had analyzed them exactly in order to be able to state the cause, and so forth, and he says:

The development of an industry depends primarily on the demand and the possibility of interesting capital. To-day I can speak feelingly with reference to this phase of it. If one discusses it with other interested business men, enthusiasts over aviation, as one does quite frequently, they ask, "How can we get into this wonderful business?" and we are forced to advise them that the time is not ripe, that there isn't the control in this country sufficient to make it a stable and safe business in which to invest their money. Our insurance companies have been more than broad in their endeavor to insure and protect planes. In fact, the Underwriters' Association has published a circular which is an attempt to so control aviation that they may insure planes. But that, after all, isn't a good control, and they haven't the facilities to carry it into effect. I do not believe we can expect that safe aviation will become an element in our transportation problems in this country until we can have some unified control of the air. There are more than 14 laws in various States of the Union to-day which are an attempt to control aviation that apparently have not been given careful study. In other words, they are not practical. There have been some 15 or 20 that have been shelved during the last two years on the promise that Congress would surely take up the question of flying control and promulgate laws which can be made universal.

The Senator from Florida [Mr. FLETCHER] asked this question:

Do you think, Mr. Russell, with the regulation and control provided in this bill, that private enterprise will go ahead and develop the industry?

Mr. RUSSELL. Absolutely. My company builds, designs, and sells airplanes, but does not operate them, except, you might say, in an introductory way. We have been approached in the last year by two groups of capital anxious to enter into the commercial aviation field, but, as I said before, in both of these instances we have had to discourage the attempt at this time.

Senator WADSWORTH. You are afraid it might get a black eye?

Mr. RUSSELL. We know it would, sir. Flying properly done under proper control is extremely safe, and by that very statement the opposite is true. We had a little meet in Kansas City during the American Legion convention, old Army flyers mostly attending. There were 76 airplanes in that contest on an improvised field, 75 of them flying from their home ports, as one might call it, to the field. During those four days there were 60,000 miles of flying done, and with the exception of the wiping off of the landing gear of one of the racing planes there wasn't a single accident. There were over 3,000 people taken up in flights during that period. The machines flew, seven or eight of them, from New York, three or four from Chicago, some from Texas, and from all over the country. That was all done by intelligent operators with good machines.

I asked this question:

Well, doesn't that tend to show that you don't need Federal legislation to provide regulation and control?

Mr. RUSSELL. No, sir; because two days after they had a meet in Omaha and they killed a man the first afternoon and had another rather regrettable accident three or four days afterwards because of trying to fly a speed race over a course of 30 miles in which there was no landing field.

The CHAIRMAN. Were they the same fliers that were at Kansas City?

Mr. RUSSELL. Exactly the same personnel. They flew from Kansas City to Omaha.

The CHAIRMAN. They didn't act very intelligently, then, did they?

Mr. RUSSELL. They went into a contest where the prizes were tempting, and because they were near by.

The CHAIRMAN. Do you think if this bill were enacted they wouldn't have entered into that contest?

Mr. RUSSELL. I believe they wouldn't have entered into the contest, because the commissioner of civil aviation would not have approved that course for a race of that kind.

And so forth.

It seems to me, Mr. President, that when we consider the nature of this means of transportation the need of some control is clear and apparent; that so far as the National Government can exercise its rights in the way of seeing that the men who run these machines are skilled and are trained to do it and that the machines are of a proper character we ought to do it. I believe that when the public is convinced of the safety of flying there will be a great increase in the patronage of these machines; that it is a kind of transportation which, if we are just satisfied that it is safe, will be very enticing and very enjoyable. I know that it is very enjoyable, as far as I am concerned. I feel safer in a good machine with a good driver than I do in an automobile going around through the streets.

So, Mr. President, the committee felt that we ought to start this matter. As I say, we did not go nearly so far as these people wanted us to go. We have restricted the authority of the Government over this subject to machines flying in interstate commerce, or over public property and public buildings. We thought we had a right to do that, and that we not only had an undoubted right to do it but that we ought to do it for the preservation of our property. Then we have recognized the rights of the States by recognizing a pilot license under the laws of the States as a pilot license to do business in interstate commerce. We felt—now, this was not in harmony with the views of those who were urging this legislation; they did not think that ought to be done—the committee felt that when this bureau is organized, and studies the question carefully, and takes into consideration the various rules that were adopted at this great international convention and congress and the various rules and regulations provided in the different countries, it will prescribe and promulgate a series of rules and regulations with reference to the licensing of pilots and the licensing of machines and the landing of machines that will be adopted by the various States of the Union, and that it will not be necessary for the National Government to extend its authority further.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES of Washington. I yield to the Senator.

Mr. HITCHCOCK. In any other countries that have made considerable advances in the art of aviation is there any similar division of governmental functions with relation to aviation? I have the impression that in Great Britain, for instance, there is an air ministry that has charge of all aviation, and I have the impression also that there is something similar in France and in Germany. I think the Senator from Indiana [Mr. New] had a plan of that sort; and while I opposed it at the time, for certain reasons, I believe that if the Government is to go into this thing it ought not to scatter the various aviation activities through three or four different departments.

Mr. JONES of Washington. I want to say that the Governments in several of these other countries go very much further into the business than we do. I think I asked Gen. Patrick or some one else before the committee with reference to that matter. In France, for instance, they are making these largely governmental activities. In Great Britain, as I said a moment ago, their air ministry may have charge of aviation in the Army; I am not so sure about that; but, nevertheless, they do separate and recognize the difference between Army aviation and civil aviation.

Mr. HITCHCOCK. Oh, of course there is a difference, but they are all under one control.

Mr. JONES of Washington. That may be true under their system of government, which is very different, too, from ours, and the Government gets more into the industries there than ours does. Then, we must recognize the fact that France, for instance, is a much smaller country than ours and not divided up into State jurisdictions, and so forth, as ours is. I do not know that they have a separate bureau.

Mr. HITCHCOCK. Let me put a practical question to the Senator. If this is put in the Department of Commerce, will it not be necessary not only to maintain a bureau in the department here in Washington, but to have the Department of Commerce represented all over the United States wherever aviation activities occur; and does not that mean installing new Government officers there? The Army is organized practically all over the United States at present.

Mr. JONES of Washington. The Senator certainly is mistaken in regard to that. The Army does not have representatives in very many of the cities of the country, and it would certainly have to send its representatives to these different places. We have military posts at certain places, of course.

Mr. HITCHCOCK. I can tell the Senator differently from that. The whole country is geographically divided under the War Department into what are now called Army corps, as I recall, and each Army corps is subdivided again, and there are Army posts and Army representatives, as I say, all over the United States in one or the other of those corps or areas of subdivision. There is there already, then, something of a machinery provided, and if we put this in the Department of Commerce we will have to spread the Department of Commerce all over the United States, whereas at the present time its activities are confined very largely to Washington. The Post Office Department, which is developing a very effective transportation by air routes, is represented all over the United States. We would have to spread the Department of Commerce all over the United States, and we would be producing the very thing that we have been trying to escape—the duplication of Government activities among the various departments. Is there not some way in which the Senator can provide for the consolidation of these activities?

Mr. JONES of Washington. Mr. President, I do not see how it can be done in a practical way. If we put it under the Army, we will have to have Army inspectors all over the country and we will have to have them trained along these lines, and it seems to me that we will have to add to the Army organization. The Army, of course, has representatives in different parts of the country; but I do not think the aviation branch of the Army is represented in anything like the sections of the country that probably would have to have inspectors in order to inspect these machines and license these flyers.

Mr. HITCHCOCK. Did the Senator investigate the question abroad, as to whether there is any division of authority in the different departments of the Governments there over aviation? Is it not a fact that all of the foreign Governments have consolidated the control of the air in one department?

Mr. JONES of Washington. I do not know whether that is a fact or not; but, as I look at it, it is impracticable to do it in this country. It would not save anything, either in money or in the multiplication of employees.

The committee recognized that there will have to be some inspectors of the Department of Commerce in various sections of the country to inspect these machines; but by the terms of the bill we have limited that to a very great extent. Under the bill as originally introduced inspections could be made of these machines at any time that the department saw fit to do it. We have limited their inspections, really, to about the first time the machine flies—one inspection. Personally, I believe that there should be more than one inspection; but we thought that for a while, at any rate, until we could see how the industry developed, we would not put it so that there could be a great multiplication of inspectors throughout the country, and we thought that a very limited number would be sufficient to make the inspection of the machines that are presented for inspection in order to engage in interstate commerce. Of course, we shall not need very many at the start. If this industry should develop in this country as we hope it will with proper encouragement, then it will require more inspectors, just as we have to have inspectors for the Steamboat-Inspection Service. They are Department of Commerce officials. Congress may provide, or it might provide later on, that steamboat inspectors shall be trained also in the science of aviation and in the art of flying, and so forth, so that they can act as inspectors of machines. That is just as practicable as it would be to have the Army do it. I doubt if that is practicable, so far as that is concerned. I do not think we ought to require all steamboat inspectors to be trained so that they can handle airplanes, because I think that would be more expensive than the system we have provided in this bill.

Mr. President, I do not know that there is anything more that I can say. As I said a while ago, I do not pretend to know very much about military organizations or military matters; but looking at it just in a practical way—and I do not want to reflect upon anybody—looking at it from the layman's standpoint and from what I should say is the common-sense standpoint, it does seem to me that we ought to deal with civil aviation and we must deal with civil aviation in a different way from that in which the Army deals with the machines that it is trying to develop as a purely military instrument of the Government. Of course, if the Congress should want to put this activity under the Army it can do it, and if we are not going

to take any steps at all except that, let us do that; but I think it would be extremely impracticable.

Mr. President, the possibilities for the development of this industry are very great in this country. The essential thing, as Mr. Russell says here, is to convince the public that flying is safe, that it is carried on properly, and in order to convince the public that it is safe we can show them that the machines are safe and well constructed, and that the men who are running them are competent, careful, and well qualified to do it, and they will then have confidence in it.

I do not know whether anyone desires to go on further tonight, but I would like to have some formal amendments adopted.

Mr. KING. I suggest to the Senator one amendment which I shall offer to-morrow. It is to strike out "\$6,000" and insert in lieu thereof "\$4,000," as the salary of the commissioner of aeronautics.

Mr. JONES of Washington. That, of course, is a proper amendment. The bureau in charge of aeronautics in the Navy is called a bureau of aeronautics, and I think we should put the word "civil" before the word "aeronautics" in this bill, so as to create a bureau of civil aeronautics. Therefore I propose to amend by inserting the word "civil" before the word "aeronautics" wherever it is found in the bill.

Mr. KING. And also in the title of the bill.

Mr. JONES of Washington. We would have to amend the title, of course.

The PRESIDENT pro tempore. There are two amendments proposed by the committee.

Mr. JONES of Washington. The amendments proposed by the committee are a mere transfer of a clause inadvertently put in on page 2, when it should have been inserted under section 12. So I ask that the committee amendment striking out the words on page 2 and inserting those words on page 7 may be adopted.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 2, line 10, after the word "jurisdiction," strike out the words "except in conformity with the provisions of this act and such rules and regulations as may be promulgated pursuant thereto."

The amendment was agreed to.

The next amendment of the committee was in section 12, on page 7, line 20, after the word "commerce," to insert "except in conformity with the provisions of this act and such rules and regulations as may be promulgated pursuant thereto," so as to make the section read:

SEC. 12. That it shall be unlawful to use any civil aircraft in commerce except in conformity with the provisions of this act and such rules and regulations as may be promulgated pursuant thereto.

Mr. KING. Let me say to the Senator from Washington that I shall oppose that amendment, in connection with some other provisions, upon the ground that it is committing to the Secretary of Commerce, I will not say legislative powers, but the authority to define crimes and misdemeanors by departmental regulations.

Mr. JONES of Washington. I would suggest, then, that the better course would be to strike out that authority, which is contained in other parts of the bill.

Mr. KING. I felt that it was fair to the Senator to state my position.

The amendment was agreed to.

Mr. JONES of Washington. On page 5, line 20, after the word "corporations," the word "of" should be changed to "or." I move that amendment.

The amendment was agreed to.

Mr. JONES of Washington. On page 3, in line 14, the words "interstate and foreign" should be stricken out before "commerce." That will make it harmonize with other parts of the bill. I move that amendment.

The amendment was agreed to.

Mr. JONES of Washington. I move to amend by inserting the word "civil" before the word "aeronautics" on page 1, line 5.

The amendment was agreed to.

Mr. JONES of Washington. I move to amend by inserting the word "civil" before the word "aeronautics" on page 2, line 14.

The amendment was agreed to.

Mr. JONES of Washington. I move to amend by inserting the word "civil" before the word "aeronautics" on page 3, line 3.

The amendment was agreed to.

Mr. JONES of Washington. I move to amend by inserting the word "civil" before the word "aeronautics" on page 4, line 22.

The amendment was agreed to.

Mr. JONES of Washington. On page 4, line 23, after the word "section," I move to strike out the numeral "2" and to insert in lieu thereof the numeral "3."

The amendment was agreed to.

Mr. JONES of Washington. On page 5, line 3, I move to insert the word "Civil" before the word "Aeronautics."

The amendment was agreed to.

Mr. JONES of Washington. On page 6, line 6, I move to insert the word "Civil" before the word "Aeronautics."

The amendment was agreed to.

Mr. JONES of Washington. On page 6, line 20, I move to insert the word "Civil" before the word "Aeronautics."

The amendment was agreed to.

Mr. JONES of Washington. On page 8, line 22, after the word "that," I move to insert the words "the Secretary of War" and a comma, so as to read:

That for the purpose of encouraging the development of civil aviation in the United States, full cooperation shall be given by the Secretary of Commerce to the owners or operators of civil aircraft, and that the Secretary of War, the Secretary of the Navy—

And so forth.

The amendment was agreed to.

Mr. JONES of Washington. On page 9, line 13, I move to amend by inserting the word "Civil" before the word "Aeronautics."

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I understand that an executive session is desired. I ask unanimous consent that when the Senate concludes its session to-day it take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate, pursuant to the order previously made, took a recess until to-morrow, Tuesday, February 14, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 13, 1922.

UNITED STATES DISTRICT ATTORNEY FOR CHINA.

Leonard G. Husar, of California, to be district attorney of the United States court for China.

REGISTER OF THE LAND OFFICE.

Edward P. Gorman, of Wausau, Wis., to be register of the land office at Wausau, Wis., effective upon completion of consolidation under the act of October 28, 1921.

POSTMASTERS.

ALABAMA.

John E. Hurst to be postmaster at Leeds, Ala., in place of H. T. Caffey, resigned.

ARKANSAS.

John A. Davis to be postmaster at Hope, Ark., in place of D. B. Thompson. Incumbent's commission expired August 6, 1921.

CALIFORNIA.

Frank F. Smith to be postmaster at Oilcenter, Calif. Office became presidential October 1, 1921.

William H. Hitchcock to be postmaster at Shafter, Calif. Office became presidential April 1, 1921.

Mary L. Cogan to be postmaster at Santa Margarita, Calif. Office became presidential July 1, 1921.

Mae C. Lodge to be postmaster at Auberry, Calif. Office became presidential July 1, 1920.

COLORADO.

Frank S. Lucas to be postmaster at Clifton, Colo. Office became presidential October 1, 1920.

Grace Conard to be postmaster at Olney Springs, Colo., in place of G. L. Johnson. Incumbent's commission expired July 21, 1921.

DELAWARE.

Edward H. Naylor to be postmaster at New Castle, Del., in place of J. P. Murphy. Incumbent's commission expired October 5, 1921.

FLORIDA.

Orrell W. Prevatt to be postmaster at Seville, Fla. Office became presidential July 1, 1921.

Robert L. Waldron to be postmaster at Pompano, Fla. Office became presidential July 1, 1921.

Vilma B. Rhodes to be postmaster at Oakland, Fla. Office became presidential July 1, 1921.

Clayton P. Bishop to be postmaster at Eustis, Fla., in place of G. J. Dykes. Incumbent's commission expired January 31, 1920.

ILLINOIS.

Delta C. Lowe to be postmaster at Mason City, Ill., in place of T. N. Sutton, resigned.

Lillian M. Dilg to be postmaster at Morton Grove, Ill. Office became presidential July 1, 1920.

Lacey D. Irwin to be postmaster at Kane, Ill. Office became presidential April 1, 1921.

William A. Kelly to be postmaster at West Frankfort, Ill., in place of N. V. Greathours, resigned.

Ora C. Baiar to be postmaster at Johnston City, Ill., in place of W. E. Clayton, resigned.

Eber E. Bassett to be postmaster at West McHenry, Ill., in place of E. E. Bassett. Incumbent's commission expired September 25, 1921.

Charles F. Gard to be postmaster at Meredosia, Ill., in place of C. H. James. Appointee failed to qualify.

INDIANA.

Ben H. Sink to be postmaster at Jasonville, Ind., in place of M. A. Thomas, resigned.

Charles E. Combs to be postmaster at Bloomfield, Ind., in place of G. E. Endres, resigned.

Maude E. Mitchell to be postmaster at Ellettsville, Ind. Office became presidential January 1, 1921.

Moody L. Katter to be postmaster at Huntingburg, Ind., in place of B. W. Pickhardt, resigned.

Arthur F. Saylor to be postmaster at New Paris, Ind. Office became presidential July 1, 1921.

Lorinda Guy to be postmaster at Etna Green, Ind. Office became presidential April 1, 1921.

Elisha A. McGinnis to be postmaster at Clayton, Ind., in place of F. L. Allen, resigned.

IOWA.

Ira S. Hogate to be postmaster at Tracy, Iowa. Office became presidential July 1, 1921.

Christa A. Hendrix to be postmaster at Silver City, Iowa. Office became presidential April 1, 1921.

Walter H. Vance to be postmaster at Winterset, Iowa, in place of Arthur Goshorn. Incumbent's commission expired August 7, 1921.

Harold H. Hubbard to be postmaster at Rockford, Iowa, in place of C. E. Dawson. Incumbent's commission expired June 1, 1920.

Raymond W. Rhoades to be postmaster at Glenwood, Iowa, in place of W. H. Fickel. Incumbent's commission expired January 24, 1922.

KANSAS.

Elmer E. Haynes to be postmaster at Madison, Kans., in place of Ella Braddock, resigned.

E. Ervin Townsden to be postmaster at Hugoton, Kans., in place of D. F. Derrick, resigned.

KENTUCKY.

Courtney G. Kelly to be postmaster at Burlington, Ky. Office became presidential October 1, 1920.

Walter Robins to be postmaster at Brodhead, Ky. Office became presidential April 1, 1921.

Lola B. Hollaway to be postmaster at Sedalia, Ky. Office became presidential April 1, 1921.

William I. Myers to be postmaster at Greenup, Ky., in place of E. D. Taylor. Incumbent's commission expired August 30, 1920.

Raymond C. Tipton to be postmaster at Corbin, Ky., in place of J. J. Hagan, resigned.

LOUISIANA.

Goldman L. Lassalle to be postmaster at Opelousas, La., in place of J. P. Trosclair, resigned.

MAINE.

Alonzo F. Flint to be postmaster at West Buxton, Me. Office became presidential January 1, 1921.

Leon M. Small to be postmaster at Ridlonville, Me. Office became presidential July 1, 1920.

Henry W. Bowen to be postmaster at Chebeague Island, Me. Office became presidential January 1, 1921.

MARYLAND.

Jacob C. Stiffler to be postmaster at Parkton, Md. Office became presidential October 1, 1920.

Helen M. Bishop to be postmaster at Monkton, Md. Office became presidential July 1, 1921.

MASSACHUSETTS.

Charles K. Houghton to be postmaster at Littleton Common, Mass. Office became presidential July 1, 1921.

MICHIGAN.

Herbert O'Connor to be postmaster at Holton, Mich. Office became presidential January 1, 1921.

Clyde C. Buttrick to be postmaster at Ada, Mich. Office became presidential January 1, 1921.

MINNESOTA.

William Pennar to be postmaster at Laporte, Minn. Office became presidential January 1, 1921.

Clarence D. Maxey to be postmaster at Backus, Minn. Office became presidential October 1, 1920.

Edward L. Barstow to be postmaster at Barum, Minn., in place of Martin Christensen. Incumbent's commission expired August 7, 1921.

Joseph Groebner to be postmaster at Wabasso, Minn., in place of Joseph Groebner. Incumbent's commission expired March 16, 1921.

MISSISSIPPI.

Hammond H. Hinton to be postmaster at Lumberton, Miss., in place of Nellie Lide, resigned.

Henry L. Rhodes to be postmaster at Ackerman, Miss., in place of Marshall Spiva. Incumbent's commission expired July 21, 1921.

Edward M. Fant to be postmaster at Coahoma, Miss. Office became presidential January 1, 1921.

Dora McCurley to be postmaster at Stephenson, Miss. Office became presidential April 1, 1920.

Henry Boswell to be postmaster at Sanatorium, Miss. Office became presidential July 1, 1921.

Lottie S. Smith to be postmaster at Pittsboro, Miss. Office became presidential January 1, 1921.

Georgia A. McCuen to be postmaster at Brookville, Miss., in place of J. H. Allgood. Incumbent's commission expired December 20, 1920.

Fred E. Brister to be postmaster at Bogue Chitto, Miss., in place of M. A. Womack. Incumbent's commission expired May 15, 1920.

William X. Casanova to be postmaster at Logtown, Miss. Office became presidential April 1, 1921.

Monroe L. Lott to be postmaster at Sumrall, Miss., in place of M. L. Lott. Incumbent's commission expired July 21, 1921.

George H. Holley to be postmaster at Booneville, Miss., in place of E. W. Walton, deceased.

MISSOURI.

Herbert H. A. Redeker to be postmaster at Morrison, Mo. Office became presidential January 1, 1921.

William H. Lerbs to be postmaster at Berger, Mo. Office became presidential January 1, 1921.

John A. Jones to be postmaster at Marshall, Mo., in place of C. B. Bacon. Incumbent's commission expired July 25, 1921.

Oliver M. Silsby to be postmaster at Flat River, Mo., in place of J. L. Johnson. Incumbent's commission expired July 25, 1921.

William S. Tabler to be postmaster at Jasper, Mo., in place of T. B. Hardaway. Incumbent's commission expired July 25, 1921.

Alfred G. Neville to be postmaster at Eldon, Mo., in place of A. P. Beazley, resigned.

Colmore Gray to be postmaster at Billings, Mo., in place of W. L. Hixson, resigned.

NEBRASKA.

Fred F. Thomas to be postmaster at Linwood, Nebr. Office became presidential July 1, 1921.

Milton L. Pittenger to be postmaster at Crab Orchard, Nebr. Office became presidential July 1, 1921.

Elsie B. Thompson to be postmaster at Wynot, Nebr., in place of E. B. Thompson. Incumbent's commission expired August 6, 1921.

Gilbert E. Swanson to be postmaster at Oshkosh, Nebr., in place of G. E. Swanson. Incumbent's commission expired July 21, 1920.

NEW HAMPSHIRE.

John A. Gleason to be postmaster at Dublin, N. H. Office became presidential October 1, 1920.

NEW JERSEY.

Jeanette H. Claypoole to be postmaster at Cedarville, N. J., in place of J. H. Claypoole. Incumbent's commission expired August 16, 1921.

Charles J. Draude to be postmaster at Laurel Springs, N. J. Office became presidential July 1, 1921.

Ross E. Mattis to be postmaster at Riverton, N. J., in place of H. G. Stonaker. Incumbent's commission expired March 16, 1921.

James H. Fullerton to be postmaster at Fords, N. J. Office became presidential October 1, 1920.

NEW MEXICO.

Charles C. Lee to be postmaster at Las Cruces, N. Mex., in place of Bliss Freeman, removed.

NEW YORK.

Linn C. Beebe to be postmaster at Hamilton, N. Y., in place of F. W. Piotrow. Incumbent's commission expired July 21, 1921.

E. Adelbert Totman to be postmaster at Cincinnatus, N. Y., in place of J. M. Lotridge. Incumbent's commission expired July 21, 1921.

J. Nelson Hawkins to be postmaster at Bellport, N. Y., in place of W. H. Hawkins. Incumbent's commission expired July 21, 1921.

Lewis L. Erhart to be postmaster at Pleasant Valley, N. Y. Office became presidential January 1, 1921.

Clarence B. Newhouse to be postmaster at Bloomingburg, N. Y. Office became presidential October 1, 1920.

Charles Ray to be postmaster at Barker, N. Y., in place of Charles Ray. Incumbent's commission expired July 21, 1921.

Wirt N. Moulthrop to be postmaster at Kenoza Lake, N. Y. Office became presidential January 1, 1921.

Lansing M. Onderdonk to be postmaster at Delmar, N. Y. Office became presidential October 1, 1920.

Truman Y. Burr to be postmaster at Cohecton, N. Y. Office became presidential January 1, 1921.

Welby H. Marshall to be postmaster at Alexandria Bay, N. Y., in place of W. E. McDonall. Incumbent's commission expired July 21, 1921.

NORTH CAROLINA.

John D. Massey to be postmaster at Selma, N. C., in place of W. H. Etheridge. Incumbent's commission expired July 21, 1921.

Lewis B. McBrayer to be postmaster at Sanatorium, N. C., in place of L. B. McBrayer. Incumbent's commission expired March 16, 1921.

John H. Elliott to be postmaster at Stony Point, N. C. Office became presidential April 1, 1921.

Charles R. Thomas to be postmaster at Milton, N. C. Office became presidential January 1, 1921.

Lloyd V. Sorrell to be postmaster at Cary, N. C. Office became presidential October 1, 1920.

NORTH DAKOTA.

Lars B. Ness to be postmaster at Edinburg, N. Dak. Office became presidential January 1, 1921.

Syver O. Tveden to be postmaster at Watford City, N. Dak., in place of J. C. Zeller. Incumbent's commission expired December 20, 1920.

Rolfe H. Hesketh to be postmaster at Saint John, N. Dak. Office became presidential July 1, 1920.

OHIO.

Rossiter S. Williams to be postmaster at Oak Hill, Ohio, in place of Frank Wasmer. Incumbent's commission expired January 31, 1922.

Katherine S. Bauer to be postmaster at Mogadore, Ohio. Office became presidential October 1, 1919.

OKLAHOMA.

John M. Tyler to be postmaster at Idabel, Okla., in place of C. J. Townsend. Incumbent's commission expired October 3, 1921.

Alpha Rutherford to be postmaster at Bennington, Okla., in place of J. M. Lloyd. Incumbent's commission expired January 19, 1921.

Grace L. Taylor to be postmaster at Blair, Okla., in place of R. B. Mayfield. Incumbent's commission expired July 23, 1921.

John D. Morrison to be postmaster at Red Oak, Okla. Office became presidential January 1, 1921.

Stephen M. Gold to be postmaster at Indianola, Okla. Office became presidential April 1, 1921.

Ulysses S. Curry to be postmaster at Newkirk, Okla., in place of D. M. Hamlin. Incumbent's commission expired July 23, 1921.

Frank Victor to be postmaster at Afton, Okla., in place of F. M. Reed, jr. Incumbent's commission expired July 23, 1921.

OREGON.

Lizzie M. Perkins to be postmaster at Gardiner, Oreg. Office became presidential April 1, 1921.

Richard E. Tozier to be postmaster at Helix, Oreg. Office became presidential April 1, 1921.

Frank L. Laughrige to be postmaster at Condon, Oreg., in place of J. A. McMorris, resigned.

PENNSYLVANIA.

John A. Balsbaugh to be postmaster at Hershey, Pa., in place of J. H. Cope. Incumbent's commission expired April 19, 1921.

Thomas B. Conrad to be postmaster at Lilly, Pa., in place of F. C. George. Incumbent's commission expired August 7, 1921.

Jules C. Luyten to be postmaster at Indianola, Pa. Office became presidential July 1, 1921.

Benjamin S. Davies to be postmaster at West, Brownsville, Pa., in place of C. B. Troy, removed.

SOUTH CAROLINA.

Loring Terry to be postmaster at Yemassee, S. C. Office became presidential January 1, 1921.

John R. Tolbert to be postmaster at Abbeville, S. C., in place of R. H. Minshall. Incumbent's commission expired July 25, 1921.

SOUTH DAKOTA.

Amlin A. Isakson to be postmaster at Canton, S. Dak., in place of Stephen Jones. Incumbent's commission expired July 21, 1921.

Elizabeth E. Blight to be postmaster at Hill City, S. Dak. Office became presidential January 1, 1921.

Harry M. Bardon to be postmaster at Rockham, S. Dak., in place of C. J. Padmore. Incumbent's commission expired July 21, 1921.

TENNESSEE.

Charles E. Cox to be postmaster at Saulsbury, Tenn. Office became presidential July 1, 1921.

TEXAS.

William B. Lee to be postmaster at Wortham, Tex., in place of T. H. Hood. Incumbent's commission expired July 21, 1921.

Thomas C. Hood to be postmaster at Lyford, Tex. Office became presidential April 1, 1921.

James L. Powell to be postmaster at Kirvin, Tex. Office became presidential July 1, 1921.

Harvey L. Copeland to be postmaster at Coupland, Tex. Office became presidential January 1, 1921.

Alice D. Wright to be postmaster at Columbia, Tex. Office became presidential January 1, 1920.

Charles E. Belvin to be postmaster at Zephyr, Tex. Office became presidential January 1, 1921.

Emanuel T. Teller to be postmaster at Westhoff, Tex. Office became presidential January 1, 1921.

Minnie Kenney to be postmaster at Nash, Tex. Office became presidential July 1, 1921.

John H. Roach to be postmaster at Riviera, Tex. Office became presidential April 1, 1921.

Charles L. Wiebusch to be postmaster at Riesel, Tex. Office became presidential April 1, 1920.

John W. Neese to be postmaster at Pflugerville, Tex. Office became presidential April 1, 1921.

Isidore Newman to be postmaster at Mexia, Tex., in place of B. W. Simmons, resigned.

Ora R. Porterfield to be postmaster at Lott, Tex., in place of M. C. Fields. Incumbent's commission expired July 21, 1921.

Maggie R. Hopkins to be postmaster at Lone Oak, Tex., in place of T. E. Van Landingham. Incumbent's commission expired July 21, 1921.

Herman H. Duncan to be postmaster at Kaufman, Tex., in place of W. J. Beck, resigned.

Leo Yell to be postmaster at Conroe, Tex., in place of S. K. Hailey. Incumbent's commission expired July 21, 1921.

Dave C. Dodge to be postmaster at Claude, Tex., in place of L. V. Hammer. Incumbent's commission expired July 21, 1921.

Benno B. Volkening to be postmaster at Bellville, Tex., in place of S. A. Hill. Incumbent's commission expired July 21, 1921.

Walter M. Hudson to be postmaster at Weatherford, Tex., in place of J. M. Richards. Incumbent's commission expired July 21, 1921.

William H. Rucker to be postmaster at Nevada, Tex., in place of J. H. Jackson, resigned.

UTAH.

Joseph R. Lambert to be postmaster at Roosevelt, Utah, in place of J. R. Lambert. Incumbent's commission expired July 24, 1920.

John P. McGuire to be postmaster at Provo, Utah, in place of A. O. Smoot. Incumbent's commission expired January 18, 1921.

VERMONT.

Gertrude E. Trempe to be postmaster at Wilder, Vt. Office became presidential October 1, 1920.

VIRGINIA.

Bascom N. Mustard to be postmaster at Bland, Va. Office became presidential July 1, 1921.

WASHINGTON.

Christopher C. Van Leuven to be postmaster at Molson, Wash. Office became presidential October 1, 1920.

William Busch to be postmaster at Raymond, Wash., in place of D. B. Heath. Incumbent's commission expired July 10, 1920.

Michael J. Murphy to be postmaster at Oakville, Wash., in place of M. J. Murphy. Incumbent's commission expired July 21, 1921.

WEST VIRGINIA.

Luther L. Lycan to be postmaster at Fort Gay, W. Va. Office became presidential July 1, 1920.

WISCONSIN.

Emmet W. Zimmerman to be postmaster at Phelps, Wis., in place of Jerry Holland. Incumbent's commission expired September 8, 1921.

Henry E. Johnson to be postmaster at Frederic, Wis., in place of Charles Howard, resigned.

Leo O. Dietrich to be postmaster at Cassville, Wis., in place of F. H. Grimm. Incumbent's commission expired March 16, 1921.

Royal C. Taylor to be postmaster at Boyceville, Wis., in place of L. I. Daigneau, removed.

G. Andrew Braemer to be postmaster at Blackcreek, Wis., in place of G. A. Braemer. Incumbent's commission expired September 8, 1921.

Joseph F. Watts to be postmaster at Verona, Wis. Office became presidential January 1, 1921.

John T. Johnson to be postmaster at Hollandale, Wis. Office became presidential April 1, 1921.

Benjamin F. Querhammer to be postmaster at Cazenovia, Wis. Office became presidential April 1, 1921.

Annie Jordan to be postmaster at Barneveld, Wis. Office became presidential April 1, 1921.

Clarence L. Jordalen to be postmaster at Deerfield, Wis., in place of C. L. Jordalen. Incumbent's commission expired June 29, 1920.

WYOMING.

John W. Hullett to be postmaster at Chugwater, Wyo., in place of A. R. Bastian. Incumbent's commission expired July 21, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1922.

REGISTER OF THE LAND OFFICE.

Otto E. Anderson to be register of the land office, Bismarck, N. Dak.

POSTMASTERS.

ALABAMA.

James F. Brawner, Andalusia.
Coddington B. Wells, Anniston.

GEORGIA.

Lelia B. Tart, Oliver.
Sallie G. Purvis, Pembroke.
Joe B. Saunders, Ringgold.

ILLINOIS.

Edward B. Tabor, Earlville.
Jacob H. Maher, Hull.
George F. Dickson, Little York.

KENTUCKY.

Harry A. Tate, Monticello.

MICHIGAN.

Bert W. Klackle, Bridgman.
Charles W. Kates, Wells.

NORTH CAROLINA.

John R. Rollins, Bessemer City.
Wallace A. Reinhardt, Newton.

OKLAHOMA.

Alma Butler, Durant.
Edwin D. Minich, Eldorado.
James D. Powell, Hanna.
Maude L. Vaughan, Supply.
Bernie A. Cockrell, Tonkawa.
Charles H. Roosevelt, Verden.

PENNSYLVANIA.

Elmer D. Getz, Akron.
Kathryn A. Gillin, Aldan.
George H. Cunningham, Emaus.
Newton E. Palmer, Oxford.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 13, 1922.

POSTMASTER.

Edward L. Curtis to be postmaster at Bassett, in the State of Nebraska.

HOUSE OF REPRESENTATIVES.

MONDAY, February 13, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery D. D., offered the following prayer:

Holy! Holy! Holy! Lord God Almighty, we come to Thee with humble confidence, which is inspired by Thy unfailling goodness. How amazingly free is Thy bountiful nature. Continue with us, blessed Lord, that we may rise to the highest plane of life where all lower feelings cease to rule. We would accept our duties and discipline with gratitude and cheerfulness. Teach us how to use the world with wisdom and how to convert all things to the help and honor of our fellow men. May there be essential unity of high purpose throughout our land and the blessing of peace in all the earth. In the adorable name of Jesus. Amen.

The Journal of the proceedings of Saturday, February 11, 1922, was read and approved.

CALL OF THE HOUSE.

Mr. DOWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.	Goldsborough	Luhning	Rosssdale
Ansorge	Gorman	McCormick	Rucker
Arentz	Gould	McKenzie	Ryan
Barkley	Graham, Pa.	McLaughlin, Nebr.	Sabath
Beedy	Greene, Vt.	McLaughlin, Pa.	Sears
Bell	Griest	McSwain	Shaw
Bird	Griffin	Madden	Siegel
Bond	Hays	Mansfield	Snyder
Bowers	Herrick	Mead	Speaks
Brennan	Hogan	Merritt	Sproul
Brinson	Hooker	Michaelson	Stiness
Britten	Houghton	Mills	Stoll
Brooks, Pa.	Hukriede	Montague	Strong, Pa.
Brown, Tenn.	Husted	Moore, Ill.	Sullivan
Burke	Hutchinson	Mudd	Taylor, Ark.
Burroughs	Ireland	Newton, Minn.	Taylor, Colo.
Cantrill	James	Newton, Mo.	Tilson
Chandler, N. Y.	Jeffers, Nebr.	Nolan	Tinkham
Chandler, Okla.	Johnson, Ky.	O'Brien	Towner
Clarke, N. Y.	Kahn	O'Connor	Treadway
Cockran	Keller	Ogden	Underhill
Codd	Kelley, Mich.	Olpp	Upshaw
Cole, Ohio	Kelly, Pa.	Paige	Vare
Connolly, Pa.	Kennedy	Parrish	Volk
Crowther	Kitchin	Patterson, Mo.	Voitead
Denison	Klecza	Periman	Walters
Drewry	Knight	Pou	Ward, N. Y.
Driver	Kraus	Rainey, Ala.	Williams
Dyer	Kreider	Reber	Winslow
Faust	Kunz	Robertson	Woods, Va.
Fess	Langley	Robson	Wright
Fields	Lankford	Rodenberg	Yates
Free	Lee, N. Y.	Rogers	Zihlman
Funk	Lineberger	Rose	
Gallivan	London	Rosenbloom	

The SPEAKER. Two hundred and ninety-two Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

ABRAHAM LINCOLN.

The SPEAKER. By special order the gentleman from Iowa [Mr. GREEN] has been granted leave to address the House for 40 minutes on this day. The gentleman from Iowa is recognized. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, it would be difficult, if not impossible, at this time to present any new facts with reference to the great man whose birth we this day commemorate; but I have indulged the hope that I may present certain features of his career to some extent in a new light. My theme is:

LINCOLN—THE MARVELOUS MAN.

Long years have passed since organized government first came into existence. Since then, in the procession of the centuries, kings and queens, potentates and presidents, statesmen and heroes, have marched down the aisle of time. What a gorgeous panorama it makes. We can picture how the banners waved, how the cheers resounded, what noble figures appeared. The pages of history glow with accounts of the great deeds of warriors and generals. Volume after volume has been written of the exploits of Alexander, of Caesar, Frederick the Great, and Napoleon. Until the middle of the nineteenth century had passed no man who had not commanded an army in battle could be said to have changed the destiny of any important nation or left an enduring world-wide fame. The world worshipped a conqueror. The blood-stained trail of wreck, ruin, and misery that they left behind them did not seem to dim their glory or to lessen the admiration in which they were held. Cold, selfish, and cruel as most of them were, it seemed to be considered that great men were not to be bound by the rules that applied to the masses, that greatness was inconsistent with the gentler virtues, and mankind could only be controlled by an iron hand guided by a relentless brain.

But the world fortunately for its people has come to see a new light. The dawn of freedom was breaking when our Nation was born and our Constitution adopted. The full day was not to come until more than half a century later, and after the bloody tide of a civil war had swept away the last vestige of slavery. In the new light there arose the figure of a civilian, without high ancestry, without military glory, born of the common people, and rightfully claimed as their own.

How was it that a man who never won a battle should have so eclipsed the deeds of these warriors and conquerors? How was it that his name became a household word in earth's farthest zones? How was it that he was able to recreate a Nation that seemed ready to dissolve into warring fragments, and build of antagonistic forces a State that has become not only the most powerful but the most prosperous the world has ever known? How was it that an awkward, ungainly boy brought up on the frontiers, uneducated, with no friends other than those he made himself, became the most renowned statesman of his time? Was he also a conqueror? I answer, "Yes," and that his victories were greater than theirs because his were won against greater odds and he was matched against more formidable opponents.

If, as I believe, a man's greatness is to be measured in a large part by the obstacles he has overcome, then we can say none had more to meet than Lincoln. His early life was a contest, his last years a desperate struggle against adverse circumstances. His end a triumph over all.

Born in so wretched a cabin that it barely furnished roof and sides, he saw little but toil and hardship in his early life; but poverty and lack of schools could not prevent his obtaining an education. With the aid of his mother he learned to read by the flickering firelight of the hearth or the blaze of a bunch of twigs. Nothing was more difficult in the frontier community in which his boyhood days were passed than to obtain a book or an opportunity to read and study. He had, however, the Bible and Shakespeare, and in some way he found others. Somehow he managed to find time to read and study them, although the day's work lasted, as a rule, from dawn until dark. When opportunity afforded he practiced speaking on his companions, and very early became a fluent and ready speaker on all occasions. With a few but great books at his command he acquired a style, limpid in its clearness, which was all his own.

Although you have all heard it before, listen again to this letter written to a mother:

DEAR MAM: I have been shown in the files of the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who died gloriously on the field of battle. I feel

how weak and fruitless must be any words of mine which should attempt to beguile you from a loss so overwhelming, but I can not refrain from tendering you the consolation that may be found in the thanks of a Republic that they died to save. I pray that our heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and the lost and the solemn pride in having laid so costly a sacrifice on the altar of freedom.

Yours, very sincerely and respectfully,

A. LINCOLN.

Is it any wonder that in classic Oxford College, of old England, this was pronounced the finest example of pure English that has ever been written? It shows better than any words of mine could explain the remarkable faculty Lincoln had for making a moving appeal to the people. Speaking or writing, with the hand of a master he touched their very heartstrings and attuned their minds in accord with his own. Further on I shall undertake to show how much this contributed to his winning and holding their confidence and support.

It is easy to see why the world has loved him. The common people knew well that he was one of them not only when he wielded the ax as a rail splitter, but as well in the stately mansion which the people of this country had provided for their Chief Magistrate. He rose from the position of common laborer to the Presidency of one of the greatest and most powerful nations of the world. Yet at the summit of his power and fame he looked down on no one. The humblest of the humble he met as an equal. He not only never forgot that he was one of the common people, but he always remained one of them, and they in turn never forgot him. "God," he said, "must have loved the common people for he made so many of them."

The people knew that he had experienced all which the poorest among them had to contend against. He knew them because he knew what they had suffered and endured. They felt, and rightfully felt, that they understood him and he understood them. No man was ever at the head of this Government who could so clearly read the minds of the people as Lincoln. No one ever spoke to them whom they were so ready to follow, because they regarded him as both a friend and guide.

The hardships and privations which he endured have also been undergone by many successful men, but none have so completely triumphed over them. Some under such circumstances have become harsh and embittered, others self-willed and unyielding, and most imperious, selfish, or dictatorial. The ordeal not only left Lincoln unscathed, but a kindlier, sweeter nature than his never breathed. All through his life his great joy was in doing some kindness to another, especially to the poor, the friendless, and the helpless. His mind was utterly devoid of rancor. His whole record may be searched without finding he ever uttered or wrote a malicious word. Truly he could say, as he once said, that he had never willingly planted a thorn in any man's bosom. Hatred he would not cherish, even though it was well deserved. Indeed, his most serious faults and errors arose because he was unwilling to believe evil in others and because he always looked upon misconduct with leniency. The world has long ago forgotten and now does not want to hear of any mistakes in his public life that arose from this cause. It cares not that he appointed some unworthy men and that graft and greed sometimes went unpunished or, at least, unchecked during his administration. But all of us love to dwell on his kindness to his mother, his thoughtfulness for his friends, and how, in the midst of the burdens of state, he found time to go and sit beside a dying soldier, holding his hand, comforting and steadying him as he passed into the Great Beyond.

The long death roll of the battles which he urged his generals to fight saddened him inexpressibly. The disasters to the Union armies which at one time made their cause seem lost pressed upon him as a crushing burden. Yet he would rise in the middle of the night to pardon some boy soldier who incurred the death penalty by sleeping at his post. All through the war he was surrounded by men who talked bitterly of revenge upon the enemy, of hanging and shooting the leaders of the Confederacy, but in his mind there was never a thought of vengeance, much less a feeling of hatred against them. His first thought when war closed was to bind the wounds of the conflict and heal the animosities which it had created. I know of no other man who after taking a leading part in a long and deadly conflict that ended in the utter defeat and surrender of the other side ever succeeded in gaining the affections of friend and foe alike.

His mind was too broad to cherish resentment even against those who had intentionally done him an injury, and when the public service was involved he never gave their action a thought. Stanton had, as Lincoln himself said, treated him most brutally. The future Secretary of War in an important lawsuit had contemptuously ignored him and deprived him of the privi-

lege of an associate counsel. Yet he made Stanton a member of his Cabinet when the country needed a man of energy, ability, and firmness in that position. Chase plotted against him in the Cabinet and out, hoping to displace him as President, but he gave Chase the highest honor in his power in the office of Chief Justice of the Supreme Court. So also when Greeley in his newspaper severely criticized him, first for not pressing the war with sufficient energy and then later for not making peace, he referred to him in writing a letter as "an old friend whose heart was right."

Long before he was known nationally Lincoln had entered politics and early in life became a prominent political leader in his own State. Indeed, it would have been difficult for him to have kept out of politics if he had tried. In a local way he soon accumulated enthusiastic friends and faithful followers. His pleasing manner, the strength of his character, his absolute rectitude, his powers as a stump speaker made it unnecessary that he should seek office. Opportunities to be a candidate were thrust upon him. But he wished to be a leader, not merely a follower, and his ambition, for he was ambitious, looked beyond the boundaries of his own State. His opportunity came in his contest with Douglas for the Senatorship, and it was to apply to him a crucial test.

Success in this contest would have made him easily the leader of his party in his State, and as Douglas was already one of the most prominent of our public men, a victory must have seemed to Lincoln like a stepping-stone to the Presidency. Yet he must have known before his friends told him, and they did not hesitate to tell him, that the course he was taking would lead to his defeat.

Douglas, if elected Senator, was certain to be a presidential candidate. Much credit has been given Lincoln for the shrewdness of a question which he propounded to Douglas in the debates which ensued. The question was a shrewd one, indeed. It obliged Douglas to take a position which, while it would win for him the senatorship, Lincoln's farseeing judgment foretold would lose his opponent the Presidency. Great honor, and deserved honor, has been given Lincoln for surrendering his chances for the senatorship, but there was far more to the situation than this. It seems not to have been observed that he was also giving up his hopes, and probably ruining his opportunity to be a presidential candidate. The expected answer would defeat Lincoln in the senatorial contest, and defeated candidates seldom come back with success. In the ordinary course of events his prestige would be injured, his following discouraged, his organization broken. What hope could there be under the circumstances that he would be selected to lead his party to victory? In truth there was none. Nothing but a most unexpected turn in fortune's wheel led to his subsequent nomination for President. Lincoln deliberately waved aside the glittering prize of the Presidency for the sake of the cause to which he had devoted himself.

As we look back and survey his position and its surroundings we see how natural it would have been to say that he had already done enough, and how easy it would have been to persuade himself that he could do more for his party and the cause as a victorious Senator than as a defeated candidate. In attacking slavery he was striking at an institution that had its roots firmly embedded in the Constitution itself. He had to contend not only against the power of its natural supporters but against the fears of those who dreaded a conflict and expected that the contest would end in an unsuccessful war, with the country split into antagonistic parts whose hatred for each other would never cease. Others of no mean ability had given up the struggle in despair and hoped at best only for a peaceful separation. I do not say that this was the turning point in Lincoln's career, for this marvelous man never turned. Always and ever, with unfaltering step his feet trod the narrow and straight path of duty. For the sake of the ultimate triumph of his cause, he was ready at all times to efface himself. "Think not of me," he said in one of his speeches; "think not of the political fortunes of any man." Noble words that came from the heart. Few men could have said them sincerely, but in all of the many accusations that were made against him even in the trying days of the war, no one ever said that he was insincere, dishonest, or tricky, and no one would have believed it if it had been said.

No element contributed more to Lincoln's early rise than his capacity as a public speaker. His ability in this respect was recognized, but probably there were few people who heard him speak that thought of him as an orator. Yet he was incomparably the greatest orator of his day and one of the greatest of all time. The so-called lost speech and the famous Gettysburg oration show this. The first was made at an early political

convention in Illinois and not reported, except by the memory of a hearer. Its very existence was unknown to all but a few, but it made a profound impression on those who heard it. The style of his speeches seemed so easy and natural that the audiences did not comprehend the heights to which he had risen nor how far he had carried them.

Lincoln had no use for the tricks of oratory or the mouthings of an actor. What he sought was not a fine delivery or harmonious diction, but above all the clear expression of sound thought. He did not, we must admit, possess the fiery eloquence of Demosthenes, the lofty declamation of Cicero, the impassioned fervor of Pitt, or the noble dignity in appearance and words alike that characterized Webster. But in a simplicity that was at once virile and beautiful, and a logic that was irresistible, he was the superior of them all. He never used big words, unlike most of us who are unable to express ourselves without them. He sought to carry conviction to his audience rather than to obtain admiration for himself, and thus while all the effect of oratory was obtained the audience neither heard nor saw its accompaniments.

His Gettysburg speech was delivered to an audience that had just listened to Edward Everett. Everett was one of the most prominent orators of the country, and had been selected as the principal speaker of the occasion. His address was correct in form and beautifully phrased, so the chronicles state, but compared with that of Lincoln it was like some polished statue of marble, which moves not and is cold and lifeless to the touch, while Lincoln's was the living, breathing oracle, whose words though plain and simple expressed thoughts so high and noble that the world will never let them die. Who reads or remembers now a word that Everett spoke? Who that has heard can ever forget what Lincoln said? [Applause.]

Lincoln had one habit which, so far as I can learn, no other man occupying a similar place possessed. As a rule men in public life avoid, so far as possible, expressing in writing their opinions on questions of state, accompanied by their reasons for their position. With some this is because of timidity and irresolution, with others because they fear lest the writing may not accurately state their views; but Lincoln was ready on all occasions to state in black and white his policy on any question, giving his reasons, and leave it to his critics to answer them. In almost any other man this would have been fatal, but when Lincoln stated a proposition it was unanswerable. At times when he was meeting with the most trying opposition he would record his views in memoranda that he left behind him. Thus he appealed from the hasty opinion of his contemporaries to the sober judgment of posterity. It is sufficient to say that time has justified him.

No mere orator, however great, could have saved the country from dissolution. It was almost an accomplished fact when Lincoln was inaugurated as President. His task was not merely to prevent the States from dividing. The Nation had already fallen apart. Before him over all the Southland floated the banners of organized revolt. Behind him in the North the States were full of open sympathizers with those who defied the Government, and some of these sympathizers were scarcely less defiant than those in actual revolt. Discord filled the North with its clamor. Some wanted to negotiate. Others, like Greeley, thought the rift between the States could never be closed, and would have bid the seceding States to go in peace. The strongest knew not what to do, and the weaker feared to do anything, but the genius of the statesman rose above the wavering counsel and the faltering courage of his advisors. He saw that the rallying cry must be the Union and the Constitution; that a government that could not control its forts and arsenals wherever they were located could not command respect, and when once its flag was raised, if it was then fired upon thousands would rush to its support. The story of the attack on Fort Sumter and the rising of the North that followed vindicated his judgment.

We are accustomed, as we look back upon those trying days, to view his career as if he had possessed from the beginning of his administration the unquestioned leadership that he had acquired at his death. Had he possessed it his task would have been most difficult, his burdens too heavy for the shoulders of any ordinary man. Unfortunately, he did not possess it. On the contrary, during his lifetime his creative genius and power of command were little realized. The fulsome praise which many of our Presidents have received during their administrations, from the press, in legislative halls, and on the platform, was unknown to him. Even among those who were aligned with him, many high in education, culture, and position, could see only his awkward form and hear only the humorous stories with which he pointed a moral or clinched an argument. To them he seemed to have the mind of a jester and the methods

of a minor politician. They could understand why he was popular with the masses, but they thought he had only touched the hearts of the people, and could not believe that he had molded their minds. They knew that he had in his Cabinet and around him men of great force and ability. Whatever success had been obtained, they thought was due to these men. Whatever failure had resulted, they considered was owing to his rejection of their counsel. In short, they believed that these men controlled Lincoln. The real truth was, as we now know, that he controlled them.

Chittenden, at one time his private secretary, kept a diary, and subsequently wrote "Memories" of the great leader whom he served. In them he records: "Had I known at the time how great a man Lincoln was I could have written far more details about him than I did." This gives us the common view of that time. The qualities which so endeared him to the people were easy to be seen, but there were many around him who refused to acknowledge that he was anything beyond the ordinary. I do not need to say to the Members of this House whom I am now addressing that the most insidious method of injuring a public man and perhaps the hardest attack to meet is that of belittling him. At the time Lincoln was first elected he was literally "damned with faint praise." He was honest, the public press said, and well-intentioned, but the implication was that he was nothing more.

Among those who at first failed to see the latent powers of the man were members of his own Cabinet. Seward, Chase, and Stanton have left behind in their notes and letters evidences that each had come into the Cabinet with the idea that he was to be the controlling force and that through him alone the country was to be saved. Indeed, no distracted country in its hour of peril had so many self-constituted saviors. The spirit even reached some prominent generals, who were subsequently retired for incompetency or failure. One of them insolently wrote Lincoln that he had done his best to destroy the Army which that general commanded, and another declared that what the country needed was a dictator instead of a weak man. The general evidently considered that he should be the dictator and he plainly meant that the President was a weak man. But I do not wish to belittle Seward, Chase, or Stanton. They were all strong, masterful men. They had been accustomed to lead and direct and not to follow. In another time they might have been called great, and it is only fair to say that each rendered great service to the country. Their services ought not to be forgotten because they are now overshadowed by the marvelous man who stood above them. But it is a blot upon their record, and especially upon that of Chase, that they seemed to give encouragement to the numerous legion of those in the North who sought to thwart the purposes of Lincoln.

No President was ever so reviled. He was denounced as a tyrant and even ridiculed as an imbecile. He was beset with impossible demands and threatened with dire consequences if he refused to grant them. His picture was torn down and stamped upon. His figure was hung in effigy. Caricature and lampoon alike were exhausted to defame him. He met the storm of assault and criticism as some granite cliff resists the ceaseless beating of the ocean waves and never swerved from his course. If all of these assaults had been made only by those who had from the first opposed his election and his administration, and he had met with the support that he had a right to expect, we could understand how he could bear up against them, but as we look back upon the scene we are utterly bewildered to find that so large a portion of the obstacles that were spread in his path he met in the house of those who ranked as his friends. The members of his Cabinet not only quarreled among themselves, but would have quarreled with him had it been possible for a man to have done so. Again and again Seward and Chase tendered their resignations, and over and over Stanton threatened to resign. Even prominent Senators of his own party, like Henry Winter Davis and Wade, did not hesitate to join those who, like curs, snapped at his heels. Because Lincoln did not approve a plan of reconstruction which they advocated and which he thought—and everyone now agrees rightly thought—was unconstitutional, they issued a manifesto in which he was charged with perverting the Constitution, accused of usurping powers that did not belong to him, censured and ridiculed for the reasons he gave, and which even insinuated that he was actuated by the lowest personal motives. Later, after his renomination, Wade actually instigated a movement to force him to withdraw from the ticket and in this action seems to have had the support of Sumner. Finally, as the campaign for his reelection began, a number of the so-called radical element of the North drew apart and nominated Gen. Fremont for President with the avowed purpose of defeating Lincoln in the election.

When attacked by men like Davis and Wade and abandoned by men like Sumner, with the members of his own Cabinet ready to desert him, and lifelong and faithful friends like Swett giving up in despair, it is not strange that about three months before the election Lincoln himself lost hope and in a memorandum wrote: "It seems exceedingly probable that this administration will not be elected." But even he, for once, had misjudged the people. They had unlimited confidence in his rugged honesty, and his wonderful power of clear expression carried to them his real purpose through all this storm cloud of defamation. His unerring instinct or genius, whichever it may be called, had pointed out the true course which must be followed. It seemed impossible for any man to successfully resist these attacks and unite all these discordant elements, yet Lincoln did, and finally was unanimously nominated and overwhelmingly reelected.

Then, too, he had another remarkable quality. Consistency is perhaps not the brightest jewel in a statesman's crown. It is better to change when wrong than to be forever in error, but it is better, far better, that a leader should be right in the first instance than that he should be compelled to reverse himself and be dragged back into the proper course by the logic of events. Even in the dark days of the war, when for months and months and year after year a single false step meant ruin, this marvelous man never varied his policy, never changed a principle, never misjudged the needs of the hour, never so much as thought of shaping his course for his own political interests. [Applause.]

At last the end came. The roar of battle died away. The last shot between the combatants was fired—the last we trust and fervently pray that will ever be fired in fratricidal strife. [Applause.] But not for him. He was permitted only to see the accomplishment of his great desire and not the full fruition of his hopes. He died at the moment of his triumph, when every obstacle had been overcome, when every doubter and detractor had been forever silenced, and only cheers and rejoicings greeted his ears. The Nation wept with a sorrow indescribable, but even then did not know fully what it had lost. For this was needed the opening of secret archives and a calm study of his life in the unflinching light of history. At the expiration of more than half a century since he departed we can justly appraise the wonderful sagacity, the enduring strength, and the marvelous intellect of this orator, seer, and statesman who preserved this country from dissolution to occupy its present proud position as leader of the nations of the world. Truly may we say that he was one of the few who turned the tides of time.

After the assassin's bullet had struck him down, as the last glimmer of life flickered and went out, Stanton, standing by his side, said, "Now he belongs to the ages." Yes, forever to the eternal ages; for though dead he yet speaketh—to give the worker hope, the statesman courage, and the patriot fortitude, from the great soul of a lover of all mankind. [Prolonged applause.]

MONEY FOR PAYMENT OF SOLDIERS' BONUS.

Mr. MacGREGOR. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MacGREGOR. Mr. Speaker, various proposals have been made as to the method of securing the money necessary for the payment of the bonus to the soldiers. Justice to the ex-service men demands that we pass a bonus bill. I feel that a majority of the people of my district think that there was an unjust discrimination as between the boys of our Army and Navy who served our country at a small wage and those who remained at home and reaped a golden harvest from war activities.

The necessary funds could be readily obtained by permitting the manufacture and sale of beer and wine and imposing a revenue tax. From this source abundance of money could be obtained that would be cheerfully paid by millions of our citizens.

I believe that the adoption of the prohibition amendment was detrimental to the best interests of the Nation. First. It has deprived the people of the United States of their inherent right of liberty.

Second. It has made a Nation of hypocrites.

Third. It has made lawbreaking popular.

Fourth. It has created a state of rebellion among millions of our citizens.

Fifth. It has destroyed the sacredness of law.

Sixth. It has resulted in the moral degeneration of our people.

Seventh. It has made a whisky-drinking Nation.

Eighth. It has brought corruption in public office.

Ninth. One of the complaints against George III set forth in the Declaration of Independence was:

He has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat of their substance.

Our Government is now doing what our founders fought against.

Tenth. It has established a spy system in our country.

Eleventh. It has debauched our youth.

Twelfth. It has made bootlegging a respectable business.

Thirteenth. It has given special privileges to the rich, who can afford to buy liquors to entertain their prohibition friends.

Fourteenth. It has taken away the harmless glass of beer from the workingman and the light wine from those long accustomed to it.

Fifteenth. It has subjected legitimate business to the whims, caprice, and arrogance of Government officials.

Sixteenth. It has increased taxation.

Seventeenth. It has brought in its train all manner of petty grafting.

Eighteenth. It has brought destruction to human life in its wake.

Nineteenth. It has weakened the very foundations of our Government.

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. MacGREGOR. I can not yield. The prohibition amendment should be repealed, but in the meantime the demand of a large portion of our people for a reasonable latitude in the matter of the manufacture and sale of beer and light wines must be heeded. The time for the exercise of some degree of common sense is here, and we should act now to restore to the people of the land the liberty which they have been denied; act now to free the land from a horde of spies and snoopers; act now to bring peace and contentment to a people in almost open rebellion; act now to take away the source of corruption in public office that is bringing disgrace upon the Nation; act now to do away with the discrimination between the rich and the poor; act now to remove the cause of the saturnalia of crime, disorder, and disregard of law, the news of which fills the pages of our daily newspapers, congests our courts, and brings the blush of shame to the cheek of every honest American citizen. The time to act is now—to do justice to the service men and to restore liberty to our people.

MR. JOSEPH G. CANNON.

Mr. WALSH. Mr. Speaker, I ask unanimous consent to address the House for one minute on a matter that will provoke no controversy.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. WALSH. Mr. Speaker, one year ago to-day—or perhaps it is two—we had the pleasure of having read to the House upon Lincoln's birthday the Gettysburg address by our beloved and honorable colleague, the gentleman from Illinois, Mr. CANNON. I am sure that the House will learn with keen regret, tinged with sorrow, that he has announced he will not be a candidate for renomination and reelection to this House.

It is not given to many men, Mr. Speaker, to have served their country for nearly a half century in its legislative halls, and for several years prior to that in other public positions. I am sure that the regret of the House will be shared by the country at large that he has seen fit to lay down his duties as a public servant, and that I voice the sentiments of all who are serving with him in this Congress, and of all who have heretofore served with him in the Congress of the United States, in expressing to him the wish and the hope that when he lays down the cares of office he may have many years of comfort, peace, contentment, and happiness. [Prolonged applause.]

DECLARING LINCOLN'S BIRTHDAY A LEGAL HOLIDAY.

Mr. FOCHT. Mr. Speaker, this is District of Columbia day, and I call up the bill H. R. 2310, to declare Lincoln's birthday a legal holiday.

The SPEAKER. The Chair thinks that this bill should be on the Union Calendar, and therefore refers it to the Union Calendar.

Mr. FOCHT. Then, Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2310, to declare Lincoln's birthday a legal holiday.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2310, with Mr. STAFFORD in the chair.

The Clerk read as follows:

A bill (H. R. 2310) to declare Lincoln's birthday a legal holiday.

Be it enacted, etc., That the 12th day of February in each year, being the anniversary of the birth of Abraham Lincoln, is hereby made a legal holiday within the District of Columbia, to be known as Lincoln's Birthday, and in its observance and effect it shall be subject to all provisions of law applicable to holidays within said District.

Mr. FOCHT. Mr. Chairman, it has been suggested that instead of making a speech on this question, after nearly all the States of the Union have set apart a day as a holiday to celebrate the exalted memory of Abraham Lincoln, the chairman of the committee call for the previous question on the bill, which I do. [Applause.]

The CHAIRMAN. No other gentleman desiring to discuss the bill under general debate, the bill is now open for amendment.

Mr. WALSH. Will the gentleman from Pennsylvania yield?

Mr. FOCHT. I will yield.

Mr. WALSH. Has the gentleman estimated what this measure will cost the Government? I notice this is to be restricted to the District of Columbia. Granting that it is a proper and fitting thing to do in honor of Lincoln's birthday, I would like to know what it is going to cost the people at large as the result of the cessation of Government activities?

Mr. FOCHT. On the theory that a holiday gives rest and renewed energy, renewed enthusiasm—above dollars and cents—it will not cost anything, but even if it did, that would be subordinate to the exalted purpose of having this holiday dedicated to the memory of Abraham Lincoln.

Mr. WALSH. Does the gentleman think if we allowed the holiday to be two days in length that would make up for the loss that may arise—

Mr. FOCHT. That would be a dissipation of time. I yield 10 minutes to the gentleman from Indiana [Mr. FAIRFIELD].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 9981. An act making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 9931) extending the time for completing the construction of a bridge over the Delaware River.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

The message also announced that the President pro tempore had appointed Mr. FRELINGHUYSEN and Mr. JONES of New Mexico members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the United States Veterans' Bureau.

DECLARING LINCOLN'S BIRTHDAY A LEGAL HOLIDAY.

The committee resumed its session.

Mr. FAIRFIELD. Mr. Chairman, it was with a good deal of diffidence I asked for a little time to-day. At the beginning I desire to ask that an address which I hold in my hand upon Abraham Lincoln be printed in the RECORD.

The CHAIRMAN. The gentleman from Indiana [Mr. FAIRFIELD] asks unanimous consent to print in the RECORD an address on Abraham Lincoln. Is there objection?

Mr. MANN. What address?

Mr. FAIRFIELD. One made by myself before the Lincoln Club of New York a year ago.

Mr. MANN. Made by whom?

Mr. FAIRFIELD. Myself.

Mr. MANN. I am sorry the gentleman did not print it a year ago.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FAIRFIELD. I take it that to the address to which we have just listened no additions could be made worthy in character or more effectively written. In this address, however, I took the opportunity of studying the life of Lincoln from childhood up to the period when he began to attract the attention of the public at large, and have made a sort of inductive study in an effort to find out for myself what manner of man he was, how the revelation of what he was came to be known to the common people. I shall not undertake, of course, to read any considerable portion of that address. The remarks of the gentleman discussing the prohibition question made me think of a passage, however, in that address in which I have quoted Mr. Lincoln himself, and I think it perfectly proper, in connection with what was said, to read briefly.

The most recent political change of nation-wide importance is the granting of equal suffrage to the womanhood of this country. In 1836, when running for candidate to the legislature, Lincoln made a political announcement to the editor of the Journal:

Many voters ask the candidates to show their hands. Agreed, here is mine. I go for all sharing the privileges of government who assist in bearing its burdens. Consequently I go for admitting all whites to the right of suffrage who pay taxes or bear arms, by no means excluding females.

Thus in 1836 he had declared for woman's suffrage.

Early in 1842 he entered into the Washingtonian movement intended to suppress intemperance. At the request of the society he delivered an address on Washington's birthday in the Presbyterian Church. That address was a masterly arraignment of the evils of intemperance. Speaking of certain Christians who object to associating with drunkards even in the hope of reforming them, he said, "If they (the Christians) believe, as they profess, that omnipotence condescended to take on himself the form of sinful man, and as such die an ignominious death, surely they will not refuse submission to the infinitely lesser condescension, for the temporal and perhaps eternal salvation of a large, erring, and unfortunate class of their fellow creatures. Nor is the condescension very great. In my judgment such of us as have never fallen victims have been spared more from the absence of appetite than from any mental or moral superiority over those who have. Indeed, I believe, if we take habitual drunkards as a class, their heads and their hearts will bear an advantageous comparison with those of any other class." It seems incredible to us that there could have been any misunderstanding of the purpose and spirit of his address, and yet many professing Christians thought he suggested a reflection on the sincerity of their belief. They had not yet come to a full realization of the church's responsibility for the redemption of those who had apparently hopelessly fallen. The latter part of the statement in which he ascribes commendable qualities of heart and mind to the drunkards fell on unsympathetic ears. The period of denunciation was still on, but the period of restoration was hastened by the Washington Society, to whose success Lincoln gave the full measure of every ability of mind and heart that he possessed. As if forecasting the final triumph of the temperance cause he contrasted it with the cause of political freedom. In this same address he says, "Of our political Revolution of '76 we are all justly proud. It has given us a degree of political freedom far exceeding that of any other nation of the earth. In it the world has found a solution of the long-mooted problem as to the capability of man to govern himself. In it was the germ which has vegetated, and still is to grow and expand into the universal liberty of mankind. But, with all these glorious results, past, present, and to come, it had its evils, too. It breathed forth famine, swam in blood, and rode in fire; and long, long after, the orphan's cry and the widow's wail continued to break the sad silence that ensued. These were the price, the inevitable price, paid for the blessings it brought."

Turn now to the temperance revolution. In it we shall find a stronger bondage broken, a viler slavery unmanumitted, a greater tyrant deposed; in it more of want supplied, more disease healed, more sorrow assuaged. By it no orphans starving, no widows weeping. By it none wounded in feeling, none injured in interest; even the dram maker and dramseller will have glided into other occupations so gradually as never to have felt the change, and will stand ready to join all others in the universal song of gladness. And what a noble ally this to the cause of political freedom; with such an aid its march can not fail to be on and on, till every son of earth shall drink in rich fruition the sorrow-quenching drafts of perfect liberty. Happy day when— all appetites controlled, all poisons subdued, all matter subjected—mind, all-conquering mind, shall live and move, the monarch of the world. Glorious consummation! Hail, fall of fury! Reign of reason, all hail!

That is Lincoln, whom we honor to-day, more than three-quarters of a century ago, upon the problem of intemperance.

The CHAIRMAN. The time of the gentleman has expired.

The address referred to is as follows:

SPEECH DELIVERED BEFORE THE LINCOLN CLUB, BROOKLYN, N. Y., FEBRUARY 12, 1921, BY HON. LOUIS W. FAIRFIELD, OF INDIANA.

Abraham Lincoln was born 20 years after the adoption of the Constitution. He was born in the heart of the Continent, far removed from the centers of civilization as they had developed in this new country. Poverty was his birthright. Frugality was a necessity. The refinements of society were unknown in the circle into which he was born. Thus far removed he came up out of the vastness and silence of a midcontinental area. The physical circumstances that gathered around his early life gave to a nature peculiarly sensitive, deeply imaginative, and severely logical strange and apparently contradictory elements which the rough school of experience was destined to beat into a figure at once massive, symmetrical, and universal. How he came to be what he was, how the revelation of what he was, became the possession of the common man and woman; how that knowledge gave him power through all the formative years of his life, preparing for the fateful days from Sumter to Appomattox, constitutes the theme of my address to-night.

The study of great men is always profitable. They differ from all other men only in that they comprehend all the qualities of the common man but have those qualities in such measure that every common man feels akin to greatness. Emerson has said, "All men are great. Like splendid temples they send their spires high, but the difference between great men and other men is that great men touch all other men at their highest." The elements of human history are circumstances, principles, and personalities. The roots of the present lie deep buried in the past. The discovery of America and all the changes that it produced are intimately connected as causes in

the life of the barefoot boy who grew to manhood in the heart of a continent, safe hidden from the influences of the schools, that he might realize the thought of the infinite in the issues of his life. Some one has said that the discovery of America is the greatest event in all secular history and that next to the resurrection of the Christ from the dead is the greatest event in all human history. The resurrection of the Christ gave the world a new hope. The discovery of America gave the world a new chance. The new chance wedded to the new hope gave us the Republic. It is my purpose to-night to determine by induction, so far as the material is at hand, the character and quality of this man that in the crisis of crises in the life of the Republic acted with almost infinite wisdom. This man applied inexorable logic to every problem. His mind ever asked the question as to the reason and the rightness of every human interest, but at the same time he exhibited the innocence and humility of a child, the tenderness and graciousness of a woman, even to those who maligned him.

He was born in Kentucky, the State of Boone and Clay and Davy Crockett; the State of romance and tragedy. The atmosphere in which the portals of life opened were filled with the courage, the self-denial, the martyrdom of those who crossed over in the early days to redeem the wilderness and to plant the civilization of the West. His birthplace in after years produced a profound impression upon his thought and feeling. He was born in Hardin County, Ky., in 1809. He spent but seven years of his life in Kentucky. There are no details of that life.

His father seemed hopelessly unable to prosper. To those who can not succeed here, there is always the allurements of another place where the securing of riches is easy and the problems of life simplified. So Thomas Lincoln heard of the wonderful opportunities in Indiana, that had just come into the Union, and in 1816 loaded all his possessions into a flat boat and floated down the river to the new Eldorado. His essential wealth consisted of three barrels of whisky.

On the way down the boat capsized and the barrels spilled into the river. By dint of much effort it was rescued. A landing was at last effected, and on the clay hills that skirt the valley of the Ohio Thomas Lincoln chose to make his home. It was a country in which at best the soil gives but meager returns, and his lack of judgment is clearly discerned in the character of the choice that he made. At this time Abe was 7 years of age. There in the woods Thomas Lincoln built a cabin of rough unhewn logs, inclosed on but three sides, with a dirt floor, pegs driven in the side of the wall by which to ascend to the loft above. Crude, cold, uncomfortable, with his wife and two children he spent the first year in Indiana here. Later he built a more comfortable house of hewn logs. Two years afterwards his mother died. Some 20 years ago it was my privilege to stand on the spot where that cabin was erected. To me it seemed as if the woods and fields were holy ground. I walked down the hillside across the little valley and climbed the hill to the spot where Abraham Lincoln's mother is buried. Ever there was with me the barefoot boy with breaking heart, who in utter loneliness and anguish of spirit saw the mother of his childhood lowered in the rude box and hidden forever from his sight. Unshod, meagerly clothed, a shiftless father, before him the hard and frugal life of the pioneer. No schools, no church, no social life. Little promise of greatness here. It is, perhaps, not fully realized that all the formative years of Mr. Lincoln's life were lived in southern Indiana on a 40-acre farm, for which his father was never able to pay.

Mr. Lincoln would have little to say of himself, the life of his parents, or the history of the family before they moved to Indiana. When in the race for the Presidency it became necessary to have a campaign biography, Mr. Lincoln doubted the wisdom or the necessity of even that. He said to J. L. Scripps, of the Chicago Tribune: "Why, Scripps, it is a great piece of folly to attempt to make anything out of me or my early life. It can all be condensed in a single sentence, and that sentence you will find in Gray's Elegy, 'The short and simple annals of the poor.' That is my life, and that is all you or anyone else can make out of it." Mr. Lincoln was ever painfully impressed with the extreme poverty of his early surroundings and the utter absence of all romance and heroic elements.

"Amid the miserable surroundings of a home in the wilderness Nancy Hanks, the mother of Lincoln, passed across the dark river. Though of lowly birth, the victim of poverty and hard usage, she takes a place in history as the mother of a son who liberated a race of men. At her side stands another mother whose son performed a similar service for all mankind eighteen hundred years before.

"After the death of their mother little Abe and his sister Sarah began a dreary life—indeed, one more cheerless and less invit-

ing seldom falls to the lot of any child. In a log cabin without a floor, scantily protected from the severities of the weather, deprived of the comfort of a mother's love, they passed through a winter the most dismal either one ever experienced. Within a few months, and before the close of the winter, David Elkin, an itinerant preacher whom Mrs. Lincoln had known in Kentucky, happened into the settlement, and in response to the invitation from the family and friends, delivered a funeral sermon over her grave. No one is able now to remember the language of Parson Elkin's discourse, but it is recalled that he commemorated the virtues and good phases of character, and passed in silence the few shortcomings and frailties of the poor woman sleeping under the winter's snow. She had done her work in this world. Stoop-shouldered, thin-breasted, sad—at times miserable—groping through the perplexities of life, without prospect of any betterment in her condition, she passed from earth, little dreaming of the grand future that lay in store for the ragged, hapless little boy who stood at her bedside in the last days of her life."

Fortunately for the boy it was not long until Thomas Lincoln again married a most worthy woman. She took a deep interest in the boy, and made it possible for him to attend school. He attended school at three brief intervals; at the age of 10, when he was about 14, and again when he was 17. The last school required a walk of four miles. At Crawford's school, when he was about 14, a new feature was introduced. It was instruction in manners. One scholar was required to go outside and reenter the room as a lady or gentleman would enter a drawing room or a parlor. Another scholar would receive the first party and escort him or her about the room making polite introductions to each person in the room. It may be that the suggestions received by this backwoods school-teacher, who, no doubt, had acquired the forms of polite society, had more to do with the way in which Mr. Lincoln was able to move when he became prominent in the State of Illinois than is generally supposed.

He had a retentive memory, a sensitive nature on matters that had to do with his getting on in the world. He was not indifferent. The sharp contrast between what was thought as proper form in polite society and the crude though hearty social life of the backwoodsman no doubt made a deep impression upon the boy.

It is said that while attending school at Crawford's, when he was in his fourteenth year, Mr. Lincoln wrote a dissertation in which he strove to show the wholesome effects of a temperate life and the horrors of war, subjects in which his interest never lagged.

At 17 he was 6 feet 4 inches in height, and weighed about 160 pounds. His hands and feet were large, arms and legs being long and in striking contrast with his slender trunk and small head. His skin was shriveled and yellow. He was barefooted most of the time. He wore buckskin trousers, linsey-woolsey shirt, and a cap made of the skin of a squirrel or coon. His breeches were baggy and short, exposing his shin bone, sharp, blue, and narrow. Even at that early day Lincoln was a patient reader of a Louisville newspaper which someone at Gentryville kindly furnished him. The books he read were the Bible, Aesop's Fables, Robinson Crusoe, Bunyan's Pilgrim's Progress, a history of the United States, and Weem's Life of Washington. He was not able to own these books. They were borrowed. He never owned an arithmetic. He made his own. On the leaf of this book, beneath the table of how many pints there were in a bushel, was found the following: "Abraham Lincoln, his hand and pen. He will be good, but God knows when"—a touch of that humor so well known in later years.

The foundation of whatever education he had was laid in Indiana and the town of Salem, Ill. In both places he gave evidence of the characteristics that markedly distinguished him from all his associates. He was not peculiar. He was not eccentric. He was, however, unique, original, indefinable. Even at 14 years of age he had a remarkable store of information. Two volumes he kept constantly at hand and read them again and again and again, the Bible and Aesop's Fables. The aptness of his quotations reveal even to the casual student of his life how incarnate must have been the literature of the Bible. Even during the time of his Indiana life, from 7 years of age until he was 21 there are no incidents, striking or unusual. The life was one from within. His retentive memory, his power of concentration, his love of truth, his delight in intellectual processes, his ideals, and the self-urgency within him for their realization were the agencies, the inner hidden powers, that could not be counted or weighed, but which nevertheless brought him to the stature of manhood intellectually as well as physically in that 14 years of Indiana life. He lived

two lives between the ages of 7 and 21, the outer, rugged, self-denying, poverty stricken, humble, almost menial life of the unsuccessful backwoodsman.

But there were two of him, and that inner life had its roots in the fineness of his nature, in the bigness of his intellect, in the generosity of his heart, and in his unconquerable will. After all what better vision of life than that which comes through the prophets of old. They reveal the weakness, the littleness, the sinfulness, the tragic helplessness in certain phases of human life. The prophet recognized in the Bible as the spokesman of God is ever on the side of the oppressed as against the oppressor, on the side of the weak as against the strong, on the side of liberty as against tyranny, on the side of right as against wrong, on the side of hope as against despair, on the side of God as against Godlessness. Can you not understand that a boy of 14, feeling that self-urgency, which in itself is life, and drinking deep from the rich lore of Biblical literature, would be lifted into a higher altitude, even to the thought of the Infinite? He was familiar with the Sermon on the Mount, the constitution of the race. The life of the Nazarene gave him hope, the Republic gave him a chance, and there in the wilderness after 2,000 years the hope that had come into the heart of the world for its redemption, and the new chance that had come to the world by the discovery of America blended in the life of the boy of destiny. After all may it not be that in God's own good time it was meant that out from the womb of this continent, begotten of the eternal promise enunciated through the ages by the prophets, and realized in the life of the Christ that there should come one to preserve to the world a government "conceived in liberty and dedicated to the proposition that all men are created equal"?

From infancy to 7 years of age in Kentucky. From 7 to 21 in Indiana. Before reaching his majority for two or three years he felt restless under the restraining influence of his father, who had no sympathy for his aspirations for an education, and no ability to determine a more prosperous career for himself. Lincoln is now 21 years of age. Little training has he received in the schools, but his mind has been richly stored from the treasure of our English literature, the English Bible. He read the statutes of Indiana. His imagination is stirred with the thought of becoming a lawyer. Already he has been accustomed to practice public speaking from the stumps in the forest with the trees as auditors. In his imagination he is addressing countless crowds. "There is in him tears and consuming fire like drops and lightning in summer clouds." That is the inner Lincoln that goes to Illinois with his father. The outer Lincoln is 6 feet 4, walking barefoot beside an ox team, driving a creaking wagon over the rough hills, and through the mire, and fording streams toward a new home and a new destiny, hidden alike from him and those who traveled with him.

I shall not speak of his trips down the Ohio and Mississippi to New Orleans, nor his service in the Black Hawk War. Nor dwell in recounting his feats of physical power that enabled him to be a leader in the sports of the pioneer days, as well as the intellectual leader of those with whom he associated.

The three periods of his life are marked by the dates 1809 to 1816, when he lived in Kentucky; 1816 to 1830 were spent in Indiana. In the spring of 1830 he moved with his father to Illinois. Two years later he became a candidate for the legislature and was defeated, the only time he suffered defeat at the hands of the people. In common with others who aspired to the position, he issued a circular to the people of Sangamon County, stating his political principles which were a national bank, a liberal system of internal improvements, and a high protective tariff. This description is given of him as he appeared on the occasion of his first stump speech:

He wore a mixed jean coat, claw-hammered style, short in the sleeves and bobtailed—in fact, it was so short in the tail he could not sit on it—flax and tow linen pantaloons, and a straw hat. He wore pot-metal boots.

The occasion was a public sale at Pottsville, 11 miles west of Springfield. After the sale was over and speechmaking had begun, a general fight ensued. Lincoln seeing one of his friends about to be overcome, interposed to prevent it. He came down from the rude platform from which he was about to speak, seized the bully by the neck and the seat of the trousers, and threw him a distance of "12 feet." He now returned to the platform, threw aside his hat, and opened his campaign. Said he:

Fellow citizens, I presume you all know who I am. I am humble Abraham Lincoln; I have been solicited by many friends to become a candidate for the legislature. My politics are short and sweet, like the old lady's dance. I am in favor of national banks; I am in favor of internal improvements; and a high protective tariff. These are my sentiments and political principles. If elected, I shall be thankful; if not, it will be all the same.

In the circular which he had issued he had closed with this statement:

I was born and have ever remained in the most humble walks of life. I have no wealthy or popular friends to recommend me. If elected, the people will have conferred a favor upon me for which I shall be unremittent in my labors to compensate. If the good people in their wisdom shall see fit to keep me in the background I have been too familiar with disappointments to be very much chagrined.

The recital of these incidents reveals the characteristics that are clearly discerned throughout Lincoln's career—ambition to be recognized; courage to face difficulties, both physical and political, and yet tinged with that vein of sadness which sometimes resulted in despondence when he adds, "I have been too familiar with disappointments to be very much chagrined." He was defeated. His defeat did not sour him nor dampen his hopes. Up to that time he had earned literally by the sweat of his brow whatever of money he had received. Labor gave little opportunity for study and reflection. His experiences in politics had given him brief respite from the dull, stupefying effects of excessive physical labor. He now wanted lighter work. He wanted to meet the celebrities who came to the store and tavern. He wanted to discuss politics, horse races, cock-fights, and narrate to listening loafers his striking and significant stories. In the community where Lincoln lived the store-keeper was the center of power and influence. He took the only newspaper; had the only collection of books; usually owned about half of the town, and was the social and political leader of the community.

Lincoln aspired to be that. He had drunken of the exciting wine of politics and it had weaned him from the field of physical labor. He bought a store in partnership with a man by the name of Berry. In a short time they absorbed another new Salem grocery and then another from a man by the name of Rutledge. Not a cent of money passed in this transaction. Berry gave his note to James Herndon, Lincoln gave his note to Rowan Herndon, while Lincoln & Berry as a firm executed their obligation to Green and to Radford and Rutledge. Lincoln was absolutely unfit for a storekeeper. He read Shakespeare and Burns and talked politics while his partner paid most of his attention to the spigot and the barrel. In the spring of 1833 they knew that the firm was failing and were ready to retire. Two brothers named Trent came along to whom they sold the business on the most liberal terms then prevalent, but before the Trent's notes became due they in turn had failed and fled. Berry died soon after. Lincoln was under the necessity of either meeting the unhonored obligations of the ill-fated partnership or avoid the payment by dividing the responsibility and pleading the failure of the business. He assumed all of the liabilities and set himself to the full payment of every dollar, which was strictly in keeping with his fine sense of honesty and justice. His law partner relates that Lincoln was a long time meeting these claims. In 1848 he sent from Washington parts of his salary as Congressman to be applied upon the unpaid remnant of the Berry & Lincoln indebtedness. In time he extinguished it all, even to the last penny. He determined now to read law, indeed had been reading while in the store. He had to borrow his books, of course; had to walk 11 miles to Springfield, and walk back again to return them, and walking back and forth he sometimes mastered as much as 40 pages of Blackstone along the road. That any man should undertake to become a lawyer under such adverse circumstances—without money, without education such as the schools could give, without books, with no means of subsistence except by day labor—excited the disgust of many of the good people of Salem. An old farmer who had called him at that time to do farm work was surprised to find him one day sitting barefooted on the top of a woodpile attentively reading a book. This was an unusual thing for farm hands in that day to do, and the farmer asked him what he was reading. "I am not reading," he said, "I am studying." "Studying what?" the farmer inquired. "Law, sir," was the emphatic response. It was nearly too much for the farmer, and as he looked at him sitting there proud as Cicero, said "Great God Almighty" and passed on. Soon he was able to draw deeds, contracts, and other legal papers. Some friends at this time encouraged him to become deputy surveyor. The incumbent was a Democrat. Lincoln was a Whig. The messenger that took the news to him found him splitting rails. When appraised that he could have the appointment he said, "If I can be perfectly free in my political action I will take the office, but if my sentiments or even the expression of them should be abridged in any way I would not have it or any other office." Hampered by poverty, yet he had the courage to deal with public office in such a way as to make us know that he was made of unalloyed material. We can understand how he could say to his friends, after Douglas had defeated him, "do not give up after one or one hundred defeats." He was not only not discouraged, but he had that quality which, above all else, is essential to greatness—he was not dis-

courageable. He was made deputy surveyor. He was made postmaster in 1833, carrying the post office around in his hat. Between the revenues derived from the post office and his income from land surveying Lincoln was getting along well enough.

Soon, however, the prospect was darkened. Suit was brought against him and a judgment obtained on one of the notes given in the store debt. All his personal effects were levied upon and sold, his horse and surveying instruments going with the rest. A friend, however, bought in the property and restored it to Lincoln. There was that quality in him which bound men to him. He was not only grateful for what came to him but ever earnest and anxious to help, to help alike those whom he knew and the stranger who might come across his path. He made the race for the legislature again in 1834, and was successful. He had now emerged from utter obscurity, had extended the sphere of his influence from the county to the State. He did not have enough money to dress himself decently and pay the fare to the capital of the State, and had to borrow \$200 from a friend. He got it and paid it back as promised, of course.

When elected to the legislature for the first time Mr. Lincoln was only 25 years of age. At this time occurred one of the most tragic experiences of his life—the death of his first beloved, Ann Rutledge. The limitation of this address will not permit a detailed setting of the peculiarly sad and distressing circumstances that gather around this event. Miss Rutledge was a singularly attractive and beautiful girl. She had been engaged to one named McNeal, who had returned to the East with the promise of coming back again and claiming her. A train of unfortunate circumstances, including his sickness and the loss of letters in the mail, led her friends to believe and urge that she had been abandoned. She was unwilling to believe it, but as the letters grew less ardent she finally yielded to the conviction that he had ceased to love her. At this critical time Lincoln appeared on the scene. No doubt she was made more attractive to him by that vein of melancholy that had been induced by her experiences. For even then he was subject to fits of depression though not so marked as in the later years. He pressed his suit ardently and was aided by his neighbors who wished for his success. Finally she told him that she would write to McNeal and ask him to release her from her promise. The answer to that letter never came. In a half-hearted way she turned to Lincoln and accepted his proposal. Now that they were engaged he told her frankly what she already knew that he was poverty stricken and that they must wait until he had finished his studies before they could hope to marry. She consented and told one of her brothers, "As soon as his studies are completed we are to be married." But the ghost of another love would often rise unbidden before her, and in the early fall she took to her bed in a swift decline. Absolute quiet was demanded and visitors were shut out from the home. But she persistently called for Lincoln. At last the family sent for him. The door was closed, and what was said in those last hallowed and sacred hours no one knows save Him who holds us in the hollow of His hand. In a few days she died. The effect on Lincoln's mind was terrible to contemplate. He walked for days near the verge and only at last by the importunities of friends and their watchful care was he saved from going into the abyss. To one friend he complained that the thought that the snows and rains should fall on her grave filled him with indescribable grief. So alarming did his condition become that after consultation his friends sent him to the house of a kind friend who lived in a secluded spot hidden between the hills a mile south of town.

Here he remained for some weeks under watchful care and was finally brought back to a realization of his condition. The shock of an experience like that puts a new stamp on a man that all the years can not efface.

There was another courtship. This lady informed her sister that she thought "Mr. Lincoln was deficient in those little links which make up the chain of a woman's happiness." In a letter to Lincoln's lawyer, Mr. Banks, after Lincoln's death, she gave an illustration of what she had in mind: "A company were riding into the country. Mr. Lincoln was riding with this lady. They had a branch to cross. All the other gentlemen were very officious in seeing that their partners got safely over. We were behind. He rode in and never looked back to see how I got across. When I rode up behind him I remarked, 'You are a nice fellow. I suppose you did not care whether my neck was broken or not.' He replied in a laughing manner that he knew I was plenty smart to take care of myself." As a reference to this courtship Mr. Lincoln in a letter to Mrs. O. H. Browning closed with this: "Others have been made fools of by girls; but this can never with truth be said of me. I most emphatically in this instance made a fool of myself. I have now come to

the conclusion never again to think of marrying, and this is the reason: I could never be satisfied with anyone who would be blockhead enough to have me."

Mr. Lincoln was elected to the legislature again in 1836, 1838, and 1840, and rapidly became a striking figure in the State. He aspired to be the De Witt Clinton of Illinois, but never had any money sense. A system of internal improvements were outlined by the Whig Party, which had been suddenly elevated to power. Extravagant appropriations were made, and the State of Illinois was fast moving toward bankruptcy, but as the Democrats, under the leadership of Douglas, had aligned themselves with internal improvements the future of Lincoln was not adversely affected. He did not care to be returned to the legislature again, but was ambitious to enter a larger field. Already his ability as a platform orator was recognized from one end of the State to the other. How thoroughly he had prepared and with what deep feeling he treasured the institutions of the Republic is evidenced in all his public speeches. On January 27, 1837, he made an address before the Young Men's Lyceum at Springfield. He had come into the State in 1830. He had studied surveying and made himself proficient in it. He had been twice elected to the legislature and had taken an active part in its proceedings. He had been studying law and been admitted to the bar. He was thought worthy to address the most pretentious literary body in that part of the State. It is his first public address which in its entirety has come down to us. The subject itself is significant of what was uppermost in mind and heart. The theme of that address was "The perpetuation of our political institutions." I quote a few significant statements: "We find ourselves in the peaceful possession of the fairest portion of the earth as regards extent of territory, fertility of soil, and salubrity of climate." "We find ourselves under the government of a system of political institutions conducing more essentially to the ends of civil and religious liberty than any of which the history of former times tells us."

He then pointed out the essential danger. He insists that there can never be essential danger from without us. "As a nation of free men we must live through all time or die by suicide. How shall we fortify against it? The answer is simple: Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country and never to tolerate their violation by others. As the patriots of seventy-six did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor; let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice; and, in short, let it become the political religion of the Nation. And let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altars."

At that time our political institutions had been preserved for 50 years and he pertinently asks why we may not continue for fifty times as long. Indeed, so clearly is it expressed in the following sentence: "There are now and will hereafter be many causes, dangerous in their tendency, which have not existed heretofore, and which are not too insignificant to merit attention." He might have appropriately said that up to the time at which he speaks the Government had many props to support it. Through that period it was thought to be an experiment. After 50 years he understood that people considered it a successful one. For the first 50 years all those who had staked their all upon the success of the experiment had their destiny inseparably connected with it. "They wanted to show the world that a people could govern themselves. They succeeded. Thousands have won their deathless names in making it so." He argues that this field of glory has been reaped and that as new reapers arise they, too, will seek a field. It is to deny what the history of the world tells us is true to suppose that men of ambition and talents will not continue to spring up amongst us. And when they do, they will as naturally seek the gratification of their ruling passion as others have done before them. The question, then, is, Can that gratification be found in supporting and maintaining an edifice that has been erected by others? Most certainly it can not. Many great and good men sufficiently qualified for any task they should un-

dertake may ever be found whose ambitions would aspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair, but such belong not to the family of the lion or the tribe of the eagle. What, think you these places would satisfy an Alexander, a Caesar, or a Napoleon? Never! Towering genius disdains a beaten path. It seeks regions hitherto unexplored. It sees no distinction in adding story to story upon the monuments of fame erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction, and, if possible, it will have it, whether at the expense of emancipating slaves or enslaving freemen. Is it unreasonable, then, to expect that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time spring up among us? And when such a one does, it will require the people to be united with each other, attached to the Government and laws, and generally intelligent to successfully frustrate his designs. Distinction will be his paramount object, and although he would as willingly—perhaps more so—acquire it by doing good as harm, yet that opportunity being past and nothing left to be done in the way of building up, he would set boldly to the task of pulling down.

For the first 50 years the scenes of the Revolution were fresh in the minds and hearts of the people. In every village and in the countryside there were the heroes of Lexington and Concord and Bunker Hill, of Long Island, New Jersey, Brandywine, Princeton, Trenton, Saratoga, Valley Forge, and Yorktown. That prop, he argued, was decaying through the ravages of time.

The passion of experience and suffering has helped us, but can do so no more. "It will in future be reason—cold, calculating, unimpassioned reason, must furnish all materials for our future support and defense. Let these materials be molded into general intelligence, sound morality, and in particular a reverence for the Constitution and the law. Upon these let the proud fabric of freedom rest as the rock of its basis and, as truly as has been said of the only greater institution, 'the gates of hell shall not prevail against it.'"

Lincoln had now become a figure—and a potent one—in the intellectual and legal circles of Springfield, which had now become the capital of the State. Speed's store was the meeting place for loafers, loungers, lawyers, and politicians. One evening the political discussion got warm. Douglas was leading on the Democratic side. He was subtle, fiery, and impetuous. No vulnerable spot seemed to have escaped him. At last with great vehemence he sprang up and abruptly made a challenge to those who differed from him to discuss the matter with him, remarking that this store was no place to talk politics. The challenge was accepted. The debate took place in the Presbyterian Church. One evening was given to each man. There were four Democrats and four Whigs. Lincoln occupied the last evening, so that it was more than a week before his turn came. By that time the audience had become somewhat tired of the subject. Mr. Lincoln showed how sensitive he was to the apparent want of interest in his personal presentation of the argument. In introducing himself he makes the following statement: "It is peculiarly embarrassing to me to attempt a continuance of the discussion on this evening which has been conducted in this hall on several preceding ones. It is so because on each of those evenings there was a much fuller attendance than now, without any reason for its being so except the greater interest the community feels in the speakers who addressed them then than they do in him who is to do so now. I am, indeed, apprehensive that the few who have attended have done so more to spare me mortification than in the hope of being interested in anything I am able to say. This circumstance casts a damp upon my spirits which, I am sure, I shall be unable to overcome during the evening. But enough of preface." However, his argument was so cogent that it was printed in pamphlet form and widely distributed by the Whigs as a political document. He was arguing against the subtreasury idea and for the idea of a bank. It is the irony of fate that while Douglas's ideas should have prevailed at the time and for many years thereafter, yet to-day the subtreasury scheme is a thing of the past, and the Federal Reserve bank, a national institution, conforming in spirit and organization to what Lincoln advocated in 1839, has become the permanent fiscal agent of the Government.

The year of 1840 finds Mr. Lincoln 32 years of age and still unmarried. The world is familiar with his courtship of Mary Todd, daughter of Gen. Levi Todd, in whose veins coursed the blood of a long and distinguished ancestral line that could be traced back in the genealogical chart to the sixth century. The course of his wooing ran smoothly and soon he was engaged. Soon a new and disturbing element loomed up ahead in their

paths. The brilliant little giant of Illinois appeared as a rival. Miss Todd was not indifferent to his attentions. Douglas was unremitting in his attentions to the lady, promenading the streets, arm in arm with her, frequently passing Lincoln, and in every way making plain his intentions of becoming his rival. Lincoln was not insensible to the situation. He wrote a letter in which he stated to her that he had thought the matter over very carefully and had come to the conclusion that he did not love her enough to warrant her marrying him and asked his friend Speed to deliver the letter. Upon his declining to do so, he threatened to intrust it to some other person's hands. Speed said to him, "Words are forgotten, misunderstood, unnoticed in a private conversation, but once you put your words in writing they stand a living and eternal monument against you." The unfortunate letter was then thrown into the fire. Said his friend to him, "If you have the courage of manhood go see Mary yourself. Tell her, if you do not love her, the facts, and that you will not marry her. Be careful not to say too much and then leave at your earliest opportunity." He buttoned up his coat and with a determined look started out to perform his duty. Speed waited his return. Ten o'clock came, 11 o'clock, no Lincoln yet. Shortly after 11 o'clock he came in. "Well, old fellow, did you do as I told you and as you promised?" "Yes, I did," responded Lincoln thoughtfully. "And when I told Mary I did not love her, she burst into tears and almost sprang from her chair, and wringing her hands as in agony said something about the deceiver being himself deceived," then he stopped. "What else did you say?" inquired Speed. "To tell you the truth, Speed, it was too much for me; I found the tears trickling down my own cheeks, I caught her in my arms and kissed her." "And that is how you broke the engagement," sneered Speed. "You not only acted the fool, but your conduct was tantamount to a renewal of the engagement and in decency you can not back down now." "Well," drawled Lincoln, "if I am in again, so be it. It is done and I shall abide by it."

January 1, of 1841, was fixed as the day for the marriage. The day came. Every preparation for the ceremony had been made, the hour arrived, no groom appeared, an hour passed, another hour passed. Lincoln could not be found. The bride in grief disappeared to her room. The wedding supper was left untouched, the guests quietly and wonderingly withdrew. The darkness of night settled over the Edwards mansion. What were the thoughts and feelings of Mary Todd through that fateful night can never be known. Searching all night long the friends of Lincoln found him at daybreak. He was restless, gloomy, miserable, despondent, an object of pity. The report went out that he was insane. Three weeks afterwards, in a letter to his partner, he revealed how he felt. "I am now the most miserable man living. If what I feel were equally distributed to the whole human family there would not be one cheerful face on earth. Whether I shall ever be better, I can not tell; I awfully forebode I shall not. To remain as I am is impossible. I must die or be better, as it appears to me. * * * I fear I shall be unable to attend to any business here, and a change of scene might help me. If I could be myself I would rather remain at home with Judge Logan. I can write no more."

During all this time the legislature to which he had been elected was in special session. For a time he was unable to attend. Toward the close, however, he was present, but took no active part in its proceedings. After adjournment his warm friend, Speed, persuaded Lincoln to go with him to Kentucky, where they remained for several months in the quiet and seclusion of a large plantation. While there Lincoln wrote some lines to the Sangamon Journal on the gloomy subject of suicide. Many years later his biographer consulted the files of that paper, but found that the lines had been cut out, possibly at the suggestion of Lincoln when he became a prominent figure in politics. He and Speed exchanged many letters concerning the subject of marriage. In one of those letters he reveals what explains his strange and contradictory course in his love affair with Miss Todd. He says, "I have no doubt it is the peculiar misfortune of both you and me to dream dreams of Elysium far exceeding all that anything earthly can be realized. Far short of your dreams as you may be, no woman could do more to realize them than that same black-eyed Fannie." In another letter to the same friend, written July 4, he writes:

"I must gain confidence in my own ability to keep my resolves when they are made. In that ability I once prided myself as the one chief gem of my character. That gem I lost; how and where you know too well. I have not regained it, and until I do I can not trust myself in any matter of much importance. I believe now that had you understood my case at the time as well as I understood your's afterwards, by the aid you would have given me I should have sailed through clear; but that does not now afford me sufficient confidence to begin

that or the like of that again. I always was superstitious. I believe God made me one of the instruments of bringing Fannie and you together, which union I have no doubt He had foreordained. Whatever He desires He will do for me yet. 'Stand still and see the salvation of the Lord' is my text just now." So deeply did Lincoln think and feel upon this most vital question of human life that on October 5, 1842, he wrote to Speed as follows: "You have now been the husband of a lovely woman nearly eight months. But I want to ask you a close question. Are you in feeling, as well as judgment, glad you are married as you are? Please answer quickly, as I am impatient to know."

Lincoln entered the practice of law with renewed vigor after the enforced rest. He troubled no more over the matter of his engagement with Mary Todd. Mutual friends, however, contrived to bring them together again. They were reconciled, and on the evening of November 4, 1842, Abraham Lincoln, as pale and trembling as if being driven to slaughter, was at last married to Mary Todd.

The most recent political change of nation-wide importance is the granting of equal suffrage to the womanhood of this country. In 1836 when running for candidate to the legislature Lincoln made a political announcement to the editor of the *Journal*: "Many voters ask the candidates to show their hands. Agreed; here is mine. I go for all sharing the privileges of government who assist in bearing its burdens. Consequently I go for admitting all whites to the right of suffrage who pay taxes or bear arms, by no means excluding females." Thus in 1836 he had declared for woman suffrage.

Early in 1842 he entered into the Washingtonian movement intended to suppress intemperance. At the request of the society he delivered an address on Washington's Birthday in the Presbyterian Church.

That address was a masterly arraignment of the evils of intemperance. Speaking of certain Christians who object to associating with drunkards even in the hope of reforming them, he said: "If they (the Christians) believe, as they profess, that Omnipotence condescended to take on Himself the form of sinful man, and as such die an ignominious death, surely they will not refuse submission to the infinitely lesser condescension for the temporal and perhaps eternal salvation of a large, erring, and unfortunate class of their fellow creatures. Nor is the condescension very great. In my judgment such of us as have never fallen victims have been spared more from the absence of appetite than from any mental or moral superiority over those who have. Indeed, I believe, if we take habitual drunkards as a class, their heads and their hearts will bear an advantageous comparison with those of any other class." It seems incredible to us that there could have been any misunderstanding of the purpose and spirit of his address, and yet many professing Christians thought he suggested a reflection on the sincerity of their belief and had not yet come to a full realization of the church's responsibility for the redemption of those who had apparently hopelessly fallen.

The latter part of the statement in which he ascribes commendable qualities of heart and mind to the drunkards fell on unsympathetic ears. The period of denunciation was still on, but the period of restoration was hastened by the Washingtonian society, to whose success Lincoln gave the full measure of every ability of mind and heart that he possessed. As if forecasting the final triumph of the temperance cause, he contrasted it with the cause of political freedom. In this same address he says: "Of our political revolution of seventy-six we are all justly proud. It has given us a degree of political freedom far exceeding that of any other nation of the earth. In it the world has found a solution of the long-mooted problem as to the capability of man to govern himself. In it was the germ which has vegetated and still is to grow and expand into the universal liberty of mankind. But with all these glorious results—past, present, and to come—it had its evils, too. It breathed forth famine, swam in blood, and rode in fire, and long, long after the orphan's cry and the widow's wail continued to break the sad silence that ensued. These were the price, the inevitable price, paid for the blessings it brought.

"Turn, now, to the temperance revolution. In it we shall find a stronger bondage broken, a viler slavery manumitted, a greater tyrant deposed; in it more of want supplied, more disease healed, more sorrow assuaged. By it no orphans starving, no widows weeping. By it none wounded in feeling, none injured in interest; even the dram maker and dram seller will have glided into other occupations so gradually as never to have felt the change, and will stand ready to join all others in the universal song of gladness. And what a noble ally this to the cause of political freedom; with such an aid its march can not fail to be on and on till every son of earth shall drink in rich fruition the sorrow-quenching draughts of perfect liberty.

Happy day when—all appetites controlled, all poisons subdued, all matter subjected—mind, all-conquering mind, shall live and move, the monarch of the world. Glorious consummation! Hail, fall of fury! Reign of reason, all hail!"

Lincoln by this time had taken a strong position against slavery, for woman suffrage, and against the saloon. His marriage in no way diminished his interest in politics. He tried for the nomination for Congress in 1842 and was defeated. He tried again in 1844 and was again defeated. The district was Whig. The single-term idea was in vogue. Hardin, who had been elected in 1842, had to yield to Baker in 1844, who in turn yielded to Lincoln in 1846. In Mr. Lincoln's nomination he announced that he would not be a candidate for a second term. Subsequently some of his friends urged that he stand for re-nomination. To them he replied, "I would very much like to remain in Congress, but if there is anyone else seeking the position I can not in honor stand against him."

He entered Congress in December, 1847. The Mexican War was on. The Whigs had opposed the declaration of war. Lincoln introduced the spot resolutions calling upon President Polk in a series of interrogations to state specifically the spot in the territory of the United States where American citizens had been murdered by the Mexicans. He failed to draw the President out. Later a resolution was introduced and added to the supply bill proposed by George Ashmun, of Massachusetts. Referring to this vote in a letter to a friend, he said:

That vote affirms that the war was unnecessarily and unconstitutionally commenced by the President, and I will stake my life that if you had been in my place you would have voted as I did. Would you have voted what you felt and knew to be a lie? You know you would not. Would you have gone out of the House, skulked the vote? I expect not. If you had skulked the vote you would have had to skulk many more before the close of the session. The Richards resolution makes the drawn question of the justice of the war, so that no man can be silent if he would. You are compelled to speak, and your only alternative is to tell the truth or tell a lie.

He made two other speeches during the session. One an argument on internal improvements; the other an arraignment of Gen. Cass, the Democratic candidate for President. This last speech was a masterpiece of political oratory. Calm, cool, discriminating, with searching analysis of the whole career of Gen. Cass, and striving to take off all the efforts of the Democratic Party to make him appear a military hero.

At the close of the session in 1848 he made a trip through New England, speaking before Whigs, and made a deep impression upon the political leadership of that part of the country. However, he had estranged himself from a large part of his constituents by his course in connection with the Mexican War, and it is doubted whether he could have been reelected if he had been nominated. His former law partner, Mr. Logan, who received the nomination, was overwhelmingly defeated. Mr. Lincoln thought seriously of retiring from politics. He was still a poor man. He tried to be appointed land commissioner of Illinois, but there were other applicants from his own district. He was willing to espouse their cause, but stated frankly that he did not believe any one of them could secure the appointment. While this correspondence was going on, a shrewd politician from the city of Chicago came on to Washington, organized his forces, and secured the appointment. However, on his return in the spring of 1849 the Whig leadership in Washington felt anxious to recognize him in some appointment. They suggested that he might receive the appointment as governor or secretary of Oregon. He was a national figure, so far as party leaders were concerned. It was urged by his friends in Illinois that he might go to Oregon and on its admittance to the Union could become the first Senator from that State. He concluded to return to Washington. He traveled overland by stage.

An amusing incident is told by two men who boarded the stage at Terre Haute, Ind., in the early morning hours. Mr. Lincoln was the sole occupant of the stage. He was lying on the rear seat, with his feet projecting up one side and his head on the other side, and apparently fast asleep. One of them slapped him on the back and said, "Have you chartered the whole stage?" "Most certainly not, gentlemen," he replied, and at once took the front seat, surrendering to them the place of honor and comfort. The two men were Thomas H. Nelson, who was appointed by Mr. Lincoln as minister to Chile, and the other was Judge Hammond, who afterwards became governor of Indiana. Mr. Nelson says, "We took him in at a glance. A queer and lone figure he was. Dressed in a well-worn and ill-fitted suit of bombazine, without vest or cravat, and a 25-cent palm hat on the back of his head. In repose his features seemed dull and expressionless. We perpetrated several jokes upon him. He took them all with the utmost innocence and good humor and joined in the laugh, though at his own expense. We invited him to eat dinner with us and he approached the table as if he considered it a great honor. He sat with about half his person on a small chair and held his

hat under his arm during the meal. The conversation drifted into a discussion of the comet that was then agitating the scientists of the world. The stranger seemed deeply interested. We amazed him with words of learned length and thundering sound. He asked me strange and unusual questions, and finally wanted to know what would be the upshot of the whole affair. I told him that I differed from most scientists, and thought that the earth would follow the darned thing off, to which he seemed amazed and profoundly impressed. On reaching Indianapolis we went to the Browning House immediately and lost sight of the stranger. We went to our rooms and hastily made our toilets. I returned to the lobby of the hotel and was much surprised to find our traveling companion the center of a group of the most eminent lawyers of the State. I asked Mr. Browning, the proprietor of the hotel, who the man might be. He replied, "It is Abraham Lincoln, of Illinois." I went immediately to my room; we packed our grips, went down by another stairway and entrance, and sought another hotel. Many years afterwards, when he had been elected President and was on his way east, I was appointed one of the committee to accompany him from Indianapolis. I was late to the hotel where he had stopped for dinner. I walked into the dining room. It was crowded, but I did not see Mr. Lincoln. On turning a corner a long arm reached out and took me by the shoulder, and said, "I wonder if the earth will follow the darn thing off."

He was offered the governorship of Oregon, but on his return home his wife objected, and that settled the question. Mr. Lincoln now entered vigorously into the practice of law, but took every opportunity that came to him to make public speeches. From 1849 to 1858, when he ran against Douglas for Senator, he was recognized as a leading lawyer in the State and often practiced in adjacent States. The Missouri compromise seemed to have settled the slavery question for the Union. The Kansas-Nebraska bill of Douglas threw the subject wide open. The gulf current of human events was leading on toward the fateful days between Sumter and Appomattox. His debate with Douglas, his second inaugural address, and his Gettysburg address show the highest qualities of statesmanship and are the common heritage of the people. Mr. Lincoln was one of five men who determined the particular setting of the form of government under which we live.

Washington, the father of his country, the calm, dispassionate, determining factor in the adoption of the Constitution; Hamilton, the conservative, practical statesman "who smote the rock of public credit and abundant streams of revenue gushed forth"; Marshall, the interpreter of the Constitution along lines of nationalism; Webster, by his eloquence, by his learning, by the cogency of his arguments, convinced the North at least that the Union is one and inseparable under the Constitution; at last comes Lincoln, the savior of the Republic. Thus far two figures have arisen as universal types in the history of the Republic. They are Washington and Lincoln. Great as each was, it is to the moral sublimity of their character that must be ascribed the strange and ever-increasing power with which the citizens of the Republic honor, revere, and love them.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. FOCHT] desire further recognition?

Mr. FOCHT. How much time does the gentleman want?

Mr. BLANTON. I ask recognition in my own right, Mr. Chairman.

Mr. FOCHT. I reserve the balance of my time, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] is recognized.

Mr. FAIRFIELD. If the gentleman will permit me for a moment, I wish to ask unanimous consent to have my address printed in 8-point type.

The CHAIRMAN. The gentleman from Indiana modifies his original request and asks that his address be printed in 8-point type. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, if the immortal Lincoln were present to-day he would state without hesitation that the greatest curse to this Nation at the present hour is idleness. It is the failure on the part of Americans to produce to the limit of their possibility, and he would tell us that it is the duty of every American to effect maximum production.

I will join my colleagues in every proper method to do honor to the memory of this great man, and I realize that upon the spur of the moment, when such a measure is offered, for one to oppose it is to place him in the attitude of being antagonistic to the announced purpose of it. But such is not the case here. A measure to do honor to the memory of a man should be consistent with the character and the life of the man, and every-

one who knows Lincoln knows that he was an indefatigable worker, a man who believed in accomplishment, a man who believed in effort, a man who believed in work, a man who did not like idleness, but who worked hard himself.

If we keep on providing holidays in the District of Columbia there are going to be few work days. Have you ever thought about how many holidays there are in the District of Columbia? We have only 365 days to draw from in the beginning. Then we deduct 52 Sabbaths from that number. That is quite a hole in the working possibilities of the year. And then we grant 30 days of idleness, 30 days full vacation on full pay to the Government employees each year, and in doing that recommend to private employers that that be followed with respect to their business; then 30 days additional sick leave on doctor's certificate with full pay.

I am not saying that when a person is sick he should be docked in his wages.

I am 49 years old, and I have had people working for me from time to time, and as to those who worked for me I have never yet to this good day docked any person when he was sick. But to our Government employees we do not say, "When you get sick we will take that misfortune into consideration," but we say, "In addition to the 52 Sabbaths, in addition to the 30 days' full vacation on full pay, we will grant you as much as 30 days' extra sick leave on a doctor's certificate. If you can get a doctor to give you a certificate that you have been sick as much as 30 days we will add that to your other 30 days' vacation on full pay."

Then there are all the legal holidays which have already been provided by law. There are many of them. Have you ever stopped to count them up? Then in addition to that are a number of special occasions, special holidays, so numerous occurring in the city of Washington, the Nation's Capital. Have you ever stopped to count them during the year? Let something special happen, and the departments are turned out and the Government employees are told to go and participate. Then in the summer time half of every Saturday is allowed during the three summer months. I am not saying that that should not be the case. They should have a half day on Saturday to do their marketing, to look after their private business affairs, in the hot summer months. I am not objecting to it. I say it is a good thing.

But we must draw a line some time. I want to say that if the immortal Lincoln were here to-day he would say, "Do not do this in my name." He would say, "Produce more, and not thus provoke idleness."

Do you know what else we are attempting to do in Lincoln's name? You know you can conjure with names. Some people over here in Virginia across the river want a new bridge. Some people here in the District of Columbia joined them in wanting a new bridge. They have been wanting it a long time; they have been agitating it a long time; they have been using propaganda for it a long time. They have been appealing to the Executive and to the Congressmen and Senators for some way to get that new bridge and have the United States pay for it. Just a few minutes ago the messenger from the United States Senate stepped into that door and brought back to us a bill, a supply measure for the executive and independent establishments of the Government. In that very bill that he announced there is contained an amendment that was placed there by the Senate without any authority of law, because it is legislation on an appropriation bill—placed there by the distinguished body at the other end of the Capitol, appropriating \$25,000 to make an initial survey for this desired bridge that is to cost \$10,000,000 of the people's money.

It is done in the name of Lincoln. In the name of Lincoln it is brought in in such a way that if anybody rises against it somebody who wants the bridge will say, "You are not willing to do honor to the memory of Lincoln"; one who opposes it is placed in the attitude of not being willing to do honor to the great American. You can let that \$25,000 camel's nose get by you, that is going to end in a \$10,000,000 spending of the people's money out of the Treasury, to build an unnecessary bridge.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MANN. Has not the camel's nose already gotten by us, by past legislation on the subject of this bridge?

Mr. BLANTON. Well, it has not gotten by us so far but what we can kick it out from under the tent without doing injury to the Treasury.

Mr. MANN. Well, I doubt if the camel's nose is in you can get it out.

Mr. BLANTON. You can get it out if the gentleman from Illinois would just get back some of that old-time vigor of his that fights unnecessary appropriations, the kind that I used to

read about in the newspapers concerning him before I came to Congress.

Mr. MANN. Well, I am going to get back that vigor to fight for this appropriation. [Applause.]

Mr. BLANTON. I know. Unfortunately for the people of the United States, the gentleman from Illinois has been won over on this bridge proposition. I tell you the propagandists of the United States have learned whom to see when they want something to pass the House of Representatives. If I wanted something to pass here and pass quickly with as little opposition as possible, I would go straight to the gentleman from Illinois [Mr. MANN] first and try to win him, and when I had won him I would have won my battle.

Mr. REED of West Virginia. Will the gentleman yield for a question?

Mr. BLANTON. I yield to the gentleman from West Virginia.

Mr. REED of West Virginia. The gentleman named holidays of a certain class. How many days come under the class of the Fourth of July, Memorial Day, and so on, in the District of Columbia?

Mr. BLANTON. The question of the gentleman from West Virginia suggests how little consideration the Committee on the District of Columbia have given to this bill and just how little they have done for you in bringing this measure here for your consideration. Was not that legitimate and necessary information that they should have given you in their report? Yet, if you search their report, you do not find a scintilla of information about that. Why, the first question the gentleman from Massachusetts [Mr. WALSH] asked was, how much is this going to cost the people of this country, and the chairman of the committee could not give him any idea at all.

Mr. REED of West Virginia. The gentleman from Texas is a member of that committee.

Mr. FOCHT. Can the gentleman give some idea of the cause of his opposition?

Mr. BLANTON. If you will permit me, without taking up my time, I will put in my remarks a list of the many legal holidays in the District of Columbia. It would not do any good to mention them all now, because you would vote for this bill just the same, regardless of the number of them or when they occur.

I want to call the attention of the gentleman from Illinois [Mr. MANN] to the fact that every bridge that spans the Potomac River within this District has been paid for largely with the money of the whole people out of the Public Treasury. The bridge that is being built right now, on which there is being spent \$2,500,000 out of the Treasury, benefits commercial interests. It benefits citizens who live here in this District, many of them having no connection with the Government. It benefits citizens of Virginia having no connection whatever with this Government. If it was proper to build these bridges, it was proper for the people interested to pay for them, not for the people of this Government to pay most of the expense.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BLANTON. I want to get through with that question, but I will yield, and then I will go back to this subject again.

Mr. SANDERS of Indiana. Some one raised the question about how many holidays we have here in the District of Columbia.

Mr. BLANTON. Yes.

Mr. SANDERS of Indiana. The District Code states that they are as follows: The 1st day of January, commonly called New Years Day; the 22d day of February, known as Washington's Birthday; the 4th day of July; the 30th day of May, commonly called Decoration Day; the first Monday in September, known as Labor's Holiday; the 25th day of December, commonly called Christmas Day; every Saturday after 12 o'clock noon; any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving; and the day of the inauguration of President in every fourth year shall be holidays in the District for all purposes. The code seems to make that provision for the purpose of determining when legal bank holidays occur. So far as the information given here is concerned there is no provision, and the law itself does not seem to make any provision for vacations, so the question whether those shall be vacation days for Government employees would depend on administrative determination.

Mr. BLANTON. My distinguished colleague from Indiana recognizes that those vacations do occur under the provisions of law, does he not?

Mr. SANDERS of Indiana. Yes.

Mr. MANN. All departments are closed on legal holidays, except possibly the Post Office Department. I do not say that all

employees and officials of the Government have holidays on those days. This House does not stop on account of holidays.

Mr. BLANTON. The gentleman from Indiana and the gentleman from Illinois both remember that while the law fixes January 1 as New Year's Day and December 25 as Christmas Day, yet before and after each one of those days there is extra time given here in the District to celebrate those two occasions. The employees are not just limited to one day's holiday on those occasions. They get some time before and some time after. They are turned loose at least half a day or more before Christmas, and they can report back about the second day after Christmas. So they get an extra show there, and the same in regard to New Years.

Now, the chairman of this District Committee would have the people of the country believe that Congress has been derelict in its duty for 57 years, that it has waited 57 years to do the honor that should have been done long ago to the memory of our great American. Why, we are not the only patriotic Congress that has assembled here. Our District Committee is not the only patriotic District of Columbia Committee which has sat during the last 57 years. We have had other patriotic Congresses. We have had other patriotic District of Columbia Committees. If it was necessary that this day should be set apart as a holiday in order to do honor to the memory of the great Lincoln, surely during the last 57 years some Congress and some District of Columbia Committee would have done it. But they have not, and they have had a good reason for not doing it. They have not believed in idleness. I wish the chairman of this committee would go up and down the streets of the District of Columbia and read these Rotary Club signs that are put up all over the country against idleness and inactivity; I wish he would go on the Pennsylvania and the Baltimore & Ohio Railroads traversing the United States and see the signboards, with the admonition to work, over the signature of the President. He is telling the people, and the best interests of this country are telling the people, that they must get back to work and produce and quit this idleness. And yet that very bill for the executive and independent offices of this Government that the messenger from the Senate brought back here a moment ago contains another provision that we should be considering at this time. It provides that the \$25,000 which Congress has been allowing the President of the United States to use for traveling expenses, realizing that he does not have use for that big sum of money, it is provided in that bill by a Senate amendment that the \$25,000 may be used by the President in public entertainment. I put the facts in the Record the other day showing the expenses of one item of expense in White House entertainment—that we already provide for by other appropriations, for flowers, in addition to the White House hotbeds, its flower gardens, and greenhouses—

Mr. LONGWORTH. Mr. Chairman, I make the point of order that the gentleman is out of order.

The CHAIRMAN. The gentleman from Texas is not out of order; this is general debate, and the gentleman has the right to discuss any matter under the usual practice of general debate. The gentleman from Texas will proceed.

Mr. BLANTON. Mr. Chairman, I am sorry that I said these things about the economical administration of affairs just now that would lead the most distinguished member of the steering committee to feel like stopping me, as if it would not be best for the country to know about the things I am speaking of. He wants to close my mouth so that I can not tell the people. I find that the people over in Ohio, so far as wanting an economical Government is concerned, are just like the people in my district in Texas. They are just alike. They want us to quit this everlasting spending of the people's money for something that does not benefit them at all. I am not going to vote to let the President use that \$25,000 traveling expenses for entertainment. Possibly you are. And I am going to vote against this extra holiday bill. I may be the only man who votes against it; I do not know; but when I have an abiding belief that I am right on a proposition I am not afraid to stand alone. I have done it many times.

And I could mention another amendment that the Senate has put on that bill carrying over \$2,000,000 that your constituents would be interested in if they knew about it. Are we going to sit here and let the gentleman from Indiana [Mr. WOOD], from the subcommittee, call up that bill, agree to the conference asked for, and go to that conference without any instructions, let the conferees agree to these things without even the people's Representatives knowing anything about it? Are you going to do it? I am not going to do it. I am going to uphold as far as one man can the speech that President Harding made out here in front of this Capitol when he was inaugurated, wherein he pledged to the people an honest, economical administration of the Gov-

ernment; wherein he promised them that this waste and extravagance should stop.

Have not we done honor to Lincoln? Have not we done as much as he would want us to do without wasting and spending money foolishly? Ah, the real reverence after all is in our breasts. There is more honor done to Lincoln's memory by Members of Congress coming here on his birthday and sitting in their seats listening to the encomiums passed by our colleagues, getting better acquainted with his life and his endeavors. There is where the real honor comes after all. Why, we have this magnificent Lincoln Park out here on East Capitol Street, a large, fine park with a monument to his memory. We have statues on many streets, in public buildings and out of them, in honor of his memory. You have the splendid marble Lincoln Memorial down here on Potomac Park to his memory, and you have that splendid reflecting pool just in front of it, that when it is finished I hope will do proper honor to his memory. It has not up to this time, but we are all hopeful about it.

Now, if upon the passage of this bill, hereafter every person in the District of Columbia on Lincoln's birthday would use that holiday in some way that would do real honor to that great man, then this would be good legislation. But you pass this bill, create another holiday, and 90 per cent of the people would only think that here is another day that we do not have to work. They would go off on a pleasure trip here and a trip there, and come into their places the next day at 10 o'clock, 11 o'clock, 12 o'clock, or 1 o'clock worn out from having a good time somewhere, not able hardly to work that day, not able to do work that is worth anything to the Government. I say this bill ought not to be passed. My vote may be the only vote against it, but I am going to vote against it, because I do not believe Lincoln himself would want the measure passed.

Mr. FOCHT. Mr. Chairman, I regret exceedingly that my friend from Texas [Mr. BLANTON] does not have a more exalted opinion of the citizenship of America than to believe that after the passage of this bill those who are to be given the benefit of a holiday in the District of Columbia would use the day in loafing and in idleness. I say to him that he will find when this becomes a law and the day is set apart as a holiday, to revive the memories of Abraham Lincoln, that in this city the schools and the patriotic societies, to the number of thousands of people, will gather together and pay tribute to the memory of that great man, as they do to-day in all of the States where they have a Lincoln holiday and where we have the 22d of February as a holiday to commemorate the great achievements of George Washington. I think the gentleman misses our point entirely. We want to give these people here an opportunity to exalt this man, of whom it is said that he stood so high that he looked lonely in his greatness and loftiness, that men could not measure the distance between them and him. It was Tolstoi who said Lincoln was a miniature Christ. Then how can we deny the setting aside of this day that his life may be better known and understood and emulated?

I yield five minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, I regret that the gentleman from Texas [Mr. BLANTON] would postpone the recognition and honor to Lincoln not only for 57 years more but indefinitely. Reference has been made in the discussion to the number of holidays in the District of Columbia. That point has already been covered by citations from the code. Reference is made by some on the floor to the annual leave and the extension of annual leave on account of sickness. At this point allow me to call attention to some figures that I made up very carefully some years ago. They will illustrate fairly well the general condition upon these two items of annual leave and so-called sick leave.

There are a few people in the Government service who take only a portion of their annual leave. Gentlemen may think that statement strange, but I know it to be true. Taking the total number of clerks in the departments in Washington, and figuring the matter through according to annual leave actually granted, the average per year will be about 26 days for each person, about 4 days under the statutory permission. Let it be remembered that annual leave is not mandatory by law. It is wholly discretionary with the head of the department or the head of an independent establishment. Any head of a department can say that there shall be no annual leave. He can say there may be 15 days or 30 days, but that is discretionary. But with it all, ordinarily, they have taken and have been granted by the discretion of the department heads and independent establishment heads 30 days annual leave with pay.

As to the question of the extension of the annual leave with pay on account of sickness with pay, the tabulation which I made some years ago showed clearly that the average for the

departments would not exceed 10 days throughout the range of service in the District of Columbia. Of course, in years when there is an epidemic the average will be larger than it is in years when we do not have epidemics. There are a few people who abuse the privilege accorded in this particular. That is a question of administration, and every bureau officer and every head of a department has the authority and the power to deal with that and correct the abuse. When you figure it all up, you do not have 60 days plus the holidays; you have practically 36 days of absence with pay. That is the fact, that is the record, and that, I am fully persuaded, will fairly reflect the average condition from year to year.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield? Mr. ANDREWS of Nebraska. Yes.

Mr. CHINDBLOM. What does the gentleman think of the suggestion that the employees of the District of Columbia get some kind of special favor in being permitted to have 52 Sabbaths out of the 365 days.

Mr. ANDREWS of Nebraska. I suppose the gentleman from Texas [Mr. BLANTON] would not deny them the Sabbaths to come and listen to his preachments on the floor of the House, which cost the Government more than the annual leave costs the Government.

Mr. BLANTON. Has the gentleman ever heard the gentleman from Texas say anything on the floor of the House that would intimate that he is not in favor of observing all of the Sabbaths?

Mr. ANDREWS of Nebraska. Oh, no. I simply meant that the gentleman would be glad to have the Sabbath in order that they could come and hear him talk.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. FOCHT. Mr. Chairman, I yield one minute more to the gentleman.

Mr. ANDREWS of Nebraska. Mr. Chairman, in that one minute I want to express my admiration for the character of the man whose memory we commemorate to-day. I want to see in the District of Columbia opportunity afforded for appropriate celebration of the day, when the people shall be challenged to think of Abraham Lincoln. If there is a day that ought to be observed in the National Capital above any other day except that of Washington's Birthday, it is the 12th day of February, the birthday of Abraham Lincoln, the savior of our country. [Applause.]

Mr. MANN. Mr. Chairman, I was a young boy when Lincoln was President. My father was in the Army—had been. I remember as distinctly as though it were yesterday the man who came riding up fast on horseback to our farm to inform my father that Lincoln had been assassinated. I remember the grief and the tears and the sorrow of our family at that time. I come from the State which gave Lincoln to the country. I come from the city where Lincoln was first nominated for the presidency. I have the utmost reverence for his memory and admiration for his character. I was largely instrumental in this House in securing provision for the erection of the Lincoln Memorial over here to the west, which I think is the most beautiful structure in all the world. I remember in discussing the question before the House, in urging the House to provide for a memorial in the District, instead of a roadway between here and Gettysburg, that I suggested to the House that I could see in my mind's eye in the not distant future the Capitol Building representing the country and just to the west the beautiful Grant Memorial, and farther on the Mall, until you came to the great Washington Monument, and beyond that I could see, I thought, a beautiful Lincoln Memorial structure, with its reflection in the water which would be there, and still on beyond I could see a bridge across the Potomac River which could connect us with the resting place of the Army and Navy, Arlington Cemetery. [Applause.] I said that I could go further. I said that I could see, I thought, a road going still farther and reaching to Richmond, Va., and at the other end of that road I could see, if I lived, a statue of the beloved of the South, Jefferson Davis, in complete feeling of reconciliation between the North and the South. [Applause.] I was taken to task for making those remarks by some of the dear old Grand Army of the Republic men in my district, who did me the honor in the moment of resentment to withdraw my honorary membership in one of the posts. There is nothing they could do to me which would affect my love or veneration for them, and they are all my friends now, but that of itself showed that there was not yet a complete wiping out of the hatred of the Civil War. I am in favor of wiping out as fast as it is humanly possible all of the soreness and hatred caused by the Civil War.

But, Mr. Chairman, although I come from Lincoln's State, although I revere his memory and character, I can not believe that a bill like this before us will in the slightest degree enhance

the value of the memory of Lincoln to anyone in America or elsewhere.

We have New Year's Day, generally observed; business places usually close. We have Memorial Day; business usually closed; people go to the ball games and elsewhere. We have the Fourth of July; business usually closed. We have Labor Day; business usually closed. We have Thanksgiving Day; business usually closed. We have Christmas Day; business usually closed. We have another holiday generally throughout the country in most of the States, February 12, when business is not closed. The banks close and the stock exchanges close. The Government offices may close in some places, but business is not closed. We have February 22; business is not closed on that day generally throughout the country. The banks close; they have to under the law. The stock exchanges close because the banks close. The people observe those days to a very large extent now, not because there is any legal holiday, and the only purpose that I can see for making a legal holiday of Lincoln's birthday in the District of Columbia is while business outside the District of Columbia on Lincoln's birthday does not close, generally in the District of Columbia all the public offices will close and the stores will keep open. That is the purpose of it, and to the reverence of Lincoln—not at all. We have a good many holidays. It is proposed by some gentlemen to make Armistice Day a holiday. It may be done. There are a great many men who have been distinguished enough in the country, if it becomes a habit, to make their birthdays holidays. It will not benefit them. It does not add anything to the reverence of the people. There is absolutely no occasion for it, except some gentlemen of the District of Columbia who would like to be let out of work another day in the year organized the propaganda to have another legal holiday. When they get that they will have another one they want. I think it is time to stop the misuse of the name of Lincoln to steal things out for private interest. [Applause.]

Mr. FOCHT. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 20 minutes remaining.

Mr. FOCHT. I yield 10 minutes to the gentleman from Ohio [Mr. CHALMERS].

Mr. CHALMERS. Mr. Chairman, I have a great admiration for Washington; the Father of his Country; I have great admiration for Lincoln, the savior of his country; and I have a great admiration for that leading statesman of the world to-day, Warren G. Harding, the man who will save the world during the reconstruction period following the World War. In addition to several personal characteristics that are similar, did you ever stop to think, and have you ever referred to your histories to see, that historical parallel between the two great men—the man whose birthday we are celebrating to-day and the present honored President of this Republic, Warren G. Harding? Sixty-two years ago the Republican national convention was held in the city of Chicago. In 1860 the Republicans called their national convention in the city of Chicago. Previous to that convention there were three prominent candidates mentioned for the Presidency of the United States; one, you remember, was Salmon P. Chase, another was Cameron, the third was Seward.

There were three prominent candidates mentioned. Nobody thought of Abraham Lincoln before this convention, but it is said that during that convention after they had talked the matter over for a few days some of the leading men met at a late hour at night in a room in a Chicago hotel and that the next day Abraham Lincoln was nominated for the Presidency of the United States. And, listen. They gave him as his running mate the governor of a New England State, the Hon. Hannibal Hamlin, an ex-governor of Maine. The Democrats met a short time afterwards in the city of Baltimore and nominated Stephen A. Douglas, a candidate from Lincoln's own State. Now look at the historical parallel. Sixty years later, in 1920, the Republicans met in Chicago. Three prominent candidates were mentioned before the convention—Louden, Johnson, and Wood. But after they talked and discussed it for a time they got together and made up their minds a compromise candidate must be found, and the next day Warren G. Harding was named as Republican candidate for President of the United States, and they gave him as a running mate for Vice President the governor of a New England State, the Hon. CALVIN COOLIDGE, governor of Massachusetts. Mr. Harding's name had been placed before the convention and he was the only candidate to gain on every vote from the first to the last. The Democrats met later in San Francisco, and nominated as their standard bearer a man from Harding's own State.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. CHALMERS. I will.

Mr. CONNALLY of Texas. Did the gentleman carry out the analogy about the room or leave that out? Does the gentleman

propose to offer an amendment to make Harding's birthday a legal holiday on this bill to carry out the analogy?

Mr. CHALMERS. No, sir. Mr. Chairman, I said in opening that I highly respected and honored the father of his country, Washington; the savior of our country, Lincoln; and Harding, the savior of the world, and drew a parallel from history. There is also a personal parallel, and I want to say to the Members of the House that, in my judgment, the administration of Harding will go down in history as one of the great administrations of this country. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

The CHAIRMAN (Mr. LEHLBACH). The gentleman from Texas is recognized for five minutes.

Mr. BLACK. Mr. Chairman, I am opposed to the passage of this bill. I do not know that I can add anything to what the able gentleman from Illinois [Mr. MANN] said a few moments ago in his clear and convincing manner. I do not know that the reasons can be stated more accurately than he stated them.

If I thought that it was necessary to pass a bill of this kind to honor the memory and fame of Abraham Lincoln, why of course I would vote for it. I shall not take any time to add to the eulogies that have already been made of Mr. Lincoln, but I will say that the greatest praise which can be said of him is that he was a real workingman. I do not think that we would do honor to this real workingman by taking a day off and spending it in idleness. We already have too many days off now as to Government employees in the District of Columbia. I feel that the Congress of the United States on Mr. Lincoln's birthday, on the 12th of February of each year, can do no greater honor to his memory than to continue at work in the transaction of the Nation's business.

We already have in the District of Columbia as to Government employees 30 days' leave with pay, and 15 days' sick leave, and add to that the legal holidays we already have and it makes 52 days off altogether. I feel sure that if Abraham Lincoln had the power to speak he would not consider it any great honor to him to have a day set apart at the expense of the taxpayers for the Government employees to take another day's rest added to their already quite lengthy resting period. For that reason I am opposed to the bill.

Mr. CONNALLY of Texas. How many additional employees would it make necessary to add one holiday?

Mr. BLACK. It would be hard to make an estimate on that. Therefore I refrain from trying. But it is quite clear such a bill would increase Government expenses, and I am strictly opposed to it. [Applause.]

Mr. FOCHT. Mr. Chairman, I move, if gentlemen do not care to take any more time, that the debate close, and that the Clerk read the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc. That the 12th day of February in each year, being the anniversary of the birth of Abraham Lincoln, is hereby made a legal holiday within the District of Columbia, to be known as Lincoln's Birthday, and in its observance and effect it shall be subject to all provisions of law applicable to holidays within said District.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the "ayes" appeared to have it.

Mr. FOCHT. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 37, noes 17.

Mr. FOCHT. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Pennsylvania asks for tellers. Those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Sixty gentlemen have risen, not a sufficient number.

So tellers were refused.

Mr. FAIRCHILD. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FAIRCHILD. I will withdraw the point.

The CHAIRMAN. The point of order is withdrawn.

Mr. BLANTON. Mr. Chairman, I presume the gentleman from Illinois [Mr. MANN] will make the motion to rise.

Mr. MANN. Mr. Chairman, I move that the committee rise and report the action of the committee to the House.

The CHAIRMAN. The gentleman from Illinois moves that the committee rise and report the action of the committee to the House. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 2310) to declare Lincoln's birthday a legal holiday, had directed him to report that the committee had recommended that the bill be amended by striking out the enacting clause.

The SPEAKER. The gentleman from New Jersey reports that that committee having under consideration the bill H. R. 2310 had directed him to report the same back to the House with the recommendation that it be amended by striking out the enacting clause thereof.

Mr. MANN. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Illinois moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on concurring in the action of the committee to strike out the enacting clause.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. FOCHT. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote. No; I will first ask for a division.

The SPEAKER. The gentleman withdraws the point of no quorum, and asks for a division.

The House divided; and there were—ayes 42, noes 22.

Mr. FOCHT. Mr. Speaker, I object to the vote, and make the point that there is no quorum present.

The SPEAKER. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. As many as favor the action of the committee in striking out the enacting clause of the bill H. R. 2310 will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 162, nays 89, answered "present" 1, not voting 178, as follows:

YEAS—162.

Anthony	Dickinson	Lea, Calif.	Sanders, Ind.
Aswell	Dominick	Lee, Ga.	Sanders, N. Y.
Bacharach	Doughton	Lehlbach	Sanders, Tex.
Beck	Drane	Linthicum	Sandlin
Begg	Dunbar	Logan	Scott, Mich.
Bell	Elliott	Lowrey	Scott, Tenn.
Black	Ellis	Luce	Sears
Bland, Va.	Evans	Luhning	Shelton
Blanton	Fairfield	Lyon	Shreve
Boies	Free	McClintic	Sisson
Bowling	Freeman	McCormick	Snell
Box	French	McDuffie	Steagall
Brand	Fulmer	McFadden	Stedman
Briggs	Funk	McPherson	Stephens
Browne, Wis.	Garner	MacGregor	Stevenson
Buchanan	Garrett, Tenn.	Mann	Stoll
Bulwinkle	Gensman	Merritt	Strong, Kans.
Burdick	Glynn	Michener	Summers, Wash.
Burness	Graham, Ill.	Moore, Va.	Sumners, Tex.
Byrnes, S. C.	Greene, Mass.	Moore, Ind.	Swank
Byrns, Tenn.	Hammer	Mott	Taylor, Ark.
Cannon	Hardy, Colo.	Nelson, A. P.	Temple
Carter	Hardy, Tex.	Newton, Minn.	Tillman
Christopherson	Hersey	Oldfield	Tincher
Clague	Hicks	Overstreet	Tyson
Clark, Fla.	Hoch	Padgett	Vestal
Clouse	Huddleston	Park, Ga.	Volstead
Cole, Iowa	Hudspeth	Parks, Ark.	Walsh
Collins	Jacoway	Pou	Ward, N. C.
Connally, Tex.	Jeffers, Ala.	Pringley	Wason
Connell	Johnson, Miss.	Quin	Weaver
Cooper, Wis.	Johnson, Wash.	Radcliffe	Webster
Copley	Jones, Pa.	Raker	White, Me.
Coughlin	Jones, Tex.	Ramseyer	Williamson
Cramton	Kincheloe	Rankin	Wilson
Crisp	King	Rayburn	Wingo
Cullen	Kirkpatrick	Reavis	Wood, Ind.
Curry	Knutson	Reece	Woodyard
Dale	Lanham	Rogers	Wyant
Davis, Tenn.	Larsen, Ga.	Rouse	
Dempsey	Layton	Rucker	

NAYS—89.

Ackerman	Colton	Gahn	Kline, N. Y.
Andrews, Nebr.	Crago	Gerner	Kline, Pa.
Appleby	Dallinger	Gilbert	Kopp
Arentz	Darrow	Griest	Lampert
Atkeson	Davis, Minn.	Harrison	Lazaro
Barbour	Dowell	Hawes	Leatherwood
Bixler	Dupré	Hayden	Little
Brooks, Ill.	Edmonds	Hickey	Longworth
Brown, Tenn.	Fairchild	Himes	McLaughlin, Mich.
Burton	Fenn	Kearns	Magee
Butler	Focht	Kiess	Maloney
Cable	Fordney	Kindred	Mapes
Carew	Foster	Kinkaid	Millspaugh
Chalmers	Frothingham	Kissel	Moore, Ohio
Chindblom	Fuller	Klecza	Morgan

Murphy
Nelson, J. M.
Norton
O'Connor
Osborne
Patterson, N. J.
Petersen
Rainey, Ill.

Ransley
Reed, N. Y.
Reed, W. Va.
Rhodes
Ricketts
Riordan
Roach
Slomp

Smith, Idaho
Smith, Mich.
Smithwick
Stafford
Sweet
Swing
Tague
Taylor, N. J.

Ten Eyck
Townner
Vailo
Watson
Woodruff

ANSWERED "PRESENT"—1.

Schall

NOT VOTING—178.

Almon	Fisher	Lankford	Rose
Anderson	Fitzgerald	Larson, Minn.	Rosenbloom
Andrew, Mass.	Frear	Lawrence	Rosendale
Ansorge	Gallivan	Lee, N. Y.	Ryan
Bankhead	Garrett, Tex.	Lineberger	Sabath
Barkley	Goldsborough	London	Shaw
Beedy	Goodykoontz	McArthur	Siegel
Benham	Gorman	McKenzie	Sinclair
Bird	Gould	McLaughlin, Nebr.	Sinnott
Blakeney	Graham, Pa.	McLaughlin, Pa.	Snyder
Bland, Ind.	Green, Iowa	McSwain	Speaks
Bond	Greene, Vt.	Madden	Sproul
Bowers	Griffin	Mansfield	Steenerson
Brennan	Hadley	Martin	Stiness
Brinson	Haugen	Mead	Strong, Pa.
Britten	Hawley	Michaelson	Sullivan
Brooks, Pa.	Hays	Miller	Taylor, Colo.
Burke	Herrick	Mills	Taylor, Tenn.
Burroughs	Hill	Monell	Thomas
Campbell, Kans.	Hogan	Montague	Thompson
Campbell, Pa.	Hooker	Montoya	Tilson
Cantrill	Houghton	Moore, Ill.	Timberlake
Chandler, N. Y.	Hukriede	Morin	Tinkham
Chandler, Okla.	Hull	Mudd	Treadway
Clarke, N. Y.	Humphreys	Newton, Mo.	Underhill
Classon	Husted	Nolan	Upshaw
Cockran	Hutchinson	O'Brien	Vare
Codd	Ireland	Ogden	Vinson
Cole, Ohio	James	Oliver	Volgt
Collier	Jeffers, Nebr.	Olpp	Volk
Connolly, Pa.	Johnson, Ky.	Paige	Walters
Cooper, Ohio	Johnson, S. Dak.	Parker, N. J.	Ward, N. Y.
Crowther	Kahn	Parker, N. Y.	Wheeler
Deal	Keller	Parrish	White, Kans.
Denison	Kelly, Mich.	Patterson, Mo.	Williams
Drewry	Kelly, Pa.	Perkins	Winslow
Driver	Kendall	Perlman	Wise
Dunn	Kennedy	Porter	Woods, Va.
Dyer	Ketcham	Purnell	Wright
Echols	Kitchin	Rainey, Ala.	Wurzbach
Faust	Knight	Reber	Yates
Favrot	Kraus	Riddick	Young
Fess	Kreider	Robertson	Zihlman
Fields	Kunz	Rodenberg	
Fish	Langley		

So the motion to strike out the enacting clause was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HUTCHINSON with Mr. O'BRIEN.

Mr. TREADWAY with Mr. COLLIER.

Mr. MONDELL with Mr. PARRISH.

Mr. MADDEN with Mr. BANKHEAD.

Mr. GRAHAM of Pennsylvania with Mr. COCKRAN.

Mr. WILLIAMS with Mr. FISHER.

Mr. DENISON with Mr. GRIFFIN.

Mr. MUDD with Mr. SULLIVAN.

Mr. NEWTON of Missouri with Mr. WOODS of Virginia.

Mr. KELLER with Mr. FIELDS.

Mr. HUKRIEDE with Mr. HUMPHREYS.

Mr. DUNN with Mr. ALMON.

Mr. FAUST with Mr. MONTAGUE.

Mr. ROSSDALE with Mr. DREWRY.

Mr. REBER with Mr. GOLDSBOROUGH.

Mr. ROSE with Mr. KITCHIN.

Mr. IRELAND with Mr. MCSWAIN.

Mr. MICHAELSON with Mr. VINSON.

Mr. PURNELL with Mr. WRIGHT.

Mr. HERRICK with Mr. SABATH.

Mr. WINSLOW with Mr. BARKLEY.

Mr. SNYDER with Mr. FAVROT.

Mr. OLPP with Mr. HOOKER.

Mr. STRONG of Pennsylvania with Mr. KUNZ.

Mr. HOGAN with Mr. MARTIN.

Mr. CHANDLER of Oklahoma with Mr. WISE.

Mr. BLAKENEY with Mr. DRIVER.

Mr. VARE with Mr. GALLIVAN.

Mr. PERLMAN with Mr. DEAL.

Mr. BRENNAN with Mr. OLIVER.

Miss ROBERTSON with Mr. UPSHAW.

Mr. LAWRENCE with Mr. THOMAS.

Mr. VOLK with Mr. GARRETT of Texas.

Mr. TILSON with Mr. JOHNSON of Kentucky.

Mr. OGDEN with Mr. LANKFORD.

Mr. KAHN with Mr. CAMPBELL of Pennsylvania.

Mr. CONNELLY of Pennsylvania with Mr. MEAD.

Mr. CODD with Mr. LONDON.

Mr. BURKE with Mr. BRINSON.

Mr. GORMAN with Mr. TAYLOR of Colorado.

Mr. FESS with Mr. RAINEY of Alabama.

Mr. KNIGHT with Mr. CANTRILL.

Mr. PATTERSON of Missouri with Mr. MANSFIELD.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The House concurs in the action of the committee in striking out the enacting clause.

On motion of Mr. MANN a motion to reconsider the vote by which the enacting clause was stricken out was laid on the table.

MARINE INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes, with Mr. LONGWORTH in the chair.

Mr. FOCHT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BLANTON. I object, Mr. Chairman. I think the Members want to know what the bill is about.

The CHAIRMAN. Objection is made. The Clerk will report the bill.

The bill was read at length.

Mr. FOCHT. Mr. Chairman and gentlemen of the committee, this measure was for a period of something like three years, at intervals, under consideration of the Committee on Merchant Marine and Fisheries, a majority of which was in favor of its provisions. It was later sent to the Committee on the District of Columbia on account of the bill applying to the District of Columbia alone. That committee, after numerous hearings, having present experts from various cities in the interests there represented, favorably reported the bill. The committee regards the measure highly technical as well as constructive and progressive, and I sincerely hope in the illumination of the various provisions that the House may be attentive to the gentleman from Pennsylvania [Mr. EDMONDS], whom I regard as an expert on the subject, so that there may not be lost any part of the bill's provisions, since, if it becomes law, it will leave in the hands of American insurance interests vast sums of money now paid to foreign underwriters. That point I believe will be clearly set forth by the gentleman from Pennsylvania, and he will show how it will greatly facilitate the underwriting and the protection of the merchant marine of this country.

Mr. WALSH. Mr. Chairman, I make the point of no quorum.

Mr. GARRETT of Tennessee. Will not the gentleman withhold that for a moment? I have a very important question I would like to ask the gentleman from Pennsylvania.

Mr. WALSH. I will withhold it.

Mr. GARRETT of Tennessee. May I ask the gentleman from Pennsylvania if it is his purpose to hold this bill before the House on District days as unfinished business until it is completed?

Mr. FOCHT. That would be for the House to determine.

Mr. GARRETT of Tennessee. I am asking about the purpose of the gentleman from Pennsylvania.

Mr. FOCHT. I should say it would be held before the committee until the House disposes of it. I deem it of sufficient importance, and especially if the gentleman will permit me to go further, I know there is opposition to this measure. I have served long enough in legislative bodies to know how bills are often killed, interfered with, hampered, hindered, and finally strangled. One way, and a particularly favorite way, often employed, is to get something in front of it. I have seen many bills in front of this, interfering with it, prolonging delay, discussing them for a whole day and then defeating them simply that this bill might not be considered. I propose, if possible, to get it out of the road whether it is passed or defeated.

Mr. GARRETT of Tennessee. Then I understand the gentleman to mean that on District days hereafter until this bill has been concluded it will be the business that will be called up unless there is some emergency?

Mr. FOCHT. We will go along in a rational way, and if opponents undertake to interfere and impede, throw obstacles in the way so that we can have no further legislation, but talk it to death—certainly not. I will use my judgment after counsel with the committee, but try to have it concluded in a careful and successful way.

Mr. GARRETT of Tennessee. Then we do not know whether this bill will be up on the next District day or not.

Mr. FOCHT. I hope that it will and that the gentleman will help. I hope we can dispose of it, and I trust the gentleman will assist as well as Members on this side.

Mr. GARRETT of Tennessee. Well, that statement does not illumine the situation much. I would like to know what is in the gentleman's mind in regard to it. Is this to be the District business until it is concluded?

Mr. FOCHT. I shall be guided by conditions as they present themselves from time to time. If this is to be blocked, if it is to be hamstrung, I am going to find out if possible, with the gentleman's help.

Mr. GARRETT of Tennessee. I am not suggesting hamstringing it.

Mr. FOCHT. That is what has happened so far—I will be candid with the gentleman.

Mr. GARRETT of Tennessee. It has not happened to-day.

Mr. FOCHT. It has been happening for weeks. I will not go into details, for it has nothing to do with the merits of the case. But I will say in all candor that I expect to go along with all bills, this or any other bill, and meet the contingencies as they arise.

Mr. GARRETT of Tennessee. Well, with that illuminating statement does not the gentleman from Massachusetts [Mr. WALSH] think he ought to withhold his point of no quorum? [Laughter.]

Mr. WALSH. Will the gentleman yield?

Mr. FOCHT. Yes.

Mr. WALSH. Mr. Chairman, this is a very important measure. It is a measure which I feel properly belongs to another committee, but this committee has held very extensive hearings upon it, has heard testimony of experts, as the gentleman from Pennsylvania has said, and a measure that has already passed the Senate. With the exception of explaining one or two amendments in half a dozen or a dozen lines, there was not a word of debate or explanation in the other body on this measure. The gentleman from Pennsylvania [Mr. EDMONDS], colleague of the distinguished chairman of the committee, is very familiar with this. He is a member of the Committee on the Merchant Marine and Fisheries and appeared before the House committee and the Senate committee in favor of this measure. As the gentleman from Pennsylvania said, it has been impending here for several District days. I think if the gentleman from Pennsylvania [Mr. EDMONDS] is going to make an explanation of this bill, we should have a larger attendance to hear and understand it, and I make the point of order that there is no quorum present.

Mr. GARRETT of Tennessee. Mr. Chairman, in view of this manifest disposition to delay, I move that the committee do now rise.

The question was taken, and on a division, demanded by Mr. GARRETT of Tennessee, there were—ayes 21, noes 44.

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. FOCHT and Mr. GARRETT of Tennessee were appointed to act as tellers.

The committee again divided, and the tellers reported—ayes 8, noes 35.

So the motion was rejected.

Mr. WALSH. Mr. Chairman, my point of no quorum is still pending.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-five Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Clague	Fields	Hutchinson
Andrew, Mass.	Clarke, N. Y.	Fisher	Ireland
Ansorge	Classon	Fitzgerald	Jacoway
Aswell	Clouse	Free	James
Bankhead	Cockran	Gallivan	Jeffers, Nebr.
Barkley	Codd	Goldsbrough	Johnson, Ky.
Beedy	Cole, Ohio	Goodykoontz	Jones, Tex.
Bird	Collier	Gorman	Kahn
Blakeney	Connolly, Pa.	Gould	Keller
Bond	Cooper, Ohio	Graham, Pa.	Kelley, Mich.
Bowers	Copley	Green, Iowa	Kelly, Pa.
Brennan	Crowther	Greene, Vt.	Kennedy
Brinson	Curry	Hadley	Kitchin
Britten	Davis, Minn.	Hawley	Kieczka
Brooks, Pa.	Denison	Hays	Kline, N. Y.
Brown, Tenn.	Dominick	Herrick	Knight
Browne, Wis.	Drewry	Hill	Kraus
Burdick	Driver	Hogan	Kreider
Burke	Dunn	Hooker	Kunz
Butler	Dupré	Houghton	Langley
Campbell, Kans.	Dyer	Hudspeth	Lankford
Cantrill	Faust	Hukriede	Lee, N. Y.
Chandler, N. Y.	Fenn	Hull	Lineberger
Chandler, Okla.	Fess	Husted	London

McArthur	O'Brien	Rosenberg	Treadway
McCormick	Ogden	Rose	Underhill
McDuffie	Oliver	Rosenbloom	Upshaw
McKenzie	Olpp	Rossdale	Vare
McLaughlin, Nebr.	Padgett	Rucker	Voigt
McLaughlin, Pa.	Paige	Ryan	Voik
McSwain	Parker, N. J.	Sabath	Volstead
Madden	Parker, N. Y.	Shaw	Walters
Mansfield	Parrish	Siegel	Ward, N. Y.
Martin	Patterson, Mo.	Sinclair	Wheeler
Mead	Perkins	Snyder	Williams
Michaelson	Perlman	Speaks	Wingo
Miller	Pringle	Sproul	Winslow
Mills	Purnell	Stiness	Wise
Montague	Rainey, Ala.	Strong, Pa.	Woods, Va.
Montoya	Ransley	Sullivan	Wright
Moore, Ill.	Reavis	Sumners, Tex.	Wurzbach
Mott	Reber	Taylor, Colo.	Yates
Mudd	Riddick	Thomas	Zihlman
Newton, Minn.	Riordan	Tilson	
Newton, Mo.	Robertson	Tinkham	
Nolan	Robison	Towner	

The committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill S. 2265, to regulate marine insurance in the District of Columbia, and for other purposes, had found itself without a quorum, that he had directed the roll to be called, and that 249 Members had answered to their names, a quorum, and he handed in the list of the absentees for printing in the Journal.

The committee resumed its session.

Mr. FOCHT. Mr. Chairman, I yield 30 minutes to the gentleman from Pennsylvania [Mr. EDMONDS]. [Applause.]

Mr. EDMONDS. Mr. Chairman and gentlemen, it may appear to you that a bill to regulate marine insurance in the District of Columbia may not be of very much importance. Yet at the same time, if you understood the reasons for the bill, I think you will probably recognize that it is the only thing that we can do in the way of legislation to improve marine insurance business in this country. In 1919, in September, after an investigation in the Merchant Marine and Fisheries Committee lasting a couple of months, we found that marine insurance was one of the three important subjects that we would have to look into and endeavor to bolster up in order to keep our ships at sea. The committee spent probably a year and a half on this work, in connection with the Shipping Board. Our first investigation was made by questionnaires. We questioned every large insurance company in the country, particularly those that claimed they were doing a marine insurance. We found that in some cases the companies had included automobile insurance with marine insurance, and they were really doing only automobile insurance. After we got these questionnaires together and began to compile statistics from them, we found that pretty nearly two-thirds of our marine insurance was either exported as reinsurance or was directly written in other countries. It was a rather peculiar condition of affairs. It did not seem right. Yet I presume on account of our having no ships it was natural. However, we found that in settling losses of marine insurance all documents and all data in regard to our shipments went into the hands of our foreign competitors, that they were fully armed as to what we were doing, what prices we were charging, what freights we were paying, and whatever other information that would go along naturally in settling losses was in their possession, and when they took the policies direct, as they did in many cases, they knew just exactly what we were doing in foreign countries.

We found that the vast bulk of the insurance was in the hands of England; that most of our companies doing marine insurance did not feel like risking the large sums of money that are involved in cargo insurance, in some cases running up as high as ten and twenty million dollars, and our companies would take a small percentage of the amount, possibly \$100,000 or \$150,000, and then would reinsure it wherever they could get reinsurance at favorable terms. Some of our insurance companies were reinsuring in English companies, and they again were reinsuring the same risk in German companies. As a matter of fact, the German reinsurance companies became almost standard in the world for doing reinsurance, so much so that when the war came on we had to take over the assets of the German marine insurance companies to meet the risks incurred. We did that by act of Congress, I think, or by Executive order. The situation did not look good to us, so after our investigation was completed that far we called in a number of large underwriting companies that really did marine insurance. They came down, mostly represented by their presidents. We told them we did not see how this condition of affairs could continue, that we thought the reinsurance ought to be done in this country, that we had plenty of insurance

companies to do a large line. They replied that we would find that that was not true. They said that they had tried to get the insurance companies to take it, but, as one gentleman said, owing to the numerous troubles insurance companies have with the different State administrations in regard to reinsurance companies and the lack of law for reinsurance companies, it was not possible for them to get any line of reinsurance in this country worth considering.

Well, after working on that six or eight months—it took some time to get those people together—it was proposed we form a reinsurance syndicate in the country. We did that, and with the aid of the Shipping Board we formed what is known as Syndicate B and Syndicate C. Syndicate B took a line on Shipping Board ships of \$2,000,000 on the hulls and Syndicate C took a line of \$2,600,000. We had a number of insurance companies in the country that were known as admitted insurance companies and others whose stock was owned by foreign companies. In Syndicate C \$600,000 was taken up by these admitted companies. In Syndicate B the \$2,000,000 was purely American. Now, a policy of this kind insuring ships was not known in this country before, but since that time these syndicates have been in operation, and they have been taking care of the hull insurance very well. Unfortunately, we have not been able yet to complete any arrangements in regard to cargo insurance, but we expect before very long to do so. Cargo insurance covered a great body of information that has been gathered by the older companies for years and considered by them as part of their capital, and they hesitate very much about spreading broadcast their experience.

Rates are not, however, like they are in ordinary fire insurance. The rates are variable. Commissions are not established like in the ordinary fire insurance, and they are variable. We found brokers in this country who sent most of their business to the other side. We found a lot of insurance going out of this country directly to escape taxation here. We passed in our revenue bill a tax of 3 per cent on export insurance, but we got very little tax. It could not be collected because a lot of brokers were running around New York and other maritime cities with their offices in their pockets, and they sent their insurance by cable to the other side and placed it there. It rather alarmed us when going into the figures to find out the amount of premiums that were exported from the country. In 1919 the total was \$314,509,000. Of that \$55,000,000 was marine insurance and \$176,000,000 for fire insurance and \$81,000,000 casualty insurance. The amount of insurance in American companies owned by the British was included in that sum. These figures were compiled by Best & Co. It was figured also that \$100,000,000 of premiums were also cabled out of the country, making a total of \$414,000,000 worth of money which went out of the country every year for insurance premiums alone, most of that going to England.

Mr. EVANS. Will the gentleman yield?

Mr. EDMONDS. I will.

Mr. EVANS. Can the gentleman state now in connection with that the amount of losses which were paid under those premiums?

Mr. EDMONDS. I do not think the losses are given, but I will look over Best's figures here. No; the losses are not given. But I can say this, that all marine insurance is loaded 30 to 40 per cent, commissions and expenses, when it starts, and when you take out a fire policy to-day it is loaded 35 per cent or 40 per cent, which, of course, did not return to this country because of those commissions and expenses. A great many large insurance brokers here have their offices in London, and they cable insurance over to London, and as long as the exchange was stable, why, they managed to do very well and get away from taxation here. The tax here runs 7½ per cent and the tax on the other side is about 3½ to 4 per cent. We are about 3½ to 4 per cent on the wrong side in taxation. So after we had gotten these syndicates working and everything moving along nicely we turned our efforts to cargo insurance, and we found that there was another obstacle in the road. One was, for instance, down in Brazil, we will say, taking on a cargo of rubber. If we went to an American company we had to get a half dozen policies in a half dozen companies to cover the different marine risks. Now, in the States we divide our insurance up, and, outside of three or four States, and more, I hope, this year, the insurance is generally for a certain line, and we found that was not true of the English companies.

They have modernized their business in the last 50 years, and an English company to-day can write any kind of insurance. They can write life insurance if they choose and they can write fire insurance if they choose. They can write any kind of insurance that it is possible to conceive of. They are required,

of course, to hold reserves for each special kind that they take up and to register for that line of business, and act as if they were several distinct companies under one roof.

Now, what happened in Brazil? If you went to an English bank you would find an English insurance company there, and all that a man had to do who wanted to borrow money on a cargo was to fix up a policy with one man, and another man advanced the money. But if that man wanted to get American insurance he had to get a number of insurance companies to cover his interests before he could go to a bank to borrow money, and then they all had to look into the policies before they would do anything. That was the trouble that a man would have in attempting to get insurance on foreign cargoes. It seemed as if we would have to do something to change that condition.

Another thing bothered us. We found that the English would put a rate, if necessary, below the cost in certain portions of the world and then charge a higher rate in other portions of the world. We found out that if we undertook to afford insurance facilities in this country—and we are finding that it is necessary more and more to-day—the English would give us a very low rate and would charge higher rates on some nation where there was no competition. That situation did not look good to us. We called the insurance companies together, and they said it was not a good state of affairs, but they said the only way to avoid it was to establish insurance companies in the foreign countries. But the trouble is that when we make a foreign investment we must count on that money as being away from us all the time. So this bill provides for the establishment of foreign companies and the holding of proper reserves and an allowance for a certain time, and everything over that can be counted as reserve here in the District.

Mr. BLANTON. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. EDMONDS. Certainly.

Mr. BLANTON. This bill, which comes to us from the Senate, is passed practically as it was introduced there, with no changes to amount to anything. Is not that the case?

Mr. EDMONDS. That is correct.

Mr. BLANTON. The gentleman introduced a companion bill in the House which is practically identical with the one under consideration?

Mr. EDMONDS. Practically.

Mr. BLANTON. This bill is about 37 pages, mostly of legal phrases and terms and provisions. Is not that so? The gentleman has been here a long time and is well acquainted with the personnel of the District Committee, with its chairman and other members. The Chairman is not a lawyer. The gentleman from Pennsylvania [Mr. EDMONDS], who introduced this bill of 37 pages of legal phrases and terms and provisions, is not a lawyer himself, is he, and has never practiced?

Mr. EDMONDS. I have never been a lawyer, thank God. [Laughter.]

Mr. BLANTON. Yet the chairman, who has been a distinguished newspaper man, but no lawyer, and the gentleman from Pennsylvania, who has been a distinguished citizen and legislator, but not a lawyer, are fathering this 37-page bill of legal phrases and terms and provisions here. Now, what I wanted to ask the gentleman is this: Does he not think it best and wise for some lawyer who favors the measure to get up and explain the legal effect of all these various clauses and phrases and terms and provisions in 37 pages of a bill which may mean the life and death of lots of insurance companies here in the land?

Mr. EDMONDS. Let me say to the gentleman that he is on the Committee on the District of Columbia, and he is a noted lawyer, and the bill was reported out of that committee unanimously.

Mr. BLANTON. Well, "the gentleman from Texas" was serious, not facetious.

Mr. EDMONDS. I am serious. I say I hope the gentleman will get up and explain.

Mr. BLANTON. I will ask the gentleman this question. He intimated to the House that by reason of the fact that we had an American merchant marine now, this legislation is necessary to uphold and foster and maintain our merchant marine. What is the function of syndicate B?

Mr. EDMONDS. Syndicate B is to insure Shipping Board ships.

Mr. BLANTON. Syndicate B insures every single ship that the United States Shipping Board sells to others?

Mr. EDMONDS. No; it only insures the interest of the party purchasing it.

Mr. BLANTON. It insures the interest of the United States in the ships that are sold?

Mr. EDMONDS. No; it does not.

Mr. BLANTON. Does it not insure the interest of the United States in ships which the United States Emergency Fleet Corporation sells?

Mr. EDMONDS. When the United States Emergency Fleet Corporation sells a ship and gets \$50,000 or \$100,000, or whatever it may be, on account, Syndicate B insures that \$50,000 or \$100,000 for the outsider.

Mr. BLANTON. Then if the Shipping Board does its own insurance, and thereby protects the interests of the United States Government, and in addition to that we have section 16 making this admission—

that none of the taxes or fees prescribed under sections 8 to 13, inclusive, shall be imposed upon business written within the district by "Syndicate B," a marine insurance syndicate created by agreement between the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation and a number of subscribing American marine insurance companies, under date of June 28, 1920, for the purpose of insuring all American steel steamships which the United States Shipping Board and/or United States Shipping Board Emergency Fleet Corporation may hereafter sell to others, to the full extent of the unpaid purchase price thereof, and also such other American steel steamships heretofore sold by said Shipping Board and/or by said corporation as are acceptable for insurance to the Syndicate B subscribers—

Mr. EDMONDS. I think I made a mistake in answering the gentleman. I mean that when the Shipping Board sells a ship, the portion of that ship that they take a mortgage for is insured in Syndicate B.

Mr. BLANTON. But if the Shipping Board does its own insurance, thereby protecting the interests of the Government, and if these American marine insurance companies doing business in the District of Columbia under the present law are able to take care of the balance of that insurance, what is the necessity of this new marine insurance law?

Mr. EDMONDS. If the gentleman will just give me a little time I will try to explain.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. CHINDBLOM. Perhaps it will be well to explain right here what the gentleman means by saying that the Shipping Board does its own insuring. In fact, it has no insurance at all, has it?

Mr. EDMONDS. That is virtually it.

Mr. CHINDBLOM. It carries its own risk?

Mr. EDMONDS. It carries its own risk.

Mr. BLANTON. If the gentleman will permit me, if there is money in the insurance business, if there are profits in it that go as dividends to the stockholders, and if the Emergency Fleet Corporation and the United States Shipping Board have as many ships as the United States Government now owns in its merchant marine, why is it not good business for the United States to carry its own insurance?

Mr. EDMONDS. It does carry it.

Mr. BLANTON. Then you are not providing in this measure for insurance for our own ships?

Mr. EDMONDS. No; not at all. If you allow me to explain how this bill comes about, you will understand.

Mr. WALSH rose.

Mr. EDMONDS. Does the gentleman from Massachusetts desire to ask me a question?

Mr. WALSH. I want to ask the gentleman a question, but if he is going to make an explanation I will defer my question.

Mr. EDMONDS. I want to explain how the bill came about. Then I will be very glad to answer any question.

Mr. WALSH. Very well.

Mr. EDMONDS. After we had gotten to this point there was a meeting of insurance commissioners in New York. We went over to that meeting. Admiral Benson went along. Mr. Deane was with us. We had Prof. Huebner as expert. Prof. Huebner is probably the best expert on marine insurance in the country. He has written two or three books about it, and he knows about it. He was employed by the Shipping Board, not by any outsider. He has no interest in any insurance company. As I say, he is considered the best expert in the country to-day on marine insurance.

Mr. CHINDBLOM. Where is he located?

Mr. EDMONDS. At the University of Pennsylvania. We went over to meet the insurance commissioners, and we had a long talk with them. Most of the marine insurance people along the coast were very much in favor of trying to get a national bill for marine insurance, but after investigation to find some ways and means of doing it we found that it was impossible, because the Supreme Court has decided in a number

of cases that insurance is a service and not a commodity, that it can not come under the commodity clause of the Constitution, and if we were to attempt to put anything like that through it would be declared unconstitutional. Well, we called in a number of the different experts. Prof. Huebner and myself met pretty nearly every Friday night. We talked this over and came to the conclusion that if we could get some kind of uniformity in the marine insurance laws in the different States we would endeavor to do so. The only place left for us to originate a bill that would cover marine insurance with some degree of uniformity and in an up-to-date manner was in the District of Columbia. So we prepared this bill and brought it out last year. It was not a bill prepared by the insurance companies. It was not prepared by anybody except ourselves.

We took it to several of the commissioners and they were enthusiastically in favor of it. Some of the commissioners to-day are writing in for copies of the bill. The insurance commissioner of Pennsylvania got two of the sections through, the ones in regard to foreign insurance. The great hitch with most of the States has seemed to be on the taxing proposition. As to the rest of it, they seem to be fairly well agreed. As the bill stands to-day it is a technical bill. It contains many things that I would have difficulty in explaining to you. It has been built up by studying the best insurance practices. After we got through with it we submitted it to the presidents of the companies and to insurance brokers. Some of them made some good objections. We made some changes. Other things we would not change because they affected the principles that we wanted to bring out. A great many of the older insurance companies did not like to see the younger insurance companies coming into the business. This gives the newer insurance companies an opportunity.

We then submitted it to the Commissioners of the District of Columbia. They approved of it. We then submitted it to the Shipping Board. They took it up with experts from all over the country. I have a letter here from Mr. Lasker approving of it. It has been approved all along the line. Undoubtedly the technical part of it is correct. The only things that we are doing in it consist of five brief points. One is to provide for the writing of a multiple line. The second is to provide for a reinsurance company. The third is to provide for investment in the foreign company. The fourth is to arrange the taxing problem properly, and the fifth is to arrange for the licensing of brokers, all of which are necessary.

We found that in the District of Columbia there was only an insurance code, that no insurance law had been passed, I think, since 1882, and that there had not been a modern insurance law passed here. We found that they need a law badly. In some portions of the bill you will find that it runs over the line of marine insurance in order to give these people some way of working out a situation that is not provided for in the law at the present day.

Now, after all these different investigations we brought the bill out. It went to the Merchant Marine and Fisheries Committee last session and they approved of it. When we introduced it at this session the Speaker thought it belonged to the Committee on the District of Columbia. The result of it was that it went to the District Committee. In the Senate they sent it to the Commerce Committee. That committee had insurance brokers and experts and went very thoroughly into it, and the House committee went into it very thoroughly, spending two or three days and getting information as to whether or not the bill was right. We found that there were some portions where we had made mistakes, and they were changed; but as it is now I think it is as near perfect for a modern insurance bill as you can have.

Yet at the same time men will come here and say that they do not believe in that way of taxation; and yet it was the most foolish way in the world for taxation. They taxed on the gross premiums, and so handed it to the customers and they paid it. They taxed on the gross earnings, so that an insurance company could lose money and yet pay taxes.

We had an investigation of several companies to get the amount of their taxation. We found that 71 American marine-insurance companies paid \$19,500,000 taxes; that includes fire taxes, and the tax was passed on to the customer. Out of that the Federal marine tax was \$3,593,000, and the marine State tax \$2,037,000. So you see the companies were taxed very heavily. We went into the premiums, and found as a result that in particular premiums between our companies and some companies in England the difference was one-quarter of 1 per cent, which gave them an advantage.

Now, when the gentleman from Texas asked his question I was talking about the foreign companies; 18 companies have combined together. They have established branches in New

Zealand, Australia, China, and, I think, in Spain and Portugal. In other words, we are going to fight the enemy all over the world for insurance. If this bill goes through and is copied by the States—and it has already been copied in some particulars by Oregon, Pennsylvania, and Connecticut—if it goes through in all the States, it will lead to the establishment of foreign insurance companies, combined, cooperative insurance companies, 18 or 20 combining and doing business, and in that way we will cut down the competition and not allow competitors to put up the prices in one part of the world and lower them in another.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FOCHT. Mr. Chairman, I yield the gentleman an additional 10 minutes.

Mr. EDMONDS. I want to call attention to one thing in particular. Do not get it in your minds that this bill will effect any State that you represent.

If a company originating under this bill goes into the State of New York or any State, it has to comply with the laws of that State. We have no idea at all of interfering with the taxes of a State, but we are seeking to modernize insurance and to bring it so that we will have competitive companies, capable of doing business just as cheaply and efficiently as the companies on the other side. There are no more efficient insurance companies to-day than the English companies.

Some people say we are trying to do something that will affect the State of Wisconsin and the State of Minnesota or other States, but it does not do so; it does not affect them in the least. In Texas we would have difficulty in doing insurance at all.

Mr. BLANTON. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BLANTON. And yet in the report which the gentleman brings to the House there is a statement that he is presenting this to the United States Government for all the States as a model insurance law, and in passing it by Congress you are passing it hoping that the 48 States of the Union will adopt it.

Mr. EDMONDS. We do not have to hope; they are adopting it already.

Mr. BLANTON. Then there is some reason for saying that its purpose is to affect the States outside of merely furnishing a law for the District of Columbia.

Mr. EDMONDS. The gentleman knows that the States will do as they please.

Mr. BLANTON. Sometimes they can not do as they please; they can not do as they please in railroad matters.

Mr. EDMONDS. They can as far as insurance goes; this does not affect the States, and they would have difficulty in doing business in the gentleman's State anyway, even if this bill is passed.

Mr. O'CONNOR. Why?

Mr. EDMONDS. Because of State laws. They would have to change their law to do business there. Here is what is going to happen in the District of Columbia. There are three large reinsurance companies being formed to come to the District of Columbia. If we can get reinsurance companies here to supply reinsurance facilities—and I think we can stand 20 or 30 big reinsurance companies with \$1,000,000 or \$2,000,000 capital—we can keep the money in this country providing we can cut the costs down.

I heard of one in New York the other day, I heard of one in Philadelphia, I heard of one in Detroit that are being formed as reinsurance companies to come here. That is where the benefit comes in in this insurance act to the District of Columbia. You do not want manufactories in the District of Columbia; you do not want any smoke; you do not want anything that is going to disturb the beauty of the city, but you can bring these reinsurance companies to the District of Columbia, and the Capital of the country is the proper place for them to be. They do not go out into the States. They take what the other fellow can not take care of.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. EVANS. What will be the advantage to the reinsurance companies that are organized and doing business in the District of Columbia as compared with such a company organized in a State, having in mind the matter of local taxation?

Mr. EDMONDS. In the States where reinsurance has been taken in these foreign companies the taxation did not affect it, it was only the part of the insurance retained by the companies. The State laws are different in some of the States. I have in mind now the State of New York. In other words, if I had a policy for a million dollars and I reinsured \$900,000 worth of that, I would take credit for the premium that I paid out for

the \$900,000 to the reinsurance company, and my net premium only is taxed on the basis of the amount that I retain. That was true in New York, and, I think, in Pennsylvania, but not true in some of the Western States. There are 48 different States, and I think you could find almost anything in the different laws that you want to. We have gone through the New York and Pennsylvania laws and the New Jersey laws, and we had the California laws explained to us.

The California law is a little difficult. The reinsurance companies could do business, but it would be a little difficult for them to enter into California or in these other States that have antitrust laws. If the States would only recognize reinsurance companies, there is no reason why reinsurance companies should not be in any State of the Union, but we found in some States they had very lax laws, or very indifferent laws for reinsurance companies. Since we have brought this matter to their attention they have taken a great deal of interest in it. Of our first report we got out 60,000 copies, and they were distributed to the shippers of the country. We had 5,000 copies and the Shipping Board had 5,000 copies and 50,000 copies were purchased by the different institutions and sent out to the shippers as a matter of interest and as a history of marine insurance. The second report that we got out was on legislative obstructions to the development of marine insurance in the United States, and it tells how insurance is affected by the laws of the various States. Our bill resulted from our findings in this, the Capital of the country is the natural place for reinsurance companies. Herebefore the reinsurance business has gone to England and to Germany and all over the world. It is a proposition that is not exactly like insurance. A man does not have an office, as far as the public is concerned, in a reinsurance company. He simply has an office where he gets his correspondence, and he does his reinsurance through that office for other companies.

Mr. EVANS. Is it the purpose or object of the bill to concentrate reinsurance in the Capital in case this bill is passed?

Mr. EDMONDS. There is nothing in it to do that.

Mr. EVANS. An insurance company in New York City is subject to a State tax?

Mr. EDMONDS. Yes.

Mr. EVANS. It is also subject to a city tax?

Mr. EDMONDS. Yes.

Mr. EVANS. An insurance company located in the District of Columbia pays only the municipal tax. Is not that true?

Mr. EDMONDS. Oh, no.

Mr. EVANS. What other tax does it pay besides the Federal tax?

Mr. EDMONDS. It is right here in the bill. They pay the local tax, but catch the difference in the tax in this bill. In this bill we tax the net profits of the company, while in the gentleman's State and in my State and in every State in the Union they tax the gross premiums. In this bill we are trying to do what they do in England. We do not want to take an insurance company that has virtually lost money year after year until it has eaten up its capital and tax them before they have earned a profit.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. CHINDBLOM. As a matter of fact, the insurance which will be rewritten in the District of Columbia, in other words, the insurance covered by the reinsurance contracts taken by these companies formed in the District of Columbia, will absorb the business that heretofore has gone exclusively to foreign countries.

Mr. EDMONDS. That is the idea.

Mr. CHINDBLOM. Because wherever it could have been placed in the United States it has been placed.

Mr. EDMONDS. That is right.

Mr. CHINDBLOM. And we are simply providing a place for the reinsurance that formerly went to England, Germany, to Scandinavia, and other countries, so that it may stay in the United States.

Mr. EDMONDS. That is correct. Let me analyze this tax question: The marine taxes and fees paid by the 71 companies, for example, amounted to 6.18 per cent of the total net marine premium income of the companies. In other words, for every \$100 of marine premiums received and retained by the companies, the Federal and State Governments took over \$6, and this before any allowance is made for loss payments and expenses of operation. Fire taxes and fees, by way of contrast, amounted to 4.76 per cent of the net fire premiums, while marine and fire taxes and fees combined were equal to 5.10 per cent of the combined net premium income from both sources. The total taxes and fees paid during a single year by these 71 companies amounted to 22.49 per cent of their capital stock, and to 7.66 per cent of the capital stock and surplus combined. A further

comparison shows that the taxes paid by these companies during 1918 were equal in amount to 105.59 per cent of the total dividends declared during the year, to 59.27 per cent of dividends declared plus the total increase in surplus for the year, to 125.62 per cent of the underwriting profit of all the companies, and to 53.7 per cent of the total business gain.

They added to your premium; they handicapped you. I will show you how this works out, for instance, in the case of Egyptian cotton. You could get a lower rate from New York, or rather if you had a ship at Alexandria to ship your cotton to London you could get a quarter per cent less in New York on that cargo from Alexandria to London than in Alexandria. When you have a cargo worth several million dollars that means something.

The CHAIRMAN. The time of the gentleman has again expired. [Applause.]

Mr. FOCHT. Mr. Chairman, I reserve the remainder of my time and I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 2265, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WOODS of Virginia, for an indefinite period, on account of illness.

To Mr. LANKFORD (on request of Mr. LARSEN of Georgia), on account of sickness of himself.

To Mr. HERRICK, until February 18, on account of important business.

ENROLLED BILLS SIGNED.

Mr. RICKETTS from the Committee on Enrolled Bills reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9724. An act making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes; and

H. R. 2373. An act to authorize association of producers of agricultural products.

ADJOURNMENT.

Mr. FOCHT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 14, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

531. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Wrangell Narrows, Alaska, with a view of deepening the channel to accommodate present and future commerce and the determination of the relative advantages and practicability of the above improvement of Wrangell Narrows as compared with the improvement of Dry Straits, recommended in House Document No. 68, Sixty-fifth Congress (H. Doc. No. 179); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

532. A communication from the President of the United States, transmitting report of the Director General of Railroads, covering the period which dates from the relinquishment of Federal operation to the end of the last calendar year (H. Doc. No. 180); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TINCHER: Committee on Agriculture. S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes; without amendment (Rept. No. 697). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BOX: Committee on Claims. H. R. 540. A bill for the relief of Bradley Sykes; with an amendment (Rept. No. 698). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Claims. H. R. 5668. A bill for the relief of Cora T. Dering; with amendments (Rept. No. 699). Referred to the Committee of the Whole House.

Mr. LOGAN: Committee on Claims. H. R. 7052. A bill for the relief of G. C. Caldwell; without amendment (Rept. No. 700). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BYRNES of South Carolina: A bill (H. R. 10407) authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: A bill (H. R. 10408) to authorize the leasing of public lands in Alaska for grazing and fur farming; to the Committee on the Public Lands.

By Mr. ANTHONY: A bill (H. R. 10409) to extend the benefits of the acts of June 27, 1890, May 9, 1900, February 6, 1907, and May 1, 1920, to include certain officers and privates of the Kansas State Militia and of all State militias who saw service in the field under command of officers of the Regular or Volunteer Army of the United States from 1861 to 1865 in suppressing the War of the Rebellion, and to the widows and minor children of such persons; to the Committee on Invalid Pensions.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts, requesting the Federal Government to send the steamship *Leviathan* to the Charlestown (Mass.) Navy Yard to be reconditioned; to the Committee on Naval Affairs.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, urging the Federal Government to send the steamship *Leviathan* to the Charlestown Navy Yard to be reconditioned; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURROUGHS: A bill (H. R. 10410) granting an increase of pension to Eva F. Hussey; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 10411) for the relief of William C. Baldwin; to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 10412) for the relief of Capt. Ethelbert Talbot, United States Marine Corps; to the Committee on Naval Affairs.

By Mr. LITTLE: A bill (H. R. 10413) granting a pension to Sarah A. Dickinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10414) granting a pension to Susan Fleck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10415) granting an increase of pension to Emma G. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10416) granting an increase of pension to John Shannon; to the Committee on Invalid Pensions.

By Mr. LUHRING: A bill (H. R. 10417) granting a pension to Caroline Dunaway; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 10418) granting an increase of pension to Louise E. Treanor; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 10419) validating certain applications for and entries of public lands; to the Committee on the Public Lands.

By Mr. SUTHERLAND: A bill (H. R. 10420) for the relief of S. O. Casler; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10421) granting an increase of pension to Lety Wilson; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 10422) granting a pension to Lee Byrd; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 10423) granting a pension to Eliza A. Nichols; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 10424) granting a pension to John S. Walker; to the Committee on Pensions.

By Mr. ZIHLMAN: A bill (H. R. 10425) granting a pension to Philip Keefer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4019. By the SPEAKER (by request): Resolution adopted by the Twenty-fifth Annual Convention of the International Seamen's Union of America, urging the passage of House bill 255 and Senate bill 2630; to the Committee on Reform in the Civil Service.

4020. Also (by request), resolution adopted by the Twenty-fifth Annual Convention of the International Seamen's Union of America, urging the passage of House bill 200, for the betterment of the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

4021. Also (by request), resolution adopted by the Twenty-fifth Annual Convention of the International Seamen's Union of America, urging the passage of House bill 8928, the Lehlbach reclassification bill; to the Committee on Reform in the Civil Service.

4022. By Mr. ANSORGE: Petition of the Central Trades and Labor Council of New York City, favoring the passage of the Fitzgerald accident compensation bill; to the Committee on the District of Columbia.

4023. Also, petition of the Woman's Republican Association of New York, approving the American-valuation plan; to the Committee on Ways and Means.

4024. By Mr. CHRISTOPHERSON: Petition of Lynn Smith and others, of Marshall County, S. Dak., urging a minimum price on wheat; to the Committee on Agriculture.

4025. By Mr. CRAGO: Resolution adopted by the board of directors of the Tyrone Chamber of Commerce, of Tyrone, Pa., favoring the enactment of a just bonus bill; to the Committee on Ways and Means.

4026. By Mr. FULLER: Petition of the United States National Adjustment Co., the Elliott Co., the Home Bank & Trust Co., the Addressograph Co., the Wholesale Grocers' Corporation, Buckley-Dement Co., the National Adjustment Association, the Illinois Adjusting Corporation, and Hall, Wedge & Carter, all of Chicago; the Rockford Overalls Manufacturing Co., of Rockford, and the National Sewing Machine Co., of Belvidere, all in the State of Illinois, protesting against any increase of letter postage; to the Committee on Ways and Means.

4027. Also, petition of M. A. Taylor, president of the First Trust & Savings Bank, of Chicago, Ill., protesting against proposed tax on stock and bond transactions; to the Committee on Ways and Means.

4028. By Mr. KIESS: Evidence in support of House bill 10015, granting a pension to Francis G. Babcock; to the Committee on Pensions.

4029. By Mr. KISSEL: Petition of C. Stewart Henslee, Esq., of Chattanooga, Tenn., relative to enactment of legislation to redeem United States bonds at par before maturity; to the Committee on Ways and Means.

4030. Also, petition of the Brooklyn Chamber of Commerce, of Brooklyn, N. Y., opposing a flat bonus to ex-service men at this time; to the Committee on Ways and Means.

4031. Also, petition of Hobbs, Taft & Co., of Boston, Mass., transmitting an open letter to Senator KENYON on the wool tariff; to the Committee on Ways and Means.

4032. By Mr. RAKER: Telegram from C. A. Miller, secretary of the California Group, Investment Bankers' Association of America, of San Francisco, Calif., protesting against the levying of a tax on the sales of stocks or bonds or any similar tax features; also, resolution adopted by the Chamber of Commerce of the State of New York, indorsing the stand taken by the Secretary of the Treasury relative to a bonus for ex-service men; to the Committee on Ways and Means.

4033. Also, petition signed by Edward C. Winters, jr., and 47 others, students of the electrical department of the United States Vocational Board Vocational School No. 1, protesting against the discontinuance of such school; to the Committee on Interstate and Foreign Commerce.

4034. By Mr. SNELL: Resolutions adopted by Madrid Grange, No. 962, at Madrid, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4035. Also, resolutions adopted by West Parishville Grange, No. 542, at West Parishville, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4036. By Mr. STINESS: Petition of the Providence (R. I.) Chamber of Commerce, urging the appropriation of \$16,500,000 to provide beds in Government hospitals for the care of mentally disabled and tubercular ex-service persons; to the Committee on Appropriations.

4037. By Mr. TIMBERLAKE: Petition of sundry citizens of the State of Colorado, urging the revival of the Government Grain Corporation; to the Committee on Agriculture.

SENATE.

TUESDAY, February 14, 1922.

(Legislative day of Monday, February 13, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

REINTERMENT OF SOLDIER DEAD.

The PRESIDENT pro tempore laid before the Senate a communication from the Quartermaster General of the Army transmitting a list of American soldier dead returned from overseas to be reinterred in the Arlington National Cemetery Thursday, February 16, 1922, at 2.30 p. m., which was ordered to lie on the table for the information of Senators.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy transmitting, pursuant to law, a list of old Marine Corps records on the files of the Navy Department (Headquarters, United States Marine Corps), not needed in the transaction of public business and having no historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The President pro tempore appointed Mr. HALE and Mr. PITTMAN members of the committee on the part of the Senate and directed that the Secretary notify the House of Representatives thereof.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate a telegram in the nature of a petition from the chairman of the Tricouncil of Ministers of the African Methodist Episcopal, the African Methodist Episcopal Zion, and the Colored Methodist Episcopal churches assembled at Montgomery, Ala., praying for the passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Association of State Foresters at Chestertown, N. Y., September 20-22, 1921, praying for the enactment of legislation relative to the control of pine-bark beetles, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution adopted by the Association of State Foresters at Chestertown, N. Y., favoring the control of the white-pine blister rust, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution adopted by the Association of State Foresters at Chestertown, N. Y., protesting against the proposed transfer of the Forest Service from the Department of Agriculture to another department, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by the International Seamen's Union of America, at Chicago, Ill., January 9-24, 1922, favoring the passage of the so-called Lehlbach reclassification bill, which was referred to the Committee on Civil Service.

He also laid before the Senate a resolution adopted by the International Seamen's Union of America, at Chicago, Ill., January 9-24, 1922, favoring the enactment of legislation providing that supervising inspectors of the Steamboat-Inspection Service be included under the classified civil service, which was referred to the Committee on Civil Service.

Mr. STERLING. I present a petition of certain citizens of Menno, Freeman, and Olivet, S. Dak., praying for the revival of United States Grain Corporation. A similar petition has already been printed in the Record, and I do not ask that this petition be printed. I move that it be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. WILLIS presented a memorial of sundry citizens of Cleveland, Ohio, remonstrating against the passage of any soldiers' bonus bill in cash form, which was referred to the Committee on Finance.

Mr. LADD presented a resolution adopted at a meeting of citizens of Baker and York, N. Dak., and vicinity, signed by J. C. Allen, Elling Pederson, and Senator W. J. Church, favoring the revival of the Government Grain Corporation, so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Mrs. A. G. Frendberg and 12 others of Hillsboro, and Henry Schlenker and 31 others of Jud and vicinity, both in the State of North Dakota, praying for the revival of the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

The PRESIDENT pro tempore (Mr. CUMMINS), from the Committee on Interstate Commerce, to which was referred the bill (S. 539) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, reported it without amendment and submitted a report (No. 496) thereon.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 7881) to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 3147) to provide for the settlement of disputes between employers and employees in the coal-mining industry; to establish a board for the adjustment of such disputes; to stabilize conditions of production; and for other purposes; to the Committee on Education and Labor.

By Mr. HALE:

A bill (S. 3148) granting an increase of pension to Lorinda Porter (with accompanying papers); to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3149) to cede unreserved public lands to the several States; to the Committee on Public Lands and Surveys.

By Mr. WATSON of Indiana:

A bill (S. 3150) to reorganize and to promote the efficiency of the United States Public Health Service; to the Committee on Finance.

By Mr. NEW:

A bill (S. 3151) granting an increase of pension to Thomas Lloyd (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3152) granting a pension to F. A. Merrill; and
A bill (S. 3153) granting an increase of pension to James Brophy; to the Committee on Pensions.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. SHEPPARD submitted an amendment proposing to appropriate \$3,500 for education, civilization, industrial assistance, and advancement of the Alabama and Coushatta Indians in Polk County, Tex., intended to be proposed by him to House bill 10329, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

SALARIES OF TEACHERS IN THE DISTRICT OF COLUMBIA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3136) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, and for other purposes, which was referred to the Committee on the District of Columbia and ordered to be printed.

VIEWS OF MR. JUSTICE CLARKE ON LEGISLATIVE QUESTIONS.

Mr. HARRIS. Mr. President, in the Chicago Journal of Commerce of February 9 the headlines of the principal article on the front page read as follows:

Justice Clarke urges prompt cancellation of war debt. Tells Cleveland commerce men political situation requires immediate action.

I have seen similar articles in a number of papers advocating cancellation of the foreign debts. I have the greatest respect and admiration for Justice Clarke. I happen to know him pleasantly. I think he is one of the very best men on the Supreme Court Bench. However, I think that the Justices of the Supreme Court of the United States should keep out of any matters that are political. For a member of that body to go away from Washington or to remain here and discuss publicly a matter that is being considered by the Congress of the United States is something that I think is most unfortunate.

Mr. KING. Mr. President, may I inquire of the Senator whether he considers it a political question or an economic question?

Mr. HARRIS. It is both. I do not think it is the part of wisdom for a Supreme Court Justice to publicly discuss matters to be decided by Congress. I think that the nomination of Mr. Hughes for President, a Justice of the Supreme Court, by a political party, although a man for whom I have the very high

est regard, was one of the most unfortunate things that has ever happened. The Supreme Court should look after its own affairs. Its members have the highest duty to perform of any men connected with the Government, and I hope they will not interfere with other matters. At the very time Justice Clarke delivered the address in regard to the cancellation of our foreign debts the recent conference was in session and delegates from those countries were our guests. In December I introduced in the Senate a resolution declaring it to be the sense of the Senate that our foreign debts should not be canceled. On account of the conference being in session and at the request of Senator McCUMBER, chairman of the committee in charge of the refunding bill, I did not bring the resolution before the Senate at that time. I have the very highest regard for the members of the Supreme Court, as well as the court itself, and I should regret any prejudice against them on account of public utterances on matters not relating to their duties.

VETERANS OF THE WORLD WAR.

Mr. WATSON of Georgia. Mr. President, on yesterday there was put in the RECORD, at the request of the Senator from Arkansas [Mr. CARAWAY], an editorial which appeared in Collier's Weekly on the subject of President Wilson, the World War, and the American soldier. I was struck particularly by one portion of the editorial, that portion which referred to the glorious light that was in the eye of the American soldier in France, a light which attracted the attention of French surgeons and which they said was not to be found in the eye of any other soldier serving in that titanic struggle.

I can well understand why there should have been this light in the eye of the American soldier. For months before he left the country he had been the object of every possible attention, of the warmest praise, of the strongest encouragement, every effort having been made to arouse in him the fires of patriotism leading to service and to sacrifice. Banquets had been given in his honor, and speeches were made in his honor. Newspapers had trumpeted his merits, predicting triumph for him when he went abroad. He was classed as a crusader going forth to rescue civilization, to plant throughout the world a new gospel of democracy, of liberty, of the rights of small peoples to self-government. As he took his departure there was the music of brass bands, ovations, loving farewells; and he left his country no doubt thrilled to his very soul in the belief that he was a crusader, consecrated to the highest ideals, nerved to the noblest service.

That light in his eye, attracting the attention of the French surgeons, is no longer there, Mr. President, and will never be seen again by surgeons or by anyone else.

He was welcomed back home with acclamations. The returning hero, the conqueror who fought abroad and won the greatest triumph in the history of man, was enthusiastically welcomed home. "Behold the conquering hero comes." Then what? There was the burial of an unknown soldier here in Washington City. Grave Senators, the highest public officials, the most prominent citizens, attended, and the unknown soldier was buried here with pomp and ceremony, at great expense. During the funeral there was a known soldier who committed suicide in this city because he was on the verge of starvation and despair had taken possession of his soul. There was no light of glory in his eye then. His own countrymen had extinguished it by their coldness and their neglect.

On yesterday the Senator from Idaho [Mr. BORAH], addressing the Senate at length in opposition to the bonus bill, took the position that the disabled soldier alone was entitled to compensation at this time. Mr. President, did I misunderstand the Senator? I thought the Senator from Idaho was about to rise, and that perhaps I had misunderstood him. I will state it again, and if I am incorrect I invite correction. I understood the Senator from Idaho to say that the only line of distinction he could draw between the soldier and other citizens was that of disability.

Mr. President, I can not indorse that line of reasoning. Are battles won by disabled soldiers? Those who are killed in battle die "the beautiful death of a soldier," but they do not win the battle. The disabled soldier, nobly risking his life and being put out of action, does not win the battle. No matter how much the dead man may have contributed, no matter how much the disabled man may have contributed, he does not win the battle. The Hindenburg line, and all other lines, are broken by the men who are neither dead nor disabled. Two soldiers confronting the enemy, equal in bravery, equal in the sense of service, take exactly the same risk. One is shot down. The other goes forward and wins the victory.

In what degree is the patriotism of the one less than that of the other? By what process of reasoning do you reach the con-

clusion that the man who fortunately escapes injury or death deserves less at the hands of his country than the man who is so unfortunate in taking the same risks as to be disabled or killed? Mr. President, the test of the Senator from Idaho has never been applied anywhere at any time. It certainly never has been applied in this country.

The other night I was reading the biography of Capt. James Lawrence, who is known to fame because, when being carried below decks, mortally wounded, he said to those who were bearing him down, "Don't give up the ship. Blow her up, but do not give her up." The biography is written by Lieut. Albert Gleaves, of the United States Navy, and has an introduction by the late Admiral Dewey.

I find on page 34 of this volume an account given of the sea fight in the Mediterranean, between the *Enterprise*, commanded by Lieut. Sterett, on which vessel Lawrence was serving at the time, and a Tripolitan cruiser. In the sea fight many of the enemy were killed and many wounded, but not a single American sailor or marine was hurt.

The affair created great interest in the United States, and Congress rewarded Sterett with promotion and a sword and voted a month's pay to each of the crew.

That extra month's pay, Mr. President, was as truly a bonus as if they had been given outright \$100 apiece. There has been some discussion here as to whether compensation is the same as gratuity. Mr. President, it is a distinction without a difference. A gift is something totally unconnected with service; it is something that is given without any precedent consideration or any consideration expected. It is totally disassociated from value received—a gift.

Mr. President, suppose you call compensation just that. It is for the service. Suppose you lift it out of the Treasury and call it a gratuity; it is based on service. Therefore it is not a gift. It seems to me that the Senator from Idaho was somewhat confused in his reasoning when he took the position that in a case like this there could be a difference between a gratuity and a compensation, both being based upon service.

The Senator from Idaho takes the position that the soldier who went overseas deserves no extra consideration; that he is on the same plane with the 20,000,000 Americans who were subject to draft but who did not leave this country. I can not think that a just conclusion, Mr. President. Those who remained had the advantages of being in touch with the home folks, with home associations, with home conditions, with those whom they loved. Those home conditions and home associations have always been considered not only valuable but invaluable. To lose them has not only been always considered a misfortune, but one of the greatest misfortunes. To be an exile against one's will is a severe form of punishment. It has always been so considered.

Why, Mr. President, that ballad of "Home, Sweet Home," which is, perhaps, more familiar to every household in the English-speaking world than any other, is based upon the exile's regret that he is an exile from home. No doubt, Mr. President, when you were at school you heard the boys declaim, as I have so often done, that poem called "Bingen on the Rhine," beginning:

A soldier of the Legion lay dying in Algiers—

And the whole poem reflects his sadness that—

There was lack of woman's nursing, there was dearth of woman's tears.

Absent from home, dying on a strange battle field in a strange land, service abroad during the World War was something different. There was no furlough, Mr. President, as there was during our Civil War.

The soldier could not rest and refresh himself among his neighbors, his friends, his relatives. There was no respite from the constant drain upon his nerves, his strength, and his spirits. He could not even correspond with his home folks. His letters were rigidly censored; there was no free communication between him and those in this country who did not even know his whereabouts or his condition. When before was there ever a censorship of the soldiers' private mail? There was none during the Civil War; there was none during the Mexican War; there was none during the Spanish-American War. Think, Mr. President, what would be your mental anxiety, your mental agony, if, having a son on the other side serving in the ranks, you could not know where he was, what his condition was, or even whether he was dead or alive. In your station, Mr. President, you could have learned, but the ordinary man, the common citizen, could not hear what had become of his boy, and the boy could not write back and tell him. Then think that they were in the midst of strange people, speaking a language they did not comprehend, undergoing the severities of a climate to which they were unused. Think of the pain of the long march; think of the sufferings of the hungry soldier; think of the sufferings of the soldiers

packed in box cars so close together for from 12 to 24 hours at a time that there was no room for anybody to lie down to snatch a moment's sleep. Do you tell me that, after a soldier has undergone all this and been strong enough to maintain his health, when he comes home he should be treated as if he had never left it, and had never undergone these severities of service abroad, 3,000 miles from his own country? Of the 20,000,000 men of draft age who stayed at home, how many of them underwent an hour of the torment which nearly every private soldier will tell you he, at some time or other, had to endure out of the very necessities of the case?

I do not understand, Mr. President, why there would be any effort to attach odium to the word "bonus" or "compensation." I should not like to undertake to occupy a position which would to that extent reproach the memory of the Father of His Country. Washington took his bonus for the French and Indian war, and so did all his soldiers—a magnificent bonus in the way of land grants. Washington took his bonus for his service in the Revolutionary War. He did not get disabled; he went through two wars and never received a scratch; yet nobody doubted his bravery. He exposed himself like a private soldier. He said himself that the whistle of bullets by his ears was sweet music, but he took the bonus, although a prouder man never lived. Surely he would not have degraded himself in his own eyes if the taking of a bonus was a degradation.

When Gen. Lafayette revisited this country in 1824, I believe, Congress voted him a bonus of \$200,000 and 20,000 acres of land in Florida. Land in Florida may not at that time have been very valuable, but the \$200,000 at that time would be equaled to-day by a million dollars. Allowing for the difference in the value of the dollar, if Congress should pass an equivalent appropriation to-day it would be for \$1,000,000, at least.

Mr. President, about one-half of all the land of Tennessee traces its title back to the bonus, the land warrants, granted to the soldiers of the Indian wars and the War of 1812. Great States in the West, such as Kansas and Nebraska, were settled, made into farms, and beautified by the soldiers who drew them as bonuses by way of land warrants.

We are told that the country is in great distress, and that the soldier must take his share along with the others and wait for the general revival. Unless this Congress does something, his hair will be white before he takes part in any such revival. There can be no revival in this country until Congress puts back into circulation as large an amount of money as has been withdrawn from it in the last year or so.

It is true, Mr. President, that our people are being taxed white; that their burdens are crushing. It is true that not a single dollar by way of increased taxation should be put upon them. I will not vote for this bonus if you put a sales tax to it. I will not vote for it if you put a gasoline tax to it. I will not vote for it if you put an increased postage rate to it. On those conditions I would spurn it, and I know the soldiers would. The soldiers do not want to tax their bonus out of themselves and out of their neighbors and friends. I thought the proposition of the Senator from North Carolina [Mr. SIMMONS] was perfectly feasible and just. He proposed that the bonus be raised out of the debts which England and France owe us. It would be an ideal way to raise it. These men fought for England and fought for France when without their valor those countries would have been submerged. What would be more equitable than that those countries in repaying the money which financed their military operations should pay the bonus to the soldiers who fought to save England and France?

The Senator who had charge of the refunding bill, the Senator from North Dakota [Mr. McCUMBER], rejected that proposition, but promised that he or his committee would soon report a bonus bill to the Senate. It is only fair to him to assume that he is going to do it; but, Mr. President, since the rejection of the plan offered by the Senator from North Carolina I would raise the bonus in this way: I would put back into circulation the money that has been withdrawn from it, in round numbers \$2,000,000,000. That I would give to the soldiers, and give it now, \$50 apiece. Then, next year, let us take up the subject again and deal with it in the light of the circumstances which then surround us. No man can tell what will be the condition of this country and this Government a year from now. The issuance of the \$2,000,000,000 would end unemployment, inspire enterprise, and usher in an era of prosperity.

I thought the plan proposed by the Senator from North Dakota [Mr. McCUMBER] was far from perfect. It seemed to me crude, unsatisfactory, most burdensome to the Government, and not offering much promise to the soldier. I think the plan of the Senator from North Carolina [Mr. SIMMONS] was very nearly ideal in its character. I can not understand why those who are sincerely in favor of a bonus would not accept it. They

did not, however. Now, the question is, What is the best proposition? My proposition would be to issue Treasury notes to the amount of those Federal reserve bank notes which have been retired from circulation during the last 15 months, and to pay out the money to the soldiers. That will put it in circulation, from Maine to California and from Michigan to Florida.

Mr. President, I know of no measure which would be of greater good to a greater number; and, as I say, let the matter stop there for this year. Give them \$50 down, and then next year let us take it up again; but do not let us say to these ex-service men that now that we have reaped the benefit of their service we will neglect them; now that the whole world has reaped the benefit of their sacrifice we will forget them. Do not let us treat the returned soldier, now that the ovations are over and the music has died away, as a tolerated outcast. That is what we are doing; and, Mr. President, if the awful necessity should come upon us of raising another army, our treatment of these men will make it far more difficult to raise a second than it was to raise the first.

BUREAU OF AERONAUTICS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3076) to create a bureau of aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. JONES of Washington. Mr. President, I think the Senator from Utah [Mr. KING] desires to offer an amendment or two. I should not like to have the bill passed in his absence.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fernald	King	Spencer
Ball	Fletcher	McNary	Stanley
Borah	Gooding	Nelson	Sterling
Brandegee	Hale	Norris	Trammell
Bursum	Harris	Oddie	Wadsworth
Cameron	Harrison	Overman	Watson, Ga.
Capper	Heflin	Page	Williams
Caraway	Johnson	Pepper	Willis
Cole	Jones, Wash.	Pomerene	
Culberson	Kellogg	Sheppard	
Cummins	Kendrick	Simmons	

The PRESIDENT pro tempore. Forty-one Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Assistant Secretary called the names of the absent Senators, and the following Senators answered to their names:

Curtis	Kenyon	New	Stanfield
Dial	Ladd	Newberry	Swanson
France	Lenroot	Phipps	Walsh, Mont.
Glass	McCormick	Poin Dexter	Warren
Jones, N. Mex.	Moses	Smoot	Watson, Ind.

Mr. CURTIS. I have been requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Connecticut [Mr. McLEAN], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from Vermont [Mr. DILLINGHAM] are detained at a meeting of the Finance Committee.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present.

ADJUSTED COMPENSATION BILL.

Mr. KING. Mr. President, I have just been handed this morning's Washington Post, which contains an editorial from the Philadelphia Public Ledger, which I feel sure will prove of interest to Senators, though some may feel exasperation, if not resentment, at the delightfully satirical but nevertheless justifiable criticism found therein. I ask that it may be read from the desk for the benefit of the brave Republican leaders of the Senate, because it deals with a subject in which they should be interested, a subject of importance and which was discussed yesterday and will provoke further discussion, perhaps for an indefinite period.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none, and the Secretary will read.

The Assistant Secretary read as follows:

THE BONUS MILE.

[From the Philadelphia Public Ledger.]

Two of the most powerful lobbies ever set up in Washington are about to sidewipe each other in the scramble over the soldiers' bonus bill. One of these is the soldier lobby working for the bonus. The other is the group of spokesmen for organized agriculture.

They are not in head-on collision as yet. The farm organizations are not fighting a bonus. They are, however, fighting the impending bonus taxes. If industry and business can be taxed to pay for the bonus,

the farmers will not object. They are objecting vigorously, however, to the proposal that any part of the necessary billions shall be raised by a sales tax.

The farmers want an excess-profits tax, but business objects, and Congress has laid that tax away in lavender. The motor-car owner, who is now paying about \$335,000,000 yearly in taxes, objects to being saddled with an additional \$120,000,000 and is lining up with the farmer against the "8-point tax plan."

The taxpayer has been applauding the work of Gen. Dawes and cheering for the Budget and tax reductions. He has been watching the limitation of armaments and calculating how much difference this may make in his tax bill. When he talks about national economy, he is thinking about what it will mean to him personally in dollars and cents. The taxpayer is worried about the bonus.

Between its pledges to the taxpayer and the expectations of the former soldier, Congress is floundering into quicksand. If the bonus should not pass, then beware the "soldier vote!" If it does pass, then beware the farmer vote, or the autoist vote, or the plain plug taxpayers' vote. If taxes fail to come down, if bonus action depresses the price of Government securities, if the tax burden should be increased—but Congress shrinks from thinking of such matters.

Congress comes to late winter in a panic. The Congressman with November only a few months away is a pathetic figure. He will be damned infallibly if he does not and certainly will be damned doubly and triply if he does. His job is to decide which course will harm him least.

Mr. KING. Mr. President, there is much posturing and many magnificent gestures made by individuals and legislative bodies as well as by nations. True sincerity and natural and unaffected humility, unfortunately, are not always attributes of individuals or political parties or legislative assemblies. There is too much of a disposition upon the part of individuals to take themselves too seriously and to attribute to themselves virtues and ideals which they do not possess, or, at least, to which they render most indifferent allegiance. It is of incalculable benefit to wise Senators and distinguished Representatives, as well as of immeasurable advantage to the country, that occasionally some great writer holds up the mirror before these statesmen in order that they may properly visualize themselves and ascertain the immaturity of their statures.

It has been said, and no doubt with much truth, that Senators are prone to look upon themselves as statesmen of the highest order—if not demigods—of unsurpassed dignity and power, competent to deal with mighty problems, national and international, economic and industrial and political. It would be unfortunate for the reputation which the Senate bestows upon itself if its floundering and vacillating course since it has been controlled by the Republicans were fully known to all the people—of course, I make no comment respecting the House—and those who do perceive the hesitating and halting and side-stepping of this body might reach the conclusion that the demigods had become Lilliputians. I assure the Senate I would not say anything derogatory to the dignity of this body or critical of the service which it is now rendering to the country in dealing with the problems before it.

Mr. President, the bonus question and other important matters now before us seem to be insoluble, so far as the present Congress is concerned. Where courage is required, there is vacillation, if not cowardice. Where action is demanded, there is hesitation and retreat. Where wisdom and statesmanship are needed, there is sterility and incapacity. Congress during the three years of Republican control of both the House and the Senate has been hopelessly drifting, driven without chart or compass or guiding hand before storms, little and big, with the certainty of being forced upon the rocks or driven into unknown and chartless seas. The lack of policy and leadership and the impotency of the majority of the Republicans in Congress have been so often manifested that the present Executive has been compelled to interpose in order to save the party from rout and ignominious failure.

I observe in the Herald this morning, a paper reputed to be controlled by a Cabinet officer, that the hopelessness and the impotency of the Republicans in both Houses have compelled the Executive to interpose.

The headlines of this article are as follows:

Harding to act on problem of bonus to-day—Chiefs of Senate and House, at standstill, await word—Cabinet to confer with President—Bond proposal gets new impetus—Borah begins attack.

Proceeding, the article says:

What will be done with the soldier bonus bill, bugaboo of Congress, depends on the decision of President Harding.

Leaders in both Senate and House, unable to agree on a satisfactory means for raising the revenue needed to pay the bonus, have referred the whole question to Harding, and are awaiting word from him before proceeding with the bill.

This word is expected to-day.

This is a most extraordinary statement and a still more extraordinary situation. These great Republican leaders, these wise Republican statesmen, this great party that was to save the Nation, restore confidence, and bring prosperity and raise high the national standard are revealed as pitiable and pathetic figures, alternately filled with fear and frenzy, with hope and

despair, but always driven by partisanship and prejudice along the highway of failure, unfulfilled promises, and defeat. These mighty Republican leaders who were going to vindicate the dignity and honor of the Senate and the authority and prerogatives of the legislative branch of the Government and rescue the Republic from usurped Executive authority are now in terror upon their knees praying for the Chief Executive to save them from irremedial disaster.

Not long ago our Republican friends—these great Republican statesmen—were denouncing the Democratic Party for its alleged subservience to President Wilson. They charged that Congress was controlled by the President and that our form of government was menaced by the unconstitutional authority exercised by the Democratic President.

The Senator from California [Mr. JOHNSON] with great force and eloquence repeatedly declared that the Senate had been reduced to a condition of servility and that Senators were but mere "rubber stamps." And other Republican Senators echoed the sentiments expressed by the Senator from California. So loud and persistent were their declamatory utterances that many of the people were led to believe them and swelled the chorus led by Republican Senators, the refrain of which echoed throughout the land, that the Senate was being deprived of its constitutional authority and the President of the United States was guilty of usurpation.

Of course, the charges were unfounded. President Wilson, with scrupulous regard for the rights and authority of all branches of the Government, pursued his way with fidelity to the truth and with a sincere purpose for the welfare of our country and the happiness and peace of the world.

We were "rubber stamps," according to Republican statesmen, when President Wilson participated, as he had a right to do, in the negotiation of the Versailles treaty. We were "rubber stamps" when President Wilson, as Chief Executive of the United States and Commander in Chief of the Army and the Navy, led in the mighty movement which mobilized the resources of this great country and brought under the flag of this Republic more than 4,000,000 of the stalwart and valorous sons of America to defend the honor of our Nation and hurl back the forces of militarism that threatened not only the life of this Nation but the civilization of the world.

Republican leaders charged that we were "rubber stamps" because a mighty leader, in the exercise of his constitutional authority, projected great plans and nation-wide, indeed, international, movements, the execution of which brought victory to the American Armies and the allied nations and honor and immortality to this Republic. Because Senators and Congressmen—Republicans and Democrats alike—recognized the greatness and genius of Woodrow Wilson and supported legislation which he and his associates recommended—legislation dealing with military and naval affairs of great magnitude, as well as with questions of international and domestic concern—they were denominated "rubber stamps."

When Republicans sought to depart from the course suggested by a Democratic President, they encompassed themselves in devious ways, and if they had been successful therein they would have brought disaster to our country. The charge was made that we were mere registers of Executive will and that the Senate had lost its authority and dignity when the President, after participating in the conference of Paris, brought the Versailles treaty to the Senate and urged its ratification. If we were "rubber stamps" then, pray to what condition has the Republican majority of the Senate reduced itself now?

The article from which I have just read states in the heading that the "chiefs of the Senate and House are at a standstill and await word; Harding is to act on the problem of the bonus to-day." Is it possible that the mighty chiefs of the Senate and the House are standing with cap in hand in the shadow of the White House awaiting word from the President of the United States as to what course shall be pursued by the great legislative branch of the Government? Where is the boasted independence of the Republican leaders? And where is the constitutional authority of this great coordinate branch of the Government?

Our Republican friends, when a Democrat was Chief Executive of the Nation, spoke learnedly of the tripartite division of powers, as found in the Constitution of the United States. They eloquently expatiated upon the dignity and the honor and the authority and the prerogatives—indeed, the sanctity of the Senate of the United States as well as of the legislative branch of the Government.

They resorted to antiquity, and also brought from the musty records of medieval times and culled from the pages of modern annals whatever dictum or authority or precedent could be found to support their thesis that any usurpation by the Execu-

tive would prove destructive of the liberties of the people and bring to destruction this great Republic. Any suggestion by the Democratic President was assailed as evidence of a malignant purpose to reduce to servility the Senate of the United States.

May I not inquire, where is the boasted independence of the Republican Senators? Where are the brave heroes who declaimed so loudly against the voice of the Executive being heard in legislative matters? The loud vociferations of the past have been stilled and the air of this Chamber is not fretted by Republican denunciation of Executive usurpation. And yet most measures of importance, as well as many of but little significance, passed since the Republicans controlled all departments of the Government have been the result of the plans and policies of the President, not the independent and untrammelled will of Congress.

The Republican majority are unable to agree upon tariff legislation, but carry to the Executive unfinished measures and immature policies in order that he may shape them in such a manner as to compel the support of a sufficient majority to insure their passage through Congress. Whether the legislation relates to the tariff, or to revenue matters, or to the funding of foreign obligations, or to the appropriation of hundreds of millions for the railroads and the Shipping Board, or to the formulation of policies dealing with domestic problems, including bounties for the merchant marine, the Republican Congress has been hopelessly inefficient and utterly incompetent to grapple with the questions involved; and thus it has transpired that the President has taken the helm and directed legislation. The Republican leadership in the Congress has abdicated its authority and power, and the scepter of legislative authority does not rest in the Capitol but is found in the White House.

But a few months ago, after serious and alleged deliberate consideration, the great Finance Committee of the Senate reported what was known as the bonus bill. It provided benefits for the ex-service men. It was discussed with vigor and urged with great zeal by the distinguished Senator from North Dakota, now chairman of the Finance Committee, as well as by other distinguished Republican Senators. When the bill was about to pass, the President of the United States came into the Senate and his upraised hand stayed the passage of the bill and his voice reduced to silence the eloquent Senators who so loudly proclaimed the heroism of American soldiers and the debt of gratitude owing to them by the Republic. The bill was recommitted and there it has slumbered. The valorous Republican leaders and the brave Republican Senators have been silent awaiting what was supposed to be the prick of public opinion or the direction of Executive authority.

The Republican majority has been afraid to act. Even in the daylight it has seen specters and in the darkness it has seen ghosts. Now in its blind and helpless condition it is seeking light and guidance from the White House and placing the responsibility for formulating bonus legislation upon the President of the United States. This is an exhibition of the vaunted courage of the Republican Party and a manifestation of its devotion to the Constitution which does commit to Congress legislative authority and the duty of enacting legislation, constitutional in character, for the public welfare.

The editorial just read from the desk is a warranted flagellation of the cowardice and the impotency and the pathetic figure of the Republican Party as we behold it to-day. The majority in Congress are afraid to deal with the bonus question, as well as other important issues, because of the fear that their actions might affect the impending election. They are afraid of the farmers' vote if taxes are imposed which will bear heavily upon the agricultural interests. They fear the business men's vote if taxes are laid in such a manner as to compel the business interests to meet the hundreds of millions which a bonus for the soldiers would require. They are afraid of the soldiers' vote if they do not respond to what they believe is the demand of a large number of ex-service men.

Mr. President, our Republican friends are afraid of their shadows. They are like frightened children, who, as twilight advances, see lengthened shadows where friendly trees appear or horrid goblins in the friendly forms of well-known objects of everyday observation. I repeat, the Republicans in Congress are afraid to act. They lack decision and statesmanship, and so, with hat in hand and on bended knee, they seek the President and beg his aid in this hour of their humiliation and despair.

I could wish that the President would drive these heroic leaders who are bent and silent in the shadow of the White House from the Executive presence and conjure them to assert their prerogatives. I wish he would direct them to return to the House and the Senate and there initiate such legislation as they conceived under their oaths to be for the welfare of their

country. I wish he would say to them, "Pass such legislation as you sincerely believe to be right and proper, and if I regard it as being in the public welfare I shall sign it, otherwise it will meet with Executive disapproval."

Mr. President, one of the tests of capacity for any party to control is found in the character of revenue legislation enacted. The Republican Party measured by this standard has utterly failed. Its fiscal policies, its tariff legislation, its revenue measures have all been disappointing; indeed, they have been violative of accepted canons and standards of justice and enlightened policies, and have brought financial disaster, economic peril, and industrial paralysis to the entire country. Fearing that they may lose the soldiers' vote impels them to project legislation that will call for hundreds of millions, and yet they are unable to formulate a plan by which to meet such payments as the legislation will require. They know that the only honest and proper way to deal with the subject is to impose such taxes upon the people as will meet whatever appropriations may be made. But they realize that they have imposed upon the people a revenue law which is in part a reproduction of legislation enacted during the war, and which in peace times bears oppressively upon the people, and is an obstacle to the revival of business and the return of prosperity. They are compelled to behold, as the result of Republican policies and Republican rule, a great Nation over which hang dark clouds of distress and sorrow—indeed, of despair. They behold business prostrate, factories closed, mines abandoned, industries destroyed, agriculture oppressed, and the entire Nation upon the verge of bankruptcy.

One year of Harding and Republican administration has brought industrial and economic disaster to the Republic; perhaps no period in our Nation's history—a period of but one short year—shows such a catastrophic change as that which has followed the advent of the Republican Party to power. Not only has there been economic and industrial paralysis, but many declare there has been a recession in that advancing tide of fine idealism which has been the past guide and should be the future guide as well as the glory of this Republic.

Discouragement and sorrow and want are encountered in every part of the land. This condition can only be attributed to the foolish policies, the unwise legislation, and the lack of statesmanship of the party in power. For two years preceding President Harding's inauguration the Republicans had been in control of the Congress and they were unable to deal with legislative problems which the war forced upon the Nation, and are to be held responsible for the tragic conditions which we now behold in our land. The Democratic President, upon a number of occasions, addressed the Republican Congress recommending legislation needed to meet postwar problems and to continue this Nation along the pathway of prosperity and world peace and honor. International policies, which would have enhanced the glory and dignity of our Nation and added to national and international prosperity were defeated by the Republicans; but notwithstanding the refusal of a Republican Congress to meet the issues and to carry out the recommendations of the President, the country, guided by a Democratic President, enjoyed prosperity.

I repeat that the Republicans are not only incompetent but they are afraid to deal with the problems confronting them. The tariff bill which passed the House has met with almost universal condemnation. The Senate Finance Committee, though it has devoted weeks to the consideration of this matter, are still unable to agree upon a measure which can be recommended to the Republican Senate. Because of the extravagance of the administration, the revenues, notwithstanding the enormous amount of taxes collected from the people, will be insufficient to meet current expenses. For the fiscal year 1923 the expenditures of the Government will be more than \$5,000,000,000, and upon the bowed backs of the people will be pressed down this great burden—a burden so oppressive as to discourage enterprise, deaden initiative, and arrest the flow from the fountains of prosperity which Republican policies have closed and which Republican incompetency and folly will effectually dry up.

Unable to meet current expenses, the Republican Party is impotent to meet the more than \$6,000,000,000 of indebtedness which will mature within the next three years. If there were proper economy and a wise and just system of taxation, the revenues derived would not only meet needed appropriations for governmental purposes but sufficient would be realized to liquidate the short-time certificates aggregating, as stated, approximately \$6,000,000,000 and which the Government will be compelled to pay during the coming three years. The result is that the Government is issuing, or will be compelled to issue, further certificates to take up maturing obligations. This is only another way of issuing bonds in time of peace. And so, Mr. President, we will continue to helplessly drift, unable to

discharge the duties and responsibility which press upon the Nation.

Further bonds must be issued and further obligations incurred. In war time it is expected that receipts and disbursements will not be equal and that the Government will be compelled to obtain loans. But in peace times a rich country such as this was, when the Democrats were in power, should provide a balanced budget and meet its expenditures from current revenues and provide such sinking funds as would be adequate to discharge maturing obligations whether funded or unfunded.

Senators will recall that when Grover Cleveland was elected President, following the disastrous administration of President Harrison, he found the country in the throes of an industrial and economic crisis. A condition was precipitated growing out of the silver issue and the unwise and unsound administration of the Republicans, which Mr. Cleveland believed required the issuance of bonds. The amount of bonds issued was small, but yet the Republican Party vociferated throughout the land in condemnation of Mr. Cleveland's course.

But, now, with revenues exceeding four and one-half billions of dollars the Republican Party from time to time is issuing short-time notes; that is to say, is borrowing to meet maturing obligations, and will be compelled to borrow billions more during the next two or three years.

How will it deal with the bonus question? It will not have the courage to meet the issue in a safe and sane manner. It is my opinion it will resort to bond issues, and thus drive into tax-exempt securities hundreds of millions of dollars which should be available for industrial development and for the revival of our paralyzed business enterprises. I predict that President Harding will project a plan which will call for the issuance of millions of bonds. Of course, these bonds will bear interest, and the people will be taxed to meet the interest thereon.

Mr. President, the American people are beginning to realize that they have been deceived. Three years of Republican control of Congress and one year of Harding administration have brought concrete examples of the disastrous consequences of Republican rule. Men who cried aloud against Wilson and Democratic policies now beat their breasts in anguish as they cry aloud for the return of prosperity and those blessings which attended Democratic supremacy. There never was such prosperity in any land as that enjoyed by the American people during the administration of Woodrow Wilson. The Democratic Party gave to the country during the eight years of Wilson's administration prosperity which has never been attained by this or by any other country. We developed industrially until the world was our market. We grew financially until nations stood with empty purses seeking our favors. Materially America wore the crown of primacy, and morally this Republic became a symbol to all the world. If an industrious and happy people are the standard by which to judge of a party, then the Democratic Party must be crowned with honor and glory. If extending commerce and assuming world leadership in trade and finance are evidences of successful political control, then the testimony is mountain high establishing the claims of the Democratic Party. If to point the way to all nations, great and small, the way of righteousness and peace and honor and justice and freedom is a demonstration of the capacity and greatness of a party and its leaders, then to no party and to no leaders has there ever come such conclusive proof of glorified achievements as that which all the world bestows upon the Democratic Party—the party of Jefferson and Wilson.

Mr. President, after one year of beneficent Republican reign, there are nearly 5,000,000 men without work, many of them without bread. Hunger and want enter unbidden in thousands of homes, and mothers and children look with dread upon the coming morn. Brave business men are seeking to meet the frightful conditions, but obstacles are encountered and depression and pessimism and despair and poverty and penury and want stalk throughout the land. No wonder our Republican friends look with terror at the approaching November elections; no wonder they seek to escape the scorpion lashes of public indignation as their incompetency and follies and blunders are comprehended by the people.

The Republican leaders in their hatred of the Versailles treaty and their enmity toward Mr. Wilson and the Democratic Party believed, or affected to believe, that with the defeat of the treaty the Republican Party would be enthroned for an indefinite period in the hearts of the American people. They promised the people national prosperity, the adoption of policies which would bring domestic peace and happiness and a reign of international amity. They have divided the people into classes; they have split political parties into groups and factions and have created fissures and chasms in the social organism; they

have spread the poison of discontent and alienated the hearts of many from their country—all this and more has come to pass under the rule of this administration.

But, Mr. President, I did not rise to discuss the bonus question, but when I read a few moments ago that the President was to tell Congress what to do, and that the Republican leaders were to be silent until the White House spoke, I felt constrained to express my sympathy for those brave Senators who had so zealously contended for the rights and prerogatives of the Senate under a Democratic administration.

I desired to advise them that they were abdicating that authority for which they had so valiantly fought, but above all I wanted to commiserate with them upon their frank confession of inability to deal with public questions and devise and enact suitable legislation. Oh, Mr. President, it is a pathetic sight, as the editor wrote, to behold the Senate as it seeks safety under the mantle of Executive power and guidance by the President's hand.

Mr. DIAL. Mr. President, I would like to ask the Senator from Utah if he thinks we should issue bonds to pay interest on bonds?

Mr. KING. The interest on our bonds now is slightly under \$1,000,000,000 per annum. We will issue more bonds which will bear interest, and we will doubtless issue bonds to pay the interest, if this plan of the majority party prevails.

Mr. BURSUM. Mr. President, will the Senator yield?

Mr. KING. Certainly.

Mr. BURSUM. Does the Senator from Utah recall the value of Liberty bonds on the market at the end of the Wilson administration?

Mr. KING. Yes; I recall the value of the bonds, and I recall the fact that the Senator's party was in control of the legislative branch of the Government for two years before Mr. Wilson left the White House. I recall the fact that for three years the Republicans had controlled the House and the Senate, and that during a portion of that period Liberty bonds went down. If the Democrats had been in power in the legislative branch of the Government there would have been a different condition in the United States during the past two years.

Mr. BURSUM. Of course, the Senator recalls that the President retains the veto power over the legislation enacted by the National Congress. I call the Senator's attention to the fact that Liberty bonds now are right around par and have been going up ever since the Republicans came into power.

Mr. KING. The Republican Party has, by its policy of legislation, driven into the purchase of tax-exempt securities capital which should have been available for investment. The Republican Party will continue disastrous policies until, as stated by Mr. Mellon, Secretary of the Treasury, the fountains of revenue will be "dried up."

There are many reasons that explain the rise in the market quotations of Liberty bonds. I shall not detain the Senate to canvass them, but shall content myself by repeating the statement concerning the effect of driving capital from needed investments. Business men are discouraged and will not incur the hazards following extensive borrowing for improvements and development. Men having money to loan are afraid to invest in corporate securities or stocks in industrial plants. The Republican Party has thrown the entire country into a panic, and those who have money for investment compete for securities which are tax exempt. This has brought municipal and State and National bonds to high levels.

Instead of there being competition for business investments, there is competition only for tax-exempt securities and for jobs by the hungry and starving workingmen. If the Republican Party is to be credited with the rise in Liberty bonds, it must be credited with the fall in agricultural lands and products.

When the Democrats were in control of the executive and legislative branches of the Government cattle and sheep and all kinds of agricultural products possessed value, and their production and sale brought prosperity to the farmer and to the live-stock men. The manufacturers, and, indeed, all classes, have seen their property values vanish, the laborer has seen his wages reduced, the owners of industrial stocks have seen them in many instances wiped out. These conditions have occurred under the present administration.

Mr. President, it is time for an appraisal of Republican rule. The people are awakening, the verdict will be against the party in power.

BUREAU OF AERONAUTICS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3076) to create a bureau of aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes.

Mr. WADSWORTH obtained the floor.

Mr. KING. Mr. President, the Senator from Mississippi [Mr. HARRISON] has a motion which he wishes to offer with respect to the pending bill. If the Senator from New York intends to discuss the bill, he might desire to know the character of that motion.

Mr. WADSWORTH. I was going to ask the Presiding Officer what is the pending question?

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. May I say to the Senator from New York that the Senator from Mississippi intends to move to recommit the bill? I have just sent for the Senator from Mississippi.

Mr. WADSWORTH. May I state to the Senator from Utah that I had not expected to address the Senate on the bill unless and until some motion directed to it was made.

Mr. HARRISON entered the Chamber.

Mr. KING. The Senator from Mississippi is now present.

Mr. HARRISON. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. WADSWORTH. I yield the floor for the time being.

Mr. HARRISON. I offer the motion which I send to the desk, and ask that it may be read at this time.

The VICE PRESIDENT. The Secretary will read the motion.

The ASSISTANT SECRETARY. The Senator from Mississippi moves that the bill be recommitted to the Committee on Commerce, with instructions not to report the same back until the Joint Committee on the Reorganization of the Administrative Branch of the Government shall have submitted its report to Congress.

Mr. HARRISON. Mr. President, I am not opposing the pending legislation. I am in sympathy with the purpose of it. I do not believe we are doing enough for the development of aircraft, and I hope some time to see this legislation passed. But almost a year ago there was appointed a joint committee to reorganize and coordinate the bureaus of the Government. The President appointed Mr. Brown as his personal representative. That committee had a meeting on the 6th of April last year. I understand that Mr. Brown has now made his preliminary report to the President and that there will be a meeting of the committee at an early date.

The committee did not consider the proposition of coordination of the bureaus of the Government affecting aircraft. Neither has it considered the coordination of any other bureaus of the Government, although we have read in the papers that the Navy and the Army would be reorganized and thrown together and a great saving effected, as well as the coordination of many other bureaus of the Government.

It would seem to me, with a committee delegated by the Congress to look into the question of coordinating the bureaus of the Government so that some economy might be effected, some saving might be made to the taxpayers of the country, that it is a very bad piece of legislation to create a new bureau in the Government service. The Navy Department considers questions affecting naval aviation. The War Department considers questions affecting aviation in the Army. The Post Office Department does the same thing affecting aviation in the Postal Service, although that is included in the pending bill. But if this committee was delegated to do anything it was to look into such questions as are presented here.

It would seem to me that it would not affect materially the pending legislation if we might recommit it, hold it in the Commerce Committee until the reorganization committee makes its report. I hope that report will be made soon. I am ready to meet with the committee at any time to go into the consideration of these questions, so that some saving may be effected, but it would be a wise policy and an economic policy for us to withhold the passage of this legislation at this time pending the consideration of the coordination of the aviation service in the various bureaus of the Government by the reorganization committee. Therefore I offer the motion in the hope merely that the legislation may be delayed until the question of coordination can be considered by the reorganization committee.

Mr. JONES of Washington. Mr. President, I am in hearty accord with the desire of the Senator from Mississippi that the reorganization work shall be done and done promptly. I do not believe there is a much more important work before the administration than the reorganization of the Government services and coordinating them so as to avoid duplications and unnecessary expense and all that sort of thing. I hope that the reorganization committee will be called together soon to consider legislation and that it will bring the legislation here very soon, but I do not see any reason why Congress should refrain from

passing legislation that it may deem desirable merely because of nonaction on the part of that committee. We do not know, of course, when the committee will act.

We do not lose control of the matter. The action by the committee and the legislation it may propose will come here later, and if we deem it desirable to transfer the bureau, if it should be created, to some other branch of the Government when that report comes in, we can do it and provide for it in that legislation. Furthermore, when the bill passes here it must, of course, go to the other body of Congress, where it will be considered, and if the legislation proposed by the joint committee should come in before the question is dealt with by that body, then it could be cared for.

Mr. KING. Mr. President, will the Senator yield?

Mr. JONES of Washington. I will yield in just a moment. The joint committee has nothing to consider unless some action of this kind is taken. The committee would have no bureau dealing with civil aviation to transfer from one department to another. It would have, of course, the Bureau of Aeronautics in the Navy and the aviation branch of the Army. It can put those together, of course, if it sees fit to unite the Army and the Navy into one organization, which personally I feel very strongly ought to be done. I have not given it mature consideration, but it does seem to me that the various arms of the national defense should be put under one organization, probably under the department of national defense or something of that sort.

But there is no bureau or anything like that governing aviation in the Post Office Department. They are simply operating some machines with postal employees in the carrying of the mails. I can see no reason why the passage of the legislation should be delayed. As I said, I do hope the reorganization work will be carried on promptly and quickly, but I can see no reason why we should delay action upon the pending measure.

I yield now to the Senator from Utah.

Mr. KING. I wish to ask the Senator a question. If we pass the pending bill and create the proposed bureau and it begins to function and gets a large number of employees and goes to considerable expense, as it would be compelled to do if it properly functions, and in the reorganization which has been referred to it should be deemed wise to abolish it entirely and to create a department or division or bureau, or whatever we may wish to call it, of aeronautics, such as was suggested by the Senator from Indiana [Mr. New], and put under that all the activities of all the departments of the Government which deal with aircraft, military aircraft and naval aircraft and civil aircraft, would it not be somewhat awkward to deal with this organization then? We would have to abolish it.

Mr. JONES of Washington. No; we would simply transfer such of the force as was necessary to carry on the work in the new organization, because if we put it all together they will have to have some additional force, men of different training and experience to carry on the work. That would not be any more trouble, of course, than it would be to reorganize all the various branches of the Government. We hope in the reorganization it will result in the abolishment of some things and a diminution in Government forces in doing the work that is being done now.

But there can be practically no trouble from that standpoint, in my opinion. I think Congress has indicated pretty clearly that it would not consider the establishment of a new department to handle aviation. I think that was demonstrated when the other measure was before the Senate. I do not believe there will be very much trouble along those lines.

Mr. WADSWORTH. Mr. President, like the Senator from Mississippi [Mr. HARRISON], I am a member of the Joint Committee on the Reorganization of the Executive Departments, and like him I have immense interest in a prompt solution of some of the problems that are going to come before it. The committee at present is awaiting the report of the chairman, Mr. Brown, which is now, I understand, in the hands of the President of the United States, and being subjected to the critical examination and consideration of the Cabinet officers. I can not, however, sympathize with the Senator from Mississippi in his motion to recommit this bill on the ground that we should await the report of the joint committee.

It may be of interest to Senators to know that the proposal to place the bureau of civil aviation under the Department of Commerce meets with the approval of the Cabinet officers, including the Secretary of the Navy, the Secretary of War, and the Postmaster General, who are the only three who to-day have under them organizations actually operating airplanes.

To my mind, it is entirely logical that the work of inspection and licensing and encouragement of civilian aviation, commercial aviation, should be under the Department of Commerce.

It is not a military problem at all, nor is it a naval problem. To my great regret, I was unable to be here on yesterday during the comparatively short debate which took place upon this bill, but in reading the Record I find that some Senators—at least, I think that some Senators—misunderstand the situation. Indeed, it was suggested on yesterday by one or two Senators that the War Department ought to do this work or that the Navy Department ought to do it.

Mr. President, when one remembers that the Army Air Service is a strictly military body, maintained and trained for war and for nothing else, I think it can be seen that it is not the agent which should be intrusted with the regulation of a commercial undertaking. For one I am opposed to having Army officers placed in charge, either directly or indirectly, of great commercial undertakings. I am in favor of civilians and civilians only for that kind of work. A similar observation might apply to the proposal that the Navy Department might do this work. When I make these observations, I do not reflect in the slightest degree upon Army or Navy officers; but they are not civilians, they are employed and trained by the Government for the national defense in time of emergency, whether that emergency be domestic in its origin or without the boundaries of the United States.

The bill, Mr. President, is, of course, exceedingly simple, as the Senator from Washington [Mr. Jones] has pointed out. It merely provides a Federal agency which shall inspect the planes which are to be used, and, indeed, which are being used to-day, in the carrying of passengers for hire in interstate commerce and in the carrying of freight for hire in interstate commerce. The bill follows along the line somewhat of the Steamboat-Inspection Service. To-day the Federal Government demands of a steamboat owner or operator that his craft shall meet certain specifications and conditions as to safety, in order that the public may be insured as much as possible against damage either to life or to property. This bill seeks to establish a system for licensing pilots who are to operate machines carrying passengers or freight in interstate commerce. To-day there is no control whatsoever over the operators or over the machines. An aircraft manufacturer may sell a machine to anybody, and that person may take it away and then put it into interstate commerce, possibly in the hands of a man utterly unfit to fly it. The machine, after a period of use, perhaps through natural wear or tear or through bad handling, may become structurally unsafe; the public has no way of knowing whether or not it is safe, or whether or not the man flying it is fit to fly it; and yet the public is invited to intrust itself and its property in the hands of this irresponsible person and in this machine, the intricacies of which the public can not know about, and which no one to-day takes any pains to know about. The result is, of course, many distressing accidents; and the fact that so many accidents are occurring even at this time, when commercial aviation is but in its infancy, is one of the principal factors in holding back development.

One of the interesting developments in connection with the discussion before the Committee on Commerce is the fact that the manufacturers of aircraft are begging for the passage of this proposed legislation. They want the protection which the Federal Government can throw about their general business; they want standards established, which they shall be compelled to live up to, in the manufacture of planes which are to be put into interstate commerce and which are to carry passengers and freight. They feel—and they feel very deeply about it—that until the general public is given some assurance that the Federal Government will inspect and investigate, and license only after inspection and investigation, both pilots and planes, it will not lend its encouragement, either through the investment of capital or through the doing of business with commercial companies, and that, therefore, commercial aviation will hang back and fail to develop.

All the other great countries are doing it. England and France saw to it two or three years ago that commercial aviation in those countries was encouraged. They are doing something which I would not advocate; they are paying subsidies. I think that is unnecessary, and a very doubtful policy; but, in addition to their payment of subsidies, they have an inspection service, and to-day there is a constant service, commercial in character, going on between the principal capitals of Europe. There is a daily cross-channel service, in which many machines are taking part, between Paris and London, which has already become popular. It is now one of the standard modes of travel between the capital of the British Empire and the capital of France. From Paris other passenger lines extend to Brussels, to Strassburg, and to the south of France. They are carrying passengers every day. To date they have carried literally thousands and thousands of passengers. A fast freight

or express service is being carried on now, and has been for months, and more and more people are coming to see that, having made a new conquest of an element hitherto unconquered—that is, the air—the human race is going to use that element as a means of transportation. I myself believe that we stand upon the threshold of an immense development, for the benefit of people generally, of transportation through the air, and as it is developed it will grow safer and safer. The records of the Post Office Department, carrying the mails, show how safe air transportation has become. I forget how many miles the postal flyers have covered; perhaps the Senator from Washington can remind me; but I think it is something like 2,000,000 miles.

Mr. JONES of Washington. The Senator's statement that those flyers have covered 2,000,000 miles is correct.

Mr. WADSWORTH. The loss of life, as I recall the statement made in the hearings, is far less than the loss of life for the same distance by railway travel or by automobile. That average may not be equaled or attained in the usual commercial endeavor, perhaps, for a few years, but it indicates very clearly the possibilities of aerial transportation. So before this agency of transportation becomes scattered and "gets a black eye" through carelessness and accidents which could be avoided, I deem it the part of wisdom for the Federal Government to exercise its constitutional power to regulate by inspection and license those who are going to fly these machines commercially, the machines which are to carry our children. For, just as surely as I am standing upon this floor, our children and our grandchildren will be traveling through the air as an ordinary means of transportation within the next generation. I repeat, therefore, it is the part of wisdom for the Federal Government to exercise its constitutional power to set up rules for safety and guidance which will not only protect the people in the matter of the machines and the pilots but also establish the rules of the road.

To-day when a man drives an automobile along a highway he is subject to certain traffic rules; every city and State establishes them. There are, however, no traffic rules for the air to-day; there are no air routes laid out; there are no rules governing, for example, night flying, flying over densely populated cities or great public gatherings. Some terrible accidents have taken place through reckless flying of machines over great, crowded districts. Witness the fall upon a bank building in Chicago of a dirigible, which exploded and killed a large number of people. Promptly the city of Chicago passed some kind of an ordinance to prevent such an occurrence in the future, but the cities acting by themselves can not protect themselves; the States acting by themselves can not protect themselves. Aerial flying is essentially interstate flying; 90 per cent of it, yea, 98 per cent of it, will be interstate, and so it is a Federal problem infinitely more than it is a State problem.

So this bill has been drafted with the assistance of all the manufacturers to-day engaged in the business, the associations of veteran flyers and others who have flown literally thousands and thousands of miles, with the advice and consent, as it were, of all of the departments of the Government concerned, and, finally, with the invaluable assistance of a subcommittee of the Committee on Commerce, of which the Senator from Washington [Mr. Jones] is the chairman. As the Senator who originally introduced the bill, I desire to take this opportunity of expressing my gratification at the fine interest which Senators on the subcommittee took in this problem.

They worked exceedingly hard at it; they have discussed it from all angles; all the pros and cons have been considered; and I am sure they visualized the vast importance of aerial flying, not to-day, perhaps, not on the immediate morrow, but in the next and succeeding generations. They know, just as I know, that it is going to be one of the great factors in commerce, in trade, and in communication of all kinds, and sooner or later the Federal Government would be compelled to undertake its proper regulation. The Committee on Commerce, under the leadership of its chairman, the Senator from Washington, has made up its mind that the time has come to take that leadership now, to seize time by the forelock, as it were, and to establish here under the Federal Government a simple and yet effective system of controlling this matter in the interest of those who are going into the business commercially and in the interest of the public at large. I hope the bill will not be recommended.

Mr. KING. Mr. President, when the Senator from New York [Mr. WADSWORTH] addresses himself to a subject, he exhausts it; and I pay him the compliment to say that his statements are always so lucid and so logical that it is a very difficult thing to controvert them or to differ from him. The Senator from Washington [Mr. JONES] yesterday, in his very able address, urged many reasons for the passage of this measure. I entirely sym-

pathize with the general statements made by both of these Senators as to the importance of civil aviation, and as to the necessity of adopting some measures for its regulation and control.

I appreciate that the States, with their limited jurisdiction, can not deal with interstate commerce, and that there is a broad field here for the assertion of power by the Federal Government. I am not quite sure that this is the sort of a bill that we ought to pass at this time. While I did not care for a department of aeronautics, I was very much in sympathy with the position of the Senator from Indiana [Mr. New] when he favored some Federal agency that would take charge of aeronautics.

Mr. WADSWORTH. Mr. President, will the Senator suffer an interruption there?

Mr. KING. I shall be glad to.

Mr. WADSWORTH. May I take advantage of the Senator's observation to say that I was in favor of it, too, and I still am in favor of it; but the Senate turned down the Senator from Indiana and myself on that proposition and forced us to recommit the bill to the Committee on Military Affairs, and since then we have found it utterly impossible to secure any substantial support in the Congress for a combination of Army and Navy aviation with civil aviation; and, failing in that, this proposal is, as the Senator knows, to take care of civil aviation.

Mr. KING. I believe that the views of the Senator from Indiana and the Senator from New York were sound. I think that we will make a mistake if we divide this great subject among a number of agencies, branches, and departments of the Government. While I do not want to use the word "department," because that would provoke some antagonism, I believe that there could be some agency that would function all of the activities both in the Army, in the Navy, in the Post Office, and in civil interstate commerce. If we pass this bill, there is no doubt in the world but that there will be in the War Department an aeronautical section or division; there will be in the Navy Department an aeronautical division or agency; the Post Office Department will have some branch or division that will be devoted to airplane service; and it looks to me as though we are going to have four organizations. I believe it would be better to have one, and, of course, have a chief and then have a group control—one or more from the War Department, one or more from the Navy Department, one or more from the Post Office Department, and one or more representing what might be denominated civilian commerce, those selected from private life or from the Department of Commerce—and place under the control of that integrated organization all of the activities of our aeronautical work. I think it is a mistake to chop it up into pieces, as this bill proposes to do, and to afford no way for uniting those pieces after they have been severed. I wish we could have one organization, strong and vigorous, with proper tentacles leading out into the Navy and War and Post Office Departments and into civilian commerce.

I do not quite agree with my friend from New York that we can not effectuate that object. I am afraid this will be an impediment to an object which most of us at least, I think, concede to be so desirable. I dislike to vote against my friend, the chairman of the committee, and my friend from New York, because I have said over and over again that upon matters within his cognizance I would prefer his judgment to my own, because of his splendid capacity to deal with these questions; and yet, Mr. President, I feel constrained to observe that in my opinion it would be wise, in view of the imminence of this coordination, to defer action upon this bill for the present. A measure that will deal with this subject is imperatively needed. The question is, Shall we deal with it separately, in an isolated way, or shall we deal with the entire subject all at once?

That is the simple question. I beg of my friends upon the other side to hold this matter in abeyance. If they do not care to recommit it, let them leave it upon the calendar until action is taken by the committee, by the War and the Navy Departments, to see if we can not bring under one head all of these agencies.

Now, Mr. President, just a word or two, not so much by way of criticism but for the purpose of obtaining information with respect to the provisions of the bill; and I ask the attention of the Senator from Washington as well as the Senator from New York.

In line 9, on page 2, we find the words "or over any place or building over which the United States has jurisdiction."

I am not quite clear as to the constitutional power of Congress to forbid or to regulate the use of the air by a machine used in intrastate commerce exclusively. I have some doubt, and yet I have not given the matter any mature consideration—it is a mere curbstone opinion—of the power of Congress to

prohibit a machine which might be owned by the Senator from Iowa, and which was used exclusively in Iowa, from flying over, in the course of a flight in the State, the corner of some military reservation, or over some Federal building that may happen to be along the path of the machine's flight. I venture to call attention to that apparently unimportant matter, and yet one which I think deserves some little attention.

Mr. President, if the bill shall be proceeded with I shall call attention to section 3. I am not quite clear as to the reasons for naming the person in charge a commissioner. It is a bureau that we are creating, and I am not advised that we usually denominate the heads of bureaus "commissioners." Of course, it is clear that they want to give him a little higher title and a little more dignity and make the position a little more impressive, and therefore we label him "commissioner" instead of "chief" of the bureau. I am opposed to the salary, to start with, of \$6,000, and if we proceed with the bill I shall move to make it \$5,000.

I see no necessity, in line 20, of creating deputies, assistants, and so forth. There is a chief clerk, and then the general authority for employees, and it would occur to me that the words "deputies and assistants" should be stricken out.

Mr. JONES of Washington. Mr. President, may I make a suggestion as the Senator goes along?

Mr. KING. Yes; I have no objection.

Mr. JONES of Washington. This is a mere authority for the appointment of such assistants as may be necessary; but even that can not be done until Congress has further acted by way of appropriation, so it seemed to the committee that we were amply protected against any undue expansion of the force.

Mr. KING. Let me say to my friend that he knows that whenever we create an office, or permit the creation of an office, or name an office, some person will be designated for it, awaiting the appropriation by Congress, and Congress will be imperturbed and a propaganda will be continued until the appropriation is made.

Mr. JONES of Washington. Mr. President, the committee had in mind that if we are going to provide for a bureau we should, of course, give authority for whatever is necessary to do the business of the bureau; but we thought we had amply restricted it by expressly providing that these new places should not be filled until appropriations had been made for them, and if we appropriate unnecessarily, of course, that responsibility is upon Congress.

Mr. KING. Yes.

Mr. JONES of Washington. While I have the floor, with reference to the Senator's other suggestion about the commissioner of aeronautics, of course, I should have no objection to calling him "chief" or "director," or whatever the Senator pleases. The committee had no idea in using the word except as the mere title of the man who heads this bureau. I confess that I have the impression that most of these bureaus are headed by commissioners. I suppose now, perhaps, a good many of them are called directors of bureaus, and so forth. There will not be any trouble about that.

Mr. KING. While we are on that section, suppose we strike out the word "commissioner" and insert "director" or "chief."

Mr. JONES of Washington. I have no objection to calling him "director" instead of "commissioner."

Mr. KING. All right.

Mr. WADSWORTH. Mr. President, there are various commissioners, as, of course, the Senator knows. There is the Commissioner of Internal Revenue, who is the head of a bureau, and there is the Fish Commissioner, who is the head of the Bureau of Fisheries.

Mr. KING. Oh, yes, I know; but the Commissioner of Internal Revenue has thousands of employees and bureau chiefs and heads under him.

Mr. WADSWORTH. As the Senator from Nebraska reminds me, there is a Commissioner of Patents; and I make no disguise of my belief that this thing is going to grow into one of the greatest bureaus in the Federal Government.

Mr. KING. I agree with the Senator.

Mr. WADSWORTH. I do not care what the man is called who is at the head of it; his responsibilities 20 years hence will be the equal of those of any commissioner we have to-day.

Mr. NORRIS. Almost all of them are commissioners, too.

Mr. JONES of Washington. They are nearly all commissioners.

Mr. FLETCHER. Mr. President—

Mr. KING. If I believed, if the Senator will permit me—

Mr. FLETCHER. Right there, I do not want that amendment understood as being agreed to. I presume it has not yet been agreed to. It must be put to a vote before it is accepted. I should like to raise an objection to it. I think the

word "commissioner" is better than "director" or "chief." I think it is more significant and more dignified, and at the same time it does not carry any higher pay; but take the Coast and Geodetic Survey, for instance. That is a bureau of the Commerce Department. We have a director at the head of it; but to call the head of this bureau "chief" or "director," it seems to me, would not be quite as significant as to dignify him by the title of "commissioner."

I think the word "commissioner" ought to stay. I hope the Senator will not press his proposal to change it, because if it is a mere name it does not signify anything more than that it is an important position. It is quite above that of a chief of a bureau. This man will have some duties and responsibilities that are a little beyond those of the chief of a bureau. At the same time he is subject to the direction of the Secretary of that department; and while his authority is not arbitrary or too extensive, still it is of such a character that I think we ought to designate him as something different from a mere chief.

I think the word "commissioner" is better than "director." I do not think the bill would be improved by changing the word "commissioner" to "director."

Mr. KING. I will complete the sentence which I was in the midst of when interrupted by the Senator from Florida. If I believed, as the Senator from New York believes, that this organization, in the form provided in this bill, were to be perpetuated, I would not object to the designation "commissioner." Indeed, what I have said heretofore indicates my great confidence in an aeronautical organization, and my belief in the necessity of an organization, one larger, more important, with more extensive duties than provided in the pending bill; but believing, as I do believe, that this is mere makeshift legislation, and that it must be superseded by an organization which will combine all aeronautical activities, I felt that it was better not to give to this official the title which the Senator from Florida concedes is more dignified and more important than the title which usually appertains to bureaus as we understand them to exist now in the executive departments of the Government.

I call the Senator's attention to paragraph (a), page 3, which provides that it shall be the duty of this bureau—

To inspect, in order to safeguard life and property, all aircraft before it is used in interstate and foreign commerce and certify as to its condition, capacity, and safety at the date of inspection, and to make the information contained in such certificate available to the public in such manner as he may prescribe.

That is, the commissioner. I appreciate that there is a precedent for legislation of this character. We have engineers who inspect the machinery of vessels which are employed on our inland seas and upon our rivers, vessels which are engaged in interstate commerce, and perhaps those that are confined within States but are upon navigable streams. It occurs to me, however, that this is a little too broad. It would make the Government morally if not legally responsible for the failure of any inspector to do his duty. His certification that an inspection had been made and the aircraft found to be safe would be a guaranty, in effect, which morally the Government could not escape.

Mr. WADSWORTH. Will the Senator yield?

Mr. KING. I yield.

Mr. WADSWORTH. Mr. President, on that theory, then, the Government should relinquish all efforts to inspect anything. We would better repeal the meat inspection act. On every piece of meat which comes through the packing houses engaged in interstate commerce there is a Government stamp, "Inspected. Passed. U. S." Does the Senator contend that that makes the Government morally or technically liable for any illness that may come from the consumption of that beef later? Every steamboat which carries passengers carries a certificate in the commander's cabin that the boat has been inspected and approved. Certainly the Government could not be held liable if that boat should sink.

Mr. KING. Suppose the Senator desired to ride in an airplane, either for pleasure or upon a journey, and he made inquiry and found that it had been inspected that morning by a Government inspector, and during the journey a casualty occurred, owing to the imperfect inspection or the incompetency of the inspector, and that that was beyond any controversy, would not the Senator feel that the Government of the United States was derelict in its duty and that there was some obligation upon its part to compensate him for the injuries which he sustained?

Mr. WADSWORTH. No; not the latter. I might very well suspect that the Government had been derelict in its inspection, and if I survived the accident I might raise a big row about it.

Mr. KING. No doubt the Senator would.

Mr. WADSWORTH. But I do not think I would delude myself into the belief that I could sue the Government of the United States, or that I would have any chance in passing a claim bill through the Senate to reimburse me, especially if the Senator from Utah were sitting in the Senate.

Mr. KING. The Senator has discovered that bills are passed through the Senate nearly every day, a number having been passed yesterday, which would have far less merit than the claim of the Senator under the circumstances which I just detailed, if he should meet with an accident.

Mr. WADSWORTH. I may say to the Senator, taking the illustration which he gives, if this law were in force, and I wanted to take a journey through the air in interstate commerce as a passenger, paying for the transportation, and there were two machines offered for my service, one having been inspected by the Federal Government and the other not, I would travel in the inspected machine.

Mr. KING. Unless the Senator knew that the other had been inspected by some competent person, a person, perhaps, more competent than the Government inspector, which would be merely a question of knowledge as to the character of the inspection and the persons who made the inspection.

Then, I ask the Senator from New York, does this mean that the Government will be compelled to have in every State, and perhaps in various places in every State, when there is any considerable travel, a large number of inspectors to examine and inspect the machines which are used in interstate commerce?

Mr. WADSWORTH. From time to time.

Mr. KING. Does the bill make provision for compensation for the inspections by the persons engaged in the operation of these craft who may derive profit therefrom? Will the Government have to pay for all that inspection?

Mr. JONES of Washington. Section 15 provides:

That the Secretary of Commerce is authorized to fix the fees and charges for such inspection, registration, and licensing authorized by this act to cover the cost thereof.

Mr. WADSWORTH. It is confidently believed it will be nearly self-supporting.

Mr. KING. Then it is intended that it shall not be a burden on the Government?

Mr. JONES of Washington. Yes; it is intended that such charges shall be levied as to pay the cost of inspection and registration.

Mr. KING. The Senator means that would cover the legitimate overhead which would be chargeable to inspection?

Mr. JONES of Washington. Yes.

Mr. KING. As well as the salaries paid the inspectors?

Mr. JONES of Washington. I think so. We do not desire to make any money out of it, of course.

Mr. KING. I agree with the Senator that it would be indefensible for the Government of the United States to make any profit out of it, especially in the initiation of this enterprise.

May I call the Senator's attention to paragraph (i) on page 4? This paragraph authorizes the commissioner not only to operate machines, but to purchase them, when deemed necessary, for the purpose of inspecting, licensing, regulating, and controlling the operation of aircraft.

May I inquire of the Senator whether it was fully considered by the committee as to what extent they expected the commissioner would buy machines and operate them, because the Senator can see that would involve considerable capital, the employment of flyers, and the building up of a rather large and expensive organization?

Mr. JONES of Washington. Mr. President, the committee did give that pretty careful consideration. It was thought that under the language of the original bill the commissioner would be permitted to purchase the machines, not only for doing the inspecting work, and so on, but for actually establishing routes and carrying on routes. We tried to use language which would limit his activities in the way of purchasing machines simply to what might be necessary to do the inspecting, to do the registration, and so on. We think the language does that; that is the intention of it. We do not intend to give the commissioner authority to buy machines to maintain permanently on air routes, and so on, but he is only authorized to purchase the machines if necessary to do the inspection and registration work, the actual work the act imposes upon them in administering the law. That was really the purpose of it. I think that is the intent of the language.

Mr. KING. I think it would lead to very great extravagance and waste and to demands for very large appropriations.

Mr. JONES of Washington. The commissioner can do those things only as we appropriate the money, and we will certainly

be particular, in appropriating money for these machines, to see to it that he is not buying machines for anything not necessary in actually administering the law.

Mr. WADSWORTH. May I call attention to one feature which may be of interest to the Senator from Utah, or perhaps the Senator from Washington has done so, though if he did, I did not hear him. The commissioner may also secure the loan of or use machines belonging to other branches of the Government. Without any question whatsoever this official, when he comes to laying out air routes which commercial traffic shall follow, will inquire of the Secretary of War if he can not lend him some of the Army flyers to do the flying. Of course that will be done whenever it is possible.

Mr. JONES of Washington. Let me say that we tried to emphasize that, and the language of the bill is, "Government machines to be used, if possible."

Mr. KING. Does not the Senator think the provision in paragraph (a), on page 5, is too restrictive? Pilots may not be licensed except by the commissioner; that is, I understand, no person may fly as a pilot unless he obtains a license from the commissioner.

Mr. NORRIS. Mr. President, I would like to submit a question in connection with the one the Senator from Utah has asked. Section 9 of the bill has a provision in it in regard to licensing the pilots. I am anxious to know whether there is a conflict there, and if not, what the real intent of the bill is. Section 9, as I remember it, in effect gives a Federal license to everybody who is licensed under a State law.

Mr. KING. I will say to the Senator that section 9 had escaped my attention. I can see that the States have the power to license, and those licenses would be taken cognizance of by the commissioner.

Mr. NORRIS. It struck me that there ought to be some regulation of that matter. I can easily see how any rule or regulation by the commissioner in regard to licenses might be absolutely nullified if he is compelled to license everybody who is licensed under State law, because there might be just as many laws as there are States, and some of them would be very lax, and in other States it would be just the reverse. The result would be that the people who did not want to go through the right kind of an examination, or properly prepare themselves to be pilots, would come in by virtue of the laws of the States which had lax laws.

Mr. JONES of Washington. There was considerable difference of opinion with reference to this proposition, and I will frankly state that this is a compromise, to harmonize the different views. I think the Senator from New York, introducing the bill in the first instance, went much further than this, and, personally, my own opinion would be inclined that way. There were other members of the committee who felt, however, that the National Government should not take full control of all aviation as to licensing pilots, and that where the State had provided for a system of licensing pilots that ought to be recognized. It was really felt by many of us that the States which have not already passed laws would, if we got out rules and regulations for the licensing of pilots to engage in interstate commerce, copy them and follow them very largely. So, harmonizing the different views, we put in section 9.

It recognizes the State pilot. If he is licensed, then he can sail in interstate commerce under this bill. We tried to compromise the different views.

Mr. NEW. Mr. President, I feel impelled to say a few words on the general subject of the bill, partly because of my previous efforts to have something of the kind adopted by the Congress, reference to which has been made three or four times in the progress of the debate on the pending measure. I am very much in favor of it, not because I think it all that is to be desired, not because it fills the measure of my own idea of what we should have in the way of a department of aviation, but because it is the nearest to what I think we should have of anything we appear likely to get.

Not in the sense of saying "I told you so," or anything of that sort, do I call attention now to the fact which was referred to by the Senator from Utah [Mr. KING] a while ago, that this matter has been before Congress in some form for the last four years. I, personally, have presented two different bills looking to the same general end as is sought by this one.

One trouble with the development of aeronautics in the United States—in fact, the chief and perhaps the only one—has been that the Government has offered no encouragement whatever either to the science of aeronautics as a science or the development of aeronautics as an industry. The American manufacturer has found himself in unfair competition with foreign manufacturers right along. He has been allowed to hoe his own row under the most discouraging circumstances. It has been perfectly apparent to the men who entered the field commer-

cially that they could not possibly hope to make any return from it for a long time at least, perhaps a term of years. They have come before Congress time and again asking that certain needed steps be taken, certain restrictions imposed, and never until this hour has Congress put itself in line to take one of those steps.

I notice in the pending bill many things that I think are not only desirable but necessary; for instance, the establishment of landing fields. We can have no aeronautical success in this country until after we have established landing fields and aerial routes. That can only be done by some central authority, and such authority is provided in the pending bill.

The chief or one of the chief causes of the large number of accidents that have occurred in the last few years has been due to the fact that inexperienced pilots, with inferior or worn-out machines, have undertaken flights. Within 30 minutes' drive of the city of Washington I have seen machines which were in use by pilots to take passengers up for pastime flights that ought never to have been allowed in the air and could not have been allowed in the air under the provisions of the pending bill. Life has been lost within sight of the Capitol by that sort of neglect. The bill provides as nearly as any bill can against a repetition of that.

While the bill does not go as far as I think it should, does not begin to go as far as certain measures which I have offered here and pressed for passage as vigorously as I know how to press them, still I am in favor of it because if it is not all that I desire it is the best that I can get, and it is a long step in the right direction. I think that it is very much needed and I very earnestly hope that it may pass.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The question is on the motion of the Senator from Mississippi [Mr. HARRISON] to recommit the bill.

Mr. KING. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Glass	McNary	Shortridge
Brandegge	Gooding	Moses	Simmons
Bursum	Harris	Myers	Smith
Cameron	Harrison	Nelson	Smoot
Capper	Hefflin	New	Spencer
Caraway	Johnson	Norris	Stanfield
Colt	Jones, N. Mex.	Oddie	Sutherland
Culberson	Jones, Wash.	Overman	Swanson
Cummins	Kendrick	Page	Trammell
Curtis	Kenyon	Pepper	Wadsworth
Dial	Keyes	Phipps	Walsh, Mont.
Dillingham	King	Poinexter	Watson, Ga.
Fernald	Lenroot	Pomerene	Willis
Fletcher	McCormick	Ransdell	
Frelinghuysen	McCumber	Sheppard	

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The question is upon the motion of the Senator from Mississippi [Mr. HARRISON] to recommit the bill.

Mr. HARRISON. Mr. President, I offered the motion because I believe it is wise, but the senior Senator from New York [Mr. WADSWORTH], who is a member of the Joint Committee on Reorganization, thinks that the heads of the various departments, namely, the War Department, the Navy Department, and the Department of Commerce, and the administration have agreed upon this new bureau, and in view of the fact that it seems to be the policy to put this proposition through I shall not insist upon my motion to delay the matter until the Reorganization Committee shall investigate the question of coordination of aviation in all the departments and until we consider the proposition of the joint committee. Therefore I withdraw my motion.

Mr. KING. Mr. President, I move to strike out, in line 17, on page 2, the numerals "\$6,000" and to insert in lieu thereof "\$5,000."

The PRESIDING OFFICER. The proposed amendment will be stated.

The READING CLERK. On page 2, line 17, strike out "\$6,000" and insert "\$5,000," so as to make the salary of the commissioner \$5,000.

The amendment was rejected.

Mr. KING. Mr. President, our Republican friends are pursuing to-day, as they have done persistently since they have been in power, a policy of retrenchment and reform and economy by increasing salaries and compensation, and thus burdening the people with higher taxes.

Mr. NORRIS. Mr. President, I move to strike out section 9 of the bill in the following words:

SEC. 9. That operators and pilots of aircraft duly licensed under State laws shall be deemed to be duly licensed operators and pilots under this act.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska.

Mr. NORRIS. Mr. President, I should like the attention especially of those Senators who are friendly to this character of legislation, as I am. It seems to me there is a very serious proposition involved, which I am seeking to remedy by the amendment which I propose. The bill provides amongst other things for the licensing by the head of this proposed bureau of pilots on aircraft. I am not complaining about that. I think everybody concedes there must be some power somewhere that will license men who desire to become air pilots, and that every Tom, Dick, and Harry shall not be allowed to carry passengers in interstate commerce in flying machines.

Section 9 makes it compulsory upon the proposed bureau of aeronautics to license every man who presents a license from any State. That is the effect of the provision as I understand it. I have been told that most of the members of the committee are opposed to it and see the great danger that is involved.

First, Mr. President, let me call the attention of the Senate to the importance of the matter. Here we are proposing to establish a bureau of aeronautics. It is believed—and I share in that belief—that it is going to be a very important bureau in our Government; that it is going to develop and expand, and that thousands and hundreds of thousands of people will be carried as passengers in airplanes as time goes on. In that case their lives will be at stake; they will not be experts; they will not know how to examine aircraft in order to tell whether or not a machine is good or bad or to know by looking at a man whether he is able to manage it. That is a feature of the matter to which I wish to call attention. Men who are not qualified to operate an airplane ought to be deprived by law of the opportunity of enticing people into such machines and carrying them for money. If we are going to license pilots at all, then we ought to do the very best we can to get competent men and should allow nobody to become a pilot and to operate one of these machines unless he is competent. I can not imagine anything more important than that feature, and that is involved in this legislation.

However, now comes section 9 and compels the commissioner to license anybody as a pilot who is licensed by any State. What does that mean? Mr. President, a State anywhere in the Union can nullify the law so far as the licensing of pilots is concerned and compel the commissioner to let persons operate airplanes who can not pass an examination, who are not qualified, as a matter of fact, but who presents a license from some State. The State issuing the license may be perfectly lax, may have no regulations, except a requirement for a fee to be paid by the applicant, but it may put him on an equal basis with the man who passes a rigid examination, who is qualified, and who has received a license from some State that is strict in its regulations or from the Government of the United States. It seems to me the mere statement of the proposition is sufficient to condemn it.

I am friendly to this proposed legislation; I believe there are great possibilities ahead in the use and development of aircraft, and that air transportation is coming, no matter what we may do, whether we legislate or not or whatever we may think about it. It is one of the movements in the progress of the human race. We are now taking the initial step, and among other things we are going to provide for the licensing of a man who will be allowed to say, "I have a license from the Government; here is my machine. I will carry you for \$5 or \$10 or \$25, and make money out of it." Then we are going to handicap our Government official by compelling him to recognize the license issued by any State, whether or not it has proper regulations and restrictions, and to treat the man holding such a license just the same as a man who is qualified.

Mr. WALSH of Montana. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. WALSH of Montana. I wish to inquire of the Senator from Nebraska if he understands that the bill prohibits anyone from flying except those who may be licensed in accordance with the provisions of this proposed act?

Mr. NORRIS. Any man may fly, I suppose; but, as I understand the bill—I have not examined it closely—such a man can not carry either passengers or freight; he can not go into aviation as a commercial proposition in interstate commerce unless he be licensed.

Mr. WALSH of Montana. I should like to inquire of the Senator in charge of the bill if that is his understanding of the significance of the measure?

Mr. JONES of Washington. Yes.

Mr. WALSH of Montana. I have been looking through the bill, but I do not find such a provision in the bill anywhere. Will the Senator call my attention to it?

Mr. JONES of Washington. On page 5 the bill provides:

SEC. 5. That for the purpose of making effective the provisions of this act the Secretary of Commerce shall direct the commissioner of aeronautics to provide regulations, which shall become effective upon the approval of the Secretary of Commerce, for the following:

(a) Licensing pilots and such other persons engaged in commerce as may be required for the public safety.

Then section 12 provides:

That it shall be unlawful to use any civil aircraft in commerce except in conformity with the provisions of this act and such rules and regulations as may be promulgated pursuant thereto.

Mr. WALSH of Montana. I read both of those provisions, but it is open to very serious question in my mind as to whether they prohibit one who is not licensed under the provisions of the bill from flying and carrying passengers. The bill provides:

SEC. 12. That it shall be unlawful to use any civil aircraft in commerce except in conformity with the provisions of this act.

Take the case of ships of commerce. There are certain rules and regulations concerning the operation of ships; they may only be operated in a certain way; and the pilots, of course, must be licensed. The navigation of a ship, however, without a licensed pilot is quite a different thing. I should think that that language would refer to the method of operation rather than to the licensing of the pilot.

Mr. JONES of Washington. I have not any doubt that airplanes could not be operated in interstate or foreign commerce or in commerce as defined in the act without first securing a license.

Mr. WALSH of Montana. As I have said, I can not find any such provision in the bill; and it seems to me open to very grave doubt whether or not the sections to which the Senator has referred could be so construed.

Mr. JONES of Washington. The committee was pretty well satisfied of that.

Mr. CUMMINS. Mr. President, I should like to ask the Senator from Washington a question which has bothered me somewhat and is intimately connected with the motion made by the Senator from Nebraska [Mr. NORRIS]. Nine-tenths, probably nineteen-twentieths, of the flying that now takes place outside of the Army and the Navy is exhibition flying, which goes on everywhere, especially in connection with State fairs, with large meetings of all kinds, at various pleasure resorts, and so on. Suppose a plane is made in Ohio and its owner desired to take it to Illinois to be used in Illinois for some such purpose as I have indicated, would the journey from the place of its manufacture to the place of its use be a journey in interstate commerce?

Mr. JONES of Washington. Is it intended, for instance, that the airplane shall remain in Illinois permanently; that is, does its owner live there?

Mr. CUMMINS. I am assuming that it is going there for the purpose of being used in the State of Illinois, but its ultimate destination may be unknown; it may go somewhere else finally.

Mr. JONES of Washington. Yes. Of course, the Senator understands what I mean. It is not intended simply to take it from the place of manufacture to a point in one State to be used for exhibition purposes for a day or two and then to go on to some other place?

Mr. CUMMINS. It is not engaged in interstate commerce; that is, it is carrying nothing; it is performing no function that we understand to be connected with the term "interstate commerce." I will follow that question up by asking the Senator another question. The machine having been used in Illinois for such time as its owner thought desirable, he wishes to transport it from Illinois to the State of Iowa for a similar purpose; would the journey from Illinois to Iowa be a journey in interstate commerce?

Mr. JONES of Washington. Mr. President, I am inclined to think that it would be. If it would not be under the language now in the bill, I think it ought to be made so. The man who is flying that machine from, say, Ohio, where it is manufactured, to Illinois ought to be capable of handling it properly. He goes over places where a mishap by reason of inexperience or lack of training might do very great injury. If he may take it out of Illinois and go into Iowa after a week or so he ought to be trained. As the Senator puts the question, I doubt whether such a case would be covered by this bill.

Mr. CUMMINS. I am quite sure that it would not be.

Mr. JONES of Washington. I am inclined to agree with the Senator.

Mr. CUMMINS. I do not think that the mere flying from one State to another is sufficient to make the flight a flight in inter-

state commerce. If the purpose of the Senator from Washington is—and I am sure that is his purpose—to make flying safe and not allow anyone to handle a machine who is not competent to handle it and not to allow any machine to go into use until it has been inspected and found to be a safe machine, a very vital amendment will have to be made to the bill before it will accomplish that purpose. I think commerce means something more than the mere passage of an instrumentality of commerce from one State to another. I think it must be engaged in commerce among the States before it can come within the provisions of our Constitution which enable us to regulate commerce among the States.

Mr. NORRIS. May I ask the Senator a question there?

Mr. CUMMINS. Certainly.

Mr. NORRIS. In the case the Senator has put, assuming the definition that he has given to be correct—which I do, of course, and with which I agree—then if a machine which was made in Ohio should go to Illinois, there to be used in different parts of the State, and in going from Ohio to Illinois carried passengers or freight from one State into the other, the Senator would say, would he not, that that would be interstate commerce?

Mr. CUMMINS. I have no doubt that would be interstate commerce.

Mr. NORRIS. So under this bill, as I understand, in the case the Senator puts, if the pilot carried passengers or freight, either one, from one State to the other, he would have to be licensed or he could not do it. I submit to the Senator that if it does not cover the case—and I presume it does not—and he did not carry passengers and did not carry freight, and risked only his own life, the evil would be lessened almost infinitely, because he would not be allowed to endanger anybody else's life even if he endangered his own. I presume if every man flew his own machine and carried nobody else and did not deceive anybody, there would not be much use in licensing anyone.

Mr. CUMMINS. I am not sure whether we have jurisdiction under the Constitution to make the provision that I have implied in my observation; but the law will be of no great importance for the present, anyhow, unless it can and does cover that point.

The Senator from Nebraska is entirely right in assuming that a license issued by a State will be very little security either for freight or for passengers so far as safety is concerned, because the States, generally speaking, will have no officer competent to pass upon this very difficult and important examination. It is because I believe that the mere passage of a flying machine containing only the flyer or the owner in order to reach a point beyond the State will not bring the machine within the provisions of this bill that I have made the suggestion that I have. I think we ought to go at least to the full limit of the Constitution in requiring licenses and requiring inspections.

I have not studied the bill sufficiently to be able to offer any amendment, but I think the suggestion is worthy of consideration.

Mr. POINDEXTER. Mr. President, referring to the very interesting question raised by the Senator from Iowa, I should like to ask him, viewing the transaction that he has described in this light, if it would not come within the constitutional power of Congress to regulate interstate commerce? The owner of the machine in the case the Senator has described is engaged in a business. Practically, what he is doing in flying in his machine from one State to the other is to carry the machine from one State to the other for the purpose of using it in business, although the business itself may be entirely State business. It seems to me it is quite clear, so far as the constitutional power of Congress is concerned, that that transaction is an act of interstate commerce. When a man transports from one State to another a machine or an instrument for the purpose of using it in business, then it is subject to regulation in so far as that passage is concerned.

Mr. JONES of Washington. Mr. President, I want to say just a word. I am not going to discuss these legal propositions. The law of aviation and the power of Congress, and so forth, I think are very uncertain, and very strong arguments can be made upon either side of almost any proposition that can be raised. It is all in a way ultimately largely speculative, and no one will know what the law is until the court finally passes upon it.

We have printed in the hearings the opinion of a very strong firm of lawyers in New York, contending very strongly for the constitutionality in every particular of the bill as it was originally introduced. I have in my hand a very carefully considered article by Mr. Bogert, dean of the law college of Cornell University, which discusses nearly every phase of the matter, and does it, I think, in a very fair sort of a way; and yet when you

read it through you do not know whether you are right or not. I think it would be well to have this article in the Record, and I ask that it may be printed in the Record.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[Reprinted from the Cornell Law Quarterly.]

PROBLEMS IN AVIATION LAW.

(By George Gleason Bogert, professor of law in the Cornell University College of Law; member of the committees on aviation of the American Bar Association and of the Conference of Commissioners on Uniform State Laws.)

Legislation on the subject of aerial navigation is impending. Flying and the manufacture of aircraft have become businesses of importance, but the rules of law which govern aviation remain uncertain. It is said that there are about 2,200 airplanes in commercial use in the United States and about 500 more privately owned, that 92 companies are engaged in operating and nearly twice as many in manufacturing aircraft, that about \$40,000,000 is invested in the industry, and that in this country in the past 20 months machines have flown 14,000,000 miles. (E. N. Findley in New York Times Jan. 10, 1921.) Government aviation is developing and a united air service is projected. And yet, except to a limited extent in two States, it can not be said with positiveness whether an aviator is a trespasser as to the landowner over whose soil he flies, under what circumstances the aviator or his employer is liable if the machine falls to earth and does damage to person or property, and whether the States or the Nation, or both, have constitutional authority to regulate aerial navigation. Nor is there any general law, except the law of self-preservation, which forbids an inexperienced and incompetent pilot from flying anywhere in a defective machine.

It is small wonder, therefore, that since the end of the World War we find considerable agitation in favor of legislation regarding aviation. In an address in February, 1919, Mr. A. R. Hawley, then president of the Aero Club of America, urged Federal legislation to regulate the navigation of the air. (8 Flying, 149.) A committee of the Manufacturers' Aircraft Association reported September 15, 1919, and recommended acceptance of the international air convention and the adoption of Federal legislation. (Unpublished report of that committee.) Mr. Glenn L. Martin, in November, 1920, advocated immediate Federal legislation (Aerial Age, Nov. 8, 1920, p. 248), and in the same month the National Aircraft Underwriters' Association held a meeting in New York at which the president argued for speedy congressional action. (10 Aviation, 22, Jan. 3, 1921.) Mr. G. W. Harris, in an article in the New York Evening Post in December, 1920 (reprinted in Literary Digest Dec. 4, 1920), says:

"More and more the thinking men who are taking an enlightened interest in aerial navigation are convinced that the one thing most needed to encourage and advance the development of the airplane industry, as well as aviation itself, in the United States is a wise system of jurisprudence applicable to aeronautics and aerography." (See similar article in 120 Scientific American, 484, 1919.)

Voluminous testimony from numerous experts has been taken by congressional committees on the subject of a united air service, a project to consolidate all governmental and civilian aviation under a Federal department of aeronautics. The National Advisory Committee for Aeronautics, in its report for 1920 (p. 55), makes as its first recommendation to Congress the enactment of legislation "for Federal regulation of commercial air navigation, licensing of pilots, aircraft, landing fields, etc." No less than seven bills for control of aviation have been introduced into Congress in the last two years. The problems of aerial jurisprudence are so well recognized that a novel has been based on the question whether a landowner may maintain trespass for flight over his realty. (Herbert Quick's Virginia of the Air Lanes, referred to in 18 Case and Comment, 119.)

The more important European countries have adopted air codes, but America lags behind. True, we have statutes of some degree of comprehensiveness in Connecticut and Massachusetts and sporadic instances of incomplete legislation elsewhere, but Federal legislation and adequate and general State laws are lacking. New York went so far in 1920 as to appoint a commission to investigate and report on the status of aviation, and this commission recommended legislation with respect to a few matters, but no complete code. (Leg. doc. 103, 1920.) No action was taken by the New York Legislature. The inactivity of the States and the Nation has forced some counties and cities to the undesirable expedient of local ordinances, productive of much confusion and practically impossible of enforcement. (For example, Los Angeles County, Calif., has a county ordinance regulating flying and providing for the licensing of flyers (Aerial Age, Oct. 25, 1920, p. 200), and an ordinance prohibiting flying over New York City at a height lower than 2,000 feet, and forbidding trick flying over the city is now before the New York board of aldermen (New York Times, Jan. 12, 1921). The press of Mar. 5, 1921, reports this ordinance adopted. The writer is informed that the towns of Nutley, N. J., and Kissimmee, Fla., and the cities of Newark and Atlantic City, N. J., have local ordinances also.)

The American Bar Association and the Conference of Commissioners on Uniform State Laws appointed committees in 1920 to report what form legislation on the law of the air should take. (Mr. C. A. Boston, of 24 Broad Street, New York, is chairman of the bar association committee. He has submitted a printed preliminary report which contains an exhaustive bibliography of aviation law books and articles. Mr. John Hinkley, of 215 North Charles Street, Baltimore, is chairman of the conference committee. This latter committee was directed to "report as soon as practical a uniform aviation law.")

The Conference of Bar Association Delegates, an organization connected with the American Bar Association, in 1919 adopted resolutions in favor of Federal action under the admiralty clause of the Constitution. (6 Am. Bar Ass'n J., 42, Jan., 1920.)

From these and many other facts of similar character which might be cited it appears that the enactment of laws—international, national, State, and possibly even local—is impending. If these statutes are to be harmonious, complete, scientific, and well drafted the several legislatures and the bar, generally, must be informed of the experience of other countries, must have clearly in mind the fundamental legal problems involved in aerial navigation, and must study carefully the constitutional limitations of the State and Federal legislatures. To bring together as much of this information as possible and to present some suggestions for action are the objects of this paper. In the space allotted the material can obviously be presented in outline form only.

INTERNATIONAL LAW.

No attempt can be made here to discuss the international law of the air in time of war. Debate on that subject began at least as long ago as the Franco-Prussian War, when French balloons flew over the German lines seeking information, and Bismarck threatened to treat their occupants as spies. Later efforts were made to get international agreement to the prohibition of the dropping of projectiles from aircraft (Aerial Land and Aerial Maritime Warfare, Ellis, 8 Am. J. Int. L., 256 (1914)), but the World War effectively proved that there were no such rules in practice. Since the war no attempt has been made to state the rules of war in the air. The international air navigation convention expressly confines itself to the law of the air in time of peace.

The development of peace-time international air law was long retarded by a conflict of views among jurists upon the fundamental question of the relation of a State to the space over its territory. Some contended that the air is analogous to the high seas, that no State exercises actual control over it, and that there should be absolute freedom of navigation of the air, with no restriction by the State beneath, just as there is freedom of navigation of the high seas. Others favored the "zone theory." According to this view navigation was to be free above a certain height, and the subjacent State was allowed sovereignty up to that height. This doctrine resembled that of territorial waters, by which the State has exclusive jurisdiction to the 3-mile limit. Yet other lawyers thought that there should be freedom of navigation of the air, subject merely to a right in the subjacent State to enact police and protection laws. Still a fourth group held that the State is the absolute sovereign of the space above its territory, just as it is of its land and inland and territorial waters. And, lastly, there was a variation of the "sovereignty theory" to the effect that while the States could prohibit flight over their territories by reason of their sovereignty, yet they ought to declare navigation of the air free, subject to certain regulations and restrictions, designed to protect life, guard domestic commerce, and insure national safety. These ideas and variations of them have been expounded many times in books and articles, appearing principally in the period from 1900 to 1914. (Hazelton, *The Law of the Air* (1911); Valentine, 22 Jurid. Rev. 16, 85; 23 Jurid. Rev. 324; Bellot, *The Sovereignty of the Air*, 3 Int. L. N., 133 (1918); *The Law of Civil Aerial Transport*, Hazelton, 1 Jour. Comp. Leg. N. S., 76 (1919); Hershey, *The International Law of Aerial Space*, 6 Am. J. Int. L., 381 (1912); Lee, *Sovereignty of the Air*, 7 Am. J. Int. L., 470 (1913); Kuhn, *The Beginnings of Aerial Law*, 4 Am. J. Int. L., 109 (1910); Myers, 26 Green Bag, 57 (1914). For a list of foreign books on the subject see Myers, 4 Jour. Cr. L., 815.) A discussion of the respective merits of these diverse theories would be academic and useless since, as will later herein appear, one of these views has definitely prevailed and the others are for all practical purposes obsolete.

The Institute of International Law, at a session at Ghent, September 24, 1906, drafted a project for the regulation of aerostats which contained the following fundamental provision (Supp. 7 Am. J. Int. L., 147 (1913)):

"The air is free. States have no authority over it, in time of peace or in time of war, other than that which is necessary for their own preservation."

M. Paul Fauchille early drafted an elaborate code which disposed of the question of sovereignty as follows (Supp. 7 Am. J. Int. L., 148 (1913)). Another projected code by the same jurist provided for a "zone of protection" 1,500 meters in height within which flying was restricted. (Wolters, *Luftverkehrsrecht*, 76.)

"Air navigation is free. Nevertheless the underlying States possess the rights necessary for self-preservation; that is to say, for their own security and the security of the persons and the property of their inhabitants."

In June, 1911, the international juridic committee on aviation reported favorably the following clause of a proposed air code (24 Green Bag, 430):

"Aerial circulation is free, except for the right of subjacent States to take certain measures, to be determined with a view to their security and that of the persons and goods of their inhabitants."

This last-quoted clause was later incorporated into the partially completed code published by this committee in 1914. (18 Law Notes, 5 (1914).) The extent and content of this code are illustrated by the following headings from it: Under the main heading of "Public aerial law" appear "General principles of aerial circulation," "Nationality and registration of aircraft," "Land and alighting on water," "Jettison," "Wrecks," "Legislation applicable and jurisdiction competent with respect to aerial locomotion"; under "Private aerial law" are chapters on "Property above and reparation for damage caused by aircraft." Subdivisions on "Commercial, administrative, and penal aerial law" are outlined but not completed.)

In 1913 France and Germany, as a result of the flight of German military aircraft over France, entered into a flight convention. (Woodhouse, *Textbook of Aerial Laws*, 11.) This treaty clearly recognized State sovereignty, with a right of innocent passage granted to alien aviators upon compliance with certain conditions. Military aircraft of one State might fly over the territory of the other only on invitation by the latter State; if military aircraft were obliged by necessity to land in a foreign country, they were required to report, be examined, and return as directed. Commercial aircraft of one country were allowed to enter the other only if in possession of a domestic license and pilot's certificate and a passport from a representative of the country to be entered; and such visiting aircraft must comply with the laws of the country entered.

In 1913 the International Law Association met at Madrid and adopted the following resolution (48 L. J. 561 (1913); 48 Am. L. R. 131 (1914)):

"1. It is the right of every State to enact such prohibitions, restrictions, and regulations as it may think proper in regard to the passage of aircraft through the air space above its territories and territorial waters."

"2. Subject to this right of subjacent States liberty of passage of aircraft ought to be accorded freely to the aircraft of every nation."

In March, 1916, the Pan American Aeronautic Federation, meeting at Santiago, Chile, declared air space to be State property, the navigation of the air space above the American Continent to be free to all Americans and all aliens domiciled in America, and the several States to have sovereign rights over the spaces above their respective territories. (Woodhouse, *Textbook of Aerial Laws*, 12. The third Pan American aeronautic conference was held at Atlantic City, May 20, 1920. 14 Am. J. Int. L. 642.)

By a decision of the supreme council of the Paris peace conference in March, 1919, an aeronautical commission was created "to study all air questions which may be submitted to it by the supreme council of

the conference of peace, to study all air questions which the commission may deem it their duty to submit to the supreme council of the conference of the peace," and "to draft a convention relating to air navigation." Two representatives of each of the five principal powers and seven delegates from the group of smaller States sat on this commission. The representatives of the United States were Admiral Knapp and Gen. Patrick.

In taking up the drafting of an international air navigation convention the commission established the following main guiding principles:

"1. Recognition (1) of the principle of the full and absolute sovereignty of each State over the air above its territories and territorial waters, carrying with it the right of exclusion of foreign aircraft; (2) of the right of each State to impose its jurisdiction over the air above its territory and territorial waters."

"2. Subject to the principle of sovereignty, recognition of the desirability of the greatest freedom of international air navigation in so far as this freedom is consistent with the security of the State, with the enforcement of reasonable regulations relative to the admission of aircraft of the contracting States, and with the domestic legislation of the State."

"3. With regard to domestic regulations relative to the admission and treatment of aircraft of the contracting States, recognition of the principle of the absence of all discrimination on the ground of nationality."

"4. The recognition of the principle that every aircraft must possess the nationality of one contracting State only and that every aircraft must be entered upon the register of the contracting State the nationality of which it possesses."

"5. The following provisions are recognized as desirable from an international point of view to insure the safe conduct of aerial navigation:

"(i) Regulations for compulsory certificates of airworthiness and licenses for wireless equipment, at least for aircraft used for commercial purposes. Mutual recognition of these certificates and licenses by the contracting States."

"(ii) Regulations for compulsory licenses of pilots and other personnel in charge of aircraft. Mutual recognition of these licenses by the contracting States."

"(iii) International rules of the air, including international rules as to signals, lights, and for the prevention of collisions. Rules for landing and on the ground."

On October 13, 1919, an international air navigation convention was signed by all the allied and associated powers except Japan and the United States. Japan later signed, and on May 31, 1920, the United States signed with reservations. (Kuhn, *International Aerial Law and the Peace Conference*, 14 Am. J. Int. L. 369 (1920); and see 14 Am. J. Int. L. 421, 448, 645.) According to advices from the United States Department of State under date of January 8, 1921, Belgium, Portugal, and Slam have ratified the convention, but have not yet deposited their ratifications, pending action by the principal western European powers.

The Chamber of Deputies of France had then approved ratification and the Senate was expected to concur in a few days. The Parliament of Italy was expected to ratify before Easter, 1921. Great Britain ratified the convention by the air navigation act of December 23, 1920. The Senate of the United States has not ratified the convention, so that, of course, it is not of any effect in the United States.

The convention (for a copy of the convention see 33 Harv. L. R. 23, or Woodhouse, *Textbook of Aerial Laws*, 51) recognizes that each State has absolute sovereignty over the space above its land and territorial waters, but each contracting State grants to citizens of the other contracting States freedom of innocent passage above its territories (except over prohibited areas), provided that the conditions of the convention are observed. Regulations as to foreign aircraft shall be without discrimination. The nationality of the aircraft is determined by the place of registration, which in turn is fixed by the nationality of the owner, or, in case of ownership by a corporation, by the nationality of the chairman of the board of directors and two-thirds of the directors. Registration of aircraft and certificates of airworthiness and of the competency of the pilot are required. A foreign airship may cross a State without landing, but if it lands it must report to an aerodrome. Any State may favor its citizens in intrastate commerce. Foreign aircraft can not be seized for violation of patent rights if security for the payment of damages is given. Rules regarding landing, departure, and prohibited transport are set forth. State aircraft are defined and they are prohibited from flying over or landing in a foreign country without authorization. An international commission for air navigation is created by the convention, with power to superintend the collection and dissemination of information, modify regulations, and settle disputes between members regarding the construction of the regulations. Eight annexes to the convention contain exhaustive provisions about the marking of aircraft, certificates of airworthiness, log books, rules as to lights, signals and methods of flight, the qualifications of pilots, aeronautic maps and ground marking, collection and dissemination of meteorological information and customs. (For discussion of the convention see Kuhn, *International Aerial Navigation and the Peace Conference*, 14 Am. J. Int. L., 369 (1920); Richards, Hazelton, and Nye, *Proceedings of International Flying Convention and the Freedom of the Air*, 33 Harv. L. R. 23.)

In the form in which the convention was approved in May, 1919, it contained provisions limiting the jurisdiction of the State flown over to the punishment of aviators and passengers for the violation of regulations necessary to insure innocent passage, and granting to the State of the nationality of the aircraft jurisdiction over contracts made and torts and crimes committed on board the aircraft, except as they might affect innocent passage. This grant of extra territorial jurisdiction was opposed by the United States delegates, and as a result these provisions were stricken out of the final draft of October, 1919. (Woodhouse, *Textbook of Aerial Laws*, pp. 14, 51.) Although all the allied and associated powers have now signed the convention, the United States reserved as to six points, Canada and Cuba as to two, and France, Italy, and Portugal as to one. The United States reservations were concerned with patents, customs, Federal control of State aerodromes, and the annex of exhaustive regulations.

The International Air Navigation Convention links the International Air Commission with the League of Nations in two ways. It provides that disputes regarding the interpretation of the main body of the convention shall in certain cases be determined by the permanent court of international justice to be established by the League of Nations; and it directs that the settlement of disputes as to the meaning of the annexes to the convention shall be decided by the Permanent International Com-

mission for Air Navigation, which is an organ of the League of Nations. This connection with the league raises the question whether a State not adhering to the league would wish to submit its controversies for settlement to the agents of the league, and whether, if the attachment of the convention to the league were deemed undesirable, some amendment of the convention could not be made to obviate the difficulty.

The treaties of peace of the allied and associated powers with Germany, Austria, and Bulgaria contain clauses which affect the international law of aviation. The clauses in the three treaties are identical, so that the German treaty may be taken as an example. It provides in substance that allied aircraft may fly over and land in Germany, subject to the same rules which apply to German aircraft; that all German aerodromes shall be open to allied aircraft on the same terms as to German aircraft; that certificates of airworthiness, nationality, and competency, and pilots' licenses issued by the allied powers shall be recognized in Germany; that in the internal air traffic of Germany the aircraft of the allied powers shall enjoy most-favored-nation treatment; that Germany will enforce on German aircraft the rules laid down in the International Air Navigation Convention; and that these obligations shall remain in force until January 1, 1923, or until Germany is earlier admitted to the League of Nations or to the convention relative to aerial navigation. (Treaty with Germany, arts. 313-320, Supp. Amer. J. Int. L., July, 1919, p. 335; Treaty with Austria, arts. 204-211; Treaty with Bulgaria, arts. 276-283.)

Since the conclusion of the World War international flying conventions have been arranged between Great Britain and Holland, Great Britain, France, and Switzerland, and Germany and Switzerland. (Woodhouse, Textbook of Aerial Laws, 165; Aerial Age, Nov. 1, 1920, p. 230.) Their terms are not available to the writer.

It thus appears that the international law of aviation will probably within a few months, by the ratification of the international air navigation convention by the leading European countries, assume definite form. This convention, while undoubtedly capable of some improvement, seems in the main satisfactory. It can easily be amended from time to time by the commission which it establishes. Its basic principle, that of sovereignty in each nation over the air space above its territory, is surely acceptable to the United States. The convention contemplates registration, inspection, and marking of aircraft and licensing of pilots—requirements which are universally admitted to be necessary for the protection of the public. Federal and State commissions could easily frame regulations upon these matters in harmony with the international regulations. The convention contains no provision granting extraterritorial jurisdiction, but allows the rights and duties of aviators to be controlled by the law of the State over which they are flying. It leaves for each nation to decide for itself the difficult question when the owner or operator of an airship shall be liable for injuries to person or property which are caused by the aircraft. It does not handicap the States or the Nation in any provision they may wish to make regarding intrastate or interstate flying, for it controls merely the navigation of foreign craft in the United States and the operation of American aircraft in foreign countries.

This convention has been thoroughly considered by the Manufacturers' Aircraft Association, and that body has recommended its ratification and has suggested a few minor amendments for the consideration of the international commission. (Unpublished report of the legal committee of the National Manufacturers' Aircraft Association.) It would seem that as far as the international situation is concerned, the best step for the American Bar Association is to recommend to the Senate the ratification of the international air navigation convention. Without such ratification flight by our aviators in foreign countries which have adhered to the convention will be prohibited, for article 5 of the convention provides that "no contracting State shall, except by a special and temporary authorization, permit flight above its territory of an aircraft which does not possess the nationality of a contracting State." This would mean that upon ratification of the convention by Canada, and in the event of our failure to ratify it, flight of United States aircraft over Canada would be unlawful, except as "special and temporary authorization" was given by Canada.

MUNICIPAL LAW.

It will perhaps be useful, before stating the fundamental problems to be solved by the draftsmen of an American air code, to outline the existing condition of the statute law in Europe and America.

In England the coronation of King George in 1911 was the occasion for the first statute on aviation. (Jour. Cr. L., 815, 828.) In order to prevent aviators flying low over the coronation procession and the attendant public ceremonies Parliament passed an act giving to the secretary of state power to prohibit air navigation over such areas as he might prescribe. Violation of the act, except when caused by vis major, was to be punished by fine or imprisonment or both. (1 and 2 Geo. V, ch. 4.) In 1913 a supplementary act was passed extending the powers of the secretary of state to fixing prohibited areas for reasons of national defense and safety, and including the coast line and territorial waters within his jurisdiction. This officer was allowed by this second bill to prescribe places and conditions of landing in Great Britain by foreign aircraft. Foreign airships flying over areas which had been made forbidden zones for reasons of national defense, or refusing to obey the landing regulations, were to be signaled, and if they did not obey the signal, might be fired at. (2 and 3 Geo. V, ch. 22.) Under this act extensive orders were made by the secretary of state with especial reference to prohibited areas and the duties of foreign aircraft entering England. (Wolters, Luftverkehrsrecht, 146. Arrests were made for violations of these regulations by aviators flying from France and Germany into England without permission. Myers, 4 Jour. Cr. L., 815, 825.) In 1919 the power of the secretary of state was still further augmented by a grant of authority to regulate air navigation in the British Isles, to grant, revoke, and suspend pilots' licenses, to make rules for the registration, identification, inspection, and certification of aircraft, to license, inspect, and regulate aerodromes, to fix the conditions under which aircraft might be used for the carriage of goods, mail, and passengers, and to regulate the conveyance of goods and mail into or from the British Isles and between such islands. (9 Geo. V, ch. 3.)

Under the broad powers thus given the secretary of state he issued regulations in 1919 which cover the details of aerial navigation. (Woodhouse, Textbook of Aerial Laws, 65; 8 Flying, 525; Aerial Age Weekly, Sept. 27, 1920.) They require the registration of the machine, its marking, licensing of the pilot, and a certificate of airworthiness in case of all passenger or goods aircraft. Aerodromes must be licensed. Flying over a city or town except at a height enabling the aviator to land outside is prohibited. Trick flying over populous districts, flying over games and exhibitions without the written consent of the promoters thereof, and the dropping of any article except ballast is forbidden. Public officers are given a right of inspection of, and access to, aerodromes and factories.

Foreign aircraft are allowed to fly over the British Isles only on invitation. Rules regarding lights, signals, the rules of the air, traffic regulations in the vicinity of licensed aerodromes, and the arrival and departure of aircraft from the United Kingdom are stated. The importation and exportation of goods by aircraft is controlled. It is required that competent persons make an inspection of aircraft before each flight.

The British civil aerial transport committee was appointed May, 1917, and reported February, 1918. (Woodhouse, Textbook of Aerial Laws, 166.) This committee was given broad powers of investigation into the legal, commercial, and mechanical sides of aerial navigation. A subcommittee on legislation was directed to advise the committee on what were evidently deemed the principal legal questions, namely, (1) the attitude to be adopted by the State with regard to national sovereignty in the air and international questions connected with aerial transport; (2) the question of State ownership (if any) or the necessary State control and regulations as to customs, quarantine, and aliens; (3) necessary amendments of the common and statute law as to the airspace covering private property, and as to compulsory purchase of land for aerodromes and landing grounds; (4) the principles of liability for damage caused by or to aircraft. The committee recommended the adoption with slight modifications of the aerial navigation bill prepared by the home office in 1911. This bill consisted of 28 sections. Its fundamental provisions were State sovereignty over the space above British territory, regulations regarding flight, inspection, and licensing, a provision for absolute liability for injuries caused by aircraft, and a stipulation that flight should not of itself be regarded as a trespass but that the landowner might recover only for actual damages suffered from contract, noise, etc. The committee recommended also that the regulatory powers be vested in an air ministry, instead of being divided among various departments of the Government. (For accounts of the report see 146 L. T., 105 (1918), and Hazeltine, the Law of Civil Aerial Transport, 1 Jour. Comp. Leg. N. S. 76 (1919).)

The British air navigation act of 1920 (10 and 11 Geo. V, ch. 80, in effect Dec. 23, 1920) ratifies the International Air Navigation Convention of 1919 and gives the Government power to carry out the convention by orders in council, especially by providing for licensing, inspection, and regulation of aerodromes, licensing of operators, registration of aircraft, fixing the conditions under which aircraft may be used to carry goods, mails, and passengers, the conditions of entrance into and exit from the British Isles, fixing charges at licensed aerodromes, control of aerial lighthouses, the regulation of signals, and establishing penalties for violations. The bill gives the air council, established by air force act of 1917, broad powers of regulation and condemnation in case of war; and power to establish and maintain, or to authorize the local authorities to establish and maintain, aerodromes, and to acquire land for that purpose "by purchase or hire." Section 9 dealing with the liability of aviators for damage, is as follows:

"(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of aircraft over any property at a height above the ground, which, having regard to wind, weather, and all the circumstances of the case is reasonable, or the ordinary incidents of such flight, so long as the provisions of this act and any order made thereunder and of the convention are duly complied with; but where material damage or loss is caused by an aircraft in flight, taking off, or landing, or by any person in any such aircraft, or by any article falling from any such aircraft, to any person or property on land or water, damages shall be recoverable from the owner of the aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his willful act, neglect, or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the same was suffered:

"Provided that, where any damages recovered from or paid by the owner of an aircraft under this section arose from damage or loss caused solely by the wrongful or negligent action or omission of any person other than the owner or some person in his employment, the owner shall be entitled to recover from that person the amount of such damages, and in any such proceedings against the owner the owner may, on making such application to the court and on giving such undertaking in costs as may be prescribed by rules of court, join any such person as aforesaid as a defendant, but where such person is not so joined he shall not in any subsequent proceedings taken against him by the owner be precluded from disputing the reasonableness of any damages recovered from or paid by the owner.

"(2) Where any aircraft has been bona fide demised, let, or hired out for a period exceeding 14 days to any other person by the owner thereof, and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out."

Section 10, regarding penalties for dangerous flying, reads as follows:

"(1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft, and also the owner thereof, unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be liable on summary conviction to a fine not exceeding £200, or to imprisonment with or without hard labor for a term not exceeding six months, or to both such imprisonment and fine.

"For the purposes of this section the expression 'owner' in relation to an aircraft includes any person by whom the aircraft is hired at the time of the offense.

"(2) The provisions of this section shall be in addition to and not in derogation of any general safety or other regulations prescribed by order in council under Part I of this act."

The law of wreck and salvage is applied to aircraft over or on the sea or tidal waters. The Crown is given authority by an order in council to make provision as to the courts in which proceedings may be taken to enforce the act, and in particular to confer jurisdiction on the admiralty courts and apply admiralty rules. The secretary of state is given authority to make regulations for the investigation of aviation accidents occurring over the British Isles. A patent infringer landing in the British Isles may prevent the detention of his aircraft by giving security. The power of the secretary of state to secure land under the military lands act is extended to include the acquisition of land for the purpose of aviation, civil or military. The act applies to Ireland and Scotland, with minor modifications. It repeals the air navigation acts, 1911 to 1919.

Great Britain has an Air Ministry with 771 persons on its permanent staff. (Aerial Age, Nov. 22, 1920.)

Turning to the British Dominions, we find that India enacted an airship act in 1911. The governor general in council was authorized to prescribe rules for flight, to license pilots, inspect aircraft, and prohibit the transport of certain articles. (Aero and Hydro, Nov. 16, 1912.) New Zealand adopted a code for aerial navigation in 1918. It defines fundamental terms, gives the governor general authority to prescribe regulations, issue and revoke licenses, register aircraft, fix prohibited areas and forbidden landing places, and establish fines. Flight and the conduct of a flying school without a license are prohibited. (Act No. 6, 1918.) The Canadian air board act went into effect June 6, 1919. (9 and 10 Geo. V. ch. 11.) It provides for an air board of from five to seven members to be appointed by the governor, one member to come from the army and one from the navy, the terms to be three years. The duties of the board are to supervise all aeronautical matters, to study the development of aviation, to construct and maintain Government aerodromes and air stations, to control Government aircraft and operate such air services as the governor approves, to prescribe aerial routes, to collaborate with other Government officers in aeronautical work, to secure to Canada appropriate rights in international air routes, to cooperate with the military and navy in air defense, to investigate and report on commercial air projects in Canada, and to draft and prepare for approval by the governor regulations for the control of aviation. The powers of the air board are said to extend to regulation of all aviation in Canada and over Canadian territorial waters, including the issue, suspension, and revocation of licenses to fly, the registration, identification, inspection, certification, and licensing of all aircraft, aerodromes, and air stations; the prescription of conditions of commercial transport, including export and import; and the fixing of prohibited areas, landing places, and aerial routes. This air board is in operation and has at least temporarily extended to aviators of the United States the privilege of flying in Canada under the same conditions as apply to Canadian aviators. (Aerial Age, Oct. 25, 1920, p. 199.)

In October, 1911, the prefect of police of Paris promulgated regulations regarding landing, the height of flight, ascent, and the dropping of objects from aircraft. (Myers, 4 Jour. Cr. L. 815, 828-29.) In the same year President Fallières of the French Republic issued a decree regulating aerial traffic. (132 L. T. 116 (1911).) These rules were soon superseded by the more comprehensive French Government air bill of 1913. The more important terms of this law were that circulation in airships was to be free, subject to Government regulation; that landing was forbidden on inclosed properties on which a building was located, except by consent of the proprietor, and also in thickly settled communities, except in places set apart. Aviator and airship were made absolutely liable for damages caused to groundsmen regardless of negligence.

Provisions were made for registration, licensing, and prohibited zones. The transport of explosives, photographic apparatus, and wireless telegraphic material was forbidden, except by special permit. A log book was required to be kept and retained for two years. Public airships were required to bear distinct marks and military airships were to be distinguished from other public aircraft. The entry into and exit from France by the air was to be governed by regulations to be issued. A duty was placed on local authorities to assist aircraft in distress. Wreckage, flotsam, and jetsam were to be reported. Permission had to be obtained for an exhibition flight. (135 L. T. 70 (1913).) A ministerial decree of May 12, 1919 (Jour. Off., 13 May, 1919; Dalloz, Bulletin Leg., 1919, p. 374), forbids flight over cities and other thickly inhabited places, except at a height sufficient to enable a safe landing to be made in case of motor trouble, and interdicts acrobatics over densely inhabited places and low flights over public exhibitions. A decree of June 6, 1919 (Jour. Off., 8 June, 1919; Duvergier, Collection Complete des Lois Décrets, p. 476), provides for an organ of coordination of all aeronautics with the duties of aircraft manufacture, organization of aerial communications, study of aviation problems, supervision of aerial navigation, distribution of information, mobilization of the aircraft industry, and direction of manufacture and purchase of Government aircraft material. France now has an undersecretary of state for aeronautics. (L'Aérophile, Jan. 1920, p. 18.) It is reported that the French authorities have very recently drawn up regulations governing inspection, licensing, and control of traffic which are almost identical with the British regulations of 1919, and that these rules will soon be embodied in a decree. (Aerial Age, Oct. 18, 1920, p. 182.)

The early German laws regarding aviation were in accordance with the then existing ideas of Government in that Empire. As early as 1910 in some of the German States aviators were required to be licensed and to give three days' notice to the police of each intended flight. The police were to inspect the aircraft before each flight, and might prohibit the ascent, if, in their opinion, the conditions made flying dangerous. After complying with these regulations the aviator must confine himself to flying over the open country and must under no circumstances appear over towns and cities. (17 Case & Com., 304 (1910); Myers, 4 Jour. Cr. L. 815, 828-29.) By decrees of October, 1910, and December, 1913 (Wolters, Luftverkehrsrecht, 47), the Prussian Government established forbidden zones for military reasons, gave the police authority to limit aviation, and accepted the certificates of the German Aviation Society as sufficient evidence of the skill of pilots. A Bavarian decree of October, 1911 (Wolters, 48), established limitations on spectacular flights, and recognized the rules of the German Aviation Society as controlling certificates, rules of navigation, and forbidden zones. In 1914 a proposed imperial aviation act was passed by the Bundesrat and was sent to the Reichstag, but the intervention of the war prevented its passage. This project provided for inspection and certification of machines, examination and licensing of pilots, and approval of flying fields by the national Government. Passenger and freight traffic was to be licensed. (Wolters, 84.) The German Aviation Society established certain rules in 1914. These covered the marking, registration, and testing of public machines; practice flights; the qualifications necessary to obtain a pilot's license and the method of obtaining the license; rules of navigation; forbidden transport; forbidden zones; and the establishment and regulation of flying fields. (Wolters, 100.) It is said that a new national bill was presented to the German Parliament in the summer of 1917 (Wolters, 50), but its contents and the disposition of it are not known to the writer. The new German constitution of 1919 (Ch. 1, sec. 1, art. 7) gives the commonwealth jurisdiction over "communication by power-driven vehicles on land, on sea, and in the air," but this jurisdiction is not exclusive. Unless and until the commonwealth acts the several states may make regulations. (Ch. 1, sec. 1, arts. 7 and 12, const., 1919.) Germany has a minister of aviation. (Aerial Age, Nov. 15, 1920, p. 280.) By Government decrees of November, 1912, December, 1912, and January, 1913, Austria provided for licensing of pilots, forbidden zones

and prohibited transport, and for police measures of safety. (Wolters, Luftverkehrsrecht, 157 et seq.)

A Dutch law of 1912 (Wolters, 58, 163) provided for Government licensing of pilots, and also empowered aviation societies to grant licenses; stipulated that aviation fields must be approved by the Government; forbade flying without a license, except over a flying field; prohibited spectacular flying in the absence of a special permit, except over a flying field; forbade flight of such a nature as to endanger order or public safety; and allowed the recognition of foreign pilots' certificates. The Hague recently passed an ordinance (Aerial Age, Nov. 8, 1920, p. 256) requiring flyers to keep more than 8,000 feet above that city. This regulation has been forced upon the Dutch, due to the large number of airplane lines which cross Holland and the custom of aviators operating on those lines to fly low.

Switzerland has a federal air office. (L'Aérophile, September, 1920, p. 276.) A Serbian statute of February, 1913 (Wolters, 170), determined the nationality of aircraft by the citizenship of the owner; denied any extraterritorial rights to aircraft; required approval of aircraft by the minister of the interior and the fastening to the machine of a plate containing the name and residence of the owner, name of the constructor, and number of the license; provided for pilots' licenses to be obtained from the minister of war; forbade dangerous transport, the dropping of objects, flight at night or in a storm, the use of searchlights, and flight over fortified places. The police were given authority to require landing and to inspect at any time, and the operators of unmarked and unlicensed aircraft were to be regarded as criminals, liable to be brought down by force. Foreign military aircraft were forbidden, but foreign civilian aircraft were allowed entrance on compliance with customs and other Government regulations. It seems that prohibited areas have been established in Russia. (Woodhouse, Text-book of Aerial Laws, 136.) An Italian law of May, 1915, was largely concerned with military aviation, but it established a permanent commission for civilian aeronautics. (60 Cronaca Leg., p. 190 (1918).)

In 1911 the committee on jurisprudence and law reform of the American Bar Association, of which Mr. P. W. Meldrum was chairman, reported that Judge Simeon E. Baldwin had offered to the association the following resolution, which had been referred to that committee:

"Resolved, That no one ought to be allowed to make an ascent in the air in any form of airship who has not passed a satisfactory examination, or been otherwise tested by some public authority, with respect to his qualifications to make such ascents with reasonable safety to himself and others; nor without having first filed in some public office a bond, with surety, to answer to all persons who may suffer damage by his flight in the air, whether such injury result from negligence or from inevitable accident, or vis major.

"Resolved, That each State of the United States should regulate these matters by statute as respects flight in the air wholly within said State and as respects police regulations of all flights over its territory.

"Resolved, That Congress, under its powers as to commerce, can and should regulate by statute flights in the air between States or between the United States and foreign lands or our Territories of the United States.

"Resolved, That the following project of a bill for such statute is drawn upon suitable lines, so far as its provisions extend." (Then followed the draft of a bill for enactment by Congress defining "air ship," "aeronaut," "to fly," and "voyage"; forbidding interstate or international flying without a pilot's license; providing for the marking and registration of the aircraft, and the filing of a bond by the owner to answer for all damages attendant on the flight.)

The committee reported that it could not recommend the adoption of the resolution. The policy of the association is not to propose legislation unless it is on a subject of general interest and about which there can be no reasonable doubt as to the necessity for legislation. The navigation of the air has not become so general as to permit uniform legislation so as to fix with legal certainty rules for its government. How far the man who 'goes up in a balloon' engages in interstate commerce when he happens to be accidentally blown across an imaginary State line your committee is not prepared at this time to decide, but it is of opinion that the aviator should not be held to any greater liability than the modern common carrier. Commerce by air has not yet attained sufficient growth on which to justify its regulation by Congress; and even if legislation were desirable it is not deemed proper to say that while a common carrier by land or water is excused from loss caused by the act of God that a common carrier by air should be made responsible, whether injury resulted from negligence or from inevitable accident or vis major. Unless liability springs out of some contract or arises out of some tort, the carrier should not be mulcted in damages, whether the carrier be by land, sea, or air." (36 Am. B. Ass'n Rep., 380 et seq. For a further statement of Judge Baldwin's views see Liability for Accidents in Aerial Navigation, 9 Mich. L. R., 20 (1910).)

Although balked in his efforts to get action from the American Bar Association, Judge Baldwin, as governor of Connecticut, urged upon the legislature of that State in his message to it in 1911 the passage of an air navigation bill along the lines suggested in his resolution quoted above. (16 Va. L. Reg., 778 (1911).) This recommendation was accepted, and the Connecticut act of 1911 was the first measure regulating aviation adopted in America. (It is now Gen. St. 1918, ch. 176, secs. 3107-3117.) This act defines fundamental terms, requires registration, licensing, and marking for flight within Connecticut; makes the secretary of state the regulating officer; allows a nonresident aviator who has registered in his own State to fly not exceeding 10 days in any one year in Connecticut without a Connecticut license or registration; and provides that "every aeronaut shall be responsible for all damages suffered in this State by any person from injuries caused by any voyage in an airship directed by such aeronaut, and if he be the agent or employee of another in making such voyage his principal or employer shall be responsible for such damage."

In 1913 Massachusetts followed the example of Connecticut and enacted an aviation law. (L. 1913, ch. 663.) The statute provided for licensing and registration by the State highway commission. It fixed the "rules of the air" for machines meeting head-on, obliquely, and where one overtakes another.

It established the height at which machines might fly over cities and towns, massed assemblies, and buildings. It created a presumption that damage caused by an airship was due to the negligence of the operator. It forbade landing in public places without permission in the absence of emergency. It allowed aviators licensed in other States to fly for not exceeding 10 consecutive days in any year in Massachusetts without a Massachusetts license. This statute was repealed in 1919 and a new law passed which differs from the first principally in that it

detailed regulations of flying are left to be established by the commission, instead of being embodied in the statute, and that the presumption of negligence on the part of the aviator is abolished. (Gen. Acts, 1919, ch. 306.)

The increasing tendency to piecemeal State legislation on this subject is shown by a number of minor statutes enacted in 1917 and 1919.

In 1917 Hawaii prohibited civilian flight across that Territory without a license from the governor. (Laws of 1917, Act 107.) In 1919 California and Michigan prohibited hunting from airplanes (Cal. L. 1919, ch. 300; Mich. Pub. Acts, 1919, No. 82); New York legalized insurance against loss occasioned to and by airplanes (N. Y. L. 1919, chs. 391-393); Texas authorized the formation of corporations to build and operate aircraft, with the power to acquire by purchase the necessary starting and landing fields (Tex. L. 1919, ch. 9); and Washington and Wisconsin granted the right to condemn land for aviation purposes, the former to cities and counties and the latter to county park commissioners. (Wash. L. 1919, ch. 48; Wis. L. 1919, ch. 613. In 1920 a New York State aviation commission recommended a statute requiring State registration of all aircraft flying within the State, but the legislature took no action. N. Y. Leg. Doc. 103, 1920.)

In September, 1919, at Boston, the Conference of Bar Association Delegates, an organization affiliated with the American Bar Association, adopted the following resolution, on motion of Mr. William Velpau Rooker, and without debate (6 Am. B. Ass'n J. 42, Jan. 1920):

"Resolved, That it is the sense of this conference that aeronautics and aerography should properly lie within the admiralty jurisdiction of the United States and be entertained accordingly; that a committee representing each State of the United States here represented be appointed to make further inquiry into this question and report its conclusions to the American Bar Association, to the end that the proper communication may be made to the Congress of the United States and appropriate legislation extending remedies to the aggrieved at common law may be enacted."

In accordance with this resolution a committee was appointed from this conference, of which Mr. Rooker was chairman, and two reports were submitted by Mr. Rooker, one dated January 5, 1920, and the second July 1, 1920, in which Federal legislation upon aviation under the admiralty power was strongly urged.

Although there is no Federal aviation law on the books (hydroplanes have been classed as "vessels" by the Department of Commerce and so subjected to Federal water navigation laws. Opinion Solicitor for Dept. of Com., Feb. 17, 1914), there has been for some years past an unofficial regulation of aviation by the Aero Club of America. This organization has prohibited flying in competitions for prizes controlled by it except by aviators licensed by it. As a result a large number of balloonists and aviators have sought pilots' licenses from the Aero Club and have been subjected to examination. The yearbook of the club for 1919 (p. 80 et seq.) shows that 3,544 persons then possessed Aero club aviators' certificates. The club has also passed resolutions urging licensed aviators not to fly over cities and athletic contests. (Myers, 4 Jour. Cr. L. 815, 830-831.)

Pursuant to an act of Congress, approved March 3, 1915, a National Advisory Committee for Aeronautics of 12 members was established. The present membership is representative of the Army and Navy and of men of science qualified to act as technical advisers in mechanical matters. There appears, however, to be no member especially qualified to pass upon legal questions. This committee has prepared six annual reports, the latest of which recommends Federal legislation. The committee does not, however, believe that Federal legislation should be exclusive, for in a recent communication it states (letter to the writer, dated Feb. 16, 1921): "The National Advisory Committee for Aeronautics is of the opinion that State legislation should follow, and be in accordance with, national legislation on the subject of air navigation, and for this reason believes it would be wise for the various States to withhold independent action pending the enactment of Federal legislation on the subject." The question may be raised whether a conference between the Federal authorities and the Commissioners on Uniform State Laws, at which a division of the field between State and Federal statutes could be accomplished, is not preferable to independent action by national and State authorities which may result in conflict and litigation.

At the commencement of the war with Germany a presidential proclamation forbade flying in the war zone of the United States without a license from the Joint Army and Navy board. (Woodhouse, Textbook of Aerial Laws, 141.) Since the whole of the United States, its territorial waters, and insular possessions and the Panama Canal Zone were designated as the zone of military operations by this proclamation, a very serious restriction on aviation was thereby effected. It seems that this proclamation was lifted January 23, 1919, but that application to the Army and Navy Board is still required. (8 Flying 61.)

A Federal bill was agitated by the Government authorities in 1919. It prohibited civilian interstate or international flying without a license from the Secretary of Commerce, and directed that officer to report recommendations for further legislation. The bill was not pressed, due to the desire to await the report of the International Aeronautic Commission, then sitting in Paris (Woodhouse, Textbook of Aerial Laws, 89). Since that date a number of bills have been introduced in Congress and are now pending. Among them is Senator Sherman's bill of July 23, 1919 (S. 2593, referred to the Committee on Military Affairs), which recognizes the full sovereignty of the private landowner over the space above his land, gives the Secretary of War authority to regulate international and interstate flying by fixing travel lanes so as to avoid cities and by licensing aviators. It requires the aircraft to use the lanes prescribed and forbids flying over densely populated areas. A landowner might, under this bill, give notice to the owner or operator of an aircraft forbidding flight over his land and thereafter such flight would be a trespass and might be made the basis of an action for damages and an injunction. October 8, 1919, Mr. Curry introduced a bill (H. R. 9804) to consolidate all governmental air forces and give control of such Government forces and of commercial aviation to a Director of Aeronautics. The bill is concerned almost wholly with provisions for the national defense and the organization of a separate branch of the service to correspond to the Army and Navy, but it incidentally gives the Director of Aeronautics power to license all aircraft, supervise all landing fields, and promulgate "rules and regulations governing international and interstate flying."

Senator New's bill of October 30, 1919 (S. 3348, referred to Committee on Military Affairs and reported favorably and recommended for passage Dec. 8, 1919), provides for the creation of a new Federal officer to be known as "Director of Air," who is to control all civil and military aviation, whether interstate, intrastate, or international. Power to license, establish rules and routes, and cooperate with local authorities in setting aside aerodromes and landing fields is granted to this Director of Air. The bill is evidently framed on the theory

that the war powers of Congress give it authority to regulate all aviation. Mr. Hull's bill of January 29, 1920 (H. R. 12134), provides for a Department of Aeronautics, to be headed by a director, whose duties are principally the management of Government aircraft production and the control of Government property connected with aviation; but he is also incidentally charged with the establishment of rules for air navigation and aerial routes "for international, interstate, and intrastate flying," and the licensing of all aircraft operators. Mr. Kahn's bill of April 27, 1920 (H. R. 13803), provides for the national defense by the creation of a Bureau of Air, to be in charge of a Director of Air, who is to control to a limited extent the various Government air services and organize an aerial force. Supervision of all commercial aeronautics is given in a loose, general way to this officer also.

Another pending Federal statute is that of Mr. Kahn, introduced May 13, 1920 (H. R. 14601, referred to the Committee on Interstate and Foreign Commerce). This proposed law defines essential terms and provides for an Air Navigation Commission, to be composed of one representative each from the Departments of State, Treasury, War, Post Office, Navy, Agriculture, Commerce, and from the National Advisory Committee for Aeronautics. These representatives are to be appointed by the President. The commission is to prepare regulations for promulgation by the Secretary of Commerce. It is to have control of all United States aircraft, whether engaged in intrastate, interstate, or international navigation. It is to license pilots and aerodromes and inspect aircraft. The basis of the bill is shown by the following clause: "Such portions of the air as are navigable by aircraft and all aircraft navigating the air are hereby declared to be within the admiralty jurisdiction of the Federal courts." Maritime law is to govern aviation in so far as it is applicable and is not inconsistent with the act and with treaties. This bill has been amended in committee, partly, at least, on the suggestion of the National Advisory Committee for Aeronautics (Rept. National Advisory Committee for Aeronautics, 1920, p. 11). In the revised bill the administrative authority is made a Commissioner of Air Navigation in the Department of Commerce, to work under the advice of the National Advisory Committee for Aeronautics. One purpose of the bill, as amended, is said to be to render effective any future air navigation treaty.

Mr. Hick's bill of May 19, 1920 (H. R. 14137), creates a Bureau of Aeronautics within the Department of Commerce, to be managed by a Commissioner of Aeronautics and an Aeronautic Board; the commissioner is given power to designate aerial routes and establish aerodromes and landing fields; the board is to draft rules for navigation and provide regulations for inspection, to be promulgated by the Secretary of Commerce. All aircraft flying in the United States must obey these rules. The board is given power to license all aircraft, operators, and aerodromes. United States air space and aircraft are declared to be within the Federal admiralty jurisdiction. This bill has been somewhat changed in committee at the instance of the National Advisory Committee for Aeronautics (Report, 1920, p. 10). The revised bill substitutes the National Advisory Committee for the Aeronautic Board and makes that committee an advisor to the commissioner in the exercise of his functions. The revised bill also purports to be offered to render effective any treaty or convention which the United States may hereafter ratify. The Hicks bill and the Kahn bill of May 13, 1920, are both approved by the National Advisory Committee for Aeronautics.

It is thus readily seen that there is no uniformity in State legislation in the United States and that such Federal bills as have been presented proceed upon radically different theories as to the basis for Federal legislation and the extent to which it may go.

OUTLINE OF PRINCIPAL PROBLEMS.

(A) SOVEREIGNTY OVER AIR SPACE.

In determining the form which laws regulating aerial navigation should take several fundamental problems must be solved. The first of these is, what is the relation of the States and of the Nation to the space above the United States and its territorial waters? Is such space a detached, uncontrolled realm, comparable to the ice wastes around the North Pole, outside the sovereignty of either States or Nation? Or is this space as much a part of the physical territory of each State and of the Nation as the soil and waters therein? Obviously, unless the air space above us is subject to our sovereignty, legislation regarding flying within it is as far beyond the powers of our State or Federal legislatures as would be the total prohibition of fishing in the middle of the Atlantic Ocean.

There can, however, be no effective argument against State sovereignty over the space above the land within its borders. Such space is, under modern conditions, actually within the control of the subjacent State by police aircraft and by guns. And acts within such space, of course, vitally affect the subjacent State with respect to the safety of its inhabitants and their property. Writers on international law now agree that sovereignty over air space exists. (Myers, The Sovereignty of the Air, 24 Green Bag, 229 (1914); Foulke, Internat. Law (1920), p. 287. Wilson, Aerial Jurisdiction, 5 Am. Pol. Sci. R., 171, 179 (1911), says: "It would seem that physical safety, military necessity, and sanitary regulations justify the claim that a State has jurisdiction in aerial space above its territory.") All the treaties, conventions, and municipal laws hereinbefore referred to are founded on the principle of the sovereignty of each State over the air space above its land. There can be no doubt, therefore, that either the States or the Nation, or both together, have the jurisdiction to make laws concerning flight in such space. A clause embodying the idea contained in the following preamble to the British air navigation act of 1920 might well be made the initial paragraph of our air act:

"Whereas the full and absolute sovereignty and rightful jurisdiction of His Majesty extends, and has always extended, over the air superincumbent on all parts of His Majesty's dominions and the territorial waters adjacent thereto."

The question of jurisdiction over torts and crimes committed in the air and contracts made therein may be raised here. The tendency of continental jurists has been to apply the doctrine of extraterritoriality and provide that legal relations between persons in aircraft are to be governed by the laws of the State to which the aircraft is attached by registration, and not by the laws of the State flown over. (Fauchille's Code, Wolters, Luftverkehrsrecht, 76; International Air Navigation Convention, as first drafted, Woodhouse, Textbook of Aerial Laws, 17.) According to this view an assault committed by an Ohioan upon a New Yorker while both were flying over Connecticut in a Massachusetts plane would be controlled by the law of Massachusetts. But the principle of extraterritoriality is, of course, contrary to the fundamental conceptions of English and American jurists. With us the natural rule is to apply the law of the subjacent State to legal relations arising between aeronauts or between an aeronaut and a lands-

man. Thus a contract made between passengers flying over Illinois would be treated as made in Illinois, and the intentional dropping of ballast on a citizen of Maryland by a Virginia aviator, flying in a Virginia registered machine over Maryland, would give rise to a prosecution or action in the courts of Maryland. None of the proposed Federal laws seem to cover this question. It would appear to be a matter to be disposed of by a uniform State aviation law, through the insertion of a section making legal relations arising in the air over a given State, and legal relations arising between an aviator flying over such State and a groundman in such State, subject to the laws of that particular State. (This view is supported by Hazeltine, *The Law of the Air*, ch. 2. Concerning crime in the air, see Myers, *The Criminal in the Air*, 4 Jour. Cr. L., 815 (1914). A. K. Kuhn recommends that the State of the aviator's nationality and the State where the crime is committed have concurrent jurisdiction over the crime. *The Beginnings of Aerial Law*, 4 Am. J. Int. L., 109 (1910).)

(B) PRIVATE PROPERTY IN AIR SPACE.

The sovereignty of the State and the property of the individual are distinct concepts, although each is exclusive and alienable. (Westlake, *Collected Papers*, 131.) Does a landowner own the space above his land in the same sense that he owns the soil? Is he entitled to exclusive possession of such space? Assuming that he does not reduce all of it to possession, as, of course, he will not, is he entitled to exclude others from entering such space, even though he suffers no actual damage? Is an aviator, flying at any height, a trespasser as to the subjacent owner? In order to establish airways must aerial transport companies purchase or condemn rights of way? Can the State or the Nation authorize flight over private lands without providing for compensation to the subjacent owners, if the due process clauses of the constitutions are to be respected?

These questions go to the essence of aviation law. If the space is owned absolutely by the surface owner and all flight is a trespass, there can be no development of aerial transportation without a constitutional amendment by which the people of the States give up their property rights in space to some extent and allow an easement of passage. Otherwise the expense of acquiring rights of way and defending trespass and injunction suits would bankrupt all aerial transportation companies. That such exclusive private ownership of space exists and that a Federal constitutional amendment surrendering authority over this space to the National Government is, therefore, imperative before a single step can be taken toward legislation, is the view recently expressed by Maj. Johnson, legal adviser to the Director of the Federal Air Service. This writer says (The brief of Maj. Johnson has not been printed, so far as the writer knows. The amendment suggested by him reads as follows: "Congress shall have power to provide for regulating the use for air travel of all space over the earth and within the borders of the United States and its Territories and all countries over which the United States has jurisdiction, including the 3-mile limit on the seas; and to provide for regulations for landing fields, a fixed code of signals and signs for the navigation of the air and the landing of aircraft. Congress shall have further power to provide for the enforcement of said regulations and to establish air admiralty courts, or grant to the existing courts the jurisdiction of the admiralty law of the air, which jurisdiction shall include the punishment of all crimes committed on aircraft, whether in the air or in port at landing fields, and over all civil cases over which admiralty courts now, or hereafter, generally have jurisdiction, which have their source in air travel."):

"It is therefore a safe conclusion that, technically under the present grants and prohibitions of the constitution and the common law rule of ownership of space above property, neither the United States Government or the States have any jurisdiction over the air."

This view of space ownership springs from a rigid and literal interpretation of the common law maxim, *cujus est solum ejus est usque ad coelum*. (Coke on Littleton, sec. 4a.) This maxim was taken from the Roman law and is found in the modern civil law codes (Code Napoleon, sec. 552), but a qualification of it has been accepted, as is shown by the following section from the German Civil Code (Loewy's translation, sec. 905): "The right of the owner of a piece of land extends to the space above the surface and to the earth under the surface. However, the owner can not prohibit interferences which take place at such height or depth that he has no interest in their exclusion." (Other similar statutes are said to exist in Austria, Spain, Portugal, Italy, Holland, Uruguay, Argentina, Mexico, Japan, and Switzerland. Footnote, Loewy's trans. German Civ. Code, sec. 905; Wilson, *Aerial Jurisdiction*, 5 Am. Pol. Sci. R. 171, 172 (1911). It is said in a report on the French Government air bill of 1913, appearing in 135 L. T. 70 (1913), that M. Thierry, who presented the bill to the French legislature, said that the commission which framed it advised that the French law did not give the owner of the soil property in the space above not susceptible of private appropriation.)

This ancient maxim finds a limited survival in some American State codes, as, for example, that of California (Cal. Civ. Code, sec. 829), which provides that "the owner of land in fee has the right to the surface and to everything permanent situated beneath or above it."

But, notwithstanding the persistence of this rule, its application to the space not immediately adjacent to the soil and the structures on the soil is wanting. All the decisions are regarding intrusions into the space very near the surface, where the actual use of the soil by the surface occupant was disturbed. It is believed that an examination of the cases will show that *cujus est solum* is not law, but is merely a nice theory, easily passed down from medieval days, because there has not been until recently any occasion to apply it to its full extent.

It has been held to be a trespass to thrust one's arm into the space over a neighbor's land (Hannabalon v. Sessions, 116 Iowa, 457 (1902)) or to shoot over another's land (Whittaker v. Stangvick, 100 Minn., 386 (1907) and for one's horse to kick into such space (Ellis v. Loftus Iron Co., 10 C. P. (Eng.), 10 (1874)). Overhanging branches constitute a legal wrong, either a trespass or a nuisance. (Lemon v. Webb, 1895 App. Cas., 1; Smith v. Giddy (1904), 2 K. B., 448; Grandon v. Lovdal, 70 Cal., 161 (1886); Tanner v. Wallbrunn, 77 Mo. App., 262 (1898); Ackerman v. Ellis, 81 N. J. L., 1 (1911); Countryman v. Lighthill, 24 Hun (N. Y.), 405 (1881).) A board attached to defendant's building and overhanging plaintiff's land constitutes a trespass. (Puerto v. Chieppa, 78 Conn., 401 (1905); contra, Pickering v. Rudd, 4 Camp. (Eng.), 219 (1815).) In Pickering v. Rudd Lord Ellenborough said (p. 221): "Nay, if this board overhanging the plaintiff's garden be a trespass, it would follow that an aeronaut is liable to an action of trespass quare clausum fregit at the suit of the occupier of every field over which his balloon passes in the course of his voyage." This result Lord Ellenborough did not approve, but Blackburn, J., in

Kenyon v. Hart (6 Best & Smith (Eng.), 249, 251 (1865)) remarked: "I understand the good sense of that doubt, though not the legal reason of it."

So also projecting eaves (Harrington v. McCarthy, 169 Mass., 492 (1897); Aiken v. Benedict, 39 Barb. (N. Y.), 400 (1863); Huber v. Stark, 124 Wis., 359 (1905)), cornices (Wilmarth v. Woodcock, 58 Mich., 482 (1885); Lawrence v. Hough, 35 N. J. Eq., 371 (1882); Crocker v. Manhattan Life Ins. Co., 61 App. Div. (N. Y.), 226 (1901)), roofs (Murphy v. Bolger, 60 Vt., 723 (1888)), and walls (Barnes v. Berendes, 139 Cal., 32 (1903); Norwalk Heating & Lighting Co. v. Vernan, 75 Conn., 662 (1903); Langfeldt v. McGrath, 33 Ill. App., 158 (1889); Codman v. Evans, 7 Allen (Mass.), 431 (1863); Lyle v. Littel, 83 Hun (N. Y.), 532 (1895)) have been held to be wrongful and to give rise to an action of some sort. In Butler v. Frontier Telephone Co. (186 N. Y., 486 (1906)) it was held that ejection would lie for the space occupied by a telephone wire strung across plaintiff's land at a height varying from 20 to 30 feet. Vann, J., expressed himself as follows:

"The surface of the ground is a guide, but not the full measure, for within reasonable limitations land includes not only the surface but also the space above and the part beneath. . . . 'Usque ad coelum' is the upper boundary, and while this may not be taken too literally, there is no limitation within the bounds of any structure yet erected by man. So far as the case before us is concerned the plaintiff as the owner of the soil owned upward to an indefinite extent. . . . According to fundamental principles and within the limitation mentioned space above land is real estate the same as the land itself. . . . Unless the principle of usque ad coelum is abandoned, any physical, exclusive, and permanent occupation of space above land is an occupation of the land itself and a disseisin of the owner to that extent."

The English cases show that the stringing of a wire across land at low heights (30 to 34 feet) is regarded as a trespass (Finchley Elec. Lt. Co. v. Finchley Urban Dist. Council (1902), 1 Ch., 866 (1903), 1 Ch., 437; Wandsworth Board v. United Tel. Co., 13 Q. B., 904 (1884)). Leading text writers agree in substance that, in the words of Pollock, "the scope of possible trespasses is limited by that of possible effective possession" (Pollock, Torts (10th ed.), 364; Salmond, Torts, p. 163; Chapin, Torts, 349).

The operation of subways and tunnel streets as far below the surface as 150 feet has been regarded as wrongful as against the surface owner, in the absence of purchase or condemnation of the right (Matter of New York, 160 App. Div., 29 (1913), affirmed, 212 N. Y., 547; Matter of Wilcox, 213 N. Y., 218 (1914); Matter of New York, 215 N. Y., 109 (1915)).

It thus appears that the only rights in space which have actually been protected by the courts have been rights in space immediately adjacent to and connected with the surface. There are no decisions to the effect that it is a wrong against a landowner to interfere with the space over his land at such a height that the use of the surface is not affected in the slightest degree.

All the codes now in existence and all proposed codes, so far as known to the writer, treat the landowner's property in the space above his land as subject to a right of passage by aircraft. None of these codes require condemnation of an aerial right of way and none provide that the mere flight through the space above shall constitute a trespass. (But see Senator Sherman's bill, Sen. 2593.) The report of the British Aerial Transport Committee in 1918, made the basis of the British aerial navigation act of 1920, expresses a fair and sensible attitude on the question of space ownership in the following sentences (146 L. T., 105 (1918)):

"To retain this doctrine [usque ad coelum] in its entirety would be fatal to civil aeronautics. On the other hand, to allow unrestricted flying over private property at all altitudes would interfere with the reasonable rights of landowners. The interference would take the form either of trespass or of nuisance. The committee think that the following recommendations would, on the one hand, give reasonable protection or compensation to landowners, and, on the other, impose on aviators no obligation which could not be covered by insurance at reasonable rates, and so avoid hampering the development of civil aeronautics. The committee therefore recommend that the bill should provide as follows: (a) No action for trespass should lie except for material damage to person or property, whether caused by flight, ascent, or landing, or the fall of objects from aircraft. (b) That this right of action for trespass should include one for injury caused by the assembly of persons on the landing or ascent of aircraft elsewhere than at authorized aerodromes or landing places. (c) That the obligation on the aviator in an action for trespass should be absolute, negligence not being a necessary element in his liability and 'unavoidable accident' no defense. (d) That an action for nuisance should lie for damages only, and then only if breach of flying regulations is proved as well as actual nuisance."

Learned writers on the subject of the law of aviation have agreed that a natural easement or right of passage should be granted to aircraft and that flight over land at such a height as not to interfere with the use to which the land is actually put should not of itself constitute a trespass. (Baldwin, *The Law of the Airship*, 4 Am. J. Int. L., 95 (1910); Hazeltine, *The Law of the Air*, ch. 2 (1911); Zollman, 53 Am. L. R., 711 (1919); 18 Law Notes, 62 (1914); 21 Law Notes, 170.) In a French case decided in 1912, aviators were held liable for flying at low heights over land, whereby animals and workmen were frightened. This was an interference with the use of the surface, although there was no contact. (24 Jurid. Rev., 321; 48 Am. L. R. 914.)

In declaring a right of passage in the air legislatures would be following the analogy of the right of navigation in waters flowing over private lands. The ownership of the bed of a navigable stream by a private person does not make navigation on the surface of the stream a trespass. Ownership of the stream bed is subject to an easement of navigation in favor of the public. It will be far less burdensome to the owner of the surface to declare an easement of public navigation in the air at such a height as does not interfere with the use to which the landowner actually puts his ground, whether that be agriculture or the support of a skyscraper. (This idea is expressed by Mr. R. F. Clarke in an article from the New York Herald, reprinted in 32 N. J. L. J., 325 (1909).) It would seem reasonable also to give the aviator an easement of landing in case of absolute necessity, on condition that he respond for actual damage done. This would prevent forced landings from being classed as trespasses, but would compensate the groundman for actual loss. (Myers, 26 Green Bag, 363, 366.) The aviator's easement should be one of passage only and not one to hover or anchor over the land. The right of passage over a highway has been held not to give a right to loiter in the road to watch the train-

ing of horses in an adjoining field (*Hickman v. Maisey* (1900), 1 Q. B., 752); and so it should be unlawful to float in the air over land for the sole purpose of observing operations on the surface. (*Valentine*, 22 Jurid. Rev. 85, 97 (1910).)

(C) BASIS OF THE AVIATOR'S LIABILITY FOR DAMAGE.

A third problem, the answer to which should be incorporated into any complete air code, is, when shall the aviator or his employer be held liable for damage caused by his aircraft or by objects falling from it? Such damage may occur (1) to persons or property on the surface; (2) to persons or property in the air.

Is the aviator to be likened to the operator of an automobile and proof of actual negligence, that is, the want of ordinary care, to be required for recovery? May the aviator engaged in carrying passengers or freight be subjected to the severe rule sometimes applied to common carriers on land and be held to a high degree of care? Or may it be said that injuries caused by aircraft are so generally caused by some form of negligence, and proof of actual negligence is so difficult due to the usual destruction of the machine and the witnesses, that the maxim *res ipsa loquitur* should be applied and a presumption of negligence aid the plaintiff? Or should the law be so severe toward the aerial navigator as to say that Rylands v. Fletcher (1868, L. R. 3 H. L., 330) shall apply to him, that he is like one who cages a wild beast on his premises—liable for any damages occurring to anyone from this dangerous instrument which he has caused to come into the community. Is one sending an airplane into the air bound to realize that he is creating a seriously dangerous condition, for the results of which he is absolutely liable? And, lastly, should the common law, with its rule of contributory negligence, be applied to aviators, or are they to be regarded as navigators within the admiralty law?

The Connecticut statute (Conn. Gen. St., 1918, ch. 176) makes the aviator absolutely liable for damage to person or property, whether caused by his negligence or due to unavoidable accident or vis major. The Massachusetts act of 1913 created a presumption of liability from the mere fact of injury, but this provision was omitted from the existing statute, adopted in 1919. (Mass. Acts, 1913, ch. 663; Mass. Acts, 1919, ch. 306.) The very recent British act of 1920 places a burden of absolute liability on the aeronaut, unless the groundman was guilty of contributory negligence. The International Air Navigation Convention does not attempt to decide the question.

The British Aerial Transport Committee in their report in 1918, on which the present British act is based, gave the following reasons for the fixing of absolute liability (146 L. T. 106, 1918):

"Admittedly persons on land are practically powerless to insure their own safety by precautionary measures against damage caused by the fall of aircraft or of objects carried therein. It is a matter of some doubt whether under existing principles of law persons suffering such damage would be called on to prove an affirmative case of negligence or intentional trespass. It is possible that the courts might hold aircraft to be within the class of those things which the owner keeps or uses at his peril. We think it preferable that the principles applicable should be defined by legislation rather than that they should be left for solution by a series of judicial decisions; we think, too, that as far as damage done by aircraft is concerned the deprivation of the landowner of what is almost certainly an existing right of property should be compensated by what will be in effect an insurance of himself and his property against such damage. Nor do we think that in practice the expense of insuring himself against third party risks will prove very burdensome to the owner of aircraft."

If it be said that liability without fault is inequitable, it may be replied that the principle is one frequently applied in our law, where the public protection requires it.

Thus, the owner of a deer who frees the animal in a public park is liable, without proof of negligence, to a visitor in the park who is injured by the animal. (*Spring Co. v. Edgar*, 99 U. S., 645 (1878).) A balloonist has been held liable, though no negligence in the operation of the balloon was shown, (a) for the damage caused by the fall of the balloon and operator on the plaintiff's land and (b) for the damage caused by a crowd attracted to the plaintiff's land by the defendant's fall. (*Guille v. Swan*, 19 Johns. (N. Y.), 381 (1822).) One blasting on his land, without negligence and for a lawful purpose, has been held absolutely liable for the death of a traveler on an adjacent highway who was killed by a piece of wood thrown by the blast, the court saying that "the safety of property generally is superior in right to a particular use of a single piece of property by its owner." (*Sullivan v. Dunham*, 161 N. Y., 290, 300 (1900).) A statute making the owner of a motor vehicle liable for injury caused by the negligent operation of the machine by a member of the owner's immediate family has been sustained. (*Hawkins v. Ermaninger*, 179 N. W. (Mich.), 249 (1920); 19 Mich. L. R., 33.) The employer of a balloonist has been held liable for injury to a traveler on a highway where such injury was caused by the descent of the balloon, the theory of the court being that the fall of the balloon on the highway was reasonably to be anticipated. (*Canney v. A. & M. Assn.*, 76 N. H., 60 (1911).)

The doctrine of absolute liability on the part of the aviator has been favored by numerous writers. (*Baldwin*, 36 Am. B. Assn. Rept., 380, and 9 Mich. L. R., 20 (1910); *Hazeltine*, Law of the Air, ch. 2; *Myers*, The Air and the Earth Beneath, 26 Green Bag, 363, 365; *Zollman*, 53 Am. L. R., 879 (1919).) It appears that there have been French and Belgian cases making the aerial navigator an insurer of the safety of persons and property below, so far as his own acts are concerned. (26 Green Bag, 363, 365.) These decisions are somewhat surprising in view of the provisions in continental codes that there shall be no liability without fault. (*Hazeltine*, The Law of the Air, ch. 2.)

The helplessness of the landsman and the difficulty of proof surely make inadequate and unfair a rule holding the aviator for ordinary negligence only. Suppose that A's aircraft falls on B's land and kills B. The representatives of B will ordinarily find the aviator dead also and the machine a mass of wreckage. To prove what caused the fall will be impossible in most cases. To hold the aviator to the common carrier's high degree of care would be no more helpful to the landsman than to adopt the standard of ordinary care. The occupant of the surface can not in ninety-nine cases out of one hundred prove the want of any care, nor can he prove anything about the cause of the descent of the airplane.

Although some writers have tried to assimilate the navigation of the air to navigation of the water and have sought to apply the rules of admiralty to both, such a course does not seem logical. Navigation in the air is intimately connected with the land and resembles railway transportation instead of ocean-going or other water traffic. There appears to be no reason for applying the peculiar admiralty rules regarding negligence to aerial travel. It is reported that a German case regarding responsibility where two aircraft collided has applied the doctrine of contributory negligence. (20 Va. L. R., 318 (1914).)

That the doctrine of proportional negligence should be applied, see *Zollman*, 53 Am. L. R., 879.)

It would seem that, if a recent English case (*Woods v. Greathed*, 151 L. T., 10 (1921)) is to be followed, the operator of a machine who suffered a collision in the air without negligence on his own part, would not be liable for damages to persons or property caused by the fall of his machine to the land below. In the case referred to the defendant's automobile collided with the car of A and the defendant's car was thrown on the plaintiff's reality. The plaintiff was not allowed to recover damages, since the defendant's car had come upon the plaintiff's premises wholly without fault or design on the part of the defendant.

Some writers have gone so far as to urge that the aviator should be required to give a bond or take out insurance to protect the public as a condition to the obtaining of a license. (*Myers*, 26 Green Bag, 363, 366.)

(D) REGULATIONS TO PROTECT THE PUBLIC.

There is unanimity that a very important part of any code regulating aerial navigation should be concerned with protecting the occupants of the surface. Statutes very generally provide for registration and marking of aircraft to secure identification and proof of ownership; inspection of machines and certificates of airworthiness as prerequisites to the right to the use of such machines in flight; compulsory examination and licensing of pilots; and the restriction or prohibition of trick flying, low navigation, and flight over densely populated areas, exhibitions, games, and zones set apart for reasons of national defense.

It would undoubtedly be wise to follow the example of other countries in granting to State and Federal officers authority to promulgate these rules rather than to attempt to set the regulations out at length in statutes. Administrative regulations have the flexibility needed in the government of a rapidly developing industry like aviation. Code rules are set and difficult to modify in the light of experience. State and Federal statutes should cover the protection of the public by a single section granting to chosen agencies power to promulgate regulations to accomplish named objects. The prohibition of the hunting of game from aircraft might well be included. The international air navigation convention and the British regulations will furnish excellent suggestions for administrative rules to be issued by our State and National agencies.

(E) REGULATIONS TO PROTECT AVIATORS AND FOSTER AVIATION.

Projected laws and statutes already in force are likewise in accord in the establishment of certain rules which are chiefly for the protection and aid of aviators, although they incidentally make life on the surface safer also. Such regulations are those laying down "rules of the air," corresponding to the "rules of the road" for automobiles; fixing standard methods of landing and departure; mapping out airways, so as to promote safety in flight and to avoid congestion of aerial traffic over thickly settled districts; and regulating landing fields and aerodromes. Some authorities would require the landsman to mark high buildings and wires with lights and other signals to protect the aviator. (*Myers*, 26 Green Bag, 363, 366.)

As in the case of rules to protect the public, the details of these regulations might well be left to an agency of the State or Nation rather than fixed in the law itself. The statute might well confine itself to a designation of the subjects to be regulated and the objects to be sought by such regulation.

(F) SHALL AVIATION LEGISLATION BE STATE OR FEDERAL OR BOTH.

All are anxious for uniformity of legislation on the law of aviation. All wish to avoid conflicting local codes. For these reasons many writers have advocated exclusive national legislation. (*Brief of Maj. Johnson*, counsel to Dir. U. S. Air Service, p. 29; *Kuhn*, 14 Am. J. Int. L., 369, 381; *Zollman*, Governmental Control of Aircraft, 53 Am. L. R., 879 (1919); Report of Committee on Legislation, Manufacturers' Aircraft Association, Sept. 15, 1919, in which the details of a Federal bill are set forth.) This would undoubtedly be desirable if it were constitutionally sound. But the desirability of uniformity does not confer on the National Government power to legislate. If it did, we might have a Federal divorce statute.

At least four clauses of the Federal Constitution have been assigned as authority for exclusive Federal legislation on the law of the air. These are (1) the admiralty clause, (2) the war clause, (3) the treaty-making clause, and (4) the interstate-commerce clause. Space will permit of the suggestion of only a few of the arguments possible under each heading, and those in merest outline.

Admiralty jurisdiction as a basis for Federal legislation: The Federal Constitution provides (Art. III, sec. 8) that the jurisdiction of the United States courts shall extend "to all cases of admiralty and maritime jurisdiction." This clause has been construed to give the Federal Government power to enact laws on the subjects of admiralty and maritime jurisdiction. A number of able writers have contended that this grant of power is sufficiently broad to authorize Congress to assume jurisdiction over aviation. (*William Velpen Rooker*, Report to Conference of State and Local Bar Associations, July 1, 1920; memorandum of J. A. G. Office to Senator SPENCER, Dec. 17, 1920; brief of Col. Howell, J. A. G. Dept.; *Laws of the Air*, Maj. W. Jefferson Davis, 4 U. S. Air Service, 17, Dec., 1920), the conference of State and Local Bar Associations has so resolved (6 Am. B. Assn. Jour., 42, Jan., 1920), and bills now before Congress proceed on that theory. (*H. R. 14601*, introduced by Mr. KAHN, May 13, 1920.) In a recent case in a Federal district court (*The Crawford Bros.*, No. 2, 215 Fed., 269 (1914)) this thesis was advanced and an attempt made to libel an aeroplane for repairs. The court held that aeroplanes were not subject to admiralty jurisdiction, for "they are neither of the land nor sea, and not being of the sea or restricted in their activities to navigable waters they are not maritime." (P. 271. For favorable criticism see 28 Harv. L. R., 200; 3 Cal. L. R., 143; and for unfavorable comment see 49 Am. L. R., 599.)

Admiralty jurisdiction is essentially connected with the sea and navigable waters and with navigable things floating thereon. (*The Thomas Jefferson*, 10 Wheat. (U. S.), 428 (1825).) "The character of craft included in the admiralty jurisdiction is any movable floating structure capable of navigation and designed for navigation." (*Hughes*, Admiralty, p. 114.) It does not include all water navigation, for craft operating on inland waters which have no navigable outlet, and so are useful only in intrastate traffic, are not subject to courts of admiralty. (*Stapp v. The Clyde*, 43 Minn., 192 (1890).) Nor does admiralty have control of everything floating on the sea or other navigable water, for a fixed, floating dock has been held to be beyond the reach of the Federal courts under the admiralty head. (*Cope v. Vallette Dry Dock Co.*, 119 U. S., 625 (1886).)

Only by maintaining that admiralty jurisdiction includes all transportation can it be rationally argued that it covers aerial navigation. This hypothesis is obviously too broad, for it would place railroads and other land carriers under admiralty. Aerial navigation is more akin to transportation on the earth's surface than it is to sea travel, for aerial navigation, in the case of landings, ascents, and accidental descents, intimately affects the inhabitants of the surface while the events of water navigation ordinarily have no effect on any persons except sailors and passengers.

It is true that admiralty jurisdiction is, in a certain sense, broader now than when the Constitution was adopted. It covers steamboats and all the other water craft invented since that time, but its development has been purely in the field of transportation on the water and never has it gone into transportation in another element.

Congress can not confer on agencies of the Federal Government powers not granted to such agencies by the Federal Constitution. This has been clear since *Marbury v. Madison* (1803; 1 Cranch (U. S.), 137), when Congress sought to give the Supreme Court authority to issue writs of mandamus to public officers. Nor can Congress by calling aviation law "admiralty" make it so. If the Federal legislature could, by torturing the words of the Federal Constitution into wholly unnatural meanings, fix the bounds of Federal control there would be no limit to the powers of our National Government. "No State law can enlarge it (admiralty jurisdiction), nor can an act of Congress or rule of court make it broader than the judicial power may determine to be its true limits." (1861: *The Steamer St. Lawrence* 1 Black (U. S.), 522, 527.)

The war power as conferring on the Federal Government exclusive authority over civil aviation. It is the theory of some members of Congress that the power of that body to raise and regulate an army and a navy, conferred by the Constitution (Art. I, sec. 8), gives the Federal legislature the right to assume exclusive control over civil aviation, intrastate and interstate. (Sen. 3348, introduced by Senator NEW, Oct. 30, 1919.) The argument no doubt is that in time of war a large number of machines and operators must be immediately available, that civilian airplanes and operators can quickly be turned to military and naval uses, and that therefore the stimulation and control of commercial aviation is necessary to preparation for war.

Undoubtedly Congress has power to create a united Federal air service and to merge the present military, naval, and post-office air departments under one head. But it may be doubted whether Congress can lawfully subject the manufacture of aircraft and all flying, whether over several States or wholly within a single State, to Federal control for the purpose of providing an ample supply of pilots and aircraft in time of war. The Federal Government can provide those pilots and aircraft without taking over civilian aviation. Motor transport on land is equally essential to a successful army, and yet it will hardly be contended that the Federal Government in time of peace could justify regulation and control of the automobile industry on the ground that such control was necessary to the production of a sufficient quantity of trucks and automobiles and a sufficient number of drivers in time of war. The same argument would apply equally well to other industries necessary to the support of an army, as, for example, the business of manufacturing and growing food. There would be no limit to the power if it were construed to have this effect. If a supply of pilots and aircraft for war purposes could not be obtained except through civilian aviation, and if civilian aviation would not flourish except under exclusive Federal regulation, the proponents of Federal regulation under the war power would have a stronger position, but neither of these suppositions seems correct. There appears to be no decision of a Federal court sustaining the assertion by Congress in time of peace of such broad powers under the war clause.

Power to make treaties as granting exclusive authority to the Federal Government to control aviation. It is well known that the Federal Government has exclusive power to make treaties with foreign Governments (Constitution, Art. II, sec. 2; Art. I, sec. 10), and it has been recently decided that where the execution of such a treaty requires Federal legislation such legislation will be upheld, even though it interferes with the internal affairs of a State not otherwise subject to national control. (1920: *State v. Holland*, 40 Sup. Ct. R., 382. In this case a Federal law for the protection of migratory birds, enacted in fulfillment of a treaty with Great Britain, was sustained, although it interfered with State control of birds, and although a previous act of the same purport, but not enacted under a treaty, had been held unconstitutional on the ground that it interfered with the State's reserved rights.) Thus all that the Federal Government need do in order to acquire jurisdiction of a subject is to enter into a treaty with a foreign power regarding that subject.

Some advocates of exclusive Federal control of all aviation have urged that if the International Air Navigation Convention were ratified by the United States the Federal legislature would then be under a duty to enact laws to insure the carrying out of that convention and could on that ground assume control of all aviation in the United States. (Maj. W. Jefferson Davis, the Laws of the Air, 4 U. S. Air Service, 17 (Dec., 1920): brief of Col. Howell, J. A. G. Dept., not printed; memorandum of J. A. G. Office to Senator SPENCER, Dec. 17, 1920.) Some of the proposed Federal aviation laws purport to be introduced "to render effective the provisions of any treaty or convention relating to air navigation that may hereafter be entered into by the United States." (H. R. 14061; H. R. 14137; printed in their amended form in 1920 report of the Nat. Adv. Com. for Aeronautics.) It has been suggested that the London Radio-Telegraph Convention of 1912 and the act of Congress passed to give effect to that convention furnish an analogy. (Memorandum of J. A. G. Office to Senator SPENCER, Dec. 17, 1920; 37 U. S. St. L., 302; 38 U. S. St. L., pt. 2, p. 1672.) This act controlled all radio-telegraph stations in order to give force to the convention.

One objection to this theory is that the International Air Navigation Convention has not been ratified by the United States, and, judging by the attitude of the Senate toward the League of Nations and the treaty of Versailles, all pacts made at Paris in 1919 are to be treated with suspicion and disfavor. Until the convention is ratified all Federal legislation will have to wait, if it is to depend solely upon a treaty for its support. It will require an existing treaty to give validity to legislation, not merely a prospective convention.

Secondly, a query may be raised whether the provisions of the International Air Navigation Convention, which concern international aviation only, necessarily require any Federal legislation on the subject of intrastate aerial navigation. Congress probably could comply with the convention if it enacted laws insuring foreign aviators entering the United States the rights and privileges guaranteed to them by that convention. But the conditions upon which interstate and intrastate flight are to be allowed may well be entirely different from those governing international aviation, so long as certain discriminations against foreign aviators are avoided.

The interstate-commerce clause as authority for Federal control: There can be little doubt that the commerce clause of the Constitution (Art. I, sec. 8) would be held to cover interstate flight, as it has been construed to apply to interstate telegraphy and telephony. (*Leloup v. Mobile*, 127 U. S., 640 (1888); *Western Union Telegraph Co. v. Commercial Milling Co.*, 218 U. S., 406 (1910).) Hence a Federal act regulating international and interstate aviation only would undoubtedly be constitutional. At least one bill introduced into Congress had been drawn upon this principle. (S. 2593, introduced by Senator Sherman, July 23, 1919.)

The objection that aviation would be handicapped by conflicting State and national rules, if Federal legislation were confined to international and interstate aerial navigation, can be met by the adoption of a uniform State aviation law. This State act could obviate the expense and trouble of double licensing and examination of pilots and double certification of the airworthiness of the craft by doing away with the necessity of a State license, examination, and certificate, if the aviator and machine possessed a Federal license and certificate. Under such a uniform State statute all pilots and machines would make use of the Federal licensing, certification, and registration plan, and thus be qualified for intrastate or interstate flight. The States would not give up their rights to amend the State laws and require State licenses and certificates if the Federal regulations proved at any time unsatisfactory in their requirements or their administration.

It is believed that the regulation of interstate and international aviation by the Federal Government and the control of intrastate aerial navigation by the States (preferably through a uniform act) are the only constitutional methods of action at present. The Federal law should cover licensing of interstate and international pilots, registration, and certification of aircraft to be used in international and interstate flight, and regulations for the safety of the public and the aviators where interstate or international traffic is involved. The uniform State bill might well include a declaration of State sovereignty over the air space; a statement of the landowner's property in the space above his land, subject to an easement of passage; a provision against liability by the aviator except in case of contact or actual interference with the use of the surface, and then an absolute liability, not dependent on negligence; requirements for the licensing of pilots engaged solely in intrastate flight (unless a Federal license had already been obtained) and for the inspection and certification of aircraft engaged solely in intrastate flight (in the absence of a Federal certificate already issued); provisions for the registration of intrastate aircraft; and a grant of power to a State agency to promulgate regulations for the protection of the public and the aviators as nearly like the Federal and international rules as local conditions would permit.

It may be argued that the power to control interstate commerce includes as an incident the power to govern intrastate commerce, when necessary for the complete and satisfactory exercise of the former power. (Brief of Col. Howell, not published; *Houston East & West Texas Railroad Co. v. United States*, 234 U. S., 342 (1914).) This principle undoubtedly has been recognized by the Supreme Court, but it is one which should be sparingly applied. Liberally construed such a doctrine means the destruction of all State rights. Hardly a Federal power but what could be somewhat more conveniently exercised if some portion of the State's sovereignty were added to it. This rule for the extension of the power of the Federal Government should require a strict necessity for its application. If mere convenience is to be a sufficient cause, then assuredly the reservation to the States of the control of intrastate commerce is meaningless and futile. Only in so far as aviators flying within a State adopt methods which endanger or handicap interstate or international traffic, should the Federal Government interfere with them. If intrastate operators are flying under reasonable local regulations and without conflict with interstate or international aerial navigators, they should be left unrestricted by the National Government.

Perhaps an all-powerful national air board and an all-inclusive national air code would be the desideratum if we were starting de novo, but, under our peculiar dual form of government, with a National Government of delegated powers, it is difficult to see how such results can be accomplished without ignoring the Federal Constitution. (The possible unconstitutionality of Federal control of intrastate aviation was recognized by the representatives of the Federal Government on the International Aeronautic Commission. They reserved on that portion of the International Air Navigation Convention which promised Federal control of all aerodromes, because of the doubt whether such control of private aerodromes would not appertain to the several States. Woodhouse, *Textbook of Aerial Laws*, 50.)

Mr. CUMMINS. Mr. President, I was not expressing any doubt about the constitutionality of the bill.

Mr. JONES of Washington. No; I understand that.

Mr. CUMMINS. My suggestion led to the conclusion, if it leads to any, that the bill will accomplish no useful purpose just at this time unless we put into it a provision that an airplane can not pass from one State to another, or above one State to above another, until it is examined by a Government inspector and found to be safe, and until the person who proposes to fly the machine shall have been examined and shall have received a license from the Government of the United States. Otherwise, as the bill now is, I think a person can fly a machine from one State to another for the purpose of using it solely within the State to which it goes; and that is the general use now made of flying machines aside from those of the Army and the Navy.

Mr. JONES of Washington. Mr. President, the Senator is mistaken in that. We have accounts here and statements here with reference to many services now, compared with the number of services that are being maintained, where they are running machines regularly between different States and between this country and other countries or islands tributary to us. Of course the primary purpose of this measure is to look after these regular routes. I am rather inclined to agree with the Senator that the man who has a machine made at a certain place, and simply wants to take it over to his home in another State, without intending to go back and forth in commerce,

might not be covered by the bill, but that is the very least of the business that is really intended to be covered and that we hope to have developed in this country.

Mr. WALSH of Montana. Mr. President, I have not been able to be present during all of the debate on this important measure. I was told, however, that some question arose as to the power of the Congress to enact legislation of this character, and I have been a little curious to know just exactly what the nature of the contention is in that regard. For myself I can not conceive of any objection upon constitutional grounds, at least, that could be made to legislation of this character.

Mr. JONES of Washington. Mr. President, if the Senator will permit me, I do not know of any contention that has been made as to the unconstitutionality of this bill as it is now proposed to the Senate. The bill as originally introduced covered all kinds of flying, intrastate as well as interstate, local, and every kind; and under the original bill no machine could be taken up on a man's farm, and from one corner to the other of his farm, without first having a license from the Federal Government, and so on. Serious question was raised as to whether the Federal Government had authority to pass legislation of that kind, and, as the Senator sees, the bill was modified so that we avoided that question. I have heard nobody contend that the bill as framed now is unconstitutional. The question may have been raised somewhere, but I have not heard it.

Mr. WALSH of Montana. I am utterly unable to see any distinction between the power of Congress to regulate transportation from one State to another by land or by water and its power to regulate such transportation by air, and I was curious to know upon what ground objection was being made.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska. [Putting the question.] The Chair is in doubt.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. NORRIS. Then, Mr. President, I will talk for a while. I want to say to the Senate now that there were three votes on the amendment that I offered when the Chair was in doubt, and, as a matter of fact, I may say to the Chair there were two votes against it, and I was the only one that I heard who voted for it. There were two who voted against it, and the balance of the Senate did not vote.

Mr. President, I want a vote on this proposition. I think Senators realize the importance of this particular vote and this amendment. It is a matter of life and death to thousands of people that we are going to decide by our action on this amendment, as I understand. Nobody has defended this section. As I understand, we are going to decide by our action on the amendment whether or not we are going, in fact, to throw the thing wide open and let anybody be a pilot. If this amendment does not prevail, a single State, located anywhere, can provide by law for the licensing of people, even by mail. A State can pass a statute which will say that anybody who will send to the treasury of the State \$100 will be given a license to fly flying machines and be a pilot, and the official of the Government of the United States will have to accept that license and let him go and carry the people who want to ride.

I ask the Senator from Washington, the chairman of the committee, if that statement is not correct, and why it is that this provision is in the bill?

Mr. JONES of Washington. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. JONES of Washington. I suppose, technically, that statement is correct; and yet I can not conceive that any State will follow such a course as that.

While I am on my feet, if the Senator will permit me just a moment, I will say that personally I sympathize very much with the position of the Senator. As I think I stated awhile ago, this was a compromise in the committee to harmonize different views, as I think every Senator knows we have to do upon measures where controversial questions are involved.

Mr. NORRIS. Oh, yes; I understand. Now, may I ask the Senator, since the Senator has spoken about what happened in the committee, how many votes there were in the committee for this provision? Will the Senator tell the Senate that?

Mr. JONES of Washington. Mr. President, we did not take a record vote. My recollection is that there was only one Senator in the committee who reserved the right to oppose the provision on the floor.

Mr. NORRIS. I mean, to get section 9 in the bill.

Mr. JONES of Washington. I say, there was only one Senator who reserved the right to oppose it on the floor. We took up the bill section by section, and when we adopted this section one member of the committee reserved the right to oppose

it on the floor. The Senator from Wisconsin [Mr. LENROOT] reserved the right to oppose it—that is, to oppose section 9. I do not think the Senator wanted to oppose the whole bill, but he reserved the right to oppose section 9.

Mr. NORRIS. But what I am trying to get at is how many members of the committee were in favor of section 9. I judge, from what the Senator from Washington says, that he was not in favor of it and that he is in favor of it now only because the committee put it in.

Mr. JONES of Washington. I will say frankly to the Senator that there were many different views on many different sections of the bill.

Mr. NORRIS. Oh, yes; I understand that; but I am merely asking about this one matter.

Mr. JONES of Washington. I know; and I am coming down to that soon if the Senator will just permit me.

Mr. NORRIS. All right. I will give the Senator all the time he wants.

Mr. JONES of Washington. I shall not take very much time. We had agreed upon various provisions, and there was one member of the committee who was pretty strongly opposed to the entire bill. He was very strenuous for something of this kind. He was opposed to centering the authority in the National Government to regulate all the pilots, supplies, and machines, and I think it was largely in order to secure unanimity with reference to the measure that some of us who had views somewhat in line with those of the Senator from Nebraska yielded those views, and agreed to the incorporation of this provision in the bill. I state the situation frankly to the Senator.

Mr. NORRIS. To get down to a real, concrete proposition, let me ask this question: Was there more than one member of the committee who wanted section 9 put in?

Mr. JONES of Washington. I know there was another member of the committee who joined him in insisting upon the adoption of section 9.

Mr. NORRIS. Then it comes down to this: That there were two members of the committee at most who wanted section 9, and the balance of the committee submitted to them in order to get a unanimous report and to avoid opposition on the floor. Is that a fact?

Mr. JONES of Washington. I am inclined to think that states the situation pretty well.

Mr. NORRIS. That is what I am trying to get. Now the Senate has it in a nutshell, Mr. President. We are inclined to follow the recommendation of a committee. Members of the Senate are convinced that this section ought to go out, but they say, "We have to be with the committee; we do not want to follow somebody else, especially when that somebody else happens to be a man who does not always follow the committee himself." I understand it, Mr. President. Now we have gotten the facts out. The committee are really for this amendment. There are only two on the committee who want to retain section 9; everybody else wants it out. So here is an instance where, if you want to be with the committee, you should vote for the motion to strike this section out, and not only be with the committee but be right; not only have the approval of the committee in your hearts but have your own conscience approving your action and still be in the band wagon. That is where the committee is. The committee have submitted their views and squelched them in order to get a unanimous report and to get the other two members to support the bill. I want to compliment those other two members. Of course, I do not know who they are, but they are pretty wise fellows. They are opposed to this legislation. They do not want any legislation like this, and perhaps they are right. If you are an enemy to this legislation, you want section 9 left in the bill, because it kills it "deader than a doornail" and makes it a farce.

So these two members of the committee, able and conscientious men, being anxious to defeat the bill, have hoodooed the balance of the committee and gotten them to consent to put in this amendment and thereby kill the legislation, because, Mr. President, Congress will not long permit a thing of that kind to remain on the statute books. The thing I fear is that some of our fellow citizens, on account of what is in this bill, will lose their lives. Many innocent men, women, and children will be killed because of the licensing of incompetent pilots, and in order to make money the States will be tempted to make the examinations lax, yes, to waive any examination whatever and to license everybody who will pay the fee.

For a great many years we have had the spectacle of one of the States of the Union opening its doors to permit divorces to be granted, and for a good many years the sign was really up over that State, "Come all ye who want to be separated from your matrimonial ties and we will give you relief, when you

board a while in our expensive hotels and pay the fees that are necessary to get it." We had the spectacle of everybody who was dissatisfied, men and women, who wanted to be free from the bonds of matrimony, and had no legal cause to be made free in their own States, flocking to that State to have the matrimonial ties severed and start out anew to fool somebody else.

Mr. President, that did not kill anybody. There are people who think that when married men and women can not get along the best thing to do is to separate them and make them entirely free. That only affected them. Innocent people were not affected. It did not injure the homes and firesides of those who were living in happiness and contentment, obeying the mandates which come to men and women in the married state.

But here is a proposition, Mr. President, which strikes at the lives of innocent people. Either we ought to strike out of this bill the licensing feature provided in it, wherein the commissioner is given authority to license pilots, or we ought to strike out the other one. If we are going to have a license system, to license these pilots by the Federal Government, why nullify it by putting in section 9?

We can not control the action of the States. Even if they all have some regulations, Mr. President, some of them will be lax. The man who wants his license but is not qualified is the fellow you want to look out for. The man who is not qualified to operate a flying machine will go to that State, or it may be the law will not require him to go there; he may be allowed to merely write a letter. The law might be even so lax that he can get his license by telegraph, wire his money for the license and a license be wired back, and the Federal Government must submit. It would be a mockery. That is an extreme case, I concede. The Senator says he does not conceive how a State would be so lax. With 48 States legislating on the licensing of pilots in interstate commerce, what kind of a mess would you expect anyway, assuming they were all trying to do their best?

Mr. President, I will say to the Senator from Washington and to the other Senators present that I am ready to stop talking any time the Senate is ready to order a roll call on this motion.

Mr. JONES of Washington. I am ready.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS. That is one time when talking did some good.

Mr. CARAWAY. Mr. President, the Senator from Nebraska has precluded himself from speaking further on this measure by entering into this agreement. I think we have gotten off cheaply. It strikes me, however, as strange that a Senator who comes here as the representative of a sovereign State should express so much contempt for the State whose commission he bears. I rather imagine the Federal Government can be no better than the units out of which it is composed, which are the States, and it seems to me that is no place for a Senator to rise and express so much disdain for State government.

The Constitution of the United States recognizes that the States are sovereign, and we take an oath that we will obey the Constitution, and then a Senator comes here and expresses utter lack of confidence in the ability or the honesty of the State to administer wisely such a comparatively nonimportant thing as the licensing of pilots. There are a thousand men running automobiles in interstate commerce to-day to every man who is operating or will operate a flying machine. Every one of them who is licensed at all bears the license of his State, and no other authority is ever attempted to be exerted over him. One State recognizes the authority of another State.

The Supreme Court of the United States sits here in this very building. The lawyers licensed in Nebraska, however careless may be their methods of granting licenses to practice law there, after they have been admitted to practice before the supreme court of their State three years, can come here and have the Senator from Nebraska introduce them, and have them licensed to practice before the highest court of the land, and carry in the hollow of their hands the honor and property and life of any citizen of this Nation who happens to employ them.

Mr. NORRIS. Did the Senator say three years?

Mr. CARAWAY. Yes.

Mr. NORRIS. There is no such provision in the bill. If the Senate will put a limitation of three years in the bill and provide that a State license shall exist for three years before it becomes effective on the Federal Government, it would improve the bill very much.

Mr. LENROOT. I do not wish to be impertinent, but I should like to ask if the Senator from Arkansas owns a car here?

Mr. CARAWAY. I know the Senator from Wisconsin does not want to be impertinent, and I shall tell him that I have a car with one flat tire and a starter that will not work.

Mr. LENROOT. That answers the purpose of the question, is the Senator aware, when he speaks of not giving full faith and credit to the action of the States, that the adjoining State of Maryland does not recognize an auto license granted under the authority of Congress?

Mr. CARAWAY. I recognize that the adjoining State of Maryland does not want a community here of just a few square miles, where nearly everybody owns a car, including the Senator from Wisconsin, who did not pay a tax on it here, operating cars in Maryland without paying something to Maryland for doing it. That is the situation. It is not that they require you to stand an examination to operate your Ford in Maryland, but that you pay some tax for using the roads, and, of course, I am with them. They paid their money for building their roads.

Mr. LENROOT. I am from Wisconsin, and the State of Maryland does not exact any tax on cars having a Wisconsin license. It is only a car carrying a license under the jurisdiction of the Congress of the United States which is required to pay an extra license in Maryland.

Mr. CARAWAY. And for that reason the Senator from Wisconsin has made no effort to have the law repealed, because it recognizes his Wisconsin license. This is an experimental measure. I do not know, and no one here knows, what problems may be met in solving the navigation of the air. If you want to delay it for 10 or 15 or 20 years, make your laws so obnoxious that the people will stay out of the air. There is no possibility, I take it, that a man is going to be any better by having had a Federal license issued to him than if he has his permit from a State to fly.

The Senator from Nebraska says he wants to get into what he calls the band wagon, and I do not want that to become a habit with him, because he has been useful, and if he gets to riding in the band wagon, with his feet hanging out, he will not be any more than a number, and will lose a great deal of his usefulness. I do not want him to succeed, because habit sometimes destroys very useful men.

Anyway, it does not strike me—and this I say seriously, and then I shall be through—that we can afford to say that we can not trust the States, which elect us, to license the man who wants to run an airplane. You get your commission from the State, and I presume you would resent an effort by the Federal Government to supervise the choice of a Senator who should be elected by the State of Nebraska, but you are very much opposed to having a man who is going to run a flyer in the air licensed by no other authority than the sovereign State of Nebraska.

Mr. LENROOT. Mr. President, I confess that I am guilty of being a member of the committee who reserved the right in the committee to oppose the incorporation of this section in the bill.

It is true, as the Senator has stated, that upon the merits of the proposition it is only fair to say that a majority of the committee were of the opinion that the section ought not to be incorporated, but it was incorporated through the circumstance indicated by him. I do not wish to criticize the majority of the committee or the chairman of the committee for making that compromise. The rules of the Senate as they exist would perhaps justify it. Of course, upon a bill of this kind that is not of major importance; unless there is almost unanimous agreement, action by the Senate can be indefinitely postponed. Compromises are sometimes necessary where they would not be necessary if it were possible for the Senate under its rules to transact business by a majority in a reasonable time.

But, Mr. President, upon the merits of the proposition, if we are going to exact licenses at all from interstate operators, the Congress of the United States ought not in this or any other case to accept a license from a State to take the place of a license from the Federal Government under laws enacted by us. The purpose of the whole bill, so far as licensing of operators is concerned, is to make travel through the air safer. If, as the Senator from Arkansas intimates, we should accept with full faith and credit the action of a State as equivalent to a license under the United States Government, we would do a very great injury to the progress of aeronautics, because travel through the air will develop just to the extent that the public are convinced that travel through the air is safe and conducted by experienced operators.

When the Senator talks about accepting the action of a State as equal to that of the Congress of the United States, I wonder if the Senator from Arkansas would wish his State in corporation matters to accept the corporation laws of some other States of the Union that we have had, at least, and under the operation of the laws of his State accept them with all the powers and all the grants that I undertake to say the State of Arkansas does not accept any more than my State accepts.

Now, here is an opportunity to vote upon the proposition on the merits, and it is very clear to me that if the bill is to accom-

plish its purpose, secure qualified operators of airplanes, secure operators in whom the public will have confidence, so that there may be development, then the amendment ought to be agreed to and section 9 should be stricken out of the bill.

Mr. POINDEXTER. Mr. President, I think the amendment proposed by the Senator from Nebraska [Mr. NORRIS] should be adopted. I think if section 9 remains in the bill it would be a great deal better not to require any Federal license at all than to require a Federal license and at the same time allow the license of any State to qualify an aviator in interstate commerce. The reason for that belief is that with that provision in the bill the opportunity and consequently the tendency would be for those desiring to act as pilots of machines engaged in interstate commerce to secure a license where the standard was lowest and where it was easiest to obtain. The consequence would be that not only the Federal license and requirements for license would be disregarded and rendered useless, but also the license and requirements of every State in the Union which had rigid requirements or proper requirements, because they could be evaded by the obtaining of a license in some State where the standards were much lower.

Of course there are provisions in the bill which are important that are not affected by the question of license, such as regulating air lanes of travel and authorizations for executive regulation of planes passing each other, making toward the safety of aerial navigation. These are important and not affected by the question of license. In so far as the license itself is concerned and that feature of the bill, I repeat that it would be much better that it should be left out of the bill altogether than to require a license and authorize the fixing of certain Federal standards and then put in the bill a provision by which they could all be evaded.

Mr. KING. Mr. President, I was temporarily called from the Chamber. May I inquire of the Senator from Washington whether his position is that there should be no standard fixed either by the State or the Federal Government, or that if a standard is fixed by the State it shall be of no value and may be superseded by the standard established by the Federal Government?

Mr. POINDEXTER. My position is that there ought to be a standard fixed by the Federal Government, and that ought to be mandatory upon every person engaged in interstate commerce in the air. In the absence of that, the States ought to be left to their own regulation without nullifying their provisions by giving the Federal sanction to a license issued in a State that has the lowest standard of requirement.

Mr. KING. Then, as I understand the Senator, if his view prevails, it would leave the Federal Government, where it exercises authority at all, in supreme control of the entire subject of aviation interstate in character, and no State might issue a license to an aviator or to a pilot which would authorize him to fly in interstate commerce or which might be recognized by the Federal Government.

Mr. POINDEXTER. My position is that the same rule should be applied to this sort of interstate commerce that has been applied to the regulation of other methods of interstate commerce. There is nothing novel about it. Wherever the Federal Government undertakes to regulate interstate commerce, in so far as we have legislated in the past its regulations are exclusive of any other jurisdiction. No State can in any way whatever interfere with them. I think we ought to adhere to that policy.

Mr. KING. Of course, under that policy it will only be a little while until the Federal Government will require licenses for drivers of motor vehicles, and a man may not drive his own machine or his own chauffeur may not drive the owner's machine from Maryland into New York unless he gets a Federal license. We will all be subject to the dominating power of the new federalism. We can not breathe, or take any step whatever, or exercise any right, individual or State, but we will be subject to the all-powerful Federal Government. It would be a splendid Prussianized Government to live in under the theory of a good many of our public men.

Mr. POINDEXTER. It would be a good deal like a case decided, I think, by the Supreme Court of Georgia, where the statute required a locomotive engineer to blow the whistle whenever he saw an animal on the track. The train ran over a flock of geese and killed them, and the owner of the geese sued the railroad company because the engineer had not complied with the regulation. It was argued in the opinion that the animal kingdom was very extensive, that even worms might be included in it, but it was stated that it would be perfectly ridiculous to apply that statute to such a case as a fish-worm being on the track because it was construed to be a member of the animal kingdom; consequently it was neces-

sary to draw the line somewhere, and they thought the goose was a proper place at which to draw the line.

Mr. KING. Of course, the theory of the Senator is that each State is a goose, and that the proper way is to assume that because it is a goose the State has no rights, and therefore we shall have a devouring vulture, the Federal Government, to eat up the goose.

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska [Mr. NORRIS] to strike out section 9.

SEVERAL SENATORS. Let it be read.

The VICE PRESIDENT. The Secretary will read section 9. The reading clerk read as follows:

SEC. 9. That operators and pilots of aircraft duly licensed under State laws shall be deemed to be duly licensed operators and pilots under this act.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from New York [Mr. CALDER]. In his absence, I withhold my vote.

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. KING (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). I was requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Chamber on account of illness in his family.

Mr. NEW (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. McKELLAR]. I transfer that pair to the senior Senator from Michigan [Mr. TOWNSEND] and vote "yea."

Mr. PHIPPS (when Mr. NICHOLSON's name was called). I desire to announce that my colleague [Mr. NICHOLSON] is detained on account of a death in his family. I ask that this announcement may stand for the week.

Mr. WILLIAMS (when his name was called). Has the senior Senator from Indiana [Mr. WATSON] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. WILLIAMS. I have a pair with the senior Senator from Indiana. I do not know how he would vote if present and therefore I do not feel at liberty to vote. If I were at liberty to vote, I would vote "nay."

The roll call was concluded.

Mr. SIMMONS (after having voted in the negative). I have a general pair with the senior Senator from Minnesota [Mr. KELLOGG]. I do not see him in his seat. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. CARAWAY. I have a general pair with the junior Senator from Illinois [Mr. McKINLEY]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. DIAL. I have a general pair with the junior Senator from Colorado [Mr. NICHOLSON]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "nay."

Mr. STANLEY. I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. Being unable to obtain a transfer, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. RANDELL. I wish to announce that my colleague [Mr. BROUSSARD] is absent from the Senate and from the city on official business. I ask that this announcement may stand for the day.

Mr. HEFLIN. I wish to announce that my colleague [Mr. UNDERWOOD] is absent on account of illness. He is paired with the senior Senator from Massachusetts [Mr. LODGE].

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oklahoma [Mr. HARRELD] and allow my vote to stand.

Mr. WARREN (after having voted in the affirmative). I have a general pair with the Senator from North Carolina [Mr. OVERMAN], who is absent. I transfer that pair to the junior Senator from Maryland [Mr. WELLER] and allow my vote to stand.

Mr. CURTIS. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the

Senator from Indiana [Mr. WATSON], and the Senator from Connecticut [Mr. McLEAN] are detained at a hearing before the Committee on Finance.

I also wish to announce the following pairs:

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 34, nays 16, as follows:

YEAS—34.

Ball	Jones, N. Mex.	New	Spencer
Borah	Kendrick	Newberry	Stanfield
Brandagee	Kenyon	Norris	Sterling
Bursum	Keyes	Oddie	Sutherland
Cameron	Ladd	Page	Wadsworth
Capper	Lenroot	Pepper	Warren
Curtis	McCormick	Phipps	Willis
France	McNary	Poindexter	
Johnson	Moses	Sheppard	

NAYS—16.

Caraway	Gooding	Jones, Wash.	Smith
Dial	Harrison	King	Swanson
Fernald	Heflin	Ransdell	Trammell
Fletcher	Hitchcock	Simmons	Watson, Ga.

NOT VOTING—46.

Ashurst	Frelinghuysen	McLean	Shortridge
Broussard	Gerry	Myers	Smoot
Caldor	Glass	Nelson	Stanley
Colt	Hale	Nicholson	Townsend
Crow	Harrell	Norbeck	Underwood
Culberson	Harris	Overman	Walsh, Mass.
Cummins	Kellogg	Owen	Walsh, Mont.
Dillingham	La Follette	Pittman	Watson, Ind.
du Pont	Lodge	Pomerene	Weller
Edge	McCumber	Reed	Williams
Elkins	McKellar	Robinson	
Ernst	McKinley	Shields	

So Mr. NORRIS's amendment was agreed to.

Mr. KING. Mr. President, I am not sure as to the purpose of section 19 of the bill, and in order that I may obtain the views of the committee I move to strike out that section. In order that Senators may get my point of view, I will read the section. It is as follows:

SEC. 19. That the district courts of the United States shall have jurisdiction over all claims and controversies involving aircraft, their owners, lessees, charterers, and operators licensed thereunder, with the right of appeal as in other cases.

I am not sure, Mr. President, that the latter part of the sentence qualifies the former; I am not sure whether it is intended that the district courts of the United States shall have jurisdiction over all controversies relating to the aircraft which may be used in purely intrastate commerce. I see no reason, even if that is the view or is not the view, why we should attempt to legislate in connection with this bill in regard to judicial matters and the conference of power upon the Federal courts. The jurisdiction of the Federal courts with respect to controversies between citizens of different States is well defined. Certainly, we do not want to modify existing juridical matters; we do not intend to enlarge the jurisdiction of the Federal courts, or to shear the Federal courts of jurisdiction. We can not intend to impinge upon the authority and jurisdiction of the State courts. It seems to me that this section is absolutely out of place. If it is an attempt to restrict the jurisdiction of the State courts, it is wrong; and if it is not intended to increase the jurisdiction of the Federal courts, then there is no necessity for it, because their power now under existing law is well defined, well recognized, and well understood. So it seems to me that there is no necessity for this section, and that it ought to go out.

Mr. JONES of Washington. I am perfectly willing that the section shall be stricken out.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was agreed to.

Mr. KING. I now move to strike out section 21, on page 10, for the reason that in preceding sections the authority is given to the Secretary of Commerce to promulgate rules and regulations and that section contains an unnecessary duplication.

Mr. JONES of Washington. I am inclined to think that that section ought to be left in, for there may be some regulations which do not come under the special provisions of the proposed act.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah to strike out section 21 of the bill.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to establish in the Department of Commerce a bureau to be known as the civil bureau of aeronautics.

SEC. 2. That the word "aircraft" as employed in this act shall embrace every type of flying machine, conveyance, or vehicle now known or hereafter invented, devised, or developed, whether or not used in the carriage or transportation of persons or property, or without persons or property, flown, operated, or navigated in or through the air, and that the term "civil aircraft" as employed in this act shall embrace all forms of aircraft except those operated by the Army and the Navy.

The term "commerce" when used in this act means the flying, navigating, or operating of any civil aircraft in interstate or foreign commerce, or in, over, or through the District of Columbia, the Territories, dependencies, reservations, national parks, or over any place or building over which the United States has jurisdiction.

SEC. 3. That there shall be at the head of such bureau when established a commissioner of civil aeronautics, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$6,000 per annum. There shall be also a chief clerk of said bureau who, in addition to the usual duties of a chief clerk, may act as commissioner, under the direction of the Secretary, and such other deputies, assistants, and employees as may be required from time to time, and for which appropriations shall have been made, and the Secretary of Commerce may, at any time, utilize the services of such officers or employees of any other bureau or division of the Department of Commerce as he may deem necessary in the administration of this act, or he may take from such bureaus or divisions such parts thereof as he may deem advisable to create the bureau of civil aeronautics or to consolidate such parts with that bureau.

SEC. 4. That it shall be the duty of the Secretary of Commerce, in conformity with the provisions of this act, to foster civil aviation in every way possible and to do all things necessary therefor, cooperating or consulting with all other established governmental agencies, Federal or State, and taking advantage to the fullest degree possible of the facilities they can offer. This shall include the following duties:

(a) To inspect, in order to safeguard life and property, all aircraft before it is used in commerce and certify as to its condition, capacity, and safety at the date of inspection, and to make the information contained in such certificate available to the public in such manner as he may prescribe.

(b) To establish aerial traffic rules and regulations for the manner of navigating and operating civil aircraft in order to safeguard life and property.

(c) To investigate and recommend air routes.

(d) To encourage the establishment of landing fields and air stations.

(e) To make recommendations to the Weather Bureau as to the necessary meteorological service.

(f) To study the possibilities for the development of civil aviation in the United States and to collect and disseminate information relative thereto.

(g) To investigate, record, and make public the causes of accidents in civil aviation.

(h) To exchange with foreign Governments through existing governmental channels information pertaining to civil aviation.

(i) To operate and for this purpose to purchase, when appropriations shall have been made to do so, such aircraft as the Secretary of Commerce may deem necessary for inspecting, licensing, regulating, and controlling the operation of civil aircraft, and for determining air routes, landing fields, and air stations, Government machines to be used if possible and the consent of the department having control of the same can be secured.

(j) To prepare and maintain a comprehensive survey and inventory of all industrial and civil aeronautical resources under the jurisdiction of the United States. The Secretary may direct the commissioner of civil aeronautics, or any other officer or employee referred to in section 3, to perform any or all of the aforesaid duties.

SEC. 5. That for the purpose of making effective the provisions of this act the Secretary of Commerce shall direct the Commissioner of Civil Aeronautics to provide regulations, which shall become effective upon the approval of the Secretary of Commerce, for the following:

(a) Licensing pilots and such other persons engaged in commerce as may be required for the public safety and upon good cause the suspension or revocation of such licenses.

(b) The registration, identification, inspection, and certification of all civil aircraft in commerce.

(c) The registration, identification, inspection, and certification of all civil landing fields or air stations used in commerce.

SEC. 6. That no civil aircraft shall be used in commerce unless owned by a person who is a citizen of the United States or its dependencies, and in the case of a partnership unless each member is such citizen: *Provided*, That in the case of a corporation or association no such aircraft shall be owned by such corporation or association unless the president and board of directors or the managing officers thereof, as the case may be, are citizens of the United States and the corporation or association itself is organized under the laws of the United States, or of a State, Territory, District, or possession thereof, and 75 per cent of the interest therein is owned by citizens of the United States.

SEC. 7. That all rules and regulations authorized under the provisions of this act shall, by the direction of the Secretary of Commerce, be formulated by the Commissioner of Civil Aeronautics after consultation with other established governmental agencies concerned, and upon the approval of such rules and regulations by the Secretary of Commerce they shall be promulgated by him and shall have the effect of law and be enforceable from the date of such promulgation unless otherwise provided therein. The Secretary of Commerce shall have the power to suspend or revoke such rules and regulations and to alter or amend the same and promulgate new rules and regulations, such alterations, amendments, and new rules and regulations not to take effect until at least six months shall have elapsed, and to take such steps as he may deem necessary to bring such changes to the notice of those affected.

SEC. 8. That, by the direction of the Secretary of Commerce, the Commissioner of Civil Aeronautics shall, after consulting with other departments of the Government concerned, establish the conditions in order to safeguard life and property under which persons may be carried and property imported and exported in civil aircraft in commerce, and to prescribe the areas within which aircraft entering the United States, its Territories and dependencies, or the waters thereof,

are to alight and the conditions to be complied with by such aircraft, which shall become effective upon the approval of the Secretary of Commerce.

SEC. 9. That the same rights, privileges, and treatment shall be accorded to alien pilots operating foreign aircraft in this country which the country of that alien extends to our pilots operating their machines in such country, except that any prohibition against our licensed pilots shall apply to such alien pilots.

SEC. 10. That it shall be unlawful for any licensed pilot to guide or control any aircraft, while engaged in commerce, in a manner designed to give a demonstration of trick flying or aerial acrobatics or to divert the aircraft from a normal flight.

SEC. 11. That it shall be unlawful to use any civil aircraft in commerce except in conformity with the provisions of this act and such rules and regulations as may be promulgated pursuant thereto.

SEC. 12. That any violation of the provisions of this act, or of any rule or regulation promulgated in conformity therewith, shall be punishable by a fine not exceeding \$500 or by imprisonment for a term not exceeding six months, or both.

SEC. 13. That the Secretary of Commerce and such assistants as he may designate shall have power to conduct hearings, to subpoena witnesses, to send for documents and other papers, to administer oaths, and to take such testimony as may be necessary in determining the qualifications of individuals for licenses or registration certificates to operate aircraft or in the suspension or revocation of such licenses or registration certificates, or to enable him, or them, to make effective any of the provisions of this act, or any rule or regulation promulgated in conformity therewith.

SEC. 14. That the Secretary of Commerce is authorized to fix the fees and charges for such inspection, registration, and licensing authorized by this act to cover the cost thereof, which fees and charges shall be collected by the Secretary of Commerce and covered into the Treasury of the United States to the credit of miscellaneous receipts.

SEC. 15. That for the purpose of encouraging the development of civil aviation in the United States, full cooperation shall be given by the Secretary of Commerce to the owners or operators of civil aircraft, and that the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Postmaster General, and the Secretary of Commerce may, in cases of emergency, sell to any owner or operator of civil aircraft landing on an air station or landing field under their respective jurisdictions aviation fuel, oil, supplies, and provide necessary mechanical services of an emergency character, under such regulations as they may approve and promulgate for their respective services. The proceeds from such sales and services shall be deposited in the Treasury of the United States to the credit of the appropriations involved.

SEC. 16. That the Secretary of Commerce shall publish annually a bulletin setting forth all licenses issued or revoked, together with field reports of all flying activities, accidents, and field and route data, under the control of the bureau.

SEC. 17. That the commissioner of civil aeronautics shall annually, at the close of each fiscal year, make a report to the Secretary of Commerce giving an account of all moneys received and disbursed by him and describing the work done by the bureau, and the Secretary of Commerce shall transmit such report to Congress with the annual report of the Department of Commerce.

SEC. 18. That all salaries provided herein and all expenses incurred under the provisions of this act shall be paid out of such money as may be appropriated therefor by Congress, and such appropriations as may be needed to carry out the objects and purposes of this act are hereby authorized.

SEC. 19. That the Secretary of Commerce be, and he is hereby, authorized to make such additional rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 20. That if any portion of this act be declared invalid, it shall not affect any of the other portions thereof, which other portions shall continue in full force and effect.

SEC. 21. That this act shall take effect immediately, and all acts or parts of acts inconsistent herewith are hereby repealed.

The title was amended so as to read: "A bill to create a bureau of civil aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes."

INCREASE OF SALARIES IN PATENT OFFICE.

Mr. JOHNSON. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from California that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 477 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

"The Commissioner of Patents, \$6,000 a year.

"The First Assistant Commissioner of Patents, \$5,000 a year.

"The Assistant Commissioner of Patents, \$5,000 a year.

"Five examiners in chief, \$5,000 a year each."

SEC. 2. That so much of section 440 of the Revised Statutes as follows the words "in the Patent Office" and refers to said office only be, and the same is hereby, amended to read as follows:

"Chief clerk, who shall be qualified to act as a principal examiner, \$4,000; 1 solicitor, \$5,000; 5 law examiners, at \$4,000 each; examiner of classification, \$4,200; 2 examiners of interference, at \$5,000 each; examiner of trade-marks, \$3,900; 1 first assistant examiner of trade-marks and designs, \$3,000; 1 second assistant examiner of trade-marks and designs, at \$2,700, and 1 at \$2,500; 1 third assistant examiner of trade-marks and designs, at \$2,200, and 1 at \$2,050; 6 fourth assistant examiners of trade-marks and designs—2 at \$1,800 each, 2 at \$1,650 each, and 2 at \$1,500 each; examiners—48 principals, at \$3,900 each; 100 first assistants—40 at \$3,300 each, 30 at \$3,100 each, and 30 at \$2,900 each; 100 second assistants—40 at \$2,800 each, 30 at \$2,500 each, and 30 at \$2,350 each; 100 third assistants—40 at \$2,200 each,

30 at \$2,050 each, and 30 at \$1,925 each; 100 fourth assistants—40 at \$1,800 each, 30 at \$1,650 each, and 30 at \$1,500 each; financial clerk, who shall give bond in such amount as the Commissioner of Patents may determine, \$2,500; librarian, \$2,700; 8 chiefs of nonexamining divisions, at \$2,500 each; 8 assistant chiefs of nonexamining divisions, at \$2,100 each; private secretary, to be selected and appointed by the commissioner, \$2,000; translator of languages, \$2,400; assistant translator of languages, \$2,000; clerks—22 of class 4, at \$1,800 each; 33 of class 3, at \$1,600 each; 100 of class 2, at \$1,400 each; 125 of class 1, at \$1,200 each; 100, at \$1,100 each; skilled draftsmen, 1 at \$1,800 and three at \$1,600 each; 3 draftsmen, at \$1,400 each; forty copyists, at \$1,100 each; 36 messengers, at \$1,080 each; 13 laborers, at \$1,080 each; 47 examiners' aids and 39 copy pullers, who shall be selected without regard to apportionment, \$720 each.

"For special and temporary services of typewriters certified by the Civil Service Commission, who may be employed in such numbers, at \$3 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records, \$7,500.

"For purchase of law, professional, and other reference books and publications and scientific books, and expense of transporting publications of patents issued by the Patent Office to foreign Governments, \$10,000.

"For investigating the question of public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents, and expense attending defense of suits instituted against the Commissioner of Patents, \$2,500.

"For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, \$750."

SEC. 3. That section 487 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 487. The Commissioner of Patents, subject to the approval of the Secretary of the Interior, may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing applicants or other parties before his office, and may require of such persons, agents, or attorneys, before being recognized as representatives of applicants or other persons, that they shall show that they are of good moral character and in good repute, are possessed of the necessary qualifications to enable them to render to applicants or other persons valuable service, and are likewise competent to advise and assist applicants or other persons in the presentation or prosecution of their applications or other business before the office. And the Commissioner of Patents may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before his office any person, agent, or attorney shown to be incompetent or disreputable, or guilty of gross misconduct, or who refuses to comply with the said rules and regulations, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant, or other person having immediate or prospective business before the office, by word, circular, letter, or by advertising. The reasons for any such suspension or exclusion shall be duly recorded. And the action of the commissioner may be reviewed upon the petition of the person so refused recognition or so suspended or excluded by the Supreme Court of the District of Columbia under such conditions and upon such proceedings as the said court may by its rules determine."

SEC. 4. That the third paragraph of the act of January 12, 1895 (ch. 23, sec. 73, 28 Stat. L., p. 619), as amended, be, and the same is hereby, amended to read as follows:

"Third. The Official Gazette of the United States Patent Office in numbers sufficient to supply all who shall subscribe therefor at \$5 per annum; also for exchange for other scientific publications desirable for the use of the Patent Office; also to supply one copy to each Senator, Representative, and Delegate in Congress; also to supply one copy to eight such public libraries having over 1,000 volumes, exclusive of Government publications, as shall be designated by each Senator, Representative, and Delegate in Congress, with 100 additional copies, together with weekly, monthly, and annual indexes for all the same; of the Official Gazette the 'usual number' shall not be printed."

SEC. 5. That section 4883 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner of Patents or have his name printed thereon and attested by an Assistant Commissioner of Patents or by one of the law examiners duly designated by the commissioner, and shall be recorded, together with the specifications, in the Patent Office in books to be kept for that purpose."

SEC. 6. That section 4898 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4898. Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage."

"If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of any court of the United States for any District or Territory, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 1750 of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance."

SEC. 7. That section 4906 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4906. The clerk of any court of the United States, for any District or Territory wherein testimony is to be taken for use in any contested case pending in the Patent Office, shall, upon the application of any party thereto, or of his agent or attorney, issue a subpoena for any witness residing or being within such District or Territory, commanding him to appear and testify before any officer in such District or Territory authorized to take depositions and affidavits at any time and place in the subpoena stated. But no witness shall be required to attend at any place more than 40 miles from the place where the subpoena is served upon him; and the provisions of section 869 of the Revised Statutes relating to the issuance of subpoenas duces tecum shall apply to contested cases in the Patent Office."

SEC. 8. That section 4921 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. If on the proofs it shall appear that the complainant has suffered damage from the infringement or that the defendant has realized profits therefrom to which the complainant is justly entitled, but that such damages or profits are not susceptible of calculation and determination with reasonable certainty, the court may, on evidence tending to establish the same, in its discretion, receive opinion or expert testimony, which is hereby declared to be competent and admissible, subject to the general rules of evidence applicable to this character of testimony; and upon such evidence and all other evidence in the record the court may adjudge and decree the payment by the defendant to the complainant of a reasonable sum as profits or general damages for the infringement: *Provided*, That this provision shall not affect pending litigation. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case; but in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action. And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order so far as known the names and addresses of the litigants, names of the inventors, and the designating number or numbers of the patent or patents upon which the action, suit, or proceeding has been brought, and in the event any other patent or patents be subsequently included in the action, suit, or proceeding by amendment, answer, cross bill, or other pleading, the clerk shall give like notice thereof to the Commissioner of Patents, and within one month after the decision is rendered or a decree issued the clerk of the court shall give notice thereof to the Commissioner of Patents, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to indorse the same upon the file wrapper of the said patent or patents and to incorporate the same as a part of the contents of said file or file wrapper; and for each notice required to be furnished to the Commissioner of Patents in compliance herewith a fee of 50 cents shall be taxed by the clerk as costs of suit."

SEC. 9. That section 4934 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, \$20.
 "On issuing each original patent, except in design cases, \$20.
 "In design cases: For 3 years and 6 months, \$10; for 7 years, \$15; for 14 years, \$30.
 "On every application for the reissue of a patent, \$30.
 "On filing each disclaimer, \$10.
 "On an appeal for the first time from the primary examiners to the examiners in chief, \$10.
 "On every appeal from the examiners in chief to the commissioner, \$20.

"For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: *Provided*, That the Commissioner of Patents may supply public libraries of the United States with such copies as published, for \$50 per annum: *Provided further*, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries.

"For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

"For each certificate, 25 cents.

"For recording every assignment, agreement, power of attorney, or other paper of 300 words or under, \$1; of over 300 and under 1,000 words, \$2; and for each additional thousand words or fraction thereof, \$1; for each additional patent or application included or involved in one writing, where more than one is so included or involved, 25 cents additional.

"For copies of drawings, the reasonable cost of making them."

SEC. 10. That the provisions of section 4934 as herein amended shall take effect 60 days after the approval of this act.

Mr. KENYON. Mr. President—

Mr. JOHNSON. I yield to the Senator from Iowa.

RELIEF AGAINST DEPRESSION AND UNEMPLOYMENT.

Mr. KENYON. Mr. President, I desire to give notice that at the conclusion of the consideration of the bill the Senator from California has called up, I shall move that the Senate proceed to the consideration of the bill (S. 2749) to prepare for future cyclical periods of depression and unemployment by systems of public works. I do not know that a notice confers any right, but I am anxious to have that bill disposed of.

Mr. McCORMICK. Mr. President—

Mr. JOHNSON. I yield to the Senator from Illinois, who desires to submit some remarks.

FOREIGN CAUSES OF DOMESTIC DEPRESSION.

Mr. McCORMICK. Mr. President, I wish to address myself as briefly as may be to certain questions at issue in the country, and more especially upon the theme that the Democratic political campaign of 1922 has begun. Already the Democratic speakers here in Congress, or gathered in Tennessee, New York, and Ohio, have made it plain that they have discovered their issue and found their political opportunity in the economic distress which has fallen upon America, no less than upon all of the other countries of the world. Of course, we of the majority must

expect to be held to our tasks by the criticism of very able opponents. If we were to weary in our labors to make good the waste of war; if we were to tire in our efforts to repair the injury to industry, agriculture, and public credit wrought in ignorant arrogance by the Democratic Dictators, we should be pricked to put forth new energies by those leaders on the other side who will search for the imperfections which lie in all human measures and who will ably express those differences of policy and of opinion which must exist in every free assembly. But we know, too, sir, from dreary experience of recent debates and from the recent speeches of conspicuous critics of President Harding that we must listen to the frenzied phantasies, the demagogic diatribes, the raucous rhodomontades of those who would shout and shriek their way to the position of leadership held by Democrats like the senior Senator from Alabama [Mr. UNDERWOOD] and the senior Senator from Ohio [Mr. POMERENE]. This I say, sir, has been borne out wherever Democratic chiefs have met and spoken, wherever they have sought to reform their broken lines, to give heart to their disheartened forces, and to summon to their sides some of the millions who repudiated them, their leadership, and their works in the last presidential election.

A fortnight ago there emerged from the political limbo of lost souls the individual whom the Democratic captains, in emulation of P. T. Barnum and Mark Twain, gaily nominated for the Presidency, to afford the American people some mental relaxation after the boredom and irritation engendered by the expiring administration. An analysis of the 2,000 words delivered by Gov. Cox on January 25 teaches us that he has forgotten nothing and has learned nothing since the people last retired him from public view. He resumes his abuse of the senior Senator from Massachusetts, who, after 30 years in the Nation's service, with blithe hardihood seemingly continues to endure both billingsgate and balderdash. How Capt. Brennan and Capt. Murphy must have laughed to read that after 18 months Gov. Cox had spoken, again to upbraid Senator Lodge for being an American!

I thank God for that stout old American, who loves his country! Gov. Cox, we hear, is going to Massachusetts to defeat Senator LODGE. Israel Putnam, Nathan Hale, Samuel Adams, John Stark—come forth, New England patriots, all of ye, to hearken to James Cox pour forth his imprecations upon the gray old head of HENRY CABOT LODGE because he loved the League too little and America too well!

If you will follow phrase after phrase to the end of the 2,000 words in which Gov. Cox has framed the issues and presented the platform and the program for the Democratic Party you will find that some, at least, of the Democratic leadership holds that—

First, the world-wide and short-lived prosperity which feverishly followed the armistice was Democratic;

Second, the economic depression into which the whole world has since fallen was wrought not by the waste of war but by the Republican Party.

You will discover:

Third, that Democratic leaders believe that although the greater part of Europe is maintaining armies of which she can not meet the costs; that although her debtor Governments have not overcome their deficits; that although they can not pay the interest due America, we should lend, lend, lend more, more, and more;

Fourth, Democratic leaders still hold the irrevocable conviction that we must put upon our necks the bonds of the League of Nations.

What, sir, are the facts discernible to those who will look through the fog of phrases? Every informed, intelligent, and honest man knows that the present depression of prices and collapse of trade are due first to the ruin and waste wrought by the war. There are some, and among them Democratic Senators, who hold that the depression in American prices was precipitated, and the contraction of credit accelerated, through the action of the Federal Reserve Board during the Democratic administration. If the waste of war be the cause of our distress, every informed, intelligent, and honest man must allow that the causes which may retard, the removable causes which may delay, the return of general prosperity are inextricably related to one another. They are profligate public expenditure, resulting either in punitive taxation or a depreciated currency, or both.

In the light of these facts, Mr. President, let us consider for a moment the ills bequeathed us and the measures taken by our Government to cure them. Since our partisan critics are blaming a Republican administration, let us consider the financial burden left us by the Wilson administration and the Republican efforts to lighten it.

I do not dwell now upon the new laws for the protection and relief of agriculture, although three of these, at least, are of enduring importance. I do not speak of the legislation we have passed to sustain the export trade. I do not put forward the Budget act. The country is coming to know that the legislative program already written by this Congress is more far-reaching and comprises more constructive measures than any written in time of peace at any one session within the lifetime of any of us now living. Therefore I wish now to call attention to dollars spent and dollars saved, considering their inestimable influence on our prosperity.

The indelible record shows that \$11,000,000,000 were expended upon the Artillery program, the aircraft program, and to meet the cost of the Shipping Board and the United States Railroad Administration during the war. For this vast outlay the Democratic administration sent to the fighting front less than 200 cannon and less than 200 aircraft manufactured in America on the account of the American Government during the Great War; for this vast sum the Democratic administration during the war produced but a single Shipping Board built ship to carry soldiers across seas and made of the American railroad system but one vast railroad wreck.

Here we know that \$11,000,000,000 were in great part wasted. With what waste or with what wisdom were expended the other \$11,000,000,000 advanced to other Governments by a Democratic Secretary of the Treasury we can never know; but we do know that, wasted or well spent, the two sums together constitute \$22,000,000,000 of the \$24,000,000,000 of the American national debt.

For the fiscal year 1920 a Democratic administration asked, exclusive of the service of the debt, an appropriation of \$9,700,000,000 by a Republican Congress, which voted three billions less than were asked for by the Democratic administration.

For the fiscal year 1922 the Democratic administration submitted estimates for \$4,800,000,000, exclusive of the service of the debt, and a Republican Congress voted appropriations in the sum of a billion dollars less than the amount asked for by the Democratic administration.

A Republican administration, with rigid frugality, is spending millions less than were voted, and has submitted for the ensuing year estimates lower than those submitted for the previous year by a Democratic administration by nearly \$800,000,000.

For the fiscal year of 1923 we shall spend, exclusive of the interest on the debt, a little over one-third of the sum sought to be spent by the Democrats for the fiscal year of 1920. In three years we have slashed by two-thirds the original prodigal spending program of the Democratic administration.

The rejection of the profligate Democratic estimates of expenditures by a Republican Congress so conserved the resources of the Government that since the Republican victory in 1918 the national debt has been diminished from the surplus revenues by over \$2,000,000,000.

Furthermore, the revenue act passed by the present Congress will reduce the sum of Federal taxation for the current calendar year by the estimated amount of three-quarters of a billion dollars and for the calendar year 1923 by an estimated half billion dollars more. Before this year has run its course we shall have found our way back to a prewar rate of expenditure for the normal purposes of the Government in time of peace.

There is no other Government in the world, Mr. President, which so persistently, consistently, and drastically has reduced public expenditure as that of the United States since the Republican Congress came into power after the election of 1918. If our agriculture and industry have been stricken by the depression common to the world, appropriations have been reduced, the burden to the taxpayer has been lightened, and there has been no governmental deficit in the United States.

Turn, if you will, to Asia, to Europe, and to the Americas below the Rio Grande. You will find everywhere unchecked public expenditure, deficits in the public revenues, a depression in trade, and a depreciated currency as measured by the American dollar. Our Government, beyond peradventure, is solvent. Our Government, beyond cavil, has reduced and is reducing its armed forces by land and by sea. Our Government, beyond question, has reduced by thousands, and by thousands more is reducing, the number of public employees. Our Government, beyond all argument and beyond denial, is saving, saving.

If this Government, indisputably and immediately solvent, has been able to reduce, has been able almost amazingly to curtail its annual expenditure; if it has been able almost to disband its land armies, and has dismissed its civil employees not by scores but by brigades and divisions; is it unbecoming that we should inquire what steps have been taken by the other

States whose associate in the war we were, and whose creditor we are, to make an end to their deficits, to rehabilitate their currencies, to restore their credit, and to resume interest payment upon their debts?

I have not been able to find any evidence that until this last month there had been any appreciable reduction in the number of civil functionaries by any of the debtor States of continental Europe, whether they were our enemies or our associates in the late war; but I have before me a table of land armaments maintained by seven of the continental States, as prepared last week by responsible American military authority:

	Men.
Belgium.....	115,000
Jugoslavia.....	140,000
Czechoslovakia.....	150,000
Rumania.....	190,000
Italy.....	250,000
Poland.....	290,000
France.....	750,000

There are, then, nearly two million armed men encamped and garrisoned about the capital of the League of Nations, to which Gov. Cox and Dr. Wilson will summon the Democratic Party to drag free America in the next election.

The currents of public opinion have steadily borne the destiny of America eastward—

The other day quoth James E. Cox, the quondam candidate for the Presidency—

eastward, nearer each day to the seat of the League of Nations at Geneva.

If you will read the record of the League, written by those who have served it—the record of the League which I hold in my hand to-day, you will learn that in the field of arbitration it has failed as often as it has succeeded, and that its successes in no wise differ from minor arbitrations of frontier disputes in bygone days. You will learn, too, Mr. President, if you will examine the record further, that in the restoration of European credit, in the curtailment of deficits, in the limitation of armaments by sea and by land, in the restraint of rancors between the peoples, in the quieting of old enmities and in the abatement of new hates, in the solution of great questions, in the establishment of any true concord in Europe, the League has failed, utterly failed. And yet the Democratic leaders fancy that the American people will turn this year to that which they rejected in the last election.

If two years ago the League promised to enmesh the American people in the military rivalries of Europe, if it promised war rather than peace, I dare ye friends of the League to count the bayonets which beckon us to Geneva to-day! With the dual monarchy riven and dismembered, with Germany utterly disarmed, to-day there are as many soldiers in Europe as there were in 1914, while marshaled about the glorious banners of the imperishable people of France there are over three-quarters of a million men—as many as when before the Great War she faced the unhumiliated hosts of the allied autocrats.

The League which at best has set up a second Hague tribunal, and which at worst has served to preserve an unenforceable treaty, certainly has done nothing to quiet Europe or to disarm its hosts. In its stead the supreme council has met to compose the policies of those ancient rivals whose differences broke forth during the Washington conference and blocked the fullest consummation of our peaceful purposes. The Genoa conference, which was to have undertaken what the League and the supreme council would not or could not do, halts for the conciliation of their imperial purposes. The reduction of European armies, the restoration of European credit, the resumption of American exports, must wait while the two dominant democracies of Christian Europe divide their Moslem inheritance! Those gentlemen who would make a virtuous league out of our economic necessities, refuse to see that if we are to help Europe in her reconstruction she must help us so to do. Europe must settle her political differences, reduce her armies, retrench her expenditures, and check the inflation of her currencies before we can grant new credits.

During the war the Government of the United States lent to the European Governments \$11,000,000,000. Since the signing of the armistice European industry, European municipalities, and the European national Governments have found credits in the United States to the estimated amount of \$7,000,000,000 more. It is not too much to say that during the last six or eight years American advances to Europe have aggregated \$20,000,000,000. Even last year our exports exceeded our imports by two billions, two billions for which obviously we got neither goods nor cash. The sum of interest annually due the Government of the United States from the seven European Governments of whose 2,000,000 armed men I have spoken would amount to two hundred and eighty-five millions, a sum equal to more than half the annual cost of their armies. Con-

sidering these figures and contemplating the reform of European policy manifestly prerequisite to the establishment of new European credits in America, I ask you to read the following from the text of the speech of the Democratic presidential candidate and leader of the Democratic Party:

Europe requires credit. America had a prosperity upon which credit could have been given. American gold advanced, would scarcely have left our vaults, because it would have been merely the base of financial transactions for the products of our farms and factories. Our vast surplus would have brought happiness to Europe and maintained prosperity at home.

Gov. Cox says:

America had a prosperity upon which credit could have been given.

Where, I ask you, was the security—the security, I say—upon which the payment of interest or capital could be based?

Let me ask who would have paid in current coin for the surplus goods which Gov. Cox would have us send abroad and on account of which he says Europe can borrow but can not pay? Who would pay the purchase price in current coin, and how would peoples and Governments which can not meet the interest on the debt to our Government, which in the four years since the armistice have borrowed \$7,000,000,000, how would they give security for the capital lent or how would they pay interest on the vast loans which Gov. Cox believes should be made in excess of the advances already made? Gov. Cox must mean that he would have the American Government or American banks lend billions more, and that without security and before Europe puts her house in order.

America, Mr. President, I venture, stands ready to help, but not if the advances which she makes indirectly maintain in Europe thousands of public functionaries, while she is dismissing them by the thousand at home; not if the advances which she makes indirectly maintain great armies, when she has almost disarmed by land and when she and the other maritime powers by agreement have limited arms by sea; not if her advances indirectly keep alive the rivalries and animosities which thwart the fruitful work of peace in which she would help Europe.

America believes that Europe may profit by the labor and by the example of the international conference on Monday adjourned. The modest man who summoned it and those who have guided its course never pretended, like the proponents of the league, to a regeneration of all mankind, nor even to the establishment of Utopia in a single hemisphere. If the conference has not accomplished all that it might have done, it has done far more than the wisest hoped that it might accomplish. It has given promise to Russia that when her people are prepared to exercise it, their sovereignty within their own frontiers will not be disputed. In a measure unequalled since the impact of western Europe upon eastern Asia, it has assured China the collaboration of the world to maintain her independent integrity and to find the means for securing her unity. It has put an end to a ruinous competition in naval armament. It has made an end to suspicions, to old resentments, and to newer rivalries between the maritime and Pacific powers which injured commerce and threatened peace. It has removed very far from us Americans all menace of war. In 12 weeks the Washington conference has done more to cast off the shackles upon trade, to lift the burdens off the backs of the taxpayers, and to break down the hindrances to international good will; it has done more for peace and more against war than has the League of Nations during all the three times 12 months of its existence.

Presently we shall be able to appraise the parts which the delegations and the several delegates have played, but we should be poor-spirited and mean Americans if we did not now accord to the true statesman who leads the opposition yonder the credit which is his due. His own work, great as it has been, will appear greater in history than it can appear to-day. That is no less true of the labors of the conference. It was summoned to undertake the realizable in the universal human purpose to banish war and exorcise hates. How ready shall we be to do our part in the rehabilitation of the Old World if another conference will do as much for peace and disarmament on land and in Europe as this one has done for disarmament at sea and for peace in the waters of Asia.

Already there are signs that the seed sown in Washington will bring forth not only the good fruits for which we hoped, but other and richer still; how soon and in what measure, only the Almighty can know.

Arborescunt diligens agricola quorum adspiciet baccam ipse numquam.
The faithful farmer plants trees of which he himself will never see the fruit.

As toiled in faith the humble husbandman, so in calm confidence and unstudied self-effacement labored the President of the

United States to sow the seeds of peace. The rôle which he chose for himself was as modest as were the formal purposes of the conference. History will determine how great his part has been, by its judgment of the compacts completed here, but Warren Harding and his compatriots know now that the restoration of Europe can be found only in the spirit of mutual concession, of common sacrifice, of good will, of realizable idealism which marked the conference at Washington. It is in this spirit, and in this spirit only, that Europe, putting aside hatred and revenge for concord and peace, can bring us to help in the work which she proclaims she can not do alone.

I thank the Senator from California for yielding to me.

Mr. JOHNSON rose.

Mr. HARRISON. Does the Senator from California desire to address the Senate?

Mr. JOHNSON. I do.

Mr. HARRISON. If the Senator desires to proceed, I do not wish to try to get recognition at this time.

INCREASE OF SALARIES IN PATENT OFFICE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes.

Mr. JOHNSON. Mr. President, the bill which is now presented to the Senate represents a congressional effort to afford the necessary aid that the Patent Office may efficiently function. The bill is not unfamiliar to Members of the Senate. In substantial form it passed at a former Congress, but by reason of an amendment which was hardly germane to the subject matter there were differences in conference and ultimately, although passing both Houses, it did not become a law. The present measure has passed the House of Representatives and is reported by the Committee on Patents as transmitted from the House.

Familiarity at all with the Patent Office demonstrates the necessity for the bill. The increase in business in the Patent Office has been so disproportionate to the aid that has been accorded that office that it has fallen far behind, and unless some assistance be rendered we will reach soon an intolerable stage where it will be quite impossible ever efficiently to administer that office at all.

The bill provides for certain increases in salaries and for certain additions to the force. The payment of the amount required will not be taken from the Treasury at all. The receipts of the office are sufficient under the bill to justify the additional expenditures and to make unnecessary any draft at all upon the Treasury.

I wish to make that very clear, because in adopting and passing the bill we do not put any tax on the people or burden on the Treasury at all.

Now, because there had been hearings in the House, which were exhaustive, because at a prior time there were hearings upon the bill before the Senate committee, and because, as I assume, the Members of the Senate are thoroughly familiar with its provisions and with its designs, I do not deem it essential to go in vast detail into the various provisions of the measure. I am quite prepared to answer any queries that may be propounded, or to afford any information that may be desired, but beyond the statement that the bill, in the opinion of the House of Representatives and in the opinion of the Committee on Patents, is absolutely necessary for the proper conduct of the business of the Patent Office, I do not think more need be said at this time.

With that preliminary statement, unless there shall be something that some Senator desires to suggest, I ask that we may have a vote on the measure.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from California yield to the Senator from Mississippi?

Mr. JOHNSON. Certainly.

Mr. HARRISON. May I ask the Senator if this was a unanimous report from the committee?

Mr. JOHNSON. It was.

Mr. HARRISON. The committee were for the bill unanimously?

Mr. JOHNSON. The committee were for it. The House passed the bill. It is substantially the same bill that a previous Congress passed, and it failed then only because there was a difference existing in the conference upon an amendment which related, I think, to the Federal Trade Commission and which was not really germane to the purpose of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POLITICAL CAMPAIGN ISSUES.

Mr. HARRISON. Mr. President, I had intended to reply in brief to the speech of the distinguished senior Senator from Illinois [Mr. McCormick], but I think I will let it go over until to-morrow, as I understand it is the desire to have an executive session.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 15, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14 (legislative day of February 13), 1922.

CONSULAR SERVICE.

Maxwell Blake to be consul general, class 2.

PROMOTIONS IN THE ARMY.

OFFICERS' RESERVE CORPS.

To be brigadier generals.

Luke Henry Callan.	Guy Merrill Wilson.
John Campbell Greenway.	Lincoln C. Andrews.
Edward Gottlieb Heckel.	Charles Xavier Zimmerman.
John Van Bokkelen Metts.	Henry A. Shaw.
Robert Henry Tyndall.	John Hodgen Rice.

To be first lieutenant.

Haydn Purcell Roberts.

To be major, Finance Department, Quartermaster Corps.
Charles Russell Insley.

POSTMASTERS.

ALABAMA.

Louis D. Hicks, Autaugaville.
Harry L. Jones, Bay Minette.
Eleanor F. Whitcher, Bridgeport.
Jennie S. Foster, Camden.
Wiley M. Bean, Clanton.
Jewell Bratton, Jemison.
Grover C. Warrick, Millry.
Stella K. Martin, Plantersville.
Alice Booth, Prattville.
William P. Shurett, Rockford.
Zada M. Jackson, Vredenburgh.

HAWAII.

David H. MacAdam, Honolulu.

IDAHO.

Leonard B. Wehr, Star.

ILLINOIS.

Charles E. Seeber, Benton.

INDIANA.

Charles S. Dudley, Lewisville.
William E. Kelsey, Monterey.
Ernest Purdue, Newburg.
Zeno I. Moore, Paoli.

KANSAS.

Sidney H. Knapp, Concordia.
Howard B. Demuth, Ellsworth.

LOUISIANA.

Reynald J. Patin, Breaux Bridge.
Solomon C. Knight, Elizabeth.
Benjamin F. Cowley, Leesville.
Edgar A. Barrios, Lockport.
Emmie G. Webb, Minden.
Elwyn J. Barrow, St. Francisville.
Frank Granger, Sulphur.

NEW YORK.

Burrell Vastbinder, Addison.
Baxter H. Betts, Argyle.
Lester J. Taylor, Arkport.
Fred A. Shoemaker, Averill Park.
Fred H. Woolshlager, Castorland.
William W. McConnell, Constableville.
Leander C. Gregory, Croton Falls.
Floyd W. Ryan, Dalton.
Warren C. King, Dobbs Ferry.

Lee W. Locke, Edmeston.
Charles A. Daniels, Gilbertsville.
Herbert O'Hara, Haines Falls.
Walter J. Pelham, Hensonville.
Edward Small, Herkimer.
Amideas J. Hinman, Mohawk.
McKenzie B. Stewart, Mooers.
Irving C. Jones, South Millbrook.
Emil G. Schumacher, Valley Stream.
Peter H. Zimmerman, Wayland.
Willis J. Stone, West Chazy.

NORTH CAROLINA.

John W. Chapin, Aurora.

OHIO.

Milton J. Scott, Chillicothe.
Allen G. Bogart, Columbus Grove.

SOUTH CAROLINA.

Jasper E. Johnson, Gray Court.
William B. Gross, Holly Hill.
Thomas C. Shaw, Honea Path.
Herbert O. Jones, Salley.

TEXAS.

Charles L. Long, Graham.
Robert N. Porter, Gregory.
Virgil A. Smith, Kenedy.
Ralph C. Eubank, Liberty.
Sidney J. Eaton, Mullin.
Homer B. Young, Shiro.
Lafitte T. Perateaux, Spring.

WEST VIRGINIA.

Paul G. Rogers, Clendenin.
Mazella E. Barto, Fairview.
Charles Ash, Glen Jean.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 14, 1922.

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Be not silent unto us, O God, but may we draw from Thy presence composure and endurance. Reach through every loss and brand it with Thy sympathy; put forth Thy hand on every gain and bless it for Thy use. Shapen our minds and temper them to Thy will; touch our hearts and soften them to Thy call. We ask Thee to harden in us the heroic qualities of self-denial and self-sacrifice, and may they be emphasized in all our work. As it is the property of God to always have mercy, we turn to Thy infinite love, and here may we always have a place and find that peace which the world can never give. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ABRAHAM LINCOLN.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend in the RECORD a speech made by Mr. HUMPHREYS, of Mississippi, at Quantico on Sunday night concerning Abraham Lincoln.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by Mr. HUMPHREYS, of Mississippi, on Abraham Lincoln. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I think that ought to be in eight-point type.

The SPEAKER. Yes; in eight-point type. Is there objection?

There was no objection.

Following is the address referred to:

ABRAHAM LINCOLN.

[Speech delivered by B. G. HUMPHREYS to the Marine Corps at Quantico, Va., on Sunday, Feb. 12, 1922.]

Ladies and gentlemen, 113 years ago Abraham Lincoln was born—born into the most humble environment humanly possible. Beyond the narrow circle of the very limited acquaintance of his parents this occurrence was unnoted and unknown, and yet it was an event which the increasing millions of the earth will celebrate with appropriate services through the generations before us.

God moves in a mysterious way his wonders to perform, and as I grow older and note how usual it is for the purposes of man to go astray, observe his vain struggles against the currents which sweep him on, see how little able he is to direct the course of his goings forth, I am impressed more and more by the wisdom and the truth of Shakespeare's couplet:

There's a divinity that shapes our ends,
Rough hew them how we may.

The news of his birth was not heralded abroad as the birth of another prince of the royal blood. There were no unusual manifestations in the firmament, no shepherds saw a light of strange beauty or heard the angles sing together. Yet out of that little cabin in the hills of Kentucky, the home of poverty and maybe of squalor, was to come a great light which in the fullness of God's providence would fill the earth and bless it.

It is difficult to get an accurate spiritual picture of a character like Lincoln. He came into fame in such troublous times, in days when the minds of men were inflamed with passion, when party strife was so intense and party spirit so intolerant; when the great war, with its immeasurable miseries and its unspeakable griefs and the bitter hatreds and maledictions and the lust for vengeance held high carnival in the hearts of men. All these contending and uncharitable elements almost obscure the real Lincoln as he lived and walked and had his daily being. But out of the clouds and fog and mists of unwarranted adulation and undeserved abuse two qualities seem to shine in ever-increasing brightness, and these are gentleness and courage.

In his beautiful poem of the Crimea, Bayard Taylor tells us that the bravest are the tenderest, the loving are the daring, and so the world has come to say of Lincoln as Mark Antony said of Brutus:

He was gentle, and the elements so mixed in him that nature might stand up and say to all the world, "This was a man."

I shall not to-night undertake to recount even the high points in his career of great achievement or in any way attempt to assay the qualities of his genius. We are merely to pay our tribute to his memory, to acknowledge our gratitude for the blessing which his living brought to us as participants in the rich legacy he left to all mankind. I am of the South. To us no heritage could be so sacred, no legacy so rich as that our fathers fought and bled and suffered in the heroic legions of the gray, but I think that man has read our country's history to little purpose who does not catch an inspiration of patriotism from every battle field of this Republic.

I was in Canada a few years ago, and visited the Plains of Abraham, where the English under Wolfe and the French under Montcalm met in the bleeding business of war some 200 years ago. Both of these valiant soldiers were killed in that momentous battle, and a few years ago the descendants of the English who fought with Wolfe and the descendants of the French who fought with Montcalm erected upon this field a common monument to them both. On it is inscribed this beautiful legend:

To Wolfe and Montcalm:

Valor gave them a common death,
History gave them a common fame,
Posterity gave them a common monument.

When you boys from the North and you boys from the South, at Belleau Wood and through the Argonne, were carving in letters of light across the very face of the rock of ages the glory of the American marine, with every drop of your precious blood there shed, you were blotting out the last faded trace of sectionalism in this good land and hastening the day when a common monument to Lincoln and Davis and Grant and Lee and blue and gray shall greet the heavens upon every battle field of the War between the States.

And so we have paused here for the moment to-night to catch a new inspiration, to gird up our loins in a still higher resolve to press on undaunted through whatsoever difficulties may beset our paths toward the goal of all patriotism—"One God, one law, one element, and one far-off divine event to which the whole creation moves."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 159. An act for the relief of William E. Lewis;
S. 1540. An act for the relief of Emma H. Ridley;
S. 1603. An act for the relief of Joseph W. Skill;
S. 2445. An act for the relief of Charles S. Fries;
S. 2746. An act for the relief of William Howard May, ex-marshall of the Canal Zone; William K. Jackson, ex-district

attorney of the Canal Zone; and John H. McLean, ex-paymaster of the Panama Canal, now deceased;

S. 2935. An act to amend section 3 of the act entitled "An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children," approved June 30, 1921, and for other purposes;

S. 1730. An act for the relief of Philip S. Everest;

S. 1813. An act for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer;

S. 1814. An act for the relief of the owner of the steam lighter *Cornelia*;

S. 1817. An act for the relief of the owners of the schooner *Horatio G. Foss*;

S. 156. An act for the relief of the heirs of Julio Carrasco, deceased;

S. 462. An act for the relief of Max B. Baldenburg;

S. 643. An act for the relief of Jessie M. White;

S. 2664. An act for the relief of Jesse Goodin;

S. 2665. An act for the relief of Hattie Tolbert;

S. 2666. An act for the relief of Ed. Thomas and Pauline Thomas;

S. 34. An act for the relief of the Pacific Commissary Co.; and

S. 2323. An act for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1268. An act for the relief of the Six Minute Ferry Co., of Vallejo, Calif.;

H. R. 1372. An act for the relief of the M. Feitel House Wrecking Co.;

H. R. 1733. An act for the relief of W. R. Grace & Co.;

H. R. 2144. An act for the relief of the owners of the schooner *Charlotte W. Miller*;

H. R. 6437. An act for the relief of the Cleveland Trinidad Paving Co., of Cleveland, Ohio;

H. R. 6622. An act for the relief of Gaetano Davide Olivari fu Fortunato;

H. R. 8217. An act to authorize the payment of \$872.96 to the Government of Italy for the relief of the heirs and assigns of N. Ferro;

H. R. 1370. An act for the relief of Col. Herbert Deakyne, Corps of Engineers, United States Army;

H. R. 3249. An act for the relief of certain employees of the Bureau of Lighthouses;

H. R. 5597. An act granting an increase of pension to N. May Jernegan;

H. R. 1362. An act for the relief of M. Fine & Sons; and

H. R. 1721. An act to authorize the refund of a part of the purchase price of Camp Mills to the Buffalo House Wrecking & Salvage Co.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 5013. An act to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials; and

H. R. 9060. An act to authorize the Secretary of War to lease a certain tract of land to the city of Leavenworth, in the State of Kansas.

ADDRESSES ON THE LATE REPRESENTATIVE MASON, OF ILLINOIS.

Mr. KING. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the Clerk's desk and ask to have read.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the order which the Clerk will report.

The Clerk read as follows:

Ordered, That Sunday, the 26th day of February next, be set apart for addresses on the life, character, and public services of Hon. WILLIAM E. MASON, late a Representative from the State of Illinois.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10329, making appropriations for the Department of the Interior.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] will resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10329, the Interior Department appropriation bill, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10329, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. When the committee ceased its labors on this bill there were points of order pending to an amendment offered by the gentleman from Michigan [Mr. CRAMTON]. Is there anything further to be said on the point of order?

Mr. BLANTON. Mr. Chairman, I would like to be heard for a moment on one phase of the point of order. I want to call the attention of the Chair to a decision rendered by the distinguished gentleman from Connecticut [Mr. TILSON], who must be admitted as one of the leading parliamentarians of the House, on one phase of this point of order directly in point. He based his decision on a long line of decisions running back for years. That decision was this, that where an appropriating committee had authority to bring in certain items of appropriation in a bill, but did not bring them in, and they presented the bill to the House without such amendment to be considered in Committee of the Whole, the membership had a right to depend upon the items that are contained in that bill and only such items, and they are not to be deemed as put on notice that new, extraneous items will be offered to the bill by the committee.

That decision held, Mr. Chairman, that even though an amendment is offered from the floor by the chairman of the committee having in charge the appropriation bill, it would have the same effect if it were offered by any other Member from the floor, not a member of the committee. This amendment is offered by the chairman, not coming from the committee. The committee did not see fit to place it on this bill. The committee had long hearings on this bill. The committee had before it this very item, because they brought it in here under a separate resolution at a different time. They did not see fit to put it in this bill, and the membership have the right to believe that when this bill was put upon the calendar on a report from the committee such an item would not then be offered by a member of the committee or the chairman. I offer that as authority sustaining not only the point of order made by the gentleman from Massachusetts [Mr. WALSH] but the additional one which I made against the amendment.

Mr. WALSH. Mr. Chairman, I do not know whether it is necessary to restate the point of order.

The CHAIRMAN. The Chair has read the record carefully.

Mr. MANN. Mr. Chairman, this appropriation bill covers the appropriation for the Indian Service, including treaty items, items authorized by special legislation, and gratuity items which are in order under the rulings of the House. There is a heading in the bill, "Relieving distress, and so forth," under the Indian Service. Under that heading the gentleman from Michigan [Mr. CRAMTON] has offered an amendment providing for an appropriation relieving distress among the Indians.

A Member on the floor has the same right of offering an amendment to the bill that the committee has; precisely the same. The only question is whether the amendment is germane to the bill if it is offered as a separate paragraph. There are cases where an amendment offered on the floor has been held not germane to the bill, although possibly such an item might have been included in the appropriation bill itself. But there is no case which holds that where an amendment is germane to the bill a member of the Committee of the Whole has not the same right that the Committee on Appropriations has to propose an amendment on an item in the bill.

In this case the item is plainly germane to the bill, plainly germane to that portion of the bill to which it is offered, and the question as to the right of a Member from the floor to offer it, it seems to me, can not be gainsaid. I do not think there is any doubt about the right of any Member to have offered this amendment, a germane amendment to the bill, if it is otherwise in order.

The CHAIRMAN. Since the adoption in 1920 of the rule giving the Committee on Appropriations jurisdiction over all matters of appropriation the rulings relative to what may properly be included within a general appropriation bill have very materially changed. It is plainly the function of the Committee on Appropriations now to appropriate for all purposes, including deficiencies; and so far as the Chair is able to ascertain from such decisions as have been made, the Chair can see no reason why a deficiency can not be appropriated for in a

general appropriation bill. That is a matter largely within the discretion of the Committee on Appropriations itself. If it is true that that can be done—and the Chair has no doubt about it—it would seem that an amendment offered from the floor of the House which sought to include a deficiency appropriation in a general appropriation bill might and doubtless would also be in order and germane.

The point of order, however, must be sustained to the amendment as offered, because, in the opinion of the Chair, there is manifestly legislation in the amendment. The amendment first makes certain appropriations which shall be available during the current fiscal year, then, in a second provision, places a limitation upon the appropriation, and, finally, in this language includes a legislative provision:

And the War and Navy Departments and the United States Shipping Board shall, upon receipt of formal request therefor, and without charge, turn over to the Indian Service at the point of storage any such surplus food, clothing, or other supplies—

This is plainly legislation not within the jurisdiction of this committee, and because of the presence of that language in the amendment, the point of order being urged to the entire amendment and not to any particular section of it, the point of order must be sustained.

Mr. CRAMTON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

Mr. CRAMTON. I offer the same amendment, omitting the language within the brackets.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 26, after line 13, insert a new paragraph, as follows:

"That there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to be immediately available, and to remain available only until June 30, 1922, for the relief of destitution among Indians, to be used in the discretion of the Secretary of the Interior for the furnishing of food, clothing, and other supplies: *Provided*, That where able-bodied Indians have no means of support this appropriation may be used to pay such Indians for work performed in the construction of roads or other improvements on the reservation, or for the purchase of necessary seeds and implements to enable them to cultivate their farms: *And provided further*, That where relief is given under this resolution to any tribe of Indians having available tribal funds held in trust for such tribe in the Treasury of the United States the expenditure for such relief shall be reimbursed from such tribal funds to the extent that they may be available."

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WALSH. The amendment provides in the last proviso that the funds shall be reimbursable from the tribal funds. I think if the amendment were reversed and the whole of this appropriation were to be reimbursed—

Mr. BLANTON. If that is all the point of order, I desire—

Mr. WALSH. I am discussing the point of order. I do not yield to the gentleman.

Mr. BLANTON. I do not want to be cut off from making an additional point of order.

Mr. WALSH. Well, the gentleman will not lose any rights, and it is not necessary for him to jump right into the middle of a Member's statement.

Mr. BLANTON. I have to do it.

Mr. WALSH. No; the gentleman does not.

The CHAIRMAN. The gentleman will have his opportunity.

Mr. WALSH. This is legislation, and I do not think this committee have any authority to report it. They have no jurisdiction over legislation pertaining to the tribal funds except in so far as the Committee on Indian Affairs of the House has reported legislation which has been acted upon by the House. I do not recall any legislation which permits the Committee on Appropriations, in making a new appropriation for a specific purpose, to say that that appropriation shall be reimbursable. It is true that there are items in the appropriation bill where the requirement is carried that they shall be reimbursed from the tribal funds, but that is under specific authority heretofore put into the law, and this is where relief is given under this provision.

Mr. MANN. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. MANN. If we have authority to make an appropriation out of moneys in the Treasury for a certain purpose, and also have authority to make an appropriation out of the tribal funds for the same purpose, have we not the authority to say that the money appropriated out of the Treasury shall be reimbursed from the tribal funds as a matter of appropriation? If this amendment had been offered to appropriate out of the tribal funds, unquestionably it would have been in order, because we

have the same authority to appropriate from tribal funds or money in the Treasury that we have to appropriate from the Government's available money in the Treasury. Now, if we have the authority to appropriate in both cases, have we not the authority to say we appropriate out of money in the Treasury and at the same time say that we appropriate sufficient out of the tribal funds to reimburse the Treasury for the money advanced?

Mr. WALSH. Mr. Chairman, if we had authority to appropriate from the tribal funds in this particular instance, the contention of the gentleman from Illinois would be correct; but it is my contention that the Committee on Appropriations has no authority to appropriate from the tribal funds for this particular purpose. This is for a specific purpose, to be used in a certain way under certain conditions. Now, while they may have authority to appropriate out of the Treasury to relieve destitution among the Indians, the jurisdiction which has been given to the Committee on Appropriations, as I recall it, does not confer the jurisdiction upon them to appropriate solely from tribal funds for this specific purpose.

Mr. CARTER. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. CARTER. Prior to 1916 the Secretary had the privilege of using tribal funds without appropriation. Congress had no supervision over them except he was required to make a report of the expenditure of the funds after the appropriation had been made. The Indian appropriation act passed in 1916 took that power away from the Secretary, and it is provided that thereafter no expenditures should be made from the tribal funds without a specific appropriation by Congress. Now, the Secretary having had the right prior to that to use the funds without appropriation, this limitation passed in 1916 did not take away from Congress the right to appropriate it because it said that the funds should not be used without specific appropriation by Congress.

Mr. WALSH. In 1916 the legislative committee of the House, the Committee on Indian Affairs, made the appropriation.

Mr. CRAMTON. If the gentleman is interested in the language of the act referred to by the gentleman from Oklahoma I can give it to him.

Mr. WALSH. Perhaps it will have some bearing on the point of order.

Mr. CRAMTON. The Indian appropriation bill for the year ending June 30, 1917, contained section 27, which I will read in part. It provides that—

On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from all tribal funds of Indians for the ensuing fiscal year—

And so forth.

Provided, That thereafter no money shall be expended from the Indian tribal funds without specific appropriation by Congress, except as follows: Equalization of allotments—

And so forth.

It can not be spent without specific appropriation by Congress.

Mr. WALSH. That disposes of the contention I have been making, and I do not care to press the point of order further.

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is out of order because it contains legislation unauthorized on an appropriation bill. I call the chairman's attention to this language, which is legislation:

Provided, That where able-bodied Indians have no means of support this appropriation may be used to pay such Indians for work in construction of the roads and other improvements on the reservation.

I submit that there is no law authorizing the appropriation.

Mr. CRAMTON. Mr. Chairman, I understand the gentleman's point of order is based on the proviso authorizing the appropriation to be used to pay the Indians for work performed in the construction of roads, and so forth. I assume that the gentleman would not have questioned an appropriation for \$100,000 for building roads on certain reservations, the work to be performed by the Indians. Congress has the right to make such an appropriation, and the committee had the authority to recommend such an appropriation in this particular bill. It happens that instead of an outright appropriation for a specific amount of money this indefinite amount within \$100,000, any portion of \$100,000, can be used for building the roads, and in building those roads as a matter of economy instead of giving free rations the money may be spent in hiring Indians who are able-bodied to work on the roads.

The CHAIRMAN. The point of order is urged to the language read by the gentleman from Texas, as follows:

Provided, That where able-bodied Indians have no means of support this appropriation may be used to pay such Indians for work performed in the construction of roads or other improvements on a reservation, or for the purchase of necessary seeds and implements to enable them to cultivate their farms.

Under the ordinary rules, it would seem to the Chair that the Committee on Appropriations had the right to put such limitation on the use of the appropriation as it desired, or if it did not desire to limit the use of it, to explain the purposes for which it should be used. In addition to that the Chair is of opinion that the act of November 2, 1921, entitled "An act authorizing the appropriation and expenditures for the administration of Indian affairs, and for other purposes," plainly gives the Appropriations Committee the right to appropriate for the purposes involved in this language.

That act provides in part:

That the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

Under the provisions just quoted the Committee on Appropriations was authorized to make direct appropriations for the purposes mentioned in the proviso. Thus, whether this proviso be treated as a limitation, an explanatory provision, or an appropriation, it was in order as a part of the original bill, and, in the opinion of the Chair, is proper as an amendment.

The Chair is of opinion that the language is not subject to the objection urged, and the point of order is overruled.

Mr. CRAMTON. Mr. Chairman, I desire to offer an amendment to the amendment which is pending. I move to amend the pending amendment by inserting the provisos formerly in the amendment which were omitted.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Amend the amendment by inserting after the word "farm," following the first proviso of the pending amendment, the following:

Provided further, That no part of this appropriation shall be used for the purchase of food, clothing, or other supplies that can be furnished by the War or Navy Departments or by the United States Shipping Board from surplus stock in time to meet the present emergency, and the War and Navy Departments and the United States Shipping Board shall, upon receipt of formal request therefor, and without charge, turn over to the Indian Service at the point of storage any such surplus food, clothing, or other supplies: *And provided further*, That a sum equal to the total value of all supplies furnished by the governmental agencies shall be reserved from the appropriation made herein and be covered back into the Treasury."

Mr. CRAMTON. Mr. Chairman, the amendment which I have offered is the same provision with reference to the use of Government supplies which formerly appeared in the resolution when reported by the committee. Speaking first of the amendment to the amendment, the purpose of that amendment to the amendment is simply in order to secure desired economy. The Government, through the Shipping Board and the War and the Navy Departments and elsewhere, has a large amount of surplus food and clothing which, if sold at all by the Government, is sold at ridiculously low prices. The purpose of this pending amendment to the amendment is to insure that in so far as possible, instead of taking dollars out of the Treasury, we will take the surplus food and clothing and make use of them, and whatever the value of such food and stores is that are used, the dollars taken out of the Treasury will be reduced thereby. I am sure no one would object to this part of the amendment.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CHINDBLOM. Would it be necessary for the Indian Bureau distributing the surplus goods to wait for any new declaration of surplus from these departments?

Mr. CRAMTON. That would depend on circumstances. If there are surplus food supplies available that have already been declared surplus, they will not need to wait.

Mr. CHINDBLOM. If it has all been declared surplus, they will not have to wait, but if they have to wait for a new declaration of surplus, I would say that it might be some time before this appropriation is available.

Mr. CRAMTON. That is true. Of course, the amount they use will depend upon what amount is immediately available.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WALSH. Why could not this situation be taken care of by increasing the appropriation set forth in line 13 of the paragraph to \$470,000?

Mr. CRAMTON. The gentleman refers to the paragraph that has already been passed over?

Mr. WALSH. Yes.

Mr. GRAMTON. I thought of that, and it seemed at first the easier way to do it, but the difficulty lies here; This is an emergency item, and its use is limited to the current fiscal year. The paragraph the gentleman refers to is for the year 1923, and it did not seem wise to confuse the two items.

Mr. WALSH. That could be made immediately available.

Mr. CRAMTON. It is available until June 30 and not thereafter.

Mr. WALSH. Mr. Chairman, I do not desire to delay the proceedings on this amendment, except to state that I think it is unwise to embark on this proposition in this way and to appropriate in February after four or five months for an emergency that existed last August and upon which, in spite of the fact that the Commissioner of Indian Affairs has written a letter to the chairman of the subcommittee having this in charge, there seems to be grave conflict in respect to what the facts actually are in view of the statements made by the gentleman from Montana [Mr. RUPPICK] on the floor the other day. I trust that we can save \$100,000 by not accepting this amendment.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Michigan.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment as amended.

The amendment was agreed to.

The Clerk read as follows:

SUPPORT OF INDIAN SCHOOLS.

For support of Indian day and industrial schools not otherwise provided for, and other educational and industrial purposes in connection therewith, \$1,675,000: *Provided*, That not to exceed \$40,000 of this amount may be used for the support and education of deaf and dumb or blind or mentally deficient Indian children: *Provided*, That all reservation and nonreservation boarding schools, with an average attendance of less than 45 and 80 pupils, respectively, shall be discontinued on or before the beginning of the fiscal year 1923: *Provided*, That this limitation as to attendance shall not apply to the Hope Indian School for Girls at Springfield, S. Dak., which school is hereby continued. The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or nonreservation boarding schools, to the limit of the capacity of said schools: *Provided*, That all day schools with an average attendance of less than eight shall be discontinued on or before the beginning of the fiscal year 1923: *And provided further*, That all moneys appropriated for any school discontinued pursuant to this act or for other cause shall be returned immediately to the Treasury of the United States: *Provided further*, That not more than \$200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools: *And provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

Mr. GENSMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. GENSMAN: Page 26, line 17, after the figures "\$1,675,000," insert a colon and add:

"*Provided*, That \$32,000 of said sum be used in fitting and repairing the Rainy Mountain School in Oklahoma and conducting school therein."

Mr. GENSMAN. Mr. Chairman, in the discussion of this bill, being a bill making appropriation for the Department of the Interior, which takes in the Indian Office and Indian activities on the part of the Government, and in support of my amendment to appropriate the sum of \$32,000 for the Rainy Mountain School, I wish to say that had the committee familiarized themselves with the situation of this particular school, its proximity to Indians, and the facilities it gives for the education of the Indian, I am sure this appropriation would have been written in the bill. Let me call your attention to the fact that the Wichita Mountains, in which the Rainy Mountain School is located, is almost centrally located for the Indians. To the south and southwest are a number of allotments of the Comanches, on the north are the Kiowas, on the east are the Comanches and a few Apaches. Then further to the northeast are the Wichitas and affiliated bands. As a matter of fact, this school is practically in the center of their allotments. I want to call the attention of the Members to the fact that the Indian to-day is becoming more of a home-loving, home-abiding man. Years ago his tendencies were nomadic, but he is rapidly becoming a home-loving citizen. He does not like to send his children a long way from home to attend school, like the white man; he loves his family and takes a great pride in his children; he desires that they attend either a public school or a Government school, where he can go to see them once a week. The Rainy Mountain is an old institution and has been of great service to the Indian and has aided greatly to his advancement and general betterment. The effect of the school is very obvious even to the casual observer. It has been the pride of the Indians in that vicinity. They have learned to love it and appreciate its effects, so apparent to the

Indians who come daily in contact with former students. The buildings are intact, and with a very little repair could be made what it was in days gone by—a beautiful school surrounded by acres of land adapted to agriculture and, above all, surrounded by beautiful mountain scenery and a place where teachers, as well as pupils, can enjoy their work. We preach upon the floor of this House the necessity of bringing the Indian to the ways of the white man, that he should be taught to lay down the bow and arrow and take up the plow. I have closely observed the Indian for the last 20 years and I say to the Members of this House that the Indian has done more toward learning the white man's way, he has done more for himself in that regard, the members of the various tribes, the headmen and chiefs, the Indian preacher, have done more to civilize Indians than has the white man. In the Indian the Government has a most studious pupil, apt and willing and anxious to learn, using every facility to learn the ways of his white brother. I insist that he is more anxious to learn than we are to teach him.

The Indians have called upon me on numerous occasions to use my influence to restore to them the Rainy Mountain School. Twenty or more came to Washington, and a part of their mission was to get an appropriation for this school. It was one of the early Indian schools of the country, and they have always appreciated it. The southwestern Indian in Oklahoma lives to some extent in the past; he remembers the great benefit derived from the Rainy Mountain School. In talking to the younger men of his tribe, he realizes its benefits. It is located away from city or town, the bad effects of which are not felt by the student; he looks upon it as the only place where he feels that his child will be safe and entirely under the control or supervision of the Government. The Indian has implicit confidence in the White Father.

The other day the House appropriated quite a sum for the benefit of certain needy European people. I insist that charity begins at home; the appropriation of that money was over my protest and vote, and I know that I am voicing the sentiment of nearly every man in Oklahoma when I say we owe more to the Indian than we do to the inhabitants of any foreign country. I have talked this over with a number of the Members of the House; I have done everything I can to familiarize my colleagues with the real Indian and his ways, his needs, and his wants. The amount asked for is not great; in fact, it is meager, and I hope that the Members see fit to make this appropriation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GENSMAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on this subject.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Chairman, the committee appreciates the interest and the very intelligent interest of the gentleman from Oklahoma in all these matters affecting the Indians and the Indians particularly of his State. However, the committee did not feel they could accept an amendment for the restoration of the Rainy Mountain Boarding School. I will call the attention of the committee to the fact there are about 230 schools now provided for in this school item. The question of education of the Indian children is a great problem and especially the discontinuance and reestablishment of boarding schools along the lines of particular policies is a very important question which I question whether the Committee of the Whole on the state of the Union has general information to warrant their acting upon an amendment such as the gentleman has offered, and I hope that the administration of the Indian Service will not be embarrassed by an amendment of that character.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRAMTON. Certainly.

Mr. MANN. How long since this school has been in existence?

Mr. CRAMTON. Perhaps the gentleman from Oklahoma can state that better than I.

Mr. GENSMAN. Well, I can not state just exactly how long it has been in existence, but I know—

Mr. MANN. How long since it has been in operation?

Mr. GENSMAN. Just a short time. It was discontinued some little time back, probably a year or so.

Mr. MANN. Why was it discontinued, may I ask?

Mr. GENSMAN. I think the thought at that time was that the Indian would become a white man, of course that is the underlying principle, quicker if the children were sent to the white man's school.

Mr. MANN. Was this discontinued because of the reduced number of pupils?

Mr. GENSMAN. I am not quite sure, because in the immediate vicinity, to my certain knowledge there were 500 or 600 Indians within school age.

Mr. CRAMTON. It was not discontinued within the last year; I am not advised further back than that.

Mr. MANN. That limitation has been in existence several years, and a great many schools were discontinued because the number of pupils was so reduced that the schools were not authorized.

Mr. GENSMAN. I am sure that is not the case in this particular instance.

Mr. MANN. If there were any other Indian schools discontinued in recent years I would like to know.

Mr. CRAMTON. Of course, in reference to the gentleman's statement that it is better for these children to be kept at home with their own people rather than to take them away to boarding schools, the gentleman's amendment removes in many cases children who are now in day schools, living at home, who would be taken to a boarding school away from home.

Mr. GENSMAN. It is not what is ordinarily known as a boarding school. It is a boarding school in a way, but the Indians live right around there, 15, 20, and 40 miles. If the child gets sick—

Mr. CRAMTON. It is to have a boarding school and take to it those who are now in day schools and living at home.

Mr. GENSMAN. It is to take to it such Indians in the country who are really, as a matter of fact, getting no education at all. Some go to school at 15 cents a day, and the school-teacher pays no attention to them. It is the policy to make the Indian a white man as fast as possible, but some of them have no place to go.

Mr. CARTER. Mr. Chairman, the policy of the Indian Bureau and the policy of Congress has been ever since I have been here to merge the Indian children into public schools of a State just as fast as that could be done. The suspension of this school was an act in pursuance of that policy. The Rainy Mountain School is a school down in the Kiowa, Comanche, and Apache country, and was closed about two or three years ago. It was closed for the reason that the attendance had run down and the school has needed to be repaired. The capacity of the school was 165 pupils, and at the time it was closed there were only 110 in attendance. The children who went to that formerly have been placed in the State public schools and in other boarding and Indian day schools in pursuance of the policy which I have just suggested. My information is that it will cost from \$30,000 to \$40,000 to repair these buildings so they will be in condition so that the school can be operated. And that is one reason why the school was suspended. I am advised by the Commissioner of Indian Affairs that no children have suffered on account of the suspension of this school, and that they are all continuing in attendance at school, either in the State public schools or in the Indian day and boarding schools.

Now, I am sorry to differ with my friend from Oklahoma [Mr. GENSMAN], because he is such a likeable fellow that one always wants to do what he wants done, and I always take pleasure, as he knows, in helping him with every meritorious case he has, and sometimes I am willing to stretch the word "meritorious" a little. But in such a case as this, where the reasons for the suspension of the school are so strong, and where the repairs necessary would be so large before the school could be opened up, and where the recommendation of the bureau is so strong for the suspension of the school I can not afford to follow him. My friend from Oklahoma knows that that country, down among Kiowas and Comanches, is one of the most beautiful countries there is in the United States. It is true we have had a few droughts there in the last few years, but the lands are fine, and the country is very thickly settled, and it is as well supplied with schools, I dare say, as almost any other section of these United States. Therefore I can not see the necessity for continuing this school, especially after the recommendation of the Interior Department that it should be discontinued.

Mr. GENSMAN. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes; I yield to my friend.

Mr. GENSMAN. I will say to the gentleman from Oklahoma that I appreciate the nice things he has said about me, but I would prefer that he would give some of those nice things to the Indians rather than hand the stuff to me. [Laughter.] I am interested in the Indians, and I know the gentleman is. I believe I know the situation out at the Rainy Mountain School better than he does, in view of the fact that he lives among the Five Civilized Tribes and has been associated with them while I live with the blanket Indians. I know they do not talk like the white man; they are not taught like the white men. It is true they go to the white man's school, but take a little Indian that can not talk English and send him to school, and his associates and the children themselves know that it is a fact that he is not wanted there by the children, and he is not wanted there by the school-teacher, and he is not wanted there by the

patrons, because the patrons know that he is paying only 15 cents a day to the school.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GENSMAN. It is a fact that they discontinued the school for the purpose of getting these children over into the white man's school, but as my colleague from Oklahoma [Mr. CARTER] says, the capacity of that school was 165, and at the time it was discontinued they admitted 110.

Mr. CARTER. That was only about 66 per cent attendance. That is very small. That in itself ought to justify the discontinuance of the school.

Mr. GENSMAN. I do not agree with the gentleman's arithmetic.

Mr. CARTER. There is not much difference. If the gentleman figures it out he will find it is about 65 per cent.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield.

Mr. WALSH. The gentleman from Oklahoma or somebody stated that somebody had paid 15 cents a day for schooling these Indian children. Who gets that 15 cents?

Mr. CARTER. That is paid for the Indian child going to the State public school. The State public school fund gets that.

Mr. WALSH. Fifteen cents a day for the education of a child?

Mr. GENSMAN. And then does not pay any attention to them.

Mr. CARTER. I do not agree with the gentleman that they do not pay any attention to them. My observation with reference to the Indian children in the public schools is that they really pay a little more attention to those children than to the white children, because they need a little bit more attention.

Now, what the gentleman from Oklahoma has said about a full-blood Indian child not speaking English, not being able to qualify for the white man's public school, has some truth in it, but the gentleman himself will admit—and he is better acquainted with these Indians himself than I am, as he lives right among them, although I lived among them at one time—but the gentleman knows quite well that only a minority of these children when they reach school age do not speak English. The majority of them speak English, so that the majority are placed in the State public schools, and the minority still have the privilege of going to the day schools and the other boarding schools, which the bureau advises me have full capacity to take care of them.

Mr. GENSMAN. Does the gentleman mean to contend that the little Kiowas, Apaches, and Comanches at the age of 6 or 7 or 8 years are able to speak English?

Mr. CARTER. I do not know whether those children at the age of 6 or 7 or 8 are able to speak English, but at the time they reach 10 or 12 years the majority of them speak English. And there should be no discussion over that, anyway, because the Indian Commissioner says that he has ample facilities to take care of all those that do not speak English in the other Indian schools in the Kiowa and Comanche country.

Now, I know what it means to a man to have one of these schools knocked out in his section of country. A lot of demands are made upon him by the people for the continuation of the school. They had 25 or 30 of them in my district when I first came to Congress. Now they have only 3. They have gradually reduced the number. But not one of those was suspended without pressure being brought to bear upon me to have them continued. When those influences were brought to bear on me I sought to have them continued, but it was not long before I saw the uselessness of it, not only here but the uselessness of it in Oklahoma, where the children could be taken care of at other Indian schools and public schools. I do not want to do the gentleman or his district any damage. But the best place in the world to educate an Indian child, in my opinion, when he learns to speak English, is in the public school, where he gets the association of the white children. That is the adopted policy.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. FRENCH. I want to get the gentleman's idea. Does the gentleman believe in the policy of discontinuing these schools? In the gentleman's own district was it not a wise policy?

Mr. CARTER. There is not a particle of doubt about it.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. CARTER. The Indians have gone into the public schools. Some of the non-English-speaking Indians from the mountain districts among the Choctaws have gone into the public schools, have learned to speak English, have made as good progress as the white children, and are doing much better than they did in the old Indian schools.

Mr. GENSMAN. To what tribe does the gentleman refer?

Mr. CARTER. The gentleman from Idaho [Mr. FRENCH] was asking me about my district.

Mr. FRENCH. Mr. Chairman, there is one other point to which I wish to refer. It has been mentioned that there is an allowance made of 15 cents a day for these children in the public schools. That is equivalent to \$75 a month for 20 pupils.

Mr. CARTER. Yes.

Mr. FRENCH. Is not that a rather reasonable amount?

Mr. CARTER. My recollection was that it was 12 cents a day, but if the gentleman from Oklahoma [Mr. GENSMAN] says it is 15 cents a day, I accept that statement. I think Mr. Meyer testified before the committee that it was 10 cents a day.

Mr. FRENCH. At 10 cents a day it would be \$50 a month for 20 children, which I think is a rather full allowance in comparison with the amount which we allow for white children in the public schools.

Mr. CARTER. That is true, but, on the other hand, the gentleman must remember that each of these Indian children has the advantage of daily association with the white children in the school, and each Indian child has the chance to emulate what the white children are doing and to learn a great many things from the white children that he would not learn in the Indian school.

Mr. GENSMAN. The gentleman does not mean to tell the committee that you can take \$50 a month, without a schoolhouse or without any investment or without any school-teacher or anything, and give 20 children any school facilities?

Mr. CARTER. That is a controversy between the gentleman from Idaho and the gentleman from Oklahoma which I do not care to have taken out of my time and which has no connection with this matter.

Mr. GENSMAN. The gentleman said they could get along with it. I do not want that impression left on the committee.

Mr. CARTER. If I said that, I did not intend to say it. I do not think so.

Mr. GENSMAN. I did not think the gentleman meant that and I do not want the committee to understand that.

Mr. FRENCH. Mr. Chairman, I want to say further that I do not understand that that \$50 a month for 20 pupils, or if the daily rate is the higher rate which the gentleman from Oklahoma [Mr. GENSMAN] suggests, that \$75 a month for 20 pupils includes construction of school buildings, but is rather for the maintenance of the teaching force, heating, and other current expenses.

Mr. CARTER. That is the pupils' contribution to the school. You may call it overhead or maintenance for the buildings or whatever you want to, but that is the only part he contributes, going to this particular school.

Now, Mr. Chairman, just one word and then I am through. If you continue this school, you must not only make the appropriation requested by the gentleman's amendment, but in addition to that you must provide an appropriation of \$30,000 to \$40,000 for improvements on the school buildings so that they will be habitable, if the word of the Commissioner of Indian Affairs can be taken at par, and in the past I have usually learned to take his statements at par.

Mr. CRAMTON. And in addition to that, since this item is for a certain number of schools, if we instruct them to reopen the one that has been closed, they must close one that is now open.

Mr. CARTER. And not only that, but it opens up a Pandora's box of troubles concerning this system which will never end.

Mr. GENSMAN. Mr. Chairman, I ask unanimous consent to address the committee for two minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to address the committee for two minutes. Is there objection?

There was no objection.

Mr. GENSMAN. Mr. Chairman, I dislike to take up any further time, but I have been charged here with trying to keep a school in my district for personal reasons. I am not trying to keep from losing this school; it was lost to the Indians during the term of office of my predecessor, Scott Ferris. I am trying to get back for these Indians something that was lost. I say candidly to you that not a single white man has written me concerning this Rainy Mountain School or talked to me about it. Nobody except the Indians has talked to me on the subject. It

is not a political proposition with me. These Indians do not vote. It is not a matter of personal interest to me except that I want to give these Indians the best service I have in me. I think this Congress wants to give the Indians the best opportunities that the Government can afford to see that their children become the same as the white men just as soon as they can. There is not a bit of politics in it in the world. I recognize the fact that the Committee on Appropriations may not want this amendment tacked onto their bill, and you will notice that they jumped on me at the first opportunity that presented itself. They have brought in this bill and they ought to stand by it; but the proposition is this: These Indians are entitled to something. We took that country away from them. The Indian thinks just as much of his child as you think of yours.

Mr. CARTER. Will the gentleman yield?

Mr. GENSMAN. In a moment, when I finish this statement. The Indians think just as much of their children as you gentlemen here think of yours. They do not want their children sent away to some of these schools and perhaps get sick and die without their knowing anything about it. They want to be in a position so that when these children are sent to school they can go there and see them when they are sick, and can see how they are getting along, and once in a while go and visit them. They have the same feeling for their children that you have for yours. I have asked for only \$32,000. That will repair the school and start it up and get it on its feet again, and if you do that I think you will better conserve the interests of the Indians; and I understand that is the prime object of this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. GENSMAN].

The question being taken, on a division [demanded by Mr. GENSMAN] there were—ayes 19, noes 24.

Accordingly the amendment was rejected.

Mr. WILLIAMSON. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee whether or not this proviso—

Provided, That all day schools with an average attendance of less than eight shall be discontinued on or before the beginning of the fiscal year 1923—

will be so enforced as to discontinue the Indian schools now in existence before the end of the school year? In my district we have quite a lot of schools where the attendance is comparatively small, and the language carried in the bill would authorize their discontinuance at any time, and if it is done before the end of the school year their course of study would be disrupted and they will not be in a position to go into a district school and take up the work there to advantage.

Mr. CRAMTON. I will say that the language in question is the same language that occurs in the current bill. I assume that whenever they have dropped below the required number they have been discontinued, but only at the end of the school year. For instance, the school year ends in May or June, and this provision will require the discontinuance "on or before" the 1st of July. I assume that due consideration will be given to the matter, as the gentleman suggests. In fact, the language of the bill is the same as in the current law.

Mr. WILLIAMSON. I think the practice has been to close the schools at the end of the school year.

Mr. CRAMTON. I dare say that is true.

Mr. WILLIAMSON. I am not familiar with the language in former bills, and I wondered whether these schools would be closed before the end of the school year. If the language is the same as the old bill and it is construed and carried out in the same manner, I have no objection to it.

Mr. CRAMTON. The language of the proviso seems to contemplate that that is so, because it says "shall be discontinued on or before the beginning of the fiscal year 1923."

The Clerk read as follows:

INDUSTRIAL WORK AND CARE OF TIMBER.

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, \$375,000, of which sum not less than \$50,000 shall be used for the employment of field matrons: *Provided, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: Provided further, That not to exceed \$12,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits: Provided also, That the amounts paid to matrons, foresters,*

farmers, physicians, nurses, and other hospital employees, and stockmen provided for in this act shall not be included within the limitations on salaries and compensation of employees contained in the act of August 24, 1912.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I want to ask the chairman a question. Mr. Meritt in the hearings says that it is necessary to have a number of timber cruisers and inspectors for the reason that they are selling a good deal of timber in recent years and it necessitates the employment of a number of people in the work, so that we are sure that the Indians will get adequate prices and compensation for all timber sold. I would like to ask the chairman how much timber is being sold on the Indian reservations and what becomes of that money?

Mr. CRAMTON. I will say in answer to the first question that I have not the data at hand, but if the timber is on an Indian reservation and is sold, the proceeds will go into the tribal fund.

Mr. SNELL. Does the gentleman know anything about the relative amount of the sales each year, except what is stated in the hearings?

Mr. CRAMTON. I think that is all, but I dare say that in the report of the Commissioner on Indian Affairs there will be a statement.

Mr. SNELL. Why should not the amount of money necessary to pay inspectors of timber come out of the funds received from the sales?

Mr. CRAMTON. I suppose that could be done.

Mr. SNELL. Is it not only fair that it should be done?

Mr. CRAMTON. The result would probably be the same. The Indians are selling timber and the money goes into the tribal fund. Then when we make an appropriation for the benefit of the Indians who have funds to their credit held in trust by the Federal Government, such appropriation is made reimbursable out of these tribal funds. So that with one or two exceptions, like the Osages—and there are very few exceptions—the tribal funds are not very great. In the matter the gentleman speaks of there might be a good deal of bookkeeping involved, but in the long run where the tribal funds are used for the benefit of the Indians it amounts to the same thing.

Mr. SNELL. I hear it stated frequently on the floor that it does not make any difference how big the appropriation is or how little, it comes out of the tribal fund. So that is all talk, is it?

Mr. CRAMTON. We are not dealing with that under the particular item before us, but if the Indians have a tribal fund to their credit the appropriation comes out of the tribal fund.

Mr. SNELL. If we spend money taking care of the tribal funds, it seems to me that in a matter of this kind it should be reimbursable from the tribal fund.

Mr. CRAMTON. I imagine that the amount involved in this would be a negligible amount.

Mr. SNELL. A hundred thousand dollars for cruisers and inspectors. Mr. Meritt says that that is why he needs a large number, because it takes a large number, and it seems to me that it ought to be reimbursable.

Mr. COLTON. Mr. Chairman, I move to strike out the last word. I arose to speak along the line upon which the gentleman from New York [Mr. SNELL] has just spoken. At the beginning of this paragraph, at page 29, it reads:

For the purpose of preserving living and growing timber on Indian reservations and allotments and to educate Indians in the proper care of forests.

I am wondering whether the committee has any information relative to the amount of money that is being paid for preserving living and growing timber. I might make a short statement in respect to a situation with which I am familiar. In the Uintah Indian Reservation at the time it was opened for settlement in 1905, 250,000 acres were set apart as Indian grazing lands. A large part of that land is covered with a thick growth of what is commonly called scrub cedar. There are thousands of cords of wood on these lands that will really go to waste. Since 1908 the settlers who homesteaded lands in that country have been permitted to go into these cedars and get what wood they wanted from the dead and down timber. Recently, within the last six months, the department has adopted the policy of charging them 50 cents a load for the wood. I am not speaking against the amount, but I am simply saying that I am against the principle. The wood is going to waste. The people have no other source of fuel, except coal from mines a long distance from their homes, and surely a charge of 50 cents a load would not pay the expense involved in making and collecting the charge. I think the charge ought to be done away with entirely. If the wood will go to waste, as I believe much of it will, why not let the settlers have it? Has the committee any information

as to the manner the money is being expended for preserving living and growing timber? I appreciate that in this locality to which I refer there is some cutting of fence posts by the settlers. They have a value, but only the living timber is cut for the posts. This charge that is being collected is for the timber that is going to waste, which will never be used, or at least a great part of it never will. I am against the principle of the thing entirely. As I say, I am not arguing that the fee ought to be increased, because I think it ought to be abolished. The people are opposed to it. The wood is going to waste. They have been allowed to use it since 1908, and now the department is collecting this small fee—certainly not enough, as I say, to pay for the charge of collecting it. It must cost considerable to check on the people who go from 6 to 25 miles to get the wood. Is that an illustration of how the money is being spent for preserving living and growing timber? If it is, it is being spent for the purpose of watching the settlers who may go and get dead and decayed timber, that will go to waste unless they are permitted to use it. It can not be disputed that the supply of wood far exceeds any use that will be made of it for a long time to come.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. CRAMTON. What the gentleman desires is legislation permitting the use of the dead timber by the people adjacent to the Indian reservation?

Mr. COLTON. Well, that may be necessary, but I think not. I am just wondering by what authority the charge I referred to is being made.

Mr. CRAMTON. I can not answer the gentleman definitely as to that. The statement of the bureau is that this amount, which is something less than \$100,000 for the purpose of preserving the living and growing timber, and so forth, is to support the general forestry activities in the Indian reservations, where there is timber amounting in value to \$100,000,000.

Mr. COLTON. Has the gentleman any detailed information as to what is being done along that line?

Mr. CRAMTON. I have no detailed information. There is no information before the committee on the particular thing the gentleman speaks of. What the gentleman does desire, I think, is legislative in its character, which, of course, could not be done in this bill.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I want to inquire of the chairman of the committee the purpose of the first proviso, excepting from the provisions of the paragraph the Menominee Indian Reservation, so far as timber is concerned. I would inquire particularly with respect to the status of the Government plant at Neopit, on the Menominee Indian Reservation.

Some years ago the Government launched into the policy of attempting to occupy the Indians by giving them employment in a large lumber manufacturing camp and expended something like \$2,000,000 of the trust funds of the Menominee Indians. This was during the régime when it was popular to spend moneys rather extravagantly in the development of forestry and the like. The Government built very extensive highways, and a railroad on the Menominee Indian Reservation. Can the gentleman inform the committee whether that plant is now in operation, and what its success has been so far as the last report is concerned?

Mr. CRAMTON. The language in the bill to which the gentleman refers is a continuation of language heretofore carried. The committee has no information as to the plant to which the gentleman refers.

Mr. STAFFORD. Some years ago it was my privilege to be a member of the so-called Mann Committee on Pulp and Paper Investigation. I had the privilege, in company with the distinguished gentleman from Illinois [Mr. MANN], of visiting this Indian reservation, just as the lumber mill was about to be started. We then saw the policy of the Government in constructing branch railroads under the forestry division. It was building them as if they were on a par with a trunk line running through the most thickly populated portion of the country.

At that time the representatives of the Menominee Indians protested against the use of the \$2,000,000 of their funds in a venture by the Government which subsequently proved to be more or less of an extravagant luxury. It is a matter of some concern to me by reason of the visit, although it is a couple of hundred miles from my home district. I wanted to know about the status of the plant, as to whether the money of the trust funds of the Menominee Indians is still being wasted in that way?

Mr. CRAMTON. If the gentleman will yield, he will note that the language in the bill referring to the Menominee Indian

Reservation simply is a provision eliminating that reservation from the provisions of this section as to timber, so that this item has nothing to do with timber on that reservation.

Mr. STAFFORD. The exception is for that purpose, so that the Government may continue to operate the lumber mill on the Menominee Indian Reservation. That is the purpose of the exception.

Mr. CRAMTON. Well, this exception of itself would not authorize—

Mr. STAFFORD. No; but there is a provision later on, I assume, that does authorize the continuance of the lumber mill. I am sorry the gentleman has not the information, which would be exceedingly interesting to the Menominee Indians—

Mr. MANN. That is not carried on an appropriation bill.

Mr. STAFFORD (continuing). And the people of Wisconsin and the people in general. I withdraw the pro forma amendment.

The Clerk read as follows:

PAY OF INDIAN POLICE.

For pay of Indian police, including chiefs of police at not to exceed \$50 per month each and privates at not to exceed \$30 per month each, to be employed in maintaining order, for purchase of equipments and supplies, and for rations for policemen at nonration agencies, \$140,000.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. The Committee on Appropriations has reduced this appropriation for the pay of Indian police to \$140,000. The amount carried last year was \$150,000 and the appropriation for the fiscal year ended June 30, 1921, was \$200,000. I presume the cut was made because the Indian Bureau did not ask for more.

Mr. CRAMTON. That is the primary reason, I will say to the gentleman.

Mr. HAYDEN. So far as my State is concerned, more money should be spent for the pay of Indian police. First, because they are particularly needed on most of the reservations to aid in gathering up the Indian children and placing them in school. Then there is an acute situation on the Moqui Indian Reservation, where an increase in the Indian police force is absolutely necessary. The Hopi Indians, residing on that reservation, are surrounded by Navajos, who have driven them up into the rocks and have taken away a large part of their grazing lands.

The conditions of which I speak have been investigated and reported upon time and again. The present Indian agent and his predecessor have both recommended that a squadron of Cavalry be permanently stationed on this reservation to maintain respect for law and order. Recently Gen. Hugh L. Scott, former Chief of Staff of the Army, looked into the situation for the second time. In 1911 President Taft sent the general out to the Navajo country, and he then recommended that 25 Indian policemen be appointed for duty on the Moqui Reservation. Instead of 25 Indian police but 8 poorly paid men were appointed, and that number has been recently reduced to 6, which is a totally inadequate force to restrain the Navajos and make them respect the rights of the other Indians.

I very much regret that the Committee on Appropriations reduced this amount. It can be made an excuse for doing nothing in what Gen. Scott declares to be a very serious situation. Yet I can not consistently criticize the committee for not appropriating money that the bureau has not requested. But it is incumbent upon the bureau in this particular instance to provide an adequate police force, out of any funds that may be available, to prevent the Hopis from being intimidated and having their rights trampled upon by the Navajo Indians.

Mr. CRAMTON. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. CRAMTON. The information given the committee was that it was not proposed to reduce the number of these police even if the item is reduced as indicated. The item includes salary and other expenses, and there is a reduction of \$5,000 in salary in cutting down the item. But the other \$5,000 is taken up in connection with other subjects of expenditure, such as equipment, subsistence, and so forth. It is possible and quite probable that out of the fund of \$140,000 they can make some substantial savings. Anyway, it is not the expectation of the bureau to reduce the number of men.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by printing an extract from the report recently made by Gen. Scott.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona? [After a pause.] The Chair hears none.

Mr. HAYDEN. Gen. Scott says:

The Hopi live in villages on top of high mesas, and some of their houses antedate the landing of Columbus. Their villages are strongholds which they built to escape the inroads of the Ute and Navajo. They are an inoffensive, peace-loving people. Their little farms lie in

the valleys, and, unlike the Navajos, they bring in their cattle and sheep to corrals near the villages. They are a people of fixed habitation, whereas the Navajo are seminomadic, following their flocks and herds through miles of country.

This whole land is semiarid and a large portion of it is absolute desert. The Navajo are aggressive and independent. There is no doubt that the majority of these on the Moqui Reservation have come in from all sides with a deliberate purpose of taking the grazing lands, which rightfully belong to the Hopi. When a Navajo sees a Hopi with anything he wants he takes it and there is no recourse. If a Hopi is using grazing land which the Navajo wants, he will drive the Hopi off, scatter his stock, and force him to draw back to the narrow area adjacent to the Hopi villages. The Hopi declares that the Navajo steal their stock and run them off to other parts of the country and sell them, and if a Hopi has horses running in their neighborhood the Navajo will rope them, use them all day to round up their own stock, and then turn them loose, thus saving their own horses.

For years this preventable situation has continued. In 1911 I was sent by President Taft to Keams Canyon with troops to enforce some regulations of the Indian Office. I then found the Navajos encroaching on Hopi land and mistreating the Hopi Indians. The agent at the time was given but three policemen, too poorly paid to attract the right men with which to maintain order on a reservation which has the area of an empire. I then recommended that he be given 25 well-paid policemen with a white chief. The number was increased to eight without change of compensation, which number has lately been reduced to six.

This statement is enough to show the absurdity of any expectation that the superintendent can keep order. The reply to my question as to whether orders were obeyed was that "orders were not sent out, as they were not respected or can not be enforced." The superintendent consequently is powerless to maintain the dignity of his office, with the result that the authority and dignity of the Indian Office and of the United States are made a mock of over a large section of Arizona.

The Hopi looks in vain to the department for protection, for although aware of this condition for many years the Government has continued to neglect its duty in providing a remedy. There were, undoubtedly, a few Navajos living on this land before the reservation was set apart for the Hopi, who had some rights of occupancy, but the many Navajos who have come in since, in defiance of orders, should be put off and kept off the Hopi Reservation by force and the Hopi protected in their rights.

The superintendent maintains he should have a squadron of Cavalry stationed at Keams Canyon. It might be well to have such a force present at the eviction of trespassing Navajos and for a short time after until tranquillity is restored; but the Navajo, when treated with justice, are a well-behaved people. There is, however, a large floating element from other reservations which has come in to the Keams Canyon jurisdiction which occasionally makes trouble. In my opinion a white chief with 25 well-paid police will be sufficient in ordinary times. As it is now, only six insufficiently paid policemen are allowed by the department to maintain order on 3,863 square miles. These men are paid but \$20 a month, with \$10 additional to the chief. They are all Indians. The agent is only allowed sufficient subsistence to maintain but one or two of these men. At the salary given, no Indian who is self-supporting will take the position of policeman, with the result that it is not possible to get dependable men.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For continuing the development of a water supply for the Navajo and Hopi Indians on the Moqui Reservation and the Navajo, Pueblo, Bonito, San Juan, and Western Navajo subdivisions of the Navajo Reservation in Arizona and New Mexico, \$35,000, reimbursable out of any funds of said Indians now or hereafter available.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. The Clerk has just read the last of the Arizona items relating to the Indian Service in this bill. Every member of the Committee on Indian Affairs who visited the Navajo country with me in 1920 will testify that twice \$35,000 could probably be expended during the next fiscal year in the development of an additional water supply for these Indians. But neither the Indian Service, the Bureau of the Budget, nor the President have asked for a larger sum, and I know that it would be utterly useless under such circumstances for me to offer an amendment increasing the amount. The meagerness of this appropriation is typical of a large part of the bill. The necessary money to carry on essential and important constructive work that should progress is either denied or doled out in meager dribbles.

I admit that so far as the Arizona Indian items are concerned the Committee on Appropriations has allowed every dollar asked for by the Indian Bureau, but I blame the bureau for not asking for and properly justifying larger appropriations when they should know full well that more money is absolutely needed to adequately conduct its work. Somebody lost his nerve. The "Hell and Maria" lion of the Budget roared and evidently the entire Indian Bureau trembled and took him at his word. Other bureaus said, "This may not be a roar at all, but just a bray from beneath a lion's skin," asked for what they really needed, and in many instances received it.

Mr. FRENCH. Will the gentleman yield?

Mr. HAYDEN. I yield to my friend from Idaho.

Mr. FRENCH. I wondered if the gentleman considered this. There is at the head of this very important bureau of the Government a man who for years sat in this Congress, former Representative Burke, a man who understood the temper of the Congress, a man who felt that he could come before the Congress and submit items not upon which he could compromise later, but those which he actually needed.

Mr. HAYDEN. My information is that neither the Secretary of the Interior nor the Commissioner of Indian Affairs were present in Washington at the time these estimates were prepared and submitted by the Indian Bureau to the Director of the Budget. I do not know who is responsible, but from all appearances that entire bureau was thrown into a panic by the loud and strident tones of Gen. Dawes.

During the progress of the war the Indian Office patriotically removed the skin from many of its appropriations and trimmed away much of the flesh because every cent was needed to win the victory. This year they have cut to the very bone, and now, with the aid of the Director of the Budget and the Appropriations Committee, they have chipped away pieces of the bone from this skeleton of an appropriation. But two things can result from this drastic example of alleged economy. Either there will be deficiency appropriations to maintain the Indian Service or that service will be so crippled in its field activities that it can not properly function.

The Indian Bureau has asked for no new construction whatsoever at any of the Indian schools or agencies in Arizona, yet many new buildings are absolutely needed. The appropriations for Indian irrigation projects have all been reduced, which simply means that the overhead will continue without any material increase in construction. For instance, but \$50,000 is allowed for canal construction in connection with the Florence diversion dam project on the Gila River. That appropriation should have been at least \$300,000 in order to accomplish any real results. So it goes all throughout the entire bill. I hope that next year the Indian Office will ask for what they actually need, and not be scared by any loud noise that may come out of the Budget Bureau.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. FRENCH. Mr. Chairman, I want to say a word along the line suggested by the gentleman from Arizona [Mr. HAYDEN]. The Commissioner of Indian Affairs, Mr. Burke, realized very thoroughly the condition of the country at the time he proposed his estimates and the necessity of paring down all appropriation bills to the bone, as has been said, and as the responsible head of the Indian Service he submitted to the Secretary of the Interior, and through him to the Budget Bureau, the very lowest reasonable estimates that he could make touching the expenditures that would be necessary to maintain the Indian Service for the coming fiscal year.

I want to say that Mr. Burke acted in the most sincere good faith, to such an extent, in fact, that his estimates were not pared down one dollar by the Budget Bureau itself when the officers there saw the excellent work that he had done and the good faith with which he was carrying forward the matter of making estimates. And I want to say further that the subcommittee and the full committee had profound respect for the work he had done and were generous in the consideration of the estimates he had submitted.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Certainly.

Mr. HAYDEN. I hope that nothing that I have said will be construed as any reflection upon the Commissioner of Indian Affairs, with whom I served in the House and for whom I have not only great respect but a sincere affection. But we must remember that he has been in office but a short time. And I am satisfied that when he submits his estimates and comes before your committee next year to justify them he will ask for material increases, because he will find that he can not properly conduct all of the various activities of the Indian Service in view of the drastic cuts that have been made. I hope that, having laid the foundation of confidence which he has by the good faith that he has shown, the committee will heed his requests hereafter and give him what he really needs in the future.

Mr. FRENCH. I recognize that there are many branches of the Indian Service that need financial assistance, and I hope that by another year we may go ahead and provide adequately for various projects that are highly meritorious and deserve our most generous consideration.

Mr. CRAMTON. Mr. Chairman, in view of what has been said, I ask unanimous consent to extend my remarks by inserting a letter from the Commissioner of Indian Affairs, in which he makes generous acknowledgment to those associated with him in the bureau.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

Following is the letter referred to:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, February 13, 1922.

Hon. LOUIS C. CRAMTON,
Committee on Appropriations, House of Representatives.

MY DEAR MR. CRAMTON: I want to acknowledge your complimentary comments on the estimates furnished by the Bureau of Indian Affairs in your report on the bill making appropriations for the Interior Department and in your remarks on the floor of the House.

I feel somewhat embarrassed by the personal references in what you said, as I believe that I am only incidentally entitled to the credit for the showing made in our bureau estimates. The credit is due to my very able and conscientious assistant, Mr. Meritt, and the chief clerk, law clerk, and heads of the different divisions that constitute the budget committee of the bureau. To them and their immediate associates is due largely the credit for what was accomplished, and, as before stated, as commissioner I am only incidentally entitled to any credit.

Those I have in mind and have mentioned constitute the force that is very largely responsible for what the bureau does. They are men who have had long years of experience, and of their fidelity, ability, and effort too much can not be said, and I want you to know my estimate of their loyalty. I shall hope that you may call at the bureau at your convenience, when I shall take great pleasure in having you meet the persons who constitute our budget committee, in order that you may have a greater appreciation of the value of these individuals. You have already had an opportunity on several occasions of forming an estimate of Mr. Meritt, and I want you to meet those that are directly associated with him in making up the estimates for your committee.

Assuring you again of my thanks for your reference to myself, but particularly on the part of the bureau for your words of commendation, I am,

Yours, sincerely,

CHAS. H. BURKE, Commissioner.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For support and education of 750 Indian pupils at the Sherman Institute, Riverside, Calif., including pay of superintendent, \$150,000; for general repairs and improvements, \$14,000; in all, \$164,000.

Mr. SWING. Mr. Chairman, I offer three amendments, and I ask unanimous consent that they may be considered as one amendment. Strike out, in line 21 of page 39, the words "seven hundred and fifty" and insert in lieu thereof "eight hundred," and on line 23 strike out "\$150,000" and insert "\$160,000," and on line 24 strike out "\$14,000" and "\$164,000" and insert in lieu thereof "\$30,000" and "\$190,000."

The CHAIRMAN. The gentleman from California offers certain amendments which he asks unanimous consent shall be considered as one. Is there objection?

Mr. MANN. Let the amendment be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. SWING: Page 39, line 21, after the word "of," strike out the words "seven hundred and fifty" and insert in lieu thereof "eight hundred," and on line 23 strike out "\$150,000" and insert "\$160,000," and on line 24 strike out "\$14,000" and "\$164,000" and insert in lieu thereof "\$30,000" and "\$190,000."

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SWING. Mr. Chairman, the purpose of the first two amendments is to provide support at the Sherman Institute, Riverside, Calif., of 800 Indians instead of 750 on the same per capita basis now used in the bill.

The fact is that during the last year 100 Indian boys and girls applied for admission to this institution and were refused admission because they had no place to put them or to take care of them.

It seems to me we have to consider what is the obligation which this Government has voluntarily assumed toward this dependent race. We do not have to educate any of them if we do not want to, but we have undertaken the task of helping to make of the Indian race a self-sustaining, independent people, who otherwise would continue to be forever dependent.

It seems to me that it is economy to teach the Indian boys and girls who want to acquire an education, a trade, by which they will soon become independent, self-sustaining, instead of continuing to keep them in a condition where they will forever continue to be wards of the Government and continue to be a burden on the Government. Their education should start at an age in which they can acquire and learn a trade, because when they have passed beyond that age they can never learn it.

Mr. MANN. Will the gentleman yield for a question?

Mr. SWING. Yes.

Mr. MANN. This is a boarding school?

Mr. SWING. Yes.

Mr. MANN. We have facilities for taking care of 750; have we board and facilities for the additional number proposed?

Mr. SWING. No, sir.

Mr. MANN. The gentleman does not propose the erection of any buildings there?

Mr. SWING. In the hearings Mr. Meritt, who is quite familiar with the situation, refers to an appropriation for adding sleeping porches, which will enable them to take care of the additional number. The work at this school is done entirely by the pupils. There is no repairing or any improvement done except that done by the Indian boys under the instruction of the faculty and instructors. The only thing the Government pays for is the raw material. I was there in last December with Secretary Fall, and he went over the entire situation and expressed the opinion that this school needed additional assistance in order to take care of this additional number.

In my opinion, at the Sherman Institute at Riverside, Calif., the Government gets more for a dollar than at any institution I have ever been in.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. SWING. Yes.

Mr. WILLIAMSON. Has the gentleman taken this matter up with the Commissioner of Indian Affairs?

Mr. SWING. I will submit the statement of the Indian Bureau. They state the facts as I have stated them here, but did not ask for the additional money. The responsibility is ours. If we desire not to accept it, well and good. Mr. Meritt says in the hearings:

Mr. Chairman, I would like to say that the Riverside school is one of our best nonreservation schools. It is ideally located in southern California, and draws pupils not only from California but from Arizona. If we had the money for repairs and improvements and additional construction, we could take care of probably 1,000 children in that school at a very small additional cost. But on account of the desire of the Government to reduce expenditures to the limit, we are not asking for any new construction this year, nor for any increased attendance.

Now, the fact is that 100 Indian boys and girls have applied and want to attend school, but can not attend merely because there are no facilities for them. This amendment will provide the necessary sleeping porches so that they can attend, and the sustenance to enable them to go through the school.

Mr. CRAMTON. Mr. Chairman, this school, as Mr. Meritt says in the hearings, is ranked as one of the best schools. Its attendance has been gradually increasing. In 1918 the average attendance was 541. In 1919 it was 505, in 1920 it was 640, in 1921, 732, and in December the latest information was that the actual present attendance was 798, and they were being cared for with the present equipment at the school. That is substantially the number that the gentleman from California contemplates. Now, the per capita cost was \$181, and \$181 for 800 pupils would be \$144,800, and the committee has allowed \$150,000. So that it is apparent that the appropriation proposed by the committee will take care of the number in attendance and probably the number that could be taken care of with the present buildings.

Mr. SWING. May I ask the gentleman this question: Does he know that \$181 per capita is possible because the superintendent of this school had the good business judgment to purchase before the increased cost of living a large supply of cloth and other supplies, and that it has been using those for the last few years? They have bought no cloth for the last four years, but have repaired and used the same suits over and over. I saw one suit of clothes, for instance, that had been worn by six successive Indian boys, patched and repaired and made to do in the interest of economy. Now, those supplies are exhausted and you can not figure next year a per capita cost on the basis of \$181.

Mr. CRAMTON. We hope we can, because the costs of living are going down. Now, this school that the gentleman is interested in is not in a class by itself. I will call the gentleman's attention to a very good school at Cherokee, N. C., with a small attendance, and, of course, the average per capita costs would naturally be larger, but with an average attendance of 257 the cost per capita was \$135 instead of \$181. I am told that they are doing very good work there. The gentleman will find that the average per capita cost varies in different schools—sometimes there is a good reason for it and sometimes it is not so easy to explain.

Mr. MANN. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. MANN. What does the Government supply these schools—board, teaching, quarters for how many months in the year, six, nine, or how many?

Mr. CRAMTON. My impression is that the school year which they attempt to supply is nine months.

Mr. MANN. Does the gentleman mean to say that the Government has found a method of taking a boy and keeping him

at school nine months of the year, giving him board, teacher's services, quarters, and clothing for \$135? Because, if they have made that unique discovery it ought not to be kept secret under a basket, but ought to be published to the world.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I will ask for three minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

Mr. CRAMTON. There are a number of schools where the per capita cost is less than \$200; but it should be remembered that many of these schools have adjacent lands and that the farm products and garden products that they can raise are not figured into this per capita cost. Then they seem to utilize the labor of the students to a considerable degree. Anyway, I want to call attention to the fact that the per capita cost of \$181 is a figure that the Indian Bureau believes can be maintained next year, and we have already figured on an attendance of approximately 800 that can be taken care of at that per capita cost for the amount recommended by the committee. Probably a further increase in the future in the size of that school should be contemplated, under what is said here, but the committee did not believe this to be the year when we should undertake building programs.

Mr. FRENCH. Mr. Chairman, may I suggest that in this particular school the agricultural products raised on the school grounds under the superintendency and management of the teachers of the school amounted to \$25,669 last year; and other products of the school, not agricultural in character, amounted to \$12,790, and these items will necessarily supplement the appropriations that we make. Or rather, they did supplement them last year, and some similar products will supplement the appropriations next year.

Mr. SWING. Yes; they buy leather and teach the Indian boys to make harness and then sell the harness and turn the proceeds in to help run the school.

Mr. FRENCH. But the \$25,669 of agricultural products would not be included in such an item. That would be a clear-cut addition produced by the students themselves for the support of the school.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question being taken, the amendment was rejected.

The Clerk read as follows:

For support and education of 100 Indian pupils at the Fort Bidwell Indian School, Calif., including pay of superintendent, \$24,000; for general repairs and improvements, \$4,000; in all, \$28,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 49, at the end of line 4, insert a new paragraph, as follows:

"For support and education of 100 Indian pupils at the Greenville Indian School, Calif., including pay of superintendent, \$24,000; for general repairs and improvements, \$4,000; for reconstruction of school buildings destroyed by fire on December 17, 1921, \$60,000; in all, \$88,000."

Mr. RAKER. Mr. Chairman, the Bureau of the Budget reported for the continuation of this school \$25,000 and \$5,000, and the committee cut it all out of the bill. They made no report on this school. After the Bureau of the Budget reported and the estimates had been submitted to Congress, on December 17 last fire destroyed the main building. I have a plat here which shows the buildings. There are some 28 minor buildings and you can see from the plat how they are located. No. 21 is the building that was destroyed. They have a hospital and office, a workshop, a barn, a commissary, a storehouse, and laundry buildings. There is a farm of more than 100 acres and more with a barn on it. They have their cattle. There are some one hundred and more Indians in attendance on this school. The average daily attendance is something over ninety. The nearest other place to attend would be about 200 miles and over away.

After this building was destroyed by fire some of the children were sent to the Fort Bidwell Indian School in northern California, about 200 miles away. Some were sent to Oregon, some were sent to Riverside, some were sent to Nevada; and according to the last report from the department of finance having charge of the State board of control, some of them were sent to exist on a very poor diet and a number were sent home without anything. This school has been doing splendid work. I have a number of reports in regard to it, in particular a letter

from the missionary minister living there, who is familiar with the situation. As showing the splendid work that has been done, I will read one quotation from his letter. He says:

To abandon the Government school is a crime against the Indians, a crime against the whites, and an injustice to our State, the Nation, and humanity.

He goes on to show what has been done and what is being done. The parents of these young boys and girls live within 3 to 20 miles of the school. The children go back and forth. They get results. They help build up their own conditions at home. They learn various trades and become of some value.

Mr. JOHNSON of Mississippi. What do they teach these young Indians?

Mr. RAKER. They teach them blacksmithing, they teach them laundry work, they teach them farming, and give them a general education. They have a farm at this place. They raise cows and horses. They run their own dairy. They are teaching them how to plant gardens and to plant everything that they can live on. These boys go and help out on the home farms of the Indians within 3 to 20 miles, and help their fathers and mothers. They are doing good work. Now, because of the fire it has been necessary to send some of the Indian pupils to Oregon, a thousand miles away, and some into Nevada, 900 miles away.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. May I have five minutes more? I do not want to take the time of the committee.

The CHAIRMAN. The gentleman from California asks unanimous consent that he may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. WHITE of Kansas. Will the gentleman from California yield for a question?

Mr. RAKER. I yield to the gentleman from Kansas.

Mr. WHITE of Kansas. I was struck with the statement of the gentleman which he quoted from the communication of the minister, that to abandon this school would be a crime against humanity. Did I understand the gentleman correctly when he stated that the Indians whose children are in attendance at this school are residing within from 3 to 20 miles contiguous to this school?

Mr. RAKER. Yes.

Mr. WHITE of Kansas. Will the gentleman permit another question?

Mr. RAKER. Yes.

Mr. WHITE of Kansas. It is along that line. Do I understand that sending these children to these schools so far remote separates them from their fathers and mothers during the whole period of the school year?

Mr. RAKER. Yes; that is the situation.

Mr. WHITE of Kansas. Is it contemplated that this school shall be entirely abandoned?

Mr. RAKER. I did not want to go into that question.

Mr. WHITE of Kansas. I do not want to anticipate the gentleman.

Mr. RAKER. But I shall answer it. The assistant commissioner said in his report, to my utter astonishment, that they did not intend to rebuild this school. I did not see the report and did not know that they had gone into this rebuilding until I saw the publication. In the meantime, I had been down to the Department of the Interior, to the Indian office, and while the Commissioner of Indian Affairs had answered a number of letters, I said to him, "I must, for the protection of these Indians, for their advancement, get a new building." He then told me that when I had the bill introduced to bring it down and that he would go over it, and he said that they would take no definite action against it or for it until they had an opportunity to go into it fully. I supposed that was the situation, and I know that now it is the attitude of the Commissioner of Indian Affairs, Mr. Burke, that he will not oppose, when he gets all of the facts, the rebuilding of this Indian school. I call the attention of the gentleman in addition to what he has already said to the fact that I put it at 20 miles, but I do not think it is quite as much as that. I have been through that country. I am familiar with it and have been since I was a boy. I have seen those people living on the places in the last 10 years, and I have seen the boys and girls who have come to this school go out and live with their parents. They are building nice homes; they have cattle, horses, wagons, and they have a farm. They are raising everything that the white man raises, and learning from this Indian school and having a chance to get back home.

The closest place that you can possibly put these Indians will be over 200 miles from this school up to 1,000 miles. I

know the Government does not desire to put those boys and girls in that attitude, but wants to give them an opportunity for a good education. I am satisfied that if I had had an opportunity to present all of the facts to the committee in charge of this that they would have recommended that this appropriation be made. Everybody in that county—the judge, the district attorney, the people generally; in fact, the whole community—say that that Indian school ought to be rebuilt because the Government has the amount of money invested there, and there is no better locality in the United States for Indians to go to school, climatically and otherwise, than at this Greenville institution. They have a farm there; they have water. They can learn the things of life in which they are interested and that will make them good citizens.

I trust that the committee to-day will provide sufficient appropriation to maintain the school for the next year. I sent home and got an estimate from the superintendent, and he says that with \$60,000, instead of having one building as it was for the boys and girls, he can put up two good buildings and go on with the school as it ought to be taken care of. I submit the following from those who know:

URGES INDIAN SCHOOL—MISSIONARY AT GREENVILLE OPPOSES THE IDEA OF SENDING INDIAN CHILDREN TO THE PUBLIC SCHOOLS.

GREENVILLE, PLUMAS COUNTY, January 27, 1922.

TO THE EDITOR OF THE BEE:

SIR: To rebuild or abandon; to educate the Indian children at the Government schools, or to send them to public schools? That is the question.

On December 17 last the building containing the dormitory and the study rooms at the Greenville Indian School burned to the ground, and an effort is being made by the citizens of Plumas County to have the school rebuilt and enlarged to meet the real demand as they see it. The department at Washington seems to believe it best to gradually abandon the Indian schools and send the Indian children to the public schools. This, as I see it—having spent several years as missionary at this institution—would be in many instances a menace to the whites and a great injustice to the Indians, except, possibly, to a small number of children whose parents have had the benefit of Indian schools, where proper sanitation, discipline, and some education in the various branches of farming, mechanics, housekeeping, and various other accomplishments necessary to good citizenship obtain. If the children of parents who unfortunately have not had these advantages are not surrounded by proper sanitation, proper moral and religious instruction, the latter furnished free by the various churches and societies, and taught to be studious and industrious they can never be what the Government desires them to be—cleanly, industrious, studious, law-abiding citizens.

To abandon the school is unjust to the Indians, because they are discounted by many white children and made sport of, because a boy of 17 or 18 is a mental babe in the kindergarten class, nor can the child so outclassed feel but discouraged, and being discouraged fail to do his best. It is unjust to the Indians, because they have never had real discipline such as obtained in this Government school, which discipline is a requisite to real citizenship. These children of the forest are not degenerate as a class. They have brain power and brain capacity, but are undeveloped.

In no public school in our fair land is there a higher state of morality than in the Greenville Indian School. In no school of our land can be seen a greater percentage of children who freely and sincerely have responded to a broad and liberal religious teaching, for in three years over 90 per cent of these students have been baptized and are as faithful as are whites. In no country or city school are swearing and vulgarity so uncommon as in the Greenville Indian School.

To abandon the Government schools is a crime against the Indians, a crime against the whites, and an injustice to our State, Nation, and humanity.

Let some of our charity extended to other lands be applied to the overdue education of the Indians. While our dealings with other nations has been just, generous, and righteous, what citizen can read of broken treaties and the spoliation of these people and not feel that much of our righteousness is on the outside? There are those who say that this is a waste of money; that the Indian "goes back to his blanket." That applies to a few, but to any fair-minded person who visits Indian homes the great contrast can readily be seen between those who have had some Government school advantages and those denied that right. Educate one generation of Indians and then the majority can stand on an equal plane of achievement with any other race. Some stand first in the athletic world, some in law and medicine, in mechanics and music. Educate them under proper conditions and the Indian question is forever solved.

G. W. EMIGH, Missionary.

INDIAN VALLEY RAILROAD CO.,
OFFICE OF GENERAL SUPERINTENDENT,
Pacaton, Calif., January 14, 1922.

HON. JOHN E. RAKER, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. RAKER: On the 17th of December, 1921, the United States Indian school near Greenville was destroyed by fire, and about 80 Indian children that were attending this institution have been removed, some of them going to Fort Bidwell, some to Riverside, some to Salem, Oreg., and others to Stewart, Nev.

From the best information obtainable it is my understanding that the Department of Indian Affairs has decided not to rebuild the school. The attitude of the department, I am advised, is to do away with the Indian schools and to force these Indian children to attend the public schools. There seem to be ample reasons why this practice should not be engaged in, and I shall try to set forth some of these reasons.

(1) The full bloods come from a people of rather low moral type and are otherwise unfitted to mingle with the white children. The mixed bloods, in the great majority of cases, are illegitimate children, therefore are not suitable subjects to be placed in our public schools. It could not be hoped that the full bloods could be able to compete with the white children, and the illegitimate mixed bloods could only expect

to become the butt of ridicule of the better circumstanced white children.

It would be rather absurd for us to hope that any degree of uplift would be experienced by these Indian children being thrown in contact with the white children, and, on the other hand, it seems to me that it could have but a demoralizing effect, to say the least, upon the white children.

(2) These children are charges of the Government, and at this late day I do not believe that it is a wise policy on the part of the Government to abandon them and force their tuition upon the public schools.

The training of the Indian child requires special qualifications on the part of the teachers, and, as you know, most of our public schools are taught by young and inexperienced women.

From what I can learn, this school for the past five years has turned out many graduates, and the school itself has had a splendid moral influence upon the Indians of Plumas County as well as upon those in the surrounding territory.

This Indian school has been maintained in Indian Valley for 25 years or more, about 100 children usually being in attendance. Generally speaking, these children are well behaved and cleanly. Now, would these conditions not be materially changed if these children were forced to go to the public schools for their education? I believe that this would be the result, many of them would not attend school at all.

The school, it seems to me, is ideally located from every standpoint. It would be hard to find a location more beautiful or healthful than where this school has been located, and I believe that it is a fact that under the supervision of Supt. E. K. Miller these children have been as well taken care of as any institution of its kind in the country. I believe in justness and fairness to these Indian children and their parents that before this school is abandoned every phase of the situation should be studied by the Indian Department of the Government, and I trust that you will give this matter the attention that it seems to merit, and assuring you that my sole object in bringing this matter to your attention is for the best interests of all concerned. With kind personal regards, believe me,

Very sincerely,

C. L. EATON,
General Superintendent.

INDIAN VALLEY RAILROAD CO.,
OFFICE OF GENERAL SUPERINTENDENT,
Pawton, Calif., January 25, 1922.

Hon. JOHN E. RAKER, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. RAKER: I am in receipt of your letter of January 20, in regard to the rebuilding of the Indian school at Greenville.

I understand that the California Federation of Women's Clubs have taken up this matter in earnest, and that they are bending every effort toward the rebuilding of this school.

I understand that it cost in the neighborhood of \$1,600 to transport the Indian children and their keepers from Greenville to the various schools to which they were assigned. This amount of money would have gone a long way toward fixing the buildings on the grounds, so that the children could have been kept at Greenville until an appropriation could have been made for a new building.

My letter to you of January 14 covered the matter as thoroughly as I could, and it seems to me that it is a matter of properly taking care of these Indian children and not forcing them into the public schools of California.

Yours, truly,

C. L. EATON,
General Superintendent.

STATE OF CALIFORNIA,
DEPARTMENT OF FINANCE,
Sacramento, January 26, 1922.

Hon. JOHN E. RAKER,
Congressman Second District, Washington, D. C.

MY DEAR JUDGE RAKER: This is to acknowledge receipt of your wire and also letter of January 16 concerning the care of Indian children by the Department of Indian Affairs and to thank you for same, as well as for your interest in this matter.

I herewith inclose letter from Amy D. Steinhart, Chief of the Bureau of Children's Aid, who has investigated the condition of certain children formerly cared for at the Greenville Home.

I will appreciate any information you may be able to furnish me in the future in connection with this matter.

Again thanking you, I am

Very truly, yours,

G. B. DANIELS,
Chairman State Board of Control.

STATE OF CALIFORNIA,
DEPARTMENT OF FINANCE,
Sacramento, January 26, 1922.

Hon. JOHN E. RAKER,
Congressman Second District of California,
Washington, D. C.

MY DEAR JUDGE RAKER: Mr. Daniels has submitted to this department your letter of January 16 in regard to plans of the Commissioner of Indian Affairs, Mr. Burke, for the care of Indian children. Their problem has been brought to our attention because of the request made by Greenville school that a number of the children not eligible to the institutions which you tabulate be returned to their homes. We have learned from reliable sources that many of the homes to which they have been sent are quite unfit to safeguard them and are maintained at a minimum standard of income. Our experience in work with Indian families has led us to believe that an attendance in Greenville has resulted in an appreciable improvement in the condition of children who were under its care, and there seems every indication that the gain made while at Greenville will become a loss if some plan is not speedily made for their custody. One of our informants went so far as to say that the children were reduced to the necessity of finding food by almost any method and of living on the poorest and barest diet.

You will understand, therefore, how greatly interested we are in any plans that may be made and we will appreciate it if you will keep us in touch with such progress as is made toward their consummation.

Thanking you therefore, I am,

Very sincerely, yours,

AMY D. STEINHART, Chief.

Mr. CARTER. Mr. Chairman, this school is in a somewhat similar situation to that referred to by the gentleman from Oklahoma [Mr. GENSMA], except that there is more reason

why this school should be suspended than in his case. There is the additional reason that the buildings have recently been destroyed by fire.

Mr. RAKER. Just one.

Mr. CARTER. The building. I have been advised that it will take some \$25,000 to repair those buildings and put them in shape for occupation and the continuation of the school. I just understood my friend from California to say that it would take \$60,000, so that the reasons are more than twice as potential why the amendment should not be adopted, even than those given by the Commissioner of Indian Affairs himself. There is another reason why this school ought to be discontinued, and that is that it has no railroad connection now. The railroad that once ran up into this section of the country has been discontinued.

Mr. RAKER. Oh, I hope the gentleman will not make that statement. There is the Western Pacific and its branch which goes within 3½ miles of this school, running every day.

Mr. CARTER. The Commissioner of Indian Affairs told me a few moments ago that the railroad connection had been discontinued to the school, and there was no connection with it. Of course if the gentleman from California disputes that, then I shall conclude that he knows more about it perhaps than the Commissioner of Indian Affairs, because he comes from that section of the country. However, that disposes of only one of the many reasons. As a matter of fact this school never ought to have been established in this place. It is away up in a high altitude in northern California, where the climate is cold, and the Indians ought not to have been taken up there to start with. I dare say that it would not have existed as long as it has had it not been for the effective and diligent service rendered to his constituents by the distinguished gentleman from California [Mr. RAKER]. The reasons now have disappeared completely for any continuation of this school, and I am advised by the Indian Bureau that there will be no damage done whatever to the education of the Indians, that every one of them can be taken care of in the public schools of California, at Riverside, at Portland school, and at the other schools in that section of the country.

There are abundant school facilities for Indians in California, in Arizona, in that section of the country. It is better provided with Indian schools than almost any section of the country, and if there is any place where a school can be dispensed with, it is here. I hope the committee will sustain the report of the Committee on Appropriations, notwithstanding the efforts of my very good friend from California.

Mr. MANN. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. MANN. I understood the amendment to be for the support and education of Indian pupils at this particular school, and that that is all there is to it.

Mr. CARTER. Yes.

Mr. MANN. I understand the school building has burned?

Mr. CARTER. Yes.

Mr. MANN. How can they carry on a school there on the flat ground?

Mr. CARTER. It can not be done. It is impossible until the school is replaced.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. RAKER. I have a letter here right on my desk from a man who knows, who says that these people could have been taken care of in some of those outbuildings, and there would not have been necessity for one of them to leave the school. If you will give us this appropriation to continue the school next year, and give us the \$60,000—

Mr. MANN. But that is not involved in the amendment, as I understand it.

Mr. RAKER. Oh, yes. The amendment is for the education and maintenance of the school as it has been, and \$60,000 to rebuild the school. Mr. Chairman, the gentleman from Oklahoma is so kind and so fine, but yet knows so little about California and its climate—

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. Just a moment more, Mr. Chairman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. I want to say to the gentleman that he would never make such a statement if he had lived in the Indian Valley in Greenville. It is one of the best—

Mr. CARTER. I hope the gentleman will not take up so much of my time with his question, or I will not have time to answer.

Mr. RAKER. It is one of the best agricultural sections of the State of California.

Mr. CARTER. Mr. Chairman, I have traveled considerably over the State of California, and I find there every character of climate. As a matter of fact, I was out there last spring a year ago, and while traveling about the beautiful city of Los Angeles with Mr. Will Rodgers, the noted comedian, his wife was expatiating upon the beauties of California. Rodgers said, "Oh, Charley, do not pay any attention to her. We have been here 11 months. We have talked climate, we have talked atmosphere, we have talked air, we have talked irrigation, and we are as big liars as any of them." [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, the situation as set forth in the hearings is that practically the entire school plant there has been destroyed by fire, and that statement is substantiated by the gentleman's asking \$60,000 to restore it when the old buildings were only valued at \$71,000. My judgment, from the little attention that I have been able to give to it, is that the Indians can be taken care of in other existing schools and given better education, better care, than by the restoration of this little plant. The greatest expense comes in the number of little schools, and better economy and better results can be secured in the larger schools. Now this plant has been destroyed, it seems to me a very good time to leave it closed.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. WHITE of Kansas. If the gentleman will use another moment of time, how many pupils have been in attendance at this school?

Mr. CRAMTON. About 100, and those are being taken care of at other existing schools.

Mr. WHITE of Kansas. But they are being separated from their families.

Mr. CRAMTON. They were already.

Mr. WHITE of Kansas. Their fathers and mothers are still residing in their old homes and expect to do so?

Mr. CRAMTON. I will say I do not wish the gentleman to understand that these people were all near enough that they could go home and see their families every night and morning.

Mr. WHITE of Kansas. Were they within 3 to 20 miles?

Mr. CRAMTON. I think not. They could not have been.

Mr. WHITE of Kansas. Let me ask the chairman of the committee another question. Is it the policy of the department to enter upon a policy of the centralization of these schools or not?

Mr. CRAMTON. I should hope it would be their policy to concentrate the pupils in a small number of schools, so far as boarding schools are concerned, rather than try to put all within 3 to 20 miles of their home regardless of how small the school might be. I hope they will concentrate them in schools of sufficient size that they can have the facilities that are possible when a large number of pupils are gathered together and be aroused by the spirit of emulation that is present in a large school.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the last word if that will get me some time. I am impressed with this amendment offered by the gentleman from California if the circumstances are as he has stated. I am not familiar with this subject, had no opportunity to be familiar with it, but it would seem to me that any school that provides for the instruction of 100 pupils, Indians or Americans, is of sufficient importance to warrant its maintenance and its continuation.

Mr. RAKER. Will the gentleman yield for a question?

Mr. WHITE of Kansas. In a moment. I just want to make this statement first. There is propaganda extended through this country very assiduously and energetically by papers and organizations that we shall enter upon a great Federal policy of supervision of the public schools of the United States. They are expected to go into remote localities where there is some illiteracy discovered, spend millions, yes, hundreds of millions of dollars, to eliminate and correct those conditions and reduce such illiteracy; and it would seem to me that if here are 100 pupils, contiguous to this school, within 20 miles, if there are, as stated, fathers and mothers living on land they are cultivating, where they have their homes, that it is not the most humane thing nor the soundest policy to say that we will remove those children 100 miles from their homes, scatter them out in other schools, and give them this instruction. I do not understand in detail this proposition, and do not pretend to, but it would not seem to me as a very sound public policy or that it is true economy—

Mr. RAKER. I want to answer that right there. As a Member of the House and on my word as a Member of the House, I know every trail and byroad in that country, and I say to the gentleman over 90 per cent are living in homes within 20 miles of that school.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I resist the motion to strike out the last word. According to the rosy picture painted by the gentleman from California, about how self-supporting and industrious these Indians are, does not my friend from Kansas think that they ought to be able to educate their own children at their own expense?

Mr. WHITE of Kansas. That question would be equally proper if applied to any of these schools.

Mr. MANN. Oh, no. I have never heard anybody else paint such a rosy picture about the industry of the Indians and their success as the gentleman from California painted about these.

Mr. RAKER. Mr. Chairman, will the gentleman yield for another question?

Mr. WHITE of Kansas. Let me answer. We all appreciate and understand the felicitous expressions of the gentleman from California [Mr. RAKER], his power to picture and to paint. It is almost equal to that of the Republican floor leader when he descends on the beauties of Box Elder Canyon in the State of Wyoming. [Laughter.] But really, I think even as a matter of sentiment we owe something to the Indians, and as a matter of sound public policy we owe them much, and it is only in continuance of and in conformity with the policy we are carrying out in all these Indian schools.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Kansas. If I have any time to yield, I will.

The CHAIRMAN (Mr. STAFFORD). The gentleman from Kansas has not the floor. All time has expired on this amendment. Without objection, the pro forma amendment will be withdrawn. The question is on agreeing to the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the Chair announced that the yeas appeared to have it.

Mr. RAKER. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 6, noes 20.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The appropriation for the Greenville Indian School, California, for the fiscal year 1922, is hereby made available during such fiscal year for the support of Indian day and industrial schools, including the Fort Bidwell School, California, to provide support, education, and transportation of pupils enrolled at the Greenville School at the time of its destruction by fire.

Mr. RAKER rose.

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. RAKER. I rise to ask unanimous consent to extend my remarks in the Record on the matter under discussion.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks on the matter under discussion. Is there objection?

There was no objection.

Mr. RAKER. Now, Mr. Chairman, I move to strike out the last word.

Mr. WALSH. What is the necessity of doing that? The gentleman has just gotten permission to extend his remarks.

Mr. RAKER. I want to say something further, openly and aboveboard. In response to the statement of the gentleman from Kansas [Mr. WHITE] in regard to the Indians, when he answered the question of the gentleman from Illinois [Mr. MANN], I wish to say that when the State of California was admitted into the Union under the treaty of Guadalupe-Hidalgo these Indians had large tracts of land in their possession in the State of California, and through a Government official who was sent out there 18 solemn treaties were entered into with those Indians and they put them in the Government archives and kept them there for 50 years. Now, if those Indians had been granted what was theirs by right, by treaty, when the State of California came into the Union, they would not now be here seeking consideration at the hands of the Government. They would be well provided for by what was theirs.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. CARTER. What became of the land that those Indians owned?

Mr. RAKER. The land was taken up by American citizens who went there determined to get gold, and nothing would stop them.

Mr. CARTER. And they are now citizens of the State of California?

Mr. RAKER. That makes no difference.

Mr. MANN. Does the gentleman from California claim that those treaties were ever ratified by the United States Senate?

Mr. RAKER. I did not say they were ratified.

Mr. MANN. But the gentleman left that impression—though not on me, because I knew better.

Mr. RAKER. I did not say they were ratified or that they were rejected. But it makes no difference. There was a solemn treaty entered into by the Government of the United States, through a duly authorized agent, with these Indians, and nobody knew for 50 years what was the situation of those treaties. They were kept in the secret archives until they were brought out. If these Indians had been treated properly and given what belonged to them, they would have sufficient money now to live in proper condition and in proper homes, and on their own farms.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. The gentleman, of course, is stating a very pathetic fact.

Mr. RAKER. But it is true. That is the trouble.

Mr. WALSH. Does the gentleman contend that those 15 treaties—

Mr. RAKER. Eighteen treaties—

Mr. WALSH. More or less, that were negotiated, but never ratified, should be of any more binding effect on the United States than the treaty of Versailles, which was negotiated and not ratified by the Senate?

Mr. RAKER. You know it has always been an idea of mine, in reading Blackstone and Kent, that where two people enter into an agreement there is something to be done by them, and if I comply with my part and do all that I have to do, the other side can not stand back and say they will not stand by theirs.

The Indian kept his agreement. He kept the faith and did what the treaty said he should do; and the Government, instead of fulfilling its obligation under the treaty, let all this land be taken from the Indian and did not even furnish to him the provisions or cattle or horses which it said it would do, and the Indian has been in destitute circumstances all the time and has been given only a little dole here and there from time to time.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. RAYBURN. Who was in the Senate from the State of Massachusetts when these treaties were defeated. [Laughter.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WALSH. Mr. Chairman, I rise in opposition to the motion of the gentleman from California, in order that he might answer the question propounded to him by the gentleman from Texas [Mr. RAYBURN]. I yield to the gentleman from California.

Mr. CARTER. The gentleman from Texas asked the gentleman from California who was in the Senate at that time.

Mr. RAKER. I know what the gentleman asked me. Will the Clerk turn to the books and see? Daniel Webster ought to have been.

Mr. CARTER. He means when the League of Nations treaty was negotiated.

Mr. RAYBURN. What I wanted to know was, who in the Senate at that time was the official treaty killer?

Mr. WALSH. Does the gentleman know as a matter of fact whether these treaties were ever submitted?

Mr. RAKER. Yes; they were submitted and rejected.

Mr. WALSH. And failed to get the two-thirds vote?

Mr. RAKER. Yes.

Mr. WALSH. And as a result of that the Indians went ahead and did all they were required to do, but the United States did nothing?

Mr. RAKER. Yes. Nobody seems to know what became of the treaties.

Mr. WALSH. What became of the Indians?

Mr. RAKER. A great many of them, three-quarters of them, by reason of natural causes, disease, and want of proper care and treatment, died. That is what became of them.

Mr. WALSH. A blanket Indian—

Mr. RAKER. A blanket Indian is a pretty good fellow; put a white man's suit on him and he will do good. If you treat him right, he will make a good citizen and a good worker if the white man will give him a chance. But the trouble is he has never had a fair chance for his existence.

Mr. WALSH. What has been in his way?

Mr. RAKER. The domineering, overzealous, wonderfully progressive mind of the white race has been in his way from the time the white man landed at Plymouth Rock until he fell off on the edge of the Pacific Ocean. You can not stop the white man from taking the United States.

Mr. WALSH. The gentleman seems to be arguing that the white man should have paused a little in this march of civilization and let the red man have his way.

Mr. RAKER. Not at all.

Mr. WALSH. As a matter of fact we have spent a great deal of money and are squandering a great deal of money in behalf of the Indians as a result of treaties, whether they were ratified or not, and the more we do for them the more it costs the taxpayers.

Mr. RAKER. I would not impede in the least the march of civilization that started when our forefathers landed on Plymouth Rock, but I say the Indians should be treated fairly and decently and they should be given a chance for their lives.

Mr. WALSH. Have they not had it?

Mr. RAKER. No.

Mr. WALSH. What has prevented them from living out there?

Mr. RAKER. The gentleman knows the old saying that a good Indian is a dead Indian, and the white people have acted accordingly. Why, until within a very few years we would not consider the Indian's word in court.

Mr. CARTER. The gentleman must confine that statement to his own State. That condition never existed in Oklahoma.

Mr. RAKER. I was not talking about Oklahoma.

Mr. WALSH. California has a great many peculiarities that do not attach to the other States. I am not referring to the California delegation in Congress. The State has very active and alert Representatives here; but what the gentleman has just said about the treatment of the Indians in California can not be laid up against the other States of the Union. The gentleman has just spoken of the discrimination against their competency as witnesses in court. That is a matter purely local to the State of California. What has Uncle Sam got to do with that?

Mr. RAKER. I am simply saying that the march of the white man and his determination have been such that he has moved the Indian right before him in his westward march through every State of this Union.

Mr. WALSH. What should the white man have done, in the gentleman's estimation?

Mr. RAKER. He should have taken care of the Indians and given them a certain amount of the lands that belonged to them, and provided for them, given them proper schooling and education, and treated them justly, leaving them right in the localities in which they lived.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The Clerk will read.

The Clerk read as follows:

For enlarging and repairing canals, repairing structures and dam, and replacement of structures of the irrigation system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation, \$300,000, to be immediately available, the total cost of the work to be done on this project not to exceed \$760,000: *Provided*, That the amount herein appropriated and the amount to be appropriated in the future for the completion of the work shall be divided equitably by the Secretary of the Interior between the Indian lands and the lands in private ownership: *Provided further*, That no additional work toward the enlargement of this project, but only the necessary repairs to the present project shall be made, unless and until the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory agreements with such private land-owners to repay their proper proportionate part of the cost of the entire work to be done: *And provided further*, That in case of lands still held in Indian ownership benefited hereby there is created a lien against such lands for the proportionate share of the money expended hereunder, which shall be enforced against such lands by the Secretary of the Interior under such rules, regulations, and conditions as he may prescribe.

Mr. SNELL. Mr. Chairman, I should like to ask for more definite information with regard to this large project called the Fort Hall project. That seems to call for the expenditure of quite a large amount of money.

Mr. SMITH of Idaho. Mr. Chairman, this project, which it is proposed to repair and enlarge, was constructed about 10 years ago, but by reason of the fact that the canals carrying the water were too small it is necessary to expend the appropriation proposed to enlarge the canal and repair the dam at the reservoir, which will permit of the reclamation of more land than was originally contemplated to be irrigated. It is also necessary to reconstruct the diversion dam, and also to stop the leaks in the reservoir which occur when the water is raised in the reservoir because of fissures of volcanic origin.

During the month of September I went over this project with the Secretary of the Interior and the engineer of the Indian Service, and the estimate of the amount of the appropriation made here is the result of the observations of the Secretary of the Interior and of the engineer of the Bureau of Indian Affairs and the project engineer, as well as engineers in private employment.

There is a great quantity of land for which there is water available if the reservoir dam can be repaired so as to hold the water, and also to have these fissures on the end of the arms of the reservoir repaired, and so prevent the water from

disappearing. These holes through which this water disappears were not discovered until within recent years, and it is believed that if these repairs are made there will be sufficient water stored to irrigate about 50,000 additional acres of land, a large portion of which belongs to the Indians, and they will get the benefit from the irrigation of these lands.

Mr. SNELL. Is it expected that any of this money will ever be returned to the Treasury? Do they ever return to the Treasury money that goes into these irrigation projects?

Mr. SMITH of Idaho. The law contemplates the return of all the money to the Treasury.

Mr. SNELL. I know the law contemplates it; but from actual experience, is the money ever returned?

Mr. SMITH of Idaho. My understanding is that the money is being returned.

Mr. SNELL. Has there been any money returned which has been expended on this individual project?

Mr. SMITH of Idaho. I can not advise the gentleman definitely as to whether the Indians have returned any of the money that was expended in connection with the original construction of the project, but values have been created there by reason of the irrigation of this land, upon which the Government has a lien. Each Indian has a 20-acre tract of irrigated land which he either cultivates or leases, and when the project is enlarged as contemplated, he will have 40 acres additional, so that it will make these Indians practically independent.

Mr. SNELL. Is this appropriation sufficient to complete the whole project?

Mr. SMITH of Idaho. This is sufficient to complete the whole project so far as the Indian lands are concerned; but if it is found that additional water can be stored in the reservoir, outside lands owned by the whites will come in for a share of this water.

Mr. RHODES. Will the gentleman from New York yield to me for a moment?

Mr. SNELL. Yes.

Mr. RHODES. With the gentleman's permission, I desire to say that as a result of an investigation into the so-called reimbursable appropriations in 1919 and 1920, authorized by joint action of the House and Senate, it was shown that out of a total of \$23,000,000 of reimbursable appropriations, most of which had been applied toward the construction of the large irrigation projects, less than 20 per cent of that amount had been returned to the Treasury.

And the further fact is, Mr. Chairman, in a majority of the more recent projects which are the larger projects, of which I understand this is one, not 5 per cent has been returned, and without knowing what the facts are in this case, my guess is that there has not been 2 per cent of the amount spent on this particular project returned to the Public Treasury.

Mr. SNELL. That is the information I was trying to get at.

Mr. SMITH of Idaho. The gentleman must remember that these payments extend over a long series of years. When the projects have been completed, the Indians are then called upon for reimbursement.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RHODES. Mr. Chairman, I move to strike out the last word. I do not wish to be understood as interposing an objection to the completion or consummation of these irrigation projects, but I do want to register my protest against these large expenditures at present, because I know as a result of having gone on certain reservations that the work of construction has actually gone far ahead of the necessities of either the Indians or the white men on the reservation. I observe a statement made by the gentleman from Idaho [Mr. SMITH] a few moments ago that this large sum is necessary in order to enlarge a reservoir and in order to prevent losing the water through fissures in the earth brought about by volcanic action.

Mr. Chairman, there is no good reason on earth why these large sums should be appropriated from year to year to meet the whims of some reclamation engineer who has in mind the completion of some great irrigation scheme at some future time without any knowledge of the wants of the people.

Mr. SMITH of Idaho. I hope the gentleman does not apply that remark to the Fort Hall Reservation, for, if so, it is evident that he has not been informed in regard to the facts.

Mr. RHODES. It is quite evident that the gentleman from Idaho has not investigated the facts, because he was unable to state whether or not any of these funds had ever been reimbursed to the Public Treasury. I am not saying that there may not be a necessity for a small appropriation, but I do say that in the majority of these cases these large appropriations are not necessary. Let me ask my friend from Idaho this question: Is there

an actual demand for water on the reservation that can not be met?

Mr. SMITH of Idaho. Yes. Over 20,000 acres of Indian lands are leased to the white people for which water in sufficient quantity could not be supplied. The canal is not large enough to carry the water and the Indians are losing the amount of rental that they otherwise would receive.

Mr. RHODES. I submit that while the statement is no doubt true it does not answer my question. I asked the gentleman if the white men or the Indians have filed applications for water which can not be supplied. That is what I mean by necessity. I understand that the gentleman may be quite right in making the statement if you bring the whole irrigable area within the water furnished by the project. But in the absence of definite information I can not concede the point.

Mr. SMITH of Idaho. The hearings will disclose that there is a great demand for this land, and the report of the engineers sets out in detail the additional land which can be made available if the canals are enlarged and the reservoir repaired. If the gentleman will permit, I wish to say that the water right to which the Government is entitled amounts to 200,000 acre-feet, but the filing will expire in September; and if this legislation is not enacted the water to which the Indians are entitled will not be available because the water rights will expire under the State law. It is necessary in order to hold the water right to enact this legislation and begin work on the enlargement of the canal and the repair of the dam at the reservoir, otherwise the water right will lapse and be taken up by others who have already filed application for it.

Mr. RHODES. I have heard witness after witness day after day make use of these same broad and sweeping statements, insisting on large appropriations to carry forward the idea of some impracticable dreamer who wanted to go out on the western domain and convert the large areas of grazing land into farm land, which can not be done successfully. I warn the House that no man is safe in saying here that this money will ever be reimbursed to the Public Treasury. The gentleman from Illinois last Saturday checked up my good friend from Idaho [Mr. FRENCH] on a statement he made in attempting to show that there was an obligation resting on Congress to make appropriations because of existing treaties. I dare say that on the Fort Hall project, the Crow project, the Blackfoot project, and the Flathead project not one is made necessary because of treaty stipulations. They are only made necessary by what you are trying to do here now, creating a necessity by the passage of a law which in a majority of cases I fear is not justified.

Mr. FAIRCHILD. I fear the gentleman is from Missouri. [Laughter.]

Mr. RHODES. The gentleman's fears are well founded.

Mr. CRAMTON. Mr. Chairman, the commissioner's statement makes it clear that the effort is not so much to secure the reimbursement while the lands are in the possession of the Indians as it is when the time comes that the Indian parts with the title to his land, and they are bound to do so some time or other, and then because the water rights are a lien on the property they will then be reimbursable to the Government.

Mr. RHODES. Does the gentleman know that in many cases 80-acre allotments are encumbered in a larger sum to-day than they would sell for; and, if so, does the gentleman think it right for Congress to pass legislation year after year imposing excessive charges upon these lands that have been allotted?

Mr. CRAMTON. Mr. Chairman, I do not want to take more than my five minutes and I am trying to answer some of the questions the gentleman asked when he had the floor. The policy is, so far as possible, to insure the return of the cost of these water rights to the Government in all the lands coming into white ownership. In this particular project there have been errors on the part of the engineer that have made prohibitive costs, and, as I understand it, already the owners of the lands have been relieved of a portion of that cost. The gentleman will find much more in the hearings than I am able to give him now; that is, as to the gentleman's complaint that money has not yet come into the Treasury.

The gentleman must understand that a very large amount of the cost of construction will come back. As to the particular item, the gentleman will find that there are now under constructive works 35,000 acres, of which 29,969 are actually irrigated, and, further, that practically every acre of land that can be settled is being irrigated, and that the operation and maintenance charges are somewhat heavy owing to the physical condition, the system's rapid growth, moss in the main canals, the latter requiring frequent cleaning, the increasing demand of water for delivery, and additions which can be made only after necessary repairs to canals, and so forth, enlargement of

canals, and replacement of structures have been made. There is no doubt but that there is a demand there for an extension and furnishing of a larger amount of water.

Mr. RHODES. Does that demand arise from the engineer in charge of the project, or does it come from the Indian and white farmers?

Mr. CRAMTON. It comes from the farmers. The engineer made a mistake on this project.

Mr. RHODES. If the gentleman is certain of that, it should be accepted as a justification for the appropriation, but to simply rely upon the visionary scheme of some reclamation engineer whose ambition is to complete a great project from an engineering standpoint is no justification.

Mr. CRAMTON. The project already has suffered from the lack of capacity of one reclamation engineer, who made serious mistakes in the construction of the dam, and that now has to be corrected.

Mr. FRENCH. Mr. Chairman, let me offer this word in addition. The demand here is such on the part of the farmers that it is crowding well onto the construction work that is done. So far as settlement may be concerned there is more demand than there is available land under irrigation to satisfy that demand. But the immediate demand for a continuation of this project is a demand of a different kind, and that is a demand that is imperative by reason of the law of priority of use of public waters. If these waters shall be filed upon and used by some one other than the Indians, after the time limit shall have expired next September, within which time this water may be used under the laws for the Indian lands, then it will be impossible for these Indians to receive water from the sources now available, and, therefore, impossible to receive waters from any source that would probably be within the economical financial expenditure of money to attain.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. SNELL. What becomes of that water if they do not use it?

Mr. FRENCH. The settlers in the country make their filings upon the water. They use the water for some purpose that is recognized under the law as a useful purpose, such purpose, for instance, as irrigation, and that is the main purpose.

Mr. SNELL. Then the water will have to be used for irrigation by somebody?

Mr. FRENCH. Yes.

Mr. SNELL. It is simply a question of who files first?

Mr. FRENCH. Yes.

Mr. SNELL. And the Government has to pay the expense, regardless?

Mr. FRENCH. Not at all. On the other hand, whoever uses the water and develops the irrigation project pays for the water. Many of these projects to which I refer have been developed under the Carey Act, or by private individuals or companies organized under State laws, or by the Government under the national reclamation law, but whichever way the projects may be developed the settlers themselves will pay for the water.

Under the national reclamation law they will pay over a period of a good many years, and under the law by which we are developing irrigation systems on Indian lands the arrangement is much the same. The water is paid for over a long period of time.

Here is a case where we are up against a time limit running against the Government within which the use of the water filed upon for the Indians must be attained.

Mr. SNELL. What is to prohibit extending the time?

Mr. FRENCH. It can not be done.

Mr. SNELL. Why not?

Mr. FRENCH. Because under the laws of the State where this doctrine of use prevails—

Mr. SNELL. Could not the gentleman's own State extend the time? They are as much interested in the Indians as we are. They are your own citizens.

Mr. FRENCH. It has been extended to the limit of time possible by the State law.

Mr. SNELL. Does the gentleman mean to say that the State can not extend it further if they wanted to?

Mr. FRENCH. No.

Mr. SNELL. Why not?

Mr. FRENCH. Other applicants have already offered their filings upon the available water. Now, it may or may not be possible legally for the State to step in and provide another condition touching those who hold secondary filings on this water, but the legislature will not convene prior to next September, and then it will be too late. Again, sentiment would not sustain such a proposition.

Mr. SNELL. Why would it not be just as well that the white people who are willing to pay for this water should take it and use it as for the Government to buy it for the Indians?

Mr. FRENCH. Economically it would be as well for the section of country involved. But the Government is a sort of guardian to the Indians. I do not know that in all instances we are doing the economical thing in developing irrigation projects on all Indian lands, but I do know this, that if the Government is to take the place of a guardian of its ward it ought to do that which will be for the best interest of the ward. In another 10 or 15 years, if these waters shall be permitted to be diverted to some private concern made up of members of the white race, the Indians would awake to find that they had no water. Naturally they would wonder why their guardian, the United States, did not at the time it could divert water from reasonably possible sources that could be developed for irrigation purposes at the minimum cost, and this is the minimum cost, approximately \$45 per acre; they would wonder, I say, why their guardian had not protected their rights.

I called attention the other day to one case where the Government on account of treaties entered into with Indians in the State of Washington felt it was obligated to set apart a million dollars to provide water for the reclamation of lands within the Yakima Indian Reservation, because it had not protected the rights of the Indians prior to that time.

Mr. SNELL. On this one project there are only 5,000 acres in the project proper that is available at this time for water.

Mr. FRENCH. I think the gentleman is in error. My impression is that—

Mr. SNELL. I understand there is a balance of about 5,000 acres theoretically under the constructed work, but the works are not sufficient to irrigate the amount already to be irrigated, and it is to take care of these 5,000 acres that they are going to do this so as to take care of a great deal more. It seems to me we are spending a great deal more money now than is absolutely necessary at this time.

Mr. FRENCH. No—

Mr. SNELL. The engineers give \$20,000 as the cost of building a retaining wall to protect the water which my friend, Brother SMITH, spoke about specially.

Mr. FRENCH. No; I have the figures here. The project has a total of 52,000 acres, and 35,000 acres are already under ditch.

Mr. SNELL. I understand it is 5,000 acres more at the present time where they want water.

Mr. FRENCH. No; the 5,000 acres is under the immediate work. If the gentleman will notice, the 5,000 acres is under the immediate project that theoretically has been constructed and which your chairman has informed you is under laterals and ditches which are too small. This 5,000 acreage can not be taken care of, because the canals can not furnish the water. They are not large enough.

Mr. SNELL. How much money has been spent upon this project?

Mr. FRENCH. It is rather a large project and it has required up to the present time \$866,000 plus, and it will require something like a total of \$766,000 more. We are asking at this time for \$300,000 to continue a part of this work for which the Government has already appropriated so large an amount. Again, I want you to remember that this is made imperatively necessary now because of the time limit on the water rights—

Mr. SNELL. I think that is something that the gentleman's own State has within its power and should take care of. I do not see any reason why not.

Mr. SMITH of Idaho. Will the gentleman yield? I can read from the State law.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. I ask for three additional minutes.

Mr. SMITH of Idaho. Here is an extract from the State law in reference to water, which reads:

All rights to the use of water acquired under this chapter or otherwise shall be lost and abandoned by a failure, for the term of five years, to apply it to the beneficial use for which it was appropriated, and when any right to the use of water shall be lost through nonuse or abandonment such right to such water shall revert to the State and be again subject to appropriation under this chapter.

Mr. SNELL. Is not the gentleman's State giving as much interest to its own citizens as to any others—

Mr. SMITH of Idaho. Undoubtedly so.

Mr. SNELL. The gentleman is bringing in an argument here that the State is allowing the use of that water instead of appropriating the money. Now, I could not see why they would not be willing for it to be used at any time that the Federal

Government appropriated the money. If you get the money you ought to be interested enough in making—

Mr. FRENCH. Allow me to say this: Probably the people of Idaho are no different from the people of other States, and they would welcome the development of lands by irrigation that would be for the benefit of either whites or Indians. You would not find any sentiment that would support postponement. Bringing the State of Idaho into the matter and by law granting further extension of time, were such a thing possible, would mean the tying up of the water for years or until our Government would see fit to develop the project for the Indians, and would not find support of public sentiment in Idaho. That, in a few words, is the long and short of it. In this case the Government must go ahead with the project to protect the Indians' rights or the rights will be forfeited.

Mr. NEWTON of Minnesota. I take it that this law has been upon the books—

Mr. FRENCH. For years.

Mr. NEWTON of Minnesota. If the gentleman will yield, it will affect other rights and disturb the whole situation.

Mr. FRENCH. Absolutely. We could not pass a private law for this particular project under our Constitution, and a general law withholding water from beneficial use is unthinkable.

Mr. LEATHERWOOD. If the gentleman will permit, I understood the gentleman to say a moment ago that there has been a second filing upon some of this water?

Mr. FRENCH. Yes.

Mr. LEATHERWOOD. Is it possible the State of Idaho would not have the power to extend the time to use the primary right?

Mr. FRENCH. It has already extended the time of the primary right to the limit under the law.

Mr. SMITH of Idaho. It has been extended twice.

Mr. LEATHERWOOD. May I ask the gentleman a further question?

Mr. FRENCH. Yes.

Mr. LEATHERWOOD. Is there any limitation in the statutes of Idaho as to the number of times it may be extended?

Mr. FRENCH. As I understand it, the extension has already been made to the limit of the law; but, as I stated, you would not find any sentiment in my State or in yours that would support an extension of time that would prevent the development of an irrigation project with water available here, if not by the Government, then by private initiative.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk will read.

The Clerk read as follows:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendents, \$150,000; for general repairs and improvements, \$14,000; for addition to heating and power plant, \$20,000, to be immediately available; for repairs and construction of drain, ditches, and dikes on the Haskell School farm, \$18,000, to be immediately available; in all, \$184,000.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 44, lines 1, 2, and 3, strike out the following: "For repair and construction of drain, ditches, and dikes on the Haskell School farm, \$18,000; to be immediately available."

Mr. CRAMTON. That is simply to correct the text, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For promoting civilization and self-support among the Chippewa Indians in the State of Minnesota, \$95,000, to be paid from the principal sum on deposit to the credit of said Indians, arising under section 7 of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to be used exclusively for the purposes following: Not exceeding \$42,500 of this amount may be expended for general agency purposes; not exceeding \$20,000 may be expended, under the direction of the Secretary of the Interior, in aiding in the construction, equipment, and maintenance of additional public schools in connection with and under the control of the public-school system of the State of Minnesota, said additional school buildings to be located at places contiguous to Indian children who are now without proper public-school facilities, said amount to be immediately available, and the Secretary of the Interior is authorized in his discretion to convey to the proper district school authorities such undisposed of land as may be required for the proper use of any such school, and, if sufficient undisposed of land is not available, to use a part of said sum in the purchase of necessary land for any such school, and to convey the land when purchased to the proper school district; not exceeding \$20,000 may be expended in aiding indigent Chippewa Indians upon the condition that any funds used in support of a member of the tribe shall be reimbursed out of and become a lien against any individual property of which such member may now or

hereafter become seized or possessed, and the Secretary of the Interior shall annually transmit to Congress at the commencement of each regular session a complete and detailed statement of such expenditures, the two preceding requirements not to apply to any old, infirm, or indigent Indian. In the discretion of the Secretary of the Interior; not exceeding \$17,500 may be expended for the support of the Indian hospitals.

Mr. KNUTSON rose.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word for the purpose of getting some information.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. KNUTSON. I want to ask did the gentleman's committee go into the purpose for which similar moneys have been expended in the past? And did it inquire whether the methods employed in using the moneys appropriated by Congress out of the tribal funds are in violation of treaties entered into with the Chippewa Indians?

Mr. CRAMTON. I think everyone in the House is familiar with the fact that there has been a controversy for some time as to the use of the tribal funds of these Indians for purposes of administration. Not only that general policy, but certain amendments to the text as to certain details were suggested from several sources representing these Minnesota Indians. All these matters had the consideration of the subcommittee, with the result that the text was reported as it appears in the bill.

Mr. KNUTSON. Should not this money be employed in helping the Indians become self-sustaining and in helping them to get on their own land and to construct buildings by equipment so that they can go ahead and farm?

Mr. CRAMTON. The committee was satisfied that the use of the money as proposed was in harmony with the treaties and the best that at this time could be made.

Mr. KNUTSON. Did the committee go into the treaties at all?

Mr. CRAMTON. It did not go into them in as much detail as the House has done heretofore. I made some particular inquiry, but not so much as has been made by the gentleman from Minnesota and other members of the Minnesota delegation, who have given it much thought, gentlemen of great ability, and I hardly think any two of them agree as to what the situation is.

Mr. KNUTSON. I would like to ask the chairman of the subcommittee if other tribes who have funds held in trust for them by the Government pay the cost of administration out of their own funds?

Mr. CRAMTON. There are many cases in this same bill where that is done.

Mr. KNUTSON. In all cases?

Mr. CRAMTON. Well, generally speaking; yes.

Mr. KNUTSON. What exceptions are there?

Mr. CRAMTON. When they do not have enough tribal funds so that they can pay them.

Mr. KNUTSON. Did the committee go into the treaty of 1889 at all?

Mr. CRAMTON. The committee gave consideration to that. The gentleman will note that the brief statement that I have before me, the letter, is but one of a number submitted to me, and we have studied them very carefully.

Mr. KNUTSON. I will say that this matter was called to my attention too late to enable me to go before the committee in regard to it. I expect to ask the Senate committee, when this matter comes up, to examine it carefully and to make such changes in the bill as will meet the treaty of 1889. The Indians claim that the money is not being well used at the present time.

Mr. CRAMTON. I will say to the gentleman that, of course, so far as I am concerned, on any amendments that are put in the bill or an any section added by another body, we will, of course, have a full and free conference.

Mr. KNUTSON. Mr. Chairman, I withdraw my pro forma amendment.

Mr. STEENERSON. Mr. Chairman, I would like to ask the chairman of the committee a question. I would like to ask the committee if it has the proposition before it in regard to the hospital on White Earth reservation that was authorized a couple of years ago to be turned over to the State? I will ask whether any proposition involving that question was before the committee?

Mr. CRAMTON. The question was before the subcommittee, the one, I think, at White Earth, the tubercular hospital, the proposal that it shall be reopened.

Mr. STEENERSON. Yes.

Mr. CRAMTON. It was conducted once, if I am correct, and due to a protest of the Indians against the use of their own funds to support a hospital for their own use, they desired it to be closed. Now they desire it reopened. But the committee did not see fit to increase the item above the estimate to the extent that would be necessary in order to reopen that hospital, although there seems to be reason to believe that the hospital is needed.

Mr. STEENERSON. I want to say to the gentleman that the appropriation act of three years ago provided that this hospital should be turned over to the State of Minnesota, but it said nothing about the land on which the hospital is located. This hospital, according to my advices, is very much needed, and the State board of health, in view of the ravages of trachoma and tuberculosis and other diseases, is anxious to take hold of it, simply for the benefit of the community at large; that this locality here is a dangerous one to the State at large, and they are willing to operate this hospital without any expense to the United States, provided it shall be turned over with the ground on which it is located.

I notice that Senator NELSON has introduced an amendment, which is on file over in the Senate, providing for the turning over of the land upon which this hospital is situated, a provision which was omitted in the original proposition. Of course, I understand that it is subject to a point of order here, because it would be legislation amending the appropriation act of two years ago; but I have sent for the amendment, and if unanimous consent is given I shall be very glad to put it in here. If not, I want to mention it now, so that if it is put on in the Senate it will be understood that it is very desirable that it remain and be agreed to by the House.

Mr. CARTER. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. CARTER. The gentleman will remember that an amendment transferring the land owned by the hospital was suggested to the subcommittee by the Indian Bureau.

Mr. STEENERSON. Yes.

Mr. CARTER. But we did not put it on the bill because it was a matter of legislation.

Mr. STEENERSON. Yes.

Mr. CARTER. And we wanted to bring in the bill free from any legislation. I do not know how the gentleman from Michigan [Mr. CRAMTON] feels about it, but I have no objection to that amendment.

Mr. STEENERSON. I can probably get the text of the amendment very soon. It seems to me it is a very desirable thing, because it will open this hospital to the Indian patients there and will prevent the further spread of these diseases, trachoma and tuberculosis, which are threatening the community. The State board of health sent a special man down here, Mr. Chesley, as the gentleman from Minnesota [Mr. Newton] knows. He was here in the interest of this very proposition. I yield to the gentleman from Minnesota [Mr. Newton].

Mr. NEWTON of Minnesota. The State board of health is very much concerned over the situation there, not only because of the error in not ceding the land upon which the hospital is situated, but I am under the impression that pending action by the legislature in order to make possible the use of these hospitals with the ceded land, something must be done by the Federal Government during the interim in order to take care of this serious situation from tuberculosis and trachoma among the Indians there. If I am incorrect in that understanding, I am sure the gentleman will correct me.

Mr. STEENERSON. I think that is substantially correct. There is a very great emergency there, and the medical staff of the University of Minnesota have been represented here and have urged this matter as one of public concern. They are willing to take hold and run this hospital.

I would like to ask the chairman of the subcommittee if we may pass over this item until I can find out just what is the text of this proposed amendment. I would like to offer it under unanimous consent later on.

Mr. CRAMTON. The gentleman simply asks unanimous consent that this item be passed, with the privilege of returning to it for the purpose of considering his amendment alone?

Mr. STEENERSON. Yes.

Mr. CRAMTON. Not to reopen the whole thing?

Mr. STEENERSON. Of course it will be subject to objection, if any gentleman desires to make the objection.

Mr. MANN. Let that come later. I see this item carries an appropriation of \$95,000 payable out of the tribal funds, and then provides that \$42,000 of that may be used for agency purposes, \$20,000 for helping the State support the schools, \$20,000

for aiding indigent Indians, and \$17,500 for Indian hospitals. Of course, the total of that amounts to more than \$95,000.

Mr. CRAMTON. Yes.

Mr. MANN. I take it that the only appropriation is the \$95,000.

Mr. CRAMTON. That is the only appropriation.

Mr. MANN. This item provides for payment out of the tribal funds to the State of Minnesota of \$20,000 for the support of public schools. Then it provides—and this is what I want to find out about—

And the Secretary of the Interior is authorized, in his discretion, to convey to the proper district school authorities such undisposed of land as may be required for the proper use of any such school, and, if sufficient undisposed of land is not available, to use a part of said sum in the purchase of necessary land for any such school, and to convey the land when purchased to the proper school district.

When we convey to the State this Indian land that is undisposed of, will we be called upon later to pay the Indians for the value of that land? In many cases in the past it has been quite customary for the Government to convey certain Indian lands for the benefit of the Indians but without their consent, and then afterwards to have claims stirred up that we ought to reimburse the Indians for the lands which we have so conveyed.

Mr. CRAMTON. Of course, it is not the expectation of the committee that such a claim will come upon us, and I do not anticipate that it will, but I am not familiar with the precedents to which the gentleman refers.

Mr. FRENCH. Mr. Chairman, I recall that when I secured the passage of a special bill providing for the conveyance of certain Indian lands to a school district, albeit it was for the benefit of the Indian children as well, at the suggestion of the gentleman from Illinois [Mr. MANN] we inserted a nominal price in full consideration. We might provide here words that would meet the situation in a similar way, and require that the land should be conveyed for a consideration not exceeding a certain sum, if that is desired.

Mr. MANN. I do not care about that, but of course it is not customary for the Government to buy land with Indian funds and donate that land to one of the States. It is a very unusual provision.

Mr. STEENERSON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEENERSON. I should like to explain this situation to the House. Although the White Earth Reservation is supposed to be an Indian reservation, it has nearly all passed into private ownership, and at least 85 per cent of it is owned by white people. Now, when it was a reservation there were several Indian schools established—perhaps half a dozen or more—where the children could go to school in the daytime. Of course, some of them went off the reservation—

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. I should like a little more time.

Mr. MANN. I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that the time be extended five minutes. Is there objection?

There was no objection.

Mr. STEENERSON. Since the land has been taken up by white people under the laws passed by Congress authorizing the conveyance of the land, school districts have been organized.

It has been found by experience that it is very much better for the Indians to go to the same school with the white children. It has a civilizing influence in itself, and instead of maintaining Indian schools separately it is better to have them go to the white schools. That has been the opinion both by the Indians and by the white people, that they should have common schools, and so these Indian schools have been abandoned very largely. It is thought better for the Indian children to go to the common schools, but in some places they are very far away. Now, if they can utilize the United States schoolhouses and make them into common schools—district schools—they will be utilized, and it will be for the benefit of everybody.

Mr. MANN. Take the case where, as the gentleman says, there is no Indian man living in a school district, but it is settled by white people. Why should we take the Indians' money to buy a school site for white people?

Mr. STEENERSON. We are not doing that.

Mr. MANN. That is exactly what we are doing here.

Mr. STEENERSON. The schools contemplated here were built for the Indians.

Mr. MANN. This provides that if sufficient undisposed-of land is not available they may use a part of said sum in the purchase of necessary land for any such school and convey the land when purchased to the proper school district. That means taking the money out of the Indian funds and buying a school site for the white people living there.

Mr. STEENERSON. Well, that would be a very limited amount.

Mr. KNUTSON. Not more than an acre or so.

Mr. MANN. If it does not cost anything, why can not the white people buy it?

Mr. STEENERSON. The schoolhouses are situated on land that belongs to the United States.

Mr. EVANS. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. EVANS. Who furnished the money to build the schoolhouses?

Mr. STEENERSON. It came out of the Indian funds.

Mr. EVANS. Why should it now be taken from the Indians and given to the white people, as the gentleman from Illinois asked?

Mr. STEENERSON. For the reason that it is for the interest of the Indians to have a school system and to attend the school.

Mr. EVANS. If these Indians are citizens, why should not they have the benefit of the district schools?

Mr. STEENERSON. They do, but here are schools built with Indian money that have been abandoned, and the gentleman from Minnesota [Mr. Knutson] tells me that 85 per cent of these children adjacent to the schools are Indians.

Mr. KNUTSON. Let me call attention to the fact that much of the land formerly held by the Indians is now held by whites, in the hands of speculators.

Mr. EVANS. Why should not they pay the taxes?

Mr. KNUTSON. Well, the people who live there are the Indians.

Mr. STEENERSON. The Indian Bureau has made a careful study of this, and I have been on the reservation and I know it has been demanded for several years that we take over these schoolhouses so that the children may have the same facilities as the white children.

Mr. CRAMTON. Mr. Chairman, there is one feature that should be mentioned, and that is that previously the schools were maintained by the United States out of the tribal fund. It is natural that the Indians should prefer to turn them over to the State of Minnesota, knowing that the State can not make any charge against the tribal fund. It is easy to understand why the Indians want it, but I am not so well advised as to why the white men want it.

Mr. MANN. Mr. Chairman, I will withdraw the point of order, although I do not feel very well satisfied.

Mr. STEENERSON. Mr. Chairman, I want to offer my amendment a little later.

Mr. CRAMTON. It is understood that when we return to this paragraph we return for this purpose only.

The CHAIRMAN. Consent has not yet been given to return to the paragraph.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the paragraph be returned to later, and that the gentleman from Minnesota may offer the amendment to which he has referred.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to the paragraph for the purpose of the gentleman from Minnesota [Mr. Steener] offering an amendment. Is there objection?

Mr. WALSH. Reserving the right to object, does the gentleman mean that the only thing you can do is to act on the amendment of the gentleman from Minnesota?

Mr. CRAMTON. That was my object.

Mr. WALSH. All right.

The Clerk read as follows:

For support and education of 200 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, \$45,000; for general repairs and improvements, \$6,000; in all, \$51,000.

Mr. CLAGUE. Mr. Chairman, I move to amend, on page 46, line 7, by striking out "\$6,000" and inserting in lieu thereof "\$8,000," and by striking out "\$51,000" and inserting "\$53,000."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CLAGUE: Page 46, line 7, strike out "\$6,000" and insert "\$8,000"; strike out "\$51,000" and insert "\$53,000."

Mr. CLAGUE. Mr. Chairman, at Pipestone, Minn., there is located an Indian school which has an attendance of something like 225 pupils. It runs that attendance practically all of the time. I notice the appropriation provides for 200 pupils. That school has not more than one-half the capacity for the number of pupils who desire to attend. The subcommittee hearings on page 345 state that the value of the school plant, the real estate, is \$190,000. At that school there are 780 acres of land. It is

very valuable land, located near Pipestone, Minn. It adjoins the city limits. The land itself is valuable for school purposes. The farm raises practically all of the supplies for the school in the way of farm products. There are 29 buildings at the school. I am well acquainted with the school buildings and have visited the place often. In my opinion it would cost \$300,000 to replace those buildings in the condition they are to-day. Only \$6,000 is provided in the bill for the general repair of same. I visited the place last September and personally know general conditions of farm and school buildings. To take care of the general repairs for \$6,000 at that place can not be done. The department admits that one of the best men in the whole system has charge of that school as superintendent. The repair expenses are kept down as low as possible. Take, for instance, the farm buildings. They have a herd of cattle there which produces the milk for the school. They have 60 milch cows. They have a large number of horses and the horse barn needs repairs very badly. A number of buildings need repair. The school is very crowded, for the reason that it can not take care of more than half the pupils that need to be taken care of. The superintendent does everything that he can to help out the Indian situation. I just called up the department when I learned that they had cut this to \$6,000, and asked why they did it. They said that they know that we need more at that place, but that the Budget Committee told them to cut \$500,000 from the general repairs of Indian schools, and that they simply cut \$2,000 from this plant, although they admitted that they knew \$8,000 was needed. Is it the policy of this House and of this committee when these buildings are in need of repair to allow them to run down? Eight thousand dollars is what they have been getting, and they need that amount badly. I trust that the amendment will be agreed to. The full amount of the \$8,000 is actually needed for the coming year to keep the buildings in repair.

Mr. CRAMTON. Mr. Chairman, the valuation of the plant given by the department is \$190,000. The amount allowed by the committee is that which was submitted by the Budget, \$6,000. It is stated by the bureau that that amount will make only the repairs and improvements that are most necessary. Your committee believes that this item should be treated as items generally, and that only those things that are most necessary should be provided for at this time.

Mr. CLAGUE. I admit that it takes care of those that are most necessary; but there are other repairs needed there.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CARTER. As a matter of fact, have we not done the same thing with this school that we have done with every other?

Mr. CRAMTON. Yes.

Mr. CARTER. And provided only for repairs that the bureau said were necessary; and, furthermore, is not this the same amount that is recommended by the Indian Bureau to the Budget? Is it not a fact that the Budget did not cut this item, but that the Indian Bureau itself presented this amount?

Mr. CRAMTON. That is my understanding. Of course, they cut it by reason of recognizing the need there is for paring down things to the limit at this time.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. KNUTSON. The gentleman from Minnesota stated that the Director of the Budget had directed that the item for repairs be cut by \$500,000.

Mr. CLAGUE. Yes.

Mr. KNUTSON. If that be the case, is it not possible that this cut was made blindly?

Mr. CRAMTON. I would not say that the Bureau of Indian Affairs was entirely uninformed as to the schools under its jurisdiction.

Mr. CARTER. I think I can answer that question. The Commissioner of Indian Affairs advised us that when he found out about this demand for economy he created a budget committee in his own bureau, and he told them he wanted them to cut down the bill just as low as it possibly could be cut without doing damage to the service. After this budget committee, of which Mr. Meritt was the chairman, had finished with the bill, he then went over it himself and corrected it and made some other cuts. I do not know whether he added anything to any of the items or not, but he said he went over it and corrected it. The gentleman from Minnesota ought to know the Commissioner of Indian Affairs well enough to know that when it comes to handling a matter for which he is responsible he does not do things in a haphazard way.

Mr. KNUTSON. I was not directing a criticism at the Commissioner of Indian Affairs, but the condition at Pipestone is

just as my colleague has stated it. It is almost a village in itself. They have a large number of buildings there, some of them fine, large, modern buildings, and it would seem to anyone who has had any experience with repair work and upkeep of buildings that \$8,000 would be indeed the minimum they could keep those buildings in first-class condition with.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. NEWTON of Minnesota. I take it that what the gentleman had in mind when he made his observation a moment ago in reference to this being done blindly was this, that when the cut was made necessary through the department, the department, without any special consideration of the condition of the buildings at the present time, merely allowed this amount.

Mr. CLAGUE. That is what the department said.

Mr. KNUTSON. They made a pro rata reduction all along the line.

Mr. NEWTON of Minnesota. And everyone knows that these horizontal cuts when applied are not the best method of economy, because when repairs are needed and neglected the next year you have to spend thousands where hundreds previously have taken care of them.

Mr. KNUTSON. Absolutely; and it is merely a case of where one stitch in time will save nine, and it looks to me like false economy.

Mr. CRAMTON. If the gentleman will yield, does not the gentleman from Minnesota think when there is a uniform plan of economy adopted applying to the whole Indian Service that it ought to apply even to the State of Minnesota, notwithstanding the very distinguished whip is from that delegation?

Mr. KNUTSON. I will say to the gentleman that reductions should be made in accordance with the needs. Now, there are branches of the Government and undoubtedly individual agencies receiving more money for specific purposes than is actually needed, whereas in other instances there is barely enough, in other instances where they have not received enough. If you go to work and make a 25 per cent reduction along indiscriminately, of course you are going to paralyze different activities when they practically have not been receiving anything in the past.

Mr. CRAMTON. If the gentleman will point out to the Committee of the Whole any place where we got the figures too high, I will take the chance on the other figures being high enough.

Mr. KNUTSON. Well, I am not prepared to go into details, Mr. Chairman, but I am under the impression that my colleague [Mr. CLAGUE] rightly stated that the \$8,000 is not any too much for the upkeep of this magnificent set of buildings at Pipestone; in fact, I would say it is a very reasonable amount.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, there is no horizontal cut made by the department on these estimates. I heard several gentlemen refer to a horizontal cut. This cut was made with deliberation by the Indian Office. On page 44, Mount Pleasant School, Mich., the cut for repairs and improvements was from \$10,000, carried in the current law, to \$9,000. That is a cut of only \$1,000 from \$10,000.

Mr. CLAGUE. They may not have needed the repairs as badly.

Mr. MANN. And evidently the Indian Office gave consideration to the necessity for repairs at this place; and it would hardly be fair for us, although I give consideration in my mind to the statement made by the gentleman from Minnesota, to change the figures at one place and not at another.

Mr. CLAGUE. Well, I have not heard any other Member from these particular districts make any statements that they did not have sufficient to take care of repairs.

Mr. MANN. That shows how active my friend from Minnesota is. The others would if they thought it would do any good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the construction of roads and bridges on the Red Lake Indian Reservation, including the purchase of material, equipment, and supplies, and the employment of labor, \$9,000, to be paid from the funds held by the United States in trust for the Red Lake Band of Chippewa Indians in the State of Minnesota: *Provided*, That Indian labor shall be employed as far as practicable.

Mr. CRAMTON. Mr. Chairman, before we leave Minnesota, the gentleman from Minnesota [Mr. STEENERSON] has his amendment ready.

Mr. STEENERSON. Mr. Chairman, after line 3, page 46, insert the following that I have marked.

The Clerk read as follows:

Page 46, after line 3, insert a new paragraph, as follows:

"That section 8 of the Indian appropriation act of March 3, 1921, is hereby amended so as to authorize the Secretary of the Interior to turn over to the State of Minnesota with the Chippewa hospitals mentioned therein such amount of land as may be deemed necessary for the proper use of said hospitals."

Mr. STEENERSON. Mr. Chairman, in further explanation I will say these hospitals are very good buildings. They were supposed to be turned over by that act to the board of health, which are to operate them at their own expense, and they find it did not provide for turning over the land. This land belongs to the United States, as well as the buildings, and they want to have an easement as long as they operate them and to have sufficient land upon which to do this work, and I hope there will be no objection to the amendment. It is a very urgent matter; the board of health has had a special man down here to urge it.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For support and civilization of Indians under the jurisdiction of the following agencies, to be paid from the funds held by the United States in trust for the respective tribes, not to exceed the sums specified in each case, to wit: Blackfeet, \$39,000; Crow, \$140,000; Flathead, \$18,000; Fort Belknap, \$30,000; Rocky Boy, \$8,000; Tongue River, \$25,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I notice that a \$39,000 appropriation is carried in this paragraph for the Blackfeet Indians, of Montana, for support and civilization of Indians under the jurisdiction of that agency. Are they the same Indians for whom we appropriated a portion of this \$100,000 earlier in the day?

Mr. CRAMTON. Those Indians were included in the 30 various tribes provided for in that item.

Mr. WALSH. What is this money used for? Do they feed them and still let them suffer?

Mr. CRAMTON. Early in the day the gentleman's remarks led me to believe that he had read carefully the statement of Commissioner Burke in reference to these Indians.

Mr. WALSH. I have.

Mr. CRAMTON. I will state that we had a fund available this year, which by the 1st of March will be entirely exhausted. The amount for the current year was \$40,000 for support and civilization. I suppose that "support and civilization" is a general term, intended to be broad enough to enable them to do about anything that they think it necessary to do.

Mr. WALSH. What activity is engaged in? Is it to keep their stomachs full and blankets to keep them warm?

Mr. CRAMTON. I assume that is the primary duty involved.

Mr. WALSH. It is a very interesting explanation, and I have begun to think that I ought to congratulate the gentleman upon the modesty of the appropriation proposed earlier in the day for the benefit of these agencies that are taken care of by this \$100,000 proposal.

Mr. CRAMTON. I agree with the gentleman that we were remarkably economical and careful in that item.

Mr. WALSH. I am very glad to hear the gentleman recommend himself so highly. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For continuing construction, maintenance, and operation of the irrigation systems on the Flathead Indian Reservation, in Montana, \$200,000 (reimbursable), to be immediately available.

Mr. RHODES. Mr. Chairman, I desire to offer an amendment to page 49, line 9, to strike out the "\$200,000" and insert the figure "\$20,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amendment offered by Mr. RHODES: On page 49, line 9, strike out the figures "\$200,000" and insert in lieu thereof the figure "\$20,000."

Mr. RHODES. Mr. Chairman, my reason for offering this amendment is that if it is adopted, together with the sum provided for on line 16 on the same page, there will have been made available the sum of \$50,000 for continuing construction work on the irrigation project on the Flathead Indian Reservation.

I think I should give the committee the benefit of some information which I have on this particular project. At page 219 of volume 1, entitled "Hearings before the Committee on Indian Affairs," in Washington, in the month of September, 1919, among other things the following facts were developed: According to this table, at page 219, just mentioned, it is shown that up to that time the Government had spent \$3,415,500 for construction of the irrigation project on the Flathead Indian Res-

ervation. The further testimony was—and this table shows it—that during all the years during which these reimbursable appropriations were made but 6½ per cent of the funds thus appropriated has been turned back into the Public Treasury.

In addition to what this table shows, the testimony in these hearings disclosed this remarkable fact, that according to the engineer in charge of this project, which involved an irrigable area of 135,000 acres, the acreage actually brought under the ditches was but 32,000, and of this 32,000 acres under water 92 per cent was farmed by white men and 8 per cent by Indians.

A few moments ago during the course of this debate I made a general observation which I herewith wish to make apply with particularity to this case. In this particular case, Mr. Chairman, the demand for carrying forward this great reclamation project did not arise among the Indians.

The further testimony was that there were 60,000 acres under water for which there was no demand.

The further facts are, gentlemen, that Congress began these appropriations back in 1908, first having appropriated \$50,000, and year after year the appropriations were increased until in 1916 there was \$750,000 appropriated, and in 1917, 1918, and 1919 Congress appropriated annually \$750,000.

A subcommittee authorized by Congress went upon that reservation, and we not only found that there was little demand for water, but we found that there was no demand for water on that reservation that could not be supplied.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield for a question?

Mr. RHODES. Yes.

Mr. SMITH of Idaho. Will the gentleman kindly indicate when he visited the reservation?

Mr. RHODES. Two years ago last May.

I was about to say, Mr. Chairman, that the testimony shown on the reservation by the Indians themselves is that there was but little demand for water; and, as I stated before, but 32,000 acres were actually being farmed.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RHODES. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RHODES. That 32,000 acres of land was all that was being farmed, with water for 60,000 acres more within the irrigable area and nobody to farm it. And because of that fact, Mr. Chairman, the Committee on Indian Affairs, having charge of the matter at that time, was of the unanimous opinion—and I am glad to see at least one of that committee present on this occasion—that no further money should be expended on this project except for upkeep. I do not care whether you call it a "Treasury account" or whether you call it by that misleading term "reimbursable appropriation" or not, but the committee was of the opinion that no further sums should be expended for construction purposes, and that only such sums should be expended as are necessary to keep up the repairs on the project.

I want to state this further fact, that I believe should be made known to the committee: Gentlemen have been speaking about the magnanimity of Congress in making these reimbursable appropriations and that some day all this money will come back into the Public Treasury. I want to warn gentlemen that it is very doubtful if any of this money ever comes back into the Public Treasury; and if it should come back, I want to ask the House now if it is right and fair to the Indians on the Flathead Reservation to pile up this excessive reclamation charge on their lands?

I know cases where as much as \$3,500 or \$4,000 are taxed up against certain 80-acre allotments on this reservation, and the land would not sell for that money to-day. In other words, Congress has encumbered these lands in many cases with larger sums of money than the lands are worth.

Mr. CRAMTON. Will the gentleman yield?

Mr. RHODES. Permit me to finish this statement. In the face of that my distinguished friend from Michigan [Mr. CRAMTON], in charge of the bill, made the statement on the floor of the House this afternoon that if the Indians did not pay this money back at some future time some white man would. Why, Mr. Chairman, no white man, no Indian, no man who knows land values in that country will ever obligate himself to the extent that the gentleman believes he will be willing to do.

Another thing. The testimony was presented before your committee that in many cases these allotments produced more money annually from the sale of the wild hay that was cut from

them than they have ever been made to produce since reduced to agriculture. It is very doubtful, Mr. Chairman, and Mr. Cato Sells, who was Commissioner of Indian Affairs at that time, expressed grave doubt at the hearing as to the feasibility of this project. I say, gentlemen, that the Indians on the Flathead Reservation do not want this expenditure of money. The Indians on the Flathead Reservation have never wanted it. They are disputing the right of Congress to increase their burdens year by year through these reimbursable appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. May I have two minutes more?

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. RHODES. Now, I yield to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. I wish simply to ask the gentleman, in view of the fact that over \$4,000,000 has been spent in the partial construction of this project, whether the gentleman takes the position that we should now suspend the construction of it and not follow it to completion?

Mr. RHODES. That is a very pertinent question. My answer is that we should not suspend operations entirely. But this project consists of three distinct units, either one of which can be operated without regard to the others. This irrigation project does not mean that somewhere on the Flathead Reservation is one great reservoir of water, from which all the water goes to irrigate all these lands. There are various units, either one or any number of which can be used at any time in order to supply all the water that is necessary. Further answering the gentleman's question, and further replying to my good friend from Idaho [Mr. SMITH], one engineer was before the committee and admitted that he did not know whether there was a demand on the reservation for the water or not, but he said that as an engineering proposition, from the engineer's standpoint, he was justified in asking for the completion of the project. Why, there is no reason; there is no justification; there is no authorization in existing law for this large appropriation, and in my humble judgment you gentlemen should not press it. Why do you not do as the committee did for the fiscal year ending June 30, 1921, cease this extravagance and discontinue the increasing of these burdens upon the Indians' lands against their will and make a reasonable recommendation of about \$50,000 for upkeep?

Mr. McCORMICK. Mr. Chairman, I presume that in beginning my remarks I should make a slight correction of a statement made by the gentleman from Missouri [Mr. RHODES]. He stated that with the \$20,000 which he has proposed for this irrigation project, coupled with the \$30,000 provided in line 16, on page 49, the total would be \$50,000 for this project. I wish to call the gentleman's attention to the fact that the \$30,000 in line 16, page 49, applies solely to the Blackfeet Indian Reservation and has no connection whatever with the Flathead Reservation project.

Mr. RHODES. Mr. Chairman, I concede that I was in error as to that, and I ask unanimous consent, with the gentleman's permission, to amend my amendment by making the amount \$50,000 instead of \$20,000.

Mr. McCORMICK. I have no objection to the gentleman from Missouri modifying his amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to modify his amendment by making it read "\$50,000" instead of "\$20,000." Is there objection?

There was no objection.

Mr. RHODES. That modification should be made in the light of the correction made by the gentleman from Montana [Mr. McCORMICK], which I concede. It ought to be \$50,000, and it ought not to be any more.

Mr. McCORMICK. Mr. Chairman, I had heard of this matter for a good many years before I came to this House. These questions have all been gone over time and time again, and I call attention to the fact that last year an effort was made to confine the appropriation for the Flathead project to the sum of \$50,000. That effort was not successful, and I assume that the present well-intended effort of the gentleman from Missouri will be equally unsuccessful.

Mr. RHODES. Will the gentleman yield?

Mr. McCORMICK. I yield to the gentleman from Missouri.

Mr. RHODES. The gentleman does not dispute the fact that for the preceding year the sum authorized for the Flathead project was \$50,000?

Mr. McCORMICK. I beg the gentleman's pardon.

Mr. RHODES. Of course, I am speaking only from memory.

Mr. CRAMTON. If the gentleman will yield, his memory is not doing him justice, because the item has never been below \$200,000 since 1912.

Mr. McCORMICK. I am glad that the chairman of the subcommittee [Mr. CRAMTON] has made that statement. I was about to read to the same effect from the report of the Commissioner of Indian Affairs.

Now, Mr. Chairman, this refers to a question of policy. As indicated by the chairman of the subcommittee, we have expended some \$4,000,000 upon this project, and the question is, Are we going to make the project such as we intended and such as the Government promised the white settlers when they came out there that we would make it or are we going to stop in the midst of a great work for the accomplishment of a temporary economy? I will concede the fact that a number of Indians on the reservation—in fact, most of the full-blood Indians—are of the opinion that the Government has not kept faith with them in charging up against their ultimate holdings these liens which must be imposed by virtue of the improvements proposed by the Government.

You have a large number of white settlers and you have an increased number of settlers going on there at the present time by virtue of the Government's previous promise to them that the project would be completed within a reasonable time.

Mr. EVANS. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. EVANS. On what theory does the gentleman charge the Indian fund with promises made by the Government to white settlers?

Mr. McCORMICK. I will state that under the provisions of the act passed by Congress for the irrigation of land in that region the Indian funds were appropriated with the idea of making farmers out of the Indians, and on the theory of the special improvement of the Indian land. That is the theory upon which Congress proceeded.

Mr. EVANS. Without any treaty?

Mr. McCORMICK. Without any treaty, but merely by an act of Congress. If I had the power to do it, I would raise this appropriation to \$1,000,000. In my opinion there ought to be \$1,000,000 a year appropriated for two years in order to complete this project within the shortest possible time. You have a skeleton organization there, and the longer you put off completing the project the more it will cost.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. McCORMICK. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. RHODES. Will the gentleman yield?

Mr. McCORMICK. Yes.

Mr. RHODES. My friend from Montana has just stated that if he had his way about it he would raise the sum to \$1,000,000. I would like to ask the gentleman what he would do with the project and what the people of Montana would do with the project in the way of making beneficial use of the water if they had an appropriation of \$1,000,000?

Mr. McCORMICK. If the people of Montana knew there were to be a million dollars expended each year until the project was completed, there would be more settlers on that particular project than the land could take care of.

Mr. RHODES. Does the gentleman know that there were in 1920 at least 20,000 acres of land on the Flathead Reservation under water for which no demand was made for the use of it?

Mr. McCORMICK. I have no such information.

Mr. RHODES. I will state to my friend that that is the testimony in the record that I have just cited.

Mr. McCORMICK. What year was that?

Mr. RHODES. In 1920. In other words, the land was under water and nobody to use it.

Mr. McCORMICK. I have had some knowledge of facts and conditions which might lead some one to testify that about it, but I will state that the Government has been so dilatory in putting water on there that it has forced a number of farmers to leave their homesteads and go elsewhere in order to maintain their families. Due to drought and general conditions and the failure of the Government to supply water many have been compelled to leave the reservation in order to support themselves elsewhere.

Mr. SNELL. Will the gentleman yield?

Mr. McCORMICK. Yes.

Mr. SNELL. There was no evidence before the Committee on Appropriations of a demand for an extra amount. The testimony shows that there is under constructive work 94,000 acres,

and actually irrigated 40,000. I would understand that that means that many acres could have the water if people wanted it. Is that correct?

Mr. McCORMICK. Does the gentleman mean to say that there are 40,000 acres that can be had?

Mr. SNELL. Fifty thousand.

Mr. McCORMICK. The report of the committee in treating the testimony of the Commissioner of Indian Affairs stated that there were this year at least 40,780 acres irrigated.

Mr. SNELL. Will the gentleman answer my question so I can get this thing straight. When it says that there are so many acres under constructive work, I would suppose that that number of acres could have water supplied if they wanted it. Is that correct?

Mr. McCORMICK. That number could have the water supply if the water were immediately available.

Mr. SMITH of Idaho. May I answer the gentleman?

Mr. McCORMICK. Certainly.

Mr. SMITH of Idaho. There are 160 acres of land in each homestead, but it is impossible for the ordinary homesteader to put all of his land under cultivation the first year. Probably he only puts under cultivation one-third or one-quarter. In addition, much of his entry may not be susceptible of irrigation on account of the rough character of his land.

Mr. SNELL. Am I right in my construction?

Mr. SMITH of Idaho. Not exactly.

Mr. SNELL. Then, according to that, the five-ninths of this quarter only was taken up.

Mr. SMITH of Idaho. The whole quarter section may have been entered, but possibly half of it could not be placed under irrigation by the entryman because of lack of means or because of the rough character of the land.

Mr. SNELL. There should be some way of adjusting those claims in regard to the five-ninths.

Mr. McCORMICK. We are not asking for more money. There are certain reasons why the farms have not been cultivated all over, and that is due in part to high freight rates and falling prices.

Mr. SNELL. But the high freight rates will continue next year. I hope they will not, but I believe they will.

Mr. McCORMICK. I hope the gentleman will use his influence and his statesmanship to get them reduced.

Mr. SNELL. I am with the gentleman on that, but I fear they will be the same.

Mr. McCORMICK. The reclamation project will also be there in the future. It is a question before this House at this time as to whether we should abandon this project.

Mr. SNELL. We are not asking you to abandon it, but there was not a particle of evidence before the committee that shows that they need more land than they have at the present time, and there are five-ninths that is not being used, and yet you come here and ask for more money.

Mr. McCORMICK. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McCORMICK. Mr. Chairman, as I have previously stated, the reason for the noncultivation of much of this land is the fact that these farmers have been forced to go elsewhere for employment, due to the dilatory tactics of the Government. It has not been profitable for farmers, not only in this particular section, but in other sections of the country, to cultivate all of their lands, and you are going to have that condition facing this country this year, if the condition of the farmers in general is not alleviated by legislation or by the general policy of the administration. You will have that same condition obtaining in other parts of the country, much to the detriment of the people who live in the more populous regions. I do not wish to leave the impression that the lands in the Flathead region are being abandoned, or ever will be abandoned. I do leave the impression and wish to leave the impression, however, that if we can be assured of adequate and continuing appropriations such as will give notice to prospective settlers that the Government will not be niggardly in this regard but will pour out a greater amount of largess, as it ought to do, to complete this project, in order to cut down overhead expenses, then you will have contented settlers on the Flathead, and with the alleviation of the general condition you will have 100 per cent of the land cultivated.

Mr. CRAMTON. Mr. Chairman, the hearings contain the statement of Mr. Meritt, the Assistant Commissioner of Indian Affairs, that a good deal of this land is owned by white people. The reservation was opened and white people went in there and took up the land, with the understanding that the irrigation project would be constructed. Inasmuch as they bought land

with that understanding, they feel that the Government has not kept faith with them in providing the small appropriations requiring so many years to complete the project. Something over \$4,000,000 has been expended, and it is estimated it will take \$2,200,000 more to complete it. While I am not informed as to the figures, I think it is very safe to assume that while some of the land that is under the constructed project is not tilled today, that will be found to be land that is owned by the Indians.

Mr. RHODES rose.

Mr. CRAMTON. Oh, I want to complete this statement, and then I will yield to the gentleman. Other land within the project as proposed but not yet constructed perhaps is in the hands of whites who went in there and bought the Indian land, expecting the project would be completed. Instead of that, we have been dribbling it along, and they have been waiting, so that now even in this bill we are appropriating only \$200,000, and of that amount only \$120,000 is to be used in construction work of certain laterals. Still the gentleman would not only have us stop absolutely the work that is to relieve these men who bought the lands expecting water would be brought upon them, but he wants to stop the operation and maintenance of the project, because his amendment even as he has doctored it up, after one or two efforts, provides only for \$50,000, whereas the estimate shows that it will cost \$70,000 for operation and maintenance alone.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. The gentleman must wait until I am through. I am trying to give some information which gentlemen have been seeking. The gentleman insists that this project will never repay any of this money to the Treasury. The gentleman has his opinion, but I prefer to take the opinion of the Indian Office, as contained in the hearings, which shows that the estimated cost per acre when completed will be only \$51.50 and the average value of the land per acre when completed will be \$100. I have just confirmed those figures by telephoning to the Bureau of Indian Affairs. They say that those figures are very conservative; that the cost of the project will not reach \$51 an acre and that the value will be above \$100 per acre. They stated to us over the phone that this is one of their best projects, and that positively that money will come back some time to the Treasury. Mr. Meritt said in the hearings that every dollar of this money will be eventually reimbursed to the Government. They asked for \$200,000. It seemed to us that \$120,000 for construction work was very reasonable, a very modest amount, in view of the fact that it is going to take \$2,200,000 to complete the project. With \$70,000 for operation and maintenance, there will be left only \$10,000 for miscellaneous expenses, such as stream gauging, surveys, and so forth. I hope the gentleman's amendment will not be adopted. To adopt it would perhaps endanger the \$4,000,000 which we have already invested.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SNELL. Mr. Chairman, I move to strike out the last two words. The gentleman from Michigan said that the amendment offered by the gentleman from Missouri [Mr. RHODES] would stop maintenance and operation. The hearings show on page 367 that operation and maintenance charges are collected from the water users.

Mr. CRAMTON. Certainly.

Mr. SNELL. Why would his appropriation entirely stop all of the work?

Mr. CRAMTON. They are collected from the water users, of course, but first we have to operate and maintain it. It is a reimbursable item. Having operated and maintained it, we can collect it from the water users, but if you appropriate only \$50,000, you will have only \$50,000 for operation and maintenance.

Mr. SNELL. I would like to know how much was returned to the Treasury last year from the maintenance and operation collected from the water users.

Mr. CRAMTON. I tried to get those figures for the benefit of the gentleman from Missouri.

Mr. RHODES. I have already given the gentleman that amount.

Mr. CRAMTON. But I have found that the gentleman has had to back up on some of his information to-day, and at best his figures are ancient. I wanted the figures up to date. The difficulty is that the Reclamation Bureau constructed this project, and the Indian Service has not the figures immediately at hand.

Mr. SNELL. Has the gentleman any real evidence to show that the balance of 138,000 acres have been sold to whites, and that they are actually calling for water, or is that just a sup-

position? Is there anything before the committee that would lead the gentleman to believe that?

Mr. CRAMTON. Now, I am trying to explain these figures, and I will admit to the gentleman I do not know but I gave him what seems to me to be the most reasonable explanation. I do know this, that, generally speaking, it takes quite a while to get the Indians to use irrigation even after the work is completed.

Mr. McCORMICK. If the gentleman will yield, practically all of the irrigable land of the Flathead Reservation has been taken up and approximately 95 per cent would come under this project.

Mr. CRAMTON. The gentleman perhaps is advised of the fact as to whether many of the whites have bought land expecting it to be brought under water, and it has not yet been brought under water?

Mr. McCORMICK. I will say practically 100 per cent of the whites have done that very thing.

Mr. FRENCH. Mr. Chairman, just one minute. In answer to the question whether or not there is a demand, there was a reservation opened a little over a year ago in Wyoming and pending the opening there were 30 applicants for every number giving permission to make entry. In other words, people from New York, Missouri, and all the other States rushed in there and wanted to get the land to the tune of thirty times the acreage available. They were all soldiers, too.

Mr. SNELL. Does that prove anything in reference to a project where according to the testimony five-ninths of the land is not being used at the present time? What has that got to do with this project? When you come to 30 people I would be glad to talk to you, but I think that where five-ninths of the land is not being used you ought not to ask for more money.

Mr. MANN. If the gentleman will yield, how many of these applicants were not required to reside on the land at all?

Mr. FRENCH. Under the homestead law a soldier is given credit in lieu of residence for his period of service.

Mr. MANN. How about those people in hospitals, and so forth? Are they required to reside on the land before selling it?

Mr. FRENCH. I am not aware—

Mr. SMITH of Idaho. If they entered the land before entering the hospital they are not required to live upon the land.

Mr. MANN. If they entered the land, and they are now in hospitals, can they receive the land or are they required to live on the land?

Mr. SMITH of Idaho. They are excused from residence on the land if they filed before they entered the hospital.

Mr. FRENCH. They would have to go upon the land before making entry; that would be true.

Mr. MANN. Under these new laws we have passed I am not very well informed about them, but I was under the impression that these soldiers who had lost their legs or arms or otherwise injured and in hospitals were entitled to make entry and go upon the land, or at least having the filing postponed until the soldier could file.

Mr. SMITH of Idaho. There is no law permitting anyone to enter a piece of land except through a United States commissioner or the United States land office in the district where the land is located. If he is a soldier, he is excused from residence if discharged for disability.

Mr. MANN. What proportion of these were at the land office where the gentleman says thirty times the number presented themselves—

Mr. SMITH of Idaho. I understand they presented themselves at the land office.

Mr. MANN. I think most of them presented themselves by attorneys.

Mr. FRENCH. What I think the gentleman had in mind touching absenteeism is this, that at the time entryman makes entry he must have been upon the land; and in further response to the gentleman from New York I would say the condition that existed to which he referred exists in all the western country. Wherever there is an opening due, if the land is a large amount of acreage, it has been necessary for the department to inaugurate a system of registration in order that any sort of order should be maintained. Settlers or prospective settlers—

Mr. SNELL. Is it not just to get the land free? That is another proposition, that is not to save the Government the expense of an irrigation project.

Mr. FRENCH. These settlers did not get this land for irrigation free. They pay for it. They pay what the irrigation system costs.

Mr. RHODES. Will the gentleman yield for a brief question? The gentleman from Michigan stated a while ago that the committee was without information showing the amount of reimbursable funds returned to the Public Treasury on account

of the Flathead project. Now, I should like to ask the gentleman from Idaho if any effort was made by his committee to ascertain what, if any, money had been reimbursed on this account since 1920? I will say that my reason for asking that is this: I stated positively, giving book and the page where the tables show, coming through the Indian Office in Washington, that during all the years of this reimbursable legislation but 6½ per cent of those funds have been returned. Does the gentleman dispute that?

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, may I have another minute?

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. FRENCH. The surprise would be, at this early stage in the development of that project, that it would be so much. The fact of the business is that this money is to be paid back over a period of years, and I would be surprised if any considerable amount of it should be paid back at this time, when the work is scarcely more than half done, maybe nearly two-thirds done. Then, when the work shall have been completed, will be the time to see whether the moneys will be coming back. According to the testimony brought out by the representatives of the Indian Bureau, as the chairman has indicated, the lands now under water have a value of approximately \$100 an acre upon this particular project, while the outside estimate of the cost to reclaim the project, the cost of the construction work, is approximately \$51. The land stands as a lien for the Government expense.

The CHAIRMAN. The time of the gentleman from Idaho has again expired. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. RHODES].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For support and education of 200 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, \$40,000; for general repairs and improvements, \$10,000; in all, \$50,000.

The CHAIRMAN. Without objection, the misspelling of the word "including," on line 14, page 54, will be corrected.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For support and education of 700 Indian pupils, including native Indian pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, \$140,000; for general repairs and improvements, \$20,000; in all, \$160,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 63, line 7, after the semicolon, insert "For a boys' dormitory, \$60,000."

Mr. CARTER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Oklahoma reserves a point of order on the amendment.

Mr. HAWLEY. I will make a brief statement, and then ask the gentleman from Oklahoma [Mr. CARTER] to insist upon or withdraw his point of order before I proceed further.

Mr. Chairman, this amount was submitted in the estimates that came to the Committee on Appropriations in the Budget estimates. The purpose of this \$60,000 is to replace an old wooden building, constructed some 35 or 40 years ago. It has been used for a boys' dormitory, I think, during all that period. Being made of wood, the foundation has decayed, and the sills of the building have rotted away. They have in part been replaced from time to time, but it has reached such a point of deterioration now that the supports of the building are so far impaired as to make it a dangerous structure. The building settles first in one place and then in another. Cracks open in the roof and let in the water, and the building is damp in part almost all the time.

The building is crowded with boys. I was there some two years ago and went through the entire building. It is crowded with beds on all floors. A great number of young boys are kept there, and if a fire should break out the building is so old and the wood in it so aged that the superintendent says it would be almost impossible to prevent a great disaster. They have fire guards and such appliances as they are able to provide, but the danger is very great. The rotting wood and the dampness underneath make it a continuous menace to the health of the

boys. The superintendent told me that some of the boys who slept in that building were on the sick list nearly all the time, and undoubtedly this is due mainly to the insanitary condition of the building.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SNELL. Have not a great many of our schools and colleges all over the country wooden dormitories that are not fireproof? That condition alone is no different from thousands of other colleges and schools?

Mr. HAWLEY. I am making my principal argument on the great age, and the consequent decay of the materials out of which the building is constructed.

Mr. SNELL. It is not necessary that it should be fireproof?

Mr. HAWLEY. No; but it would be better if it were fireproof. The building is so old that the rain in the winter keeps the building damp, and the rooms are insanitary, and that condition causes illness among the boys.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. With pleasure.

Mr. WALSH. How many buildings are there in this school at Salem, Oreg.?

Mr. HAWLEY. About six buildings in the plant.

Mr. WALSH. Do they never repair any of them?

Mr. HAWLEY. They repair them from time to time. This building has been repaired many times and is a source of continual and considerable expense for that purpose. But the point is now reached where it is no longer possible to place it in good condition. It is better to put up a new \$60,000 building than to spend that money in a few years on repairs and still have an unsatisfactory insanitary building during that period. A new building is an absolute necessity, and it would be cheaper to use the moneys now expended from time to time in the construction of a new building.

Mr. WALSH. Is this to be a concrete fireproof structure?

Mr. HAWLEY. I suppose it would have a concrete base and brick walls.

This building has been estimated for a number of times by the Indian Department. Every inspector who has visited it has said that it should be torn down and replaced; that it is unsafe in its present condition. I was there one day when a strong wind was blowing, and I could feel a tremor vibrating throughout the building. Some day, if it is not replaced, the old wooden structure may give way, with great danger to the lives of the boys. The building has served its purpose. It is dangerous to health and to life, and it ought to be replaced, and it ought to be replaced now.

Mr. WHITE of Kansas. Mr. Chairman, I would like to ask the gentleman a question.

Mr. HAWLEY. Yes.

Mr. WHITE of Kansas. How many boys is it proposed that this school building shall accommodate which you propose to build for \$60,000? Are there 700 pupils in that school?

Mr. HAWLEY. That is approximately the number in attendance at the school. I think some 60 or 75 boys are housed in this building.

Mr. WHITE of Kansas. How many do you expect to house in this dormitory?

Mr. HAWLEY. As I remember, there are from 60 to 75 boys in this dormitory. They are crowded in on all of the floors, and the cots are placed very closely together, which increases the danger.

The CHAIRMAN. Does the gentleman from Oklahoma insist on his point of order?

Mr. CARTER. Yes; I think the question ought to be settled as to whether unauthorized buildings can be provided for on an appropriation bill, and for that reason I insist on the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. CARTER. The only authorization for anything in reference to the education of Indians is that carried in the original act creating the Indian Bureau, which authorized the expenditure of money for education. It has been ruled time and again that that did not authorize the erection of new buildings. Under the language of the recent authorization act, passed, I think, at the last session of Congress, it is not stated that new buildings may be provided in an appropriation bill. I think the chairman has the act before him. It provides, if I recall, for the extension and improvement of buildings and grounds of existing plants and projects. Now, I do not think it can be said that the erection of a building is an extension of the school plant, any more than it might be said that a new unit might be taken up on an irrigation project as an extension of that project; and about the same language is contained in the authorization act

with reference to irrigation projects as is contained with reference to school buildings.

Mr. CRAMTON. Mr. Chairman, I do not wish to be heard at any length. While I am not in favor of the gentleman's amendment, I want to suggest to the Chair that there are possibly two constructions of the language contained in the Snyder Act of November 2, 1921. One has been urged by the gentleman from Oklahoma [Mr. CARTER]. That act reads:

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

I want to suggest to the Chair that that language might very fairly be taken to mean that there is authority for the enlargement, extension, improvement, and repair of existing plants and projects. That is to say, that instead of the words "enlargement, extension, improvement, and repair" referring individually to each particular building they may be taken to refer generally to the words "buildings and grounds." For instance, it is admitted that this dormitory might be repaired or be enlarged or improved or extended. If that is properly within the jurisdiction of the bureau, it would seem reasonable and logical also that the bureau should have the jurisdiction to enlarge or extend or improve the buildings and grounds of an existing plant. Under that construction of the language the amendment would be in order.

Mr. WALSH. Mr. Chairman, if that construction of the language is taken by the Chair, of course there is no limit to what can be done under the authority to which the gentleman refers. But the words should be given their ordinary, usual interpretation; and I think the Chair by referring to similar authority carried in other organic acts and special acts will find that it has always been ruled that under authority such as this committee can not by way of amendment offered from the floor authorize the beginning of new buildings or new projects. They can repair or enlarge an existing building and extend it; but to undertake to replace it by an entirely new structure has always been held to be going beyond the scope of the authority. I do not agree with the gentleman from Michigan [Mr. CRAMTON] in his interpretation of the act passed in 1921.

The CHAIRMAN. In passing on this point of order—

Mr. GARRETT of Tennessee. Mr. Chairman, I do not care to take up the time of the Chair if the Chair is ready to rule.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Chairman, I can not cite the page now, but there is a ruling which holds that at soldiers' homes, for instance, it is not in order to provide for an entirely new building in an appropriation bill. I think there is a provision that where you are building on a foundation already existing, or where you are adding to a new building, that is in order; but I think the construction of an entirely new building has been held not to be in order on an appropriation bill. It seems to me that is on all fours with this proposition. The gentleman from Oregon [Mr. HAWLEY] offers an amendment providing, not an addition to an old building, not for the continuation of a building upon a foundation already existing, but an entirely new building. The gentleman from Massachusetts [Mr. WALSH] has pointed out that if that is held in order it will present practically unlimited possibilities of building. Therefore the decision is quite important.

The CHAIRMAN. The Chair is ready to rule. In passing on this point of order two things must be kept in mind. First, the words of this act of November 2, 1921, must be given their fair and ordinary interpretation; and, second, it seems to the Chair that the rule doubtless is that a strict construction should be given to every authority that is contained in any act of this kind. In other words, if there is doubt about the authority it ought not to be construed to be an authorization. The section of the act of November 2, 1921, involved in the point of order reads as follows:

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

The amendment offered is for a boys' dormitory, \$60,000. This is evidently a new building. It does not come under the language of the act of November 2, 1921, because it is not an enlargement, an extension, improvement, or a repair of an existing building, but is a new building entirely. The language of the act says "the enlargement, extension, improvement, or repair" of an existing building. Under that language it must be manifest that extensions or additions can be made to an existing building, but no authority is there given for the erection of a new building.

The remainder of the language of this section of the act of November 2, 1921, provides for the enlargement, extension, and improvement of grounds of existing plants and projects. A new

building would not certainly be within the meaning of the language "improvement of grounds." There are some decisions along similar lines as pointed out by the gentleman from Tennessee [Mr. GARRETT]. For instance, in Hinds's Precedents, in volume 4, pages 503 and 504, several similar cases are given. The erection of a laboratory building for the Department of Agriculture was held not to be a continuation of a public work already in progress. The purchase of a site and the erection of a building for the Weather Bureau not being authorized by prior legislation and appropriation therefor is not in order on an agricultural appropriation bill as the continuation of an existing public work. The construction of barracks at the navy yard was held not to be a continuation of a public work. While these are not exactly on all fours with the present question, they are along a similar line and are precedents favorable to the position taken by the Chair. The point of order is sustained and the Clerk will read.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 63, line 6, after the semicolon insert the following: "For the extension, improvement, and repair of the boys' dormitory, \$60,000."

Mr. HAWLEY. Mr. Chairman, I ask for a vote.

Mr. CRAMTON. Mr. Chairman, I hope that this authority will not be given. When we do authorize a dormitory we ought to do it right and not waste the money on this old structure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 9, noes 15.

So the amendment was rejected.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. In view of the congested and crowded condition of the Chamber, does the gentleman from Michigan think he will make much progress with the bill to-night?

Mr. CRAMTON. As far as I have any information, there are no stumbling blocks and no matter in controversy during the few pages remaining in the Indian bill, and I hope we may run through that and reach pensions before we rise. If the Clerk is permitted to read, it will not take more than 10 minutes to finish the Indian bill.

Mr. WALSH. There are one or two items that may provoke a little inquiry for information, but I have no objection to running along for a while.

The Clerk read as follows:

For the support and civilization of Indians in Utah, not otherwise provided for, including pay of employees, \$5,800.

Mr. LEATHERWOOD. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the subcommittee if he can give us any idea as to how many Indians are affected by this provision. I have carefully gone over the report, and have been unable to determine.

Mr. CRAMTON. I have no information immediately at hand with reference to that. It is a small amount, and I take it there is not a great number of Indians.

Mr. LEATHERWOOD. My impression is that the number of Indians affected is about the same as the number affected in the item for investigation and maintenance at Fort Hall, and my information is that there are about 579.

Mr. CRAMTON. The item is one that for several years was carried at \$10,000, then \$8,000, and the current year carried \$6,000, and there was recommended \$5,800 by the bureau. The total number of Indians in Utah is 1,559. How many of those will be affected by this I could not state.

The Clerk read as follows:

For aid of the public schools in Uintah and Duchesne County school districts, Utah, \$6,000, to be paid from the tribal funds of the Confederated Bands of Ute Indians and to be expended under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That Indian children shall at all times be admitted to such schools on an entire equality with white children.

Mr. COLTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COLTON: Page 67, line 8, after the word "Utah," strike out "\$6,000," and insert in lieu thereof "\$10,000."

Mr. COLTON. Mr. Chairman, I only care to say in regard to this amendment, that for a number of years the appropriation was \$12,000, and then for some cause, the reason for which I have not been able to find, is cut in two. This was done notwithstanding that the children affected have largely increased. There are peculiar conditions out there. Over 45,000 acres of land have been leased to white people for the special benefit of the Indians, because unless this were done they could not obtain title to their water. A large number of the settlers are

doing this work, and the small counties that are struggling for existence are compelled to school these children without any taxes at all coming from the lands and the property occupied by these white settlers. In other words, the land is not taxable, the children must be supported, and the counties are poor and unable to maintain the schools for as long as eight months of the year. Yet they have no funds with which to educate the children of these lessees. I certainly think that instead of the amount being cut down, it ought to be kept where it was during 1920 and 1921.

Mr. CRAMTON. Mr. Chairman, in response to the gentleman I would say that the amount recommended is the same as that for the current year, and the committee had no evidence to justify increasing it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah.

The question was taken; and on a division (demanded by Mr. COLTON) there were—ayes 5, noes 11.

So the amendment was rejected.

The Clerk read as follows:

For continuing construction and enlargement of the Wapato irrigation and drainage system, to make possible the utilization of the water supply provided by the act of August 1, 1914 (38 Stat. L., p. 604), for 40 acres of each Indian allotment under the Wapato irrigation project on the Yakima Indian Reservation, Wash., and such other water supply as may be available or obtainable for the irrigation of a total of 120,000 acres of allotted Indian lands on said reservation, \$250,000: *Provided*, That the entire cost of said irrigation and drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916: *Provided further*, That the funds hereby appropriated shall be available for the reimbursement of Indian and white landowners for improvements and crops destroyed by the Government in connection with the construction of irrigation canals and drains of this project.

Mr. WALSH. Mr. Chairman, I reserve the point of order on the paragraph. What authority is there for the final proviso that the funds appropriated shall be available for the reimbursement of Indian and white landowners for improvements and crops destroyed by the Government in connection with the construction of irrigation canals and drains of the project?

Mr. CRAMTON. I suppose that if in the course of construction of the irrigation canals and drains improvements and crops are destroyed, it would be held a necessary incident of the construction, and as there is authority to appropriate for the construction, there would be authority to appropriate for those damages that were necessary as an incident of the construction.

Mr. WALSH. That is a supposition, but is there authority? In this act, is it supposed that where they cut through improved land, that is the contribution to the project instead of the Government being mulcted in damages for it?

Mr. CRAMTON. As a parliamentary proposition, these are the necessary incidents of the construction, and they would have the same authority as there is for the appropriation for construction.

Mr. SUMMERS of Washington. In regard to the damages, the gentleman can understand that they may be constructing a ditch through land that is already in cultivation, and the ditch has nothing to do with the water on that land. There may be growing crops there that will be destroyed. Evidently that ought to be reimbursed. That is the sort of thing that this provides for.

Mr. WALSH. I assumed that that is what the provision is for.

Mr. SUMMERS of Washington. It has been carried year after year.

Mr. WALSH. Was it in the act of May 18, 1916, which is the authority for reimbursing the cost of this drainage system? Unless it was in that act, I submit that there is no authority for the Government to permit the payment of these damages.

Mr. SUMMERS of Washington. It may have been provided since then.

Mr. WALSH. Only in an appropriation bill. Of course, it has been carried in an appropriation bill since then.

Mr. SINNOTT. Is not there authority under the Constitution for this, the taking of private property without compensation? When we destroy a man's crop or other property in the erection of irrigation systems, it means the taking of that property—

Mr. WALSH. Oh, well, of course, it is the taking of property, but you have to provide for legislation by a legislative committee. The Appropriations Committee can not come in here—

Mr. CARTER. I suggest to the gentleman from Massachusetts the Constitution quoted by my friend from Oregon prohibits the taking of property without compensation.

Mr. FRENCH. Does not the gentleman think it is quite as important to buy a little tract of land, we will say, as it is to

buy timber to make a flume or materials to make a dam, when by the purchase of a little tract of land the Government can connect up and build its irrigation system? It seems to me that necessarily the Government would have authority to do it for the completion of the project.

Mr. GARRETT of Tennessee. Mr. Chairman—

Mr. WALSH. I will yield to the gentleman.

Mr. GARRETT of Tennessee. Is there a point of order pending?

The CHAIRMAN. There is a reservation of the point of order.

Mr. WALSH. I make the point of order that this is legislation; that there is no authority of law for the language in the provision contained in the final proviso to the paragraph.

Mr. CRAMTON. Mr. Chairman, I simply desire to state that it is a necessary incident to the work of construction that we would have to appropriate for along with the construction of the work.

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10329, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DUNBAR was granted leave of absence for four days on account of business.

EXTENSION OF REMARKS.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent, on behalf of my colleague [Mr. APPLEBY], for the insertion in 8-point type in the RECORD of an address made by him last evening at New Brunswick on "Lincoln, the Man."

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

The address is as follows:

ABRAHAM LINCOLN—THE MAN.

The name of Abraham Lincoln needs no introduction to an American audience. Historic man waited 4,000 years for the coming of Lincoln. Such a character never lived before, and the world may never see his like again. He was created for a purpose; he was a man with a mission. Born in 1809, the same year that gave light to England's grand old man, William E. Gladstone, of humble origin, but splendid parentage; limited education, but an intense student of the few books at his command, as well as of the men and conditions with which he came in contact; reared in the great outdoors, God's country, and near to nature's heart, he early became a leader; and in his early life, through his experiences as a clerk in the proverbial country store, and as he graduated from the school of "hard knocks," he assumed a leadership in each association that was never questioned. The pathetic story of his early life and constant struggles with poverty and destitution will fill the heart of any man with deeper sympathy for the poor and needy. His successful struggles under constant adversity to better his condition will be a beacon light that will guide many a storm-buffed boy into the harbor of success. His life was a succession of striking epochs. His unselfish patriotism and devotion to his country made him a marked man at the very beginning of his professional life. In one of his first debates with Douglas he declared: "Think nothing of me; take no thought for the political fate of any man whomsoever, but come back to the truths that are in the Declaration of Independence. While pretending no indifference to earthly honors, I do claim to be actuated in this contest by something higher than an anxiety for office. I charge you to drop every paltry and insignificant thought for any man's success. It is nothing; Judge Douglas is nothing. But do not destroy that immortal emblem of humanity—the Declaration of Independence."

From Springfield to the National Capital, as he entered upon his duties as President, we find the same determined spirit actuating him. Entering the White House at the most critical time in the history of this Nation, hampered in every way by the dissension between the States, disturbed at times by the differences of opinions among the members of his Cabinet; oftentimes disappointed in his generals as the battle raged between the North and the South, he courageously stood at all times for

what he believed to be right, and, dying as he did by the assassin's bullet before the fruits of his fondest hopes were realized, he yet died victorious, not alone in the circumstance of triumphant arms and a Nation reunited but in the victory of unselfish devotion to the cause of human freedom.

Such, in a few words, is a brief history of the great emancipator whose 113 birthday we celebrate to-day. His deeds, his words, will live forever, bright spots upon the pages of history. His speech at Gettysburg, delivered at the bloody angle, which proved to be the turning point of the war, has given greater inspiration to the youth of this country—yes, to the youth of the world—than perhaps any other single utterance. His words, "It is rather for us to be here dedicated to the great task remaining before us; that from these honored dead we take increased devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth," are immortal and will go down into history as the supreme effort of unselfish patriotism.

More biographies of this beloved American have been printed, more books written around episodes in his life, more incidents told of his acts and character, more stories built upon his homely philosophy and exquisite humor, more shafts erected to his honor, more institutions named for him than any other man whose name has graced the pages of American history. The great Lincoln Highway, stretching from the Atlantic to the Pacific, traversed by thousands of people each day, binds the States in a great memorial; and one of the crowning monuments of all time, the great Lincoln Memorial, now in process of erection in the National Capital, to be dedicated the coming summer, is destined to become a national shrine. Of purest white marble, with its massive classic columns, on the banks of the historic Potomac, surpassing in architecture any similar memorial in the world, surrounded by an artificial lake whose limpid waters reflect with crystal clearness its stately beauty and whose banks are resplendent with the finished art of the landscape gardener, it typifies in its strength, beauty, and design the love and devotion of a grateful people. I can but note the emotions which came to me as on November 11 last, at the service to the unknown dead, I stood with thousands of others in the National Cemetery at Arlington listening to the stirring address of President Harding, and my eyes swept that wonderful vista, unlike any in the world, stretching from Arlington to the National Capitol. First, the wonderfully beautiful marble amphitheater crowning the west bank of the Potomac in which the services were being held; then the Lincoln Memorial, its classic outlines gleaming in the sun; then a little further along, in a direct line, that magnificent shaft, the Washington Monument; and, lastly, to the extreme east, still following the line as an arrow might fly, the Dome of the Capitol, conceded by all as one of the most impressive and striking achievements of architecture. Once seen, it will never be forgotten.

The question may be asked, "Why have Lincoln day dinners remained so popular?" To me the answer seems to be in the patriotism possessed by all true Americans. The average business man becomes so engrossed in his own affairs that he becomes a veritable machine. His activities are directed into many avenues but his mind is always carrying the load, and when he considers an evening of relaxation, the fact that he may join with his friends and associates at least one evening in the year where new phases in the life of one of the greatest Americans who ever lived will be presented, brings him both joy and comfort. Patriotism has always been the mainspring of America's national existence, and as the life of Abraham Lincoln was dear to those who knew him when he lived and moved among them, it is as fully revered and honored by those who have come after. The stimulation of his example is felt by all, and so long as America lives her people will cherish the name and be guided by the teachings of Lincoln, one of the sweetest, greatest, grandest characters in human history.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2935. An act to amend section 3 of the act entitled "An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children," approved June 30, 1921, and for other purposes; to the Committee on Military Affairs.

S. 34. An act for the relief of the Pacific Commissary Co.; to the Committee on War Claims.

S. 462. An act for the relief of Max B. Baldenburg; to the Committee on War Claims.

S. 1730. An act for the relief of Philip S. Everest; to the Committee on Indian Affairs.

S. 2445. An act for the relief of Charles S. Fries; to the Committee on Claims.

S. 2664. An act for the relief of Jesse Goodin; to the Committee on Claims.

S. 2665. An act for the relief of Hattie Tolbert; to the Committee on Claims.

S. 2666. An act for the relief of Ed Thomas and Pauline Thomas; to the Committee on Claims.

S. 2746. An act for the relief of William Howard May, ex-marshal of the Canal Zone; William K. Jackson, ex-district attorney of the Canal Zone; and John H. McLean, ex-paymaster of the Panama Canal, now deceased; to the Committee on Claims.

S. 156. An act for the relief of the heirs of Julio Carrasco, deceased; to the Committee on Claims.

S. 159. An act for the relief of William E. Lewis; to the Committee on Claims.

S. 643. An act for the relief of Jessie M. White; to the Committee on Claims.

S. 1540. An act for the relief of Emma H. Ridley; to the Committee on Claims.

S. 1603. An act for the relief of Joseph W. Skill; to the Committee on Claims.

S. 1813. An act for the relief of the owner of the steamer *Mayflower*; to the Committee on Claims.

S. 1814. An act for the relief of the owner of the steam lighter *Cornelia*; to the Committee on Claims.

S. 1817. An act for the relief of the owners of the schooner *Horatio G. Foss*; to the Committee on Claims.

S. 2323. An act for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased; to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6622. An act for the relief of Gaetano Davide Olivari fu Fortunato;

H. R. 8217. An act to authorize the payment of \$872.96 to the Government of Italy for the relief of the heirs and assigns of N. Ferro;

H. R. 9931. An act to extend the time for completing the construction of a bridge across the Delaware River;

H. R. 6437. An act for the relief of the Cleveland Trinidad Paving Co., of Cleveland, Ohio;

H. R. 1268. An act for the relief of the Six-Minute Ferry Co., of Vallejo, Calif.;

H. R. 1362. An act for the relief of M. Fine & Sons;

H. R. 5597. An act granting an increase of pension to N. May Jernegan;

H. R. 3249. An act for the relief of certain employees of the Bureau of Lighthouses;

H. R. 1733. An act for the relief of W. R. Grace & Co.;

H. R. 2144. An act for the relief of the owners of the schooner *Charles W. Miller*;

H. R. 1370. An act for the relief of Col. Herbert Deakyne, Corps of Engineers, United States Army;

H. R. 1721. An act to authorize the refund of a part of the purchase price of Camp Mills to the Buffalo Housewrecking & Salvage Co.; and

H. R. 1372. An act for the relief of the M. Feitel House Wrecking Co.

ADJOURNMENT.

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 15, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

533. A letter from the Secretary of the Navy, transmitting list and samples of old Marine Corps records in the files of the Navy Department which have no permanent value and which should be disposed of; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,
 *Mr. CLAGUE: Committee on Agriculture. S. J. Res. 79. A joint resolution authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic; without amendment (Rept. No. 701). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER: Committee on Military Affairs. H. R. 9235. A bill providing for a grant of land to the State of Washington for public park purposes; with an amendment (Rept. No. 703). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 10185. A bill authorizing the exchange of lands within or contiguous to the Malheur National Forest, in the State of Oregon, and for other purposes; with amendments (Rept. No. 704). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. COLE of Iowa: Committee on Claims. H. R. 6134. A bill for relief of estate of Anne C. Shymer; with amendments (Rept. No. 702). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9379) granting a pension to Melvin B. Krause; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10342) granting an increase of pension to John A. Shannon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LOGAN: A bill (H. R. 10426) to require the pleading, procedure, and practice in district courts of the United States to conform to that of the State courts in the State in which said district courts are held; to the Committee on the Judiciary.

By Mr. WHITE of Maine: A bill (H. R. 10427) to amend section 6 of the act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. KNIGHT: A bill (H. R. 10428) authorizing the bestowal of medals of honor and ribbon bar upon enlisted men of the World War whose entire service was honorable and who were cited for bravery or heroism upon the battle field; to the Committee on Military Affairs.

By Mr. VOLSTEAD: A bill (H. R. 10429) authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts; to the Committee on the Judiciary.

By Mr. McFADDEN: A bill (H. R. 10430) to amend section 5240 of the Revised Statutes of the United States, relating to national banks; to the Committee on Banking and Currency.

By Mr. McDUFFIE: A bill (H. R. 10431) to fix the time of the regular terms of the United States District Court in the Northern Division of the Southern District of Alabama; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921; to the Committee on Immigration and Naturalization.

By Mr. TEN EYCK: Resolution (H. Res. 287) concerning the purchase of certain territory in the Dominion of Canada by the United States; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKESON: A bill (H. R. 10432) granting a pension to Hannah Spring; to the Committee on Invalid Pensions.

By Mr. BLAND of Virginia: A bill (H. R. 10433) for examination and survey of the channel along Sandy Point upon the southern extremity of Gwynn Island, Mathews County, Va., connecting the waters of Chesapeake Bay with the harbor of Milford Haven; to the Committee on Rivers and Harbors.

By Mr. BYRNS of Tennessee: A bill (H. R. 10434) granting an increase of pension to John L. McMurtry; to the Committee on Pensions.

By Mr. HOUGHTON: A bill (H. R. 10435) granting a pension to John Kent; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 10436) granting an increase of pension to John H. Hoover; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 10437) for the relief of the Stone Towing Line; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 10438) granting a pension to Charles Winfield Maple; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 10439) granting a pension to Anna Hurt; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 10440) granting an increase of pension to Susan J. Murray; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4038. By Mr. BRIGGS: Resolution of Texas Chamber of Commerce, urging recognition of present Government of Mexico; to the Committee on Foreign Affairs.

4039. By Mr. BROOKS of Pennsylvania: Resolutions adopted by the Trinity United Evangelical Sunday Schools, of York, Pa., asking the United States Government to take action for relief of the Armenians; to the Committee on Foreign Affairs.

4040. By Mr. BYRNS of Tennessee: Evidence in support of House bill 10434, granting an increase of pension to John L. McMurtry; to the Committee on Pensions.

4041. By Mr. CRAGO: Resolution adopted by the Philadelphia Wool & Textile Association, of Philadelphia, Pa., protesting against the enactment of the soldiers' bonus bill; to the Committee on Ways and Means.

4042. By Mr. FULLER: Petition of the Mechanics' Machine Co., of Rockford, Ill., opposing additional tax on automobiles; to the Committee on Ways and Means.

4043. Also, petition of 84 citizens of Rockford, Ill., urging the early enactment of the Fordney protective tariff bill, based on American valuation; to the Committee on Ways and Means.

4044. By Mr. KISSEL: Petition of the Pennsylvania State Chamber of Commerce, of Harrisburg, Pa., favoring the equitable distribution of funds for the eradication of bovine tuberculosis; to the Committee on Appropriations.

4045. Also, petition of the Western Association of State Game Commissioners, of Salt Lake City, Utah, opposing the enactment of Senate bill 1452; to the Committee on Agriculture.

4046. Also, petition of the Citizens' Medical Reference Bureau, of New York City, N. Y., relative to conditions in the Philippine Islands from a health standpoint; to the Committee on Insular Affairs.

4047. By Mr. SINCLAIR: Petition of Fred Wille and 21 other residents of Makoti, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4048. Also, petition of David Gallaway and 13 other residents of Epworth, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4049. Also, petition of Andrew Rosendale and 85 other residents of Landa, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4050. Also, petition of A. E. Krogh and 111 other residents of Wildrose, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4051. Also, petition of Louis A. Larson and three other residents of White Earth, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4052. Also, petition of Bernus A. Soli and 42 other residents of Bentley, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4053. Also, petition of Hon. R. W. Patten and 32 other citizens of Plaza and Parshall, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4054. Also, petition of Ed Fossaa and 30 other residents of White Earth and Powers Lake, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4055. Also, petition of O. B. Barfuss and four other residents of Cooperstown, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4056. Also, petition of P. J. Hutton and 36 other residents of Reeder, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4057. Also, petition of Hon. W. J. Maddock and 21 other residents of Plaza, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4058. Also, petition of Hon. P. F. Doyle and 22 other residents of Charlson and Sanish, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4059. Also, petition of Jack Henrick and 12 other residents of South Heart, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4060. Also, petition of Clarence Anderson and 13 other residents of Veblen, S. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4061. Also, petition of Nils G. Dahl and 16 other residents of Watford City and Cherry, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4062. Also, petition of J. M. Carr and six other residents of Carrington, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4063. Also, petition of Joseph A. Tupa and two other residents of Regent, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4064. Also, petition of Don Birdsall and 29 other residents of Berthold, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4065. Also, petition of North Dakota Farm Bureau Federation, urging that an appropriation of \$15,000 be made for the investigation of the manufacture of flax straw into paper and pulp; to the Committee on Appropriations.

4066. Also, petition of William M. Martin, county auditor, Bottineau, N. Dak., on behalf of the county commissioners of Bottineau County, favoring the passage of a bill to provide aid in the purchase of seed this spring by needy farmers; to the Committee on Agriculture.

4067. Also, petition of A. N. Winge and 30 other residents of Van Hook, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4068. By Mr. SNYDER: Petition of the historical societies of the American Historical Association for the erection of a modern historical building in the city of Washington; to the Committee on the Library.

4069. By Mr. SWING: Petition of the Associated Chambers of Commerce of Imperial Valley, Calif., supporting the adjusted compensation bill; to the Committee on Ways and Means.

4070. By Mr. TEMPLE: Petition of members of Mispah Council, No. 361, and Friendship Council, No. 201, Junior Order United American Mechanics of Washington, Pa., in support of House bill 9458; to the Committee on Immigration and Naturalization.

4071. Also, petition of Albert L. Pierce, rural delivery route No. 3, Washington, Pa., in support of House bill 8086; to the Committee on Agriculture.

4072. By Mr. WINSLOW: Petition of the Pan-Albanian Federation of America, for recognition of the present Government of Albania, dated January, 1922; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, February 15, 1922.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee that though all secrets are known unto Thee and our ways are scrutinized we can come to Thee, notwithstanding our failures, and ask from Thee a continuance of Thy mercy, assured that Thy goodness shall never fail us. Help us to fulfill our tasks, to do Thy will, and to prove acceptable before Thee. Through Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, February 13, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ACCOUNTS OF THE EMERGENCY FLEET CORPORATION (S. DOC. NO. 105).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury calling attention of Congress to the necessity for legislation to provide for an audit of the accounts of the United States Shipping Board Emergency Fleet Corporation by the General Accounting Office, and suggesting an amendment to the act approved July 1, 1918, for this purpose, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2373) to authorize association of producers of agricultural products.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 1268. An act for the relief of the Six-Minute Ferry Co., of Vallejo, Calif.;

H. R. 1362. An act for the relief of M. Fine & Sons;

H. R. 1370. An act for the relief of Col. Herbert Deakyne, Corps of Engineers, United States Army;

H. R. 1372. An act for the relief of the M. Feitel House Wrecking Co.;

H. R. 1721. An act to authorize the refund of a part of the purchase price of Camp Mills to the Buffalo Housewrecking & Salvage Co.;

H. R. 1733. An act for the relief of W. R. Grace & Co.;

H. R. 2144. An act for the relief of the owners of the schooner *Charlotte W. Miller*;

H. R. 2373. An act to authorize association of producers of agricultural products;

H. R. 3249. An act for the relief of certain employees of the Bureau of Lighthouses;

H. R. 5597. An act granting an increase of pension to N. May Jernegan;

H. R. 6437. An act for the relief of the Cleveland Trinidad Paving Co., of Cleveland, Ohio;

H. R. 6622. An act for the relief of Gaetano Davide Olivari fu Fortunato;

H. R. 8217. An act to authorize the payment of \$872.96 to the Government of Italy for the relief of the heirs and assigns of N. Ferro;

H. R. 9724. An act making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes; and

H. R. 9931. An act to extend the time for completing the construction of a bridge across the Delaware River.

VIEWS OF JUDICIARY ON LEGISLATIVE QUESTIONS.

Mr. HARRIS. Mr. President, on yesterday I called the attention of the Senate to a speech of Mr. Justice Clarke, of the Supreme Court of the United States, in regard to the cancellation of our foreign war debts when Members of the Senate and the House had delayed discussing those questions on account of the Limitation of Armament Conference being in session. In my address I also expressed regret that the Republican Party had nominated Mr. Hughes for President while a member of the Supreme Court. Since then it has been called to my attention that Mr. Justice Clarke made a speech in New York in which he discussed other matters with which Congress has to deal, including prohibition. I have also been informed that Chief Justice Taft has recently made some speeches which have

been different from those made by any other Chief Justice, but I do not recall them.

We all know the efforts of the Senator from South Carolina [Mr. DIAL] in directing attention of the country to the baseball contract which Federal Judge Kenesaw Mountain Landis made, and how that has lessened the respect for the judiciary. I think the Senator from South Carolina has rendered a splendid service in this and many other important matters. All such things will injure the judiciary of our country.

Mr. WATSON of Georgia. Mr. President, will my colleague allow me to ask him a question?

Mr. HARRIS. Certainly.

Mr. WATSON of Georgia. Has the Chief Justice or the associate justice expressed an opinion upon the Muscle Shoals project?

Mr. HARRIS. Mr. President, I am a great admirer of the Chief Justice of the Supreme Court. My colleague and I differ with reference to him. I voted for his confirmation and my colleague voted against it. The Chief Justice of the Supreme Court has the respect and confidence of the people of my section. While President he appointed an ex-Confederate soldier, Justice White, of Louisiana, Chief Justice at a time when it took a brave and generous man to do it, and our people will never forget him for that. There was at a time when there was a Federal soldier on the bench whom he might have promoted to that high office. He also appointed Joseph R. Lamar, one of the ablest lawyers of my State, a Democrat, to be a member of this highest court. Justice Lamar distinguished himself and our section by the splendid services rendered on the Supreme Court, but the hard work shortened his useful life.

I think William McKinley and William Howard Taft rendered the country a great service when, as Presidents of the United States, they tried to do away with sectionalism and reunite our people. I am a great admirer of the present Chief Justice, but the judiciary is going to be injured, and the people will not have the same high respect for it if the Chief Justice and associate justices of the Supreme Court of the United States make speeches in public not in their line of duty as has been done recently.

I have referred to the generous and broad-minded spirit shown ex-Confederate soldiers by the present Chief Justice and the late President McKinley, and I hope I may be pardoned for a personal reference. When I was made Director of the United States Census Bureau in 1913 one of the first things I discovered was that a number of the ex-Federal soldiers and widows of Federal soldiers employed in the bureau were not having the comforts that younger men and younger women were receiving.

One of the first acts of my administration was to see that they were given the best attention and every comfort. When I left that bureau all the ex-Federal soldiers and the widows of Federal soldiers came to me in a body and said that I had shown them more consideration than any director who had ever held the position, although I was the only southern man appointed to fill that office up to that time. While in that position it gave me pleasure to appoint ex-Confederate soldiers to many positions in the South. There is an agent in each county in the South to collect cotton statistics for the Census Bureau. I probably appointed more ex-Confederate soldiers to Federal positions in the South than any other person. My father was a Confederate soldier, served four years, and I am proud of his record, but he quit fighting when the war was over and there was no bitterness in him. In my humble way I have done what I could to bring about a complete understanding between our sections. During the Spanish-American and the World War there was never any complaint made about the sons of the Northern or Southern soldiers failing to do their duty—just as their fathers did in the Civil War no matter which side they fought on.

PETITIONS AND MEMORIALS.

Mr. STERLING presented a petition of sundry citizens of Sisseton and Peever, S. Dak., praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. MOSES presented the memorial of Mrs. Daniel Connell and sundry other ladies of Somersworth, N. H., remonstrating against the proposed increase in the rates of duty on women's leather gloves in the pending tariff bill, which was referred to the Committee on Finance.

Mr. NEWBERRY presented petitions of the Woman's Literary Club, of Pontiac, and of sundry members of the American Association of University Women, of Birmingham, both in the State of Michigan, praying for the enactment of legislation

creating a department of education, which were referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Battle Creek, Mich., remonstrating against the enactment of legislation providing for compulsory Sunday observance, which was referred to the Committee on the District of Columbia.

ADDITIONAL DISTRICT JUDGES.

Mr. CUMMINS. I report back favorably with amendments from the Committee on the Judiciary the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, and I submit a report (No. 497) thereon.

I ask that the report be printed in the Record as well as printed under the general order, so that Senators may acquaint themselves with the subject. It is a very important measure and I give notice that within a short time the bill will be called up for consideration.

Mr. OVERMAN. May I ask the Senator from Iowa if that is the bill known as the pork barrel judges bill?

Mr. CUMMINS. I do not recognize the designation applied by the Senator from North Carolina, but I am sure he understands pretty well what the bill is.

The VICE PRESIDENT. The bill will be placed on the calendar, and without objection the report will be printed in the Record.

The report is as follows:

The Committee on the Judiciary, to which was referred the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, having considered the same, report it back to the Senate with an amendment, and recommend that the bill as amended do pass.

Amend the bill by striking out all after the enacting clause and insert in lieu thereof the following:

"That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

"For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York, two; for the eastern district of Pennsylvania, one; for the western district of Pennsylvania, one; for the northern district of Texas, one; for the eastern district of Michigan, one; for the northern district of Ohio, one; for the northern district of Illinois, one; for the district of Minnesota, one; for the eastern district of Missouri, one; for the eastern district of Oklahoma, one; for the district of Montana, one; for the northern district of California, one; for the southern district of California, one; for the district of Arizona, one; and for the northern district of Georgia, one.

"Whenever a vacancy shall occur in the office of any district judge appointed pursuant to this act the same shall not be filled unless the Congress shall so provide.

"SEC. 2. That it shall be the duty of the Chief Justice of the United States, or, in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September at Washington, or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each circuit. If any of said senior circuit judges is unable to attend, the Chief Justice, or, in case of his disability, any justice of the Supreme Court in the order of seniority, may nominate any other circuit or district judge belonging to the circuit whose senior circuit judge is unable to attend, that each circuit may adequately be represented at said conference.

"It shall be the duty of every such senior or other circuit or district judge to attend such conference, and to remain throughout its proceedings, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

"It shall be the duty of the senior district judge of each district court of the United States to make, on or before the 1st day of August of each year, a report to the senior circuit judge as to the condition of the business in his district and a recommendation as to what additional judicial force, if any, is needed to dispose of the business of such district with reasonable dispatch. It shall not be sufficient for him merely to state in his report the cases as shown upon the docket of the court, but, after investigation, he shall express his best judgment as to the condition of business existing or likely to arise in his court during the ensuing year. The senior circuit judge, or, in his absence, a judge representing the circuit at the conference, shall present such reports to the conference, with a summary thereof, and his comments thereon.

"The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

"The said conference shall be presided over by the Chief Justice of the United States, or in case of his disability, by any justice of the Supreme Court in the order of seniority.

"Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need thereof, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

"The Chief Justice and each justice or judge summoned to and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed \$10 per day,

which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the Chief Justice.

"Sec. 3. That sections 13, 14, 15, 16, 17, and 18, as amended by the act of October 3, 1913 (chap. 18, 38 Stats., p. 203), of the Judicial Code, be amended to read as follows:

"Sec. 13. (1) A district judge for a district may be designated to act in another district or the same circuit (including territory attached thereto)—

"(a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is or who is to be necessarily absent from his district;

"(b) In aid of a district judge who on account of the accumulation and urgency of business is unable to perform speedily all the work of his district;

"(c) In aid of a district judge when the public interests so require.

"(2) Such designation shall be made by the senior circuit judge whenever he is satisfied that condition (a), (b), or (c) exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable.

"Sec. 14. (1) A circuit judge may be designated to act as district judge in any district of his circuit or of attached territory in any case where a district judge might be so designated.

"(2) Such designation may be made by the senior circuit judge (who may designate himself) whenever he is satisfied that the occasion therefor exists and that the public interests so require.

"(3) This section shall apply to the circuit judges formerly comprising the Commerce Court.

"Sec. 15. (1) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof, in case—

"(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

"(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States that neither the business of that district nor of other districts in that circuit will suffer by the proposed designation.

"(2) Such designation may be made by the Chief Justice if, in his judgment, the public interests so require.

"(3) For the purposes of this section the District of Columbia is to be deemed one of the districts which may be aided and likewise a circuit, the Supreme Court of the District of Columbia is to be deemed a district court to which designations may be made, the justices of the Court of Appeals as circuit judges, and the Chief Justice thereof as the senior.

"Sec. 16. (1) The designation provided for by sections 13, 14, and 15 shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

"(2) It shall be filed in the clerk's office and entered in the minutes of the district court of the aided district; and when so filed and entered shall be conclusive evidence of all the facts necessary to support it.

"(3) A certified copy shall at once be furnished by the clerk to the judge designated; also to the judge of the aided district; also (if under section 15) to the senior circuit judge of each of the two circuits.

"Sec. 17. (1) During the period of service named the judge designated under sections 13, 14, or 15 shall have all the duties, powers, and rights of the judge of the aided district (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds): *Provided, however*, That in case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded.

"(2) Any designated judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation.

"(3) Whenever, pursuant to any law, more than one district judge is authorized to hold court in the same district, each may, separately, but at the same time, hold a district court and discharge the judicial duties of the district judge therein, but subject to section 23 hereof.

"Sec. 18. (1) Any power given by section 13, 14, or 15 to the senior circuit judge may be exercised by the Chief Justice or associate justice allotted to that circuit, or by the circuit judge who, on account of the illness or absence from the circuit of the senior, is acting as such.

"(2) In case of vacancy in the office of Chief Justice, or his disability from illness or absence, any power given to him by this section or section 15 may be exercised by the senior associate justice."

"Sec. 4. That section 118 of the Judicial Code, as amended by the act approved February 25, 1919 (40 Stats. L., p. 1156), be, and the same hereby is, amended so as to read as follows:

"Sec. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; in the fourth circuit three

circuit judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. All circuit judges shall receive a salary of \$8,500 a year each, payable monthly. Each circuit judge shall reside within his circuit and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided for and authorized in other sections of this act."

Section 1 of the bill provides for the appointment of 19 additional judges of the district courts of the United States in 17 districts, as follows: Two judges in each of the districts of Massachusetts and the southern district of New York, and one judge in each of the following-named districts: Eastern New York, eastern Pennsylvania, western Pennsylvania, northern Texas, eastern Michigan, northern Ohio, northern Illinois, eastern Illinois, Minnesota, eastern Missouri, eastern Oklahoma, Montana, northern California, southern California, Arizona, and northern Georgia.

The committee feel that the appointment of so many additional district judges at this time can only be justified by the fact that an emergency exists in the business of the courts of the districts named. This emergency has largely been brought about by the increase of business on account of recent legislation of Congress, an accumulation of business occurring during the recent war, the intricate character of the litigation in certain districts, and the large size of some districts making it difficult for one judge to do the work to advantage. The committee also feel that much of this accumulation of business is of a more or less temporary character, and have therefore provided that whenever a vacancy occurs in the office of any district judge appointed, pursuant to this act the same shall not be filled unless the Congress shall so provide.

Section 2 provides for an annual conference of the senior circuit judges of all the circuits, to be held at Washington, and to be presided over by the Chief Justice of the United States. It is made the duty of the senior district judges of each district to report to the senior circuit judge of his circuit the condition of business in his district with his recommendations, and such reports shall be presented to the conference by such senior circuit judges together with their recommendations and comments thereon. The Attorney General is also, on request of the Chief Justice, to report to the conference on matters pertaining to the several courts of the United States with particular reference to causes or proceedings in which the United States may be a party. The object of the conference is to "make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor," and to "submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business."

Section 3 amends sections 13, 14, 15, 16, 17, and 18 of the Judicial Code, so as to provide more efficient machinery for the designation, assignment, and transfer of district judges from one district to another district in the same circuit, from a district in one circuit to a district in another circuit, and the designation of a circuit judge to act as a district judge within his own circuit, and to arrange the provisions in a more logical order.

The amendment to section 13 covers the subject of assigning district judges within their home circuit, and includes everything on that subject found in House bill 9103, and in sections 15, 16, and 17 of the Judicial Code.

Section 14 of the Judicial Code as amended covers the subject of appointing circuit judges to hold the district court.

Section 15, as amended, covers the subject of assigning district judges to service outside of their home circuit. It includes what is now found in section 18 of the Judicial Code and section 5 of House bill 9103; also, it brings into the same frame the treatment of the District of Columbia courts found in section 7 of House bill 9103.

Section 16, as amended, covers the manner of designation in all cases. It includes the provisions on that subject made by sections 3 and 4 of House bill 9103 as affected by the remaining sections of the Judicial Code.

Section 17, as amended, unites into one section everything that is found about the duty and power of the designated judge, in House bill 9103, and in sections 13 to 18 of the present Judicial Code. It adds only the power to decide certain matters after the judge has gone home, which is the present practice.

Section 18, as amended, unites into one section the power of other judges to designate in addition to the primary one.

Section 4 of the bill amends section 118 of the Judicial Code only to provide for three circuit judges in the fourth judicial circuit instead of two as now provided in said section. This is the only circuit that now has only two judges.

A table showing the state of the business in several districts is hereto attached.

Amend the title to read as follows: "An act for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to amend certain sections of the Judicial Code relating to the designation, assignment, and appointment of judges outside their districts, and for the appointment of an additional circuit judge in the fourth circuit."

BUSINESS PENDING IN ALL THE DISTRICT COURTS OF THE UNITED STATES.

Statement showing business pending in United States district courts, year ending June 30, 1921, compiled from information furnished by the Attorney General.

	Number of judges.	Number of cases pending June 30, 1921.								Population, 1920.
		United States civil.	Criminal, including prohibition.	Admiralty.	All other civil.	Total.	Bankruptcy.	Draft cases.	Prohibition cases.	
FIRST CIRCUIT (5 DISTRICTS).										
Maine.....	1	22	244	92	233	591	152	8	50	768,014
Massachusetts.....	1	206	186	142	923	1,478	1,434	3,943	68	3,852,356
New Hampshire.....	1	14	45	3	58	120	136		21	443,083
Rhode Island.....	1	39	202	25	93	433	160	18	95	604,397
Porto Rico.....	1	16	47	3	98	194	111	30	43	1,297,772
Total.....	5	267	733	265	1,405	3,670	1,993	3,990	277	6,965,622

Statement showing business pending in United States district courts, year ending June 30, 1921, etc.—Continued.

		Number of cases pending June 30, 1921.								Population 1920.
	Number of judges.	United States civil.	Criminal, includ- ing pro- hibition.	Ad- miralty.	All other civil.	Total.	Bank- ruptcy.	Draft cases.	Prohi- bition cases.	
SECOND CIRCUIT (6 DISTRICTS).										
New York:										
Northern district.....	2	83	323	74	771	1,251	499		224	1,978,080
Eastern district.....	2	177	560	1,552	705	2,994	1,047	2,036		2,839,897
Southern district.....	4	2,890	1,893	3,230	2,413	10,426	2,740	7,001	2,015	3,801,384
Western district.....	1	135	475	32	213	855	638	5	231	1,764,794
Vermont.....	1	11	117	1	56	185	254	24	64	352,421
Connecticut.....	1	62	166	37	120	386	1,016	2	125	1,380,585
Total.....	11	3,358	12,605	4,926	4,278	16,096	6,194	9,071	3,139	12,117,150
THIRD CIRCUIT (5 DISTRICTS).										
Pennsylvania:										
Eastern district.....	2	283	342	286	1,887	2,788	880	59	210	3,287,781
Middle district.....	1	25	41	1	292	359	459	1,066	13	1,987,374
Western district.....	2	137	450	178	1,684	2,449	1,859	3	324	3,440,004
New Jersey.....	3	331	1,989	178	562	2,060	914	10,593	429	3,155,374
Delaware.....	1	14	13	58	149	234	41		4	223,003
Total.....	9	790	1,825	701	4,574	7,893	4,159	11,751	980	12,093,536
FOURTH CIRCUIT (9 DISTRICTS).										
West Virginia:										
Northern district.....	1	25	97	2	120	244	283		25	695,065
Southern district.....	1	49	222	3	282	556	195	3	80	768,544
Virginia:										
Eastern district.....	1	90	239	271	151	751	423		45	1,202,505
Western district.....	1	38	458		70	566	249	2	108	1,103,855
Maryland.....	1	51	33	69	56	209	163		13	1,449,610
North Carolina:										
Eastern district.....	1	27	371	46	204	648	145		270	1,277,012
Western district.....	2	134	788		152	1,078	165	17	448	1,279,474
South Carolina:										
Eastern district.....	1	27	316	24	89	456	421	3	133	964,948
Western district.....	1	30	416		75	521	102	25	196	718,714
Total.....	10	471	2,912	415	1,199	4,977	2,133	78	1,318	9,459,729
Texas:										
Northern district.....	2	140	557		523	1,220	464	28	185	1,427,056
Eastern district.....	1	54	141	19	156	370	492	1	45	1,144,483
Southern district.....	1	79	126	25	130	360	172	4	66	850,688
Western district.....	2	128	279		109	515	197	3	131	1,238,800
Louisiana:										
Eastern district.....	1	70	282	252	233	837	78	6	67	853,965
Western district.....	1	60	207		144	401	366	14	57	943,833
Mississippi:										
Northern district.....	1	3	131		52	186	323	2		807,961
Southern district.....	1	18	215	4	155	392	481		79	981,423
Alabama:										
Northern district.....	2	30	451		168	649	3,556	292	205	1,224,203
Middle district.....	1	10	85		77	172	522		26	693,359
Southern district.....	1	20	169	30	32	241	138	5	85	429,733
Georgia:										
Northern district.....	1	559	1,900		130	2,589	809	447	113	1,380,291
Southern district.....	1	134	1,238	43	173	1,588	804	15	509	1,514,392
Florida:										
Northern district.....	1	4	147	26	32	209	192	1	22	289,091
Southern district.....	1	250	594	165	327	1,336	235	18	247	677,205
Total.....	16	1,559	6,511	564	2,441	11,075	8,829	836	1,837	14,453,483
SIXTH CIRCUIT (9 DISTRICTS).										
Michigan:										
Eastern district.....	1	109	378	16	251	754	583	87	181	2,456,743
Western district.....	1	11	38		82	131	60	15	22	1,210,479
Ohio:										
Northern district.....	2	155	579	21	656	1,411	722	540	317	3,195,651
Southern district.....	2	67	71	1	309	448	497	6	18	2,563,717
Kentucky:										
Eastern district.....	1	96	433	1	323	853	332	4	208	1,225,581
Western district.....	1	151	115	3	261	530	558	2	56	1,190,162
Tennessee:										
Eastern district.....	1	44	257	2	57	360	115		69	804,581
Middle district.....	1	68	443		50	561	458		105	830,326
Western district.....	1	41	195		262	498	103	15	70	702,552
Total.....	10	742	2,509	44	2,251	5,546	3,428	669	1,046	14,179,792
Wisconsin:										
Eastern district.....	1	30	83	12	138	263	132		31	1,441,069
Western district.....	1	65	319	4	111	499	106	56	110	1,190,770
Illinois:										
Northern district.....	2	229	1,092	10	863	2,184	1,322	16	275	3,824,105
Eastern district.....	1	36	276		146	458	281		128	1,250,471
Southern district.....	1	109	539	1	163	812	658	28	344	1,410,522
Indiana.....	1	96	304		262	662	234	2	136	2,930,544
Total.....	7	565	2,613	27	1,683	4,888	2,733	102	1,024	12,047,481
EIGHTH CIRCUIT (17 DISTRICTS).										
Minnesota.....	2	399	382	29	1,130	1,940	469	2	179	2,386,371
Iowa:										
Northern district.....	1	15	63	1	174	253	385	1	23	1,159,797
Southern district.....	1	155	163	2	190	510	272	73	23	1,243,833
Missouri:										
Eastern district.....	1	46	257	3	316	622	350		188	1,701,91
Western district.....	1	48	170		297	515	442	1	76	1,098,756

Statement showing business pending in United States district courts, year ending June 30, 1921, etc.—Continued.

		Number of cases pending June 30, 1921.								
	Number of judges.	United States civil.	Criminal, including prohibition.	Ad- miralty.	All other civil.	Total.	Bank- ruptcy.	Draft cases.	Prohibi- tion cases.	Population, 1920.
EIGHTH CIRCUIT (17 DISTRICTS)—Continued.										
Arkansas:										
Eastern district.....	1	21	136		196	353	288		44	1,157,452
Western district.....	1	51	331		137	519	67	29	44	593,543
North Dakota.....	1	40	292		100	432	97	212	189	645,730
South Dakota.....	1	30	87		232	349	354	18	24	635,839
Nebraska.....	2	97	183		490	770	354	1	80	1,295,502
Kansas.....	1	52	88		296	436	280	29	3	1,769,257
Oklahoma:										
Eastern district.....	1	233	764		394	1,391	343	1	163	1,177,823
Western district.....	1	43	285		172	500	110	6	42	849,736
Wyoming.....	1	25	108		67	201	40	7	38	194,402
Colorado.....	1	48	107		158	313	203	2	25	939,376
New Mexico.....	1	24	67		54	145	74	9	48	360,237
Utah.....	1	39	101		90	230	165	157	17	449,446
Total.....	19	1,367	3,514	35	4,493	9,409	4,313	618	1,205	18,258,896
NINTH CIRCUIT (14 DISTRICTS).										
Alaska:										
First division.....	1	3	68	8	151	230	5		1	55,035
Second division.....	1		5	3	38	46	1			
Third division.....	1	1	14	2	54	65	6	12		
Fourth division.....	1		13		91	104	11			
Hawaii.....	2	11	18	2	11	42	43		10	255,912
Montana.....	1	81	309		135	525	218	31	71	547,593
Idaho.....	1	20	103		324	447	270	6	15	431,825
Washington:										
Eastern district.....	1	23	30		51	104	99	1	6	437,034
Western district.....	2	121	265	57	270	713	255	4	75	919,282
Oregon.....	2	52	209	43	183	485	691	3	41	783,389
California:										
Northern district.....	2	147	811	755	2,413	4,126	1,156	288	415	1,746,408
Southern district.....	2	129	538	22	490	1,179	520	196	250	1,680,128
Nevada.....	1	17	39		118	174	151		4	77,407
Arizona.....	1	16	122		160	310	84	12	20	333,273
Total.....	20	621	2,544	802	4,489	8,596	3,460	553	908	7,267,188
Grand total (86 districts in United States).....	105	9,770	26,686	7,899	26,813	71,138	37,242	27,677	11,735	106,840,877
District of Columbia Supreme Court.....	6	75	2,732	5	3,544	6,622	46	8	266	437,571

Statement showing business pending in United States district courts, year ending June 30, 1921, of districts affected by H. R. 9103.

	Present judges.	Judges granted.	United States civil.	Criminal, including prohibition.	Admiralty.	All other civil.	Total.	Bankruptcy.	Draft.	Prohibition.
Massachusetts.....	1	2	206	186	142	923	1,457	1,434	3,943	68
New York:										
Eastern district.....	2	1	177	560	1,552	705	2,994	1,047	2,036	480
Southern district (P.).....	4	2	2,890	1,893	3,230	2,413	10,426	2,740	7,004	2,015
Pennsylvania:										
Eastern district.....	2	1	283	342	286	1,887	2,788	886	59	210
Western district.....	2	1	137	450	178	1,684	2,449	1,859	3	324
Texas, northern district.....	2	1	140	557		523	1,220	464	28	185
Florida:										
Southern district.....	1	1	250	594	165	327	1,336	235	18	247
Northern district.....	1		4	148	26	32	209	192	1	22
Michigan, eastern district (P.).....	1	1	109	378	16	251	754	583	87	181
Ohio, northern district.....	2	1	155	579	21	656	1,411	722	540	317
Tennessee, middle district.....		1	68	443		50	666	458		105
Illinois:										
Northern district.....	2	1	229	1,092	10	863	2,194	1,322	16	275
Eastern district.....	1	1	36	276		146	458	281		128
Minnesota (P.).....	2	1	399	382	29	1,130	1,940	469	2	179
Missouri:										
Eastern district.....	1	1	46	257	3	316	622	350		188
Western district.....	1	1	48	170		297	515	442	1	76
Oklahoma, eastern district.....	1	1	233	764		394	1,391	1,343	1	163
Montana (P.).....	1	1	81	309		135	525	218	31	71
California:										
Northern district (P.).....	2	1	147	811	755	2,413	3,126	1,156	288	415
Southern district.....	2	1	129	538	22	490	1,183	520	196	250
Arizona.....	1	1	16	122		160	298	84	12	20
Total.....	32	22	5,783	10,840	6,435	15,795	38,860	15,805	14,206	5,916

APPOINTMENT OF POSTMASTERS.

Mr. SWANSON. Mr. President, I desire to call up the resolution (S. Res. 236) which I introduced on Monday last and which comes over under the rule.

Mr. CURTIS. In the absence of the chairman of the Committee on Post Offices and Post Roads [Mr. TOWNSEND] I ask that the resolution may go over without prejudice until his return.

Mr. SWANSON. The request of the Senator from Kansas is entirely proper. I think the chairman of the Committee on Post Offices and Post Roads should be here when the resolution is disposed of, and I ask that it may go over without

prejudice and with the privilege of calling it up in the morning hour on any day after the chairman of the Committee on Post Offices and Post Roads shall have returned.

The VICE PRESIDENT. Without objection, the resolution will go to the Table Calendar.

AMENDMENT OF THE RULES—APPROPRIATION BILLS.

Mr. CURTIS, from the Committee on Rules, to which was referred the resolution (S. Res. 213) to amend the Standing Rules of the Senate so that all general appropriation bills shall be referred to the Committee on Appropriations, reported it with amendments and submitted a report (No. 498) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARAWAY:

A bill (S. 3154) for the relief of C. M. Reives; to the Committee on Public Lands and Surveys.

By Mr. CAPPER:

A bill (S. 3155) for the relief of L. S. Boyer; to the Committee on Claims.

By Mr. HARRISON (for Mr. UNDERWOOD):

A bill (S. 3156) to change the terms of the district court for the northern division of the southern district of Alabama; to the Committee on the Judiciary.

By Mr. HARRISON:

A bill (S. 3157) for the relief of John G. Sessions; to the Committee on Claims.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 13, 1922:

S. 2124. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama;

S. 2468. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin; and

S. J. Res. 140. Joint resolution relative to payment of tuition for Indian children in Montana State public schools.

On February 14, 1922:

S. 2802. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

S. 2994. An act to revive and reenact the act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island, in Baldwin and Mobile Counties, Ala.," approved October 5, 1917; and

S. J. Res. 99. Joint resolution providing a site upon public grounds in the city of Washington, D. C., for the erection of a statue of Dante.

THE FOUR-POWER TREATY.

Mr. HITCHCOCK. Mr. President, I offer the resolution which I send to the desk and ask that the Secretary may read it.

The reading clerk read the resolution (S. Res. 237), as follows:

Resolved, That the President be, and he is hereby, requested to furnish to the Senate, if not incompatible with the public interest, all drafts or forms presented to or considered by the delegates of the United States, the British Empire, Japan, or France in considering the subject of the four-power treaty.

Also copies of all proceedings, records, negotiations, arguments, debates, discussions, and conversations which occurred between the delegates of the United States, the British Empire, Japan, or France, or any of them, covering the subject of the four-power treaty or the supplementary note which accompanied it or the supplementary agreement relating to it and subsequently signed.

Mr. HITCHCOCK. If there is no objection to the present consideration of the resolution, I should like to have it acted on at this time.

Mr. CURTIS. The chairman of the Committee on Foreign Relations is not here to-day, but expects to be here to-morrow. I ask that the resolution may go over under the rule. I understand that nearly all the matter asked for has been printed.

Mr. HITCHCOCK. No, Mr. President. I had the impression, when the chairman of the Committee on Foreign Relations asked to have certain documents printed, that there would be printed a full report of the negotiations which occurred between the American delegates and the delegates of France, Great Britain, and Japan which led up to the four-power treaty, but after a very careful examination of the records printed reveals the fact that there is absolutely nothing which records the negotiations or the conversations or forms of discussion or debates which led up to the four-power treaty.

The large volume which was printed (S. Doc. 126, 67th Cong., 2d sess.) is divided practically in two parts. The first half of it relates to the details of the discussion of the disarmament treaty. The latter half of the volume relates almost exclusively to discussions of the Chinese question. There is almost nothing at all explanatory of the four-power treaty, which, as we all know, is the most debatable of all those presented.

I may say to the Senate that this is not without precedent. We have the very best possible precedent for asking for the information. Inasmuch as great interest attaches to the four-power treaty, it seems to me there ought not to be any opposition to laying before the Senate the full details of the discussions.

Mr. MOSES. Mr. President—

Mr. HITCHCOCK. I will say that this is all the more important because there was an open and notorious disagreement between the President of the United States and his chief representative upon the American delegation, the Secretary of State, Mr. Hughes, as to the meaning of the four-power treaty, and that disagreement led to some revelations at the time and finally to a supplementary note explanatory of the treaty itself.

I yield to the Senator from New Hampshire.

Mr. MOSES. I wish to suggest to the Senator from Nebraska that we are all familiar with the precedent to which he has alluded. I think the precedent also carried another element, namely, the reference of all such inquiries to the Committee on Foreign Relations.

I will say further to the Senator that the Committee on Foreign Relations is to meet to-morrow morning, and in this connection I ask if he has any objection to having the resolution referred to that committee. I assure the Senator that when the committee meets to-morrow morning I shall very gladly join with him in asking for any proper documents which we have not yet received. I have not examined the bulky document which has been sent to us, and while I have no disposition to question the Senator's summary as to what it contains, it is altogether probable that the chairman of the committee, who will be here to-morrow, may be able to furnish any further information desired.

Mr. HITCHCOCK. I see no need for referring this simple resolution asking for information to the Committee on Foreign Relations. I can see the propriety of having it go over until to-morrow, when the chairman of the committee will be here. It may be that the whole matter can be adjusted on the floor. At least, in preference to having it referred to the committee, I would like to adopt the suggestion of the Senator from Kansas that it lie on the table and go over until to-morrow.

Mr. MOSES. Under the rule it would have to do that in any event, unless it were referred to the committee.

The VICE PRESIDENT. The resolution will lie over under the rule. The morning business is closed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhul, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes, and it was thereupon signed by the Vice President.

RELIEF AGAINST DEPRESSION AND UNEMPLOYMENT.

Mr. KENYON. In accordance with the notice which I gave on yesterday, I ask unanimous consent for the present consideration of the bill (S. 2749) to prepare for future cyclical periods of depression and unemployment by systems of public works.

The VICE PRESIDENT. The Senator from Iowa asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KENYON. Mr. President, I should like first to have the bill read, and I then wish to explain its object to the Senate.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary read the bill, as follows:

Whereas a sound economic policy requires that a larger percentage of the public works and projects of the United States be undertaken and prosecuted during a period of major industrial depression and unemployment, when labor and capital are not fully employed in private industry, that a smaller percentage of such works and projects should be undertaken and prosecuted during a period when private industry is active and competing for the same men and material with resulting business strain and overextension, and that the prosecution of such works and projects should be utilized as a stabilizing force during a period of overexpansion as well as during a period of depression. It is the purpose of this act to grant the authority necessary to carry out this policy: Therefore

Be it enacted, etc., That the head of each executive department is authorized to prepare and to periodically revise the necessary plans for all public works and projects within his jurisdiction concerning which a report has been requested by Congress or a committee thereof under the provisions of existing law, and to make the surveys and to prepare the engineering plans necessary for proposed public works and projects, in order that the work may be commenced immediately and properly prosecuted when an appropriation becomes available therefor.

Sec. 2. (a) That the Secretary of Commerce shall prepare and publish monthly reports as a supplement to the Current Survey of Business of the Bureau of the Census, or otherwise, concerning the trend of business conditions, the approach of periods of business strain and overextension, or of periods of business depression, in order that the Presi-

dent, the heads of the executive departments, the Congress, the governors of the respective States, the mayors of cities, and persons engaged in private industrial enterprises may properly prepare for and plan against such periods.

(b) The Secretary of Commerce shall transmit, with his recommendations, copies of such report to the President, the heads of departments, and to the Congress.

(c) The Secretary of Commerce shall utilize the available statistics collected or compiled by any department, bureau, office, or agency of the Federal Government or of a State, or by an industrial, banking, labor, or other association, and he is authorized to obtain such additional facts and statistics as may be necessary to carry out the provisions of this section.

Sec. 3. That the head of each executive department is authorized, upon the advice of the President, to postpone the date of the commencement or retard the prosecution of such portions of the public works and projects within his jurisdiction as may be necessary, in order to prepare for and to prevent a further rise in the cylindrical wave of industrial expansion and resulting business strain and overextension and, within the appropriations therefor, to enter upon a maximum program of public works and projects as a preparation for and in order to counteract an impending period of industrial depression and unemployment. Where a time limit has been specifically provided within which any such work or project, or any part thereof, is to be commenced or completed, this section shall not be construed to extend or remove such limit.

Mr. CURTIS. Mr. President, I think this is an important measure, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Phipps
Borah	Fletcher	McKinley	Poindexter
Brandegee	Gooding	McNary	Sheppard
Bursum	Hale	Moses	Spencer
Capper	Harris	Nelson	Sterling
Caraway	Harrison	New	Trammell
Culberson	Hitchcock	Newberry	Wadsworth
Cummins	Jones, N. Mex.	Oddie	Watson, Ga.
Curtis	Jones, Wash.	Overman	Willis
Dial	Kellogg	Page	
Ernst	Kenyon	Pepper	

The VICE PRESIDENT. Forty-two Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and the following Senators answered to their names when called:

Hefflin	Lenroot	Simmons	Swanson
Kendrick	Norris	Smith	Warren
Ladd	Pomerene	Stanley	

Mr. HEFLIN. I desire to announce that my colleague [Mr. UNDERWOOD] is absent on account of illness.

The following Senators entered the Chamber and answered to their names:

Cameron	Glass	McCormick	Shortridge
Colt	King	Ransdell	Stanfield

Mr. RANSDALL. I desire to announce that my colleague [Mr. BROUSSARD] is detained from the Senate on official business. I ask that this announcement may stand for the day.

Mr. HEFLIN. I have been requested to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness.

Mr. CURTIS. I desire to announce that the following Senators are detained from the Senate in attendance upon a meeting of the Committee on Finance: The Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN].

The VICE PRESIDENT. Sixty-one Senators have answered to their names. A quorum is present.

Mr. KENYON. Mr. President, from the recommendations of the Unemployment Conference which was held at Washington some time ago has come this bill. I have been anxious that some concrete thing be passed by the Congress as a result of that conference, and for the purpose of helping the situation as to unemployment in the country.

I want to say now that I do not believe this bill will accomplish very much as to the present situation of unemployment, nor do I believe that it will be a panacea for that condition, or a solve-all for the future. I believe that it will merely be helpful.

This bill does not seek to assist the unemployment situation with charity or by any abnormal expenditures. It carries no appropriation, but simply proceeds on the theory that public works in the country should be stimulated during times of industrial depression and held back during times when there is great activity in all lines of business and great demands for labor and great demands for material. That is the theory of the bill.

Mr. OVERMAN. Mr. President, I do not exactly understand that. Suppose that one corporation in one line of business is very active in doing business and another is not. Does the Senator mean that the power is given to stop the business which is going on and is prosperous?

Mr. KENYON. Oh, no. What I mean is this: Here is a general market for labor. Private industry is after labor. Labor is being employed at good wages. In those times there is not much necessity for Government work from the labor standpoint; so under this bill the President could hold back certain parts of public work, and then concentrate that work at the time of industrial depression. It does not interfere, of course, with anybody's private business.

Mr. FLETCHER. Mr. President, may I ask the Senator if he does not think section 3 gives very broad arbitrary power to the President—who would act, perhaps, on the recommendation of the head of a department—to postpone work or operations in any one portion of the country and to carry it on in another, and to stop work in one part of the country and proceed with it somewhere else, and delay it as far as he might see fit, in order that, looking ahead, he might arrange conditions so that what he conceived to be for the public good might be accomplished?

The objection to this, to my mind, is that after Congress has authorized certain public works to be prosecuted, and has passed its judgment upon those public works, feeling that the necessity is there for the prosecution of that kind of work, it is proposed then to vest in the President, in a way, the power to nullify absolutely the acts of Congress, the expressed will of Congress, with reference to carrying on those works.

I suggest to the Senator that it seems to me that is a very broad power to put in the hands of the Executive, and the question in my mind is whether it is a safe thing and a wise thing to do. Of course, I do not question but that the present Executive would exercise great wisdom and splendid judgment in connection with that matter; but we know that the President has not the time to consider all these details and that he has to depend upon the heads of the different departments for their recommendations. The question in my mind is about the wisdom of vesting that extensive power practically in the heads of the different departments.

Mr. KENYON. Mr. President, it is true that a good deal of power is lodged in the President under this bill; but I call the Senator's attention to the concluding paragraph of section 3:

Where a time limit has been specifically provided within which any such work or project, or any part thereof, is to be commenced or completed, this section shall not be construed to extend or remove such limit.

So that if Congress had provided a time limit the President could not do it.

I will say to the Senator that, as he knows, appropriations have been made for public buildings. They have been simply held up in view of the general financial situation of the country, and this very thing is going on now without any well-regulated plan, such as there would be under this bill. That is my answer to the Senator.

Mr. WATSON of Georgia. Mr. President—

Mr. KENYON. I yield to the Senator.

Mr. WATSON of Georgia. I will ask the Senator from Iowa whether, under this bill, the heads of departments could not pile up against the Government a large deficiency bill, which the Congress would be legally bound to pay?

Mr. KENYON. No, I think not; because the works are merely to be planned and surveys and engineering plans made. That would cost something, of course; but I am advised that this work could be started without any appropriation, and none has been provided for here.

That simply stands in readiness to be used when Congress makes the appropriation. A bureau head could not stop anything and could not start anything. The heads of the executive departments would take up the matter with the President of the United States, and then he would determine whether a certain amount of this work could be retarded for a year or two.

Let me illustrate the matter in this way:

Suppose, under the reports which are provided under section 2, that the Secretary of Commerce is getting reports from the country—and I may say that we have no reports now that amount to anything, practically, as to the situation of unemployment—or suppose he sees that an industrial depression is to come. The President, under the appropriations made by Congress for certain lines of work, holds back this year 20 per cent, the next year he holds back 20 per cent, and the following year 20 per cent. Then suppose the depression starts. They have this reservoir of employment, 60 per cent more, to put right into that depression. That is the object of it.

The Federal Reserve Board is a reservoir for credit. This is a reservoir for labor to draw on. It will not be large; it will not accomplish a great deal, because the amount of labor engaged in public work is a very small percentage of the entire labor employed in all the work of the country. I will show what it is; but it is a little, perhaps, over 1 per cent.

Mr. President, the economic theory that I am trying to advance is the only proposition I have known to be before Congress at this session to do anything at all for labor, and I have hoped that we might give it some serious consideration. This bill was reported out of the committee unanimously. I think the committee felt that it would not accomplish a great deal, but that it would accomplish something, and that it was worth trying.

Mr. PHIPPS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. Yes.

Mr. PHIPPS. I do not recall having been polled on the matter of reporting out the bill, perhaps on account of absence during the holidays; but I have no recollection of any hearings having been conducted on this bill. I should like to ask the Senator what course was pursued in the committee in handling this measure?

Mr. KENYON. I am glad to inform the Senator, because I have had such difficulty in ever getting a quorum of the committee. I do not speak of it in criticism, but I think one of the most discouraging things about the American Congress, especially the Senate, is the fact that it is almost impossible to get quorums of committees. It has been almost impossible for the Committee on Education and Labor to get a quorum. I will say to the Senator that we had hearings on this bill and they have been printed. I think the Senator was in the West at the time.

Mr. PHIPPS. They must have been very short indeed. I was absent a very few days.

Mr. KENYON. There never has been a meeting of the committee without notice being sent to all the members, and I think the Senator from Colorado has been as diligent in attending the sessions of the committee as any of the members. Hearings were had, and the hearings are printed, and they were very interesting hearings.

Mr. PHIPPS. It just so happens that I have not had my attention called to the hearings, or to the action of the committee.

Mr. KENYON. I think at the time we voted on the bill the Senator was absent. I will state that this bill has been endorsed by the officers of the Chamber of Commerce of the United States, by leading economists and professors, and by the American Federation of Labor, which is a very remarkable situation.

Mr. PHIPPS. Was any report ever submitted with the bill?

Mr. KENYON. No.

Mr. PHIPPS. No report was made?

Mr. KENYON. No report was made.

Mr. LENROOT. Mr. President, if the Senator will yield, I should like to ask his construction of subdivision (c), on page 3:

The Secretary of Commerce shall utilize the available statistics collected or compiled by any department, bureau, office, or agency of the Federal Government or of a State, or by an industrial, banking, labor, or other association, and he is authorized to obtain such additional facts and statistics as may be necessary to carry out the provisions of this section.

What is the Senator's construction of the language requiring the Secretary of Commerce to utilize statistics collected and compiled not only by any governmental agency but by any private agency?

Mr. KENYON. I will say to the Senator that the Secretary will get all the facts he can. The Bureau of Labor Statistics now, in gathering facts, have been compelled to go into reports of all kinds, private and others, the reports of the Bureau of Economic Research, and so forth; and that provision simply means that the Secretary is to utilize every available means of getting at the truth as to the labor situation.

The Senator will remember that in the conferences that took place the statement was made that there were over 5,000,000 men out of employment in this country. That was denied; it was disputed. A gentleman connected with the Government, who has made a great study of this matter, told me a couple of weeks ago that there were 7,000,000. There is absolutely no way, apparently, of getting authentic statistics now. This would enable the Secretary of Commerce to utilize every available fact he could get bearing on the question.

Mr. LENROOT. Does the Senator think that should be mandatory?

Mr. KENYON. No; I do not think so.

Mr. LENROOT. Would the Senator object to the word "may" instead of "shall"?

Mr. KENYON. Not at all. I do not think it should be mandatory. I think it is for him to get all the information he can. I will be very glad to accept an amendment making that change.

In the report of the President's conference on unemployment, pages 96 and 97, this was stated:

When public works are done in greatest volume during periods of active industry the same men and material are being competed for by both public and private employers. The inevitable result is to raise the height of the crest of the wave of cyclical business inflation and to cause a greater crash when the heightened wave breaks, as it always does.

In a growing country like the United States the aggregate volume of public works of cities, counties, States, and of the Federal Government is so great that if a larger proportion were executed in years of depression than in years of active industry a powerful stabilizing influence would be exerted.

The leadership of the Federal Government in expanding its public works during periods of depression and contracting execution in periods of active industry requires no great change from existing procedure. Already the executing agency enjoys great latitude as to the period in which the period of intensive execution to synchronize with major periods of industrial depression.

Certain works of the Federal Government, such as reclamation, flood prevention, river and harbor work, roads, and public buildings, are peculiarly suited for consideration as large undertakings covering a long period and capable of elasticity of execution to synchronize with cycles of business depression.

A committee of the conference was empowered to make specific recommendations for utilizing a percentage of the ordinary necessary public works of the Federal, State, and city governments as a reserve against future periods of unemployment and industrial depression. This bill embodies the first steps recommended. It makes no provision for the present industrial depression and carries no appropriation. It seeks to adopt as a Federal policy the expansion and contraction of Federal public works to accord with the periods of fall or rise in private industry and employment.

In embarking upon a policy of long-time planning of public works and framing a program that will lighten public-work construction in years of prosperous private industry and concentrate it in depression years is the issue this bill brings up.

The measure of relief concentrating public work can bring is not large, but there is a great incentive to it as to States, counties, and municipalities.

I want to cite the interesting economic fact that in the whole history of the Government up to 1903 the periods of depression came practically every 10 years; they were almost unailing. Since 1903 the periods of depression have come every five or eight years, but it is perfectly certain that there will be the lean years as well as the fat years.

In 1914 we had a serious depression. We had unemployment. The wages in 1913 of mining, manufacturing, railway, express, and miscellaneous hired labor were \$16,180,000,000. In the depression year of 1914 the wages paid for the same lines of industry were \$15,077,000,000, or a reduction of a little over a billion. If we had had a measure of this kind on the statute books, with that depression approaching, if 22 per cent of the public-work construction of the preceding five years could have been held back, it would have put in an extra \$183,000,000 of wages, or one-sixth of the total wage reduction. If it continued for 10 years, it would be a third instead of a sixth, so that the load of the major depression would be lifted at least one-sixth by some policy of this kind carefully worked out.

Mr. MCCORMICK. Mr. President, the Senator apparently attributes to the executive branch of the Government, without regard to party, an economic and administrative perspicacity which I have never been able to find in them.

Mr. KENYON. Not equal to the congressional perspicacity.

Mr. MCCORMICK. I do not want to pass compliments with the Senator. Who, in the administration of any government, clearly foresaw the time of the onset of the present depression? There were a few academic economists, I think, who forecast it. In the world of business, certainly, men of the highest authority, of presumed intelligence and information, believed a year ago last September that a few weeks, or a few months, at most, would see us on the upward curve in the resumption of industry.

I raise that point because the argument of the Senator presumes that public works, needed or believed to be needed by communities and the Congress, would be held back upon the judgment of executive experts for long periods, until, in the judgment of those same experts, we could go ahead.

Mr. KENYON. Of course, they could not be over long periods. There is a good deal in what the Senator says, but, as I said a few moments ago, the economic history of the country shows that up to 1903 the cyclical periods have come regularly about

every 10 years. Since 1903 we have had them every five or eight years.

Mr. McCORMICK. Of course, there is no one who can be prophet enough to know just when they are coming.

Mr. KENYON. The object of the second section is to enable the Secretary of Commerce to collect all the information he can get and to issue bulletins, so that business will not be taken unawares, but will know just what is coming on.

It is said that will bring on scares; but the warnings are given now by unreliable sources, and the result might be much better if it were done by some governmental agency simply telling the truth about the conditions.

Mr. McCORMICK. I will not hold that the other sources are reliable, but I do hold that we can not presume that the Department of Commerce could reliably assume a responsibility purposed to be vested in it by paragraph (a) of section 2. Let me say at this time that I subscribe as cordially as does the Senator to the principle of this bill, but under sections 2 and 3 it purposes to vest a discretion in the Executive and to impose upon the Executive a responsibility which might work to the inestimable injury of industry and labor in this country.

Mr. KENYON. It might; and, of course, if the Executive wanted to injure business or industry or anything else he could do it.

Mr. McCORMICK. I do not presume he would want to, because that would injure him. I only hold that if he were called upon, or if the Secretary of Commerce were called upon, to act under sections 2 and 3, through mere misjudgment the Secretary of Commerce or the President by Executive order or Executive pronouncement might work havoc in industry and inestimable injury to labor.

Mr. KENYON. They could now, could they not?

Mr. McCORMICK. Yes; but this makes the action mandatory.

Mr. KENYON. No, not mandatory. It is entirely up to the President.

Mr. McCORMICK. If they could not, what virtue is there in it?

Mr. KENYON. We are making nothing mandatory. The Senator made a pretty good speech here yesterday on "Trust the President."

Mr. McCORMICK. I think not.

Mr. KENYON. The President of the United States, when these matters are brought before him by the heads of executive departments, will not make some fool order about them, I imagine.

Mr. McCORMICK. I think the Senator would not hold, if he had followed my speech, that it was upon the subject of "Trust the President." In view of the President's recent appointment to the bench, my confidence in him is enhanced.

Mr. KENYON. I am sure it would be; but we assume that the Secretary of Commerce has certain information that trouble is coming, maybe a year away, maybe two years away. All this does is to enable the President to postpone or retard the prosecution of part of the public work and concentrate it at another time.

Mr. McCORMICK. I think paragraph (a) is the most dangerous provision.

Mr. SMITH. May I ask the Senator if there would not be danger of precipitating the very thing he wishes to avoid if they were mistaken? In my judgment, no matter how honest they were, if they actually began desisting from the prosecution of certain public works, the whole public not being advised as to just the reasons which caused them to take that precaution, it might magnify the thing and precipitate the very condition the Senator is hoping to mitigate by this legislation.

Mr. KENYON. Of course, if the Secretary of Commerce should issue a bulletin that there is going to be a panic on the 1st day of September, 1923, it would help to precipitate it. I assume men are not going to do things of that kind. This simply provides for a recitation of the business conditions. The Senator knows that within the last few years, during war times, we appropriated for certain things the Government was to do which were not carried out at once because the cost of construction was so tremendous. I do not think it made any very great hubbub in the country or that anybody has been afraid that trouble was going to follow from it.

Mr. SMITH. The public was thoroughly advised of the reasons why the work was not carried on, that there were extravagances which had been practiced, and that there was a lack of urgency for it; but suppose in the ordinary course of events the time approached when there was disturbance in business more or less, and suppose there were evidences here and there which might not be of sufficient magnitude, or whose causes might not be so far-reaching as to ultimately develop into

a business panic, and suppose while those symptoms were manifest, and business was attempting to adjust itself, the Government began to stop work in certain places, began to retrench, to get ready for trouble, in order to avoid the very conditions which they feared were about to arise; the public would be advised, the newspapers throughout the country would begin to publish that the Government had quit work at such and such a place and that at another place it was retrenching, and the psychology of it would be that the public would magnify the cause.

So I am asking the Senator if that of itself would not create an impression in the minds of the public that if the Government, with all its facilities for gathering knowledge and for getting information as to conditions, was beginning to reef and prepare they should do the same, and if it would not precipitate the very thing the Senator is attempting to avoid?

Mr. KENYON. Of course I see the force in the Senator's suggestion, and I have thought a good deal about it. If it was unwisely handled it would result in some such situation, that is true. Any question that may come up to the Government, if it is not wisely handled, makes trouble, and if it is wisely handled it may be beneficial.

Mr. SMITH. The question of the wisdom of handling these things finds its sanction in whether or not the Government would take this action before or after the symptoms were so pronounced that everybody knew it was intended.

Mr. KENYON. Does the Senator, for instance, think the Government could hold back in this way? Suppose we had a number of public buildings to be constructed and the Government were to hold back one year 20 per cent and the next year 20 per cent, in order to have this reservoir for labor. Does the Senator think the mere holding back of the doing of that work would be injurious to the business condition of the country?

Mr. SMITH. I do not know. I was just taking the purpose of the bill as I read it, which is to retrench in the face of what might be a serious condition that might develop. For that reason, unless it was incorporated in the bill that full notice should be given to the public as to what were the conditions, it might lead to an unsatisfactory condition.

Mr. KENYON. That is what the Secretary of Commerce does now. He issues a monthly bulletin that goes out and the people know what is going on. We have now the survey of current business which is issued every month by the Department of Commerce. That would, under a section of the bill, contain more than a mere survey, but this has been going to the country, so we have one in a general way and when the people come in contact with this they know what are the general business conditions of the country.

Mr. SMITH. Merely giving this survey would not help very much. The Senator and I have had experience where prices have gone down and there was more or less business depression, but it was a healthy one, it was from perfectly natural causes, and as soon as those were over the country rebounded easily.

The thing I fear would be that a mere publishing of a bulletin by the Government, stating the business conditions, would not necessarily mean in the minds of the public that any real tangible disaster was imminent, but if, coupled with the bulletin, the Government begins to retrench and take its forces away from work, people will say, "it is of sufficient seriousness and of sufficient importance for the Government to begin to conserve its labor forces and its money, and therefore we had better retrench," and it would create a psychology that could not be controlled. That is the only point I was attempting to make.

There is quite a difference between issuing just a formal statement as to the business conditions of the country, and coupling with that formal statement a further statement in which it is shown that the Government is beginning to retrench. The public, not being thoroughly advised, as the Government is, as to why the Government is doing those things, might start a panic, just like an avalanche, without rhyme or reason, like the panic of 1907, and the whole world would be shaken to its foundations without any adequate cause save the psychology precipitated by just a slight unfortunate condition.

Mr. KENYON. I think the Senator is borrowing quite a good deal of trouble. The panics which we have had in the past have occurred without anything of this kind being invoked, but I know there is some force in what the Senator said. I think where the bulletins are issued showing the exact facts and the country knows the facts it is better. There is nothing to be gained by keeping the facts from the country. The country makes up its mind from the facts. We can not have too much truthful information before the country as to conditions.

If, coupled with that, the Government commences the policy of conserving and retarding public work in order to assist when the crash comes—it may not be a crash, but when the depression comes—it would be helpful. The Senator makes the argument that that would help along the crash or the depression. That is to be thought about.

Mr. SMITH. The point I was making was that it would help precipitate perhaps a crisis that might otherwise be tided over, because there is nothing so sensitive as business and commerce, especially where there is liquid capital invested for quick turnover. If the Government gives out these bulletins and there are weak spots emphasized, showing such and such conditions are prevailing that are not as promising as they might be, and coupled with that is the overt act in that the Government begins to retrench here and there, there is danger. The public would attach infinitely more importance to the overt act than they would to the mere statement, and others who were getting along and did not see the danger and were not feeling it might be affected. The very effort of the overt act on the part of the Government beginning to retrench might cause everybody else to stop who were in a position to want to take care of their property, and thus precipitate a tightness and a crisis that might otherwise be avoided.

Mr. KENYON. Of course, we have the reports, showing the facts, coming out monthly. That would not be a shock to the business world. Even now there is nothing to prevent every kind of frenzied statement being given out about business and industrial conditions. Would it not be better to have something that is really authentic, something the people can understand and believe in, than to have the danger arising from unauthorized and inaccurate frenzied statements?

Mr. SMITH. As the Senator is very well aware, in these business depressions the mere fact that certain Government operations have gone on at full speed has had a reassuring effect upon the public rather than a deterring effect.

Mr. KENYON. That is getting exactly at the point which is the purpose of the bill. When that feeling comes the Government starts and accelerates the municipalities, the cities, and the counties to go ahead with their work. The mere part of the Government would be small, because it has only about 1 per cent of the entire labor of the country engaged in its work, so it accomplishes the very thing the Senator is afraid of. His idea is that it will create that condition before we get down to business.

Mr. SMITH. My idea is that if the Government begins to retrench in order to get a full head of steam when the crash comes, it may precipitate the crash which we are then trying to avoid.

Mr. KENYON. It will be used before the crash comes, and the department will not wait for the crash to come. It would be used to avoid the crash.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. KENYON. Certainly.

Mr. BRANDEGEE. My understanding of the provision is that when the President and the head of the department, the Secretary of Commerce, apprehend that business may be slowing up, they do not start to intrench, but they start to increase expenditures and employ more men. When business is expanding they slow up on the governmental activities.

Mr. KENYON. That is the purpose of the bill exactly.

Mr. SMITH. Then I have misunderstood the purpose of the bill. According to the statement of the Senator from Connecticut, the idea is that during a flood time the Government will not go ahead.

Mr. KENYON. It will hold back then, of course.

Mr. SMITH. And when it begins to see a time of stress coming, it will then go ahead with the full employment of labor.

Mr. KENYON. That is what I have been trying to say for a good while, but the Senator from Connecticut has stated it in very few words. When we have a maximum of private employment, then the Government will hold back. When it commences to go down, then the Government will concentrate on its work.

Mr. BRANDEGEE. In other words, if business through the country is slack and it is desired to help out labor that has been employed in private business, if the Government can then step in and employ a lot of the unemployed labor and perhaps get the advantage of cheaper prices of construction, it tends to keep labor better employed. When business is good, instead of rushing into the labor market and competing with employers of labor at rising prices for labor upon construction, it defers or slows down Government construction, and private industry is relieved of Government competition, and the Government

projects generally can wait a little while for the surely recurring period of industrial depression.

Mr. KENYON. That is the exact philosophy of the bill.

Mr. BRANDEGEE. My only objection is this—and I refer to it now only because I do not expect to be on the floor longer. I realize how embarrassing it must be to the Senator, who is endeavoring to make a consecutive statement upon the general features of the bill, to be interrupted with special questions as to particular portions of the bill, but I am obliged to leave the Senate very shortly.

Mr. KENYON. I am very glad to yield to the Senator from Connecticut.

Mr. BRANDEGEE. Section 3 reads:

That the head of each executive department is authorized, upon the advice of the President, to postpone the date of the commencement or retard the prosecution of such portions of the public works and projects within his jurisdiction as may be necessary, in order to prepare for and to prevent a further rise in the cyclical wave of industrial expansion and resulting business strain and overextension.

It seems to me that the power given to the head of a department, even upon the advice of the President, to postpone the date of the commencement of a work that Congress has ordered to be commenced within a particular time, or before a particular date, is a pretty large one.

Mr. KENYON. I hope the Senator will read lines 19, 20, 21, and 22 and see if they do not cover the point.

Mr. BRANDEGEE. No. The lines which the Senator suggests I read are:

Where a time limit has been specifically provided within which any such work or project, or any part thereof, is to be commenced or completed, this section shall not be construed to extend or remove such limit.

Mr. KENYON. That was intended to cover the very objection the Senator is raising, that no power should be granted to set aside what the Congress has done.

Mr. BRANDEGEE. If the words "such limit" refer to the date of the commencement, it would cover it; but where a time limit has been specifically provided within which any such work or project is to be commenced or completed, it may not apply. However, if the Senator is satisfied that wherever Congress has authorized or directed a thing to be done before a particular date the provision I have read does not apply to it, I have no objection.

Mr. KENYON. That was the purpose of it. If it does not cover that, I want it to do so.

Mr. PHIPPS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I yield.

Mr. PHIPPS. I also dislike to interrupt the Senator, but I am obliged to leave the Chamber. I appreciate the Senator's remarks about my diligence in attendance upon the meetings of the committee. I think I can say that I have never missed a called meeting unless it was interfered with by another committee hearing or meeting. However, I was unavoidably absent at the time the bill was considered by the committee, and my attention has not been called to the hearings, which I understand are printed.

I wish to direct the Senator's attention to the language of section 1 of the bill, and I think in order to understand it the entire section would have to be read:

That the head of each executive department is authorized to prepare and to periodically revise the necessary plans for all public works and projects within his jurisdiction concerning which a report has been requested by Congress or a committee thereof under the provisions of existing law, and to make the surveys and to prepare the engineering plans necessary for proposed public works and projects, in order that the work may be commenced immediately and properly prosecuted when an appropriation becomes available therefor.

I call the Senator's attention to the fact that engineering plans necessary for such works will involve the expenditure of perhaps 10 per cent of the entire amount for the undertaking, and therefore I inquire where authority is conferred for the expenditure of that money? Can we in a bill such as this confer blanket authority for all time to expend for the preparation of plans in the engineering necessary in public works?

Mr. KENYON. They can only carry out that provision to the extent of the appropriation which they may now have, and I am informed that they can commence the work without additional appropriation.

Mr. PHIPPS. I am afraid that would not be the interpretation of the section, as I read it.

Mr. KENYON. Oh, I think so, because there is absolutely no appropriation, so they could not spend it.

Mr. PHIPPS. If we connect up the entire thing it would read:

To make the surveys and to prepare the engineering plans necessary for proposed works and projects * * * when an appropriation becomes available therefor.

Where is the appropriation for the surveys and engineering plans? How can the departments do what is contemplated until an appropriation has been provided?

Mr. KENYON. They can not unless it is possible to do it out of appropriations which they already have.

Mr. PHIPPS. That would be my understanding under the general law, but I do not think this is quite in accordance with the general law.

Mr. KENYON. It is the idea that this measure shall not at this time carry any appropriation. Eventually there will have to be some appropriation to carry it out, but not now. It is merely intended that the department shall do what they can with the funds they have on hand. They assure me that they can do a large part of what is contemplated by the bill without any more funds.

Mr. PHIPPS. If they have been properly called upon by the Congress or by a committee thereof to report on a project that would necessarily involve the making of some preparatory plans, and when it comes to working plans and surveys they involve very heavy expense which can not be taken care of out of the ordinary appropriations allowed the various bureaus for their maintenance.

Mr. KENYON. They can not go ahead under this bill in excess of the funds they have. If they can not do the work, then they will have to come to Congress and ask for an appropriation.

Mr. BURSUM. Mr. President—

Mr. KENYON. I yield to the Senator.

Mr. BURSUM. I simply desire to make a suggestion to which I call the attention of the Senator from Colorado. Would not the effect of this proposition be that the department would be requested by Congress to supply certain information and to report, and in the event there was not a sufficient amount of funds on hand, the natural thing would be for Congress to appropriate for the specific purpose, and it might be made an emergency matter?

Mr. PHIPPS. It would be the duty of the department to report back to Congress that it could not furnish the information unless provided with the necessary appropriation.

Mr. BURSUM. That would be the natural consequence. That is the limitation, as I understand, imposed by this bill. It is aimed only to cover such matters as Congress may designate.

Mr. KENYON. No; I wish to be perfectly fair about that; I do not desire any misunderstanding to arise. The Senator will observe, beginning in line 8, that each department is authorized to make surveys and to prepare plans.

Mr. BURSUM. Exactly; but limited to such information as has been called for by Congress.

Mr. PHIPPS. I do not think it is limited to that under the language of the section, but, on the contrary, it is broad and comprehensive enough to cover any kind of public work that the head of a department may think necessary or advisable.

Mr. KENYON. Where he has the funds on hand to provide for it.

Mr. BURSUM. Section 1 provides:

That the head of each executive department is authorized to prepare and to periodically revise the necessary plans for all public works and projects within his jurisdiction concerning which a report has been requested by Congress or a committee thereof under the provisions of existing law.

Mr. KENYON. Yes; but then the section goes on to mention other things which the departments may do.

Mr. BURSUM. But they must be done upon the request of Congress.

Mr. KENYON. It is not the intention, I will say to the Senator, to have the making of surveys and engineering plans limited to those things which Congress may request, but it is for the department head to go ahead and plan some public work.

Mr. BURSUM. Even if that be true, if they are short of money, the natural thing would be to call upon Congress for an appropriation. I do not see that the objection is serious at all.

Mr. KENYON. I do not think it is, either. Mr. President, I will be glad to discuss this bill, but I think there is really no use doing so at this time, for there are only five or six Senators present.

Mr. NEW. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. KENYON. I am going to yield the floor, for there seems to be no particular interest in the pending measure.

Mr. NEW. Mr. President, in my opinion, the pending bill must either not be taken seriously or be taken extremely seriously, for I think it puts upon the Government certain obligations and certain duties which it is absolutely beyond the power of the Government or of man to intelligently discharge.

Mr. President, there is a book to which I occasionally refer, not so often perhaps as I should, but in the opening book of the Book of Books I find the story of Pharaoh's dreams. Pharaoh was a gentleman of prominence in those days, which was at least before the present administration. He had a dream, and the dream ran after this fashion:

And, behold, there came up out of the river seven well-favored kine, and fat-fleshed; and they fed in a meadow.

And, behold, seven other kine came up after them out of the river, ill favored and lean-fleshed, and stood by the other kine upon the bank of the river.

And the ill-favored and lean-fleshed kine did eat up the seven well-favored and fat kine. So Pharaoh awoke.

Pharaoh also had another dream, but we will omit that. He sought an interpretation of his dreams. A young man named Joseph was called upon to interpret them. Joseph had established a reputation for the correct interpretation of dreams, and Joseph said:

The seven good kine are seven years, and the seven good ears are seven years; the dream is one.

And the seven thin and ill-favored kine, that came up after them, are seven years; and the seven empty ears, blasted with the east wind, shall be seven years of famine.

This is the thing which I have spoken unto Pharaoh: What God is about to do, he sheweth unto Pharaoh.

So that these recurring periods of plenty and of famine have been going on for some time. There seems to have been devised no successful method of arresting their progress, and I very much doubt if one can be provided even by the Congress of the United States.

I notice that section 3 of the bill provides:

That the head of each executive department is authorized, upon the advice of the President, to postpone the date of the commencement or retard the prosecution of such portions of the public works and projects within his jurisdiction as may be necessary, in order to prepare for and to prevent a further rise in the cyclical wave of industrial expansion.

I am not entirely clear as to just what this reference to cyclical waves means, but I suppose I know. Mr. President, who is going to guarantee the correctness of any man's prognostication as to what is going to occur in the business world? The wisest business heads have failed to do it; they all know, just as everybody in every walk of life knows, that we have recurring periods of prosperity and depression. I think that this bill puts the Government really into competition with Mother Shipton, Hicks, the weather man, and other prognosticators of greater or less degrees of success and conspicuousness. It seems to me, Mr. President, that the bill puts the Government almost in the bucket-shop business.

Suppose the Secretary of Commerce, under the authorization of section 2, should predict a period of depression; that would be pretty good advice to the man who wants to utilize it for the purpose of buying futures. I repeat my opening statement, that it seems to me that the bill must either not be taken seriously or that it must be taken very seriously. That feature of it alone is one which, in my judgment, renders the enactment of this bill of at least very doubtful expediency.

Mr. KENYON. Mr. President, the Biblical selection rendered by the elder from Indiana is interesting, but it will be remembered, too, that Joseph set up a reserve fund of grain against the seven years of famine, just as we are trying to do something here in setting up a reserve unemployment fund.

Yes, Mr. President, the bill should be taken seriously or not at all. It is designed to do something to meet a most distressing situation. If it is a dream it is a dream of some of the best economists of the United States and of the world, who, perhaps, have given as much study to it as has the Senator from Indiana.

The Canadian Government is going much further than the United States would go under a bill of this kind. They are going ahead with systems of public work to provide against unemployment. The unemployment situation in this country may not trouble some gentlemen; they may sneer and deride any attempt, however small and however humble, to help solve the unemployment situation. This is the first attempt which has been made. If the Senator from Indiana has anything better, let us have it. It is very easy to deride and sneer at any attempt of this character.

Mr. NEW and Mr. POINDEXTER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield; and if so, to whom?

Mr. KENYON. Let me yield, first, to the Senator from Indiana, and then I will yield to the Senator from Washington.

Mr. NEW. Mr. President, the Senator from Iowa speaks of my sneering at the bill. I am not sneering at the bill at all.

Mr. KENYON. To call it a "bucket-shop bill" comes pretty near sneering at it.

Mr. NEW. If the Senator will permit me, I think that he is prone to take any man's opposition to a measure in which he is

interested as personal to himself or as a sneer upon what he is undertaking.

Mr. KENYON. Not at all.

Mr. NEW. That is not intended at all. The criticisms I make of this bill are seriously made and well-intentioned. They are not intended as sneers or anything of the kind.

Mr. KENYON. Does not the Senator think that calling it a "bucket-shop bill" is pretty nearly a sneer at the bill? I am not in the habit of trying to help bucket-shop bills, and I have no objection to anybody finding any fault he can with the bill. I have not any particular pride in the bill. It grew out of the unemployment conference here, and Mr. Hoover and other men connected with that conference felt that this proposition should be carried out into law. Other nations have done the same thing. It has not been a dream with them, as the Senator suggests.

Mr. NEW. Mr. President, if the Senator will further indulge me for one moment, I do think that that very criticism is a sound one. I do not believe for a minute that a Secretary of Commerce would willingly or purposely make predictions with the idea of having them turned to that kind of account at all, but I do believe that he might be honestly mistaken. I do believe that his judgment might be honestly wrong, his forecast a mistaken one, and that information might be fed to him by designing people that would be calculated and intended to cause him to make predictions that were founded upon misinformation rather than upon solid fact, and that in that way they might be turned to very unfavorable account, and be open to the very objection that I have just urged.

Mr. KENYON. Mr. President, in the first place, where is there any power for the Secretary of Commerce to make predictions or prognostications? Under section 3 he merely publishes the reports; and reports of a similar nature are being published now. Has the Senator from Indiana seen those—the Current Surveys of Business, published every month?

Mr. NEW. Yes; I have.

Mr. KENYON. What prediction is there about those of panics, or what panics have those brought on?

Mr. NEW. I think the bill must be taken as a whole, and the authority to have these predictions made is given in section 3, for instance, if not in section 2. That is the very purpose of it—to have advance predictions made as to what is probably going to occur in the business world.

Mr. KENYON. The purpose of it is to give the facts and then let the consequences follow; and that is being done now in a way that would not be as substantial or merit the standing that the reports would merit under this bill, because there is no particular law to cover it.

I spoke of Canada. France has followed this idea, and has not thought it was a dream.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. Yes.

Mr. STERLING. I should like to ask, for information, as to when either Canada or France adopted a plan like this? What was the date of it?

Mr. KENYON. Canada has gone even further than this, but I have not the date.

I will say to the Senator that in 1902 and in 1907 an inquiry was made in France by the minister of public works into the effect of depressions upon railways, and it was reported as feasible for the railways to distribute their orders over a full period of the industrial cycle so as to increase the volume in a year of depression.

In 1908 a commission set up by the President of France reported favorably upon plans for allocating public contracts so as to compensate in part for the lack of private contracts in bad times.

In Great Britain before the war a sum was appropriated by Parliament to be expended upon roads during future periods of unemployment only.

During the post-war period Great Britain is pushing an extensive program of public works, including great arterial roads about the outskirts of London. Great Britain does not find it such a dream to try to provide some method of public works to help the unemployed.

The Belgian Government set up what is called the national crisis fund for the execution of public works during periods of unemployment only.

Czechoslovakia, a new country, in 1919 adopted legislation compelling communes and industries to undertake public works, the State paying two-thirds of the wages of those employed. They have not yet discovered the philosophy of the Senator from Indiana, that it was all a dream.

Switzerland has a traditional policy of subsidizing local public works in order to cover the additional expense resulting from the employment of untrained workers.

Some of these measures would be undesirable in the United States.

Mr. President, just a few weeks ago the President of the United States wrote a letter on this subject. It might be well for the Senator from Indiana to read that letter. I ask to have it placed in the RECORD. Also, I should like to have printed in the RECORD portions of the President's address of welcome to the conference on unemployment, and Secretary Hoover's address at the opening of the conference on unemployment.

The PRESIDING OFFICER. Does the Senator desire to have these matters read?

Mr. KENYON. No; I think not. I ask to have them published as part of my remarks.

The PRESIDING OFFICER. Without objection, they will be printed in the RECORD.

Mr. NORRIS. Mr. President, I should like to have read the letter from the President, which the Senator says refers to this bill.

Mr. KENYON. No; it does not refer to this bill. It refers to the general subject, but not to this bill.

Mr. NORRIS. If it has any application to this bill, I should like to have it read.

Mr. KENYON. It has application to the question of doing public work.

Mr. NORRIS. I ask to have it read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the letter.

The reading clerk read as follows:

THE WHITE HOUSE,
Washington, January 26, 1922.

The honorable the SECRETARY OF COMMERCE,
Washington, D. C.

MY DEAR MR. SECRETARY: The response of employing interests throughout the country, to the appeal for special effort to afford employment to the greatest possible extent during the winter, has produced highly gratifying results. Thanks to this fine cooperation, the situation has been much less difficult during the winter thus far than it might otherwise have been.

The most difficult period of the winter, however, is still before us, and I am therefore writing you to bespeak the utmost cooperation that your department may be able to afford in extending further employment.

States and cities, as well as private companies and individuals, have taken more comprehensive and effective measures than probably have ever been taken before in such a situation. The natural self-reliance of the American citizen has been supplemented in these times by neighborly help, by part-time work, by odd jobs; employers have, to a marked degree, exerted themselves to find work for employees, and have anticipated repair and construction operations, which otherwise might have been taken up later.

City and State authorities have generally organized to provide work and prevent or alleviate distress due to lack of employment. In substantially every city where the need has appeared the mayor has appointed emergency committees to lead the community's action. Municipal bonds have been sold to an unprecedented degree, to provide for construction as early as possible of needed municipal work. In this way much winter work has been provided.

Of course, I do not need to urge upon you the vital importance of having the Federal Government also do everything possible, in a sound way, to ameliorate the situation. My purpose in writing you now is to ask you to have a thorough examination made forthwith of all repair and construction plans in your department, to determine what necessary work, which otherwise would not have been undertaken until later in the year, might be advanced so as to provide employment during the months immediately ahead of us, and to suggest that so far as is possible and practicable such work should be undertaken at once.

The response of the general public to appeals for the widest possible employment has been so generous and effective that I think we should be the more concerned to have the agencies of the Federal Government do their very utmost share in this humane effort.

Very sincerely,

WARREN G. HARDING.

The PRESIDING OFFICER. Does the Senator from Iowa desire to have the addresses to which he has referred printed in the RECORD?

Mr. KENYON. I should like to have them printed in the RECORD, but they need not be read.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

The matter referred to is as follows:

[From President Harding's address of welcome to the Conference on Unemployment.]

If out of your councils there comes a remedy which all America helpfully may apply to-day, it may be helpfully employed some time again when similar conditions are encountered. * * * Fundamentally sound, financially strong, industrially unimpaired, commercially consistent, and politically unafraid, there ought to be work for everybody in the United States who chooses to work.

[From Secretary Hoover's address at the opening of the Conference on Unemployment, Sept. 26, 1921.]

There is no economic failure so terrible in its import as that of a country possessing a surplus of every necessity of life in which numbers, willing and anxious to work, are deprived of these necessities. It simply can not be if our moral and economic system is to survive. It is the duty of this conference to find definite and organized remedy

for this emergency, and I hope also that you may be able to outline for public consideration such plans as will in the long view tend to mitigate its recurrence.

It seems to me we can on this occasion well give consideration to and expression of the measures that would tend to prevent the acute reactions of economic tides in the future.

It is my belief that we shall be able to lay out a program by which in great measure these things can be accomplished.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I do.

Mr. JONES of Washington. I shall have to leave the Chamber in a moment to attend a committee meeting, and I want to ask the Senator a question about some of the language in his bill.

In line 5, page 2, after the word "jurisdiction," does not the Senator think that the words "concerning which a report has been requested by Congress or a committee thereof under the provisions of existing law" should be stricken out? Why confine the revision of the plans simply to those projects concerning which a report has been requested by Congress?

Mr. KENYON. If the Senator will read that carefully, I think he will find that it does not do what he fears, because, if the Senator will follow on, the words on line 7 "and to make the surveys and to prepare the engineering plans necessary for proposed public works" are not limited to those things for which Congress has requested a report.

Mr. JONES of Washington. The Secretary is not limited in making surveys and making plans, but he is limited in his authority to revise the necessary plans for all public works and projects within his jurisdiction to those concerning which a report has been requested by Congress. I think those words should be stricken out. Let him have authority to revise all projects under his jurisdiction, and to make surveys and prepare engineering plans. I am making that suggestion in the interest of the bill, because I am in favor of the Senator's bill.

Mr. KENYON. I want to consider that a little.

Mr. JONES of Washington. I wish the Senator would consider that language. It seems to me that it does nothing except to limit the activities of the Secretary in directions in which I think it is desirable that he should go.

Mr. KENYON. The Senator would strike out the phrase "concerning which a report has been requested by Congress or a committee thereof"?

Mr. JONES of Washington. Yes; strike that out and let it read, then, in this way:

That the head of each executive department is authorized to prepare and to periodically revise the necessary plans for all public works and projects within his jurisdiction, and to make the surveys and to prepare the engineering plans necessary for proposed public works and projects, in order that the work may be commenced immediately and properly prosecuted when an appropriation becomes available therefor.

Mr. KENYON. I really see no objection to that, if the Senator will make that motion.

Mr. JONES of Washington. If I can do so now, I will move to strike out, after the word "jurisdiction" in line 5, the words "concerning which a report has been requested by Congress or a committee thereof under the provisions of existing law." I move to strike out those words.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, lines 5, 6, and 7, it is proposed to strike out the following words:

Concerning which a report has been requested by Congress or a committee thereof under the provisions of existing law.

Mr. KENYON. I think that is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I want to ask the Senator about one other matter in line 14. Does the Senator think that we really ought to have these reports published monthly? Does he not think that quarterly publication would be sufficient?

Mr. KENYON. I will say to the Senator that they are publishing the reports monthly now. I hold in my hand the one for December. They are quite valuable to the business world.

Mr. JONES of Washington. They are publishing this supplement to the Current Survey of Business?

Mr. KENYON. No; not the supplement. They are publishing the Current Survey of Business.

Mr. JONES of Washington. Oh, I see—as a supplement to the Current Survey of Business.

Mr. KENYON. Yes. It would simply, perhaps, enlarge it a little. It serves a very useful purpose in the business world and to business men.

Mr. JONES of Washington. I wondered, if we did so much printing, and the department gets going along this line, if it

would not be just as advantageous to make it quarterly and save that much. Of course it is not a very large amount.

Mr. KENYON. The quarterly reports might be three times the size of the monthly reports.

Mr. JONES of Washington. That might be true.

Mr. KENYON. I will think about that, though.

Mr. JONES of Washington. All right.

Mr. KENYON. I want to put in the RECORD, in reply to some of the things which have been stated as to the prophecy proposition, the statement that the bill does not carry any provision for any prophecies at all. It sets forth business conditions which the business world is anxious to have, just as the present Survey of Current Business does.

I could insert in the RECORD, which I think may be some reply to that, a letter from a manufacturer in Massachusetts, who might not desire to have his name used, but the letter is here for anybody's perusal.

Of course the number of men employed on Federal public work is small compared with those employed in all the public works in the United States, and that is why this bill, as I said in my opening, is not going to accomplish wonders. It is simply going to assist in stimulating.

In 1914 there were about 293,000 men employed in all public works, of which only 73,000 were employed in Federal public works. In 1914 all public works employed 1.09 per cent of the labor of the country. I have given before the amounts paid in wages during those times, the point being that good will come, and the comparison should be made between the concentrated public-work employment and the fluctuations in the private employment, because there are a lot of industries which take as many men at all times of the year.

It takes as many men to bring in a poor crop as to bring in a good crop in agriculture, so that agriculture might not be affected. So with street railways, gas and telephone companies, and other public utilities; they carry the same force of men, generally, in bad times as in good times.

We are not looking so much to the direct effect of putting men into this public-work employment in times of depression as to the stimulation upon general industry. When you put men to work who are idle, it makes more business for the garment workers, the cement workers, and the builders, unskilled labor everywhere. You can not have depression in part of industry and prosperity in other parts, and what depresses a few industries depresses all.

You can not compare the depression of 1921 with any of the other depressions I have spoken of, except the one which followed the Civil War. Then for a time there was a depression in which there were as high as 33 per cent off the pay roll of those who had been on the pay roll, and it averaged 20 per cent during the first 12 months of the depression. The concentration of public work could not have stopped that. It can not stop the present situation, but it will be a basis for relief of future depressions.

In this letter to the heads of the Federal departments, which has been read, the President has asked them to expedite the execution of all public work under their control for which appropriations are available. He did not think it was a dream. That is exactly what would happen if this bill were made a law, where the plans had been made, and they could go ahead with the work. We are in a situation right now where the President of the United States wants to do these things, and there are no plans, and there is no way of carrying it out.

Mr. POINDEXTER. Mr. President, let me ask the Senator a question. I assume there are public works for which plans have been authorized and for which appropriations have been made.

Mr. KENYON. There are for public buildings, away back in the war times.

Mr. POINDEXTER. There is nothing whatever to prevent the President, if he sees fit, as the Senator pointed out he did in the case he mentioned, from directing the use of any available appropriations for prosecuting those public works under the present law?

Mr. KENYON. I am not certain.

Mr. POINDEXTER. I understand the object would be to have public works carried on during the periods of depression, and I think that is a good policy; but I am a little confused about what change in the situation this proposed legislation would make. It carries no appropriation, and it is not intended to authorize public works which have not been authorized under some other law.

The situation is illustrated by the present status of the reclamation work. There are a number of reclamation projects which have been authorized by law for which plans have been completed. The unemployment conference made some investi-

gation into the number and status of those authorized reclamation projects and found that about \$16,200,000 should be expended upon them. There is no legislation necessary to carry on that work in this period of depression except to get the money with which to do it.

Mr. KENYON. That work is ready to go ahead.

Mr. POINDEXTER. The work is ready to go ahead. Why pass this bill or any other bill to carry out the policy of going ahead with that work in this period of depression if you get the money to do it with?

Mr. KENYON. That work was the result of a specific act, was it not?

Mr. POINDEXTER. The authorization was carried in a number of different acts.

Mr. KENYON. If there had been no act authorizing that work, they might have gotten ready to do the work if this bill had been a law, when it was apparent that there was a period of depression approaching.

Mr. POINDEXTER. It is ready to go ahead.

Mr. KENYON. It is in that specific case.

Mr. POINDEXTER. Take the building of roads, for instance, I was just about to comment on the status of public-road work, in so far as the Federal Government is connected with it, as it relates to the policy advocated by the Senator from Iowa, of increasing and expediting work in periods of depression and slowing down in periods of unusual prosperity.

There was argued upon the floor of the Senate just the contrary of the policy advocated by the Senator from Iowa, I may say, by the Senator from Massachusetts, against the appropriation for Federal aid to roads, because a great number of men were out of employment; that it was a poor time to appropriate money for public work. That was the argument of some Senators. I took the same view taken by the Senator from Iowa and argued on the other side that the fact that they were out of employment was the very reason why we ought to provide means for their employment, and we appropriated \$90,000,000 for that purpose, and they are proceeding with that work. What change in the situation would be made by the passage of the bill of the Senator from Iowa?

Mr. KENYON. Of course, we are in a period of depression now, so that you can not very clearly draw the lesson from it. This is not going to help this present period of depression. Suppose that were years ahead, taking the road proposition, and the President and the heads of bureaus concluded that it was better to hold up some of that work; suppose things were not looking good and they decided they would hold up 20 per cent this year and 20 per cent the next year. That is where this bill would come in. They could hold it off and use the 40 per cent to ward off the depression two or three years ahead. They have no legal authority to do that now. They do hold up these appropriations, there is no doubt about that, but this is the logical way of doing it.

Mr. FLETCHER and Mr. POINDEXTER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield; and if so, to whom?

Mr. FLETCHER. I want to ask the Senator from Washington a question.

Mr. KENYON. I yield to the Senator from Florida.

Mr. FLETCHER. Under section 3 this bill would give the right to suspend work of the kind the Senator from Washington mentioned, and not only that but it seems to me that under this section the head of a department might suspend work in the Senator's State and carry it on in my State, or, vice versa, suspend it in my State and carry it on in the Senator's State.

Mr. POINDEXTER. As I understand, the Senator does not contend that after the Congress has authorized the execution of public work and appropriated money for it, we should pass a law authorizing the head of some bureau, acting through the head of the department, to stop that work and wait indefinitely for some imaginary period of depression which might come some time in the future, take the authority away from Congress and give it to the executive department. Is that the idea of the Senator?

Mr. FLETCHER. They could stop not only the whole thing but stop any part of it. They might carry on some parts of it but stop any portion of it. The language is, "all or any portion of the work." That seems to me to be the danger in section 3.

Mr. POINDEXTER. Then we would not have any public works at all unless the heads of the departments were willing that we should have them. In other words, it would give a veto power to the head of every department, so far as public work authorized by Congress was concerned.

Mr. KENYON. The Senator does not want to say that, I am sure.

Mr. POINDEXTER. Provided you authorize them to suspend it in their discretion.

Mr. KENYON. Under the advice of the President. The President can veto what Congress does now; but if the Senator will take the closing lines, lines 18, 19, 20, 21, and 22, he will see that where Congress has said that a matter shall be commenced or concluded within a particular time it can not be changed. The bureau heads only do this under the advice of the President of the United States.

Mr. POINDEXTER. I assume the President would not be able to give his personal attention to all these different projects, and if the executive branch of the Government be vested with the discretion of stopping public work on the order of the President, the President would be guided to a very large extent by the recommendations of the heads of the different departments.

Mr. KENYON. I do not see how that argument is sound, because the President of the United States can veto now an act of the Congress.

Mr. POINDEXTER. Of course, if the Senator bases the policy of vesting discretionary power in the President on the ground that he has the veto power, it would apply to all legislation. On that theory we could do away with Congress altogether.

Mr. KENYON. I am simply answering the Senator's argument. The discretion is put in the hands of the President. It is not put in the hands of bureau chiefs. I would not advocate any proposition of giving a bureau chief power to set aside what Congress may do. It must be with the advice of the President. They are authorized but only authorized upon the advice of the President.

Mr. POINDEXTER. There is another provision in the first section of the bill which gives the head of each executive department, without the advice of the President, authority to make surveys of public works. I do not quite understand that. The language is "to make the surveys and prepare the engineering plans necessary for proposed public works."

Mr. KENYON. I am going to make a statement which covers that. I have been trying to make it for some time. It epitomizes the general purpose of the bill, which does not seem to be very well understood.

Section 1 calls upon various public-works agencies of the Federal Government to be prepared in advance with engineering plans for proposed undertakings, so that when an appropriation is made in time of a depression the work can go forward immediately, rather than wait months and years until plans have been prepared and approved. At present there is no incentive for Federal departments to do so, because they have no reason to suppose that Congress desires it. Eventually I believe that this section will lead to taking a longer view of governmental construction. Instead of thinking only in terms of one year our departments will look forward over a period of a decade and plot its needs. Vast areas are certain to be reclaimed through irrigation and drainage. The territory of the United States will eventually be increased not by wars of conquest but by the pick and shovel, the dam and ditch. These great projects usually linger in Congress, because there is no immediate impetus to action. This bill would assist not only in having plans ready for such projects but in giving the final impetus at a time when general industry and employment are in need of stabilization. Many governmental projects contain intricate problems which will require years to solve. For instance, the Boulder Canyon Dam, Ariz., will develop more power than Niagara Falls. Before it can be built agreements must be had from several States not to divert the headwaters, and complex engineering problems must be determined.

Again, post offices and Federal buildings are needed in hundreds of towns. The Federal Government rents many cramped and inadequate quarters. These buildings will be built; the only question is when. This bill proposes that plans be made ready in advance, and the bulk of them executed when the local workers need employment in bad times.

Mr. WATSON of Georgia. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. KENYON. I yield.

Mr. WATSON of Georgia. The question I am about to propound may have been asked in my absence, as I have been temporarily from the Chamber. By what standard would the head of the department reach the conclusion that the necessary depression had arrived?

Mr. KENYON. I think he would have to be advised by the head of the department. Under the survey of current business that is to be published and is now being published and will be published under the bill, the Secretary of Commerce would be the one, I assume, to determine that question.

Mr. WATSON of Georgia. Would there be any way of revising his opinion or correcting it if we thought he made a mistake about the necessity for the extra work?

Mr. KENYON. Of course Congress could give him any instructions or advice it pleased.

Mr. WATSON of Georgia. But in the meanwhile—

Mr. KENYON. He would simply be preparing plans.

Mr. WATSON of Georgia. He could commit the Government in a legal way to an indefinite amount.

Mr. KENYON. Oh, no; not at all. He would simply have the plans drawn. He can not do a thing until there is an appropriation and act of Congress, but when the appropriation comes then he is ready to go ahead.

In the city of Washington the Government rents a considerable part of its office space, scattered inconveniently in many buildings. The main buildings of the Department of Justice and the Department of Commerce are rented. Parts of the same bureau are distributed among several buildings. Aside from the waste in paying rent at a far higher rate than the cost of borrowing the money to build, the division of a department into fragmentary groups delays public business in a way that no private corporation would permit. A 10-year city plan for Washington would be of use not only in satisfying departmental needs but also in providing for the growth and beautification of the city. Some of the more important work may well be earmarked for execution during the next depression. This policy would be economical, for a larger percentage of a 10-year program would be done at the lower prices that prevail during depressions and a smaller percentage executed when costs are increased in competition with private business during boom times. Some governmental plan of this kind would decrease the likelihood of unemployment.

Mr. President, I have explained the bill not perhaps as fully as I might. I realize there is very little interest taken in it. I yield the floor for the present.

Mr. STERLING. Mr. President, I am a member of the Committee on Education and Labor, and as such agreed that the chairman of the committee might report the bill, but at the same time I expressed some doubt as to the wisdom of such legislation at this time, indicating that I might oppose the bill.

Because of my sympathy for the unemployed, wherever they may be, I am reluctant to oppose any measure that would promise relief, but I can not reconcile my mind to the idea that this is safe and wise legislation. I can not agree with the underlying principles of the bill. There is involved in it more or less of paternalism, but that is not my sole objection.

The bill proceeds, I think, upon a wrong theory, namely, that periods of prosperity and periods of depression come in regular cycles—cycles which may be forecast by the student of business, industrial, or economic conditions. I do not believe that is true. I think we can trace some of the greatest periods of depression, the most marked and those in which there was the most of unemployment, to something aside from recurring or cyclical influences or conditions. It has been said that a thing exists as long as the condition exists, whether it be a moment or whether it be a cycle. That, Mr. President, illustrates the impossibility of foretelling these variations in business or industrial conditions that will enable us by any system to prepare against them.

The Senator from Iowa [Mr. KENYON] has well said that the amount involved so far as the Government is concerned, the expenditure that will be made by the Government in any projects or improvements carried on by the Government, is comparatively small, is a mere bagatelle to the aggregate of public improvements—State, county, and municipal—throughout the country. I agree with him in that. That is true. So far as the Government alone is concerned, comparatively little relief would be afforded the unemployed by the withholding of its building or construction program until a period of depression has arrived or is about to arrive.

Mr. President, the vice of the bill does not consist, however, in that alone. By section 2 of the bill it is provided:

That the Secretary of Commerce shall prepare and publish monthly reports as a supplement to the Current Survey of Business of the Bureau of the Census, or otherwise, concerning the trend of business conditions, the approach of periods of business strain and overextension, or of periods of business depression, in order that the President, the heads of the executive departments, the Congress, the governors of the respective States, the mayors of cities, and persons engaged in private industrial enterprises may properly prepare for and plan against such periods.

Mr. President, one objectionable feature of section 2, as it appeals to me, is one that has already been mentioned by the Senator from South Carolina [Mr. SMITH] in the colloquy between himself and the Senator from Iowa a while ago. It may be true that publications, bulletins, and so forth, are being sent out from time to time through the Department of Commerce as to the condition of business. They may be regarded as more or less authoritative. They may determine individuals or corporations to some extent in the character or conduct of their business.

But, Mr. President, if the bill becomes a law, then any statement made by the Secretary of Commerce foreshadowing a depressed condition of affairs, foreshadowing unemployment as the result of that depression, will, I am sure, tend to precipitate the very condition that we would have most wished to avoid, and perhaps would have escaped had not wrong advices come from an apparently authoritative source. We know how sensitive business and financial interests are to any question about any approaching crisis or period of depression.

But for the report, sometimes false, sometimes erroneous, it might have been tided over and a feeling of optimism come rather than the feeling of depression from an apparently slight change in the condition of this or that particular great industry or great financial institution.

The report of the Secretary of Commerce, however, based on misinformation or a failure to understand the real conditions instead of tiding over, instead of giving a feeling and a spirit of optimism that would carry men through, would have the effect of perhaps closing the doors of great business houses or financial concerns.

Mr. President, that is not all of section 2 to which I find objection. As was stated a little while ago, the amount of the Government's business is comparatively small. The great volume of it will be in the several States, counties, and municipalities. Now, what does the bill invite? The bill will invite the importunities, not of the unemployed alone but of the industries, the great industries of the country, engaged in manufacturing, engaged in furnishing supplies, and so forth. It will encourage them to encourage the governors of States, the county commissioners of counties, the mayors and city councils of municipalities, to engage in public works when there is no need or when, on account of present conditions, they should not engage in such work but should postpone them for a period of prosperity and when, too, the resulting taxation would not bear so heavily upon the taxpayers of the community.

So, Mr. President, that is what I fear under the bill, and I am taking the bill seriously and in connection, too, I would have the Senator from Iowa understand, with my great sympathy for unemployment, wherever it may be. The demand will come in any time of depression as surely as we pass the bill, and for the purposes of the demand a period of depression will be forecast when there is really no substantial danger of it, but for the purposes of the demand for the Government, a State, a county, or a municipality entering upon a building or construction program, a period of depression to come sooner or later will be freely predicted upon them.

Mr. President, he may be never so wise a man and never so familiar with business conditions generally throughout the country, yet the Secretary of Commerce nor the head of any other department can take in the whole field and see at any given time what will really affect seriously the situation throughout the country. He may imagine because there is a decline in the prospects of a particular industry or a decline in the price of railroad stocks or in the stock of some industrial organization, that calamity is almost upon us, and advise accordingly, according to the provisions of section 2 of the bill send out his bulletins, and thus precipitate disaster when otherwise none would have existed.

I am willing, Mr. President, to go as far as anyone in trusting the President of the United States; I say that without reference to who may at any time occupy the presidential office; but section 3 of the pending bill confides more power to the President than I wish to see confided to the Chief Executive. What does it do? It provides:

SEC. 3. That the head of each executive department is authorized, upon the advice of the President, to postpone the date of the commencement or retard the prosecution of such portions of the public works and projects within his jurisdiction as may be necessary, in order to prepare for and to prevent a further rise in the cyclical wave of industrial expansion and resulting business strain and overextension and, within the appropriations therefor, to enter upon a maximum program of public works and projects as a preparation for and in order to counteract an impending period of industrial depression and unemployment.

Mr. President, it is true that upon the advice of the Secretary of Commerce this action may be taken; it is true that it may be taken upon the advice of the head of some other depart-

ment; but it, in effect, makes a prophet of the President of the United States in foretelling or predicting when there is to be a period of depression or when the period of depression is to end and when a period of general prosperity is to begin. I do not think that the President will particularly welcome such a great responsibility and the duties involved in connection therewith. He will have before his mind—I do not see how he can help but have—the fear that he may make a mistake, and by that mistake and by the advice thus given, instead of energizing he will paralyze the industries of the country.

I said a while ago, Mr. President, that it is not so much the unemployed, I think, as it is the industries themselves, the great corporations which are asking for this bill in order, not so much that they may find employment for their men in Government projects or in other public works in periods of depression, but rather that they may keep themselves going concerns and make money and pay dividends to their stockholders. I think the Senator from Iowa [Mr. KENYON] has already revealed enough to indicate that the great industries more than the unemployed themselves are working for this bill.

Mr. KENYON. I do not think that is so. The American Federation of Labor has indorsed this bill, or the principle of the bill. It is true that the officers of the United States Chamber of Commerce have also indorsed it, and many of the leading business men of the country have indorsed it, but it also has the indorsement of labor just as much, and my chief concern with it was from the labor end.

Mr. STERLING. Yes. I will say, Mr. President, I think the Senator from Iowa is right. The Federation of Labor, pro forma anyway, has indorsed the bill, but during the limited time when I was able to be present at the committee hearings—and I was there at every hearing which I could possibly attend, though sometimes I had to divide my time between another important committee and that committee, those committees holding their meetings at the same hour—the men who were there giving their testimony appeared to me to be the representatives of big business rather than of the unemployed.

Mr. KENYON. Is the reason why the Senator from South Dakota is opposed to the bill because it is a big-business measure?

Mr. STERLING. Not altogether, but I do not want undue consideration to be given the question of the unemployed. I gave my reason for believing that big business is behind the bill; I stated that big business wants to keep on going in periods of depression, and the representatives of big business are asking the Government to adopt this course, not alone for what they may get out of the Government by reason of their business but what they may get, as intimated in the very bill itself, from the several States in their public improvements and from the counties in their improvements and from the cities in theirs.

Mr. KENYON. Mr. President, I do not want to let the statement of the Senator from South Dakota, that big business is behind this bill, go unchallenged. I do not know that there would be anything wrong about it, perhaps, if big business was in favor of the bill, but the bill has been proposed because of labor's side of the matter. It has been championed more by Mr. Otto Mallory, one of the labor leaders and thinkers of the country, than by anyone else. Because some business men may indorse the bill, because the United States Chamber of Commerce may have been for it, arouses at least some suspicion and might shake my faith in the bill a little; but, so far as I am concerned, the whole movement has been promoted because of the interest of labor and in order to help relieve the unemployment situation.

Of course, the Senator from South Dakota has the right to make the statement which he has made; but he knows, I think, that, so far as I am concerned, my activities in the matter have been along the line of trying to help a little on the unemployment proposition. I do, however, challenge the Senator's statement that big business is behind the measure.

Mr. STERLING. Mr. President, I have not said that big business alone was behind this measure. I have said that big business was supporting the measure, as I believe; but I have not said that big business exclusively was supporting it. I have said that the Federation of Labor, at least pro forma, had advocated the measure, and I am not saying now that from labor organizations has not come an expression in favor of the enactment of this measure; but I hope the Senator will not get the idea that it is labor alone or the unemployed alone who are advocating it. I have said that big business and big industries favor it, and I have stated what I believe to be the motive for their favoring it. It is in order that in a period of depression they may suffer no financial loss or the least possible loss.

I have nothing more to say except this: Allusion has been made by the Senator from Iowa to France and Switzerland and Belgium. I have not had time to go into this matter or to study the systems or conditions in other countries; but the situation in those comparatively small and compact countries, and even in France, must be different from what it is in our own country. France, if I remember correctly, owns to a great extent the French railroads. It would be comparatively easy under such conditions for the Government to regulate to some extent the extension, the repair, and the improvement of railways or other public works owned by the Government. It would be a different proposition altogether in this great country where the railroads are all privately owned.

Mr. President, one other thought occurs to me right here. Reference has been made to Government public buildings scattered throughout the country, such as post offices, and so forth. I think in the past we have been making more appropriations than were really needed for Government buildings. We have appropriated for post-office buildings in little towns of 1,500 or 2,000 inhabitants, where it would be cheaper for the Government to rent a building than to erect and maintain a distinctive post-office building. Now, what would be the effect of this bill? Nearly every community of 1,500 or 2,000 inhabitants would say, "We need a post-office building; a period of depression is upon us and to erect a building will employ so many men in this community." So demands for work of that kind and for appropriations that otherwise we would not think of making will be made upon us, and, in sympathy, we may be induced to vote for the appropriations.

As I said at the outstart there is a spirit of paternalism in the bill—and I think it quite pervades the bill—which I do not like. The various communities, cities, towns, counties, and States which will expend most of the money on their public works ought themselves to have the right to determine their needs and to determine their ability, financial and otherwise, to enter upon building programs at such times and under such conditions as they see fit, without being importuned to-day to erect a building, provide waterworks or sewerage facilities, as the case may be, and to-morrow, because a period of prosperity is on, to postpone them for that indefinite time when a period of depression may come.

Mr. DIAL. Mr. President, I have such a high regard for the author of this bill that I regret very much to have to differ with him, but certainly it seems to me that the bill is absolutely uncalled for and is unsound. The great trouble now is that the public is looking too much to the Government at Washington to get help. What the country needs is for the people to go to work, and not to depend upon making a living out of the Government.

The bill is paternalistic; it is wrong in principle; and I deem it entirely out of place. We should construct buildings only when it is necessary to do so, and every community should be the judge of that necessity. To my mind, instead of giving employment to people, the bill would tend to create unemployment, for individuals would not inaugurate enterprises, perhaps, for fear that the Government would jump in and compete with them in labor and materials. It is a matter which I do not think is a proper subject for legislation, and I trust no such legislation will be put upon the statute books. What the people of this country need now is to stop looking to Washington and to be allowed to work out their own material interests in their own way. It matters not to me whether labor favors this bill, or whether big interests favor it, or anybody else; but I deem the proposition involved in the bill not governmental in its nature; it is only advisory. It has no force in it. It will encourage complaining, and I hope no such bill will pass.

POLITICAL CAMPAIGN ISSUES.

Mr. HARRISON. Mr. President, on yesterday the distinguished Senator from Illinois [Mr. McCORMICK] made a speech that doubtless will be termed, at least by his friends, the Republican textbook in the coming campaign. I heard that speech. It was very edifying, and I have no doubt it presented in the strongest possible way the achievements of the present administration. I have no doubt that the distinguished Senator burned the midnight oil and racked his brain that he might remember and place in that speech all that might possibly reflect credit upon this administration. I have no doubt that he consulted with his friends over there, and that his friends at the other end of the Avenue censored it, subtracted certain parts from it, or added certain things to it. I have no doubt that a council of war, so to speak, was held on that speech, so that nothing would be left out of it. It no doubt was the strongest possible presentation that could be made of the accomplishments of the present administration.

I would not now notice the speech if it were not for the fact that it came from such a high source in the Republican Party. The distinguished senior Senator from Illinois is the chairman of the Senate Republican campaign committee, and that speech evidently was prepared and was intended for distribution throughout the country. It was unfortunate that another distinguished leader of the Republican Party spoke on yesterday, because they apparently have gotten their wires crossed as to certain so-called achievements of the administration; and then, too, if this other leader of the Republican Party had not spoken last night in Boston no doubt the newspapers would have carried and given more space to the speech of the distinguished senior Senator from Illinois on yesterday.

I am sorry the Senator from Illinois is not now in the Chamber. I wish he were here. I am sorry the distinguished leader of the Republicans in the Senate [Mr. Lodge] is not here, because there is some conflict of statement in those speeches.

The Washington Post of this morning prints the speech of the Senator from Massachusetts [Mr. Lodge] at Boston in large type on the front page. The heading is:

No Congress in peace time achieved more for the Nation than present, says LODGE.

Under that, in large type, appears the following:

Appropriations of \$5,337,000,000 asked by departments cut to \$1,428,000,000, he points out.

So, in this campaign document, carefully prepared, heralded throughout the country as one of the two parts of the coming Republican textbook, this leader says that the appropriations of \$5,337,000,000 asked by the departments were cut to \$1,428,000,000; so that is the great achievement of this administration.

I hope that the statements of the distinguished leader of the Republicans in this Chamber touching other matters are more accurate than that statement. I can not imagine how a man so well versed and so learned and so experienced in legislative matters, and who occupies such a high place in the councils of his party, could possibly make that statement in a keynote political speech; and I am sure that no one within the sound of my voice or who knows anything at all about the expenditures of the Government will agree with that statement, that appropriations of \$5,337,000,000 were asked for the departments and they were cut to \$1,428,000,000—a saving of \$4,000,000,000.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. HARRISON. I yield for an explanation of this inaccurate statement.

Mr. CURTIS. The Senator from Kansas did not rise to make any explanation. The Senator rose just to ask the Senator from Mississippi if he knew whether or not that was the exact statement made by the Senator from Massachusetts? I judge that what the Senator from Massachusetts meant to say was that the estimates had been reduced by that amount.

Mr. HARRISON. That is the best explanation or excuse that can be offered for this inaccurate statement in the speech of the leader of the Republican Party. I read this from the Associated Press. No doubt this speech was prepared and was distributed to the representatives of the press before it was made; so I will quote from his speech to see whether the heading there is incorrect. That is the part of the speech that caught the fancy of the Washington Post. Certainly none doubts the friendliness of the Post to the administration. That is the part of the speech that caught the fancy of every Republican paper in this country. That is the part of the speech that will be read more by the people throughout the country than any other, namely, that the great achievement of this administration is to cut the appropriations from \$5,337,000,000 requested by the departments down to \$1,428,000,000. Why, if you had accomplished that you would have achieved a great deal; but the statement made in explanation and excuse for this speech by the Senator from Kansas—one of the leaders on the other side, one of the best politicians in the world, who is always watching out for his party, who smooths out the wrinkles over there, who is ever on guard to correct any mistakes made by his coworkers and coleaders—that explanation on the part of the distinguished Senator from Kansas, a member of the Appropriations Committee of the Senate, vice leader on the other side, and chairman of the Committee on Rules, will not go. The harm is done when such a statement from such a high source is published.

Here is what the Senator from Massachusetts [Mr. Lodge] said:

Since the present Congress has been in they have reduced appropriations asked for the departments of \$5,337,000,000 to \$1,428,000,000. This was the work of the present "do nothing" Congress.

That is about the only accurate statement that the Senator from Massachusetts made in that speech at Boston.

This was the work of the present "do nothing" Congress—

He says.

Mr. President, the facts about the matter are that there was some reduction in the fiscal year 1920 over the fiscal year 1919. There was a reduction for the fiscal year 1921 over 1920, and so on down the line; and you will observe that even though the distinguished Senator from Illinois [Mr. McCormick] yesterday counted as one of the great achievements of his party and the administration alleged large reductions for the fiscal year 1919, the estimates of the departments, then controlled by the Democratic administration, were made at a time when the war was in full blast. No one had any idea that the close of the war was in sight. They made their estimates at the beginning of the year 1918. They came to Congress, and on those estimates the Appropriations Committee worked; and then, when the war closed so suddenly and unexpectedly, such a saving was effected to the taxpayers of the country that then the big reduction from the estimates was shown in the appropriation bills.

So I submit to every fair-minded person whether it is an achievement, whether the leaders of the Republican Party have the right to claim it as an accomplishment of the present administration, simply because, through the magnificent way in which the Democratic administration—cooperated with, I might say, and helped by men in this Chamber and at the other end of the Capitol, and Republicans everywhere—brought the war to such a sudden close that it saved billions of dollars in the appropriations from the estimates.

In those estimates, running into the billions, it was estimated how much these millions of men who were to be maintained in France and Belgium would have cost for the coming year. The estimates of the Shipping Board, the estimates for aircraft, for artillery, for munitions, for the Navy, and for everything, were based upon the assumption that the war probably would run throughout the following year; and so, when it suddenly collapsed and these men were brought back home, through the efficient administration of the Government at that time and through the economies that were worked by the departments at that time these enormous sums, running into the billions of dollars, were saved to the taxpayers of the country; and yet the American people are to be buncoed, hoodwinked, and deceived by Republican spokesmen claiming that as an achievement of the present administration. Sirs, if it had not been for the magnificent messages of ex-President Wilson, and the terms he laid down upon which peace should come—messages that disheartened, discouraged, disorganized, and broke the morale of the opposing armies—these large appropriations estimated for would have been necessary and billions in addition.

Sirs, the Senator from Massachusetts, who made this remarkable speech, a keynote speech for his own campaign in Massachusetts, to be followed and copied by other Republican spellbinders, said that the appropriation of \$5,337,000,000 asked in the estimates were cut to \$1,428,000,000. The facts are that the estimates for 1922 were \$5,337,000,000, and that we appropriated over \$4,000,000,000, not \$1,428,000,000. He is just two and one-half billion dollars off, that is all. That does not amount to much, especially in this day of Republican political hypocrisy and deception.

The distinguished Senator from Illinois in making his speech yesterday did say there was a cut of just a billion dollars. He is nearer right than his leader.

Mr. SIMMONS. Mr. President, the Senator from Mississippi, as I understand him, quoted the Senator from Massachusetts as having stated in his recent speech delivered in Massachusetts that the appropriations asked for by the departments for the fiscal year 1922 of something over \$5,000,000,000 had been reduced by the present Congress to about \$1,400,000,000. As I now recall it, the estimate of the Treasury Department presented to the Committee on Finance for the fiscal year 1922 was something over \$4,000,000,000, and the committee was asked to provide money to pay these estimates, based as they were, upon the appropriations made by Congress, and Congress did so provide by the passage of a revenue bill, which it was estimated, together with customs revenues, would raise for the fiscal year 1922 the full amount of the estimates and leave a surplus in the Treasury of some fifty-odd millions of dollars.

The Senator from Massachusetts now says, as I understand the Senator from Mississippi, that these appropriations have been reduced by the present Congress to \$1,400,000,000. If the Senator from Massachusetts is correct in this statement, I wish to suggest to the Senator from Mississippi that there should be a repeal of a large part of the taxes imposed in the present

revenue bill, because otherwise we will be collecting money out of the people not needed to support the Government. I wish further to suggest, if the Senator from Massachusetts is correct, and we do not repeal a part of these taxes, we will have a surplus in the Treasury more than sufficient to pay the bonus, and the Republican Party would be relieved of imposing additional taxes for raising money for that purpose.

Mr. HARRISON. I thank the Senator. Of course, the mention of the bonus at this time creates a panic on the other side of the aisle. These offices were created to help to win the war, and these expenditures were made for various purposes, which we are gradually liquidating, and, of course, going through a readjustment period following the war, the estimates, as well as the appropriation, should naturally be reduced. We have not reached the time of "normalcy" yet. Just wait; the country will get its dose and understand its meaning before this administration gets through.

For the present year the estimate of the Budget Bureau is \$3,801,000,000. There has been reported out of the House Committee on Appropriations already bills carrying \$2,908,000,000, and all the bills have not been reported yet. To date the bills reported from the House Appropriations Committee have been reduced from the estimates of the Budget by only \$64,000,000, and there has not been an appropriation bill which has passed the House and come to the Senate which has not been increased by the Senate, first by the Senate Committee on Appropriations, and generally by the Senate through amendments on the floor.

So there is a reduction of \$64,000,000 from the amount estimated by the Budget in the bills which passed the House, and when they shall have passed the Senate and finally become laws they will carry much larger amounts than the estimates of the Budget.

Another proposition which the distinguished Senator from Illinois [Mr. McCORMICK] claimed as an achievement of the administration was the Budget system. The Budget system would be a wonderful thing if we had a Congress which would more earnestly practice economy and knew how to run this Government so that they could keep expenditures within the estimates of the Budget; but the trouble is with the lop-sided way you run things the Budget makes its estimates and the Congress increases the amounts.

Already during this Congress we have passed more deficiency appropriation bills than ever before in any other Congress. We have appropriated already in this Congress practically \$350,000,000 as deficiencies in three deficiency appropriation bills, and yet it is claimed that this Government is being run along economical lines. When you bring in the general appropriation bills within the Budget you make great claim to the country about practicing economy; then you pass some deficiency appropriation bills and undo all the work you had theretofore done.

If the Congress would stop passing deficiency bills, they might get along much better; but they do not do it. There is no cohesion on the other side of the aisle. You never know where you are going. You are just slipping and sliding, and sliding backward more than you are going forward. Halting and hesitating, and hesitating about as much as you halt. The country is thoroughly disgusted with your action, and yet your political leaders lay claims in their keynote speeches to your alleged wonderful achievements.

Mr. CURTIS. Mr. President, does the Senator remember that during the last session in which his party was in power in the House and Senate they passed five deficiency appropriation bills?

Mr. HARRISON. They did not amount to one-fourth as much as these three deficiency appropriation bills that you have already passed in this Congress.

Mr. CURTIS. Oh, yes; they did.

Mr. HARRISON. I recall that before the war there had never been a deficiency bill carrying over \$35,000,000.

The Budget Bureau estimated recently in one deficiency for \$190,000,000, and the House appropriation bill cut it down to \$105,000,000. It came over to the Senate and, of course, you extravagant Senators increased the amount over the House appropriation.

Those are the things which the Republican leaders now are claiming in their speeches as achievements of the Republican Party.

I imagine that up in Boston last night the distinguished Senator had a splendid crowd. If I read the papers correctly, a lot of persons up there have nothing now to do but go out and listen to political speeches. The textile plants are closed down, industries have ceased to operate, wages are being daily cut, and thousands of unemployed thrown upon the tender mercies of their communities. The last count I saw showed that forty or fifty thousand men were thrown out in one day and the

wages of others were reduced. So I suppose the Senator from Massachusetts had a lot of unemployed last night listening to him speak.

This morning I received a letter from away out in Utah. I wish the Senator from Utah were here, because the man who wrote this letter is a wise fellow. I am not unmindful that there is every kind of propaganda being sent out to make the people believe normalcy has come about and that we have some kind of prosperity. I do not know how much money has been spent, and I do not know from what source it comes, but there is a well-ordered propaganda now throughout the country to delude the people and create a false impression as to present conditions. They have erected prosperity signs, somewhat like the "wobble and wobble" signs used during the campaign. They have converted that "wobble and wobble" sign of President Harding and Candidate Coolidge into signs bearing the slogan "Prosperity is here," or "Prosperity around the corner," trying to make the people believe it.

This good fellow wrote me this letter from Salt Lake City, and he says he is a Republican. He states in the letter:

Dozens of billboards in Salt Lake City have been placarded with numerous posters telling us that prosperity is just 'round the corner.

Senators have seen them.

And some wag possessed with considerable humor composed a short poem.

This is the poem:

THE BILLBOARD ON THE STREET.

Mark Hanna gave the dinner pail
That made us feel so fine;
Theodore used the big stick
To keep us all in line;
But Harding, in his great wisdom,
Has outdone all such feats,
He's given us prosperity
On billboards on our streets.

A quick return to "normalcy"
The thing he's striving at,
And if we'll tighten up our belts,
Some time he'll make us fat,
Instead of the old dinner pail,
Full of good things to eat,
He'll serve us with prosperity
On billboards on the street.

For many years I served you
As puppet and as tool,
But this last stunt has wised me up,
No more a silly fool.
I may be a poor workman,
My clothes are far from neat,
But you can't fool me with prosperity
On a billboard on the street.

I dedicate that poem to the present administration as the one great achievement the distinguished Senators who spoke yesterday failed to recount.

Mr. CARAWAY. Mr. President, I believe the Senator said this man was a Republican?

Mr. HARRISON. He says so.

Mr. CARAWAY. Was he bragging or confessing when he said that?

Mr. HARRISON. He was commiserating. They do not brag any more. If the distinguished Senator who spoke yesterday had gone to places up in the State of the distinguished Senator from New Hampshire [Mr. Moses], where so many men have been thrown out of employment, or had gone to any of the industrial centers throughout the country, or had visited Kansas or Iowa, where the farmers are now receiving around 25 cents a bushel for corn, and a small price for wheat, and nothing scarcely for live stock, and made a speech bragging about that 7,000,000 majority they received at the last election, he would not have lasted as long as a celluloid cat in the fiery regions of Hades.

We do not hear much of that enormous majority now. We heard them for a while bragging about it, but no more. De-luded Republicans want to forget it, and innocent, independent progressives abhor the thought. And Democrats—well, those who strayed, they are sick and melancholy.

For the distinguished Senator from Illinois to throw his slurs at the Democratic standard bearer in that campaign is unbecoming and showed him to be a poor sport. Gov. Cox made a great fight, a game fight. No crusader ever engaged in a more noble and higher cause, and no campaign in the history of this Government was ever waged in a cleaner and manlier way, with less apologies or excuses over the results. Yes; the verdict was against us, but there never was a verdict returned by a patriotic people filled with more fraud than the one rendered in November, 1920, and the only persons who have a right to say that there was a verdict in that campaign against the League of Nations are those men who were consistent from the beginning to the end against any League of Nations.

Of course Senators like the Senator from New Hampshire [Mr. MOSES], the Senator from California [Mr. JOHNSON], the Senator from Idaho [Mr. BORAH], and the Senator from Illinois [Mr. MCCORMICK] were in an atmosphere which led them to believe that all the votes for the Republican ticket were against any League of Nations; but how can Senators like the distinguished Senator from Kansas [Mr. CURTIS] or the leader of the Republicans in this Chamber have the audacity to go before the people now and say the verdict was along that line? The President of the United States in his message the other day harped on that, too.

The world has been hungering for a better relationship for centuries since it obtained its larger consciousness. The conception of the League of Nations was a response to a manifest world hunger.

So said the President of the United States. He was for it. He led the people to believe that he was for it. He voted at least twice for the League of Nations with reservations. The American people had a right to believe, on the record which he made in the Senate, that he was still for a League of Nations, in one form or another.

The President went further—

Whatever its fate, whether it achieves the great things hoped for or comes to supersede or to failure, the American unwillingness to be a part of it has been expressed.

"The American unwillingness to become a part of it has been expressed." Distinguished Senators who now sit before me will not forget that because of their speeches against the League of Nations idea, certain elements within the Republican Party thought you were doing injury to your party, that you were driving votes of the proleaguers within the Republican Party away from Harding and Coolidge, and for a while there was a cessation of activities on the part of you orators—you who had been speaking with eloquence and force and enthusiasm against the league.

Those activities were not renewed until candidate Harding went to Des Moines and made the speech which surprised the whole country. But he got away from it the next day, and then it was that he came forth with his statement which I wish to read at this time so the RECORD will show the true facts, to show that the hypocrisy of the administration now is in keeping with the deceit which was practiced in the campaign. There has not been a single promise made by the administration as a preconvention pledge that has been kept. I admire consistency. If the campaign had been fought out on the question of a league or no league, and your standard bearers and party had taken that position, then well and good to live up to it. But it is unbecoming in men, in high places though they may be, to win public office on certain promises and as soon as they get in to break them.

Here is what the President said following the Des Moines speech:

Let me restate my position as explicitly as my power of words permits. . . . I am in favor of a world association—call it what you will, the name is of slight consequence—that will discourage or tend to prevent war and that will encourage or tend to encourage a better understanding among the nations of the earth. The old order of things is done with, not only in America but throughout the world, and the United States, always quick with sympathy, always just and usually led by common sense, must play its part in this new order.

And thereupon an ex-President of the Republican Party, Mr. Taft, who had been one of the great advocates and champions of the league of nations idea, gave out a statement on August 9 in which he said:

I wish to have as many Republican Senators as possible stand by President Harding in the policy to which I believe the circumstances will lead him of obtaining such an amendment of the present league as will retain the great benefits which the covenant without article 10 will confer on the world.

Then the leaders of the Republican Party who had stood for a league of nations, but who were about to get away from Harding and Coolidge and the Republican Party in that campaign because of the activities against the league of the Senator from California [Mr. JOHNSON] and the Senator from Idaho [Mr. BORAH] and other Senators, came out in a written appeal to the proleague Republicans throughout the country to stand by the Republican ticket and to vote for Harding for President, that the best way to get into the League of Nations was through the election of Harding. It was signed by distinguished men of your party, men who now assist in controlling the destiny of the country. Who were they?

Hughes. He had stood for the league. He was aroused because of the activities of the Senator from California and the Senator from Idaho.

Hoover. He is now Secretary of Commerce. He was indignant, and after Candidate Harding made that speech saying he was for an association, call it what you will, league, association, or what not, Mr. Hoover traveled all the way to California and addressed some college out there, in which address he ap-

pealed to the proleague Republicans and independents to vote for the Republican ticket, saying that it would hasten our entrance into the League of Nations. Let me refresh your memory as to the signed statement of those 31 distinguished leaders within the Republican Party. They said:

The undersigned—

That is Taft, that is Root, that is Hoover, that is Hughes, and 27 others who now apparently are against any League of Nations whatsoever. Oh, I say to the Senator from California, and his colleague from New Hampshire [Mr. MOSES], and the Senator from Idaho [Mr. BORAH], and the Senator from Connecticut [Mr. BRANDEGEE], you certainly brought the leaders of the Republican Party into line. They did not believe you at first, but their wobbling and wiggling, their vacillating and halting policy and deportment has brought them to your way of thinking. That is all right. I have no fault to find with them, but I dislike to see men high in the councils of the party or the affections of the people, leaders in the country, who will win the votes of the people by promising one thing before the election and doing another thing after the election. It is as reprehensible as denying a personal obligation to which you had affixed your signature.

The undersigned—

Said this remarkable document—

The undersigned, who desire that the United States shall do her full part in association with the other civilized nations to prevent war, have earnestly considered how we may contribute most effectively to that end by our votes in the coming election.

The question between the candidates is not whether our country shall join in such an association. It is whether we shall join under an agreement containing the exact provisions negotiated by President Wilson at Paris or under an agreement which omits or modifies some of those provisions that are very objectionable to great numbers of the American people.

Mr. Harding said in his speech of August 28:

"There are distinctly two types of international relationship. One is an offensive and defensive alliance of great powers. . . . The other type is a society of free nations or an association of free nations or a league of free nations, animated by considerations of right and justice instead of might and self-interest, and not merely proclaimed an agency in pursuit of peace but so organized and participated in as to make the actual attainment of peace a reasonable possibility. Such an association I favor with all my heart, and I would make no fine distinctions as to whom credit is due. One need not care what it is called. Let it be an association, a society, or a league, or what not. Our concern is solely with the substance, not the form thereof."

Mr. Harding has since repeatedly reaffirmed the declarations of this speech in the most positive terms.

The question accordingly is not between a league and no league, but is whether certain provisions in the proposed league agreement shall be accepted unchanged or shall be changed.

The contest is not about the principle of a league of nations, but it is about the method of most effectively applying that principle to preserve peace.

If the proposed changes in the Paris agreement were capacious or without substantial ground, one might question the sincerity of their advocates. This, however, is not the case.

We have reached the conclusion that the true course to bring America into an effective league to preserve peace is not by insisting with Mr. Cox upon the acceptance of such a provision as article 10, thus prolonging the unfortunate situation created by Mr. Wilson's insistence upon that article, but by frankly calling upon the other nations to agree to changes in the proposed agreement which will obviate this vital objection and other objections less the subject of dispute. The Republican Party is bound by every consideration of good faith to pursue such a course until the declared object is attained.

For this course we can look only to the Republican Party and its candidate; the Democratic Party and Mr. Cox are bound not to follow it.

The conditions of Europe make it essential that the stabilizing effect of the treaty already made between the European powers shall not be lost by them and that the necessary changes be made by changing the terms of the treaty rather than by beginning entirely anew.

That course Mr. Harding is willing to follow, for he said in his speech of August 28:

"I would take and combine all that is good and excise all that is bad from both organizations (the court and the league). This statement is broad enough to include the suggestion that, if the league which has heretofore riveted our considerations and apprehensions has been so entwined and interwoven into the peace of Europe that its good must be preserved in order to stabilize the peace of that continent, then it can be amended or revised so that we may still have a remnant of the world's aspirations in 1913 build into the world's highest conception of helpful cooperation in the ultimate realization."

We therefore believe that we can most effectively advance the cause of international cooperation to promote peace by supporting Mr. Harding for election to the Presidency.

Thus it was that the election was won, and yet the distinguished President of the United States in his message to the Senate the other day said that—

The American unwillingness to be a part of it has been expressed.

How does he know, except that he should follow what he promised the people in his campaign? Oh, they were so afraid in the disarmament conference that they would step into the track of the League of Nations. They shied away from it just as a wild mule shies along the road. They needed a blind bridle throughout the conference. That has been the attitude

of the administration from the beginning up to this good hour. That is what is damning the administration. It is because you have no settled policy, you have no program to follow. You are doing absolutely nothing. The President of the United States is so afraid, and you know it, that he might wean from him and his party some of the men within the Republican Party that he is always trying to compromise on something. If I had promised the American people that I would stand for some plan, whether an association or a league, I would go through with it. I would not be frightened because I might bring down upon my head the reproach of certain eloquent, forceful, militant, and aggressive Senators.

The distinguished Senator from Massachusetts [Mr. LODGE] yesterday talked about the disarmament conference as an achievement of the administration. He laid great stress upon it. The Senator from Illinois [Mr. McCORMICK] did the same thing. I suppose every orator who goes out to speak for the party in the coming campaign will claim that as one of the great achievements of the party. Ah, Mr. President, there was one admission in the President's message to the Senate the other day that is very true. "Modest"—that was the term of affection applied to him yesterday by the Senator from Illinois. The Senator said President Harding was modest in his claims about the disarmament conference and the part he had played in it.

Do you recall a few weeks ago when Hughes's name was being heralded far and wide, when praise was being extended to him by men in every political party, when he was receiving the plaudits of mankind throughout the world for the courageous speech he had made at the opening of the disarmament conference? There then seemed to develop a little feeling of jealousy among certain leaders in the disarmament conference and at the other end of the Avenue. Then one morning there emanated from the White House a statement, carried everywhere by the Associated Press, that the proposal which was made by Secretary Hughes at the opening of the disarmament conference was not at all the proposal of Secretary Hughes, but was conceived by President Harding while he—and I presume our friend the Senator from Illinois [Mr. McCORMICK] accompanying him on that trip—glided peacefully and serenely down the beautiful waters of the Potomac. Just as the *Mayflower* glided into some pleasant nook, the President was writing away, and he wrote this proposal with his own hand and pencil. That was the propaganda, that was the modest part that he played in this disarmament conference. So in his speech the other day he said this:

Here—

He was then talking about the Senate—

Here was a beginning on your advice, no matter when conceived, and the program was enlarged only because assurances of tranquillity were deemed the appropriate concomitants of the great experiment in arms limitation.

So I am glad and delighted that the President, in his modest way, has told the country that "here in the Senate the movement for a limitation of armament was begun." It is well that he did so; and yet the Republican leader in his speech last night to the unemployed in Boston, as well as the Senator from Illinois on this floor, claims it as the great achievement of the administration.

Oh, will Senators forget how the distinguished Senator from Idaho [Mr. BORAH], following the introduction of his resolution for a Conference on Limitation of Armament, fought here for days and for weeks and for months to have it brought out of committee and pressed through the Senate? Will they forget how every Democratic member of the Naval Affairs Committee of the Senate voted to report his resolution favorably, as well as a like resolution of the Senator from Montana [Mr. WALSH], and how every Republican Senator in the Naval Affairs Committee voted against reporting the resolution?

The same thing happened in the House of Representatives. Word had come down the line to the majority members of the Naval Affairs Committee in that body not to report out the resolution. Such a resolution was not passed until the President sent word to the acting chairman of the committee, the Senator from Washington [Mr. POINDEXTER], and to the Senator from Maine [Mr. HALE], to allow the resolution to trickle through.

The disarmament conference was due to the sentiment which had been crystallized in this country through the magnificent fight which was waged by the distinguished Senator from Idaho, aided and abetted at every step by a solid minority of Democratic Senators. The idea was not original with the Senator from Idaho, neither was it original with the Senator from Montana. The first concrete proposition looking toward disarmament was found in article 8 of the League of Nations covenant, placed there by the man whom the Senator from Massachusetts

has criticized and maligned. However, the country is gradually waking up; it is beginning to learn the real facts. Generally when the Senator from Massachusetts gets right it is when he has reversed his former position and adopted the policy that was advocated by ex-President Wilson.

I shall not minimize the results of the disarmament conference. God knows I wish it had accomplished more than it did; but the disarmament conference in many respects brought much benefit to America; I speak primarily of the naval holiday program. I hope that will be effective, and that it will mean a great saving to the taxpayers of the country. However, Mr. President, I would suggest the thought that, not from the time the disarmament conference met to the time it closed has it failed to receive the united, whole-hearted cooperation of the Democrats both in the other House and in the Senate. There has never been a voice of criticism from this side raised against it. We have wished it well; we have tried to cooperate with Senators on the other side.

How different was the situation when the American delegation was at Paris trying to settle the great problems following the World War and to write a treaty of peace! Why, sirs, there was organized in this body a movement even to dispatch couriers with speeches made here against what that conference was about to do. Round robins were prepared, Senators' signatures were procured, ultimatums were issued in the effort to destroy the influence of the American delegation at Paris. How did the minority in this body and in the other House act while the great disarmament conference was in session here in Washington?

Mr. HARRIS. Mr. President—

Mr. HARRISON. I yield to the Senator from Georgia.

Mr. HARRIS. In connection with the reference of the Senator concerning the embarrassment caused by leaders of the majority party in the Senate during the deliberations at the Paris peace conference, I desire to say, if the Senator will allow me, that I happened to be in Paris for several weeks during that conference, and the newspapers daily quoted Republican Senators and others in prominent position in that party in criticism of the action of the American delegation to such an extent that I did not believe it; I thought it was propaganda and gave an interview to the Paris papers stating that it was not true. Not until I returned to the United States did I believe, or would I believe, that men in responsible positions had gone so far in embarrassing the President of the United States who was trying to formulate a treaty by which peace would be brought about between this country and the German Empire. I had hoped that such bitter partisanship was a thing of the past.

Mr. HARRISON. Yes, Mr. President. Throughout the conference at Paris the American delegation were hampered; they were embarrassed in every imaginable way. Senators in the majority in this Chamber defeated the treaty. Whether it will ever be an issue in America again I do not know; but I do know that the Republican majority has found themselves constantly in a very bad predicament since the 4th day of March, when they went into office, because they did not ratify the treaty when it was submitted. I know also that even though we were promised by President Harding some kind of an association or an arrangement—call it league or what not—to preserve the peace of the world, we have been waiting for almost 15 months and the plan is not yet born. The Disarmament Conference was the outgrowth of the League of Nations covenant included in the treaty of Versailles. So this administration can not claim it as an achievement.

We have heard a great deal said about foreign entanglements, and yet the Senator from Illinois [Mr. McCORMICK], who has harped more against foreign entanglements than anyone here, yesterday rose and advocated the four-power pact. The administration have been observing what has been going on across the water; they are afraid even to participate in conferences over there. They sent George Harvey over to Cannes, but the administration has not decided as yet whether or not we are going to be represented at the Genoa conference. How long it takes the head of this administration to fix upon a policy! How long it takes him to decide just what he is going to do!

The same tardiness, the same indecision, that has marked the President's course in other matters is attending it now in connection with the so-called soldiers' bonus; but he has sympathy from the majority party in Congress on that; they do not know what to do either; the Republican Party have promised so many different things about the bonus that they do not know exactly "where they are at."

Let us hope, Mr. President, that this isolated policy, this do-nothing program of the administration, will spur itself up, so that we may begin to take our part and our responsibility in

world affairs. Let it be hoped that a decision will very soon be reached that a delegation from this Government shall go to Genoa, there to help solve the great economic problems that are pressing upon the world; and if we should send a delegation there, let us hope that it will be composed of men of high caliber and not of some fellows of whom the country never heard. Let it be a delegation such as represented the American Government at the Disarmament Conference recently held in Washington.

The people are tired of observing. I never admired a spy in my life; I never trusted one at all, and history has revealed that spies are a very bad lot of fellows; yet this administration insists on sending to conferences abroad not participants to act but observers to spy on the proceedings and let us know what they are doing.

Mr. President, in the speeches delivered yesterday by the two distinguished leaders of the Republican Party when they said that Congress has passed more beneficial legislation during this Congress than during any other 20 years in the history of the Government they failed to specify what legislation was passed or what they were talking about; and so I submit that the country is not fooled at all.

It was well and good that the Senator from Massachusetts should have apologized in his speech last night for the revenue bill, because, if the majority leaders have been quoted correctly, very soon they will bring in a supplemental revenue bill. Why did not the two Senators on yesterday, in preparing this campaign textbook, tell about the failure to pass the tariff bill that you said was going to help the industries of the country?

Three years we have waited for the passage of that legislation, and still the bill sleeps in the Finance Committee of the Senate. No one knows when it will pass. No one knows what kind of a bill it will be when it comes out. There is dissension over there, a lack of policy, a dearth of program. So I am wondering, when these distinguished spokesmen of the party tell about the "achievements of the administration," why they do not specify the legislation they have in mind.

You can not fool the American people. They know that you are frittering away time here, that you are not able or competent to meet the great problems that are confronting this Congress; and yet the distinguished leader on the other side on last night at Boston said in his speech that—

The Democrats, by every artifice of delay and time wasting, have done their best to make this Congress a "do-nothing body."

Cite one instance when the Democratic minority in this body have failed to cooperate with you in any effort to expedite the passage of wholesome legislation here. Of course you do not stay in the Chamber, while this side is always crowded with its Members, and we have to help you do it; but we have never delayed you. We have never frittered away time. We have tried to help you solve these problems; and I do not know what you would have done if some of the suggestions that have come from this side had not been accepted by the other side. If you would listen to us more and follow our suggestions more often, you would get along better. The only piece of legislation that can be claimed by this Congress as one of a constructive nature is the amendment to the War Finance Corporation act, and yet that was passed not because of this administration, but in spite of the opposition of this administration.

Why, your leaders opposed it at first. Senator NORRIS in his first endeavor to arouse your interest was only rebuked by you, and in the end two Democratic Senators and one Republican composed the subcommittee that wrote the bill that passed. And if we had not fought here, day in and day out, to force it upon you, you never would have passed that piece of legislation. So I hope it never again will be said that the Democrats are trying to delay anything.

The same policy, so far as the minority is concerned, will govern its action touching legislation resulting from the Disarmament Conference. It will be discussed fully, and before it passes we will know everything that happened behind the closed doors of the Disarmament Conference; but we want to expedite the matter. We want the country to know where it is "at." We are going to assist you to write your record so that in the next campaign the very first chance the folks get at you we are sure they will condemn you.

Mr. CURTIS. Mr. President, it is not my purpose to defend the Senator from Illinois [Mr. McCORMICK]. He is perfectly able to take care of himself; nor is it my purpose to defend the Senator from Massachusetts [Mr. LODGE]. For the sake of accuracy, however, I want to state for the Record what the records of the Appropriations Committee and of Congress show in regard to appropriations and in regard to deficiencies.

I have just sent out for the statement of the Senator from Mississippi in regard to the deficiency appropriations. It has not been sent in yet; but my recollection is that the Senator

said that only a few thousand dollars had been appropriated for deficiencies during the time the Democrats were in power.

Mr. HARRISON. No; I said that the largest deficiency bill I recalled that the Democrats had passed before the war was \$35,000,000.

Mr. CURTIS. Let me call the Senator's attention to two or three.

In 1915 the deficiency bill was \$27,000,000.

In 1916 it was \$12,000,000.

Before that the deficiencies were smaller, and they kept growing during the war.

The last year before the war the deficiencies amounted to \$68,000,000.

In 1918 they jumped to \$8,000,000,000.

In 1919 they amounted to \$4,000,000,000, giving the round numbers.

Then in 1920 they dropped to \$1,141,000,000.

In 1921 they dropped to \$486,000,000.

I just want the Record to show these figures, so that the Senator may know that he has been giving figures here without any regard to what the facts show.

Mr. HARRISON. Mr. President, will the Senator yield there?

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. CURTIS. Certainly.

Mr. HARRISON. I do not think there is any difference between the Senator and myself. I stated that the deficiency appropriations were larger than ever before since the Republicans came in, and that before the war the Democrats, so far as I recall, had never in any one bill appropriated over \$35,000,000 for deficiencies. The Senator has given certain figures. According to his figures, the most that was carried in any one bill was \$16,000,000.

Mr. CURTIS. Sixty-eight million dollars.

Mr. HARRISON. Sixty-eight million dollars was the total, as I understand the Senator. I said in any one bill there was not over \$35,000,000. The Senator says it was \$68,000,000 at one Congress. That was in all of the bills. Three hundred and fifty million dollars has already been appropriated by this Congress in deficiencies.

Mr. CURTIS. Every deficiency appropriation that has been passed by this Congress and the last came about as the result of the management of the offices by the Democratic administration. Not one of them is traceable to this administration yet. This administration has been in control for only a year.

Mr. HARRISON. You have about ruined things in that time.

Mr. CURTIS. The country, under the policy adopted by the Republican Party, will be in better condition than it ever has been before.

Mr. HARRISON. Let us hope so.

Mr. CURTIS. To-day the shut-down mills, the idle workmen, can charge it all to the Democratic Party. The Simmons-Underwood tariff bill has done more to close the mills in this country than anything else that has happened in many, many years, and if it had not been for the war—

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. CURTIS. Certainly.

Mr. HARRISON. If the Underwood-Simmons bill wrought these great injuries, and the Senator's party have had control of both Houses of Congress for three years, why in the name of common sense have they not done something to remedy the situation?

Mr. CURTIS. The Senator from Mississippi knows well that until the 4th of last March a Democratic President was in office and that he would have vetoed any tariff bill sent to him. He also knows that the emergency tariff bill that was passed by the Republican Congress to help out the then emergency situation was vetoed by President Wilson. All this talk about "two years" is nonsense, and the Senator from Mississippi knows it.

Now, let us see what is the reduction in appropriations below the estimates.

For 1922 the records show that there was appropriated \$1,484,217,465 below the estimates. I judge that that is what the Senator from Massachusetts [Mr. LODGE] said; and when the Senator from Mississippi gets the corrected remarks of the Senator from Massachusetts he probably will find out that what was printed in the paper was not accurate.

As I say, I did not get up to reply to the political harangue of the Senator from Mississippi. The records will speak for themselves; and I submit that the CONGRESSIONAL RECORD shows that the Senators on the other side of the aisle have taken up much more time in useless and unnecessary discussion than has been taken up on this side of the aisle.

Mr. HEFLIN. Mr. President, my good friend the distinguished Senator from Kansas [Mr. CURTIS] speaks about "political harangues" coming from this side. This is supposed to be a Government of the people, by the people, and for the people. We determine by political discussions who shall occupy seats in this body—that is, we used to do that. We have had a sample, recently, of a precedent that money shall decide who shall sit in this body, when seats shall be bartered to the highest bidder; but by political discussions we educate the people of the country as to what the situation is with regard to the Government, and the policies that should control the Government, and the policies that do control the Government.

I am not astonished that Senators on the other side should undertake to suppress political discussions in this body. They must be weary of having their attention called to the miserable conduct of Congress under the leadership of the Republican Party. If my party had conducted the Government as it has been conducted for the last 10 months under Republican rule, I should not want to hear the opposition discuss the political issues.

Mr. President, it is plain now that this campaign is to be conducted by the other side along camouflaging lines. Smoke screens are to be thrown up, deceptive situations are to be created, in order to deceive the American people as to what is really going on here at the Nation's Capital.

Republican leaders will go out and make a speech to the effect that an estimate was made of so many billions, and they cut that down and saved a billion or two billions. It is very easy to whisper into the ear of a Republican officeholder a suggestion that it will not do any harm for him to make a large estimate, so that when they get ready to appropriate they will cut down some of that estimate, which never was intended in fact to be enacted into law, and go to the country with a flourish of trumpets and say, "Behold, we have saved a billion dollars! That is what the Republican Party has accomplished in 12 months' time!"

Mr. McCORMICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. HEFLIN. Certainly.

Mr. McCORMICK. Let me ask the Senator if the estimates to which allusion has been made were not the estimates transmitted to Congress by Democratic Secretaries of the Treasury under the last administration?

Mr. HEFLIN. I did not so understand it. I have not seen that estimate. I did not hear the part of the speech of the Senator from Mississippi in which he referred to that; but I am speaking about what is going on now under Republican leadership and control. Estimates for expenses in war times were much larger, of course, than they should be in peace times.

Mr. McCORMICK. Mr. President, if the Senator will permit me to suggest, we have now the Budget submitted by the President, and the estimates are no longer transmitted by the Secretaries.

Mr. HEFLIN. The Senator from Utah [Mr. KING] has pointed out that by an economic administration of the affairs of this Government over \$400,000,000 could be saved other than that which you have provided for in appropriation even under the Budget system.

But I was starting out to say that it is plain to my mind, and it is plain to everyone, that the Republican Party intends to conduct the next campaign along camouflaging lines. They want to go and say: "We have done this and we have done that. Sound your trumpets; unfurl your campaign banners; on with the march. Behold the printed stories about what we say we have done." The substance of the thing will not be there. What has it done? It has done nothing. The only bill of any consequence that Congress has passed which has benefited any considerable number of people was the bill reviving the War Finance Corporation, the passage of which was brought about purely and wholly by a combination of southern Democrats and western Republicans. I suggested to a western Senator that if the western Republican Senators would join with the Democratic Senators from the South we could pass the bill reviving the War Finance Corporation.

Mr. WATSON of Georgia. Mr. President, in that connection let me remind the Senator that months ago I offered a resolution in the Senate, and had it referred to the Committee on Banking and Currency, requesting the President of the United States to remove Gov. W. P. G. Harding from the Federal Reserve Board, and the Republican Committee on Banking and Currency refuses to take any action one way or the other.

Mr. HEFLIN. That is a sample of what is going on here. Here a Senator from a great sovereign State of this Union comes and levels charges against the head of the Reserve Board, who

has been thoroughly discredited long since, the man in charge of the money supply and the credit of a hundred million people, and a committee of the Senate, which is controlled by the Republican Party, refuses even to consider a resolution to take from the leadership of that board a man whose conduct has shown him to be the subservient tool of Wall Street.

The Republicans will not get very far with this camouflaging business. We may not have the newspapers, but we will go out amongst the people and storm every stronghold in the Republic before the fall election. The people shall know the truth.

The Federal Reserve Board here in Washington with its large publicity fund gets busy whenever a Senator rises and assails its deflation policy, and it carries on a propaganda to counteract the influence of what he says when he was fighting to save his Nation from the dangers which threaten it.

The people are entitled to know these things. The press is largely in the hands of the big moneyed interests. It is a pitiable condition we have to face. Seven million people are out of employment, and the Republican Party comes in with the camouflaging statement, "We have reduced the number to 6,000,000, we have reduced it to 5,000,000." Where are they who tramp the streets of this great Republic of the West, crying out for work that they may live?

They say they have reduced the number; that they now have employment. Where are they employed? Around the corner, it is said. When you go around the corner, they are not there. They take a poor, unfortunate man who has been out of employment for weeks and weeks and give him a day's work this week and a day's work next week and say they are now giving him employment. They have done nothing of the kind. Those men are still out of employment. Six or seven millions of people who want work can not find employment.

Many factories are standing still. Labor is unemployed. Agriculture is prone upon the ground, under the blighting touch of the Republican administration. Yet they stand up here in the face of the dreadful conditions that are upon the country and boast of what they say they are doing for the American people.

Mr. President, no bill of any consequence to the masses of the people can get through this body unless it is O. K'd by Wall Street. That is the situation, and we might just as well tell the truth about it. No bill which affects the control of the money supply of this country, when the South and the West are prostrate, can get through this Chamber without the O. K. of Wall Street.

The PRESIDING OFFICER. The Senator from Alabama will suspend while the Senate receives a message from the President of the United States.

[A message from the President of the United States was transmitted to the Senate by Mr. Latta, one of his secretaries.]

Mr. HEFLIN. These messages are refreshing. It is very pleasing to receive them, but we want some proof now that something is going to be done for the benefit of the American people. We can not get a fair settlement for the soldiers who carried the flag to victory; we can not get any help for agriculture, which is the corner stone of all other industries; we can not get any money in circulation for the business needs of the land—and still we love to hear from the President. We love to have these messages. If this message had come on yesterday, I would have known it was a valentine.

Mr. BURSUM. Mr. President, I understood the Senator to say that no bill could pass unless O. K'd by Wall Street.

Mr. HEFLIN. I mean any bill in the interest of the masses.

Mr. BURSUM. I also understood the Senator to say that the War Finance Corporation bill was a good bill. I desire to ask the Senator if that bill was O. K'd by Wall Street?

Mr. HEFLIN. Not at all.

Mr. BURSUM. Then there are some exceptions.

Mr. HEFLIN. There are exceptions; because the Democrats and the western Republicans got together and forced the passage of that bill. I am talking about the Republican part of the Senate. It is impossible for a bill which affects the people of this country to pass the Republican Congress, the Republican part of it, which is not O. K'd by the big moneyed interests of this country whose headquarters are located in Wall Street.

Mr. CARAWAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I gladly yield.

Mr. CARAWAY. The Senator has called attention to the passage of the War Finance Corporation bill. I know the Senator from Alabama will remember that the leader of the majority [Mr. LODGE] moved to adjourn early in the summer, and if that motion had not been defeated by those who did not agree with him, there would have been none of this legislation which the Senator from New Mexico and others are bragging about.

Mr. HEFLIN. That is absolutely true; and we would have adjourned had it not been for the Democratic votes cast in this body, as the RECORD will show. So that Congress would have gone, the Senate would have adjourned, but for the little handful of Democrats who, Spartan like, fought the time-serving leaders of the other side to the death, and who are going to continue to do that, and who are going to drive them out of the House this fall.

Mr. BURSUM. Mr. President, do Democrats cast more than one vote each in this body?

Mr. HEFLIN. No; they do not.

Mr. BURSUM. There are only 36 Democratic Senators. Do they cast more than 36 votes?

Mr. HEFLIN. Our tribe will be increased this fall.

Mr. BURSUM. There are 96 votes in the Senate.

Mr. HEFLIN. Yes.

Mr. BURSUM. Is 36 a majority of 96?

Mr. HEFLIN. The Senator fails to tell the Senate and the country that there are always 25 or 30 Republican Senators absent. There are 25 or 30 Senators on the other side always away. They are not here now. They are drawing their salaries, but they are attending to their private business at home. Some of them are down in Florida now, fanning themselves as they stroll upon the snow-white sands on the Florida beach.

Mr. BURSUM. Perhaps there are a few of them here. The roll calls and the record votes will not bear out the statement of the Senator, however. In relation to the War Finance Corporation bill, which the Senator so heartily approved, in which I agree with him, permit me to call the attention of the Senator—

Mr. HEFLIN. I can not yield for a speech.

Mr. BURSUM. To the fact that it was upon this rostrum that President Harding appeared and requested the passage of the War Finance Corporation bill, and shortly thereafter the bill was passed and became a law. Was that brought about by the influence of the Democratic Party?

Mr. HEFLIN. I can not yield to the Senator to make a speech. I do not blame him for wanting to say something when this awful indictment is read against the bosses of his party, but I assert again that the War Finance Corporation would never have been revived but for a coalition between the southern Democrats and western Republicans.

Mr. CARAWAY. Not including the Senator from New Mexico.

Mr. HEFLIN. And I do not believe the Senator from New Mexico was a party to that arrangement.

I said a little while ago that there were always 25 or 30 Republican Senators absent. I challenge the Senator to take the roll calls for two weeks back and show me over 50 or 51 Senators answering to their names, and there are 96 Members of this body.

Mr. WATSON of Georgia. Mr. President, let me remind the Senator from Alabama that more than once when an important bill was on its passage here Senators who were absent from the other side had to be telegraphed for, and a request was made from the other side to this for us to vote as soon as possible so that they could get away again.

Mr. HEFLIN. Certainly, Mr. President. This jack-o'-my-lantern business that is being carried on down here is going to be carried to the people.

Mr. CARAWAY. Mr. President, I hope the Senator is not really complaining because the Senators on the other side are absent. I think it is in the aid of good Government for them to go to Florida.

Mr. HEFLIN. I do not fall out with my friend about that.

Mr. WATSON of Georgia. Mr. President, that would be all right if, after we release them and they go away, they stay away.

Mr. HEFLIN. We are going to fix it so that some of them can stay away after the next fall election.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HEFLIN. I am delighted to yield, because the CONGRESSIONAL RECORD is the only paper we can talk for which goes amongst the people and in which they can read what we say.

Mr. SIMMONS. Does the Senator think of any real, constructive, beneficial piece of legislation, beneficial to the people of this country, except such as the revival of the War Finance Corporation and the Senate amendments to the present revenue act regarding surtaxes? This legislation was passed by cooperation between the Democrats and that element in the Republican Party which we characterize either as progressive or constituting what is known as the agricultural bloc.

I will ask the Senator, further, if this particular piece of legislation, which he says is doing so much good in the country now—the War Finance Corporation act—a piece of legislation which has helped toward saving the agricultural industry in this country from ruin and absolute bankruptcy, could possibly have been passed but for the votes of the Democratic Party, supplemented by the insurgent vote of the Republican Party?

Mr. HEFLIN. It would not have been possible, Mr. President.

Mr. SIMMONS. I believe the Senator has referred to the fact that we have had no legislation in the interest of the farmer, although we had been in session five or six months, although the friends of the farmers in this body were pressing for legislation, and we were about to adjourn and go home for a solid month, with the statement that when we got back the time would be barely sufficient to pass the revenue and the tariff bills which it was proposed to pass during the extraordinary session, and in that situation, if the real friends of the people of this country on both sides of the Chamber, on this side and on the other side alike, had not combined and fought against and defeated that proposition of adjournment for one month, would we have passed the legislation establishing the War Finance Corporation?

Mr. HEFLIN. I agree with the Senator entirely that we would not.

Mr. SIMMONS. The Senator knows, if he will pardon me, that the leader on the other side of the Chamber had arranged for an adjournment, the stage was set, and it was supposed that the plan was going through without any serious opposition; but right at the time when it was proposed to adjourn, Senators upon this side of the Chamber led in a fight to hold Congress in session until something had been done for agriculture, and they were joined by a sufficient number on the other side of the Chamber, who felt the same deep interest in the farmer that we felt, to keep Congress here. As the result of that action, we have this beneficial legislation.

Mr. HEFLIN. That is true, Mr. President.

Mr. CARAWAY. Mr. President—

Mr. HEFLIN. I yield to my friend from Arkansas.

Mr. CARAWAY. I merely wish to call the Senator's attention to the fact that the Senator from New Mexico [Mr. BURSUM], who so valiantly defended his party, has evidently packed his bag and gone also.

Mr. HEFLIN. Yes; and I think we will thin them out considerably this fall. Senators who go home and stay at home while the Senate is in session, unless detained by sickness, ought to be permitted to stay there permanently. They ought not to be bothered by having to come back here. I remember the other day when you had up the proposition to take away from the American Congress the right to handle the indebtedness of foreign countries owing this Government about \$11,000,000,000, principal and interest, and the Senate was trying to determine what it would do about collecting that debt, and a great many of us were insisting that we proceed to collect some of it until we could at least be just to the soldiers who saved the Nation, we saw the Republican Party, under the whip and spur of their leadership, bring in a measure to take it away from the people's Congress and turn it over to five commissioners to be named by the President, to take the whole thing over and postpone the interest down through the future years and postpone the payment of that foreign indebtedness in order that Wall Street might collect the \$5,000,000,000 due from these same countries. I saw you bring in those same Senators. They came in and seated themselves for a while and, when their names were called, voted to take this matter out of the hands of Congress and turn it over to a commission, just as Wall Street wanted it done.

And now they are gone again. Of course, you can get them here whenever a measure comes in that affects the big interests. They come and they vote as the big bosses suggest, and then they return to their native habitat. That is what we see going on here. If a measure comes up like putting a farmer on the Federal Reserve Board, you bring them in. All of the forces are marshaled then.

They caused you to strike the word "farmer" from the amendment, with the promise from the President that he would put a farmer upon the board; and yet you permitted it to state in the law that two bankers should be on the board. Why this discrimination against the farmers of America? Why not write it in the law that one shall be a farmer? Is the farmer to be an outcast, and stand like an outpost of winter, shunned and scorned by the Republican administration? This man with the hoe, upon whose back is the burden of the world; this man who produces that which feeds and clothes the world—why is he not entitled by the administration to have his name written

into the law, so that he could sit in judgment upon the matter of controlling the money supply and credits of the country when it is up for consideration?

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia. Mr. WATSON of Georgia. I beg to remind the Senator from Alabama that the man who will probably have more influence than any other in the extension of this enormous foreign debt is holding his office in violation of a law passed by the very first Congress that ever assembled. Mr. Secretary Mellon, who will act on that commission, is holding his office in violation of law, and could on any day that we saw fit be impeached, and could on any day that anybody swore out a warrant against him be arrested and sent to the penitentiary.

Mr. HEFLIN. Mr. President, I did not know that. The Secretary of the Treasury is a very, very wealthy man. I am not falling out with any man for having wealth. I like to see a man acquire a fair share of this world's goods. I like to see him enterprising and industrious, but I do not like to see the governmental machinery of my country operated to the advantage of the few and to the hurt and injury of the many.

I have seen the farmers of my country go out and work harder than ever to make the biggest crop they ever produced and then sell it for less than they got for a crop half its size. That is not encouraging industry and enterprise in the citizen. That is putting a penalty upon industry and enterprise. Yet, if a man serves special interests and gains favor with the Republican Party, the Government is used to turn money into his coffers, and the many are fleeced in order that the few may flourish.

Mr. WATSON of Georgia. Mr. President, may I interrupt the Senator again?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. I think the Senator from Alabama was present when I referred to the law of 1789 as it appears now in section 243 of the Revised Statutes, which declares in substance that no man shall be Secretary of the Treasury of the United States or Comptroller of the Currency who is engaged in any commerce or business. Upon that very clause President Grant withdrew the name of A. T. Stewart, whom he had appointed to the office of Secretary of the Treasury without knowing that this law was in existence. Mr. Mellon is disqualified to hold the office of Secretary of the Treasury, and he violates this penal law every day that he does hold it.

Mr. HEFLIN. We are slowly but surely disclosing the situation. I think before the fall elections come we will be able to reach the people with a good many things that they never would know from reading the big, camouflaged headlines of subsidized newspapers.

The power of the purse is a wonderful power in politics, and it has been recognized by the Republican Party recently. You have openly invited its poisonous participation in politics. It makes barter of the ballot, and yet the Republican Senate just a few days ago indorsed the sale of a seat in this body. What more do the corrupt money interests want than to have you confirm the sale of seats that they buy? They want to control this body permanently. What do they care about who controls the House if they have a majority in this body that will do their bidding? They have a majority here to-day that will do it. You have 169 majority in the House and 24 majority in the Senate, and yet the Senator from Kansas [Mr. CURTIS], or some other Senator on the other side of the aisle, stands up and talks about the Democrats killing time. If we did not call attention to what is going on here, we would be unfaithful, we would not be worthy to occupy seats in this body.

Why should I keep silent when I see forces put into operation that mean the ruin of my country? Why should I keep quiet when I see policies pursued that bring distress and disaster to business amongst the common masses? Why should I remain silent and let this machinery work on and on when I know that it means ruin to legitimate business in my country? It is my duty to talk about it. I am as much of a soldier in this body as the soldier on the firing line in France. There were great issues at stake there. There are great issues at stake here.

Eternal vigilance is the price of liberty, and it is the duty of those who have taken the oath at the altar place of this Chamber to be faithful and to point out the evils that exist, and to make suggestions as to remedies. It is our duty to do it, and as long as I am able to talk I am going to battle upon this floor for the principles of right and justice and do my duty as

I see it. I am trying to do something of value for the people whose Government this is. I do not propose to recognize the right of Wall Street to dictate the policies of Congress. I do not propose to say that Wall Street is right when she wants the Government of a hundred million people to postpone the payment of \$11,000,000,000 due to it while Wall Street collects a private debt of \$5,000,000,000. I do not propose to sanction the policy that denies to the soldiers who wore the uniform to save my country's life in the hour of its peril a fair and just settlement at the hands of the Government they love.

Mr. WATSON of Georgia. Mr. President, may I interrupt the Senator again?

Mr. HEFLIN. Certainly.

Mr. WATSON of Georgia. The law to which I have referred is one of the oldest on the statute books, one of the first ever passed by the American Congress. It was indeed the First Congress under President Washington that enacted the law. Whenever that bill is found, approved by the President, it will bear the name of President George Washington. Here is a Secretary of the Treasury who is violating the law every day of his life, thereby incurring the penalty of a fine or imprisonment, and of being forever afterwards incapacitated to hold office.

I would like to have the Senator from Alabama express himself as to what the people will think as to the way our Government is being run, when a criminal, unconvicted but disobeying the penal law, openly and notoriously committing a crime, is left in charge of the national funds and the refunding of a foreign debt of \$11,000,000,000?

Mr. HEFLIN. Oh, Mr. President, it deserves to be condemned by Congress. You have men in the Federal Reserve Board most thoroughly discredited. As I have said here repeatedly and say again, they have lost the confidence of the honest business men of the whole country, and now for a Secretary of the Treasury to be appointed on this high commission when he violates the law as plainly as has been pointed out by the Senator from Georgia is, of course, wrong. It is time that we should speak out, and Senators on the other side of the Chamber must be patient while we call attention to these things. The people may not, I repeat, get to read in the newspapers what is going on here, but those who peruse the CONGRESSIONAL RECORD will see that somebody was on guard and somebody was pointing out these evils at the time they took place.

This camouflage business that I spoke of reminds me of the story of the wall that had a large crack in it. It was a big wall 20 feet high. The people who had to pass along by it constantly said, "That wall ought to be fixed; it is going to fall down on somebody." The mayor of the little town went down there and pasted some paper over the crack. The paper had beautiful pictures on it, and when anyone looked for the crack in the wall he could not see anything but the pictures on the paper. The crack in the wall had not been fixed, but the mayor's clever tactics simply hid it from view. The painful wounds and ugly scars that your ruinous policies have inflicted upon the once robust body of American business are still there, and inspired newspaper fiction will neither hide them or heal them. We are calling attention to your efforts to deceive the American people. We are warning the people to be on the lookout for campaign fiction.

Mr. CARAWAY. And prosperity is just around the corner.

Mr. HEFLIN. Yes; prosperity is just around the corner, as my friend from Arkansas suggests.

And when you get around the corner you do not find it. You call up the local banker and ask, "Are you being supplied with funds sufficient to serve the needs of business in your locality?" and he says, "No, sir; but do not tell the Federal Reserve Board that I said that. If you do they will make it hard for me." You ask the merchant, "Are you being taken care of? Is your business prosperous?" He says, "No; I am practically broke and I am doing nothing." Well, then, how about the farmer? "How are you getting along, you to whom we looked for food for our Nation and the allied nations during the great World War? Where is the farm that you cultivated when Wilson was President and the Democrats were in power?" And he answers, "It is gone." "Where are the stock which you had around the premises when all was well with you and a happy family in the dear little home?" "Gone," he says, "we have moved away; the stock have been sold or sacrificed; the farm has gone to make a payment on a debt incurred when my debt-paying power and purchasing power was equal to the price of the things I had to buy." "Where are you who wore the uniform of the country?" And the ex-soldiers, thousands of them say, "I have not anything to do; I am out of employment and hungry." "Where are the millions of the happy and well-paid wage earners of the country when the Democrats were in

power and there were no idle men and women?" The sad answer comes, "We are out of employment; we are not permitted to earn a living for ourselves and families."

Then I ask Senators, Who is it that is having prosperity? Where is it? Let us get down to brass tacks. Who is it under your party's régime that is enjoying prosperity?

Mr. CARAWAY. Will Hays, who has gone into the movies. Mr. HEFLIN. Mr. President, the bankers of Wall Street are flourishing. They get all the money they want; they never lack for a dollar; they can get every day in the year every dollar they want for speculative purposes; they can acquire all the credit they need for any project. But the South can not get it; the West can not get it. Still Senators on the other side of the Chamber are talking about prosperity. Where is it, pray tell me?

Mr. President, I hold in my hand a little poem which has just been handed to me by my good friend from Arkansas [Mr. CARAWAY], which is entitled "We wanted a change." Mr. President, if the millions of men and women who went up to the ballot box shouting "Hurrah for Harding!" and "Hurrah for normalcy!" could withdraw those little ballots, the Republicans would have to run them all down with a search warrant and take them by force in order to ever get them back again. You never could again marshal them for the present régime.

They wanted a change. They were deceived by this camouflage stuff that you carried on, discrediting the greatest administration since the Government was established. I except none. There never was a time in the history of this Republic when labor was so fully employed, when industry was running so regularly, when the mass of the people had so much money in their pockets, and when prosperity was so general. Why, the average man and woman had a little bank account under the Democratic administration.

Nobody has a bank account now of any consequence except the big bankers of Wall Street. They have accumulated the money supply of the country; they have drawn it in; and they let it out, little by little, as they wish to do through the Federal Reserve Board's policy. That is what is going on. Let me remind you again that an old farmer out in Kansas the other day, when he was asked how he liked this Republican crowd, said, "To thunder with your Republican normalcy; I want to get back to Democratic prosperity."

Oh, Mr. President, you know there are people in this country who believe that the mass of the people constitute legitimate prey for their greed and avarice, just as a hawk views chickens and thinks that he has got a right to swoop down and pluck them and pick them and eat them whenever he chooses. These heartless and arrogant interests feel that they have a right to have the use of the Government for that purpose. They get in with the controlling power; they say "Institute this policy," and down they swoop upon the people and take their substance. That is what is being done under the reign of the Republican Party to-day.

But let me read the poem:

WE WANTED A CHANGE.

We were getting a dollar six bits for our corn,
We could sell every hide from the hoof to the horn—
We wanted a change and we got it.

Now we're getting a quarter for corn. It's so cheap
That we burn it for fuel, our toes warm to keep.
We can't sell the hides so we bury them deep—
But we wanted a change and we got it.

The skilled workman pulled down eight bucks a day,
Now he's darned glad to work for any old pay—
But he wanted a change and he got it.

There was work and a plenty for every man's son,
And warm food and shelter when that work was done;
Now millions are idle, heretofore there was none—
But we wanted a change and we got it.

Mr. Wilson spent quite a long time "over there"
For peace he was fighting, but what did we care—
We wanted a change and we got it.

Now all that we read is of golf and vacations,
Gay week ends at summer resorts and plantations;
Not what we expect from the head of a Nation—
But we wanted a change and we got it.

We were prosperous and happy, well fed, and gay,
Now millions of children go hungry each day—
We wanted a change and we got it.

Meanwhile we hear this: "It was certain to come—
Reaction from war time," and war three years done.
If we wanted a lemon we sure did pick one—
But we wanted a change and we got it.

(Omaha World-Herald.)

When the Democrats were in power we, the people, were writing poems about happy homes, about the laboring man and the strength of his mighty arm; we were describing happiness upon the farm and telling how, when the cows came home in the evening, the calves would bleat a deep-mouthed welcome; and

how we used to see the rich yellow butter upon the table and round, fine biscuit and ham sliced and swimming in red gravy and chickens galore, and all of the good things to eat. That was under the rule of the Democratic Party, but now we are writing about empty pails and unemployment and people in distress and panics and bankruptcies. They "wanted a change, and they got it." Mr. President, I have talked to hundreds and all of them that I have seen say they are ready and anxious now for a change. I heard of a prognosticator of politics who told me that a gentleman out in Ohio who occasionally polled the passengers on trains polled the passengers in a car in the fall of 1920 in which there were 25 people, 19 of whom were Republicans and the other 6 Democrats. He asked them at that time whom they favored for President, and all of them said they were going to vote for Harding. In the same territory two weeks ago there were 25 or 30 on the train, two-thirds of them being Republicans and about one-third Democrats, and he asked, "If you all had it to do over again, how many of you would vote for Harding now?" And not one hand went up. The situation has so completely changed in 11 months' time. The Republican Party has been weighed in the balance and found wanting. You may have your yachts and your week-end vacations, but the American people want a change, and they are going to have it this fall.

Mr. CARAWAY. Mr. President—

Mr. HEFLIN. I am glad to yield to my friend from Arkansas.

Mr. CARAWAY. I am wondering if President Harding will beat Mr. Taft out of a position which he occupies. It was said that more people voted to make Mr. Taft an ex-President than any other man ever commanded, but I am almost sure that Mr. Harding is fixing to beat him out of that position.

Mr. HEFLIN. Mr. President, as I have remarked here once before, somebody has said that Mr. Taft went in by a million majority and went out by unanimous consent. The present President is going to run him a mighty close race.

The President is a good grand-stand player and a gracious smiler; but the time has come for action; the American people are demanding a delivery of the goods, and they have got a right to make that demand. Whose Government is this anyhow? Does it belong to the pompous purse-proud millionaires of Wall Street or does it belong to the American people who when its life is imperiled rush to its rescue and pour out their blood in order to save it and perpetuate it? Now it is the duty of Senators to fight here in the homeland for these people in time of peace, and to see that their rights are safeguarded.

I wish to say to you, Senators, that when the money supply and credits of this country are so manipulated that they will not serve the needs of the laboring man and will not serve the needs of the farmer and will not meet the needs of the merchant and the local bankers something is radically wrong. What is money? It is the lifeblood of business, and when a few selfish and sordid people control it they control the life-giving force of the business life of the Republic. That is what is going on to-day. Yet the President sits there smiling constantly, bowing graciously, while the Federal Reserve Board right under his nose, not a hundred yards from where he sits, strikes down the legitimate business of the country.

The President can remove that board. He should remove it. If Gov. Harding had done as much for the Democratic ticket as he did for the Republican ticket, does anybody doubt that his resignation would have been asked for? Since President Harding has not taken action along those lines, what does it mean? It means that he indorses the deflation policy of that board; it means that the board has done what it was ordered to do. I charge to-day that the deflation policy that has brought ruin to the country was invited and started by the Senator from Illinois [Mr. McCormick] when he had passed through the Republican Senate on the 17th day of May his resolution calling on the board to know what they were doing about deflation, and so forth.

As I told you last Thursday, the Senator from Oklahoma [Mr. OWEN] saw it. He arose and told you that it meant deflation. He said it was an invitation for deflation; and Gov. Harding was enthusiastic in his reply. He wrote back to the Senate that he would employ every power at his command to carry out the suggestions contained in the deflation resolution.

What did that mean? That meant that the deflation policy was on. Who was in control? The Republicans were in control of the House and the Senate. Who introduced the resolution? A Republican Senator. Who is Gov. Harding? He supported the Republican ticket in the fall election, and he is holding his place and retaining his power under a Republican President, and the work of destruction goes on; and the President of the United States and the Republican Congress can not

escape responsibility for the ruin that was wrought under that inexcusable and indefensible deflation policy.

Mr. President, I did not intend to speak more than 5 or 10 minutes. I want to remind the Senator from New Mexico [Mr. BURNETT], the Senate, and the country that when we did revive the War Finance Corporation, as I said here in a lengthy speech last Thursday, we had section 2 in that joint resolution, and section 2 provided that the Federal Reserve Board was directed to see to it that financial aid was extended to the farmers of the country at as reasonable a rate of interest as possible in keeping with sound banking.

Mr. President, what did that mean? That was calling upon the forces in control of the currency and credits of the country to go to the aid of American farmers in dire distress. That was inviting Congress to tell the board to go and do the thing that would carry relief to the great agricultural army of the South and West. What happened to it? You refused to pass it. Wall Street did not want it. The Federal Reserve Board did not want it. A Republican Congress killed it. We got through the War Finance Corporation revival part of the resolution, but a Republican Congress killed the part which commanded that money should go to the farmers and aid them in holding their farm products off the market until the price will yield a living profit.

Who caused that resolution to be killed? I made the statement in the outset that no bill that affected the interests of the money changers could go through this Congress without the sanction of Wall Street. Who can deny it? The part of the resolution that you killed went to the very root of the evil. That suggested a remedy, to go to the rescue of farmers in distress, and a Republican Congress said, "No; we will not instruct the board to do that," and they killed that part of the joint resolution.

How are you going to escape responsibility for that? That is a plain proposition. The joint resolution said in substance, "Congress directs the Federal Reserve Board to go to the aid of the farmers with credits and currency at the lowest rate of interest possible in keeping with sound banking," and you killed that part of it. You struck it out.

How are you going to defend your position and claim that you are not responsible for that failure to lend a helping hand to millions of farmers in distress? I say again that the Senator from Illinois [Mr. McCORMACK], a Republican, offered the resolution that started deflation, and then in the fall time, when we tried to get you to pass a resolution to instruct your Federal Reserve Board to aid the farmer, you killed that part of the resolution.

What do you suppose the farmers of the West will do when they realize this fall that we presented to you a resolution calling on the Federal Reserve Board to go to their rescue and to see that credits and currency were extended to them, and you would not permit it to pass? Do you think they will vote as they voted in 1920? No, sir! Because they have seen and suffered enough since you have been in power. You have had control of the House and Senate for three years, and what have you done? You have marked time. You used to criticize us for indulging in "watchful waiting," and you have been waiting with your eyes shut. You have just been lumbering along in the dark obeying your master's voice.

Look out yonder on the South and see those people coming out of the little lanes, and see their vehicles trailing each other as they come down the public highways. You say: "What means all this?" They say: "We are coming out of the farming communities of the county." "Where are they going?" "They are going down to the cotton factories to put to work in the mills those boys and girls that ought to be in school. When the father could make a living on his farm, they were in school. They were happy out there; but those little homes are broken up now." They are going to the factories and the presence of an oversupply of labor will reduce the wages of those already there.

That is what is going on under your party's control. Nothing except the work of the gambler grafter seems to flourish under your reign. Show me one legitimate business that is flourishing under the reign of the Republican Party—one; just one! I pause for a reply from any Republican upon this floor. Name me one legitimate industry in all the confines of the country that is in a prosperous condition to-day. I get no answer. There is not one. The gambling Monte Carlo of Wall Street is flourishing. Call money revels in rank luxuriance. All the places that feed upon the substance of honest toil and legitimate business are doing well; but legitimate business dies under the withering touch of the Republican Party in power.

Mr. President, what is the Republic for? Are we going to sustain this country and make it the glorious thing that the

fathers intended that it should be—a Government established for the welfare of the citizen? That is the whole end and aim of constitutional government. What are we doing to-day? The citizen has his mood injuriously affected, his morale broken, his property swept away, his means of livelihood taken from him, and you are creating an army of bolsheviks and anarchists. You are sowing the seeds of hate in men who offered their lives for their country.

Senators, the time has come to talk plainly about this thing, because he who sees danger and has not the courage to point it out in this Chamber is himself a cringing coward.

Oh, Mr. President, I would that conditions were different. I would rejoice to see conditions improved; and no Senator in this body can charge that I ever voted against a measure here that sought the common weal. And while I believe that my party holds the right solution for all the questions that pertain to the government of man—partisan Democrat that I am—I have voted for and advocated in this body measures offered by some Republicans from the West because I thought they were good measures and would do good. I place at all times the welfare of my country above partisan success. Why should not all of us do so? Life is short at best, and we go this way but once. It is a question of the measure of service that we give while we are in this Chamber. This place was intended to be a place of faithful service to the American people.

It was intended to be filled with men who would always look to the welfare of the country, who would enact laws that would bless and benefit the mass of the people, and who would not legislate for a favored few, to the hurt and injury of the many.

I congratulate the distinguished Senator from Mississippi [Mr. HARRISON] upon the able and splendid speech that he made. He arraigned the Republican Party and pointed out its shortcomings and showed wherein it had undertaken to deceive the people. That is legitimate. If we fall short of our duty we are failing in the work that we were sent here to do, because, Mr. President, no Senator ever ought to reach the time in this body when his own comfort is of more concern to him than the welfare of his country. He never ought to reach the time when he is afraid to challenge the forces of injustice and wrong.

He ought never to reach the time when he seeks to move against the lines of least resistance. He ought to be ready at all times to fight, if need be, any unrighteous cause which puts up its head in this body. We ought to point the way to a better day, when the masses of the people in the main will enjoy the fruits of the prosperity to which this country is entitled 24 hours in every day and 52 weeks in every year of its history.

In this country, with its mighty resources, there is no excuse for anybody being out of employment. There is no excuse for any farm being deserted. There is no excuse for shutting down the industries of our land, and a country as rich and resourceful as ours is should not hoard the Nation's lifeblood, the money and credits of the country, but it should see to it that these life-giving forces should circulate and restore prosperity in every nook and corner of the country.

Mr. WATSON of Georgia. Mr. President, when the refunding bill was on its passage through the Senate I called the attention of those who had charge of that measure to the law of 1789, which declares that no man engaged in business or commerce shall be eligible to hold the office of Secretary of the Treasury.

I called their attention to the fact that this was a penal law, and any man who violated the law was subject to prosecution, and upon conviction should be punished by a fine, by imprisonment, and by incapacity thereafter to hold office.

I instanced the case of President Grant, who, not being a lawyer, was not aware of the statute of 1789, and who appointed A. T. Stewart, the merchant prince of New York, to be Secretary of the Treasury. In Mr. Blaine's Twenty Years of Congress, volume 2, page 425, we find this statement:

Alexander T. Stewart, the well-known merchant of New York, was named for Secretary of the Treasury; and Adolph E. Borie, of Philadelphia, long known in that city as a man of probity and wealth, was named for Secretary of the Navy. No new nomination was made for Secretary of War, and the hope with many was that Gen. Schofield might be continued in a place whose duties he had so faithfully and so successfully discharged.

The President was very anxious to have Mr. Stewart in his Cabinet, and was therefore surprised and chagrined to find, after he had been nominated, that under the law he was not eligible to the office of Secretary of the Treasury. In the act establishing the Treasury Department, passed at the first session of the First Congress under the Federal Government, it was provided that no person could be appointed Secretary, Assistant Secretary, comptroller, auditor, Treasurer, or register who was "directly or indirectly concerned or interested in carrying on the business of trade or commerce." It was further provided that any person violating this act should be deemed guilty of a high misdemeanor, and upon conviction fined \$3,000, removed from office, and forever thereafter rendered incapable of holding any position under the Government of the United States. Gen. Grant frankly informed the Senate that he had ascertained Mr. Stewart's disability after the

nomination and suggested that "in view of these provisions of law and the fact that Mr. Stewart has been unanimously confirmed by the Senate he be exempted, by joint resolution of the two Houses of Congress, from the operation of the law."

The Senate had actually confirmed Mr. Stewart, and President Grant requested the Senate to change that law so that Mr. Stewart could qualify and take the office. What followed? I read again from Mr. Blaine:

As soon as the President's message was read, Mr. Sherman, of Ohio, asked "unanimous consent to introduce a bill repealing so much of the act of September 2, 1789, as prohibits the Secretary of the Treasury from being concerned in carrying on the business of trade or commerce, and providing instead that in no case shall he act on any matter, claim, or account in which he is personally interested." Mr. Sumner objected to the introduction of the bill, suggesting that it ought to be "most profoundly considered before it is acted upon by the Senate." These proceedings were on Saturday, March 6. On Monday Mr. Sherman did not call up the bill, it having been ascertained in private conferences that the Senate was unwilling to pass it. On Tuesday Gen. Grant withdrew the request, Mr. Stewart resigned, and Hon. George S. Boutwell was nominated and confirmed as Secretary of the Treasury.

Mr. President, the proofs were put in the record during the debate on the refunding bill, that Mr. Mellon is engaged most extensively in trade and commerce, being one of the most colossal business men on this continent or abroad; just as ineligible to hold the office of Secretary of the Treasury as would be J. P. Morgan, or as is John D. Rockefeller, or as is a member of the firm of Sears, Roebuck & Co., if you please.

In my hand I hold the act, in the Revised Statutes, which was passed at the first session of the First Congress. It is numbered in the book as section 243, and it provides just as Mr. Blaine quotes in his book, and I therefore will not read it again; but in order that the country may have no doubt about it, I ask unanimous consent that the statute may appear as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

SEC. 243. No person appointed to the office of Secretary of the Treasury, or First Comptroller, or First Auditor, or Treasurer, or Register, shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department, other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of \$3,000, and shall, upon conviction, be removed from office and forever thereafter be incapable of holding any office under the United States; and if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of \$3,000, when recovered, shall be for the use of the person giving such information.

Mr. WATSON of Georgia. It is a serious thing, it seems to me, when any officer of the Government, but especially the Secretary of the Treasury, charged at this time with the handling of the greatest sum of money that ever was put into the hands of one man to handle, is violating the law every day of his life, is, according to the record, an impudent criminal, whom anybody could have arrested on swearing out a warrant, and who would have to stand and confess his guilt, if his business connections be what they appear to have been at the time that proof was put in the record.

We ourselves are sworn officers. The Constitution leaves us no discretion. As honorable men we are bound to do what we can to have the law properly administered.

Admitting that neither Mr. Mellon nor President Harding knew of this law at the time the nomination was made; admitting that the attention of the Senate was not called to it at the time of the confirmation, the President knows it now, Mr. Mellon knows it now, and there is not a lawyer here who can say one word in defense of either the President or the Secretary. If so, I want him to rise and say it.

How can any man defend it? We are to go before the people in a few months to render an account of our stewardship. What will the people think of us if we have continued from day to day to let this man exercise the highest financial power in the world when he is openly, audaciously, unscrupulously violating a law that has on it the sanction of George Washington's name?

Is any man in this country above the law? Is the Chief Executive above the law? What is the law of impeachment for?

On the night of the debate on the refunding bill I asked the Republican Senators to consider this matter, especially in connection with giving Mr. Mellon discretionary powers over the refunding of \$11,000,000,000 of indebtedness due to us by European countries. No Senator said a word. They did not consider it. They will consider it when they go before the people for reelection.

Republican Members of the other House will have to answer for it. The people will say, "Is that the law?" The people

will say, "Are you violating it?" The people will say, "How dare you do that and put yourselves above the law? How dare you ask us to obey the law when you will not do it? How dare you prosecute men for trivial offenses, petty larcenies, lesser crimes, when this law is being violated every day by a member of the Cabinet?"

If Gen. Grant receded before that law and respected it, why should not President Harding show an equal respect for the statutes of his country? If Mr. Stewart had to resign, why should not Mr. Mellon resign?

Senators, this will be a millstone around your Republican necks in the future. You have been put on notice. The country knows you have been put on notice. What are you going to do about it? You had better do something about it.

I do not believe the American people will stand for an open and insolent violation of the law by a member of the Cabinet. I believe the storm of public indignation which can reach Mr. Mellon will reach those who should have reached Mr. Mellon and put him on notice. That man should resign. If he does not willingly resign, the President should demand his resignation and thus set the people an example of respect for the law.

RETIREMENT OF DISABLED ARMY OFFICERS.

Mr. BURSUM. Mr. President, I desire to give notice that as soon as the unfinished business now before the Senate has been disposed of I intend to move that the Senate proceed to the consideration of the bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 16, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 15, 1922.

RECEIVER OF PUBLIC MONEYS.

John W. Scott, of California, to be receiver of public moneys at El Centro, Calif., vice Burre H. Lien, whose term will expire February 17, 1922.

PROMOTION IN THE REGULAR ARMY.

VETERINARY CORPS.

To be lieutenant colonel.

Maj. William Proctor Hill, Veterinary Corps, from February 4, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

Capt. Garth Bly Haddock, Infantry, with rank from July 1, 1920.

Capt. Edmund Walton Hill, Infantry, with rank from July 1, 1920.

First Lieut. Benjamin Ransom McBride, Infantry, with rank from October 13, 1919.

PROMOTIONS IN THE NAVY.

Commander Walter M. Hunt to be a captain in the Navy from the 20th day of December, 1921.

Commander Zachariah H. Madison to be a captain in the Navy from the 31st day of December, 1921.

The following-named lieutenant commanders to be commanders in the Navy from the 3d day of June, 1921:

Charles H. Shaw.

Eldred B. Armstrong.

Lieut. Commander Arthur W. Sears to be a commander in the Navy from the 1st day of October, 1921.

Lieut. Commander Walter B. Decker to be a commander in the Navy from the 21st day of October, 1921.

The following-named lieutenant commanders to be commanders in the Navy from the 31st day of December, 1921:

Randolph P. Scudder.

James P. Olding.

Claude A. Bonvillian.

George A. Alexander.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of January, 1922:

Garret L. Schuyler.

Alfred W. Brown, jr.

Albert S. Rees.

William B. Howe.

George H. Bowdew.

Lieut. Edward H. Connor to be a lieutenant commander in the Navy from the 11th day of February, 1921.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1921:

James D. Maloney.	John H. S. Dessez.
James S. Spore.	George W. Hewlett.
Frank Slingluff, jr.	John M. Ashley.
Mervyn S. Bennion.	Herbert W. Underwood.
Frank H. Kelley, jr.	Lorain Anderson.
Miles P. Refo, jr.	Edgar M. Williams.

Lieut. Howard A. Flanigan to be a lieutenant commander in the Navy from the 25th day of June, 1921.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1921:

Marc A. Mitscher.	Clarkson J. Bright.
Earle W. Spencer, jr.	William D. Kilduff.
George L. Weyler.	

Lieut. Joseph F. Crowell, jr., to be a lieutenant commander in the Navy from the 1st day of September, 1921.

Lieut. Charlton E. Battle, jr., to be a lieutenant commander in the Navy from the 1st day of October, 1921.

Lieut. Herbert A. Ellis to be a lieutenant commander in the Navy from the 12th day of October, 1921.

Lieut. (Junior Grade) Adolph V. S. Pickhardt to be a lieutenant in the Navy from the 7th day of June, 1919.

Lieut. (Junior Grade) Robert D. Kirkpatrick to be a lieutenant in the Navy from the 1st day of July, 1919.

Lieut. (Junior Grade) Stanley L. Wilson to be a lieutenant in the Navy from the 6th day of June, 1920.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1920:

Forrest B. Royal.	Horace E. Burks.
Nelson N. Gates.	George W. McIver, jr.
William E. O'Connor.	John N. Whelan.
George O. Etheredge.	Gordon B. Woolley.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 30th day of December, 1920:

Fred M. Byers.
Stanley C. Norton.

Ensign Nelson N. Gates to be a lieutenant (junior grade) in the Navy from the 3d day of June, 1919.

Ensign George W. McIver, jr., to be a lieutenant (junior grade) in the Navy from the 30th day of March, 1920.

Ensign William E. O'Connor to be a lieutenant (junior grade) in the Navy from the 28th day of June, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 20th day of June, 1920:

John N. Whelan.
George O. Etheredge.
Gordon B. Woolley.

Ensign Stanley C. Norton to be a lieutenant (junior grade) in the Navy from the 29th day of December, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 1st day of July, 1920:

Thomas J. Griffin.
Morton T. Seligman.
Dorrance K. Day.

Surg. Isaac S. K. Reeves to be a medical inspector in the Navy with the rank of commander from the 10th day of November, 1921.

Surg. George L. Wickes to be a medical inspector in the Navy with the rank of commander from the 24th day of January, 1922.

Passed Asst. Surg. John J. O'Malley to be a surgeon in the Navy with the rank of lieutenant commander from the 4th day of March, 1921, to correct error in name as previously nominated and confirmed.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 4th day of March, 1921:

Frederick Ceres.
Walter C. Espach.
Howard A. Tribou.

Asst. Surg. Horace R. Boone to be a passed assistant surgeon in the Navy with the rank of lieutenant from the 6th day of June, 1920.

The following-named passed assistant dental surgeons to be dental surgeons in the Navy with the rank of lieutenant commander from the 4th day of March, 1921:

Anson F. McCreary.
Hugh T. Meyers.

Passed Asst. Dental Surg. Franklin L. Morey to be a dental surgeon in the Navy with the rank of lieutenant commander from the 3d day of June, 1921.

Asst. Dental Surg. James C. Lough to be a passed assistant dental surgeon in the Navy with the rank of lieutenant from the 6th day of June, 1920.

Asst. Dental Surg. Armin T. Fellows to be a passed assistant dental surgeon in the Navy with the rank of lieutenant from the 1st day of July, 1920.

Paymaster Edward T. Hoopes to be a pay inspector in the Navy with the rank of commander from the 7th day of July, 1921.

Paymaster Elijah H. Cope to be a pay inspector in the Navy with the rank of commander from the 11th day of November, 1921.

Passed Asst. Paymaster Robert W. Clark to be a paymaster in the Navy with the rank of lieutenant commander from the 4th day of March, 1921.

The following-named assistant paymasters to be passed assistant paymasters in the Navy with the rank of lieutenant from the 1st day of July, 1920:

Tucker C. Gibbs.
Louis H. Huebner.
Thomas S. Wully.

Chaplain Herbert Dumstrete to be a chaplain in the Navy, with the rank of lieutenant, from the 1st day of July, 1920, to correct the date from which he takes rank as previously nominated and confirmed.

Acting Chaplain Thomas F. Regan to be a chaplain in the Navy, with the rank of lieutenant (junior grade), from the 12th day of May, 1920.

The following-named naval constructors to be naval constructors in the Navy, with the rank of captain, from the 6th day of February, 1922:

Lewis B. McBride.
Clayton M. Simmers.

The following-named naval constructors to be naval constructors in the Navy, with the rank of commander, from the 31st day of December, 1921:

Robert B. Hilliard.	Lee S. Border.
James O. Gawne.	Alva B. Court.
Allan J. Chantry, jr.	Lew M. Atkins.
Philip G. Lauman.	Ralph T. Hanson.

The following-named naval constructors to be naval constructors in the Navy, with the rank of commander, from the 6th day of February, 1922:

Ralph D. Weyerbacher.
Henry E. Rossell.

Lieut. John B. Lawrence, United States Naval Reserve Force, to be a lieutenant in the Navy, to rank from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Lieut. (Junior Grade) Cecil F. Harper, United States Naval Reserve Force, to be a lieutenant (junior grade) in the Navy, to rank from July 1, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Ensign August Rettig to be an ensign in the Navy from the 6th day of June, 1919, in accordance with a provision contained in the act of Congress approved June 4, 1920, to correct the date from which he takes rank as previously nominated and confirmed.

The following-named officers for temporary service to be ensigns in the Navy from the 6th day of June, 1919, in accordance with a provision contained in the act of Congress approved June 4, 1920:

Frederick J. Legere.
William F. Skyles.

The following-named officers of the United States Naval Reserve Force to be ensigns in the Navy from the 4th day of June, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920:

Frederick H. Ottaway.
William B. Gwin.

Passed Asst. Surg. Henry P. Merrill, for temporary service, to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Passed Asst. Surg. William F. Crouse, of the United States Naval Reserve Force, to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Chaplain Henry G. Gatlin, of the United States Naval Reserve Force, to be a chaplain in the Navy, with the rank of lieutenant, from the 3d day of November, 1920, in accordance with

a provision contained in the act of Congress approved June 4, 1920.

Asst. Naval Constructor William F. Twitchell, for temporary service, to be an assistant naval constructor in the Navy, with the rank of lieutenant (junior grade) from the 1st day of July, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Chief Gunner Chesley Jones, of the United States Naval Reserve Force, to be a chief gunner in the Navy, to rank with but after ensign, from the 5th day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Lieut. (Junior Grade) Albert S. Marley, jr., to be a lieutenant in the Navy from the 1st day of July, 1920.

Ensign Albert S. Marley, jr., to be a lieutenant (junior grade) in the Navy from the 29th day of June, 1920.

The following-named naval constructors to be naval constructors in the Navy, with the rank of commander, from the 6th day of February, 1922:

Edmund R. Norton.

Thomas B. Richey.

Commander Austin Kautz to be a captain in the Navy from the 3d day of June, 1921.

Lieut. Commander Charles F. Russell to be a commander in the Navy from the 2d day of January, 1922.

POSTMASTERS.

ALABAMA.

Walter R. Warrick to be postmaster at Marbury, Ala. Office became presidential October 1, 1920.

ARIZONA.

Charles A. Narramore to be postmaster at Buckeye, Ariz. Office became presidential April 1, 1921.

CALIFORNIA.

Harry R. Borden to be postmaster at Angels Camp, Calif., in place of R. E. Walsh. Incumbent's commission expired July 15, 1920.

John Z. Shelton to be postmaster at Oroville, Calif., in place of F. N. Paxton, resigned.

COLORADO.

Albert Neuman to be postmaster at Elbert, Colo. Office became presidential July 1, 1920.

CONNECTICUT.

James E. Usher to be postmaster at Plainville, Conn., in place of P. J. Prior. Incumbent's commission expired July 1, 1921.

FLORIDA.

Elmer J. Roux to be postmaster at Fernandina, Fla., in place of E. J. Roux. Incumbent's commission expired August 1, 1921.

GEORGIA.

Herbert I. King to be postmaster at Dexter, Ga. Office became presidential April 1, 1921.

ILLINOIS.

Charles L. Smith to be postmaster at Cutler, Ill. Office became presidential April 1, 1921.

Hamil E. Veach to be postmaster at Clayton, Ill., in place of G. L. Hough. Incumbent's commission expired August 30, 1920.

James C. Moore to be postmaster at Maple Park, Ill., in place of F. L. O'Brien, resigned.

KANSAS.

Isabel Brown to be postmaster at Lansing, Kans., in place of C. M. Swan, appointee declined.

KENTUCKY.

Charles W. Robinson, jr., to be postmaster at Pewee Valley, Ky. Office became presidential April 1, 1921.

Quay C. Quigg to be postmaster at Livermore, Ky., in place of E. F. Thomasson. Incumbent's commission expired July 21, 1921.

John S. Marksbury to be postmaster at Williamstown, Ky., in place of W. G. O'Hara. Incumbent's commission expired July 21, 1921.

MAINE.

Eugene H. Lowe to be postmaster at Gray, Me. Office became presidential January 1, 1921.

MASSACHUSETTS.

Elba M. Harrington to be postmaster at Jefferson, Mass. Office became presidential January 1, 1921.

Carl E. Brown to be postmaster at Lunenburg, Mass. Office became presidential April 1, 1921.

Otis E. Hager to be postmaster at North Dana, Mass. Office became presidential April 1, 1921.

Katherine T. Loftus to be postmaster at Thorndike, Mass. Office became presidential April 1, 1921.

Osgood L. Small to be postmaster at Sagamore, Mass., in place of O. L. Small. Incumbent's commission expired January 24, 1922.

MICHIGAN.

E. Harold Ormes to be postmaster at Marenisco, Mich. Office became presidential April 1, 1921.

MINNESOTA.

Pearl M. Hall to be postmaster at Ah-gwah-ching (late State Sanatorium), Minn., in place of P. M. Hall, name of office changed.

MISSISSIPPI.

Preston C. Lewis to be postmaster at Aberdeen, Miss., in place of M. E. Tubb. Incumbent's commission expired July 21, 1921.

Richard K. Haxton to be postmaster at Greenville, Miss., in place of J. H. Robb, deceased.

Edward A. Kernaghan to be postmaster at Hattiesburg, Miss., in place of T. M. Fuller. Incumbent's commission expired July 21, 1921.

Elizabeth Connelly to be postmaster at Lexington, Miss., in place of W. L. Walton, resigned.

MISSOURI.

Louis E. Meyer to be postmaster at Bowling Green, Mo., in place of J. H. Bueter. Incumbent's commission expired April 24, 1921.

Charles B. Genz to be postmaster at Louisiana, Mo., in place of R. H. Williams, deceased.

NEBRASKA.

Donald D. Price to be postmaster at Gothenburg, Nebr., in place of J. H. O'Kane, deceased.

NEVADA.

Theodore B. Voog to be postmaster at Ruth, Nev., in place of Sam Tidball, resigned.

NEW YORK.

John Common to be postmaster at Andover, N. Y., in place of W. F. O'Connell. Incumbent's commission expired July 21, 1921.

Charles B. Hugg to be postmaster at Cazenovia, N. Y., in place of A. E. Fitch. Incumbent's commission expired July 21, 1921.

Lewis O. Wilson to be postmaster at Long Beach, N. Y., in place of L. O. Wilson. Incumbent's commission expired March 8, 1922.

NORTH DAKOTA.

Olaf O. Bjorke to be postmaster at Abercrombie, N. Dak. Office became presidential April 1, 1921.

Irwin E. Walton to be postmaster at Bantry, N. Dak. Office became presidential July 1, 1921.

Estelle A. Kingery to be postmaster at Forbes, N. Dak., in place of W. M. Moore, resigned.

OHIO.

Myrtle M. McCreery to be postmaster at Brecksville, Ohio. Office became presidential October 1, 1921.

Benjamin S. Dillehay to be postmaster at Waterford, Ohio. Office became presidential January 1, 1921.

Helen M. Roley to be postmaster at Basil, Ohio, in place of J. C. Grube. Office became third class October 1, 1920.

Edwin E. Cook to be postmaster at Huron, Ohio, in place of Charles Warnke. Incumbent's commission expired July 21, 1921.

OREGON.

Logan E. Anderson to be postmaster at Cove, Oreg. Office became presidential January 1, 1921.

Thomas Thompson to be postmaster at Pendleton, Oreg., in place of T. J. Tweedy, deceased.

PENNSYLVANIA.

Claudia B. Aurand to be postmaster at Beaver Springs, Pa. Office became presidential April 1, 1921.

James D. Scott to be postmaster at Coatesville, Pa., in place of J. G. Downward, jr. Incumbent's commission expired August 7, 1921.

Dewey W. Sechler to be postmaster at Fairchance, Pa., in place of W. K. Ashton, resigned.

James Hewett to be postmaster at Pen Argyl, Pa., in place of S. J. Myers, removed.

Theodore E. Sweeney to be postmaster at Sewickley, Pa., in place of Clarence Reisinger, removed.

TENNESSEE.

William J. Whitsett to be postmaster at Lewisburg, Tenn., in place of R. G. Loyd, resigned.

TEXAS.

Mamie Dyer to be postmaster at Tolar, Tex. Office became presidential January 1, 1920.

Tom Hargrove to be postmaster at Woodsboro, Tex. Office became presidential January 1, 1921.

Floyd S. Worth to be postmaster at San Benito, Tex., in place of J. L. Crawford, resigned.

UTAH.

Frank M. Shafer to be postmaster at Moab, Utah, in place of F. M. Shafer. Incumbent's commission expired January 23, 1921.

VIRGINIA.

Thaddeus Y. Price to be postmaster at Green Bay, Va. Office became presidential July 1, 1921.

Samuel McCrary to be postmaster at Ivanhoe, Va. Office became presidential January 1, 1921.

Robert E. Fugate to be postmaster at Nickelsville, Va. Office became presidential April 1, 1921.

Bruce L. Showalter to be postmaster at Weyers Cave, Va. Office became presidential July 1, 1921.

Harry Fulwiler to be postmaster at Buchanan, Va., in place of R. H. Latane. Incumbent's commission expired July 21, 1921.

Byrd E. Carper to be postmaster at Newcastle, Va., in place of H. B. Ferrel. Incumbent's commission expired July 21, 1921.

WEST VIRGINIA.

Boyd McKeever to be postmaster at Wardensville, W. Va. Office became presidential January 1, 1921.

WISCONSIN.

Edward Hemphill to be postmaster at Belmont, Wis. Office became presidential January 1, 1921.

William T. Hoyt to be postmaster at Rosendale, Wis. Office became presidential January 1, 1921.

Kate C. Conrad to be postmaster at Hammond, Wis., in place of Dennis Deneen. Incumbent's commission expired September 8, 1921.

Bogue S. Burnett to be postmaster at Mosinee, Wis., in place of E. F. Butler, resigned.

WYOMING.

Frank N. Stuart to be postmaster at Parkerton, Wyo. Office became presidential January 1, 1921.

Owen T. Gebhart to be postmaster at Basin, Wyo., in place of A. W. Coons, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 15, 1922.

RECORDER OF DEEDS FOR DISTRICT OF COLUMBIA.

Arthur G. Froe to be recorder of deeds, District of Columbia.

REGISTER OF THE LAND OFFICE.

Edward P. Gorman to be register of the land office, Wausau, Wis.

POSTMASTERS.

ALABAMA.

Henry H. Farrar, Blocton.

ARIZONA.

James E. Harris, Mayer.

INDIANA.

Charles E. Combs, Bloomfield.

Elisha A. McGinnis, Clayton.

Maude E. Mitchell, Ellettsville.

Lorinda Guy, Etna Green.

Moody L. Katter, Huntingburg.

Ben H. Sink, Jasonville.

Arthur F. Saylor, New Paris.

IOWA.

Raymond W. Rhoades, Glenwood.

Harold H. Hubbard, Rockford.

Christa A. Hendrix, Silver City.

Ira S. Hogate, Tracy.

Walter H. Vance, Winterset.

KANSAS.

E. Ervin Townsden, Hugoton.

Elmer E. Haynes, Madison.

KENTUCKY.

Iley G. Nance, Slaughters.

Austin R. Edwards, Walton.

MICHIGAN.

Clyde C. Buttrick, Ada.
Herbert O'Connor, Holton.

MISSOURI.

Charles T. Wright, Stoutsville.

MONTANA.

Philip Daniels, Anaconda.

NEW HAMPSHIRE.

John A. Gleason, Dublin.

NEW MEXICO.

Charles C. Lee, Las Cruces.

NORTH CAROLINA.

William P. Lee, Benson.

SOUTH CAROLINA.

Elbert L. Marlar, Fountain Inn.

Thomas J. Bolin, Neeses.

De Witt T. Wellborn, Williamson.

Loring Terry, Yemassee.

VERMONT.

Charles F. Thurber, Fairlee.

Arthur G. Folsom, Tunbridge.

WISCONSIN.

Lester B. West, Barron.

Emma V. Clark, Black Earth.

Charles J. Anderson, Clayton.

John W. Crandall, Deerbrook.

Eugene B. Williams, Hurley.

Mabel A. Coates, Juda.

Mamie Bader, Kennan.

Frank E. Munroe, Ladysmith.

Charles H. Lake, Marshall.

Verner A. Nelson, Ogema.

Monroe V. Frazier, Readstown.

Charles A. Arnot, South Wayne.

Ole S. Torgeson, Stoughton.

David E. Lamon, Three Lakes.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 15, 1922.

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, Thou art ever present, truest Friend. Day unto day Thy providence uttereth speech. Thou dost throw open the doors of every morning and breathe Thy life and spread Thy light. O do Thou accept the gratitude of all our hearts. May the constancy of such divine care make urgent appeal to our moral obligation, strengthen our affections, and deepen our sympathies. Direct us how to employ all those standards of duty that inspire strength and courage and determine wise and intelligent government. Help any who may be against the sharp edges of care and affliction and at last may we have refuge in the folds of Thy arms. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

NO QUORUM—CALL OF THE HOUSE.

Mr. DOWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present. It is quite clear that there is no quorum present.

Mr. WALSH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Brinson	Chandler, Okla.	Coughlin
Appleby	Britten	Cockran	Crowther
Barkley	Brooks, Pa.	Codd	Curry
Beedy	Burke	Cole, Ohio	Deal
Bird	Burton	Connolly, Tex.	Driver
Bland, Ind.	Butler	Connolly, Pa.	Dunbar
Bond	Cannon	Cooper, Ohio	Dupré
Brennan	Cantrill	Cooper, Wis.	Dyer

Fairchild	Johnson, S. Dak.	O'Brien	Speaks
Faust	Kahn	O'Connor	Sproul
Fields	Keller	Ogden	Steenerson
Frear	Kelley, Mich.	Oliver	Stevenson
Free	Ketcham	Paige	Stiness
Freeman	Kless	Parker, N. J.	Strong, Pa.
Frothingham	Kitchin	Parrish	Sullivan
Gallivan	Knight	Patterson, Mo.	Taylor, Ark.
Goldsborough	Kraus	Patterson, N. J.	Taylor, Colo.
Gorman	Kreider	Porter	Tilson
Gould	Kunz	Pou	Timberlake
Graham, Pa.	Lankford	Rainey, Ala.	Tinkham
Green, Iowa	Lee, N. Y.	Ransley	Upshaw
Greene, Mass.	Lineberger	Reavis	Vare
Greene, Vt.	Linthicum	Reber	Ward, N. Y.
Griest	McKenzie	Riddick	Watson
Hadley	Madden	Riordan	Williams
Hawley	Mansfield	Robison	Winslow
Hays	Mapes	Rodenberg	Wise
Hill	Michaelson	Rogers	Wood, Ind.
Hogan	Mills	Rose	Woods, Va.
Houghton	Moore, Va.	Ryan	Wurzbach
Hukriede	Moore, Ind.	Sabbath	Yates
Ireland	Mott	Sanders, N. Y.	Young
James	Mudd	Shaw	
Jefferis, Nebr.	Newton, Mo.	Slemp	
Johnson, Ky.	Nolan	Smithwick	

The SPEAKER. Two hundred and ninety-three Members are present. A quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to suspend further proceedings under the call.

The SPEAKER. The gentleman from Kansas moves to suspend further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The doors will be opened.

The doors were opened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 7077. An act to increase the force and salaries in the Patent Office, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3076. An act to create a bureau of aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes.

The message also announced that the President pro tempore had appointed Mr. HALE and Mr. PITTMAN members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Navy Department (headquarters, United States Marine Corps).

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3076. An act to create a bureau of civil aeronautics in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk proceeded to call the roll of committees.

Mr. FOCHT (when the Committee on the District of Columbia was called). Mr. Speaker, I call up the bill S. 2265, to regulate marine insurance in the District of Columbia, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania calls up the bill S. 2265.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. This being a measure of unfinished business on District of Columbia day which has already had some consideration, is it in order that the same measure can be taken up under the Calendar Wednesday rule?

The SPEAKER. The Chair is not aware that that question has ever been raised. The Chair is ready to hear any argument against it.

Mr. WALSH. Well, I raise the question as a point of order. Mr. Speaker, the rule provides that alternate Mondays—I think the second and fourth Mondays—shall be set aside for the consideration of business from the Committee on

the District of Columbia. This measure has been up and considered in Committee of the Whole House on the state of the Union and general debate for some little time has been had on it. It is therefore, I assume, the unfinished business on District day, and it would be in order upon another District day to proceed with its consideration.

Now, if it is in that condition upon District day, I can not quite see how that same committee can, when it should be reached upon Calendar Wednesday, take up the same measure under a different rule of the House, although I am aware that there is no limitation or restriction in the Calendar Wednesday rule.

Mr. SEARS. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. SEARS. If the Speaker holds that this bill is in order, would we begin where we left off, or start in with the beginning of the bill?

Mr. WALSH. Of course, if this is in order I suppose we would begin under the Calendar Wednesday rule.

Mr. SEARS. At the beginning of the bill, and if we fail to finish it to-day, when the next District day comes we would start where we left off?

Mr. WALSH. I do not know. I suppose that would be the case.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I will yield for a question.

Mr. BLANTON. On the last District day this bill was debated under general debate by the proponents of the measure for nearly their whole hour. Now, if it were taken up under the Calendar Wednesday rule the proponents of the bill would have another additional hour.

Mr. WALSH. They were not restricted to an hour on Monday under the District rule.

Mr. BLANTON. It would work to the advantage of the proponents of the bill and give them an hour's more time than those against the bill would have.

The SPEAKER. The Chair will ask the gentleman from Massachusetts, does not the Calendar Wednesday rule provide, "on a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rule"? The question before the House would be whether a District bill would have a preference to-day under the rule.

Mr. WALSH. Of course, Mr. Speaker, they do have a certain privilege under the rule, setting aside alternate Mondays for District business, and that committee can start a measure on the first Monday of the session on which its business is in order and can keep that measure up the entire session on alternate Mondays until it is completed, resting, of course, upon the recognition by the Speaker and the action of the chairman of the committee. The days were set aside, I assume, in order to give this committee certain preference or precedence, so that the business relating to the District should be assured consideration and action. Now, if they can do that, it seems to me we are giving them an additional privilege if we permit a single measure to have this chance upon District day and also be permitted to call it up under another rule with different limitations as to debate, particularly when there are other measures from the same committee awaiting consideration.

Mr. MANN. Mr. Speaker, take this case. We have a Unanimous Consent Calendar. A bill may be under consideration on unanimous-consent day and not finished, and that has occurred in the history of the House. Would anyone suggest that because a bill is on the Unanimous Consent Calendar it could not be considered on Calendar Wednesday? Would anyone suggest that because the consideration of a bill had been commenced on unanimous-consent day the committee would lose its right to call it up on Calendar Wednesday? I think not. The Committee on the District of Columbia does not report privileged bills. It has no greater privilege than the Committee on Claims or the Committee on War Claims or over any other bill on the Private Calendar. The rules set apart a day for the consideration of bills reported from the District of Columbia Committee, and the rules also set apart a day for the consideration of bills on the Private Calendar. But setting apart that day does not constitute bills which go on the calendar privileged bills. Privileged bills under the uniform and invariable practice of the House are those bills which are either a high privilege of the House or bills by virtue of the rules reported on the floor of the House. That carries with it the right to call up a bill at any time. Under the uniform practice of the House where the District Committee is authorized to call up a bill on a day set apart for it, the bill is not privileged. The only restriction in the Calendar Wednesday rule against the calling up of a bill is that privileged bills shall not be called up.

Now, we commenced the consideration of this bill on District day. I do not think if we go into Committee of the Whole on the bill that the bill will have to be read again the first time. The rule in reference to debate is a mere limitation on Calendar Wednesday, and of course that would apply.

Mr. WALSH. Will the gentleman yield?

Mr. MANN. I will.

Mr. WALSH. The consideration of this measure having been begun on the day set apart for a certain committee, and having been under consideration, does not that thereby give the bill a certain privilege which other measures from the same committee do not have?

Mr. MANN. No; the committee would not be required to call up that bill on the next District day, even if it has not been disposed of. The committee exercises the right to call up such bills as it pleases. It is not required to call up unfinished business, and no Member of the House can bring it up except by direction of the committee.

Mr. WALSH. That also applies to privileged bills; the chairman of the committee is not obliged to bring it up.

Mr. MANN. Certainly not.

Mr. McARTHUR. Mr. Speaker, it seems to me that in the consideration of the rules of the House we should bear in mind that Calendar Wednesday was set aside for a particular purpose. We have a day set aside for unanimous consent, another day for the consideration of District of Columbia legislation, and another day for consideration of pension legislation. We have, under the rules, certain days for these committees to call up their bills, and practically all other legislation must await the call of its committee on Calendar Wednesday. It seems to me manifestly unjust and not within the spirit of the rules of the House to allow committees that have a right of way with their legislation to come in and usurp Calendar Wednesday, which is set aside for all legislation not privileged and not favored by special days under the rules. I submit that the other committees have a right to be heard on Calendar Wednesday and that privileged and favored committees should not come in and usurp this day when they have certain days set aside for their own legislation.

Mr. WINGO. Mr. Speaker, I think the Speaker in undertaking to decide the point of order should take into consideration the fact that when the House drafted the Calendar Wednesday rule it did it with full knowledge of the fact that a special day had been set aside for the District of Columbia for a great many years before; that the provision with relation to privileged bills refers, of course, to privileged bills reported from the floor. A District of Columbia bill would not be considered a generally privileged bill. It is privileged for that day. Why? Because the committee has the privilege of consideration that day, but not any particular bill is privileged.

Now, when they drew the Calendar Wednesday rule, the House did not see fit to say that any committee except those that had special days set aside; it said any committee. The District of Columbia Committee has the right on this call on Calendar Wednesday to call up any bill. If the committee desired to call up a bill, it makes no difference at what stage the consideration of a bill is; the question is whether this committee will call it up. If it calls up the bill, it means that we start with the consideration of the bill at the point at which we stopped when it was under consideration before.

There is a clear distinction between the rules for bringing it up and the rules for its consideration. If he calls up the bill, he calls it up in its present status; and to say that because forsooth on District day a certain bill was considered and reached a certain stage, the District of Columbia Committee is thereby robbed of its rights on Calendar Wednesday and is compelled to call up some other bill, would tend to delay legislation. Is it not in the interest of orderly legislation in the House that the District of Columbia Committee should do what it did to-day, call up that bill the consideration of which is more nearly completed? I see no view under which the Speaker ought to add by interpretation to the Calendar Wednesday rule and say that any committee may call up a bill except some committee that has a special day. I think the Speaker would not be justified in holding that. Personally I wish the Committee on the District of Columbia had waived its rights to-day, but it is clearly within its rights to claim this Calendar Wednesday, and no distinction having been made against it, it stands on the same footing with every other committee, and it may exercise its rights, and it is for it to determine which bill it will call up.

Mr. WALSH. Will the gentleman yield for a question?

Mr. WINGO. Yes.

Mr. WALSH. Assuming that last Monday there had been one hour's debate upon this measure, controlled by the chair-

man of the Committee on the District of Columbia, would the gentleman say that on Calendar Wednesday there should be only one hour's debate, controlled by those opposed to the measure?

Mr. WINGO. I should not think so necessarily.

Mr. WALSH. In what situation would the bill be?

Mr. WINGO. As a general proposition I think when the bill is called up it is called up in the status that existed at the time the House ceased consideration of it. That is the general proposition. In other words, the chairman of the committee does not call up the bill necessarily as a new matter. He calls up the bill for further consideration.

Mr. WALSH. Suppose that under the five-minute rule section 12 of the bill had been reached on last Monday. Would we start in with section 13 under the five-minute debate to-day?

Mr. WINGO. I should think so. That would be my judgment.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I was just about to suggest in answer to the gentleman from Massachusetts that the facts in this case are that no limitation has as yet been fixed upon debate on this bill. There was no limit fixed when it was under consideration on District day.

Mr. WALSH. I appreciate that.

Mr. MANN. The Calendar Wednesday rule does not give the right of general debate. It only limits it.

Mr. WINGO. Yes; it is only a limitation, not a right, so different chairmen have decided.

Mr. FOCHT. Mr. Speaker, the whole matter seems clear enough. If the argument offered by the gentleman from Oregon [Mr. McARTHUR] should prevail, then the Committee on the District of Columbia never would have Calendar Wednesday as an opportunity for the consideration of legislation. The gentleman reasons from the standpoint of sentiment rather than from the rule as laid down. Now, the gentleman from Illinois [Mr. MANN] has set forth very clearly that this question of privilege for the District of Columbia Committee pertains to the day and not to the legislation. There is nowhere a denial of the right of the Committee on the District of Columbia to respond to the call of the committees. I would like to call the attention of the Chair to clause 8 of Rule XXIV, on page 396, which says:

The second and fourth Mondays in each month, after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

That is interpreted to mean not a privilege as to legislation but as to that day. Well, that day has gone, and has been exhausted, and its rights so far as privilege is concerned are gone.

Now, on page 393, under clause 7 of Rule XXIV:

On a call of committees under this rule bills may be called up from either the House or the Union Calendar excepting bills which are privileged under the rules.

Then what bills are privileged under the rules? We turn to page 309 and under clause 56 of Rule XI relating to committees we find an enumeration of the committees that have privilege, and the Committee on the District of Columbia is not one of them. Therefore I can only emphasize the statement made by the gentleman from Illinois [Mr. MANN] that the question is one of substance rather than a limitation of the day.

The SPEAKER. So far as the Chair knows, this is a novel question, which has not been decided before either by the Speaker or by the House. It brings up for interpretation that clause of the rule which says that any bill may be called up on Calendar Wednesday excepting bills which are privileged under the rules. To hold that the Committee on the District of Columbia can not bring up a bill would be to hold that the bills of the District of Columbia are privileged. The Chair thinks what the gentleman from Pennsylvania [Mr. FOCHT] has just said is true, that it would mean that all bills reported by the Committee on the District of Columbia are prohibited from consideration on Calendar Wednesday, which would mean that the District of Columbia Committee might just as well not be called on Calendar Wednesday. There is, of course, force to the statement made by the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Oregon [Mr. McARTHUR] that Calendar Wednesday was meant for bills which were not privileged and therefore had no other opportunity, and that in that light District of Columbia bills having a certain day might be considered in that sense as privileged. But the words "privileged bills" have in habitual a certain meaning. They mean bills which are reported from the floor, and it seems to the Chair that he ought not to put an unusual interpretation on the words "privileged bills" by trying to imagine that the House, when the rule was adopted, meant to include something

which is not ordinarily included in the words "bills that are privileged under the rules." And while this particular bill has already been considered in the Committee of the Whole and thereby has acquired a certain status there, the Chair does not think that has made of it a privileged bill. Therefore the Chair thinks that the bills of the Committee on the District of Columbia, not being of that class which are generally considered privileged bills, can be called up on Calendar Wednesday. The Clerk will report the bill.

The Clerk read the title of the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration, and the gentleman from Oregon [Mr. McARTHUR] will please take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of S. 2265, to regulate marine insurance in the District of Columbia, and for other purposes, with Mr. McARTHUR in the chair.

Mr. GARRETT of Tennessee. Mr. Chairman, I raise the question of consideration of this bill.

The CHAIRMAN. The question of consideration is raised by the gentleman from Tennessee. The question is, Will the House now consider the bill?

The question being taken, on a division, there were—ayes 89, noes 46.

Accordingly, the committee determined to consider the bill.

The CHAIRMAN. There have been but 51 minutes of debate upon this bill, and no one has been recognized yet in opposition to it.

Mr. BLANTON. Mr. Chairman, as most of the hour's time has been used by the proponents of the bill, as a member of the committee I ask for recognition against the bill.

The CHAIRMAN. The gentleman from Texas is entitled to recognition as a member of the committee.

Mr. WINGO. Mr. Chairman, had some one been recognized in opposition to the bill before?

The CHAIRMAN. No one has.

Mr. WINGO. The chairman of the committee has simply yielded time to different gentlemen? Is that the status?

Mr. BLANTON. That is the status.

The CHAIRMAN. The gentleman from Pennsylvania consumed 51 minutes.

Mr. MANN. That does not make any difference. He gets an hour's time to-day.

Mr. WINGO. I suggest that it might be better to have that question settled now. As I understand the gentleman from Illinois, he takes the position that the 51 minutes used the other day will not be charged up against the hour to-day.

Mr. MANN. That time does not count.

Mr. BLANTON. Then I insist on the bill being read.

Mr. MANN. But the bill has been read.

Mr. BLANTON. Then we have had 51 minutes of general debate in favor of it, too.

Mr. MANN. Mr. Chairman, it is perfectly plain. There was no limitation of time on general debate on Monday, and the gentleman from Pennsylvania could have used his hour and the gentleman from Texas could have used his hour, and other Members could have used hours, ad libitum, if they had asked for recognition and wanted to use them. The limitation fixed by the House under the Calendar Wednesday rule is that there shall not be more than two hours of general debate on Calendar Wednesday, and that is just as though the House ordinarily, after it has used some time in general debate, which is frequently the case, then limited the time.

Mr. JONES of Texas. According to the gentleman's argument some other man might get an hour, but the gentleman from Pennsylvania could not get another hour.

Mr. MANN. I am not sure that he would be entitled to the hour.

Mr. BLANTON. On that question of order I want to state this: The rule on District day is a little more restrictive than indicated by the gentleman from Illinois. The rule is that the chairman in charge of the bill is entitled to be recognized for an hour.

Mr. MANN. That is the rule always.

Mr. BLANTON. After he has been recognized for an hour on District day the rule provides that any member of the committee who is opposed to the bill, and if there is no such, that any Member of the House who is opposed to the bill is entitled to recognition for one hour. Then the debate can go on alternating an hour for and an hour against; but there is no rule

applicable on District of Columbia day or on Calendar Wednesday or any other day that the proponents of a measure through the chairman can use 51 minutes in general debate in behalf of the bill and that can not be counted against them in debate.

Mr. FOCHT. The gentleman had full opportunity to occupy a part of his time. There was no denial. The gentleman forfeited his chance.

Mr. BLANTON. The gentleman from Pennsylvania will remember that I had risen on the floor, and that I was asking for recognition in opposition to the bill when the House adjourned.

Mr. MANN. The gentleman opposed to the bill now is entitled to recognition unless the gentleman from Pennsylvania wants to use the balance of his nine minutes, and then some Member in favor of the bill is entitled to recognition for the balance of the time in general debate.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

The CHAIRMAN. The Chair is ready to rule.

Mr. BEGG. I would like to ask the gentleman's opinion on the statement he just made. The rule does not say that debate shall be limited on Calendar Wednesday. It says that it shall be limited to two hours on bills called up on Calendar Wednesday. If the committee has already exhausted 51 minutes, how can we have two hours and nine minutes more of debate? The rule specifically states that on bills called up debate shall be limited to two hours. It does not say whether the debate is on Wednesday or Monday.

Mr. MANN. That is too fine haired for me to appreciate.

Mr. BEGG. I do not see anything so fine haired about it. It is plain English.

The CHAIRMAN. The Chair is ready to rule. The Chair is of opinion that this bill, having been called up under the Calendar Wednesday rule, it should be considered under that rule just as though there had been no previous debate upon the measure. The Chair, therefore, recognizes the gentleman from Pennsylvania [Mr. FOCHT] for one hour.

Mr. FOCHT. Mr. Chairman, I reserve my time.

Mr. BLANTON. Mr. Chairman, I ask for recognition in opposition to the bill.

The CHAIRMAN. The gentleman from Texas is recognized for one hour in opposition to the bill, and the time of the gentleman from Pennsylvania is reserved.

Mr. BLANTON. Mr. Chairman, no other method of procedure than that thus witnessed could have been proper concerning a bill of this character, a bill of 37 pages of legal phrases and terms and clauses and definitions. The chairman has just presented it to this committee of the Whole House for passage without one single word of explanation from the chairman of the committee or any member of it. That is the status now, because the Chair has ruled that this bill is taken up as if it had never been considered before; that it is now being presented to this committee for the first time. If that is so, then we may presume that we have not had any debate upon it. When the distinguished gentleman from Pennsylvania [Mr. EDMONDS] was on the floor the other day he admitted that he was not a lawyer, that he knew nothing about law; he admitted that the chairman of the committee was a newspaper man, that he knew how to conduct a country newspaper, but he was not a lawyer, he knew nothing about law. Yet, without any explanation at all of the meaning of any of these terms and phrases and legal definitions, if you please, 37 pages of them, we are asked now to pass the bill. It is just such procedure and just such acts of Congress that makes it possible for this bulky measure I hold in my hand, House bill 12, with 1,262 pages of general laws, to be codified and passed.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment. The people are tired of so many laws being passed unnecessarily. There are lots of lawyers in the United States who are having their hair turned gray trying to find out what the law of the land is, because we are forever and eternally trying to change the laws, because some pet of ours brings to us a bill which some slick lawyer has prepared for some special corporation in order to get a little inside on the business of the country.

Why, the other day just after this bill had been considered a newspaper of Washington said that when the distinguished gentleman from Pennsylvania, aided and abetted by the chairman, another gentleman from Pennsylvania, passed this measure into law there was a big insurance company of the State of Pennsylvania and another big insurance company of the State of New York ready to come in under provisions of this law and write business for the country. Who prepared this bill for you, brother EDMONDS? It is prepared by an attorney; no one other than an attorney of great ability could have prepared that bill. It shows on its face ability in the legal line. The gentleman

could not have prepared it because the gentleman said that he was not a lawyer. The gentleman introduced it in the House. Who brought it to you for introduction?

Mr. EDMONDS. Does the gentleman want an answer?

Mr. BLANTON. I would like to have one.

Mr. EDMONDS. This bill was prepared by Prof. S. S. Huebner, of the University of Pennsylvania, not an attorney, but an insurance expert employed by the Shipping Board and not interested in any insurance company in the country. [Applause in the galleries.]

The CHAIRMAN. The occupants of the galleries will refrain from applause.

Mr. BLANTON. Would the gentleman go a little bit further and tell us—perhaps Prof. Huebner is in the gallery furnishing applause for his friend from Pennsylvania who has so ably defended the author?

Mr. EDMONDS. Prof. Huebner is in Philadelphia. As the gentleman asked me a question I will answer it. This bill was submitted to the underwriters and their attorneys. It was also submitted to the steamship owners, who desired a bill of this character. It was also submitted to the people who insure, and every one of them doing business wanted this bill.

Mr. BLANTON. Would the gentleman mind going a little further and telling us what big insurance company is that in Pennsylvania to which the newspaper the other day referred that in connection with another insurance company of New York expected to come in here after the passage of this bill and write the business?

Mr. EDMONDS. I have no knowledge that any insurance company in the State of Pennsylvania will leave Pennsylvania and come to Washington. They are doing a marine business to-day. I also have an idea that there is none coming from New York. It is very evident the newspapers did not understand that there were reinsurance companies going to be formed to come to the District of Columbia under this bill.

Mr. BLANTON. Well, the gentleman's underwriters and companies in Pennsylvania may be thoroughly satisfied with it. I take it that they are or he would not be so anxious to pass it into law, but I know that the people and insurance companies doing business in the State of Texas, one district of which I have the honor to represent, do not want this law.

Mr. EDMONDS. Let me answer that.

Mr. BLANTON. And they write me they are hampered and hamstrung by too many laws already. I will yield.

Mr. EDMONDS. I agree with the gentleman that the companies in Texas are hamstrung by laws, but your companies in Texas do not do marine insurance.

Mr. LAZARO. If the gentleman will yield, would the gentleman kindly point to the committee the defects in the bill? That is what we are interested in.

Mr. BLANTON. I am going to do that, but I take it for granted that the proponents of the measure, if they expect the Congress of the United States to add this additional law to the great code of 1,262 pages of general laws, 37 pages more, that they would come here on the floor of the House and explain every provision to our entire satisfaction and convince us that every provision here is a good provision in behalf of not merely the insurance companies, but in behalf of all the people of the United States.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. BLANTON. I will yield.

Mr. BANKHEAD. Although it has been suggested by the chairman there was no debate upon this bill, as a matter of fact I want to ask the gentleman if when this bill was called up a few days ago the author of the bill [Mr. EDMONDS] did not explain its provisions at great length upon the floor of the House?

Mr. BLANTON. As a matter of fact, this bill should have gone to the Judiciary Committee [laughter] if it had not gone to the Committee on the Merchant Marine and Fisheries, because it is full of legal terms and phrases. Whenever a bill full of law phrases comes here that is to affect the interests of all the people of the United States, not merely the District of Columbia, but the interests of the United States, it is not for this committee to control. The gentleman admitted on the floor the other day that, as in their report they say, they offered this bill to the 48 States of the Nation as a model insurance bill, hoping thereby that it will be followed in every State of this Union as a model insurance bill. Then they offered it as a bill of general interest to the whole people of this country. It changes the law with 37 pages of phrases, terms, and definitions. There ought to be a law committee to pass upon it, a committee familiar with the laws of the land.

A MEMBER. Will the gentleman yield?

Mr. BLANTON. In just a moment. I want to answer the gentleman from Alabama first. He wanted to know if we had not had debate upon it.

It was just as I said the other day; the chairman rose and made a little preliminary statement, and did not go so far as he generally does by merely stating that he presumes they do not want to debate the bill, and moves the previous question in the Committee of the Whole, as he does in many instances. But he made a little preliminary statement, not as a lawyer, not explaining the bill from the legal standpoint, and then he yielded 30 minutes to the gentleman from Pennsylvania [Mr. EDMONDS], who, so far as claims are concerned, is very well informed, and I doubt if there is any man in this House better prepared to pass upon claims of all kinds than is the gentleman from Pennsylvania [Mr. EDMONDS]. He is an expert upon them; he has had charge of them; he has had much experience with them; he has learned much about them. But he did not explain any feature of this bill to my satisfaction.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. EDMONDS. I have also had three years' experience on this. I think I know something about it.

Mr. BLANTON. I think the gentleman should have told us something about it.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CHINDBLOM. I happen to be a member of the Committee on the Merchant Marine and Fisheries, and I want to say that there is not a man on that committee, and not a man in this House, or a man in Washington who is better equipped to discuss matters relating to the merchant marine, and particularly about marine insurance, than the gentleman from Pennsylvania [Mr. EDMONDS], so that his ability here and his effectiveness here and his efficiency here is by no means confined to his ability to talk on claims.

Mr. BLANTON. Well, I am glad the gentleman has interspersed my speech with that ray of light.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SUMMERS of Washington. What period of time is covered by the 1,162 pages of law to which the gentleman has referred?

Mr. BLANTON. That is general law. It contains only those laws that are left. That is, Congress away back yonder would pass one law, and a subsequent Congress would come in and repeal it as a bad law, and so on for years, and it is just what is left of all the laws that have been passed, after eliminating those that have been repealed.

Mr. SUMMERS of Washington. Then this is not 1,162 pages of new law, as the country might be led to believe from the gentleman's statement?

Mr. BLANTON. It is 1,162 pages of general laws that apply to the people of the United States, passed by previous Congresses.

Mr. SUMMERS of Washington. It is the accumulation of over a century?

Mr. BLANTON. Yes; and there are about four or five times as many pages that have been repealed.

Mr. KING. Will the gentleman state his objections to this bill? [Laughter.]

Mr. BLANTON. I am going to, if the gentleman will withhold.

Now, it was intimated that this measure was for the benefit of our merchant marine. It was to protect our merchant marine. It was to give us a chance to insure our merchant marine. That was intimated, but when the gentleman from Pennsylvania [Mr. EDMONDS] was on the floor I had him to admit that, so far as our own insurance is concerned, with respect to the numerous ships which the Shipping Board now has control of, and ships which the Emergency Fleet Corporation has control of, we do not insure any of them, but carry our own insurance.

It is to the interest of the Government to carry our own insurance. We save the profits that the companies make on such a big line of insurance. But I also had him admit the other day that with respect to the ships that we sell to private corporations from time to time there had already been organized under the laws of this country Syndicate B, that writes every single dollar of liability that outsiders owe this Government for ships sold. That has all been provided for by Syndicate B.

But allow me to show you one provision here what it will permit these companies to write. It will permit them to write every kind of insurance that you can think of, except one. They

left out one. Does the gentleman from Pennsylvania know what one was left out? It covers every kind of insurance except one. Let me show you some of those kinds.

Mr. EDMONDS. The gentleman has asked me if I knew. Does the gentleman mean life insurance? It does not include life insurance, and it does not include surety insurance.

Mr. BLANTON. Let me show you what it does include.

Mr. EDMONDS. I tell you what it does not include. It does not include life insurance and it does not include surety insurance.

Mr. BLANTON. I say, let me show you what it does include. It includes, first, marine insurance—all kinds of marine insurance; second, it includes insurance on property and use and occupancy against loss or damage by fire, lightning, tempest, earthquake, hail, frost, snow, explosions—other than explosion of steam boilers or flywheels—breakage or leakage of sprinklers or other apparatus erected for extinguishing fires, and on such apparatus against incidental injury; and against liability of the insured for such loss or damage; and on automobiles against loss or damage from collision or theft, and against liability of the owner or user for injury to person or property caused by his automobile. It also insures against the following:

Third. Against bodily injury or death by accident, and against disablement resulting from sickness, and every insurance appertaining thereto, including quarantine and identification.

Fourth. Against liability of the insured for the death or disability of another.

Fifth. Against loss of or damage to property resulting from causes other than fire, marine, inland navigation hazards, and against liability of the insured for such loss or damage, and on motor vehicles against fire, marine, and inland navigation hazards, and against personal injury or death, and liability of the insured therefor, from explosions of steam boilers and engines, pipes and machinery connected therewith, and breakage of flywheels or machinery, and to make and certify inspections thereof; and against loss of use and occupancy from any cause; against loss by burglary, theft, and forgery.

Sixth. Against loss or damage from failure of debtors to pay their obligations to the insured.

Seventh. Against loss from encumbrances on or defects in titles. Eighth. Against loss or damage by theft, injury, sickness, or death of animals, and to furnish veterinary services.

Ninth. Against any loss or liability arising from any other casualty or hazard not contrary to public policy, other than that appertaining to or connected with (1) life insurance (including the granting of endowments and annuities), and (2) fidelity and surety bonding.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Just in one moment.

The CHAIRMAN. The gentleman from Texas declines to yield.

Mr. BLANTON. I want to submit, in connection with all those various and sundry kinds of insurance and hazards that they permit under this law to be insured against, that it ought to be against the policy of this country for a company to be able to insure against so many kinds of loss.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield for a question?

Mr. BLANTON. Yes.

Mr. LEHLBACH. Well, why is it against public policy?

Mr. BLANTON. They do not permit life insurance companies to come in under this law. Is it any more different from the kind of insurance provided for in these sections of nine different classes than the classes themselves are different from each other? No. Why do you not let surety and life companies come in under it? There is no reason for it.

It is against public policy. It is against the best interests of this country to permit them to engage in so many dissimilar kinds of business.

Mr. EDMONDS. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Pennsylvania.

Mr. EDMONDS. We found that owing to the condition of the code in the District of Columbia it was absolutely necessary for us to prepare these definitions of insurance. At the present time there is no law prescribing these definitions. It was at the request of the District commissioner himself that we put these definitions in this bill. In England the big modern companies that are not 50 years back in their operation are allowed to carry any kind of insurance, providing they keep the necessary reserve for it. Those companies write life insurance. They write surety bonds; they write any kind of insurance; but we did not think it advisable to permit the companies here to do that.

Mr. BLANTON. The trouble is that there is no way of providing that they shall keep the proper reserve so that they can write every kind of insurance imaginable.

Mr. EDMONDS. Will the gentleman allow me to answer that?

Mr. BLANTON. I do not want to yield all my time.

Mr. EDMONDS. I do not want to make a speech, but this bill provides for a proper reserve.

Mr. BLANTON. I want to ask the gentleman if it is not a fact that at the present time, without this law, we have good, strong insurance companies here doing business in the District of Columbia that can insure a man to-day in any or all of the lines of insurance mentioned in this bill?

Mr. EDMONDS. There are a number of different companies—

Mr. BLANTON. That are operating under the present law.

Mr. EDMONDS. Just wait a minute. Most of them are not insurance companies of the District of Columbia. They are admitted to do business here through agents under the District Code.

Mr. BLANTON. Yes; just like the insurance companies of Hartford, Conn., are admitted to do business in the States of Texas and Pennsylvania. They have come here and established themselves. They know what the insurance laws are. They have conducted their business accordingly. Their policyholders understand what the law is.

Mr. EDMONDS. The insurance companies of Hartford, Conn., notwithstanding the fact that they do business in the District of Columbia, would be tickled to death to see this bill go through.

Mr. BLANTON. Let me ask you in that connection about their being tickled to death. Is it not a fact that this bill changes the tax rate on the insurance companies?

Mr. EDMONDS. Yes.

Mr. BLANTON. To the interest of the insurance companies?

Mr. EDMONDS. No; to the interest of the policyholders and in reduction of premiums, because all the tax you put on insurance to-day is loaded onto the premium. This means that the premiums will be reduced to the insured and we will tax the net profits of the company, which is the proper way.

Mr. BLANTON. The gentleman has done all I wanted him to do. He has admitted that the tax rate is changed and that certain companies will be tickled to death. Now, let me tell you something from experience. Whenever you find the tax rate is changed concerning the business of a corporation and you find that the corporations are all tickled to death over the prospect of the passage of the law, you had better watch out.

That is a general proposition that I am going to offer from the experience of life. The gentleman said that these companies are tickled to death over the prospect of the passage of this bill. Yet he argues that it is in the interest of the insured. I want him to name one insured person who is tickled to death over it.

Mr. EDMONDS. All right. This morning I got a letter signed by Mr. Winston Marple, secretary of the American Steamship Owners' Association, asking whether they can not come down here and help to get this bill through. Of course, the gentleman [Mr. BLANTON] may talk for his insurance companies. The insurance companies in Texas may not be tickled to death, but I think the rest of them would be, and the gentleman's experience does not go any further than that.

Mr. BLANTON. Mr. Chairman, pending the explanation of the bill by the proponents of it, and pending their giving us good reasons why the law should be changed by 37 pages of legal particulars, I will reserve the remainder of my time.

Mr. FOCHT. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, this bill purports to do four or five basic things with regard to marine insurance. I do not believe anyone in this House questions the necessity of the maintenance of a permanent merchant marine in this country. We can not successfully carry on foreign commerce, we can not carry on business except within our own borders unless we have the facilities to deliver the goods that we sell; and to trust to our competitors the delivery of the goods that we manufacture and of the goods that we need for our own use is not a wise policy. If you are running a retail store, you might just as well trust the delivery of your goods to your competitor and expect your business to be benefited thereby as to let the nations which are in competition with us do the carrying trade for this country. But that is not a matter of argument. That is admitted. Now, in order to develop our commerce, in order to carry it in our own ships we must supplement the merchant marine and this expanded commerce with the insurance on the ships and on the goods that are carried in the ships.

Marine insurance has very aptly been called the handmaiden of the merchant marine, because with the insurance goes a knowledge of the character of the goods, the value of the goods, their destination, to whom they are sold, and the price. That information is furnished with the application for the policy, and if you must procure that insurance from the countries of

your competitors you necessarily furnish the countries of your competitors and the agents of those competitors with this information which enables them to beat you in competition. Therefore it is essential there should be built up with the merchant marine an American marine insurance facility.

Mr. EVANS. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. EVANS. It has been stated here that both the insured and the insurance companies are in favor of this bill, these persons being largely located along the seaboard. Why, if that is the case, has no State adopted the provisions of the bill?

Mr. LEHLBACH. Some of the States have adopted some of the salient provisions of the bill; but the insured are not confined to the seaboard, either the Atlantic or the Pacific. The insured are within the four corners of the country, farmers, merchants, western manufacturers that are insured when they go into the export trade by foreign insurance companies, who obtain information and disseminate it among their foreign competitors as to the markets and the prices.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. LEHLBACH. Certainly.

Mr. MOORE of Virginia. I understand that the State authorities that deal with insurance matters have considered the bill and it meets generally with their approval.

Mr. LEHLBACH. That is a fact.

Mr. MOORE of Virginia. I took pains after studying the bill to some extent to communicate with the insurance commissioner of the State of Virginia, and he replied that he was extremely favorable to the bill and hoped that it would be adopted.

Mr. LEHLBACH. In further elaboration of my reply to the gentleman from Nebraska let me say that the principles embodied in the bill have the approval of the Chamber of Commerce of the United States through its committee on insurance matters. That committee is made up of gentlemen who come from Chicago; Helena, Ark.; Milwaukee, Wis.; Hartford, Conn.; Baltimore, Md.; Philadelphia, Pa.; Shreveport, La.; Cleveland, Ohio; and Mansfield, Ohio. Those men are not representing the interests alone of the Atlantic seaboard.

Mr. LONDON. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. LONDON. Why is it necessary to confer the power of every form of insurance except life? It even includes disability insurance. What is the necessity for it?

Mr. LEHLBACH. This is the reason. A merchant shipping goods, either in his own ship or under charter, or shipping them through a freight contract with the ship operator, wants to insure them, and he has got to have insurance or he can not get credit. His paper is not discounted unless his venture is entirely covered by insurance. He has to go to one insurance company to get insurance on the hull. He has got to go to another company to insure his crew. He has got to go to another company to insure the goods against the perils of the sea, against nondelivery, theft, and pilferage. He has to go to another company to insure against such loss as may result from the sickness of the executive officers. He has to go to another company to insure against the hazards pertaining to the transit of the goods, either from the point of destination to the seaboard and from the seaboard to the point of the foreign destination. He has to go to some 25 or 30 different American companies in order to get an insurance that will cover his whole venture. Now, he could walk into an English company or a German company, and before the war to a Russian or Scandinavian company, and they would write one policy covering the whole risk, and there is where he went because that was where he was accommodated. He got one policy, his bill of lading, and went to the bank.

Now, he has to go to 25 or 30 different concerns if he wants to cover the whole venture by insurance in America. It is idiotic, and no other nation prohibits insurance companies doing sufficient business to cover a venture except this. This bill is necessary in order to meet the legitimate demands of exporters in marine insurance. The only reason for limiting the powers of American insurance companies was on the ground that it afforded the insured protection. Now, you can give the same protection by having the necessary reserves for each line of insurance and by keeping them separate and apply the safeguard on each separate line that you do now by having each company insure a particular line. There is no necessity of making it impossible for American insurers to obtain American marine insurance and insuring their venture in foreign markets. Now, that is one of the things eliminated in this bill.

Furthermore, another thing to be done in this bill is to facilitate the establishment in foreign countries of marine insurance companies in order that they may do business where the necessity for it arises. An American merchant purchases

a cargo in Singapore or Yokohama and wants to insure it to this country, but he can not get American insurance, because the companies are restricted so that they can not maintain insurance companies in foreign countries.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. LEHLBACH. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEHLBACH. I want to touch briefly on the four principal points in the bill: One is the permission to do a sufficient spread of business to meet the demands of the insurance companies by American customers. Second, permission to do business where American business arises throughout the world. Third, there are tax restrictions which should be removed, such, for instance, as taxing the gross premiums received, regardless of the losses. If a company collects \$500,000 of insurance premiums and pays out \$600,000 in losses, sustaining a net loss for the year of \$100,000, it pays taxes on the \$500,000 which it has collected. If a company collects the same \$500,000 and sustains a loss of only \$400,000, netting \$100,000 of profit, that company does not pay one cent more tax than the company that sustains the loss of \$100,000. What is the result? You are checking initiative, checking American companies from going into new lines, experimenting, taking the necessary losses in order to gain experience, and to be in a position to compete with foreign companies.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. LONDON. The tax on net profits, however, is dangerous, because the State does not reserve the right to control the expenditures for salaries, and therefore it can not control the amount which should be reported as profit.

Mr. LEHLBACH. That question has been successfully met in the administration of the income tax law, where the profits of corporations are reviewed by the income-tax agents, and where it is intended to dissipate the profits by the payment of exorbitant salaries, regulations of the Treasury Department very soon clip the wings of that endeavor. The same thing can be done locally. It is the profits that are to be taxed, and consequently the entire assets of the company, the entire income of the company can be examined in order to see whether expenditures are in fact profits or not. The fourth thing attempted to be done by this bill is to permit reinsurance. Everyone who knows the first rudiments of insurance knows that the wider the spread, the more constancy there is between income and loss.

The more contracted the spread is, then the more one big unexpected loss may result in the pecuniary embarrassment of the underwriter. Where reinsurance is facilitated, where you have a number of companies joining in big and diversified risks, you have constancy and safety. These, as well as other things, are not primarily in the interest of the insurance company, but they are in the interest of those who want to do business with the insurance companies and that they are not at present permitted to do.

This bill is not intended to and will not give insurance companies of the District of Columbia a preference in competing locally with the local insurance companies from the States. That is neither the intention nor will it be the effect of the bill. The object is to create a condition here in the District of Columbia and to serve as a model to create conditions throughout the country generally to enable our capital successfully to compete in marine insurance with the rest of the world, in order that our merchants who have to insure their cargoes, our shipowners who have to insure their ships in which those cargoes are carried, will not have to lay down before the agents of our competitors the information that goes with the insurance.

Mr. FOCHT. In addition to facilitating the underwriting for those who wish to be insured, will the gentleman approximate the amount of cash, liquid cash, that would be retained in this country that now goes abroad for this purpose?

Mr. LEHLBACH. Oh, hundreds of millions of dollars.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BLANTON. Mr. Chairman, I yield the gentleman two minutes more in order to ask him a question. The gentleman spoke of German and English companies that could write all of these various classes of insurance, destroying competition in this country with our companies, and compelling lots of money to go abroad. Under this bill, excluding life insurance and surety insurance, is it not a fact that insurance companies that will do business under the bill will compete with every other

insurance company in the United States doing a similar business?

Mr. LEHLBACH. Only under the same restrictions and the same laws locally that the local companies are compelled to work under. Fire insurance is a local insurance. You can not go into a town or city and place insurance against loss by fire without complying with the local regulations that govern insurance against fire, but fire at sea and these other forms of insurance are intended to and will be used only as incidental to marine insurance, making a complete underwriting contract in foreign commerce.

Mr. BLANTON. But you can go into an office in Galveston, Tex., and get all these different classes of insurance that will apply not locally.

Mr. LEHLBACH. You can not get any marine insurance in Galveston, Tex., at all for any substantial amount. If you want to insure a ship for \$2,000,000 you can get probably \$50,000 of insurance out of the \$2,000,000 in Galveston.

Mr. BLANTON. Has the gentleman ever tried it?

Mr. LEHLBACH. I know what the conditions are. There has not been a company in the United States that has ever carried a larger line than \$200,000 on hull insurance. Even without this law we formed a syndicate to carry \$2,500,000, and it will benefit the companies in Texas.

Mr. FOCHT. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, I have requested an opportunity to discuss this proposition for a limited period of time because my main purpose is to assert that as a Member of the minority upon the floor of the House and as a member of the Committee on the Merchant Marine and Fisheries, that committee has given the question of adequate marine insurance careful consideration during a period of two or three years, in fact ever since my service in this House began. We have given very careful, mature, nonpartisan consideration to the principles involved in this bill. The evidence discloses that we are confronted by a fact that is discreditable either to our legislation or to our American business genius and initiative, and that fact is this: Annually there is going abroad to foreign competitors of American marine insurance companies millions, hundreds of millions of dollars in premiums that legitimately should remain in the United States. There must be a reason for that condition of affairs, unless we are willing to concede that the British and other foreign competitors outstrip us in their business genius and in their desire to do business on reasonable terms. In looking for the reason for this discreditable condition of affairs the committee came to the conclusion that it was because of limitations put on American concerns by existing laws, particularly on account of the large difference in the operation of laws in the different States.

It was caused especially by reason of the fact that the tax which was imposed is going against the premiums exacted of the American companies instead of against their net income based upon the premiums after deducting their overhead expenses. In my judgment, without having time to discuss the various features of this bill, it is fairly drawn in the interest of the American taxpayer. It has the approval of the Shipping Board. It has the approval of the Merchant Marine and Fisheries Committee, which has given it very careful consideration. It has the approval of all of the other insurance companies of the United States, and it is hoped and believed that by the passage of this bill this restriction upon American companies under the operation of present laws requiring them to work at great disadvantage to foreign competitors will be overcome and a tremendous volume of business and money which by taxation would go to the American Treasury will be held in America. I believe the bill is a conservative piece of legislation. I believe it was presented in a spirit of nonpartisanship and philosophic research and meets the conditions that confront us, and I trust that upon final consideration this bill will pass substantially as presented by the committee. [Applause.] I will yield back any time that may remain.

Mr. FOCHT. Will the gentleman from Texas use some time?

Mr. BLANTON. I yield five minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that I may be permitted to speak out of order.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to speak out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask this because I do not intend to refer to the provisions of this bill, but I do want to occupy five minutes in an endeavor to keep the record straight as to the appropriations of this Congress and also

to defend the administration of President Harding against a most serious indictment which was made against it by one in a most responsible position. The newspapers tell us this morning that the distinguished Senator from Massachusetts [Mr. Lodge], addressing the Republican members of the Massachusetts Legislature, last evening declared that among the other achievements of the present Congress "appropriations asked for by the departments of \$5,337,000,000 have been cut down to \$1,428,000,000." Believing that the headline was erroneous I looked at the body of the story where I found this statement:

Since the present Congress has been in, the Senator continued, they have reduced the appropriations asked for by the departments from \$5,337,000,000 to \$1,428,000,000.

Now, I know that in politics and in other things if you give a dog a bad name everybody almost will kick him around, and some people have been trying to give the administration of the executive departments a bad name and others following have been lately kicking them around. Abe Martin said "Cy Simpkins bought a pair of shoes for \$6 out of money saved over from the Wilson administration." Some other persons have said that while it took Wilson two years to raise an Army of 4,000,000 soldiers, the present administration has raised an army of unemployed of 5,000,000 in six months. These are partisan criticisms, but I could not believe the distinguished Senator from Massachusetts, the leader of the Senate Republicans, would state that more than three years after the armistice that the executive departments of this Government under Republican control had asked the present Congress for \$5,337,000,000.

Why the last fiscal year prior to the war, 1916, the appropriations only amounted to \$1,114,000,000, and the Senate leader says that now President Harding, for his executive departments, is asking for more than \$5,000,000,000 to run the Government of the United States. Why, if that was true we would have much to fear, but fortunately it is not true, and I hasten to let the people of the country know that it is not true. I was waiting here in the hope that some gentleman on the Republican side of the House would rise and defend the administration against this statement. No one has risen, therefore I rise to defend the administration against this indictment and hope in some way to carry this message to the Republican Members of the Massachusetts Legislature that the indictment by the Massachusetts Senator is at least an erroneous indictment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I will ask the gentleman to give me five minutes more.

Mr. BLANTON. I will yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from South Carolina is recognized for five minutes more.

Mr. BYRNES of South Carolina. Mr. Chairman, the truth is that the administration has asked of this Congress only \$3,801,000,000. I hold in my hand the official estimates from the Budget Bureau footing up \$3,801,000,000, so that the Massachusetts Senator has made a mistake of only one and a half billion dollars against the administration. One and one-half billion dollars is some mistake, and yet it is about as inaccurate as are most of the statements that were made by the Massachusetts Senator in his speech last evening.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MOORE of Virginia. May I ask this question of the gentleman: Does he think that possibly the Senator made that statement with reservations? [Laughter.]

Mr. BYRNES of South Carolina. I hope so. But I want further to call the attention of the country to the fact that when the Senator from Massachusetts states that the estimates have been cut to \$1,428,000,000 it is difficult for anyone to explain what he did mean, because we know that up to date only six bills have been reported to the House, the total of those bills amounting to \$2,908,000,000, or just about \$1,500,000,000 more than the Senator from Massachusetts said had been appropriated. Where in the world the Senator got his figures from I do not know, but the facts are that last year we appropriated \$3,771,900,514.01, and this year this present Congress has had submitted to it estimates amounting to \$3,801,113,659.53 and supplemental estimates amounting to \$80,000,000, so that the estimates submitted amount to \$100,000,000 more than the appropriations for the current fiscal year.

The Senator said that the Republican Party when it came into control in 1919 had proceeded to reduce the appropriations of the Wilson administration by \$1,500,000,000. Of course it did. In 1918 we were still in war. If that was all we had done we could never defend the record of the Congress before the people. But, as a matter of fact, the Republican Congress re-

duced the appropriation a great deal more than that, and if they had not done it, if they had attempted to appropriate as much in time of peace as had been appropriated in 1918, when we were prosecuting the World War, there would have been no defense on earth to the charge that would justly have been made against the Congress.

The Senator said that the explanation of this reduction is that they have reduced the number of employees this year by 93,000, in that he is accurate. He got those figures from the report of the Civil Service Commission, and he is right. I am glad to know that reduction has been made. But if he had looked at the line just above, in the commission report, he would have noticed that we still have on the pay rolls of the Government 157,684 more persons than were on the pay rolls of the Government on June 30, 1916. It is good to reduce the number by 90,000 this year, but the people believe that in time of peace we should go back to prewar conditions, and Senator Lodge can not justify retaining on the pay roll 157,684 more persons than were on the pay roll in 1916, and he can not justify spending \$3,806,113,659.53, the amount of estimates submitted by President Harding, as against \$1,114,000,000, the amount appropriated in 1916, the last year prior to the war.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. BYRNES of South Carolina. May I have two minutes more?

Mr. BLANTON. I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from South Carolina is recognized for two minutes more.

Mr. BYRNES of South Carolina. I asked for that two minutes solely to say this, that in addition to these estimates we have already appropriated in this Congress in deficiencies \$155,833,766.64. The Committee on Appropriations to-day is considering estimates amounting to \$180,000,000, making \$335,833,766.64 deficiency appropriations you are going to make in this Congress; and the people who read of these tremendous savings want to know if you are telling the truth, and if so, then why are you talking every day about levying taxes or issuing bonds to pay the bonus to the soldiers when you claim that you are saving all the way from \$136,000,000, as asserted by the President recently, to \$3,900,000,000, as was claimed by the Massachusetts Senator last evening. The Republican leader of the Senate is claiming a saving of more than \$3,000,000,000, and yet frightening the business people of this country with the issuance of bonds and the levying of new taxes in order to secure funds to pay a bonus to the soldiers. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized.

Mr. FOCHT. Mr. Chairman, before assigning time to another speaker on this bill I wish to say, somewhat in response to the statement made by the gentleman from South Carolina [Mr. BYRNES], that in making his estimate of the number of employees now remaining in excess above the number that were on the pay roll in 1916, if he will just revise his figures and make an estimate deducting the number now employed by the Veterans' Bureau and by the prohibition offices, who were not on the roll in 1916, he will not find much left of his 157,000.

I now yield, Mr. Chairman, five minutes to the gentleman from New Jersey [Mr. APPLEBY].

The CHAIRMAN. The gentleman from New Jersey is recognized for five minutes.

Mr. APPLEBY. Mr. Chairman and gentlemen, I rise to support Senate bill No. 2265. As to my competency to speak on the subject, I will state for the information of the House that I have been a local fire insurance agent for 35 years. I am not now in the business, only in name.

Looking over this measure, it seems to me a very fair and equitable bill. The evolution of fire insurance in the last 25 years has been that of progress. I can remember when we started to write an ordinary fire-insurance policy; hardly was there a lightning clause attached to an insurance policy.

Later came the mortgagee clause, under which no act of the insured could invalidate a policy by keeping the mortgagee from getting his money. Then the 80 and 100 per cent coinsurance clauses made their appearance. Later these same fire insurance companies started to write automobile insurance, first as to fire, and then a combination policy covering fire, theft, burglary, and accidents. In the last few years there has been a tendency all along the line for the assured to ask for one policy covering various forms of insurance, marine as well as fire insurance. This bill allows that. It allows a company to incorporate in the District of Columbia and allows them to write several kinds of insurance. It allows the formation of reinsurance companies. These reinsurance companies at the

present time, of which there are quite a number in the United States, are located in a few cities, notably, Hartford, New York, Philadelphia, Chicago, and San Francisco.

The reinsurance proposition has become so large in the United States that millions of dollars annually have been sent abroad and the insurance placed there and the money kept there. One of the objects of this bill is to have the business done in the United States and to keep the money here and give our shippers and insurers the benefit of all kinds of insurance coming in competition with European companies. The various provisions of the bill are such that the fire, marine, and different departments under the reinsurance proposition must be kept entirely separate. A certain amount of capital, say \$100,000, is taken as a basis, and \$50,000 and \$25,000 added for the various different kinds of insurance that will be done. A great many gentlemen here may not understand what reinsurance is. I will give you a simple illustration. A customer comes in to an insurance agent's office and asks for a policy of \$100,000 on a dwelling or a vessel. The agent writes the \$100,000 in a single company. That home company scatters that risk among nine other companies, at \$10,000 each, and instead of that one company having a gross line of \$100,000 risk, it has a net line of only \$10,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. APPLEBY. I would like two minutes more.

Mr. FOCHT. I yield two minutes more to the gentleman from New Jersey.

Mr. APPLEBY. Another good feature of this bill has been mentioned by the gentleman from Pennsylvania [Mr. EDMONDS], who made a statement that the taxes levied on fire insurance companies at the present time are upon the gross premiums. This means that the customers have to pay the taxes. Under this bill it is proposed to levy the tax upon the net income of the company, and the company will pay the taxes.

In my judgment the provisions of this bill will allow a number of companies, if they wish to do so, to come to the city of Washington, invest new capital here, and be in a position to compete with the foreign companies—the District of Columbia will be benefited thereby, the American insurer will also be benefited thereby. In my judgment the bill is a fair measure. [Applause.]

Mr. FOCHT. Does the gentleman from Texas wish to use some of his time now?

Mr. BLANTON. I would like to have the gentleman use his time down to the point where the time will be nearly equal.

The CHAIRMAN. The gentleman from Texas has 19 minutes remaining, and the gentleman from Pennsylvania 35 minutes.

Mr. FOCHT. I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman and gentlemen of the committee, as a member of the Committee on the Merchant Marine I was present at the hearings held on this bill and listened to the reasons presented for its passage at various times for more than a year. I believe every member of the Committee on the Merchant Marine and Fisheries, regardless of party, has at least at heart the desire to promote the prosperity of the American merchant marine. There may be many differences of opinion as to the best method of doing it. For instance, with reference to discriminating duties and subsidies our minority membership would differ entirely and completely from a great many of the majority, we being opposed to both discriminating duties and subsidies and not believing that those are proper or effective means for promoting the merchant marine. But there was one subject upon which we were absolutely agreed, and that was that as a business proposition one of the incumbrances or hindrances to the prosperity of the merchant marine was our lack of an efficient and economical system of marine insurance. We listened to the presentation of the case from the standpoint of the various parties interested, the insurers, the insurance companies, the exporters, and the importers. We find that one of the burdens borne by the American shipowner in competition with the foreign shipowner is the fact that insurance is so much more burdensome to the American than it is to his foreign competitor. The great Lloyd's Insurance Co. of England can insure anything from the fall of a pin to the happening of an earthquake that would engulf the greatest vessel on the ocean. Their capacity for insurance and reinsurance is absolutely unlimited. We found that foreign nations had adopted the wisest policy of establishing marine insurance along the lines of the greatest economy, and we found that in this country marine insurance was practically wiped out by petty restrictions and tax burdens. If a man wants to carry a cargo of cotton from Galveston to Europe he does not go and get his insurance in this country for that cargo. He pays the premium to Lloyd's or some other foreign company. The

result of our investigations was that we dealt with this question of marine insurance without any partisanship at all and we sought to get information from every source to help us frame a wise law. In my judgment the Merchant Marine and Fisheries Committee ought to have had charge of this bill; but because these companies would have to be located in the city of Washington in order to give jurisdiction to Congress to authorize their chartering, it was deemed by the Speaker that the bill belonged to the Committee on the District of Columbia. Now, gentlemen, one of the big things that interfered with our marine insurance was local taxation on the insurance premiums, under which different States assess more or less burdensome rates upon the gross income from premiums.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARDY of Texas. Yes.

Mr. MANN. The gentleman as I understood him stated that all the members of the Committee on the Merchant Marine and Fisheries were favorable to this bill.

Mr. HARDY of Texas. As far as I know, I think absolutely all of them.

Mr. MANN. That committee had given a good deal of attention and consideration to the general proposition.

Mr. HARDY of Texas. For weeks and months, and I might say for a year, we investigated it.

Mr. MANN. If the gentleman will permit, I think that is entitled to a great deal of weight in this House because I do not think anybody else in the House knows much about insurance, marine or otherwise.

Mr. HARDY of Texas. I will say to the gentleman that I do not profess to know much about marine insurance except what I learned in this investigation, but I do believe that the gentleman from New Jersey [Mr. LEHLBACH], the gentleman from Illinois [Mr. CHINDELOM], and the gentleman from Pennsylvania [Mr. EDMONDS] are practically familiar with the workings of marine insurance, and these gentlemen have been with our committee all the time when this investigation took place.

Now, I want to say another thing. It may offend the local interests of some of our people by providing a bill which shall require a tax on marine insurance, to be paid on the net profits of the business and not on the gross receipts of the premiums. You know one of the strong things that promoted the Union of the States was the fact that in foreign commerce the different ports of the colonies or States, after they became free and their independence recognized, had several different systems of import duties; they imposed discriminating duties on foreign tonnage coming into this country. They could not impose a uniform duty. Boston had one duty, New York had another, and Philadelphia had another, and the importers found it for their interest to go where the lowest rate of duty was assessed. Consequently there was a cutthroat competition in the great seaports of the United States, and one of the great incentives to union was the placing of rates on import duties in the hands of the Federal Government to get a uniform system of taxation. It is equally necessary that we have a uniform system of marine insurance, because that is a tax, if our insurance companies are to compete and get any of the business in competition with the systems of the Old World.

The truth is hundreds of millions of dollars have gone out of this country to pay premiums on insurance in London and Hamburg and other foreign countries. We want our merchant marine to have just as fair and economical insurance in the United States as they can get outside of the United States. Then there is another reason. It is charged—I do not know how true it is—that the foreign companies discriminated against the American bottoms and gave better terms to foreign shipping or ships of their own country and therefore aided our competitors in competition between the American and the foreign merchant marine. How much truth there is in that I do not know, but our people believe that the assistance goes that way, that the discrimination does exist.

Gentlemen, it is a question of broad statesmanship and not of local, petty conflicting interests. Every port in the United States is interested in having a uniform system of marine insurance. Every industry in the United States, and particularly the industries of the South, which has the greatest export business in proportion to their earnings in any part of the country, is interested in the economic provisions for transportation across the seas.

As it is now they go to foreign insurance companies for the reason explained by the gentleman from New Jersey [Mr. LEHLBACH]. If a man wants to ship a cargo from Galveston to New York, and he wants to insure his cargo against fire and against damage by icebergs, if he wants to get a full insurance to cover the cargo with all the risks inherent to transportation, he would have, as the gentleman from New Jersey said, to go

to 25, 30, or 50 companies. He could not reinsure in Galveston because they are not authorized to reinsure. The result is he piles it all together and takes out an insurance in some of Lloyd's companies. Gentlemen, it is a question of business and not a question of local interest or politics. I believe every man wants the merchant marine to prosper, and we never will make it prosper unless we can furnish the cheapest unit of transportation, and we can never do it unless we get marine insurance on equally advantageous terms as foreign countries and foreign competitors. [Applause.]

Mr. BLANTON. Mr. Chairman, that very argument in favor of uniform insurance is the strongest argument against this bill. Every bit of the insurance that is authorized under this bill would have to be written here in Washington with companies organized under this bill. Our merchant marine is the sacred name that is being conjured with to use in passing this bill. So far as our own bottoms are concerned all of our ships, as I have already stated, this bill does not affect them at all except cargoes carried in them. If this bill is passed, not a single ship that is owned by this Government will be insured under this law, not one. No one will deny that, because the members of the District Committee know and the members of the Merchant Marine and Fisheries Committee ought to know that every single ship now owned by the United States Government in the control of the Shipping Board and Emergency Fleet Corporation is not and will not be insured, as we are carrying our own insurance. I have already called attention to the fact, and the distinguished gentleman from Pennsylvania [Mr. EDMONDS] has admitted that with respect to all ships that we have sold, operated by other people, syndicate B now carries and will continue to carry insurance on them. It was organized for that purpose. If conditions were as have been stated, that we did not have an adequate way to insure our merchant marine, that this was the only method, then of course this would be a good bill, but I repeat this is not the case, but that the merchant marine is the conjuring name that is used to pass this measure. These two big insurance companies, one from Pennsylvania and one from New York, which the Washington newspapers, which usually find out the facts about things, have told us are to come here and do much of the business under this bill as soon as it becomes a law, will be able to do what kind of business?

They are going to insure under it, not the merchant marine, but let me call your attention to some of the things that they will be able to insure against. There is the failure of debtors to pay their obligations. For instance, a merchant in New York, or in Washington, or in Chicago has a whole lot of accounts outstanding. He is afraid that his debtors will not pay him. He sends to Washington here and these two big insurance companies issue him a policy. That is exactly what they can do under this bill. Section 6 provides that they may insure against the failure of debtors to pay their obligations.

Mr. EDMONDS. Mr. Chairman, is not that done to-day?

Mr. BLANTON. Oh, I know, it is already being done under the present law, and there is no necessity for creating this trust in behalf of these two big companies to do it all. That is what I am talking about.

Mr. LEHLBACH. What harm would it do?

Mr. BLANTON. Then they insure against loss from encumbrances or defective titles. A man in New York, or in Washington, or in Chicago, or in Philadelphia buys a piece of property and pays \$500,000 for it. He has a lurking fear that possibly there is some defect in the title and he goes to these two big trust companies here that are formed to do business under this law, instead of taking out a policy in his home town with his home company that is already doing business. He takes that business away from them and brings it here to these two companies that are doing business under special act of Congress, giving them an inside advantage over all of the other companies of the world. He has his titles insured here in Washington for real estate probably situated in Pittsburgh, Philadelphia, New York, or any other place, instead of giving the benefit to his home company already organized and doing business. They may insure against loss or damage by theft. You can insure yourself against any kind of hazard where thieves can get in and steal your property. These two big trust companies would issue that policy to the detriment of your home companies. They may insure against injury to yourself or to the members of your family or property, or against injury or sickness or death of animals. If you have a fine race horse worth \$50,000, and you are afraid that he is going to get sick on the day of the race out here on the Baltimore track, you can come in here and insure him in these two big trust companies. They will insure against the liability of the horse getting sick, or against his death, or these two big trust com-

panies will obligate themselves to furnish you veterinary treatment for your horses, your cattle, your sheep, your hogs, under this bill. Why can you not do that under present law with your home companies? What connection has that, I say, with the merchant marine, the name with which they are conjuring to pass this bill? Then you can insure against your liability for causing the death or disability of some one else. You are afraid that you might run over somebody with your automobile, and you come here and take that insurance in Washington instead of taking it out at home.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a moment. The gentleman from Pennsylvania has 30 minutes more, and he can yield the gentleman some time. You are afraid that something will fall off the roof of your house on somebody who is passing by at the time and cause injury or death, and you come to Washington and take out that insurance with these two big trust companies. Why do you not do it at home with your home companies? Then they will insure you against bodily injury or death by accident or against disability resulting from sickness. For instance, a person is afraid that he is going to get sick and lose six months' salary. There are insurance companies now that grant policies in your home town and State covering that. Why should you arrange it so that it will necessitate your constituents coming to Washington to get that insurance? Oh, the gentleman laughs. It will be necessitated in this way: They will have special privileges and may give it much cheaper.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. That is the very thing. They will be granted special privileges under this law to write a policy on all of these matters, and they will be permitted by reason of the exigencies of Washington and the surroundings under this bill to write insurance cheaper than any other insurance company in your home town or State, and I am against any such proposition as that.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am sorry, but I want to finish what I am saying.

Mr. EDMONDS. I just wanted to know where the trust company comes in. I have been looking for it for some time and can not find it in the bill.

Mr. BLANTON. A farmer out here in Maryland has a crop of wheat or corn and is afraid that the hail is going to ruin it. He can now go to Baltimore under present laws and take out hail insurance to protect his crop, but under the peculiar provisions of this bill and the privileges to be enjoyed by these two big trust companies coming in here, forsooth, he can get the policy a little more conveniently or more cheaply here in Washington from these trust companies, and you will find the Maryland farmers coming here to Washington to get their hail insurance. Or frost. A farmer is afraid that the frost is going to ruin his corn crop, and he will come here and insure against that with these marine insurance companies. Or snow. Where a man is afraid he is going to suffer some damage because of an unprecedented fall of snow, he will come to Washington to take out his insurance under this bill. Then he can insure against certain kinds of explosions, against loss of automobiles by theft or damage to them. These things are all covered under the privileges to be enjoyed by these two big companies. And it is designated marine insurance!

Fire, lightning, and damages on land—not on sea—concerning property on land—not concerning property on ships—are authorized to be insured against. If you will look closely at this bill, you will see about 1 per cent merchant marine and about 99 per cent trust on every kind of business, and you put into the hands of two big companies the insurance business of the United States and give them special privileges here under a Federal statute. And I am not going to vote for it. I may be the only one, but I am against it. The gentleman says that the people who carry insurance are writing him. One of the biggest shippers of cotton in the United States lives in my home town, and there is not another man in the United States in any 12 months of the year who ships more cotton than he does. He does not ask that this bill be passed. The cotton shippers of Texas do not ask that it be passed.

Mr. EDMONDS. Will the gentleman yield?

Mr. BLANTON. The other cotton shippers of Alabama, Mississippi, and Louisiana are not asking that this bill be passed. I will yield in just a moment. I have not had a single person from the State from which I come to ask that this bill be passed, but I have had lots of them ask that it be not passed. I have had men from the State of Texas who have been in the insurance business as long as the distinguished gentleman from New Jersey has been in the local fire insurance business—35 years—not as little fire agencies but as general agents for big

companies, and they have not asked for this legislation to affect their business. It will let two big trust companies come here, in competition against all other companies of the United States. It is the shutting out of competition—the advantage given them by the special advantages provided for in this bill that gives them the inside on the other companies. Oh, the distinguished gentleman—and there is not a more astute, bright lawyer in the United States than the gentleman from New Jersey, or one who can make a better argument on a proposition—got up here and said that because Lloyd's and German companies, companies that used to do business in Russia and Scandinavia, could issue blanket policy covering every phase of insurance they had run out of business the American companies, because, by reason of convenience to keep from using 20 policies where they could get them in 1, insurers would go to the foreign company, and it hurt American business. And to get around this we ought to build up a local Lloyd's in Washington that shall wipe out all the other insurance companies of the United States and cause men not to go to Lloyd's or German or Russian companies because of convenience, but to come to Washington, to this big Pennsylvania and New York company, because it is a matter of convenience.

Mr. LEHLBACH. Will the gentleman yield for a question?

Mr. BLANTON. I could not refuse.

Mr. LEHLBACH. What is to prevent any or all of the 48 States of the Union from passing similar laws and having their own local Lloyd's?

Mr. BLANTON. What is to prevent every lawyer in the gentleman's State of New Jersey from moving to Washington if he wants to? He does not want to come here; he wants to live in New Jersey. What is to prevent the people in Pennsylvania from moving to Washington? But they want to stay in Pennsylvania and do their business there. And yet you bring in a bill here of 37 pages of legal phrases and definitions to be passed by the Congress, with about 20 or 30 Members on the floor, and the balance of them not knowing what is going on.

Mr. EDMONDS. Will the gentleman yield?

Mr. BLANTON. I will for a question.

Mr. EDMONDS. In regard to the cotton business last year, your patriotic people in Texas allowed England to put one over and placed all the insurance in English companies and required them to be shipped through English companies, and we are trying to get away from that.

Mr. BLANTON. Do you believe that? The Texas shippers of cotton know as much about their own interest as any person in Pennsylvania.

Mr. EDMONDS. They know enough where to get the cheapest insurance, and I do not blame them.

Mr. BLANTON. And the gentleman wants the Pennsylvania company to come to Washington under a special act of Congress, inside, and be able to give cheaper insurance with more convenience to the people of Texas so that they will have to go to Washington to the detriment of all the insurance companies of my State, and I am not going to agree to it.

Mr. EDMONDS. You said it was my company. I deny it. I will not have you make that statement.

Mr. BLANTON. I will not say it belongs to you, because you may not own one. But I say the Washington paper says that it is a company that comes from the gentleman's State.

Mr. EDMONDS. I am not interested in it.

Mr. BLANTON. But you did introduce the bill. Mr. Chairman, I ask that the Chair require the gentleman from Pennsylvania not to interfere with my time. He has had time.

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from Pennsylvania [Mr. FOCHT] is recognized for 25 minutes.

Mr. FOCHT. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. TINCHER].

The CHAIRMAN. The gentleman from Kansas is recognized for three minutes.

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I am somewhat puzzled over this bill. I am frank to say that I think it quite an important matter to be considered as it has been. However, the members of the committee, in whom I have great confidence, have given the bill great consideration; not the Committee on Claims or the Committee on the District of Columbia, but the Committee on the Merchant Marine and Fisheries. Basing my action upon the last argument made here against the bill, I shall support it. [Laughter.]

If this bill will reduce the price of hail insurance and the price of fire insurance and the price of tornado insurance there is no insurance company that has got such a grip on me but that I shall support this bill; and inasmuch as the gentleman who has just preceded me [Mr. BLANTON] has charge of all the time in opposition to the bill and has made all the opposition to it

that has been made, admits it will reduce these rates, I think it behooves every good, thinking Congressman to vote for the bill. [Laughter.]

Mr. FOCHT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. CHINDBLOM].

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. CHINDBLOM. Mr. Chairman, the gentleman from Texas [Mr. BLANTON], who has been the only opponent so far upon the floor of the House against this bill, is a member of the Committee on the District of Columbia, which reported this bill. That committee, I am informed, had many hearings on it. I myself am a member of the Committee on the Merchant Marine and Fisheries, and I was a member of the subcommittee that spent many afternoons and evenings far into the night in the consideration of this legislation.

I want to say, first, that the gentleman from Texas a little while ago made some reference to the insurance companies of his State. Under the direction of the Committee on the Merchant Marine and Fisheries a complete report was obtained and published with reference to the status of the marine insurance in the United States, based largely upon full returns and reports submitted under oath by the various companies engaged in the marine-insurance business in the United States. Those reports covered the year 1918. There was only one company in the State of Texas that did any marine-insurance business in the year 1918. That was the Republic Insurance Company, of Dallas. It has a total capital stock of \$200,000, and it has a limited liability upon any single hazard of \$8,000. Of course, they do not begin to do the marine-insurance business in the State of Texas. It is a fact, as was stated by the gentleman from Pennsylvania [Mr. EDMONDS], that the people of Texas and of most of the States of the Union—and Texas is no different in that regard from any other State—the people of Texas are getting their marine insurance abroad and not in the companies of the United States, and for some very good reasons.

I know that there is some opposition to this bill. I know that there is opposition to it coming from some brokers who write insurance for the foreign insurance companies, and who are largely concerned with the commissions paid by the foreign insurance companies. Their usual commission, I am informed, is 5 per cent, with 10 per cent discount for getting business—that is to say, they get a nominal commission of 5 per cent, and then they get an additional 10 per cent for placing the business—which means that they get a total of 15 per cent commission. I am told that is the usual practice.

It has already been shown that two-thirds of the marine-insurance business of this country goes abroad.

Mr. RICKETTS. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. RICKETTS. Why is it that two-thirds of the marine insurance business of this country goes abroad?

Mr. CHINDBLOM. Because we have not the facilities here for handling it. We have not the insurance companies in the United States. In the year 1918 we had 80 companies in the United States which wrote marine insurance business, but not a single one of them was a marine insurance company, pure and simple. They are nearly all fire insurance companies, which write marine insurance on the side.

Mr. RICKETTS. What is the difference in the rate between the two countries?

Mr. CHINDBLOM. The foreign companies, of course, control the rates because they do the bulk of the business.

Mr. RICKETTS. They fix their rate, and the United States fix their rate. What is the difference? Is it higher or lower?

Mr. CHINDBLOM. I doubt if there is any difference. I am not prepared to speak on that feature.

The gentleman from Texas [Mr. BLANTON] has talked about what these two companies that he has dreamed about, that are coming into the District of Columbia for the purpose of consolidating or incorporating, might do by the formation of a trust. Of course that is a hackneyed argument. When you are out of all other arguments, the "trust" argument is the one to bring home to the people. Talk about two insurance companies in the United States coming here to form a trust. That is ridiculous. The insurance business of the United States is not confined to two companies, if there was any such thing intended. But this bill will not affect the fire insurance or the casualty insurance or the liability insurance, or any other insurance business in the States, unless the companies which are incorporated under this bill in the District of Columbia go to the States and obtain licenses to do business there, and when they do that, they become "home" companies, responsible to the State to the extent that they are licensed, and they must then comply with the laws of the State in which they operate.

The only business that these companies organized under this proposed law will be able to write without being subject to the laws of the States is the marine insurance business, which is not local, but which follows the ship upon the high seas all over the world, and the local business which they might write of the kinds that are enumerated in this bill. In other words, one of those corporations may be able to write insurance upon the cargoes and hulls of ships, because that is not localized property.

But whatever business may be done by these companies that may be incorporated under this law, when that business is done in the States, will be subject to the laws of those States. I repeat that because it is essential in this connection, and if your States will not legalize them, will not license them to do business in your States, they can not go there and can not take any of the business away from the local companies.

We are now striving to pass legislation for the maintenance and permanent establishment of a merchant marine for the people of the United States. This is one of the important branches of that legislation. Unless we can provide our own marine insurance, we shall lose control of many other things connected with the shipping interests. I will tell you what the foreign companies do. The foreign companies, which have been writing our marine insurance, have their own salvage companies, they have their own repair men, they have their own subsidiary companies which do all of the ship surveying and fix the amount of damages to be paid. They determine the amount of money to be paid to the owner of the ship, in order to repair a ship which has been damaged, after it has been towed into port. The evidence before the subcommittee with reference to this subject was appalling. It showed that our shipping interests are absolutely tied hand and foot by the foreign marine insurance interests. They write the insurance, they repair the ships, they fix the amount of damage to be paid upon the insurance. They raise or they lower the value of the ship. They can raise or lower the capital invested in the ship by reason of the repairs which they require to be made upon the ship.

Mr. Chairman, this is a technical bill. Some gentlemen have said that it contains a lot of legal phrases on 37 or 38 pages. Of course it does. It has been prepared by experts. It could not be prepared by a mere lawyer. It could not be prepared by the ordinary draftsman of bills. It covers a subject which is technical and specialized. It has been prepared by some of the best experts in the United States upon the subject of marine insurance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHINDBLOM. May I have a little more time?

Mr. FOCHT. How much time have we remaining?

The CHAIRMAN. Fourteen minutes.

Mr. FOCHT. I yield to the gentleman from Illinois five minutes additional.

Mr. CHINDBLOM. Mr. Chairman, I was saying that this bill is necessarily specialized. It is necessarily technical. I do not know that any Member could undertake to go through all the sections of the bill and make a statement with regard to all of its provisions which would be entirely satisfactory to the mind of every Member of the House.

The Committee on the Merchant Marine and Fisheries and the Shipping Board had the services of Prof. S. S. Heubner, of the University of Pennsylvania. He is one of the best-known experts on insurance in the United States. He prepared first this report which I hold in my hand of "the status of the marine insurance of the United States," based upon questionnaires that were sent out to all of the companies in the United States.

Mr. WALSH. What insurance company is he connected with?

Mr. CHINDBLOM. None, sir. He is a professor in the University of Pennsylvania. I have never heard of his having any connection with any insurance company.

Mr. LONDON. What is he a professor of?

Mr. CHINDBLOM. He is a professor on the subject of insurance. He is a gentleman who has written quite voluminously upon the subject of insurance in the past.

Mr. CARTER. Will the gentleman, in his time, state how Prof. Heubner got to be such an authority on insurance if he has never been connected with any insurance company?

Mr. CHINDBLOM. I do not believe the gentleman means that I should answer that seriously.

Mr. CARTER. I do. I certainly think it is a very important question. The gentleman says Prof. Heubner is one of the greatest authorities on insurance.

Mr. CHINDBLOM. He is one of the greatest authorities.

Mr. CARTER. What experience has he had which has given him this wonderful knowledge of insurance?

Mr. CHINDBLOM. You might as well ask me why the experts down in the Department of Agriculture have not been farmers.

Mr. CARTER. No; I know something about that and the House knows, but I do not think the House knows anything about Prof. Huebner.

Mr. EDMONDS. Will the gentleman allow me to answer that?

Mr. CHINDBLOM. I yield to the gentleman from Pennsylvania.

Mr. EDMONDS. Prof. Huebner has been a teacher of insurance for 20 years in the University of Pennsylvania. That is his special branch. He has written textbooks on all kinds of insurance—life, marine, fire, and other kinds of insurance—which books are recognized throughout the country as being authoritative. He is considered one of the best experts on the subject in the country.

Mr. CARTER. I thank the gentleman from Pennsylvania for giving me the information.

Mr. LONDON. What justification is there for conferring on these insurance companies the power to insure against loss by encumbrances and defects in title?

Mr. CHINDBLOM. I am glad the gentleman has asked that question. All of the big marine insurance companies in the world outside of the United States—and we have very few real marine insurance companies in the United States—have a large line of business. Marine insurance is very hazardous. The whole business of a marine insurance company might be lost if the company carried too big a risk on a particular ship. There are big profits to be made in the marine insurance business so long as everything goes well, but enormous losses occur when there is a catastrophe. If you give companies a wide latitude, so they can have a wide spread of business, give them the right to write multiple lines of insurance, they will be able to maintain and carry on the business of marine insurance with the rest of their business. The present experience of the insurance companies is that the larger the number of lines of insurance they can write, the better their opportunities to expand and maintain their business.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. HARDY of Texas. The gentleman was talking about reinsurance. As I understand, any company organized under this bill, if it took out insurance on a given vessel, would reinsure it in a number of companies.

Mr. CHINDBLOM. Yes; they can spread it all over the United States. The companies now writing insurance would get a portion of the risk, because it would be spread all through the country.

Mr. LONDON. Will the gentleman yield?

Mr. CHINDBLOM. I will.

Mr. LONDON. Are these companies under this bill authorized to insure title to real estate?

Mr. CHINDBLOM. That only applies to property within the District of Columbia, unless such companies should be licensed in the States.

Mr. FOCHT. Mr. Chairman, when the debate on this question opened the chairman of the committee announced that we were approaching the consideration of a measure that is highly technical, and from the debate that has ensued it is quite evident that it is. The fact of the matter is that any insurance problem is involved and complicated. I heard an insurance man, who claimed to be an expert—and they all claim to be experts—say that even John A. McCall, who was not a lawyer but a great insurance expert, the greatest insurance man the world ever knew, hardly knew himself; but he loaded the policy to such an extent that it worked out and was a success, and that was the answer. He insured the people, made a big profit for the company, until Mr. Hughes brought along his legislation and somewhat modified the profit. Therefore it could not be expected that in the discussion of a bill like this any one individual would be able to entirely clarify the atmosphere and make it a simple problem. But we have had the satisfaction to-day of seeing a straw man, set up and kicked about in this forum, called the trust companies of Pennsylvania and New York.

This introduced a new element into the discussion, something that we did not hear about last summer when the hearings were going on. We had the satisfaction of also learning that the bill, which we were told in the early part of the debate had evidently been framed by a lawyer, was not written by a lawyer but by a layman.

When the measure was before the committee there was made a most sensational statement, the most astounding revelations, by experts from New York and Boston and elsewhere, that I ever heard. I call this preeminently an American bill. Its object and effect is purely American. It is to bring the underwriting to America instead of sending Americans to foreign

countries to underwrite the insurance on our ships. It is designed to keep this money in America. In addition to that the point was made that under the present system, as stated by the gentleman from New Jersey [Mr. LEHLBACH], that in these foreign insurance companies the residents of the United States had to describe the goods, give their value and the destination, South America or elsewhere, which is a highly important thing at this time when we are appealing to America to crystallize the sentiment in favor of foreign shipping. But, more than that, in a time of war, when American battleships were on the ways, they had to be described in every detail to these foreign Governments in Europe in order to get insurance. What a pitiable plight to put America in a time of war—to have her ships before they took the water described in all of their details to foreign companies in foreign countries.

My friends, I agree that we can not know every little detail pertaining to the bill, but we do submit to the intelligence and judgment of the committee that have had hearings on this bill during these last two or three years. But if there is anything in the world that ought to appeal to an American it is to keep our money at home and to do everything possible to enact this progressive and constructive legislation. And in presenting this I appeal to the American spirit and American patriotism, and I hope it will pass. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. All time has expired. The Clerk will read. The Clerk read as follows:

Be it enacted, etc.—

CHAPTER I.—DEFINITIONS.

SECTION 1. That whenever used in this act—

"Marine insurance" means insurance against any and all kinds of loss of or damage to vessels, craft, cars, aircraft, automobiles, and other vehicles, whether operated on or under water, land, or in the air, in any place or situation, and whether complete or in process of or awaiting construction; also all goods, freights, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, choses in action, evidences of debt, including money loaned on bottomry or respondentia, valuable papers, and all other kinds of property and interests therein, including liabilities and liens of every description, in respect to any and all risks and perils while in course of navigation, transit, travel, or transportation on or under any seas or other waters, on land or in the air or while in preparation for or while awaiting the same or during any delays, storage, transshipment, or reshipment incident thereto, including builders' risks, war risks, and for loss of or damage to property or injury or death of any person, whether legal liability results therefrom or not, during, awaiting, or arising out of navigation, transit, travel, or transportation, or the construction or repair of vessels;

"Marine insurance company" means any persons, companies, or associations authorized by this act to write marine insurance within the District;

"Insurance company" or "company" means any insurer, incorporated or otherwise;

"Domestic company" means an insurance company organized under the laws of the District of Columbia;

"District" means the District of Columbia;

"Superintendent" means the superintendent of insurance of the District of Columbia.

Mr. WALSH. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Pennsylvania [Mr. EDMONDS] a question. Is it not expected that measure will serve as a model to the different States upon which they can base legislation along this line?

Mr. EDMONDS. It is hoped that it will serve as a model to marine States and to such other States as want to take it up. The gentleman's own State, I think, is considering the matter.

Mr. WALSH. Did not this insurance expert, Prof. Huebner, repeatedly say that that was the principal object to be served by this legislation?

Mr. EDMONDS. Unquestionably that is true; yes.

Mr. WALSH. And that it will not be restricted, of course, to the States bordering on the ocean?

Mr. EDMONDS. Oh, no; Illinois is considering it to-day.

Mr. WALSH. Then, if that is so, why do you term all these different classes of insurance "marine insurance"? Why should it not be a general insurance measure?

Mr. EDMONDS. If the gentleman had been here he would have heard my explanation of the matter.

Mr. WALSH. I heard the gentleman's explanation the other day.

Mr. EDMONDS. We found that the code in the District of Columbia did not have a definition of different kinds of insurance, and we were forced to put definitions of insurance in this paragraph. I want to go a little further, and probably this will help the gentleman come to a conclusion in the matter. Marine insurance starts where the goods are shipped from. In other words, cattle will take marine insurance from Nebraska to Liverpool. Marine insurance covers the transportation from the farm to the railroad, the transportation on the railroads, the transportation through the cities to the wharves, the loading on the ships, whatever mortality might occur in handling the cattle along the road, and it also covers the disposition of

the cattle at the other end of the line if they are to be delivered in England inland—it covers it all. It covers it while in warehouses, while in bonded warehouses. That is one reason why we had to define all kinds of insurance, although, if you take it as a matter of fact, in some cases pretty nearly all of these lines of insurance will go into some marine shipments.

Mr. WALSH. But it is not restricted to shipments by rail, which are a portion of the shipment to the destination.

Mr. EDMONDS. Oh, no. The marine policy will be taken out by a manufacturer, we will say, in Chicago, and the marine policy will cover that shipment from the time it leaves the factory in Chicago through all contingencies until it arrives possibly in a store in London.

Mr. WALSH. But it will also permit shipments from Chicago to Arkansas and go no further.

Mr. EDMONDS. In the same car, but that is not marine insurance.

Mr. WALSH. It is made marine insurance by this bill.

Mr. EDMONDS. I do not think so. I question whether a man would take that as marine insurance. That would be taken as local transportation insurance.

Mr. WALSH. The point I am making is that this definition does not restrict the insurance to shipments, a part of which are over navigable waters.

Mr. EDMONDS. Oh, no. We said in the beginning that we were in favor of multiple lines of insurance, and that this bill is for that purpose. The first sections of the bill apply to all insurance.

Then, after that you go into maritime insurance and to reinsurance, and reinsurance applies to all insurance. These definitions apply to all insurance.

Mr. WALSH. The point I am trying to get some information on is why you should legislate to define insurance that has none of the maritime aspects connected with its shipment and is purely a shipment by rail between two points inland as marine insurance.

Mr. EDMONDS. We do not. We acknowledge that that paragraph, chapter 2, applies to all insurance, and the reason we did it was because the code of the District of Columbia had no definitions of insurance, and definitions of insurance have been made by the commissioner of the District. The commissioner did not want to do that; he wanted us to describe the kinds of insurance. We have done it, and then we have said that any insurance company doing business in the District of Columbia can write multiple lines of insurance, and then we go into marine insurance, and into reinsurance.

Mr. WALSH. Builders' risk has none of the qualities of marine insurance.

Mr. EDMONDS. We acknowledge that.

Mr. WALSH. But you say it is marine insurance.

Mr. EDMONDS. Where do we say that?

Mr. WALSH. The gentleman says marine insurance includes insurance against any and all kinds of loss.

Mr. EDMONDS. But only so far as they are connected with marine shipments. We make that large enough so as to cover any possible contingency that might occur in a marine shipment. If there is no builder's risk which goes into a marine shipment, there never will be any insurance in it, but should there be some contingency arise by which a certain amount of builder's risk will be taken up in a policy of some kind in connection with a marine shipment, that would be marine insurance.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. WALSH. Is the gentleman of the opinion that this long sentence in chapter 1, section 1, restricts these various other classes of insurance, builder's risk, and loss of property and loss of papers, and all those other various classes of risks which are declared to be marine insurance, to marine insurance only when they are connected with a shipment of some property by water?

Mr. EDMONDS. Not a shipment by water, but what is known to-day as a marine risk.

Mr. WALSH. I have read the House and the Senate hearings, I have read the report made to the gentleman's committee, the Merchant Marine and Fisheries Committee, and I have read the language of the bill, and from the explanation given before the District of Columbia Committee and the statements made here on the floor I can not see where in this sentence that distinction is made or any limitation of that kind is put upon it.

I would like the gentleman to point out how this limits or restricts.

Mr. CHINDBLOM. May I suggest lines 11, 12, and 13, page 2—"during, awaiting, or arising out of navigation, transit, travel, or transportation, or the construction or repair of vessels"? That is the concluding phrase of the entire definition.

Mr. WALSH. Where does it say the transportation shall be transportation at sea or in a vessel or anything of that sort?

Mr. EDMONDS. First page, lines 5, 6, and 7.

Mr. WALSH. Of course it does not; and it does not hitch up; and my contention is it is not limited or restricted in that way. You are bringing in all these various classes of insurance under the provisions of this bill as marine insurance.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. EDMONDS. I think the gentleman is drawing a wrong interpretation of this sentence. Here is the situation. I read lines 6 and 7:

Marine insurance means insurance against any and all kinds of loss of or damage to vessels, craft, cars, aircraft, automobiles, and other vehicles, whether operated on or under water, land, or in the air, in any place or situation, and whether complete or in process of or awaiting construction.

Turn over and go to lines 11, 12, and 13, page 2—"whether legal liability results therefrom or not, during, awaiting, or arising out of navigation, transit, travel, or transportation, or the construction or repair of vessels." That definition, I think, has already been established by existing law. I think we copied it from some of the State laws. There may be a little change. We consider marine insurance to cover the stages from the beginning of the manufacture of the goods until the point of the delivery of the goods. That is the construction that has been made by all national authorities and by different State authorities. The marine policy will cover that.

Mr. WALSH. Of course, this question arose during the hearings and there seems to be some doubt about it, but does the gentleman think the words "whether legal liability results therefrom or not" refers back to the first part of this section?

Mr. EDMONDS. Most certainly.

Mr. WALSH. I think the gentleman is wrong. It refers to the words "and for loss of or damage to property or injury or death of any person, whether legal liability results therefrom or not."

Mr. CHINDBLOM. Will the gentleman yield?

Mr. EDMONDS. I will.

Mr. CHINDBLOM. I presume the gentleman did not mean to include the words "whether legal liability resulting therefrom or not." That refers to the damage or injury, but the other words in line 12, "during, awaiting, or arising out of navigation, travel, or transportation, and the construction or repair of vessels," which modifies, in a way, the entire sentence, ties it up.

Mr. LONDON. If the gentleman will yield, I think the entire section, which consists of one sentence, is too indefinite and lends it to the criticism of the gentleman.

Mr. EDMONDS. I am rather afraid it is.

Mr. LONDON. I think the sentence should be reconstructed. A sentence covering 25 lines is bound to be confusing.

Mr. EVANS. Will the gentleman yield?

Mr. EDMONDS. I will.

Mr. EVANS. If your definition found in section 1 is subject to the criticism just suggested by the gentleman from Massachusetts, then in fixing the tax in section 11 it becomes very much more important, does it not, because there you fix a tax on marine insurance and define that part of section 1?

Mr. EDMONDS. It would be naturally important and we would want to have this perfectly plain and understood. It was intended here that the risk connected with marine insurance should be defined as a risk as would arise out of export business from the time it started until the goods arrived.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS. I ask that the gentleman's time be extended for a minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. EVANS. Take the last three lines "during transportation"; by taking out the intermediate words would not that make marine insurance simply transportation by rail between two points entirely inland? "During transportation or other travel."

Mr. EDMONDS. If a foreign shipment is transferred from Chicago to New York it is actually transported between the two points in this country by rail.

Mr. EVANS. But is not your language here such that it would be marine insurance under your definition though it were only during transportation between two inland points and not as part of any water transportation at all?

Mr. EDMONDS. No; I do not think so. The phrase "arising out of navigation" modifies that. As a matter of fact, that is done to-day.

Mr. EVANS. It is "arising out of navigation or transportation." You have used both terms, with the disjunctive.

Mr. EDMONDS. Consider that with the first phrase, "insurance against any and all kinds of loss or damage to vessels, craft, cars, aircraft, automobiles, and other vehicles, whether operated on or under water, land, or in the air," and so forth. I think the paragraph has been gone over very carefully, and it covers what we mean. It may not be definite enough, but it covers what we mean.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

CHAPTER II.—KINDS OF INSURANCE THAT MAY BE WRITTEN.

SEC. 3. That a marine, fire-marine, or fire insurance company may be formed, admitted, or licensed to write any or all insurance and reinsurance comprised in any one or more of the following numbered subdivisions:

First. On marine risks as described in section 1 of this act under the definition of "marine insurance."

Second. On property and rents and use and occupancy, against loss or damage by fire, lightning, tempest, earthquake, hail, frost, snow, explosion (other than explosion of steam boilers or flywheels), breakage or leakage of sprinklers or other apparatus erected for extinguishing fires, and on such apparatus against accidental injury; and against liability of the insured for such loss or damage; and on automobiles against loss or damage from collision or theft, and against liability of the owner or user for injury to person or property caused by his automobile.

Third. Against bodily injury or death by accident, and against disablement resulting from sickness, and every insurance appertaining thereto, including quarantine and identification.

Fourth. Against liability of the insured for the death or disability of another.

Fifth. Against loss of or damage to property resulting from causes other than fire, marine and inland navigation hazards, and against liability of the insured for such loss or damage, and on motor vehicles against fire, marine and inland navigation hazards, and against personal injury and death, and liability of the insured therefor, from explosions of steam boilers and engines, pipes and machinery connected therewith, and breakage of flywheels or machinery, and to make and certify inspections thereof; and against loss of use and occupancy from any cause; against loss by burglary, theft, and forgery.

Sixth. Against loss or damage from failure of debtors to pay their obligations to the insured.

Seventh. Against loss from encumbrances on or defects in titles.

Eighth. Against loss or damage by theft, injury, sickness, or death of animals, and to furnish veterinary services.

Ninth. Against any loss or liability arising from any other casualty or hazard not contrary to public policy, other than that appertaining to or connected with (1) life insurance (including the granting of endowments and annuities), and (2) fidelity and surety bonding.

An insurance company organized for the transaction of one or more of the kinds of insurance permitted under subdivisions 3 to 9, inclusive, of this section, shall also, if complying with this act, be admitted or licensed to write any or all insurance and reinsurance comprised in any one or more of the other subdivisions of this section: *Provided*, That nothing in this section shall be construed as preventing any insurance company, now formed, admitted, or licensed to transact insurance in the District, from continuing the writing of those kinds of insurance which it may have been authorized to write on the date when this act goes into effect.

Every company formed, admitted, or licensed to transact in the District any of the kinds of insurance permitted by the several numbered subdivisions of this section shall maintain separate and distinct reserves for each kind of insurance so written, and if a stock company shall not transact the business of insurance in the District unless—

(a) It has a capital stock actually paid in, in cash or invested as provided by law, of at least \$100,000 for the insurance specified in any one subdivision of this section, nor unless it has a surplus of money or other lawful assets over its authorized capital and all other liabilities of at least \$50,000.

(b) With an additional \$50,000 of capital stock and \$25,000 of surplus for the insurance authorized by any other subdivision of this section and which may be transacted by such company.

(c) That every company writing more than one class of insurance, as authorized in the several subdivisions of this section, shall keep a separate account of all receipts in respect to each class of insurance, as directed by the superintendent, and the receipts in respect to each class of insurance shall be carried to and form a separate insurance fund with an appropriate name, which fund, exclusive of the capital stock and general surplus of the company, shall be as absolutely the security of the policyholders of that class as though it belonged to a company writing no other business than the insurance business of that class, and shall not be liable for any contracts of the company for which it would not have been liable had the business of the company been only that of insurance of that class, and shall not be applied, directly or indirectly, for any purposes other than those of the class of insurance to which the fund is applicable: *Provided*, That nothing in this subsection shall require the investments of any such fund to be kept separate from the investments of any other fund: *Provided further*, That nothing in this subsection shall be construed as preventing a company, at the end of each calendar—

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. JONES of Texas. Mr. Chairman, I desire to ask the gentleman from Pennsylvania a question. I notice in the last subdivision on page 5 there is a pretty broad authorization for engaging in practically all kinds of insurance, which does not seem to me to be limited in any sense to marine insurance. I notice also on page 12 a provision with reference to taxes,

which prescribes the only taxes that can be levied against the company. I was wondering if these two provisions taken together will interfere with State laws which govern the operation of insurance companies within the States.

Mr. EDMONDS. No; because any insurance company formed under this act in the District of Columbia could not do business in your State without compliance with the State laws, and that would probably cover everything except the tax. In your State it would cover the ordinary tax paid by your company. If a company went into your State and undertook to do business, it would be forced to comply with the State tax laws and all other laws. Therefore the only advantage to this company would be in the District of Columbia, or in some State that had the same kind of tax.

Mr. JONES of Texas. Suppose the law of my State required certain conditions, and among them the payment of certain taxes. This bill provides that only certain specified taxes may be levied. Would that not supersede the State law?

Mr. EDMONDS. This is not a national law. This is a law to allow the incorporation of insurance companies in the District of Columbia. It operates only in the District of Columbia.

Mr. JONES of Texas. It authorizes reinsurance in the States.

Mr. EDMONDS. That is true to-day, but they do the reinsurance abroad. Now, we are trying to keep it here. Reinsurance would not affect you at all.

Mr. JONES of Texas. I know. If this were confined exclusively to marine insurance, I would not have any fears along the line of my suggestion, but it seems to me, when you take all these nine different subdivisions in conjunction, you cover all lines of insurance except these last two that are mentioned here—life insurance and fidelity and bonding insurance.

Mr. EDMONDS. While we agree that the bill allows the formation of a multiple line of insurance, yet these definitions are put in here merely to give a definite basis. We had to prepare the definitions. Unfortunately, under the District Code they have not those definitions as to the different kinds of insurance.

Mr. MANN. Is it not a fact that this bill only gives right to the District of Columbia, and if a company does business in any other State it does business precisely as any other company organized in the States? For instance, a company organized in Illinois can only do insurance business in Texas under the laws of the State of Texas. This would be identically the case with this company. This company has no greater rights outside of the District of Columbia than an insurance company of Illinois has outside of the State of Illinois.

Mr. JONES of Texas. The gentleman feels sure that this bill does not confer any rights outside of the District of Columbia?

Mr. EDMONDS. Absolutely.

Mr. MANN. There is no question about that.

Mr. JONES of Texas. Sometimes we attempt to do things that we are not authorized to do.

Mr. MANN. It is a proper inquiry to make, but it can not be done.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. WALSH. Why the exception in lines 4 and 5 on page 4? It seems to be very general in its scope, and I wondered why they eliminated the exception of steam boilers and flywheels.

Mr. EDMONDS. That is not an exception. That is an inclusion.

Mr. WALSH. There is an exception, "other than explosions of steam boilers or flywheels."

Mr. EDMONDS. That is in lines 1 and 2. I thought the gentleman referred to lines 4 and 5.

Mr. WALSH. I beg the gentleman's pardon. I meant lines 1 and 2.

Mr. EDMONDS. I think that comes under another class of insurance.

Mr. WALSH. Probably the gentleman is correct about that.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 4. That no domestic mutual company shall be organized or licensed within the District unless it has applications from at least 200 persons for each class of insurance (as enumerated under the several subdivisions of section 3) it may be authorized to write aggregating not less than \$500,000, the maximum amount of insurance applied for in any application on any risk not exceeding one-half of 1 per cent of the aggregate amount, nor 3 times the average amount of insurance applied for in the several applications. No such mutual company shall be so licensed for any of the classes of insurance as allowed under the several subdivisions of section 3 unless it has received in cash, with

respect to each such class of insurance written, at least one advanced periodical premium on each such application, aggregating at least \$10,000; but if the applications are for employers' liability or workmen's compensation insurance the premiums on such applications shall aggregate at least \$25,000, and each employer shall be considered a separate risk; nor unless it has a surplus of \$10,000 in money or other lawful investments above its liabilities, including the liability equal to the aggregate amount of premiums so advanced.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

Mr. WINGO. I would like to ask the chairman of the committee or the gentleman from Pennsylvania [Mr. EDMONDS] what reserves are required under this bill?

Mr. EDMONDS. The usual reserve required of insurance companies by the best insurance practice. Under the multiple-insurance plan what would happen would be this: A company would pick out the several lines of business that it wanted to enter into, and the commissioner would require a certain reserve to be kept up under that separate line.

Mr. WINGO. That is what I wanted to get at. There is no law now fixing the reserve?

Mr. EDMONDS. No. There is no law now fixing the reserve.

But it would require in each special line the necessary reserve for that line. Then the profits from that line would be turned over to the parent company. This is the English system. It would be like four separate companies under one roof. Now, if one line makes money, that money goes into the surplus fund of the central company. If one line loses money, the surplus fund in the central company makes it up. These English companies are more secure financially, very much stronger because they do that. They carry out their insurance business in that manner. They have lines on which they lose money every year, lines that if necessary for competition can afford to lose money every year, because they make it up on the other lines by the rates that they fix.

Mr. WINGO. I am not familiar with insurance reserves at all, but can the gentleman indicate in a general way what are the reserves required?

Mr. EDMONDS. I have heard Dr. Griffith, the District insurance commissioner, make a statement about that. Dr. Huebner and Dr. Griffith and Mr. Dean of the Shipping Board and myself went over that one night.

Mr. WINGO. What is the general rule which they use in determining the amount of the reserve?

Mr. EDMONDS. I really could not tell the gentleman. All I know is that Dr. Griffith told us that the reserves required in the District of Columbia were about the same as those required in the States of New York, Pennsylvania, and Massachusetts, and he went on to state what they were. There are tables of insurance practice that are published, and the companies as a general thing follow those lines, the laws of the different States requiring certain percentages of reserves, and whatever is the best practice the companies are required by the insurance commissioners to carry out.

Mr. WINGO. Then the requirements of insurance are very much like the banking law, that the fixed legal reserve is not an arbitrary one, but is predicated upon the past experience of the companies?

Mr. EDMONDS. That is it exactly.

Mr. WINGO. Based on what experience shows to be the necessary amount to carry as a reserve?

Mr. EDMONDS. That is it exactly.

Mr. WINGO. You do not now undertake to disturb the reserve provided by existing law?

Mr. EDMONDS. Absolutely not.

Mr. WINGO. And that reserve is predicated upon the experience of insurance companies?

Mr. EDMONDS. That is true. I could not give the gentleman the amount. It is different in different lines. I know that.

Mr. WINGO. I have got the information I want. You do not undertake to fix arbitrarily a reserve other than that which now exists by law?

Mr. EDMONDS. That is correct.

Mr. WINGO. And that is founded upon experience?

Mr. EDMONDS. Yes. We are not endeavoring to disturb the basic law of the District of Columbia at all. We want the insurance business carried on exactly the same as it has been in the past, with the exception that we are changing the way of doing it.

Mr. WINGO. That information is satisfactory.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 5. That an insurance company organized under laws other than the laws of the District and desiring to transact business in the District shall satisfy the superintendent that it has, if a capital stock company, a paid-up capital and a surplus of assets, invested in accordance with the laws of the State under which it is organized, over its entire authorized capital and all other liabilities, at least equal to the capital and surplus prescribed under section 3 of this act for the writing of various kinds of insurance; and, if a company without capital stock or an interinsurance exchange, that it has a surplus of assets, invested according to the laws of the State under which it is organized, over all its liabilities, of \$100,000; or if a mutual company other than a life insurance company, that it has a surplus over liabilities amounting to \$100,000, or in lieu thereof a surplus amounting to \$10,000 and an additional contingent liability of its policyholders equal to not less than the cash premium expressed in the policies in force; or if a company organized under a foreign Government, Province, or State, that it has a surplus of assets invested according to the laws of the District or of the State in the United States where it has its deposit, held in the United States in trust for the benefit and security of all its policyholders in the United States, over all its liabilities in the United States, of at least \$150,000, and, if writing more than one class of insurance as enumerated and allowed under section 3 of this act, an additional \$75,000 for each such additional kind of insurance written; and such company so organized under the laws of a foreign Government or State shall also either deposit with the superintendent securities of the amount and value of \$150,000 (or such larger amount as may be required by this section if the company writes more than one class of insurance) and of the classes in which insurance companies are permitted by this act to make investments, or with the official of a State of the United States, authorized by the law of such State to accept such deposit, securities of the amount and value of \$150,000 (or such larger amount as may be required by this section if the company writes more than one class of insurance), of the classes in which life insurance companies of such State are permitted to make their investments, and such deposits shall be made for the benefit and security of all the policyholders of such company in the United States, and the company shall file with the superintendent the certificate of such official of any such deposit with such official of any such State.

Mr. LONDON. I move to strike out the last word, for the purpose of asking the chairman the following question: How do the requirements of foreign Governments with reference to American insurance companies compare with the requirements imposed in this bill upon foreign insurance companies? In other words, the question of mutuality often arises in these cases.

Mr. EDMONDS. I am of the opinion that it would be easier for an American company to go into most foreign countries and establish a business there than for a foreign company to conform to our requirements; but we have followed out the general rule of the different States, making the requirements about the same.

Mr. LONDON. If this bill becomes a law it will be a law passed by the General Government, and for that reason I should think the requirements should not be made more severe than those exacted by foreign Governments from American insurance companies.

Mr. EDMONDS. Of course, we did not investigate the requirements of foreign Governments as to American companies. I do know, as a matter of fact, that in the countries where the insurance laws are in a strong and healthy condition—that is, in England, Germany, and some of those countries—they do have a requirement of a deposit in order to meet losses by the company coming into their country from a foreign country and having no legal responsibility in that country, and I think they are right in that. It is virtually a reserve sum; but I believe you could probably go into China and Portugal and Spain and a number of countries and start an insurance company with very little trouble. For that reason countries like Spain and France and Portugal have not the same standing in the insurance world that England has, for instance.

Mr. LONDON. The gentleman's impression is that the conditions imposed by this bill are more exacting than those imposed by foreign Governments?

Mr. EDMONDS. A little, but not much.

Mr. LONDON. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

CHAPTER V.—TAXES.

SEC. 8. That with the exception of license fees, real estate and personal property taxes, and a tax on investment income derived from funds representing reserves, capital stock, and surplus as defined by this act, every insurance company organized, admitted, or licensed to transact business within the District shall, with respect to marine insurance written by it within the District, be taxed only on that proportion of the total underwriting profit of the company from marine insurance written within the United States which the net premiums of the company from marine insurance written within the District bear to the total net marine premiums of the company written within the United States. The term "underwriting profit," as used herein, shall be arrived at by deducting from the premiums earned on marine insurance contracts written within the United States during the calendar year (1) the losses incurred and (2) expenses incurred, including all taxes, in connection with such business.

Premiums earned on marine insurance contracts written during the calendar year shall be arrived at as follows:

(1) Gross premiums on marine insurance contracts written during the calendar year, less return premiums and premiums paid for reinsurance.

(2) Add unearned premiums on outstanding marine business at the end of the preceding calendar year.

(3) Deduct unearned premiums on outstanding marine business at the end of the current calendar year.

Losses incurred, as used herein, shall mean gross losses incurred during the calendar year under marine insurance contracts written within the United States, less reinsurance claims collected or collectible and salvages or recoveries collected or collectible from any source applicable to aforesaid losses.

Expenses incurred shall include—

(1) Specific expenses incurred, consisting of all agency commissions, agency expenses, taxes, licenses, fees, loss-adjustment expenses, and all other expenses incurred directly and specifically for the purpose of doing a marine insurance business.

(2) General expenses incurred, consisting of that proportion of general or overhead expenses, such as salaries of officers and employees, printing and stationery, all Federal Government taxes, and all other expenses not chargeable specifically to a particular class of insurance which the net premiums received from marine insurance bear to the total net premiums received by the company from all classes of insurance written during the current calendar year.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. Just what is the rule of taxation carried in this bill? Do you not put insurance companies on a preferred basis as far as taxation is concerned?

Mr. EDMONDS. Only in so far that we tax the net profits instead of the premiums. At present most of the States tax gross premiums. In fact, I think all of the States do that. We propose to tax the net profits of the companies, and the endeavor is that in the tax we impose we shall get about the same return that we do to-day from the tax on premiums.

Mr. WINGO. Does the gentleman mean to say that the tax on investment income is the same thing as net profits?

Mr. EDMONDS. The question of investment income is a mooted question and quite conflicting. We placed the tax on investment income in the bill at the request of the District commissioner. I believe there is a controversy as to what is investment income and how it should be paid and what kind of a tax should be paid on it. But the District commissioner seems to think that it is the proper thing.

Mr. WINGO. I am not familiar with the tax laws of the District. Take any other corporation in the District. Is a tax paid on the capital investment? Do you have a tax on the corporation or an income tax or a mixed system?

Mr. EDMONDS. I did not look that up as to other corporations in the District.

Mr. WINGO. Of course, they all pay taxes on real estate, but I notice that you provide in here that with the exception of license fees, real estate taxes, personal property, investment income, capital stock surplus as defined by the act—

Mr. EDMONDS. They pay a real estate tax—

Mr. WINGO. There is no dispute about that; all pay real estate tax. If you have a stock tax in arriving at what would be assessable value of the stock, you of course would deduct the assessable value of the real estate from the total assessable value of the stock, so that you would not have double taxation. I assume there is no dispute about that; but the point I am getting at is that you except other things subject to the protection of the laws of the District, and getting the benefit of protection you provide that it can only be taxed "on that proportion of the total underwriting profits of the company from marine insurance written within the United States which the net premiums of the company from marine insurance written within the District bear to the total net marine premiums of the company written within the United States." Is not that further exemption from taxation?

Mr. MANN. Under this bill they tax all tangible property here. Then it is proposed instead of taxing all of the business of the company where it receives premium from marine insurance only to tax that portion which is earned in the District of Columbia.

Mr. WINGO. I do not think that provision does it. That may be what they intended.

Mr. MANN. This provision does it, and that is plainly the purpose of it.

Mr. WINGO. It says tax only "that proportion of the total underwriting profit of the company from marine insurance written within the United States which the net premiums of the company from marine insurance written within the District bear to the total net premiums of the company written within the United States." I think the gentleman is correct, and that is what is intended?

Mr. MANN. Yes.

Mr. WINGO. In other words, you tax the tangible property like other corporations; you do not make any change in that. Then the intangible property is taxed on the net profits grow-

ing out of premiums they received in the District of Columbia business.

Mr. MANN. Yes.

Mr. WINGO. In arriving at that you take the proportion that the District business bears to the portion of the whole business earned in the United States, and you say that arbitrarily shall be the proportion of the intangible tax that should be assessed in the District.

Mr. MANN. Yes; on the receipts of the business.

Mr. WINGO. Now as to deductions. Do you permit them to deduct all taxes they pay, including Federal taxes? The bill seems to provide for that. In other words, as expenses of the business, do you permit them to take credit for all taxes they pay, including Federal taxes?

Mr. MANN. Only on the net income of the company.

Mr. WINGO. Is the corporation permitted to charge up and deduct Federal taxes?

Mr. MANN. No; I think not.

Mr. WINGO. I fear the gentleman is in error. In this provision you specifically authorize them to deduct "specific expenses incurred, consisting of all agency commissions, agency expenses, taxes, licenses, fees," and then, under general expenses, you permit them to deduct Federal taxes. Will you name any other corporation in the District that has that privilege on intangible property? I am not sure about this matter, and am seeking information.

Mr. EDMONDS. I do not think that is intended in that way.

Mr. WINGO. That is the reason I called the gentleman's attention to it. My impression is that neither an individual nor a corporation under any of our laws is given that privilege. The gentleman is not given that privilege in his own business.

Mr. EDMONDS. No.

Mr. WINGO. And when you pay your Federal income tax you are not permitted to deduct that which you have paid theretofore.

Mr. MANN. And these people will not do it when they come to make their return for the Federal income tax.

Mr. WINGO. But they will on the income in figuring out their net profits.

Mr. MANN. Wherever any company is taxed on its net income, of course it deducts the taxes that it has paid, because that comes out of the income. That does not relate to the return for income taxes of this company or anyone else.

Mr. WINGO. It is a specific kind of income tax that we are discussing. We are not talking about Federal income tax.

Mr. MANN. But it is not what we call the income tax.

Mr. WINGO. I know, but it is a species of income tax, and it is comparable to the income tax that some States impose on corporations. Is it not comparable with the income tax paid in the State of New York?

Mr. MANN. I think in all of those cases, as it was with the Federal income tax when it was first started, where you tax the net income the taxes are deducted as a proper expense.

Mr. WINGO. Has not the State of New York followed the policy of the Federal Government and taken away the privilege of deducting the Federal tax?

Mr. EDMONDS. I do not think it was intended to do that in this bill. I do not think they had any idea of changing the situation with reference to the Federal tax on any corporation.

Mr. WINGO. It is not a question of affecting the Federal income taxes. Here you are giving them an exemption. In other words, here is an insurance company in a building down town, and when it comes to make up its taxes for the District of Columbia, for the purpose of arriving at its net income under this intangible tax, it takes credit for taxes paid the Federal Government, while right across the hall in the same building would be another business corporation that would not be permitted to charge up either as general or specific expenses for the purpose of fixing its intangible tax for the District the Federal taxes that it had paid. That would be a discrimination.

Mr. MANN. There is no tax here that I know of on a net income or profit of any corporation.

Mr. WINGO. But the question is how you fix the net income. The net income represents the income after allowance is made for all deductions, and you can deduct taxes paid both to the State and to the Federal Government. There will be corporations in the District of Columbia that in figuring the same tax and arriving at their net income will not be permitted to include Federal taxes.

Mr. MANN. They include Federal taxes in cases where you tax the net income, and the only exception, and that was made only recently, is in the Federal income tax return, where they do not allow you to deduct the Federal tax paid by you.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Then some corporation in the District that would have to account to the Federal Government for the principal part of its tax would be denied a deduction of general expenses that this insurance company in the same building would be permitted to take?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. MOORE of Virginia. Suppose the State of Arkansas undertook to organize corporations under a bill such as this. This right to deduct Federal taxes in the District of Columbia would apply here, but would it apply to the company organized in Arkansas? In other words, the revenue act under which we live now denies to the company organized in Arkansas the right to deduct the Federal tax, and we will give it to the company organized in the District of Columbia.

Mr. WINGO. I do not think there is any question about that. Mr. MANN. But an Arkansas corporation would not pay any taxes here unless it had property here. It would pay a tax on its income.

Mr. WINGO. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 14, lines 9 and 10, strike out "all Federal Government taxes."

Mr. EDMONDS. I agree to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. Wingo) there were—ayes 21, noes 24.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 14, line 8, strike out the words "overhead expenses, such as salaries of officers and employees," and in line 10 strike out the words "Government taxes."

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that the committee has just voted on the question of the elimination of the words "all Federal Government taxes."

The CHAIRMAN. The gentleman has offered a separate amendment.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MANN. As I understand the gentleman's amendment, he proposes to leave in the language "all Federal and other expenses"?

Mr. BLANTON. Oh, this is merely a pro forma amendment to permit me to discuss a question that is in order under that language.

In section 29, which we have not reached yet, it provides the following new officers: The superintendent of insurance is authorized to appoint, in addition to the present force, an examiner at \$3,000 per annum, a clerk-stenographer at \$1,800 per annum, and to increase the contingent expenses of the insurance department in the sum of \$800 a year. That is going to require more Government taxes in order to pay these extra officeholders. Most of it comes out of the Federal Treasury and the people have to pay it in Government taxes. That is another reason why this bill should not be passed. Nearly every time we have a committee call up a bill they can not do it without having new officeholders and new salaries to be paid and extra Government taxes to be taken out of the pockets of the people. That led me to say awhile ago that we already have plenty of laws, already have plenty of marine insurance companies, we already have plenty of other companies doing business in the United States. And that is another reason why this bill should not pass, and I think we ought to have a quorum here, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN. That is the result of the gentleman's five-minute speech; he drove everybody out.

The CHAIRMAN. [After counting.] Seventy-two gentlemen are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll and the following gentlemen failed to answer to their names:

Ansoorge	Brand	Browne, Wis.	Cannon
Bird	Brennan	Burroughs	Cantrill
Blakeney	Brinson	Butler	Chandler, N. Y.
Bond	Britten	Campbell, Kans.	Chandler, Okla.

Clague	Hill	Mapes	Sabath
Clark, Fla.	Houghton	Michaelson	Scott, Mich.
Classon	Hukriede	Mills	Scott, Tenn.
Codd	Humphreys	Montague	Shaw
Cole, Ohio	Ireland	Montoya	Snell
Connolly, Pa.	James	Moore, Ill.	Speaks
Cooper, Ohio	Jeffers, Nebr.	Morin	Sproul
Copley	Johnson, Ky.	Mudd	Stevenson
Coughlin	Johnson, S. Dak.	Newton, Mo.	Stiness
Cullen	Jones, Pa.	O'Brien	Strong, Pa.
Deal	Kahn	Ogden	Sullivan
Drane	Keller	Padgett	Taylor, Colo.
Driver	Kelley, Mich.	Paige	Ten Eyck
Dunbar	Ketcham	Parker, N. Y.	Thomas
Dunn	Kieess	Parrish	Tilson
Dupré	Kinkaid	Patterson, N. J.	Tincher
Dyer	Kitchin	Patterson, Mo.	Tyson
Echols	Knight	Perkins	Uphaw
Faust	Kraus	Porter	Vare
Fish	Kreider	Rainey, Ala.	Ward, N. Y.
Freeman	Kunz	Reavis	Wheeler
Frothingham	Lampert	Reber	Williams
Gallivan	Langley	Riordan	Winslow
Garrett, Tex.	Lankford	Robertson	Wise
Goodykoontz	Lawrence	Robison	Wood, Ind.
Gorman	Lee, N. Y.	Rogers	Woods, Va.
Gould	McKenzie	Rose	Wurzbach
Graham, Pa.	McLaughlin, Nebr.	Rosenbloom	Wyant
Greene, Vt.	MacGregor	Rucker	Yates
Hays	Mansfield	Ryan	

The committee rose; and the Speaker having resumed the chair, Mr. McARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill S. 2265, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 295 Members answered to their names, a quorum, and he submitted the list for publication in the Journal.

The SPEAKER. The committee will resume its session.

The CHAIRMAN. At the time the point of no quorum was made the gentleman from Texas [Mr. BLANTON] submitted an amendment.

Mr. BLANTON. That, Mr. Chairman, was a pro forma amendment, and I desire to withdraw it.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman a question. Is it the intention of the committee to exempt these companies from the payment of any taxes on any foreign business they may do?

Mr. EDMONDS. The gentleman means outside the District? In insurance parlance foreign business means outside the District of Columbia.

Mr. JONES of Texas. I mean business in foreign countries.

Mr. EDMONDS. That would depend entirely on the profit they would make. Their business in foreign countries would be taxed when it became part of the profits of their company.

Mr. JONES of Texas. I just wanted to call the attention of the gentleman to the fact that the limit of taxes under the section we have under consideration is for business written within the United States. It says they shall only pay taxes on that business, but in a later provision, page 28, it makes their foreign business subject to taxes provided in section 5, and as I read these two provisions in connection the company would be absolutely exempt from any of the revenue laws of this country for business done in foreign countries under the provisions of chapter 8. I do not know that is intended.

Mr. MANN. What language in the bill did the gentleman first refer to?

Mr. JONES of Texas. The language here which says at the bottom of page 12 to the effect that they shall be taxed only on that proportion of the total underwriting profit of the company from marine insurance written within the United States.

Mr. MANN. I know, but we tax the District business only in proportion to that written in the United States. It has nothing to do with the question of taxes otherwise. That is taxes with reference to marine insurance written by them within the District of Columbia.

Mr. JONES of Texas. I am rather inclined to think that is the intention of the committee, but I was afraid as it starts off if they shall be taxed only on that it might not be exactly the meaning intended.

Mr. MANN. The business in the District is taxed only in proportion on the business between that done in the District and the United States, and that is all it says.

Mr. JONES of Texas. That is all the last part of the language says, but it sets out certain exceptions here, and it says "shall be taxed only in proportion of the total underwriting profit of the company."

Mr. MANN. Marine insurance written here within the District shall be taxed only in proportion, and it says that.

Mr. JONES of Texas. It does not say that exactly. If it says that it taxes only on the business done within the District,

that would be a different expression, but it says the company shall be taxed only; in other words, there shall be no other tax.

Mr. MANN. I know; but it says, respecting marine insurance written by it in the District of Columbia, it "shall be taxed only," and so forth. It relates only to the business done in the District.

Mr. JONES of Texas. I am not sure that that is the correct construction, and especially in view of the stipulation that is put in at the end of section 21.

Mr. MANN. That is another matter.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Sec. 9. That every company transacting marine insurance in the District shall set forth in its annual statement to the superintendent, and in the form prescribed by him, all the items pertaining to its insurance business as enumerated and prescribed in the preceding section. To determine the basis of the tax on underwriting profit, every company which has been writing marine insurance for five years shall furnish the superintendent a statement of all of the aforementioned items, in the form prescribed by him, for each of the preceding five calendar years. A company shall furnish to the superintendent a statement of all the aforementioned items for each of the calendar years during which it has written marine insurance.

If the superintendent finds the report of the company reporting correct, he shall, if the company has transacted marine insurance for five years, (1) ascertain the total average annual underwriting profit, as defined by this act, derived by the company from its marine insurance business written within the United States during the last preceding five calendar years, (2) ascertain the proportion which the average net annual premiums of the company from marine insurance written by it in the District during the last preceding five calendar years bear to the average total net marine premiums of the company during the same five years, (3) compute an amount of 5 per cent on this proportion of the aforementioned average annual underwriting profit of the company from marine insurance, and (4) charge the amount of tax thus computed to such company as a tax upon the marine insurance written by it in the District during the current calendar year. Thereafter the superintendent shall each year compute the tax, according to the method described in this section, upon the average annual underwriting profit of such company from marine insurance during the preceding five years, including the current calendar year; namely, at the expiration of each current calendar year, the profit or loss on the marine insurance business of that year is to be added or deducted, and the profit or loss upon the marine insurance business of the first calendar year of the preceding five-year period is to be dropped, so that the computation of underwriting profit for purposes of taxation under this act will always be on a five-year average: *Provided, however*, That a company which has not been writing marine insurance in the District for five years shall, until it has transacted such business in the District for that number of years, be taxed on the basis of the annual average underwriting profit on marine insurance written within the United States during the preceding five years as averaged for all companies reporting to the superintendent for the current calendar year and which have been transacting marine insurance in the District for the past five years: *Provided further*, That, if at any time none of the companies reporting to the superintendent shall have written marine insurance in the District for five years, a company which has not been writing marine insurance in the District for five years shall be taxed on the basis of an annual average underwriting profit as averaged for all companies reporting to the superintendent for the number of years during which they have written marine insurance in the District, subject, however, to an adjustment in the tax as soon as the superintendent, in accordance with the provisions of this section, is enabled to compute the tax on the aforementioned five-year basis: *And provided further*, That in the case of mutual companies the superintendent shall not include in underwriting profit, when computing the tax prescribed by this section, the amounts refunded by such companies on account of premiums previously paid by their policyholders.

When the superintendent has computed the tax on a company's underwriting profit, he shall forthwith mail to the last known address of the principal office of such company a statement of the amount so charged against it, which amount the company shall pay to the collector of taxes within 30 days after receipt of such notice from the superintendent, and no further tax, except the taxes on investment income from funds representing reserves, capital stock, and surplus as prescribed by sections 10 and 11 of this act and the license fee prescribed by section 13, shall be imposed by the District upon such company, or the agents thereof, for the privilege of transacting the business of marine insurance in the District.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I would like to ask the gentleman from Pennsylvania [Mr. EDMONDS], a member of the Committee on the Merchant Marine and Fisheries, who has introduced this measure in the House, a question relative to the provision at the bottom of page 14 and at the top of page 15:

A company which has not been writing marine insurance for five years shall furnish to the superintendent a statement of all the aforementioned items for each of the calendar years during which it has written marine insurance.

Is it intended that these companies shall furnish that information under the oath of one of its officers?

Mr. EDMONDS. I believe that is required under the present law. Annual statements are required to be made under oath. That is in the present insurance code here.

Mr. WALSH. Would not this supersede the present law?

Mr. EDMONDS. No; I think this is an addition to it.

Mr. WALSH. No; I do not think this is in addition to it; it is a new kind of statement under a provision requiring another kind of information to be furnished. In the next sentence it is provided, "If the superintendent finds the report of the company correct," he shall, and so forth.

Mr. EDMONDS. It says "that every company transacting marine insurance business in the District shall set forth in its annual statement to the superintendent, and in the form prescribed by him, all the items pertaining to insurance business as enumerated and prescribed in the preceding section." The code of the District requires an annual statement to be furnished under oath.

Mr. WALSH. Well, this is applying to companies that have not done marine insurance for five years.

Mr. EDMONDS. No. The idea was that if a company had only done business for three years or two years or one year, it should furnish the statement anyhow. That is to encourage the companies to go into the marine insurance business.

Mr. WALSH. If the gentleman will permit, I appreciate that I am not very clear in the statements I am making in the endeavor to get this information. This section provides that "To determine the basis of the tax on underwriting profit, every company which has been writing marine insurance for five years shall furnish the superintendent a statement of all of the aforementioned items, in the form prescribed by him, for each of the preceding five calendar years."

Mr. EDMONDS. Yes.

Mr. WALSH. Now, that is one kind of a statement to be furnished where they have been doing business for five years. Now, they also furnish a statement of all the aforementioned items if they have not been doing it for five years.

Mr. EDMONDS. Yes.

Mr. WALSH. And I am asking whether or not these statements are under oath?

Mr. EDMONDS. Unquestionably.

Mr. WALSH. Then what is the necessity of the following language: "If the superintendent finds the report of the company reporting correct, he shall, if the company has transacted marine insurance for five years, ascertain," and so forth?

Mr. EDMONDS. That is to separate out the marine insurance for taxation purposes under this bill.

Mr. WALSH. Well, what happens if he finds the report incorrect as to a company that has not been doing business for five years?

Mr. EDMONDS. That is covered, as the code undoubtedly punishes people for furnishing incorrect information.

Mr. WALSH. How long has that been the law?

Mr. EDMONDS. I think that law—the code—has been in existence since 1902, and basically since 1887. All reports are required to be furnished under oath.

Mr. WALSH. Then what is the necessity for this?

Mr. EDMONDS. Simply to arrange for new companies to go into the business, and so make their reports that we can tax them and at the same time not be unfair to them.

Mr. WALSH. Suppose they make a mistake in the report; suppose they make a statement that is not correct?

Mr. LEHLBACH. It is for the obvious purpose that the superintendent shall not be bound by a report which, in fact, upon investigation, he finds to be incorrect. He is not bound by it, and he does not have to function under this act under the basis of an incorrect report. He can correct the report, and then go ahead and function and levy the taxes.

Mr. WALSH. Well, can a company, by filing an erroneous report, delay proceedings so that they will not have to pay any taxes?

Mr. LEHLBACH. If they file an erroneous report they are susceptible to the remedy which the criminal law provides for perjury.

Mr. MANN. The superintendent has the right to have correct reports filed under the District Code.

Mr. LEHLBACH. Certainly; and if a company willfully files an incorrect report for the purpose of delaying the payment of taxes there are plenty of remedies under the code that will punish that sort of procedure so as to make it unprofitable.

Mr. WALSH. Is it the understanding of the gentleman from New Jersey that if a company has been doing business for less than five years under this law they can be required to submit a statement under oath?

Mr. LEHLBACH. I think so.

Mr. WALSH. I would like to know where the authority is. The District code provides that the report and annual statement shall be submitted under oath. This is something entirely in addition to it. It does not refer to that statement, and it does not require it to be under oath. It is a new statement.

Mr. LEHLBACH. It says that every company transacting marine insurance in this District for five years shall set forth in its annual statement to the superintendent all the items in the form and manner prescribed by him. This must be under oath. Then, the section reads:

A company that has not been doing a marine-insurance business in the District for five years shall furnish to the superintendent a statement of all the aforementioned items for each of the calendar years during which it has written marine insurance.

That language, without repeating all this verbiage that goes before it, necessarily must be construed to mean that such statement shall be made in the same form and in the same manner; that is, the statement must be under oath, and in the form that the superintendent requires. That language could all be repeated, but it is not necessary.

Mr. WALSH. Yes; but this statement does not have to be under oath.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Sec. 11. That, in addition to the taxes, as prescribed under sections 8 to 10, inclusive, of this act, every company organized under the laws of the District and transacting marine insurance therein shall, with respect to marine insurance written in the District, pay a tax of 2 per cent on its investment income from funds representing capital stock and surplus as shown by the company's annual statement. Such investment income shall, for purposes of taxation under this act, be arrived at as follows: Add the gross assets at the beginning and end of the calendar year and strike an average. Add capital stock and surplus at the beginning and end of the year and strike an average. Ascertain the proportion which the average capital stock and surplus bears to average gross assets. Credit to investment income on capital stock and surplus such proportion of all income, except income taxed under section 10 of this act, derived from interest, dividends, rents, and profits on sales or redemption of assets. Charge against investment income on capital stock and surplus such proportion of all losses on sales or redemption of assets.

Should a company subject to this tax be writing other classes of insurance, and the capital stock and surplus referred to herein relate to all the classes of insurance written without being specifically allocated to the several classes of insurance written, then such proportion of the investment income from funds representing capital stock and surplus, computed according to the method prescribed in the preceding paragraph of this section, shall be applicable to marine insurance for purposes of taxation under this section as the net premiums from marine insurance during the calendar year bear to the net premiums of the company from all the classes of insurance written.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON. At the suggestion of several gentlemen around me, I withdraw the point.

The CHAIRMAN. The gentleman withdraws the point of no quorum.

Mr. WALSH. I move to strike out the last word. I notice that the section just read proposes an additional tax upon the companies authorized to do business under the provisions of this act.

Mr. EDMONDS. This is a tax on their investment income from funds representing capital stock and surplus. It is a tax that is collected by pretty nearly every State on the investment incomes of the insurance companies. It is an excise tax.

Mr. WALSH. One is on the investment income and the other is upon its average earnings on reserves for unpaid losses and unexpired premiums.

Mr. EDMONDS. Insurance companies have large sums of money which they invest as reserves. From these reserves they have a certain income. In order to tax that income, which would otherwise go into surplus, most of the States put a tax on the investment income. This tax of 2 per cent on the investment income was suggested by the commissioner of the District of Columbia.

Mr. WALSH. That is in addition to the 5 per cent on its average income on reserves?

Mr. EDMONDS. This is on the investment income. It is not a part of its underwriting profits. Investment income is entirely separate from underwriting profits. Underwriting profit is what comes out of the premiums paid.

Mr. WALSH. I am not talking about underwriting profits. Section 10 imposes a tax of 5 per cent on the average earnings on reserves for unpaid losses and unexpired premiums.

Mr. EDMONDS. Yes.

Mr. WALSH. Then in addition to that there is 2 per cent on its investment income from funds representing capital stock and surplus as shown by the company's annual statement.

Mr. EDMONDS. There is a difference in different States as to what investment income from the reserve should be considered to be. We tax it as the other States tax it, and there is no particular description here that will in any way affect what other States have done in connection with investment income.

Mr. WALSH. Does the gentleman state that there is no advantage under this scheme?

Mr. EDMONDS. No detriment and no advantage at all.

Mr. WALSH. It is just the same?

Mr. EDMONDS. Just about the same. Some States levy a tax of 1 per cent and some 3 per cent, but it is on exactly the same principle, and the amount was chosen by the insurance commissioner of the District. We asked him what amount he wanted and he said 2 per cent.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Sec. 13. That in lieu of all other license fees every company writing marine insurance in the District shall pay a single annual fee equal to \$100 if the assets of the company aggregate \$1,000,000 or under, to \$150 if the assets aggregate over \$1,000,000, and do not exceed \$5,000,000, and to \$200 if the assets exceed \$5,000,000. The manner and time of paying this single fee and its remittance to the collector of taxes shall be the same as prescribed under section 9 for the payment of taxes on underwriting profit.

Mr. WALSH. Will the gentleman from Pennsylvania state what is the difference between the amount of license fees charged under this section and the amount paid now?

Mr. EDMONDS. It amounts to about the same thing. Heretofore it has been the custom for the companies to send to the District commissioner's office and get a number of small memoranda and papers that they paid for. They have paid a dollar for some papers and 50 cents for others. It was a source of a good deal of annoyance to the companies and to the commissioner. Now, they are to pay a license fee, and when they pay that license fee they are entitled to secure such papers as they need. The District commissioner said these figures were sufficient to cover a little more than he made out of the companies to-day. It is simply a difference in the form of collecting the same thing.

Mr. WALSH. Would this apply to companies in existence here now?

Mr. EDMONDS. It will apply only to marine companies. We hope it will apply to all of them. We would be glad to have it apply to all of them.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment. If this is a bill authorizing insurance companies under this law to insure all kinds of hazards except life and surety, why does this license fee apply only to marine insurance?

Mr. EDMONDS. I have stated a number of times to-day that marine insurance includes almost every kind of insurance.

Mr. BLANTON. Marine insurance does not include every kind of insurance under the definitions of this bill. It does not embrace all the various kinds of insurance mentioned in the nine different sections.

Mr. EDMONDS. It embraces pretty nearly all of them. The gentleman knows that.

Mr. BLANTON. Because marine insurance is defined in the first section. It says, line 15, page 2, "marine insurance company means any person, company, or associations authorized by this act to write marine insurance within the District." Then in describing what kind of hazards companies formed under this law may insure against, there are nine different subdivisions or sections of definitions of those hazards. The first hazard, subdivision beginning on line 22, page 3, says first on marine risks as described in section 1 of this act under the definition of marine insurance. Second, on property and rent against loss or damage by fire, lightning, tempests, earthquakes, and so forth; third, against bodily injury or death by accident, and so forth; fourth, against liability for the death or disability of another, and so forth; fifth, against loss or damage to property resulting from causes other than fire, and so forth; sixth, against loss or damage from failure of debtors to pay their obligations to the insured; seventh, against loss from encumbrances on or defects in titles, and so forth; eighth, against loss or damage by theft, injury, sickness, or death of animals, and to furnish veterinary services, and so forth; ninth, against any loss or liability arising from any other casualty or hazards not contrary to public policy, and so forth.

If it is going to permit these companies to insure generally, why not provide a license fee generally? The license fee is made applicable only to companies carrying marine insurance. It is not a very large license fee. I know real estate dealers who pay a larger.

Mr. EDMONDS. The superintendent of insurance thought it was sufficient.

Mr. BLANTON. It seems to me to be a clause directed against companies here in the District doing marine insurance and not doing anything else.

Mr. EDMONDS. It is to transpose the local charge made from day to day to an annual license fee. To-day a man in

the insurance business pays a quarter or half a dollar for papers from time to time.

Mr. BLANTON. The companies operating under this law will insure against numerous hazards, everything except life and surety. By reason of the fact that it does marine insurance it pays a license fee. Others doing only marine insurance pay this same fee. It seems to me that this is inequitable.

Mr. EDMONDS. The commissioner thought it was perfectly proper, and he is an expert in the business. I am not.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Sec. 16. That none of the taxes or fees prescribed under sections 8 to 13, inclusive, shall be imposed upon business written within the District by "Syndicate B," a marine-insurance syndicate created by agreement between the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation and a number of subscribing American marine insurance companies, under date of June 28, 1920, for the purpose of insuring all American steel steamships which the United States Shipping Board and/or United States Shipping Board Emergency Fleet Corporation may hereafter sell to others, to the full extent of the unpaid purchase price thereof, and also such other American steel steamships heretofore sold by said Shipping Board and/or by said corporation as are acceptable for insurance to the Syndicate B subscribers.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I notice in this section this new-fashioned phraseology which has been sought to be put into legislation heretofore by using, in lines 20 and 24, the word "and" with an oblique line and then the word "or." Now, when the other committee of the House brought in legislation with this new-fashioned phraseology it was said it was suggested by some of the experts outside, and the committee decided that one or the other of those words and the oblique line should be eliminated. It seems to me that in this case it ought to be eliminated, and that it will not sacrifice the sense or the effectiveness of the language. We do not write statutes saying "the United States Shipping Board and or the United States Emergency Fleet Corporation." That would not in any wise make less effective the law.

Mr. EDMONDS. Would it make any difference whether it was left in or taken out?

Mr. WALSH. If you leave both of the words in it makes it doubtful what it does mean.

Mr. EDMONDS. This is the usual term in the shipping business. It is used in all policies and in all charter parties.

Mr. WALSH. But it is not used in a single law ever passed by any legislature.

Mr. EDMONDS. I do not know; I never saw it. I agree with the gentleman as far as that is concerned, but I do not think it makes any difference.

Mr. WALSH. It makes a difference in the sense.

Mr. EDMONDS. The gentleman does not mean that all the insurance policies and charter parties are invalid because it has that phraseology in it?

Mr. WALSH. I do not; but I say it does not make sense.

Mr. EDMONDS. If it is used in policies and charter parties, I can not see why it does not make sense.

Mr. WALSH. If that is so, why is it not used all the rest of the way through the bill, wherever you use the word "and" use the diagonal line and the word "or"?

Mr. EDMONDS. Because the Shipping Board admiralty lawyers wrote it in here.

Mr. WALSH. I think you will find that was in the original bill, which was referred many months ago to the Merchant Marine and Fisheries Committee.

I suggest to the gentleman that we not establish a precedent here by including both these words, and that one or the other should be eliminated. Mr. Chairman, I move to amend, in line 20, page 21, after the word "board," by striking out the word "and" and the oblique line; and also in line 24, after the word "board," by striking out the word "and" and the oblique line.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 21, line 20, after the word "board," strike out the word "and" and the oblique line following it; and also in line 24, after the word "board," strike out the word "and" and the oblique line following it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FOCHT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. McARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2265 and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7077. An act to increase the force and salaries in the Patent Office, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to—
Mr. COOPER of Ohio, on account of illness.

Mr. KRAUS (at the request of Mr. PURNELL) for two days, on account of illness.

ADJOURNMENT.

Mr. FOCHT. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Thursday, February 16, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

534. A communication from the President of the United States, transmitting a request from the Secretary of State for legislation to make appropriation for the maintenance of the International Latitude Observatory at Ukiah, Calif., to be included in the deficiency appropriation bill now under consideration by Congress (H. Doc. No. 181); to the Committee on Appropriations and ordered to be printed.

535. A communication from the President of the United States, transmitting a communication from the Secretary of the Navy submitting an estimate of appropriation in the sum of \$5,163.26 to pay claims for damages by naval vessels (H. Doc. No. 182); to the Committee on Appropriations and ordered to be printed.

536. A letter from the Secretary of the Treasury, transmitting request that the act approved July 1, 1918, be amended so as to provide that the General Accounting Office can do auditing for the Emergency Fleet Corporation; to the Committee on the Merchant Marine and Fisheries.

537. A letter from the chairman of the Federal Trade Commission, transmitting report of the commission on the Western Pine Manufacturers' Association; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ANDREWS of Nebraska: Committee on Election of President, Vice President, and Representatives in Congress. H. J. Res. 252. A joint resolution proposing an amendment to the Constitution of the United States; without amendment (Rept. No. 706). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROSE: Committee on Claims. S. 1813. An act for the relief of the owner of the steamer *Mayflower*; without amendment (Rept. No. 705). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8898) granting a pension to Horace T. Farnsworth, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILLMAN: A bill (H. R. 10441) authorizing and directing the Postmaster General to permit the use of a special canceling stamp at the post office at Fayetteville, Ark., bearing the words "Semicentennial, University of Arkansas, June 10-14, 1922 (50 years of service)"; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: A bill (H. R. 10442) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of

the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921; to the Committee on Insular Affairs.

By Mr. SINNOTT: A bill (H. R. 10443) to repeal section 2453 and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States; to the Committee on the Public Lands.

By Mr. LOGAN: Joint resolution (H. J. Res. 269) directing the Secretary of Labor to reconvey to the city of Charleston, S. C., certain land located in said city; to the Committee on Immigration and Naturalization.

By Mr. FORDNEY: Joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia; to the Committee on Ways and Means.

By Mr. JONES of Texas: Joint resolution (H. J. Res. 271) authorizing the Secretary of War to accept the proposal of Henry Ford for the completion and leasing of the dams and plants at Muscle Shoals, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 10444) granting a pension to Sophia A. Bell; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 10445) granting a pension to Abbie A. Stone; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 10446) granting an increase of pension to John W. Hawkins; to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 10447) granting a pension to Abbie R. Holbrook; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 10448) granting a pension to Sarah Ellen Stough; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 10449) granting an increase of pension to Elizabeth Loper; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 10450) granting an increase of pension to Frances E. Drake; to the Committee on Invalid Pensions.

By Mr. KLINE of Pennsylvania: A bill (H. R. 10451) granting a pension to William A. Snyder; to the Committee on Pensions.

By Mr. PARKER of New York: A bill (H. R. 10452) granting a pension to Mary A. Ormsby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10453) granting a pension to Charles D. Robinson; to the Committee on Pensions.

Also, a bill (H. R. 10454) granting an increase of pension to William Wood; to the Committee on Pensions.

By Mr. RADCLIFFE: A bill (H. R. 10455) granting an increase of pension to William Anderson; to the Committee on Pensions.

By Mr. ROBSION: A bill (H. R. 10456) granting an increase of pension to Victoria Anderson; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 10457) granting a pension to Helen Donaldson; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 10458) granting an increase of pension to Josephine Timerson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4073. By the SPEAKER (by request): Copy of resolutions adopted by the city council of the city of Quincy, Ill., urging the manufacture and sale of light wines and beer; to the Committee on the Judiciary.

4074. Also (by request), resolutions adopted by the American Association for the Recognition of the Irish Republic; to the Committee on Foreign Affairs.

4075. By Mr. ANSORGE: Petition of Julius Loewith (Inc.), of New York City, protesting against proposed duty on clover, grass, and field seeds; to the Committee on Ways and Means.

4076. Also, petition of the Association of Practical Inventors of America, Timothy D. Gleeson, president, of New York City, urging the War Department to retain the nitrate plant at Muscle Shoals, Ala., for manufacture of nitrates for fertilizing purposes and for the establishment of a national instruction, training, experimenting, and testing bureau for explosive chemists, inspectors, testers, etc., in preparing chemicals used for explosive purposes; to the Committee on Military Affairs.

4077. By Mr. BENHAM: Petition of Keith Ross Post, No. 231, American Legion, of Aurora, Ind., relative to the espionage act; to the Committee on the Judiciary.

4078. By Mr. DAVIS of Tennessee: Petition of various citizens of Wartrace, Tenn., against the imposition of a stamp tax on bank checks; to the Committee on Ways and Means.

4079. By Mr. FENN: Memorial of Orford Chapter, Daughters of the American Revolution, asking legislation for relief of disabled emergency Army officers; to the Committee on Interstate and Foreign Commerce.

4080. By Mr. FULLER: Petition of Wirtz & Wirtz, R. B. Chandler, P. S. Corry & Sons, Allen Buckaloo, and W. J. Hope, secretary De Kalb Motor Club, all of De Kalb, Ill., opposing a Federal tax on automobiles and gasoline; to the Committee on Ways and Means.

4081. By Mr. GALLIVAN: Resolution adopted by Captain John Drum Camp, No. 18, Department of Massachusetts, United Spanish War Veterans, of Boston, Mass., C. C. Preble, adjutant, Thomas A. Kelley, commander, urging Congress to grant to the veterans of the Spanish-American War the same bonus that may be granted to veterans of the World War; also, that there be incorporated in the Smith-McNary bill the same privileges, exemptions, and immunities as are provided for the World War veterans to the veterans of the Spanish-American War; to the Committee on Ways and Means.

4082. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts; also, petition of the Board of Aldermen of the city of Chelsea, Mass., urging the Federal Government to send the Steamship *Leviathan* to the Boston Navy Yard for reconditioning; to the Committee on Naval Affairs.

4083. By Mr. KISSEL: Petition of John Brunner of Brooklyn, N. Y., urging the modification of the eighteenth amendment, as considered by the Ways and Means Committee; to the Committee on Ways and Means.

4084. Also, petition of John Rummel and William Paul, of Brooklyn, N. Y., relative to taxation for the bonus; to the Committee on Ways and Means.

4085. Also, petition of Henry Ford, of Dearborn, Mich., relative to Muscle Shoals; to the Committee on Military Affairs.

4086. By Mr. LINTHICUM: Petition of the Welch Grape Juice Co., of Baltimore, Md., favoring House bill 9903; to the Committee on Interstate and Foreign Commerce.

4087. Also, petition of Harry Louis Baker and G. Harry Stuart, jr., of Baltimore, Md., favoring soldier bonus legislation; to the Committee on Ways and Means.

4088. Also petition of the American Legion post of Baltimore, Md., protesting against any measure which attaches the admittedly just proposal of adjusted compensation to any political measure whatsoever; also protests of McCormick & Co., Townsend, Scott & Son, Mercantile Trust & Deposit Co., Hambleton & Co., Corkran Hill & Co., Stevens Bros., Security Storage & Trust Co., C. Read & Co., and others, all of Baltimore, Md., against the taxation plan for raising the soldier bonus fund; to the Committee on Ways and Means.

4089. By Mr. SINCLAIR: Petition of the Fargo-Moorhead Automotive Trade Association, protesting against the proposed gasoline and horsepower tax on automobiles as a means of raising funds for payment of the soldiers' bonus; to the Committee on Ways and Means.

4090. By Mr. SNELL: Resolutions adopted by Potsdam Grange, No. 39, of Potsdam, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4091. By Mr. THOMPSON: Resolutions of Ottawa (Ohio) Chapter, Service Star Legion, favoring the passage of the five-point adjusted compensation bill; to the Committee on Ways and Means.

4092. By Mr. WATSON: Resolution passed by United Mine Workers of America in opposition to the Kenyon bill; to the Committee on the Judiciary.

4093. By Mr. WOODYARD: Memorial of James Wood Chapter of the Daughters of the American Revolution, of Parkersburg, W. Va., favoring the passage of the Sterling-Towner educational bill; to the Committee on Education.

4094. By Mr. YOUNG: Petition of J. M. Hellsvig, of Maddock, N. Dak., and 36 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of producing plus a reasonable profit; to the Committee on Agriculture.

4095. Also, petition of M. N. Stangeland, of Fillmore, N. Dak., and 73 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4096. Also, petition of John O. Tweten, of Maddock, N. Dak., and two others, urging the revival of the United States Grain

Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of producing plus a reasonable profit; to the Committee on Agriculture.

4097. Also, petition of Fred J. Argast, of Moffit, N. Dak., and one other, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of producing plus a reasonable profit; to the Committee on Agriculture.

4098. Also, petition of N. E. Brown, of Wolford, N. Dak., and two others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of producing plus a reasonable profit; to the Committee on Agriculture.

4099. Also, petition of B. Benson, of Maddock, N. Dak., and 26 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4100. Also, petition of F. J. Yellen, of Bottineau, N. Dak., and four others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4101. Also, petition of Herman Bjerke, of Hannaford, N. Dak., and 13 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4102. Also, petition of J. C. Allen and others, of Baker, N. Dak., urging the passage of the Sinclair bill, to revive the United States Grain Corporation and provide for a guaranteed price on wheat; to the Committee on Agriculture.

4103. Also, petition of the county commissioners of Bottineau County, N. Dak., requesting the passage of an act to authorize the loaning of money by the Government for the purchase of seed grain in drought areas; to the Committee on Agriculture.

4104. Also, petition of the North Dakota Farm Bureau Federation, for an appropriation of \$15,000 with which to conduct experiments for the making of paper out of flax straw; to the Committee on Appropriations.

SENATE.

THURSDAY, February 16, 1922.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou hast granted us the privilege of seeing the light of another day. Help us in the understanding of duty, that we may realize the high conceptions of the privilege of serving our generation by Thy will. So direct our thoughts that every problem may have its solution, that every way may be blazed before us, and that we may find ourselves continually turning unto Thee for guidance and grace. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. ODDIE presented the petition of C. H. Baker, president of the Lovelock Gun Club, and sundry other citizens of Lovelock, Nev., praying for the enactment of Senate bill 1452, the so-called public shooting ground and game refuge bill, which was ordered to lie on the table.

He also presented the memorial of C. H. Baker, president of the Lovelock Gun Club, and sundry other citizens of Lovelock, Nev., remonstrating against the passage of Senate bill 2670, to authorize the Secretary of the Interior to convey certain lands in the Newlands reclamation project to the Truckee-Carson irrigation district unless the bill be so amended that the rights of citizens of Nevada to hunt game on said lands is forever preserved, which was referred to the Committee on Irrigation and Reclamation.

Mr. WILLIAMS presented the memorial of John H. Dixon and sundry other students of the electrical department of United States Veterans' Bureau Vocational School No. 1, remonstrating against the proposed discontinuance of the above-named school, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution adopted by the Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, Department of Kansas, of Parsons, Kans., favoring the passage

of House bill 7213, providing for increased pensions for veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

Mr. LODGE presented a petition of the Massachusetts Federation of Churches, of Boston, Mass., praying for the passage of House bill 13, the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented a petition of the Massachusetts Federation of Churches, of Boston, Mass., praying for the passage of Senate bill 1253, regulating immigration, which was referred to the Committee on Immigration.

He also presented a petition of the Massachusetts Federation of Churches, of Boston, Mass., praying for the passage of House bill 6308, to exclude fraudulent devices and lottery paraphernalia from the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Massachusetts Federation of Churches, of Boston, Mass., praying for the passage of House bill 2193, prohibiting importation or use of opium for other than medicinal purposes, which was referred to the Committee on Finance.

He also presented a resolution adopted by the executive committee of the Massachusetts Federation of Churches, of Boston, Mass., favoring relief to the suffering peoples of Austria by deferring for 20 years payment of Austria's debt, which was referred to the Committee on Finance.

He also presented a petition of the Massachusetts Federation of Churches, of Boston, Mass., praying for immediate relief to the peoples of Armenia, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Massachusetts Federation of Churches, of Boston, Mass., praying for the passage of House bill 8626, to regulate interstate and foreign commerce of immoral motion-picture films, which was referred to the Committee on Interstate Commerce.

Mr. LADD presented a telegram in the nature of a memorial of the Automotive Trade Association, of Fargo, N. Dak., remonstrating against the proposed gasoline and horsepower tax on automobiles in connection with the soldiers' bonus plan, etc., which was referred to the Committee on Finance.

He also presented a telegram in the nature of a petition from the Dickinson Rotary Club, of Dickinson, N. Dak., praying that an appropriation of \$5,000,000 be made for the relief of farmers in drought-stricken regions, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the grain growers of Alva, Okla., favoring the passage of Senate bill 2604, the so-called Ladd honest-money bill, which was referred to the Committee on Banking and Currency.

He also presented resolutions of the Parent-Teachers Association, of Courtenay; and of a mass meeting of farmers in Shepherd Township, Walsh County, both in the State of North Dakota, favoring the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Paul Haugen and 10 others of Amidon, Martin K. Saethou and 28 others of Steel, Sarah Hagen and 19 others of Hillsboro, and Martin Tweden and 42 others of Buxton, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 995) for the relief of Charles G. Griffa, submitted an adverse report thereon, which was agreed to, and the bill was indefinitely postponed.

He also, from the same committee, to which was referred the bill (S. 996) for the relief of J. W. La Bare, submitted an adverse report thereon (No. 500), which was agreed to and the bill was indefinitely postponed.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 2531) to create a board of accountancy for the District of Columbia, and for other purposes, reported it with amendments and submitted a report (No. 501) thereon.

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 3140) to authorize the Secretary of the Interior in his discretion to extend the time for payment of construction charges under Federal irrigation projects, and for other purposes, reported it with amendments.

INDIANA HARBOR (IND.) IMPROVEMENT.

Mr. JONES of Washington. Mr. President, from the Committee on Commerce I report back favorably without amendment the bill (S. 2993) authorizing a modification of the adopted project for Indiana Harbor, Ind., and I submit a report (No. 499) thereon. I wish to make just a brief statement with reference to the purpose of the bill, as I desire to ask for its present consideration.

The bill was introduced by the Senator from Indiana [Mr. New]. The project for the improvement of Indiana Harbor contemplated an improvement of the outer harbor by the Government, and private parties were to make an improvement of the inner harbor along a certain channel which the Government was to take over when completed and maintain. The private parties have already constructed the canal for a certain distance along the line, but they have come to the conclusion that it has gone as far as it should be extended, and they desire to have abandoned the western part of the right of way and to use it for industrial development.

The War Department have examined the matter carefully and report that they have no objection. The committee have examined it and recommend favorable action.

As it is rather urgent, as the parties desire to begin their industrial development right away, I ask for the immediate consideration of the bill.

Mr. CURTIS. Let it be read.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the project adopted in the river and harbor act of June 25, 1910, for the improvement and maintenance of Indiana Harbor, Ind., is hereby so modified as to eliminate that part of the projected inner canal extending from the northwest corner of the southwest quarter of section 20, township 37 north, range 9 west of the second principal meridian, westwardly to Lake George; and the Secretary of War is hereby authorized to quitclaim and convey to local interests, on such terms and conditions as he may deem just and equitable, the rights of way which have been heretofore donated by local interests to the United States for the said section of the canal and for connecting the said Lake George with Wolf Lake.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEWBERRY:

A bill (S. 3158) for an examination and survey of the Cheboygan River, Mich.; to the Committee on Commerce.

A bill (S. 3159) to exempt ferryboats and the owners, masters, and agents thereof from payment for services of officers or employees of the United States in the examination of passengers and baggage; to the Committee on Finance.

By Mr. WILLIS:

A bill (S. 3160) for the relief of Alfred P. Reck; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 3161) granting a pension to Jennie S. Emery (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 3163) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes"; to the Committee on Public Buildings and Grounds.

GRAZING PERMITS IN FOREST RESERVES.

Mr. KING. Mr. President, owing to the serious losses to cattlemen and sheepmen of the West, particularly those who have leases and permits in forest reserves, I introduce a bill for the purpose of relieving them from their payments for the current year, which I ask may be referred to the Committee on Agriculture and Forestry. I have had a number of petitions relating to the same question.

The bill (S. 3162) to authorize the remission or cancellation of the payment of grazing fees for the use of national forests during the calendar year 1922 was read twice by its title and referred to the Committee on Agriculture and Forestry.

RELIEF FOR DESTITUTE INDIANS.

Mr. MYERS. I introduce a joint resolution, which I send to the desk, to make an appropriation of money for the relief of destitute and suffering Indians, and ask that it may be referred to the Committee on Indian Affairs.

The joint resolution (S. J. Res. 162) to make an immediate appropriation of money for the relief of destitute and suffering Indians was read twice by its title and referred to the Committee on Indian Affairs.

Mr. MYERS. In connection with the joint resolution, I ask to have printed in the Record a statement from the Commissioner of Indian Affairs as to conditions which make necessary the appropriation of money called for by the joint resolution.

There being no objection, the statement was ordered to be printed in the Record, as follows:

RELIEF FOR DESTITUTE INDIANS.

The Indians have felt the universal postwar depression to a greater extent than the whites, because of their more or less dependent economic status, limited resources, and lack of provision for such emergencies. The situation was anticipated to some extent several months ago, but at that time it was thought that we would be able to get through the winter with funds already appropriated for the present fiscal year. However, reports now indicate that the situation is far more serious than was at first anticipated, and that the amount asked for will be absolutely necessary in order to provide needy Indians with the actual necessities of life in the way of food and clothing; otherwise there will be great distress and hardship. There have been successive crop failures on several reservations because of drought, pests, etc. The outside industries adjacent to many of the reservations upon which the Indians have largely depended in the past are practically at a standstill, thereby eliminating this source of income. Insufficient money is available for the pay of Indian labor in reservation activities to provide work for all able-bodied Indians who have no other means of support.

The reports indicate that Indians on 30 reservations will require help during the present winter, and the minimum sum necessary for this purpose is \$100,000. The regular appropriations for the support and civilization of the Indians during the current fiscal year have been practically exhausted, which is also true of the appropriation for the relief of distress. No reservation has been included in the estimate where other funds are available that can be used for this purpose. The following typical extracts from the reports will serve to illustrate the seriousness of the situation:

"Under the conditions I do not see how considerable suffering can be avoided unless aid is extended."

"We have a great many old people who are without funds, and \$10 a month barely provides the necessities of life."

"Without the amount asked for actual suffering will result to our old and crippled Indians."

"The care of the old and permanently indigent is also most difficult, and as a matter of fact has been solved in most instances by leaving them to their inevitable fate as a consequence of the ever-prevailing lack of adequate funds."

"I believe that it will require not less than \$7,600 in addition to any reimbursable allotment to prevent actual suffering among these people during the remainder of the current fiscal year."

"Unless we have rain within the next two weeks there will not be a spear of wheat grown on the entire reservation, and there will be at least 50 per cent of the Indians in destitute circumstances before spring, and 50 per cent of this reservation means approximately 2,000 Indians. Unless conditions change immediately it will be necessary to feed these people to avoid starvation."

The main object of the appropriation is to furnish funds for the purchase of food, clothing, and other supplies for the old, indigent, and disabled; and on most of the reservations the greater portion thereof will be expended for such purposes. However, as set forth above, many able-bodied Indians ordinarily self-supporting will require help this winter. It has therefore been thought advisable to provide that in such cases the appropriation can be used for the employment of Indians of this class in the construction of roads, and other improvements on the reservation. This not only avoids the gratuitous issuance of rations to able-bodied Indians by providing them with funds for their support but will also result in better roads and other badly needed facilities.

The situation is most serious on the Blackfeet Reservation in Montana. This reservation, inhabited by 3,007 Indians, is immediately south of the Canadian border and the winters are long and severe; the growing season being short and the agricultural possibilities of the reservation limited. Last year numerous letters were received alleging starvation among the Indians of this reservation. A careful house-to-house investigation disclosed no starving Indians, but developed the need for additional help in the way of food and clothing. As a result of the investigation large quantities of food and clothing were purchased and distributed, 2,000 Indians being supplied with rations during the greater part of the winter. In the spring of 1921 another investigation was made with the view of formulating plans for bringing about permanently improved conditions, as the result of which a constructive and systematic program to this end has been inaugurated. An important feature of this plan involves the better utilization by the able-bodied Indians of the agricultural possibilities of the reservation, principally in the production of grain and vegetables. However, the Indians lack the necessary seed and implements for this purpose.

The superintendent reports that it will probably be necessary to ration about 1,000 Indians this year, at an estimated cost of \$27,040 in addition to the amount already authorized for this purpose; besides which the Indians need clothing, bedding, etc., in order to adequately protect themselves against the severe winters which prevail there.

The need is likewise great on the San Carlos Reservation, Ariz. However, it is the intention to afford relief there principally by providing labor for Indians on the reservation in road work and other activities, although it will be necessary to purchase about \$4,000 worth of additional rations.

The Papago Indians in Arizona also need help. The Indians of this reservation have been practically self-supporting in the past. Last year there was an unusual drought with resultant heavy loss of cattle and horses, thereby greatly impoverishing the Indians. The superintendent reports that owing to the lack of winter rains no wheat was planted, and that if the drought continues 50 per cent of the Indians will be left in destitute circumstances, in which event it will be necessary to feed them in order to avoid starvation.

I can not too strongly urge the imperative necessity of this appropriation immediately if extreme hardship and destitution among Indians are to be avoided.

AMENDMENT OF TARIFF BILL.

Mr. JONES of Washington submitted an amendment intended to be proposed by him to House bill 7456, the permanent tariff bill, which was referred to the Committee on Finance and ordered to be printed.

EXTENSION OF DISTRICT OF COLUMBIA PARK SYSTEM.

Mr. BALL submitted an amendment intended to be proposed by him to Senate bill 3098, authorizing the extension of the park system in the District of Columbia, which was ordered to lie on the table and to be printed.

ADDITIONAL DISTRICT JUDGES.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS OF RIVER AND HARBOR BILL.

Mr. RANSDELL submitted an amendment proposing to authorize the appropriation of \$4,200 for improvement of the Tensas River (La.), in accordance with report submitted in House Document No. 95, Sixty-seventh Congress, first session, intended to be proposed by him to the bill (S. 3017) authorizing appropriations for the prosecution and maintenance of public works on canals, rivers, and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

He also (for Mr. BROUSSARD) submitted amendments intended to be proposed by Mr. BROUSSARD to Senate bill 3017, the Senate river and harbor bill, which were referred to the Committee on Commerce and ordered to be printed, as follows:

On page 8, after line 18, to insert: "Bogue Falaya River, La., with a view to securing a navigable channel from Madisonville to Covington."

On page 8, after line 18, to insert: "Lake Fausse Pointe, La., with a view to securing a navigable channel by constructing and maintaining a canal from Grand Bayou to Sandy Point, or otherwise."

RECLAMATION PROJECTS TO RELIEVE UNEMPLOYMENT.

Mr. POINDEXTER. I submit an amendment which I intend to offer to the Interior Department appropriation bill. I ask that it may be printed and referred to the Committee on Appropriations; and I wish to say just a word in reference to it.

The matter has some bearing upon the question involved in the unfinished business, in charge of the Senator from Iowa [Mr. KENYON], the bill (S. 2749) to prepare for future cyclical periods of depression and unemployment by systems of public works.

The unemployment conference called by the President some little time ago suggested, as an immediate opportunity for relieving to some extent the condition of unemployment, that public works upon the various reclamation projects of the country which have been authorized by law be prosecuted actively, and that appropriations be made for this purpose. They gave a list of the various projects, one or two of which are in the State of Washington, most of which, however, are in other States, projects which have been approved, for which plans and specifications have been made, some of which are already in process of construction and some of which are ready in all respects for actual construction work.

It seems to me, if I may be allowed to say just a word further in explanation, that this affords a practical effort for getting actual results along the lines so well advocated by the distinguished Senator from Iowa. There is very little use referring to a policy and legislating that policy into law unless it is executed. What we desire is the employment of those who are out of employment. What we specifically desire in this case is the creation of new homes for those particular people and for other people who are willing to undertake the work necessary for the development of these projects. It affords them the opportunity to go upon the land under conditions which have been demonstrated to be advantageous. It affords the opportunity for the creation of enormous wealth for the Nation. All that it needs is the appropriation of a comparatively small sum of money. I intend to ask the Committee on Appropriations to attach the amendment to the Interior Department appropriation bill.

The VICE PRESIDENT. The proposed amendment will be printed and referred to the Committee on Appropriations.

NETTIE B. ROSS.

Mr. LODGE submitted the following resolution (S. Res. 239), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Nettie B. Ross, widow of James D. Ross, late a laborer in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

NAVAL OCCUPATION OF HAITI AND SANTO DOMINGO.

Mr. KING. Mr. President, on the 3d of the present month I offered a resolution (S. Res. 234) directing the Secretary of the Navy to furnish full and complete information to the Senate as to all costs to the United States resulting from the naval occupation of Haiti and the Republic of Santo Domingo. The resolution is lying upon the table. I ask its reference to the Committee on Naval Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

ELLEN M. WILLEY.

Mr. KING. Mr. President, on Monday last I moved to reconsider the vote by which the bill (H. R. 5659) for the relief of Ellen M. Willey, widow of Owen S. Willey, was passed. It appeared from the record then before us that the person who had been a soldier, which was the basis of the demand for relief, had been a deserter. There was, however, some contention made at the time that there was a mistake as to identity. I have made investigation, and I am convinced that there was a mistake in identity. I therefore withdraw my motion for a reconsideration of the vote by which the bill was passed.

The VICE PRESIDENT. The motion is withdrawn.

LOANS ON ARIZONA FARM LANDS.

Mr. ASHURST. Mr. President, I ask unanimous consent to include in the Record a letter from the Federal Farm Loan Bureau giving data as to loans to citizens of Arizona.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona? The Chair hears none.

The letter is as follows:

TREASURY DEPARTMENT.
FEDERAL FARM LOAN BUREAU,
WASHINGTON, February 13, 1922.

Senator HENRY F. ASHURST,

United States Senate.

MY DEAR SENATOR ASHURST: Your letter of the 6th instant for some reason or other has just reached me this morning. I am very glad, indeed, to furnish you the information sought, as follows:

(1) Number of applications from citizens in Arizona for loans.—Answer, 1,325.

(2) Gross amount of such loans applied for.—Answer, \$4,616,287.

(3) Number of such applications granted and loans closed.—Answer, 383.

(4) Number of such applications rejected.—Answer, 680.

(5) Number of applications pending at this date.—Answer, 262.

(6) Total amount of money loaned in Arizona to this date.—Answer, \$1,219,700.

I note that you are receiving some complaints from applicants who feel that there is undue delay in the consideration of their applications. If you will send me down these complaints as you receive them from time to time I shall be very glad, indeed, to ascertain in each case the reasons for the delay.

Assuring you of my pleasure in trying to be of service,

Very truly, yours,

A. F. LEVER,
Member Farm Loan Board.

THE MUSCLE SHOALS PLANT.

Mr. NORRIS. Mr. President, I was directed this morning, at a meeting of the Committee on Agriculture and Forestry, to introduce and ask the Senate to pass a resolution which I have prepared and now introduce. I will not ask action on it today because in the nature of it the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate, but I wish to call the attention of the Senate to the resolution so that Senators will know what the Committee on Agriculture and Forestry propose to do, in order that they may voice their objections, if they have any to it, when a report is made from the Committee to Audit and Control the Contingent Expenses of the Senate. I anticipate that the Committee on Agriculture and Forestry desire that the Senate shall be fully informed. If the Senate does not want the committee to take the course mapped out it will say so, and the committee of course will pursue a different course.

The committee to-day had under consideration the proposition of Mr. Ford in reference to the improvement of the Government power proposition at Muscle Shoals. It was the unanimous opinion of the committee, or at least of all those who were present, and there was more than a quorum present, that in order to properly pass on the important question which we are instructed by the Senate to investigate the committee ought to

make a trip to Muscle Shoals to look at the physical conditions and, perhaps, take some evidence there on the ground if it shall be thought necessary so to do. So, in accordance with the direction of the committee, I offer the resolution which I send to the desk, which I ask may be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 238), as follows:

Resolved, That the Committee on Agriculture and Forestry or any subcommittee thereof be, and they are hereby, authorized to go to Muscle Shoals, Alabama, for the purpose of taking evidence and making investigation regarding the advisability of the completion of the Government improvement for power purposes at that place, either by the Government itself or by some lessee. There is hereby appropriated out of the contingent fund of the Senate the sum of \$1,000 for the payment of the expenses of said investigation.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HARRISON. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. Yes.

Mr. HARRISON. As I heard the reading of the resolution it provides that the Committee on Agriculture and Forestry, which is now investigating the proposition involved in the resolution, shall go to Muscle Shoals. Would the Senator have any objection to including amongst the Senators who shall go to Muscle Shoals any other Senator, a member of any other committee, who might desire to go there, for certain features of this question—the dam features, and so forth—have been investigated by some other committees?

Mr. NORRIS. Mr. President, I certainly should have no objection to any other Senator going to Muscle Shoals for the purposes of this investigation. I realize that in some respects, perhaps, and as to some features of the matter it will be considered by some other committee than the Committee on Agriculture and Forestry, as, of course, it will be considered by the Senate generally. Perhaps it is a proposition which is important enough for the Senate itself to go, as all Senators will have to vote on the matter. If the Senate desire to broaden the resolution, there will be no objection by me to that being done, and I think there will be none from any other member of the committee.

Mr. HARRISON. That is a matter which the committee itself may consider.

Mr. NORRIS. As to whether it wishes the resolution broadened is a matter which the Senate ought to settle.

Mr. HARRISON. My suggestion was that the committee which is to consider the resolution may amend it, and if it sees fit may make such provision as I have suggested.

Mr. NORRIS. Certainly; that may be done.

Mr. SMITH. To what committee has the resolution been referred, Mr. President?

The VICE PRESIDENT. The resolution has been referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PROPOSED FEDERAL TAX ON GASOLINE.

Mr. POINDEXTER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the chairman of the Tax Investigation Committee of the State of Washington, referring to a telegram from the same source which was printed in the RECORD a few days ago at the request of my colleague [Mr. JONES of Washington]. In the letter the committee referred to state their opposition to the imposition of a Federal tax upon gasoline and object to the invasion of that field of taxation by the Federal Government and insist upon it being left to the action of the States.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF WASHINGTON,
TAX INVESTIGATION COMMITTEE,
Seattle, Wash., February 11, 1922.

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.

DEAR SIR: Please find inclosed wire confirmation of our telegram dated February 11, copy of which is herewith inclosed.

The Legislature of the State of Washington, at the 1921 session, passed a law directing the governor of the State to make a special survey of the taxation system of the State of Washington with the idea of lessening the tax load borne by real estate in the State, and gave the governor power to appoint a committee or select tax experts to compile a report and present it to the governor not later than the 1st of July. The governor appointed a committee, naming the following persons: D. W. Twohy, of Spokane; Alex. Polson, of Hoquiam; George M. Elliott and Frank D. Oakley, of Tacoma; W. W. Robertson, of Yakima; Peter McGregor, of Hooper; S. B. L. Penrose, of Walla Walla; Robert H. Harlin, of Seattle; and the undersigned, who was elected chairman of the committee.

The committee has held public hearings all over the State and is now engaged in preparing its report. At our meeting on the 30th and 31st of January a like committee from the State of Oregon sat with us in executive session, and among the tax questions that came up was the gasoline tax. The committees of the two States were advised that the Federal Government was contemplating the use of a tax on gasoline for Federal purposes. The committee takes it for granted that you are aware that the States of Washington and Oregon, together with five other States, are now using a gasoline tax levy for the purpose of maintaining and building roads, and that the tax is essentially one belonging to the States for their exclusive use, due primarily to the fact that the roads have to be constructed in a measure to accommodate the use of automobiles, and all the revenue that can be secured from the automobile should remain in the State for the purpose of maintaining the roads over which they run.

The undersigned was directed by the State of Washington Tax Investigation Committee to advise you of the following resolution:

Resolved, That the chairman of this committee be instructed to immediately advise our Representatives in Congress that it is the consensus of opinion in this State that the United States Government should not seek to secure Federal revenue from a tax on gasoline, that the gasoline tax is essentially a State tax, and that our Members in Congress take the necessary steps to see that this field of State taxation be not invaded by the Federal Government.

In making up our report to the governor of this State a paragraph will be devoted to the action of this committee in this connection, and a copy of the foregoing resolution, together with copy of letter to you, will be embodied in the report. The Oregon delegation meeting with us on the dates mentioned above passed a similar resolution, and a similar communication will be in the hands of the congressional Members from Oregon at an early date.

Yours, very truly,

N. ECKSTEIN, Chairman.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. WILLIS. Mr. President, the RECORD will bear me out, I think, in the statement that I have not transgressed the wise policy of keeping out of the RECORD, generally, editorials and statements from outside sources. I have not asked permission to insert such matters in the RECORD. However, there have been many intemperate statements on both sides of the question in reference to the soldiers' bonus question; not so much in the Senate Chamber, perhaps, as outside of it. In the Cincinnati Commercial Tribune of February 14 is a brief editorial on the subject of "Big business and the soldiers' bonus." I think it is a fair statement, which will be of some value to the country, and I, therefore, ask unanimous consent to have the editorial printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STERLING. I ask the Senator from Ohio to have the editorial read.

Mr. WILLIS. I have no objection to having it read. If the Senator desires to have the editorial read, let it be read in accordance with his suggestion.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the editorial.

The reading clerk read the editorial, as follows:

BIG BUSINESS AND THE SOLDIERS' BONUS.

Speaking as the president of the National Association of Manufacturers, John E. Edgerton refers to the so-called soldiers' bonus bill as "this iniquitous measure." He also calls it an insult to the former service men, on the theory that it is a bone tossed to baying dogs by Congress as coward's act in bribery for votes. Inferentially Mr. Edgerton leads public opinion to the conclusion that industries in general have the same contemptuous regard for the soldiers' compensation bill as he has voiced. This is in corroboration of the charge filed by former service men that high finance is fighting the measure in Congress through a potent and persistent lobby.

Economically considered there can be no question that the bonus for the former service men is giving concern to finance, both Federal and general. Adding so large a sum to the already enormous outstanding obligations of the Nation is piling embarrassment upon inconvenience. Safe and sane methods of raising so great a sum on top of present bond issues and tax provisions are not easy of attainment. The further inflation that must follow making available for circulation such a sum along with the other sums already afloat can not but react in ultimate depreciation unless wonderfully well guarded and engineered with exceeding wisdom and excess of discretion. In the circumstances it is reasonable that big business should view with caution at least, if not with some measure of alarm, this contemplated legislation. But there seems small occasion to be mean about it.

There is also something to be said—if the matter is to be continually discussed, derided, and damned as disgraceful and degrading—on the other side of the question. There is even an economic phase to be found there. It can not be denied that save for the service of these men the country would have been in much worse financial funk than is now possible to bonus causes. It may be even reasonably assumed that there would be by this time little American business—conducted as American business. It must be agreed that most of the men who served made decided economic sacrifices. They did not ask this compensation; liberal-minded and appreciative citizens over the country suggested it. Only when the suggestion was derided by men who had made millions while these men sacrificed, and by politicians who oppose all appropriation that isn't connected with pap, did service men speak. They saw other countries conferring bonuses in generous appreciation. To them it seemed a gracious thing that their country do likewise.

It may be that ethically the meager dole that is contemplated to each man will do poor service to some and disservice to others. It is hardly the province of a patriotic people making some small return of favor for patriotism in action to stipulate as its uses or abuses. It is hardly inspiration to instinctive loyalty that this one appropriation of billions has been pilloried as pernicious. While pouring out billions in aid of class appeals at home and credits abroad, millions in subsidy of industries, transportation, labor, agriculture, and whatever else needs inflated assistance, there is this constant haggling over this one act in generous expression of the country's appreciation of service rendered.

That this alone should find itself taboo by interests that would be bankrupt German dependencies but for the service rendered by these men who are now being branded as self-seeking beneficiaries of an iniquitous measure is beyond contempt of the great mass of Americans in all walks of life whose impulse of gratitude was made vocal in the bonus suggestion.

APPOINTMENT OF POSTMASTERS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The ASSISTANT SECRETARY. A resolution (S. Res. 236) submitted by Mr. SWANSON on February 13, directing the Committee on Post Offices and Post Roads to investigate the appointment of postmasters and rural carriers in certain cases.

Mr. MOSES. Mr. President, I understood the arrangement with the Senator from Virginia to have been that this resolution was not to be acted upon until the chairman of the Committee on Post Offices and Post Roads, the Senator from Michigan [Mr. TOWNSEND], had returned to the city.

The VICE PRESIDENT. Without objection, the resolution will lie on the table.

THE FOUR-POWER TREATY.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Assistant Secretary read the resolution (S. Res. 237) submitted yesterday by Mr. HITCHCOCK, as follows:

Resolved, That the President be, and he is hereby, requested to furnish to the Senate, if not incompatible with the public interest, all drafts or forms presented to or considered by the delegates of the United States, the British Empire, Japan, or France in considering the subject of the four-power treaty.

Also, copies of all proceedings, records, negotiations, arguments, debates, discussions, and conversations which occurred between the delegates of the United States, the British Empire, Japan, or France, or any of them, covering the subject of the four-power treaty or the supplementary note which accompanied it or the supplementary agreement relating to it and subsequently signed.

Mr. HITCHCOCK. Mr. President, I ask leave to modify the resolution by inserting on line 7, after the word "records," the words "or minutes of," so that the resolution will read:

Also, copies of all proceedings, records, or minutes of negotiations, arguments, debates, discussions and conversations which occurred between the delegates of the United States, the British Empire, Japan, or France—

And so on.

The VICE PRESIDENT. The proposed modification will be stated.

The ASSISTANT SECRETARY. On page 1, line 7, after the word "records," it is proposed to insert the words "or minutes of."

Mr. HITCHCOCK. Mr. President, I understand the Senator from Massachusetts [Mr. LODGE] will offer no objection to the adoption of the resolution.

Mr. LODGE. I shall offer no objection to the adoption of the resolution. I think it is only fair to say, however, that many things are asked for in the resolution in the way of records of conversations, and so forth, that have no existence as written documents; but I make no objection to asking for whatever there may be.

Mr. HITCHCOCK. Mr. President, I hope the Senator from Massachusetts is mistaken in his assumption, because it would be an amazing thing that this four-power treaty, which is recognized by the President himself as being the outstanding compact in connection with peace in the Pacific and which up to the present time has occupied practically all of the debate and the discussion, should have been concluded without similar records, minutes, and memoranda to those which were deemed necessary in the consideration of the much less important treaty relating to China.

We have here a very complete record of minutes, of conversation, debates, and discussions relating to the Chinese treaty and relating to the disarmament compact; but when it comes to this great treaty, the so-called four-power treaty in the Pacific, which is really the center of the whole thing and is deemed to be, as some have asserted, the keystone to the arch, it would be amazing to think that similar records were not preserved. At least this resolution when sent to the President will develop the exact situation. I trust it will be productive in having sent to the Senate such drafts and forms of the proposed treaty as will throw some light on a number of debatable questions involved in the construction of the treaty. I am glad the Senator from Massachusetts makes no opposition to the adoption of the resolution.

Mr. KELLOGG. Mr. President, I presume there will be no record vote on the resolution, and therefore I wish to state that I am opposed to it. If the American representatives at the conference could not have conversations with the representatives of other countries or between themselves, without having a stenographer following them around, I think they would not have gotten anywhere and would not have been able to con-

summate an agreement. There is, however, a record. The Senator from Massachusetts made a speech about the treaty to the full conference when it was adopted. As I said in the beginning, I am opposed to the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution of the Senator from Nebraska as modified.

Mr. WILLIAMS. Mr. President, I suggest to the Senator from Nebraska that the resolution be referred to the Committee on Foreign Relations.

Mr. HITCHCOCK. Mr. President, I took the other step in order to obtain a quicker result. I suppose it will be no breach of propriety for me to remind the Senator that the Committee on Foreign Relations discussed it to a very considerable extent this morning, and that the outcome of that discussion was that the Senator from Massachusetts, the chairman of the committee, assented to the adoption of the resolution with the modifications which I have made.

Mr. WILLIAMS. Mr. President, I did not know of any agreement between the Senator from Nebraska and the Senator from Massachusetts, nor would any agreement of that sort, of course, bind me.

In the first place, I understand that a lot of things are called for in the resolution that do not exist. In the second place, even if they did exist I should be opposed to the resolution, because I think that it is an expression of a bad public policy. I do not believe in making the Executive of this Nation give every parlor, every preliminary conversation or exchange of notes leading up to an agreement with the other nations of the earth, or with any of them; and therefore I have made the suggestion that the matter go to the Foreign Relations Committee.

It is true that the Foreign Relations Committee discussed this resolution at some length this morning. It is also true that it did not vote upon it and has taken no action, and I think it is a matter of sufficient importance to justify a delay at least to that extent. I do not believe, myself, that the United States Government is without power to enter into binding treaties with the other nations of the earth whenever the President and the Senate agree to them; and I believe that those treaties are as binding upon all branches of the Government as any other law is or can be.

If the Senator will not suggest that the resolution be sent to the Committee on Foreign Relations, I shall move it.

Mr. UNDERWOOD. Mr. President, will the Senator from Mississippi let me interrupt him a minute? I just want to make a suggestion, if he will permit me.

Mr. WILLIAMS. I yield.

Mr. UNDERWOOD. Mr. President, the discussion in reference to the four-power treaty really was not so much a discussion of the four-power treaty as it was a discussion of something else, namely, the English-Japanese alliance. It was undoubtedly the desire of the American delegation, from the time it took up the treaty for the reduction of naval armaments, to secure the cancellation of the English-Japanese alliance. That was not a question that could be openly discussed in the conference—necessarily so—because it was an existing treaty between two foreign countries, in which we were not involved. Whatever discussion there was in reference to the matter had to be by private conversation and suggestion, because we could not say publicly to either Japan or Great Britain, "We request you to cancel an existing treaty." The matter could not be approached in that way, and therefore what occurred consisted entirely of private suggestions. It developed in those conversations that the English-Japanese alliance could not be canceled without something being put in its place; and then the suggestion came that if the four powers participating in this treaty would enter into an understanding that they would respect the rights of each other in the territory named in the treaty, it could bring about the cancellation of the English-Japanese alliance.

When it was agreed that the powers would respect the rights of each other in this territory, the balance of the four-power treaty was merely the work of a draftsman in the State Department. That was all there was to it. That is my recollection of it. I was not the leading negotiator in the matter. The whole matter was discussed from time to time before the American delegation; but the chairman of the American delegation, Secretary Hughes, naturally presented our viewpoint to the other three powers. It was not a matter that was discussed either in the committee on armaments or in the committee on Far Eastern questions of the conference or in the plenary session of the conference, except when the Senator from Massachusetts presented the treaty; so that really these private discussions or talks, I am sure, could not be kept up with. I did not participate in them to any large extent myself, but I would not trust myself to try to repeat the various conversations that occurred,

because I might misquote them. They had not reached the point where they were definite.

The only definite point that was reached was when the American delegation found that by entering into a four-power treaty to respect the rights of these several powers in the territory of the waters of the Pacific the other treaty could be canceled; and from that time it was a mere question of a draftsman to put the matter in form.

So I do not think there is any information about this matter that I know of that has not been laid before the Senate; but, as one of the delegates representing the United States, I am very anxious that nothing in connection with this matter shall be withheld, whether it is proper to be called for or not. I agree with what the Senator said; we have no right to call on the Executive for private conversations. That is not within the rule. I do not know of any information that can be given, but there may be some. The Secretary of State is absent from the country now on a vacation. He will be back in a couple of weeks. There may be something that he could lay before the Senate for its information that I do not know about, and I think it is very important that we should give the Senate every opportunity to know anything that occurred. Therefore, agreeing with the Senator from Mississippi that this is not in order, because it is not, and it is not proper to ask for conversations that are not of record, I hope he will let the resolution go through, so that if there is anything there the Senate may have the benefit of it.

Mr. POMERENE. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS. I yield to the Senator for a moment.

Mr. POMERENE. My understanding was that there were perhaps several drafts of this treaty. If so, they might be of assistance to Members of the Senate or members of the committee in coming to a conclusion in regard to the interpretation of certain of this language. For that reason, if for no other, it might be of very great value to us to have those documents, if there are such.

Mr. UNDERWOOD. I will say to the Senator, as to what the draftsmen did who prepared the technical form of the treaty, that they are mere agents of the Government, clerks in the department. I do not know how many drafts they may have made. So far as my recollection is concerned, there was only one draft that originally came before the American delegation, and I will ask the Senator from Massachusetts if that is not correct. As far as the American delegation is concerned, the only draft we had was the draft that is now before the Senate?

Mr. LODGE. That is the only draft we had at all. I will say, as I said in the committee—the Senator may remember it—that before there were any meetings of the heads of delegations in regard to it I offered a draft which I handed to the Secretary of State.

Mr. UNDERWOOD. Yes.

Mr. WILLIAMS. Mr. President, I have not yet made the motion that I said I would make, and I want to make it now. I move that this resolution be sent to the Committee on Foreign Relations.

Mr. JOHNSON. Mr. President, I trust the motion of the Senator from Mississippi will not prevail. The resolution is now completed. It is satisfactory to the leader upon the Republican side. I take it that it is substantially satisfactory to the leader upon the Democratic side. If it can be at once passed with the least possible delay, such information as is forthcoming can be given to the Senate.

I want to take this occasion to congratulate the leader upon the Republican side and the leader upon the Democratic side upon their attitude respecting this resolution and upon their expressed desire that all the information that may be obtainable shall be obtained not only for the Foreign Relations Committee but for the Senate and for the people of the United States as well.

When the proposal for a League of Nations was pending before the Foreign Relations Committee I had the honor to present a resolution calling in rather sweeping language for all the data that existed concerning the league. I thought then that the Foreign Relations Committee, the Senate, and the people of the United States were entitled to all the information that might be obtained which dealt with their future in any degree. I thought that under the Democratic administration; I think it, sir, under the Republican administration; and in the case of a treaty of such importance as I view the new quadruple alliance, or the four-power treaty, or however you may desire to designate it, I believe that every scrap of information that can be legitimately given ought to be readily accorded, and I am sure that it will be readily accorded.

Mr. President, I spent four hours night before last in going through what was handed us as the minutes of the Conference on the Limitation of Armament. I went through it, keeping in mind what the President had said on the day that these minutes were presented to us and having very vividly before me this language:

Accompanying the treaties I bring to you the complete minutes of both plenary sessions and committee meetings and a copy of the official report made to me by the American delegation to the conference. Both the complete minutes and the official report of the American delegation are new accompaniments to the Executive report of a treaty or treaties, but they are fitting testimonials to that open and simpler diplomacy for which the world has asked and the practice of which contributed largely to the success of the conference so recently adjourned.

I know, therefore, because of those utterances by the President, how very gladly he will welcome the resolution that is presented to-day, for, Mr. President, after four hours of perusal of the minutes that were submitted to us day before yesterday I am unable to find within 900 pages thus submitted a single word, a single line, a single syllable relating to the most important treaty that has been presented to us in years, save and except the report of the American delegation to the President of the United States and the address of the Senator from Massachusetts [Mr. LODGE] upon the presentation of that treaty.

Mr. President, of course it seems to me that there must be in existence some data, some memoranda, some minutes, some information upon this four-power treaty. If there is any information, any data, any memoranda, I want it, and the Foreign Relations Committee ought to want it, and the Senate of the United States ought to want it, and the people of the United States are entitled to it.

Mr. President, because of the utterances of the President, because there is in this volume nothing of the sort referred to, and because of the right of the Senate and the Foreign Relations Committee and the people to the information, I trust that the resolution of the Senator from Nebraska will be adopted.

Mr. LODGE. Mr. President, in regard to the fact that the Senator from California found nothing in the minutes relating to the four-power treaty, I merely wish to say that it is because, as the Senator from Alabama has already explained, the negotiations were conducted, so far as I am aware, entirely by conversations. The matter was left in the hands of the heads of delegations. I think it was entirely dealt with by conversations, for the reason which the Senator from Alabama has explained. I know of no records or minutes of those conversations, and I never heard of any minutes of them.

I am ready to make everything public that I know of or have any control over, as is my colleague, the Senator from Alabama, and so, I am sure, is the whole American delegation; but it is impossible to repeat from memory conversations; and if no conversations are to be allowed unless they are taken down in shorthand in the presence of witnesses, there will be very few negotiations ever brought to a conclusion between any nations. There must be many informal conversations. It is impossible to negotiate without them. I need not repeat the reasons which the Senator from Alabama has given as to why this particular negotiation was conducted in that way.

Mr. BORAH. May I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. BORAH. Has the Senator from Nebraska modified his resolution so as to include the records?

Mr. LODGE. He has, I understand, made that change, and I have no objection to its being adopted with that change made; but there was no attempt at secrecy whatever. To give an illustration, which I think will make the matter clear, the Senator from Alabama and I, two members of the delegation, both happening to be Senators, have had many conversations, besides those which were held by the American delegation as a whole, which were constant and of which no records were kept. Was it necessary or to be expected that we should have a stenographer present? Could we not discuss the very important business in which we were engaged without being guilty of secrecy unless we had it taken down and published? It seems to me the question answers itself.

The result of the conversations and negotiations which occurred among the heads of the delegations, if you choose to dignify them by that name, is the treaty which has already been laid before the Senate, and everything relating to it which either the Senator from Alabama or I can tell the Senate will be told by us, of course. We have nothing to conceal, and nobody has, but we can not produce the minutes of conversations where no minutes were taken.

Mr. BORAH. Mr. President, I do not look upon this as an implication that the Senator from Massachusetts [Mr. LODGE]

or the Senator from Alabama [Mr. UNDERWOOD] are attempting or intending to conceal anything, but there is some controversy as to the intent of those who wrote the treaty, and as to its meaning. I take it, if there are any records or anything which would throw light upon that subject, no one has any objection to our having them, and I understand the Senator from Massachusetts is perfectly willing that we shall have them.

Mr. LODGE. I am perfectly willing.

Mr. BORAH. So I do not understand what the controversy is about, because, of course, if there are no records of any conversations, we can not get them, and we are not asking for them. We are not asking for anything which does not exist, but the Secretary of State will know very readily what does exist, and he will send what does exist or what he thinks we ought to have out of that which exists.

Mr. LODGE. There is no difference of interpretation among those who signed the treaty, so far as I am aware.

Mr. HITCHCOCK. Mr. President, this resolution is drawn so as to be as nearly innocuous as a resolution can be. It could not by any possibility be made more considerate or conservative. It asks the President to send to us these records in case he does not deem it incompatible with the public interest. It asks for copies of all proceedings. It asks for drafts of this particular treaty, and we know that there were a number of drafts made, and they are probably on file in the office of the Secretary of State. Those drafts will in all probability throw light upon the discussions which may not have been recorded. They certainly will throw light on the meaning of the language used and upon the positions taken by the different Governments.

I may be entirely wrong in thinking that there are as many records in existence as I have been told there are. The Senator from Massachusetts and the Senator from Alabama are neither of them in a position to speak, because they both confess that they were not present at these negotiations. In fact, it is a most remarkable condition that the two representatives of the Senate upon the delegation appear to have little or no personal knowledge of the conversations had and the negotiations which resulted in the formation of this treaty.

Mr. LODGE. Mr. President, I am sure the Senator does not mean to give an entirely wrong impression. The matter of this treaty was fully discussed in the American delegation before anything was done or any conversations were held. The negotiations, if you can call them so, were carried on between the heads of delegations, to whom it was referred, and those negotiations were fully reported to the American delegation, and I assume they were fully reported to the delegation of the British Empire, the delegation of Japan, and the delegation of France, who were each represented in the conversations. Mr. Root was a third member of the American delegation, and we all occupied precisely the same position; we trusted to Mr. Hughes, the head of the delegation, to meet with the heads of the other delegations. Nothing whatever was kept from us at any stage of the negotiations.

Mr. HITCHCOCK. I understood the Senator from Massachusetts to say that he was not present at the time these negotiations were held with the other delegations.

Mr. LODGE. I was not. I have said again and again that the negotiation with the other powers was carried on by the head of the delegations.

Mr. HITCHCOCK. I understand.

Mr. LODGE. Mr. Hughes, Mr. Balfour, Baron Kato, and Mr. Viviani met and negotiated, or had conversations, individually or collectively. Whatever they did was reported to us by Mr. Hughes.

Mr. HITCHCOCK. I understood the Senator to say that this particular treaty was referred to the heads of the delegations. They therefore constituted a committee, and I am unable to understand the President's language, in the light of the statement now made, that there are no records or no reports from that committee. When the President addressed the Senate on Friday last he said:

Accompanying the treaties I bring to you the complete minutes of both plenary sessions and committee meetings, and a copy of the official report made to me by the American delegation to the conference. Both the complete minutes and the official report of the American delegation are new accompaniments to the Executive report of a treaty or treaties, but they are fitting testimonials to that open and simpler diplomacy for which the world has asked, and the practice of which contributed largely to the success of the conference so recently adjourned. I trust they will facilitate that ample and helpful understanding which is desirable in the Senate, and reflect that understanding which was the keynote of the conference itself.

When I heard the President of the United States say that the minutes of the conference and the minutes of the committees would help the Senate in interpreting these treaties, like the

Senator from California and other Senators, I assumed that we would have the minutes of the committee that considered this particular treaty, and I was perfectly amazed, as other Senators have been, in going through this record, to find that there is not a scrap of paper giving any minutes whatever of the meetings of the heads of the various delegations who constituted the committee which considered this particular treaty.

Not only that, Mr. President, but I have investigated a little further, and I find myself a little in the position of a boy from the country who has been completely taken into camp. I find that there were no communiqués issued to the press during the time the heads of the delegations were negotiating this treaty. The Japanese and the Chinese met, I think, some thirty-six times in considering their treaty of adjustment, and after each meeting communiqués were issued to the press as to the progress of the negotiations. Newspaper men tell me that there was not a single communiqué issued to the press of the United States on this important treaty.

That is not all. When I come to look at the agenda of the conference, I find there is no mention of the four-power treaty, or anything like it, in the agenda, and it is even confessed by the President of the United States that this four-power treaty was not within the agenda.

I think we ought to have some information of the meetings of the four men who represented the four countries—the Secretary of State, representing the United States; Baron Kato, representing Japan; Mr. Balfour, representing Great Britain; and, I presume, M. Viviani, representing France, although he was not the head of the delegation all the time.

Mr. LODGE. He was the head of the delegation after M. Briand left.

Mr. HITCHCOCK. Those four constituted the committee, they framed this treaty, and they reported it to the others. They had undoubtedly various forms before them, one form, as the Senator from Massachusetts has said, drawn by himself, and probably forms drawn by the other representatives on that committee. We all know that the creation of the four-power treaty had for its chief purpose the dissolution of the treaty between Japan and England, and we know that the British Government was perhaps more anxious to have that treaty abrogated than any other power. It had been the subject of discussion for some six months when the representatives of the British Empire met. There were certain representatives of the British Empire here very anxious to have that treaty abrogated, and they could only get it abrogated by getting the four-power treaty. So it is quite possible there were other forms presented at that time.

Under these circumstances I do not see why we should not have this information. I thank the Senator from Massachusetts for consenting to the adoption of the resolution.

Mr. LODGE. Mr. President, I think the Senate might as well know just what the exact facts were. There were four powers concerned in this treaty. The matter was not before the conference. The Senator from Alabama has stated already why we did not bring the treaties between Japan and England before the conference. It simply could not be done. A committee of the conference did not draft this treaty. The other committees, of which we have the minutes, were regularly appointed committees of the conference, and we have a full report of all that happened in their meetings.

This treaty was negotiated by the heads of the four delegations as the simplest way of reaching a result in the matter which some of us at least considered of very great importance, the termination of the Anglo-Japanese alliance. It was done in that way, in a perfectly natural way. It was no formal committee. The heads of the delegations met, instead of the full delegations, and without any intention of secrecy about it. Of course, what each delegation chose to give out itself concerned each delegation.

Mr. BRANDEGEE. Mr. President, the matter before the Senate at present is the motion of the Senator from Mississippi [Mr. WILLIAMS], to refer the resolution to the Committee on Foreign Relations.

Although the resolution is not at present before the committee, the committee had an informal discussion of it this morning in the committee meeting. I am perfectly satisfied from the feeling which has been expressed by the Senator from Massachusetts and the Senator from California, that they would like to have the resolution passed, and my own feeling about it, and my knowledge of the feeling of the other members of the committee, is that it would be a useless performance to refer the resolution to the Foreign Relations Committee. It would simply result in useless delay. I think the committee would no doubt report it.

The precise terms of the resolution are not of great importance, in my opinion, because the resolution requests the President to furnish the information therein specified, if not incompatible with the public interest. I think there are some requests in the resolution with which it would be impossible for the President to comply, and he will doubtless say so. I have not the slightest desire to trench upon the power of the Executive to negotiate treaties in the fullest manner according to his own notion of the proprieties and the objects to be achieved.

The conversations and intimate expressions of opinion among the delegates of different countries, involving their own domestic and political situation, especially questions of national defense, I can realize are of such a delicate nature that if every word that one of the plenipotentiaries said to another of a different nation were to be dragged out and discussed before the whole world, it would operate as a serious restriction upon that frank interchange of sentiment between representatives of different nations which must be essential to a meeting of the minds of the parties, especially where great concessions and sacrifices are asked of the negotiating parties. So I do not expect that the President, in laying this matter before the Senate or in replying to the resolution, would feel like revealing everything that may have come into the minds of the negotiators or of himself.

But, Mr. President, I think, if there are various drafts of proposed treaties, in relation to the subject matter covered by the four-power treaty, which were formally submitted to the heads of the delegations of the four participating powers and which were debated and considered and amended and substitutes offered for them, and if the President does not think it incompatible with the public interest, they might be of interest to the Committee on Foreign Relations, to the Senate, and to the country. But if the President thinks there is any reason why it should not be done he can say so. The whole matter is in his hands and I have no doubt he will, of course, reply courteously, and his desire will be to give us all the information which can be given out without prejudice to the best interests of the country.

As I said, I recognize, and no man more freely concedes, the exclusive right of the President to keep in his own possession the preliminary proceedings involved in the negotiation of a treaty, if he so desires. When I say that, I do not mean that I deny the propriety of the Senate expressing, as it did in the League of Nations contest, its view of what it would like to have or what it would like to have the President do along the lines of negotiation. It has been repeatedly done. It was done when the Senate, after President Wilson had summoned the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House in conference upon the draft of the so-called Covenant of the League of Nations, which he brought with him from Paris when he first returned after the Versailles conference over there. The committee and the Senators who had read the proposed covenant of the League of Nations took it upon themselves, and I think with perfect propriety, to express their opinion that the League of Nations in the form as it then existed should not be ratified by the Senate, and they thought the better way was for President Wilson to make the treaty of peace proper as soon as possible and then attempt to form any sort of League of Nations afterwards, if it could be done.

I do not think that the Senate was beyond its proper prerogatives. I think it was a kindly act, if the Senate could not agree to what the President had already thought was a proper form for the League of Nations, for the Senate to advise him before it was too late to modify it.

I know we have been attacked and reproached by some for venturing to have any opinion about the matter after the President had expressly requested us to come to the White House and give him our opinion. I never took that view of it, but I admit that the President is not obliged to give any consideration whatever to the views of the Senate during the process of negotiations. After the negotiation is finished and the President lays the treaty before the Senate, of course, the Senate should exercise its own judgment about the propriety and desirability of ratifying the treaty, perfectly free and untrammelled. If it can not do it, then the constitutional provision that the Senate should advise and consent to a proposed treaty becomes a mere idle form.

The President can always, when he has negotiated a treaty, come to the Senate and say, "Take this treaty just as I have drawn it or else the country will be dishonored," or something of that kind. But if the Senate could be influenced by that sort of appeal, the Constitution might just as well be revised and provide that the President can make treaties for the United

States without the advice and consent of anybody. No one claims that that would be desirable.

As I said, I do not think any useful purpose will be served by referring the resolution to the Committee on Foreign Relations. I hope the resolution will be adopted. If I had drawn it, I think I would not have included so many specific topics of information, but I am perfectly certain that the President will not give us any more information as to the preliminaries of negotiations than he thinks is compatible with the public interest, and, therefore, I think the resolution is a harmless one.

It is an entirely different case, in my opinion, from the request of the Senate for such information as ex-President Wilson may have had in his possession with reference to the Versailles conference, because the President in that case had gone to a foreign country to negotiate a treaty, whereas the delegates from foreign countries have come to Washington, have come to our country; and, secondly, because ex-President Wilson advised the Congress before he went abroad that he would keep us intimately acquainted with everything he did.

In view of the fact that many of the minutes of the Versailles conference are now coming to light for the first time in newspaper and magazine articles out of the steel box of ex-President Wilson, I do not think that is consistent with the theory that it would have done any harm for that information to be given then to the Senate of the United States, whose constitutional function it was to have information enough to act intelligently upon the ratification of the treaty of Versailles. I do not believe the minutes should have been withheld from the Senate if they are open to publication now for commercial purposes.

Mr. WILLIAMS. Mr. President, I shall not enter into any defense of ex-President Wilson. He is his own defense and as history records more and more what he has done and what he has stood for, history will become his defense.

It is evident, with the consortium existing between the heads of the two sides of the Chamber, that my motion to send the resolution to the Committee on Foreign Relations will be very much defeated, but there are a few things concerning which I have very definite ideas and one of them is upon the character of the treaty-making power of the United States Government. I have always regretted that our forefathers required two-thirds of the Senate in order to ratify a treaty. However, that provision is in the Constitution; that requirement exists.

But there is a line of clear demarcation between the Executive power and the Executive rights, and the Senate power and the Senate rights. The Executive negotiates a treaty, and in negotiating the treaty I believe it is bad policy to have any legislative Paul prying into conversations and pour parlers leading up to results. Treaties are just like agreements and bargains between individuals before entering into a contract. It is very natural that when people sit around a table, each one has a prejudgment which is modified and in some cases absolutely surrendered after argument. So far from it doing any good to bring up all these preliminary conversations as steps toward an adjustment, it might do a great deal of harm, and in the past in several cases has done a great deal of harm. Let the Executive go ahead and negotiate and then let the Senate sit in judgment upon the result with every possible information concerning the questions to be determined and concerning the results recommended to the Senate.

The Senator from Connecticut [Mr. BRANDEGEE] can go no further than I in standing for the right of free judgment upon the part of the Senate in determining whether it shall ratify or shall decline to ratify the result of an Executive negotiation. That is not all. I believe and have believed for a long time that, except for the long practice which started soon after we became a Nation and has continued down to now, the Senate ought either to ratify or reject a treaty. I believe the power which it has assumed of suggesting amendments and so-called reservations is a usurpation, but it is a usurpation that has been fixed by years of practice and there is no use talking about it now.

Knowing beforehand that my motion that the resolution should go to the Committee on Foreign Relations, which was discussing it in committee meeting this morning and whose chairman requested that we meet again at half past 2 for the purpose of continuing the discussion, will be defeated, I am going to withdraw the motion and content myself with simply voting against the passage of the resolution and of any future resolution like it. I never have voted for one, and I never shall, no matter which President or which party is in power.

The PRESIDING OFFICER (Mr. LADD in the chair). The question is on agreeing to the resolution of the Senator from Nebraska [Mr. HUTCHCOCK] as modified.

The resolution as modified was agreed to.

Mr. LODGE. Mr. President, I ask that the injunction of secrecy with reference to the treaty with Japan concerning the Island of Yap may be removed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LODGE. I ask permission to have printed in the RECORD in 8-point type two articles written by Hon. David Jayne Hill, published on December 17 and December 22, 1921, relating to the four-power treaty.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Tribune, Dec. 17, 1921.]

DOES THE FOUR-POWER TREATY MASK A MILITARY ALLIANCE?
(By David Jayne Hill.)

Objections offered in the Senate and elsewhere to the four-power treaty negotiated and signed at Washington assume that there is involved in it, if not in its language, at least in its implications, a pledge in certain contingencies to resort to war for the protection of the rights of the signatories against the aggression of any other power.

In presenting the treaty to the conference for its approval at the fourth plenary session, Senator LODGE stated:

There is no provision for the use of force to carry out any of the terms of the agreement, and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses.

It is certain, therefore, that anything even approaching a pledge, in any circumstances, to resort to war was not intended to be included or involved in this treaty. The categorical statement to the contrary was made by Senator LODGE not as a personal opinion, or the interpretation of the American negotiators alone, but as the understanding of all who had participated in the negotiations; for he spoke in the name of all the representatives of the powers who had made the agreement which he was delegated by them to present to the full conference. His statement was a part of the report and became a part of the record of the proceedings. No contrary interpretation was expressed at the time or since by any of the plenipotentiaries who framed the treaty or who voted upon its adoption. Acceptance was unanimous and publicly committed all to the interpretation which the reporter gave in presenting the treaty.

It appears, therefore, almost superfluous to take notice of the contrary opinion that the treaty does by implication involve a resort to war in certain circumstances that may arise. It is, of course, undeniable that an aggression might occur on the part of some other power upon the rights of the signatories of this treaty that would call for and fully justify military action by the signatory powers jointly or separately. Such an occasion might even arise from the aggression of a power not named in the treaty upon some other power not named in the treaty, and the United States might decide at such a time to employ its Navy and its Army to repress the aggressor. This it might do without any treaty, as it did in entering upon the war with Germany. It is incredible that even if the United States had not been attacked by Germany this country would have refrained from military intervention if in the course of the recent war the Imperial German Government had invaded Canada and taken possession of its soil. It is, therefore, sophistical for anyone to say that conditions might arise in the Pacific Ocean which, if this treaty were ratified, would involve this Nation in war, and therefore it should not be ratified. It is impossible for human foresight to know what conditions may yet arise in that ocean which would render it necessary for the United States to employ its Army and Navy there or elsewhere, either with a treaty or without it.

The chief matter deserving of consideration in connection with the ratification of this treaty is the effect of the treaty upon war and peace in the Pacific. Admittedly its terms contain no engagement in any conditions to use armed force. On the contrary, they provide for mutual respect by the signatories for one another's rights and for the adjustment by joint conference of controversies that may arise between them. They open a pathway to mutual understanding and reciprocal confidence. And since these four signatories are the chief powers in the Pacific Ocean whose rights may be, or appear to be, in conflict, the agreement removes at one stroke the major probabilities of war. This is the clear purport of article 1.

As regards the "aggressive action of any other power," with which article 2 is concerned, the exposure to such danger as prevailed when the Anglo-Japanese alliance was first formed does not now exist. Outside the four powers signatory to this treaty there are no powers in the Pacific Ocean that can be classed as naval powers, and it is only naval powers that require to be taken into account so far as the purposes of this treaty are concerned. The reference to possible "aggressive

action by any other power" is merely subsidiary to the primary idea of the treaty, and is intended to answer the question, What would happen if some other power should fail to respect the rights which the signatories of the treaty agree to respect?

The answer is simple and direct. The four powers agree that they would "communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly and separately, to meet the exigencies of the particular situation."

It is not possible to extort from this agreement a pledge to anything beyond an "understanding" in which all freely participate. There can be no compulsion to agree. It is true that measures to meet the exigencies of the particular situation are the subject of this understanding, but there is no implication of warlike measures. It has been authoritatively stated that "no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses." If war should follow, it would have to grow out of the "particular situation," and not out of the obligations of the treaty; and if there were in the situation good reasons for warlike action, they would exist and be equally effective if there were no treaty.

There is, however, in this agreement provision for avoiding armed conflict in case of aggression by another power which would not be operative if the treaty did not exist. It has been generally conceded that if there had been a full and frank discussion in a meeting of the chief European powers when the Austrian ultimatum was sent to Serbia in 1914 there would probably have been no war. A course could have been devised that would have given satisfaction to Austria and would have been just to Serbia. So, in case of any act of aggression in the Pacific Ocean committed by a power not named in the treaty as well as by one of the signatory powers, if the powers fully and frankly communicated with one another in order to arrive at an understanding, an incident which without this provision would very certainly lead to war might be treated in a manner that would avoid a serious conflict.

A moment's consideration of the kind of conflict likely to arise in the Pacific Ocean over insular possessions and dominions gives emphasis to the foregoing statement. Nothing is more improbable in those possessions and dominions than an organized plan of conquest by some power other than the four signatories of the treaty, the appearance of some formidable armada, or any deliberate plan of invasion. If any act of aggression is committed, it is likely to be some real or imaginary insult to a flag, some arrest or punishment of sailors, or some discrimination against the rights of persons that might lead to deeds of violence. From such a spark national passions might be kindled into a flame which would not be extinguished except by a full and frank communication of the facts to the calm judgment of friendly powers. Article 2 of this treaty provides for this, and it is, apparently, to meet just such exigencies that it is intended.

It has been alleged that it is impossible for these four powers to meet otherwise than as armed powers; and, therefore, their decisions would necessarily be based on the menace or the exercise of force, which would render them arbitrary if not unjust. It has been further represented that, if these powers were devoid of material effectiveness, if they were not armed powers, in brief if they were totally disarmed, then such an agreement to communicate, to meet, to discuss, and to come to an understanding would be inoffensive and unobjectionable.

It requires but little reflection to realize how strained and ill-founded these representations are.

What ground is there for assuming that armed powers can not meet and discuss controversies without the use of arms? They have met and discussed the most delicate questions in the present conference without the use or the menace of force; and, having explicitly excluded a resort to force from the purposes of this treaty, it would be a violation of the treaty to base any decision to which a future conference of the powers under this treaty might arrive upon armed force. It is a part of the agreement in this treaty that arms are to be left outside the council chamber.

As for the alleged superior moral status of totally disarmed nations, it should be evident to every intelligent citizen how visionary such a conception is. It is not only impossible to realize it as a question of fact, but it would be a complete abandonment of the defense of right against wrong. It may be safely asserted that this treaty will never be repudiated on the ground that only the totally disarmed are fit to make a treaty.

The question has been asked, Even supposing that there is in this treaty no intention to use armed force, are not the high contracting powers under a moral obligation to resort to it in case the particular situation is such that it is rendered neces-

sary to the accomplishment of the purpose of the treaty, namely, the protection of the rights of the contractants? And, if so, is this not a treaty of alliance?

If this treaty promised a definite act, undoubtedly that act would have to be performed, cost what it might. If it were a pledge to come to the assistance of a particular power in case it were at war, and to conduct the war in common, as in the case of the Anglo-Japanese alliance, which it terminates, then there would be a moral obligation to fulfill the contract. If it promised to preserve the territorial integrity and the political independence of all the signatories, as in the case in article 10 of the covenant of the League of Nations, then clearly it would be an alliance. But there is in this treaty no obligation, expressed or implied, that goes beyond the pledge to endeavor to arrive at an understanding. The convocation of the powers in a given emergency is simply for the purpose of arriving at an understanding. If one or more powers should demand military action, another might under the terms of the treaty justly decline to participate in it, unless the case were such that without any treaty a moral obligation to participate would be evident. In brief, whatever moral obligation there might be would not rest upon the treaty but upon the particular situation wholly independent of the treaty. It is of the highest importance that now, before ratification, this question should be placed beyond all doubt or future controversy. This treaty is not to be construed as implying an undertaking, even of a moral kind, to engage in war with any power for any cause. If any signatory of this treaty regards the powers as morally pledged to war, this should be asserted by it now, or this interpretation should be hereafter debarred.

This treaty is a compact to provide for procedure by mutual understanding. It is not a pledge of any definite action, but an agreement to seek a peaceful solution in any situation that may arise. There is no obligation to apply any measures unless they are agreed to at the time when they are to be applied. Joint action is in no case obligatory. Separate action is distinctly provided for, which signifies that each power may take the course it decides to take in each particular situation, and the steps it can take may vary according to the constitutional limitations of the different powers. In the case of the United States, it is well understood war can not be undertaken except by an act of Congress; and it would, therefore, be a false interpretation of this treaty to pretend that it can be intended to pledge military aid in any circumstances whatever. If it has that effect as between the other powers, which it is distinctly declared not to have in any case, it can not be pretended that there can be a moral obligation on the part of any Executive to violate the Constitution of the United States. Without committing the United States to war, this treaty pledges all the signatories under article 1 to respect the rights of the United States, and in case of any controversy in which those rights are in dispute, not to resort to arms without an effort to adjust the difference in a joint conference of the four powers signatory of the treaty where the United States would be represented. The obligation is undertaken, reciprocally, to respect the rights of the other signatories in like manner, but only in each case so far as they relate to "insular possessions or insular dominions in the Pacific Ocean." Any or all of the four powers might be engaged in war with other powers, or with one another, beyond these defined limits without bringing into operation any provision of this treaty. It is, therefore, not in any sense an alliance; it is not even an entente, except in the sense of general friendliness, beyond the circumscribed area to which its terms apply. What gives it great value is that it shows locally and concretely what might be done in a broader field if the nations were in agreement.

The really vital questions connected with the negotiations now proceeding at Washington are not involved in the terms of this treaty, except as it covers the nature and extent of the "rights" of the United States and other powers in the Pacific Ocean. What these are it does not define. They will be just what the status quo shows that they are when the negotiations are concluded, and we therefore await that indication with the deepest interest.

[From the New York Tribune, Dec. 22, 1921.]
THE POSITION OF JAPAN IN THE FOUR-POWER TREATY.
(By David Jayne Hill.)

"The misleading character of some of the comments on the four-power treaty between the United States, Great Britain, France, and Japan, if they are not corrected, is likely to create confusion in the mind of the citizen who accepts without examination dogmatic statements upon this subject.

"The engagement of the United States under this treaty, it is alleged, is not merely to maintain peace with Japan by mutual

respect for the rights of the two countries in their insular possessions, but in an exceptional manner binds the United States, in case of an attack upon Japan by any other country, to send troops and ships for her support. No such engagement, on the other hand, binds Japan with reference to an attack upon the United States.

"This astonishing conclusion is based on an argument that may be stated in the following manner:

"Article 2 of the treaty provides for joint action in case 'the rights of the powers in their insular possessions and insular dominions in the Pacific Ocean' are threatened with aggression, but does not apply to any other territory.

"The Japanese Empire consists of insular possessions in the Pacific Ocean.

"Therefore the Japanese Empire has the benefit of the provisions of article 2, which can not be claimed for the home territory of any other signatory of the treaty.

"No one, I presume, would dispute the logical perfection of this syllogism, assuming the correctness of the premises.

"The first premise, which defines and limits the scope of article 2, can not be disputed. Nor can it be denied that the homeland of the Japanese Empire consists of an archipelago in the Pacific Ocean.

"The defects of the argument for the conclusion that the United States is under obligation by the treaty to defend Japan with troops and ships if threatened by the aggressive action of any other power are, however, evident. The less vital defect is the assumption that Japan, on account of her insular character, has an exceptional and a favored position in the treaty. The second and completely destructive element in the argument is that article 2 imposes any obligations involving the use of troops and ships.

"There is, in fact, nothing in the treaty that differentiates Japan to her special advantage as a signatory from the other powers. The fact that she is insular and in the Pacific gives her a deep interest in peace in that ocean, but has not the slightest bearing upon her obligations to others or their obligations to her in any important sense.

"There is, no doubt, opportunity for an academic discussion over the difference between a 'possessor' and a 'possession.' One may say that if Japan is a 'possessor' she can not at the same time and in the same relation be a 'possession.' One ingenious commentator has attempted to solve the problem by the brilliant observation that because His Majesty the Emperor of Japan is personally named in the treaty as the source from which the Japanese plenipotentiaries derive their authority, Japan may be regarded as His Majesty's 'insular possession.' The same reasoning would make the President of the United States the personal possessor of islands in the Pacific.

"If it were Great Britain that were in question, and a treaty had been signed regarding 'insular possessions in the Atlantic Ocean,' it is probable that Great Britain herself, although both an insular and an Atlantic power, would be classed as an 'insular possession'?

"But in truth a debate on this subject would be as unprofitable as it is unnecessary. The delegates who framed the treaty are understood to hold that it was intended to consider Japan as belonging to the category of 'insular possessions and insular dominions' in so far as the effect of article 2 of the treaty is concerned. Only Japan herself is now said to feel inclined to a different opinion, for the classification would seem to place her in the category of less self-reliant insular groups and to rank her as a quasi protectorate of the other powers. It is possible, therefore, that, at Japan's own request, her insular character will not be emphasized and the interpretation officially given may be officially changed.

"The truth is that, materially, Japan has nothing to lose by being regarded as a 'possessor' rather than as a 'possession.' A dispassionate examination of the terms of the treaty will establish this statement.

"It can not, of course, be held that article 1 of the treaty involves any of the qualities of an alliance, military or non-military, or that it creates any obligation having relation to protection or partnership as respects other powers. It is essentially an ordinance of self-denial on the part of all the signatories and it is nothing more. They agree to 'respect' one another's rights, for that is the evident meaning of the less precise expression 'their rights.' If they keep this pledge, there will be no war between them; at least, there will be none until questions of right that can not be settled by diplomacy have been considered in joint conference, which is a very satisfactory guaranty that armed conflicts between them will be avoided.

"It is important not to lose sight of the fact that the whole scope of this treaty is limited to 'rights in relation to insular

possessions and insular dominions in the region of the Pacific Ocean.' It is not an agreement covering the territory of the signatory powers in their totality or in relation to anything beyond the limits specified. Any of these countries might be at war elsewhere, even with one another, without calling into operation the obligations of this treaty, so long as rights in the Pacific were not affected. If any of these countries were at war, either with one another or with other countries, it is improbable that any of them would wish to complicate the situation by disturbing their relations with other powers in the Pacific with which they were at peace; and it would be impossible for them to do so unless they were possessed of great naval strength. It is evident also that victory in the Pacific would not be likely to be worth its cost to any European power that could hope to gain it. The danger, therefore, of European quarrels being transferred to the Pacific Ocean if this treaty is concluded is very slight. In effect, article 1 is virtually the whole of the treaty and dedicates the Pacific to peace by understanding.

"It is, however, toward article 2 that hostile criticism is mainly directed, and it is upon the slender engagement which is there undertaken that the denunciation of the treaty as a military alliance wholly depends.

"If said rights are threatened by the aggressive action of any other power, a certain prescribed course is to be pursued. If that course were meant in any case to be war, the treaty should plainly say so. It says nothing of the kind. The Anglo-Japanese alliance, on the other hand, plainly promised military aid. 'If by reason of an unprovoked attack or aggressive action, wherever arising, on the part of any other power or powers, either of the high contracting parties shall be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement,' runs the Anglo-Japanese treaty of alliance, 'the other high contracting party will at once come to the assistance of its ally and will conduct the war in common and make peace in mutual agreement with it.'

"That is the way a treaty of military alliance is written. That is the way it has to be written if it is to be depended upon. No intelligent diplomatist would accept anything less than that, if he were seeking a treaty of military alliance.

"What, then, does the four-power treaty promise in case of threatened aggressive action? It says, 'The high contracting parties shall communicate with one another fully and frankly.' For what purpose? 'In order to arrive at an understanding.' What is the subject about which an understanding is to be sought? Is it military action? Senator LODGE, speaking for the negotiators, declared that force had no place in the treaty. The subject about which an understanding is to be sought is, therefore, not a decision between war and peace, but how peace may best be preserved.

"The form of expression used in the treaty, it is true, is not precise; but how can it be, since the understanding to be reached is left for the future? It is the distinctive quality of this treaty, which is based on continuous understanding, that it leaves every signatory at all times free.

"There is to be, if possible, an understanding 'as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.' This does not bind all the participants to the same action or to any action. For some it might mean merely mediation. For others it might mean inevitable war; but there is in the treaty no obligation to participate in war. If any moral obligation to do so should arise it would not proceed from the terms of this treaty, which make no pledge of military action, but from the moral aspects of the particular situation, which would be as imperative if no treaty existed. What the treaty binds every signatory to is to respect the rights of all the others, and together to cooperate to secure respect by every peaceful means.

"It has been said that the four-power treaty is a 'substitute' for the Anglo-Japanese alliance, which it expressly terminates, and that its language is in part borrowed from that document.

"Not having the same purpose, it can hardly be called a substitute; but, even looking upon it in that light, the difference between it and that covenant is striking. The Anglo-Japanese alliance was a treaty looking toward war, in clear contemplation of war, and distinctly pledging the signatories to make war in common. The four-power treaty, on the contrary, nowhere speaks of war, does not contemplate it, and makes no provision for it. It provides for peace on the basis of mutual respect for rights voluntarily recognized by the signatories. Should there be a threatened act of aggression on the part of another power there is provision for a conference between them with a view to an understanding as to how peace may best be maintained.

"The fact that the language of the four-power treaty reveals a previous examination of the Anglo-Japanese alliance, and even the retention of some of its expressions conspicuously exposes the wide difference between the two documents by showing what has been rejected and what has been preserved. All that made that alliance offensive to the United States as a war compact has been abandoned and only the terms relating to conference have been retained. The only 'understanding,' apart from the mere agreement to seek one, in article 2 regarding the action of the signatories in case of threatened aggression by other powers is to be arrived at freely when the occasion arises. Beyond the effort to reach such agreement in the particular situation there is, strictly speaking, no engagement whatever.

"If this account of the nature of this treaty is correct there is not the slightest ground for the assertion that it contains an obligation in any circumstances whatever to send troops and ships for the protection of Japan or any other insular territory against an assault by some other power.

"In the light of what has been said in the foregoing paragraphs regarding the obligations of the powers under the treaty, the question whether Japan is a 'possessor' or a 'possession' appears merely academic. Japan has the promise of the three other naval powers to respect her rights in the Pacific, as they have her promise to respect theirs, and it would be unworthy of the other signatories of this treaty to enter into a discussion to show that owing to a distinction between Japan's homeland and her colonies they do not promise to respect all her rights. Her rights, unless this treaty is a pretense, will be respected by her cosignatories everywhere and she will respect theirs, but troops and ships have not been promised by anyone to be sent anywhere.

"It is, perhaps, more to the interest of Japan than to that of any other power that this treaty for peace in the Pacific Ocean should have been negotiated. As an insular power, it does in fact render her almost immune from attack, unless a mistaken policy in the Far East on her own part should awaken resentments that would create a powerful enemy. No one wishes to take away her island empire and no one could successfully attack it without a great naval force. The treaty means, and was intended to mean, security for Japan if Japan herself desires peace.

"This security through understanding with her neighbors should furnish no occasion for jealousy of the exceptional position of Japan as an insular empire. In return there is the well-grounded assurance of security for others also. Instead of growing hostility this treaty opens a path of friendship between all the powers in the Pacific, a friendship that implies no enmity as its reason for existing.

"What the American people have most to consider is that this treaty, without depending for its effect upon warlike measures or preparation, converts the area most dangerous to the interests of the United States from a scene of probable future conflict to a region of probable repose and peaceful development. One must qualify the outlook by the word 'probable,' because if the spirit of distrust, the use of investives, and the stirring of race animosities are to continue there is no high purpose of just relationship between nations that may not be completely frustrated by a vociferous minority of militant obstructionists."

MR. LODGE. Mr. President, I ask that a letter from the Secretary of State, addressed to me, in connection with the treaties now pending, may be printed in the Record in eight-point type, and also as a public document.

THE VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

THE SECRETARY OF STATE,
Washington, February 11, 1922.

HON. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to our conversations in relation to the note given to the Netherlands Government, I beg to say that the following is a copy of the note which was delivered to the minister for foreign affairs of the Netherlands on February 4, 1922:

"The United States of America have concluded on December 13, 1921, with the British Empire, France, and Japan, a treaty with a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean. They have agreed thereby as between themselves to respect their rights in relation to these possessions and dominions.

"The Netherlands not being signatory to the said treaty and the Netherlands possessions in the region of the Pacific Ocean therefore not being included in the agreement referred to, the

Government of the United States of America, anxious to forestall any conclusion contrary to the spirit of the treaty, desires to declare that it is firmly resolved to respect the rights of the Netherlands in relation to their insular possessions in the region of the Pacific Ocean."

This is identical with notes delivered by the British, French, and Japanese ministers.

A similar note was delivered to the Portuguese Government.

Very sincerely, yours,

CHARLES E. HUGHES.

EMPLOYMENT OF ATTORNEYS AND AGENTS BY ALIEN PROPERTY CUSTODIAN.

Mr. KENYON. Mr. President, is morning business closed?

Mr. KING. May I make an inquiry before morning business is declared closed?

Mr. KENYON. Certainly.

Mr. KING. On January 5 last I offered a resolution asking the Alien Property Custodian for information concerning the number of attorneys appointed by the Alien Property Custodian, the compensation allowed each, the character of services performed, "the names of all attorneys, directors, supervisors, managers, auditors, or other agents appointed by the Alien Property Custodian to take care of or to have the administration of property," and so forth. The information I conceived to be important, as also did other Senators. May I inquire of the Presiding Officer whether that information has as yet been furnished?

The PRESIDING OFFICER. The Chair is informed it has not as yet reached the Senate.

Mr. KING. If the information is not furnished by to-morrow, or no satisfactory explanation is given, I shall offer another resolution directing the Alien Property Custodian to immediately comply with the resolution which the Senate adopted on January 5. The delay in furnishing the information desired by the Senate may be justified, but I have not been advised of any reason for such delay. There are many patriotic Americans who believe that our Government is failing in its duty in withholding from the owners the property seized during the war. They oppose a policy which holds this property and places it in the hands of agents of the Alien Property Custodian who have charged and are charging enormous fees for their services in connection therewith. Why should we violate the provisions of a treaty and the principles of international law and refuse to German nationals and Austrian nationals hundreds of millions of dollars which we seized. I find no excuse for the course of the Government in holding this property, and feel that it is subject to criticism in selling a portion of the same, as has been done in a number of instances. All property seized except perishable property should have been held as a trust fund and restored to its owners as soon as the war was over, or at least as soon as a treaty had been negotiated.

Mr. BRANDEGEE. Mr. President, I understood these properties were held as a trust fund. I have been glancing at the testimony of Col. Miller, who, I think, is at present the Alien Property Custodian, given before the Committee on Appropriations of the House of Representatives, as I recall, in relation to the condition of affairs in his office. The different properties which were seized are known as trusts, and they are so labeled, and in the books they are kept as trusts, as I understand.

Mr. KING. Let me say to the Senator from Connecticut that while all the property seized was labeled as being trust property a portion has been sold. My information is that some belonging to German nationals was sold to Americans, who have greatly profited by the transactions. Among the properties disposed of was the Bausch magneto and more than 4,500 German patents. One of these patents covered the formula for Salvarsan, and many other valuable patents were seized and sold for \$250,000 to the Chemical Foundation. There are persons who think that the Government violated its trusteeship in disposing of these properties and that whenever possible the property sold shall be recovered and delivered back to the original owners.

If we were warranted—and there is some question about the rightfulness of our course, in view of the treaty which we had with Germany—in seizing the property, certainly we were not warranted in selling it or in confiscating it. It was our duty after sequestration to hold it in trust, and as soon as hostilities were over or as soon as the treaty of peace was negotiated it should have been returned to the German or Austrian nationals to whom it belonged.

Many months ago—indeed, more than a year ago—Germany, as I am advised, restored all property belonging to American nationals which she had sequestered during the war. Can we permit Germany to show a higher regard for international law than the United States does? We should remember that

the property seized by the Alien Property Custodian consisted of investments made in the United States by Germans and subjects of Austria-Hungary pursuant to treaty and in conformity with international comity. We were benefited by these investments. We encouraged aliens to employ their capital in the development of our resources and industries. To rob them of their investments would subject the United States to universal condemnation. The immorality of such a course would shock all lovers of justice and all who possess any regard for international law.

It should not be forgotten that ours is a creditor nation. Americans have billions invested in foreign lands. We can not afford even from a pecuniary standpoint to indorse a policy which might react upon the heads of American citizens and despoil them of their investments in other countries. The harshness of ancient laws and customs should not be a part of our policy. It has been the pride of our statesmen and jurists that the United States has always demanded the inviolability of private property from seizure or confiscation by belligerent nations.

Mr. BRANDEGEE. Mr. President, when I said that the properties were held as trusts I did not mean that the property may not have changed form; I did not mean that the property may not have been sold in certain cases and converted into cash and the cash held as a trust fund. I mean that the properties, in whatever form, were carried as trusts, and I assume that the Alien Property Custodian is waiting to see what disposition Congress will make of those properties, what public policy we will determine upon.

I agree entirely with the Senator that it is—I was going to say entirely improper for a government which is at war with another country to seize the property of the nationals of that other country and confiscate it. That, Mr. President, was the custom in barbaric times. In previous generations in time of war not only the property of alien nationals was seized but their persons were ruthlessly violated. It has always been questionable in my mind, though I have never given it any exhaustive consideration, whether we had the right to take over, whatever legal situation the taking over may have resulted in, the property of Germans which was in this country at the time of the outbreak of the war. Of course, I agree that, as a war measure, the use of the property could properly be controlled so that it could not be made an asset of the enemy for war purposes; but I am talking about taking over the title of the property. It is, of course, the modern feeling that war produces carnage and trouble enough for the world generally without bringing down upon the heads of inoffensive, and, perhaps, entirely innocent private citizens, the additional personal woe of a deprivation of their property. Many people whose property was taken have almost gone to the poorhouse, because they were deprived of the income of their property; and the property is taken, mind you, without any judicial proceedings, without any judgment, but is taken because the authority taking it may suspect that it is alien-owned property or is being used improperly. I have no doubt there are many cases where property has been taken from American citizens upon the mere allegation that it was alien enemy-owned property, and great injustice has been done.

Of course, the treaty of 1828, if I recall the year accurately, which this Government entered into with Prussia purported upon its face to be for the very purpose of operating during war, and provided for the sacredness of the property of the citizens of each country within the borders of the other during war. There was a specific provision in the treaty that the outbreak of war should not operate to repeal or in any way affect adversely the stipulation that the property of the citizens of the respective countries should be exempt from seizure; but in spite of that both countries took the property of citizens of the other country. I wish to ask the Senator before I take my seat whether the information asked for by his resolution, which I think it is perfectly proper that Congress should have, was obtained from the previous occupants of the office of Alien Property Custodian?

Mr. KING. Mr. President, I do not know that I fully comprehend the Senator's question.

Mr. BRANDEGEE. I will endeavor to make it plain. The Senator from Utah, as I understood his resolution, has asked the Alien Property Custodian to furnish the Senate with a list of attorneys whom the custodian had employed and the salaries paid to each. I want to ask him if the same information as to attorneys hired and the salaries paid by previous occupants of the office of Alien Property Custodian had ever been furnished to the Congress.

Mr. KING. I am not sure as to that; if so, I have not seen it; but I will say to the Senator that my resolution not only called

for a list of the attorneys and the compensation paid under the present Alien Property Custodian's administration but from the beginning.

Mr. BRANDEGEE. I did not understand that.

Mr. KING. Let me say to the Senator that it also called for the names and amounts paid to all custodians, supervisors, directors, those who were put in charge of alien property, because my information is—and I hope it is incorrect—that a large number of persons were appointed by the Alien Property Custodians as directors, managers, agents, and attorneys to take charge of corporations the property of which was owned by Germans or Austrians and of property owned by private individuals of foreign birth and who owed allegiance to enemy countries. It is charged that these persons so placed in charge of the seized property have been paid considerable sums from the property under their control or from proceeds derived from the use or operation of the same.

Mr. BRANDEGEE. As I have said, I did not rise to object to the consideration of the resolution, for I think it is a very proper one.

Mr. KING. Mr. President, two bills have been introduced by myself which are now pending before the Judiciary Committee. I introduced one of them more than a year ago—nearly two years ago—asking that the property belonging to German and Austrian nationals be restored to them. I felt that it was a wrong which we could not defend in morals or under the principles of international law to seize and hold this property. I was unwilling to make its return contingent upon the return by Germany of property belonging to American nationals or the payment of claims which the United States might have against the German Government. My view was that our Government should do right, no matter what other nations or other people might do.

The Senator referred to the treaty of 1828. That treaty was substantially the same as the one negotiated by Benjamin Franklin in the early days of our Nation—indeed, as I recall now, before the United States became a Nation, but when it existed as a confederacy—and so scrupulous were the American fathers in regard to the observance of the highest principles of international law that they provided that the property of nationals should not be taken by the belligerent nations; that it should be immune from seizure. They provided that in the event of war the nationals of the belligerent countries could remain unmolested in the countries of the enemy, conducting their business so long, of course, as they remained neutral; and, as I remember, the treaty of 1828 provided that if war should break out between the United States and Germany, the Germans should have nine months, if they desired, to remove from the United States and to take their property with them, and Americans had the same privilege. The Alien Property Custodian seized property belonging to Americans upon the theory that they were Germans. Property in the United States owned by persons of Swiss nationality who happened to be in Germany at the time the war broke out was seized.

I think that we should immediately pass a law providing some commission or instrumentality to pass upon the claims of owners and restore to the owners the property seized; I sincerely hope that the Judiciary Committee, which has held these bills before it for so long, will take them up for consideration and report to the Senate a measure which will deal with the subject in a comprehensive and just manner.

COMBINATIONS IN RESTRAINT OF TRADE.

Mr. NORRIS. Mr. President, I desire to call attention to an article appearing in this morning's issue of the Washington Herald; and from the fact that I believe that this paper is owned, or principally owned, by Mr. Hoover, the Secretary of Commerce, the particular article which I am going to read in part has at least a semi-official appearance.

Mr. President, it seems to me quite evident that whatever, if anything, is left of the Sherman antitrust law as it applies to big business has been repealed by Mr. Hoover in this article. If it means anything, it seems to me it means that in the future no attempt will be made to prosecute big business because it combines or forms a monopoly, providing it is done according to the methods mapped out in Mr. Hoover's letter, which means in effect, as I understand the article, that business concerns that want to combine and form a trust or a monopoly have only to announce that their combination is not in restraint of trade and is not a monopoly, at least as far as can be ascertained on outside observation.

Mr. Hoover's letter is not printed in full in the paper, but the main points that he makes in the letter are printed. It seems that he outlines certain things that, in his judgment, corporations and organizations can do without violation of the Sherman antitrust law, and calls upon the Attorney General

for an opinion as to whether or not he is 'correct'. I read now from the article:

The specific activities embraced in the questions propounded by Secretary Hoover to Attorney General Daugherty include the following: Establishment of a standard or uniform system of cost accounting through trade associations.

Advocacy by trade associations of uniformity in the use of trade phrases and trade names.

Standardization of quality and grades of product of members of trade associations.

Collection by trade associations of credit information as to the financial responsibility of those using the products of the industry.

Placing of insurance through the agency of a trade association.

Cooperative advertising by a trade association for the promotion of trade of its members.

Promotion of welfare work by a trade association in the plants of its members.

Representation by a trade association of its members in matters of legislation, rate litigation, and railroad transportation questions.

Promotion of closer relations between an industry and the Federal and State Governments through trade associations.

Collection by a trade association of statistics from each member showing his volume of production, his capacity to produce, the wages paid, the consumption of his product in domestic or foreign trade, and his distribution thereof, together with his stocks on hand.

Compiling by the trade association of such information into a consolidated statement which shows the total volume of production of the membership, its capacity to produce by districts, and production, the wages paid by districts, the production and consumption in foreign or domestic trade by districts, the volume of distribution by districts, and stocks on hand by districts.

Transmission by the trade association of such consolidated statement to the Secretary of Commerce for distribution by him to the members of the association through the public press or otherwise and to the public generally.

Collection by a trade association also of prices received by its members, specifying the volume of each grade, brand, size, style, or quality, and the price received for the volume so sold in each of the respective districts.

Consolidation by the trade association of the price reports into one statement for distribution to the public through the Secretary of Commerce.

Mr. President, no doubt many of the activities so outlined would be harmless; but most of them, and all of them taken collectively, make the famous Gary dinners sink into insignificance. If business associations are allowed to organize and carry on these various activities and furnish the information back and forth between themselves, then the Sherman law has no application to them. It means, it seems to me, a statement that the Sherman antitrust law shall not apply to organized business. It probably has not applied very much; to a great extent it has been repealed; but this is almost an open statement that the association must, at least on the face of things, pretend that it has nothing to do with throttling competition, but if the things that are outlined there are carried on competition is as dead as a doornail. In fact, some of those specific things are the very things that have been outlined in decisions at least of the Federal Trade Commission where they have found a monopoly to exist and business to be carried on in restraint of trade and in violation of the Sherman antitrust law.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. I agree entirely with what the Senator says, and I am afraid a disservice to the country and to the administration has been done. The President of the United States in one of his messages indicated an adherence to the same fallacious and indefensible view and construction of the Sherman antitrust law, and Mr. Hoover has been a protagonist of the idea of these open-price organizations. I call the Senator's attention to the fact that the Supreme Court of the United States recently, in the case of the American Column & Lumber Co. et al., appellants, against The United States of America, rendered a decision that shows that this view for which Mr. Hoover is contending, and which I hope the Attorney General does not indorse, is wrong and is violative of the Sherman antitrust law. Unfortunately, Mr. Justice Brandeis and one other justice, Mr. Justice McKenna, dissented from the decision of the court; but the majority of the court in the case to which I have just referred have rendered a very strong opinion showing that the organizations which are referred to by Mr. Hoover are violative of the Sherman antitrust law and that they are amenable to the criminal terms of that statute.

Mr. NORRIS. Mr. President, there is not any doubt about it as I read the English language. If these things that have been outlined by Mr. Hoover as being not in violation of the Sherman antitrust law are proper, then the particular case to which the Senator refers must be reversed. The rendering of that opinion by the Supreme Court absolutely nullifies the proposition laid down by Mr. Hoover. One of the main things upon which that decision was based is one of the things that Hoover wants to permit.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield to the Senator.

Mr. WILLIS. Will the Senator permit me to make an inquiry of the Senator from Utah?

Mr. NORRIS. Yes; if it is on this subject.

Mr. WILLIS. I wanted to know if I understood my friend correctly to attribute to the Government, particularly to the Department of Justice, the views set forth in this article?

Mr. KING. No.

Mr. NORRIS. I expected to have something to say about that.

Mr. WILLIS. I wanted to call particular attention to the fact that the Attorney General, in his statement, disavows that, and leaves it entirely open. He does not commit himself at all to the views set forth by Secretary Hoover.

Mr. NORRIS. I want to say to the Senator from Ohio that if I had not forgotten it, I would have called attention to the fact that at least as far as this article is concerned I have no criticism to make of the Attorney General. Of course, I am not criticizing Mr. Hoover. He has a right to that belief; but I want to call the attention of the Senate and of the country to the fact that under this plan big business could easily monopolize and combine to throttle competition. One of these plans provides that they shall furnish to each other statements of wages paid, the amount of stuff they have on hand, the raw material they have on hand, how much they have been selling it for, and all about it. Another provision is that they shall furnish to each other a sort of a blacklist, where the credit of customers is not good. That is one of the means to be resorted to. The customer who sells at a lower price than this combine, wants the thing sold for on the market would be reported as a man whose credit was not good, and therefore he would be unable to buy any of the products of any of these business concerns manufacturing them in the future. There are a thousand ways in which every dealer who refuses or neglects to carry out the mandates of this great monopoly or combination in restraint of trade could be put out of business, and the monopoly continue to prosper and go on.

Mr. WILLIS. In connection with what the Senator has said in approval of the attitude of the Attorney General, I direct his attention, if he will permit me, to what the Attorney General is quoted as saying near the top of the article:

If in the actual practice it shall develop that competition is suppressed and prices are materially enhanced, this department—

That is, the Department of Justice—

must treat such practice as it treats any other one which is violative of the antitrust act.

Mr. NORRIS. When these great combinations exist, doing what Mr. Hoover has outlined they should be allowed to do, it is a very difficult thing to prove actual violation, and yet, if they are allowed to do those things, they could bring about a condition of affairs in which they could monopolize and control the entire output of some particular product necessary for human life, could put the price at anything they pleased, and say simply, "We are doing nothing in restraint of trade. We are all independent. It happens that our prices are just the same, and we are swapping information all the time as to wages, as to the amount of product in this section of the country and the amount in that section, how much raw material is over here and how much is there, how much it costs us to manufacture and how much it costs another man to manufacture, and all that information." But, according to Mr. Hoover, it would not mean anything.

The intent with which an act is done is impossible of direct proof. Every judge who has ever sat on the bench and instructed a jury in a case of conspiracy, or of burglary, or any other crime where the intent is a necessary essence of the criminal act, would tell the jury that it is seldom, if ever, possible to prove intent by direct evidence. Every man is supposed to mean to accomplish the natural consequences of his acts, and you prove intent by proving what men have done.

When it is once established that the different business concerns manufacturing a certain product, or a large proportion of a certain product—for they do not have to control it all in order to control the market, or to be a monopoly—are meeting and comparing everything which goes to constitute the expense of the manufacture of the article that they produce, and then separate, and all charge the same price, that is evidence of a conspiracy. That is proof, Mr. President, of a monopoly and of a conspiracy in restraint of trade. But all that would be permitted if Mr. Hoover had his way.

I did not want this to pass without somebody calling attention to the fact that the carrying out of this program of Mr. Hoover is, in effect, an open declaration that the Sherman anti-

trust law is repealed as to every big business concern that is organized, and that it applies only to the unorganized citizenship.

PAY OF THE ARMY AND KINDRED SERVICES.

Mr. KENYON obtained the floor.

Mr. WADSWORTH. Will the Senator yield to me?

Mr. KENYON. I yield.

Mr. WADSWORTH. Mr. President, I ask unanimous consent to offer a resolution, which I ask the Secretary to read. Then I intend to ask unanimous consent for its present consideration.

Mr. KENYON. Will the resolution require much discussion?

Mr. WADSWORTH. If it does, I shall not trespass upon the Senator's time.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the resolution submitted by the Senator from New York.

The resolution (S. Res. 240) was read as follows:

Resolved, That the report of the special committee created by the provisions of section 13 of the act entitled "An act to increase the efficiency of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, shall be referred to a special committee of five Senators which shall have power to report to the Senate by bill or otherwise.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. NORRIS. Mr. President, I apologize to the Senate and to the Senator from New York, but my attention was diverted by conversation, and I did not hear the resolution read.

The VICE PRESIDENT. Does the Senator desire that the resolution shall again be read?

Mr. NORRIS. I either wish to have the resolution again read or to have the Senator from New York state its object.

The VICE PRESIDENT. The Secretary will again read the resolution.

The reading clerk again read the resolution.

Mr. WADSWORTH. It relates to the pay revision of the several services mentioned.

The VICE PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the resolution. Is there objection?

The resolution was considered by unanimous consent and agreed to.

The VICE PRESIDENT subsequently appointed as the special committee of five Senators under the resolution Mr. WADSWORTH, Mr. NEWBERRY, Mr. MCKINLEY, Mr. FLETCHER, and Mr. WALSH of Montana.

RELIEF AGAINST DEPRESSION AND UNEMPLOYMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2749) to prepare for future cyclical periods of depression and unemployment by systems of public works.

Mr. KENYON. Mr. President, on yesterday the bill which is the unfinished business met with a number of objections. It seemed to be the day for Senators to come into the Chamber, put a few holes in the bill, and then retire. I think, however, that at least one of the objections was worthy of consideration, and that objection may be obviated.

Mr. President, possibly Congress does not desire to take any step at all, even a small step, in connection with the unemployment situation, but that situation is becoming worse instead of better. I had my attention called only this morning to the case of an employee of the Washington Navy Yard, who has been working here for years. He went to the yard and reported for night work, but was told that he was discharged. Many others were also discharged. The policy of retrenchment, in which we all believe, works considerable hardship. The man to whom I refer had a sick wife; and he also had a mortgage on his home. I do not think he got a square deal. I think the haste with which these men are being discharged by the Government would not be followed by a private corporation. I repeat, it is not exactly a square deal.

Mr. NORRIS. May I interrupt the Senator from Iowa?

Mr. KENYON. Yes.

Mr. NORRIS. If the bill which the Senator from Iowa now has before the Senate had been on the statute books, would it have saved from discharge the man of whom the Senator has spoken?

Mr. KENYON. No; but it would have tended to provide him with other employment.

Mr. NORRIS. I wish the Senator would point out how it would provide other employment.

Mr. KENYON. I am going to try to do that; I tried to do it yesterday. Let me say, however, before I reach that, that I do not believe that when the Government is paying attorneys

for the Shipping Board \$35,000 a year and thereabouts it can afford to do anything that is not fair to the humblest worker in its navy yards.

The unemployment question is here. If it can not be helped any by a system of developing public works, what is the alternative? The Senate has got to face it. There are to-day in this country from four and a half million to seven million men who are unemployed.

The alternative is a system of unemployment insurance; such a system is bound to come if we do not provide otherwise, for people are not going to starve in this country. A man who is willing to work is entitled to a chance to work.

If the plan suggested by the pending bill is not going to accomplish any good, let some Senator present another and a better plan. We are up to the question now and we are going to continue to be up to it good and strong.

The objection was raised yesterday that, under section 2, the publications by the Secretary of Commerce would be in the nature of predictions of impending disaster and therefore would be most unfortunate. The Senator from Illinois [Mr. McCormick] advanced the suggestion that it would be injurious to business instead of helping it, while the Senator from South Dakota [Mr. Sterling] said that big business wants this bill. I doubt if big business wants panics. I have prepared and shall offer an amendment to section 2, subdivision (a), which is designed to meet that objection. I have submitted the proposed amendment to a number of gentlemen who have raised that objection.

As to section 1, the theory of that section is that the heads of executive departments shall go ahead within the limits of the appropriations they now have, without additional appropriations, and lay out plans of public work, not as has been suggested when a period of depression is at hand but during periods of prosperity so as to be ready when a period of depression may come.

Another objection relates to section 3, and is directed against the power being placed in the hands of the President to postpone the date of the commencement or retard the prosecution of portions of public works. Mr. President, although I do not know that there is any authority for it, such a practice is followed to-day. Congress under this bill is merely stating a policy, which must be carried out by some one, and it would have to be carried out by the Executive, for there is no one else to carry it out. Congress may order projects to be commenced at any particular time, and if it should take such action no power is lodged anywhere to stop work on such projects. The Senator from Florida raised objection to the authority being granted to the President to stop work on any project. Some years ago we passed a public buildings bill and appropriated sums of money for the construction of the buildings. The provisions of that bill have not been carried out, and there is no way to force them to be carried out. This bill proposes to do merely in an orderly and legal way what is being done now. If the Congress does not desire any such thing to be done, Congress says so in the act, and this bill does not apply. The last part of section 3 so provides.

Mr. President, we have an engineering branch in the War Department having to do with rivers and harbors; we have one in the Lighthouse Service; we have one in the Interior Department; we have a Bureau of Public Roads; a Supervising Architect of the Treasury. All of these instrumentalities are now in existence and can be used in formulating the plans contemplated by the pending bill.

Senators will not, I fear, read the report of the employment conference.

Now I shall endeavor to answer the question of the Senator from Nebraska [Mr. Norris] as well as I can. A system of public works has been prepared, we will say, by the engineering branch of the War Department or of the Interior Department or of the Lighthouse Service. The plans have all been formulated and they are ready to go ahead with the work when an appropriation is made. From the reports, however, which will be published by the Secretary of Commerce it is believed that a period of depression is approaching; but it can not be said that it is at this time upon us. The plans for public works are ready to be proceeded with, however, and the appropriations have been made; and against a period of depression a certain percentage of the work is put off for a year and another percentage for another year. Thus we would have a reservoir for the employment of labor on work to be done—say, on 40 per cent of public works—that had not been carried on in the year when it would have been performed had not the times been prosperous times, had not the Government been looking ahead. When the depression is at hand, when all reports on business conditions indicate that trouble is coming, then work

could be proceeded with on the 40 per cent or the 60 per cent held back, as the case might be, and thus employment be given to labor. That is not going to be a difficult thing to accomplish, nor will it involve very great consequences. The figures that I gave yesterday as to the number of men employed by the Government in public works when running at full capacity show that they constitute about 1 per cent of the men employed in the general industries and business of the country, but a stimulation will result from the activities of the Government and the municipalities and private enterprise will be encouraged to go ahead and do something to take care of the unemployment situation.

The mayor of Rock Island, Ill., reported to the conference as follows:

Our local committee have made every effort in the world to stimulate the employment of labor. We have had numbers of our citizens employing one man one day a week, simply making work for him to prevent him from becoming an object of charity. I have had the railroad companies ship me many carloads of discarded ties and old lumber of no further use to them, gratis, which has been distributed among the poor for fuel by means of municipal trucks.

Here is something from Youngstown, Ohio:

Our mayor's committee on employment is at the present time functioning in a most efficient way. Through the efforts of the committee municipal bonds were sold, and through the money provided in this way work was provided in the city parks for men with families. The men were divided into two groups, and worked in two-week shifts. One group went on as the other came off.

They have also, as a committee, interviewed the heads of the steel mills of the Youngstown district, and as a result it has been agreed that the mills will take back their family men in two-week shifts, as far as possible.

I know there are men in this Chamber who do not care to do anything for labor, who feel that labor can be liquidated, that it can take lower wages, that it can refuse to unionize, and that now is a good time to crush it.

Now, I want to call attention to one or two things more. I welcome any interruptions. I have no pride of opinion in this bill. I am simply trying, in a humble way, to see if I can not do something.

Mr. NORRIS. Mr. President, since the Senator invites interruptions, I want to ask him a question. The public work engaged in by the United States is about 1 per cent of the employment of labor that is given by private people and corporations; so, of course, the bill would only apply to that 1 per cent, so far as the Government employment is concerned, and only a portion of that would be put off, as I understand the Senator, even if the bill that he advocates were passed. Is not that true?

Mr. KENYON. Yes; that is true.

Mr. NORRIS. So that after all, as far as the Government's part of it is concerned, it is a mighty little thing compared with the whole.

Mr. KENYON. I have never claimed otherwise.

Mr. NORRIS. I am not objecting to anything that can be done in any legitimate way—and I will stretch a point to make it legitimate—to help labor; but the danger under the Senator's bill, as I look at it, is in the power that is given in one instance to the Secretary of Commerce, who is going to prophesy and tell us in advance when hard times are coming and when good times are coming.

Mr. KENYON. The Senator may have been out when I spoke of the amendment I intended to offer.

Mr. NORRIS. No; I heard the Senator mention the amendment he was going to offer to make that good.

Mr. KENYON. I do not think the language is susceptible of that construction in any event; but, if it is, I am just as anxious as the Senator is to protest against anybody making these prophecies. We have enough of that kind of prophecies now, and the language I shall propose will cure that. I know the Senator will agree to that.

Now, I want to call the Senator's attention, because his ideas are so good, and I know how his heart is on this labor question, to the effect of this conference. These conferences do not amount to much, generally, but this one did do some good. There were labor leaders there—Mr. Gompers was there and very many others—and they indorsed this kind of a proposition. They did not think it would do a tremendous amount of good, but they thought it would do some good. I will read to the Senator, in a minute or two, what they said.

The very fact that this conference met and indorsed this plan has stimulated work in the municipalities and has resulted in a good many advantages for labor. Many people object to that because they say it makes more tax-exempt bonds; but the tax-exempt bonds have not kept pace with the increase of wealth.

In November, 1921, 380 municipalities sold \$118,000,000 worth of bonds for public works.

In December, 1921, 386 municipalities sold \$210,000,000 worth of bonds for public works.

In January, 1922, 480 municipalities sold \$94,000,000 worth of bonds for public works.

They broke all records for corresponding dates in any year, and there was some stimulation on this employment proposition.

In 1921 the volume of public works under way or under appropriation was \$1,200,000,000, or double that of any previous year. That was brought about to a considerable extent by the postponement of public works during the war, as the Senator knows; but if it had not been for these things this employment situation would have been infinitely worse, because it has resulted in the municipalities employing hundreds and thousands of men. I know that in my own town they are building a great high school. It takes up a whole block. Hundreds of men have been employed on that work. There was a good deal of objection to it. It was said that it was a bad time to do it; that the cost of work was high, and all those things; but it was a question of unemployment.

A little while after the armistice was signed I introduced here a bill to create an emergency public works commission to plan Federal public works for the depression which would follow the war, whenever it should arrive; and these depressions are just as sure to arrive as night is to follow day. No consideration could be given it at that time because everything was booming, and everybody said: "Why borrow trouble?" If that bill had passed, the letter which the President wrote on this subject the other day to the Secretary of Commerce, not in reference to this bill but in reference to the general subject, would have made it possible to have some plan for great public works that could be put into effect now and employ hundreds of thousands of men. When are we going to do this—when times are good and booming, as they were then, or when a period of depression comes, such as is upon us now?

I want to call attention to the record, because if this bill is defeated, that will be a matter of some discussion in the country.

Mr. FLETCHER. Mr. President, I just want to say in that connection that there seem to be two lines of thought in Congress—one to the effect that when we have depressions, and everybody is hard pressed, working people as well as other people, we ought not to make appropriations; we ought not to proceed with public work; we ought to shut down on all expenditures.

Mr. KENYON. And make more unemployment.

Mr. FLETCHER. Yes. I differ with that view entirely, and I agree with what I understand to be the Senator's view—that that is the very time when public work ought to be prosecuted.

Mr. KENYON. Yes, sir.

Mr. FLETCHER. We ought to go on with those things that need to be done, and will eventually be done, and do them then. I am fully impressed that that is the better view and that would be the wiser course, and I entirely sympathize with any effort in that direction.

The one danger point in this bill seems to me to be, as I indicated yesterday, the giving of power to the head of a department to discontinue work in one part of the country, or any portion of the country, according to the language of the bill. I am a little afraid that if you vest the head of a department with so much power, even where work is undertaken and is in process of execution, he can stop the work there and order work to be done somewhere else; and I would not want to give him any such power.

Mr. KENYON. No; I would not want to see any such thing done, but that would hardly be probable, in view of the fact that the whole purpose of the bill is to make more work. He would not stop work that was being done in one place and transfer it to another.

Mr. FLETCHER. It does not seem as if he would.

Mr. KENYON. And, in any event, whatever is done must be done with the advice of the President.

Mr. FLETCHER. Precisely; but of course the President would be unable to look into all these details, and he would act on the advice of the head of the department appointed by him and in whom he had confidence, very properly. I do not question the propriety of that.

Mr. KENYON. Most of the retarding of the work would be apt to be in these great projects running over many years, not the small projects.

Mr. FLETCHER. I was wondering if the Senator could not perhaps modify that language, change it in some way, and perhaps leave it to Congress to determine whether or not it shall be stopped.

Mr. KENYON. Let me say this: Under the bill as it now is, where the Congress designates the time within which work shall commence or close, that is the end of it. There can not be any change. The Congress in any act can protect itself absolutely, and the President has no power to interfere with it.

Mr. FLETCHER. The latter clause of section 3 provides for that. If Congress does fix a time limit, of course it must be observed; I realize that; but it is very seldom that Congress ever does fix a limit of time within which work is to be completed.

Mr. KENYON. Of course we can do that.

Mr. FLETCHER. Yes.

Mr. KENYON. Now, Mr. President, I want just a minute or two to put in the Record some things, because apparently very little attention is being paid to the bill here.

In the address of welcome of the President to the Unemployment Conference he used this language:

Fundamentally sound, financially strong, industrially unimpaired, commercially consistent, and politically unafraid, there ought to be work for everybody in the United States who chooses to work.

That is a sound proposition. I wonder what the Senator from South Dakota [Mr. STERLING] expects to do with thousands of men walking the streets, unemployed and with hungry children at home, not enough to eat and not enough fuel to keep warm. What are we going to do with them? Read them the passage from the Bible that the distinguished Senator from Indiana [Mr. NEW] read? No; every able-bodied man, willing to work, is entitled to work in this country. The Government owes him a chance to work, if he is willing to work. I do not know, Senators, whether we can sit around in our smug complacency and talk about everything of this kind being paternalistic, as my good friend from South Carolina [Mr. DIAL] does. You are going to be up against the facts. What are you going to do with them? Now, you have to feed these people. You will have to donate the money to feed them and get nothing back, make them objects of charity, which they do not want, or help the country and the municipalities and the States by great systems of public works where you take care of them and at the same time help the country. Is not that a sound economic policy?

There are remarks from Mr. Hoover, who presided at the conference, which I shall not take the time to read.

Here is a report of the committee on public works on long-range planning of public works:

When public works are done in greatest volume during periods of active industry the same men and material are being competed for by both public and private employers. The inevitable result is to raise the height of the crest of the wave of cyclical business inflation—

That is where we got this term that has been discussed so much—

and to cause a greater crash when the heightened wave breaks, as it always does.

In a growing country like the United States the aggregate volume of public works of cities, counties, States, and of the Federal Government is so great that if a larger proportion were executed in years of depression than in years of active industry a powerful stabilizing influence would be exerted.

Further in this same report, found on pages 96 and 97:

The leadership of the Federal Government in expanding its public works during periods of depression and contracting execution in periods of active industry requires no great change from existing procedure. Already the executing agency enjoys great latitude as to the period in which the appropriations may be spent. The remaining step is to choose the period of intensive execution to synchronize with major periods of industrial depression.

Certain works of the Federal Government, such as reclamation, flood prevention, river and harbor work, roads and public buildings, are peculiarly suited for consideration as large undertakings covering a long period and capable of elasticity of execution to synchronize with cycles of business depression.

Then a recommendation is made in the following terms on page 98:

The present industrial situation can immediately be improved by the use of such of the following measures as the conference may approve and promote. Your committee is convinced that the expansion of public works during the winter of 1921-22 constitutes one of the most important measures to revive private industry and to check unemployment. We therefore recommend to the conference that methods be formulated and measures pressed for the advancement and augmentation of public works for the following reasons:

1. The best remedy for unemployment is employment.
2. Direct employment is given by public works.
3. Indirect employment is given in the manufacture of the materials needed.

I referred to that yesterday. If you take even 1 per cent of men and put them back into employment, they make work for others in making shoes and in making garments and household furniture and everything that they may need.

The wages paid to those directly and indirectly employed create a demand for other commodities which require the employment of new groups to produce. Thus public works assist in reviving industry in general.

Public works will serve as a partial substitute for private relief and charity.

I read, further, from page 106:

There is a serious apparent objection to the policy of deferring needed public works during a period of seven to nine years in order to concentrate a larger amount than normal in a depression year. On examination it will be found that no specific piece of public work will be deferred for any such length of time. This may be illustrated as follows:

Suppose that normally the public works construction of some given community amounts to \$100,000 a year. The community is asked to defer about 20 per cent of this in normal years. The first year, public works to cost \$20,000 are deferred. The construction of this particular public works will not, however, be deferred until the depression year. It will be constructed in the second year, and newly authorized public works to cost \$40,000 will be deferred from the second into the third; to cost \$60,000 will be deferred from the third to the fourth year, and so on. Only after the fifth year would any specific public works construction be deferred more than one year. The work concentrated in the tenth year would be deferred from no earlier year than the eighth.

This is a pretty good illustration of what at least I hope might be worked out under this bill.

I said yesterday that the cycles of industrial depression shown by the economic history of the country occurred up to 1903 at regular periods of 10 years, and from 1903 on at regular periods of 5 to 8 years. They are absolutely certain to come. The theory of this bill is to enable us during the fat years to get ready for the lean years.

I might take up some of the evidence of the labor representatives, Mr. Edgar Wallace, Mr. Mallory, and others, but I think I will not take the time.

The amendment I want to offer to cover the first objection is to strike out subdivision (a) of section 2 and insert the language I send to the desk.

The PRESIDING OFFICER (Mr. HEFLIN in the chair). The Secretary will state the amendment.

The READING CLERK. Substitute for subdivision (a), section 2, the following:

That the Secretary of Commerce shall prepare and publish monthly reports as a supplement to the Current Survey of Business of the Bureau of the Census, or otherwise, concerning existing business conditions, in order that the President, the heads of the executive departments, the Congress, the governors of the respective States, the mayors of cities, and persons engaged in private industrial enterprises and in agriculture may have more adequate, frequent, and reliable information upon the general industrial situation.

Mr. NORRIS. Mr. President, I hesitate somewhat to say anything in opposition to this bill, because I realize that those who favor the bill are moved by motives which are lofty and worthy. I always sympathize, as everybody who knows me will bear witness, with the underdog. I sympathize with men who are out of employment, and I am willing to go as far as any Member of the Senate will go to give relief, either temporary or permanent. I do not believe the bill now pending before the Senate will bring relief. Some provisions in it in my judgment will be injurious, and I can not myself see much in it which will be beneficial.

In the first place, unemployment, particularly now, is an abnormal condition. I would be willing, however, to legislate for temporary contingencies which exist now, or which will exist in the future. I would be willing to make an appropriation to be put in the hands of the President—I would rather have it in the hands of the President than in the hands of a Cabinet officer—to be used at any time when, in his judgment, the conditions of unemployment of labor in the country warrant it, the money to be used for the construction of public works. Let the President have it permanently as a safeguard.

This bill would not accomplish that. The amendment suggested by the Senator to section 2 I think will help it, although I have not had an opportunity to analyze it, as the only knowledge I have of it is from hearing it read from the desk. But that would not be relief of a permanent nature, even if we should adopt it. We are doctoring the effect and not the cause.

I think section 2 of this bill, as it is printed, confers upon the Secretary of Commerce a power which would be detrimental to the welfare of the country, and would bring on just exactly what those who favor the bill want to avoid. The amendment offered would remedy it to some extent, but the inherent objection would still exist. I am not surprised that that power in section 2 is given to the Secretary of Commerce, because, as the Senator from Iowa told us the other day, the Secretary of Commerce, Mr. Hoover, was one of the men behind this legislation favorable to it. Perhaps he helped to draw the bill.

Mr. KENYON. No; he did not. I merely said Mr. Hoover was favorable to it. Mr. Hoover was chairman of the President's conference on unemployment, and favored it there.

Mr. NORRIS. Secretary Hoover generally favors anything which gives the Secretary of Commerce more power.

Mr. KENYON. I will say to the Senator that I had intended to move to strike out subdivision (b) of section 2.

Mr. NORRIS. I think the Senator would improve the bill if he would strike out section 2 entirely. Let me read that:

That the Secretary of Commerce shall prepare and publish monthly reports as a supplement to the Current Survey of Business of the Bureau of the Census, or otherwise, concerning the trend of business conditions, the approach of periods of business strain and overextension, or of periods of business depression, in order that the President, the heads of the executive departments, the Congress, the governors of the respective States, the mayors of cities, and persons engaged in private industrial enterprises may properly prepare for and plan against such periods.

Clothed in nice language, but in common English, it seems to me that means, or those entrusted with the power will soon construe that it means, to say to the heads of departments: "Strain your eagle eyes out into the future, and tell us what is going to happen." The prophecy of Joseph in the days of Pharaoh would sink into insignificance compared with the prophecies which Hoover would give us in our own day.

Then they would get ready for it. Somebody will tell the President and the Congress and the governors and the mayors and all the people that next year we will probably have a panic which will wipe us off the face of the earth, that we are going to have a terrible depression. We know what that would mean. Banks would fail, and immediately we would all start to get our money out of the banks in order to avoid the panic which was to come the following year. I would rather postpone a panic until the time when God brings it than to have Hoover entrusted with this power, and get the panic a year sooner.

We had better let those things alone. If they are going to come every so often, as the Senator from Iowa says they will and always have, we had better let God run it as in the past, and not take the power away from Him and give it to Hoover.

Mr. CARAWAY. Mr. President, the Senator would not accuse the Lord of being responsible for what Hoover does?

Mr. NORRIS. No.

Mr. CARAWAY. I misunderstood the Senator, if that was not his statement.

Mr. NORRIS. I am not finding fault with Hoover. I would just as soon give this power to Hoover as to anybody else.

Mr. CARAWAY. With the Senator's permission, I want to stand up for the Lord, if he is trying to saddle Hoover's acts on Him.

Mr. NORRIS. The Senator has my permission to stand up for the Lord. I will not object to that, and it might be good for the Senator if he would stand up for the Lord oftener.

Mr. CARAWAY. I presume the Senator is merely promulgating a theory, not something he has tried.

Mr. NORRIS. It is quite evident that the Senator from Arkansas has not tried it. If he had, he would have known that I was always there.

Mr. CARAWAY. Where?

Mr. NORRIS. At church, for instance, on the Sabbath Day, when the Senator was trying to get his flivver running and to pump up the tire he yesterday told us was exploded. If the Senator was anxious to stand up for the Lord, as he would have us believe, he would not stop because his tire exploded or because his battery would not work, but he would do as I do, save the price of gasoline and street car fare and walk to the house of worship and serve the Lord.

Mr. CARAWAY. If I may be permitted to say it, I never saw the Senator in a church in my life.

Mr. NORRIS. I do not doubt it a particle, because the Senator does not go to church.

Mr. CARAWAY. I thought the Senator was a lawyer.

Mr. NORRIS. The Senator is mistaken about that.

Mr. CARAWAY. Well, an attorney.

Mr. NORRIS. No; I am making no claim; and even if I did make pretensions to belong to that class, the Senator should not rub it in by calling public attention to it.

Mr. CARAWAY. I presume the Senator could disprove it; but, at any rate, I understood he had a license to practice law. What I wanted to suggest was that he must know he should not decide a matter on hearsay evidence, and he not being at church, could not know whether I had been.

Mr. NORRIS. Mr. President, I have no doubt but that the Senator from Arkansas will stand up for the Lord, as he says. I hope he will, and if he is anxious to do that he must vote, it seems to me, against section 2.

I mean no disrespect to Mr. Hoover, but I think section 2 in a sense means that we are crowding the Lord off the throne and putting Hoover in His place. He is to tell us when the good times will come and when the bad times will come, so

that we can get ready for the good and avoid the bad, and as sure as he is able to do all those things, and accomplish them with reasonable perfection, there will be no further use for anybody else in the way of government.

Mr. President, the Senator from Iowa has said, "If you do not favor the bill, present a plan of your own; but let us do something." As I said awhile ago, I do not think the bill does anything, so far as I can see, either of a temporary or permanent nature. The things the Senator from Iowa wants to accomplish I would be glad to help accomplish, but in my judgment they will not be accomplished by the pending bill. There are a good many things proposed that ought to be done to bring permanent relief rather than a temporary relief, although when we find a man in the gutter the proper thing to do is to pick him out of the gutter and get him on his feet. That is one thing that we ought to do and which will not admit of delay, but a better thing than that would be to remedy the cause that put him in the gutter, remove the cause that brings about unemployment. To a great extent I think it can be done. I would not suggest the remedy that I propose to offer if it had not been that the Senator from Iowa had said, "If you do not favor this bill, what do you favor?" That is a proper question, too, and I admit it.

One of the difficulties of the situation is that we can not get enough Senators to think alike on any one thing. I thought I had a remedy. I say, "I." I was only an instrument in the hands of the committee—both in the Senate and in the committee—and had no more to do with it than some others. As I looked at it, one of the troubles in the country was that we had overproduction, as we always do, of agricultural products. There was no instrumentality by which they could be taken from the field of production to the field of consumption across the sea, where millions of people were hungry for the food that was rotting in the farmers' fields in America. But they did not have the money to pay cash. The farmer could not sell on time. The middle man, the speculator, was the only one who could bridge the chasm. I think if the Government would bridge that chasm temporarily it would be accomplishing the greatest of any one of the steps that could be taken to relieve distress both in our country and abroad. If we would furnish a market for the surplus agricultural products of America, we would have no unemployment question to-day. I do not believe any student of conditions will deny that proposition, although we will disagree as to how that undesirable condition was brought about. But I was defeated in my proposition, although I had given to it more work within a certain length of time than I had ever spent on any other question that I have ever tried to solve. The administration was too much for me. Mr. Hoover's power was too much. Mr. Meyer, of the Finance Corporation, with the prestige and the power of the President of the United States, was too much for me. Those who agreed with me went down to defeat.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. NORRIS. I yield.

Mr. WATSON of Georgia. It was my very painful duty as I saw it to differ from the Senator from Nebraska about that bill. I differed with him on that subject, and I am not dead sure that I was right about it, but I followed my inclination and did the best I could with the question. I would like to ask the Senator how his corporation could have relieved the situation in this country or abroad when the volume of currency was being reduced at the rate of about \$80,000,000 a month?

Mr. NORRIS. I am not intending now to discuss in detail the proposition that I had in the Senate and which the Senate voted down, as they had a right to do of course. I am only answering the suggestion of the Senator from Iowa, which I think is a proper one, "If you oppose this bill, what is your proposition?"

That was not the only thing in the bill that I wanted to oppose, and was not the only thing that I thought was wrong with the situation. It was not the only thing I included in the remedy. I did not include what the Senator from Georgia has suggested, although I am ready to admit I believe, with him, that the deflation of the currency brought about by the Federal Reserve Board was one of the causes that brought on a good deal of the unemployment. I am not sustaining that. I think that is another thing that ought to have been done differently from the way in which it was done. I think a great deal of our trouble has come about from the fact that the currency and the credits, particularly of the agricultural sections of the country, were deflated by the action of the Federal Reserve Board at too rapid a rate, and so brought ruin.

But, Mr. President, there is another thing that is the trouble with us and that has something to do with the unemployment

proposition. That is the question of transportation, and I included that in my proposition that went down to defeat.

Mr. DIAL. Mr. President, I would like to ask the Senator if he does not think it is wrong principle to encourage people to look to the Government for employment. Does that tend to build up industry?

Mr. NORRIS. I think we ought, if we can, to legislate to so control conditions in the country that those terrible depressions will not come, but when they do come or if they do come and suffering results, as it always does, I am willing then as a Government to go where I would not go in ordinary times to help the situation, and to almost any length.

Mr. President, there is nothing we use or eat or wear or consume but what has a part of its cost made up of the item of transportation. It is in our clothing. It is in our food. It is in our furniture. It is in our homes. It is in everything, so that it has been very carefully estimated that one-half of a man's lifetime is spent in working to pay the railroads for transportation. I do not complain of that condition of things. That is necessary to make up our economic welfare. Transportation enters into everything. Therefore every man, woman, and child is interested in transportation; is interested in seeing that the profit is taken out of transportation.

But our great transportation systems are founded upon the theory of profit and nothing else—getting all that the traffic will bear. I do not complain of the men who are in it. That is their right. We have railroads built sometimes where there ought to be no railroads, sometimes where there are too many railroads, sometimes where there are not enough, sometimes where there are none when there should be some. The only thing that ought to be taken into consideration is the instrumentality that goes to make up the common good of humanity, and transportation is one of the elements that make it up.

Mr. WATSON of Georgia. Mr. President—

Mr. NORRIS. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I fully agree with my friend the Senator from Nebraska about the immense cost of transportation. I know that the rates in my part of the country are very nearly prohibitive. The Senator knows, as I do, that the Government has built and is successfully operating a magnificent railroad in Alaska. I think we are also operating one in the Canal Zone.

I would like to have the Senator from Nebraska indicate how we are going to remedy the transportation question unless and until the Government takes charge of the railroads and pays for them honestly and operates them like it does the post offices.

Mr. NORRIS. I say to the Senator that I do not know any way to do it until we do that, and I am not brought to that conclusion because I want to reach that conclusion, but I am brought to that conclusion by what I believe to be the inevitable logic of the situation.

Transportation is one of the things that is raising the devil with the country and the people who are in it now. Everybody knows that. They do not have to be told that. Transportation or freight charges, and that is the important part of it, on the railroads of the United States are so high that they actually prohibit the consumption of a great many things that the people would consume if transportation charges were reasonable.

When we had the other question before the committee, when the committee had the hearings, I had an interview with one of the great railroad heads of the United States, a man whose name every Senator would recognize if I mentioned it, one of the best railroad men in the world. In my judgment, so far as I know him, he is a gentleman of very high attainments, square and straight. He came to see me about the proposition that was then pending before the committee.

We spent several hours going over it, and he was very honest, I thought, and very free in telling me just what he thought, although our conversation was not, of course, for publication, so far as his name is concerned. After I had told him of the information that came to me of agricultural products rotting on the ground, like hay and similar things, that had to be shipped within a reasonable time or they would spoil, he said, "You are looking at it from a patriotic standpoint; you are looking at it from a standpoint that I will admit is right. You are viewing transportation from a different viewpoint, however, than that from which I am compelled to view it. I am not criticizing you for the viewpoint you take," he said, "but look at it for a moment now from the railroad owners' standpoint. You have your wheat, your corn, your oats, your barley, your potatoes, and other farm products stored up. You say the freight charges are so high you can not ship them. The railroad man knows that before you can get those products from the place of their production to the place of their consumption you will have to patronize the railroads, and if he does not get the business to-day he will get it to-morrow. If

he does not get it this week he will get it next week. So why not look on it from the point of the man who owns the railroad and who wants to make some money out of it? Therefore there is a question involved whether from that viewpoint he is not right in saying, 'I will get a bigger profit if I keep the rate high enough, although I may have to wait a little longer to do the work and to some extent some of it will be spoiled and I will not be able to haul it all, but I will make more money in the end if I take that course than I will if I reduce the rates.'

My contention is that in a time like this, when we know that in many agricultural products—products of food—one section of the country has an abundance which other sections of the country can not have or get, that if the freight were paid—whatever had to be paid—out of the Federal Treasury it would be a good step and would get the products to move from the producer to the consumer rather than to have them rot or spoil or moved at a price that brings ruin to one class of our people if they have to buy them or to the other class of our people if they have to produce them, or perhaps to both, and the middleman get all the cream there is.

Mr. President, I did not intend to say anything about this. I only do it because of the very pertinent and proper suggestion of the Senator from Iowa, "If you criticize this, you ought to have something else in view."

I know that what I have proposed failed to receive a majority of the votes of the Senate, but still I am clear in my own conscience, at least, when I comply with a request which I think is reasonable and suggest what I believe to be a remedy that will at least afford some relief.

Mr. President, there are some other features of the bill which I do not like. I want to be constructive; I do not want to be always tearing down. I would rather help to get something through that will do a little good than to prevent something going through which, in my judgment, may do some harm.

It seems to me if it is desirable that the Government of the United States should take steps to relieve unemployment in times of depression by constructing public works, and if it is advisable by law in advance to get ready for such a condition rather than to wait until it comes, a simple law making an appropriation and placing the money in the hands of the President to be used in his judgment for the improvement, let us say, of rivers and harbors, the erection of public buildings, the development of water power, the construction of reclamation projects, as the Senator from Washington [Mr. JONES] suggests, the draining of swamp lands, even the building of homes for laborers and disposing of them on time, almost anything that would bring employment, would be better than to provide an elaborate scheme by law under which somebody shall look into the future in order to see when depression is coming and tell everybody about it, so that all may be ready for it, the theory being that they could all escape it. As a matter of fact, it would only bring it on that much sooner. It may be that the best thing to do would be to make an appropriation when a particular condition arises. For instance, we have unemployment now. Instead of passing this bill, which is general in its terms, why not, if we consider that we ought to do something in order to relieve the unemployment situation, make an appropriation to construct some great public work, to build some great road, to develop some great water power, and set the Secretary of War and his engineers at work, and let them employ as many men as may be needed to carry it on? I should think that would be much more practicable and bring better results in the present situation than a bill such as that which is now before the Senate.

Mr. CARAWAY. Mr. President, I supported the bill of the Senator from Nebraska [Mr. NORRIS], although I was not certain that it would bring the relief to the agricultural interests that the proponents of the bill had hoped. I regretted that certain interests saw fit to defeat the bill. I think it was a mistake, but to defeat the pending bill would not revive that one.

Mr. NORRIS. Mr. President, may I ask the Senator from Arkansas a question before he proceeds?

Mr. CARAWAY. Yes, sir.

Mr. NORRIS. I want to ask the Senator this question: If agriculture were prosperous, and if producers had a market for their surplus products, is it the judgment of the Senator that there would be any unemployment now?

Mr. CARAWAY. I think it is exceedingly doubtful that there would be. I supported the measure of the Senator from Nebraska, as he doubtless will recall, and I regretted that certain influences saw fit to defeat it. The Senator very correctly, I think, diagnosed the influences which brought about the defeat of the measure. Opposition came from the adminis-

tration, but, I repeat, it would not revive that measure nor change the attitude of the administration toward it to defeat the pending measure.

I do not think this bill is going to prevent all the unemployment that is to occur in the future, but, as the Senator from Iowa [Mr. KENYON] said much better on yesterday, here is a measure that business men, members of boards of trade, chambers of commerce, industrial experts, men who employ labor, men who develop enterprise, have said they believe would be helpful. On the other hand, organized labor has said that they were impressed with the possibilities of the measure. Men who employ labor and the labor which produces wealth alike have asked Congress to give them this legislation.

The bill is not to cost the Government anything. In my brief service in the Senate this is the first measure that I have seen come before the Senate that offered to help somebody without costing the Government something to do it. The bill does not propose an appropriation; it does not look for an appropriation; it does not make a place for somebody; it does not create soft snaps for political supporters and henchmen. It simply provides that with the ordinary intelligence with which men look forward in their own business and make their arrangements for future transactions the Government shall look forward to the welfare of its citizens. I do not think any man in the world ever made a success of his own business who let everything drift until the situation had developed and he was compelled to act. He must look to the future and lay his plans. This measure does not provide, as the Senator from Nebraska seems to think, that the Secretary of Commerce shall predict panics; but if the Secretary of Commerce retains his common sense—although I have sometimes thought when people get into office they throw their common sense away—he will know, as we all know if we look into the future, that when prices are abnormally high and we authorize public works we pay more than they are worth. Usually Congress gets busy and provides appropriations for public works when everybody has a job, when material is selling at the very highest peak of the market. This bill says that the Secretary may, with the consent of the President, hold back the construction of certain improvements that have been agreed upon, and when periods of depression occur the contracts may be let. The Government will get the advantage of having them constructed when material is cheapest, when labor is lowest, and, on the other hand, men will be afforded an opportunity to work who otherwise would be, as the navy-yard workers here in the District of Columbia find themselves without warning, out of employment.

If somebody had had the power to look ahead and withhold contracts which have been let at exorbitant prices to private enterprises and which could have been performed in the navy yards, there would have been work to-day for the 1,300 or 1,400 men who are to-day walking the streets of Washington without a job.

I do not know what harm the bill can do. There is nothing in the measure, if the Senator from Nebraska will pardon me for saying so, that compels the Secretary of Commerce to say that there is to be a panic next year or the year after. It simply provides that he shall hold back a certain amount of each appropriation each year, and when such a condition develops that men commence to be thrown out of employment and when business seems to be going to pieces, instead of publishing the fact that there is a panic, he is to commence to construct public works and to that end to employ men who are thrown out of private employment and set them to work for the Government building public highways, constructing irrigation plants, improving rivers, erecting post offices, or doing any of the innumerable things which the Government must do. That is not advertising that we are going to have a panic; it is simply throwing out a life line when we feel the symptoms of an approaching panic. If there is any harm in that, if it is something that the Government ought not to do, if there is anything unwise or unpatriotic in it, I am curious to know wherein it lies.

We ought to do something that will enable the Government to save money and at the same time help men to help themselves; and that is all the measure does. There is nothing in it anywhere that directs or authorizes the Secretary of Commerce to proclaim that we are to have a panic, and thereby bring it on, as the Senator from Nebraska said, a year in advance of its actual coming. The bill simply says that each year he shall hold back a certain amount of public work until it is apparent, when everybody knows, when the material market and the labor market disclose the fact that men are out of employment, and that then would be a good time and a cheap time and a wise time and a patriotic time to carry on the public improve-

ments, to construct the public works, and to give idle men jobs.

I myself was a little astonished to see the opposition to the bill. It did not develop in the hearings; no one there suggested the possibilities of evil or the unwisdom of the legislation. Nobody had intimated that it was a power given to the Secretary of Commerce to divine when a panic is due and therefore to proclaim it and bring it on. Such ideas, I am frank to say, seem to have arisen more out of the apprehension and distrust that the Senator from Nebraska entertains of the present Secretary of Commerce than out of anything that really appears in the bill itself.

I think it would be rather unfortunate in this hour of stress to say to people "we are not even willing to try to guarantee that this kind of a condition shall not overtake you next year or the year after or the year after that; we are not willing even to put on the statute books a law that does not cost the taxpayer a single penny. It struck me as about the only unselfish, wholly disinterested measure that the present administration has recommended, and I was delighted to find myself able to agree with it for once. I am astonished that the members of the administration's own party are unwilling to trust it.

Mr. HEFLIN. Mr. President, I am not going to discuss this bill in detail, but I can not permit some of the suggestions to go by without saying something to keep the record straight regarding certain policies pursued by the Republican Party.

The unemployment of labor to-day is due solely to the Republican administration; of that there is no doubt on earth. When the deflation policy commenced, which was started by a resolution adopted by the Senate which was Republican at that time, as now, the resolution having been submitted by a Republican Senator from Illinois, it so injuriously affected agricultural products that they became a drug upon the market; the purchasing power of the farmer was destroyed; the debt-paying power of the farmers in the South and the West was destroyed; the merchant in the South and West commenced to cancel his orders; and the manufacturer, confronted by a cancellation of orders, saw there was nothing for him to do but shut down his plant, and that is what followed. The farmer was stricken down by this policy. The merchant was stricken down with him by this policy. The local banks could not get the money necessary to carry on the business of the community. A collapse came and the industrial centers felt it. The manufacturing centers felt it. They got in out of the storm by closing their mills and turning the people out into the streets, and they have roamed the country unemployed from that day to this. What caused it? The contraction of the currency and the curtailment of credits. These two are the life-giving forces in the business of the Republic. Withdraw either one of them and you seriously cripple and injure business. Withdraw both of them and you paralyze it; and that is what you have done. These little smelling salts that you want to pass around to these afflicted people will not serve the purpose. They are sick, they will have to have relief, and you will have to go to the root of the evil.

Mr. President, when the money changers of Wall Street used to produce panics in this country—and they are the authors of every one of them that we have ever had—they used to say: "The panic has come because the gold supply of the country has gone abroad. That is what caused the panic." Why, they palmed off one flimsy reason after another on us through the years, but we have gotten our eyes opened. We know what the evil is now. We know what produced this, and we are going to it. We do not expect to be deterred and waved aside by little suggestions of perfume, of bouquets of flowers on the center table, and passing around the smelling salts. Somebody is sick, seriously sick. An operation is necessary. It will have to be performed before physical strength and vigor will return, and we are going to perform that operation. If you will not perform it, the Democratic Party, which has never failed the people, will perform it when it comes back into power.

Did you have any of this trouble when we were in power? When Congress was under Democratic control was anybody out of employment? When Woodrow Wilson—God bless him—was in strength in the White House was anybody out of employment? Was there any idle industry in the land? Were there any hobos roaming the country begging for bread? Not one. We destroyed your hobo army under Democratic rule. Why? Because we unloosed the instrumentalities that affect the vital life of the Republic. We turned loose the money supply and made it flow where it was needed to meet the demands of business. We unloosed the credit supply and made credits flow where they were needed to meet the demands of business, and everybody was employed, and prosperity was here.

Money was flowing freely, credits were in abundance, and we had nation-wide prosperity under Democratic rule, and

you have destroyed it. You have destroyed it in three years' time. You have controlled Congress for three years, and now you have control of the White House, and you have to come here with a measure to provide something through the Government to furnish employment to labor, when all that you have to do is to break the jaws of the wicked and pluck the spoil out of their teeth and let the money in the country go where it is needed, and let the credits go to meet the demands of the people.

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. I beg to remind the Senator from Alabama that under this administration a governmental agency has been destroying the only good paper money in the world, and doing it at the rate of more than \$80,000,000 a month, until the entire destruction of that paper money has nearly reached two thousand million dollars.

Mr. HEFLIN. Mr. President, that is another evidence of the destructive work that is going on—drawing in this money supply, taking it away from people who need it, and need it more than ever. Instead of sending them more, they are taking away what they have.

What do you do on a firing line, as I said once before, if your ranks are becoming thin? You send more men there to strengthen it, and to fill the gaps, and you keep on sending them until you serve the purpose of the day. Are we going to do that in this case? Money is scarce. Credits can not be had. What is the duty of the Government? To send reinforcements, to send money and credits to the locality, and help tide over the people, when not a hundred thousand or a few hundred thousand, but sixty millions out of our population are actually in distress at this hour.

Senators may not believe that, some of them who are in comfort and ease and in luxury, but there are sixty millions of American people, nearly two-thirds of the population, that are ill at ease, whose business is not prosperous, and many millions in that sixty million are literally ruined in their business.

Mr. President, there is more money in this Republic to-day than has ever been in it in all its history. Our gold supply is greater than we have ever had, and here you are in control of the Government. Every branch of it is in your power, and you are utterly helpless and impotent before the financial lords of Wall Street. They will not let you break the forces that bind the money supply and the credits of this country. You have a Federal Reserve Board that is thoroughly discredited before the business men of the country. The banking interests are intimidated. They are afraid of that power, and yet this board has literally the control of the money supply and credits of 100,000,000 people, and you hug it to your bosom; you will not drive it from power.

Why is it that you will not do that? What is it that holds this board in power when it is doing things that make for the hurt and injury of your country? Why is it that you will not smite these men and drive them out as unworthy public servants? I do not know, but you will not do it. You know when we wanted to put a farmer on the Federal Reserve Board it was rumored around here that Wall Street said that Gov. Harding had to remain on the board, after he had served them so well during your campaign of 1920. He gave his support to the Republican ticket, according to an editorial in the Washington Times of April 12, 1920. How did they get that impression if he did not give it to them? He was flushed then with the idea that he was going to stay in. He had been a sort of a Democrat under the Democratic administration, and when the Republicans came in he was a very clever Republican.

You have heard the story about the bat that wanted to fight when the war was on between the animals and the fowls, and he went on the side of the fowls and fought a while with outspread wings; and then when it looked like the fowls were going to be whipped he folded his little wings and ran with the rats, and so passed off as an animal. That is what this gentleman did, and you kept him in. I pointed out to you here that he supported the Republican ticket, and that that was a part of the plan, and that he bore down with that deflation policy more strongly during the months of September and October than ever before, and that was just prior to the November election. Now he has his reward. You are keeping him in power.

There he sits, serving the interests of Wall Street; and here we are, with that situation upon us, undertaking to pass little soft-soaping measures to relieve some situation temporarily. How much further will this thing go? When will the people rise up in their might and in their majesty and demand that this Government have its independence of Wall Street? When will the people assert themselves and say that the banking institutions of this country shall not be dominated by Wall Street?

That used to be so, Senators. We took away from Wall Street this power. They fought the Federal reserve banking system to the death. They came here and hovered in this gallery, and they said to the Senate: "You will produce a panic when you pass that bill." They warned us of the dangers that would come under its operation, but we passed it in spite of them. We broke the power of Wall Street to control the money supply and credit of the country, and what happened? Prosperity flowed like a river. Localities got money that had never had a sufficient supply before. Localities enjoyed credits that had never had them before, and the country prospered under Democratic rule; but when you got in power, when you carried the House in 1918, just as we are going to carry it in 1922, something happened. Oh, yes; we are going to take the House, Senators. There is nothing in the world that will keep us from carrying the House. We ought to carry it. You carried it in 1918, and that meant that you were going to elect a President in 1920. We are going to carry it in 1922, and that is a fore-runner of the glorious news that will ring like a trumpet call around this afflicted Nation, that we are going to elect a Democratic President in 1924. God speed the day.

What happened when you got in power? The very day that the money changers of Wall Street saw you hungry, willing to fall for almost anything to get complete power, they said: "Here is our opportunity. It is 1918. The war is over. Let us pull down the curtain and start deflation, and we will have our feast time. Here it is. Yonder is the South, with her cotton crop that brings the gold supply of the Nation. Yonder is the great granary of the West, and yonder the cattle feeding upon the plains. We will operate there and operate yonder. This is our feast time. Go to the Republican Party and say, 'Here are all the campaign funds you want, provided you will put the deflation policy on now. We will put it on with you and help you to carry the country. If deflation is started, and its waves sweep the South and West before the election, thousands and hundreds of thousands of votes will turn away from the Democrats, because Wilson happens to be still President'; and there he was, prone upon his back. He did not know what was going on outside, and you had control of the House and the Senate, and then it was that this mischief was begun.

What do we see? We see the very Senators on the other side who fought the Federal reserve system when the law was enacted standing here defending the deflation policy, which proves my position to be correct, that as this board now operates the system it is as satisfactory to Wall Street as the old system was.

Mr. Warburg testified before the committee when this bill was up for consideration that the objections to it being a regional system instead of a central system could be overcome by administration. That is what he said. I never knew what that meant until I saw it done, and I have seen them overcome the regional plan by making it a central system, when they loaned to two banks in New York in November, 1920, \$250,000,000 when they were lending to all the agricultural interests of the country only \$15,000,000. What more proof do you want? That was the central system, operating under the Federal Reserve Board.

The Republican Party has the Presidency, they have control of this body, and they have control of the House, and they can turn that board out, they can legislate it out of existence, they can get rid of it; but they will not. Why is it that they will not?

I did not expect to say very much, Mr. President, but I do not intend that the country shall get the impression that times of depression in this country are necessary, for they are not. Whenever people in this country are out of employment, whenever industries stand idle, when local banks can not get money and credit to carry on the business of the people, it is the fault of the Government.

Why do I say that? When Mr. Roosevelt was President, the money changers started to produce a panic, and he sent \$25,000,000 out of the Treasury up to New York and broke it up, and, I am told, threatened them and told them that he would send \$75,000,000 more, and more. How did he break that panic? They said, "We are going to make money scarce, and we will make it so dear that every man who has to have a dollar will have to pay tremendous interest to get it, and we will just have a feast." Roosevelt said, "I will not let that happen. Here are \$25,000,000, and I will follow that by more millions." And they said, "He has broken up our game."

Why should not the Government do that? If we sent \$20,000,000 to help the starving people of Russia, why can we not compel the banks of this country under the board to send out Federal reserve notes to supply the communities which are literally dying for want of currency and credit?

Mr. President, the American people are getting more and more educated to the fact that this is their Government. I pray God that we will not stay long in the bondage of the old system which used to control this Government. The time was when Wall Street could produce a panic in 48 hours, because she controlled the money supply and credit of the country. Who took that power away? The Democratic Party, under the leadership of Woodrow Wilson. Where is that power now? It has gone back to Wall Street.

They are constructing a building over there to house the Federal Reserve Bank of New York. The Senator from Georgia [Mr. WATSON] and I were talking about that to-day. The distressed farmers of his State are borrowing \$8,000,000 through the War Finance Corporation, which is less than one-third of the cost of that bank palace, which is to have a swimming pool, gymnasium, cafeteria, and moving-picture show built in the heart of the Wall Street district, costing \$25,600,000.

All that is going on under the Republican administration. Then Senators on the other side rise and say, "Let us pass the smelling salts around. Put a bouquet of flowers on the table, so that the hungry laboring man, as he perishes for food, may look upon the flowers."

It is the duty of Senators to cry out against this thing and to point the way to the root of this evil. Do Senators know what the President could do? If he were to compel the Federal Reserve Board to issue Federal reserve notes, send money out, and extend credit to the localities now impoverished, prosperity would blossom like the rose; but Wall Street is not going to consent to that. The money kings will not permit it, and the Congress of the United States, with 24 Republican majority in this body and 169 in the other, is impotent and helpless. It stands helpless before a long-suffering and afflicted people. That is the situation which confronts us.

One of our good friends on the other side said it was wrong to teach the people to look to the Government for aid. Mr. President, we established the Federal reserve banking system—and I helped to create it—for the purpose of giving the Government supervision over the money supply, to take it out of the hands of those who sucked the lifeblood of business like a vampire. We had witnessed that.

I had seen my section tremble beneath the brutal blasts of panic brought on by Wall Street time and time again, and cotton values would tumble down. They got our cotton crop for a song and held it until the price advanced—sat back reveling amongst their profits, clipping their coupons, as they did with the grain growers and the cattlemen of the West. I said that something ought to be done to change that, and so did a majority of the American people, and we changed it—gave the Government supervision of the money supply—and now those who speak for the Government are under the control of the same evil power which we denounced and broke away from.

What are Senators going to do? Somebody has to lead a crusade against the ramparts of Wall Street. Somebody has to sound the trumpet call to Americans whose sons bared their breasts on the battle fields 3,000 miles away to save this Nation from overthrow and save our liberties from being lost.

Somebody has to fight this great evil, Senators, or it will not be long before they will dominate every avenue of this Government for a long time. Let us fight now. Let us summon the men and women of America to battle and fight those interests to the death, surrendering not to those who charged a rate of interest running from 1 per cent to 87½ per cent. Think of charging a man 87½ per cent for the use of a dollar, as they did to a little bank in Alabama. One man borrowed \$5,000,000 in New York, as I told the Senate the other day in a lengthy speech I made, and he had to pay a broker who indorsed the paper a commission of a million dollars. He took the other four million and paid it all back in six months' time. One million dollars!

What care they for wrongs and crimes?
Its dimes and dollars, dollars and dimes.

Money is the god of the ghouls of Wall Street. Gold is what they are trying to accumulate, and to-day the Nation has hoarded more gold than ever in all its history. We have more money in this country, I repeat, than ever in the history of the Republic.

What is being done with this gold? It is hoarded. It might just as well be dead and buried. What are they doing with credits? They are withholding them. What are the farmers doing? They are miserable, as I speak to you to-day. They do not know whether they are going to make a crop this year or not. They have little bright-eyed boys and girls around them who just a few years ago, under our administration, were happy, frolicking about in their glee, going to school, romping and playing upon the green, and now many of them are going away to the cotton mills, to overcrowd the cotton factories. The

old roof-tree is gone, home is broken up, and the farmer is leaving for town. That is what is going on under this blighting, deadly touch of the Republican administration. Yet Republican Senators get up and suggest a little remedy, which does not go to the root of the evil. It is like spreading pictures on a wall to entertain people who are blind and starving. They are not reaching the trouble. They are not giving relief.

Mr. WATSON of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I gladly yield.

Mr. WATSON of Georgia. I will state this in connection with the conditions to which the Senator is referring: I went into the room of Judge BRAND the other night for a short talk after supper, Judge BRAND being a Member of the Georgia delegation in the other House. We were speaking of the situation, and he picked up a county paper, the official organ of one county in his district, which, as the Senator knows, embraces the beautiful city of Athens, and he called my attention to the fact that there were 35 different homes being advertised for sale for taxes in that county.

Mr. HEFLIN. Mr. President, in line with what the Senator from Georgia has said, State Senator Mish, of the State of Maryland, appeared before the Committee on Agriculture and Forestry yesterday and told that committee about a small farmer, a man getting up in years, who owned his little farm over there, and owned stock, and when the crash came under the drastic, deadly, deflation policy, his farm was swept from under him, his stock were taken, and the old man brooded over it, broke down, went to bed, and died.

He told of another in the same community who lost his farm in like fashion, and he said, "Now, instead of living on that beautiful little farm he is insane, and is down in West Virginia in an asylum for the insane." There is no reason for that. As God is God in His heaven, there is no reason why that should happen in the United States.

The time will come in this country when the people will not submit, and should not submit, to a few men in Wall Street, or anywhere else, controlling the money supply and credit, and dishing out their favoritism, supplying the stock gamblers, as they do to-day. The stock gamblers of Chicago, I will say to my friend from Georgia, can get every dollar they want with which to speculate and beat down the price of wheat or corn or cattle. The gamblers of New York can get every dollar they want with which to speculate and beat down the price of cotton. So the only sources the Federal Reserve Board is supplying now by its policy, and has been supplying since the spring of 1920, are the people who are employing the money to further afflict the farmers. Is not that an evil indictment? Yet it is true as I speak to you to-day.

Now, Senators, let us try not to deceive ourselves. Here is the root of the evil. It is the money power. It is the way it is being manipulated to-day. What do they do out there in the rice country? They raise the floodgates and let the water come out and flood all the soil, and they do it at different periods. It has to be done in order to make a rice crop. Suppose the rice farmer goes up to the man who has control of the mighty system that holds the water supply and says, "I have come around for my periodical supply of water. I must have it right away. My rice is suffering, and it is just right for it now. If I can not get the water I will not make a crop." He is told, "We have decided not to supply you with any water." "If you do that, do you know what you are doing?" "No." "You will cause me to turn off 500 men, who are working for me, and each one of them has a family. You will cause people that I supply with rice to be hungry and suffer. You will cause the rice mills to shut down, because they have to have rice to work with, and all the products that come from rice, every industry all along the line, will be injuriously affected, and you will destroy my business."

That is exactly what is done with the money supply and credits. The farmer stands in the market place, God bless him, having toiled the year through, oftentimes with his own children and his wife. He comes up with his produce to the market place and says, "Here I am. This is the fruit of my toil." They say, "Well, we are very sorry to tell you, but we have just heard from the market to-day and the price of your produce has gone off, oh, a great deal." He says, "Well, I can not afford to sell at that price. I just can not afford to do it. If I sell at that price I sell below the cost of production. If I sell below the cost of production I have lost on the entire year's crop instead of making anything. I am going backward instead of forward, and yet I am a producer."

The produce with which to feed and clothe mankind is produced by that man, and you confront him with a market where

the price does not warrant him in continuing in that business. So he says, "I will not sell it at that figure." They say, "Well, what are you going to do?" He says, "I am going down to the bank, as I used to do under Democratic rule, and I am going to borrow money on my produce and I am going to use my price-fixing power, which I have a right to do, to sustain myself and provide for my family. I am going to hold this stuff off the market until the price will go up to where it will cover the cost of production and give me a little profit. I am entitled to that." "Oh, yes; you are entitled to it, but we are afraid you can not get it at the bank." "Why?" "Because you have agricultural products." "I see where they are borrowing money in Wall Street to speculate with. Why don't you think they will let me have it?" "Because they have liquid assets in Wall Street. They can turn them over very quickly, but you have products of the soil and they are not going to let you have any money. We are afraid you can not get it."

He goes down to the bank under this deflation policy started by the Senator from Illinois [Mr. McCORMICK] and says to the banker, "I have some cotton out here and some wheat and I want to borrow a little money on it. Here are my warehouse receipts." The banker says, "I would be delighted to let you have it; I have let you have it all along, but I have heard from the Federal Reserve Board not to loan money to hold cotton for speculative purposes." He says, "I have to hold it until I get a price that will cover the cost of production." The banker tells him, "I would let you have the money, but we can not get it when it is to be loaned on cotton and wheat."

There is the story in a nutshell. The farmer drops his head in the market place and stands sad and despondent in the country where his own boy has gone 3,000 miles away to fight to save the Nation in the hour of its peril. Senators, do you contribute to American patriotism with a process like that? Do you contribute to stalwart manhood through a process like that? Do you, through a process like that, make for a happy, cheerful, noble womanhood—a process that grinds down the women of the country who are to be the mothers of the race?

What happens to that man? He says, "Well, what am I to do?" They say, "We see that cotton and wheat will be lower to-morrow than it is to-day, because as soon as the news is spread abroad that they are not going to let you have money, it will go on down and down." He says, "Yes; I guess that is so, but if I have to sell now, then what I have will not even pay what I owe." They say, "Yes; that is the situation." He says, "But I promised my wife and my children that I would bring some things home to-day. Christmas is approaching, and I have promised them shoes and clothes and hats. I have been doing that every year when I got a fair price for my produce, when I was doing fairly well and was prosperous, and now what I have will not even pay what I owe. How am I going to take those things home to them?"

I see this farmer in his empty wagon going back home, and I can see his children coming out and greeting him as they hear the rattle of the wagon on the hilltop. They go out to meet "daddy" bringing the gifts home to them, and as they approach him a lump comes in his throat, and tears linger on the brink of his eyelids as he looks down upon his children, knowing that he will have to disappoint them.

They look over in the wagon and say, "Daddy, where are our shoes? Where are the things you brought us?" Daddy chokes up and says, "Well, I will get them the next time I go to town." He knows they can not understand the situation. He goes in the house and acquaints his good wife with the awful condition, and she tells the children, "That is all right; daddy will get them for you the next time he goes." The little children go to bed that night with heavy hearts, disappointed because their father had failed to bring the things he had promised. Instead of enabling him to do what he was able to do before, you have reduced him to that awful condition.

This feature is true of the South, it is true of the West, the great grain-growing West, and the cotton-producing South. These people are entitled to money to carry on their business. They produce the products that supply the world. They are entitled to credits. They are not getting those credits, and yet you are in charge of the Government, and the Federal Reserve Board sits right in the hollow of your hand, and Wall Street has a pipe line that leads to it, and it echoes only the sentiments of the gang that is pillaging and plundering your Nation and making bolsheviks and anarchists out of the greatest race of men ever created in the image of God.

Mr. CARAWAY. Mr. President, I desire to read one paragraph from the letter of the President—

Mr. KENYON. Mr. President, I wonder if the Senator from Arkansas would object to our getting a vote on the amendment

on which we have been trying to vote before he reads that letter. I suppose it will start some discussion that will carry us over to-night. We were just about to vote on an amendment which has practically been agreed on.

Mr. CARAWAY. Very well.

Mr. DIAL. Mr. President, I would like to ask the Senator from Iowa if he expects to get a vote on the bill to-night?

Mr. KENYON. This is an amendment I am asking to section 2, to meet objections raised by Senators last night.

Mr. DIAL. I understand that; but does the Senator expect to get a vote on the bill to-night?

Mr. KENYON. I would like to have a vote on the bill to-night, but I imagine what the Senator from Arkansas proposes to read from the President's letter will lead to extended discussion.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Iowa.

Mr. KENYON. I ask to have the amendment read for the information of Senators.

The VICE PRESIDENT. The amendment will be read.

The reading clerk read as follows:

Substitute for subdivision (a) of section 2, on page 2, the following: "The Secretary of Commerce shall prepare and publish monthly reports as a supplement to the current survey of business of the Bureau of Census or otherwise concerning existing business conditions in order that the President, heads of executive departments, the Congress, the governors of the respective States, mayors of cities, persons engaged in industrial enterprises, and in agriculture may have more adequate, frequent, and reliable information upon the general industrial situation."

The amendment was agreed to.

ADJUSTED COMPENSATION FOR VETERANS OF THE WORLD WAR.

Mr. CARAWAY. Mr. President, I wish to read one paragraph of a letter transmitted to-day by the President of the United States to the chairman of the Committee on Ways and Means of the House [Mr. FORDNEY] in response to a plea, as I understand, that was made by the members of the majority party in the Senate and the House to the President to devise some means to pay the soldiers adjusted compensation. The President in this paragraph said:

I believe the American people will accept the levy of a general sales tax to meet the proposed bonus payments, and we should contribute thereby no added difficulties to the problems of readjustment. If Congress will not adopt such a plan, it would be wise to let the legislation go over until there is a situation which will justify the large outlay.

We were told by the President of the United States when he came to the Senate and made a plea to have recommitted the soldiers' adjusted compensation bill that when we should have made provision for the refunding of the foreign debt then the soldiers should have their just demands against the Government granted. There was to be some means devised to pay the bonus.

It was pointed out by us on the Democratic side of the Chamber when the Republicans in the Senate insisted upon repealing the excess-profits tax and the higher surtaxes and the corporation stock tax that they were destroying the best means of paying the adjusted compensation, but the Republicans charged that we were merely trying to make politics out of it, and that they, the Republicans, were going to devise a means that would meet everybody's objection and pay the soldiers an adjusted compensation.

Now the Republican Members of Congress have abrogated their right to determine what means should be adopted to raise the revenue. The majority party in both the House and the Senate have admitted their incompetency to determine these questions or to devise means of raising revenue, and have appealed to the President, and the President has listened to his advisers, whoever they may be I do not know, and has brought forth this scheme to pay the soldiers an adjusted compensation that would take from the soldiers every dollar the Government paid them.

In other words, he, the President, here presents a scheme under which the soldier would be compelled to pay himself; that the Government would levy upon a consumption tax on everything that he ate, every article of clothes that he bought, on everything he is compelled to purchase for any purpose a tax which would compel him to pay his own adjusted compensation. Under this scheme they are going to hand him an adjusted compensation, and immediately take it out of his pocket with a sales tax. They are going to take from him not only every dollar they give him as adjusted compensation, but in all the years that are to come are going to fasten upon him a scheme whereby he shall be compelled not alone to pay his adjusted compensation, but that he shall be compelled to pay the whole huge debt that this country accumulated in prosecuting the war. They will make him pay for the very uniform he wore in the trenches of France, for the gun that he carried when he fought the enemy of this country. They are going to take from the men who did the fighting the money to pay all the accumu-

lated burdens of Government and to leave in the pockets of the rich, those who grew to be millionaires out of the advantages that came to them during the war, all that they accumulated. That is the scheme.

I know that all kinds of tax dodgers, men who want to keep what they have been permitted to plunder from the people, those who made excess profits, those who have grown rich at the expense of those who were willing to sacrifice for the war, are delighted with this scheme. It will not cost John D. Rockefeller any more under this plan than it will cost the boy who is walking the streets here in Washington looking for a job. It is a rich man's scheme; to enable him to avoid bearing his just share of the burdens of Government. It is the scheme of the crafty to put back upon the backs of the poor, the unprotected soldier boy the burden of paying not only his adjusted compensation, but for all his upkeep while he was a soldier beyond the seas. It is a hideous scheme. If it is accepted by Congress the rich do not pay anything; if it is not accepted the President says we had better let the legislation go over until we can find some other scheme to make the poor bear the burden and let the rich escape. That is all it means.

Mr. MCCORMICK. Mr. President, let me ask the Senator from Arkansas if he is not in error when he says that the President is not within his authority in recommending taxes to Congress?

Mr. CARAWAY. Nobody said that. I said that the Senator's party in the Senate and in the other House admitted that they were impotent, that they had no power of devising a tax scheme, and they put it up to the President, so that the President could take advice of those whom he has been consulting and devise a scheme to put all the burden upon the poor and relieve the rich, and he did it.

RELIEF AGAINST DEPRESSION AND UNEMPLOYMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2749) to prepare for future cyclical periods of depression and unemployment by systems of public works.

Mr. KENYON. Mr. President, so much has been said about the power of the Secretary of Commerce under the pending bill—and I am sorry that some of the opposition seems to be because of dislike of the Secretary of Commerce—that I am going to move to strike out subdivision (b) of section 2, which reads:

(b) The Secretary of Commerce shall transmit, with his recommendations, copies of such report to the President, to the heads of departments, and to the Congress.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. KENYON. On line 1, page 3, I think the amendment suggested by the Senator from Wisconsin [Mr. LENROOT] has not been adopted. I agreed with him that I would move that amendment. I therefore move, after the words "the Secretary of Commerce," to strike out the word "shall" and to insert the word "may."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. ASHURST. Mr. President, for some months it has been a favorite indoor sport to subject the "agricultural bloc" first to vilification, then ridicule—

Mr. KENYON. May I ask the Senator before he discusses the "agricultural bloc" if he will not let us vote on the pending bill? I think we are ready for a vote.

Mr. ASHURST. Requests which the distinguished Senator from Iowa [Mr. KENYON] makes can not be refused at my hands. I will be silent if it would pass his bill.

Mr. KENYON. That would be asking entirely too much of any Senator.

Mr. ASHURST. I yield.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. MCCORMICK. Mr. President—

Mr. KENYON. If discussion is to continue on the bill, of course I shall not ask the Senator from Arizona to yield.

Mr. ASHURST. I yield.

Mr. MCCORMICK. Mr. President, before a vote is had on the bill, I should like to submit to those Senators who are present that section 3 contains provisions very much like those in section 2, which were eliminated by the amendment of the Senator from Iowa, who introduced the bill.

Mr. KENYON. I wish to say to the Senator from Illinois that I requested the Senator from Arizona [Mr. ASHURST], who had taken the floor to make some remarks, to yield, so that a vote might be taken on the bill, supposing we had about reached

that point; but if discussion is to continue on the measure I hope the Senator from Arizona may be allowed to proceed.

Mr. McCORMICK. I would be very happy to allow the Senator from Arizona to proceed. However, I do not feel free to let the bill go to a vote without an attempt to eliminate some of the language in section 3.

Mr. ASHURST. Mr. President—

Mr. McCORMICK. If the Senator from Arizona will continue his remarks, I shall meanwhile prepare an amendment to section 3.

ADVANCES TO AGRICULTURE BY WAR FINANCE CORPORATION.

Mr. ASHURST. Mr. President, knowing so much about the subject upon which I intend to speak, I could conclude my remarks in two or three minutes. If it were a subject upon which I knew nothing, I could speak indefinitely; but having my subject fully in hand I could not "string it out" over three or four minutes.

I rose to say, Mr. President, that in the early spring and during the summer, and even until the chill November winds and rains came, a favorite indoor sport was the lampooning of the "agricultural bloc." I am not unfamiliar with the history of my country, and I have never heard nor read more bitter, vindictive things said about public men than have been said about the Senate agricultural bloc. One would think that those Senators were planning an assault on the Republic, rather than planning to try to assist that primal business, agriculture, in which some 45,000,000 people in the United States are engaged and upon which all people depend.

The time has arrived when even the boldest of those who formerly assailed the "agricultural bloc" have concluded that discretion is the better part of valor, and that they would better join the "agricultural bloc," being unable to drive its members from public life. So much for that.

The only standard or test by which a bill, a movement, or man should be judged—by what it or he has done.

There is not a man who would have the temerity to-day and no journal would have the effrontery to criticize the bill which the "agricultural bloc" last August drove through Congress amending the War Finance Corporation act.

Mr. President, I have a letter from Mr. Eugene Meyer, jr., managing director of the War Finance Corporation, in reply to a letter requesting information as to the amount of loans that had been made to agricultural interests in Arizona and loans that had been made to banking and financing organizations for the further stabilization of agriculture, as follows:

WAR FINANCE CORPORATION,
Washington, February 14, 1922.

Hon. HENRY F. ASHURST,
United States Senate.

DEAR SENATOR ASHURST: Referring to your letter of February 13, I take pleasure in sending you herewith a statement showing the advances approved by the War Finance Corporation from January 4, 1921, up to and including February 11, 1922. You will note from this statement that advances aggregating \$2,583,000 for agricultural and live-stock purposes have been granted by the corporation to banking and financing institutions in Arizona, in addition to an advance of \$1,200,000 to a cotton cooperative marketing organization.

Very truly, yours,

EUGENE MEYER, JR.,
Managing Director.

And, Mr. President, without going into further details I ask unanimous consent to include in the RECORD a statement showing the amount of money which has been loaned to various fiscal institutions in each State to assist agriculture, and also a statement showing the sums of money that have been loaned to or furnished to farmers' cooperative institutions in each State.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The statement referred to is as follows:

OPERATIONS OF THE WAR FINANCE CORPORATION FROM JANUARY 4, 1921, TO AND INCLUDING FEBRUARY 11, 1922.

I. Advances to assist in financing exports under sections 21, 22, and 24 (Par. 2), approved from Jan. 4, 1921, to Feb. 11, 1922, inclusive.

(Section 21 was added to the original War Finance Corporation act by the act of Mar. 3, 1919, and sections 22 and 24 by the agricultural credits act of Aug. 24, 1921.)

COMMODITY.	Amount.
Grain	\$5,209,810.69
Tobacco	3,591,369.77
Cotton	33,572,373.21
Canned fruits	400,000.00
Meat products	1,000,000.00
Condensed milk	1,000,000.00
Textile products	250,000.00
Sheet steel	180,000.00
Copper	145,600.00
Sugar-mill machinery	470,968.36
Agricultural machinery	500,000.00
Railroad equipment	2,925,000.00
Lumber	1,000,000.00
Total	50,245,120.03

Total does not include advances aggregating \$27,387,816.10 originally applied for and approved under section 21 for export purposes and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under section 24. Of the total amount, \$37,568,650.26 represents advances approved subsequent to Aug. 24, 1921.

II. Advances to banking and financing institutions and cooperative associations for "agricultural and live-stock purposes" under section 24 (Par. 1), approved from Aug. 24, 1921, to Feb. 11, 1922, inclusive.

(Section 24 was added to the original War Finance Corporation act by the agricultural credits act of Aug. 24, 1921.)

(A) BY COMMODITIES.

Cotton	\$23,404,200.52
Grain	21,290,189.31
Live stock	53,831,584.72
Sugar beets	9,796,000.00
Rice	2,500,000.00
Canned fruits	300,000.00
Dried fruits	1,250,000.00
Peanuts	1,097,700.00
General agricultural purposes	99,421,652.52

Total 212,891,327.07

This total includes advances aggregating \$27,387,816.10 originally applied for and approved for export purposes (under sec. 21) and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under the agricultural credits act of Aug. 24, 1921 (sec. 24).

(B) BY STATES.

(1) To banking and financing institutions.

Alabama	\$98,800.00
Arizona	2,583,000.00
Arkansas	116,000.00
California	1,563,011.56
Colorado	5,321,062.14
Florida	645,000.00
Georgia	4,519,000.00
Idaho	2,148,918.00
Illinois	4,053,000.00
Indiana	656,000.00
Iowa	20,249,837.64
Kansas	4,116,306.40
Kentucky	346,388.56
Louisiana	1,399,399.77
Minnesota	8,235,883.90
Mississippi	9,917,838.19
Missouri	6,861,920.63
Montana	7,701,452.50
Nebraska	9,335,073.77
Nevada	248,000.00
New Mexico	4,434,217.75
New York	600,000.00
North Carolina	3,880,000.00
North Dakota	13,259,456.16
Ohio	820,806.00
Oklahoma	1,884,976.46
Oregon	3,234,512.06
South Carolina	7,494,678.46
South Dakota	11,098,149.50
Tennessee	1,463,060.00
Texas	12,667,811.14
Utah	10,451,101.00
Virginia	1,807,700.00
Washington	331,955.00
Wisconsin	3,385,000.00
Wyoming	6,574,194.38

Total 164,503,510.97

(2) To cooperative associations.

Arizona	\$1,200,000.00
Arkansas	1,250,000.00
California	2,800,000.00
Idaho	962,355.66
Minnesota	15,000,000.00
Oklahoma	6,000,000.00
Tennessee	5,060,060.29
Texas	9,787,566.50
Virginia	1,000,000.00
Washington	5,327,833.65

Total 48,387,816.10

This total includes advances aggregating \$27,387,816.10 originally applied for and approved under section 21 for export purposes, and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under the agricultural credits act of August 24, 1921 (sec. 24).

III. Summary of advances for export and agricultural purposes under sections 21, 22, and 24, approved from Jan. 4, 1921, to Feb. 11, 1922, inclusive.

To cooperative associations	\$53,650,000.00
To banking and financing institutions	200,525,738.21
To exporters	8,960,708.80

Total 263,136,447.10

RELIEF AGAINST DEPRESSION AND UNEMPLOYMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2749) to prepare for future cyclical periods of depression and unemployment by systems of public works.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. UNDERWOOD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harrell	McKellar	Smith
Borah	Harris	McKinley	Stanfield
Brandeggee	Harrison	McNary	Sterling
Bursum	Heflin	Moses	Sutherland
Cameron	Hitchcock	Nelson	Swanson
Capper	Jones, Wash.	Newberry	Trammell
Caraway	Kellogg	Norris	Underwood
Curtis	Kendrick	Oddie	Wadsworth
Dial	Kenyon	Overman	Warren
Edge	Keyes	Page	Watson, Ga.
Fletcher	King	Philpps	Williams
France	Ladd	Poindexter	Willis
Glass	Lodge	Pomerene	
Hale	McCormick	Sheppard	

The VICE PRESIDENT. Fifty-four Senators have answered to their names. A quorum is present.

Mr. McCORMICK. Mr. President, I move to amend section 3 so as to read as follows:

That the head of each executive department is authorized, by direction of the President, to postpone the date of the commencement or retard the prosecution of such portions of the public works and projects within his jurisdiction, or to enter upon a maximum program of public works and projects within the appropriation therefor, as in the judgment of the President may serve to mitigate excessive industrial expansion or economic depression and unemployment.

Mr. KENYON. Mr. President, is that in the nature of a substitute?

Mr. McCORMICK. I will offer it as a substitute.

Mr. KENYON. Then the last sentence, beginning with the word "Where," on line 8, should be added also.

Mr. McCORMICK. Yes; I desire to add to my amendment the last section of the present paragraph.

The VICE PRESIDENT. The amendment, in the nature of a substitute, will be stated.

The READING CLERK. It is proposed to amend section 3 so as to read:

That the head of each executive department is authorized, by direction of the President, to postpone the date of the commencement or retard the prosecution of such portions of the public works and projects within his jurisdiction, or to enter upon a maximum program of public works and projects within the appropriation therefor, as in the judgment of the President may serve to mitigate excessive industrial expansion or economic depression and unemployment. Where a time limit has been specifically provided within which any such work or project, or any part thereof, is to be commenced or completed, this section shall not be construed to extend or remove such limit.

Mr. KENYON. Mr. President, I have no objection to that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Illinois.

Mr. HARRISON. Mr. President, is that offered as a substitute for the section?

Mr. McCORMICK. It is offered as a substitute.

Mr. HARRISON. I desire to offer an amendment to section 3, so that it may be perfected before the vote comes on the substitute.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. It is proposed to amend section 3, at line 22, by adding the following paragraph:

Provided, That the provisions of this act shall not apply to any appropriation made by Congress for the improvement and maintenance of rivers and harbors, irrigation projects, or flood control.

Mr. HARRISON. On that I ask for the yeas and nays.

Mr. CURTIS. Let the amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. At the end of section 3, or in line 22, after the word "limit" and before the period, it is proposed to insert a colon and the following proviso:

Provided, That the provisions of this act shall not apply to any appropriation made by Congress for the improvement and maintenance of rivers and harbors, irrigation projects, or flood control.

The VICE PRESIDENT. On this amendment there is a demand for the yeas and nays. Is the demand supported?

The yeas and nays were ordered.

Mr. WADSWORTH. Mr. President, I desire to ask the Senator from Mississippi what other kinds of public works would be left?

Mr. HARRISON. Public buildings.

Mr. WADSWORTH. And good roads?

Mr. HARRISON. I think good roads probably should be included in this proviso.

Mr. WADSWORTH. I have not heard good roads mentioned in the proviso.

Mr. HARRISON. I ask to have my amendment modified so that good roads construction may be included.

Mr. KENYON. Why not include public buildings and make it complete?

Mr. HARRISON. We might delay some public buildings.

Mr. BRANDEGEE. Why not add "or any other public work?"

Mr. KENYON. Yes; "or any other public work."

Mr. WADSWORTH. My only observation is this: The amendment if adopted practically repeals section 3, to which I do not seriously object.

Mr. KENYON. Mr. President, of course the amendment destroys the bill. If it is desired to destroy the bill it may as well be done in that way as in any other. Section 3 now provides that where Congress places a time limit on any of these things the bill does not apply. Nobody could interfere then with the work at all, so that Congress can go ahead and decide, in the case of any of these projects, that it shall not be interfered with.

I hope the amendment will be defeated.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi [Mr. HARRISON], on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. He being absent, I transfer that pair to the junior Senator from California [Mr. SHORTRIDGE] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Michigan [Mr. TOWNSEND] and vote "nay."

The roll call was concluded.

Mr. KING. I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. McKELLAR. I transfer my pair with the junior Senator from Indiana [Mr. NEW] to the junior Senator from Montana [Mr. WALSH] and vote "yea."

Mr. MYERS. Has the junior Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator. Being unable to obtain a transfer, I withhold my vote.

Mr. EDGE. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Maryland [Mr. WELLER], and vote "yea."

Mr. STANLEY. I have a general pair with my colleague [Mr. ERNST], which I transfer to the senior Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. NORRIS. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness in his family.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Delaware [Mr. DU PONT] with the Senator from Louisiana [Mr. RANDELL]; and

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 29, nays 26—as follows:

YEAS—29.

Ashurst	Jones, N. Mex.	Overman	Swanson
Ball	Kendrick	Philpps	Trammell
Caraway	Keyes	Poindexter	Underwood
Dial	King	Pomerene	Wadsworth
Edge	McKellar	Sheppard	Williams
Harris	McKinley	Smith	
Harrison	Moses	Stanley	
Heflin	Newberry	Sterling	

NAYS—26.

Brandeggee	France	Lodge	Stanfield
Bursum	Hale	McCormick	Sutherland
Calder	Harrell	McNary	Warren
Cameron	Jones, Wash.	Norris	Watson, Ind.
Capper	Kenyon	Oddie	Willis
Cummins	Ladd	Page	
Curtis	Lenroot	Spencer	

NOT VOTING—41.

Borah	du Pont	Gerry	La Follette
Broussard	Elkins	Glass	McCumber
Colt	Ernst	Gooding	McLean
Crow	Fernald	Hitchcock	Myers
Culberson	Fletcher	Johnson	Nelson
Dillingham	Frelinghuysen	Kellogg	New

Nicholson
Norbeck
Owen
Pepper
Pittman

Ransdell
Reed
Robinson
Shields
Shortridge

Simmons
Smoot
Townsend
Walsh, Mass.
Walsh, Mont.

Watson, Ga.
Weller

So Mr. HARRISON's amendment was agreed to.

Mr. KENYON. Mr. President, it is quite apparent that the amendment destroys the bill, and I suppose it was supported on that theory. I move that the bill be recommitted to the Committee on Education and Labor.

The motion was agreed to.

RETIREMENT OF DISABLED ARMY OFFICERS.

Mr. BURSUM. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

Mr. KING. Is the motion debatable, Mr. President?

The VICE PRESIDENT. It is debatable.

Mr. CURTIS. If the bill is made unfinished business, I will ask the Senator in charge of it to lay it aside temporarily in order that we may go into executive session.

Mr. KING. I think the bill is so important that it ought to be debated some time before we determine to enter upon its consideration.

Mr. BURSUM. Mr. President, I had no intention of having the bill disposed of to-day, but I think it ought to be taken up for consideration and made the unfinished business. This bill has been on the calendar for nearly six months. It affects 1,900 disabled soldiers, it is a very important measure, and it is certainly entitled to the consideration of the Senate. Opportunity should be given to Senators to consider the bill. All I ask is that it be considered and that we may have a vote on it. I have no desire to attempt to press it to a final vote this evening. I have simply moved that it be taken up for consideration, so that it will be the unfinished business.

Mr. KING. Mr. President, this is not a bill in the interest of the soldiers at all. As I understand it, it is a bill in the interest of certain officers, and a bill against the interests of the privates and other ex-service men. It is a bill in the interest of discrimination in favor of certain men who participated in the World War.

My friend has improperly diagnosed the bill when he labels it a bill in the interest of soldiers. It is a bill to enable a number of individuals who rendered no greater service for the country than millions of soldiers to obtain benefits and emoluments and privileges denied to the great body of the fighting men of the Army.

I am sure the Senate, if they have a chance to examine the bill and ascertain its implications and what it means, will not consent to even consider it. It seems to me we should not take it up to-night. The Senator from Kansas is anxious for an executive session. I do not care to enter into a discussion of the bill, because it would take considerable time to analyze it and point out all its serious defects, which I intend to do preliminary to the adoption or rejection of the motion which is now pending. I suggest, if the Senator from Kansas wants an executive session, that we had better take it before entering upon a discussion of this measure.

Mr. LENROOT. Mr. President, I feel very sure that if Senators knew just what the bill proposes to do they would conclude that the time of the Senate could be better occupied in legislation in the interest of the people than in taking days for the consideration of this measure. I shall not take the time now to discuss it at length, but there are a good many Senators present and I want to give them an idea of what the bill would do.

It is intended to change the law with reference to disability compensation for officers. It proposes to give an officer who has a 30 per cent disability a compensation of \$3,000 per year, where a private with the same disability will receive \$360 a year. It proposes to give a compensation of \$3,000 a year to an officer with a 30 per cent disability.

Mr. BURSUM. What class of officers?

Mr. LENROOT. A colonel.

Mr. BURSUM. There are other officers than colonels.

Mr. LENROOT. I am speaking of colonels for the time being. A colonel with a 30 per cent disability will get \$3,000 a year, where a private with both feet cut off will get \$1,200 per year.

Furthermore, with regard to officers of different grades, the bill proposes to give to a colonel having a 30 per cent disability or more a compensation of \$3,000 per year, while a second lieutenant with the same disability, and his disability more usually incurred on the firing line than that of a colonel,

because he was usually in a place of greater danger, will have a compensation of \$1,275 a year.

Now, for a moment, because I only want to outline what the bill proposes to do, let us take two men coming from the same walk of life, each having the same education, each receiving the same salary in private life. One goes to an officers' training camp and gets a commission, the other enlists as a private. I wish to pause right here to ask which of the two would Senators consider the more patriotic?

Mr. JONES of New Mexico. Mr. President—

Mr. LENROOT. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I understand, of course, that the Senator from Wisconsin is opposed to the bill on its merits. The bill has been reported here by a committee of the Senate and has been reported favorably. It is on the calendar. Does not the Senator from Wisconsin believe that it should be taken up and disposed of somehow? Of course, I am not undertaking to express any views regarding the bill itself; I do not think upon this motion it should be done; but it does seem to me that the matter ought to be taken up and disposed of. I think my colleague is quite right in insisting that the measure should be discussed and should be disposed of on its merits.

Mr. LENROOT. I have no objection in the world to taking up the bill and disposing of it on its merits whenever we do not have on the calendar any bill of greater importance and one that should have particularly the right of consideration. That is my position. There is a bill on the calendar reported by the Committee on Interstate Commerce, which the senior Senator from Iowa [Mr. CUMMINS] desires to get up, that is of tremendous importance to the country and ought to be considered at the very earliest possible moment. Instead of that, is the time of the Senate to be occupied in the consideration of a bill of this kind so discriminatory, so unjust?

Let me say to the Senator from New Mexico that if the bill should become a law and then we consistently follow in legislation in accordance with the terms of the bill, the bonus bill which will soon come up will be a mere drop in the bucket compared with the expenditures for which this bill will furnish a precedent in the future. That is why I do not believe the Senate ought at this time to enter into the consideration of the bill.

Mr. President, when I was interrupted I was calling attention to the discrimination between officers of the different ranks upon this compensation. A colonel having a 30 per cent disability under the provisions of the bill would get \$3,000 a year, and a second lieutenant with a total disability would get \$1,275 a year. Is there any Senator who can justify legislation of this character?

Mr. BURSUM. Mr. President, will the Senator yield for a question?

Mr. LENROOT. I yield.

Mr. BURSUM. Is not that the precise rule in the Regular Army at the present time?

Mr. LENROOT. Yes, sir.

Mr. BURSUM. Is there any reason why there should be one rule for the Regular Army and another rule for the emergency officers? Are they not both constituted of flesh and blood and bone? Having rendered the same service, why should we not give them exactly the same treatment?

Mr. LENROOT. If the junior Senator from New Mexico were a little more familiar with the subject and the reasons that exist for granting retirement pay in the Regular Army, he would not ask that question. What is the reason for retirement pay in the Regular Army? The retirement pay has always been, or at least ever since I have known anything about legislation, one of the inducements to enter into the Regular Army as a profession. It is held out to the young man that if he gives up the thought of private and independent income, if he enters the Regular Army as a profession, at the end of a certain time, or upon reaching a certain age, because of the fact that he will have had no opportunity to secure a competence for himself, he will be retired with three-quarters pay. If in the meantime he is disabled in the military service he will likewise be retired with three-quarters pay.

But there is the broadest distinction in the world between retirement in the Regular Army and the reasons for retirement that exist with reference to officers in the National or Emergency Army. In the first place, one is a matter of pure patriotism, serving the country where all were called upon alike. There is no call for all the young men to serve in the Regular Army; and for the sacrifices made in so serving, that are not required of the young men as a whole, this inducement is held out of retirement pay, both for disability and for service.

I think I have answered the Senator's question. I do not know whether the Senator is familiar with that or not. I will say that if the Senator has read the report of the Secretary of

War upon the bill he knows that the Secretary of War is opposed to it and has made a report against the bill and has made very clear the proposition as to the distinction that prevails.

Mr. President, I spoke of two men, each coming from the same walk of life, each having the same education, each receiving the same salary in private life. One enters a training camp and becomes an officer; the other enlists as a private. Both are disabled, we will say totally disabled, if you please. Each has a family, if you please.

Under the present law the officer gets the same disability compensation as does the private, but when this bill passes, as to those two men, each making the same sacrifice, each receiving the same injury, one of them is to receive from his Government three times the compensation that the other receives.

Why, Mr. President, if this bill passes one thing will surely happen. The privates who served in the ranks do not know anything about the bill. If they did they would be against it to a man, unless they might feel that if the bill is passed they themselves could justly ask, as they could justly ask from their Government, an increase of their disability compensation the same as it is proposed to increase the disability compensation of officers.

That is an outline of what the bill does.

Mr. OVERMAN. Mr. President, has an estimate been made of how much money it will cost?

Mr. LENROOT. Yes. I think the estimate was made that it would cost about \$8,000,000.

Mr. BURSUM. One million six hundred thousand dollars will be the total cost under the bill.

Mr. LENROOT. The Senator can not refer to any official estimate of that kind?

Mr. BURSUM. Oh, yes.

Mr. LENROOT. Of \$1,600,000?

Mr. BURSUM. One million six hundred thousand dollars. It will affect 1,906 officers with an average pay of \$1,562. Deduct from that the average compensation which they are now receiving, which will be approximately \$700, and it will leave the net increase \$1,600,000, not taking into account the vocational training in cases where they take vocational training. One of the strong reasons for the passage of the bill is the fact that the average age of the emergency officer is 10 years more than that of the enlisted man. The average emergency officer is too old to take vocational training and therefore he loses that opportunity which is given to the enlisted man and which would be available to him in case his age were such as to permit of taking it. There is no doubt about that and about the cost, but I submit, Mr. President—

Mr. LENROOT. I must decline to yield further.

Mr. BURSUM. I submit in all fairness that the Senate should be willing to consider the bill. It is really unfair to undertake to debate the merits of the bill before it is brought up for consideration.

Mr. LENROOT. No; it is very proper to debate the merits of the bill before it is taken up for consideration, because otherwise the Senate could not know anything about whether it wants to consider the bill or not unless the merits of it are discussed.

Mr. BURSUM. They will know after it is brought up.

Mr. LENROOT. Of course, any Senator would like to have a bill that ought not to pass taken up for consideration without any debate. I readily understand that.

Mr. BURSUM. It seems to me the report of a large majority of the Committee on Military Affairs should be sufficient testimony to show that the bill is entitled to consideration.

Mr. LENROOT. I would like to see every bill—

Mr. BURSUM. The Senator is a member of the Committee on Military Affairs.

Mr. LENROOT. I am. I do not yield further to the Senator at this time.

I would like to see every bill reported from a committee and upon the calendar taken up for consideration. I hope the time will come when we can so amend the rules of this body that that can be done, but it is impossible now, and so long as a situation does exist where it is impossible to properly consider every bill reported from a committee, the Senate ought to show some discrimination as to the bills to be taken up with reference to their relative importance.

When the bill does come actually before the Senate, I think I shall be able to show that the Senator from New Mexico is utterly mistaken as to the amount of money that will be involved in the bill. In the first place, there were 200,000 officers or more in the late war, and I undertake to say there are more than 1,900 of them suffering a 30 per cent disability.

Mr. BURSUM. The records will not bear out that statement. There are 6,300 officers disabled drawing compensation, but there are only 1,906, as nearly as can be ascertained, who will

be benefited by the passage of the bill. It is only those most seriously disabled, with a disability of 30 per cent or over—

Mr. LENROOT. Of course, the Senator from New Mexico, as the Senate ought to know, originally introduced a bill and tried to get the committee to give it favorable consideration, providing that if an officer had any disability, however slight, it would be ground for retirement in the Regular Army. Even though it was 1 per cent disability, even though it did not prevent him from participating in his profession, even though it did not cause him the loss of a dollar in his profession in private life, the Senator from New Mexico proposed to give a colonel in that case \$3,000 a year where a private would get \$360 a year.

Mr. President, I think the Senate can better occupy its time than in the consideration of such a bill as this, which is so grossly discriminatory, first against the private soldier and secondly against officers of the lower ranks in favor of officers of the higher ranks. I appreciate that our disability compensation law ought to be changed. I have proposed in the committee that I, for one, would be willing to so change it as to make the disability dependent upon loss of earning power, with a given maximum assigned to officers and privates alike, because if a private has made the same sacrifice as an officer, if he has undergone the same loss of earning power, who is there that will say the private under those conditions ought not to have the same compensation as the officer?

When the time comes, if the Senate shall take the bill up, I am going to move to recommit it to the committee, with a view of securing some legislation that will not be grossly discriminatory against the private, but will do justice to both the private and the officer alike.

The VICE PRESIDENT. The question is on the motion of the Senator from New Mexico that the Senate proceed to the consideration of the bill named by him. [Putting the question.] By the sound the "noes" seem to have it.

Mr. BURSUM. I ask for the yeas and nays.

Mr. CURTIS. I suggest that the Senator ask for a division.

Mr. BURSUM. Very well; I call for a division.

On a division the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty, which had been reported from the Committee on Military Affairs with amendments.

Mr. ASHURST. Mr. President, if I be wrong in my understanding of this bill I desire to be corrected; and if I am correct, the bill proposes that an officer who was injured, say a colonel, shall be paid \$3,000 per annum, but the private soldier will receive but one-third of that sum. Upon what theory of morals or justice is this discrimination justified?

I am in favor of a bill to compensate our injured and disabled officers and enlisted men without discrimination.

Mr. LENROOT. The private soldier will be paid less than one-third in a great many cases.

Mr. LODGE. Mr. President, since the bill has been taken up, and it is now quarter past 5, I am going to take the liberty of moving that the Senate proceed to the consideration of executive business.

Mr. BURSUM. Will the Senator yield to me for just a moment, so that I may make a parliamentary inquiry?

Mr. LODGE. I yield.

Mr. BURSUM. I desire to ask the Chair if the bill is now before the Senate, as the unfinished business?

The VICE PRESIDENT. The Chair has laid the bill before the Senate.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 17, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 16, 1922.

UNITED STATES DISTRICT JUDGE.

George C. Scott, of Iowa, to be United States district judge, northern district of Iowa, vice Henry T. Reed, retired.

AID IN THE COAST AND GEODETIC SURVEY.

Walter George Fielder, of Massachusetts, to be aid, with relative rank of ensign in the Navy, in the Coast and Geodetic Survey, vice R. D. Horne, promoted.

POSTMASTERS.

ALABAMA.

Grover A. Bice to be postmaster at Thorsby, Ala. Office became presidential July 1, 1920.

ALASKA.

Charles C. Whipple to be postmaster at Thane, Alaska, in place of A. M. Stevenson, resigned.

CALIFORNIA.

George M. Eaby to be postmaster at La Habra, Calif., in place of C. J. Mills, resigned.

COLORADO.

Fred M. Moore to be postmaster at Littleton, Colo., in place of L. F. Allen, removed.

CONNECTICUT.

Charles E. Burnham to be postmaster at Hampton, Conn. Office became presidential July 1, 1921.

FLORIDA.

William H. Berkstresser to be postmaster at Hawthorn, Fla., in place of T. J. Hammond. Incumbent's commission expired June 29, 1920.

GEORGIA.

Samuel K. Hogue to be postmaster at Hapeville, Ga. Office became presidential October 1, 1920.

Henry L. Murphey to be postmaster at Hephzibah, Ga. Office became presidential January 1, 1921.

Emma A. Sills to be postmaster at Ochlochnee, Ga. Office became presidential October 1, 1920.

Alice A. Spence to be postmaster at Ball Ground, Ga., in place of A. J. Lovelady, resigned.

Walter F. Payne to be postmaster at Jesup, Ga., in place of J. C. Knight. Incumbent's commission expired April 19, 1921.

Loduskie Sutton to be postmaster at Pearson, Ga., in place of William Smith. Incumbent's commission expired March 16, 1921.

Baxter Sutton to be postmaster at Rochelle, Ga., in place of J. N. King. Incumbent's commission expired August 7, 1921.

William H. Freeman to be postmaster at Toombsboro, Ga., in place of A. S. Boone, resigned.

John W. Westbrook to be postmaster at Winder, Ga., in place of W. B. McCants. Incumbent's commission expired August 7, 1921.

Eben B. Smith to be postmaster at Wrens, Ga., in place of C. W. Stephens. Incumbent's commission expired April 16, 1921.

IDAHO.

Ransom F. Pepple to be postmaster at Juliaetta, Idaho. Office became presidential October 1, 1920.

Ross J. Pettijohn to be postmaster at Melba, Idaho. Office became presidential January 1, 1921.

Rena E. Creaser to be postmaster at Roberts, Idaho. Office became presidential July 1, 1920.

ILLINOIS.

Harry Pensinger to be postmaster at Cerro Gordo, Ill., in place of Alexander Perkins, resigned.

INDIANA.

Charles Boomershine to be postmaster at Millersburg, Ind. Office became presidential April 1, 1921.

Samuel W. Armstrong to be postmaster at St. Joe, Ind. Office became presidential April 1, 1921.

IOWA.

Charles H. Jasperson to be postmaster at Wilton Junction, Iowa, in place of M. D. Sullivan, deceased.

Fred E. Bourgeois to be postmaster at Kalona, Iowa, in place of William Hesselschwerdt. Incumbent's commission expired January 24, 1922.

KANSAS.

Willis J. Ray, jr., to be postmaster at Wilmore, Kans., in place of W. C. Ray, resigned.

KENTUCKY.

Anna Harris to be postmaster at Prestonsburg, Ky., in place of Z. D. Spradlin, resigned.

MAINE.

Ida P. Stone to be postmaster at Oxford, Me., in place of I. P. Stone. Incumbent's commission expired December 20, 1920.

MASSACHUSETTS.

William P. Porter to be postmaster at Wenham, Mass. Office became presidential April 1, 1921.

Henry T. Cobb to be postmaster at West Harwich, Mass. Office became presidential January 1, 1921.

MINNESOTA.

Erwin O. King to be postmaster at Hackensack, Minn. Office became presidential January 1, 1921.

MISSISSIPPI.

Walter W. Weldy to be postmaster at McLain, Miss. Office became presidential July 1, 1920.

MISSOURI.

Omer M. Drysdale to be postmaster at Amoret, Mo. Office became presidential January 1, 1921.

Ralph E. Carr to be postmaster at Eminence, Mo. Office became presidential July 1, 1920.

John E. Swearingen to be postmaster at New Bloomfield, Mo. Office became presidential July 1, 1920.

Jennie M. Peck to be postmaster at Sheldon, Mo., in place of L. S. Worman, deceased.

MONTANA.

Fred Schoensigel to be postmaster at Fairfield, Mont. Office became presidential April 1, 1921.

William E. Windisch to be postmaster at Mondak, Mont. Office became presidential July 1, 1920.

NEW HAMPSHIRE.

Natt A. Cram to be postmaster at Pittsfield, N. H., in place of P. W. Sherburne, removed.

NEW JERSEY.

Loretta Conrow to be postmaster at Oceanport, N. J. Office became presidential October 1, 1920.

David C. Bush to be postmaster at Oakland, N. J. Office became presidential January 1, 1921.

Frank Wanser to be postmaster at Vineland, N. J., in place of A. L. Williams. Incumbent's commission expired August 6, 1921.

NEW YORK.

George W. Fuller to be postmaster at Portland, N. Y. Office became presidential July 1, 1921.

OKLAHOMA.

Sanford I. Pennington to be postmaster at Ringling, Okla., in place of S. G. Ashby. Incumbent's commission expired March 16, 1921.

Pauline E. Hatchett to be postmaster at Wapanucka, Okla., in place of L. A. Ball, resigned.

PENNSYLVANIA.

Mark Mumma to be postmaster at Steelton, Pa., in place of M. M. Cusack. Incumbent's commission expired August 7, 1921.

TENNESSEE.

Charles F. Perkins to be postmaster at Jacksboro, Tenn. Office became presidential January 1, 1922.

TEXAS.

Webster Waide to be postmaster at Sanger, Tex., in place of J. S. J. Guber. Incumbent's commission expired July 21, 1921.

VIRGINIA.

Byrum P. Goad to be postmaster at Hillsville, Va., in place of J. W. Semones. Incumbent's commission expired January 31, 1921.

WASHINGTON.

Wilson Howe to be postmaster at Tenino, Wash., in place of Wilson Howe. Incumbent's commission expired January 5, 1920.

WEST VIRGINIA.

William H. H. Gardner to be postmaster at Point Pleasant, W. Va., in place of G. T. Smith, resigned.

WISCONSIN.

Ella Gothompson to be postmaster at Endeavor, Wis. Office became presidential October 1, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1922.

POSTMASTERS.

ALABAMA.

Luther E. Huie, Albany.

CALIFORNIA.

Ida McClaskey, Hobart Mills.

Leona A. Pitman, Moneta.

Philip C. Scadden, Nevada City.

Charles S. Catlin, Saticoy.

Peder P. Hornsyld, Solvang.

COLORADO.

Robert L. Wilkinson, Burlington.
Frank S. Lucas, Clifton.
Grace Conard, Olney Springs.

NEBRASKA.

Milton L. Pittenger, Crab Orchard.
Fred F. Thomas, Linwood.
Gilbert E. Swanson, Oshkosh.
Elsie B. Thompson, Wynot.

NEW YORK.

Welby H. Marshall, Alexandria Bay.
Charles Ray, Barker.
J. Nelson Hawkins, Bellport.
Clarence B. Newhouse, Bloomingburg.
E. Adelbert Totman, Cincinnati.
Truman Y. Burr, Cochection.
Lansing M. Onderdonk, Delmar.
Linn C. Beebe, Hamilton.
Wirt N. Moulthrop, Kenoza Lake.
Lewis L. Erhart, Pleasant Valley.

OHIO.

Katherine S. Bauer, Mogadore.
Rossiter S. Williams, Oak Hill.

OREGON.

Charles W. Halderman, Astoria.
Ira Wimberly, Drain.
Ben Weathers, Enterprise.
Harry E. Jones, Jefferson.
Robert J. McIsaac, Parkdale.
Charles A. Stark, Sutherlin.
Leon W. Lundell, Weston.
Ollie L. Gillispie, Willamina.
Lyman H. Shorey, Woodburn.
Thomas Thompson, Pendleton.

SOUTH DAKOTA.

Amlin A. Iaskson, Canton.
Elizabeth E. Blight, Hill City.
Harry M. Bardon, Rockham.

UTAH.

John P. McGuire, Provo.
Joseph R. Lampert, Roosevelt.

VERMONT.

William M. Batchelder, Dorset.
Emeroy G. Page, Hyde Park.
Gertrude E. Trempe, Wilder.

WASHINGTON.

Willis Swank, Cheney.
Lulu C. Howe, Chewelah.
Gordon C. Moores, Kennewick.
Noel D. Tower, Morton.
Andrew McCann, Northbend.
William H. Padley, Reardan.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 16, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, truly Thy love is the greatest and the best thing in all the world! It never grows dim nor loses its freshness. How thankful we are that it has been guaranteed to us by Him whose precepts and examples flowed from the infinite tenderness of the divine heart. But we would not be deceived by its abundance or weary of our responsibility. Thou dost demand of us integrity, rectitude, and humanity. While duty does not always come easy, O help us to accept its compulsion. Bless us with the assurance that righteous duty bravely done brings rich reward with no lasting regrets. Enable us to live on, seeking Thy will, doing our best, and trusting to the end, and unto Thee be the honor and the praise. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPROPRIATIONS FOR THE INTERIOR DEPARTMENT.

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10329, the Interior Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10329, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10329, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. When the committee rose when this bill was last under consideration a point of order was pending to the proviso on page 69 of the bill, the first paragraph. Is there anything further to be said on that point of order?

Mr. CRAMTON. If the Chairman wishes anything further, I would simply call to his attention that the language in question is only an appropriation of funds to reimburse landowners for improvements on crops destroyed by the Government in connection with the construction of irrigation canals and drains on this project. The language eliminates any question of damage by reason of floods, and so forth, in connection with operation and maintenance. It is simply damages that occur in connection with irrigation canals and drains on this project. The project in question has been authorized, and no point of order would lie in reference to money for the purpose of construction. Furthermore, the act of December 21, 1904, is "an act authorizing the sale and disposition of surplus or unallotted lands in the Yakima Indian Reservation in the State of Washington and providing for irrigation of lands upon that reservation."

The CHAIRMAN. What law is the gentleman reading from?

Mr. CRAMTON. Thirty-third Statutes, 595, approved December 21, 1904. The language I was about to read is from section 4 of the act, where it provides:

That the proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral lands, exclusive of the customary fees and commissions, shall, after deducting the expenses incurred from time to time in connection with the appraisements and sales, be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the Yakima Reservation, and shall be expended for their benefit under the direction of the Secretary of the Interior in the construction, completion, and maintenance of irrigation ditches, purchase of wagons, horses, farm implements, materials for houses, and other necessary and useful articles, as may be deemed best to promote their welfare and aid them in the adoption of civilized pursuits and in improving and building homes for themselves on their allotments.

The authorization is plainly for the irrigation work and the use of money for the construction of irrigation ditches. The act of last November also expressly gives full and express authority to administer the funds used for extension, improvement, operation, and maintenance of existing Indian irrigation systems, for the development of water supplies, so that now the only question there can be is as to whether the destruction of these crops is a necessary incident of the construction work. The facts are that this construction work and extension of lateral canals is one that can not be carried on, can not be extended, without the destruction of crops that are upon the land where the canals are to be constructed, and are a necessary incident to the construction work. The construction work is fully authorized and the point of order should be overruled.

Mr. WALSH. Will the gentleman yield for a question?

Mr. CRAMTON. I will.

Mr. WALSH. Will the gentleman point out in any portion of the language which he has read any authorization for reimbursing the Indians or white men owners for improvements or crops that have been destroyed?

Mr. CRAMTON. The constructions of the reclamation act, which is a kindred proposition, is similar work carried on under another branch of the Government, and have gone a long way in permitting the use of money in the reclamation fund on the theory that the use proposed was incident necessarily to the reclamation work, either of construction or operation and maintenance. It has been held that—

The authority of the Secretary respecting the use of the reclamation fund is to make preliminary investigations to determine the feasibility of any contemplated irrigation project, to construct reservoirs and irrigation works, and operate and maintain those thus constructed, and to acquire "for the United States, by purchase or condemnation under judicial process," rights or property necessary for these purposes. (California Development Co., 33 L. D., 391.)

Now, under that sort of an act the decisions have even gone to the extent of holding that while ordinarily the Government is not liable for the burial expenses of its deceased employees, payment of the reasonable expenses of a decent burial may be authorized when it is necessary for sanitary reasons to remove the remains of a deceased employee from the ground on which other employees are located.

That was sustained simply on the ground that that expenditure was a necessary incident to the work of construction, and it goes even further than the language that we are urging here. I cite another case:

Where a reservoir is being constructed under the reclamation act upon a site remote from civilization and 30 miles from the nearest school and it is difficult, without school facilities, to secure a proper supply of efficient labor for the needs of such construction, particularly bosses and skilled workmen with families, and the erection of a school building will aid in securing more men, induce them to remain longer in the service, and be in the interest of the Government, then the cost of such a building may be paid from the reclamation fund. (Comp. Dec., Sept. 24, 1917, In re Rimrock, Yakima.)

I submit that if it is a proper expenditure of reclamation money to use a part of those moneys for the burial of deceased workmen engaged on such a project or for the education of children of workmen engaged on such a project, it is clearly apparent that when you construct a lateral you take over certain ground to locate the lateral upon it, and when you dig your ditch you destroy growing crops on that land, which is a necessary incident, and the expenditure for it is entirely proper.

Mr. WALSH. Mr. Chairman, I do not think there is any analogy between the incidents cited by the gentleman under the reclamation act and this case. This is based, as I understand it, upon the language in section 4 of the act of 1904 and permits "the proceeds from the sale and disposition of the land to be expended for the benefit of these Indians under the direction of the Secretary of the Interior in the construction, completion, and maintenance of irrigation ditches, purchase of wagons, horses, and farm implements, materials for houses, and other necessary and useful articles."

Now, there is nothing in that language that permits the reimbursement, not only of the Indians but of the white landowners, for improvements and crops destroyed by the Government in connection with the construction of irrigation canals and drains of that project.

Sometimes that is an incident of the right of condemnation, but this is a reimbursement for these things which they allege, or will allege, have been destroyed in this construction work; and I submit that there is nothing in the contention of the gentleman from Michigan [Mr. Cramton] that the language is susceptible of permitting necessary incidents in the construction work to be included within that authority contained in the act of 1904. That is for the benefit and civilization of the Yakima Indians.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. FRENCH. Would it modify the situation if, instead of the two words in the proviso, to which the gentleman has directed his point of order, "reimbursement of," there were substituted the words "payment to"? Then it would be suggested that you were providing that an arrangement be made at once for the purchase and sale of crops or the orchard to be destroyed.

Now, I think the gentleman has in mind that this language carries with it a sort of settlement of claims. That is not intended. This language is the language that has been carried in the bill in the past, and it has seemed advisable to let the settlement sometimes be made after the work shall have been completed and when it can be known what the damage may be. I think the words "payment to" would be just as well as the words "reimbursement of," and they mean exactly the same, except that it might be that the department would need to modify the time of entering into the transaction.

Mr. WALSH. I am not prepared to state that that would cure the objection which I think holds as to this language. I do not think there is any authority under the law for Congress to provide that we can pay money to the Indians or white men to reimburse them for improvements and crops destroyed in this construction work. That is all I care to say.

Mr. CARTER. Mr. Chairman, I want to call the attention of the Chair, in addition to what has been said by the gentleman from Michigan [Mr. Cramton], to the act of June 17, 1902, creating the reclamation fund. It will be found in Thirty-second Statutes, 389, section 7, as follows:

That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney General of the United

States upon every application of the Secretary of the Interior, under this act, to cause proceedings to be commenced for condemnation within 30 days from the receipt of the application at the Department of Justice.

That, it seems to me, Mr. Chairman, is a clear authorization for the item carried in this bill. And while this applies to the general reclamation fund, the point can not be made that it does not apply to Indian reclamation. It certainly could not be made to so apply in this case, because in this case the reclamation of these lands has been conducted not only by the Indian Reclamation Service but by the regular Reclamation Service of the Interior Department, and out of funds that have been appropriated regularly for that purpose. I think the language, with which the Chairman is surely familiar, is a clear and specific authorization for the item carried in the bill.

The CHAIRMAN. The Chair is ready to rule on this matter. The proviso which is brought in question by the point of order is, "That the funds hereby appropriated shall be available for the reimbursement of Indian and white landowners for improvements and crops destroyed by the Government in connection with the construction of irrigation canals and drains of this project."

It is stated that this is legislation, and that there is no authority for any such appropriation in existing law.

The act of November 2, 1921, in one clause gives authority to make appropriations for the following purposes:

For extension, improvement, operation, and maintenance of existing Indian irrigation systems, and for development of water supply.

Here is a plain authority to appropriate any sums of money which may be necessary for the extension, improvement, operation, and maintenance of existing Indian irrigation systems. It therefore becomes necessary to inquire somewhat into the powers that were given originally in forming the irrigation project mentioned in this section, which is, as the Chair understands it, a part of the Yakima Indian Reservation, or what was originally the Yakima Reservation.

The gentleman from Oklahoma [Mr. Carter] has called attention to the act of June 17, 1902, which is an act appropriating the receipts from the sale of certain public lands to the construction of irrigation works for the reclamation of arid lands, including lands within the State of Washington. That act plainly gives to the Department of the Interior the right to condemn, the right of eminent domain, with all the incidents attached to that general right, all of which are familiar to the Members of the House. Whether the project is built under the operation of that act or not is in some doubt, but plainly the right which was given in that statute has been construed by the Interior Department at least as a right which continues in all these projects, and the Chair is informed that the Interior Department is now exercising that right, has been for some years, and does it in almost every reclamation project which comes up. However, be that as it may, the Chair is of the opinion that section 4 of the act of December 21, 1904, is amply sufficient to authorize the appropriation. That act provides in section 4 thereof as follows:

SEC. 4. That the proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral lands, exclusive of the customary fees and commissions, shall, after deducting the expenses incurred from time to time in connection with the appraisements and sales, be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the Yakima Reservation, and shall be expended for their benefit under the direction of the Secretary of the Interior in the construction, completion, and maintenance of irrigation ditches, purchase of wagons, horses, farm implements, material for houses, and other necessary and useful articles, as may be deemed best to promote their welfare and aid them in the adoption of civilized pursuits and in improving and building homes for themselves on their allotments: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if in the opinion of the Secretary of the Interior such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise.

The Chair is absolutely unable to understand how an irrigation system can be built without the acquisition of a right of way. If the acquisition of the right of way is incident to the building of an irrigation system, it follows as a natural consequence that the reimbursement of people who have lands destroyed in the taking of the right of way must necessarily be a part of the general power for building and constructing that irrigation system. If that is true—and the Chair has not much doubt of it in his own mind, although the matter, I believe, has never been determined before by any ruling in this House—the Chair believes that the authority exists in the law for paying such damages and that under the general authorization contained in the act of November 2, 1921, this appropriation would be in order.

However, the Chair may say that he can see no reason why the proviso is necessary. This may not be necessary in the decision of this particular point, but if the Chair is right about it

the general fund of \$250,000 embraced in the preceding clause of the section could be properly used for the very purpose that is set forth within this proviso. But the Chair is familiar with the fact that frequently these things are carried in bills because they have been carried in preceding bills, and that fact in itself does not make the provision bad even though the expenditure may be authorized by the preceding portion of the section.

The point of order is overruled.

Mr. KELLY of Pennsylvania. Mr. Chairman, I move to strike out the last word. The Chair has just ruled, and rightly ruled, I think, that power is included in general legislation to provide for reimbursement of those who suffer damages in connection with these projects; but that is simply an eloquent illustration of the complexity of this iron circle of the Indian Bureau system. We are providing in this paragraph for reimbursement from Indian funds. We are taking money out of Indian funds without the knowledge or consent of the Indians. We are providing further that if any damage is done the Indians shall be reimbursed for their reimbursements. I submit to you that that is a part of this entire ridiculous system of Indian control, with its endless circle of complexities, which has been becoming more involved for 30 years.

Not only are the Indians already under bureau control enmeshed almost beyond hope but other Indians outside are being brought within the circle.

Some time ago I had a letter from an Arizona citizen asking me concerning the status of the Cocopah Indians. He declared that these Indians are subjects of old Mexico, aliens in this country, and yet are being dealt with under laws dealing with Indians on American reservations.

I wrote to the Indian Office asking for information and received a letter from the commissioner giving me the following statement:

As to the present status of the Cocopah Indians, you are advised that by Executive order of September 27, 1917, a reservation in Arizona, containing approximately 400 acres of land, was withdrawn "for the use and occupancy of the Cocopah Indians."

It was found that there were 17 families, containing 78 persons, all full blood Cocopahs, who had for a number of years resided in the United States. They were a backward band, homeless, and without school facilities and were believed entitled to consideration as American Indians.

We have no approved roll of the Cocopah Indians; but a tentative roll of the Indians who probably have rights on the reservation has been recently made by the superintendent of the Fort Yuma Reservation.

That is the way this wheel starts to revolve. In a few more years the system will be established and then will come irrigation schemes with reimbursables and all the other methods of perpetuation.

These Cocopah Indians should not be brought under the reservation system. They are aliens and should be treated as other aliens, in accordance with the laws of the States where they reside. A vast majority of the American Indians now held on the tribal rolls should be released and given a chance to take their places as citizens in the American community. Millions of dollars can be saved every year, and the Indians would be vastly better off than they are at present.

Of course, I know that the remedy can not be provided through this appropriation bill, but I do believe that the Indian Affairs Committee, which has given careful study to this whole problem, might well bring in a constructive solution for the present spendthrift policy which contains in itself many seeds of injustice. [Applause.]

The Clerk read as follows:

For operation and maintenance, including repairs, of the Toppenish-Simcoe irrigation system, on the Yakima Reservation, Wash., reimbursable as provided by the act of June 30, 1919 (41 Stat. L., p. 28), \$4,500.

Mr. SUMMERS of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 69, line 14, strike out the word "for" and insert the words "continuing construction"; and in line 18 strike out the figures "\$4,500" and insert "\$75,000"; and add "Provided, That the entire cost of the erection of the drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916."

Mr. SUMMERS of Washington. Mr. Chairman, I am in sympathy with much of what the gentleman from Pennsylvania has just said in regard to the Indians from Mexico to whom we owe no obligations. I also think we should give the Indians their full rights and liberties and withdraw this protectorate that we have held over them for a century. However, my amendment refers to the Yakima Indians, who were among the original owners of this country. They held in their possession millions of acres of land in the Territory of Washington when, in 1855, Gov. Isaac Stevens, the Territorial governor and acting Indian agent, negotiated a treaty by which they relinquished all their claims to millions of acres of land. They agreed to take

1,145,000 acres, upon which they were to have certain rights. They have carried out their part of the contract. They have been peaceful Indians. They testify to this day that the governor stated to them at that time that "as long as the sun shines and the rivers flow these rights are guaranteed to you by the Government." But, nevertheless, the Government rested on the Indian rights and the water was taken away from them, and, as the gentleman from Idaho [Mr. FRENCH] stated the other day, it became necessary on the advice of the joint congressional committee, which made a full investigation for us, to go out and buy a million dollars' worth of water in order to make good the guaranty that we had given these Indians. We are carrying out the provisions of that treaty in regard to what is known as the Wapato project. Not so with the Toppenish-Simcoe project, immediately adjacent to the Wapato project. It is the same land, the same Indians, the same watershed. There are 17,000 acres on the project, and \$75,000 was appropriated for beginning the construction in 1918, and in 1919 \$75,000 was appropriated; but since that time it has been cut down to operation and maintenance. In good faith white settlers went in there and leased from the Indians or bought from the Indians and proceeded to clear away at great expense and effort the sagebrush, making way for irrigation, which they thought was coming right along from the action of the preceding Congresses. Now, we have absolutely suspended that work.

There are about 1,100 settlers deprived of the means of livelihood; they did not go in there for speculation, but went in intending to establish homes on the land that they had a right to believe, with the policy that we had established and followed, was going to be continued. About 82 per cent of the land is owned by the Indians, and they feel that they are being discriminated against because their brothers are being made rich on the Wapato project while they, with a light fall of rain, are producing crops some years and nothing the next, because the rainfall does not guarantee a crop. There is abundant water there if the storage is completed that has been partly established. There is idle equipment on the project which was used but is now in storage. There is much idle labor on the project. Our obligation to all is apparent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMMERS of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record and also for one minute more.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Washington asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. WALSH. Will this \$75,000 complete the project?

Mr. SUMMERS of Washington. It will not. There are 17,000 acres there. The land, however, will be worth at least three times the cost of the construction, and the cost of the construction will be charged up against the land, and this is one of the Indian projects which is repaying.

Mr. R. K. Tiffany, president of the Washington Irrigation Institute, formerly head of the United States Reclamation Service in this section of the country, in a letter to Senator WESLEY L. JONES, writes as follows:

This is one of the very best projects in the Northwest, from which immediate benefits can be derived and where large acreages of fine, fertile land can be brought under cultivation within the next year or two. We have two very forcible reasons for extending reclamation work. The first is to provide an opportunity on the land for the return to it of thousands who drifted into industrial centers. Second, there are thousands of unemployed who need the work. It can be done more efficiently and at less cost than during the years just past, or than it can be done after the present depression has been overcome.

The one lasting cure for unemployment is employment, and to hasten the cure such irrigation work as this should be continued immediately. This is legitimate expenditure of money borrowed from the Government for the purpose of developing land which will furnish food for our people and is neither an extravagance or a form of charity. Eighty-three per cent of this expenditure is for labor, and the wages paid for such work is not a Government donation, but is repaid to the Government from the proceeds of this land.

It is society's duty to insist that the dozen reclamation projects already started by the Federal Government, but stopped last year in reply to the demand for economy, be carried on at once and continued until finished. Work during these times means less money spent for the upkeep of charitable organizations, jails, poorhouses, and the decrease of crime. For it is for protection and the welfare of our citizens of to-morrow we

must constructively solve to-day's unemployment problem, and only as this solution is based on justice, decency, and sound economics will the solution of these problems be made as they should be.

The commencement and continuance of work on these irrigation enterprises means that the supplies for these projects comes from mills and plants of various kinds. It will start them, thus making work for thousands of men back in the eastern sections of the United States. Also as the land develops it must be supplied with agricultural implements, fencing, food, and all the various things that people consume. This in turn helps the eastern, or manufacturing sections, of the United States.

Seventeen arid States west of the Mississippi, made fertile through irrigation financed by the Government, produced during the war and now produces the crops on which we depend for our daily food. The men who raise these crops pay large taxes to the Government, and the production of food and the making of upright, honorable citizens of the generation which we are now caring for should be of vital importance to us. Money spent for this work is only a loan, and will be returned to the National Treasury.

There are 1,100 people living in the vicinity of White Swan, Wash., under the Toppenish-Simcoe irrigation project, who expected the continuation of that construction, who are there and must live. Eighty-two per cent of this land belongs to Indians and 18 per cent to the whites. Can there be any basis of justice, equality, or fairness in providing for continuance of construction or other irrigation plans of the United States and depriving these people of what is rightfully due them, as well as due other sections and other people? We feel that this is a grave injustice, and we know that it is causing privation and hardship, which should not be permitted under any Government project or organization in this land.

Mr. CRAMTON. Mr. Chairman, the gentleman from Washington [Mr. SUMMERS] has presented the merits of this project with the same intelligence and force that he did before the committee. The committee did not feel justified in increasing the estimates to the amount suggested. The amendment of the gentleman from Washington would involve an increase of \$70,000 in the expenditures under the bill, and the committee hopes that the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was rejected.

Mr. SUMMERS of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: Page 69, after line 18, insert a new paragraph as follows:

"For continuing construction for irrigation and drainage system on the Yakima Indian Reservation, adjacent to Satus Creek, \$75,000: *Provided*, That the entire cost of said irrigation and drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916."

Mr. SUMMERS of Washington. Mr. Chairman, here again we have the same Indians and very much the same conditions. Active work has not been begun on this part of the project. The surveys have been made and estimates have been made by the Government, revealing that it will cost about \$53 per acre to put this land under irrigation. There is one especial reason why some amount should be appropriated in order that work might be begun and the waters of the Satus Creek protected for these lands. The waters of Satus Creek flow into the Yakima River and all of the water is being utilized and filed on lower down the river, and as time goes by we are going to find ourselves in exactly the same predicament that we did up in the neighborhood of Wapato, when we permitted white landowners to file on and utilize the water, and then it became necessary that we make a very large appropriation in order to provide a water right for the Indian lands. The lands are extremely fertile and productive when watered, and there is a railroad built through this tract of land, and in a general way all that might be said with regard to the Wapato Project, which is the most productive and satisfactory Indian reclamation project in the United States, can be said with regard to this tract of land.

The Secretary of the Interior has made the following favorable report on my bill:

DEPARTMENT OF THE INTERIOR,
Washington, June 24, 1921.

Hon. H. P. SNYDER,
Chairman, Committee on Indian Affairs, House of Representatives.

MY DEAR MR. SNYDER: Reference is made to your letter of June 10, 1921, inclosing for report a copy of H. R. 2433, Sixty-seventh Congress, first session, appropriating funds for irrigation work on the Yakima Indian Reservation adjacent to Satus Creek, and reimbursable in accordance with the act of May 18, 1916 (39 Stats., 153).

The Satus project is a new one on which practically no work has been done by the Indian Service other than preliminary surveys and investigations, with a view of determining the availability of a water supply and the extent of the irrigable lands under the project. Several private ditches diverting water from Satus Creek are now supplying some 3,500 acres of land in Indian and white ownership. The surveys previously made show the feasibility of initiating a project at this point ultimately designed to irrigate 40,000 acres at an approximate expenditure of \$53 per acre. Owing to the fertile character of the soil and the excellent crops produced, it has been impossible to supply water for irrigable lands within the Yakima Reservation as rapidly as the demand therefor arises. The Indians themselves are making excellent use of the facilities furnished, and the white lessees and owners are only too anxious to acquire irrigable lands for development purposes under very favorable terms to the Indians.

The most successful irrigation system in the Indian Service is the Wapato unit of the Yakima project, which is immediately adjacent to the contemplated Satus unit, and comparison with the development under the Wapato project clearly demonstrates the advantages from a financial and industrial standpoint of initiating construction with a view of irrigating the lands within the Satus project. While the total construction cost is estimated at something over \$2,000,000, the bill provides sufficient funds for beginning the construction of the project, and additional area to be irrigated annually can be developed as rapidly as appropriations may be available therefor.

In addition to the waters from Satus Creek, this project is so located that the return drainage waters from the Wapato project can be utilized on the Satus project if a canal and distributing system is installed. It is intended to develop this part of the project first, so as to retain and use the return waters from the Wapato project, clearly demonstrating the feasibility of the Satus project. The Indians involved are very desirous of having their lands irrigated, and white interests in the valley are urging early construction of the project, as those areas not actually cultivated by the Indians themselves are in great demand by white farmers endeavoring to obtain irrigable lands, either by purchase or lease, for development purposes.

In view of the existing conditions herein set out, I will be pleased if the bill receives the approval of your committee and the Congress and is enacted into law.

Respectfully,

ALBERT B. FALL, Secretary.

Mr. CRAMTON. Mr. Chairman, this is again an occasion which appeals to the committee at this time, when expenditures must be kept to the absolute minimum, as not warranting an increase of \$75,000, which is proposed by the amendment of the gentleman from Washington.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was rejected.

The Clerk read as follows:

For the purchase of subsistence supplies in relieving cases of actual distress and suffering among those needy St. Croix Indians of Wisconsin whose cases are referred to in report of January 30, 1915, transmitted by the Secretary of the Interior to the House of Representatives March 3, 1915, pursuant to the provisions of the act of Congress of August 1, 1914 (38 Stat. L., pp. 582-605), and printed as House Document No. 1663, Sixty-third Congress, third session, \$1,000.

Mr. WALSH. Mr. Chairman, I reserve the point of order to the second paragraph under "Wisconsin," on page 70. This relief was granted as the result of a special request from the Department of the Interior submitted in 1915, was it not?

Mr. CRAMTON. 1914.

Mr. WALSH. The act says: "Transmitted by the Secretary of the Interior, March 3, 1915."

Mr. CRAMTON. That was the report.

Mr. WALSH. Was not that a request simply to relieve immediate distress among these Indians?

Mr. CRAMTON. The act of August 1, 1914, reads, in part, as follows:

That the Secretary of the Interior be, and he is hereby, directed to cause an investigation to be made of the condition and tribal rights of the so-called St. Croix Chippewa Indians now residing in the counties of Polk, Burnett, Washburn, and Douglas, State of Wisconsin, and said to be in a destitute condition. That he shall ascertain and report to Congress at the beginning of the next session thereof whether the said Indians belong to the Lake Superior Chippewa of Wisconsin, or to the Chippewa of Minnesota; what tribal rights, if any, they have with any band or tribe of Chippewa Indians residing in either Minnesota or Wisconsin; what benefits in land and money they would have received had they removed to a reservation in Wisconsin or had not been excluded from enrollment and allotment with the Chippewa Indians of Minnesota under the provisions of the act approved January 14, 1889 (25 Stat. L., p. 642). That he shall cause a census and enrollment to be made of the said St. Croix Chippewa and shall report their actual condition and needs, with such recommendation for their relief as he may deem necessary.

It does not expressly state, but the language is broad enough to contemplate their needs perhaps for a period of years.

Mr. MANN. What was the report?

Mr. CRAMTON. The gentleman from Massachusetts [Mr. WALSH], I understood, had the report at hand and was quoting from the report. I understood he wanted the statute. I have the report here, but I do not want to read all of it.

Mr. WALSH. Is it not true that in the report the Secretary suggested there was immediate need of relief? Of course, this is only \$1,000, but if it is in this bill under that authority, it will be in the bill a thousand years from now, whether there are any St. Croix Indians or not. Somebody will be up there who will need \$1,000 worth of relief, because they do not care to work as long as Uncle Sam will pass out the \$1,000.

Mr. CRAMTON. Mr. Chairman, I would be glad if the gentleman will make his point of order, would state what it is.

Mr. WALSH. Very well. I make the point of order that this appropriation is not authorized by law.

Mr. CRAMTON. Mr. Chairman, referring again to the act of November 2, 1921, it authorizes the Bureau of Indian Affairs to direct, supervise, and expend such moneys as Congress may from time to time appropriate for the benefit, care, and assistance of the Indians throughout the United States for the following purposes—general support and civilization, including education, for relief of distress, and conservation of health, and so forth.

That language is broad enough to sustain this item.

The CHAIRMAN. While that is contained in the general authorization act, is not this section limited to the act of August 1, 1914, and must we not look to that act for any authority?

Mr. CRAMTON. No; as it appeals to me, the act of 1914 is not an authorization for relief of distress.

Independent of that act we could appropriate for the relief of distress among those Indians. The only question is whether they are Indians and within the United States. We can appropriate for the distressed Indians of Wisconsin as well as to relieve the Indians of Oklahoma. We had authority before the act of 1914 for them as much as any other Indians, and we still have that authority. The act of 1914 provided for an investigation of certain questions in order to give the Congress information as to their needs, as to their funds, as to their relationships, but it is not the authorization for an appropriation. It is made to the Congress to aid its judgment, but is not a legal authorization for its action, and hence it does not limit. What was put in then for the purpose of aiding these Indians could not be said now to be a limitation that would prevent the giving aid to them that we might otherwise want to do.

Mr. WALSH. Mr. Chairman, just briefly referring to the point of order, this is to purchase supplies to relieve certain Indians whose cases are referred to in the report. Here is what the report says:

It is believed that only a small appropriation would be needed to carry these destitute families through the remaining part of the winter and spring and until they could maintain themselves.

Now, by incorporating that reference here and referring to that act we are making this appropriation dependent upon it, and it is not an appropriation under the general law, because the general law does not specify. It is a lump sum carried in the earlier part of the bill, and if they want to use that for this particular purpose, why, under authority of law it is possible they can do so; but it is a specific appropriation for a specific purpose made dependent upon a report and not dependent upon a law, and I submit the authority of that law is not now sufficient to warrant us in appropriating in the winter of 1921-22 for a few Indians who were expected to be taken care of in the winter of 1914-15 so that they could maintain themselves.

Mr. CRAMTON. Mr. Chairman, the report in question, March 3, 1915, concludes with this language:

It is accordingly recommended that Congress be asked to make an appropriation of not to exceed \$1,000 for the purpose of purchasing subsistence supplies for these Indians.

Above that, the preceding paragraph:

It is believed that only a small appropriation would be needed to carry these destitute families through the remaining part of the winter and spring and until they could maintain themselves.

Now, if we were discussing the merits of the appropriation, then, of course, I might argue that the \$1,000 was what they might need that year, and that there is nothing to show that they might not need a similar amount the next year. But we are not now discussing the merits of the question as to whether these Indians really need what is proposed. There are certain Indian cases referred to in the report of January 30, 1915, and so forth. Now, that is only for the purpose of identification and not for authorization or limitation. The report in question, if the Chair pleases, he will note gives a final roll of those Indians—names, bands or tribes, age, sex, residence, and county. If this Congress wishes to make an appropriation for those particular Indians, the best way to do it and to make sure these Indians are the ones to get the relief is to refer to the list that is in this report, and that is all that the pending section proposes to do.

The CHAIRMAN. The section to which objection is made is included within lines 9 to 17, inclusive, page 70 of the bill, and reads as follows:

For the purchase of subsistence supplies in relieving cases of actual distress and suffering among those needy St. Croix Indians of Wisconsin whose cases are referred to in report of January 30, 1915, transmitted by the Secretary of the Interior to the House of Representatives March 3,

1915, pursuant to the provisions of the act of Congress of August 1, 1914 (38 Stats. L., pp. 582-605), and printed as House Document No. 1663, Sixty-third Congress, third session, \$1,000.

This seems to be an appropriation of \$1,000 for a specific purpose, namely, the relief of needy and distressed St. Croix Indians of Wisconsin. When the Chair first had his attention called to this he was of the opinion that the authority for the appropriation would be found in the statute referred to in the section. However, on a closer reading of the section, it is evident that this is not the meaning of the section. One thousand dollars is appropriated for the relief of certain Indians. What Indians? The Indians whose cases are referred to in a certain report of January 30, 1915, mentioned in the section. On reference to the report, which has been handed the Chair by the chairman of the committee, the Chair finds a list entitled, "A final roll of the St. Croix Chippewa Indians of Wisconsin," giving the names of the individuals. The language in the latter part of this section, in the opinion of the Chair, is identifying language—that is, it identifies certain Indians who are to be the recipients of this gratuity from the Government.

If that is true, then surely the authority for making this appropriation exists in the section of the act of November 2, 1921, which provides "for relief of distress and conservation of health." The Chair is of opinion that the point of order is not well taken, and it will be overruled.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. This item is just an illustration of the Indian Service. I remember when the item came up under a report made in January, 1915. The only suggestion in the report was that a small appropriation be made to take care of those needy Indians for the balance of that winter. That is all they recommended. Congress made an appropriation of \$1,000.

They are not wards of the Government. They are Indians with citizenship. They are not on Indian land controlled by the Government. Congress was asked to make an appropriation of a thousand dollars to take care of a few of these Indians for the balance of the winter of 1915. So we continue to do it forever. They do not need it if they will work; but, of course, Indians are like white people; if they can get the money without earning it, they will take it, and I suppose we shall have this item in the appropriation bill for the next hundred years, just because there was distress among a few of these Indians in the cold winter of 1915.

Mr. WALSH. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Massachusetts moves to amend by striking out the paragraph. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For temporary additional employees in the Bureau of Pensions, District of Columbia, at salaries to be fixed by the Commissioner of Pensions, with the approval of the Secretary of the Interior, such employees to serve without annual leave allowance and to be appointed as far as available under the provisions of civil service laws, rules, and regulations, for the purpose of making current the work of the bureau, \$291,800; and for the additional furniture and equipment, stationery, other supplies, and printing required for such purpose, \$15,000; in all, \$306,800, to be immediately available: *Provided*, That not more than 10 persons now on the statutory roll of employees of said bureau may be transferred to this temporary roll or paid from this appropriation: *Provided further*, That no person shall be employed hereunder at a rate of compensation exceeding \$1,500 per annum, except the following: Not more than 11 at not exceeding \$2,000 each, not more than 29 at not exceeding \$1,800 each, and not more than 34 at not exceeding \$1,600 each.

Mr. SNELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. SNELL. Mr. Chairman, I would like to ask the chairman of the committee if these temporary additional employees are for the purpose of taking care of the additional work put upon the department on account of the pension bill for Spanish War veterans that we recently passed?

Mr. CRAMTON. No. I think the gentleman refers to the act that has just passed the House?

Mr. SNELL. Yes.

Mr. CRAMTON. No. That is not contemplated. But the gentleman will remember that on May 5, 1920, we passed an act giving all Civil War veterans a minimum of \$50 a month, and if it can be shown that a pensioner under the act requires the regular care and attendance, as I think the language is—

Mr. SNELL. I understand that—

Mr. CRAMTON. Of another person, they may receive \$72 per month. Now, those pensioners are from 75 to 80 years old, and it is very natural that at that period they pretty generally feel that they are entitled to the \$72 rate, so that under that act there are quite a number of new applications coming in.

Then June 1, 1920, after the passage of the Civil War act, we passed what is known as the Sells bill, for the relief of the Spanish-American War veterans, and that has resulted in a great increase of applications; so that while they had been having about 40,000 or 50,000 applications pending at the time those acts were passed, and in the year since those acts were passed they have increased the number of applications disposed of per year, as I recall, as much as 50 per cent, still the congestion of claims pending has grown until the number pending on the 1st of July last was 99,000 plus—an immense increase in the number of applications. Now, I do not know if the gentleman wants me to take further time now, but—

Mr. SNELL. I wanted to find out what was the situation in regard to this monthly payment of pensions.

Mr. CRAMTON. That bill has passed the House and is now pending in the Senate, according to my information. The statement of the Bureau of Pensions is that their organization, so far as the payment of pensions is concerned, is in such good running order that the change from the quarterly to the monthly basis can be brought about without any great increase in expenditure.

Mr. SNELL. Are they going to be able to take care of the work under the new general Spanish-American War pension act with the present employees?

Mr. CRAMTON. At the time of our investigation and hearing that act had not passed the House.

Mr. SNELL. That takes effect in the next fiscal year.

Mr. CRAMTON. I have not made a close study of it, but I do not understand that it will make any very great increase in the work of the bureau. It may increase the number of claims allowed, but is not likely to increase the number of claims filed. It liberalizes the allowance of the claims. I do not think there is anything in the bill which the committee went into more carefully than this provision to take care of the old soldiers, because we felt the needs of those old people. We realized that if they are going to have the pension at all they must have it allowed speedily in order to have it while they live.

Mr. SNELL. Yes. If it is not to be allowed in their lifetime, there is no use in their making application for it.

Mr. CRAMTON. The situation now is this, that with respect to the Civil War claims, which, of course, are the more urgent because the age of the claimants is greater, they are more nearly up on them; but a claim that was filed last November just now gets its first consideration in the bureau, and that consideration is a more or less perfunctory one, because very few of these claims have the evidence with them. The office takes them up to see what is necessary and calls for the evidence. Then there is a delay, and when the evidence is submitted there is an order for a medical examination and a further delay. As to them, undue delay would be very serious. As to the Spanish-American War cases, they are just now taking up applications that were filed last April.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have five minutes more, so that I can use some of it.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from New York [Mr. SNELL] may proceed for five minutes more. Is there objection?

There was no objection.

Mr. CRAMTON. Those filed last April are just getting consideration. That is only perfunctory, because the evidence must be called for, and then there is the order for medical examination, and delay, and there is further examination and further delay.

The gentleman no doubt has had cases, as I have, of men who, while their age was not as great and their distress may not have been as great, still they were worthy of pensions and they were destitute and sick and helpless, and their applications ran on for a couple of years, and the man died before he got his relief. Now, that appealed to the committee. Still, on the other hand, we did not want at this time to increase the roll of employees of the Government. So we went over this with more care, perhaps, than anything else in the bill, and finally we availed ourselves of the services of the Bureau of Efficiency, and got them to go into the Bureau of Pensions and make a study of this particular question. They have made their report, which appears on page 935 of the hearings.

Mr. SNELL. I have read that report.

Mr. CRAMTON. And we felt that we could follow their recommendation and cut the appropriation about \$130,000 below the estimates and still accomplish in next year what we want to accomplish—that is, to be sure that at the end of the year the work will be current. They have been making some progress. While there were 99,000 cases pending on the 1st of January, the number is now reduced to 93,000, and we believe that at the end of the year the number of cases pending will be down to 35,000 or 40,000 cases.

Mr. SNELL. I have had an experience somewhat similar to that which the gentleman relates, and I was met by the statement by the department that they could not do the work unless they had the help to do it with. I am glad there is provision in this bill to bring the work practically up to date by the end of this year.

Mr. CRAMTON. At the time we passed those acts we had just been reducing the personnel quite materially, and when we passed those acts we gave them no increase to take care of this increased work.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRAMTON. Certainly.

Mr. MANN. The current appropriation for pensions is, I believe, \$265,000,000.

Mr. CRAMTON. Yes.

Mr. MANN. Is that the largest amount that has ever been appropriated for this purpose?

Mr. CRAMTON. I think it is the largest amount appropriated. In any event the expenditure for this year, however, will not be quite as large as in 1921. In 1921 the expenditure was something like \$258,000,000, which was the highest in any past year, and probably will remain the highest figure.

Mr. MANN. In 1921 or 1922, more than 50 years after the Civil War ended, after most of the men who suffered and needed the money had died, our expenditures for pensions on account of that war are greater than they ever were before. If we take the same ratio with reference to the World War veterans, the expenditures of this Government 50 years from now will be several billion dollars a year.

Mr. CRAMTON. If the gentleman will yield there, he will remember that 10 or 20 years after the Civil War men who were suffering from wounds and disability incurred in the Civil War got as much as \$2 a month pension.

Mr. SNELL. The first pension was 10 years after the war, was it not, and that was a disability pension, and it was 40 years after the Civil War before they received a service pension.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES.

Commissioner, \$5,000; first assistant commissioner, \$4,500; assistant commissioner, \$3,500; chief clerk (who shall be qualified to act as principal examiner), \$3,000; five law examiners, at \$2,750 each; examiner of classification, \$3,600; five examiners in chief, at \$3,500 each; two examiners of interferences, at \$2,700 each; examiners of trade-marks and designs—one \$2,700; first assistant, \$2,400; eight assistants, at \$1,500 each; examiners—forty-eight principals, at \$2,700 each; ninety-four first assistants, at \$2,400 each; ninety-four second assistants, at \$2,100 each; ninety-four third assistants, at \$1,800 each; ninety-four fourth assistants, at \$1,500 each; financial clerk, who shall give bond in such amount as the Secretary of the Interior may determine, \$2,250; librarian, who shall be qualified to act as an assistant examiner, \$2,000; eight chiefs of division, at \$2,000 each; eight assistant chiefs of division, at \$1,800 each; private secretary, to be selected and appointed by the commissioner, \$1,800; translator of languages, \$1,800; clerks—eleven of class 4, seventeen of class 3, nineteen of class 2, one hundred and thirty-seven of class 1, ninety-three at \$1,000 each; draftsmen—one \$1,600, one \$1,400, three at \$1,200 each, four at \$1,000 each; ninety-two copyists, at \$1,000 each; thirty copyists, at \$720 each; three messengers at \$840 each; thirty-three assistant messengers, at \$720 each; thirteen laborers at \$600 each; forty-five examiners' aids (who shall be selected without regard to apportionment), at \$600 each; thirty-nine copy pullers (who shall be selected without regard to apportionment), at \$480 each; in all, \$1,500,200.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 77, line 15, strike out "\$1,000" and insert in lieu thereof "\$900."

Mr. CRAMTON. This is simply to correct a clerical error in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

For all expenditures authorized by the act of June 17, 1902 (32 Stats., p. 388), and acts amendatory thereof or supplementary thereto, known as the reclamation law and all other acts under which expenditures from said fund are authorized, including salaries in the District of Columbia and elsewhere; examination of estimates for appropriations

in the field; refunds for overcollections hereafter received on account of water-right charges, rentals, and deposits for other purposes; printing and binding, including a publication called the Reclamation Record; law books, books of reference, periodicals, engineering and statistical publications, not exceeding \$1,500; purchase, maintenance, and operation of horse-drawn or motor-propelled passenger-carrying vehicles; payment of damages caused to the owners of lands or private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of irrigation works, and which may be compromised by agreement between the claimant and the Secretary of the Interior; and payment for official telephone service in the field hereafter incurred in case of official telephones installed in private houses when authorized under regulations established by the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I make a point of order against the language on page 83, lines 9 and 10—

Including a publication called the Reclamation Record.

Mr. CRAMTON. Will the gentleman withhold his point of order for a moment?

Mr. MANN. Yes; I will reserve the point of order.

Mr. CRAMTON. The item in question is subject to a point of order and I will not argue against it. I simply want to make an explanation to the House as to the circumstances surrounding this particular publication.

The Reclamation Service has a great many projects scattered over the West, and on each project are a great number of water users, using water from that project and paying the Government for it. They pay their proportionate share of all the expenses of operation and maintenance of the project, including such an item as this. This publication is sent to these water users. There are a few paid subscribers who are not located on the reclamation projects, but almost entirely the publication is sent to the water users who pay for it through their contributions to operation and maintenance of the service.

Now, the best information the committee could get from Director Davis, of the Reclamation Service, and Members of Congress from the West having reclamation projects in their districts was that the water users really want this publication and are willing to pay for it as they have in the past. Hence we have inserted this language; but I think there is no specific authorization for it. I think it probably is not even a necessary incident to the operation of the projects, and I will not argue against the point of order.

Mr. MANN. There is a law specifically forbidding it so far as that is concerned.

Mr. CRAMTON. I concede the point of order if it is made.

Mr. MANN. How is the cost of this charged in any way against the users of the water?

Mr. CRAMTON. The cost of the Reclamation Record is something like \$11,000 a year, and that is pro rated to the various projects, the share of the cost of the operation and maintenance of the particular project, and anyone who is a water user on that project pays his pro rata share of that along with the other expenses.

Mr. MANN. I understand from the gentleman then that this \$11,000 is divided up \$50 to this one, \$100 to that one, and so much to another.

Mr. CRAMTON. Yes.

Mr. MANN. The cost of assessing it against the different property owners would be more than the \$11,000. Of course, there is no authority of law for charging it against the water users. It is no part of the irrigation project, and if it is charged against the water users it is in violation of law.

Mr. CRAMTON. I think it is well understood, and if they did not want it there would be a protest.

Mr. MANN. They think they are getting it for nothing, and, of course, there is no protest against getting something for nothing.

Mr. CRAMTON. Our information was that they knew of the situation.

Mr. MANN. I guarantee that there is not one of them that knows that he is paying anything for it. The Reclamation Record does not dare publish the fact that they charge the cost of it to the water users.

Mr. WILLIAMSON. If the gentleman will yield, I may say in this connection that while perhaps the water users do not know that they are being charged for the cost of publication of the Reclamation Record, the water users' associations, the officers of the irrigation districts, and all the officials connected with local organizations know that the Record is being charged up against the various projects. I personally think it would be a mistake to insist on the point of order, because it is a valuable publication to the people living upon the irrigated lands.

Mr. MANN. Oh, I have examined the Reclamation Record, and I think it is as valueless as any Government document that I have ever seen. It is full of worthless stuff. Usually and frequently it is puffing some officer of the service. However, that is not the reason that I make the point of order. If it is

meritorious it is not the only meritorious publication. For years we have tried to stop the miscellaneous printing of these publications by the Government. Two years ago, in a moment of inspiration or something else of the sort, we inserted in the sundry civil bill a provision stopping all of them unless it should be provided thereafter that it should be continued. We continued for a while permitting them to run on. Now, last December we passed a law stopping it. The Senate passed a resolution continuing them again. That was reported to the House and went back to the Joint Committee on Printing. I think some of them ought to be stopped. I think some ought to be continued. I do not think that this is the way to do it. Of course, two of these items have gotten by in this bill because some of us, thinking the bill was not going to be read immediately after general debate, went to the Senate to hear President Harding on the peace treaties. Otherwise those would have been eliminated. Let the Joint Committee on Printing report on these publications. I am perfectly willing that they should. A great many of them ought to be stopped, and a considerable number ought to be continued.

Among the worthless ones I would place the Reclamation Record. For years I used to examine it, hoping that at some time I might find something in it which would be useful to a legislator. I never found anything of any value to me as a legislator; it may be useful to help pass away the time. It is not a good magazine, it is not valuable from any point of view that I can see, but I am not a user of an irrigation project and do not pretend to be qualified to judge from that point of view.

Mr. FRENCH. Mr. Chairman, I do not care to discuss the point of order, for I think I may recognize at once that the item is subject to a point of order. But I want to speak upon the matter from two standpoints. First, from the standpoint of the pro rata expenditure among the settlers as being rather an expensive item within itself. I would say that the item of \$11,000 is from the standpoint of the administration added to the total of the general expenses of reclamation service in maintaining the Washington office. Of course, the item becomes an \$11,000 item in the column and does not take any amount of time whatever in the apportionment among the various projects. That is, it does not add anything whatever in time or work to the apportionment of the sum total for maintaining the Washington office.

Now, in regard to the value of the publication itself. The settlers on the reclamation projects are largely people who have gone to the West from the Eastern, Southern, and Central States. Often they are not people acquainted with the process of reclamation, with the matter of farming. Suppose they have been farmers in one section of the country referred to, the method of farming under irrigation is wholly different, and from the standpoint of helpfulness to the settlers themselves I think the publication has a justification. If you will run through the publication you will find many items of immediate interest to settlers upon the projects. The question, for instance, of leveling land so as to best care for the distribution of water, the question of removing obnoxious plants and weeds that grow along the canal and within the canal, the question of new crops that can be grown profitably on these projects—these and other subjects will be discussed; the question of marketing and market facilities will be discussed; the beneficial use of water upon an acre of land will be discussed. All these questions are of vital interest to the farmers themselves who are farming by means of reclamation. My judgment is that the farmers themselves on these projects would be glad to see the publication continued. I think the publication is serving a useful purpose.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MANN. The water users now pay for it.

Mr. FRENCH. Yes.

Mr. MANN. Would they pay for it if it were sold to them at subscription rates?

Mr. FRENCH. What percentage of them would or would not I could not tell.

Mr. MANN. How many subscribers do they have now; how many do they have who actually pay as subscribers?

Mr. FRENCH. Manifestly as long as it is sent to them as a part of what they have bought—

Mr. MANN. Oh, they do not know that. Of course, I do not blame them for not sending money in for a thing that they can get for nothing, but if they want it sent, the test is whether they are willing to pay for it, knowing they pay for it. Under the present arrangement they pay for it without knowing it. Would they pay for it if they knew it?

Mr. FRENCH. I think unquestionably a very large percentage of them would.

Mr. MANN. Suppose we try them, then.

Mr. FRENCH. But the gentleman would not give them an opportunity to try that, if his point of order is sustained. He would cut them off entirely.

Mr. MANN. I say, suppose we try it.

Mr. FRENCH. But you are not trying it. You are cutting it out entirely. When the hearings were going on the committee made inquiry of the Director of the Reclamation Service in respect to the attitude of the settlers on the project about this matter, and here is what Mr. Davis said:

Mr. FRENCH. What is the attitude of the water users themselves who, in the end, pay for the Reclamation Record toward its continuance?

Mr. DAVIS. To learn that about two months ago we issued a circular, putting the question without any leading features to them, to ascertain the wishes of the water users on that point, and we have a large number of letters in reply, which are practically unanimous in indorsing the publication and saying that it is of value to the water users, and wishing it continued. The only suggestion that I now recall of importance concerning it was that it would not be furnished free, and that was only from one project, it would only be furnished to those who pay a subscription price equal to the cost. The directorate on one project made the suggestion and we have adopted that plan or purpose to adopt it, if the continuation is authorized, on that particular project, and then not charge to that project any part of the cost of publication other than the part of the individuals paying it.

So, from the point of view of the Director of the Reclamation Service, as well as from the point of view of the Members of Congress from the West, the Reclamation Record is of service, and is desired by the settlers themselves.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MANN. The statement is made that a circular was sent to these people asking if they desired to continue to receive it. That information would be valuable if the gentleman could give us the number of circulars that they sent out and the number of replies received.

Mr. FRENCH. The director did not indicate that.

Mr. MANN. You may be very sure that he did not. All of those who wanted it replied, and I guarantee that not 25 per cent of them replied.

Mr. FRENCH. But I think that the cross section obtained by the replies would represent the cross section of public opinion on the various projects as estimated by the Members of Congress from the States having reclamation projects.

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I have looked over the hearings as carefully as I could in regard to these various reclamation projects, and it does not seem to me that the committee has furnished the House with enough information to aid it to act intelligently upon the individual items. I notice in most cases they simply asked Mr. Davis, the Director of the Reclamation Service, how much money he wanted, and if he thought that would carry on the projects for the present year and produce the results desired. In two-thirds of them they gave him the full amount that he suggested and the balance of the items they cut just a little. I notice in several places they were unable to spend during the past year the amount of money that was appropriated for these various projects.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. FRENCH. The reason why the Reclamation Service was unable to expend the amount appropriated was because we overestimated the available reclamation funds last year.

Mr. SNELL. That is exactly what I am coming to and what I want to bring out. They always overestimate the receipts from these projects.

Mr. FRENCH. And the gentleman will notice that in this bill we have framed it upon the basis not of the first report made as to the estimates for the next fiscal year but rather upon estimates that were made six months later on, just at the time the hearings were on, of the anticipated returns to the funds.

Mr. SNELL. What information has the gentleman got that would tell him anything about the amount of the receipts? I tried to get that information from the department and could not get it. Mr. Davis told me that information was not available at present for the operation and maintenance account, but he would furnish it as soon as possible, and up to the present time I have not received it.

Mr. FRENCH. Of course, the gentleman must understand that a great deal of information here is of a kind that is in the nature of estimates. We can not look into the future; we are anticipating the receipts.

Mr. SNELL. I am asking about the past, about what has happened, not estimates for the future, and all the information that I could get was that it was very disappointing, the way the receipts were coming in.

Mr. CRAMTON. Mr. Chairman, I do not know just what the gentleman has reference to. If the gentleman has reference to the reimbursement for operation and maintenance, I will say to him—

Mr. SNELL. That was the specific question that I asked; the results of maintenance and operation for the last year.

Mr. CRAMTON. For the year 1922 they would not be available.

Mr. SNELL. I asked him for any year that was available, and I could not get either. The gentleman could not give me the information the other day, and the department could not.

Mr. CRAMTON. The other day we were not talking about this service. We were talking about the irrigation on Indian reservations, which is entirely different.

Mr. SNELL. Certainly; but he did not have the information on that, either.

Mr. CRAMTON. And I admitted that much of that would be deferred, but this service, it is expected, the money is coming back.

Mr. SNELL. And the only thing I ask is what percentage comes back, and I took up an individual project and asked him to tell me the results last year or the year before, and Mr. Davis told me yesterday over the phone that he could not give it to me at that time.

Mr. SMITH of Idaho. Has the gentleman been at his office this morning?

Mr. SNELL. I was there until 12 o'clock.

Mr. SMITH of Idaho. The data was sent to the gentleman about noon.

Mr. SNELL. It was not there when I left at 12 o'clock.

Mr. MANN. I suppose he sent a copy of it to another Member before it reached the gentleman from New York.

Mr. SNELL. The gentleman from Idaho seems to have it.

Mr. SMITH of Idaho. It was furnished to the gentleman from New York about 12 o'clock, and I have a copy of it.

Mr. MANN. Yes; it was sent to the gentleman and it got to him before it got to the gentleman from New York.

Mr. SMITH of Idaho. It was sent to my office and my secretary sent it over to me, and the gentleman from New York has been furnished with the same information.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that his time be extended for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. Is the point the gentleman is making that the Indians are not the only wards this Government is now supporting?

Mr. SNELL. I think you will find there are some white men we are appropriating for pretty generously on this proposition, and there is little information in the hearings in regard to it.

Mr. CRAMTON. I will say to the gentleman, without taking too much of his time, that if there is any statement that has been sent to any Member of the House it has not been sent to the committee in charge of this bill, and hence I am not going to take the responsibility in indulging in any guesswork for the benefit of the Reclamation Service. However, the general rule is the money comes back promptly, and it has to come back promptly or otherwise the reclamation fund suffers from it; that is, the operation and maintenance. Do not confuse that with construction work.

Mr. SNELL. I understand that. I understand that from operation and maintenance they are coming in very slowly, and that it was generally disappointing to the department.

Mr. CRAMTON. I understand on the Orland project, California, none of them have ever been delinquent but have come in promptly. As the gentleman understands, the people on these reclamation projects now are possibly suffering from the same condition the farmers everywhere are suffering. They put a lot of money into seed and labor and find the commodities can not be sold.

Mr. SNELL. Two years ago they sold commodities at a good price.

Mr. CRAMTON. I only want to give this further suggestion to the gentleman. The question originally, as I understand, was the failure to expend last year the amount of the appropriation, and that refers not to operation and maintenance—

Mr. SNELL. I understand.

Mr. CRAMTON. But for construction. They did not expend for the reason the reservation fund did not contain enough. The appropriations for 1923 are to be paid out of the accretions of the reclamation funds that are not yet in the funds but expected to come in in 1923.

Mr. SNELL. It is an expectation.

Mr. CRAMTON. It is a question, an estimate, or a guess, and heretofore they have been overhopeful, especially in reference to how much was coming in on the oil leases, and so forth, and their estimate overran. The committee this year called the attention of Director Davis to this, and in January he submitted this estimate on what we considered conservative lines, and by reason of that we cut the appropriations for construction \$1,500,000.

Mr. SNELL. As a general proposition it has been cut very little, considering we are trying to economize. Now take it item by item—

Mr. CRAMTON. We have accepted the items of the service except we have made a deduction of \$1,500,000 in accordance with the estimate.

Mr. SNELL. But as a general thing, one project after another, you have given them the amount they asked for.

Mr. CRAMTON. We have reduced it \$1,500,000, and that cut is distributed among nine different projects.

Mr. SNELL. Another question. What is the policy of the department with regard to establishing new projects at the present time?

Mr. CRAMTON. We have only established one new project in this bill—that is, really only made an appropriation for one new project—and the policy is to finish up what we have got.

Mr. SNELL. I understood they were not to establish new projects until the old projects were more fully developed or proven up. I think there are two new projects in this bill.

Mr. CRAMTON. The only new project is really a transfer of an item, that Oregon item, where last year we appropriated \$400,000, which was the Deschutes project, and which encountered difficulties which have led to the substitution of the Baker project at \$400,000, which is in that same section of Oregon.

Mr. SNELL. What does the gentleman say about the American Falls project? Is not that a new project?

Mr. CRAMTON. That is an extension.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNELL. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. It is only an addition, that is my information—that is, where they are removing a town—

Mr. SNELL. Removing a town and building a new one.

Mr. CRAMTON. But the project exists, and this is an extension of it. It is a large project.

Mr. SNELL. Was it an extension or an entirely new project right along an old project?

Mr. CRAMTON. I am going to yield to the gentleman from Idaho, who can perhaps give more exact information, but my idea is that it is a large extension.

Mr. SNELL. My information leads me to believe it is an entirely new project.

Mr. FRENCH. What is a new project?

Mr. SNELL. I claim the American Falls project is an entirely new project right alongside the Minidoka project.

Mr. FRENCH. It is regarded as an extension of and a continuation of the project.

Mr. SNELL. They would not tell me so yesterday. I asked them definitely about this proposition. They said it was doubtful whether it was an extension or a new project.

Mr. FRENCH. It has the same source.

Mr. SNELL. Yes; the Mississippi has the same water its entire length, but St. Paul and St. Louis are not the same cities because they are on the same river. It is not the same land. It covers an entirely new lot of land. It is a new project, but happens to be situated right beside the Minidoka.

Mr. FRENCH. The Minidoka project at this time is not made up of a single unit but of three units.

Mr. SNELL. That is true.

Mr. FRENCH. And it has always been the policy to reclaim and put under ditch that which could be put under water with a given unit.

Mr. SNELL. Yes. But the Minidoka project is entirely developed, and they have all the water they need on it, and all the land that was in the project when the construction was first started is now taken care of. The first undertaking and authorization is completed. Is that not so?

Mr. FRENCH. There is no question that the units developed are supplied by water practically to the extent necessary. But here is land adjacent, and the system for all the units will be an interlocking system.

Mr. SNELL. This is a new project, but it is situated near that old project, and so you call it "an extension." I want that to be laid before the House just as it is, and not have any misunderstanding as to what we are doing. We are starting a new project right beside an old one, but do not call it so.

Mr. SMITH of Idaho. The land this water from the American Falls is to irrigate lies contiguous to and joins the Minidoka project on the north.

Mr. SNELL. By that same reasoning you could go clear to St. Paul, Minn., under the same authorization as long as one project would border on another.

Mr. SMITH of Idaho. The land to be reclaimed is an extension of the Minidoka project and is a portion of a block of land containing over 250,000 acres.

Mr. SNELL. It might be a part of it only because it adjoins it, but you or no one else can make me or the Members of the House believe it was a part of the original authorized construction.

Mr. FRENCH. You will get the water from the same stream, and the land withdrawal, I understand, was made at the same time.

Mr. SNELL. You would get the water from the same stream at St. Paul and at St. Louis, but you do not undertake to say it is the same water system in both places. If you can give us any information later on I will be glad to get it any time, for this certainly needs some explanation, if the policy of the committee is against starting new projects.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. SUMMERS of Washington. Mr. Chairman, if I may have the attention of gentlemen who are really interested in this question as to whether payment is being made and whether these projects are a success or not, I wish to call attention to this chart, which was made by the Irrigation Service and was used yesterday before the Committee on Irrigation of Arid Lands.

This [indicating on a chart] represents the total cost of that project, starting from zero and running all through. Also, starting from zero and running through is the amount that has fallen due. The red is the amount that has not been paid.

Here we have the relative value of crop production in 1917, 1918, 1919, 1920, and 1921. The crop production given for a single year very much exceeded in value the total cost of developing the land.

If you come down here to Yuma, Ariz., here [indicating] we have the cost of construction and here we have the amount that has fallen due, and the slight red line, which perhaps you can not see from where you are sitting, represents the amount that is due and unpaid.

Under maintenance and operation, which is a separate charge from construction, this represents the amount that has fallen due, and the little red line represents the proportion that has not yet been paid; and you understand that the assessments fell due in December, so that includes assessments that fell due only a short time ago.

Mr. RHODES. Mr. Chairman, will the gentleman yield for a question?

Mr. SUMMERS of Washington. Yes.

Mr. RHODES. Perhaps those figures there do not represent definitely to the Members what per cent of the amount due has been paid. Could the gentleman give us an idea?

Mr. SUMMERS of Washington. This represents millions of dollars. There [indicating] is a million, and there is \$2,000,000; about one and one-fourth millions has fallen due on that one. This [indicating] represents a quarter of a million. All but a small amount has been paid.

On the Boise project there has fallen due about \$900,000, of which over \$800,000 has already been paid. Under operation and maintenance about \$800,000 has already been paid, and \$700,000 unpaid.

Taking the North Platte project here [indicating] is the amount of construction. This represents the amount that has fallen due, and the red represents the amount unpaid.

Mr. MONDELL. The blue represents the amount that has fallen due and has been paid, and the red the amount that is unpaid?

Mr. SUMMERS of Washington. Yes. The blue represents the amount that has fallen due and has been paid, and the red the amount that remains unpaid. In other words, the red and the blue represent the total amount that has fallen due, of which the blue has been paid and the red has not been paid.

In the Rio Grande project nothing is marked as having been found due, because they do not know yet what the charge will be per acre.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes; I yield.

Mr. SNELL. How many years has that been under construction?

Mr. SUMMERS of Washington. I do not know, but a part of this has been under cultivation four or five years. Take the Yakima project. Here is the cost of construction, something over \$10,000,000. This shows about \$2,500,000 paid. They were short on their December payments, two months ago, about \$100,000.

Mr. RAKER. Mr. Chairman, will the gentleman yield right there?

Mr. SUMMERS of Washington. Gladly.

Mr. RAKER. The record shows that they are able to present to the committee the exact amount that it has cost for the whole construction, and then the amount per year for maintenance and upkeep.

Mr. SUMMERS of Washington. This represents the maintenance and operation charges down here, and that much has been paid and this much remains due.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RAKER. Mr. Chairman, will the gentleman permit a question?

Mr. SUMMERS of Washington. Yes. Make it as short as you can.

Mr. RAKER. What I want to know is, Is it not a fact that the Reclamation Service is able to present to the committee the exact amount paid and the exact amount due for maintenance and upkeep?

Mr. SUMMERS of Washington. Yes. Of course, these figures are changing, and I wish to invite the special attention of the gentleman from New York [Mr. SNELL], who has asked the question, to the fact that this is a running account. Payments are being made every day. So it is difficult at any hour without figuring it up to answer the question offhand, because it is changing all the time.

Mr. BROWNE of Wisconsin. Take the Yakima project. Will the gentleman state how much that land was worth before it had this money expended upon it and what it is worth now?

Mr. SUMMERS of Washington. This was sagebrush, dry pasture land with very scant rainfall, possibly 7 inches per annum, and was worth, we will say, \$10 an acre. It is usually considered as being worth from \$3 to \$10 an acre, but with the water added the very cheapest price at which you could buy any land on this Yakima project without any improvement on it, I think, would be \$200 an acre; and from that it runs up to \$500 and \$1,000 and \$1,500 and \$2,000 an acre, according to the orchard and other improvements that are put on it.

Mr. RAKER. That is per acre?

Mr. SUMMERS of Washington. That is the price per acre, and all of that value stands behind the amount that is yet owing to the Government.

I should like to say that in this revolving fund which we are appropriating from to-day for the continuation of this work, there was during the last year collected something over \$2,000,000, and in addition to that \$1,000,000 was paid into the Federal Treasury as a payment on a loan of \$20,000,000 to this fund made about 11 years ago, which provided that after 10 years repayment should be made at the rate of \$1,000,000 per annum, and that is now being paid at the rate of \$1,000,000 per annum.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. SUMMERS of Washington. I yield.

Mr. BRIGGS. What is the cost of this improvement per acre? Has the gentleman the figures showing the average?

Mr. SNELL. That is all given in the hearings.

Mr. BRIGGS. In general.

Mr. SNELL. The average runs from \$75 to \$100, I think, according to these hearings.

Mr. SUMMERS of Washington. I think it is \$63 an acre, if I recall.

Mr. RAKER. As an average.

Mr. SUMMERS of Washington. As an average on all the irrigation that has been done, I think it is \$63.

Mr. BRIGGS. What is the amount now in the revolving fund?

Mr. SUMMERS of Washington. The amount now in the revolving fund is the amount that we are appropriating here, which, of course, comes from the sale of public lands, from these repayments, and from the operation of the gas and oil leasing bill. Perhaps the gentleman from Idaho [Mr. FRENCH] can state the total amount carried by this bill for reclamation.

Mr. BRIGGS. Is this a reappropriation every year of the revolving fund?

Mr. SUMMERS of Washington. It is an appropriation from the revolving fund. It is taking nothing whatever out of any other fund.

Mr. BRIGGS. I understand that, but as far as this investment is concerned, I supposed that the appropriation was a continuing one.

Mr. SUMMERS of Washington. Perhaps this will answer the gentleman's question. All of these 25 projects here represent at this time an investment of about \$130,000,000. There has been, in round numbers, \$160,000,000 put into these projects, of which about \$30,000,000 has been repaid, and the investment represented at this time is about \$130,000,000. Gentlemen can see by the chart here the amount which this investment is producing annually in the way of crops.

Mr. BRIGGS. How much additional is carried in this bill?

Mr. FRENCH. We are appropriating this year \$14,211,000 for the Reclamation Service.

Mr. BRIGGS. That makes nearly \$175,000,000 all told.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. EVANS. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Washington be extended five minutes. Is there objection?

Mr. CRAMTON. Reserving the right to object—and I have no intention of objecting—does the gentleman hope he can conclude in five minutes?

Mr. SUMMERS of Washington. Yes. I am only bringing this to the attention of the committee at this time for the purpose of giving the information that has been sought here.

Mr. CRAMTON. I have no objection to the gentleman's time being extended.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EVANS. If I understood the gentleman's statement, the various projects shown on the chart here represent an expenditure of \$160,000,000, of which I understood him to say \$30,000,000 had been repaid.

Mr. SUMMERS of Washington. Yes; in round numbers.

Mr. EVANS. What does the gentleman mean by the repayment of \$30,000,000—repayment to the Federal Treasury, or repayment to the reclamation project fund?

Mr. SUMMERS of Washington. In 1902 there was a reclamation fund created. Does the gentleman know what went into that? There was no appropriation out of the Federal Treasury, except the receipts from public lands for the preceding 12 months. Now, that is where we got the money with which to start the work. Then it provided that money accruing from the sale of public lands year after year should be added to that fund. Year after year it has been added to, until it has reached the sum that I have mentioned, and that is being reappropriated year after year, and there has never been anything added from the Federal Treasury except the \$20,000,000 which was loaned, and on which we are making payment at the rate of \$1,000,000 a year now.

Mr. EVANS. How many million dollars have been paid on that \$20,000,000?

Mr. SUMMERS of Washington. It was not to be repaid until after the lapse of a 10-year period. The first payment fell due only two years ago, and I think that \$2,000,000 is the amount that has been paid at this time.

There was an extra sum appropriated at one time to take care of an international claim that arose on account of some controversy with Mexico where we had guaranteed them a certain amount of water. In order to effect a settlement it cost the reclamation fund a million dollars. That not being strictly chargeable to reclamation but something that arose in the way of an international controversy, the amount was taken care of out of the Federal Treasury.

These are funds appropriated year after year, and the crop yield, as you see, equals from 25 to 30 per cent up to 200 per cent of the total cost of the project annually.

Mr. SNELL. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. SNELL. I would like to ask the gentleman as to the Uncompahgre project. How many years has that been completed?

Mr. SUMMERS of Washington. As I understood yesterday from the director, it is just being completed now.

Mr. SNELL. I understood that it had been completed five years, but never had paid anything.

Mr. SUMMERS of Washington. That was not the statement of the Director of Reclamation. He spoke of that specifically as not being yet completed.

Mr. SNELL. It has been in operation five years.

Mr. SUMMERS of Washington. The gentleman will understand that if they are going to put 50,000 acres under water they will put 5,000 under this year and so many next year, and so on, and that 5,000 is in operation while the rest is being completed.

Mr. SNELL. Five thousand has been completed, but has not paid anything.

Mr. SUMMERS of Washington. You can not make the levy until the project is completed.

Mr. SMITH of Idaho. The gentleman will understand that they pay rent for the water used and their proportional share of the use of the system.

Mr. SNELL. But this has been in operation at least five years, and, as I understand, they have not paid anything for the actual operation or maintenance.

Mr. SMITH of Idaho. Oh, yes; they have been paying their share for the maintenance of the water used.

Mr. SNELL. I do not understand so.

The Clerk read as follows:

Uncompahgre project, Colorado: For operation and maintenance, continuation of construction, and incidental operations, \$215,000.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I notice in the hearings on this project that all Mr. Davis asked for was \$90,000 for operation and maintenance and \$50,000 for extension, and the committee allows him \$215,000. I wonder why they increased it.

Mr. CRAMTON. The gentleman has overlooked something, because the estimate was \$235,000.

Mr. SNELL. I was reading Mr. Davis's testimony on page 635 of the hearings, and this is certainly all he asks for here.

Mr. CRAMTON. Ninety thousand dollars for operation and maintenance and \$50,000 for one extension.

Mr. SNELL. That is the only extension that he speaks of.

Mr. CRAMTON. The estimate was \$235,000. That estimate was cut \$20,000 in his revision of estimates and in connection with which he says that this project is virtually completed and on an operation and maintenance basis. Mr. Davis says:

This project is virtually completed and on an operation and maintenance basis. The principal reduction therefore would be in the year's program of maintenance work. There is a certain amount of such work that can be postponed without fatal effect, such as the program of canal cleaning and similar items that are more or less a continuous process, but can be speeded up or retarded at times. My suggestion therefore is that if the \$20,000 reduction be made, \$15,000 be regarded as for maintenance, and \$5,000 for minor items on the lateral system where we are finishing the work with numerous small jobs, such as structures, short extensions here and there, etc.

Mr. SNELL. The printed testimony in the hearings only calls for \$140,000.

Mr. CRAMTON. That is only one construction.

Mr. SNELL. That is all there is in the hearings and all I had to go by.

Mr. FRENCH. If I may be allowed, the gentleman will notice that the gentleman from Michigan [Mr. CRAMTON] directed the attention of Mr. DAVIS of Minnesota to the estimates in the amount of \$235,000.

Mr. SNELL. That is the item I was directing attention to; he only calls for \$140,000 and you give him \$215,000.

Mr. FRENCH. Those estimates were cut down \$20,000 by supplemental estimates.

Mr. SNELL. That is not in the hearings.

Mr. FRENCH. I think it is.

Mr. CRAMTON. I just read it. The gentleman asked for the supplemental estimates and asked if they were in the hearings. I want to say to him that they are not, but I just read it to him.

Mr. SNELL. The gentleman from Washington [Mr. SUMMERS] said the project was not completed, but according to the hearings, on page 634—

Mr. FRENCH. If the gentleman will allow me and will turn to page 668, he will find the supplemental estimates that the chairman has referred to.

Mr. SNELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. On page 668 the gentleman will find the amount called for \$215,000 for the Uncompahgre project.

Mr. SNELL. That is just a summary of the whole proposition.

Mr. FRENCH. Yes.

Mr. SNELL. But that has nothing to do with the original hearings before the committee.

Mr. CRAMTON. I think the \$90,000 is a misprint.

Mr. SNELL. If that is a misprint, I am willing to accept it as such.

Mr. CRAMTON. I can not account for a misprint in the hearings. The appropriation requested in the project for 1923 is for net construction \$75,000, for operation and maintenance \$160,000, making a total of \$235,000. The figures in the hearings manifestly are erroneous.

Mr. SNELL. Very well. According to this statement on page 634, the whole project has been completed for at least two years. The gentleman from Washington said they had not yet completed the project.

Mr. CRAMTON. If the gentleman will look at the table on page 634, he will find that the probable area when completed is 100,000 acres.

Mr. SNELL. That is just what I am looking at. In 1921 the area was 100,000 acres, so that that must be completed, and that was two years ago.

Mr. CRAMTON. They said that it is practically completed.

Mr. SNELL. It has been completed for two years, according to statement in hearings.

Mr. CRAMTON. But there are some laterals yet to be completed.

The CHAIRMAN. The time of the gentleman from New York has expired. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Boise project, Idaho: For operation and maintenance, continuation of construction, and incidental operations: *Provided*, That the expenditure for drainage shall not exceed the amount paid by the water users pursuant to the provisions of the Boise public notice dated February 15, 1921, \$1,220,000.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. Will the gentleman explain to the committee the purpose of the proviso?

Mr. FRENCH. That language is to bring the item into harmony with a court decree that has been entered into by stipulation on the part of the settlers themselves and the Government.

Mr. RAKER. What is the estimated cost of this drainage? I just want to know how they arranged it.

Mr. FRENCH. I do not have the details of that.

Mr. SMITH of Idaho. I may say to the gentleman that there was some objection on the part of the settlers to paying for this drainage, and this was placed in the bill by the committee in order to require them to sign a contract that they would pay for the drainage in the event the Government undertook it.

Mr. RAKER. Is not this the situation, that the drainage may cost \$400,000, and the notice provides that they shall only pay \$300,000?

Mr. SMITH of Idaho. No; I do not think there is any such controversy as that.

Mr. RAKER. What is the purpose of it?

Mr. SMITH of Idaho. The purpose is to require the settlers to sign a contract to pay for the drainage before the Government undertakes the work.

Mr. RAKER. They would have to agree to pay for it before the Reclamation Service started in to do the work.

Mr. SMITH of Idaho. Yes.

Mr. RAKER. And they said if the Reclamation Service will do that, they would agree to pay so much an acre and no more?

Mr. SMITH of Idaho. Yes.

Mr. RAKER. And if it costs more, who is going to pay for that?

Mr. SMITH of Idaho. But it is not going to cost more. This provision is that they shall agree to pay for the cost of the drainage.

Mr. RAKER. That adds to the construction charges?

Mr. SMITH of Idaho. Yes. The necessity for drainage, of course, developed after the land was put under irrigation.

Mr. RAKER. If it costs more than the public notice provides, who will pay for it?

Mr. SMITH of Idaho. It is not expected to cost more.

Mr. RAKER. That does not answer the question.

Mr. SMITH of Idaho. I am not answering hypothetical questions.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Minidoka project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, with authority in connection with the construction of American Falls Reservoir, to purchase or condemn and to improve suitable land for a new town site to replace the portion of the town of American Falls which will be flooded by the reservoir, and to provide for the removal of buildings to such new site, and to plat and to provide for appraisal of lots in such new town site and to exchange and convey such lots in full or part payment for property to be flooded by the reservoir and to sell for not less than the appraised valuation any lots not used for such exchange, \$1,200,000.

Mr. SNELL. Mr. Chairman, I make the point of order against the entire paragraph.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SNELL. I call attention especially to the language beginning at the end of line 25, on page 84—

To purchase or condemn and to improve suitable land for a new town site to replace the portion of the town of American Falls which will be flooded by the reservoir, and to provide for the removal of buildings to such new site and to plat and to provide for appraisal of lots in such new town site and to exchange and convey such lots in full or part payment for property to be flooded by the reservoir and to sell for not less than the appraised valuation any lots not used for such exchange, \$1,200,000.

I appreciate that the original act in creating this service is rather broad, but reading from section 4 of the original act of 1902 I find the following:

The Secretary of the Interior is authorized to acquire the same for the United States by purchase or condemnation proceedings.

The same above referred to reservoir sites.

The CHAIRMAN. What statute is the gentleman reading from?

Mr. SNELL. I am reading from volume 32, part 1, page 390. I claim there is nothing in the act which gives them power to improve suitable land for a new town site, no matter where it is located, or to replace the old buildings with new buildings. This means that they are practically tearing down one town and removing the town and building it up again. I claim that this authorization is going much further than was intended in the legislation creating the department.

Mr. CRAMTON. Mr. Chairman, as I understand the point made by the gentleman, it has narrowed down to the question of authority to supply the new town site. I understand the gentleman from New York does not question the authority to condemn the old town site and to use it for a reservoir. He questions only their authority to purchase or condemn and improve land for a new site to replace the old one.

Mr. SNELL. And the general proposition of removing old buildings and constructing new ones to take their place.

Mr. CRAMTON. There the matter would be only the latter part of the gentleman's statement. There will be no question as to their authority to condemn the buildings or to remove those which were upon the land to be used for the project. The only question is as to the construction of new buildings. That narrows it down to this question. It is admitted that here is a town upon a site that it is desired to use for a reservoir. There is ample authority to condemn that site and use it for that purpose. There would be ample authority to appropriate money to turn over to John Jones and John Smith the owners of the land in that site to pay them for their property. The question is whether instead of turning over to John Jones and John Smith the money for the land condemned we can make an arrangement by which we secure other land, a new town site, improve it and replace the conditions that we have taken away from the other, in so far as we can. I submit that if there is authority to do one there is authority to do the other; that is, the activity must be necessarily connected with the project. They can not acquire a town site unless they actually need it in their operations, and if that is admitted then they can give lands they have as well as give money to the owner of the lands taken away.

Mr. FRENCH. Mr. Chairman, let me say this further. The Government at the present time owns the land, or much of the land, that will constitute the new town site. Under the general law there can be no question but that the Reclamation Service has a right to develop new towns and to sell the lands within the town for the benefit of the reclamation funds. As I said, the Government to-day owns much or all of the lands where this new town will be.

Mr. MANN. If the gentleman will yield, why does the bill provide that the Government shall have the right to purchase or condemn land for the new town site?

Mr. FRENCH. That is continuation of the language heretofore carried and would take care of any additional land that might be needed. Under general law the Government has the right to purchase land for reservoir sites, and here we shall need to purchase a very large part or possibly all of it. Now since that is so it would seem then that the Reclamation Service would have the right to dispose of land it may own within the new town site in exchange for damages that the Reclamation Service might occasion in the old. As has already been stated by the chairman, the law itself provides that the Reclamation Service may have the right either to purchase or condemn land in the development of an irrigation project. So then the proposition seems to be a simple one, reading these two laws together and administering the two together. The Reclamation Service has the right on the one hand to sell lands on the town site. It has the right on the other hand to condemn or purchase land necessary for a project. In the carrying out of those two

provisions of law I can see nothing incongruous if the arrangement were to take the form of an exchange of land from one town site for land in the other town site. This seems to me absolutely within the provisions of the law, the authority already existing. If so, the point of order made by the gentleman can not be sustained.

Mr. STAFFORD. Will the gentleman yield?

Mr. FRENCH. I will be glad to do so.

Mr. STAFFORD. Will the gentleman kindly state the authority for the statement that the Reclamation Service has the right to purchase land for town-site purposes?

Mr. FRENCH. I said it has the right to purchase land in connection with the reclamation project.

Mr. STAFFORD. This provision goes far beyond, as I read it, the original enactment of law authorizing the Reclamation Service. This goes to the extent of authorizing the department to purchase or condemn and to improve suitable land for a new town site. As the gentleman from Illinois suggested, if there is authority of law what is the need of it here? The fact it is here is presumptive evidence that there is no authority of law, otherwise it would not be here.

Mr. FRENCH. This is a continuation of the law carried for one or two years, under which, if the gentleman will let me continue, the Government purchased the land in whole or in part, which will be necessary to purchase for the town site in connection with the project.

Mr. STAFFORD. The argument of the gentleman is that the warrant for this authority is not substantive law, but is an appropriation bill law. The gentleman states that this language has been carried in prior bills. That language is only effective for the fiscal year, and is not permanent law.

Mr. FRENCH. If the gentleman will turn to the law itself providing for the reclamation fund he would find that the Government has the right to purchase or condemn land in connection with the development of irrigation projects.

Mr. STAFFORD. I have the original law before me, and I find nothing in it that authorizes the Reclamation Service to purchase land for a town site.

Mr. CRAMTON. If the gentleman will yield, the gentleman understands that there is to be a reservoir on the old town site?

Mr. STAFFORD. Assuming that, that does not give the department the right to buy a new town site unless there is authority of law.

Mr. CRAMTON. The gentleman will admit there was authority of law to condemn the old town site for reservoir purposes and to pay money to those from whom they took the land. The gentleman admits that, does he not?

Mr. STAFFORD. I am not acquainted with the actual project.

Mr. CRAMTON. That makes a whole lot of difference.

Mr. STAFFORD. Assuming that that is the fact—

Mr. CRAMTON. The situation is that there was a town where they want to put a reservoir. They moved a portion of the town, and instead of paying the money to those people they put them on a different site.

Mr. STAFFORD. The logic of that argument would be that where it will be necessary for the Reclamation Service to purchase the property for a town site, then the Reclamation Service would have the authority to go 10, 20, or 100 miles and purchase a new town site in lieu of it. There is no warrant of law in the original enactment giving the Reclamation Service any such authority.

Mr. CRAMTON. Mr. Chairman, there is this point at issue, that on land taken up for a reservoir in one existing town site, instead of paying the money, they can go and put these people on a different site, of course, with their consent; but there is this additional point, Mr. Chairman: The current law carries this same provision, and under this same provision they have entered upon this project. As the gentleman from Idaho states, they have acquired most, if not all, of the land that they will need under this same language. They have certainly acquired a portion of the land they need, and they are in process of working out this project, so that it is further to be sustained, Mr. Chairman, as an appropriation for the continuation of an existing project, which would make it clearly in order.

Mr. STAFFORD. If the gentleman will permit, the gentleman states that there was authority to purchase new land which they have not acquired at present. That is a new proposal for which there is no authorization in law.

Mr. CRAMTON. If the gentleman will permit, that is not quite the situation. They have not only acquired the old town site in whole or in part, but they have acquired in part new land that is to be turned over to the inhabitants of the old town site.

Mr. STAFFORD. Mr. Chairman, I respectfully contend that, assuming that they have acquired the new land, it would not give them the authority of law to move buildings to that new town site without this language.

Mr. CRAMTON. That work is now under way. It is a continuing project which we wish to appropriate for.

Mr. STAFFORD. Mr. Chairman, following the logic of the gentleman from Michigan [Mr. CRAMTON], if they had gone beyond their power in one particular, they would be authorized to go beyond their power in a thousand particulars.

Mr. CRAMTON. Mr. Chairman, it is not quite that proposition, either. The Reclamation Service have not gone beyond their power. They have the act for the current year, an appropriation act, which contained certain language which authorized them to purchase and condemn and improve certain land for a new town site. They have that authorization, even if it be conceded—and I do not concede—that that would have been subject to a point of order last year. But the point was not made. The law was passed.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SNELL. Would it be in order this year just because it was carried last year?

Mr. CRAMTON. They had authority given them last year, and having done it, or having perhaps nine-tenths done it, having nearly completed it, the parliamentary rule comes to their aid, to the effect that we can appropriate to complete an existing project.

Mr. SNELL. The gentleman says that the land for the new town site has been purchased at the present time?

Mr. CRAMTON. In whole or in great part. I will not say just how much, but my information is that a considerable part has been acquired.

Mr. SNELL. To show you that you had the same idea that I have, I want to call your attention to a question which you asked of Mr. Davis in the hearings, where he replied:

There might be a question as to whether it would apply or not.

That shows that the committee itself thought it was going beyond the original law.

Mr. CRAMTON. The gentleman's question is not a parliamentary proposition, but a question of fact. If, as a matter of fact, they had fully acquired all the land they wanted and completed the improvements upon it, then that language could be dropped out, and that explains my question as to the necessity of repeating it.

Mr. SNELL. The same question has come to my mind, that it is going beyond the intent of Congress in the legislation establishing the service.

Mr. CRAMTON. I have not learned that language that is unnecessary is subject to a point of order on account of that fact.

Mr. STAFFORD. Mr. Chairman, let me say just a word. I think the gentleman from Michigan [Mr. CRAMTON] is confusing the principle of the continuation of an existing project, which has been held to be applicable in case of navy-yard constructions, with this reclamation project. The Reclamation Service might have authority to continue and improve a project which in itself was reclamation, but here they are attempting to go beyond the project and purchase a new town site and develop that new town site, and that is not in continuation of an existing irrigation project.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Wisconsin if this is a continuation of a public work that is already begun? The Chair asks that question in order to get light on this proposition.

Mr. STAFFORD. That rule as to the continuation of a public work applies to public works in such a way as to give authority to that branch of the public service which initiated it to complete it, but here they are going beyond their original power and trying to complete something for which they have no authority.

The CHAIRMAN. Let the Chair ask the gentleman another question. Suppose a public work has been begun without actual authority of law, but for which an appropriation has been made, and the next year the question is raised, as it is raised here, that it is in continuation of a public work that has already begun, even though it was not authorized by law?

Mr. STAFFORD. Mr. Chairman, that is a very nice question that has been propounded by the Chair. I would not offhand want to say if a department launches into a development by the use of funds which have not directly been authorized by law that that would be a basis of the extension of that development ad infinitum so far as Congress appropriated for it. I would say that there had to be some substantive authorization in law beyond merely carrying it on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, inasmuch as the appropriation carries a provision that might have been objected to, but is included in the appropriation bill which becomes a law with that provision in it, does the gentleman question the authority of the Reclamation Service, the authority having been expressly given to the Reclamation Service in the appropriation bill? Does the gentleman question the authority of the Reclamation Service to do the work under that authority and direction?

Mr. STAFFORD. Only so far as the appropriation is available for that fiscal year, and no further.

Mr. CRAMTON. But I will say to the Chair that there is no such distinction in the precedents. The work has been entered upon with full authority. It was not without authority. It was with full authority that they entered upon it. It is only partially completed, and it is the logic of that rule that the Government should not suffer a loss by reason of leaving the work half completed; that must sustain this item as in completion of a work that was authorized last year and partially completed under due authority.

Mr. MANN. Mr. Chairman, I should like to make this suggestion about this public-works matter. A public work has always been considered, with one exception, as an actual work, not a plan. The only exception to that is in reference to the Navy, where long ago a Chairman of the Committee of the Whole House on the state of the Union arbitrarily ruled that the construction of a new battleship was in continuation of the work of building up the Navy. I think that is the only exception. I will not undertake to apply that to this case, because I am not familiar enough with the case to apply it; but this is very sure: Suppose the commission recommends the acquirement of a lot of land for a public park and Congress appropriates money for the purchase of a particular part of that land. That purchase can be made, but that would not authorize an appropriation for the purchase of the remainder of the land as a part of the public work at all. The distinction is not hard to make, and the public work has to be an actual work, not a plan.

Mr. SINNOTT. Mr. Chairman, it seems to me this is a very simple proposition. The Secretary of the Interior is authorized to purchase land. Now, he may purchase this original town site outright and pay for it in cash, or as a part of the purchase price, and reducing the purchase price by that much, he may give other land that may be used as a town site; and it seems to me, Mr. Chairman, that there has been a decision upon this question, or a very similar one, by the Supreme Court of the United States. I call the attention of the Chair to the compilation of Federal Reclamation Laws, on page 45 of which is set out the statute (32 Stat., 389) giving the right to purchase and condemn. I think the chairman is familiar with that statute there set out. Under that is this citation from *Henkel v. The United States* (237 U. S., 43):

Property that may be acquired: Under the provisions of the reclamation act the Secretary of the Interior has power to acquire the rights and property necessary therefor, including those of allottee Indians, by paying for their improvements and giving them the right of selecting other lands.

Now, that is the effect of this provision in the present bill. They are giving the people living upon this town site the right to select another town site, or supplying them with another town site, and that is all it amounts to.

Mr. FRENCH. Mr. Chairman, if it will be helpful in considering the question that has been discussed, I will say that I have some general information showing that moneys have actually been expended upon this general work.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FRENCH. Something like \$175,556 was expended in 1921. At the time we had our hearings a month ago the department estimated that they would expend during the present fiscal year \$700,000; and apart from any of the printed reports that I have touching expenditures my information is that approximately \$400,000, or something in excess of that amount, has been expended on this particular work, divided in part between purchasing land for the new town site and purchasing property within the old.

The CHAIRMAN. The Chair is ready to rule. This paragraph provides:

For operation and maintenance, continuation of construction, and incidental operations, with authority in connection with the construction of American Falls Reservoir, to purchase or condemn and to improve suitable land for a new town site to replace the portion of the town of American Falls which will be flooded by the reservoir, and to provide for the removal of buildings to such new site and to plat and to provide for appraisal of lots in such new town site and to exchange and convey such lots in full or part payment for property to be flooded by the reservoir and to sell for not less than the appraised valuation any lots not used for such exchange, \$1,200,000.

The point of order is made that the provision relative to the acquisition of lands for a new town site, for the removal of

buildings to the new town site, and the platting and appraisal of lots there is not authorized by existing law.

The section of the reclamation act which has been referred to several times already in the discussion of this bill, section 7, provides:

That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation—

and so on; giving to the Secretary of the Interior the right to purchase or condemn sites for reclamation projects.

On reflection, and without any direct precedents to guide the Chair, he is inclined to recur to the ordinary rules of interpretation of such matters. For instance, if a municipality is authorized by law to condemn certain sites for purposes of public buildings, and is given by law the right of eminent domain, it does not follow as a consequence that the municipality can condemn other lands to give some one in exchange for the lands that have been thus taken. The same thing is true as to a public service corporation which is given the right of eminent domain. The fact that the corporation agrees to give another piece of land in exchange for one taken does not give the right to condemn the other piece of land which it might exchange for the one the corporation has taken.

Mr. CRAMTON. But, Mr. Chairman, the Chair will make a distinction between the right to condemn and the right to pay for lands that the owner is willing to sell.

The CHAIRMAN. There is some distinction, but none in principle so far as the act that we rely on here is concerned. It seems to me the power given to the Secretary of the Interior is the right to condemn or to pay and to settle for such lands as are taken and are injured by the proposed improvement.

The Chair does not believe that it follows as an incident of that power that the Secretary of the Interior has the right to buy other lands or to condemn, if you please, other lands, and give them to persons injured in the settlement of claim for damages. The power is restricted, and a strict interpretation of the authority must be made. The power is to condemn or purchase such lands as the Government finds necessary for the actual construction of the proposed improvement.

One other question remains, and that is whether this is to be considered as a continuation of a public work. The rule of the House on that subject is as follows, and is familiar, I have no doubt, to all Members:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public work and objects as are already in progress.

There is a remarkable scarcity of direct precedents on this subject. The Chair is obliged largely to rely upon his impressions as to what a public work is as meant by this rule. In the current law there is a similar appropriation for this purpose, and I am advised that that work is already in progress. But a public work, it seems to the Chair, must necessarily mean some distinct work, such as building a ditch, a dam, a building, something that is tangible and is distinct and separate from other things. This is a proposition to build a town, a broad general proposition, including streets and alleys and buildings and transporting the buildings—how many buildings no one knows. It does not appear to the Chair that that can be considered a public work that is in progress. The power is too broad. The proposition of building a town necessarily is so extensive that if the Chair were to construe that as a public work it seems the power given to department heads would be almost as extensive as they desire to have it.

Mr. FRENCH. Would it modify the Chair's opinion if it appeared that the Reclamation Service had gone ahead with survey work, made borings on the site of the proposed dam, and, in other words, is carrying forward right now the preliminary and basic work that must be carried forward in order to make a successful dam? That represents the situation at this time.

The CHAIRMAN. The Chair would say that if the authorization here was for the continuation of a dam or of a building or of a particular irrigation canal, the Chair would agree with the gentleman that it might be construed as an appropriation in continuation of a public work already in progress. But the language of this section is:

To purchase or condemn and to improve suitable land for a new town site to replace the portion of the town of American Falls which will be flooded by the reservoir, and to provide for the removal of buildings to such new site and to plat and to provide for appraisal of lots in such new town site and to exchange and convey such lots in full or part payment for property to be flooded by the reservoir—

And so forth, which goes far beyond an appropriation for any specific public work.

Mr. FRENCH. The Chair does not question the authority of any existing law for the Reclamation Service to go ahead and purchase land in the old town site in connection with the building of a dam if that shall be necessary?

The CHAIRMAN. There is no doubt about the authority of the Reclamation Service to purchase or condemn all lands necessary for the construction of an irrigation system. But this is not for an irrigation system. It is for a town site, not for irrigation, but to house settlers who have been removed from the irrigation project.

Mr. FRENCH. In one sense it is to accommodate the workmen who are necessarily employed on the project. I will say further as a matter of economy it will be for the advantage of the Government unquestionably if the arrangements were to be made in such a way that the lands can be exchanged other than by paying money.

The CHAIRMAN. The Chair has no doubt that is true, but that is neither here nor there, and the Chair must decide the point presented. The point of order is sustained. Inasmuch as the point of order was made to the whole paragraph, it will have to be sustained to the whole paragraph.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment: On page 84 I offer lines 22, 23, and 24, and the words "American Falls Reservoir" in line 25.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 84, after line 21, insert:
"Minidoka project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, with authority in connection with the construction of American Falls Reservoir, \$1,200,000."

Mr. MANN. May I call the attention of the gentleman from Michigan to the fact that the words "with authority" relates to the part that is gone out?

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out the words "with authority," in line 24.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. SNELL. Mr. Chairman, I do not want to take any more time of the committee on this proposition, but I call attention to the fact that this is a new proposition and that we are starting, and with an appropriation of \$1,200,000, when the committee itself has said that it is the policy of the department not to start new propositions at this time. The Minidoka proposition is entirely completed at the present time, as much as was intended when the project was originally started, but this happens to be right near by, and so it is added on to that proposition and they call it a part of it.

Mr. SMITH of Idaho. Mr. Chairman, the reiteration by the gentleman from New York [Mr. SNELL] that this is a new project can be taken for what it is worth. As a matter of fact, it is simply an extension of the present project. It is within the boundaries of the original project. There are three sections of the Minidoka project, one section lying south of the river, which is supplied with water by a pumping system; one section lying north of the river, which is supplied with water from the Minidoka Dam by gravity; and the north side extension, which it is proposed to irrigate, amounting to over 100,000 acres, lying immediately north of the middle section, joining into it, to be supplied with water from the American Falls Reservoir, which is a few miles above the Minidoka Dam.

Mr. SNELL. Does the gentleman mean to leave the impression with the House that this is a part of the original Minidoka project as was originally authorized and intended to be constructed?

Mr. SMITH of Idaho. The land has been withdrawn for 14 years, the withdrawal being made shortly after the other portion of the project was withdrawn from settlement.

Mr. SNELL. Does the gentleman mean to say that when it was originally started by this House this was a part of it?

Mr. SMITH of Idaho. This land was withdrawn from settlement to form a part of the Minidoka project, and is not in any sense a new project.

Mr. SNELL. You admit the land was withdrawn afterwards, still you claim that this is a part of the original project as started by this House and by the Reclamation Service.

Mr. SMITH of Idaho. Yes; that has always been my understanding.

Mr. SNELL. It is, the gentleman says, much larger than the original or completed part.

Mr. SMITH of Idaho. No; it is a part of the project, but does not contain as many acres as the portion under the gravity system and the portion south of the river.

Mr. SNELL. It covers more land?

Mr. SMITH of Idaho. The project embraces withdrawals aggregating nearly 200,000 acres, including the last withdrawal in 1908, being the land it is proposed to irrigate by storage water from American Falls.

Mr. SNELL. I do not want to dispute the gentleman, because I think he has pretty good information in regard to these propositions, but I got it direct from the department yesterday, and they would not say that that was a part of the original project.

Mr. SMITH of Idaho. We have always understood that this was a part of the original project. It was withdrawn from settlement about the same time the other land was withdrawn. It has never been entered, all applications being rejected, as it has not been open to entry since 1908. The land is desert in character.

Mr. SNELL. I grant that it is practically desert, but I still maintain that the project is right alongside the other and is practically a new one.

Mr. SMITH of Idaho. No; it is a part of the original project. Mr. CRAMTON. Mr. Chairman, even if it were a new project, it is in order in the bill. It is, however, an extension of one of the most successful irrigation projects in the country. It was the Minidoka project to which I referred in my opening statement to the House, and pointed out how extremely successful it had been. It now has an irrigation area that will take care of 2,400 farms. When completed it is expected that there will be 4,500 farms, and as fast as it is completed the public lands are taken up by settlers, who at the present time are all World War veterans, because they have the preferential right, and there are always more applications from them than can be cared for.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. SMITH of Idaho. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Idaho. Mr. Chairman, earlier in the debate the gentleman from New York [Mr. SNELL] referred to some data that he called for and which was furnished by the Director of the Reclamation Service. I may say that yesterday the Director of the Reclamation Service was before the Committee on Irrigation, and at that time I asked him for the identical data that was furnished the gentleman from New York. I learned on telephoning him that he supplied me with a copy because he had compiled the same data for the gentleman from New York, in response to his verbal request yesterday, and in response to my request when he was before the Committee on Irrigation.

The Clerk read as follows:

For reimbursement to the reclamation fund the proportionate expense of operation and maintenance of the reservoirs for furnishing stored water to the lands in Yakima Indian Reservation, Wash., in accordance with the provisions of section 22 of the act of August 1, 1914 (38 Stat. L., p. 604), there is appropriated out of any money in the Treasury not otherwise appropriated, \$11,000.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by having inserted therein in 8-point type the following letter from the Director of the Reclamation Service explaining the cuts made in the various items for this service.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., February 7, 1922.

HON. L. C. CRAMTON,
Chairman Committee on Interior Department
Appropriations, House of Representatives.

MY DEAR MR. CRAMTON: When I appeared before your committee you indicated that the committee might want to make some reduction under the Budget items for the reclamation projects and kindly gave me opportunity to suggest where reductions might best be made in case they were to be made.

By letter of January 3 I submitted such suggestions. I now understand that you wish these carried out in more detail so as to indicate what reduction of work on the projects my suggestions contemplate. These may be stated briefly as follows:

UNCOMPAHGRE PROJECT, COLORADO.

This project is virtually completed and on an operation and maintenance basis. The principal reduction, therefore, would be in the year's program of maintenance work. There is a cer-

tain amount of such work that can be postponed without fatal effect, such as the program of canal cleaning and similar items that are more or less a continuous process, but can be speeded up or retarded at times. My suggestion, therefore, is that if the \$20,000 reduction be made, \$15,000 be regarded as for maintenance and \$5,000 for minor items on the lateral system, where we are finishing the work, with numerous small jobs, such as structures, short extensions here and there, etc.

It is understood, of course, that all of these estimates as to detailed expenditures are subject to contingencies that may arise between the time of estimate and the time of expenditure. I suppose that is so regarding all estimates made so far in advance, but perhaps it is particularly so respecting our work, because we are dealing with running water in natural as well as artificial channels, and emergencies are certain to arise. Floods will occasionally surprise us and canal breaks are almost inevitable. There are also many arrangements to be made with the users of water as conditions precedent to certain work.

It is doubtless due to such considerations that in all of the bills Congress has made the appropriations for the reclamation work simply by projects and amounts, leaving discretion in the department to depart from the program of details submitted with the estimates where subsequent developments made this seem necessary or wise.

Boise project, Idaho: It is believed that part of this reduction can be made first in the operation and maintenance estimates, and any balance a reduction of the funds available for the Black Canyon Dam.

Minidoka project, Idaho: The \$50,000 reduction suggested would be in the work at American Falls, simply curtailing slightly the program there for expensive purchase and improvement of right of way.

Milk River project, Montana: The reduction suggested would eliminate work on the proposed Connolly dam at the Chain Lakes Reservoir site.

North Platte project, Nebraska-Wyoming: The construction on the canals would simply be adapted to the lesser funds, such as we have to do in any event from time to time as the state of the reclamation fund dictates.

Rio Grande project, New Mexico-Texas: The same thing applies here as to the North Platte, except that some of the most important ditches under way are for drainage purposes.

North Dakota pumping project, North Dakota: This project is on an operating basis, and any reduction would necessarily be in the expense for maintenance or operation.

Belle Fourche project, South Dakota: Here, too, the reduction suggested would probably best be absorbed by adapting the maintenance program.

Riverton project, Wyoming: Here the principal work under way is the excavation of the main canal, and a reduction would mean a reduced program on such work.

To give a general view of the suggestions that have been made in the most convenient way we have taken a copy of the table at page 11 of the pamphlet explaining our appropriation estimates and indicated in red ink the various suggestions that I have made. This is sent herewith.

Again thanking you for your courtesies in this connection, I am,

Very truly, yours,

A. P. DAVIS, Director.

The Clerk read as follows:

UNITED STATES GEOLOGICAL SURVEY.
SALARIES.

Office of director: Director, \$6,000; chief clerk, \$2,500; librarian, \$2,000; photographer, \$2,000; assistant photographer, \$900; clerks—3 of class 1, 1 \$1,000, 2 at \$900 each; 2 messenger boys, at \$480 each; in all, \$20,760.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I call attention to the preceding page, to the item providing for reimbursement to the reclamation fund of the proportion of expense of operation and maintenance of the reservoirs for furnishing stored water to the lands in Yakima Indian Reservation, Wash. Is not the expense of the Yakima Indian Reservation irrigation project paid out of the Indian money or reimbursable to the Government?

Mr. CRAMTON. The Yakima proposition is very complicated, and I admit that I do not fully understand it. I do understand that there was some question as to whether other projects were taking water that belonged to the Indians, and so forth, and the particular item is for the purpose of reimbursing the reclamation fund for waters that are furnished to the Indians.

Mr. MANN. I understand; but the money appropriated for the Yakima irrigation project is to be reimbursed to the United States under certain provisions. This money is expended for the Yakima Indian irrigation project. The Reclamation Service

furnishes in the first instance a part of the cost of maintenance. We reimburse the reclamation project not out of the Indian money but out of the Treasury of the United States. We require the Indians to pay out of their funds eventually the cost of the irrigation projects. The portion which they contribute for these reservoirs comes out of the Indian funds eventually, but the portion which the reclamation project is reimbursed for comes out of the Federal Treasury. I hope my friend from Michigan will think of that hereafter, because that is one of those things that is slipped in by the Reclamation Service and which is, I think, unfair to the Federal Treasury.

Mr. CRAMTON. The Reclamation Service, as I understand, is hoping to get a further amount of several hundred thousand dollars, growing out of this Yakima proposition. There is a controversy existing there, and they are claiming it.

Mr. MANN. The controversy is between the Reclamation Service and the Indian irrigation service?

Mr. CRAMTON. Yes.

Mr. MANN. Of course, they can compromise very quickly if the money is spent out of the Federal Treasury. We pay for the Yakima irrigation project and we have that cost reimbursed by the Indians.

Mr. SUMMERS of Washington. Yes.

Mr. MANN. The reclamation project does certain work in connection with it, and we reimburse the reclamation project out of the Federal Treasury without any reimbursement by the Indians.

Mr. SUMMERS of Washington. The old controversy passed on by the joint congressional committee decided in favor of the Indians, that they were entitled to certain water, and there was an appropriation made to provide for it, which appropriation has since proved not to be ample. Is that what the gentleman has in mind?

Mr. MANN. This bill carries a provision which has been carried for years in an appropriation for the Yakima irrigation project, and that is that the entire cost of said irrigation and drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916. But this item is not reimbursable.

Mr. CRAMTON. I will freely admit that I do not understand the item.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For topographic surveys in various portions of the United States, including lands in national forests, \$275,000.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 90, line 2, after the word "forests," strike out "\$275,000" and insert in lieu thereof "\$425,000."

Mr. HAYDEN. Mr. Chairman, the object of my amendment is to restore this appropriation to the amount carried for the same purpose during the current fiscal year. The report on this bill shows that only \$330,000 was appropriated for topographic surveys last year, but the sundry civil bill also carried \$75,000 for such surveys within national forests, so that \$425,000 was actually available. That is the minimum sum absolutely necessary if this work is to be carried on.

Many gentlemen are, no doubt, familiar with the bill introduced in this and previous Congresses by the gentleman from Pennsylvania [Mr. TEMPLE], proposing to complete the topographic mapping of the United States within the next 20 years. A topographic map is a relief map, which not only shows the shapes and elevations of land and water features by contour lines, but also pictures the artificial features, such as railroads, highways, and buildings in their true relation to one another and to the land and water features.

The Temple bill has been indorsed by all the engineering societies of America, and by everyone else who realizes the necessity for an accurate mapping of the country. The total cost to the Federal Government of the program will be about \$37,000,000 spread over a period of 20 years. At the annual rate proposed in the amendment which I have offered it will take 50 years to completely map the continental United States, and if only \$275,000 is appropriated each year for this purpose, almost a century will be consumed in carrying out this most important work.

Topographic maps are essential for almost every kind of extensive engineering work undertaken in the United States. Every department and bureau of the Government having to do with public works is constantly calling upon the Geological Survey for this kind of assistance. For example, a good topo-

graphic map is essential to an intelligent and businesslike administration of the vast tracts of land embraced in the national forests. For the successful direction of forest-fire protection and especially for the work of fire suppression maps showing accurately the location of telephone lines, roads, trails, and other means of communication and transportation, as well as the relief and character of the country in the forest area, are as necessary as elaborate military maps for the effective handling of troops. Topographic maps are needed, too, in connection with the sale of timber and the management of the extensive grazing business.

The Bureau of Public Roads is handicapped in its administration of the Federal highways act by the lack of accurate maps. Over \$500,000,000 is available annually for road construction by the States, the counties, and the Nation. The expenditure of this vast sum of money must be safeguarded in every possible way, for errors in the selection of routes due to lack of knowledge of other shorter, better, and cheaper routes may easily involve the unnecessary expenditure of hundreds of thousands of dollars.

What I have said of public highways is also true of railroad construction. The railroad companies are vitally interested when new construction is proposed, because they find accurate topographic maps to be absolutely essential. No man, unless he rides high in an airship, can see on both sides of a mountain range. A topographic map showing the contour of the country enables anyone to know what the actual conditions are, no matter how rough and rugged the country may be.

Mr. REED of New York. Is not that true of all roads?

Mr. HAYDEN. Yes; there is demand for these maps from all over the country where the States are cooperating in the construction of good roads.

The national park service considers topographic maps essential in the administration of national parks and national monuments. They are needed not only to guide the people who visit these great national playgrounds but for proper administration, particularly in connection with fire protection and in planning new road and trail work. Thousands of people ask for maps of the national park areas and are willing to pay for them, but no adequate maps are available.

I found in connection with the preparation of the bill to create the Grand Canyon National Park that there was an error of 6 miles on the map showing the location of the mouth of Cataract Creek. I am glad to say the Geological Survey now has a field party at work in that park and accurate maps of its entire area will be made available.

The existence of a base map, such as the standard topographic map prepared by the Geological Survey, covering the entire arid and semiarid region of the United States, would eliminate a large part of the expense of all preliminary surveys made to determine the feasibility of reservoir sites and diversion schemes and to compute the area of irrigable lands. A brief office study of such maps would frequently show that a proposed project was impracticable, and the entire cost of field investigation could be saved for investigation of other projects.

The greatest advantage to the Reclamation Service to be derived from a complete topographic map of the United States would lie in the broader and more definite grasp of water-supply and storage possibilities and the consequent greater ability to coordinate these resources and to select the most meritorious projects.

The Indian Service needs topographic maps of all the Indian reservations and is often compelled to organize a topographic survey to map some particular area where construction is proposed. This work is expensive, for the reason that the engineering organization is primarily a construction section, and its men are most familiar with construction problems. Such areas as are mapped by the Indian Service to meet its construction needs will at some future date be again covered by the regular topographic mapping, thereby causing a duplication of work and expense, as was the case when the topographic map of the Papago country was made some years ago.

The Bureau of Soils of the Department of Agriculture needs base maps on which to indicate its soil classification. The topographic maps of the Geological Survey fulfill this need and are used whenever available. In areas for which these maps do not exist plain base maps are used, if adequate for the purpose, which they rarely are. There are no adequate base maps for a large part of the areas selected for soil investigations, and the soil expert is compelled to make base-map surveys in conjunction with classifying the soil. The work of this bureau is greatly retarded by the lack of topographic maps, and the cost of the soil classification for areas not covered by these maps is increased by about 20 per cent.

The completion of the topographic map of the United States would be of great value to the Post Office Department in that it would serve as a standard source of information for the compilation of post-route maps, which are prepared exclusively for departmental administration of the service, for scheme study by 20,000 railway mail clerks, and for the determination of parcel-post unit numbers of post offices in conjunction with their publication in the Official Postal Guide. It would serve as a base for the rural-delivery county maps, facilitate extension and investigation of service by post-office inspectors, and promote efficiency and accuracy in the dispatch of mail.

The Federal Power Commission is intrusted with the duty of licensing water-power sites on the public domain and navigable rivers of the United States and of requiring that every project licensed shall be so located and designed as to provide for the most economical development of the site and to be consistent with a general scheme of development of the resources of the region in the interests of water power, navigation, irrigation, and other public uses. To carry out its functions properly the commission must have full knowledge of the water resources and of the topography of the territory involved, with particular reference to reservoir sites and to the nature of the terrain as affecting location and character of structures. For these reasons topographic maps and river surveys will be of great value to that commission.

The Corps of Engineers of the Army performs both civil and military engineering work. Its most important civil engineering work is that done in river and harbor improvement. It is charged by Congress with preliminary examinations, followed by surveys to determine the feasibility of any scheme of improvement and the best means of putting it into effect. In making these examinations and surveys the first requirement is a good map of the territory drained by the river system, and in those parts of the country where basic topographic mapping has not yet been done the Corps of Engineers must organize survey parties and make maps covering at least the stream valleys. A large part of the money expended for these purposes could be saved by completing as soon as possible the general mapping of the country, and the maps would serve many other purposes as well.

One of the special military functions of the Corps of Engineers is the procurement and distribution of all the maps needed by the military forces in times of both peace and war and the making of maps of the territory not mapped by other agencies. Owing to the many other demands on the personnel of the Army engineers, a project to map the essential strategic areas with military personnel would drag on for an indefinite number of years. Moreover, the great military value of the topographic map being made by the Geological Survey has been recognized by the War Department, and upon the recommendation of the Chief of Engineers this map has been adopted as the map for general use by the Army.

Mr. REED of New York. Is it not a fact that the Army sent an organization of map makers across to France almost in the first year of the war?

Mr. HAYDEN. Yes; and a large part of its personnel was made up of men who had received their training while employed by the Geological Survey. They were quickly gathered together and sent to Europe, where they did most excellent work.

It developed during the time of the Mexican border trouble that there were no accurate maps of the territory along a large part of the southern border. Among other things, it was extremely important for those in command of the American troops to know where water could be found in that desert country. I assisted in securing an appropriation of \$200,000 in the Army appropriation bill, a large part of which was supposed to be used for map making, to be carried on jointly by the War Department and the Geological Survey in areas near Mexico. The United States entered the World War shortly after this money became available, and, unfortunately, some one in authority thought that the Germans might land an army on the south Atlantic coast, the country back of which up to that time had not been topographically mapped. It was thought to be dangerous to delay making maps which would aid in repelling the German invaders, so the work along the Mexican border was stopped, and there are considerable areas in southern Arizona which have not been mapped as yet.

There is no better way to teach geography than from a map of the locality in which the children attending school reside. There is nothing theoretical about a map upon which the pupils can easily recognize the features of a landscape with which they are familiar. The topographic maps issued by the Geological Survey are widely used for this purpose, and the demand for them is increasing each year.

For all of the reasons that I have given, everyone who has studied the question believes that a definite and well-coordinated program should be adopted at once and that this program should provide for completely mapping the unsurveyed and inadequately mapped portions of the United States within the next 20 years. The cost of the entire project will not be much more than the cost of building one battleship, which admittedly would be out of date in a very few years. The cost of this mapping will be spread over a period of years, so that the burden upon the taxpayers will be light. There are few other investments that Congress could make which promise such relatively large and quick returns, benefiting this generation as well as generations to come.

I shall include as a part of my remarks the following table showing the estimated cost of completing the topographic mapping of the United States and the sums that should be appropriated by Congress each year for that purpose:

Fiscal year.	Control.	Mapping.	Total Federal cost.
1922-23.....	\$200,000	\$750,000	\$950,000
1923-24.....	300,000	1,000,000	1,300,000
1924-25.....	400,000	1,250,000	1,650,000
1925-26.....	400,000	1,500,000	1,900,000
1926-27.....	400,000	2,000,000	2,400,000
1927-28.....	400,000	2,000,000	2,400,000
1928-29.....	400,000	2,000,000	2,400,000
1929-30.....	400,000	2,000,000	2,400,000
1930-31.....	400,000	2,000,000	2,400,000
1931-32.....	300,000	2,000,000	2,300,000
1932-33.....	200,000	2,000,000	2,200,000
1933-34.....	100,000	2,000,000	2,100,000
1934-35.....	100,000	2,000,000	2,100,000
1935-36.....	100,000	2,000,000	2,100,000
1936-37.....	100,000	2,000,000	2,100,000
1937-38.....		2,000,000	2,000,000
1938-39.....		1,500,000	1,500,000
1939-40.....		1,250,000	1,250,000
1940-41.....		1,000,000	1,000,000
1941-42.....		750,000	750,000
Total.....	4,200,000	33,000,000	37,200,000

Now, gentlemen, this work must be done some time, and it should be completed within the next 20 years. The time to begin is now, and the surveys should be pushed forward as rapidly as possible. But instead of looking to any such desirable end the Committee on Appropriations proposes to cut the amount appropriated this year for topographical surveys to \$275,000. If the Temple bill were passed, Congress would be called upon to appropriate \$950,000 at this time. That committee is not justified in recommending such a drastic cut in this appropriation. It is poor economy and will result in depriving our people of information that is essential and which they should have. I sincerely trust that the committee will see fit to adopt my amendment, which will at least restore the amount to the sum appropriated by Congress last year for topographic surveys, if not to increase it. [Applause.]

Mr. CRAMTON. Mr. Chairman, in view of the hope of the gentleman from Arizona [Mr. HAYDEN] to complete the topographic mapping of the United States in 20 years, so that the Post Office Department may have use of those topographical maps in laying out the free rural delivery routes and star routes in Michigan and in Indiana and Arizona and elsewhere, and in order that invading armies may be repelled through the use of these maps to guide our own troops, and on the ground that they are necessary for the purposes that the gentleman has emphasized, I appreciate the economy of the gentleman from Arizona in asking for only \$425,000. The Geological Survey, which appreciates the need even more keenly than does the gentleman from Arizona, and whose idea of what will be needed next year is \$730,000—

Mr. HAYDEN. Which is the exact amount carried in the Temple bill—

Mr. CRAMTON. The amount proposed to be carried in the beginning in the Temple bill, although I am told it would be gradually increased during that 20 years to \$2,000,000 annually—and that is what the gentleman's program really means—I say, I appreciate his spirit of economy in asking for only \$425,000 this year.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SANDERS of Indiana. The bill introduced by the gentleman from Pennsylvania [Mr. TEMPLE] has been referred to our committee, and its whole authorization of appropriations to carry out 20 years' work is \$42,000,000, I think.

Mr. CRAMTON. Can the gentleman state what provision, if any, there is for cooperation by the States?

Mr. SANDERS of Indiana. There is a general provision that the States may cooperate.

Mr. HAYDEN. I can give the gentleman that information. The Federal appropriation under the Temple bill for this work would be \$33,000,000, and the cooperation by the States would be \$12,000,000.

Mr. CRAMTON. Yes; and that \$12,000,000 will be furnished mostly by States in the East, while the Western States, including the State of Arizona, will get their work done largely by the Federal Government. The policy is that the Federal Government shall get the work done in cooperation with the States, and the reason why the committee has suggested a reduction to \$270,000 instead of \$425,000, as the gentleman from Arizona would like it, or of \$750,000, as the Geological Survey would like it, is that this is a time when we have got to retrench wherever possible, and those things that may be desirable to be done at some time can wait and must wait now.

This work can wait and nobody will suffer from it. The farmers will get their rural mail and the armies will march just the same, whether we have the work done or not. In the gentleman's State the work is done entirely by the Federal Government. In my State and other States it is done in cooperation with the State. There are only 14 States in the whole Union that have promised to cooperate next year. My prophecy to the Director of the Geological Survey was that by next January the spirit of economy, the wave of economy going over the country, would reach even the State legislatures, and mighty few of the States would appropriate next winter to cooperate with this work. I hope that the amendment will not be adopted. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FRENCH. Mr. Chairman, I want to correct a statement made by the chairman of the committee. A great deal of cooperative work is being done to-day between the Geological Survey and the several States. But it is not limited by any means to the States of the East. On the other hand, the cooperative work is carried forward by the Federal Government in the Western States as much as in the Eastern States. Of course, where the public lands are, there must necessarily be a large amount of Federal money expended. I am speaking of lands that have been patented. And when it comes to cooperative work, last year the State of California spent \$14,000; the State of Arizona, represented by my colleague [Mr. HAYDEN], expended \$3,000; the State I represent in part upon this floor expended \$3,500; Missouri expended \$16,500; while the State of Pennsylvania expended \$25,000 and the State of New York \$15,000. Oregon expended \$5,500. I mention these merely to suggest that the cooperative work is not apportioned on the basis of population, but represents in large part the demand of the several States, the States indicating variously in the East and the West whether they desire to cooperate, and in that way showing that they are interested in the carrying forward of this work.

Mr. CRAMTON. Will the gentleman yield?

Mr. FRENCH. Certainly.

Mr. CRAMTON. The figures of next year to match the pending payments show that Arizona has dropped out, Idaho has dropped out, and only three public-land States are promising cooperation next year—California, Oregon, and Washington.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the examination and classification of lands requisite to the determination of their suitability for enlarged homesteads, stock-raising homesteads, public watering places, and stock driveways, or other uses, as required by the public land laws, \$150,000, to be immediately available:

Total United States Geological Survey, \$1,325,940.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 91, line 9, strike out "\$150,000" and insert in lieu thereof "\$300,000."

Mr. HAYDEN. Mr. Chairman, my amendment proposes to restore the amount of this appropriation to the sum that was made available last year. I am merely seeking to have appropriated \$300,000 for the examination and classification of lands, the amount recommended by the Director of the Budget. The hearings show that in 1918, \$350,000 was expended for this purpose. In 1919 it was \$200,000, and since that time it has been \$300,000 annually.

I can find no justification in the hearings for this drastic reduction. Congress has passed the enlarged homestead act, the stock raising homestead act, the law relating to the segregation of public watering places, and for the establishment of stock driveways. Public land can not be disposed of to settlers under these laws until it is classified by the Geological Survey to be as of the character described in these several acts. If this reduction is made in the appropriation for classification the inevitable result will be that settlers who desire to obtain homes upon the public domain under the laws that I have mentioned must wait until such time as the Geological Survey, with the limited force allowed it, can make the necessary classification.

It seems to me that some consideration should be given to recommendations made by the Director General of the Budget. When the Budget measure was under consideration in the House we were told that Congress was creating something like the sacred cow of India, worthy of being worshiped, but apparently the Committee on Appropriations is without reverence. A careful study is supposed to have been made by the Budget Bureau of the needs of the various branches of the Government. Wherever the Budget Bureau has recommended a drastic cut the committee has not hesitated at all to accept the judgment of the Director General of the Budget; but whenever the Director General of the Budget has recommended a reasonable amount, in this case the same amount as that allowed for the same purpose last year, the committee on its own motion, without any evidence, at least none appearing in the record, arbitrarily and drastically cuts the sum in half. To do so can have no other effect in this instance than to make it impossible for settlers desiring to go upon the public domain to obtain homes under these various laws within any reasonable time, because they must wait to find out whether or not the land which they propose to enter is of the character described in the acts. Either Congress should not have passed laws allowing settlement on the public domain under the enlarged and 640-acre homestead act and the other laws to which I have referred, which require a classification of the land, or, having passed such laws, Congress should appropriate the necessary funds to properly carry them out.

Cutting this appropriation in two has no warrant in the amount of urgent work which the Geological Survey faces. Of applications for classification of enlarged and stock-raising homestead lands about 8,000 are pending, and the 600 or 700 received each month makes it difficult to cut down this accumulation as fast as the public interests require. Under the mineral leasing acts, although more than 11,000 oil and gas applications alone have been acted on in the past two years, the incoming stream of new applications about balances the outgoing reports. There is neither any indication of diminution of rate of incoming applications nor promise of practical decrease in number of pending cases. Under such circumstances any reduction in this appropriation can mean nothing but delayed service to the public where prompt performance on the survey's part in the administration of the public land laws is a duty not to be shirked without actual loss to the Nation.

Mr. CRAMTON. Mr. Chairman, all these several acts were passed in response to definite demands. We passed the enlarged homestead act, the stock raising homestead act, and so on, and, of course, there was an immediate demand for lands under them. This item was appropriated for at the start at \$150,000 and went up to \$300,000. Like all activities that are once started, they never want to let up on them; but the information of the committee, fortified, I think, by the statements in the hearings as to the number of cases pending under all of these items, is that the pressure is moderating somewhat, and that this item is one which we could commence to cut down again a little. It is not a permanent expenditure. It does not have to be carried at that amount permanently, and we thought this was a good time to retrench somewhat.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. This is not an activity that can be increased or diminished by the bureau itself. I am satisfied that the gentleman from Michigan [Mr. CRAMTON] did not intend to convey that idea, because it is dependent entirely upon the number of applications for enlarged homesteads and for stock-raising homesteads, and also the number of water-power applications and cooperative reports; also on the gas and oil substructures, and mineral permits, leases, and patents.

Under the enlarged homestead law there are 953 applications pending. This means that there are that many men unable to get their filings on their lands. They must wait from a year to a year and a half, or maybe longer. At this time there are 7,122 stock-raising homestead applications pending and 106 Nevada current water reclamation applications pending. These people

are entitled to some recognition. Under the water power act there are some 56 outstanding permits undisposed of, some 14 applications, and they take a great deal of work and a great deal of time to get the data together. These people all have to wait. The Government provides that certain things must be done. These surveys must be had. The examination must be made by the Geological Survey before your application on file will be disposed of. The Government at one time or another must provide this means of information. It does not want to hold up its citizens. It wants them to get the stock-raising homesteads and the enlarged homesteads. It wants the water-power applications disposed of.

Mr. HAYDEN. And the same way with the oil and gas.

Mr. RAKER. And the same way with oil and gas. There are many of these applications, and it will help the resources of the country. The applications in regard to wells on desert homesteads are to be disposed of. It is not an expenditure of money that can be dispensed with. If there are 10,000 applications pending now, and you give a qualified amount of money, appropriate for 5,000, you will have 5,000 the next fiscal year. You will have 5,000 undisposed of, and you have 5,000 American citizens dissatisfied with the way you are conducting business. You will then have the same amount of examination and the extra 5,000 applications in the next year, whereas if you make the necessary appropriation which the department requires now you will have the 10,000 applications already disposed of, and during the next fiscal year you will be prepared to handle the new ones as they come in. It creates a better feeling; it gives a man some satisfaction with the work that is being done, because he is not delayed; he is not held up in regard to improving his home and his property. If he has some money, if he has performed some work in regard to gas and oil or other minerals, he wants to know whether he is going to get a permit. He is entitled to it. The Government is repaid for the gas and oil, because if he gets a permit and gets a producing well the Government gets a certain percentage on the production. So, as a matter of fact, you are not losing anything. And the water-power development is the same way; nothing lost. What we want is that the present work be so handled as not to create dissatisfaction and unpleasant feelings among so many American citizens scattered all over the West who want to develop the country and want to make their homes and are willing to put what they own on the tax roll so that they can bear their share of the burden of the local government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken, and the amendment was rejected.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read as follows:

For inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and utilization of ores and other mineral substances, with a view to improving health conditions and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; and including all equipment, supplies, expenses of travel, and subsistence: *Provided*, That no part thereof may be used for investigation in behalf of any private party, \$125,000.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 93, lines 1 and 2, after the word "subsistence," before the colon, insert a comma and the figures "\$125,000," and in line 3, after the word "party," strike out the comma and the amount "\$125,000."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Persons employed during the fiscal year 1923 in field work outside of the District of Columbia under the Bureau of Mines may be detailed temporarily for service in the District of Columbia for purposes of preparing results of their field work; all persons so detailed shall be paid in addition to their regular compensation only their actual traveling expenses or per diem in lieu of subsistence in going to and returning therefrom: *Provided*, That nothing herein shall prevent the payment to employees of the Bureau of Mines of their necessary expenses, or per diem in lieu of subsistence while on temporary detail in the District of Columbia, for purposes only of consultation or investigations on behalf of the United States. All details made hereunder, and the purposes of each, during the preceding fiscal year shall be reported in the annual estimates of appropriations to Congress at the beginning of each regular session thereof.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph. What is the idea of authorizing these men in the field to be brought into the district preparing to do this

field work? Can not they do that where they are and use the mails or other means of communication?

Mr. CRAMTON. This is a continuation of the practice heretofore. There are seasons of the year when they can not well do their work in the field and that time is utilized in preparing the notes, and so forth.

I am advised by the Director of the Bureau of Mines that there is no great number of these people here for any length of time. In the hearings I called the attention of Dr. Bain to this, and I quote from the hearings, at page 758:

Have you anything to suggest under that item?

Dr. BAIN. We have found it very necessary legislation, and all that language is necessary on account of the auditor. We have to call field men here from time to time.

Mr. CRAMTON. Are they kept here for any extended periods?

Dr. BAIN. No. A list of the men detailed during the last year, with length of detail in Washington, is shown on page 667 of the Book of Estimates for 1923. For example, when I sent the chief mining engineer to Alaska this summer, I called in a coal-mining engineer, who served in the office while he was gone.

There is the need of occasionally bringing these people in, but there is no great number of them in at any time.

Mr. WALSH. Of course, that coal-mining engineer who was brought in was not brought in under the authority of this paragraph. If he came in to perform work for somebody else, he would not come in under this authorization. The only authorization for bringing them in under this paragraph would be to prepare the results of their own field work.

Mr. CRAMTON. I agree with the gentleman in that, but neither the gentleman from Massachusetts nor myself knows that this coal-mining engineer was not preparing the results of his own field work.

Mr. WALSH. As I caught the reading of the testimony of this official, he came in because they sent another engineer to Alaska, and it was evidently to fulfill the duties of the absent engineer.

Mr. CRAMTON. It may be that Dr. Bain was not particularly happy in the illustration that he used, but the gentleman will see the need of a little elasticity as long as the authority is not abused.

Mr. WALSH. I do not mean to insinuate that the authority is abused, but I can not understand why it is necessary that we should have to pay their traveling expenses and subsistence in order that they might prepare results of their own field work here in Washington. If it is only a matter of computation in going over their notes, that can all be done where the investigation is made. It looks to me as if it is just adding to the expense of this inquiry under the bureau.

However, Mr. Chairman, in view of the explanation given by the gentleman, which is to the effect, as I understand it, that this practice is not indulged in to any great extent, and that it is not intended to do it on any large scale, and with the instance cited, I shall not insist upon the point of order.

The Clerk read as follows:

Hereafter section 3711 of the Revised Statutes, as amended by the act of March 2, 1895, and the act of March 15, 1898, providing for the inspection of fuel in the District of Columbia, and section 3713 of the Revised Statutes, in relation to certificates of inspection, shall not apply to wood or coal purchased by the Secretary of the Interior for the distribution in the District of Columbia through the Government fuel yards of the Bureau of Mines, and purchases of fuel for the Government fuel yards may be made on a commercial basis or on railroad car weights free on board mines or other destination, as in the judgment of the Secretary of the Interior the circumstances may warrant.

Mr. CRAMTON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Pages 96 and 97, beginning with line 20 on page 96, strike out the paragraph ending in line 6, page 97.

Mr. MANN. Mr. Chairman, may I ask why that is done?

Mr. CRAMTON. Mr. Chairman, the paragraph is of a legislative character, but the committee felt justified in reporting it, feeling that it did not involve anything in the way of controversy, but simply was meant to effect a saving to the Government to do away with certain switching charges, and so forth, that did not seem to be necessary.

Mr. MANN. Oh, a good deal more than that.

Mr. CRAMTON. Yes; if the gentleman will permit. But the Bureau of Mines have been in consultation with the representatives of the comptroller's office, and they thought they had it in shape satisfactory to that official. On that theory the committee passed upon it, and it is in the bill. Further investigation has developed, as the gentleman from Illinois says, that there is more involved than that, and while part of it seemed desirable to accomplish and the other seemed in question, and

there was some controversy, it finally developed, between the comptroller and the Bureau of Mines, that they were not entirely in accord, the committee felt that as a legislative item we would better drop it out of the bill.

Mr. MANN. Of course, I am not going to oppose that, but under the existing law all coal that is bought, sold, or delivered in the District of Columbia has to have the certificate of a weighmaster, for which he receives, I believe, 25 cents a ton, and all wood that is bought, sold, or delivered has to have the certificate of somebody, for which, I believe, he receives 7 cents a cord. It is perfectly ridiculous to say that the Government of the United States, buying this coal in large quantities and delivering it to the departments, shall have to have every wagonload of this coal accompanied with a certificate from a weighmaster and pay 25 cents a ton for the weighing of that coal. I supposed this was to do away with that.

Mr. CRAMTON. That was it in part, but we have had the comptroller and the Bureau of Mines trying to get together on this, and as it is a legislative item, the committee felt less free to go ahead with anything that had any controversy in it than as if we had been a legislative committee.

Mr. MANN. Of course, you can employ a man to weigh this coal and pay him a salary and save four-fifths of the money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

For the purchase of land, approximately 125 feet frontage on Forbes Street, by 150 feet deep, together with buildings thereon, directly east of and adjoining the Bureau of Mines Experimental Station at 4800 Forbes Street, Pittsburgh, Pa., \$28,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. KELLY of Pennsylvania. Mr. Chairman, I certainly hope the gentleman will not make the point of order.

Mr. MANN. I will ask the gentleman to get beyond hope and to give us some facts.

Mr. KELLY of Pennsylvania. I think the Chair will be convinced that it is in order, even as it is in the bill, and I would not want to see my good friend in opposition to a meritorious proposition.

Mr. MANN. Why is it in order?

Mr. KELLY of Pennsylvania. I am sure the Chair will be convinced that it is in order as a continuing project, a public improvement which has been established in Pittsburgh for a number of years. Under this provision it is proposed to continue the project by the purchase of certain adjoining land, a hundred and twenty-five feet fronting on Forbes Street, Pittsburgh.

Mr. MANN. In order that the gentleman may argue it, I make the point of order against the paragraph.

Mr. KELLY of Pennsylvania. Mr. Chairman, I was saying that I hoped the gentleman from Illinois would not make it, for however certain I might be, I should hesitate to enter the lists with him on a parliamentary question.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. CRAMTON. In order that I may say that the land in question immediately joins the land the Government now has in its experimental station, there are precedents, as I understand it, to the effect that being adjacent land the item for its purchase would be in order.

If the gentleman intends to make it, I think he had better make it now.

Mr. MANN. I do not know I shall. I thought perhaps the gentleman wanted to discuss the point of order. I think it is subject to the point of order, but I may be mistaken.

Mr. KELLY of Pennsylvania. The proposal is meritorious, and I am sure the gentleman from Illinois is vitally interested in the work which is being done. The Bureau of Mines now has its chief laboratory and experiment station in the center of a great public building plaza in Pittsburgh. Included in these buildings are the Carnegie Technological Institute, the University of Pittsburgh, the Margaret Morrison School, Carnegie Museum and Library, and the Soldiers' Memorial Hall. It is a very fine situation, and the Bureau of Mines has been doing there a great work in the way of experimentation rescue work. Now there is a tract of land of 125 feet frontage immediately adjoining the present large building there. It is occupied in part by a brick building. It is part of an estate which has been in the orphans court, and an offer has been made by the official in charge to sell this tract at once to the Government for about \$28,000. That would make a price of \$200 a foot or thereabouts, a remarkable low price for this property. I have

no doubt that this lot will command a much higher price very soon. The property is worth more than the price asked for it. It is now within the power of the Government to secure it. A large apartment building put there in that section will shut off the light from the laboratories and handicap the work extremely. The Director of the Bureau of Mines and the local officials desire very much to have the right to protect the present institution. They are as much interested in economy in Pittsburgh as we are, but they desire to purchase this land so that nobody else will get it and interfere with the development of a splendid work.

Mr. MANN. Does my friend mean to say that the Bureau of Mines is interested in economy?

Mr. KELLY of Pennsylvania. I am inclined to believe they are, since they did not ask for an additional building for which there is real need.

Mr. MANN. I have never seen any evidence of it. Why did not they construct this building which they did construct in such a way that light would not be shut off by adjacent property being built upon it? Any man of brains ought to know better than that.

Mr. KELLY of Pennsylvania. That ought to have been taken into consideration, but perhaps there was no thought of the present situation, which is due to the settlement of an estate. If it is not bought by the Government, it will be sold to private parties, who, of course, will try to make a profit out of it. We are now in a position where by spending \$28,000 we can obtain what will cost a great deal more later.

Mr. MANN. I am not sure that if we do pay \$28,000 we can not buy it next year at \$20,000.

Mr. KELLY of Pennsylvania. If my friend had been with me last Friday and had gone past this building and had seen its key position and the crowds of people on every side he would have been brought to the conclusion that \$200 a foot was a low price for the property.

Mr. MANN. I have not seen any great evidence in recent years of practically vacant property rapidly rising in value.

Mr. KELLY of Pennsylvania. This property is improved with a brick building, and if it was bought by private interests they would probably put up an apartment building.

Mr. MANN. It is practically vacant property, because this brick building is practically of no value.

Mr. KELLY of Pennsylvania. That is true. One hundred and twenty-five feet frontage on a great street in Pittsburgh does not need any building on it to mean a value of the sum involved. In view of the work being done by the Bureau of Mines in Pittsburgh, this \$28,000 can be expended to splendid advantage and be an economical investment at this time.

Mr. MANN. I will withdraw the point of order.

Mr. KELLY of Pennsylvania. I certainly thank the gentleman for this latest act added to the innumerable actions he has performed for the efficient advancement of the public service. [Applause.]

The Clerk read as follows:

Lassen Volcanic National Park, Calif.: For protection and improvement, \$3,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 102, line 2, strike out the figures "\$3,000" and insert "\$5,000."

Mr. RAKER. Mr. Chairman, the law creating this park limits it to \$5,000. The superintendent or director of the park is unable to do what ought to be done, and we ask now that you give \$5,000. The Secretary of the Interior has asked that the limitation be raised entirely for this park so that a sufficient amount may be used to improve it as it ought to be. There are many reasons why this should be granted and the \$5,000 allowed instead of \$3,000, and I ask to extend my remarks, as I feel satisfied that the committee will raise it to \$5,000, so I will not take any more time at the present.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sequoia National Park, California: For administration, protection, and maintenance, including not exceeding \$2,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$32,000; for construction of storehouse, bunk-

house, two quarters for employees at permanent headquarters on Middle Fork at Alder Creek, and miscellaneous new construction, \$5,500; in all, \$62,500.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 103, line 15, after the amount "\$22,000" insert "for continuing construction, Middle Fork Road, \$25,000."

Mr. CRAMTON. Mr. Chairman, the amendment is simply proposed to correct the text. That item was intended to be included in the bill, and is included in the total of the appropriation. It is simply to correct the text.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

COLUMBIA INSTITUTION FOR THE DEAF.

For support of the institution, including salaries and incidental expenses, books and illustrative apparatus, and general repairs and improvements, \$95,000.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

Mr. RAKER. I ask that only the first amendment of the three I offer be read now.

The Clerk read as follows:

Amendment offered by Mr. RAKER: On page 107, line 4, strike out "\$95,000" and insert "\$100,000."

Mr. RAKER. Mr. Chairman, in the next section I will have another amendment pending, to strike out the "\$9,000" and insert "\$10,000," and then a new paragraph to add \$12,000. That was estimated by the Budget Bureau after a personal investigation. The trustees of the institution went over the matter personally in regard to all of these items and approved them. Fair consideration ought to be given to the teachers in the institution. Certain improvements on the real estate ought to be allowed and a small amount of land purchased, so as to square up the tract, in all so that the school buildings and grounds will be properly provided for.

Sometimes it is not exactly understood, but as a matter of fact this is the only deaf college as a college in the world under Government supervision, and we ought to provide at least the same amount of salary for the professors in that institution, who have given 15 or 20 years of their lives to the work, as you give a young school teacher leaving the normal school and commencing on her first year in the public schools in the District of Columbia.

Now, as covering the whole matter and as part of my statement, I ask unanimous consent that a letter from the president of the college may be inserted as part of my remarks.

Mr. CRAMTON. Reserving the right to object, Mr. Chairman—which I do not intend to do—does the gentleman writing the letter refer to the fact that the gentleman has recommended some students for admission that have been admitted?

Mr. RAKER. No.

Mr. CRAMTON. I have no objection.

Mr. RAKER. This letter covers the three amendments:

COLUMBIA INSTITUTION FOR THE DEAF,
Washington, D. C., February 10, 1922.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

My DEAR Mr. RAKER: I have a copy of the new bill making appropriations for the Department of the Interior, which now carries our main appropriations item. This is House bill 10329.

It provides for the support of the institution, including general expenses, \$95,000. The board of directors agreed to ask for \$100,000 for the coming year, and the Budget Bureau agreed to this amount. The bill provides \$9,000 for repairs. The sum of \$10,000 was asked for by our board and agreed to by the Budget Bureau. Our request also included, with the approval of the Budget authorities, an item of \$12,000 for the purchase of 6.2 acres of land at the northeast corner of our institution, which are most desirable as institution property.

If you believe it wise, I would like to have you introduce the enclosed amendments to the bill.

It can be pointed out, in connection with our current expenses, that our employees are badly underpaid in many instances, 11 of our skilled teachers receiving less than \$1,500 per year. Domestic, lawn hands, farm hands, and the office force receive less than the current wages paid in such institutions as the Government Hospital for the Insane and the Soldiers' Home. Our people do not receive the bonus of \$240 per year, nor will their salaries be increased by any reclassification bill, as such bills provide only for the civil employees of the Government, while our employees are not classed as Government employees at all.

In connection with the item for repairs for our institution, it can be well said that efficiency and economy call for slightly additional expenses now to maintain the buildings and grounds in proper condition and to make up for many repairs neglected during the war time. The value of our buildings is at least \$600,000, and most of them are old. They are 23 in number and many date back between 1870 and 1880. Our grounds comprise 103 acres, with thousands of feet of drive-ways and walks. Anyone used to the handling of real estate will agree that \$10,000 is really too little for keeping in repair such a plant as ours.

The parcel of land for which the institution asks appropriation is a most desirable addition to our grounds and will complete them to streets as boundaries. The land will no doubt increase in value in the future. If there is any serious objection to buying the land for the institution, it would be possible to add a provision that in case the land is sold the Government should be reimbursed to the extent of the appropriation made for the purchase.

Very truly, yours,

PERCIVAL HALL, President.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California [Mr. RAKER].

Mr. CRAMTON. Mr. Chairman, this is a peculiar institution. I understand it is very well managed, and is a worthy institution. But it is peculiar in this, that it belongs to a private corporation, and the Federal Government is maintaining and supporting it when it belongs to a private corporation. The Federal Government has spent hundreds of thousands of dollars in constructing buildings on land that does not belong to it, and when the institution ceases to be used for its present purposes those buildings will become the property of a private corporation.

In the committee it seemed that if at this time of economy and depression we gave to that institution the amount that it has for the current fiscal year, they ought to be satisfied. But instead of being satisfied that institution, having been petted and pampered for years and the Government having made donations of buildings to this private corporation, it sends a particularly invidious form of lobbying circular to Congress. The gentleman from California [Mr. RAKER] said he did not get one. I did not get one, because I have not asked or been given any favors from that institution. But the head of that institution thinks apparently that whenever they grant the admission of a student from a State on the recommendation of a Congressman it is a favor to that Congressman that should chain him to the chariot wheel. So a letter is sent out like this to those Members of Congress that the doctor thinks are under obligation to that institution:

Knowing of your interest in our institution through your recommendation of one of our deaf students, -----, from -----, I am writing to you to ask support in our request for a small increase in appropriations for our institution as carried in the Interior Department appropriation bill, known as H. R. 10329. Sixty-seventh Congress, second session. This increase will be provided for in amendments to the above bill, offered by Congressman RAKER, of California, a member of our board of directors.

We have three Members of Congress, I think, on a board of directors of 15. The Government furnishes the buildings and the money to run it, and they let us have three very distinguished Congressmen upon the board, a board of 15, so that the Government's representation is entirely in a minority.

I hope that this amendment will be decisively voted down. I am sure it would have been anyway. It ought to be, and further because that institution should learn not to circularize Members of Congress that they think they hold under obligations or under a form of obligation.

Mr. MANN. Mr. Chairman, I think the Columbia Institution for the Deaf is a great institution and it does exceedingly good work. I received one of the letters to which the gentleman from Michigan [Mr. CRAMTON] has referred, and although I have no recollection whatever of having recommended the person named in the letter to the institution, it is more than likely that I did so. However, I did not do it on the basis of a trade. Because the Government is practically supporting this institution and because in order for an applicant to get into that institution they sometimes require a letter from a Member of Congress, I have assumed that it was perfectly proper to give such a letter in a suitable case. I have never understood that by doing that sort of thing I pledged myself to vote for an increase in the appropriation regardless of the merits of the proposition. I think the distinguished gentleman who is at the head of that institution makes a grave mistake and misunderstands the position of Members of Congress when he assumes in his letters that because a Member of Congress may feel under some obligation to the institution for admitting an inmate he regards that as a trade on the basis of which a Member of Congress is required to vote for a larger sum than he thinks is appropriate. I am always quite willing to have any of these people send me communications explaining the merits of a proposition. I am quite willing to consider on its merits any claim for an increase. I do not assume because I speak to somebody or attend his dinner or recommend somebody that I am obliged to vote money without regard to the merits of the proposition.

Mr. SEARS. Will the gentleman yield?

Mr. MANN. I yield to the gentleman from Florida.

Mr. SEARS. No doubt Dr. Hall knows my colleague as well as I do.

Mr. MANN. He does not.

Mr. SEARS. And he would not send any such letter to my friend—

Mr. MANN. He did send the letter. What is the use of saying he did not. He did send the letter and I received it.

Mr. SEARS. The gentleman, who is very good-natured, might allow me to finish my sentence. I say he would not send any such letter, believing he could purchase the distinguished gentleman from Illinois, who is not purchasable. I will take upon myself the responsibility of saying that such is not the case.

Mr. MANN. I do not ask the gentleman to say that I am not purchasable. I do not need the gentleman's indorsement on that subject.

Mr. SEARS. But I say this college has been working for years, and had long hearings, and did not get anywhere, and I doubt if the head of this institution thought there was any impropriety in simply suggesting some of the work he had done.

Mr. MANN. I am perfectly willing at any time to consider the merits of any of these propositions; but the only purpose of this letter was to get gentlemen whom they thought were under obligations to them to vote regardless of the merits of the proposition. That is a mighty poor misunderstanding of the position of Members of Congress, and I make these remarks only because I hope the gentleman in charge of this institution will know better in the future. What would we think if the head of West Point or Annapolis should send a letter to Members of Congress saying, "Because you have got an appointee in this institution you must pay us more money, regardless of its merits." That might appeal to my friend from Florida, but it would not appeal to me.

Mr. RAKER. I move to strike out the last three words. When this report was made to the House the trustees of the institution met, and we observed that there was a less amount provided for the work of the institution next year than was requested by the directors when they met last fall. The fact is that the Director of the Budget sent two men to the institution to investigate it, the cost and all, and they made a report to the Director of the Budget, and he recommended the amount we are asking for here to-day. It was suggested that many of the Members of the House did not realize that people from their States were getting results, and that unfortunate deaf people were being sent out into the world well equipped to meet the necessities and exigencies of life because of going through this institution, and this letter to them is nothing more than calling their attention to the fact that the institution in which they and their constituents are interested should have full and due care when the matter came before the House. Clearly the president of the institution never intimated in his letter, never intended and does not intend even to suggest to anybody to vote for this appropriation. The calling of their attention to it is only what is done every day. Every Member gets letters from different organizations and different departments calling attention to their needs and necessities. These officers recommended it, and it seems nothing more than right and proper—clearly nothing improper. The president calls attention to the fact that the institution needed this assistance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. RAKER. Now, Mr. Chairman, I offer the next amendment.

The Clerk read as follows:

On page 107, line 7, strike out "\$9,000" and insert "\$10,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the next amendment.

The Clerk read as follows:

On page 107, after line 7, insert the following: "For the purchase of 6.2 acres of land between Mount Olivet Road, West Virginia Avenue, and the northeast boundary of the institution grounds, at present belonging to Richard E. Palro, \$12,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

HOWARD UNIVERSITY.

For maintenance, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, ice and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than \$2,200 shall be used for normal instruction, \$100,000.

Mr. SEARS. Mr. Chairman, I move to strike out "\$100,000" and make it "\$90,000."

The Clerk read as follows:

Amendment by Mr. SEARS: Page 107, line 14, amend by striking out "\$100,000" and inserting in lieu thereof "\$90,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was rejected.

The Clerk read as follows:

TERRITORY OF HAWAII.

Governor, \$10,000; secretary, \$5,400; in all, \$15,400.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. What has been the salary of the Governor of Hawaii prior to this?

Mr. CRAMTON. Seven thousand dollars.

Mr. WALSH. Why is it increased to \$10,000 in this bill?

Mr. CRAMTON. Congress recently passed the Hawaiian homes commission act, an important measure, and that included among other provisions an increase of the salary for the governor and also for the secretary. That is now the law.

Mr. WALSH. Was that increase made because of additional duties imposed under that act, or what was the reason for it?

Mr. CRAMTON. The act is the act approved July 9, 1921. I have examined the report, and I have examined the debates in the House and in the Senate. There is no discussion or explanation of this particular increase.

Mr. WALSH. That simply authorizes the increase. It does not make it necessary that it should be voted by the House. I wondered why it is that they are increasing the salary of the governor of that Territory so much above that of the salary of the Governor of the Territory of Alaska, where there is much more important work being done. A railroad is being built there, and there are resources there that are very large, which are sought to be opened up and made available to the people. Mr. Chairman, I move to amend by striking out \$10,000 and inserting \$7,000.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 109, line 11, strike out "\$10,000" and insert "\$7,000."

Mr. WALSH. Mr. Chairman, as I understand the chairman of the subcommittee, this will restore the salary to what it was prior to this Hawaiian homes commission law, which was passed, and it also restores it to the same basis as that provided for the Governor of Alaska, in which Territory, as I have already stated, there are many more governmental activities. I do not think there is any justification for making this preference in favor of the Governor of Hawaii.

Mr. CRAMTON. Mr. Chairman, your subcommittee was somewhat surprised by this estimate, and we sought the occasion for it. Inasmuch as the legislative committee has so recently reported this increase in salary, and Congress has within a few months authorized it, the Committee on Appropriations did not feel it was our function to overrule the legislation enacted by Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. DOWELL) there were—ayes 23, noes 21.

Mr. DOWELL. Mr. Chairman, I ask for tellers, and pending that I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Iowa makes the point of order that there is no quorum present. The Chair will count.

Mr. DOWELL (interrupting the count). Mr. Chairman, I withdraw the point of no quorum and ask for tellers.

The CHAIRMAN. As many as are in favor of ordering tellers will rise and stand until counted. [After counting.] Twelve gentlemen have risen, not a sufficient number, and tellers are refused.

So the amendment was agreed to.

Mr. CARTER. Mr. Chairman, was the total amended?

The CHAIRMAN. The Clerk is authorized to correct the total.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

To provide for completion of the construction and equipment of railroad between Seward and Fairbanks, in the Territory of Alaska, together with necessary sidings, spurs, and lateral branches, to be immediately available, \$3,110,210: *Provided*, That no individual shall be paid an annual salary out of this fund of more than \$10,000.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 110, after line 12, insert: "Authority is granted to purchase during the fiscal year 1923, from the appropriation made for the construction and operation of railroads

in Alaska, articles and supplies for sale to employees and contractors, the appropriation to be reimbursed by the proceeds of such sales.

"During the fiscal year 1923 there shall be covered into the appropriation established from time to time under the act entitled 'An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes,' approved March 12, 1914, as amended, the proceeds of the sale of material utilized for temporary work and structures in connection with the operations under said act, as well as the sales of all other condemned property which has been purchased or constructed under the provisions thereof, also any moneys refunded in connection with the construction and operations under said act, and a report hereunder shall be made to Congress at the beginning of its next session."

Mr. BLANTON. Mr. Chairman, I make the point of order that that is legislation on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, will the gentleman reserve his point of order for just a minute?

Mr. BLANTON. I reserve the point of order.

Mr. CRAMTON. I will state that the language is the same that is carried at the present time. It is only through an error that it was omitted from this bill. I am advised that this language is essential to their operations.

Mr. BLANTON. It is the identical language that has been carried once or twice in an appropriation act, but there is no substantive law authorizing it. I make the point of order.

Mr. CRAMTON. If the gentleman from Texas will yield, I am not arguing the merits of the point of order but simply stating the merits of the matter. But it is the same language as in the current law, and I was in hopes the gentleman would not object to it.

The CHAIRMAN. The point of order was made; what does the gentleman say?

Mr. CRAMTON. I do not concede the point of order, Mr. Chairman.

The CHAIRMAN. The Chair would like to hear the gentleman.

Mr. CRAMTON. Does the gentleman from Texas make the point as to both paragraphs or as to one?

Mr. BLANTON. Yes. I make it as to both, because it contains legislation that is unauthorized by law. Simply because it has been carried in an appropriation bill does not make it substantive law.

Mr. CRAMTON. I understand that perfectly, but we have authorized the construction of this railroad in Alaska. The first paragraph is for the purchase from the appropriation of articles and supplies for sale to employees and contractors, the appropriation to be reimbursed by the proceeds of such sales. In the absence of the statute of the original act for the construction of the road, I assume that there is nothing to authorize it, and in that case it is legislation and is subject to the point of order, although the language is very necessary, but in the absence of more definite information about the act, I will concede that point of order. The other is a paragraph which provides that during the year there shall be covered into the appropriation established from time to time under the authority for the construction of the railroad in Alaska the proceeds of the sale of material utilized for temporary work and structures in connection with the operation under said act, as well as the sales of all other condemned property which has been purchased or constructed under the provisions thereof, and also any moneys refunded in connection with the construction and operations under said act. The only effect of that—it does not authorize them to sell this material.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. BLANTON. Can the gentleman tell us how many million dollars more this railroad has cost us than was contemplated at the time it was first suggested it should be built?

Mr. CRAMTON. Well, I do not understand that would affect the point of order. I do not think it would have any bearing on it.

Mr. BLANTON. The gentleman's amendment provides that extra money can be put into the plant without action of Congress or having any supervision over it.

Mr. CRAMTON. Of course, that would not affect the point of order, but it is pertinent to the merits of the item. As I understand, they have the authority to sell this property. The question now is whether it shall go into miscellaneous receipts in the Treasury or whether it shall be used for the purpose of this railroad, and the question, of course, is properly a matter of real economy in the construction of the work. Sometimes some worn-out material may be disposed of and new machinery put in place of it, and under this provision they would be permitted to use the proceeds toward the purchase of the new, so that the question becomes one of an additional appropriation of an additional sum. This proposes to appropriate not only a definite sum before mentioned, but a further indefinite sum—namely, the

amount that is realized from the surplus of certain property in connection with the construction and operation, and I submit that paragraph would not be subject to the point of order.

The CHAIRMAN. Let the Chair ask the gentleman from Michigan. Under the Alaska act of March 12, 1914, what was to be done with the proceeds of the sale of material sold under that act?

Mr. CRAMTON. Without this language it would go, I assume, into miscellaneous receipts.

Mr. BLANTON. Just like all other.

Mr. SEARS. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SEARS. Further reserving the point of order, I would like to ask my colleague if the \$3,110,210 is the limit of cost in the form of appropriations? Was that in addition?

Mr. CRAMTON. No; the authorization was recently raised from \$52,000,000 to \$56,000,000, an increase of \$4,000,000, and the present appropriation of \$3,110,000 plus is part of the \$4,000,000, leaving between eight and nine hundred thousand dollars yet to be appropriated within the authorized cost.

The CHAIRMAN. Does the gentleman from Texas raise the point of order to both sections?

Mr. BLANTON. Against the whole amendment, because it is legislation the effect of which makes the whole amendment obnoxious.

Mr. CRAMTON. Mr. Chairman, if unanimous consent is necessary I will ask that the two paragraphs be separated. I had not anticipated objection. I concede the point of order as to the first paragraph.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the amendment may be separated into two paragraphs. Is there objection?

Mr. BLANTON. I object. I think we are going in the dark.

Mr. CRAMTON. Then, Mr. Chairman, that being so, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. CRAMTON. I offer another amendment, it being the exact paragraph which the Clerk has.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 110, after line 12, insert a new paragraph as follows:

"During the fiscal year 1923 there shall be covered into the appropriation established from time to time under the act entitled 'An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes,' approved March 12, 1914, as amended, the proceeds of the sale of material utilized for temporary work and structures in connection with the operations under said act, as well as the sales of all other condemned property which has been purchased or constructed under the provisions thereof, also any moneys refunded in connection with the construction and operations under said act, and a report hereunder shall be made to Congress at the beginning of its next session."

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment contains legislation unauthorized on an appropriation bill. I call the attention of the Chair to the fact that under the language of this bill, which leaves it absolutely open without any limitation whatever, there could be property condemned to the value of \$56,000,000, the whole total appropriation authorized for the building of this road. There is nothing here to control the amount. It could be any amount. It is just a question of how much property there is that could be condemned, and that is left to the discretion of individuals concerning whom we know nothing at all. I submit to the Chair that it is clearly legislation on an appropriation bill.

Mr. BEGG. Mr. Chairman, I should like to ask the chairman of the committee just on that point, what property can be sold up there without any authority of law, and who suggested it? It seems to me that is a vital thing.

Mr. CRAMTON. Well, I suppose some machinery that is worn out, which can be sold and new machinery bought, and junk of different kinds.

Mr. BEGG. If we were to put that language in the law and a man wanted to be disreputable and dishonorable, could he go on and sell valuable assets?

Mr. CRAMTON. Well, you put into the hands of one man better than \$50,000,000 to construct that railroad, and if he were the kind who would try to fool Congress on this, he would have had a good share of that \$50,000,000 long ere this.

Mr. BEGG. Well, some one has gotten away with a good deal of it.

Mr. CRAMTON. Not in a dishonest way.

Mr. BEGG. Then your answer is no answer at all.

Mr. CRAMTON. There is not the slightest suspicion of any lack of integrity in the construction of this railroad. We have used the same language that has been used before.

Mr. BEGG. You think we should trust anybody to sell all the property he wanted for what he saw fit, and do what he please with it?

Mr. CRAMTON. I have not said that.

Mr. BEGG. That is practically what the gentleman said.

The CHAIRMAN. This amendment, in substance, provides that the proceeds of the sale of certain property sold by virtue of an act of Congress approved March 12, 1914, together with the sales of other condemned property that may have been purchased or constructed under the provisions of that act, together with any moneys refunded in connection with the construction and operation of that act, may be collected in a fund and may be used from time to time for the purposes provided in this section.

It seems to the Chair that this creates a revolving fund. It is not the appropriation of an unexpended balance, which could be done, but it is the creation of a fund which is revolving in its nature. It seems to the Chair that this must be subject to the point of order as legislation in an appropriation bill. The concluding language in the amendment is: "And a report hereunder shall be made to Congress at the beginning of its next session." That is plainly legislation, and as such legislation would invalidate the whole section, the point of order is sustained.

Mr. CRAMTON. Mr. Chairman, I do not want to detain the Chair, but I want to be sure as to the exact nature of his ruling. Is the Chair's ruling based entirely upon the language in connection with making the report?

The CHAIRMAN. No; the Chair believes the first part of the section also constitutes legislation.

Mr. CRAMTON. Very well.

Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Michigan moves that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Michigan moves the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CARTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman from Oklahoma opposed to the bill?

Mr. CARTER. I am opposed to these items in the bill.

The SPEAKER. The Clerk will report the gentleman's motion to recommit.

The Clerk read as follows:

Mr. CARTER moves to recommit the bill to the Committee on Appropriations, with instructions to report the same back forthwith, with the following amendments: On page 13 strike out lines 8, 9, 18, 19, 22, 23, 24, and 25, said lines providing appropriations for the surveyors general in the States of Colorado, Oregon, Washington, and Wyoming.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the "noes" appeared to have it.

Mr. CARTER. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman asks for a division.

The House divided; and there were—ayes 20, noes 56.

Mr. CARTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Oklahoma makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. GARRETT of Tennessee. Mr. Speaker, is it the purpose of the gentleman from Michigan to have the roll call now, or to move to adjourn?

Mr. CRAMTON. I am about to move that the House adjourn.

Mr. GARRETT of Tennessee. Mr. Speaker, the pending question is the motion to recommit offered by the gentleman from Oklahoma [Mr. CARTER]?

The SPEAKER. That is the pending question.

Mr. GARRETT of Tennessee. That will be the unfinished business in the morning?

The SPEAKER. That will be the unfinished business in the morning.

ADJOURNMENT.

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until Friday, February 17, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

538. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1923, in the sum of \$39,000 (H. Doc. No. 183); to the Committee on Appropriations and ordered to be printed.

539. A communication from the President of the United States, transmitting a tentative draft of legislation regarding the transfer of surplus property of the War Department (H. Doc. No. 184); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WEBSTER: Committee on Interstate and Foreign Commerce. H. R. 7156. A bill to prohibit the interstate sale of certain articles contaminated with anthrax; with amendments (Rept. No. 707). Referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9653) granting a pension to Creed F. Casteel, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Colorado: A bill (H. R. 10459) for the consolidation of forest lands in the Uncompahgre National Forest, Colo., and for other purposes; to the Committee on the Public Lands.

By Mr. BYRNES of South Carolina: A bill (H. R. 10460) authorizing the transfer of Fort Fremont Military Reservation to the Treasury Department for use as a quarantine station; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 10461) to add certain lands to the Siskiyou National Forest in Oregon; to the Committee on the Public Lands.

By Mr. PERLMAN: A bill (H. R. 10462) to amend section 216 of the revenue act of 1921; to the Committee on Ways and Means.

Also, a bill (H. R. 10463) to amend sections 216, 223, and 225 of the revenue act of 1921; to the Committee on Ways and Means.

By Mr. SWING: A bill (H. R. 10464) to extend the boundaries of the Cleveland National Forest in Riverside County, Calif., and to create therein a national game preserve under the jurisdiction of the Secretary of Agriculture and to authorize an exchange of Government land for privately owned land within the area of said preserve; to the Committee on the Public Lands.

By Mr. SNYDER: A bill (H. R. 10465) providing for the reservation of certain lands in New Mexico for the Indians of the Zia Pueblo; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXIII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIS: A bill (H. R. 10466) for the relief of the Maley & Kelly Contracting Co., of Kansas City, Mo.; to the Committee on Claims.

By Mr. FIELDS: A bill (H. R. 10467) granting a pension to John E. Williams; to the Committee on Pensions.

Also, a bill (H. R. 10468) granting an increase of pension to Daniel O'Kelly; to the Committee on Pensions.

By Mr. GERNERD: A bill (H. R. 10469) granting a pension to John D. Yeager; to the Committee on Pensions.

By Mr. HUMPHREYS: A bill (H. R. 10470) for the relief of John G. Sessions; to the Committee on Claims.

By Mr. KELLER: A bill (H. R. 10471) for the relief of John A. O'Keefe, administrator of estate of William M. O'Keefe; to the Committee on Claims.

By Mr. KELLY of Pennsylvania: A bill (H. R. 10472) to correct the military record of Alexander Miller; to the Committee on Military Affairs.

By Mr. KINDRED: A bill (H. R. 10473) granting an honorable discharge to James Neale; to the Committee on Military Affairs.

By Mr. LARSON of Minnesota: A bill (H. R. 10474) for the relief of Edward S. Scheibe; to the Committee on Claims.

By Mr. WALSH: A bill (H. R. 10475) granting an increase of pension to Charles E. Keck; to the Committee on Pensions.

By Mr. WHITE of Kansas: A bill (H. R. 10476) granting a pension to Orel J. Lovewell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4105. By the SPEAKER (by request): Petition of Betrand Shadwell, opposing the manufacture and sale of any automobile capable of traveling faster than 15 miles an hour for use upon public roads in the United States of America; to the Committee on the Judiciary.

4106. By Mr. BEEDY: Petition of the Metal Trades Council of Portsmouth, N. H., urging that appropriations for manufacture, repair, and conversion of equipment for Government be made with the provision that work be given to navy yards, arsenals, etc., provided it can be done more economically, quicker, and better than otherwise; to the Committee on Appropriations.

4107. By Mr. CRAMTON: Protests of Frank F. Rogers, State highway commissioner, Lansing, Mich.; Port Huron Automobile Dealers' Association, Port Huron, Mich.; and Cal E. Hardy, Mayville, Mich., against the levying of Federal tax on gasoline and automobiles to supply bonus money; to the Committee on Ways and Means.

4108. By Mr. FULLER: Petition of Belvidere Buick Co.; T. B. Luhman, of the Belvidere Automotive Trade Association; Purcell Auto Sales Co.; Main Street Garage; Swanson Bros.; Star Garage; Solon Bros.; Lamberson-Hunt Co.; Auto Service Co.; George M. Loy; A. S. Johnson Motor Co.; and Mulford Motors Co., of Streator; A. H. Sanderson, of Morris; Norem & Wideman, of Ottawa; Rockford Buick Co., of Rockford; and Johnson & Schultz, of Hincley, all of Illinois, protesting against proposed tax on automobiles and gasoline; to the Committee on Ways and Means.

4109. By Mr. GALLIVAN: Petition of Brig. Gen. Jesse F. Stevens, the adjutant general, Commonwealth of Massachusetts, urging early and favorable action on Senate bill 2992, which provides for legislation for the completion of soldiers' records; to the Committee on Military Affairs.

4110. Also, petition of the Maritime Association and the Boston Chamber of Commerce, of Boston, Mass., urging passage of House bill 7100; to the Committee on Interstate and Foreign Commerce.

4111. By Mr. GERNERD: Evidence in support of House bill 10469, granting a pension to John D. Yeager; to the Committee on Pensions.

4112. By Mr. KINDRED: Resolutions adopted by the national executive of the American Association for the Recognition of the Irish Republic at New York City, relative to conditions in Ireland; to the Committee on Foreign Affairs.

4113. Also, resolution adopted by the Western Association of State Game Commissioners, protesting against the enactment of Senate bill 1452; to the Committee on Agriculture.

4114. By Mr. KISSEL: Petitions of the Pan-Albanian Federation of America, "Vatra" (the Hearth) (Inc.), local branch

No. 29, of New York City; local branch No. 25, of Jamestown; local branch No. 38, of Albany; and local branch No. 59, of Rochester, all in the State of New York, favoring recognition by the United States of the Albanian Government; to the Committee on Foreign Affairs.

4115. Also, petition of the United States Coast Guard, station No. 81, Sayville, N. Y., favoring the passage of House bill 7211; to the Committee on Naval Affairs.

4116. Also, petition of W. J. Alford, jr., and Walter F. Hayward, of New York City, opposing the bonus for ex-soldiers; to the Committee on Ways and Means.

4117. By Mr. MORIN: Petition of 200 citizens of Pittsburgh, Pa., for beer and light wine, the tax on which to go for the soldiers' bonus; to the Committee on Ways and Means.

4118. By Mr. RAKER: Petition of the American Association for the Recognition of the Irish Republic, Washington, D. C., relative to the recognition of the Irish republic; to the Committee on Foreign Affairs.

4119. Also, petition of the Association of State Foresters, of Chestertown, N. Y., relative to control of pine-bark beetles and the white-pine blister rust; to the Committee on Appropriations.

4120. Also, petition of the California State Automobile Association, of San Francisco, Calif., protesting against a Federal gasoline tax; also petition of Division No. 415, Brotherhood of Locomotive Engineers, of Roseville, Calif., protesting against the sales-tax bill and indorsing the excess-profits tax, heavy tax on large incomes, and small tax on land in excess of \$10,000; also, petition of the Citrus Soap Co. of California, of San Diego, Calif., protesting against the passage of a bonus bill; to the Committee on Ways and Means.

4121. Also, petition of the Association of State Foresters, of Chestertown, N. Y., protesting against the transfer of the Forest Service from the Department of Agriculture to any other department; to the Committee on Agriculture.

4122. By Mr. RIDDICK: Petition of farmers of Circle, Richey, Conrad, Lambert, Dagmar, Frazer, Waleston, and Alma, all in the State of Montana, favoring the revival of the United States Grain Corporation; to the Committee on Agriculture.

4123. Also, petition of farmers of Vananda, Mont., urging the passage of the bill appropriating money to purchase seed for farmers in the crop-failure areas; to the Committee on Agriculture.

4124. By Mr. SMITH of Michigan: Petition of Lillie Beebe and 30 other citizens of Battle Creek, Mich., opposing Sunday blue laws; to the Committee on the Judiciary.

4125. By Mr. TAYLOR of Colorado: Petition of farmers of Nucla and western Montrose County, Colo., urging reestablishment of the Federal Grain Corporation; to the Committee on Agriculture.

4126. By Mr. TINKHAM: Resolution adopted by Roxbury (Mass.) Camp No. 13, Department of Massachusetts, United Spanish War Veterans, urging a provision in the proposed bonus bill to include the veterans of the Spanish-American War; to the Committee on Ways and Means.

4127. By Mr. YOUNG: Petition of C. W. Fine, of Sheyenne, N. Dak., and 49 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4128. Also, petition of Henry Herigstad, of Cooperstown, N. Dak., and 25 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of producing plus a reasonable profit; to the Committee on Agriculture.

4129. Also, petition of T. O. Reistad, of Manfred, N. Dak., and 22 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of producing plus a reasonable profit; to the Committee on Agriculture.

4130. Also, petition of F. G. Zimmerman, of Medbury, N. Dak., and 16 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of producing plus a reasonable profit; to the Committee on Agriculture.

4131. Also, petition of N. B. Garnaas, and 208 others, of Oberon, N. Dak., and vicinity, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4132. Also, petition of William Close, of Kulm, N. Dak., and 13 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

SENATE.

FRIDAY, February 17, 1922.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we want this morning to recognize that goodness and mercy have been our portion thus far along the pathway of life. We want to show forth in our daily conduct our appreciation of Thy constant favor and seek constantly in all that we think and say and do to honor Thy great and holy name. The Lord be with us this day amid its duties and its cares, and grant that with the evening's shadows we may be able to feel that we have fulfilled the high obligations of service agreeable to Thy name. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhues, its enrolling clerk, announced that the House had passed the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

Mr. WARREN. I ask that the bill just received from the House may be referred to the Committee on Appropriations.

HOUSE BILL REFERRED.

The bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. LADD presented a resolution adopted by the board of county commissioners of Burleigh County, N. Dak., favoring retention of the Fort Lincoln Military Reservation as a permanent part of the Military Establishment of the United States, which was referred to the Committee on Military Affairs.

He also presented the petitions of Carl H. Nelson and 51 others, of Maddock; Otto Olson and 5 others, of Oriska; W. C. Nettum and 2 others, of Kindred; Edwin Stoa and 2 others, of Buxton; Sam Kahler and 5 others, of Tuttle and vicinity; Jake Ritter and 13 others, of Clyde; and Olaf Brenden and 48 others, of Sheyenne, all in the State of North Dakota, and Gomer Lewis and 49 others, of McIntosh, Morristown, and Watauga, in the State of South Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a petition of sundry citizens of Kanapolis, Kans., praying for the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by Benjamin Franklin Council, American Association for the Recognition of the Irish Republic, of Topeka, Kans., protesting against the United States entering into any treaty or "gentlemen's agreement" with foreign nations which might, even to a slight degree, impair the sovereign independence of the Nation, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Lost Springs, Ramona, Herrington, Hope, Tampa, Pawnee Rock, and Dodge City, all in the State of Kansas, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

LANDS OF FORT PECK AND BLACKFEET RESERVATIONS, MONT.

Mr. SPENCER. Mr. President, from the Committee on Indian Affairs I report back favorably with an amendment, in the nature of a substitute, the bill (H. R. 8010) to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont., and I submit a report (No. 502) thereon. I ask for the immediate consideration of the bill. I do not think there will be any opposition to it.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. OVERMAN. Mr. President, I do not object to the bill, but I do not think we should transact any business with so few Senators present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Borah	Gooding	McKellar	Simmons
Brandeege	Hale	McKinley	Smith
Bursum	Harrell	McNary	Spencer
Cameron	Harris	Moses	Stanfield
Capper	Harrison	Myers	Stanley
Caraway	Heflin	Nelson	Sterling
Culberson	Hitchcock	New	Swanson
Cummins	Johnson	Newberry	Trammell
Curtis	Jones, Wash.	Norris	Underwood
Dial	Kellogg	Oddie	Wadsworth
Edge	Kendrick	Overman	Walsh, Mont.
Ernst	Keyes	Page	Warren
Fernald	King	Pepper	Watson, Ga.
Fletcher	Ladd	Phipps	Williams
France	Lenroot	Poin Dexter	Willis
Gerry	Lodge	Pomeroy	
Glass	McCormick	Sheppard	

Mr. McKELLAR. I desire to announce the unavoidable absence of my colleague [Mr. SHIELDS] on account of illness.

Mr. CURTIS. I was requested to announce the absence of the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FREELINGHUYSEN], who are detained at a hearing before the Committee on Finance.

The PRESIDENT pro tempore. Sixty-six Senators having answered to their names, there is a quorum present. The Senator from Missouri asks unanimous consent for the present consideration of the bill (H. R. 8010) to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont.

Mr. SPENCER. I do not think there will be the slightest objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPENCER. In November last the Senate passed a bill, at the instance of the department, giving the Indians the right to lease for mining purposes certain unallotted lands in the Fort Peck Reservation and in the Blackfeet Reservation, and the bill is now in the House. Since then the House passed practically the identical bill, but it refers only to the Fort Peck Reservation. My own judgment is that it was an inadvertence. The committee thought that if we substituted the bill which the Senate had already passed and sent it back to the House it would work out most expeditiously and desirably. I ask that the amendment of the committee may be read and agreed to.

The amendment was to strike out all after the enacting clause and to insert:

That lands reserved for school and agency purposes and all other unallotted lands on the Fort Peck and Blackfeet Indian Reservations, in the State of Montana, reserved from allotment or other disposition, may be leased for mining purposes under regulations prescribed by the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to authorize the leasing for mining purposes of unallotted lands on the Fort Peck and Blackfeet Indian Reservations, in the State of Montana."

LEGISLATIVE APPROPRIATIONS.

Mr. WARREN. I report back favorably with amendments from the Committee on Appropriations the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, and I submit a report (No. 503) thereon.

I desire to give notice that I expect to ask the Senate to take up the bill for consideration on Monday next.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 3164) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON:

A bill (S. 3165) to remove the charge of desertion from the military record of Elisha L. Bennett, jr.; and

A bill (S. 3166) for the relief of Michael Sweeney; to the Committee on Military Affairs.

A bill (S. 3167) granting an increase of pension to Jane N. Brown; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3168) granting a pension to Mary Mullen (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3169) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BALL:

A bill (S. 3170) regulating corporations doing a banking business in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MYERS:

A joint resolution (S. J. Res. 163) relating to terms and conditions of payment for the tuition of Indian pupils enrolled in the State public schools of Montana; to the Committee on Indian Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. McNARY submitted two amendments intended to be proposed by him to Senate bill 3017, the Senate river and harbor bill, which were referred to the Committee on Commerce and ordered to be printed, as follows:

On page 8, after line 19, insert:

"Siletz Bay, with a view to improving channel and securing a depth of 15 feet, at average tide, across Siletz Bar, by the construction of a jetty or otherwise."

and—

"Tillamook Bay and Harbor, Oreg., including consideration of modification and change of location of the existing 16-foot project channel to Bay City, with a view to securing usable channels commensurate with depth of water on bar to accommodate present and future commerce."

INVESTIGATION OF FERTILIZER INDUSTRY.

Mr. McKELLAR submitted the following resolution (S. Res. 241), which was referred to the Committee on Agriculture and Forestry:

Whereas it has been charged that the fertilizer industry is controlled by a combination of corporations and that such combination of corporations, or the individual members thereof, has employed agents, attorneys, and lobbyists to influence Congress against the acceptance of the offer of Henry Ford to buy Muscle Shoals: Now, therefore, be it

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, is hereby authorized to investigate the charge that the fertilizer industry is controlled by a corporation or corporations which is in fact a monopoly and has employed agents, attorneys, and lobbyists to lobby against the resolution accepting the offer of said Henry Ford to purchase said Muscle Shoals project, and to investigate whether there is a fertilizer trust.

Resolved further, That the committee is authorized to subpoena witnesses, send for persons and papers, to administer oaths, and to employ the necessary clerical assistance in the prosecution of such investigation, the expenses thereof to be paid out of the contingent fund of the Senate on vouchers authorized by the committee and signed by the chairman thereof.

ILLUSTRATIONS OF FOREIGN POSTAGE AND REVENUE STAMPS.

Mr. EDGE. I ask unanimous consent for the immediate consideration of Senate bill 2703, which was introduced by my colleague [Mr. FREELINGHUYSEN]. I am quite sure the bill will not lead to any opposition whatever.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. CURTIS. Let the bill be reported.

Mr. KING. Reserving the right to object, I ask that the bill may be reported.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The ASSISTANT SECRETARY. A bill (S. 2703) amending an act to codify, revise, and amend the penal laws of the United States.

Mr. EDGE. I shall be very glad briefly to explain the object of the bill if I may secure unanimous consent for its present consideration.

Mr. UNDERWOOD. Will not the Senator allow the bill to be read at length? We can not understand the object of the measure until it shall have been read.

Mr. EDGE. I ask that the bill may be read by the Secretary.

The ASSISTANT SECRETARY read the bill.

Mr. EDGE. Mr. President, undoubtedly, as a majority of Senators well know, my colleague is a very enthusiastic stamp collector. This bill simply provides an amendment to the Penal Code in order that defaced dies may be used for the purpose of reproducing stamps of foreign countries. The bill has the approval of the Attorney General's Department and also of the

Treasury officials who are in charge of matters relating to the printing of stamps. I trust the bill may receive the approval of the Senate.

Mr. KING. I should like to ask the Senator from New Jersey whether the Post Office authorities are willing that this measure shall pass?

Mr. EDGE. The Treasury officials have announced to the Committee on the Judiciary that they have no objection whatever to the passage of the bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, in the following words:

That sections 161, 172, and 220 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, are hereby amended by adding the following: "Provided, That nothing in said sections shall be construed to forbid or prevent the printing or publishing illustrations of postage or revenue stamps from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps, or to prevent or forbid the making of necessary plates therefor for use in philatelic or historical articles, books, journals, or albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, or albums: And provided further, That no such illustration shall be made in colors, and that no such illustration or plate shall be of a stamp of the United States."

And in lieu thereof to insert:

That nothing in sections 161, 172, and 220 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stats. L., pp. 1118, 1121, and 1132), shall be construed to forbid or prevent the printing or publishing of illustrations of postage or revenue stamps from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps, or to prevent or forbid the making of necessary plates therefor for use in philatelic or historical articles, books, journals, or albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, or albums; but no such illustration shall be made in colors, and no such illustration or plate shall be of a stamp of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee in the nature of a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates."

VALUATION OF RAILROAD PROPERTIES.

Mr. CUMMINS. I ask unanimous consent for the immediate consideration of order of business 494, being Senate bill 539.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent for the immediate consideration of the bill named by him. Is there objection?

Mr. UNDERWOOD. Let the bill be reported in order that we may know what it is.

The PRESIDING OFFICER. The Secretary will read the bill.

The Assistant Secretary read the bill (S. 539) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. UNDERWOOD. I do not like to object to the Senator's request, but I was giving some consideration to the matter involved in the bill for which he now asks consideration when I had to be absent from the Senate for some months on account of attendance on the Conference on Limitation of Armament which has recently adjourned. I think the subject matter of the bill is very important and that it should be considered with great care. I will, therefore, ask the Senator not to call the bill up in the morning hour. I think it should come up for consideration in its regular order on the calendar or be called up when it may be made the unfinished business, so that we may give it full consideration. I myself wish to look into it further before I give consent for its immediate consideration.

Mr. CUMMINS. Mr. President, I agree with the Senator from Alabama that the bill is very important. I think it is a bill which demands consideration before very long.

Mr. UNDERWOOD. I agree with the Senator about that.

Mr. CUMMINS. I had no thought of interrupting or preventing the consideration of the unfinished business, although I really think the bill for which I now ask consideration ought to take the place of the bill which has been made the unfinished business. I do not ask for the mere formal consideration of the bill, but I think it ought to be carefully considered and

debated. However, I wish to present it to the Senate just as soon as possible.

Mr. UNDERWOOD. That is exactly my viewpoint. We have, of course, spent a great many million dollars in the past few years in the effort to ascertain the value of the railroads of this country. Although I may be mistaken about it, I am apprehensive that a change of existing law might scrap a great deal of work that has already been done in ascertaining the railroad valuations; and I do not think that we ought to pass a bill of this importance in a perfunctory way and during the morning hour.

Mr. CUMMINS. I assure the Senator from Alabama that a change of existing law will not scrap any considerable part of the work which has been done by the Interstate Commerce Commission in the valuation of railroads.

Mr. UNDERWOOD. I should like to have that made clear. I do not think a bill of this importance should be hastily considered in the morning hour. I shall not at all resist the Senator's desire to have the bill taken up as the unfinished business when it may be fully and carefully discussed at the proper time. I think the Senator in a matter of this importance should give a full explanation of the proposed legislation to the Senate. I therefore hope the Senator will not insist on the consideration of the bill at this time.

Mr. CUMMINS. In view of the Senator's suggestion, in lieu of asking unanimous consent for the present consideration of the bill during the morning hour, I now give notice that immediately upon the disposition of the bill which is now the unfinished business, I shall move that the Senate proceed to the consideration of this measure.

ACQUISITION OF REAL ESTATE BY THE WAR DEPARTMENT.

The PRESIDING OFFICER. The order of business is the consideration of the calendar of bills and resolutions under Rule VIII.

Mr. WADSWORTH. Mr. President, is it in order for me to ask unanimous consent for the consideration of a bill at this time?

The PRESIDING OFFICER. It is.

Mr. WADSWORTH. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 7158) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York for the immediate consideration of the bill named by him?

Mr. OVERMAN. Before consent is given, I ask that the bill may be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The reading clerk proceeded to read the bill.

Mr. WADSWORTH. Mr. President, if I may interrupt the reading of the bill, I desire to say that this bill was taken up on a former occasion, which, as I recall, was the day before the Christmas recess, when it was reached upon the calendar; but it was very late in the session of that day, and the question of a quorum being raised the matter was put over. I think the present occupant of the chair was in the chair at that time.

The bill is designed to enable the War Department to clean up the title to various pieces of real estate upon which the Government now owns very valuable buildings. The projects are listed in the bill, and the amount of money necessary to acquire title to the remaining small parcels or tracts of real estate is set forth in connection with each project. As a matter of fact, while the bill proposed to appropriate \$4,000,000, it will put the Government in a position where it can save large amounts of money in the future, either by selling these properties, in which the Government has invested such immense sums, or, in some instances, by leasing them to industrial concerns. The items of the bill were discussed upon the former occasion, with the exception of one or two, in connection with which, and in accordance with instructions of the Committee on Military Affairs, I desire to offer amendments.

Mr. KING. Mr. President, may I inquire of the Senator the cost that will result to the Government from carrying out the provisions of the bill?

Mr. WADSWORTH. The bill shows that upon its face. The total cost to the Government will be \$4,100,000, as I recall, although I have not the figures immediately before me, and it is divided in appropriations made for several different projects in connection with which at present the hands of the War Department are absolutely tied.

Mr. KING. May I inquire of the Senator whether this was the bill in connection with which it appeared that the Govern-

ment had now some holdings within which there were small private holdings to which it was desired to secure title?

Mr. WADSWORTH. Yes; this is the bill which the Senator has in mind. On those holdings are immensely valuable buildings which can not be disposed of, the hands of the Secretary of War being absolutely tied, as there is on the statute books an act which forbids the Secretary of War to purchase any real estate, even if it be 10 feet square.

Mr. KING. Were steps initiated to condemn these properties before the law was passed forbidding the acquisition of further property by the War Department?

Mr. WADSWORTH. In some instances, yes; while in others the land is held by leases, and in others the land was about to be purchased when the Congress intervened—and I think properly so—and stopped all purchases until the Congress should look over the different projects and decide which ones the War Department should be permitted to complete. This bill represents the first list of projects passed upon by the House of Representatives, in connection with which it is urged strenuously by the House committee that these little parcels of land be acquired so that the Government will be in a position to deal as one business man would with another in the disposition of these properties.

Mr. KING. The passage of this bill and the carrying out of the plan which the bill contemplates will not lead to a continuation of the camps which are unnecessary, but will be in the interest of the diminution of the number of camps and forts and barracks, and so forth, now owned by the Government?

Mr. WADSWORTH. It is most decidedly in that direction. Incidentally none of these projects are camps; most of them are great storage depots.

Mr. KING. Does not the Senator think it was very unwise to expend millions of dollars upon land the title to which was not in the Government?

Mr. WADSWORTH. It was done during the war, and we have no choice in the matter now. Buildings have already been erected, and many of them are permanent buildings.

Mr. KING. Is it the intention of the Government to keep all the buildings that have been erected upon the tracts referred to in the bill?

Mr. WADSWORTH. I should hope that it was the intention of the Government to sell most of these places, but they can not do so until they own finally the parcels of land underneath the buildings.

Mr. KING. Does the testimony indicate that the Government will recoup much more than this bill carries?

Mr. WADSWORTH. Yes; it indicates that it will recoup much more.

Mr. KING. The committee are unanimous in the view that the \$4,000,000 proposed to be appropriated should be expended?

Mr. WADSWORTH. Yes; in order to save a much larger sum, in the discretion of Congress, later on.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7158) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, which had been reported from the Committee on Military Affairs with an amendment.

Mr. WADSWORTH. Mr. President, I desire to offer three amendments.

The first amendment is, on page 2, line 20, after the numerals "\$100,000," to strike out the remainder of line 20, lines 21, 22, 23, and 24, and on line 25 to and including the word "payments."

The language relates to a project in the city of Baltimore, in connection with which the Government, on the leasing of some land, built some exceedingly valuable storehouses. The House bill carries an authorization to the Secretary of War to sell these buildings to the owner of the land, the Canton Co., for \$300,000. Since the passage of the bill by the House, the Secretary of War indicates that he may make a better disposition of it than that, and one more to the advantage of the Government. Therefore it is proposed to strike out that language and leave it in his discretion. If the language remains in, the inference drawn by the owners of the land will be to the effect that \$300,000 is all they will have to pay.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, lines 22 to 25, it is proposed to strike out the following words:

Or the Secretary of War is authorized to sell to the Canton Co., of Baltimore, the improvements erected upon the site within 90 days from the enactment of this law for the sum of \$300,000, plus interest at the rate of 6 per cent per annum on all deferred payments.

The amendment was agreed to.

Mr. WADSWORTH. On page 3, commencing on line 20, after the word "owners," I move to strike out the balance of the page, all of page 4, all of page 5, and on page 6 down to and including the word "land" on line 19. That amendment relates to but one project—Camp Grant, in Illinois.

Mr. KING. Mr. President, will the Senator state the object of the amendment?

Mr. WADSWORTH. The object of the amendment is not to compel the Secretary of War to withdraw or dismiss actions now pending in court looking to the condemnation of the land described on these two pages. The land is not very extensive, but it is land upon which in large measure the very center of the camp is built.

Mr. KING. It leaves it optional instead of compulsory?

Mr. WADSWORTH. It leaves it optional with him instead of compulsory.

Mr. KING. It is a long amendment for so small a subject.

Mr. WADSWORTH. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WADSWORTH. On behalf of the committee, I present another amendment, which the Secretary may read.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 8, after line 10, it is proposed to insert the following new section at the end of the bill:

SEC. 3. That approximately 44 acres of land in Norfolk County, Va., adjacent to the Norfolk Army supply base heretofore transferred by the War Department to the Treasury Department for the use of the Public Health Service, pursuant to an act of Congress, March 3, 1919 (40 Stat., 1303), is hereby retransferred to the War Department, and the Secretary of War is hereby authorized and empowered in making settlement with the Country Club of Norfolk, Va., and the New Glencove Links Corporation, from the appropriation hereinabove provided, of their claims for their properties taken by the United States of America subsequent to April 6, 1917, to transfer and convey to said Country Club of Norfolk, Va., and said Glencove Links Corporation such portions of their properties so taken and such other properties or portions thereof otherwise acquired by the War Department in the vicinity of the Norfolk Army supply base as in the judgment of the Secretary of War may be necessary and desirable in effecting such a settlement: *Provided, however,* That in the judgment of the Secretary of War said property so to be conveyed is no longer required by the United States for military purposes.

Mr. KING. Will the Senator state the object of the amendment?

Mr. WADSWORTH. I can best state the object by reading a portion of a letter from the Secretary of War:

Of the properties for which payment is yet to be made, the parcel containing approximately 55 acres—

This is in connection with the Norfolk base—

was requisitioned in 1918 from the Norfolk Country Club and the new Glencove Links Corporation, on which no Government improvements have been constructed except a railroad yard across the southerly portion thereof.

The country club has been without the use of its property without compensation since 1917. In the spring of 1921, however, a revocable lease was granted to the club by the War Department for the use of a portion of its former golf course, and the department has recently received a proposition which involves the conveyance to the club of certain other Government-owned land, together with a portion of the area formerly requisitioned and the payment to the club of a cash consideration, in return for which the United States is to receive title to that portion of the requisitioned area on which the railroad yard is constructed and is to be released from payment for the use of the club's property since 1917.

In other words, it effects a transfer to the advantage of the Government and to the relief of this country club, which since 1917 has never had a penny for the use of its property.

Mr. KING. Is the maintenance of the yard necessary?

Mr. WADSWORTH. To reach the Norfolk base it is necessary that those tracks be maintained where they are. It so happens that I visited the Norfolk base, and it is an immense project, built of concrete and steel—perfectly enormous. It is difficult to conceive the size of some of these projects; and we want to get it into shape where we can direct, by act of Congress, its sale or its lease by the department to commercial concerns.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. WADSWORTH. Certainly.

Mr. OVERMAN. I should like to ask the Senator a question a little along the same line with the question I asked him before.

As I understand, this bill does not take care of those pieces of land that were condemned and are now in use, where the people have been driven from their lands and the lands have been taken by the Government and have been condemned by the courts.

Mr. WADSWORTH. There are several instances of that kind in this bill.

Mr. OVERMAN. But there are many cases that are not in this bill. Does the Senator know that those cases are going to be taken care of?

Mr. WADSWORTH. Yes. The House Committee on Military Affairs has made this winter and is still making a very exhaustive study of the whole real estate problem as now remaining upon the hands of the War Department; and it is to make a report, which it hopes will clean up the whole thing and incidentally do justice to a lot of people who have suffered.

Mr. OVERMAN. I thank the Senator for the information. That is all that I desire. A lot of people are writing and asking that certain lands be paid for. I think the subject ought to come up in the general bill, where it can be investigated, and full consideration given to the whole matter. I think it can be taken care of there better than in this bill. That is the reason why I asked the Senator the question, and I am glad that he has given me the information he has.

Mr. SMITH. Mr. President, may I ask the Senator a question? As I understand, the object of this bill is to appropriate sufficient money to complete the purchase and therefore complete the title of the Government to these different projects, so that hereafter they can make such disposition of the property as they see fit?

Mr. WADSWORTH. It frees the hands of the Government. There is over \$130,000,000 invested by the Government in permanent construction in these projects. If we will spend \$4,000,000 now, we will get title to the last parcel that underlies those buildings. Then we can do what we please with them. Until we get title, our hands are tied.

Mr. KING. Mr. President, may I inquire of the chairman of the committee what plans are being formulated for the disposition of many of these forts and camps that were acquired during the war, and many before the war, and which it is apparent the Government does not need? Is there any comprehensive plan for the disposition of all these unnecessary military reservations?

Mr. WADSWORTH. There is; and that is the plan which the House Committee on Military Affairs is studying.

Mr. KING. The Senator knows that unless something is done in regard to that, appeals will be made from municipalities and States and charitable organizations for grants by the Government of many of these unused and unnecessary military forts and reservations and camps. It seems to me the Government ought to formulate a plan, and dispose of them as soon as possible.

Mr. WADSWORTH. I agree with the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, there is one committee amendment printed in the bill.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, line 9, it is proposed to strike out the words "authorized to be appropriated" and to insert "appropriated out of any money in the Treasury not otherwise appropriated."

Mr. WADSWORTH. Mr. President, that amendment is a matter of policy for the Senate. The House Committee on Military Affairs reported this bill to the House. Under the House rules, the House Committee on Military Affairs may not appropriate; they may merely authorize appropriations. The House language is:

The following amounts are hereby authorized to be appropriated.

The Senate Committee on Military Affairs thus far has not been deprived, under the Senate rules, of its power of appropriation; and when the Senate committee encountered this language, which is merely an authorization of an appropriation, the Senate committee, in accordance with the custom of Senate committees, struck out the phrase "authorized to be appropriated," and submitted for it the language which makes the direct appropriation. It is a question of policy whether the Senate shall adhere to its old custom or whether it shall accede to the House custom and concentrate all appropriations in the Committee on Appropriations.

Mr. KING. Mr. President, may I inquire of the Senator whether it would not be wiser to carry the appropriation in the military bill? I want the military part of the Government to be charged with everything that is legitimately chargeable to the Army and to the Navy. As far as I am concerned, I do not want expenses for the Army or for the Navy to be charged in some other category on the books of the Government.

Mr. WADSWORTH. The Senator realizes, of course, that the Appropriations Committee of the House handles all appropriations, and no other committee may do anything of the sort.

Mr. CURTIS. Mr. President, may I suggest to the Senator from New York that the Committee on Rules has reported back to the Senate an amendment to the rules, proposed by the Senator from Wyoming [Mr. WARREN], which places all the appro-

priation bills in the hands of the Appropriations Committee of the Senate. It is provided, however, that in the case of appropriations coming from the Military Affairs Committee, three members of that committee shall be ex officio members of the Committee on Appropriations, and the same provision is made with regard to the other committees now handling appropriation bills.

Mr. WADSWORTH. There is one thing that might be said: This committee amendment never will be agreed to by the House conferees. Under their own rules they can not accept a direct appropriation from the Military Affairs Committee; but the Military Affairs Committee of the Senate believed that the Senate should understand what the situation is, and therefore we adopted this amendment, intending, as has now happened, that it should be laid before the Senate as a matter of policy. Eventually the conferees of the Senate will be compelled to recede.

Mr. WARREN. Mr. President, if the Senator will permit me, until the war upset the rules of the House all purchases of land were in the hands of the general Appropriations Committee. During the war the committee did not insist on those rules, and by common consent the Committee on Military Affairs was permitted to appropriate, and that condition still exists. As the Senator says, however, if we leave it in it will simply go out in conference; and it seems to me it would be better to conform to the rules as they exist on the other side and cut it out now.

Mr. WADSWORTH. I simply make this statement. I have no objection to the Senate rejecting this particular committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. HARRISON. Mr. President, I desire to have read from the Secretary's desk an article which appeared in the New York World of yesterday.

The PRESIDING OFFICER. The Secretary will read as requested.

The Assistant Secretary read as follows:

[From the New York World, Feb. 16, 1922.]

SENATORS BLOCK ECONOMY SCHEME—REORGANIZATION OF DEPARTMENTS WILL NOT BE CONSIDERED AT THIS SESSION.
(Special to the World.)

WASHINGTON, February 15.

Senate leaders have decided to sidetrack the scheme for reorganizing the Federal departments until some future session of Congress. The amount of work necessary before the prospective adjournment in June will block consideration of the recommendations submitted to the President by Walter F. Brown, chairman of the Joint Committee on Reorganization.

The intention to defer the reorganization work was made known by Senators visiting the White House. It was pointed out a number of the suggestions, such as the merger of the War and Navy Departments into a Department of National Defense, would be contested hotly and speedy action would be impossible. In addition, the joint committee will require much time in taking testimony and investigation.

The recommendations are now held up at the White House. Mr. Brown submitted them three weeks ago, but the Arms Conference treaties and the bonus have occupied the time of the President and Cabinet. The next step, according to Mr. Brown, is for the President and the Cabinet to approve or return the plans with suggestions for alterations.

Mr. Brown does not believe hope for their adoption this session is lost. He said if the administration and joint committee can agree on a program, Congress is so committed to reorganizing the departments that the bill will go through quickly.

Mr. Brown indicated to-day that his recommendations provide creation of a bureau of transportation in the Commerce Department.

Mr. HARRISON. Mr. President, I have had this article read to the Senate in the hope that if it is the policy, as revealed there, to do nothing at this session of Congress toward coordinating and reorganizing the departments of the Government, that policy will be changed. I have not had the article read in a spirit of criticism, but merely to recall the history of this legislation. About a year ago, in March, 1921, we passed a joint resolution creating this commission. Three Senators were appointed, three Members of the House were appointed, and then the joint resolution was amended so that the President might have a personal representative. We had thought at that time that there would be speedy action, that the commission would take up these questions immediately and consider them and make a report forthwith to Congress, so that if reforms should be recommended—thereby creating efficiency as well as a saving—that

proper legislation carrying the recommendations into effect would be enacted.

We have waited a year, and nothing has as yet been done. As I stated before to the Senate, the commission had its last meeting on April 6, 1921, practically 11 months ago. I had a letter some days ago from the President, as every other member of the commission did, saying that a report had been laid before him by Mr. Brown, and that he hoped we might get to work at a very early date. So I was surprised when I read this article to find that it was now the policy of the administration to lay over this work until a future Congress. I hope it is not true. I trust the commission may be called together at an early date, begin hearings, and try to smooth out the differences between these departments, so that some saving may be effected. If the differences can not be smoothed out, then let the commission or the Congress assume the responsibility.

I desire to say, as a minority member of this commission, that I shall be ready at any time to meet with the commission and to assist in expediting the work, so that a report may be made at an early date. No delay has come from this side. We have welcomed an invitation for a meeting of the commission, and we still hope it will come, and I am sure that I voice the sentiments on this side, at least, when I say that we hope the policy revealed in that article will not be carried out, but that the plans for coordination and reorganization will be presented to this Congress soon. I know of no opportunity that furnishes a way to render more real service than as is presented to this commission. And certainly the people are anxious for it to begin work and make its report speedily to the Congress.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. HARRISON. I yield.

Mr. KING. Is it not quite apparent that unless the reorganization plans shall be submitted to Congress at an early date, prior to the passage of the appropriation bills, it will mean that we shall be compelled to go on with the same old machinery for the coming fiscal year and that it will postpone effective reorganization, operative reorganization, until the next fiscal year?

Mr. HARRISON. I think so. The whole trouble about this is that we amended the original resolution, which clothed the Congress with full power to investigate these departments and to make a report, as Members of the House and of the Senate, to the Congress of the United States. We amended that by placing a representative of the executive departments on the commission, and now it is tied up. They will never unravel all their difference in the departments. The matter must come before the commission in the end anyhow, and we must assume responsibility, together with Congress.

Mr. KING. In view of the well known fact that the executive departments are always jealous of their authority, that they are very seldom willing to abate any of their authority and prerogatives, why does not the committee appointed by Congress, charged with the duty of forming a plan of reorganization, do its duty? We will have to discharge them and get somebody else who will.

Mr. HARRISON. They should be discharged if they do not do something; but the trouble about it was that the Congress amended the resolution and created this place for Mr. Brown.

Mr. KING. Is he the one who it is said is to run for the Senate from Ohio in the coming election?

Mr. HARRISON. I think he did run for the Senate in one of the primary elections in Ohio, and there is some talk of his running for the Senate again. I do not know about that. He is a very excellent gentleman, and a very competent man, I am sure. Anyway, when the commission met they elected Mr. Brown chairman of the commission, and I might say it was over the protest of the minority Member from the House and myself that that was done. I thought one of the members of the commission representing the majority in Congress, either a House or Senate Member should have been made chairman, so that meetings could be called and hearings might be begun; but since the calling together of the commission is left entirely, I suppose, to the chairman of the commission, and since Mr. Brown is the chairman and the commission has not been called for a year, I am ready to believe, in view of this article, that it will not be called. So I do not know what a humble minority member of that commission can do.

Mr. KING. He can make a protest.

Mr. HARRISON. I am doing that now.

Mr. CURTIS. I do not know where the correspondent got his information, but it was stated last week that a report was

about ready to be submitted by the commission, and I understood that it would be ready within a day or two. There was nothing said about delaying action, but it was said all the members wanted to get action as soon as possible.

SUPPLEMENTAL ESTIMATES, DISTRICT OF COLUMBIA, 1923 (S. DOC. NO. 129).

The PRESIDING OFFICER (Mr. SPENCER in the chair) laid before the Senate a communication from the President of the United States transmitting supplemental estimates of appropriation for the District of Columbia for the fiscal year ending June 30, 1923, in the sum of \$575,000—buildings and grounds, public schools, for alterations to existing buildings, and the erection of an addition to the Western High School to provide a new assembly hall, gymnasium for boys and girls, and at least 12 additional classrooms, \$550,000; fire department, for two triple combination motor pumping engines, at \$12,500 each, to be immediately available, \$25,000—which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

WESTERN PINE MANUFACTURERS' ASSOCIATION.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the chairman of the Federal Trade Commission transmitting the report of the commission on the Western Pine Manufacturers' Association, which will be referred to the Committee on Commerce.

Mr. KING. Mr. President, it seems to me the report just submitted, which is a very voluminous and a very important one, might with propriety go to the Committee on the Judiciary. This report finds that another lumber organization, or a number of organizations, have conspired to violate the Sherman antitrust law. The Supreme Court has recently decided that a certain lumber organization had violated the Sherman antitrust law, and the proceedings which were instituted were upheld by the appellate tribunal. This report, it seems to me, calls for action by the Department of Justice for the purpose of destroying this trust. There ought to be judicial proceedings instituted against it, either criminal or civil, because the report indicates that there is an organization in contravention of the provisions of the Sherman antitrust law.

I regret that there are not two reports, so that one could go to the Committee on Commerce and the other to the Judiciary Committee, because I think the report will be illuminating to the Judiciary Committee and may aid it in the work of perhaps improving or amending the Sherman antitrust law.

Mr. SMITH. Has not the law creating the Federal Trade Commission and defining its powers been amended so as to give them certain powers to proceed in such cases? Can the Senator tell me to what extent they can cause such companies to desist from these practices?

The VICE PRESIDENT resumed the chair.

Mr. KING. Unfortunately, as I construe the Federal Trade Commission act, this jurisdiction is to be invoked for the protection of business men against the misdeeds of business men as they affect each other. They are to protect business men, and organizations in business, from unfair practices against each other, but the public may be damned, if I may use such language, so far as the effect of that act is concerned.

Mr. SMITH. I asked the question because a report similar to the one in regard to the lumber organization was transmitted in reference to the tobacco combination, and my information was to the effect that the law allowed the commission to go to the extent only of issuing an order to them to desist and cease from such practices.

Mr. KING. As I understand the law, the practices must affect the business men themselves, the dealers, not the public. I may be placing too narrow a construction upon it, but I think it is the view entertained by many that the practice must affect the business men rather than the public.

Mr. WALSH of Montana. Mr. President, I think the Senator from Utah has stated the situation quite accurately, but it seems to me the inference that is to be drawn from his statement is not well founded. The primary purpose of the Federal Trade Commission act was not so much to protect the dealer as it was to protect the consumer, the purchaser. It is true that it aims at repressing unfair practices in trade as between the dealers, but it was contemplated that eventually those practices would, if persisted in, drive competitors out of business, and then the perpetrator of the improper practices would be left sole master of the field, and thereupon the public would suffer by reason of being subjected to monopolistic prices. The whole idea was that it was not sufficient to aim at the combinations which would eventually grow up and become violative of the Sherman act; that we ought to go further than that, and endeavor to prevent those practices, which, persisted in and

successfully prosecuted, would result in driving rivals out of business, the purpose being to take care of the ultimate consumer.

Mr. KING. May I not state to the Senator, however, that Mr. Stephens, who has published a book upon the Federal trade act and the purposes of it, seems to indicate, as I recall, though it is some time since I read it, that while ultimately perhaps the desire was to secure what the Senator has said, yet that it was aimed directly at certain evil practices, and I think he enumerates eight or nine, as the Senator will recall. Therefore the Federal Trade Commission have rather employed the act for the purpose of preventing trade discrimination and trade practices among the tradespeople which were injurious to the people engaged in trade.

Mr. SPENCER. Mr. President, will the Senator from Utah yield?

Mr. KING. Certainly.

Mr. SPENCER. I think the then occupant of the chair was mistaken in referring the report of the Federal Trade Commission to the Committee on Commerce, because on June 9, 1921, a report from the same Federal Trade Commission, with regard to the lumber interests of the Pacific coast, was referred to the Committee on Interstate Commerce. I suggest to the Senator from Utah, if it meets with his approval, that this report ought to go to the Committee on Interstate Commerce and then if it needs a reference to the Committee on the Judiciary it can be adjusted.

Mr. KING. Technically, I think that is correct. I only regret there is not another copy of the report which might be referred to the Committee on the Judiciary.

Mr. SMITH. Mr. President, I would like to ask the Senator from Utah a question following the statement made by him a moment ago that the act was intended to correct practices among those engaged in the trade. As I recall, the report on the tobacco situation, parallel to its report on the lumber situation, has had a disastrous effect upon the primary market, upon the raw material, upon the local mill as well as upon the producers of the tobacco itself, in this combination, not only fixing the price of the finished product and determining what the output shall be and where it shall be distributed, but also affecting the purchase of the raw material in the primary markets in so far as to control the buyers in the markets, cutting out competition and thereby fixing the price and the amount to be purchased during a given season.

In view of the widespread effect of such a combination as is indicated in the two reports, what is the process of applying the relief contemplated in the Sherman Antitrust Act? I was of the opinion that the Federal Trade Commission, on its own initiative, upon its finding, could report and recommend to the Department of Justice that it should take such action as the case warranted. Am I correct in that view?

Mr. KING. I think perhaps the facts stated by the Senator might give jurisdiction to the Federal Trade Commission for investigation and for an order to desist from the practices therein stated; but if I understand the Senator correctly, it would seem to me that the persons who are engaged in those practices, which obviously are destructive of competition and tend to the monopolization of a given product, would be amenable to the criminal provisions of the Sherman antitrust law, and ought to be indicted and sent to the penitentiary.

Mr. SMITH. The only thing I am solicitous about just now is, the Federal Trade Commission having found the conditions as presented in their report, what action do they contemplate taking and what power under the law have they to follow the matter up so that relief may be given? In other words, if after these findings they report to Congress, then is it within their power or does it rest with us, or with whom, to bring an indictment?

Mr. OVERMAN. Mr. President, I think the machinery is sufficient in the act for the commission to notify them to desist from these practices. If they do not desist, the commission are authorized to go into court and stop it.

Mr. KING. But not criminally.

Mr. OVERMAN. Oh, no; not criminally.

Mr. KING. They might perhaps obtain an injunction.

Mr. OVERMAN. They can go into the courts and ask for an injunction or any other relief that is necessary to stop it. The machinery is provided for in the act itself.

Mr. SMITH. That is the point I wanted to get light upon—whether or not the Federal Trade Commission had the power, after its findings, to proceed in such way as to cause them to desist.

Mr. OVERMAN. Undoubtedly.

Mr. KING. I think in a matter which comes within the jurisdiction of the Federal Trade Commission, when they dis-

cover an evil cognizable under the statute creating them, then they may invoke the power of the court for the purpose of terminating the evil. But it seems to me, if the Senator will pardon me, that the state of facts which he has given would indicate a conspiracy in restraint of trade and that the criminal provisions of the Sherman antitrust law would be more effective in ending the activity so injurious to trade and competition.

Mr. SMITH. Then is it within the power of the Federal Trade Commission to bring the indictment? Does the law contemplate that they shall bring an indictment against the offenders even in a criminal court?

Mr. KING. No; it is my understanding that it would have to be left to the Department of Justice to put into operation the Sherman antitrust law.

Mr. SMITH. They could make a recommendation to that effect to the Department of Justice?

Mr. KING. Oh, I think that is true.

Mr. SMITH. That is the point I wanted to clear up.

The VICE PRESIDENT. Without objection, the report of the Federal Trade Commission will be referred to the Committee on Interstate Commerce.

THE CALENDAR.

The VICE PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

The first business on the calendar was the bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge.

Mr. CURTIS. Let the bill go over. The Senator from South Carolina [Mr. DIAL], who introduced it, is not here.

The VICE PRESIDENT. The bill will go over.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

Mr. KING. I think my colleague [Mr. Smoot] would like to be here when the bill is considered. He is engaged in a committee hearing. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. KING. Let that go over for the same reason.

The VICE PRESIDENT. It will be passed over.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. WADSWORTH. Let the bill go over.

The VICE PRESIDENT. It will be passed over.

RELIEF OF CLAIMANTS BARRED BY STATUTE.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. KING. Reserving the right to object, I would like to have an explanation of the bill.

Mr. OVERMAN. There are certain little amounts due on the books of the Treasury to certain people who were engaged prior to the war in Government service. Among them were some ex-Confederate soldiers who were outlawed from collecting the claims. Congress has removed every inhibition against the collection of the claims and they have been collected by everybody except by a few men who belonged to the Navy. There are certain amounts due those naval officers. I do not suppose there are 40 or 50 in all. As we have removed the in-

hibition from all other officers of the Government except the naval officers, the Committee on the Judiciary thought a bill ought to pass applying to them also. It is a unanimous report of the committee.

Mr. KING. I do not find the report in my files.

Mr. OVERMAN. There is a full report accompanying the bill.

Mr. KING. When the bill was up before, did not my colleague [Mr. Smoot] object to it?

Mr. OVERMAN. He did.

Mr. KING. My colleague is detained on official business and I feel that in his absence the consideration of the bill ought to be postponed until he can be present.

Mr. OVERMAN. I have no objection to that course.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. WATSON of Georgia. Mr. President, the bill would certainly provoke long discussion and unless the sponsor of it is present and presses it, I request that it may go over.

The VICE PRESIDENT. It will be passed over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. FLETCHER. Let the resolution go over.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

RURAL HOMES.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, this bill was objected to the other day by the Senator from Oregon [Mr. McNARY] and the understanding was that a conference was to be held with the Secretary of the Interior and the matter postponed until that conference had been held. I ask that the bill may go over.

The VICE PRESIDENT. It will be passed over.

INTERNAL REVENUE COLLECTION DISTRICTS.

The bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

TREATMENT OF JUVENILE OFFENDERS.

The bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States was announced as next in order.

Mr. WATSON of Georgia. Mr. President, there was an agreement between the Senator from Montana [Mr. WALSH] and myself that this bill should be disposed of the next time it was called on the calendar. I suppose we might as well dispose of it now.

I requested the Department of Justice to give the Senate a report on the number of juvenile offenders who are already serving their terms. To my astonishment I found that those offenders, duly convicted in Federal courts, had been farmed out to private corporations, some of them to church corporations.

In my own State for twenty-odd years I fought for the principle that the State ought to retain control of her own convicts; that the sovereign power of the State should never be subject to hire, to lease, to rental; that the State should have custody and absolute control of her convicts. After very many years that principle won its way, and we abolished the convict lease system in the State of Georgia. Our able-bodied convicts are now at work on our roads and our bridges, doing public service for the benefit of the public, doing State service for the benefit of the State. Younger offenders, boys and girls, are sent to a reformatory, where they will not be compelled to serve with hardened criminals and come out brutalized by the contact with those hardened criminals. In that way after a whole generation we have a system which separates the young offenders from the old and hardened criminals and puts the young of-

fenders under benign influences calculated to reform and to improve.

You know, Mr. President, that it is a well-settled principle of law that punishment is inflicted partly with a view of reforming the criminal and making him, if possible, a good citizen. The Federal law as it now stands is confined to juvenile offenders. I do not know and can not as yet inform the Senate where these boys and girls have come under the jurisdiction of the United States courts. I do not understand how boys and girls who commit offenses in this city and in other cities, in this territory and in other territories, come within the jurisdiction of the United States courts. It is inconceivable to me that these boys and girls committed offenses in the military reservations in my own State. I am convinced that it could not have been so. Where, then, under the jurisdiction of the United States courts did these boys and girls commit crimes? I am unable to tell the Senate, because I have been unable as yet to get the information. I am in pursuit of it, however; I am asking for it, and I expect to get it sooner or later. When I do get it, I shall lay it before the Senate. I should like to know, and I respectfully inquire of the Senator from Montana how, where, and when were these boys and girls convicted of crime in Federal reservations? Did they commit crimes in our national parks? Did they commit crimes in the terrain occupied by the Army? Did they offend the law in military reservations? I should like to know, Mr. President.

The VICE PRESIDENT. Under the five-minute rule the Senator's time has expired.

Mr. KING. Mr. President, I should like, in my own time, to ask the Senator from Georgia a question.

The VICE PRESIDENT. The Senator from Utah.

Mr. KING. In my own time, I desire to ask the Senator from Georgia does this bill cover offenses that are committed everywhere or only in certain restricted localities; and does it apply to a certain class of juvenile offenders or is it limited to any particular class?

Mr. WATSON of Georgia. Mr. President, answering the Senator from Utah, I will say that this bill seeks to broaden the statute so as to include all females, of whatever age, who commit acts of lewdness.

Mr. KING. What provision does the bill make with respect to their incarceration? What discretion does it give with reference to places which they may be committed for incarceration?

Mr. WATSON of Georgia. Mr. President, answering the Senator, I will say that, as I understand the bill, it gives to the Attorney General absolutely unlimited power over these convicts, to lease them out anywhere on any terms he may see fit.

Mr. KING. I should like to ask the Senator, in my own time, to point out the principal objection to the bill; to visualize it for us.

Mr. WATSON of Georgia. I will do so. One is that the Federal Government ought to retain the custody and control of its convicts, and not lease them out to any private corporation or to any church. The principle of separation of church and state is, in my judgment, violated by this proposed law; and, Mr. President, I do not believe that a sovereign power, punishing a citizen, ought to make merchandise of the convict, whether that convict be male or female, black or white, young or old.

Mr. KING. Does the Senator think that this bill would mitigate an evil now existing or that the method of treating those who would come in this category under the present law is improper?

Mr. WATSON of Georgia. Mr. President, in my judgment, this proposed legislation is of the most dangerous character, and it would lead to any amount of abuse. When it is provided that women who are guilty of acts of lewdness shall be railroaded into a convict pen, anywhere, on any terms, I believe it is a violation of the spirit of our laws. The Government itself ought to provide a place for reformation as well as for punishment.

Mr. WALSH of Montana. Mr. President, I have no desire whatever to engage in any disputation concerning the merits of the measure now before us. I take occasion again, however, having heretofore advised the Senate, to tell Senators what the measure is. If the Senator from Utah [Mr. KING] will give me his attention, I may be able to answer some of the questions which he has addressed to the Senator from Georgia [Mr. WATSON]. The existing statutes, being sections 5549 and 5550 of the Revised Statutes, date from the years 1865 and 1872; they have been in existence all that time, and they read as follows:

Sec. 5549. Juvenile offenders against the laws of the United States, being under the age of 16 years, and who may hereafter be convicted of crime, the punishment whereof is imprisonment, shall be confined during the term of sentence in some house of refuge to be designated by

the Attorney General, and shall be transported and delivered to the warden or keeper of such house of refuge by the marshal of the district where such conviction has occurred; or if such conviction be had in the District of Columbia, then the transportation and delivery shall be by the warden of the jail of that district, and the reasonable actual expense of the transportation, necessary subsistence, and hire, and transportation of assistants and the marshal or warden only shall be paid by the Attorney General out of the judiciary fund.

Sec. 5550. The Attorney General shall contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile offenders, and shall give the several courts of the United States and of the District of Columbia notice of the place so provided for the confinement of such offenders; and they shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Attorney General.

Mr. WATSON of Georgia. Mr. President, will the Senator allow me to interrupt him?

Mr. WALSH of Montana. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I have just received from my office the report which I intend to use in this connection. Perhaps the Senator himself would be interested to learn the facts.

Mr. WALSH of Montana. I will be very glad to give place to the Senator.

Mr. WATSON of Georgia. The communication is under date of January 27, 1922, and sets forth that the State Industrial School for Boys at Golden, Colo., has 8 of these juvenile offenders; the State Reformatory at Cheshire, Conn., has 28; the National Training School for Boys at Washington, D. C., has 278; the National Training School for Girls, Washington, D. C., has 4 inmates; the reformatory at Anamosa, Iowa, 90 inmates; St. Mary's Industrial School, Baltimore, 6 inmates; House of Reformation, Cheltenham, Md., 1 inmate; House of Correction, Jessups, Md., 45 inmates; Massachusetts Reformatory, Concord, Mass., 3 inmates; Minnesota State Reformatory, St. Cloud, Minn., 13 inmates; Missouri Reformatory, Boonville, Mo., 47; Industrial Home, Tipton, Mo., 132; State Training and Agricultural School for Boys, Nashville, Tenn., 5 inmates.

Mr. President, if the Senator will be so obliging as to allow me to say it, I would not be willing to farm out to any Baptist church, or Methodist church, or any other church, the work and the service of a convict of any court, State or National. I would be glad to be informed how it is that 278 boys and girls have been convicted here in Washington City of lewd crimes, that did not come under the jurisdiction of the court of the District of Columbia instead of the Federal court.

Mr. WALSH of Montana. I continue, Mr. President. It will be observed that the law to which I have invited the attention of the Senate dates from 1865, and very humanely provides that instead of consigning juvenile offenders under the age of 16 years to confinement in some prison or penitentiary they shall be sent to houses of refuge or to reformatories. The Federal Government, so far as my information goes, never established reformatory institutions or houses of refuge for juvenile offenders. Perhaps it has been negligent in that respect, but you will observe—

Mr. WATSON of Georgia. Mr. President—

Mr. WALSH of Montana. Just a moment. You will observe from the information now given us by the Attorney General through the Senator from Georgia that the Federal Government usually avails itself of the State institutions for that purpose. I now yield to the Senator from Georgia.

Mr. WATSON of Georgia. Mr. President, just for information, how did these boys and girls fall within the jurisdiction of the Federal court?

Mr. WALSH of Montana. Mr. President, I am unable to give the Senator exact information upon that subject. They were all charged with violating some statute of the United States; they were all tried in the United States courts for the violation of some such statute; they were all found guilty of violating the statute. Had they been adults they would have been sent to the penitentiary, but instead of being sent to the penitentiary they were sent to reformatory institutions.

Without knowing anything about the specific cases, Mr. President, I desire to say that it is my impression that they were all convicted either of some crime to which juveniles would subject themselves, possibly under the Mann Act, for instance, or, more likely, they committed some ordinary crime upon some place within the exclusive jurisdiction of the Government of the United States as, for instance, a military reservation or a national park or a post-office building or some place within the exclusive jurisdiction of the Government of the United States, so that they could not be punished under State statutes.

The Senator from Georgia is no doubt aware that many places, such as Army posts, are within the exclusive jurisdiction of the United States, and all crimes, no matter what their character may be, just as in the case of Indian reservations.

fall within the jurisdiction of the United States and not the jurisdiction of any State. A very interesting case arose in my State. At one time a man was charged with murder in the State court. The crime having been committed in the neighborhood of the city of Missoula, it was alleged in the State court that the particular place where the crime was committed was within the Fort Missoula Military Reservation and the State court had no jurisdiction. The case went to the Supreme Court, and the Supreme Court sustained the contention and discharged the defendant. He was thereupon indicted in the Federal court. The defense was then raised that the place was not within the Fort Missoula Reservation, but was within the jurisdiction of the State of Montana, and the Federal court sustained that contention and dismissed him, and he went free.

Mr. WATSON of Georgia. Mr. President—

Mr. WALSH of Montana. I yield to the Senator.

The VICE PRESIDENT. The time of the Senator from Montana has expired.

Mr. WATSON of Georgia. Mr. President—

Mr. KING. Mr. President, this is quite an important matter. It seems to me that with the questions presented, legal and otherwise, we ought to have a little fuller discussion. I ask unanimous consent that the Senator from Montana may have 10 minutes additional, and that the Senator from Georgia may have 10 minutes additional, for the discussion of this important matter.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. OVERMAN. Mr. President, I want to say that I do not know under what statute it is done or how the custom was established, but I do know that the Federal courts in North Carolina and other Southern States are sending these offenders, girls and boys, to a training school here in Washington. It is one of the most beautiful places in Washington, out on the Baltimore road. I have no doubt Senators have seen it. It was established by the Government for this purpose. Under what authority they are sent there, I do not know, but I know that they are sent there constantly. I know that the sheriff and the deputy marshal of my district have brought these offenders—small boys and small girls—here for the purpose of training, instead of sending them to Atlanta.

Mr. WALSH of Montana. I suppose a juvenile offender is brought up before a judge, and it is a question of whether he will send him here to Washington to the training school or send him to the penitentiary at Atlanta, and he chooses to send him to Washington.

Mr. OVERMAN. That is the point, and he sends him to Washington. This school is one of the most beautiful places in Washington, and, I understand, is a very fine institution. I do not know personally.

Mr. WALSH of Montana. If the Senator from Georgia will pardon me for just one moment, the only purpose of this bill is to make the existing statute applicable to females convicted of offenses against chastity whether they are over or under 16 years of age. That is the whole purpose of the bill—not to enact a new statute but to extend one that has been in existence since 1865 so that it will embrace girls, although they are over 16 years of age, who may possibly be subjected to reformatory influences.

Mr. WATSON of Georgia. Mr. President, I think the Senator from Montana and other Senators will be interested to know that this practice of sending girls and boys, men and women, from city courts to distant States has become prevalent here of late. It is a great abuse.

Somebody sent me a clipping, two or three months ago, which stated that the judge of the city court of Columbus, Ga., had sentenced some girls to go to a private institution in Louisiana. I telegraphed to the judge, Judge Lewis, asking him upon what theory he sent convicts from the State of Georgia into the State of Louisiana. During the day I got a telegram from him, saying that certain welfare workers in the city—ladies, of course—had requested it, and the girls themselves had consented—under duress, of course—but that he had made other arrangements, and would now keep them in Columbus.

During the trial of the celebrated Leo Frank case, a necessary girl witness was brought back into Georgia from the State of Ohio, and after she had testified she was sent back to a private institution in Cincinnati. She had been convicted of lewdness committed on the streets of Atlanta, and she was sent to Ohio for punishment. The Senator from Montana—one of our best lawyers, a good-hearted man, a noble Senator—will be astonished to learn that nearly 200 of these convicts are in Missouri. Where is there a military reservation in Missouri on which these boys and girls may have committed offenses?

Mr. WALSH of Montana. I must say to the Senator that in my humble opinion the matter is entirely irrelevant. I do not know for what they were convicted, nor whether the Federal court usurped some jurisdiction or did not; but, if it did, this statute was no justification for it at all.

Mr. WATSON of Georgia. But, Mr. President, the point is this: The Senator is broadening the statute so as to include all women, of whatever age.

Mr. WALSH of Montana. If the Senator will pardon me, the statute does not broaden the jurisdiction of the court at all—not in any sense whatever. It does not give the court jurisdiction over a crime or over a person that the court had not jurisdiction of before; but the court having jurisdiction over the person, and having jurisdiction over the crime, and having found the person guilty, now has a discretion to send the person to the penitentiary or to a reformatory institution. That is the whole statute.

Mr. WATSON of Georgia. But, Mr. President, the statute as it now stands puts the age limit at 16 years, and the Senator seeks by his amendment to remove the age limit.

Mr. WALSH of Montana. As to female offenders guilty of the first offense.

Mr. WATSON of Georgia. Why in the world should female offenders be discriminated against? Why is a lewd woman more of a criminal than a lewd man?

Mr. WALSH of Montana. That is an argument upon the merits of the matter which I do not care to engage in.

Mr. WATSON of Georgia. Mr. President, if the Senator will pardon me, this is a most important question, and I think it is a constitutional question. I should be very glad if the Senator from Montana would take the matter under consideration, reflect upon it with his great legal ability, and decide within himself whether it does not contravene the spirit of our Constitution, which says that the State and the church shall be forever separate. This turning over of criminals, whether male or female, young or old, to private institutions and church corporations, is, in my judgment, violative of the spirit of the Constitution.

Mr. WALSH of Montana. Mr. President, I do not understand that argument at all. The church feature, so far as I can see, does not enter into the proposition at all. Apparently 95 per cent of those who have been sent to reformatory institutions under the law as it now exists are sent to State reformatory institutions, and it is a matter of entire irrelevancy. The Attorney General is authorized to make such contracts as in his judgment will serve the purpose. Apparently in the past they have found it most convenient, and most nearly in accordance with the spirit to which the Senator appeals, to make these contracts with the State authorities. The Senator is doubtless aware that the Federal Government makes exactly the same arrangements with regard to prisoners before they are tried. They are usually incarcerated in the State and county jails under contracts with the Government, the female culprits as well as the male culprits.

I started in, however, to try to tell the Senate what the bill purports to do, and I should like to do that. I called your attention to the statute as it exists. Now it is to be amended by adding thereto the following:

Whenever a woman or girl shall be convicted of lewdness, prostitution, or similar offenses, under circumstances rendering such offense punishable by imprisonment under the laws of the United States, such woman or girl may be confined, during the term of sentence, in some home of refuge to be designated by the Attorney General, in the manner provided in the case of juvenile offenders, by said section 5549, when, in the opinion of the presiding judge, that course seems justified by the circumstances of the case and the intelligence and previous character of the offender: *Provided, however,* That this act shall not apply to the case of any woman who has previously been twice convicted of similar offenses in the courts of the United States, or who, at the time of her arrest, was conducting or managing a house of prostitution.

In other words, the woman being convicted of the offense, and in the opinion of the judge there being a question of her reformation, he may, instead of sending her to the Federal penitentiary at Atlanta or Leavenworth or elsewhere, send her to some house of refuge or some reformatory institution.

Then the next section provides that he may make contracts accordingly:

The Attorney General shall contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile or female offenders, and shall give the several courts of the United States and of the District of Columbia notice of the places so provided for the confinement of such offenders; and they shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Attorney General.

So that, Mr. President, if a judge in the State of North Carolina or in the State of Georgia sends an offender to the State of Ohio when there is a nearer place provided for, the judge

simply disregards the law. That is all there is to that. Judges do that sometimes, and lay themselves open to impeachment; but the law provides that the culprit must be sent to the house of refuge nearest the place.

Mr. President, I think the questions introduced here by the Senator from Georgia are very largely irrelevant. It is a matter of no consequence how many of these people are amenable to the laws of the United States. None of them are subject to it at all; no convict can go there, except he or she is found guilty of a violation of a Federal statute. There may be no Federal statute applicable; if not, there will not be any offenders.

I put in the Record, when the matter was here before, the immediate occasion which prompted the Attorney General to ask for this legislation. It comes from the Department of Justice in consequence of many violations of the laws during the war. Lewdness and prostitution were rife about the military camps throughout the country that were then under the exclusive jurisdiction of the United States. They were not amenable to punishment under the laws of the United States; and many arrests of females were made, many of them over 16 years of age, and all that the judge could do was to send them to the penitentiary. The Attorney General, prompted by humane instincts, I am sure, asked us to amend the law so that the judge could do what is proposed in this bill; and now my recollection is refreshed: There was a letter from one of the judges, my recollection is, down in Texas, who, much to his regret, was obliged to send many of these girls, who he thought might be reclaimed, to some penitentiary, where they mingled with the common criminals, and their future was a perfectly dismal one, with no hope whatever. For these reasons he was moved to ask that the statute be amended, and I sincerely trust it will be.

Mr. WATSON of Georgia. Mr. President, the Senator from Montana has not put the Senate in possession of any facts as to when, where, and why these juvenile offenders were convicted. It appears from the report which was furnished me by the Department of Justice that nearly 200 of these convicts have been farmed out to institutions in Missouri. It appears that a very large number are here in the District of Columbia, and a large number in Iowa. I have a natural curiosity to learn how the United States courts got jurisdiction over these boys and girls.

The Senator referred to the war; but the war is over. The law was not enlarged during the war. Now that peace reigns so far as we are concerned, the Senator seeks to enlarge the statute. The 16-year limit would be removed by his proposed amendment, and all, white and black, rich and poor, would be subject to this law if it is changed as he proposes.

The names of these institutions indicate what they are. Some of them are church institutions, and when a State sentences its convicts to be punished by a church, I say it is a violation of the spirit of the Constitution, and when the Senator from Montana says that the objection is irrelevant, I must take issue with him. He is entitled to his opinion, I am entitled to mine, Senators are entitled to theirs; but I think, Mr. President, it is a terribly dangerous thing to have the Attorney General vested with power to lease out these convicts to private institutions, whether lay or ecclesiastical.

Mr. WALSH of Montana. Mr. President, I feel that that statement should not go without some comment. The Senator has frequently said something in the course of the discussion to the same effect. There is no power in the Attorney General to lease out any convicts, either juvenile or otherwise. To say that he can "lease out" convicts contemplates that they are to be let out at a compensation to private individuals, to work out their own purposes. Nothing of the kind can be gathered from this statute at all. They are to be let out to houses of refuge for keeping, and they are to be kept employed there, as a matter of course, as all inmates of such houses are kept. The idea that they are to be let out to work under what is popularly known as the convict-labor system is too far-fetched to justify argument, in my judgment.

Mr. WATSON of Georgia. Mr. President, I think I know what the English language means, and the very wording of this statute vests the Attorney General with that very authority, and according to this report, he has exercised it. We need not split hairs about the meaning of words, but the language there is perfectly plain, that the Attorney General is vested with authority to contract for the custody and the employment of these convicts, and if that word "contract" does not mean exactly what it says, then it ceases to mean what it used to mean.

Mr. WALSH of Montana. The Senator will bear in mind that he is to contract only with houses of reformation.

Mr. WATSON of Georgia. This report does not show that.

Mr. WALSH of Montana. That is what the bill provides.

Mr. OVERMAN. If Senators would go out to the National Training School they would find a lot of youthful bootleggers from various States.

Mr. CARAWAY. I would like to ask the Senator from Montana a question. It seems that there is some confusion. The bill as presented to the Senate does not create an offense?

Mr. WALSH of Montana. Not at all.

Mr. CARAWAY. It merely takes into consideration the punishment which may be inflicted upon people who violate a law already on the statute books?

Mr. WALSH of Montana. That is all.

Mr. CARAWAY. Nobody could be convicted under this law?

Mr. WALSH of Montana. Not at all.

Mr. CARAWAY. It creates no offense. It gives courts no additional jurisdiction and does not change the jurisdiction of any court?

Mr. WALSH of Montana. No; it does not.

Mr. CARAWAY. It simply grants to a Federal judge the power, under an existing law, to designate a place of confinement for women over 16 years of age, as he now has authority to deal with those under 16, and that is the only question at issue?

Mr. WALSH of Montana. That is all.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The question is on agreeing to the last committee amendment to the pending bill.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. If there are no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. WATSON of Georgia. I suggest the absence of a quorum. Those who vote for this bill must go on record.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Bursum	Gerry	Lenroot	Sheppard
Calder	Glass	Lodge	Smith
Cameron	Gooding	McKellar	Smoot
Capper	Hale	McKinley	Spencer
Caraway	Harrell	McNary	Stanfield
Culbertson	Harris	Myers	Sterling
Cummins	Harrison	Newberry	Sutherland
Curtis	Hefflin	Norris	Trammell
Dial	Hitchcock	Oddie	Underwood
Edge	Johnson	Overman	Wadsworth
Ernst	Jones, N. Mex.	Page	Walsh, Mont.
Fernald	Kellogg	Pepper	Warren
Fletcher	Kendrick	Phelps	Watson, Ga.
France	Kling	Polindexter	Willis
Frelinghuysen	Ladd	Pomerene	

Mr. NORRIS. I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of a death in his family.

Mr. MCKELLAR. I desire to announce the unavoidable absence of my colleague [Mr. SHIELDS] on account of illness, and I ask that this announcement stand for the day.

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present.

Mr. HARRIS. Mr. President, I offer an amendment, which I think will be acceptable to everyone. On page 2, line 1, I move to strike out "house of refuge" and insert "State reformatory." If this amendment is agreed to, I shall move, on line 16, to strike out the words "houses of refuge" and insert in lieu thereof the words "State reformatories."

The VICE PRESIDENT. The second amendment being an amendment to an amendment made as in Committee of the Whole, that amendment will be reserved for a separate vote in the Senate. The first question is on concurring in the amendments made in Committee of the Whole with the exception of the amendment reserved for a separate vote.

The amendments were concurred in.

The VICE PRESIDENT. The question now is on the amendment offered by the Senator from Georgia.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

Mr. WALSH of Montana. Mr. President, may I ask the Senator from New Mexico [Mr. BURSUM] if he will not consent that the unfinished business be temporarily laid aside until we can get a vote on the pending bill?

Mr. BURSUM. Certainly.

Mr. WALSH of Montana. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from Georgia offers an amendment to the pending bill, which will be stated.

The READING CLERK. On page 2, line 1, strike out the words "home of refuge" and insert "State reformatory."

The amendment was agreed to.

The VICE PRESIDENT. The Senator from Georgia offers an amendment to the amendment reserved, which will be stated.

The READING CLERK. In lines 16 and 17, on page 2, strike out the words "houses of refuge" and insert "State reformatories."

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

CLEARWATER, ST. JOE, AND SELWAY NATIONAL FOREST LANDS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

REED SMOOT,

G. W. NORRIS,

H. L. MYERS,

Managers on the part of the Senate.

N. J. SINNOTT,

ADDISON T. SMITH,

JOHN E. RAKER,

Managers on the part of the House.

Mr. SMOOT. I will say to the Senate that the only change from the bill is that there was an amendment in these words:

Within the 6-mile limit.

The Secretary of the Interior asked that those words be stricken out, and therefore we receded, and the bill is just as it passed the Senate with that exception.

The PRESIDING OFFICER (Mr. CAPPER in the chair). Is there any objection to the present consideration of the conference report? The Chair hears none. The question is on agreeing to the report.

The report was agreed to.

RETIREMENT OF DISABLED ARMY OFFICERS.

The Senate as in Committee of the Whole resumed the consideration of the bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

Mr. WADSWORTH. Mr. President, in view of the history of the legislation and my attitude upon it in the committee, I think it incumbent upon me to make a few observations.

Mr. SMOOT. Mr. President, will the Senator yield to me for a brief statement?

Mr. WADSWORTH. I yield.

Mr. SMOOT. I was in hopes that I could be in the Senate when the pending bill was taken up for consideration. I have collected information in relation to retired officers and the cost of the same to the Government, and what this plan will cost and what it will lead to, but it would take me some time to give that information to the Senate. I am compelled to leave to attend a meeting of the Finance Committee. Before doing so, however, I wish to express my sincere hope that the Senate of the United States will not agree to this legislation. If we are going to take care of disabled volunteer officers, I think we had better take care of the disabled volunteer officers of the Civil War before we do those of any other war. Not only that, but it seems to me we are going mad, we are going crazy, on the matter of placing certain classes on the retired list. It will not be very long, if the practice continues, until every taxpayer of the country will have two or three men on his back to take care of, and when that is done—

Mr. NORRIS. When that is done the taxpayer himself will be on the retired list.

Mr. SMOOT. I was just going to make that statement and I thank the Senator from Nebraska for making it.

I thank the Senator from New York for yielding to me for a moment to say what I have. I do hope to have a chance before the bill is passed, if it ever does pass—I can not believe that it will pass, because I do not believe if Senators understand what it is that they will vote for it—to lay before the Senate and the country some of the information I have collected.

Mr. BURSUM. Mr. President, will the Senator from Utah yield for just a question?

Mr. WADSWORTH. I believe I have the floor. I yield to the Senator from New Mexico.

Mr. BURSUM. The Senator from Utah mentions the fact that before we retire any more officers we should retire the Civil War officers.

Mr. SMOOT. I said we should take care of the disabled volunteer officers of the Civil War.

Mr. BURSUM. Does the Senator from Utah realize how many officers of the Civil War could come in under the provisions of the bill?

Mr. SMOOT. I desire to say to the Senator from New Mexico that the Senate of the United States has voted time and time again that it would not put the volunteer officers, even of the Civil War, on the retired list.

Mr. BURSUM. I would advise the Senator from Utah that 91 officers would have been eligible last June, and probably a less number now.

Mr. SMOOT. The Senator means officers of the Civil War?

Mr. BURSUM. Yes; under the provisions of this bill.

Mr. SMOOT. Let the officers whom the Senator proposes to benefit by this bill wait as long as the volunteer officers of the Civil War have waited, and then we will consider the question. We have not yet passed a bill of this character and I do not believe this bill will pass.

Mr. BURSUM. That is a matter for the consideration of the Senate.

Mr. WADSWORTH. Mr. President, it is difficult in discussing a bill of this sort to suppress—indeed, it is impossible to suppress—one's sympathies for the men affected by the legislation. A group of them appeared before the Committee on Military Affairs in support of the bill introduced by the Senator from New Mexico and stated their cases, their experiences, and estimated their prospects. I say very frankly that their statements inevitably make a very, very strong appeal to human sympathy.

The bill as first introduced provided simply that any person who served as an officer in the emergency forces during the war and who incurred physical disabilities in line of duty might be placed upon the Regular Army retired list under the same conditions as those which apply to Regular Army officers. In that form the legislation was first pressed. It was finally conceded, at least by a majority of the committee and I think by the emergency officers who are supporting the legislation, that that would have had a very vicious result.

We should recollect that an officer of the Regular Army may be placed upon the retired list, either in time of peace or war, if he acquires or suffers a physical disability which renders him unfit for active service in the field. In other words, if the eyesight of a Regular Army officer were injured to the extent that he could not trust himself, and his superiors could not trust him, to command men in action or to do active field service, he may be retired upon the findings of a medical board. His retirement is brought about in the interest of the Government. He is given the retirement privilege as a protection to him in the event, as so often happens to be the case, that he has spent a dozen, 15, 20, 25, or 30 years in the Army and has given up all hope of making a fortune in private business.

Had that same theory been applied to emergency officers it would have resulted in placing upon the retired list of the Regular Army any emergency officer who had emerged from the war with defective eyesight or defective hearing, a stiffened elbow or knee joint, although that same officer might have been entirely able to return to his profession or his business and to carry it on with the same degree of efficiency as though he had not suffered what is comparatively a minor injury, but an injury, nevertheless, sufficient to incapacitate for active field service. So the language of the original bill was stricken out and a substitute drafted, as appears on page 2 of the pending measure.

Frankly, I had hoped that the problem might be approached in a more logical and, to my mind, more proper method of legislation. I have never liked using the retired list of the Regular Army or the Regular Navy as a device for paying additional sums of money to persons outside of those services. The retired list of the Army and of the Navy was not created to be a vehicle for the relief of persons outside of those two per-

manent services, and it has never been so used. It has been kept inviolate. It was established generations ago on a well-defined and well-accepted theory.

Mr. BURSUM. Mr. President—

Mr. WADSWORTH. I yield to the Senator from New Mexico.

Mr. BURSUM. Of course, the Senator appreciates and is aware of the fact that the emergency officers of the Marine Corps were retired, and also that the provisional officers of the Army and of the Navy were retired, notwithstanding they had only been in the service a very short time.

Mr. WADSWORTH. I was going to refer to that in just a moment.

Mr. BURSUM. That is true, is it not?

Mr. WADSWORTH. Not entirely true. Congress promptly repealed it, seeing its mistake.

Mr. BURSUM. They did retire them under that law, however.

Mr. WADSWORTH. But when Congress woke up to what they had done they promptly repealed the law.

Mr. BURSUM. After about two years.

Mr. WADSWORTH. Yes. The Congress did not realize what it had done. The statement I have just made is true as of to-day.

Mr. BURSUM. I would be glad to limit this law not to two years but to one year.

Mr. WADSWORTH. I dare say the Senator would be glad to limit it in any respect if he could get through what is left.

Mr. BURSUM. I do not agree to all that.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. WADSWORTH. Certainly.

Mr. LENROOT. Is it not true that the provision to which the Senator refers crept into the bill and was not debated for a single moment on the floor?

Mr. WADSWORTH. Not for a single moment, and Congress had no idea it had gone through, and as soon as Congress woke up to the fact that it had gone through it was repealed.

Mr. BURSUM. It was a long time after it had gone through.

Mr. WADSWORTH. We are talking in an enigmatical sort of way, because we have not yet even referred to what we are talking about; but I think we understand what the Senator has referred to. It is that section of the naval appropriation bill passed during the war without anybody knowing it providing that temporary officers of the Navy should have the retirement privilege like the regular officers of the Navy.

Its provisions did not actually go into effect, of course, until toward the end of the war. Immediately thereafter, in 1919 and in 1920, its effect began to be felt, whereupon Congress said, "We will stop this thing," and in the naval appropriation bill last passed there is a proviso that application for such retirement shall not be filed subsequent to October 30, 1921. So the statute has been repealed.

Mr. WARREN. Will the Senator from New York yield to me a moment?

Mr. WADSWORTH. I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, the instance which the Senator from New York [Mr. WADSWORTH] has cited is one of the instances, of which there are very many, which show the desirability of having somewhere some place in our system of appropriations where such matters may go before one reviewing committee, so that at the last moment they may not be brought upon the floor by some individual Senator and passed into an appropriation costing millions of dollars. The amendment which the Senator from New York has described, which applied to the Navy and, of course, to the Marine Corps, leaving the Army outside of its provisions, is one of that character.

Before that time there had been an understanding—in fact there had been legislation to the effect—that what the Army had in way of favors the Navy should have, and vice versa; but it seems in this case there was not turn and turnabout, there was not fair play, and this legislation was passed for the Navy alone. That is what has given rise to the pressure on Senators and Representatives in Congress to pass this particular bill.

Mr. WADSWORTH. Mr. President, I was in error in a statement which I made a moment ago. I said that the naval legislation on this subject was passed during the war. I find it was not. It was enacted in an act making appropriations for the naval service for the fiscal year ending June 30, 1921, approved on June 4, 1920. In some way or other it slipped through without anybody knowing of it. It took effect June 4, 1920, and was repealed as of October 30, 1921.

Mr. MYERS. I should like to ask if the law was repealed and the practice stopped as to future applicants, whether it

was repealed or stopped as to those who had applied in the interim? They continue to draw their retirement pay just the same, do they not?

Mr. WADSWORTH. They do, of course. Having gotten upon the retired list, there is no way of getting them off; but Congress made up its mind that it would not allow applications to be filed after October 30, 1921, and the applications were still coming in at that time.

Mr. MYERS. I suppose doubtless all of those who were eligible during the interim made application?

Mr. WADSWORTH. That I can not answer. I do not know whether all persons who were eligible made application prior to that upset date, but there would have been no limit to the date when applications might be made in the future had not the Congress said, "This practice must stop." So that act, in so far as Congress could act upon it at the time, was in effect repealed.

Mr. President, I should like to start over again and state something of my own feeling in connection with this situation. I said a moment ago that I regret very much, indeed, any legislation which results in the use of the retired list of the Army as a vehicle for bringing relief to persons who are not members of the Army or the Navy and never have been members of any of those permanent forces for relief of whom and for the sole relief of whom the retired list was established generations ago.

I have been here long enough, Mr. President, to have encountered bill after bill introduced for the relief of one person or a little group of persons, the relief to be provided by authorizing the President to appoint John Smith or a group of Smiths and Robinsons and Joneses to commissions in the Regular Army or in the Regular Navy and immediately place them upon the retired list, that being a device to secure for the person the relief to which his friends regarded him as justly entitled.

In many instances the person is entitled to the relief; but that is not the direct and logical way to go ahead and bring relief to people who need it and to whom it is owed by the country. It is open to many abuses. The precedent once established of a nonmember of the Regular Establishment being made a member of the Regular Establishment in order to get more money in the way of relief is one which will lead to an evergrowing list of pensioners of that kind. It is a precedent which I dread.

Now, as to the treatment of emergency officers. I contended in the committee—I did not have my way about it; the committee reported this bill by a most substantial majority after a full and free discussion, the members voting in accordance with their convictions—but I contended in the committee, as I contend here, that if disabled emergency officers are not being treated as generously as the country should treat them, their relief should be sought through the compensation act, in accordance with the terms of which relief is afforded to all the men in the great volunteer or selective draft army which was raised during the World War.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from New York yield to the Senator from New Mexico?

Mr. WADSWORTH. I yield.

Mr. BURSUM. Does the Senator from New York feel that the placing of a few disabled emergency officers on the retired roll might in some way contaminate the Regulars and bring about infection?

Mr. WADSWORTH. Not at all. The Senator need not have asked me that question. He knows that it is a silly question.

Mr. BURSUM. I am glad to hear the Senator disclaim any such idea.

Mr. WADSWORTH. I was saying when I was interrupted, that Congress passed the war risk insurance act providing the method of extending relief to officers and men of the emergency forces who were injured in the World War in the line of duty. I assume the Congress intends to amend that act from time to time if, in its judgment, it is inadequate to give proper relief to those who suffered and sacrificed.

As I said a moment ago, I contended in the committee and I contend here that if there is any group or character of former soldiers, be they officers or enlisted men, who are not receiving the relief which they deserve and need they should receive it through an amendment or extension or improvement of the compensation law, and not use the retired list of the Regular Army and the Regular Navy in order to obtain that relief.

Furthermore, Mr. President, I have taken the attitude that all of the officers and enlisted men who responded to the call

in time of emergency, who received commissions or enlisted for the duration of the emergency, and in that sense corresponded with the aforetime volunteer armies of the United States—all of them, officers and men, should be treated exactly alike in the matter of compensation for injuries sustained.

Mr. SPENCER. Mr. President, will the Senator yield to me for a moment?

Mr. WADSWORTH. I yield.

Mr. SPENCER. The Senator has referred more than once to this bill being a relief measure. I ask the Senator whether in the hearings before the Committee on Military Affairs it was not the distinct contention of those in favor of the bill that this was in no sense a relief bill? I desire to quote from the testimony of one of the first witnesses. Referring to the bill as being a relief bill or a bill for added compensation, he says:

That is exactly what the disabled soldiers do not want; that is exactly what the American Legion is not in favor of. We are not after increased compensation. What we want are the same rights, the same privileges, accorded the disabled emergency Army officers as are accorded to officers of the Regular Establishment.

Mr. WADSWORTH. Mr. President, the declaration which the Senator from Missouri has read is an important one, but the essential thing for us to understand is, What will be the effect of the bill? The effect of the bill will be to give greater relief. I do not deny here and now that greater relief is not needed; but to state that the bill now before the Senate is not primarily a relief bill is to contradict its very provisions. It largely increases the amount of money which each one of these injured officers will receive from the Federal Treasury. Many of the witnesses who appeared before the committee contending for the bill pointed out the financial aspect of the case and argued in favor of the measure on the ground that their financial status under the compensation law was so unsatisfactory and needed such improvement in the way of securing more money by way of allowance, monthly or annually, that their proposal was to take, in lieu of compensation paid under existing law, the three-fourths pay of a Regular Army officer of the same grade, which in most cases amounts to much more than the compensation paid under existing law. I think I am not inaccurate in designating this as a relief measure.

It is true that some emphasis was placed by some of the witnesses on the value which they assigned to the honor of being known as a retired officer of the United States Army. I do not deny that an honor does attach, and if proper methods of bringing it about could be devised—and perhaps they may be devised—I would not deny them that honor. But, Mr. President, reverting again to the policy of the country with respect to the treatment of its officers and soldiers raised to meet emergencies in former wars and in the World War, this bill constitutes the first attempt on the part of Congress, if it is to be passed, of drawing a line of demarcation in the matter of pensions or compensation to the injured between enlisted men and officers.

Mr. BURSUM. Mr. President—

Mr. WADSWORTH. I yield.

Mr. BURSUM. Is it not true, rather, that this is the first attempt to obliterate the line of demarcation and discrimination between the emergency officers and those of the Regular Army?

Mr. WADSWORTH. That may be said; but the question is, Do we want to obliterate the distinction between a purely temporary force and a permanent force maintained during peace and war?

Mr. BURSUM. So far as the officers of the Army who are graduates of West Point are concerned, I should say they do not want to give it up.

Mr. WADSWORTH. I am not speaking for them. I do not see what concern they have in this bill, for it does not affect them, as the Senator knows.

Mr. BURSUM. They are taking a great deal of interest in it.

Mr. WADSWORTH. I have noticed that none of them asked to come before the committee and none did come before the committee; they are not concerned in this matter.

Mr. SPENCER. Mr. President, will the Senator yield to me for a moment?

Mr. WADSWORTH. I yield.

Mr. SPENCER. The argument of the men seeking this relief, as I understand—and the Senator will correct me if I am wrong—is that in the overseas Army of the United States there was but one Army without any distinction between the emergency officer and the Regular Army officer, and therefore if two officers, to use a concrete illustration, in precisely the same engagement were wounded in precisely the same way, those officers ought to be treated in precisely the same manner after they have been incapacitated for service in civil life.

Now, I understand that an Army officer has an Army career, and may perhaps thereby cut himself off from civil careers and is entitled in times of peace to a distinction, to a differ-

ence, because of that fact; but when we are at war and regard the emergency Army officer as precisely the same as the Regular Army officer, and each of them is incapacitated for life, I can not for the life of me see why one of them should be retired as an Army officer, with all the honor and the emoluments and privileges that are associated with him, as is the case with the Regular Army officers, and the other officer, injured in the same battle and in the same way, be relegated to a compensation that may be meted out because he has been injured, but without any regard to his military standing or his military service.

Is not that the real basis of the argument on which those who are in favor of the bill stand?

Mr. WADSWORTH. I have heard that given as a basis, and others.

Mr. President, I do not quarrel with the Senator from Missouri in his statement up to a certain point. I am not contending that the emergency officer should not receive as good treatment financially as the Regular officer; but I do draw a distinction between the different grades or ranks of emergency officers which I would not draw in the case of Regulars.

The personnel and make-up of a great emergency force, officers and men, is very different from that of a regular force maintained in time of peace, generation after generation, the men spending their lives at it. I do not believe that a major in the emergency forces who loses an arm, who makes that great sacrifice, should receive any less compensation than a lieutenant colonel in the emergency forces who loses an arm likewise. He has made just as great a sacrifice. He left his home on approximately the same day. We can assume that he left an equally prosperous business. We can assume that his prospects in business and in life were just as good as those of the other man. He suffered the same injury, he displays the same gallantry; and it always has been the policy of this country to treat all those men, as among themselves, exactly alike in the matter of pensions.

This bill destroys that theory, and I do not think the policy of the bill is a wise one. It begins for the first time to discriminate in the matter of pensions to volunteer or emergency soldiers on the basis of rank. Everybody knows that rank in time of great emergency is largely a matter of accident, and sometimes a matter of choice; and that element should not inject itself in here. When one man left a going business which was prosperous and secured a commission as captain in an organization in which, it so happens, he could not get promotion to major, and another man left a like business and got, by luck perhaps, a commission as major, and the two men suffer the same injury, to provide that the major is for all his life to come going to get more money from the Government than the captain is something that we have never done in all our history, and I hope we never will.

Mr. SPENCER. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. SPENCER. If a major in the Regular Army has lost his arm in the engagement which the Senator describes, and a lieutenant colonel in the Regular Army has lost his arm in the same engagement, there is no doubt about the fact that the lieutenant colonel would have received all the rest of his life greater compensation, if you like, because of his retirement as a lieutenant colonel than the major would receive, is there?

Mr. WADSWORTH. That is true.

Mr. SPENCER. Then the argument of the Senator from New York—and there is merit in the argument—resolves itself to this, if I understand him aright: That in the Regular Army the lieutenant colonel has reached his position because of a long series of years of fitness and excellence and experience that have put him above the major, and that by virtue of that fact he is entitled to retirement at a lieutenant colonel's provision of money rather than at a major's provision, while in regard to the emergency officers there is none of that fair basis of discrimination; that, as the Senator puts it, it is largely accident that one is a major and one is a captain, not particularly because one has proved himself to be a major, but because of the accidents and emergencies of the time, and therefore that there ought to be no difference between the compensation of the officers—major and captain or major and lieutenant colonel—in the emergency army for the same injury.

I can not quite agree with the Senator from New York in that line of argument, though I admit the merit of it, because I assume that the man who is a lieutenant colonel in the emergency army is a lieutenant colonel because either his bravery or his experience or his fidelity or some other reason made him a lieutenant colonel, while the other man was a major.

Mr. WADSWORTH. Then the Senator must distinguish between the sergeant and the private. If you are going to begin to distinguish, in the matter of relief money, between colonels

and lieutenant colonels and majors and captains, on the ground that the colonel is a more valuable man, a braver man, an abler man than the lieutenant colonel, and the lieutenant colonel likewise than the major, then, to be consistent, you must go clear down the line and distinguish between the sergeant and the corporal, and the corporal and the private.

Mr. SPENCER. Is it done in the Regular Army in retirement?

Mr. WADSWORTH. It is entirely different in the Regular Army. The lieutenant colonel in the Regular Army gets a higher retirement pay than the major because he has sacrificed more in point of time spent in the service. He has given more of his life to the Army as a profession. He went into it before the major did. The routine promotion in the Army runs by seniority. Length of service governs promotion in the Regular Army; and it has been the policy of the Congress for generations to raise the pay of officers of the Army and the Navy in accordance with their increase in rank. Their increase in rank travels along on a parallel with their increasing years, and the Congress always has maintained the policy that when an old officer retires—an officer in the grade of colonel, we will say—he shall get a larger retirement emolument than a younger officer, who has retired from the grade of captain or major, because he has devoted more of his life, more of his useful years, to the Army, and has to that extent made a greater sacrifice. But you can not distinguish between emergency or volunteer officers in the matter of sacrifice. There is no way of doing it.

Mr. MYERS. Mr. President—

Mr. WADSWORTH. If you assume to distinguish on the basis of relative rank, you will do injustices by the hundreds and thousands, and you never will be able to explain how it is that Capt. Smith and Maj. Jones, who worked side by side in the same law office, in the same bank perhaps, and went to the training camp on the same day and got their commissions in the emergency or volunteer forces on the same day, and went with the same unit, and took part in the same battle, and suffered exactly the same disabilities, one in the meantime having been promoted one grade through the accidents and fortunes of war—that that having been done Maj. Smith comes home and for the rest of his life draws more money as compensation for his lost arm than does Capt. Jones for the loss of his arm.

You can not do that, Mr. President. We have never done it. We did not do it after the Civil War. We did not do it after the Spanish War. We have always clung to the policy of treating all our emergency soldiers, officers and men, exactly alike in the matter of financial relief. This bill is the first attempt to destroy that parity, to distinguish between the private soldier and the captain who have suffered exactly alike in the matter of physical injury; and it opens up a vista here which, I confess, I view with considerable alarm. You never will be able to persuade the enlisted men how it is that they can not get in the days of their suffering the same financial relief that is accorded to the commissioned officers; and the passage of this bill by the Congress will inevitably bring about a justifiable demand on the part of the emergency enlisted men of this war for equal treatment so far as finances are concerned.

Mr. MYERS. Mr. President, may I ask the Senator a question there?

Mr. WADSWORTH. I yield to the Senator from Montana.

Mr. MYERS. It is not my understanding that all members of the Regular Army are promoted by length of service. Are not many officers in the Regular Army jumped many degrees over other officers who have served longer?

Mr. WADSWORTH. Those exceptions are so rare as to prove the rule. No officer in the Army can be jumped over another except when commissioned a brigadier general. Promotion in the Regular Army goes by seniority from second lieutenant to colonel, inclusive; and as of the 14,000 officers in the Regular Army all but about 100 are colonels or less one can see what an important factor length of service is in the matter of promotion in the Army. It is bound to be that way.

Mr. President, it is not agreeable, at least to me, to oppose this bill, because my heart goes out to the men who appeared before the Military Affairs Committee. They made a very strong appeal. My contention and my only contention has been that they should seek relief through the channels and the machinery already set up by the Congress in the form of the compensation acts. A number of these men appeared before the Military Affairs Committee and stated the amount of compensation they would draw when finally discharged from their emergency commissions. The men who appeared before us were still in the emergency forces, as they were still patients at the Walter Reed Hospital. The maximum of medical re-

lief has not yet been attained, and they still hold their commissions and draw the pay of their grades until finally discharged. Then their compensation will commence. The physical condition of the men who appeared before our committee was apparent; it was distressing; and in several instances they satisfied me that the compensation which they are going to receive after they fall automatically under the compensation act will not be sufficient. I admit that. My only proposal has been from the beginning that we should amend the compensation act, and give such a man enough to support him; and I refuse, myself, to distinguish between him and the man next lower in grade or rank. I would give him enough to support himself, and I would give the man below him enough to support himself, and all down the line. I would not distinguish between them. I would advocate every possible degree of generosity. I would go to the utmost limits in seeing that those men are enabled financially to lead comfortable, decent lives as long as they shall live. Our gratitude toward them should never cease, and I think it never will; but when you ask me to distinguish between them on the basis of rank, I say "No."

I will only distinguish between them on the basis of disability. I can not support a measure which will take the recently arrived immigrant who takes out his first citizenship papers and, with a fine spirit of loyalty, enlists in the Army of the United States in the great emergency, and loses a leg, and pay that man less for the loss of his leg than the man who happened to be a sergeant, just over him. That is the principle of this bill, although the bill does not affect enlisted men at all. If we distinguish between officers rank by rank, we will have to distinguish between the enlisted men grade by grade, and we would reach an impossible situation, and one fraught with injustice, one which we would never be able to defend.

There are one or two little matters which might be alluded to in connection with this legislation. The contention was made before the committee, and has been made since, that an unfortunate contrast was presented in an incident of this sort: A young man graduated from West Point, we will say, in the spring of 1917, and, of course, was immediately commissioned as a second lieutenant in the Regular Army. He was assigned to a unit, went to France, and was severely wounded, to such an extent that for the rest of his life he will be incapacitated for active service in the field, according to Regular Army standards. He went on the retired list of the Regular Army at three-fourths of the pay of a second lieutenant, although he may have been in the Army only 6, 8, or 10 months.

Another young man of the same age, but who did not go to West Point and did not receive a commission in the Regular Army, took an emergency commission, went to France, and was injured in the same way and to the same extent, and he, instead of getting three-fourths of the pay of the grade of second lieutenant, falls under the provisions of the compensation act and receives something less.

The argument is made, and it is rather an effective one, that the young West Point boy is treated so much better than the other. Perhaps the picture would be more accurate if we took men in one grade higher—first lieutenant—where the three-fourths pay amounts to more than the three-fourths pay of a second lieutenant. The argument is made that because few contrasts of that kind can be pictured we should change the whole policy of the Government, dating back 70 or 80 years, and see to it that emergency officers and volunteer officers as a class shall hereafter draw more money in the way of relief than those who were not officers and who served in the ranks of an emergency or volunteer army.

I grant the apparent injustice as depicted in the contrast between the young Regular Army lieutenant and the young emergency army lieutenant. My contention is that the instances of that kind are comparatively few in number, very, very few, and that they should not be taken as an adequate argument and reason for abolishing our whole philosophy of pensions and compensation. I think in that case we would be endeavoring to escape from a comparatively minute evil and rush into the arms of an evil so great and so all embracing that it would destroy that spirit of fair play which should follow after every war and which should dictate, and has dictated up to this moment, equal treatment in the way of compensation for every officer and man, without distinction, who leaves his private employment to defend his country and returns home injured.

Mr. BURSUM. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from New Mexico?

Mr. WADSWORTH. I yield.

Mr. BURSUM. If that be true, that there should be equal treatment in the matter of compensation after the war, was it not equally true that we should have accorded equal treatment during the war?

Mr. WADSWORTH. No.

Mr. BURSUM. Why not?

Mr. WADSWORTH. In the way of pay?

Mr. BURSUM. Yes.

Mr. WADSWORTH. Because there are different degrees of responsibility in rank and in grade, from the top to the bottom, in the Army and Navy; also, there is a greater expense imposed upon officers than that imposed upon enlisted men. Enlisted men are put to no expense whatsoever. They are fed, clothed, transported, and doctored. The officer has to feed himself, clothe himself, and in many instances is subjected to other expenses which the enlisted man is never called upon to meet. Surely the Senator from New Mexico can not draw a parallel there. I am talking about equal treatment of men who are no longer in the Army or in the Navy, but who have made equal sacrifice while in it, and for equal sacrifice to the country I demand, as much as one Senator may, equal treatment. That is the point I have tried to emphasize here this afternoon.

Mr. BURSUM. If the Senator from New York concedes that differences in salary are just, I assume it is for the reason that those receiving higher salaries possess greater earning capacity.

Mr. WADSWORTH. Not out of military life.

Mr. BURSUM. I am speaking of earning capacity in the service.

Mr. WADSWORTH. In the service; yes.

Mr. BURSUM. I assume also that the Senator from New York appreciates that in all matters of compensation under any of the laws of the States the earning capacity is an essential factor in determining the amount of compensation to be paid. That is the law in nearly every State in the Union.

Mr. WADSWORTH. What sort of compensation?

Mr. BURSUM. Compensation for injuries in any line.

Mr. WADSWORTH. Does the Senator mean under employers' liability acts and workmen's compensation acts?

Mr. BURSUM. Yes; under workmen's compensation acts, any sort of compensation.

Mr. WADSWORTH. Surely the Senator from New Mexico will not contend that this bill bears any relation to a man's earning capacity in civil life.

Mr. BURSUM. Not in civil life. The earning capacity must be determined upon the basis of his earnings at the time next preceding the injury.

Mr. WADSWORTH. Not under this bill.

Mr. BURSUM. Of course.

Mr. WADSWORTH. There is nothing in this bill in relation to that.

Mr. BURSUM. There is, absolutely. The officer's injury was sustained in the service, we will say, and his retirement is based upon his rank and pay in the service.

Mr. WADSWORTH. Certainly.

Mr. BURSUM. Of course, that is the basis. A captain will receive more than a lieutenant, and a major will receive a little more than a captain. That is the precise basis, and it is in line with the general rule of determining the proper compensation for injuries.

Mr. WADSWORTH. I do not believe that basis is a proper one, as I have tried to point out; but I challenge the Senator from New Mexico to be entirely consistent about it and draw the same distinction as among the different grades of enlisted men, and see how long any such measure as that would last. The first sergeant of a company of Infantry draws nearly three times as much as the "buck" private. Does the Senator from New Mexico contend that he should have three times as much compensation for the same kind of injury? I think not. But that is what he is attempting to do in the case of officers.

Mr. BURSUM. That is a separate proposition. What I am contending for is that those who happened to belong to the emergency army should be given identically the same treatment as officers who belonged to the Regular Army, when their injuries were suffered under the same conditions. Equality is what we are contending for.

Mr. WADSWORTH. The Senator from New Mexico and I have discussed this thing a good many times, in committee and in private conversation, and we do not seem to be able to agree on the basis for a just system of compensation to the men who go forth in defense of their country in an emergency.

Mr. BURSUM. That is very apparent.

Mr. WADSWORTH. I have expressed my views here because, in the first place, several Senators asked me what I thought of this legislation, being somewhat disturbed concerning it, thinking, as I do, that it constitutes a very grave departure.

I have discussed it with no thought or feeling of hostility toward that remarkable body of men, the emergency officers, for whom I have an immense respect. Their efficiency and their gallantry were extraordinary. But I can not help remembering what the policy of the United States has been after every war we have ever waged, how we have always declined to distinguish among these men on the basis of rank, and I rose to express the hope we would never do so; that we should treat them all exactly alike.

Mr. FLETCHER. Mr. President, I am unable to quite agree with the chairman of the committee, the distinguished Senator from New York [Mr. WADSWORTH], with reference to what he calls the discrimination in the bill. It seems to me one of the great objects of this bill and one of the effects of it will be to do away with an existing discrimination.

The purpose is to allow the emergency officer who served in the war, sacrificed, did his duty, and performed precisely the same kind of service the regular officer performed, or the marine officer performed, or the Navy officer performed, to enjoy the same benefits under the same conditions. If he was disabled in the service in the discharge of his duty, why should he not be allowed the same privileges, as to retirement, for instance, the other officers enjoy?

This measure is not a new proposition. It was formally submitted in the House and there were extensive hearings on it, and it seems to have been referred to the Committee on Interstate Commerce in the House, for some reason or other, and they sought to take care of it through some amendments to the war risk insurance act, to provide for this condition under some form or plan of compensation, but that was not accomplished.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. FLETCHER. I yield.

Mr. NORRIS. The Senator is a member of the Committee on Military Affairs, and I want to propound a question entirely for information. I ask the Senator whether there is any difference between this bill, applying to the officers of the Army in the late war, and the legislation which has several times been proposed, and always failed, which would retire the volunteer officers who served in the Civil War?

Mr. FLETCHER. I do not know that there is any great difference in principle in the two propositions.

Mr. NORRIS. Then, Mr. President—

Mr. SHEPPARD. Mr. President, may I suggest to the Senator—

Mr. NORRIS. Let me ask another question in connection with this. If there is no difference—

Mr. BURSUM. Yes; there is a difference.

Mr. NORRIS. If there is no difference, then what excuse, as a matter of justice, can we give for an act that permits the retirement at increased pay of soldiers of the World War that will not permit officers of the Civil War, 50 years after that war, to retire and receive increased pay?

Mr. SHEPPARD. May I suggest to the Senator from Florida that the bill applies only to disabled officers where they are disabled to the extent of at least 30 per cent?

Mr. FLETCHER. Yes; this is confined to the disabled officers. However, the matter to which the Senator from Nebraska has referred was alluded to in the hearings, and I might refer to it just briefly. One of the witnesses made reference to it. Lieut. Hammitt said:

Most of the points that I was going to bring up to-day have been covered, but there are a few things that I would like to clear up. This mountain, as I would term it, about the officers of the Civil War and the Spanish-American War, when diagnosed, I think will prove to be more or less of a molehill. If the same percentage applied in the Civil War to wounds and disabilities and casualties as applied in this war, there were 200,000 officers in this war, emergency officers, and but five or six thousand are drawing compensation. That is 1 out of 40. If the same ratio applies to the officers left living from the Civil War, about 8,000, I think, or 1 out of 40, then we would have 20 officers eligible for retirement from the Civil War.

That would be the effect if we extend this to apply to those conditions and to the Civil War retired officers. But referring to the basis or the foundation of the proposal, it seems to me the arguments submitted in favor of it are unanswerable.

Mr. NORRIS. Mr. President, before the Senator leaves the question I have propounded, may I still make the inquiry, Why not include the Civil War officers? Why are we discriminating against them after 50 years have elapsed?

Mr. FLETCHER. There is no discrimination. There is no proposal of that sort pending.

Mr. NORRIS. I understand. The very fact they are not included is a discrimination against them, it seems to me.

Mr. FLETCHER. If a proposition of that sort should be submitted, confined as this is to disabled officers, I apprehend

that the question which the Senator propounds would be appropos, but there is no discrimination here. The bill refers to the officers engaged under these circumstances and, as I shall show a little later, the original idea of all these men was that they would be upon the same basis as the Regular Army officers in the war.

In the first place, the American Legion, an organization composed of more than a million and a quarter of ex-service men and women, and speaking direct to the pending bill, have indorsed it fully. They did that at their convention on November 11, 1919, and passed resolutions which are set out in the hearings. I think perhaps it would be in order to include those resolutions as a part of my remarks if they have not been included heretofore. There is a copy of the resolutions set out in the committee hearings, and I ask permission to have them inserted in the Record as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The resolutions referred to are as follows:

Whereas the officers and enlisted personnel entering the Army from civil life during the recent war bore the same risks, the same responsibilities and burdens under identical conditions with officers and enlisted men of the Regular Army; and

Whereas National Guard, National Army, and Reserve Corps officers have been discharged on disabilities ranging from 10 per cent to total, which means that they receive after discharge only from \$3 to \$30 per month, while a Regular Army officer, if he is unfit for active duty is retired on three-fourths of his pay, with additional amounts for commutation of heat, light, and quarters; and

Whereas the present laws and regulations constitute an unjust discrimination in favor of a certain class of our military forces, viz, the Regular Army, and this discrimination being in principle un-American and unworthy the practice of a great democracy: Be it

Resolved by this national convention of the American Legion, That the existing laws and regulations do unjustly and unwisely discriminate in favor of persons whose interests were no greater and whose service was of no greater benefit to the Nation, and that such discrimination has a tendency to place the several branches of our military system on a different status, thereby causing friction and injustice; and be it further

Resolved, That the national convention of the American Legion heartily indorses the resolution on this subject adopted by the St. Louis caucus of the Legion, and we again request the Congress of the United States to amend the present laws so as to place all disabled officers and enlisted personnel on the same basis as to retirement for their disability, whether they happened to serve in the Regular Army, the National Guard, the National Army, or the Reserve Corps.

Mr. LENROOT. Mr. President—

Mr. FLETCHER. I yield to the Senator from Wisconsin.

Mr. LENROOT. I would like to ask the Senator if he has talked with any private, one who knew or understood what the bill does, who has expressed himself in favor of it?

Mr. FLETCHER. I will come to that in a few moments. I am taking up the matter in order, but I think I will show, based upon the testimony before our committee, that the enlisted men are in favor of the legislation.

Mr. BURSUM. If I recall correctly, there was at least one private soldier who appeared before the committee at the hearing.

Mr. FLETCHER. Yes. I will deal with that in a few moments.

The statement was made and urged very strongly before the committee that those who are in favor of the bill are not basing it upon the ground of charity or any favoritism. They claim distinctly, and I think with sound basis, that they are asking that the discrimination existing between the disabled emergency officers and the officers of the Regular Establishment be removed. That is the point they make. They say that these men did exactly the same work under exactly the same conditions as the officers of the Regular Army, and the records and the proofs will show that the great bulk and the tremendous majority of the officers in the line who suffered disability from contact with the Army were emergency officers.

The American Legion at three conventions held in the United States has advocated the passage of the legislation. They simply want the same right of retirement accorded to the disabled emergency Army officers as is accorded to the officers of the Regular Establishment retired for disability.

They claim further that when these officers were inducted into the Army the legislation providing for them was the selective service act, Public No. 12, of the Sixty-fifth Congress, approved May 18, 1917, section 10 of the act being as follows:

That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects on the same footing as to pay, allowance, and pensions as officers and enlisted men of the corresponding grades and length of service in the Regular Army.

That was the law under which these men served. Heretofore, in construing the word "pension," the department has held that—

Retired officers are in fact pensioners, and the compensation and pay given to them constitutes a form of pension. They exercise no function and receive no emoluments of office, but are pensioned for past

faithful service or disabilities contracted in the line of duty. * * * They (retired officers) are in the nature of pensioners, the compensation and pay given them constituting a form of pension.

That has been held in the case of *Yates v. United States* (25 Court of Claims, 296), so the use of the word "pensions" in the act of 1917 would include the retirement privilege.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. FLETCHER. Certainly.

Mr. LENROOT. When that measure was passed did the Senator think the word "pension" included retirement pay?

Mr. FLETCHER. I would not say that I had made up my mind fully as to that, but that is the claim that is made.

Mr. LENROOT. Oh, yes; that is the claim.

Mr. FLETCHER. It is made with some considerable force. I am not so sure but that they are correct in the claim.

Mr. SHEPPARD. The Court of Claims has held that it does.

Mr. LENROOT. No; the Court of Claims has never held that it does. The Court of Claims has never held that the word "pension" used in a statute of the United States included retirement pay. While I was not a Member of this body at that time, I was a Member of the House, and I am frank to say the understanding of everybody was that it did not include retirement pay, and the words "retirement pay" were expressly excluded for that reason.

Mr. FLETCHER. I was reading from a decision set forth in the hearings to the effect that the retired officers in the regular service are in the nature of pensioners, the compensation and pay given them constituting a form of pension. The argument is made with very considerable force, and it seems to be very properly urged, reading the decisions and the law as it then existed under the selective service act which was passed, and the emergency officers contend that they were promised, by section 10, the same footing as the Regular Army officers were then enjoying as to retirement.

Then they referred to General Order No. 73, issued by the War Department on August 17, 1918. That general order contains this clause:

This country has but one Army, the United States Army, which includes all the land forces in the service of the United States. Those forces, however raised, lose their identity in that of the United States Army.

Those officers were a part of the Army, just as much a part of it as the Regular Army or the National Guard or any other branch or subdivision. Under the law as it then stood and under General Order No. 73, these officers had a basis for the assumption that they were upon the same footing as to compensation, as to pay, as to retirement privilege, as to all other privileges that would follow for the benefit of the Regular Establishment.

Further than that, here are officers who rendered faithful service and were wounded, some of them in a way that it is difficult to describe—and I will refer to that a little later—according to their own testimony as they appeared before the committee. They are now getting as compensation \$57 a month. Most of them, and most of those who appeared before our committee, are drawing \$57 a month insurance benefits for complete disability under their war-risk policies, but they do not consider that as a gift from the Government any more than if it came from some purely commercial company with whom contractual relations had been made.

When they pass from the hospital, if they are graded as 100 per cent disabled their pay will be \$100 a month. But when an officer in the regular service is retired, perhaps not any worse injured and not actually serving any more in combat than these men or rendering any greater service on the battle field, he is retired with three-fourths pay. Not only that, but he has certain other privileges which I shall mention a little later.

Some of these men, if they are graded as 100 per cent disabled, will receive \$100 a month. Then, if they are able to take vocational training they will have \$35 or \$40 a month more allowed to them for the time they are taking the training, say, three or four years. That would bring their pay up to, say, \$135 a month. Some of them would get really less under this bill than they are now able to receive. I went so far as to suggest that it ought to be optional with them; that if it were to their advantage from a financial standpoint to come under this proposed law and make application for retirement and be allowed to retire, they should be permitted to do so, but that if it were not to their advantage to do that, but rather to receive the benefits of the compensation and the vocational training allowances to which they are now entitled, they should be

permitted to do that. However, they said no; they do not want any advantage out of this proposed legislation; they do not want anything more than that they shall be put upon the same basis as the Regular Army officer. Irrespective of whether it would be more to their advantage to continue to take the vocational training and receive the compensation which they already get than it would be to retire under this bill, they prefer that the law shall be passed which will retire them and give them this privilege just exactly the same as it is given to the officers in the Regular Establishment.

Mr. President, with reference to the increased cost to the Government, on page 18 of the hearing, Lieut. Hammitt said:

While the question of the cost of retirement—the average cost—was being discussed, I totaled up the officers in the room, and found the number to be 20—

That is, there were 20 officers in the committee room at the time when we were holding the hearings—

1 major, 4 captains, 9 first lieutenants, 6 second lieutenants—and you take their salaries and add them together and divide by 20 and multiply by three-fourths you will find that it gives \$1,561, the average cost of retiring the officers in this room, and I imagine that they are an average lot.

In other words, if this bill shall pass, the average cost to the Government as a result of placing on the retired list the officers who were disabled in the service while carrying the flag of their country and winning the war will be \$1,561.

These officers make another strong point when they say that the Navy emergency officers are allowed the retirement privilege; that the emergency officers of the Marine Corps are allowed the privilege; that in all branches of the service except in the Army itself the emergency officers are entitled to just what this bill proposes to give them. I quote further from the hearings:

The naval appropriations bill approved June 4, 1920, Public, 234, Sixty-sixth Congress, provides in the latter part of section 2, page 26, as follows:

"That all officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred or may hereafter incur physical disabilities in line of duty shall be eligible for retirement under the same conditions as now provided by law for officers of the Regular Navy who are retired for physical disabilities in the line of duty."

Under that law the emergency officers of the Navy and of the marines are not only eligible for retirement but are actually being retired to-day, as the cases come up, on a parity with the permanent officers in the same branches of the service.

There is the precedent; that is what is taking place in the Navy. Very consistently with that and very properly, it seems to me, the representatives of these emergency officers argue that the same principle ought to apply to the emergency officers of the Army. They said when dealing with specific cases that this bill would not provide amply for the men who deserved additional relief.

In response to what the Senator from New York [Mr. WADSWORTH] says, "Let us deal with individual cases; let us take care of the men according to the merit in each case, and where a man has been totally disabled and can not earn a living because of the wounds and injuries received in the war, let us provide amply for him and take care of his case without a general act of this kind," I desire to say that is not what these men want, and, in my judgment, is not the proper way to deal with the matter.

In the first place, it would be a very difficult and cumbersome process to introduce private bills and deal with each individual case in a separate piece of legislation; and, in the next place, we would not be following out a broad general principle as is proposed in this instance—that is, to place these men on an equality with the officers of the Regular Establishment. They further say:

We are convinced we would have a nearer approach to even justice by placing us on an equal basis with the retirement standards of the Regular Army, just as the disabled emergency officers of the Navy and marines are brought under the requirements there.

In some instances the bill, if passed, would not give them all that they really ought to have; but it provides a general rule and a general standard which is applicable to every officer and to all conditions; and that, it seems to me, they have a right to claim and it is not asking too much.

A further statement is given in the hearings as to the cost which this measure would involve to the Government, but I will not take the time to go into that now. It must be remembered, however, that most of these officers are men beyond the age when they can derive any benefit from the vocational training privilege. Some of them are of the age of 37 or 38 or 40 years, and they can not take up something new; they can not go into a school and learn some trade or some business. In the first place, in some instances they are too badly disabled; and, in the next place, they are too old to undertake a thing like that. To say that they are entitled to vocational training and that sort of thing, therefore, does not meet the situation.

With reference to enlisted men, the Senator from Wisconsin [Mr. LENROOT] inquired whether any private soldier was in favor of this bill. I call his attention to the hearings at page 31, where Pvt. Bernard Powell testified:

I have been in four hospitals on this side, and I have talked to quite a few men. At Fort Sheridan we had a disabled enlisted men's association of about 2,000 men, and I talked to a great many of them, and they are very much in favor of retirement for the emergency officer the same as the Regular Army officer, and they passed the following resolution—

The resolution, which is set out in the hearings, indorses the pending measure. I ask unanimous consent to have the resolution printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution referred to is as follows:

Be it resolved, That we, the disabled enlisted men of the World War at United States Army Hospital No. 28, Fort Sheridan, Ill., at this time desire to go on record as favoring legislation to aid men disabled in the war; further, that we particularly indorse the Wason bill, now before the Interstate and Foreign Commerce Committee of the House, and the Stevenson bill, before the Ways and Means Committee. We believe legislation to aid the men disabled in the war should precede general relief measures for war veterans.

At the beginning of the war men signed for Government war risk insurance with the understanding that should they be disabled they would receive premiums. Thousands of disabled soldiers have been in the hospitals receiving no premiums but, instead, have been paying the installments monthly. The Wason bill provides that disabled soldiers while under treatment in the hospitals will be reimbursed with the monthly installments paid while under treatment, also \$5.70 for each \$1,000 insurance carried. Further, the disabled soldier will receive a percentage of monthly premiums according to the percentage of disability granted by the disability board of the United States Army after discharge.

The Stevenson bill, now before the Ways and Means Committee of the House of Representatives, provides compensation for the disabled emergency officer equal to the retirement pay provided the Regular Army officer retired because of disability incurred in line of duty.

The bill does not permit retired emergency officers to draw commutation for quarters, heat, and light, or buy from the Army commissary, as retired Regular Army officers are able to do.

The retired Regular Army officer may be called back to active duty if his condition permits. The bill makes the retired emergency officer not liable for further military service.

Mr. FLETCHER. That resolution was adopted by the enlisted men at the hospital at Fort Sheridan. So I claim that the evidence before us is not only that the enlisted men have no objection to this measure, but they actually and earnestly and cordially favor it.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. FLETCHER. I yield.

Mr. LENROOT. The question I asked the Senator was whether he had fully explained this bill to an enlisted man; and if so, if he had found a single enlisted man who understood it to be in favor of it?

Mr. FLETCHER. I have had no occasion to explain it to any enlisted man.

Mr. LENROOT. I wish to say to the Senator that I have explained it to many of them, and I have not found one enlisted man who understands the terms of this bill who is in favor of it.

Mr. FLETCHER. I will say, Mr. President, that I have had no occasion to go into the question with any enlisted man; no enlisted man has called upon me to explain it or has asked for an opportunity to express his views upon it one way or the other. All the correspondence I have had on the subject—I do not recall now whether the letters have come from enlisted men or officers or associations or posts or what not—has been in favor of this bill and has indorsed this proposed legislation. I have not made it a business to inquire specifically of individual enlisted men, and I have had no conversation that I recall with any of them. The only thing upon which I can base any sort of judgment as to their attitude is what has taken place in the hearings and the fact that none of them have come to me to protest or object to it. The hearings show further, at page 32, in the testimony of Lieut. James G. Graham:

The first point is as to the age of the officer at the time of entering the military service, which has been averaged at 34. Many of them, of course, were much older. The age of the officer on entering the service had something to do with his degree of commission. His age and experience were taken into account at the time he was commissioned. For instance, the age of the average second lieutenant would probably be from 21 to 25, first lieutenant from 25 to 30, captains and majors older. Consequently the method of retirement as applied in the Regular Army should apply to the disabled emergency officer, because of the fact that it covers his probable increased earning capacity and his probable increased family responsibility in every way.

The same argument and the same benefits that would apply to the Regular officers would apply to the emergency officers. The benefits under retirement would be the same as in the case of the Regular officer. For instance, the base pay of a colonel

is \$4,000 a year, and his retirement pay would be \$3,000; the base pay of a lieutenant colonel—and there are not many emergency officers in the higher grades—is \$3,500, and his retirement pay would be three-fourths of that, or \$2,622.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Mexico?

Mr. FLETCHER. I yield.

Mr. BURSUM. I should like to mention the fact that only 18 lieutenant colonels will come under the provisions of this bill.

Mr. FLETCHER. I thank the Senator for the suggestion, and in the highest grades I presume the number will be even more limited. The Senator says that there would be 18 lieutenant colonels, and probably there would be fewer colonels who would come under the provisions of the bill.

Mr. BURSUM. Only 12 colonels would fall within its provisions.

Mr. FLETCHER. Only 12 colonels and 18 lieutenant colonels would be covered by this bill. In the case of a colonel the retirement pay would be \$3,000 and in the case of a lieutenant colonel, \$2,622; in the case of a major, the base pay is \$3,000, and the retirement pay would be \$2,250. In the case of an emergency officer who has served as a major in the Army and is wounded—a man with a family, for instance—absolutely unable to go back to his original employment, whatever it may have been; unable to earn a living at all, disabled 100 per cent, we will say, I ask, in all reason, is \$2,250 a year too much to allow an officer like that who was crippled and maimed in battle?

In the case of a captain, \$2,400 a year is his base pay. His retirement pay would be \$1,800. In the case of a first lieutenant, \$2,200 is his base pay. His retirement pay would be \$1,500. The base pay of a second lieutenant is \$1,700. His retirement pay would be \$1,275.

If they are totally disabled these first lieutenants, for instance, would be entitled to \$100 a month compensation under the law. If they can take vocational training they are entitled to thirty-five or forty dollars a month more for the years that the vocational training will last; but they are entitled to \$100 a month compensation in case of total disability now under the law. They give that up. This bill does not add to what they already have under the law. They must give up their compensation if they accept the benefits of this bill. If they retire they take the status of retired officers and stand upon that basis alone. There is no further compensation, no other allowance, nothing but the retirement pay; so that where a man is totally disabled and entitled to \$100 a month compensation now, he would get only \$1,275 a year, or just \$75 more, under this bill than he is receiving now.

Lieut. Graham cites this sort of a case:

This case might be cited: A colonel of the National Guard, a man 60 years old, had a bad skull wound and one leg gone. He was discharged before the passage of the Sweet bill and received, I believe, \$17 a month. In the same ward at the hospital was a second lieutenant, a provisional officer, who had had three months' military training. He had been disabled in battle, but received a less severe wound than this colonel, and he was retired on three-quarters of the pay of a second lieutenant, which gave him over \$100 a month. Now, that lieutenant had no family and no family responsibilities. He had every chance to start in life again, whereas the colonel, because of his increased years and increased capacity and capabilities and increased service to the Government, had received absolutely no recognition and was faced with the greater difficulties of entering business.

Numerous cases of that sort could be cited.

Lieut. Graham further testifies as follows, in response to questions:

Senator SPENCER. How long were you in the service?

Lieut. GRAHAM. Three years, two years of which I spent in the hospital. Less than one month after reaching France, after I had spent eight days in the line, I was wounded. I was wounded three times and gassed. I was picked up and was a prisoner in a German prison camp until after the armistice.

Senator SPENCER. Did you get good treatment in their hospitals?

Lieut. GRAHAM. Not very good. I had a shell fragment in the brain until I returned to the United States, and it was removed after I returned.

Senator FREELINGHUYSEN. Did they make an effort to operate on you?

Lieut. GRAHAM. No, sir; not until about the time of the armistice. They started to operate on me in the German camp, but an American major in the Medical Corps who was in the camp refused to let them operate on me and recommended my exchange, which was to be negotiated through the Spanish Embassy, but the armistice came before my exchange was effected.

Senator FREELINGHUYSEN. Were there many Americans in this camp—was it a hospital or prison camp?

Lieut. GRAHAM. A regular prison camp of American officers. There were probably 200 at the end of the war.

Senator FREELINGHUYSEN. Did they take care of you in any way—have any doctors attending you?

Lieut. GRAHAM. We were treated by Germans in some places, but the treatment was very poor. I have seen men starve to death—practically die from starvation, from diarrhea and dysentery. I have seen men whose wounds were not treated for days and days at a time and

that became infected with bugs and worms, etc. I had a dressing on my arm for six weeks at one time before it was changed.

Senator SPENCER. Was that treatment the result of negligence or was there a lack of medical assistance?

Lieut. GRAHAM. The Germans were very poorly equipped, and there was a great lack of personnel. We were not given the same treatment as the Germans. Our ration in one prison camp was one-sixth of a loaf of bread a day and two bowls of soup.

Senator SPENCER. Did the German invalids get better treatment?

Lieut. GRAHAM. They got some solid food.

Senator FLETCHER. Where were you wounded?

Lieut. GRAHAM. At the Battle of the Marne on the 15th of July. I served with the Twenty-eighth Division of the Pennsylvania National Guard. The treatment that you received depended largely upon the commandant and the staff in the hospitals. Some of the German doctors were, so far as I was concerned, perfect gentlemen and fine men in all respects, and others were simply brutes.

Senator SPENCER. Brutes to all?

Lieut. GRAHAM. Brutes to all, including their own men. As compared with our treatment of prisoners of war it was different. I know upon my return to France I found a regiment of prisoners, of enlisted men with rubber boots, rubber capes, rubber rain hats and overcoats, overcoats, and everything, and I had worn a towel tacked over the end of a board for a shoe from the 15th of July until the week of the armistice, when I received a pair of shoes from the Red Cross.

That is the kind of treatment these officers went through.

Here was a first lieutenant who is in the hospital yet. He is getting now his insurance, \$57.50 a month. When he is discharged from the hospital, if he is declared totally disabled, he will receive \$100 a month. He is allowed to retire under this bill. He will receive \$1,500 a year instead of \$1,200. That is the difference; but it amounts to quite a good deal to a man in those circumstances.

He says, speaking further with reference to his experience:

The Regular Army officer who is retired is permitted to purchase supplies from the commissary for his living necessities at actual cost. The discharged emergency officer can not.

That is another privilege that these officers would have, and it seems to me they deserve it.

In addition to that, if I have to go to the hospital, which I do, for three more operations, I have to go to a Public Health hospital. The Regular Army officer is permitted to go to the Army hospital and also his family are entitled to that treatment. I am not entitled to go into an officers' ward. If I wish a private room in the Public Health hospital I have to pay for it myself. If my disability is 50 per cent and I am discharged and if I have to go back to a Public Health hospital I receive only \$80, which is a "temporary total" rating during the time I am in the hospital.

Senator FREELINGHUYSEN. If this bill were passed, would you be entitled to a Regular Army hospital?

Lieut. GRAHAM. I would.

Senator FREELINGHUYSEN. And you could go into an officers' ward?

Lieut. GRAHAM. Yes, sir.

Senator FLETCHER. The Regular retired Army officer goes to the Army hospital.

Lieut. GRAHAM. Yes, sir; and his family is also entitled to treatment in that hospital. If his wife is sick, or gives birth to a child, she can go to the Regular Army hospital, for which he pays a dollar a day, I think.

Those are somewhat additional privileges to the total amount of pay which the retired officer receives; but take a case like this, Mr. President. Here is the statement of Capt. Robert Bunge:

In regard to the question of discrimination against emergency officers, I might cite my own case.

In the last two months before I was wounded in France I commanded a battalion. The very day I was wounded I received notice of my promotion to major to take command on the field. I had been removed wounded from the field, and when I tried to pass my physical examination for promotion, of course, I failed.

That is, he could not go up to major when the time came to pass his examination because he was wounded.

I have spent 11 or 12 years fooling around with military service, mostly in the National Guard, and I am going out just the way I went in. I am proud to have had the privilege of serving, but I do feel this, that it is justice we are asking for; to be retired; to be handled in the same way that every other class is handled. I feel that we have lost, all of us, a great deal in life. I do not like to be personal in my remarks, but I practice mechanical and structural engineering in civil life, and I am now under the orders of the Army doctors to do no studying and no work of any kind, due to the fact that I have a fracture of the skull and a fracture of the spine, and I am in a steel cage that I will stay in all my life.

I was shot through the shoulder and shot through the stomach, and I can not go back to the practice of engineering for the simple reason that it is a mental strain in that profession, and I can not go out and do the construction part of the work because that means climbing around over buildings and structures, and my physical strength will not permit it. I am told that I must avoid all excitement of any kind because I am liable to receive a stroke and probably would never come out of it. I am in the position of just a sort of useless and worthless part of society, as regards my former profession. I am 38 years of age, I am forbidden study, and what am I going to do? I have a family and I have a home to keep up.

There is a case somewhat typical of these retired emergency officers—a man who was a civil engineer and structural engineer, a strong, robust, healthy man, a captain, promoted to major temporarily on the field in action, wounded, shot through the shoulder and shot through the stomach. He goes about now in a steel brace or frame, and he is in a hospital getting \$57.50 a month, 38 years old, with a family on his hands. If he is pronounced totally disabled when he is discharged, he

will receive \$100 a month and that ends it. If he should be allowed to retire, he would get \$1,800 a year instead of \$1,200. Unquestionably he will be declared totally disabled. He has nothing of that kind yet. When he comes out, he will be classed as totally disabled and entitled to the maximum compensation of \$100 a month. That will mean \$1,200 a year upon which he must support this family that he has and feed himself. Under this bill he would receive \$1,800 a year, as I say, instead of \$1,200. Is he not entitled to it?

This man had to do with the National Guard for 11 or 12 years before the war came on, and when the time came when he was called to serve his country he went boldly to the front and was wounded in battle on the field, just as he has stated here. Now he is an absolute wreck, wounded, disabled permanently and forever in line of battle. Why should he not be permitted to retire just like a captain of the Regular Army? He was performing the same service in the same way and received these injuries, disabling him for life. He is simply asking that he be put upon the same basis that any other officer, whether in the Navy or the Marine Corps or in the Army, would be entitled to under those circumstances.

There are numerous other cases. He said, very forcefully:

I think there is a little moral side of this thing that perhaps has slipped the minds of most Members who are here to-day. The emergency officer, whether a Reserve officer, National Guard, or from the training camp, received his disability because he was sent into a position where he received it by the orders of a man who was entitled to the privileges of retirement should he become injured.

The man who ordered him in would be entitled to these privileges.

Can that man, no matter whether a colonel, a major, or what rank in the Regular Army, satisfy himself in his own mind that he was doing the right thing in sending men out there who did not have the same privileges that he had if he should become wounded? I can not believe that the men in the Regular Army had any other idea than that we were to be taken care of in the same way that they were. I think there is that moral side of this thing. We have received our wounds because we were sent into a position to get them by men who had the privilege of retirement, while we did not have. I think that is something that probably should have a little weight.

There has been a great deal of talk here this morning about the Army officer making it his life calling. Well, we made it our life calling. There was nobody who could stipulate whether our life was to be one day, two days, or three weeks when we were over on the other side. Therefore I contend that it was our life calling while we were over there, because we were ready to give our lives if we had to.

This law applies only to officers who were disabled in line of duty, and, as he very properly said, it was a life calling to them.

Mr. SHEPPARD. They must be disabled to the extent of at least 30 per cent.

Mr. FLETCHER. Yes; that is true. Mr. Patrick F. Shea, second lieutenant, testified as follows:

Mr. SHEA. I went to France with the Twenty-sixth Division. I was sent back from the lines to the school and got my commission and was assigned to the Eighty-ninth Division. I was wounded in the Meuse-Argonne offensive on the 21st of October, 1918. Since then I have had 18 operations and 7 blood transfusions, had my leg taken off, and have developed a kidney condition, and they are not through yet. I still have chronic osteomyelitis of the hip.

Senator FLETCHER. Where were you wounded?

Mr. SHEA. I got a bullet hole in the hip joint.

The CHAIRMAN. What was your occupation before the war?

Mr. SHEA. I was a policeman.

The CHAIRMAN. What were you getting then?

Mr. SHEA. Thirty dollars a week.

The CHAIRMAN. Have you any family?

Mr. SHEA. I lost my mother lately. I was her support until she died the 1st of November.

Senator FLETCHER. Where was your home?

Mr. SHEA. In Waterbury, Conn.

Senator FLETCHER. What is your age?

Mr. SHEA. Twenty-eight.

Senator FLETCHER. You get a hundred dollars a month, I suppose?

Mr. SHEA. I expect to get a hundred dollars a month on my discharge.

He is still in the hospital, poor fellow, and when he is discharged, if he is declared totally disabled, the maximum he can get will be \$100 a month. Being a second lieutenant, under this bill he would get \$1,275 a year, \$75 more than he would get under the compensation act, with the privilege of hospital treatment in an Army hospital if he should need it. That is another case. Lieut. Alfred J. Bartram testified:

Lieut. BARTRAM. I went to the first training camp at Fort Snelling, Minn., and being a Yankee myself, I joined the Yankee Division just after the expiration of the first training camp and was sent over as a casual officer attached to the Twenty-sixth Division, overseas, in October, 1917. I was attached to that division in October and I went into the lines in February, and I was there until September 26, when I was wounded in the Meuse-Argonne offensive. The wound I received then was a shrapnel, high-explosive machine-gun bullet wound; one broke my left arm, another piece of shrapnel cut through my left foot, still another piece cut through my left hand, and a machine-gun bullet broke my left hip. Outside of that, I am all right.

The CHAIRMAN. What was your occupation before the war?

Lieut. BARTRAM. Just before I entered the service I was in college. I was at that time preparing myself for the medical profession.

Now he is at Walter Reed Hospital. He continued:

I am in Walter Reed Hospital now, and I have been all over the country. I was first at the Polytechnic Hospital in New York, from there to Fort McPherson, Ga., and from there to Fort Sheridan, Ill., and finally, when Fort Sheridan was closed, I was sent to Walter Reed.

The CHAIRMAN. Do you expect to get a hundred dollars when you are discharged?

Lieut. BARTRAM. Yes; unless my disability is reduced so that I get less.

That man is a first lieutenant. If he is discharged with a maximum disability, his compensation will be \$100 a month, or \$1,200 a year. Under this bill he would receive \$1,500 a year retirement pay, in lieu of all other allowances. This is not in addition to compensation he is getting, insurance, or anything else. He must give up everything else and stand on his retirement status solely. He would get \$1,500 a year as retirement pay under this bill. As I said, he would have the right to be admitted to an Army hospital and be treated there in case he had to have further treatment.

Lieut. John J. Redfield testified:

I am attached to the Air Service. I have two older brothers—one is a graduate of the Naval Academy and the other of West Point. I was in college when war was declared, and I went in from college. Both of my brothers, of course, were already in the Army and Navy.

Senator FLETCHER. From what State are you?

Lieut. REDFIELD. New Jersey. If either one of my brothers had been disabled, he would have been retired. It is the same family, and we were in the same war, and I was the one that was disabled. I went to the first training camp at Fort Myer, Va., and was commissioned in the Field Artillery. I was stationed there for a while and then sent overseas. I was trained in England for air service and transferred to the Air Service and went to France with the Royal Air Force. I served with them at long-distance bombing on the different Rhine cities, and on the 22d of August, on a bomb raid on Mannheim, we were attacked by 27 German planes. I was brought down and received a bullet in the left leg, shattering the shin bone. I was a prisoner in Germany until a month after the armistice, getting out on the 8th of December. I was at the prison hospital at Rastadt in the Province of Baden. I lost 50 pounds in weight there, and my leg got in very bad condition, which is still with me.

Then he spoke about trouble with his leg, and said:

I have osteomyelitis of the bone. I have been in hospitals ever since and have submitted to 16 operations.

If anything had happened to his two brothers, they would have been permitted to retire and enjoy retirement status. He is not permitted to retire. He can take his insurance, he can get his compensation, whatever it may be, but he can not have these privileges which an officer serving in the same war, one of his own brothers, would be entitled to if he had had a similar disability. I can not see the justice of discriminating against this man. It seems to me this bill is intended to and does accomplish a discontinuance of a discrimination in the retirement of officers. That is the purpose of it. So far from enacting a law that will provide for a discrimination, the law would do away with a discrimination which now exists.

He spoke about his experiences, how he was operated on four times in Germany, one time without any anesthetic at all. He said:

I do not know exactly what kind of a leg I am going to have until it is determined, but it will be safe to say that I won't get over 50 per cent.

In that case he will get \$40 a month compensation, if he is declared 50 per cent disabled. Under this bill he would be allowed to retire on three-quarters of the pay of a first lieutenant.

Lieut. P. D. Hopper stated:

When I came back from the Philippines, before my enlistment expired, we had trouble with Mexico.

This man had been formerly enlisted in the Regular Army, and his term had expired. He had some twelve or more years' experience in the Regular Army. His term expired, but he reenlisted. He said:

I went to the Philippines and served over there and intended to get out of the service and go into the import and export business with my father. When I came back, before my enlistment expired, we had trouble with Mexico and the majority of the Army was moved to the Mexican border, so that I kept going rather than get out when it looked like there might be something doing. I reenlisted, and before that enlistment expired the present war came on—the European war. Then I was given a temporary commission in the Regular Army and sent to the training camp at Plattsburg. There I was assigned to duty with the Seventy-seventh New York Division and served overseas with that division. I was wounded in the Argonne on September 28, and I have since been in the hospital.

Senator SPENCER. What noncommissioned rank did you have in the Regular Army?

Lieut. HOPPER. I was first sergeant, sir.

Senator FLETCHER. And how were you wounded?

Lieut. HOPPER. I was wounded by a piece of high explosive going through my femur, knocking out about four and a half inches of the bone and necessitating a 7-inch inlay of the bone, and it also severed the sciatic nerve.

The CHAIRMAN. Do you expect to receive \$100 compensation when you are discharged?

Lieut. HOPPER. Hardly, sir. I will be rated upon the possibility of my case at the time of discharge. The surgeon has not just yet been able to determine what functioning I will be able to get out of my leg at the time of discharge.

Under this bill he would be eligible to retirement at three-quarters pay. He was asked:

Senator FLETCHER. Then you went into the emergency army?

Lieut. HOPPER. Yes, sir. I am disabled to such an extent that I can not reenlist after discharge and get back and serve my remaining 14 years and be eligible for retirement as an enlisted man or as a warrant officer.

Lieut. GRAHAM. There was one point mentioned by a gentleman here bearing on the question of a man entering the Army as a "life profession," as an enlisted man. Perhaps he has served nearly his full time and has been disabled. Although he may have served as a sergeant and would have been entitled to a sergeant or warrant officer's pay upon retirement normally, he is discharged as though he were a simple private—

That would be the effect of the law as it stands now, in the case of this officer. He continued—

His wounds have disabled him to such an extent that he can not reenlist in the Army and serve out his normal time as an enlisted man. He has served as an officer perhaps during the war, but he can not reenlist and get advantage of his retirement status. Simply because he was an emergency officer during the war and was discharged for disability he is cut off from his Regular Army retirement status and it has made it impossible for him to get the advantage of it.

That is where Lieut. Graham cites the instance of Lieut. Hopper as illustrative, and that would be the situation without this legislation.

I do not feel that we could do less for these emergency officers than to grant this relief. Some of them it will not help at all; others it will help very materially. It is not playing favorites with them. It is not giving them any advantage whatever over any other class of officers in the service. It does not favor them over other officers of the Navy or the Marine Corps or the Army in any respect. It simply places them upon an equal footing with the other officers who rendered the same service, in the same Army, under the same conditions, and who are affected as they are as the result of that service. I think the bill ought to pass.

Mr. LENROOT obtained the floor.

Mr. WADSWORTH. Will the Senator yield?

Mr. LENROOT. Certainly.

Mr. WADSWORTH. In view of the importance of this discussion I think the paucity of attendance has been very unfair to the Senator from Florida, as it would be to others. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Brandegee	Harrison	McNary	Spencer
Bursum	Heffin	Moses	Stanfield
Cameron	Hitchcock	Myers	Sterling
Capper	Johnson	Nelson	Sutherland
Dial	Jones, N. Mex.	New	Swanson
Edge	Kellogg	Newberry	Trammell
Ernst	Kendrick	Norris	Underwood
Fernald	Keyes	Oddie	Wadsworth
Fletcher	King	Overman	Warren
France	Ladd	Page	Watson, Ga.
Gerry	Lenroot	Poindexter	Williams
Gooding	Lodge	Sheppard	Willis
Hale	McCormick	Simmons	
Harris	McKellar	Smith	

Mr. NORRIS. I wish to state that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained on account of a death in his family.

Mr. MOSES. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Kansas [Mr. CURTIS], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Utah [Mr. SMOOT], the Senator from New York [Mr. CALDER], and the Senator from Connecticut [Mr. McLEAN] are detained at a hearing before the Committee on Finance.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present.

Mr. LENROOT. Mr. President, in opposing the bill I am not animated by any spirit of hostility to the emergency officers. As the Senator from New York [Mr. WADSWORTH] said, they have my admiration and respect, as I believe they have of all of the people of the country. My opposition to the bill is based principally on two propositions—first, the discrimination against the private soldier, and, secondly, the discrimination against officers of lower rank in favor of officers of higher rank. At the very beginning I wish to impress upon the Senate exactly what the bill does in the way of discrimination.

Repeating what I said last night, if the bill shall become a law, a colonel with a 30 per cent disability will receive compensation for life of \$3,000 per year, while a private with the same disability will receive a compensation of \$360 per year,

the colonel receiving almost ten times as much compensation as that of the private.

A colonel, as I have said, with a 30 per cent disability, will receive a compensation of \$3,000 per year, while a second lieutenant with the same disability will receive a compensation of \$1,255 per year, the colonel receiving almost three times as great compensation as would the second lieutenant.

Mr. BURSUM. Mr. President, does not the statement which has been made by the Senator from Wisconsin apply precisely and identically and in the same way to officers of the Regular Army?

Mr. LENROOT. Has that anything to do with the statement I have just made? I am drawing the distinction between what a private or a second lieutenant would receive, if the bill becomes a law, and what a colonel would receive. Does the Senator deny it?

Mr. BURSUM. Oh, well—

Mr. LENROOT. Does the Senator deny the statement I have made?

Mr. BURSUM. No.

Mr. LENROOT. Very well, then, I do not yield further.

Mr. BURSUM. But I also ask—

Mr. LENROOT. I do not yield further to the Senator. The Senator admits the accuracy of my statement.

Mr. BURSUM. Why does not the Senator compare the emergency officers with the officers of the Regular Army?

Mr. LENROOT. I am going to do that if the Senator will be patient. The Senator admits the statement I have made. The Senator admits that he is willing to go before the private soldier of New Mexico and say that he favors and was the author of a bill that proposes to give to a colonel \$3,000 a year for what the private soldier in his own State will get only \$360 a year. The Senator may take that position. I will not, and I can not see how any Senator can face the private soldier in his own State and take any such position as that.

Mr. BURSUM. Mr. President, the private is a very intelligent man. He is a good citizen, as well as a broad-minded man. He understands these questions possibly as well as, if not better than, any of us in the Senate. He has expressed his opinion in conventions assembled all over the United States. The American Legion has indorsed this legislation and asked Congress to pass it.

Mr. LENROOT. The Senator will have an opportunity to make his statement. I do not yield further for the Senator to make a speech.

Mr. MYERS. Mr. President, will the Senator yield for just a suggestion?

Mr. LENROOT. I yield for a question.

Mr. MYERS. The statement which the Senator from Wisconsin has made I take to be undoubtedly true, but I wish to call attention to the fact that he bases his statement on a 30 per cent disability. If a colonel were 100 per cent disabled he would still only get \$3,000 per year, but if the private were 100 per cent disabled he would then get \$1,200 per year, would he not?

Mr. LENROOT. Yes; he would.

Mr. MYERS. So the statement of the 30 per cent basis does not include all the compensation the private would get.

Mr. LENROOT. Certainly not; but I compare the 30 per cent disability for the private with the 30 per cent disability for the colonel. I use the same disability in both cases, and my statement is correct. Now I desire to ask the Senator from Montana whether he is willing to go to the private soldier of his State and say that he voted for legislation providing that where the private soldier, having a college education, making the same sacrifices as the colonel, will only get \$360 a year for a 30 per cent disability the colonel will get \$3,000 a year for the same disability?

Mr. MYERS. Yes; on a 30 per cent disability, but on a 100 per cent disability he would get \$1,200 a year. I have had no remonstrance against the bill from my State from private soldiers. Open public hearings were held by the Committee on Military Affairs, and I believe no private soldier appeared to protest against the bill. Nor have I had a protest from any private soldier anywhere.

Mr. LENROOT. The Senator is correct. The American Legion has indorsed the proposition. The propaganda has been conducted by the officers. I undertake to say there is not one private soldier in 10,000 who voted to indorse the bill who knows what the bill is.

Mr. WADSWORTH. The bill was not drafted at the time they indorsed it.

Mr. LENROOT. Ever since the bill has been before the Committee on Military Affairs I have taken occasion, whenever opportunity has offered, to explain the provisions of the bill to

private soldiers, and after it has been explained in exactly the way that I have just now stated its terms, I have not found one private soldier to indorse it. One private soldier appeared before the committee. I could not be present at that hearing, but it is worthy of note that in the short statement made by that private soldier—and it was very short and did not attempt to go into detail—he disclosed that he knew nothing about the details of the bill. What did he say? He said:

This was brought to my attention just a few days ago by Maj. Stewart.

It is very clear how this private soldier came to appear before the Committee on Military Affairs. I am very sorry that I did not happen to be present; I am very sorry that somebody on that occasion did not explain to that private soldier who appeared before the committee just what the bill would do.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LENROOT. I yield.

Mr. BURSUM. Does not the Senator think that Maj. Stewart had just as much right to interview private soldiers about this bill as the Senator from Wisconsin has to give expression to his opinion of the bill?

Mr. LENROOT. I am not complaining about Maj. Stewart; I am not criticizing him for wanting this bill passed.

Mr. BURSUM. The Senator appears to wish to capitalize that fact.

Mr. LENROOT. There was nothing illegitimate in any officer trying to get a private to come before the committee; the officers want the bill passed; but when the Senator from New Mexico called attention to the fact that a private soldier came before the committee and pleaded for the passage of the bill, it is very proper to call attention to the manner in which the private soldier's attention was brought to the bill. That is all that I have done.

I am going to take this opportunity to make another observation. Mr. President and Senators, consider the report of the committee on this bill. One would suppose that the War Department, which is presumed to pass its opinion upon all measures of policy as to the Army, had never said anything concerning this bill. Read the hearings before the committee, and you can not find anything either in the report or in the hearings showing that the Secretary of War has ever expressed any opinion upon the bill; yet the distinguished Senator from New Mexico when he made the report knew that there was a report of the Secretary of War adverse to his bill. Just why that information was kept from the Senate, I do not know.

Mr. BURSUM. The fact that the Secretary of War had made a report adverse to the bill was well known by the committee. It was considered and passed upon.

Mr. LENROOT. Yes; but the Senators who are not members of the committee did not know it and could not ascertain it from the report which the Senator from New Mexico has made on the bill.

Mr. BURSUM. Everybody knew it; the reports were published and every Senator in the Chamber might have had a copy of them.

Mr. LENROOT. Where were they published?

Mr. BURSUM. They were printed by the Committee on Military Affairs.

Mr. LENROOT. I beg the Senator's pardon; they have never been printed by the Committee on Military Affairs, and for some reason they were not printed in connection with the hearing upon the bill.

Mr. BURSUM. I am sure, so far as I am concerned, that I have no desire to prevent the presentation of the report of the War Department. It is well known that the War Department is opposed to this bill.

Mr. LENROOT. Why did not the Senator from New Mexico include the report of the Secretary of War in his report upon this bill, which is the custom in all such cases?

Mr. BURSUM. Why did not the distinguished Senator from Wisconsin, who is opposed to this bill, and who tried to defeat the bill all through its consideration by the committee, and up to the present time, if he was interested in it, submit a minority adverse report?

Mr. LENROOT. Oh, Mr. President—

Mr. BURSUM. Oh, the Senator from New Mexico is not interested, of course, in defeating his own bill, as is the Senator from Wisconsin interested in defeating it.

Mr. LENROOT. Now, of course, Mr. President, we get the facts. The Senator from New Mexico certainly is not interested in defeating his own bill; and therefore he was not interested

in the Senate having the information that is usually furnished by a committee report.

Mr. KELLOGG. Mr. President, will the Senator from Wisconsin yield to me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LENROOT. I yield.

Mr. KELLOGG. If there is such a report of the Secretary of War as that to which the Senator from Wisconsin alludes, will he not put it in the Record?

Mr. LENROOT. I am about to read that report now.

Mr. President, the Committee on Military Affairs did have a report upon this bill by the Secretary of War, and because I may take occasion to comment upon it as I go along, I shall take the liberty of reading it myself. It is dated June 13, is addressed to the chairman of the Committee on Military Affairs, and is signed by Secretary Weeks. It is as follows:

SIR: I have the honor to acknowledge the receipt of S. 1565—

Being the bill now under consideration—

a bill making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred disability in line of duty, with indorsement thereon requesting that the Senate Committee on Military Affairs be furnished with the views of the War Department relative to this measure.

In reply I beg to advise you that prior to the receipt of your request for report on this bill I had occasion in my letter to you dated May 9, 1921, to invite the attention of your committee to the opinion of the War Department concerning any measures of this character, and with that end in view I forwarded copies of my letter dated May 4, 1921, to Capt. Victor Heintz.

As the enactment of this bill would have far-reaching effects of an unfavorable nature, I gave this subject most careful consideration when my attention was called to it by Capt. Heintz, and in reply to his letter I covered the subject in considerable detail, setting forth therein the views of the War Department, as well as my own concerning any legislation such as is contemplated in the bill herein referred to.

In connection with the letter to Capt. Heintz I have received a letter, a copy of which I inclose, from Mr. William H. Gilmore, a discharged soldier now undergoing treatment at Seneca Lake, which will, I believe, be of some value to your committee. For ready reference and for the use of your committee I also inclose herewith a copy of the letter to Capt. Victor Heintz, as it fully sets forth my reasons for believing that S. 1565 should not be favorably reported upon, and I earnestly recommend that no legislation be enacted such as is contemplated in S. 1565.

Before I read the report, however, Mr. President, and because there is now quite a goodly attendance of Senators in the Chamber, I wish to read the letter addressed to Secretary Weeks by a private soldier to which the Secretary refers, and which letter he submits to the committee, because it gives the view of the average private soldier concerning this legislation. I want to say that I do not agree with all of the statements contained in this letter with reference to the emergency officers, for I do think that they were high-class, patriotic men. The letter was written on May 5 last from Saranac Lake, where this private soldier evidently was undergoing treatment for tuberculosis, and is as follows:

HON. JOHN WEEKS,
Secretary of War, Washington.

SIR: Permit me to express my appreciation of your attitude in regard to the retirement of disabled emergency officers, as stated in your letter to Capt. Victor Heintz printed in the New York Times. As one of the many disabled ex-service men here at Saranac Lake undergoing treatment, I feel that you have expressed the feelings of every man who served in the ranks during the war.

Many of us who are now totally disabled were only too glad of the opportunity to serve the country in any capacity during the emergency, without wasting much time hunting for commissions; others were either physically or mentally unable to qualify for commissions. We all served in an emergency citizen army and some of us gave up positions in civil life superior to those held by the officers commanding us.

If we must have discrimination, and I believe that any such legislation is absolutely un-American and violates every principle of democracy, let us have it on the proven worth of every man disabled on the basis of his earning power before entering the service. That would be more along the lines of justice than any legislation having for its purpose the idea of perpetuating an officer caste, something that is distasteful to every man who served in the ranks.

The men who did the real fighting, the dirty work, and who suffered every conceivable form of indignity for the good of the country were the men who served in the ranks. The officers had every advantage while in the service; were looked upon by the public as very superior persons and had the power of life and death over the men under their command. If any of our disabled should have legislation passed for their benefit it is the second-class private who suffered every conceivable indignity. (I was several grades above that rank, thank God.)

The idea of retiring professional soldiers who are officers is absolutely right, as it is only just to pension men who devote their entire lives to the service of the country; but the placing of emergency officers on the same footing with permanent officers is nothing more or less than another effort to loot the Treasury.

Although the American Legion is pushing this discriminatory legislation in favor of disabled ex-officers, I feel that the rank and file who are members of the legion are absolutely opposed to the idea. After attending a few legion meetings I find that practically every resolution proposed by a good talker is adopted unanimously and without consideration by the members present.

If you want the real opinion of the disabled ex-service men in regard to this disabled officer legislation, why not make a quiet canvass of the

men at the Walter Reed Hospital? I would suggest that the man making this canvass first qualify for the job by doing 100 yards in 10 flat. He will need his speed on his way out of the hospital.

I had a lot of these emergency officers working for me before entering the service; had to put up with a lot of their airs when in the ranks, but now that I am down and out I don't feel like having a lot of recently hatched college boys who happened to get commissions strutting around and starting that superior stuff all over again.

That paragraph, Mr. President, I think, is uncalled for and unjust to the emergency officers, because I do not believe that is their general attitude at all.

Since the disabled second lieutenants have been getting their \$80 per month compensation, the same as a rear-rank private, they've become quite bearable and almost human. For heaven's sake, don't elevate them again! Let them all have a chance to get well enough to go out again in civil life, both officer and private, and prove which is the better man.

Respectfully,

WILLIAM H. GILMORE.

I am glad to read that letter, because it is exactly the reaction and response that I have gotten from every private soldier to whom I have explained the details of this bill. I want to suggest to Senators present that if they vote for this bill they will have something to explain to the private soldier in their States when the private soldier finds out that a commissioned officer, we will say a lawyer, who lost an arm, but is able to go back to the practice of his profession and make as large earnings as he did before the war, gets \$3,000 a year from his Government, while the private soldier with both feet off, living, perhaps, next door to him, gets \$1,200 per year.

This is the letter of the Secretary of War to Capt. Heintz referred to in his report. The letter is dated May 4 last:

MY DEAR CAPTAIN: I have before me your letter dated April 20, 1921, concerning the proposal to obtain retirement privileges for disabled emergency officers who served during the World War. Before proceeding with a reply thereto I desire to tell you that I am sorry I did not see you when you called and assure you that I hope to be less pressed for time at the next opportunity you may have to come to my office.

In connection with your letter, I wish to assure you that I have made a careful study of the contents thereof and the problem involved, which required a thorough investigation as to the viewpoint of the War Department pertaining to the proposed legislation to which you refer. As a result of my perusal of this subject I am convinced that the remedy to be sought in this matter does not properly pertain to a question of retirement, but it does fall under one of adequate compensation. I am not prepared to admit that the war risk insurance act does not provide adequate compensation to all disabled officers and enlisted men who come within its provisions, but I feel that if the war risk insurance act and subsequent acts amendatory thereto do not provide adequate compensation our efforts should be devoted to securing a further amendment to that act, as it is the law which was designed to meet the needs of all who served in the Army or Navy during the World War, as well as the temporary officers to whom you refer. On the other hand, the laws pertaining to retirement are separate acts necessary and essential to the War Department if it is to secure suitable types of officers for the Regular Army and induce them to continue permanently in the profession of arms by providing an inducement that it will care for them should misfortune overtake them and will assure adequate protection during their old age.

In this connection I want to indorse all that the Senator from New York has said with reference to any additional relief that is necessary; and I think additional relief is necessary. It should be given, however, through amendment of the compensation act, and I, as a member of the Committee on Military Affairs, am perfectly willing so to amend that act as to give to these disabled soldiers who are seeking this relief all proper relief, but at the same time give the same kind of relief to a private soldier who is situated exactly as the officer is situated.

Mr. WILLIAMS. Mr. President—

Mr. LENROOT. I want to finish this letter, and I can not yield now, if the Senator please.

It is the opinion of the War Department, with which I concur, that the cost of a measure such as has been proposed and is now under consideration would be far in excess of the figures that you conclude to be maximum. In this connection, it must be borne in mind that the available field from which it is possible such retirement might be drawn is about 200,000 officers alone, and if such legislation pertaining to officers is enacted it is apparent to me that the enactment of such legislation would with equity eventually necessitate the enactment of further legislation providing for a like increased compensation for all enlisted men who served during the World War, as otherwise undoubtedly there would exist unjust discrimination against such enlisted men and in favor of the emergency officer; in fact, many enlisted men apparently feel themselves entitled to retirement and retired pay as officers. In some cases the War Department has been urged to give noncommissioned officers appointments as officer and to place them on the retired list as such. The basis of such claims is, in general, that due to casualties the noncommissioned officer was thrown into the position and command of an officer, and while so serving incurred wounds or disability. Such occurrences are common in active operations; in fact, many cases have been presented in which privates have assumed command of platoons and companies. The claims of such men, or the expense incident to them, can not be overlooked if a principle is to be adopted of basing retirement and retired pay on the rank or office held in the Army. Equity in this matter would also eventually necessitate the enactment of some legislation such as is contemplated in S. 991, Sixty-seventh Congress, which has for its objects the appointment and retirement of those persons who served in the volunteer armies of the United States in the Civil War, the War with Spain, and the Philippine insurrection in the ranks held by them during such service.

In connection with this question, due consideration should be given to the unsuitability of the retirement laws for the purpose. For reasons which you can easily appreciate, the retirement law applicable to the

professional soldier of the Regular Army causes his retired rank, and consequently his pay, to be proportional to his length of service. It takes no account of the degree or nature of his disability. Essentially, and in theory, the existing scheme of retired pay for officers of the Regular Army constitutes, in effect, a system of deferred payments for and in consideration of a lifetime of military service under a life contract between the officer and the Government, payable after inception of the statute-fixed period of unfitness for military duty and in the relatively small number of cases of premature disability retirement, payable in equitable specific performance by the Government of its monetary obligation in consideration of the aforesaid life contract of officer, in the performance whereof the disability occurred.

It is not believed that the retirement proposed would be a fair system of compensation for persons who were in the military service but temporarily during the war. All such persons come into the military service practically on an equality. The remuneration which they should receive for disability should be in accord with the degree of their disability and the extent to which it impairs their earning power, rather than to be based upon accidents of the service. The proposed Johnson bill would not only create an unjustifiable discrimination between officers and enlisted men who served during the war, as I have pointed out in the foregoing, but would also discriminate among the officers themselves. These officers were given varying ranks when they came into the Army, and such rank was subject to change due to accidents of promotion. It does not appear, for example, just that two officers of the same length of service and suffering from equal disability, one of whom happened to be a major and another who happened to be a first lieutenant, should receive different compensation for their disabilities.

It should be well understood in this matter that the War Department is in no way opposed to proper and adequate compensation to persons who served during the war. It is merely opposed to the manner in which it is proposed to grant such compensation, this matter placing a burden of expense upon the Army which does not belong there in addition to making unjust discriminations among the persons who came in for temporary service during the war. The War Department realizes the necessity for economy in making appropriations and it also realizes that appropriations for the pay of retired officers will always be considered a charge against the Army.

It is only fair to say that with the amendment that has been proposed by the committee, the money necessary will not be a charge against the Army. I will therefore omit the balance of the paragraph relating to that subject.

Concerning the law which provided for the retirement of officers of the Naval Reserve Force and the temporary officers of the Navy to which you refer, I see, of course, the point you make; but in this connection the number of officers retired under the provisions of that law is by comparison so small in connection with the number that would ultimately become eligible to retire under the provisions of the Johnson bill or similar bills—

Referring to a bill in the House of Representatives—

that the War Department, in view of this fact and the other important considerations which I have touched upon, is firmly of the conviction that legislation such as that herein discussed is not legislation which will be for the best interests of the Government should it be enacted.

It should be remembered when comparison is made between the emergency officer and the Regular officer during this war that practically all of the junior officers of the Regular Army were commissioned in advanced grades as temporary officers during the war. In fact, some first lieutenants held the temporary grades of colonel; yet under the existing law for the Regular Army when such officer was disabled he is retired not as a colonel but as a first lieutenant.

It should also be remembered that the law relating to compensation for emergency personnel, which was enacted before the emergency officers accepted their commissions, makes no distinction between commissioned officers and enlisted men of the emergency forces as to disability compensation. The commissioned officers understood these conditions when they accepted their commissions, and as a matter of fact they were apparently glad to accept them under these conditions. Most of them, especially the junior officers, were subject to the draft, and many of them would have been drafted as enlisted men had they not volunteered and qualified as commissioned officers. It is, then, a question about which I have in my mind a great deal of doubt as to whether any distinction should be made in regard to benefits that should be given to the temporary commissioned officers from that which is given to the temporary enlisted men. Certainly it was perfectly clear in the minds of Congress when it enacted the laws that there should be no distinction.

My view of the matter is that the Government has entered into contracts with the personnel of the Regular Army as well as with the officers to whom you refer, and that these contracts vary in character, but that under them the Government has performed its full duty with respect to the personnel of both classes when it has fulfilled these contracts. I believe that the Government can afford to be generous toward any special cases concerning which it is shown that the rights accruing under such contracts have not been fulfilled, and, as I have herein indicated, the War Department will look with favor upon any reasonable and necessary modifications of the war risk insurance act as amended if the law established thereby does not provide the generous compensation I have mentioned.

Sincerely, yours,

JOHN W. WEEKS.

Secretary of War.

Mr. President, that is the attitude of the War Department; and it does not seem to me that after the very clear and conclusive statement made by the Secretary of War as to the distinction between the Regular Army officer and the emergency officer we should hear again on the floor of the Senate that there ought to be equality between the two classes with reference to disability compensation.

Mr. President, I desire to ask the Senator from New Mexico [Mr. BURSUM] a question. In a colloquy had last night the Senator from New Mexico undertook to state what this bill would cost. He made the statement that the total cost would be \$1,600,000.

Mr. BURSUM. Yes, sir.

Mr. LENROOT. And I asked the Senator this question:

The Senator can not refer to any official estimate of that kind?

Mr. BURSUM. Oh, yes.

Now, I should like to have the Senator from New Mexico furnish to the Senate the official estimate of which he speaks.

Mr. BURSUM. I have the figures—estimates from the Veterans' Bureau made up last summer. We had them before the committee.

Mr. LENROOT. Is it a statement of the Veterans' Bureau—an official estimate?

Mr. BURSUM. It was taken from the Veterans' Bureau.

Mr. LENROOT. Taken from it? I want to know whether there is an official statement over the signature of somebody in authority.

Mr. BURSUM. If the Senator means to say over the signature of Mr. Forbes, no.

Mr. LENROOT. Well, anybody that is in authority?

Mr. BURSUM. It was taken from the Veterans' Bureau. I have a memorandum of it here. It was used during the hearings.

Mr. LENROOT. I shall be very glad indeed if we can have it. [A pause.] Mr. President, while the Senator is finding those figures I want to call attention to another feature before I discuss the question of cost.

A great deal has been said about the age of these emergency officers, they being on the average 10 years older than the enlisted men. That is true, no doubt; but it must be remembered that when a comparison is made between the emergency officer and the Regular Army officer the very fact that the emergency officer is of an average age of 36, I believe, means that he has had at least 10 years of opportunity to establish himself in civil life, where the Regular Army officer has had no such opportunity at all.

It means that the emergency officer, if his age was 36, has become established in his profession, and unless there be a total disability he will be able, presumably, to return to that profession, where a Regular Army officer when he is disabled is not fitted for any vocation in private life, which makes a very clear distinction between the two classes.

Another distinction must be borne in mind. While this bill proposes to give these emergency officers all the privileges of retirement which Regular officers have, it does not propose to place upon them the obligations which retired officers of the Regular Army bear. Under the general retirement law Regular Army officers are subject to be recalled to duty under certain circumstances, but under this bill, while getting the same pay as a retired Regular Army officer, none of these emergency officers will be subject to call to duty as a retired officer of the Regular Army is subject to such call.

Mr. BURSUM. Is it not true that when the emergency officer took his oath and proceeded to the battle field, he was obligated to either bring back victory or to come back in a coffin?

Mr. LENROOT. Certainly.

Mr. BURSUM. Was not that an obligation quite as serious as any officer of the Regular Army had?

Mr. LENROOT. The Senator evidently misunderstood what I said. I did not say that the emergency officer was under no obligation to his Government while in the service. I have repeatedly said that the emergency officer is entitled to the very highest praise and to the very greatest credit. What I did say was that under the Senator's bill, while he proposes to give them the compensation of retired Regular Army officers, he does not propose to also carry with it the obligation which a retired Regular Army officer has.

Mr. BURSUM. Mr. President, does not the Senator from Wisconsin appreciate a difference between a service retirement or compensation and a retirement on account of disability suffered in action? Service retirement, I take it, is on account of the length of service or on account of age. There is no principle involved in this bill which contemplates any such compensation to emergency officers on account of length of service or on account of age. It is purely on account of injuries, wounds suffered in action.

Mr. LENROOT. Does not the Senator know that under the retirement act applying to Regular Army officers an officer may be retired for disability, but under certain circumstances he is subject to call for some active duty which he may be able to perform?

Mr. BURSUM. If he is not able, he can not.

Mr. LENROOT. That begs the question. I said if he was able.

Mr. BURSUM. Under this bill no officer is eligible to retirement unless he has a permanent disability rated at not less than

30 per cent, much higher than is required in the case of a Regular Army officer.

Mr. WADSWORTH. It is 10 per cent.

Mr. LENROOT. The Senator means for compensation.

Mr. BURSUM. No; for retirement.

Mr. LENROOT. It is 10 per cent for retirement.

Mr. BURSUM. No; under the bill it is 30 per cent.

Mr. LENROOT. Ten per cent for retirement.

Mr. BURSUM. Not under this bill.

Mr. WADSWORTH. Under this bill.

Mr. LENROOT. The Senator must be familiar with his own bill, certainly.

Mr. BURSUM. It is 30 per cent.

Mr. LENROOT. No; 10 per cent for retirement and 30 per cent for compensation.

Mr. WADSWORTH. Will the Senator from Wisconsin allow me to read the language to the Senator from New Mexico?

Mr. LENROOT. Certainly.

Mr. WADSWORTH. Commencing with line 12, page 2, the bill provides:

That such officers of the United States Army as shall have incurred disability of less than 30 per cent and more than 10 per cent permanent disability as may have been, or may hereafter be, rated by the Bureau of War Risk Insurance, shall, on application, be retired under the same conditions as now provided by law for officers of the Regular Army.

That is in the Senator's own bill.

Mr. LENROOT. I hope we will not get into any controversy with the Senator from New Mexico as to what the bill contains. I am sure the Senator from New Mexico will find, upon investigation, that that is in his bill, as stated by the Senator from New York.

Now, I want to ask the Senator whether he has found the official estimates to which he referred?

Mr. BURSUM. No; I have not.

Mr. LENROOT. I shall, then, defer any discussion of the cost to the Government if this bill should pass until the Senator has produced the estimate which he stated he had.

Mr. BURSUM. I stated I had an estimate taken from the figures of the Veterans' Bureau.

Mr. LENROOT. Will the Senator state what figures those were?

Mr. BURSUM. I stated to the Senate last night and to-day that the net result of those statistics was that 1,906 officers were affected by this bill.

Mr. LENROOT. Did the Senator get all the figures which led him to that conclusion from the Veterans' Bureau?

Mr. BURSUM. Yes; from the Veterans' Bureau.

Mr. LENROOT. Does the Senator still insist that those figures will show the total cost of this bill?

Mr. BURSUM. Yes; approximately. They do not give the figures accurately to a man.

Mr. LENROOT. Does not the Senator know we still have a great many emergency officers in hospitals, who are still upon the active list, who are not drawing compensation at all, and whose names are not in the Veterans' Bureau?

Mr. BURSUM. That is true.

Mr. LENROOT. So the Senator does admit that his figures are not accurate as to the cost?

Mr. BURSUM. We can not tell to a man, that is very true.

Mr. LENROOT. The Senator last night gave the number of men down to the odd figures—1,906—and he undertook to state to the Senate that the total cost of this bill would be \$1,600,000 a year, and now the Senator admits that he knows there are a great many emergency officers still in hospitals on the active list. The Senator knows that every one of those will come under the provisions of this bill.

Mr. BURSUM. But those estimates were based upon the disabilities which they were drawing money for. The chances are that there will be a decrease in that number, and not an increase.

Mr. LENROOT. Does not the Senator know that those upon the active list are not drawing that disability compensation now?

Mr. BURSUM. Yes; I suppose that is true.

Mr. LENROOT. They are drawing the pay of their grades. So the Senator will admit now that he must revise his estimate, because the last figures I can find in the hearings show that there were 1,200 of these officers in hospitals. That was over a year ago, and I assume there are not so many now. I do not know where the Senator got his figures, but when the hearings were had, which was last summer, the officers of the American Legion estimated, instead of 1,906, somewhere around 4,000; and they stated, by the way, that they had endeavored

to secure figures but were utterly unable to secure any figures from any department of the Government.

Mr. BURSUM. That was on the basis of the bill as first introduced.

Mr. LENROOT. I understand that.

Mr. BURSUM. The total number of officers who were drawing disability compensation at that time was 6,300, of all grades.

Mr. LENROOT. Which, with the 1,200 in the hospitals, made 7,500.

Mr. BURSUM. No; that included the 1,200.

Mr. LENROOT. The Senator is mistaken about that.

Mr. BURSUM. I may be, but I think not. It is estimated that out of the 6,300 there would be 1,906 who would fall within the 30 per cent rating.

Mr. LENROOT. I have a letter by the author of the House bill, Mr. STEPHENSON, and he stated on May 10 last that on June 30, 1920, there were 6,786 officers drawing compensation; on March 8, there were 1,261 emergency officers in Army hospitals, which makes about 7,500.

However that may be, Mr. President, if we could have an estimate from some official source, we would find that this bill, instead of costing \$1,600,000 a year, as stated by the Senator from New Mexico, would cost at least twice that sum. In addition, if we are going to do this for the emergency officers in the late war, how can we decline to do the same thing for all of the Spanish War officers, and how can we decline to do the same thing for all of the Civil War officers?

Mr. BURSUM. Mr. President, the Senator must know that it would be of no serious consequence to this country if we permitted every Civil War officer who is suffering from a disability incurred in the service to share in the benefits of this bill. There are only 91 pensions being drawn by officers of the Civil War on account of disability.

Mr. LENROOT. How many Spanish War officers?

Mr. BURSUM. We would have about 400. I can give the Senator the exact number if he desires. I have it here.

Mr. LENROOT. Does the Senator think they should be included?

Mr. BURSUM. I have no objection.

Mr. LENROOT. Does the Senator think they should be included?

Mr. BURSUM. Yes; I am perfectly willing to have them included.

Mr. LENROOT. So that the Senator would at once increase his estimate of what this bill ought to cost, on his own figures, by at least \$600,000?

Mr. BURSUM. I should say that was about right.

Mr. LENROOT. I am very sorry to find any Senator speaking so lightly of millions of dollars. Of course, if the Senator belonged on the other side of the aisle it might not be so surprising, but he does not belong there.

Mr. BURSUM. Pension money is the best money in the world; the most sacred money. It does more good than any other disbursement of the Government. It helps more needy people; it permeates a greater area all over the land. There is nothing like pension money for doing good.

Mr. LENROOT. I want to ask the Senator if he is willing, if this bill shall become a law, to favor legislation that will give private soldiers the same rate of compensation which this would give to the officers?

Mr. BURSUM. We will take that question up when we get to it.

Mr. LENROOT. It is very important in connection with this bill.

Mr. BURSUM. Would the Senator from Wisconsin be willing to repeal the law now on the statute books retiring Regular Army officers?

Mr. LENROOT. No; of course not.

Mr. BURSUM. Would the Senator from Wisconsin be willing to give the enlisted men of the Regular Army the same compensation which the officers get?

Mr. LENROOT. No; of course not.

Mr. BURSUM. The Senator from Wisconsin desires to draw his lines between the officers and men in the Regular Army, but whenever it comes to the emergency officers, the men who came from civil life and who bared their breasts to the enemy on the field of battle, and made it possible for this country to be supreme in the recent great crisis, he is not willing to give them an equal chance with the men who happened to come from West Point, or who happened to belong to the Regular Army.

Mr. LENROOT. Now, let us see what the Senator wants us to do. The Senator wants to take the case of two men from his own State of New Mexico who go from the same office. One of them enters an officers' training camp. The other one says, "I

do not want any special honors, I am going to enlist as a private, and I will go into the trenches." The one gets a position down here in the department in Washington throughout the war, and is promoted, we will say, to the office of colonel, possibly in the Judge Advocate General's office. The other, with the same education, receiving the same income before the war, goes through battle and is wounded in the trenches or going over the top. The one in Washington has the "flu" during the "flu" epidemic.

They each have a 30 per cent disability. They go home to New Mexico. They go back to the same office and hereafter pursue the same work. The Senator from New Mexico says, "I want the private to get \$360 a year, but I want the swivel-chair officer to have \$3,000, and that is what my bill does."

Mr. LODGE. Mr. President, will the Senator from Wisconsin yield to me to make a request? I ask unanimous consent that when the Senate adjourns this afternoon it be to meet on Monday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. LENROOT. Mr. President, I am not going to pursue the matter further. With reference to the bill, I understand the embarrassment under which some Senators rest when it comes to a vote upon it. I can understand how some Senators, the measure being indorsed by the American Legion, committed themselves to it without understanding it, its effect, and its discriminations. But I want to say that no Senator can afford, in my judgment, to vote for the bill, either from the standpoint of the Treasury of the United States, from the standpoint of the private soldier, or from the standpoint of the officer of lower rank as against the officer of higher rank.

The bill is grossly discriminatory. It can not be justified. There will be only one thing that Congress can do hereafter, if the bill shall become a law, to rectify the error it has made in its enactment, and that would be to give to all private soldiers the same compensation this bill will give to officers.

Mr. President, I think there are thousands of disabled soldiers, officers and privates, who are not receiving anything like what they ought to receive to-day. Some of these officers came before the committee, disabled for life and crippled. They ought to receive more than they are getting, and I am willing to vote for legislation that will give to every man a higher compensation where he has made a greater sacrifice or has lost earning power, but I should want to treat the first and second lieutenants, the captains, and the colonels all alike. If there is a private who makes the same sacrifice as did the officer, who is disabled to the same extent as the officer, I want that private to get the same compensation that the officer receives. Then we will do justice to both officer and private alike, but the bill, it seems to me, can not be defended before the private soldiers of the United States or before the American people.

Mr. WILLIAMS. Mr. President, this is not a bill to advance the officer before the private soldier. It has nothing in the world to do with that question. That may or may not come up later. When it does come up, if it ever shall come up, we will deal with it. This is merely a bill—

Making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

That is all. The balance of the talk of the Senator from Wisconsin [Mr. LENROOT], if one would call it a talk, has been broadspread in the wrong direction. He attempted to arouse the animosity of the Senate toward some sort of future pensioning of private soldiers that might be proposed. This is merely a bill to put upon equal footing with disabled Regular Army officers the Army officers of equal rank who are not Regular Army officers, but who were in the service as commissioned officers. That is all. The balance of the Senator's talk is a mere camouflage charge to that part of the world that is willing to listen to it.

Mr. President, there has been a long, long row going on in the United States, from Andrew Jackson's day down to now, between the officers of the Regular Army and the officers of the Volunteer Army, who have presumably done equal service to the Republic. My old friend John Williams long ago left the Jeffersonian Democracy and went into the Whig Party because he thought that Andrew Jackson and the Regular Army officers received some benefits the others did not receive; I mean, that as a Regular Army officer he had not received a benefit which the Volunteer Army officers had received. At the battle of Horseshoe Bend John Williams was in command of the Regulars and Andrew Jackson was in command of the Volunteers. The Volunteers got all the credit and the Regulars were left outside as usual.

Mr. President, the bill before the Senate right now, and we have to come back to the bill, is for the purpose of—

Making eligible for retirement—

For retirement—

under the same conditions—

Under the same conditions—

as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

Let us keep that in mind, notwithstanding the camouflage of the Senator from Wisconsin, which is a curious camouflage, a camouflage appealing to the private soldier in behalf of the Regular Army officer against the officer who did an equal duty with an equal disability outside of the Regular Army.

I have no prejudice against the Regular Army. On the contrary, I have a prejudice in its favor. From the revolutionary times down to now I have a family interest in favor of the Regular Army. But this is a bill—

Making eligible for retirement—

And please remember that it is for retirement—

under the same conditions—

And please remember it is under the same conditions—

as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

Let us suppose the case of two men who went to France. One happened to be a Regular Army officer who had been educated at the expense of the United States Government, noble and brave and true, as they nearly all have been, including Robert E. Lee and Ulysses S. Grant. Another happened to be a man who got exactly the same position in exactly the same Army, but who came out of civil life. The purpose of the pending bill is simply to put them both upon the same footing. Now, why is there any reason, or where is there any reason why a West Point graduate—and I have no prejudice against them, but on the contrary I have an immense love for them—equipped at the expense of the United States Government, should have any advantage in retirement from the Army over the man who was not graduated at the expense of the United States Government, but who graduated at his own expense and went to France and went to Flanders and fought, and, Mr. President, was disabled—now, do not forget that—was disabled.

I am the last man in the world on either side of the Chamber who would contend for a service pension to reward a man merely because he had worn the uniform. But when a man has been disabled, why should not the man who went out of civil life and served with equal credit in the Army of the United States, and who was equally disabled, receive exactly the same retirement pension as the man who was educated at the expense of the United States at West Point and who received the same disability?

I can not understand the circumlocution and the crooked route of the argument of the Senator from Wisconsin. It may be my fault in receptivity. It may be his fault in initiation. I do not know which it is. At any rate, I can not understand why, if two of my boys went out in the service of the United States and one of them had been a graduate from West Point or from Annapolis and the other had entered the service from civil life, and both had done equal duty and both had incurred equal disability, that the one should not receive exactly the same pay on retirement as the other receives.

I may be a fool; I sometimes think I am; but I can not understand that distinction. Why should a man who did not graduate from West Point or from Annapolis but who served in the Army or the Navy and suffered exactly the same wounds and incurred exactly the same hospital disabilities as the West Point or Annapolis graduate be required to come to this body and say, "Somehow, I do not understand how, I am inferior to this other fellow, and while he is to receive a retirement pension of — dollars, I ought to receive a retirement pension of — minus dollars." How can that be true? How can that be just? How can that be really patriotic?

Oh, the Senator tells me that perhaps following all this there may be some other legislation. Yes; and I see all the other legislation, too, as well as he does. I see the bonus bill staring me in the eyes, and I see a whole lot of political cowards who are going to vote for it in order to be reelected to the House of Representatives or to the Senate. That does not make any point with me.

This bill is simply designed to put upon an equal footing all the officers who went to Flanders or to France and who, while they did not die, were willing to die and were disabled; to put

them upon an equal footing with equal rank, and to say that all officers of the United States Army who served in Europe, fighting for civilization and for the democracy of the world, should stand upon an equal footing in the Congress of the United States and in the legislation of the United States. Can the Senator from Wisconsin give me one single reason why a Regular Army officer ought to obtain a higher retirement pay than an emergency officer who went to France outside the Regular Army and performed equal service and incurred equal disability?

Mr. LENROOT. The Senator from Mississippi was nodding in his chair when I discussed that very completely, and I do not care to take the time of the Senate to go over it again.

Mr. WILLIAMS. I heard the Senator's attempted or alleged discussion of the question, and I have asked him this question with a view to getting him to give a real discussion of it.

Now, I again ask, is there a Member of this body who can give a single, valid reason why a graduate of West Point in the Regular Army should receive higher retirement pay for exactly the same disability than another officer of equal rank in the Army of the United States who served in Flanders or in France? The Senator tells me that he has discussed that and he declines to discuss it any further.

Mr. President, I remember that soon after the Spanish-American War somebody stated in some newspaper in the United States that a woman went into a hospital and saw a man with one arm off and a leg off, and she said, "My dear hero, I love you so and I want to help you." She further asked, "My dear hero, what is your name?" The soldier said, "My dear child, I am not a hero; I am a Regular." [Laughter.]

If I have a prejudice in the world in the fight between the Volunteers and the Regulars, I have it on the side of the Regulars, because, even in the Revolutionary Army, we were the Continentals and not militia. Later on in the Mexican War we were Regulars, and later on in the war between the States, while we were not United States Regulars, we were at least Confederate Regulars; but I have no sort of sympathy with an argument that says that because a man is a graduate of West Point and is a Regular Army officer he should, upon retirement, receive a higher degree of pay than the man who performed equal service and incurred equal disability.

Mr. President, moreover I want to call your attention and the attention of the Senate and the attention of the country to the fact that the pending bill does not affect anybody except those who have incurred disability. Two men went to France; one went as a Regular Army officer and the other went as an emergency officer of the American Expeditionary Forces. They were each shot in the left arm or they were each shot in the right arm or they were each shot in the leg and each of them recovered, but they are now disabled. Will you tell me why the man who had the advantage of being educated at the expense of the United States Government should be retired on account of exactly the same disability at a higher rate than the man who happened not to be appointed to West Point as a cadet by a Representative or a Senator? Oh, Mr. President, what absurd nonsense that is; that mere political favoritism away back yonder in the past, making a man a cadet at West Point, is to be the reason why he should now receive a larger amount of money upon retirement than a man who happened not to enjoy the favoritism of a Representative or a Senator, when, perhaps, he applied to be appointed to West Point or when he did not apply—and most of the good people of the United States never did apply; most of them never wanted to go to West Point or to Annapolis and never asked to go there. Yet when the tocsin of war sounded they responded to the call.

Mr. President, from the early days of the Roman Empire and during the succeeding days of the monarchies of Europe down to the American Republic the most magnificent picture in the world is the picture of the English-speaking race—derided and denounced by German junkers as being degenerate, as being in old England merely degenerate and as being in the United States of America merely dollar hunters—when the time came all going to the front, 5,000,000 of volunteers from England and 4,000,000 of conscripts from the United States, a great part of whom would have been volunteers, and facing the world.

Are you going to tell me now, Mr. President, that amongst those of my sons and other people's sons who faced that music, the Regular Army officer who happened to be a graduate of West Point is to receive a higher retirement pay than the man who, without that obligation, still went to the front as a volunteer? By the way, all of the commissioned officers went as volunteers; many of the privates went as conscripts; but the commissioned officers went as volunteers. Are you going to tell

me that merely because a man never happened, by the favoritism of a Representative or a Senator, to be appointed to West Point, therefore he has got to sink to a lower level than the man who without any obligation from West Point or elsewhere faced the music and lost his leg or his arm or his eye? Mr. President, I can not understand the position which the Senator from Wisconsin assumes, unless I believed—and I do not believe it; I deny that I believe it—that it is merely appealing to a future demagoguery in favor of private soldiers; and I can not believe that without losing my respect for him.

This bill does not affect any private soldier. It has nothing to do with him. When future legislation shall present itself to do justice to him, I think I shall be ready to do it, whatever the future justice may be. This bill merely implies the idea that a boy who volunteered—my son or yours—and lost his leg or his arm after good service in Flanders or France, who came back to the United States and was retired from the Army on account of his disability, shall receive exactly the same pay that a man of equal rank and equal disability in the Regular Army shall receive. Is there anything else to it? And, by the way, I ask the Senator from Wyoming [Mr. WARREN], who knows more about this sort of legislation than anybody else in this Chamber, if there is any other distinction. [Applause.]

After a sacredly private conversation between the Senator from Wyoming and me, I am willing to quit talking right now; but I now say, I now announce, I now declare, I now challenge the Senator from Wisconsin or anybody else to tell me any objection he has to this bill except an objection to a boy who went to France or to Flanders without West Point rank and without Regular Army insignia receiving the same pay, with equal disability and with equal service, that a boy receives who went with a West Point appointment.

Mr. President, I do not want to be misunderstood. I have no prejudice against the Regular Army. On the contrary, I have a very high prejudice in its favor. One of the very first things in the history of the Williams clan in the State of Mississippi was the fact that they thought Andrew Jackson got the credit of winning the Battle of Horseshoe Bend because he was a volunteer, while Col. John Williams, who commanded the only Regulars there, really won the battle. I am not talking about that. I looked into all that later on, and I thought the battle was really won by the strategy of Andrew Jackson, and not by the courage of Col. John Williams; but I merely want to cite a fact showing that I have no prejudice against the Regular Army. I love Regular Army men, from Robert E. Lee down to J. E. B. Stuart, and all the others who illustrated to all the world how brave and how true was the education given at West Point to the man who took his place to fight for his country; but as far as I can see through this bill—and I have an intellect at least equal to that of the Senator from Wisconsin; I would not say it was greater, because that would mighty nearly amount to blasphemy in this body as at present organized—I can not see any reason in the world why a man of the Regular Army doing the same duty, incurring the same risks, suffering the same disability, should receive a higher retirement pay than should be received by his fellow standing right by his side in the charge upon the Germans or in the resistance to the Germans. I can not understand for the life of me, Mr. President, why any man pretending to represent peculiarly the common people of America should appear resisting a bill which merely puts upon an equal footing the men of equal service and of equal disability, facing our enemies in Europe in a war which would have resulted, if they had been victorious, in the destruction of civilization and of democracy.

It is so hard for me to see what the Senator from Wisconsin means that I am at a loss to argue against him; so I close up what I have to say by saying this, and this in one sentence:

I say, and I defy any man to deny, that there is no reason in law, in right, in equity, or in justice why the man who went to Europe and fought our battles without a West Point commission, who suffered equally, who had exactly the same disability and exactly the same length of service as the man with a West Point commission, should not be entitled to exactly the same pay.

THE MUSCLE SHOALS PLANT.

Mr. HARRIS. Mr. President, in January I offered a resolution, Senate resolution 227, to investigate the lobbying activities against the Muscle Shoals power plant on the part of the Fertilizer Trust and the Power Trust. I asked that the resolution might lie on the table. Since that time the Muscle Shoals matter has been referred to the Committee on Agriculture and Forestry, and I now request that the resolution, as modified by me, be referred to that committee.

The VICE PRESIDENT. Without objection, it is so ordered.

TOMBIGBEE RIVER BRIDGE.

Mr. LENROOT. From the Committee on Commerce I report back favorably House bill 10009, to authorize the State of Alabama through its highway department to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama, and I submit a report (No. 505) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. BURSUM. Will it lead to any debate?

Mr. LENROOT. No; it is just a formal bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the State of Alabama through its highway department be, and is hereby, authorized to construct and maintain a bridge and approaches thereto across the Tombigbee River at a point suitable to the interests of navigation at or near Moscow Landing, about 14 miles south of the city of Demopolis, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WACCAMAW RIVER BRIDGE.

Mr. LENROOT. From the Committee on Commerce I report back favorably House bill 9386, to grant the consent of Congress to the Whiteville Lumber Co. to construct a bridge across the Waccamaw River at or near Fireway Ferry, county of Columbus, N. C. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Whiteville Lumber Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Waccamaw River at a point suitable to the interests of navigation, at or near Fireway Ferry in the county of Columbus, State of North Carolina, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. LENROOT. From the Committee on Commerce I report back favorably House bill 8818, granting the consent of Congress to the city of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania, and I submit a report (No. 504) thereon. I ask unanimous consent for the consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge, with approaches thereto, across the Monongahela River at a point suitable to the interests of navigation, at or near its junction with the Allegheny River, in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLANCHE WINTERS.

Mr. STANFIELD. I ask unanimous consent for the reconsideration of the vote whereby Senate bill 2024, for the relief of Blanche Winters, passed the Senate, and that the Secretary of the Senate be instructed to request the House of Representatives to return the bill to the Senate. It is a claim bill that was amended on the floor here hurriedly the other day, and those interested in it would like to have it further considered.

The VICE PRESIDENT. The Senator from Oregon requests that the Secretary of the Senate be requested to secure the return of the bill from the House of Representatives. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate, under the order previously made, adjourned until Monday, February 20, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 17, 1922.

UNITED STATES ATTORNEY.

Charles F. Cole, of Arkansas, to be United States attorney, eastern district of Arkansas, vice June P. Wooten, resigned.

UNITED STATES MARSHAL.

Roy B. Williams, of Kentucky, to be United States marshal, eastern district of Kentucky, vice Henry M. Cox, whose term will expire March 4, 1922.

POSTMASTERS.

ALABAMA.

Leander Isbell to be postmaster at Albertville, Ala., in place of A. M. Espey. Incumbent's commission expired January 24, 1922.

CALIFORNIA.

Miriam I. Paine to be postmaster at Mariposa, Calif., in place of M. I. Paine. Incumbent's commission expired July 21, 1921.

CONNECTICUT.

William J. Phillips to be postmaster at Woodmont, Conn., in place of C. F. Farren. Incumbent's commission expired January 13, 1921.

GEORGIA.

Jessie I. Crichton to be postmaster at Camp Benning, Ga. Office became presidential January 1, 1921.

IDAHO.

Charles A. Johnston to be postmaster at Cottonwood, Idaho, in place of J. V. Nash. Incumbent's commission expired March 16, 1921.

ILLINOIS.

William B. Rasplia to be postmaster at Glen Carbon, Ill. Office became presidential January 1, 1921.

Arthur J. Mollman to be postmaster at Millstadt, Ill. Office became presidential January 1, 1921.

Robert M. Farthing to be postmaster at Mount Vernon, Ill., in place of J. J. Baker, resigned.

Isaac D. Gum to be postmaster at Pocahontas, Ill., in place of J. H. Knebel. Incumbent's commission expired August 7, 1921.

INDIANA.

Guy F. Johnson to be postmaster at Ewing, Ind. Office became presidential January 1, 1921.

Dean W. White to be postmaster at Vallonia, Ind. Office became presidential April 1, 1921.

IOWA.

Vellas L. Gilje to be postmaster at Elkader, Iowa, in place of A. J. Palas, resigned.

Boyd W. Smith to be postmaster at Waukon, Iowa, in place of E. F. Medary. Incumbent's commission expired July 15, 1920.

KANSAS.

K. Leonor Lee to be postmaster at Portis, Kans., in place of E. R. Lemon, resigned.

KENTUCKY.

Oscar W. Gaines to be postmaster at Oakland, Ky. Office became presidential January 1, 1921.

LOUISIANA.

Nathan R. Funderburk to be postmaster at Wisner, La. Office became presidential January 1, 1921.

MAINE.

Charles A. Robinson to be postmaster at Portland, Me., in place of O. R. Wish. Incumbent's commission expired January 24, 1922.

MARYLAND.

Charles D. Routzahn to be postmaster at Mount Airy, Md., in place of R. L. Runkles, resigned.

MICHIGAN.

Charles Dufty to be postmaster at Caseville, Mich. Office became presidential July 1, 1921.

Elmer M. French to be postmaster at Hersey, Mich. Office became presidential April 1, 1920.

Edna A. Gorton to be postmaster at Lexington, Mich. Office became presidential July 1, 1921.

Hercules Rice to be postmaster at Muir, Mich. Office became presidential January 1, 1921.

Russell S. Kendrick to be postmaster at New Haven, Mich. Office became presidential April 1, 1921.

George H. Poskitt to be postmaster at Prescott, Mich. Office became presidential October 1, 1920.

Herbert T. Trumble to be postmaster at Elkton, Mich., in place of George Arthur, resigned.

Claude B. Van Wert to be postmaster at North Adams, Mich., in place of M. N. Wolcott, resigned.

MINNESOTA.

Samuel A. Terrell to be postmaster at Elysian, Minn. Office became presidential April 1, 1921.

James J. Lannon to be postmaster at Prior Lake, Minn. Office became presidential April 1, 1921.

Erick L. Slindee to be postmaster at Adams, Minn., in place of E. L. Slindee. Incumbent's commission expired February 16, 1922.

MISSISSIPPI.

James C. Reddoch to be postmaster at Quitman, Miss., in place of C. B. Wier, removed.

MISSOURI.

Morris W. Ledbetter to be postmaster at Marble Hill, Mo. Office became presidential July 1, 1920.

James P. Scott to be postmaster at Kahoka, Mo., in place of S. S. Ball. Incumbent's commission expired January 24, 1922.

Thomas G. Buxton to be postmaster at Seneca, Mo., in place of J. E. Shepherd. Incumbent's commission expired April 24, 1921.

MONTANA.

Rose M. Sargent to be postmaster at Nashua, Mont., in place of R. M. Sargent. Incumbent's commission expired February 5, 1922.

Marie I. Moler to be postmaster at Reedpoint, Mont., in place of S. J. Guthrie, resigned.

NEW JERSEY.

William A. Tripp to be postmaster at Millington, N. J., in place of W. A. Tripp. Incumbent's commission expired April 24, 1921.

Robert J. Vanderhoff to be postmaster at Newfoundland, N. J., in place of E. T. Van Horn. Incumbent's commission expired August 6, 1921.

NEW MEXICO.

Gertrude Warrender to be postmaster at Logan, N. Mex. Office became presidential July 1, 1921.

NEW YORK.

Wilfred D. Cheney to be postmaster at Newton Falls, N. Y. Office became presidential July 1, 1921.

Horace B. Fromer to be postmaster at Hunter, N. Y., in place of A. B. Taylor. Incumbent's commission expired July 21, 1921.

NORTH CAROLINA.

Judson D. Albright to be postmaster at Charlotte, N. C., in place of J. H. Weddington, deceased.

NORTH DAKOTA.

Catherine Ross to be postmaster at Arthur, N. Dak. Office became presidential July 1, 1921.

Flora Walker to be postmaster at Kathryn, N. Dak. Office became presidential January 1, 1921.

OKLAHOMA.

John K. Miller to be postmaster at Apache, Okla., in place of C. W. Amspacher, resigned.

James W. Hinson to be postmaster at Fletcher, Okla., in place of J. W. Hinson. Incumbent's commission expired February 4, 1922.

PENNSYLVANIA.

Harry A. Bucher to be postmaster at Cashtown, Pa. Office became presidential July 1, 1921.

Wharton M. Oswalt to be postmaster at Clarence, Pa. Office became presidential October 1, 1920.

Ethel O. Lakin to be postmaster at Grassflat, Pa. Office became presidential January 1, 1921.

William C. Hunter to be postmaster at Meadville, Pa., in place of A. J. Palm, resigned.

SOUTH CAROLINA.

Mark D. Batchelder to be postmaster at Frogmore, S. C. Office became presidential April 1, 1921.

SOUTH DAKOTA.

Chris Wittmayer to be postmaster at Eureka, S. Dak., in place of G. C. Knickerbocker, deceased.

Robert C. Van Horn to be postmaster at Kennebec, S. Dak., in place of Agnes McCue, resigned.

TENNESSEE.

Robert H. Hurst to be postmaster at Grand Junction, Tenn., in place of L. E. Stroup. Incumbent's commission expired October 4, 1921.

TEXAS.

Sam H. French to be postmaster at Purdon, Tex. Office became presidential April 1, 1921.

Michel Abdelmessih to be postmaster at Seminary Hill, Tex. Office became presidential July 1, 1921.

Fred P. Ingerson to be postmaster at Barstow, Tex., in place of F. P. Ingerson. Incumbent's commission expired July 21, 1921.

Horace H. Watson to be postmaster at Orange, Tex., in place of J. J. Ball. Incumbent's commission expired July 21, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 17, 1922.

RECEIVER OF PUBLIC MONEYS.

John W. Scott to be receiver of public moneys, El Centro, Calif.

COAST AND GEODETIC SURVEY.

Charles Henry Wright to be aid, with relative rank of ensign in the Navy.

Albert J. Hoskinson to be aid, with relative rank of ensign in the Navy.

Frederick Estill Joekel to be hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy.

POSTMASTERS.

ARIZONA.

Charles A. Narramore, Buckeye.

COLORADO.

Albert Neuman, Elbert.

CONNECTICUT.

James E. Usher, Plainville.

FLORIDA.

William B. Wingate, Callahan.

Effie M. Robinson, Coleman.

Elmer J. Roux, Fernandina.

Pearl E. Graham, Orange City.

GEORGIA.

Jackson C. Atkinson, Midville.

ILLINOIS.

Lillian M. Dilg, Morton Grove.

KANSAS.

Isabel Brown, Lansing.

MICHIGAN.

E. Harold Ormes, Marenisco.

MISSISSIPPI.

Charles F. Harris, Bentonla.

Fred E. Brister, Bogue Chitto.

George H. Holley, Booneville.

Matt Sheppard, Braxton.

Georgia A. McCuen, Brookville.

Edward M. Fant, Coahoma.

Andrew McD. Patterson, Como.

Clara L. Wright, Enterprise.

Mary U. Dollins, Glendora.

Richard K. Haxton, Greenville.

Mable C. Brashears, Gunnison.

Edward A. Kernaghan, Hattiesburg.

Suggs S. Matthews, Hazlehurst.

Maude D. Montgomery, Hermanville.

Elizabeth Connelly, Lexington.

William X. Casanova, Logtown.

Hammond H. Hinton, Lumberton.

Charles J. Hyde, Meridian.

Lottie S. Smith, Pittsboro.

Henry Boswell, Sanatorium.

Dora McCurley, Stephenson.

Monroe L. Lott, Sumrall.
Charles P. Chappell, Tupelo.
Lemuel S. Jones, Yazoo City.

MISSOURI.

William H. Lerbs, Berger.

Colmore Gray, Billings.

Louis E. Meyer, Bowling Green.

Elias K. Horine, Cassville.

Alfred G. Neville, Eldon.

Glen Kingen, Ellsinore.

Oliver M. Silsby, Flat River.

Archie C. Witt, Gower.

Leonard Ancell, Higbee.

Archie P. Myrick, Hunter.

Julia Durham, Jacksonville.

William S. Tabler, Jasper.

Carl F. Sayles, Laclede.

Charles B. Genz, Louisiana.

John H. Jones, Marshall.

Frank J. Black, Meadville.

Herbert H. A. Redeker, Morrison.

Mattie Deball, Pomona.

James D. A. Hood, jr., Republic.

Harland F. Kleppinger, Rockville.

Estella Marquis, Shell City.

Zack R. Baskett, Summersville.

Benjamin F. Northcott, Sumner.

Knox G. Thomas, Verona.

Charles O. Vaughn, Weaubleau.

Horace P. Bassett, Wheeling.

NEBRASKA.

Henrietta Andrews, Bellwood.

Donald D. Price, Gothenburg.

NEW JERSEY.

Jeanette H. Claypoole, Cedarville.

James H. Fullerton, Fords.

Charles J. Draude, Laurel Springs.

Ross E. Mattis, Riverton.

OHIO.

Helen M. Roley, Basil.

Myrtle M. McCreery, Brecksville.

Edwin E. Cook, Huron.

Benjamin S. Dillehay, Waterford.

UTAH.

Frank M. Shafer, Moab.

WYOMING.

John W. Hullett, Chugwater.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 17, 1922.

POSTMASTER.

John W. Sample to be postmaster at Marble Hill in the State of Missouri.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 17, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Glory be to Thee O Lord most High! Vouchsafe to keep us this day without sin. Open up the wells of human consciousness and may there come help divine. O Light of Life, shed upon our homes and our loved ones away the blessings of good health and comfort, and give the fullest cup of earthly cheer. If any must walk the shores of life in sorrow, or thread the shadows all alone, or endure the aches which can not be revealed, give them the unfailing secrets of a happy life. In our conduct and in our duties manifest Thy wisdom and give direction to all problems of legislation. Extend the blessings of good will and the spirit of cooperation throughout our broad land, and more and more teach men everywhere that the paths of patient labor lead to the paths of peace and prosperity, and that it is righteousness that exalteth a nation. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPROPRIATIONS FOR THE INTERIOR DEPARTMENT.

The SPEAKER. The unfinished business is the motion of the gentleman from Oklahoma [Mr. CARTER] to recommit the appropriation bill, which motion the Clerk will report.

The Clerk read as follows:

Mr. CARTER moves to recommit the bill to the Committee on Appropriations, with instructions to report the same back forthwith, with the following amendments: On page 13 strike out lines 8, 9, 18, 19, 22, 23, 24, and 25, said lines providing appropriations for the surveyors general in the States of Colorado, Oregon, Washington, and Wyoming.

The question was taken; and on a division (demanded by Mr. BYRNES of South Carolina) there were 13 ayes and 43 noes.

Mr. BYRNES of South Carolina. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from South Carolina makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 102, nays 218, answered "present" 2, not voting 108, as follows:

YEAS—102.

Aswell	Drane	Lanham	Rankin
Bankhead	Drewry	Larsen, Ga.	Rayburn
Barkley	Dupré	Lazaro	Rouse
Bell	Favrot	Lee, Ga.	Rucker
Black	Fisher	Logan	Sabath
Bland, Va.	Fulmer	London	Sanders, Tex.
Blanton	Gallivan	Lowrey	Sandlin
Bowling	Garner	Lyon	Sears
Box	Garrett, Tenn.	McClintic	Sisson
Brand	Garrett, Tex.	McDuffie	Smithwick
Briggs	Gilbert	McSwain	Steagall
Buchanan	Goldsborough	Martin	Stedman
Bulwinkle	Griffin	Mead	Stevenson
Byrnes, S. C.	Hammer	Montague	Stoll
Byrnes, Tenn.	Hardy, Tex.	Moore, Va.	Sumners, Tex.
Cantrill	Hawes	O'Connor	Swank
Carew	Hooker	Oldfield	Taylor, Ark.
Clark, Fla.	Huddleston	Oliver	Thomas
Collier	Hudspeth	Overstreet	Tillman
Collins	Humphreys	Padgett	Tyson
Connally, Tex.	Jacoway	Park, Ga.	Vinson
Crisp	Jeffers, Ala.	Parks, Ark.	Weaver
Cullen	Johnson, Miss.	Pou	Wilson
Davis, Tenn.	Jones, Tex.	Quin	Wright
Dominick	Kinchelee	Rainey, Ill.	
Doughton	Kindred	Ramseyer	

NAYS—218.

Ackerman	Fairfield	Larson, Minn.	Roach
Andrew, Mass.	Fenn	Layton	Robertson
Andrews, Nebr.	Fess	Lea, Calif.	Rodison
Anthony	Fish	Leatherwood	Rosenberg
Appleby	Fitzgerald	Lehlbach	Rose
Arentz	Fordney	Longworth	Rosenbloom
Atkeson	Foster	Luce	Rossdale
Bacharach	Frear	Lubring	Sanders, Ind.
Barbour	Free	McArthur	Sanders, N. Y.
Beck	Freeman	McCormick	Scott, Mich.
Beedy	French	McFadden	Scott, Tenn.
Begg	Frothingham	McLaughlin, Mich.	Shelton
Benham	Fuller	McLaughlin, Nebr.	Shreve
Bixler	Funk	McPherson	Sinclair
Blakeney	Gahn	MacGregor	Sinnott
Blaid, Ind.	Gerner	Magee	Slemp
Bowers	Glynn	Maloney	Smith, Idaho
Brooks, Ill.	Goodykoontz	Mann	Smith, Mich.
Brooks, Pa.	Gorman	Mapes	Snell
Brown, Tenn.	Graham, Ill.	Merritt	Snyder
Browne, Wis.	Green, Iowa	Michener	Sproul
Burdick	Greene, Mass.	Mills	Stafford
Burroughs	Greene, Vt.	Millsbaugh	Steenerson
Burtness	Griest	Mondell	Stephens
Burton	Hardy, Colo.	Montoya	Strong, Kans.
Butler	Haugen	Moore, Ill.	Summers, Wash.
Cable	Hawley	Moore, Ohio	Sweet
Campbell, Kans.	Hayden	Moore, Ind.	Swing
Campbell, Pa.	Herrick	Morgan	Taylor, N. J.
Chalmers	Hickey	Morin	Timberlake
Christopherson	Hicks	Mott	Tincher
Clague	Himes	Murphy	Towner
Clarke, N. Y.	Hoch	Nelson, A. P.	Treadway
Classon	Hull	Nelson, J. M.	Underhill
Clouse	Hutchinson	Newton, Minn.	Vaile
Cole, Iowa	Johnson, S. Dak.	Newton, Mo.	Vestal
Colton	Johnson, Wash.	Norton	Voigt
Connell	Jones, Pa.	Olpp	Volstead
Cooper, Wis.	Kearns	Osborne	Walsh
Copley	Kelly, Pa.	Parker, N. Y.	Walters
Crago	Kendall	Patterson, N. J.	Watson
Dale	Ketcham	Perkins	Watson
Dallinger	Kless	Petersen	Webster
Darrow	King	Porter	White, Kans.
Davis, Minn.	Kinkaid	Pringley	White, Me.
Dempsey	Kirkpatrick	Purnell	Williams
Denison	Kissel	Radcliffe	Williamson
Dickinson	Kieczka	Raker	Wingo
Dowell	Kline, N. Y.	Ransley	Woodruff
Dunn	Kline, Pa.	Reavis	Woodyard
Echols	Knutson	Reese	Wyant
Elliott	Kopp	Reed, N. Y.	Young
Ellis	Kraus	Reed, W. Va.	Zihlman
Evans	Lampert	Rhodes	
Fairchild	Langley	Ricketts	

ANSWERED "PRESENT"—2.

Cockran
Cramton
NOT VOTING—108.

Almon	Faust	Lankford	Schall
Anderson	Fields	Lawrence	Shaw
Ansorge	Focht	Lee, N. Y.	Siegel
Bird	Gensman	Lineberger	Speaks
Boies	Gould	Linthicum	Stiness
Bond	Graham, Pa.	Little	Strong, Pa.
Brennan	Hadley	McKenzie	Sullivan
Brinson	Harrison	McLaughlin, Pa.	Tague
Britten	Hays	Madden	Taylor, Colo.
Burke	Hersey	Mansfield	Taylor, Tenn.
Cannon	Hill	Michaelson	Temple
Carter	Hogan	Miller	Ten Eyck
Chandler, N. Y.	Houghton	Mudd	Thompson
Chandler, Okla.	Hukriede	Nolan	Tilson
Chindblom	Husted	O'Brien	Tinkham
Codd	Ireland	Ogden	Upshaw
Cole, Ohio	James	Paige	Vare
Connolly, Pa.	Jeffers, Nebr.	Parker, N. J.	Volk
Cooper, Ohio	Johnson, Ky.	Parrish	Ward, N. C.
Coughlin	Kahn	Patterson, Mo.	Ward, N. Y.
Crowther	Keller	Perlman	Wheeler
Curry	Kelley, Mich.	Rainey, Ala.	Winslow
Deal	Kennedy	Reber	Wise
Driver	Kitchin	Riddick	Wood, Ind.
Dunbar	Knight	Riordan	Woods, Va.
Dyer	Kreider	Rogers	Wurzbach
Edmonds	Kunz	Ryan	Yates

So the motion to recommit was rejected.

The following pairs were announced:

Mr. CARTER (for) with Mr. CRAMTON (against).

Mr. RIORDAN (for) with Mr. WINSLOW (against).

General pairs:

Mr. PATTERSON of Missouri with Mr. O'BRIEN.

Mr. CANNON with Mr. FIELDS.

Mr. STRONG of Pennsylvania with Mr. TAGUE.

Mr. COUGHLIN with Mr. LANKFORD.

Mr. REBER with Mr. PARRISH.

Mr. THOMPSON with Mr. JOHNSON of Kentucky.

Mr. VARE with Mr. DEAL.

Mr. WOOD of Indiana with Mr. WISE.

Mr. CODD with Mr. LINTHICUM.

Mr. CHINDBLUM with Mr. KITCHIN.

Mr. KELLER with Mr. ALMON.

Mr. HUKRIEDE with Mr. TEN EYCK.

Mr. BIRD with Mr. WOODS of Virginia.

Mr. TILSON with Mr. DRIVER.

Mr. GRAHAM of Pennsylvania with Mr. KUNZ.

Mr. CHANDLER of Oklahoma with Mr. LEA of California.

Mr. FAUST with Mr. BRINSON.

Mr. OGDEN with Mr. RAINEY of Alabama.

Mr. LAWRENCE with Mr. TAYLOR of Colorado.

Mr. PERLMAN with Mr. UPSHAW.

Mr. BRENNAN with Mr. WARD of North Carolina.

Mr. IRELAND with Mr. MANSFIELD.

Mr. TAYLOR of Tennessee with Mr. SULLIVAN.

Mr. HOGAN with Mr. HARRISON.

Mr. CRAMTON. Mr. Speaker, I voted "no." I am paired with the gentleman from Oklahoma [Mr. CARTER]. I wish to withdraw my vote and answer "present."

Mr. CRAMTON answered "present" as above recorded.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 5659. An act for the relief of Ellen M. Willey, widow of Owen S. Willey.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2993. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.; and

S. 2024. An act for the relief of Blanche Winters.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2024. An act for the relief of Blanche Winters; to the Committee on War Claims.

S. 2993. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.; to the Committee on Rivers and Harbors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that February 16 they had presented to the President of the United States for his approval the following bills:

H. R. 1268. An act for the relief of the Six Minute Ferry Co., of Vallejo, Calif.;

H. R. 1362. An act for the relief of M. Fine & Sons;

H. R. 1370. An act for the relief of Col. Herbert Deakyn, Corps of Engineers, United States Army;

H. R. 1372. An act for the relief of the M. Feitel House Wrecking Co.;

H. R. 1721. An act to authorize the refund of a part of the purchase price of Camp Mills to the Buffalo Housewrecking & Salvage Co.;

H. R. 1733. An act for the relief of W. R. Grace & Co.;

H. R. 2144. An act for the relief of the owners of the schooner *Charlotte W. Miller*;

H. R. 3249. An act for the relief of certain employees of the Bureau of Lighthouses;

H. R. 5597. An act granting an increase of pension to N. May Jernegan;

H. R. 6437. An act for the relief of the Cleveland Trinidad Paving Co., of Cleveland, Ohio;

H. R. 6622. An act for the relief of Gaetano Davide Olivari fu Fortunato;

H. R. 8217. An act to authorize the payment of \$872.96 to the Government of Italy for the relief of the heirs and assigns of N. Ferro;

H. R. 9031. An act to extend the time for completing the construction of a bridge across the Delaware River;

H. R. 2373. An act to authorize association of producers of agricultural products;

H. R. 9724. An act making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes; and

H. R. 7077. An act to increase the force and salaries in the Patent Office, and for other purposes.

BONUS LEGISLATION.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, it was not my purpose during the preliminary consideration of the bonus bill to mention the subject in the House of Representatives, but a matter has occurred this morning which I think the House is entitled to know about, and against which I for one want to protest. It is all right, so far as I am concerned, and I think so far as the country is concerned, for the Republican membership of the Committee on Ways and Means to have their executive sessions without the Democrats being present. That has been done and will be done as long as we are organized as parties in this country, but what I want to call the attention of the House to and protest against is the Republicans having an executive session and calling witnesses before them in order to determine upon legislation pending before the Committee on Ways and Means. I say frankly that that ought not to exist, and that the House ought to take some action to prevent it, if need be. The Republicans of the Ways and Means Committee, if I am correctly informed by gentlemen outside of the committee, and the gentlemen of the committee are here and they can tell me whether I am correct or not, held a meeting this morning at which they called before them representatives of the American Legion to advise them concerning the report of the so-called bonus bill. If that information is correct, it is an outrage on the House of Representatives. It is not fair play, because you will undertake to quote on the floor of this House, as you did touching another bill, what they said touching the measure which you may report. If I am correctly informed, you called before you the representatives of the American Legion, the legislative members of the American Legion, whose duty it is to advise Congress, and they are undertaking to advise you in secret session without giving the country or the entire membership of the House of Representatives an opportunity to know what is going on with reference to information upon which you are going to base legislation. I do not object to them being called, but the minority members have a right to be present. You have a right after you get all of your information to go into secret session. It is your business to do that, if you see proper to legislate in that manner, but you have not the right to have secret sessions and invite representatives of the American Legion or representatives of any other class before you and have them under-

take to tell you the character of legislation that you shall report without having anyone else there or at least having a stenographic report of it, so that this House may have the benefit of it. [Applause on the Democratic side.]

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I am a little surprised at the statement of the gentleman from Texas [Mr. GARNER]. The gentleman is generally moderate and reasonably accurate in his statements, but I think the gentleman has been neither moderate nor accurate this morning. The gentleman admits that it has been the practice for a very long time and will be so long as party responsibility is recognized in the House for the majority members of committees to meet to discuss matters pending before the House, proposals of legislation. It is not only usual but it is entirely logical that at those meetings they shall hear anyone they may desire to hear on matters pending before the House on legislative suggestions. Those are not official meetings of the Ways and Means Committee to which he refers.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. In just a moment. They are unofficial meetings of the majority members of the committee, seeking information with regard to propositions and problems before the House, and it is entirely proper, it is usual, that they shall seek such information and expression of opinion as may seem wise and proper to them to get. I yield to the gentleman from Texas.

Mr. GARNER. The gentleman speaks about my inaccuracy. He has been here for nearly a quarter of a century. I ask the gentleman to name one single instance in that time where the partisanship of a committee has summoned witnesses before it to consider legislation in executive session.

Mr. MONDELL. Oh—

Mr. GARNER. Name it; name it. The gentleman says that I am inaccurate, and he also says that it is usual to do this very thing. Name a single instance in a quarter of a century.

Mr. MONDELL. I do not happen to remember the particular occasion, the particular hour or the particular day, but I know there have been many such occasions.

Mr. GARNER. Name a single one.

Mr. MONDELL. The gentleman from Texas knows—

Mr. GARNER. Oh, name a single one.

Mr. MONDELL. Oh, the idea of asking me to recall some hour of some particular day when a thing of that kind might have occurred! I know that the majority members of committees of which I have been a member, of committees of which the gentleman himself is and has been a member, have had people before them asking their opinion with regard to legislation. The Democratic members of the Committee on Ways and Means did that in the preparation of the Underwood tariff bill.

Mr. GARNER. Never since I have been a member of that committee have the Democrats in secret session summoned evidence to make up a bill.

Mr. GREEN of Iowa. The gentleman must have been absent.

Mr. GARNER. No; I was not absent.

Mr. MONDELL. The gentleman's memory is very convenient.

Mr. GARNER. Oh, my memory is correct.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FORDNEY. If the gentleman from Texas [Mr. GARNER] was a member of the Committee on Ways and Means when the Underwood bill was being prepared and the rates being fixed, he will recall that the Democrats, in executive session, called in a man from New York to give them information on lemons, and that they took his advice and wrote it into the bill. [Applause on the Republican side.]

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Since the gentleman has been handed that lemon, I am perfectly willing.

Mr. GARNER. Mr. Speaker, the gentleman from Michigan is just about as accurate in that statement as he was touching the prices that Field & Co., in Chicago, paid for certain articles. [Laughter and applause on the Democratic side.] I challenge the gentleman from Michigan to show by a single member that—

Mr. MONDELL. Oh, well, Mr. Speaker—

Mr. GARNER. Oh, wait a moment. There never has been a man before a secret session of the Democratic members of the Committee on Ways and Means since I have been a member of that committee, and I was a member of the committee when it made up the Underwood bill.

Mr. MONDELL. Mr. Speaker, I do not know what the gentleman refers to as secret sessions, but it is a well-known fact, and I think the gentleman will not deny it, that in their conferences on the tariff and other bills the Democratic Members had experts or so-called experts from the Treasury Department and others before them, giving them their opinion and testifying with regard to matters before the committee.

That was done repeatedly, and it is entirely proper that it should be done. The majority is responsible, and under its responsibility the majorities on the Ways and Means Committee on both sides of the House have made a practice of having certain matters first considered by the majority members of committees, and they have heard anyone they thought could give them useful information in regard to the matters before them.

The SPEAKER. The time of the gentleman has again expired.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Speaker, I wish to say to gentlemen of the House that the gentleman from Texas [Mr. GARNER], at the time we had hearings upon the bonus bill, freely and fully expressed himself in opposition to a bonus bill. The Republican members of the Ways and Means Committee have not thought it wise to call into their confidence men to help to prepare that bill whom we knew were unalterably opposed to a bonus bill. [Applause.] We judged so from their expression. And the Ways and Means Committee and other committees of this House have always had Treasury experts and other officials before the committee when the majority members of the committee were considering the making of rates in a revenue bill. The Republican members of the Ways and Means Committee are doing that same thing now. We had before us this morning a man connected with the American Legion and asked him for expert information, which he gave. And I will say to the gentleman from Texas the Republican members of the Ways and Means Committee are at work every minute preparing a bonus bill, and we will present that measure to a conference of Republican Members of this House within the next 10 days, in my opinion [applause], and the Republican Members of this House will pass a bonus bill. That is what we will do, but will give gentlemen on the Democratic side of this House a chance to vote for or against that bill. [Applause.] We are using every honorable effort to prepare that bill so that when it is presented to the House the Republicans of this House will agree with the committee; if not, we want the Republican Members to direct Republican members of the Ways and Means Committee how to prepare that bill and how to bring it in here for final action. [Applause.]

The SPEAKER. The time of the gentleman has expired.

PRINTING OF THE REPORT OF NATIONAL AGRICULTURAL CONFERENCE.

Mr. HAUGEN. Mr. Speaker, by direction of the Committee on Agriculture I ask unanimous consent that the report of committees and resolutions and the report of the National Agricultural Conference, held January 23 to 27, be printed as a public document.

The SPEAKER. The Chair could not hear the last few words.

Mr. HAUGEN. That the report of the National Agricultural Conference be printed as a public document.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the report of the National Agricultural Conference be printed as a public document. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, how many of these will be available? It is quite a voluminous volume.

Mr. HAUGEN. If printed as a document, it will make 280 pages, 1,370 copies will be available, and will cost \$954.87.

Mr. WALSH. One thousand three hundred copies will not give the men representing agricultural districts very many. Why does not the gentleman offer a resolution and let it go to the Committee on Printing in the ordinary course?

Mr. HAUGEN. We are pursuing the ordinary course, and if this request is granted I intend to request that the additional copies be printed. The limit of cost on additional copies, I understand, is fixed at \$500, will cost \$92.24 a thousand.

Mr. HUMPHREYS. Reserving the right to object, I could not hear the answer of the gentleman from Iowa. How many of these reports are going to be printed?

Mr. HAUGEN. Under the rule we will have 1,370 copies, and if the request is agreed to I will ask unanimous consent that additional copies be printed, costing \$92.24 a thousand.

Mr. HUMPHREYS. The gentleman will ask to have them distributed through the folding room?

Mr. HAUGEN. Yes.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, for the time being, I object.

The SPEAKER. Objection is made.

ORDER OF BUSINESS TO-MORROW.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman from Wyoming about the program for to-morrow.

Mr. MONDELL. Mr. Speaker, we hope to take up for consideration to-day bills on the Private Calendar unobjected to. My thought is if we make good progress to-day, if the majority of the gentlemen seem to desire it, we might stand in recess to-morrow and give gentlemen an opportunity to catch up with committee work and their correspondence. I think it is highly important that we shall give careful consideration to the Private Calendar. It has not been considered for quite a long time. If we make very good progress on the Private Calendar, I am in hopes we may stand in recess for to-morrow.

Mr. GARRETT of Tennessee. Of course, the Private Calendar could only come up to-morrow by unanimous consent, so I do not see why to-morrow's program should be dependent upon the progress made to-day.

Mr. MONDELL. Possibly not.

Mr. GARRETT of Tennessee. So far as I know there is no disposition to obstruct consideration of bills on the Private Calendar to-day. There is a very general desire, I think, that there shall not be a session of the House to-morrow, and I had hoped the gentleman could see his way clear to ask unanimous consent now.

Mr. MONDELL. We are always anxious to know the view of the minority leader, and the view he has just expressed will very largely influence me with reference to to-morrow's program, and I hope we may see our way clear to stand in recess to-morrow. I do not particularly care to submit that request now, Mr. Speaker.

Mr. GARRETT of Tennessee. Mr. Speaker, so far as that is concerned, it is not the minority request, let me say to the gentleman. If the gentleman has important business that he wants to pursue to-morrow, the minority will throw nothing in the way, but there is a feeling among Members generally, on the gentleman's side as well as on this, that it might be very desirable to have a recess to-morrow.

Mr. MONDELL. If the gentleman will allow, I will submit a unanimous-consent request, Mr. Speaker, that we consider to-day in the House, as in Committee of the Whole, bills on the Private Calendar unobjected to, and that when we adjourn to-day we adjourn to meet on Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that to-day bills on the Private Calendar unobjected to be considered in the House as in Committee of the Whole, and that when we adjourn to-day we adjourn to meet on Monday next. Is there objection?

Mr. SEARS. Reserving the right to object—I object.

The SPEAKER. The gentleman from Florida objects.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to take up for consideration in the House as in Committee of the Whole bills on the Private Calendar unobjected to.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to take up for consideration in the House as in Committee of the Whole bills on the Private Calendar unobjected to. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. SPROUL. Mr. Speaker, I ask unanimous consent that indefinite leave of absence be granted my colleague, Mr. CHINDBLOM, who is at home on account of illness.

The SPEAKER. The gentleman from Illinois asks unanimous consent that his colleague, Mr. CHINDBLOM, be given indefinite leave of absence on account of illness. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

Mr. SEARS. Reserving the right to object, Mr. Speaker, what is the request?

The SPEAKER. That when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

Mr. SEARS. I object for the present.

The SPEAKER. The gentleman objects for the present.

Mr. MANN. That will not pass your Florida bill. [Laughter.]

THE PRIVATE CALENDAR.

The SPEAKER. The Clerk will report the first bill on the Private Calendar.

LUKE RATIGAN.

The Clerk read the title, as follows:

A bill (H. R. 2614) for the relief of Luke Ratigan.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I believe this bill is of more than local concern, and I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the next bill.

DR. O. H. TITTMANN.

The next business on the Private Calendar was the bill (H. R. 6245) for the relief of Dr. O. H. Tittmann, former superintendent of the United States Coast and Geodetic Survey.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

LLOYD E. GANDY.

The next business on the Private Calendar was the bill (H. R. 2861) authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms as may be prescribed by the Secretary of War, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I have objected to this measure heretofore when it was up previously, and unless there is some other information beyond what is contained in the report, I feel that I must insist upon my objection. If the gentleman from Washington [Mr. WEBSTER] has additional arguments in support of the matter or any further information, I will be glad to hear him.

Mr. WEBSTER. Mr. Speaker, the history of this measure very briefly is this: It has been before the Congress for a number of years. It has been referred to several Secretaries of War. It has been approved by all of them. It has twice passed the Senate. It was passed there very recently in the exact form in which it appears in the House bill.

The purpose of the legislation is to permit the development of a valuable water-power site on the Spokane River. The interests of the Government are amply safeguarded. The Secretary of War has plenary power to enforce compliance with any conditions that he may see fit to impose.

It is not a private enterprise in the sense of its being altogether free of public interest. The public is vitally concerned in the development of these water powers, and it will enable this gentleman to develop a water power which will come in competition with a large company that now enjoys a monopoly in Spokane and that vicinity. I am persuaded that every possible and conceivable interest of the Government is protected by the bill. If it were not so, I certainly would not be advocating its passage.

Mr. WALSH. Well, of course, I appreciate the fact that the gentleman from Washington would not be urging a matter which he felt was detrimental to the interests of the Government. But it is rather a new departure in permitting a Government reservation, set aside for military purposes, to be overflowed, and structures to be erected there upon it or adjacent to it by a private enterprise.

Mr. WEBSTER. If the gentleman will permit me, it is hardly fair to characterize this as a private enterprise. It is an enterprise to develop a valuable water-power site and devote it to a beneficial use by generating electrical energy for the benefit of the public. The land involved here is a precipitous bank of the Spokane River, upon which there is a growth of a small amount of timber valuable only for firewood.

The land involved, which will be utilized if this bill passes, is a steep bank on the Spokane River, so precipitous as to make it impossible to reclaim the few trees that are now growing on it for any other purpose except for firewood. The bill requires the grantees to convey to the Government suitable land of the Government's own selection to be added to the reservation to compensate for the portion that is flooded, and the Secretary of War has the privilege of selecting the land and to impose upon these men any conditions which he thinks are requisite to protect the interests of the Government, and these men stand ready to convey to the Government any amount of land which the Government may say is fair and right to compensate the Government for the privilege of overflowing this river bank.

Mr. WALSH. Mr. Speaker, I appreciate the gentleman's interest in the matter, and realize that to the extent which he has suggested it is not a private enterprise; but I do not believe that we should establish the precedent in this particular instance, and highly as I regard the gentleman—

Mr. WEBSTER. I understand—

Mr. WALSH. And his interest in the matter—

Mr. WEBSTER. Will the gentleman withhold his objection for a moment? There has already been invested in developing this water-power site a considerable amount of money, involving perhaps \$250,000, and the whole enterprise is now stopped because of the inability to get this right to flood the banks of this river. It does seem to me that the development of a water-power site should not be held up under these conditions. This is not a case where we are taking from the Government some valuable land on a military reservation. This involves the granting of an easement to flood some land on a precipitous river bank, and the necessity for doing this is obvious. It is absolutely essential that this privilege be granted. You are retarding and holding up the development of this enterprise altogether, because we all know that the construction of the dam proposed will flood this property, and unless the Government grants this concession it makes it absolutely impossible to devote to a beneficial use a valuable water-power site almost within the city limits of a city of more than 100,000 population.

Mr. SANDERS of Indiana. If this were private property they would condemn it and go ahead with their enterprise?

Mr. WEBSTER. Undoubtedly. If—

Mr. SANDERS of Indiana. But being Government property and happening to be within the area affected by the improvement, they can go no further unless the Government is willing to allow them to make the slight damage that will be made.

Mr. WEBSTER. That is the situation, and I want to say to the gentleman from Massachusetts that I do not in any way consider his objection as personal. I have no doubt that he is guided by what he considers to be his duty, but I am convinced that if the gentleman knew this situation, knew it in its details as I know it, being right on my doorstep as it is, he would not object to it. I am certain that every interest of the Government has been protected by the provisions of the bill. I have recognized throughout my service here that my first duty is to the Government, and I do not believe any Member of this Congress will attribute to me an effort to "put over" anything in this body. I am interested in this bill because it is essential to the development of a great water-power site near my home city in which some of my people have invested large sums of money in order to enable them to go into the making of electrical energy to compete with what is now a monopoly in that city. If this were land in private ownership, it would be subject to condemnation for a public use. Obviously that can not be done when the title is in the Government. These men stand ready now to do anything that the Secretary of War may say is reasonable and proper to be done, to compensate for the privilege of flooding this river bank. I hope the gentleman will not object.

Mr. WALSH. I trust the gentleman did not find in anything that I have stated any reason to suppose for a moment that I felt that he was trying to put over anything in the way of legislation.

Mr. WEBSTER. No; I did not.

Mr. WALSH. I know that the gentleman would not endeavor to do anything of that sort. Is it a fact that there is no place in this immediate vicinity where this development can be undertaken under the general water power act?

Mr. WEBSTER. That is precisely the situation, for the reason that others have acquired a monopoly of these water-power sites and are now in the enjoyment of a practical monopoly in supplying electrical energy to that community, and this will tend to break it up. I hope the gentleman will not object. This bill is really meritorious. It has had a tremendously rough voyage. On two or three occasions it has been submitted to the War Department, both under the former administration and the present administration. Every Secretary who has had his attention directed to it has approved it. It has been reported unanimously three times by the House Committee on Military Affairs.

Mr. WALSH. Mr. Speaker, I withdraw my objection.

Mr. MANN. Mr. Speaker, reserving the right to object, I understood the gentleman to say that the Senate has passed an identical bill.

Mr. WEBSTER. It has.

Mr. MANN. Then, why are we fooling with the House bill?

Mr. WEBSTER. I was going to try to get unanimous consent to substitute the Senate bill, which is precisely the same, but I have got to get the right to consider my bill first, I assume.

Mr. MANN. No; the gentleman could make both requests at the same time, but I have no objection to having two requests made.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill, which is identical with the House bill, to discharge the Committee on Military Affairs from the further consideration of that bill, and substitute it for the House bill now on the Private Calendar.

Mr. MANN. The question is, Where is the bill? The gentleman first asks unanimous consent to take it from the Speaker's table and then to discharge the Committee on Military Affairs from further consideration of it. It is not before the Committee on Military Affairs if it is on the Speaker's table.

The SPEAKER. The Chair is informed that it is in the Committee on Military Affairs although the bill physically is here. The gentleman from Washington asks unanimous consent to discharge the Committee on Military Affairs from the further consideration of the bill S. 29, and that it may be considered in lieu of the House bill. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered to grant an overflow right and easement to Lloyd E. Gandy, of Spokane, Wash., as grantee, his heirs and assigns, to raise the waters of the Spokane River along the east shore line of the Fort George Wright Military Reservation at Spokane, Wash., to such an extent, in such manner, and on such terms and conditions as the Secretary of War may prescribe: *Provided*, That the Secretary of War may require, in his discretion, as a condition precedent to the overflow of the said lands, either that the said Lloyd E. Gandy, the grantee under the act, shall fill the overflowed lands to such an extent as may be necessary to permanently establish the target range above high-water level in its present location on the reservation, or that he shall convey to the United States in exchange for the said overflow right and easement other lands for a target range for the reservation of such area and extent and in such location as in the judgment of the Secretary of War may be satisfactory for the said purpose, and the Secretary of War is hereby authorized to accept on behalf of the United States title to such lands as may be conveyed: *Provided further*, That the grantee, the said Lloyd E. Gandy, shall construct to the satisfaction of the Secretary of War, or such officer or officers as he may designate, either on the lands filled in on the reservation, or on the lands conveyed to the United States in exchange for the overflow right and easement granted by this act, as the case may be, such target butts, pits, buildings, and other necessary accessories as may be required to replace the existing Government range on the reservation: *And provided further*, That the Secretary of War be, and he is hereby, authorized to condemn, at the expense of the grantee herein, and so far as may be found expedient, any land advantageous or desirable for target-range purposes.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WEBSTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MANN. I ask unanimous consent that the bill H. R. 2861 be laid on the table.

The request was agreed to.

GEORGE VAN DERBURGH BROWN.

The next business on the Private Calendar was the bill (H. R. 3057) for the relief of George Van Derburgh Brown.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of some member of the committee upon what

is predicated the statement in the bill that this accident was the result of the gross negligence on the part of the driver?

Mr. BULWINKLE. If the gentleman would read the report he would see that the driver went on a different street from that which he was directed to go on and that he did not have a light only on one side of the truck, a small kerosene lamp, and that he turned the corner without blowing his horn.

Mr. STAFFORD. I wish to say to the gentleman from North Carolina that I have read the report in full. I read it some months ago, and my impression is that I came to the conclusion that the driver was not grossly negligent. Emphasis is laid on the statement in the report that the truck had kerosene lamps. It is known by any person acquainted in the slightest degree with the motor industry that motor trucks do not have electric lights; they have kerosene lamps.

Mr. BULWINKLE. This was a side light, and the other had no oil in it and, of course, was not lighted.

Mr. STAFFORD. I wish to inquire of some gentleman present whether there is a sidewalk on Garden Street leading across Mason Street, where the accident occurred?

Mr. LUCE. My recollection is that there are sidewalks on both sides.

Mr. STAFFORD. Is there any pathway on the street proper distinguishing the place where pedestrians are to walk?

Mr. LUCE. I do not remember any such.

Mr. STAFFORD. The report says that the locality where the woman was killed as a result of this motor-driven post-office vehicle was poorly lighted. There is nothing in the report so far as I have been able to find showing that this driver of the motor truck was grossly negligent.

There is nothing to show that the person killed or her husband was exercising ordinary care and that the accident might not be due to some negligence on their part—getting confused by seeing an approaching truck. The speed that the truck was going was not so tremendously out of the ordinary.

Mr. LUCE. Mr. Speaker, the questions which the gentleman raises have been threshed out in two of our Massachusetts courts. In the lower court the chauffeur was found guilty and upon appeal to the superior court that court came to the same conclusion and the penalty was imposed.

Mr. STAFFORD. What penalty was imposed?

Mr. LUCE. A fine.

Mr. STAFFORD. Merely a fine; if he had been grossly negligent he should have been convicted of manslaughter, but there was only a minor fine.

Mr. LUCE. I agree with the gentleman. I am one of those who believe that while we are coming slowing to the point of adequately punishing reckless automobile drivers and while I am almost tempted to criticize our courts in this particular I recognize the fact that apparently as yet public opinion does not justify the imposition of punishment proportionate to the misery wrought by the careless and indifferent drivers. So I am obliged to take the situation as I find it and recognize that there may be gross negligence and yet not a penalty such as I personally believe ought to be imposed.

Mr. STAFFORD. Will the gentleman permit me to call the attention of the House to this testimony of the driver who noticed the two pedestrians approaching the crossing and stated that he figured that if he sounded the horn it would naturally cause them to walk faster, leaving him ample room to pass behind, but in some manner they became confused, did not go forward, stopped, and the next thing he knew the left front wheel of the truck passed over the woman's body. Now, this driver apparently was exercising ordinary care. Where is there anything in the report to show that the pedestrians, one of whom was unfortunately killed, were exercising reasonable care?

Mr. LUCE. The testimony before the court proved that conclusively. The gentleman has given the driver's statement and naturally he made it to his own advantage as far as he could make it.

It is disproved by the testimony of all of the others who had anything to do with the affair, or who were in the neighborhood, and the court evidently believed that the contention of the defendant was untrue.

Mr. STAFFORD. Where is the testimony, as shown by the report, which shows that the pedestrians were using reasonable care?

Mr. LUCE. While I am not speaking for the committee, I presume they did not think it wise to embody in a report all of the testimony in the case.

Mr. STAFFORD. This report is rather extensive, consisting of 12 pages of finely printed matter.

Mr. LUCE. Of course, it is not my function to explain the gross negligence of the defendant in the matter, but there has

just been handed to me the testimony which I have previously examined, and if the gentleman thinks it worth while to go into the matter and try the case over again—

Mr. STAFFORD. Oh, I am not seeking to try the case again. I am seeking information which I assumed the gentleman would have, as to whether these pedestrians were using ordinary care, not basing my conclusion upon the finding of the trial courts, which merely fined this man \$200 for killing a woman. There is nothing in the report to show that these persons were using ordinary care in crossing this poorly lighted street in Cambridge.

Mr. BULWINKLE. On the other hand, there is no evidence to show that the pedestrians did not use ordinary care. They were on the sidewalk, where they had a right to be; they went across the street, where they had a right to go; there was the automobile truck with no light upon it.

Mr. STAFFORD. Oh, there was a kerosene light.

Mr. BULWINKLE. It was a small kerosene light, and it was on the left side of the car, the side opposite from which they were.

Mr. STAFFORD. Of course, the truck was not going noiselessly.

Mr. BULWINKLE. They heard the truck. It turned the corner without blowing the horn. That was the evidence in the case. The woman was struck down and killed. If it had been as the gentleman contends, does he think that the court in Massachusetts would have convicted this man?

Mr. STAFFORD. Oh, while the court convicted him, he was fined only \$200. Think of it, \$200 for killing a woman! The action of that superior court in the classical town of Cambridge does injustice to the gentleman in compelling him to say that it was a conviction.

Mr. SANDERS of Indiana. What is the rule as to the burden of proof on contributory negligence in Massachusetts? Is it with the plaintiff?

Mr. LONDON. In a case like this it is up to the defendant to prove that the plaintiff was guilty of gross negligence.

Mr. LUCE. Oh, it is the other way around.

Mr. LONDON. The plaintiff, who was dead, could not prove that she was free from negligence. It is the estate that is suing here, is it not?

Mr. LUCE. No; the husband and wife were struck. The wife was killed, and the husband is petitioning by reason of the death of his wife.

Mr. SANDERS of Indiana. The burden of proof on contributory negligence is on the defendant in Indiana. I do not know how it is in the gentleman's State.

Mr. LUCE. Mr. Speaker, I want now to read the testimony from the trial. Mr. Brown was asked what the conditions were that evening, and he answered that it was absolutely dark at that corner.

Q. Did you hear anything before it struck you?—A. Absolutely nothing.

The person who was nearest to the scene of the accident at the time was asked the same question, and as to whether the horn was blown. He neither heard the horn nor did he see the truck. There is no shadow or indication in the testimony, I assure my friend from Wisconsin [Mr. STAFFORD], that the chauffeur was not guilty of the grossest negligence. I have examined the testimony very carefully in order to find if there were an iota of defense for the chauffeur, and none whatever appeared in the testimony as of record.

Mr. STAFFORD. Mr. Speaker, I am somewhat in doubt as to whether the claimant and his wife were using the care that reasonable persons should use, but I am certainly positive that there was not any gross negligence upon the part of the driver.

Mr. LONDON. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LONDON. I believe that the gentleman should not measure this case by the test of gross negligence. It is an ordinary case, and it is our common experience with drivers of mail trucks that they are rather careless.

Mr. STAFFORD. I intend to withdraw my objection, but I intend to move to strike out the word "gross" if somebody else does not, because I do not think that the record shows that there was gross negligence on the part of the driver.

Mr. MANN. I think it ought to go out.

Mr. STAFFORD. The report does not show that he was guilty in that particular.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Van Derburgh Brown, of Brookline, Mass., whose wife was killed and he was severely in-

jured by being struck by a mail truck in use in the Boston postal district and operated by the Post Office Department, as a result of gross negligence on the part of the driver, on the night of Sunday, January 2, 1921, the sum of \$12,000 from any money in the Treasury not otherwise appropriated.

With the following committee amendment:

Line 10, strike out the figures "\$12,000" and insert in lieu thereof the figures "\$5,000."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the word "gross" in line 8.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Line 8, strike out the word "gross."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Speaker, I move to strike out the last word. I do this for the purpose of asking if in the sixth line the use of the words "and he was severely injured" should not be changed. Should it not read in this way, "who was severely injured and whose wife was killed"?

If the gentleman were not from Massachusetts, I would not make that suggestion, but since Massachusetts has taken charge of the grammar of the Post Office Department, I do not want anything like this to go through.

Mr. LUCE. The gentleman being from Massachusetts hesitates to oppose any such suggestion.

Mr. SANDERS of Indiana. Then I move to strike out in line 6 "and he was severely injured" and to insert after the word "Massachusetts," in line 5, the words "who was severely injured and."

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 5, after the word "Massachusetts," insert the words "who was severely injured and," and in line 6 strike out the words "and he was severely injured."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LUCE, a motion to reconsider the vote by which the bill was passed was laid on the table.

STEVENS INSTITUTE OF TECHNOLOGY.

The next business in order on the Private Calendar was the bill (S. 52) for the relief of the Stevens Institute of Technology, of Hoboken, N. J.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the trustees of the Stevens Institute of Technology, of Hoboken, N. J., out of any money in the Treasury not otherwise appropriated, the sum of \$45,750, being the sum paid to the United States January 28, 1879, as a collateral inheritance tax upon the bequest which provided for the establishment and endowment of said institute.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. LEHLBACH, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRITISH STEAMSHIP "CLEARPOOL."

The next business in order on the Private Calendar was the bill (H. R. 6628) for the relief of the owners of the British steamship *Clearpool*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Pool Shipping Co. (Ltd.), owner of the British steamship *Clearpool*, against the United States for damages alleged to have been caused by collision between the said steamship and the United States Coast Guard cutter *Apache* in Chesapeake Bay on the 13th day of November, 1914, may be sued for by the said Pool Shipping Co. (Ltd.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Pool Shipping Co. (Ltd.) or against the Pool Shipping Co. (Ltd.) in favor

of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MONTAGUE, a motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD J. SCHAEFER.

The next business in order on the Private Calendar was the bill (H. R. 1723) authorizing the payment of compensation to Edward J. Schaefer for the death of Ruth Stone Schaefer through an unlawful shot fired by a soldier in the service of the United States at Camp Alexander, Va.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SNELL. Let the bill be reported so we may know about it.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to Edward J. Schaefer the sum of \$5,000 in full settlement of damages for the death of his wife, Ruth Stone Schaefer, who was accidentally shot by a soldier in the service of the United States at Camp Alexander, Va., on July 7, 1919.

The committee amendments were read, as follows:

On page 1, line 6, strike out "\$60,000 as compensation" and insert in lieu thereof "\$5,000 in full settlement of damages." Page 2, line 2, strike out the word "unlawfully" and insert the word "accidentally."

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, I think the principle of this legislation is a very important one and I think it should be carefully considered at this time. I am especially interested in these matters because we have several claims of a similar character before the Committee on War Claims at the present time, and I think the House should be very careful in what it does, especially what it intends to do in regard to these claims, this being the first one. I would like to hear some explanation from some gentleman.

Mr. MACGREGOR. Mr. Speaker, I find on the last Private Calendar day as far as any precedent is concerned we established it by passing a bill for the payment of damages by reason of a person in the Navy throwing a person overboard and drowning him.

Mr. SNELL. If the gentleman will yield just a moment, I want some man on the Committee on Claims to give the House the information in regard to the policy of the committee in regard to claims of this character because we are going to have a great many of them before the House during the present session.

Mr. STAFFORD. If the gentleman will permit, the bill cited by the gentleman from New York was not considered at all. I think the gentleman's position is well taken, that the House should establish a policy to be followed in all of these bills rather than merely take some haphazard action on a bill that goes through to reward the widow of a dead Chinaman in the sum of, I think, \$100.

Mr. SNELL. I am specially interested because we have a great many of these claims to consider before the Committee on War Claims at the present time.

Mr. BULWINKLE. Mr. Speaker, in reply to the gentleman the chairman of the committee is not here to-day, but my understanding of the policy is that where the claimant was injured by some act of any employee of the United States Government, some act bordering on negligence or negligence itself, through no fault of the claimant, then it has been the policy of the committee since I have been on it to allow them certain amounts dependent upon whether death ensued or they are wounded or disabled.

Mr. SNELL. What is the amount that the committee has allowed in the case of death?

Mr. BULWINKLE. Five thousand dollars, not exceeding that amount; that is the maximum.

Mr. SNELL. To allow any one killed through any Federal agency regardless of negligence or anything else in case of death?

Mr. BULWINKLE. There are two cases like this, and the case of another one of this kind. The other case is where a man was sitting in a dining room in New York City, and the sentry, evidently through carelessness, no one knows, he and two girls were at one of the posts, and his rifle went off and the

bullet went through the window and killed the man who was eating his supper. In that case we allowed \$5,000.

Mr. SNELL. I want to get this matter before the House, and I think the House should adopt some policy so that everyone should be treated alike. I do not want it disallowed for one claimant who lost his life where others are granted relief.

Mr. STAFFORD. Would it not be possible before the House commits itself to the policy to hold a conference with the chairman and the other members of the Committee on Claims?

Mr. SNELL. I am very anxious to adopt some policy of some definiteness.

Mr. STAFFORD. As far as this bill is concerned, the occupant of the automobile passed by against the objection of the sentry, and I would feel constrained, if I am correct in that position, to object to this bill, but I think it is a good policy to have the chairman of the War Claims Committee confer with the chairman of the Claims Committee and determine on a policy which the Congress should follow.

Mr. MANN. You had better get at the facts first. In this case it is apparent that the occupants of the automobile did not know that the sentry made any objection, traveling over a road where people frequently travel, with nothing to indicate either from the sentry or by notice that there was any objection to people traveling there. The sentry evidently did not desire to kill the people, but it may be possible that he did desire to cripple the automobile. At any rate, he fired a shot, contrary to the regulations, and killed the person. The person is dead. Now, I apprehend that if myself or the gentleman from Wisconsin walked into any camp of the country and received no notice that there was any objection to our going over the road, at any time before or after the armistice, and there was nothing to keep us from going over the road or the path, we would not expect that some sentry would shoot us dead; and where he does, is it not the reasonable thing for the Government to pay something?

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman permit an interruption?

Mr. STAFFORD. Surely.

Mr. COOPER of Wisconsin. This was 18 months after the armistice. It was not in war time at all.

Mr. STAFFORD. Yes; and during that time they had much trouble, as will be seen if my colleague will read the report, with disturbers about that place.

I think, Mr. Speaker, that under the circumstances this matter should go over, and for the time being I object, largely for the reason that the chairmen of the respective committees should get together.

The SPEAKER pro tempore (Mr. WALSH). The gentleman from Wisconsin objects. The Clerk will report the next bill.

OLD DOMINION PIER A.

The next business on the Private Calendar was the bill (H. R. 369) for the relief of the owner of Old Dominion Pier A.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the claim of the legal owner or owners of the Old Dominion Pier A at Newport News, Va., alleged to have been injured by collision with the U. S. S. *West Corum* on or about June 7, 1919, be referred to the Court of Claims to hear and determine the same to judgment with the right of appeal as in other cases: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof.

With a committee amendment, as follows:

On page 1, after the word "judgment," in line 7, insert "upon the same principles and measures of liability as in like cases in admiralty between private parties."

Mr. MANN. Mr. Speaker, I do not know just what the policy of the Committee on Claims may be. I think it has not any policy on this subject. Probably this bill was reported by some subcommittee that is not familiar with the practice of the Committee on Claims. It certainly has not been the policy of the committee to refer admiralty cases to the Court of Claims. What does the Court of Claims know about admiralty law? Not a thing. It has been customary, however, to put in the names of owners who have a right to sue.

Mr. BLAND of Virginia. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. BLAND of Virginia. I introduced this bill. I will say to the gentleman that when I introduced it it had been prepared by the attorney representing the owner of the pier. There is no objection to inserting the name of the owner of the pier, the Old Dominion Land Co., a corporation existing under the laws of Virginia. I asked the attorney why the matter had

been referred to the Court of Claims. He said he had looked up the precedents and found admiralty cases had been referred to the Court of Claims. As a matter of fact, I am advised that it will suit the convenience of my people a great deal better if the matter should be referred to the United States District Court for the Eastern District of Virginia.

Mr. MANN. That is where it should be referred. We have not for years referred these claims to the Court of Claims.

Mr. STAFFORD. Perhaps the Committee on Claims referred it to the Court of Claims because there is no dispute as to the liability of the Government for this accident.

Mr. MANN. There is no provision for referring it to any court.

Mr. STAFFORD. When this bill was last up for consideration on the Unanimous Consent Calendar I suggested that we vote an outright amount instead of putting the Court of Claims to the expense of considering it, but there was an objection to that policy by a distinguished Member of this House, and, of course, I did not press it any further.

Mr. BLAND of Virginia. If the gentleman will yield further, I would like to say that I understood from the attorney that it might be more convenient for the Government to have the matter passed upon by the Court of Claims than by the United States district court. However, I do not think that he said that the question of jurisdiction for suit had been considered by the Government at all.

Mr. MANN. We have had a great many of these claims in recent months and years, and all of them have been referred to the district courts, admiralty courts, and generally to district judges along the coast who are familiar with admiralty law. It may be there is no contest about this, but it is not a good precedent to set to send it to the Court of Claims. The Court of Claims is not constituted for hearing admiralty cases.

Mr. BLAND of Virginia. I desire to make it clear to the gentleman from Illinois that there may be a contest. So far as the Government is concerned, it may defend on the ground that the collision was an unavoidable accident. Mr. Roosevelt, the Assistant Secretary of the Navy, says in his letter set out in the report that it was an unavoidable accident. My people claim that it was negligence on the part of the operators of the steamship, so that that question is to be determined by the court. I think that question will arise.

Mr. MANN. If the gentleman will offer an amendment to insert the name of the owner and also insert the district court of Virginia, I shall have no objection.

Mr. BLAND of Virginia. The gentleman is well skilled in parliamentary law, and if he is satisfied that it is in order for me to move an amendment whereby this matter will be referred to the United States district court I am entirely agreeable to offer it.

Mr. MANN. It is in order right now.

Mr. BLAND of Virginia. The committee amendment is pending.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BLAND of Virginia. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLAND of Virginia: On page 1, line 6, strike out the words "be referred to the" in said line and the rest of the bill, and insert in lieu thereof:

"May be sued for against the United States by the Old Dominion Land Co., a corporation created by and existing under the laws of the State of Virginia, legal owner of said pier, in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and the costs, if any, as shall be found to be due against the United States in favor of the said Old Dominion Land Co., a corporation, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That notice of the suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Speaker, I move to strike out in line 3 the words "or owners."

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 1, line 3, strike out the words "or owners."

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BLAND of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRED H. GALLUP.

The next business on the Private Calendar was the bill (H. R. 6966) to authorize the President of the United States to appoint Fred H. Gallup, major of Field Artillery in the United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

Mr. KEARNS. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. MANN. Yes. I reserve it.

The SPEAKER pro tempore. The gentleman from Illinois reserves the right to object.

Mr. KEARNS. Mr. Speaker, this officer entered West Point Military Academy in 1885 as a cadet, and graduated from that school and was in the service for 31 years. In 1904 he was sent back to West Point as a teacher of mathematics. In 1916, while attending the Army Service School at Fort Leavenworth, it is claimed that he overworked himself and became very nervous. While in this condition he was given a map to study and then reproduce it from memory. He did reproduce this map, or did the greater part of the work, and when he had it nearly done and being in a hurry to finish up, he copied the rest of it, copied possibly a fourth of the map. Of course, this deceit was very apparent on the face of the work, and was at once detected. Two other officers did the same thing. The next day when he was confronted with this charge he immediately acknowledged his guilt. There were two other officers charged with the same offense. One of them denied that he had practiced this deceit and demanded a court-martial. He was court-martialed and found guilty. That was Capt. Graham. Some two years ago this Congress passed a law to reinstate Capt. Graham, and he is now a major in the United States Army. This man Gallup acknowledged his guilt, and all of the officers who outranked him there have united in asking for clemency and that he be restored to the service. During the war he performed valuable services for his country, and in view of the fact that this Congress has reinstated Capt. Graham, who denied that he had done this when it was claimed that guilt was apparent upon the face of the work itself, it seems to me that both are not receiving like treatment if you deny him reinstatement. In view of the fact that we have reinstated one of these men it seems to me we ought to reinstate the other.

Mr. KNUTSON. Did the officer admit his guilt?

Mr. KEARNS. He did the next morning immediately upon being accused.

Mr. KNUTSON. And Gen. Green, who was commandant at the school at the time, recommended that he be restored?

Mr. KEARNS. Yes.

Mr. KNUTSON. As also did Gen. Menoher?

Mr. KEARNS. Yes.

Mr. KNUTSON. He had a splendid, unblemished record?

Mr. KEARNS. Yes.

Mr. KNUTSON. We have already done the same thing for another officer who denied it?

Mr. KEARNS. Yes; and who was found guilty by court-martial.

Mr. DICKINSON. It was on account of the denial made by the man who has since been restored that this severe penalty was imposed upon these men. Otherwise it would have been a matter of slight punishment of some kind; but when it was denied by one man, all of them were dismissed from the service, and this is the only man who in the sentence of the court-martial was recommended for clemency.

Mr. MANN. Do I understand from the gentleman from Iowa that where a man is required to copy a map from memory and instead of that uses the map itself to make a copy it is a slight violation of the rules?

Mr. DICKINSON. I would not say it was a "slight" violation.

Mr. MANN. I am glad the gentleman modifies his statement.

Mr. DICKINSON. I do not think he ought to be dismissed from the service.

Mr. KEARNS. I would like to add this one statement. I have no interest in the case, but I have become convinced—Mr. MANN. They have surrounded the gentleman.

Mr. KEARNS. I do not think anybody has surrounded me. I have studied the case carefully and I came to a conscientious conclusion. Now here is another thing: This man was to be graded upon this map that he made, and if he had made a perfect map from memory it would not have advanced him one point in the grade.

Mr. MANN. What has that got to do with stealing the map?

Mr. KEARNS. It has this effect on the case. He knew at the time he was doing it that he was not defrauding anyone else. And if he had made an entire failure he would not have gone below anyone else.

Mr. MANN. Suppose that is true, what was he making the map for—because he was directed to? And then after he stole the map or the knowledge of it, the gentleman says it would not have made any difference. Many a man who has been a thief has said that same thing. I do not say that this man was a thief.

Mr. KEARNS. When a man steals he takes something of value.

Mr. MANN. Not always.

Mr. KEARNS. This man did not take anything of value from anyone else. He did not take anything of value because if the map had been perfect it would not have raised him above anybody else, and if it had been an entire failure it would not have put him below anyone else.

Mr. STAFFORD. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. STAFFORD. I recall that one of these offenders made application when the war was on, when we were hard pressed for officers, and applied to Congress to be reinstated. I have given more than the ordinary consideration to this bill. Will the gentleman state why this man did not apply for reinstatement when we were in need of officers during the World War?

Mr. KEARNS. I think his case has been pending.

Mr. STAFFORD. No; he was engaged in civilian employment and did not make application when the country needed officers the most.

Mr. McKENZIE. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. McKENZIE. Mr. Speaker, in justice to Maj. Graham I am sure the gentleman from Ohio does not intend to reflect on the character of Maj. Graham.

Mr. KEARNS. No.

Mr. McKENZIE. This should be said in justice to Maj. Graham. When accused he asked for a trial on the charges. He took the position that he should be acquitted or dismissed, and demanded a court-martial. Our good friend Gordon, of Ohio, said that they did not have enough evidence to insult him, and on that ground I took the position that Maj. Graham should be reinstated, and I am always glad of it. This case I am not familiar with except that this man admitted that he was guilty. Maj. Graham maintained from the beginning that he was not guilty.

Mr. KEARNS. I have no censure to make of Maj. Graham. But I do think both should receive a like treatment at the hands of Congress. I think one is as deserving as the other, and we have corrected the record of one already.

Mr. MANN. If that is the case does not that prove that the reinstatement of men in the Army by the House of Representatives, which knows very little about it, ought never to be done? It is the duty of the Army to reinstate men.

Mr. KEARNS. Here is a man who admitted that he had committed this wrong, if, indeed, it is a wrong at all—

Mr. MANN. We have need to reduce the number of officers in the Army. Does my friend from Ohio think it a wise policy to put men out of the Army who are now officers in the Army, who never did anything disreputable, in order to put men back in the Army who are certainly subject to criticism?

Mr. KEARNS. No.

Mr. MANN. That will be the result of this.

Mr. KEARNS. No; we need officers—

Mr. MANN. We do not need any Army officers of the grade of major. You propose to reinstate this man, who very likely did something foolishly—and I suppose he would not be the first man that ever cheated in examinations. If every man who cheated in examinations were punished, there would be less men in high places.

Mr. KEARNS. You do not reinstate him; you give the President the right to appoint him in his discretion.

Mr. MANN. That is the same thing as reinstating him, as far as we are concerned. I do not think we ought to do that

while we are intending to decrease the officers in the Army. He is out. Very likely he would make a good Army officer, but we have to put a lot out who are now in the Army, I think.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

CONSOLIDATION OF CERTAIN FOREST LANDS.

Mr. SINNOTT. Mr. Speaker, I submit for printing under the rule the conference report upon the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests.

THE PRIVATE CALENDAR.

The SPEAKER pro tempore. The Clerk will report the next bill on the Private Calendar.

TORAHACHI URATAKE.

The next business on the Private Calendar was the bill (S. 1077) to authorize the payment of \$5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. SNELL. Mr. Speaker, I reserve the right to object.

Mr. HERRICK. Mr. Speaker, I reserve the right to object, and I would like to know something about the bill. Let us have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That there is authorized to be paid, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor to the Government of Japan, \$5,000 for the benefit and consolation of the family of Torahachi Uratake, a Japanese subject killed on November 25, 1915, at Schofield Barracks, as set forth in the letter from the Acting Secretary of War dated February 19, 1916, and printed as House Document No. 785, Sixty-fourth Congress, first session.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. HERRICK. Mr. Speaker, it appears to me that the House of Representatives of the United States Congress has today been engaged in the historic and laudible, or otherwise—I shall not undertake to say which—business of definitely, conclusively, irrevocably setting a financial estimate upon the value of the life of a white person, male or female—and that is irrelevant and immaterial—and in view of the fact that a Japanese can subsist on one-fourth of what it takes to sustain a white person, I feel, if this bill is passed at all, that it ought not to be passed for any sum to exceed \$1,000.

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Mississippi. Mr. Speaker, I object.

Mr. BLANTON. I object.

Mr. SNELL. Mr. Speaker, will the gentlemen reserve the objection for a moment?

Mr. BLANTON. I reserve the right to object.

Mr. SNELL. Mr. Speaker, I would like to know, in the first place, why a bill of this kind is not referred to the Committee on War Claims?

Mr. BLANTON. Mr. Speaker, I do not believe we ought to waste time in discussing that question. I object.

The SPEAKER pro tempore. The gentleman from Texas objects, and the Clerk will report the next bill.

TATSUJI SAITO.

The next business on the Private Calendar was the bill (S. 1078) to authorize the payment of \$2,000 to the Government of Japan for the benefit of the family of Tatsuji Saito, a Japanese subject, killed at Camp Geronimo, Mexico, May 25, 1916.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

J. W. LA BARE.

The next business on the Private Calendar was the bill (H. R. 4845) for the relief of J. W. La Bare.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to have some explanation of this bill, as to the reason why we grant a pensionable status to this soldier who has been guilty of desertion in the Civil War. Nobody seems to respond, Mr. Speaker, and I object.

IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that I may have until midnight to-night to file a report on House joint resolution 268.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that he may file at any time before midnight to-night a report upon House joint resolution 268. Is there objection?

Mr. GARRETT of Tennessee. Is that the immigration measure?

Mr. JOHNSON of Washington. Yes. The reason I am asking for the extension is that I am anxious to appear before the Committee on Appropriations this afternoon, and also anxious to get the report in within the time of adjournment of the House, if possible.

Mr. GARRETT of Tennessee. Has the gentleman conferred with the gentleman from Texas [Mr. Box] in regard to this request?

Mr. JOHNSON of Washington. Not in regard to the request. However, I have the views of the gentleman from Texas [Mr. Box] in my possession, ready to attach to the report that I shall make at the earliest possible moment this afternoon or to-night.

Mr. GARRETT of Tennessee. Has the gentleman conferred with the gentleman from California [Mr. RAKER]?

Mr. JOHNSON of Washington. Yes. If the House should not be in session to-morrow, it would be necessary for the information of Members to have the report in print in case action should be taken Monday, and for fear I shall be too busy this afternoon, I make the request, in which I am sure the gentleman from California shares.

Mr. GARRETT of Tennessee. It is satisfactory to the gentleman from Texas and to the gentleman from California?

Mr. JOHNSON of Washington. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

THE PRIVATE CALENDAR.

The SPEAKER pro tempore. The Clerk will report the next bill on the Private Calendar.

BENJAMIN R. BUFFINGTON.

The next business on the Private Calendar was the bill (H. R. 3425) for the relief of Benjamin R. Buffington.

The SPEAKER pro tempore. Is there objection. (After a pause.) The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Benjamin R. Buffington, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and honorably discharged therefrom February 24, 1863, and later, October 27, 1863, enlisted as a private in the Twenty-fifth Regiment Ohio Volunteer Infantry, from which the records of the War Department do not show that he has been regularly discharged, nor is he marked as a deserter, being absent from his regiment when it was mustered out of service, June 18, 1866, shall hereafter be held and considered to have been discharged honorably from the military service of the United States on the 18th day of June, 1866: *Provided*, That no pension shall accrue prior to the passage of this act, and no pay nor bounty shall become due or payable by virtue thereof.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MURPHY, a motion to reconsider the vote by which the bill was passed was laid on the table.

HERBERT LANGLEY.

The next business on the Private Calendar was the bill (H. R. 7415) to correct and amend the service and military record of Herbert Langley, United States Marine Corps.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when this bill was last under consideration some information was furnished to the House as to the physical disability under which this marine was laboring at the time of his disappearance from the post at Santo Domingo. I wish to make inquiry of the gentleman from Missouri as to whether the purpose of this bill is to enable the heirs to obtain war-risk insurance?

Mr. McPHERSON. Originally that was not the purpose of the bill. The family of this man are right well-to-do people, and they feel keenly the humiliation of the unjust charge that the soldier is a deserter. He did not desert, but died in the line of duty in February, 1919. The soldier carried war-risk insurance, and that insurance may be collected whether this bill becomes a law or not. The object of this bill is to remove the charge of desertion. The bill was introduced by me in the Sixty-sixth Congress, and the circumstances and facts were shown and the Secretary of the Navy and the commandant of the Marine Corps were convinced that on the facts and circumstances concerning the disappearance of this man that he had committed suicide while insane, or that he had accidentally fallen off the sea wall and was drowned. In either case, he died in the line of duty and was not a deserter. When this bill was reached before, an objection was made to its consideration. I have taken up the matter with the Bureau of War Risk Insurance and tried to find some direct cut to relieve this soldier of this stain which the family believes unjust, and I have pre-

sented the matter to the court down in Missouri, which has jurisdiction of the case on an application for letters of administration, and the court has rendered judgment that this marine died from accidental causes on February 24, 1919, while in the line of duty at Santo Domingo City. He very likely committed suicide while insane, and suicide under such circumstances is an accident within the meaning of the law. Suicide by the insane is an accident which matures an accident insurance policy, as all courts and law writers hold. A soldier who dies by his own hand while insane dies in the line of duty. He is not a deserter within the meaning of the law.

Mr. STAFFORD. Can the gentleman inform the House if a soldier during enlistment in the World War having war-risk insurance committed suicide, whether sane or insane, the beneficiaries would, under the law, be entitled to the principal of the policy?

Mr. McPHERSON. He would be if he was insane. I doubt if he would be if he were not insane. In other words, if a soldier who was sane should commit suicide, his beneficiary could not likely collect his war risk insurance. Recovery in such case would perhaps be precluded by the act. But in this case the insurance carried by this soldier is clearly recoverable under the facts and circumstances of the death of Mr. Langley, for the proof shows and the Missouri court has adjudged that Mr. Langley died of accident. The provisions of the war risk insurance act bind the Government to pay the insurance carried in this case. The right arises out of the contract of insurance without regard to the passage of this bill. I have taken the matter up with the general counsel of the Veterans' Bureau and have filed there a certified copy of the judgment of the Missouri court.

Mr. STAFFORD. Of course, if the Veterans' Bureau in the administration of the war risk insurance act considered that the beneficiaries are entitled to the principal when a person commits suicide, then I have no objection.

Mr. MANN. There is no proof of suicide in this case.

Mr. STAFFORD. That is the position I took the last time, that there was no proof of it. The gentleman from Missouri expressly controverted that proposition.

Mr. McPHERSON. The proof shows the man is dead either from falling off the sea wall or from suicide, probably the latter. That fact has been determined judicially by the only court that had jurisdiction, and in a proper proceeding.

Mr. SANDERS of Indiana. If there is death, the presumption is it was accidental and not suicide.

Mr. MANN. What is the meaning of this language:

And that the charge of desertion was erroneously entered upon said service and military record, and the same shall be hereafter disregarded.

What is the meaning of the last sentence?

Mr. McPHERSON. The meaning is that this man disappeared from the island under circumstances that exclude every other theory but that of death by accidental means. In some way he fell into the sea and was drowned and his body carried out to sea so that it was never found.

Mr. MANN. I know what the facts are.

Mr. McPHERSON. Now, then, the military authorities treat the question of absence as desertion. If a man is absent so many days they mark him a deserter.

Mr. MANN. But what is the purpose of this clause? What effect will it have—and the same shall be hereafter disregarded?

Mr. McPHERSON. It will be disregarded because it is not true. Congress finds the facts—

Mr. MANN. You can not change it; it is here.

Mr. McPHERSON. They can disregard it.

Mr. MANN. How?

Mr. McPHERSON. In the administration of the law. This is the substance of every one of these bills that remove the charge of desertion.

Mr. MANN. That is evidently where the gentleman is mistaken. The substance of those bills removing charge of desertion specifically provides that in the construction of certain laws the same shall not be considered to have had a dishonorable discharge. Now, the gentleman introduces new language. I am sure I do not know what it means. I think if the gentleman is going to pass his bill for a certain purpose it ought to be fixed to do what he wants to do if it is to have what he desires to effect.

Mr. McPHERSON. I want to state further that the bill is not in the language I introduced it. But this bill as now reported by the committee was prepared by the Navy Department.

Mr. MANN. And they suggested some changes from the original bill?

Mr. McPHERSON. The committee substituted the bill prepared by the department for the bill I introduced.

Mr. MANN. The gentleman has not been here quite as long as I have, but he ought to know that he should never trust any department in the preparation of a bill. They do not know how to draw a bill particularly well. They make good staggers at it.

Mr. McPHERSON. I went before the Committee on Naval Affairs with my bill, and the committee substituted for the bill that I introduced a bill that the department had submitted in lieu of it.

Mr. MANN. They probably will not veto it; but if I recollect correctly, President Roosevelt vetoed bills of this kind that had been substantially prepared by the War Department in accordance with the practice that had been carried on for years. It would not be the first time that a President has vetoed a bill prepared by a department.

Mr. CAMPBELL of Kansas. Mr. Speaker, I suggest to the gentleman from Missouri that in order to get unanimous consent for the consideration of the bill it be amended so that the language will make it clear that the soldier did not desert.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the charge of desertion upon the service and military records of Herbert Langley, late a private in the One hundred and fifteenth Company, Second Provisional Brigade, United States Marine Corps, and also late of headquarters detachment, Third Regiment, Second Provisional Brigade, United States Marine Corps, shall henceforth be treated and considered as removed, and the Secretary of the Navy is hereby ordered and directed to correct and amend the said service and military record of the said Herbert Langley by entering upon the said service and military record of said Herbert Langley, in appropriate words, the fact that said Herbert Langley died on February 24, 1919, at Santo Domingo City, Dominican Republic, by accident while in the line of duty, and that the charge of desertion was erroneously entered upon said service and military record, and the same shall be hereafter disregarded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. CAMPBELL of Kansas. Mr. Speaker, I want to offer an amendment, if the gentleman from Missouri does not.

The SPEAKER. The gentleman from Kansas offers an amendment.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to amend the bill, on lines 5 and 6, so that it shall read "and hereafter the charge of desertion shall not be considered as entered against the marine."

Mr. McPHERSON. I accept that amendment, Mr. Speaker.

The SPEAKER. The gentleman from Kansas offers an amendment, which the Clerk will report.

Mr. CAMPBELL of Kansas. After the word "record," strike out "and the same shall be hereafter disregarded" and insert in lieu thereof the language I have given.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL of Kansas: Page 2, lines 5 and 6, strike out "and the same shall be hereafter disregarded" and insert in lieu thereof the following: "and hereafter the charge of desertion shall not be considered as entered against the marine."

Mr. MANN. I suppose that requires an honorable discharge or death in the service. I am not sure. Neither the original bill nor the amendment covers that.

Mr. CAMPBELL. He will be presumed to have had an honorable discharge.

Mr. MANN. No; he will not. Our form of bill is that in the consideration and construction of certain laws the soldier shall be considered to have received an honorable discharge. That is necessary in order to get a pension. It is not sufficient to say that he did not desert.

Mr. STAFFORD. Mr. Speaker, may we have the amendment reported again?

Mr. McPHERSON. Mr. Speaker, I think the whole controversy about the amendment is unnecessary. The bill provides that this soldier, against whom this charge of desertion is entered, shall hereafter be considered as having died in the line of duty at Santo Domingo City on a certain day, and that this charge of desertion against him shall be disregarded. I think the amendment is unnecessary, but I do not think it changes the provision in any respect.

Mr. CAMPBELL of Kansas. Well, if the gentleman from Missouri is satisfied, and the bill was prepared by the Navy Department, it might be that it would raise some question when the bill was referred by the Executive to that department for a report, and I withdraw the amendment.

The SPEAKER. The gentleman from Kansas withdraws his amendment. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. McPHERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ALBERT HAMILTON.

The next business on the Private Calendar was the bill (H. R. 5820) to place Albert Hamilton on the retired list of the United States Marine Corps.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MANN. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

CAPT. D. H. TRIBOU.

The next business on the Private Calendar was the bill (H. R. 3509) for the relief of Capt. D. H. Tribou, chaplain, United States Navy.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. I reserve the right to object.

Mr. STEPHENS. Mr. Speaker, this is a case in which Capt. Tribou was appointed March 29, 1919, as a Victory loan officer for the Naval Home at Philadelphia, Pa., by the governor of the home, with the request that he take the necessary steps to inaugurate a detailed campaign with a view to obtaining as large a subscription as possible for the loan. In the course of the prosecution of the campaign for the fund in connection with the home it became necessary for the officer to keep a considerable sum in bonds in an iron safe, which was located in his quarters at the home, and while he was temporarily absent in Washington with the Board of Award the safe was broken into and the bonds and other funds deposited therein were stolen. An investigation was held at the Naval Home in Philadelphia by order of the commandant of the fourth naval district to inquire into the theft of the Liberty bonds and cash that had been taken from the safe. It was found that this officer was in no wise liable for the theft. Yet he insisted that he be permitted to make restitution in the amount of the Victory bonds and funds deposited therein by the beneficiaries of the home and others. He made this restitution, and in furnishing the money to do so it was necessary for him to mortgage his home, and, I am told—

Mr. MANN. I had read the report previously. Why did the committee propose to strike out the word "bonds" and insert the word "notes"? There is nothing in the report about notes.

Mr. STEPHENS. I suppose that ought to be "notes" in the report.

Mr. MANN. It is not "notes" in the report. What notes does a man get in getting bonds? I never heard of any, although I have subscribed for bonds.

Mr. STEPHENS. I presume it was just simply a matter of opinion as to whether the bonds were considered as notes, or whether they were additional security.

Mr. MANN. Victory bonds and Liberty bonds are bonds. They are not notes. Now, I am curious, and I want to learn something. Why did the Committee on Naval Affairs change the word "bonds" to "notes"?

Mr. STEPHENS. I do not know why they changed it.

Mr. MANN. The gentleman made the report. Who would know? The gentleman introduced the bill and made the report.

Mr. STEPHENS. I presume it is simply a matter of opinion as to whether Liberty loan bonds would be called Liberty loan bonds or Liberty loan notes.

Mr. MANN. It is not a matter of opinion. Everybody who knows anything about it knows that they are not notes. They were called bonds when they were issued.

Mr. STEPHENS. I presume there had been some notes and other securities and also cash. They were not all Victory loans. Some of the securities perhaps were notes and some were cash.

Mr. MANN. That is covered by the word "funds" and would not be covered by the word "notes."

Mr. STEPHENS. We might say that he had Victory notes, Victory bonds, cash, funds, and other securities. We could incorporate all of them if we wanted to cover it all.

Mr. MANN. I am not going to object. I have a curious and inquiring mind, and it has not been satisfied yet.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Capt. D. H. Tribou, chaplain, United States Navy, out of any funds in the Treasury not otherwise appro-

printed, the sum of \$2,667, said sum being the amount of restitution made by the said chaplain out of his private funds on account of Victory loan bonds and other funds stolen from the safe in the said chaplain's quarters at the naval home, Philadelphia, Pa., without collusion on the part of said chaplain, which bonds and other funds had been deposited in said safe by beneficiaries of said home, and others, for safe-keeping.

With the following committee amendment:

Page 1, line 8, strike out the word "bonds" and insert the word "notes."

Page 2, line 1, strike out the word "bonds" and insert the word "notes."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. STEPHENS, a motion to reconsider the vote by which the bill was passed was laid on the table.

REQUEST TO ADDRESS THE HOUSE.

Mr. RAINEY of Illinois. Mr. Speaker, I ask unanimous consent to speak out of order for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed out of order for three minutes. Is there objection?

Mr. WALSH. Reserving the right to object, what is the gentleman going to discuss?

Mr. RAINEY of Illinois. I just wanted to submit an observation to the Ways and Means Committee on their next visit to the White House.

Mr. WALSH. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

CORNELIUS DUGAN.

The next business on the Private Calendar was the bill (H. R. 1290) for the relief of Cornelius Dugan.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

LIEUT. COL. HENRY C. DAVIS.

The next business on the Private Calendar was the bill (H. R. 5210) for the relief of Lieut. Col. Henry C. Davis.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

ALVAH B. DOBLE.

The next business on the Private Calendar was the bill (H. R. 5768) to amend and correct the military record of Alvah B. Doble.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the bill certainly should be amended so that no pension should accrue to this soldier prior to the passage of this act. The bill as reported does not contain the customary phraseology limiting the pension to take effect after the passage of the act. I assume there will be no objection to that suggested amendment.

Mr. MANN. If the gentleman will permit, this bill in its present form is designed to prevent any pay or bounty for service which might otherwise be due to the man. I think, as a matter of fact, no pension can accrue back of the date of the application for pension, anyway.

Mr. STAFFORD. No; but suppose this soldier made an application for a pension many years back, and now we grant him a pensionable status under this bill?

Mr. MANN. Who has charge of this bill?

Mr. McKENZIE. Mr. Speaker, a number of these bills reported from the Committee on Military Affairs have been reported by members of the subcommittee in charge of desertion cases and the correction of military records, and, as you all know, the Committee on Military Affairs are having a hearing on the Muscle Shoals proposition, and that accounts for the absence of the members of this committee. I am sure if they were present they could explain these matters. I have not had an opportunity to look into them, because they have not come under my jurisdiction.

Mr. MANN. Will my colleague from Illinois explain to me as to whether we have ever passed a bill in recent years which provided for the granting of an honorable discharge of a date during the Civil War?

Mr. McKENZIE. I will say to my colleague that the form that we agreed upon when I was a member of that committee ran something like this, that in the administration of the pension laws Mr. So-and-so shall be held to have been honorably discharged on such a date, and that no back pay, bounty, or emolument shall accrue.

Mr. MANN. That is not my question. That is already covered in the bill; and then it goes ahead and says—

That the Secretary of War be, and he is hereby, authorized and directed to issue to the said Alvah B. Doble an honorable discharge as of that date—

which is a date during the Civil War.

Mr. McKENZIE. I think that should be stricken from the bill.

Mr. MANN. I do not think we should pass bills like that.

Mr. McKENZIE. Furthermore when a soldier loses his original discharge he simply gets a certificate in lieu thereof.

Mr. MANN. He does not get a second discharge.

Mr. McKENZIE. And that direction to the Secretary of War, it seems to me, would be improper.

Mr. STAFFORD. I object to the consideration of this bill because of the fact called to the attention of the House by the gentleman from Illinois.

The SPEAKER. Objection is made. The Clerk will report the next bill.

OLIVER A. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 5125) for the relief of Oliver A. Campbell.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Oliver A. Campbell, who was a second lieutenant of Company E, Eightieth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 9th day of January, 1863.

With the following committee amendment:

On page 1, line 10, strike out the period and insert a colon and insert the following:

Provided, That no pension pay or bounty shall be held to have accrued prior to the passage of this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO SELL CERTAIN LANDS ON THE WIND RIVER RESERVATION, WYO.

The next business on the Private Calendar was the bill (H. R. 4069) authorizing the Secretary of the Interior to sell certain lands on the Wind River Reservation, Wyo.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I would like to inquire of the gentleman from Wyoming if this is mineral land?

Mr. MONDELL. It is not.

Mr. STAFFORD. No mineral or oil of any character. What are the rights of the trading company to this land?

Mr. MONDELL. The Arapahoe subagency was established many years ago, and in those days it was common to have traders in the vicinity of Indian agencies. This was a trading camp. There was a log corral and the ordinary log building of a frontier trading establishment, also a place where travelers were entertained as they came through the country. They have kept those premises for at least 35 years. In the course of time towns were built up in the vicinity and the trading business fell away so that it did not amount to much. These people occupied 7 or 8 acres of land upon the high land above the agency where they have their buildings, a store, a corral, and a cottage or two.

Mr. STAFFORD. Are they occupying the land under a leasing system at present?

Mr. MONDELL. I do not know under what plan the lands have been occupied. They were established there by the consent of the Indian office many years ago, and have been there all this time. I do not know whether they have been paying rent or not.

Mr. STAFFORD. Why do we not carry a provision in the bill requiring them to pay a nominal amount or an appraised value?

Mr. MONDELL. Oh, they will pay more than a nominal amount; they will pay what the lands are worth, and I should imagine that they will sell for quite a little sum.

Mr. STAFFORD. I withdraw the reservation of the objection.

The SPEAKER. Is there objection?
There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell to the Arapahoe Trading Co., Yellowstone Sheep Co., and Patrick A. McGovern, bishop of the Catholic Church for Wyoming, for an adequate consideration, not to exceed 40 acres of land on which is located valuable improvements at the Arapahoe subagency, on the Wind River Reservation, Wyo., being the southeast quarter of the northwest quarter, section 23, township 1 north, range 3 east, Wind River meridian, and to convey the same by patents in fee to the interests herein named, the said patents to include the lands on which the improvements are located.

The following committee amendment was read:

On page 2, line 3, after the colon, insert: *Provided*, That the cost of any special survey required for issuing the patents shall be paid by the purchaser.

The committee amendment was agreed to.

Mr. SNYDER. Mr. Speaker, I offer the following amendment:

On page 1, line 11, after the word "one" strike out the word "north" and insert the word "south."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 11, after the word "one" strike out the word "north" and insert the word "south."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SNYDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ALBERT H. RAYNOLDS.

The next business on the Private Calendar was the bill (S. 901) for the payment of certain money to Albert H. Reynolds.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I think we ought to have some explanation here why the Government should bear the responsibility of cashing these vouchers when the banks incur that liability.

Mr. LEATHERWOOD. Mr. Speaker, in the spring of 1877 Albert H. Reynolds was engaged in conducting a small trading store at Sidney, Nebr., and a contractor by the name of McCann was engaged in the transportation of supplies to Indian and military posts in the State of Nebraska. McCann, as was the custom of conducting the business, issued two vouchers to pay the teamster for material which had been hauled to certain Indian agencies in Nebraska. The regularity of the vouchers never was questioned. They were certified to as being correct by Lieut. Johnson, who had charge of the Red Cloud and Spotted Tail Indian Agencies and also had supervision of the transportation of supplies from Omaha, Nebr., to the agencies. In the course of the business the two vouchers that were cashed by Reynolds found their way back to Washington to one of the banks. I think, as shown in the report, they were presented in May, 1877, to the department here in Washington.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEATHERWOOD. I will.

Mr. STAFFORD. Were these vouchers merely orders that certain work had been performed and calling on the Government to pay that money to the contractor?

Mr. LEATHERWOOD. The vouchers were that certain supplies had been received, and the amount set forth; the charge for hauling was correctly set forth and practically amounted to an order on the department for payment.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. MANN. The bill says:

Which vouchers were issued on the 26th day of March, 1877, to Dwight J. McCann.

The report also says that Reynolds—

— cashed and paid two United States Indian vouchers in the sums, respectively, etc., issued to Dwight J. McCann, a Government contractor.

Does the gentleman claim that is a correct statement either in the bill or in the report?

Mr. LEATHERWOOD. The fact—

Mr. MANN. Oh, that is easy to answer. I want to ask another question.

Mr. LEATHERWOOD. Yes.

Mr. MANN. Who issued the vouchers?

Mr. LEATHERWOOD. Dwight J. McCann issued the vouchers.

Mr. MANN. That is just it. They were not issued to him at all. This gives a very erroneous impression in the bill and in the report to say that the vouchers were issued to the contractor. One naturally assumes at once that those vouchers were issued to him by some Government official. Nothing of that kind happened. He signed the receipts, that is all he did, and the gentleman calls it a voucher. Is not that right?

Mr. LEATHERWOOD. No; it is not exactly right.

Mr. MANN. He signed a receipt as we sign a receipt down here at the Sergeant at Arms' office to draw our pay. He did it in a different form and had to put certain certificates to it.

Mr. LEATHERWOOD. The voucher, as it is called, was drawn, as a matter of fact, in favor of McCann by Lieut. Johnson in payment for services rendered by teamsters under the employ of McCann, who was the contractor. The only way they had to get money out in that country at that time was through these trading posts. Erroneously the report says that Reynolds was a banker. I was not aware of that at the time the matter was before the committee or at the time that I prepared the report. Since then I have corresponded with some of the old residents out in the West who knew him, and they confirmed these statements that he was simply running a small trading post there.

Mr. MANN. The gentleman refers to Reynolds?

Mr. LEATHERWOOD. Yes. As a matter of convenience to the Government that this contractor could get the money, Reynolds took some savings that he had there and cashed these checks or vouchers, and he paid out his own money. There is no dispute but that it was due and owing for the hauling of the supplies. No claim has ever been made that there was any irregularity about it.

Mr. MANN. If it had been a voucher, in the ordinary sense of a voucher issued by the Government, there would be no trouble about its being paid, but this was a voucher that the contractor furnished, a voucher in order to secure partial payments on his contract, and he made certain certificates, signed certain papers, to be presented to the department for payment. They may have been approved by somebody; I do not know. In this case he took them over to a man he was doing business with and got the money for them and the man stood in his shoes. Then he defaulted and owed money to the Government, and the Government seeks to offset it, and the gentleman wants to offset the offset.

Mr. LEATHERWOOD. I want to be heard just a moment upon that.

Mr. MANN. Of course, I am trying to get information, and if the gentleman has information which is not in the report, I will be very glad to hear it.

Mr. LEATHERWOOD. I have the same limitation in furnishing information that every gentleman has, and that the Senate had. The original documents were destroyed. I have seen what purports to be a photographic copy of part of one of these documents. I understand that the voucher was drawn by Lieut. Johnson, certifying that certain supplies, specifying them, had been transported, and that it was issued to McCann, in the course of business, and the thing that the Government is seeking to take advantage of is that that was not assignable, and that it was a violation, I think, of sections 3737 and 3477 of the Revised Statutes of the United States. However, the custom had been to handle these vouchers away out there on the plains at that time in exactly that manner. These vouchers came down here to the bank in Washington and were presented to the department. The department O. K'd them. Then they were held off for nearly two years, when finally some auditor in the Treasury Department raised some objection to it. The matter laid dormant for another two years. Nearly five years elapsed from the time the vouchers were received by the department before anything was done one way or the other about it. Everyone supposed that it was regular, and that they would be paid. Finally the bank was notified here in Washington that the Government had refused payment for the reason that there had been some irregularities, because of the violation of some section of the statute to which I have referred. Had the Government gone ahead and paid these orders or vouchers in the ordinary course of business, everything would have been all right. McCann, the contractor, would have been solvent. It was only after five years that McCann became insolvent. He was solvent at the time of the transaction, but later he became insolvent, a long period of time having elapsed, and then the Government applied this account which Reynolds had taken against the claim, which the Government had against McCann at the time that he became insolvent and when he had defaulted upon some contract with the Government. If the Government had acted one way or the other within a reasonable time, this man might have had some recourse and some remedy.

Mr. MANN. The gentleman's report and the bill state that these vouchers were issued to this contractor. The letter from the Secretary of the Interior says that they were issued by this contractor. There is quite a little difference between a voucher that is just issued by a contractor to get money and a voucher that is issued by a Government official to a contractor.

Mr. LEATHERWOOD. If I am able to understand the English language, they were issued by Lieut. Johnson to McCann.

Mr. MANN. Then, I call the attention of the gentleman to the language in the letter of the Secretary of the Interior—which had been issued by Dwight J. McCann, a Government contractor, in payment of transporting supplies from Omaha, Sidney, and Schuyler, in the State of Nebraska, to the Red Cloud Indian Agency in said State. The delivery of the goods and the correctness of the vouchers were certified to thereon by Lieut. A. C. Johnson, United States Army.

There is quite a difference between an officer of the Army issuing a voucher, which is practically a draft for the payment of a certain sum of money, and certifying that certain goods have been delivered.

Mr. LEATHERWOOD. I concede all that the gentleman from Illinois says with reference to the effect of that. I want to say further that I myself was misled, perhaps by indefinite language, with reference to the history of this bill in the Senate.

I assumed at all times until within recent days that Reynolds was a banker. He is referred to as a banker. As a matter of fact he was not a banker, but simply a man conducting an humble little business who happened to have some ready cash and paid it over to satisfy a claim against the Government.

Mr. MANN. I have great reverence for the Senate of the United States and all of the Senators, but the reverence of the gentleman for the Senate far exceeds mine, if he believes all the statements that are made in the Senate in order to pass a bill.

Mr. LEATHERWOOD. Mr. Speaker, I am wholly unaware of having uttered any word which would indicate whether I have reverence or not for the Senate. I meant to say to the gentleman, and I think I did say to him, that there may be inadvertent expressions in the report. It was only by personal investigation by writing a great number of letters myself not only to Reynolds but to old-time westerners who knew Reynolds that I got what I believe to be the facts with reference to this transaction. Just one word further. At various times this matter has been presented for consideration. It has been considered. It has now been passed by the Senate. Reynolds is an old man, nearly 87 years of age. For three years past he has been an object of charity. Nobody denies but what the Government had the benefit and use of his money. I trust that no gentleman on the floor of this House now will object to the consideration of this bill, because the only question raised is a technicality in reference to the statute referred to. I want to say with due deference to the gentleman from Illinois that I have carefully examined the statutes. I have gone over them very carefully, and I believe had the matter been taken up in court within the period allowed by the statutes that he would have recovered in a court of competent jurisdiction the amount due him upon this instrument. While such instruments are not recognized by the United States courts as negotiable instruments, yet the courts have held that they are evidence of indebtedness.

Mr. MANN. He did not have a show in court.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert H. Reynolds, or his personal representatives, out of any money in the Treasury not otherwise appropriated, the sum of \$2,290.49, for and on account of two United States Indian vouchers in the amounts, respectively, of \$907.98 and \$1,382.51, which vouchers were issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Reynolds, and which said vouchers were allowed for payment by the Commissioner of Indian Affairs on the 2d day of May, 1877, and afterwards refused.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEATHERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

NASH MOTORS CO.

The next business in order on the Private Calendar was the bill (H. R. 3279) to refund certain duties paid by the Nash Motors Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I notice that the Treasury Department are not very enthusiastic about the passage of this measure. I would like to know how it becomes necessary that legislation is required?

Mr. COOPER of Wisconsin. Mr. Speaker, I would be very glad to explain it, and while the gentleman from Massachusetts may not be enthusiastic in his support of the measure, I hope he will not object to its consideration.

Mr. Speaker, the Nash Motors Co., as gentlemen know, has a very fine national, indeed an international, reputation. It is the successor of the Thomas B. Jeffery Co., which in the spring of 1915 had sent a chassis to its representative in London. It remained there for about a year and was untouched and unchanged in any way. It came back to this country in the spring of 1916 consigned to T. P. Reeve, who was a clerk in the office of some customs brokers in the city of New York, employed in business by the Nash Motors Co. That chassis having been of American manufacture, unchanged in any way, was entitled to free entry under section 404 of the tariff act; but when an article of that kind arrives unchanged and subject to free entry, a certificate of its export is required before it is allowed to come in. For some reason these brokers did not supply the certificate. It was carelessness, of course, but the Nash Motors Co., a thousand miles away, knew nothing about this at the time. As soon as they were notified, however, they furnished the evidence. Then, it having been too late when the evidence was supplied, the Government took possession and assessed the duty, and the Nash Motors Co. protested; but the protest required payment of a fee, and then occurred a most extraordinary event. That fee was not paid within the time required by the Government, but was delayed by only one day. Again somebody in this broker's establishment was grossly careless, so that the company paid \$1,223.30 duty on goods which were entitled to free entry under the statute, American-made goods coming back to this country. Ever since that time the Government has had the use of that money, which if these brokers had done their duty would not have had to be paid. Now, an identically similar bill passed the House in the last Congress and went to the Senate, but failed there. I have in my hand a copy of a letter written by the Assistant Secretary of the Treasury to my predecessor in Congress, and here is what the Government official said concerning this shipment and payment:

While American goods are entitled to free entry under the provisions of paragraph 404 of the tariff act, if returned to the United States without having been advanced in value or improved in condition while abroad, this privilege is dependent upon compliance with regulations adopted under said paragraph for the establishment of the identity of such articles as of American manufacture. The regulations were not complied with at the time of entry in the present case and a bond was given for the production of the missing evidence.

Now, Mr. Speaker, I want to interpolate here the statement that the Nash Motors Co., a thousand miles away, knew nothing about the giving of this bond. These brokers gave it without any authority whatever. I read now:

The entry was held unliquidated by the collector for some time after the expiration of the bond in order that the requirements of the regulations might be fulfilled. The entry was finally liquidated with the assessment of duty and a protest filed within the statutory period, but as the protest fee was not paid within the time specified in paragraph N of section 3 of the tariff act, the protest was necessarily deemed abandoned.

I stop here to read from a letter written by David A. Sondel, assistant United States attorney in Milwaukee. He says:

A written protest was filed against such liquidation and was thereafter abandoned and waived, no fee having been deposited until one day after the expiration of the time therefor.

I characterize negligence of that kind, three times repeated by the officials or clerks of these brokers, as extraordinary, and when I use the word "extraordinary" I curb my desire to use language much more forceful than that. I read now, Mr. Speaker, from a letter of a Treasury official, and I ask the particular attention of the gentleman from Massachusetts [Mr. WALSH]. I shall read later from the letter of Mr. Mellon, the Secretary of the Treasury. I call the attention of the gentleman from Massachusetts especially to this:

While there is no doubt that the automobile truck was of the manufacture of the United States and entitled to free entry under paragraph 404 of the tariff act on compliance with the regulations, the entry having been liquidated with the assessment of duty, the Secretary of the Treasury was precluded by the provisions of paragraph N, section 3 of the tariff act, from ordering a reliquidation of the entry in the absence of protest. It appears that it was a hardship for the Nash Motors Co. to be required to pay the duty as the assessment of duty was due to the carelessness of the broker who represented the ultimate consignee, but the department could not take any other action in the case than that outlined in its letter of May 7, 1916, addressed to the Nash Motors Co., a copy of which is inclosed.

In reply to your inquiry as to whether there is any machinery that can be set in motion whereby this duty may be returned to the Nash Motors Co., I have to say that the only way in which the duty paid could be refunded would be by a special act of Congress authorizing the Secretary of the Treasury to refund to the Nash Motors Co. the sum of \$1,223.30.

Very truly, yours,

JOSEPH SHOUSE,
Assistant Secretary.

Mr. Speaker, I have in my hand also a letter, written on the 7th of May last, by the present Secretary of the Treasury.

Mr. WALSH. I have read that.

Mr. COOPER of Wisconsin. Will the gentleman permit me to read just one paragraph of it?

Mr. WALSH. I have read the letter, and the Secretary states that no greater reasons for relief exist in the present case than in numerous other cases. Here is a case where, through the negligence or failure of accredited representatives of this firm, as I suppose, who did not comply with the rules and regulations—

Mr. COOPER of Wisconsin. It was a clerk.

Mr. WALSH. Whether it was a clerk or one of the firm, he did not comply with the requirements. If we are going to enact legislation in a case where there has been a failure to comply with the requirements of the law, we might as well repeal the law and have no requirements, and let them send it in here just as they want to, and say, "If you miss it by a day or a week, all right."

Mr. COOPER of Wisconsin. I do not think the alternative is quite as broad as that suggested by the gentleman from Massachusetts. It does not mean to repeal the law where there has been a failure on the part of a clerk to observe the law. But here is a case where the Government of the United States has money in its possession to which it is not entitled, in so far as the action of the Nash Motors Co. is concerned, due to gross neglect of duty by somebody or other; and in using the word "neglect" I am putting it mildly; but there was gross neglect of duty, and the failure to perform duty three times on one shipment.

Mr. WALSH. Well, it seems to me if the Nash Motors Co. after the first neglect still trusted to these brokers, and they made another error and neglected their clients, and the clients still trusted them, the Nash Motors Co. can not be entirely blameless in the matter.

Mr. COOPER of Wisconsin. I put it to the gentleman himself, if he were 1,000 miles away and a clerk of a firm in which the gentleman had entire confidence was attending to business for him in New York City, and a protest fee was to be paid, the gentleman would assume, of course, that the payment would be made within the 30 days, and that that payment would not be withheld until one day after the expiration of the 30 days.

Mr. WALSH. I do not know whether I would assume that or not. If they had failed to produce evidence of the exportation of the chassis from the United States in accordance with the law prior thereto, I am inclined to think I might have been looking around for one of my personal representatives to be on the job there.

Mr. COOPER of Wisconsin. These brokers were their personal representatives, in whom they had implicit confidence, and they have implicit confidence to-day in the firm itself.

Now, Mr. Speaker, I want to ask the gentleman from Massachusetts if he thinks that the irrelevant statement in the letter of the Secretary of the Treasury, that there are other claims like this which might be allowed, should in any way be permitted to defeat a just claim, a claim which the Secretary of the Treasury himself in his letter says is an equitable claim, a proper claim to be paid, the Government having money in its possession to which in honor it is not entitled? If there are five or six or eight other claims—and I do not know of another like it; never heard of one—but suppose there should be five or six or more, if they are absolutely just they ought to be paid, and payment of this claim ought not to be denied because other claims may be in existence. It ought to be paid, because Secretary Mellon says:

It is shown by the correspondence that the failure to furnish the evidence of outward shipment in this case was due to the carelessness of the brokers, and that the ultimate consignee, the Thomas B. Jeffrey Co., did not authorize the brokers to give a bond in the case.

While the equities in this case are apparent, in that the Nash Motors Co. was required to pay duty on an importation belonging to the firm which they succeeded, which importation was clearly entitled to free entry under paragraph 404 of the tariff act—

Even the Secretary himself says that the equities of the case are with the Nash Motors Co.; that the Government has \$1,200 which that company ought to be allowed to receive; and a similar bill passed the House in the last Congress.

Mr. WALSH. I remember when it was up. Of course, Congress passed the original law and included this requirement with reference to protest within 30 days. The Treasury Department drew up the regulation under that law. Now, if people are not going to comply with the law and every time there is a miss by a day or a week there is going to be special legislation here right in the face of a previous statute which Congress passed, I can not see how we are going to help along the proper administration of the laws which we pass.

Mr. COOPER of Wisconsin. I understand the attitude of the gentleman; but I think it is based on a wrong premise. The gentleman says "in cases where the parties are negligent." The Nash Motors Co. were not negligent. If they had been in

New York they could have attended to this, and if they had not done so they would have been negligent; but they were a thousand miles away, and the Treasury Department itself has twice said that the equities were with the company. Had the company themselves been negligent, the equities would not have been with them, in the opinion of the Secretary of the Treasury, for there can not be any equity in favor of people who are negligent. The department has twice in official letters said that the equities were with the company. Negligence destroys equity.

Mr. MANN. Whose negligence was it? It was not the negligence of the Government.

Mr. COOPER of Wisconsin. No.

Mr. MANN. Have not the Nash Motors Co. a claim against the brokers?

Mr. COOPER of Wisconsin. Not at all.

Mr. MANN. Why not?

Mr. COOPER of Wisconsin. Because it was a clerk who without authority of law at all gave the bond. They knew nothing about it.

Mr. MANN. The brokers did all this. The brokers neglected to file the original papers. The brokers neglected to file the fee for the protest. If I were a lawyer and did that, I would certainly think I was caught.

Mr. COOPER of Wisconsin. Suppose that the brokers can not be made to pay; and even suppose you get a judgment against them and they are execution proof, then what is going to happen? Then we have this situation: The Government of the United States has possession of this money against the equities, as admitted twice in written communications by the Secretary of the Treasury. The Treasury Department has stated that it was not the fault of the Nash Motors Co., but that it was the fault of this clerk in New York.

Mr. WALSH. If the gentleman will permit, it was the fault of an employee of the customs brokers who were the representatives of the Nash Motors Co. and acting in their name and for them, with their consent and with their due authority.

Mr. COOPER of Wisconsin. The Government has twice reported that the giving of this bond was entirely without the knowledge or authority of the Nash Motors Co. This clerk acted entirely outside of any authority given him or given to the firm of brokers by the Nash Motors Co.

Mr. WALSH. If this bond had not intervened, the duty would have been assessed much earlier.

Mr. COOPER of Wisconsin. And they would have been notified and would have attended to it very promptly.

Mr. UNDERHILL. Mr. Speaker, if the gentleman will yield I wish to say that I dissented from this report of the Committee on Claims because it is clearly the fact that this large concern with all the equipment and paraphernalia for properly carrying on business has either inadvertently or otherwise broken one of the laws laid down for the government of all the people of the United States.

Mr. COOPER of Wisconsin. What law did it break?

Mr. UNDERHILL. It failed to follow out certain requirements imposed by law upon the people of the United States with reference to customs dues. If a company of that size, with all of its equipment, can come to Congress and get special legislation after it has made errors through its own fault or the fault of its agents, I do not know what some of the poorer people are going to think who come here with just as good claims and do not get anything.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. UNDERHILL. Yes.

Mr. COOPER of Wisconsin. Here is the Nash Motors Co. Its financial standing in the business world is absolutely irrelevant and in my judgment has no proper place in the discussion of this case. If it had been a poor man a thousand miles away from the city of New York who had been obliged to pay \$1,200 against the equities of the case, as the Government admits, would the gentleman contest this claim?

I rely upon the fact that the Government twice, through its United States Treasury officials, has admitted that the equities of the case are not with it but with the Nash Motors Co. If the Government can twice admit that the equities are with the company and that the Government relies upon a mere quibbling technicality, in the face of gross negligence proven to have been committed by a clerk a thousand miles away, if the Government is to take advantage of a technicality like that, in my judgment it will tend to confirm the impression which has become spread broadcast, that as a debt payer the Government of the United States is the meanest in the world.

Mr. UNDERHILL. Well, Mr. Speaker, the gentleman, of course, tries to make out a good case for the Nash Motors Co.

and I do not take issue with him on the equity of the case, but I do take issue with him on the fact—that the Nash Motors Co. was properly informed and equipped, but handled this business contrary to the rules and regulations laid down by the customs department. It was no fault of the Government and there is no reason why the Government should make an exemption in their case. If, on the other hand—and perhaps I am wrong in the premises—if some poor man was put in the same position without the best of equipment, without knowledge of the law or the regulations or the rules, there might be some necessity for relieving him. These people knew the rules and regulations and had all the paraphernalia to properly conduct its business, but through carelessness and neglect they failed to take advantage of the rules and regulations—they would have received the money back if they had—and then they come to Congress and claim that they are entitled to special consideration.

Mr. COOPER of Wisconsin. May I interrupt the gentleman?

Mr. UNDERHILL. Yes.

Mr. COOPER of Wisconsin. The gentleman says that this company, through neglect and failure to observe the law, did so and so. It did everything that it could do to observe the law. It supposed that the brokers on whom it relied complied with the law, and this protest which was in the hands of the Government before the expiration of that time was for some reason held up until one day after the rights of the company had expired, and that was a matter for which the motor company were not neglectful in the slightest. They supposed that the law had been complied with.

Mr. UNDERHILL. Then I agree with my colleague from Massachusetts that they ought to sue the broker and not come to Congress for relief.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the Nash Motors Co., a corporation organized under the laws of the State of Maryland, the sum of \$1,223.30 as full payment to the said Nash Motors Co. of all duties levied upon an automobile chassis, the property of said company, of American manufacture and entitled to free entry under the provisions of paragraph 404 of the tariff act, and paid by the said Nash Motors Co. upon the importation of the said automobile chassis into this country.

The following committee amendment was read:

Page 1, line 4, after the word "pay" insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. UNDERHILL. Mr. Speaker, I rise in opposition to the committee amendment. I have explained to the House my opposition in the matter. I was the only member of the committee, however, who dissented from an otherwise unanimous report. Rather than take advantage, if it would be taking an advantage, of the gentleman from Wisconsin in objecting to the consideration of the bill, I think I have given him all of the help that he is entitled to and now will leave it to the membership of the House whether they want to pass the bill or kill it here.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed, and read a third time.

The SPEAKER. The question is on the passage of the bill. The question was taken; and on a division (demanded by Mr. WALSH) there were—33 ayes and 7 noes.

So the bill was passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ARTHUR J. BURDICK.

The next business on the Private Calendar was the bill (H. R. 4356) for the relief of Arthur J. Burdick.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I notice that the former Secretary of the Interior in reporting upon this bill says that there are many cases similar to this. I would like to ask the gentleman from California a question. We have a whole lot of cases—the House just passed a bill of the same sort—making a law, and if a man does not comply with it, be he poor or rich, they have an exception made in his case. Does anybody propose general legislation covering all these cases?

Mr. SWING. Not that I know of.

Mr. MANN. It depends largely on leg work of the Members of Congress themselves.

Mr. SWING. I think each Congressman should call the attention of the committee and the House to those cases which he thinks without attention would result in injustice being done to a citizen of the United States.

Mr. MANN. Suppose some man does not enjoy the acquaintance of a Member of Congress. Suppose a Member of Congress is not very active in his leg work. I take it that the gentleman does not think that citizen ought to receive relief.

Mr. SWING. I think the gentleman from Illinois, whose experience has been very long with this body, recognizes that there are always exceptions to every general law where it does not operate equitably and equally.

Mr. MANN. I think that is true. The department writes that there are many cases similar to this, and it may be they ought all to be relieved—I do not know.

Mr. SWING. I asked them if they had a case in mind exactly like this, and they could not cite a case. I directed the attention of the members of the committee to it and asked them whether there had been any claims like this, and they said they did not know of any.

I think this is an unusual case. There are cases of mistakes by officers of the land department, mistakes of law and fact, but I think this is unusual, and in my experience in the western country, where there is a large amount of land for settlement, I never heard of a case like this—where an entryman in good faith went to the land office, asked if land was open near a certain town, and they opened the books and said "yes; here is a half section open to entry," and he said "I will get my witnesses, view the land, and come here to-morrow and make the entry, if it is still open."

That he does, and they accept his entries, and he goes upon the land. He acts upon their acceptance, and it seems to me that that is a case where an injustice is done him, when subsequently the land office tells him, after he has spent money on the place in trying to make it his home, that he must move off.

Mr. MANN. Oh, it is a very common case.

Mr. SWING. I have not heard of exactly that case.

Mr. MANN. Oh, I have heard of a good many cases since I have been here where through an error of the land office a man settles on a piece of property.

Mr. SWING. The most common case in my country is where a man at his own risk undertakes to settle upon the proper land which has been granted to him and gets on the wrong piece of property, but here the man goes on the piece of property for which the Government has given him a certificate of entry.

Mr. MANN. It has happened a good many times with reference to these railroad lands.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. UNDERHILL. There have been other cases presented to the committee this year of a similar character. It seems that in this case a great injustice has been done. There have been cases presented to the committee where we did not find that an injustice had been done, because the settler had gone in after he had been informed by some agent of the Government that there was a question as to whether the land was open. I think the committee has turned down several cases of that kind, and they now repose in pigeonholes in the office of the committee. Here the man went on the land in good faith. The mistake was at the hands of, or was caused through a Government agency. He made improvements on the land. He was establishing a homestead. He spent a great deal of time and considerable money, and it seems to me that he has justice on his side.

Mr. MANN. All he did on the land was to sink a well, as far as that is concerned.

Mr. UNDERHILL. He cleared some land.

Mr. MANN. Oh, he cleared enough land to sink this well, and that is about all. It is not as meritorious in that sense as it would be if he had constructed a home on the land.

Mr. UNDERHILL. He had to have water first.

Mr. MANN. And yet we have refused to pay a man back the cost of a home where he constructed a home on land that did not go to him.

Mr. KNUTSON. How deep do they have to go for water in that country?

Mr. SWING. Oh, several hundred feet. That is quite an item.

Mr. KNUTSON. Yes.

Mr. MANN. Of course, it is. The well cost nearly \$2,000.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to Arthur J. Burdick, Riverside County, State of California, the sum of \$1,981.68, in full compensation for the amount expended by said Burdick in compliance with law upon his desert-land entry numbered 07331, allowed by the local land office at Los Angeles, Calif., and subsequently canceled for conflict with the grant to the Southern Pacific Railroad Co.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SWING, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE CISZEK AND ANNA CISZEK.

The next business on the Private Calendar was the bill (H. R. 6686) for the relief of George Ciszek and Anna Ciszek.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George Ciszek and Anna Ciszek the sum of \$2,000 for damage done to their dwelling house on July 1, 1919, due to the explosion of the United States Navy dirigible balloon C-8 at a point near Camp Holabird, Md.

With the following committee amendment:

Line 6, strike out the figures "\$2,000" and insert in lieu thereof the figures "\$1,500."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HICKS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FRANK CARPENTER.

The next business on the Private Calendar was the bill (S. 1247) for the relief of Frank Carpenter.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, what obligation is there upon the part of the National Government to pay for the installation of a rifle range for the use of State troops?

Mr. PRINGEY. Mr. Speaker, the title is in the Government, and since the work was done, authorized by our governor, an appropriation has been made and we are simply asking to be allowed to pay it out of our own funds. It is indorsed by The Adjutant General, by the governor, by the Secretary of War, and it has passed the Senate and is indorsed by the Claims Committee.

Mr. STAFFORD. Where does the gentleman get authority for the statement that it is indorsed by the Secretary of War?

Mr. PRINGEY. In the report I think the gentleman will find that Secretary Weeks indorsed it.

Mr. STAFFORD. I notice in the report, which consists of eight pages, that most of the recommendations are on the part of State officials, but I do not find any direct recommendation on the part of the Secretary of War. The Secretary's letter is to be found on page 7. Will the gentleman call my attention to where in that letter he recommends the payment of this claim?

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BOX. Can the gentleman imagine any reason why it should not be paid?

Mr. STAFFORD. We are departing on an entirely new policy since we have nationalized the National Guard than formerly in the purchase of property and the title to State rifle ranges. We now equip them, but we do not pay for the establishment of the rifle range. This work was undertaken some years back, I assume, before we attempted to nationalize the guards when the States were appropriating money for the maintenance of their own State militia. That is a policy of the past.

Mr. BOX. But before this contract was made the disbursing officer inquired of the War Department if this charge, the cost of doing this work, was a proper charge against the fund. The disbursing officer acted upon it and the man did the work. That particular appropriation was exhausted, so that the work could not be paid for out of that fund. A subsequent appropriation

was made, which now remains to the credit of Oklahoma, and it is available only by act of Congress for the payment of this claim.

The man did the work upon a contract with the State officers, with the approval of the War Department, and has now waited eight or nine years for pay which he fully expected to receive when he acted upon the assurance of the War Department.

Mr. STAFFORD. Oh, because he acted upon the assurance of State officials, the State adjutant general. There is nothing in the report, so far as I have been able to ascertain, that warrants the statement that this contractor acted at the suggestion of any official of the National Government.

Mr. BOX. Will the gentleman read the letter of E. M. Weaver, colonel, Coast Artillery Corps, chief of division, for the War Department, of April 21, 1910, assuring the disbursing officer that this would be a proper charge against this fund?

Mr. STAFFORD. Where is the gentleman reading?

Mr. BOX. On page 3. The contract was thereafter made, the work was thereafter done and accepted, and the fund was found to be exhausted, and it could not be paid because it was exhausted, and a subsequent fund is available; not available for other purposes, however.

Mr. MANN. If the gentleman will yield, however, I notice they refer to this fund as a balance to the credit of the State of Oklahoma. What does that mean? They can not draw the money out, can they? They can not pay any bills out of it, can they?

Mr. BOX. I understand that it is the fact that they can not pay bills out of it.

Mr. MANN. How can a fund remain to the credit of a State that can not withdraw it and can not use it?

Mr. BOX. I wonder, though, if it was money covered into the Treasury—

Mr. MANN. I wondered when I looked at this whether there was such a fund or not.

Mr. BOX. My information is it is the unexpended balance remaining for the equipping of the militia under the act passed prior to 1918.

Mr. MANN. The National Guards' apportionment to the States at that time, and the Secretary of War refers to that as though it were available. It may be, but when I saw the bill I doubted whether there was such a fund on the books.

Mr. STAFFORD. I wish to call the attention of the gentleman from Illinois to section 1661 of the Revised Statutes, which provides a continuing appropriation of \$200,000 for the purpose of providing arms and equipment for the whole body of the militia. There are some appropriations which are continuing—

Mr. MANN. I understand that, and I assume the appropriations are all available for the payment of certain bills, but here is an appropriation which apparently can not be used. The Secretary says it can be used for any bills occurring since 1910. Has this bill occurred prior to this time?

Mr. BOX. Yes; 1910.

Mr. MANN. Evidently it may have been used to pay bills prior to that time, but if it can not be drawn out and can not be used, what is the use—

Mr. BOX. Answering the question of the gentleman from Wisconsin, I desire to call attention to the letter of Secretary Weeks, on page 7, in which he stated:

There would appear to be no objection on the part of the War Department if such expenditure is favorably viewed by Congress.

Mr. STAFFORD. I read that. I withdraw the reservation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank Carpenter, out of the unexpended balance in the Treasury of \$14,813.33 now to the credit of the State of Oklahoma under the appropriation "Arming and equipping the militia," under section 1661, Revised Statutes, which is no longer available for expenditures incurred since July 1, 1918, the sum of \$3,700, in full payment for work done in the construction of a rifle range at Chandler, Okla., in accordance with the provisions of a contract entered into by the said Carpenter with the State of Oklahoma December 31, 1910.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. PRINGEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

TIMBER IN THE STATE OF ARIZONA FOR AGRICULTURAL, MINING, AND OTHER DOMESTIC PURPOSES.

The next business in order on the Private Calendar was the bill (S. 561) to grant citizens of Washington and Kane Counties, Utah, the right to cut timber in the State of Arizona for agricultural, mining, and other domestic purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to have a little explanation of why we should pass legislation of this sort.

Mr. COLTON. Mr. Speaker, under the law as it now obtains, citizens of one State can not, under the general provisions of the law, cut and remove timber from an adjoining State. The strip of land affected by this bill lies north of the Grand Canyon of the Colorado in Arizona. It is accessible only from the Utah side. The land is covered with a growth of timber, not merchantable timber but used principally for fuel, although there is some used for mining purposes. This bill would authorize the citizens of Utah living adjacent to this timber to secure a permit, upon proper application and notice, to cut timber in Arizona and remove it to Utah, where it can be used. The governor of Arizona joins with the governor of Utah in recommending this legislation, the county commissioners of both counties in Arizona are perfectly willing that it shall be enacted, as the wood will simply decay unless it is used.

Mr. WALSH. Was it because it happened to be a State line that national legislation is required?

Mr. COLTON. Yes.

Mr. LONDON. If the gentleman will yield, is this timber to be cut for commercial purposes?

Mr. COLTON. No; for domestic purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 8 of an act entitled "An act to repeal the timber culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, be, and the same is hereby, amended by adding thereto the following:

"That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of section 8 of the act of March 3, 1891, to citizens of Washington County, and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Ariz., for agricultural, mining, and other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah."

Mr. SANDERS of Indiana. Mr. Speaker, I move to strike out the last word. I notice the act refers to two other provisions which seem to have been passed on the same day. Is that accurate, or was there an error in designating the date?

Mr. COLTON. It has not been called to my attention before, and I can not answer the gentleman's question just now.

Mr. SANDERS of Indiana. It says:

That section 8 of an act entitled "An act to repeal the timber culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891.

Of course it might well be.

Mr. COLTON. I was wondering if the chairman of the Committee on Public Lands could answer.

Mr. MANN. He was not here then.

Mr. COLTON. I am unable to answer.

Mr. SANDERS of Indiana. The question is whether the amending act was passed on the same day.

Mr. SINNOTT. I think I looked that up once. The singular coincidence of the two dates struck me, and I think I looked it up. I think that is the situation, although I am not clear on it now.

Mr. SANDERS of Indiana. Of course, if the addition is to section 8, and it is a part of section 8, then line 10 should not recite that it is under the provision of section 8.

Mr. SINNOTT. I have the act here. It is "An act to amend section 8 of an act entitled 'An act to repeal the timber culture laws, and for other purposes.'" That is the title of it.

Mr. SANDERS of Indiana. Well, Mr. Speaker, if this is the amending act, then the language that is added is still in section 8, and there should be an amendment to line 10 in the reading of this section.

Mr. COLTON. I did not catch the gentleman's suggestion.

Mr. SINNOTT. That act has been amended a number of times in that same way.

Mr. SANDERS of Indiana. Well, if that language has been followed, I shall not make the point. But it seemed to me that when you are amending the section you ought not to refer to section 8.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

WALTER I. SMITH.

The next business on the Private Calendar was the bill (S. 2649) to extend the benefits of section 260 of the Judicial Code to Walter I. Smith, United States circuit judge.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Reserving the right to object, Mr. Speaker, I think the beneficiary of this act has deceased recently. I ask unanimous consent that the bill be laid on the table.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill lie on the table. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

RELIEF OF OWNERS OF THE SCHOONER "HORATIO G. FOSS."

The next business on the Private Calendar was the bill (H. R. 4367) for the relief of the owners of the schooner *Horatio G. Foss*.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, I notice that this bill carries compensation for the detention of the schooner in addition to damages by collision. Of course, I know that where there is an authorization to sue in court they get demurrage. What is the purpose of putting that in?

Mr. UNDERHILL. I suppose the question of demurrage would be settled by the court, as well as the question of damages.

Mr. MANN. I suppose it would without that language in.

Mr. UNDERHILL. I do not think, for one, that I would object to an amendment of that character.

Mr. MANN. Where we have forms of bills of this kind I think we should adhere to them.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk reads as follows:

Be it enacted, etc., That the claim of the owners of the schooner *Horatio G. Foss*, arising out of a collision between said schooner and the United States collier *Jupiter* off Winter Quarter Light Vessel on the 18th day of May, 1918, for and on account of the losses alleged to have been suffered in said collision by the owners of said schooner *Horatio G. Foss* by reason of damages to and detention of said schooner, may be submitted to the United States Court for the District of Massachusetts, under and in compliance with the rules of said court, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. MANN. Mr. Speaker, I move to amend the bill, on page 1, line 9, by striking out, after the word "to," the words "and detention of."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 1, line 9, strike out, after the word "to," the words "and detention of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Speaker, I move to amend by inserting, on page 1, line 12, after the word "court," the word "of."

The SPEAKER. There is the same omission in line 4. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 1, line 4, after the word "out" insert the word "of," and on line 12, after the word "court," insert the word "of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. UNDERHILL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ROBERT RUSSELL.

The next business on the Private Calendar was the bill (H. R. 5791) for the relief of Robert Russell.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. I reserve the right to object.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker—

Mr. KNUTSON. I wish the gentleman from Wisconsin would withhold his objection.

Mr. STAFFORD. I will withhold my objection if the gentleman wishes.

Mr. KNUTSON. On what ground can the gentleman object?

Mr. STAFFORD. I am not acquainted with the law in Minnesota as to the liability of the property owner where he refuses to remove snow and an injury results. I know that in Wisconsin there is no liability on the part of the property owner for an injury received unless the party is actively at fault. There is no actionable negligence here on the part of the Government. If we pass this bill, it will be held as a precedent in many, many cases. I yield to the gentleman from Minnesota to state for what reason we should pass this bill.

Mr. KNUTSON. The gentleman from Minnesota has the floor. I will say to the gentleman that it is my understanding that the laws of Minnesota hold property owners responsible in a case of this kind. The circumstances of this case are substantially as follows: Two years ago yesterday Mr. Russell slipped on the icy steps of the Federal building in St. Cloud, Minn., and fell down and suffered a compound fracture of his right hand, which has rendered him a cripple for life, in so far as the use of his hand is concerned.

The city of St. Cloud has an ordinance which provides for the removal of ice and snow from sidewalks within a specified time. The custodian of the Federal building at St. Cloud failed to observe this ordinance, and I contend that through the negligence of the custodian of the Federal building the Government is liable for the injuries sustained by Mr. Russell.

Mr. WALSH. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. WALSH. Does the gentleman contend that the United States is bound by the city ordinance of St. Cloud, Minn., with reference to the removal of snow and ice from the Federal building sidewalk?

Mr. KNUTSON. I would say morally so; yes.

Mr. WALSH. The gentleman thinks that the United States of America is subordinate to the city council of St. Cloud, Minn.?

Mr. KNUTSON. I do not see why the United States Government should be permitted to allow snow and ice to remain in front of its property any more than a private owner should. This idea that the Government can do no wrong does not make much of a hit with me.

Mr. WALSH. Mr. Speaker, I do not think we ought to have that doctrine elaborated very much. I think we ought to have the regular order.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

BARGE "HAVANA."

The next business on the Private Calendar was the bill (H. R. 4368) for the relief of the owners of the barge *Havana*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the claim of the Staples Transportation Co., a corporation existing under the laws of the Commonwealth of Massachusetts, owner of the barge *Havana*, arising out of a collision between the United States steamship *Quincy* and said barge *Havana* at Hampton Roads, Va., on February 4, 1920, for and on account of the losses alleged to have been suffered in said collision by the owners of said barge by reason of damages to and detention of said barge, may be submitted to the United States District Court for the District of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States of America, upon the same principle and

measure of liability with costs as in like cases of admiralty between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. UNDERHILL. Mr. Speaker, I move in line 10, page 1, after the word "to," that the words "and detention of" be stricken from the bill.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: On page 1, line 10, after the word "to," strike out the words "and detention of."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

WILLIAM MALONE.

The next business on the Private Calendar was the bill (H. R. 1463) for the relief of William Malone.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized to pay, out of any money of the United States not otherwise appropriated, to William Malone the sum of \$75, being the cost of an abstract of title sent to the Commissioner of the General Land Office in August, 1916, and lost by some employee of that office.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

FORREST R. BLACK.

The next business on the Private Calendar was the bill (H. R. 314) for the relief of Forrest R. Black.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SANDERS of Indiana. Reserving the right to object, I think we ought to have an explanation of the bill.

Mr. BEGG. Mr. Speaker, this claim of Forrest R. Black is for jewelry and money. When he volunteered for enlistment in the Navy he checked his valuables with the man who was designated to receive them. They were rushed for help, and while one of the men went out to get his lunch during the noon hour the man who had charge of the checking left the checking booth and went to assist in taking the measurements of the men.

When Mr. Black came back from his physical examination these valuables were gone. The Navy Department, both under the previous administration and under this administration, has recommended the payment of this claim. There is no question at all that these valuables were stolen while in the custody of the Government agent.

Mr. SANDERS of Indiana. Has the Government been paying for such lost valuables?

Mr. BEGG. Always.

Mr. NEWTON of Minnesota. As I understand it, the man who was up for examination left his valuables with the man designated by the officer in charge?

Mr. BEGG. Designated by the Government.

Mr. NEWTON of Minnesota. And immediately following the examination the property was gone?

Mr. BEGG. When he turned in his check calling for his valuables they could not find them. They called in a policeman, locked the doors, and searched everybody, but evidently the thief had gone, because they did not find these valuables.

Mr. NEWTON of Minnesota. And in placing his money and jewelry with this particular person he was following out the request of the department?

Mr. BEGG. Not only the request but the orders of the department.

Mr. MANN. Will the gentleman yield?

Mr. BEGG. Gladly.

Mr. MANN. I was so impressed with the statement in this case that I thought the gentleman from Ohio [Mr. BEGG] had made a mistake in introducing the bill for only \$142, when it appeared that the man had lost under these exceptional circumstances property of the value of \$190. What was the \$50 of which we rob him?

Mr. BEGG. I will say to the gentleman from Illinois that Mr. Black makes the statement that he did not put in a claim

for all he lost, for instance, his fraternity pin. He did not put in a claim for things of that kind.

Mr. MANN. He did put it in.

Mr. BEGG. There were some items that he did not include.

Mr. MANN. Here is his claim for \$192.

Mr. BEGG. It is \$142.

Mr. MANN. What part did the gentleman from Ohio jew him out of?

Mr. BEGG. I did not jew the gentleman out of anything, I will say to the gentleman from Illinois. [Laughter.]

Mr. SANDERS of Indiana. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Forrest R. Black, out of any money in the Treasury not otherwise appropriated, the sum of \$142, in reimbursement for money and valuables lost while they were properly in the custody of the United States Government.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BEGG, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEO BALSAM.

The next business on the Private Calendar was the bill (H. R. 6251) for the relief of Leo Balsam.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Leo Balsam, of Plattsburg, N. Y., the sum of \$1,282.50, in full compensation for repair at contract price of 950 pairs of shoes destroyed by fire when the gymnasium at Plattsburg Barracks, N. Y., was destroyed on November 28, 1917, said payment being due the said Leo Balsam in the opinion of the Acting Judge Advocate General of the Army.

Mr. MANN. Mr. Speaker, I move to amend the bill by striking out all after the figures 1917 in line 10.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MANN: Page 1, line 10, after the figures "1917" strike out the remainder of line 10, all of line 11 and line 12.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SNELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BERTRAM GARDNER.

The next business on the Private Calendar was the bill (H. R. 1543) for the relief of Bertram Gardner.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman from New York how many of these stamps there were.

Mr. HICKS. Sixteen hundred, worth 10 cents apiece.

Mr. WALSH. The bill says 600.

Mr. HICKS. There were 1,628.

Mr. WALSH. That would amount to \$162.80. Does the gentleman intend to offer an amendment?

Mr. HICKS. If it is thought necessary.

Mr. WALSH. The report says 1,628, and the bill which was introduced before the report says there were 600. It is immaterial, but if you have the number in the law it ought to be the correct number. If this is going to be corrected I will withdraw the reservation.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to credit the account of Bertram Gardner, collector of Internal Revenue Service, first district of New York, \$162.80 for the loss of 600 export distillery spirit stamps which were destroyed by fire.

Mr. UNDERHILL. Mr. Speaker, in line 6, after the word "of," I move to strike out the two words "six hundred."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 6, after the word "of," strike out the words "six hundred."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HICKS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ANNIE M. LEPLY.

The next business on the Private Calendar was the bill (H. R. 4504) for the relief of Annie M. Lepley.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Annie M. Lepley, as postmaster at Plymouth, Amador County, Calif., on her account as postmaster of said place, in the sum of \$2,055.83, the same being the amount of certain moneys, money orders, and postage stamps taken and stolen by burglars from the post office at Plymouth, Amador County, Calif., at nighttime at about 10 minutes past 1 o'clock antemeridian on March 13, 1915, by unknown persons, and that the said Annie M. Lepley be, and she is hereby, relieved and released from payment to the Treasury of the United States of the said sum of \$2,055.83, and every part thereof, as such postmaster, and that her account be credited as postmaster with said amount of \$2,055.83 by reason of said loss caused by such burglary.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MANN. Mr. Speaker, I thought the bill was under consideration. I would like to ask the gentleman from California as to the form of the bill. I suppose it is desirable to make the thing certain, but the bill first directs the Secretary of the Treasury to credit Annie M. Lepley with the sum of \$2,055.53 on account of this loss. I should think that would be sufficient. Then the bill goes on and says, "said Annie M. Lepley is hereby relieved and released from the payment to the Treasury of said sum." Having done it twice, then it goes on and provides again that her account as postmaster be credited with this sum.

Mr. RAKER. Let me say to the gentleman that the matter was taken up with the Treasury Department and the Post Office Department, and the Post Office Department has made an order that until this legislation is disposed of they can not relieve her from making that report. The statement was, as I gathered from them, that she would have to be released from the Treasury account and then her report would be credited with this amount, so as to clear her record in the Post Office Department.

Mr. MANN. If they credit her account with \$2,055.53, that would close up the transaction. If we relieve her from the payment of \$2,055, that of itself would close up the transaction. Then her account is to be credited with \$2,055. That of itself would close up the transaction. Why do it three times?

Mr. RAKER. I took the advice of the Post Office Department and the Treasury Department, and these matters were submitted to them, and we have had them before them a great many times.

Mr. MANN. We have passed a great many bills of this kind.

Mr. RAKER. This was their judgment, and I took it because of the fact that the Treasury had to be credited, and then her account had to be credited in making the report to the Post Office Department.

Mr. MANN. It is not necessary to do a thing three times, even in the statute.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MONROE B. SHEALY.

The next business on the Private Calendar was the bill (H. R. 7272) for the relief of Monroe B. Shealy.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Monroe B. Shealy, out of any money in the Treasury not otherwise appropriated, the sum of \$1,083.36 for damages to his automobile by an Army truck belonging to the Government.

With the following committee amendment:

Page 6, strike out the figures "\$1,083.36" and insert in lieu thereof the figures "\$414.66."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULMER, a motion to reconsider the vote by which the bill was passed was laid on the table.

RUPERTO VILCHE.

The next business on the Private Calendar was the bill (H. R. 5251) for the relief of Ruperto Vilche.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, this bill is of the same class as bills which have been passed over in order to permit the committee to determine a policy in respect to accidents resulting from the discharge of guns in the hands of soldiers. I object.

TAHOE NATIONAL FOREST, CALIF.

The next business on the Private Calendar was the bill (H. R. 8832) to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to certain lands owned by William Kent and situate in the county of Placer, State of California, in section 24, township 15 north, range 16 east, Mount Diablo base and meridian, and within the Tahoe National Forest, free and clear of all encumbrances, more particularly described as follows:

Beginning at a point on the shore of Lake Tahoe, said point being the northeast corner of that part or parcel of lot 55 as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907, conveyed by Hulda S. and Chris Nielsen to M. L. Effinger by deed dated September 24, 1906, and recorded in the county recorder's office in said Placer County in deed book No. 105, page 221; thence west from said point along a line parallel to the south line of said lot 55, 220 feet more or less, to a point on the east line of Sunnyside Avenue where said line intersects said east line of Sunnyside Avenue; thence north on said east line of Sunnyside Avenue 145 feet more or less to a point on the north line of section 24, township 15 north, range 16 east, Mount Diablo meridian, where said east line of Sunnyside Avenue intersects said section line; thence east along said section line 220 feet more or less to the shore of Lake Tahoe; thence in a southerly direction along the shore of Lake Tahoe 145 feet more or less to the place of beginning.

Beginning at a point on the west line of Sunnyside Avenue 100 feet north of the point of intersection of the extended south line of lot 55 as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907; filed in the county records of the city of Placerville, State of California, on the 18th day of November, 1907; thence west on a line parallel to said extended south line of said lot 55, 300 feet more or less, to the east line of a tract of land deeded by William Kent to the United States of America on February 28, 1920, said deed being recorded in the records of said county of Placer in book 175 of deeds at page 381; thence north on said east line of said tract deeded by William Kent to the United States of America to the north line of section 24, township 15 north, range 16 east, Mount Diablo meridian; thence east along said section line to the point of intersection of the west line of Sunnyside Avenue with said section line; thence south along said west line of Sunnyside Avenue 150 feet more or less to the point of beginning.

And in exchange therefor may issue patent for certain lands owned by the United States within the Tahoe National Forest and situate in the county of Placer, State of California, in section 24, township 15 north, range 16 east, Mount Diablo base and meridian, more particularly described as follows:

Lot 51 and the south half of lot 52, as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907; also all that tract of land in the northeast quarter of section 24, township 15 north, range 16 east, Mount Diablo base and meridian, and more particularly described as follows: Beginning at a point on the westerly side of Sunnyside Avenue as laid down and delineated on that certain above-mentioned amended map as Sunnyside tract, which point is 65 feet west of the southwest corner of lot 51 of said Sunnyside tract, and from said point of beginning running parallel to the north boundary of the tract of land conveyed to Alice M. Schmiedell by deed dated the 23d day of March, 1908, and recorded in the office of the county recorder of Placer County, in book 110 of deeds, at page 261, said boundary being parallel to the south line extended of lot 42 of said Sunnyside tract; running thence westerly 300 feet; thence north 1 degree 37 seconds east 150 feet to a point on the southerly line of a parcel of land conveyed by William Kent to William McFadden by deed dated the 12th day of September, 1912, and recorded in the office of the county recorder of said county in book 137 of deeds at page 201, said point being 300 feet west of the west line of Sunnyside Avenue; thence south 88 degrees 28 seconds east 300 feet more or less along said southerly boundary of the lands so conveyed to William McFadden to the west boundary of said Sunnyside Avenue; thence south 1 degree 37 seconds west 150 feet more or less along said west boundary of Sunnyside Avenue to the point of beginning.

With the following committee amendment:

Page 5, line 6, strike out the word "forty-two" and insert in lieu thereof the word "fifty-two."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the Clerk be permitted to correct the spelling of the word "intersects" on line 22, page 2.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT E. DANFORTH.

The next business on the Private Calendar was the bill (H. R. 6196) for the relief of Robert E. Danforth.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. NEWTON of Minnesota. Mr. Speaker, reserving the right to object, are there any precedents for an action of this kind?

Mr. VAILE. There are a number of precedents where a homestead entry has been taken and for some reason or other the entryman does not fall quite within some of the provisions of law. I do not remember any precedent for this particular case.

Mr. NEWTON of Minnesota. There are precedents, however, for specific congressional action in the granting of a patent?

Mr. VAILE. Oh, many of them.

Mr. NEWTON of Minnesota. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Robert E. Danforth conveying the south half of the northeast quarter and the northeast quarter of the southeast quarter of section 19, and the southwest quarter of the northwest quarter of section 20, township 15 south, range 78 west, sixth principal meridian, Colorado, and the north half of the north half of section 20, township 15, range 78 west, sixth principal meridian, Colorado, being lands embraced in the homestead entries of said Robert E. Danforth, Leadville, serial Nos. 02846 and 02845, made April 5, 1920.

Mr. VAILE. Mr. Speaker, I move to amend the bill, on page 2, line 1, by striking out the comma after the word "Leadville."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the comma after the word "Leadville."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VAILE, a motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY T. HILL.

The next business on the Private Calendar was the bill (H. R. 5385) for the relief of Henry T. Hill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, why is not the customary reservation carried in the bill that no pension shall accrue to this man prior to the passage of the bill?

Mr. KEARNS. We have provided that no pay and allowance due him shall be allowed.

Mr. STAFFORD. It is the invariable practice in bills of this kind to incorporate the feature I speak of.

Mr. KEARNS. That no pension in the future should be allowed.

Mr. STAFFORD. No; that a pension should not accrue to him prior to the passage of the bill.

Mr. KEARNS. Would there be any way for him to get it?

Mr. STAFFORD. If he applied for a pension.

Mr. KEARNS. He has not applied.

Mr. STAFFORD. We do not know whether he has or not. If he applied, and we give him this right, it will date back.

Mr. KEARNS. If the gentleman will offer the amendment, I have no objection to it.

Mr. STAFFORD. Very well, Mr. Speaker; I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry T. Hill, formerly a private of Company D, Sixteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company on the 19th day of May, 1902: *Provided,* That all pay and allowances due him on said date shall be allowed him.

With the following committee amendment:

Line 9, strike out the word "all" and insert in lieu thereof the word "no."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I move to amend by striking out the period after the word "him" in line 11 and inserting the words "and that no pension shall accrue to him prior to the passage of this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the period after the word "him" in line 11 and insert "and that no pension shall accrue to him prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEARNS a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. POSEY.

The next business in order on the Private Calendar was the bill (H. R. 4894) for the relief of George W. Posey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this bill shows that this soldier was not only guilty of one desertion, but of two desertions, and did not seem to have any regard whatsoever for the rules of the Army as far as enlistments were concerned. I object for the time being.

The SPEAKER. Objection is heard.

W. W. McGRATH.

The next business in order on the Private Calendar was the bill (H. R. 2722) for the relief of W. W. McGrath.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to have an explanation from some member of the committee as to why we should adopt a precedent in this case of paying a claimant an amount practically for demurrage, for the expenses he was put to in hiring a car when he was engaged in exchanging his old car for a new car.

Mr. UNDERHILL. I do not know what the usual practice is and it would ill become me to try to explain something I do not believe myself, and I will leave that to some other member of the committee.

Mr. GLYNN. It was the opinion of the committee that this physician's car was damaged and for 90 days he was deprived of the use of his car, and the committee felt that an allowance of \$3 a day for those 90 days would be reasonable.

Mr. STAFFORD. I believe the report in this case shows that the damage was occasioned by an Army truck running into a Maxwell sedan, and that the Government offered to the claimant through departmental officials an amount which they considered a full amount of the damage, but the claimant declined to receive it because he wished to have incorporated in his award an allowance for the use of another car while his damaged car was out of commission. The report shows that he exchanged this damaged car for a high-priced new car. I question whether there is much merit in this bill and I object.

The SPEAKER. Objection is made.

GRANTING CERTAIN LANDS IN FREMONT COUNTY, COLO., FOR A PUBLIC PARK.

The next business in order on the Private Calendar was the bill (H. R. 7053) to grant certain lands in the city of Canon City, Colo., for a public park.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the city of Canon City, in the State of Colorado, the south half of the southwest quarter, the northwest quarter of the southwest quarter of section 5; the southeast quarter of the southeast quarter of section 6; the north half of the northeast quarter of section 7; the northeast quarter of the southeast quarter, and the north half of section 8, township 17 south, range 70 west, sixth principal meridian; to have and to hold said lands for use as a public park: *Provided,* That the grant hereby made is, and the patent issued thereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof, and now existing under and by virtue of the laws of the United States: *Provided further,* That there shall be reserved to the United States all coal, oil, or other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same: *And provided further,* That the lands hereby authorized to be conveyed, as hereinbefore set forth, and all portions thereof shall be held and used by or for the said grantee for the purpose herein specified, and if the lands shall cease to be so used for a period of three years at any one time, they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HARDY of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

PERRY H. KENNERLY.

The next business in order on the Private Calendar was the bill (H. R. 8256) authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfoot Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of some member of the committee why the committee did not follow the recommendation of the department and incorporate the suggested amendment as found in the last paragraph of the letter of the Assistant Secretary of the Interior as follows:

Said patent to be issued upon approval of said allotment and schedule containing the same.

I hear no response, and under the circumstances I—

Mr. MANN. Do not object; let us put the amendment in.

Mr. STAFFORD. If the committee wishes to adopt the committee amendment, I shall withdraw the reservation.

Mr. MANN. It is simply an inadvertence in making the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Perry H. Kennerly, allottee No. 772, on the Blackfoot Reservation, Mont., for the 80 acres of land allotted to him on said reservation under the provisions of the act of June 30, 1919 (41 Stat. L., p. 16).

Mr. STAFFORD. Mr. Speaker, I offer the following amendment: In line 9 change the period to a comma and add the following, "said patent to be issued upon the approval of said allotment and the schedule containing the same."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: In line 9, after the parentheses, strike out the period, insert a comma, and add the following language, "said patent to be issued upon the approval of said allotment and the schedule containing the same."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JEROME KENNERLY.

The next business in order on the Private Calendar was the bill (H. R. 8669) authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? (After a pause.) The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Jerome Kennerly, allottee No. 773, on the Blackfoot Reservation, Mont., for the 80 acres of land allotted to him on said reservation under the provisions of the act of June 30, 1919 (41 Stat. L., p. 16).

Mr. STAFFORD. Mr. Speaker, I offer the following amendment: In line 9 change the period to a comma and insert the following: "said patent to be issued upon the approval of said allotment and the schedule containing the same."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 9, after the parenthesis strike out the period, insert a comma, and add the following language: "said patent to be issued upon the approval of said allotment and the schedule containing the same."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES T. FARRILL.

The next business in order on the Private Calendar was the bill (H. R. 1482) for the relief of James T. Farrill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I object.

BUILDING AT FORT DAVIS, ALASKA.

The next business on the Private Calendar was the resolution (H. J. Res. 249) authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church.

The title of the resolution was read.

The SPEAKER. Is there objection to this resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to donate and grant to the Woman's Home Missionary Society of the Methodist Episcopal Church not exceeding three of the frame buildings on the abandoned Fort Davis Military Reservation in or near Nome, Alaska, the material so donated to be used for the erection of a hospital by said society for the use of white and native residents of the Nome district, Alaska.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CURRY, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

KETCHIKAN POST, NO. 3, AMERICAN LEGION.

The next business on the Private Calendar was the bill (H. R. 8460) to authorize the occupation and use of certain lands in Alaska by Ketchikan Post, No. 3, American Legion, and for other purposes.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, does anybody have charge of it?

Mr. STAFFORD. The Delegate from Alaska [Mr. SUTHERLAND].

Mr. MANN. This is to give permission to a post of the American Legion to erect buildings on public lands. I notice that the committee provides that in case the lands shall cease to be used for that purpose, they may revert or come back. It provides:

That the title of all buildings and improvements erected on said lands by the permittees shall remain on them at all times, and said permittees may remove said buildings or improvements at any time.

They might build a sewer there, perhaps. Is it not ridiculous to say that if they erect a building with a sewer there, they own the sewer if the land comes back to the Government?

Mr. SUTHERLAND. I will explain to the gentleman that that is tideland, with tidewater. There is no possibility of a sewer being built there.

Mr. MANN. What could be constructed there except the buildings?

Mr. SUTHERLAND. Nothing. It is buildings constructed on piles.

Mr. MANN. What necessity is there for this language?

Mr. CURRY. It was inserted by the committee.

Mr. MANN. It has no business there. There is no objection to the removal of the buildings, but if they had something on the ground that is to remain there, they ought not to own it.

Mr. CURRY. An amendment can be offered to cover that.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, authorized to permit Ketchikan Post, No. 3, American Legion, to erect a building upon and use and occupy, for post purposes, so much of that certain tract of land adjacent to Tongass Narrows, Alaska, described as follows: Beginning at corner No. 1, within the corporate limits of the town or city of Ketchikan, Alaska, from which a stone marking the intersection of Mission and Stedman Streets bears north 16 degrees 16 minutes east 22 feet distant, and United States

locating monument No. 4 bears south 37 degrees 15 minutes east 1.289.27 feet distant; thence south 49 degrees 7 minutes east 100 feet along the southwest side of Stedman Street to corner No. 2; thence south 81 degrees 39 minutes west 165.30 feet to corner No. 3; thence north 8 degrees 21 minutes west 75.74 feet to corner No. 4, on the south side of Stedman Street; thence north 81 degrees 39 minutes east 100 feet along the southerly side of Stedman Street to corner No. 1, the place of beginning; containing 10,046.91 square feet.

With a committee amendment as follows:

Amend, page 2, line 17, after the word "feet," by inserting the following:

"Provided, That the permit hereby authorized may not be assigned, shall be subject to such terms and conditions as to occupancy and use as may be prescribed by the Secretary of the Interior, and shall be revocable by the Secretary of the Interior, after due notice to the permittee, when, in his opinion, the public interests so require: *Provided further*, That the title to all buildings and improvements erected on said lands by the permittees shall remain in them at all times, and said permittees may remove said buildings or improvements at any time; and if the permit be lawfully revoked, a period not exceeding one year shall be allowed for removal of buildings or improvements."

Mr. MANN. Mr. Speaker, I move to amend the committee amendment by striking out, in lines 23 and 24, on page 2, the words "and improvements."

The SPEAKER. The gentleman from Illinois offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN to the committee amendment: On page 2, line 23, after the word "buildings," strike out the words "and improvements."

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. MANN. I move to amend, on page 3, line 1, by striking out the words "or improvements."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois to the committee amendment.

The Clerk read as follows:

On page 3, line 1, of the committee amendment, strike out the words "or improvements."

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The amendment to the committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk spell correctly the word "exceeding," in line 2 of page 3, and on line 3 what is supposed to be the word "buildings."

The SPEAKER. Without objection, the spelling will be reformed.

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CURRY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present.

Mr. KINKAID. Mr. Speaker, I hope the gentleman will defer his point until I can call up and have considered No. 147 on the calendar.

Mr. MANN. On the Private Calendar?

Mr. KINKAID. Yes; on the Private Calendar.

Mr. MANN. The gentleman will have to wait.

Mr. FROTHINGHAM. I have one before that.

Mr. MANN. I will withhold temporarily.

Mr. MONDELL. Mr. Speaker, I think it would be a most excellent thing if it were possible to go through the Private Calendar and finish it to-morrow, taking up the bills that are not objected to. Gentlemen on both sides are interested in having that done. If we can do that, in all probability we can adjourn quite early to-morrow afternoon, and nothing else would be taken up.

I ask unanimous consent, Mr. Speaker, that to-morrow we may consider bills on the Private Calendar that are unobjected to in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that to-morrow, in continuation of the Private Calendar, we may consider bills unobjected to in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object, will the gentleman agree, if the House should by accident find itself without a quo-

rum some time to-morrow and discovers it, the House would then adjourn?

Mr. MONDELL. I doubt if it would be just the thing to call the Members here to-morrow if the point of no quorum should be made; but my hope is that we can begin at noon and go through the remainder of the Private Calendar without the point of no quorum being made.

Mr. SEARS. Mr. Speaker, will my colleague yield?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Florida?

Mr. MONDELL. I do.

Mr. SEARS. Mr. Speaker, for the first time in seven years I have objected twice to-day. In justice to myself I feel that I should make a brief statement.

Mr. MANN. I object.

Mr. MONDELL. I do not think any explanation is necessary. The gentleman was within his rights.

Mr. SEARS. I make the point of no quorum present.

The SPEAKER. The gentleman from Florida makes the point of no quorum present.

Mr. MONDELL. Mr. Speaker, if the gentleman will withhold that a moment, I will ask the Chair to submit my request for unanimous consent.

The SPEAKER. If the gentleman from Florida will withhold it, the Chair will put the gentleman's request.

Mr. SEARS. Mr. Chairman, I think the gentleman from Illinois—

Mr. MONDELL. What objection has the gentleman from Florida to our going on with the Private Calendar?

Mr. SEARS. All I wanted was to explain, but the gentleman from Illinois did not seem to care—

Mr. MANN. I do not care a bit. The gentleman need not explain his actions in the House. His actions speak for themselves.

Mr. MONDELL. I trust the gentleman will withhold his point of no quorum long enough to allow the Speaker to submit my request.

The SPEAKER. Does the gentleman from Florida insist on his point of no quorum?

Mr. SEARS. Mr. Speaker, following out my usual custom, notwithstanding my genial, smiling friend from Illinois, I will withhold it. I wish to be more fair to him than he is fair to me.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. WALSH. Reserving the right to object, we have made more progress to-day on the Private Calendar than we have made at any time before during this session or the last session. I do not see what the great emergency is that would require two days' continuous consideration of bills on the Private Calendar. There will be another Friday coming a little later, when this will be in order.

Mr. MONDELL. I doubt if we will find time for some weeks to come, and if I may remind my friend from Massachusetts, this is the first time we have taken up the Private Calendar since we reconvened.

Mr. WALSH. Yes; but formerly we had a very good custom of having evening sessions for the consideration of the Private Calendar.

Mr. MONDELL. And the gentleman has his opportunity to object to any measure. There are some very meritorious measures that have been waiting a long time. I trust the gentleman from Massachusetts will not object.

Mr. REED of New York. There are soldiers' claims that have been waiting for months and months to be adjusted—claims of soldiers of the World War.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. WALSH. I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. GENSMAN, indefinitely, on account of illness; and

To Mr. TAYLOR of Tennessee, indefinitely, on account of important business.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

Mr. SEARS. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. MANN. The gentleman has twice prevented that to-day.

Mr. MONDELL. Mr. Speaker, I have a motion pending.

The SPEAKER. The gentleman from Wyoming moves that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned until Saturday, February 18, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

540. A letter from the Public Printer, transmitting a list of useless papers with request that authority be granted him to dispose of same; to the Committee on Disposition of Useless Executive Papers.

541. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1922, in the sum of \$31,500 (H. Doc. No. 185); to the Committee on Appropriations and ordered to be printed.

542. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1923, in the amount of \$10,000 (H. Doc. No. 186); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KINKAID: Committee on Irrigation of Arid Lands. H. R. 9606. A bill to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges on reclamation projects, units of reclamation projects, or in individual cases, for not exceeding three years, and for other purposes; with an amendment (Rept. No. 709). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. J. Res. 268. A joint resolution extending the operation of the immigration act of May 19, 1921; without amendment (Rept. No. 710). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOODYKOONTZ: A bill (H. R. 10477) fixing the fees necessary to be paid by applicants for admission to the bar of the Supreme Court of the United States, and providing that funds so derived shall be paid into the Treasury of the United States; to the Committee on the Judiciary.

By Mr. WILLIAMSON: A bill (H. R. 10478) to authorize the Secretary of the Interior to sell certain lands, and for other purposes; to the Committee on Indian Affairs.

By Mr. WALSH: A bill (H. R. 10479) to amend the Judicial Code and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes; to the Committee on the Judiciary.

By Mr. McCORMICK: A bill (H. R. 10480) to amend section 4 of the act to regulate commerce, approved February 4, 1887, and subsequent amendments thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. McFADDEN: A bill (H. R. 10481) to incorporate the National Association of American World War Mothers; to the Committee on the Judiciary.

By Mr. MONTAGUE: A bill (H. R. 10482) to increase the salary of the United States marshal for the eastern district of Virginia; to the Committee on the Judiciary.

By Mr. LANGLEY: A bill (H. R. 10483) to authorize the purchase of a suitable painting or portrait of Abraham Lincoln, within the limit of the appropriation herein named, to be placed on the House side of the Capitol; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DENISON: A bill (H. R. 10484) granting a pension to Effie Edwards; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 10485) for the relief of Edgar B. Willoughby, deceased; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 10486) granting an increase of pension to Jacob H. Martz; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 10487) for the relief of Abraham Lincoln Harper; to the Committee on Claims.

By Mr. KREIDER: A bill (H. R. 10488) for the relief of Peter Swartz; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 10489) granting an increase of pension to Susan J. Garland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10490) granting an increase of pension to William F. Rogers; to the Committee on Pensions.

Also, a bill (H. R. 10491) granting a pension to Jesse Kivette; to the Committee on Pensions.

Also, a bill (H. R. 10492) granting an increase of pension to Roy Elrod; to the Committee on Pensions.

By Mr. ROSE: A bill (H. R. 10493) granting an increase of pension to Peter McVay; to the Committee on Pensions.

By Mr. SABATH: A bill (H. R. 10494) for the relief of William Knourek; to the Committee on Claims.

By Mr. KNUTSON: Resolution (H. Res. 288) providing for payment of \$900 to Fannie Arminda Cordell; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4133. By the SPEAKER (by request): Resolution adopted by the Builders' Association of the Borough of Manhattan, New York City, urging that the Sherman antitrust act be amended so that upon conviction for a violation of the said statute the punishment therefor shall be imprisonment; to the Committee on the Judiciary.

4134. By Mr. ANSORGE: Petition of the Chamber of Commerce of the State of New York, opposing the pending bonus bill; to the Committee on Ways and Means.

4135. By Mr. BURROUGHS: Petition of the following motion-picture theater owners of New Hampshire, affiliated with motion-picture theater owners of America: Arthur M. Twombly, Opera House, Alton; Moore & Varney, Broadway Theater, Dover; G. M. Yeaton, manager Ioka Theater, Exeter; Couture Bros., owners of the Crown Theater, Manchester; Flora Kendall Edmond, Empire Theater, Manchester; W. S. Canning, Palace Theater, Manchester; Edward W. Fullerton, Premier Theater, Meredith; Philip L. Randall, Masonic Hall Theater, North Conway; Fred A. Couture, Scenic and Colonial Theaters, Rochester; Peter M. Gagne, Somersworth and Strand Theaters, Somersworth; and Joseph M. Slater, New Opera House, Suncook, all in the State of New Hampshire, urging the amendment of the copyright law of the United States prohibiting the payment of the so-called music tax; to the Committee on Patents.

4136. By Mr. CULLEN: Resolution adopted by Brooklyn Lodge, No. 22, Benevolent Protective Order of Elks, relative to a resolution adopted by Utica Lodge urging the permission of the manufacture and sale of light wines and beer; to the Committee on the Judiciary.

4137. By Mr. DENISON: Petition to so amend the Volstead Act permitting the manufacture and sale of beer and light wines under strict regulations, the tax on which to provide for a bonus for ex-service men; to the Committee on Ways and Means.

4138. By Mr. GALLIVAN: Petition of the Walworth Manufacturing Co., of Boston, Mass., requesting early consideration and definite action on House bill 9908; to the Committee on Interstate and Foreign Commerce.

4139. Also, petition of the Boot & Shoe Recorder Publishing Co., of Boston, Mass., and Sleeper & Hartley (Inc.), of Worcester, Mass., urging the appropriation as requested by the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

4140. By Mr. GREENE of Massachusetts: Telegrams from T. N. Paquin and others, of Massachusetts, relative to the proposed tax on automobiles and gasoline; to the Committee on Ways and Means.

4141. By Mr. KELLY of Pennsylvania: Petition of Mothers of Democracy, of Swissvale, Pa., favoring the passage of an adjusted compensation bill; to the Committee on Ways and Means.

4142. By Mr. KIESS: Resolution of Washington Camp, No. 637, Patriotic Order of Sons of America, of Mainesburg, Pa., favoring adjusted compensation bill; to the Committee on Ways and Means.

4143. By Mr. KING: Petition of Adams County (Ill.) Farm Bureau, urging the passage of the bill standardizing fruit and vegetable containers; to the Committee on Coinage, Weights, and Measures.

4144. By Mr. KISSEL: Petition of James P. Kohler, of Brooklyn, N. Y., opposing the enactment of Senate bill 745; to the Committee on the Judiciary.

4145. Also, petition of the Consumers' League of the Ridge-wood-Bushwick section, Brooklyn, N. Y., urging the exemption from taxation of the income derived from mortgages upon real estate; to the Committee on Ways and Means.

4146. Also, petition of Murcott & Campbell, of Brooklyn, N. Y., urging the revision of the present tariff on imported articles; to the Committee on Ways and Means.

4147. By Mr. MEAD: Resolution adopted by the City Council of Streator, Ill., indorsing the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4148. Also, petition of the Van Dusen Motor Sales Co. (Inc.), of Buffalo, N. Y., opposing any more tax for the motor industry; to the Committee on Ways and Means.

4149. Also, resolution adopted by the Glass Bottle Blowers' Association of the United States and Canada, urging the adoption of the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4150. By Mr. MORIN: Petition of 100 citizens of Pittsburgh, Pa., for beer and light wine, the tax on which to go for the soldiers' bonus; to the Committee on Ways and Means.

4151. By Mr. SINCLAIR: Two petitions by citizens of Corinth, Wildrose, and Berg, N. Dak., urging the revival of the United States Grain Corporation and stabilized prices for farm products; to the Committee on Agriculture.

4152. Also, petition of 26 farmers in Shepherd Township, Walsh County, N. Dak., urging the revival of the United States Grain Corporation and a minimum price on grain; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 18, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Gracious Lord, with our waiting hearts we move toward Thee with reverence. In our unworthiness we have only joy, gratitude, and wonder to express. When we are weak we know the source of strength; when we stumble we know the hand that lifts, for our hope and trust are in Thee. Spirit divine keep us joined obediently and patiently to all our tasks, and always make Thy will effectual. Persuade us to accept Thy chastisements, and may they help us to a nobler life. Continue to arm us with truth, honor, and virtue, and thus sustain the ideals of a free people. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. DOWELL. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Iowa makes the point that no quorum is present. The Chair will count.

Mr. DOWELL. Mr. Speaker, I will withdraw the point.

Mr. BLANTON. I renew the point, Mr. Speaker.

The SPEAKER. The gentleman from Texas renews the point of no quorum. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Classon	Gensman	Jeffers, Nebr.
Ansorge	Codd	Gerner	Johnson, Ky.
Bacharach	Cole, Ohio	Goldsborough	Johnson, S. Dak.
Bird	Connolly, Pa.	Gould	Kahn
Blakeney	Coughlin	Graham, Pa.	Keller
Bond	Crago	Hardy, Colo.	Kelley, Mich.
Bowers	Crowther	Hawes	Kendall
Brennan	Dempsey	Hays	Kennedy
Brinson	Drewry	Hickey	Kless
Britten	Driver	Hill	Kitchin
Buchanan	Dunbar	Hogan	Knight
Campbell, Pa.	Echols	Hooker	Kreider
Cannon	Edmonds	Houghton	Kunz
Cantrill	Ellis	Hukriede	Lankford
Carew	Faust	Husted	Lawrence
Carter	Fish	Hutchinson	Lee, N. Y.
Chandler, Okla.	Focht	Ireland	Lyon
Chindblom	Free	James	McCormick

McFadden	Patterson, Mo.	Shaw	Ten Eyck
McLaughlin, Pa.	Patterson, N. J.	Siegel	Thompson
Madden	Perlman	Slomp	Tilson
Mansfield	Rainey, Ala.	Smith, Mich.	Upshaw
Merritt	Rainey, Ill.	Speaks	Vare
Michaelson	Ramseyer	Stiness	Vinson
Mills	Ransley	Stoll	Volk
Moore, Ohio	Reber	Strong, Pa.	Volstead
Morin	Riordan	Sullivan	Ward, N. Y.
Mudd	Rogers	Sweet	Watson
Nolan	Rosenbloom	Tague	White, Me.
Ogden	Ryan	Taylor, Ark.	Wood, Ind.
Olpp	Sabath	Taylor, Colo.	Woods, Va.
Palge	Sanders, N. Y.	Taylor, Tenn.	Yates
Parrish	Schall	Temple	

The SPEAKER. On this call 299 Members have answered to their names. A quorum is present. The Doorkeeper will open the doors.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Speaker and gentlemen, you who were Members of the Sixty-fifth Congress I am sure remember still the tremendous fight carried on against the bill I introduced appropriating \$1,500,000 for a hospital at Dawson Springs, Ky., contingent on the fact that the land was to be donated to the Government by the citizens. I am glad to say that that bill passed carrying that appropriation and that at this session of Congress \$750,000 additional appropriation was passed, making a total of \$2,250,000 for the erection of this hospital, which is now completed. It is composed of 22 buildings, each one of which is absolutely fireproof and pronounced by the officials of the Government who are now in charge as one of if not the best hospital in the United States of America to-day. [Applause.]

I am satisfied if you gentlemen could see that magnificent institution you would not be proud of the vote you cast against it. This hospital is to be dedicated next Wednesday, Washington's Birthday, and on behalf of the generous and patriotic citizens of Kentucky, who so liberally contributed of their means to buy the land upon which the institution is erected, I extend a hearty invitation to every Member of the House to be present on that occasion, and if any of you can not attend I want to say that in the future if you have ill health and want mineral water which is a panacea for all ills come to Dawson Springs. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its chief clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests.

The message also announced that the Senate had passed the bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 7158) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, in which the concurrence of the House was requested.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2703. An act to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10009. An act to authorize the State of Alabama, through its highway department, to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama;

H. R. 9386. An act to grant the consent of Congress to the Whiteville Lumber Co. to construct a bridge across the Waccamaw River at or near Pireway Ferry, county of Columbus, N. C.; and

H. R. 8818. An act granting the consent of Congress to the city of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania, to construct, maintain, and operate a

bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania.

The message also announced that the Senate had passed with amendments the bill (H. R. 8010) to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont., in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following order:

Resolved, That the Secretary be directed to request the House to return to the Senate the bill (S. 2024) for the relief of Blanche Winters.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2703. An act to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates; to the Committee on the Judiciary.

S. 1010. An act to amend sections 5549 and 5550 of the Revised Statutes of the United States; to the Committee on the Judiciary.

BLANCHE WINTERS.

The SPEAKER laid before the House the following order:

IN THE SENATE OF THE UNITED STATES,
February 17, 1922.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate S. 2024, an act for the relief of Blanche Winters.

The SPEAKER. Without objection, the Committee on War Claims will be discharged from further consideration of this bill, and the bill will be returned to the Senate.

There was no objection.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House take up for consideration bills unobjected to on the Private Calendar, beginning at the point where we concluded yesterday, to be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the House continue its consideration of the Private Calendar from yesterday, the bills to be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

CONSOLIDATION OF CERTAIN FOREST LANDS—CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I call up the conference report upon the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests.

The SPEAKER. The gentleman from Oregon calls up the conference report; which the Clerk will read.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,

Managers on the part of the House.

REED SMOOT,
G. W. NORRIS,
H. L. MYERS,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 77) for the consolidation of the forest lands within the Clearwater, St. Joe, and Selway National Forests, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report.

Senate amendment No. 1 would have permitted an exchange of lands within 6 miles of the exterior boundaries of the said

forests. The elimination of the Senate amendment No. 1 confines the exchange to lands within said forests.

Senate amendment No. 2 makes it clear that the reservation includes oil.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. WALSH. Mr. Speaker, will the gentleman yield and give us some explanation of this?

Mr. SINNOTT. Mr. Speaker, this is a simple proposition. It relates to an exchange of lands within the Clearwater, the St. Joe, and the Selway National Forests in the State of Idaho.

The House bill confined the exchange to lands within national forests. The Senate broadened that so as to embrace lands within 6 miles of the exterior boundaries of the forests. The Senate has receded from that amendment and that has been eliminated. The second amendment of the Senate, to which the House has agreed, is as follows: The House bill provided for a reservation to the United States of all of the coal and other minerals in the land. The Senate put in the word "oil," which really was not necessary, because the term "oil" is embraced in the language "other minerals," according to the decision of the Supreme Court of the United States in the case of *Burke v. Southern Pacific Railway*, 234 U. S., 676. However, we thought it best to leave it in, to make it absolutely certain.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

THE PRIVATE CALENDAR.

The SPEAKER. The Clerk will resume the call of the Private Calendar.

FORT SEWALL MILITARY RESERVATION.

The first business on the Private Calendar was the bill (H. R. 9059) providing for the conveyance to the town of Marblehead, in the State of Massachusetts, of Fort Sewall Military Reservation for public use.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, there are three House bills of this character on the calendar, two immediately following the bill under consideration. There is also a Senate bill covering all three of the propositions carried in the three House bills. Personally, I have no objection to the passage of the Senate bill, but it seems to me there is no use considering the House bill, and I suggest to the gentleman in charge of the bill whether it might not be possible to take up the Senate bill at this time, in lieu of the House bills, by unanimous consent.

Mr. FROTHINGHAM. Mr. Speaker, that is exactly what I intended to do as soon as unanimous consent was obtained to take up this matter. I was going to ask unanimous consent to take up the Senate bill instead of these three individual bills, because the Senate bill includes all three of them, and it would be unnecessary then for the individual bills to go through the Senate.

The SPEAKER. Does the gentleman make that request?

Mr. FROTHINGHAM. I make that request now, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, reserving the right to object, may we have the bill reported?

Mr. MANN. Let us have the Senate bill reported.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 2736) providing for the conveyance of certain unused military reservations in the State of Massachusetts to the city of Salem and the town of Marblehead.

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to convey, by quitclaim deed, to the town of Marblehead, in the State of Massachusetts, for perpetual use as a public park or other public use, all the proprietary right, title, and interest of the United States to and in that certain tract of land, together with all structures and improvements thereon owned by the United States, embraced within the military reservation known as Fort Sewall, situated at the west entrance to Marblehead Harbor, in the State of Massachusetts, and containing approximately 2½ acres: *Provided, however,* That the town of Marblehead shall not have the right to sell or convey aforesaid property nor to devote the same to any other than a public use; and in the event the said property shall not be used as above provided the right, title, and interest hereby authorized to be conveyed shall revert to the United States.

That the Secretary of War be, and hereby is, authorized and directed to convey, by quitclaim deed, to the city of Salem, in the State of Massachusetts, for perpetual use as a public park or other public use, all the proprietary right, title, and interest of the United States to and in that certain tract of land, together with all structures and improvements thereon owned by the United States, embraced within the

military reservation known as Fort Lee, situated on Salem Neck, in Essex County, in the State of Massachusetts, and containing approximately 2½ acres.

That the Secretary of War be, and hereby is, authorized and directed to convey, by quitclaim deed, to the city of Salem, in the State of Massachusetts, for perpetual use as a public park or other public use, all the proprietary right, title, and interest of the United States to and in those certain tracts of land, together with all structures and improvements thereon owned by the United States, embraced within the military reservation known as Fort Pickering, situated at Salem, in Essex County, in the State of Massachusetts, including a tract on Hospital Point and a portion of Winter Island, in the harbor, and containing an aggregate area of approximately 32 acres.

With the following committee amendments:

Page 2, line 3, after the word "acres," strike out the following language: "*Provided, however,* That the town of Marblehead shall not have the right to sell or convey aforesaid property nor to devote the same to any other than a public use; and in the event the said property shall not be used as above provided the right, title, and interest hereby authorized to be conveyed shall revert to the United States."

Page 3, line 5, after the word "acres," insert the following: "*Provided, however,* That said conveyances shall be subject to the conditions and reversions herein provided for and shall be used for public park purposes, or other public use only, and shall be subject to the right of the United States at any and all times and in any manner to assume control of, hold, use, and occupy without license, consent, or leave from said city or said town any or all of said land for any and all military, naval, or lighthouse purposes, free from any conveyance, charges, encumbrances, or liens made, created, permitted, or sanctioned, thereon by said city or said town: *Provided further,* That the United States shall not be or become liable for any damages or compensation whatever to the said city or said town for any future use by the Government of any or all of the above-described land for any of the above-mentioned purposes: *And provided further,* That if said land shall not be used for the purposes herein above mentioned the same or such parts thereof not so used shall revert to the United States."

Mr. BLANTON. Mr. Speaker, under the reservation of objection, I want to ask a question or two about the bill. It seems to me a departure from the rules that have regulated all of these military reservations. I do not know of any other instance where they have been donated to cities as public parks.

Mr. MANN. If the gentleman will permit, the lands in all these cases were donated by the cities to the Government in the first instance, for the purpose of having the Government construct defensive works upon them. The Government plans to abandon these as forts. Part of the land has never been taken possession of by the Government.

Mr. BLANTON. And yet on some of them I judge from the phraseology used there are improvements that have been made; there are buildings—structures that may be worth considerable money.

Mr. MANN. Of no special value, as I understand it.

Mr. FROTHINGHAM. If I may answer the gentleman, those structures were put up by the local community on 22 acres of land that were donated by that community to the Government, and the Government handed it right back again, or at least the War Department did, under a provision for reversion which was in the original deed.

But now what they want is authority to make a quitclaim deed back of all these parcels of land, and in the Senate they put the three in one bill.

Mr. BLANTON. In reference to this 32-acre tract—

Mr. FROTHINGHAM. Twenty-two acres.

Mr. BLANTON. It is spoken of as 32 acres.

Mr. FROTHINGHAM. That is Fort Pickering.

Mr. BLANTON. And the other two tracts involved in this bill, each of which embraces about 3 acres of land upon which there could be structures and improvements in quite a large amount, and the gentleman says nothing—

Mr. FROTHINGHAM. Well, I do not understand that there are any structures there except a lighthouse, which is owned by the United States, and which under this bill the Government has the privilege of continuing.

Mr. ANDREW of Massachusetts. As it is in my district, I think I can explain to the gentleman. I will say that in the case of Marblehead there are no structures, and it has been used as a public park since 1892. In the case of Fort Lee, there are no structures at all except the fortification, and it has long been used as a public park. All three of these tracts are on the sea, in a very picturesque and slightly position, and have been used for the benefit of the public since time immemorial, and the question only arises now because the Secretary of War has asked permission to dispose of these tracts which were no longer useful for war purposes, and on that account the people of the communities concerned, having enjoyed the right all these years, were anxious that the Government should dispose of them in such a way that the tracts might not come into the hands of speculators but might be used for the public by whom they have been so long enjoyed.

Mr. BLANTON. On the question of policy I am rather impressed with this idea. When we do get into war, which occurs once in a while at least, whenever the War Department thinks

it needs 2½ acres here or 2½ acres there or 32 acres somewhere else, it takes possession of it in most cases and does not stop at how much the land is worth, and it takes possession of it in some instances at an enormous price. As soon as the war is over the War Department seems to want to get rid of it and thinks it might be donated to some cities for public parks, and then the further question of policy arises that we may be called upon later to maintain these public parks which we have donated to these cities, some of which the gentleman says are picturesque and which the people enjoy.

Mr. FROTHINGHAM. The gentleman is quite right, and it is because of that objection which he has made that this proviso was put in all of these bills which was not in all the Senate bills.

Mr. BLANTON. Have all three of these bills been investigated by the Military Affairs Committee?

Mr. FROTHINGHAM. Every one of them.

Mr. BLANTON. It came from the Military Affairs Committee?

Mr. FROTHINGHAM. Yes, sir.

Mr. BLANTON. I mean the Military Affairs Committee of the House.

Mr. FROTHINGHAM. Yes.

Mr. BLANTON. And the Military Affairs Committee of the House made reports on all three of them?

Mr. FROTHINGHAM. On all three by the House, and reported them independently of the Senate, where they were put in one bill, and now the desire is to have one bill, which was put through the Senate, accepted in place of those three individual bills.

Mr. BLANTON. Neither gentlemen, I understand, have any subsequent intention in years to come to ask the Congress to help provide maintenance for these public parks?

Mr. FROTHINGHAM. No; that is taken care of in the proviso. The idea of the Military Committee is to put that proviso in all these classes of bills in the future.

Mr. BLANTON. If the Military Affairs Committee of the House has passed upon and favorably reported it, I withdraw the reservation.

Mr. FROTHINGHAM. Yes; and I have charge of these bills on behalf of the Committee on Military Affairs.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The bill was again reported.

The amendments were again reported and agreed to.

The bill as amended was ordered to be read, was read the third time, and passed.

On motion of Mr. FROTHINGHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. FROTHINGHAM. Mr. Speaker, I also move to lay on the table the three House bills.

The SPEAKER. Without objection, that will be done.

There was no objection.

LAND FOR PARK PURPOSES, CRAWFORD, NEBR.

The next business in order on the Private Calendar was the bill (H. R. 8193) to amend the first proviso in the act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the first proviso contained in the act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906, is amended to read as follows: "Provided, That the said tract shall be used for park and water-power purposes, and that not to exceed 5 acres thereof may also be used as a site for a pavilion to be used for the exhibition and sale of live stock and for auditorium purposes."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM S. N. CALHOUN AND ZAIDEE BOATNER CALHOUN.

The next business on the Private Calendar was the bill (H. R. 7862) authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidée Boatner Calhoun, residents of Catahoula Parish, La.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That upon the payment of \$1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to sell and patent to William S. N. Calhoun and Zaidée Boatner Calhoun, residents of Catahoula Parish, La., the fractional west half of the east half of section 20, township 7 north, range 5 east, Louisiana meridian, containing 35½ acres, more or less, land which they and their grantors have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith for more than 30 years: *Provided,* That application for the purchase of the described tract of land be filed at the United States land office at Baton Rouge, La., within 90 days after the passage and approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

With a committee amendment, as follows:

On page 1, line 9, strike out "four-tenths" and insert in lieu thereof "four one-hundredths."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

FRANCES KELLY.

The next business on the Private Calendar was the bill (H. R. 9275) for the relief of Frances Kelly.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Frances Kelly is hereby granted right of selection of 160 acres of nonmineral unreserved public lands of the United States, in lieu of lands described as follows: The west half of the east half of the east half of the northwest quarter of section 32, township 35 north, range 2 east, Boise meridian, for which patent was issued her upon her final homestead certificate, but which it subsequently appeared was included in the land patented under Indian allotments Nos. 1133 and 1134, in the Nez Perces Indian Reservation.

With a committee amendment, as follows:

On page 1, line 3, after the word "That," insert "the Secretary of the Interior be, and hereby is, authorized in his discretion to issue patent to," and in line 4, strike out "is hereby granted right of selection of" and insert "for," and in line 7, after the word "States," insert "within the State of Idaho," and in line 9, after the word "quarter," insert "and the west half of the east half of the northwest quarter," and on line 2 of page 2, after the word "was," insert the word "partly."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ISRAEL BUTTS.

The next business on the Private Calendar was the bill (H. R. 8358) for the relief of Israel Butts.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to the northwest quarter of the southwest quarter section 11, township 53 north, range 23 west, fourth principal meridian, in the Duluth, Minn., land district under its indemnity selection, list No. 551, embracing said tract, shall be entitled to select and receive a patent for other vacant, unreserved, nonmineral public lands of an equal area situate within any State into which the company's grant extends; and the Secretary of the Interior is hereby authorized and directed to permit, after the filing of such relinquishment by said railway company, the homestead entry of Israel Butts to remain intact as though said entry had been properly allowed, accept the proof offered, and duly issue patent thereon.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

WINTHROP, MASS.

The next business on the Private Calendar was the bill (H. R. 9047) authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street at or near the intersection of Hutchinson Street in said town of Winthrop, Mass., upon such location as the Secretary of War may approve, and subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FROTHINGHAM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

PENSIONS.

The next business on the Private Calendar was the bill (H. R. 10025) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Philip B. Depp, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Olive W. Myrick, widow of Lewis A. Myrick, late of Company C, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie Barker, widow of John Wesley Barker, late of Company F, Twenty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Susan E. Allgood, widow of William F. Allgood, late of Company C, Fifteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha E. W. Briggs, widow of Martin Briggs, late of Company C, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Annis Tatum, widow of Shepherd B. Tatum, late of Company K, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Carrie E. Preston, widow of Henry H. Preston, late of Company H, Sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Sims, widow of Alemuel Sims, late of Company C, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elenore Adams, former widow of William M. Perry, late of Company F, Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Henry A. Rowley, helpless and dependent son of Robert Rowley, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Martha Thornton, widow of Benjamin Thornton, late of Company D, Twentieth Regiment New York State Militia, and Company C, Twentieth Regiment New York State Militia (subsequently known as the Eightieth Regiment New York Volunteer Infantry), and pay her a pension at the rate of \$30 per month.

The name of Anna O. D. Mickley, widow of Joseph P. Mickley, late chief engineer, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Howard, widow of Joseph H. Howard, late of Company B, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of William H. Spencer, helpless and dependent son of William H. Spencer, late of Company B, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month, payable to duly appointed guardian or conservator.

The name of John A. Robinson, helpless and dependent son of Henry Robinson, late of Company C, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of William Sanderson, late of Company B, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Emsey O. Young, widow of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving; and the name of William M. Young, helpless and dependent son of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that now being paid to his mother for his benefit.

The name of Maggie Patterson, widow of Thomas J. Patterson, late of Company I, Eleventh Regiment Illinois Volunteer Cavalry, and Com-

pany G, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ernestine Jacob, widow of Ferdinand Jacob, late of Company D, Ninety-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emerette McKernan, widow of James C. McKernan, late of Company F, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of James B. Mulford, late of Company B, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Comfort C. Gregory, widow of Green A. Gregory, late of Company C, Fourth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Belinda Patrick, widow of John Patrick, late of Company I, Eighth Regiment Kentucky Volunteer Infantry, and Company C, Ninth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Nora Hazzard, widow of John J. Hazzard, late of Sixth Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Cora E. Brown, helpless and dependent daughter of James S. Brown, late of Company F, Thirteenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of James K. Waltermire, late of Company I, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of William Martin, late of Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Samuel S. McKenzie, late of Company D, Veteran Battalion, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of George Hetchler, helpless and dependent son of George Hetchler, late of Company E, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Mary A. Wallace, widow of Darius C. Wallace, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Paul Hubner, late of Company C, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Josephine McCready, widow of James A. McCready, late of Battery B, First Regiment Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Anna C. Livingston, widow of James C. Livingston, late of Company E, Third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Joseph F. Ritcherdsen, late of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Frank L. Pierce, helpless and dependent son of George Pierce, late of Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Marietta Bishop, former widow of Henry H. Crocker, late of Company A, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Josephus S. Ambrose, helpless and dependent son of Snod Ambrose, late of Company L, First Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Julia A. Tomlinson, widow of Samuel Tomlinson, late of Company I, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Josephine Saffell, widow of Charles Saffell, late of Company I, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alta A. Roush, helpless and dependent daughter of Joseph Roush, late of Company C, One hundred and eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month through duly appointed guardian.

The name of George H. Dearborn, late of Company A, Fifty-sixth Regiment Pennsylvania Volunteer Militia Infantry, and pay him a pension at the rate of \$50 per month.

The name of John S. Dodge, late of Company F, Fifth Regiment Massachusetts Volunteer Infantry, and Company G, Eleventh Regiment Maine Volunteer Infantry, and Company G, Second District of Columbia Volunteer Infantry, and Company E, Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$72 per month without recoupment by the Bureau of Pensions for former alleged erroneous payments of pension.

The name of Thomas Holden, late of Company E, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Ellie A. Hill, widow of William H. Hill, late of Company C, Fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Mary E. Read, former widow of Henry Earls, late of United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Nancy J. Whittington, former widow of James A. Evans, late of Company L, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lydia A. Campbell, widow of Edward Campbell, late of Company A, Tenth Regiment New Jersey Volunteer Infantry, and Company H, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jane Alexander, widow of Lewis Alexander, late of Company H, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margret Huckleberry, widow of John Huckleberry, late of Company B, Sixteenth Regiment Michigan Volunteer Infantry, and Thirteenth Battery, Michigan Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Charles P. Kibler, late of Battalion B, Pennsylvania Volunteer Infantry, and Company L, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay him a pension at the rate of \$50 per month.

The name of Maria D. Dyer, widow of J. Franklin Dyer, late of Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Robert T. C. Blevins, helpless and dependent son of Dillion Blevins, late of Company F, Thirtieth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Elizabeth J. Andrews, widow of Rankin H. Andrews, late of Company G, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Minnie A. Andrews, helpless and dependent daughter of said Elizabeth J. and Rankin H. Andrews, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth J. Andrews the name of said Minnie A. Andrews shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Elizabeth J. Andrews.

The name of Louisa Sampson, widow of George M. Sampson, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Priscilla Boyer, helpless and dependent daughter of John Boyer, sr., late of Company C, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Albert M. Crouch, helpless and dependent son of Solomon Crouch, late of Company E, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Maggie A. Farrill, widow of James T. Farrill, alias James Toy, alias James Butler, late of Company E, Sixteenth Regiment New York Cavalry, and Company D, Fifth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ellen A. Miller, helpless and dependent daughter of James M. Miller, late of Company K, Sixtieth Regiment Enrolled Missouri Militia Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of William H. Taylor, helpless and dependent son of Samuel S. Taylor, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through duly appointed guardian.

The name of Lanie Wood, widow of Samuel D. Wood, late of Company H, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Carrie Wood, helpless and dependent daughter of said Lanie and Samuel D. Wood, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lanie Wood, the name of said Carrie Wood shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Lanie Wood.

The name of Araminta Jones, helpless and dependent daughter of Lafayette Jones, late of Companies K and A, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Christina B. Graeser, widow of Bernard N. Graeser, late of Company H, Eighth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of John W. Graybill, late of Company D, Thirty-sixth Regiment Pennsylvania Militia Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Anna B. Brackett, widow of Charles T. Brackett, late of Company E, Seventy-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Amanda Johnson, widow of Lewis Edward Johnson, alias Lewis Best, late of Company K, Fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Fred J. Souter, helpless and dependent son of Christian Souter, late of Battery M, Third Regiment United States Volunteer Artillery, and pay him a pension at the rate of \$20 per month.

The name of John S. Souter, helpless and dependent son of Christian Souter, late of Battery M, Third Regiment United States Volunteer Artillery, and pay him a pension at the rate of \$20 per month.

The name of Francis A. Naille, late nurse, United States Army Hospital Corps, and pay him a pension at the rate of \$30 per month.

The name of Sarah J. Duncan, helpless and dependent daughter of William I. Duncan, late of Company C, Eleventh Regiment, and Company I, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Leota M. Jones, former widow of John E. Chamberlin, late of Company G, Forty-sixth Regiment Indiana Volunteer Infantry, and Company D, Varner's Battalion Indiana Volunteer Legion, and pay her a pension at the rate of \$30 per month.

The name of Sarah F. Butler, widow of David R. Butler, late of Company E, One hundred and third Regiment Ohio Volunteer Infantry, and coal heaver, United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Rebecca L. Jamison, widow of Ewell Jamison, late of Company C, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Waite, widow of Fortescue Waite, late of Company G, Twenty-second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah H. Willburn, widow of William R. Willburn, late of Company E, Fortieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$42 per month: *Provided*, That in the event of the death of either Benjamin M. Willburn or John R. Willburn, minor sons of said Sarah H. and William R. Willburn, \$6 per month of the pension herein granted shall cease and determine: *And provided further*, That upon the attainment of the age of 16 years by each of the said minor children, \$6 per month of the pension herein granted shall cease and determine.

The name of Adora Buffalo, widow of Bryant Buffalo, late of Company C, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alida R. Garden, widow of Lewis B. Garden, late of Company E, Eighth Regiment Illinois Volunteer Cavalry, and One hundred and seventh Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of George Emma Outten, widow of William W. Outten, late of Company C, Third Regiment Delaware Volunteer Infantry, and Company I, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Louisa Mawhiney, widow of William I. Mawhiney, late of Company B, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John H. Mawhiney, helpless and dependent son of said Louisa and William I. Mawhiney, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Louisa Mawhiney, the name of said John H. Mawhiney shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Louisa Mawhiney.

The name of Annie M. Gage, widow of William E. Gage, late of Company C, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Sarah H. Matheny, widow of Nathaniel B. Matheny, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Robert F. Foote, late of Company A, First Battalion Nevada Volunteer Cavalry, and pay him a pension at the rate of \$50 per month.

The name of Nellie K. Johnson, widow of William R. Johnson, late of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna Wait, helpless and dependent daughter of Warren Wait, late of Companies E and C, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Israel Cave, late of Companies A and H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The name of Mary L. McCoy, helpless and dependent daughter of John W. McCoy, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Lily Foughty, helpless and dependent daughter of Franklin Foughty, late of Company F, Fifty-fourth Regiment Ohio Volunteer Infantry and Tenth Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Ernestine Baxter, widow of William Baxter, late of Company D, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Rose Frost, helpless and dependent daughter of Major Frost, late of Companies E and I, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of William E. Korbough, helpless and dependent son of William W. Korbough, late of Company E, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Cynthia C. Jones, widow of Richard C. Jones, late of Company D, First Regiment Eastern Shore Maryland Volunteer Infantry, and Company G, Eleventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah R. McGrew, widow of John T. McGrew, late of Company I, Third Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lena S. Deming, widow of George F. Deming, late of Company I, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Johnson, widow of Alexander Johnson, late of Company F, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucinda E. Jones, widow of Francis M. Jones, late of Company F, One hundred and thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emma Koontz, widow of Phillip Koontz, late of Company D, Fortieth Regiment Illinois Volunteer Infantry, and Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Leela Koontz, helpless and dependent daughter of said Emma and Phillip Koontz, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emma Koontz, the name of said Leela Koontz shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Emma Koontz.

The name of Dena Lewis, widow of Robert Lewis, late of Company B, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth A. Peacock, widow of Arthur B. Peacock, late of Company I, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Alonzo Derrick, late of Company E, First Regiment Connecticut Volunteer Cavalry, and Company A, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$50 per month without recoupment for former alleged erroneous payments of pension.

The name of Margaret Gunther, widow of Philip Gunther, alias Guenther, late of Company K, Twenty-fourth Regiment Ohio Volunteer Infantry, and Troop L, Fourth Regiment United States Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Phoebe Sutherland, former widow of Orson Fleming, late of Company A, Fourth Regiment Iowa Volunteer Cavalry, and Company B, Forty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna M. Owen, former widow of Barney Hiter, alias Barney Hildard, late of Company E, Twenty-seventh Regiment United States Colored Volunteer Infantry, and Company K, Twenty-fifth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of America Soles, widow of Thadeous Soles, late of Company G, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nancy Holland, widow of Benjamin F. Holland, alias John Holland, late of Company K, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Abigail M. Laughlin, widow of James N. Laughlin, late of Company H, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rebecca S. Wilson, widow of George M. Wilson, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Jane Faunce, former widow of Josiah T. Linneus, late of Company A, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Fannie Cross, former widow of John H. Cross, late of Company C, Third Regiment East Tennessee Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Cora McCullough, widow of James R. McCullough, late of Company A, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Matilda Devenney, widow of George Devenney, late of Capt. McClellan's company, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Scott Farmer, helpless and dependent son of Eli Farmer, late of Company K, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Thomas C. Jones, late of Company F, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Emma S. Hewitt, former widow of John A. Brown, late of Company L, Ninth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Colclasure, widow of Samuel Colclasure, late of Company C, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary G. Colclasure, helpless and dependent daughter of said Sarah E. and Samuel Colclasure, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah E. Colclasure the name of said Mary G. Colclasure shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Sarah E. Colclasure.

The name of Mary Barnwell, widow of John C. Barnwell, late of Company K, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving through duly appointed guardian or conservator.

The name of Dorcas A. Wilcox, widow of Franklin E. Wilcox, late of Company A, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Arabella T. Ramsay, widow of Frank D. Ramsay, late of Company P, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of James R. Lee, jr., late of Company I, One hundred and fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Claude W. Swartwood, helpless and dependent son of Anson O. Swartwood, late of Company K, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Mary J. Brewer, former widow of Noah Brewer, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Rebecca Scott, widow of John H. Scott, late of Company B, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary E. Alden, widow of Samuel E. Alden, late of Company A, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Charlotte Case, widow of Pinney A. Case, late of Company K, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving, paid to duly appointed guardian or conservator.

The name of Emily A. Day, widow of Hiram W. Day, late of Company A, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of James H. Russell, helpless and dependent son of George Russell, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Annie L. Fonda, widow of Gardiner H. Fonda, late of Company B, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ellen M. Hathaway, widow of Emerson C. Hathaway, late of Company E, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Retta B. Ackerson, widow of John O. Ackerson, late of Company A, One hundred and sixtieth Regiment New York Volunteer Infantry, and Company C, Eighty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret J. Cody, widow of Alonzo O. Cody, late of Company F, Eighth Regiment Indiana Volunteer Cavalry, and Company A, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Clara W. Hunt, helpless and dependent daughter of Ira W. Hunt, late first lieutenant and adjutant, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Susanah Larson, widow of Peter Larson, late of Company B, One hundred and nineteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Patterson, former widow of Elijah J. Shadwick, late of Company H, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha Sallee, widow of James N. Sallee, late of Company C, Ninth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Surrelda Maranville, widow of Riley P. Maranville, late of Company E, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Linda Paul, widow of Joseph Paul, late of Company B, First Regiment Tennessee Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Eliza J. Lynch, widow of Calvin V. Lynch, late of Company K, Sixty-third Regiment, Enlisted Missouri Volunteer Militia, and pay her a pension at the rate of \$30 per month.

The name of Effie C. McKay, helpless and dependent daughter of Alexander McKay, late of Company I, Second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Almada J. McBride, former widow of Lorenzo D. Hold, late of Company D, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Rebecca D. Chizum, widow of James W. Chizum, late of Company D, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Louisa C. Williams, widow of James H. Williams, late of Company F, Thirty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Hattie D. Osborn, widow of Charles O. Osborn, late of Company E, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie L. Ryon, widow of John F. Ryon, late of Company I, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Rebecca Uzell, known as Rebecca Meyer, former widow of Charles W. Meyer, late of Company H, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary F. Carlisle, widow of Joseph M. Carlisle, late of Company F, First Battalion, Twelfth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month.

The name of Abbie McCabe, widow of Patrick B. McCabe, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of John W. Haynes, alias John Webster, late of Company H, Fifth Regiment Pennsylvania Reserve Infantry (Thirty-fourth Regiment Pennsylvania Volunteer Infantry), and Company F, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month without recoupment for former alleged erroneous payments of pension.

The name of Philemon Walker, helpless and dependent son of Philemon Walker, late of Company I, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Benjamin Hall, alias John Riley, alias William H. Grace, alias William H. Gray, late of Company C, Tenth Regiment Vermont Volunteer Infantry, landsman United States Navy, coal heaver United States Navy, and of Company F, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month without recoupment for former alleged erroneous payments of pension.

The name of Henrietta Rawn, widow of Louis Rawn, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha Cox, widow of William F. Cox, late of Company H, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and Company I, Twentieth Regiment Veteran Volunteer Reserve Corps, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary A. S. Butman, widow of Joseph E. Butman, late of Company I, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Laura B. Burditt, helpless and dependent daughter of William Burditt, late of Company C, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Frances Vandermade, widow of John Vandermade, late of Company E, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Marion Vandermade, helpless and dependent son of said Frances and John Vandermade, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Frances Vandermade, the name of said Marion Vandermade shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Frances Vandermade.

The name of Hannah Clark, widow of Robert Clark, late of Companies D and I, Fifth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Hattie B. Search, widow of Zack Search, late of Company E, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Neva L. Search, helpless and dependent daughter of said Hattie B. and Zack Search, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Hattie B. Search the name of said Neva L. Search shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Hattie B. Search.

The name of Sarah J. Shenkle, former widow of James Burton, late of Company C, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Billmeyer, former widow of Martin M. Miles, late of Company K, Fifth-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Toler, widow of Robert N. Toler, late of Company D, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Jabez Lumbert, late of Company H, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Mary B. Jenks, widow of George W. Jenks, late of Company F, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Ellen F. Clifford, widow of James Clifford, late of Company C, Forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Arthur Cox, helpless and dependent son of John Q. Cox, late of Company F, Fourth Regiment Arkansas Volunteer Cavalry, and

pay him a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Malinda Morris, widow of John W. Morris, late of Company I, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Charles W. Smith, late of United States ship *Sabine*, United States Navy, and pay him a pension at the rate of \$50 per month.

The name of Mary E. Allen, widow of Robert A. Allen, late of Company E, Tenth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elizabeth Waldon, former widow of Christian Cleving, late of Company H, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Emma E. Keeney, helpless and dependent daughter of Alfred Keeney, late of Company G, Thirty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Sarah J. Davis, widow of Robert Davis, late of Company C, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eleanor A. Peasley, widow of Bradford J. Peasley, late of Company M, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lena M. Stansbery, widow of Ephraim Stansbery, late of Company G, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Caroline Rich, widow of Zopher C. Rich, late of Company C, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Julia Waddell, widow of William H. Waddell, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Catherine Gardner, widow of William Gardner, late of Company E, Ninety-seventh Regiment, and Company E, Thirty-seventh Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Ann Pack, widow of Noah L. Pack, late of Company E, Eighth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Belle E. Vincent, widow of Albion S. Vincent, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Abner Lehman, helpless and dependent son of Josiah Lehman, late of Company H, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of William Lehman, helpless and dependent son of Josiah Lehman, late of Company H, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Caroline H. Vincent, widow of Bishop M. Vincent, late of Company C, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary C. Triplett, widow of Joshua D. Triplett, late unassigned, Eleventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Abbie M. Babcock, widow of Volney C. Babcock, late of Company E, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of John H. Chrisler, helpless and dependent son of John D. Chrisler, late of Company B, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Harriet Gale, widow of Rufus Gale, late first lieutenant and commissary, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Marietta Vader, widow of Henry Vader, late unassigned, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Louisa Firkins, widow of William Firkins, late of Company I, One hundred and forty-first Regiment Illinois Volunteer Infantry, and Company K, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Phoebe Laing, helpless and dependent daughter of Paisley Laing, late unassigned, First Regiment, and Company B, Fifteenth Regiment, Michigan Volunteer Infantry, and pay her a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Eliza Davis, widow of John Davis, late of Company A, Thirtieth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Brown, widow of Adnah Brown, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Theresa L. Mathewson, widow of James W. Mathewson, late of Company E, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Sargent, widow of John W. Sargent, late of Company G, Tenth Regiment Illinois Volunteer Infantry, and Company B, Tenth Regiment Illinois Volunteer Cavalry, and Company A, Seventh Regiment Iowa Volunteer Infantry, and Battery H, First Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Sam Wells, helpless and dependent son of John Wells, late of Company M, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Isaac Pierce, alias Isaac Pearce, late of Company B, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$50 per month.

The name of Matilda Parkhurst, helpless and dependent daughter of Elisha D. Parkhurst, late of Company K, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ellen Grain, widow of James Grain, late of Company G, Fifty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Evans, widow of George Evans, late of Company I, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Minnie Newton, helpless and dependent daughter of Erastus Newton, late of Company I, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Permelia Hogle, widow of Alpheus A. Hogle, late of Company H, Seventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mollie A. Paden, widow of Berryman Paden, late of Company B, Second Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Helen L. Scudder, widow of Lyman H. Scudder, late of Company G, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving through duly appointed conservator.

The name of Nancy E. Minor, widow of William W. Minor, alias William Wallace, late of Company E, Ninth Regiment, and Company G, One hundred and forty-ninth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Minerva A. Ford, widow of Egbert A. Ford, late of Company D, Tenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lucinda Hooper, widow of William R. Hooper, late of Company E, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Josephine F. Cox, helpless and dependent daughter of Robert Cox, late of Company G, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Frederick E. Woodle, helpless and dependent son of Thomas J. Woodle, late of Company K, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Sarah E. Wood, widow of William Wood, late of Company G, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Sarah D. Wood, widow of Jonathan E. Wood, late of Company H, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of John Kircher, late of Company D, One hundred and thirty-third Regiment, and Company H, One hundred and forty-ninth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Lydia A. Anderson, widow of Andrew J. Anderson, late of Company B, One hundred and tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Bonnie Spraggins, helpless and dependent daughter of Alexander W. Spraggins, late of Company E, Tenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Minerva Plummer, widow of Robert Plummer, late of Company I, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Meek, widow of John Meek, late of Company G, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Florence Burnett, widow of Franklin S. Burnett, late of Company C, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. George, helpless and dependent daughter of Samuel George, late of Company B, Twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Laura Dolson, widow of Cornelius Dolson, late of Company E, One hundred and twenty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Warren O. Withrow, helpless and dependent son of Leander Withrow, late of Company A, Forty-second Regiment Indiana Volunteer Infantry, and Company Twenty, Second Battalion Veteran Volunteer Reserve Corps, and pay him a pension at the rate of \$20 per month.

The name of Addie Martha Blevans, helpless and dependent daughter of John S. Beard, late of Company G, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Hannah G. Wise, widow of Jacob Wise, late of Company I, Twenty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Sylvia C. Richardson, widow of John T. Richardson, late of Company K, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Dorcas W. Ash, former widow of Michael B. Hogle, late of Company C, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elma McCann, widow of James A. McCann, late of Company I, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elma McCann, helpless and dependent daughter of said Elma and James A. McCann, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elma McCann the name of said Elma McCann shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Elma McCann.

The name of Ida B. Giddings, widow of Charles Giddings, alias Brown, late of Companies F and A, Eighth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Olive C. Taylor, widow of Isaac A. Taylor, late of Company A, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elizabeth R. McKallip, helpless and dependent daughter of Robert McKallip, late of Company H, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Sophia E. Quirk, former widow of Robert Nellie, late of Company E, Sixty-first Regiment Pennsylvania Volunteer Infantry, and Company I, Sixth Regiment Pennsylvania Volunteer Cavalry, and Company A, Fourth Regiment United States Volunteer Infantry, and Seventh Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Martha Thomas, widow of Henry Thomas, late of Company E, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Barbara Williams, widow of John T. Williams, late of Company B, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Glenn E. Walker, helpless and dependent son of Cyrus H. Walker, late of Company B, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Ann K. Kindred, widow of Thomas J. Kindred, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ann Austin, widow of Elvin F. Austin, late of Company C, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of James McFarland, helpless and dependent son of William McFarland, late of Company B, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Sarah C. Bunner, widow of Isaac W. Bunner, alias Boner, late of Company F, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Sarah E. Bell, widow of Asa C. Bell, late of Company A, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Ellen McClaffin, now Cordes, former widow of Collins McClaffin, late of Company A, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Hannah Orr, former widow of John C. White, late of Company H, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry; Company A, Eighteenth Regiment Pennsylvania Volunteer Cavalry; and Company B, Third Regiment Pennsylvania Volunteer Provisional Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Charles J. Bice, late of Company A, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Margaret M. Browning, helpless and dependent daughter of Jeremiah Browning, late of Company L, Second Regiment Illinois Volunteer Cavalry, and Company C, Fiftieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Celina B. Lyon, widow of George H. Lyon, late of Company F, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Hannah McReynolds, widow of John W. McReynolds, late of Company G, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$35 per month.

The name of George Warner, late of Company H, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month.

The name of Emeline W. Swanson, widow of Warren Swanson, late of Company F, Twelfth Regiment, and Company A, One hundred and first Regiment, United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month through duly appointed guardian or conservator.

The name of Addie M. Elliott, widow of Levi D. Elliott, late of Company A, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Briggs, widow of Dallas Briggs, late of Company C, One hundred and forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Kate E. Reimert, widow of Samuel Reimert, late of Company G, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Miriam Lambert, widow of Samuel Lambert, late of Company E, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Lemon, widow of Samuel Lemon, late of Company B, Thirty-fourth Regiment, and Company B, Thirty-sixth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The name of John W. McCleddy, helpless and dependent son of John McCleddy, late of Company B, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month, through duly appointed guardian or conservator.

The name of Nancy M. Travillion, widow of Thomas Travillion, late of Company B, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Hattie Kindred, widow of Granville Kindred, late of Company A, Forty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Priscilla Burk, widow of George W. Burk, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nancy J. Barnett, widow of Daniel Barnett, late of Captain Bradshaw's Company G, Osage County Missouri Home Guards, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Winnie L. Martin, helpless and dependent daughter of Thomas J. Martin, late of United States Marine Corps, and pay her a pension at the rate of \$20 per month through duly appointed guardian or conservator.

The name of Frances E. Morrison, widow of John L. Morrison, late of Company G, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Rhoda B. Roberts, widow of John B. Roberts, late of Company D, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Candus Bailey, helpless and dependent daughter of William Bailey, late of Company H, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary E. Johnson, widow of William M. Johnson, late of Company G, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Georgiana Page, widow of Caesar Page, late of Company B, One hundredth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Slatha Beard, former widow of George W. Henderson, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Margaret E. Patterson, widow of John T. Patterson, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving through duly appointed guardian or conservator.

The name of Julia E. Millington, widow of Edward H. Millington, late of Companies M and H, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Clarinda Riggs, widow of William W. Riggs, late of Company E, Eightieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emma Darby, helpless and dependent daughter of Daniel O. Darby, late of Company C, Fifth Regiment Indiana Volunteer Cavalry, synonymous with Ninetieth Regiment Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Annie Grady, widow of Edmund W. Grady, late of Company K, First Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Susana Whitlatch, widow of William P. Whitlatch, late of Company G, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Estella Connelly, widow of John Connelly, late of Company H, One hundred and ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Letitia D. Wheeler, widow of Alfred M. Wheeler, late of Company C, Sixth Regiment Missouri Volunteer Cavalry, and Company D, Fourteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elizabeth C. Berkey, widow of Jacob Berkey, late of Company I, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mariah Johnson, widow of Franklin Johnson, late of Company A, Seventy-ninth Regiment United States Colored Volunteer Infantry, and Company A, First Regiment Kansas Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Matilda W. Leightner, widow of Daniel L. Leightner, late of Company C, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Alfred Skinner, helpless and dependent son of James R. Skinner, late of Fourteenth Battery, Michigan Volunteer Light Artillery, and pay him a pension at the rate of \$20 per month.

The name of Julia Hill, widow of John W. Hill, late of Company I, Eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha J. Curtis, widow of David H. Curtis, late of Company B, Thirtieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alice K. King, widow of Asaph O. King, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Georgianna Peabody, widow of William R. Peabody, late of Company A, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The name of Elvira F. Jarrett, former widow of David Witty, late of Company E, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Walter E. Ellis, helpless and dependent son of Walter B. Ellis, late of Company H, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Elizabeth Wiggin, widow of Lafayette Wiggin, late of Company A, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The name of Alma W. Yewell, widow of Solomon Yewell, late of Company H, Thirteenth Regiment Indiana Volunteer Infantry, and Troop M, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Ora Cornelius Stombaugh, widow of Isaac Stombaugh, late unassigned, Forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elvira Louisa Kanady, widow of Sanford B. Kanady, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Wilhelmine Worm, widow of Frederick W. Worm, late of Company D, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The name of Mary E. Boroff, widow of John Boroff, late of Company A, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alberto Murray, helpless and dependent son of Ivory Murray, late of Company I, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Rosetta Davis, widow of Joseph A. Davis, late of Company B, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Catharine Davis, widow of David D. Davis, late of Company F, Ninety-seventh Regiment Ohio Volunteer Infantry, and Company B, First Regiment United States Engineers, and pay her a pension at the rate of \$30 per month.

The name of Charles H. Frizzell, late of Company I, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Harriet A. Hardy, widow of George W. Hardy, late of Company D, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alfred G. Hawkins, helpless and dependent son of Lewis G. Hawkins, late of Company E, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

Mr. FULLER. Mr. Speaker, I move to amend by striking out on page 1 lines 9, 10, 11, and 12.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FULLER: On page 1, strike out lines 9, 10, 11, and 12.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 650. Philip R. Depp.	H. R. 8709. Mary J. Johnson.
H. R. 916. Olyve W. Myrick.	H. R. 8714. Lucinda E. Jones.
H. R. 1032. Jennie Barker.	H. R. 8715. Emma Koontz.
H. R. 1076. Susan E. Allgood.	H. R. 8716. Dena Lewis.
H. R. 1456. Martha E. W. Briggs.	H. R. 8721. Elizabeth A. Peacock.
H. R. 1489. Annis Tatum.	H. R. 8724. Alonzo Derrick.
H. R. 1548. Carrie E. Preston.	H. R. 8755. Margaret Gunther.
H. R. 1929. Mary A. Sims.	H. R. 8757. Phoebe Sutherland.
H. R. 2048. Elenore Adams.	H. R. 8758. Anna M. Owen.
H. R. 3390. Henry A. Rowley.	H. R. 8770. America Soles.
H. R. 3539. Martha Thornton.	H. R. 8771. Nancy Holland.
H. R. 3837. Anna O. D. Mickle.	H. R. 8779. Abigail M. Laughlin.
H. R. 3919. Mary E. Howard.	H. R. 8780. Rebecca S. Wilson.
H. R. 3976. William H. Spencer.	H. R. 8781. Jane Faunce.
H. R. 3980. John A. Robinson.	H. R. 8788. Fannie Cross.
H. R. 4183. William Sanderson.	H. R. 8814. Cora McCullough.
H. R. 4331. William M. Young.	H. R. 8824. Matilda Devenney.
H. R. 4429. Maggie Patterson.	H. R. 8828. Scott Farmer.
H. R. 4496. Ernestine Jacob.	H. R. 8831. Thomas C. Jones.
H. R. 4643. Emerette McKernan.	H. R. 8837. Emma S. Hewitt.
H. R. 4698. James B. Mulford.	H. R. 8838. Sarah E. Colclasure.
H. R. 5196. Comfort C. Gregory.	H. R. 8839. Mary Barnwell.
H. R. 5198. Belinda Patrick.	H. R. 8844. Dorcas A. Wilcox.
H. R. 5451. Nora Hazzard.	H. R. 8854. Arabella T. Ramsay.
H. R. 5605. Cora E. Brown.	H. R. 8858. James R. Lee, Jr.
H. R. 5702. William Martin.	H. R. 8859. Claude W. Swartwood.
H. R. 5748. Samuel S. McKenzie.	H. R. 8867. Mary J. Brewer.
H. R. 5778. George Hetcher.	H. R. 8869. Rebecca Scott.
H. R. 5904. Mary A. Wallace.	H. R. 8873. Mary E. Alden.
H. R. 5906. Paul Hubner.	H. R. 8880. Charlotte Case.
H. R. 6247. Josephine McCready.	H. R. 8889. Emily A. Day.
H. R. 6548. Anna C. Livingston.	H. R. 8901. James H. Russell.
H. R. 6574. James K. Waltermire.	H. R. 8914. Annie L. Fonda.
H. R. 6614. Joseph F. Ritherdson.	H. R. 8917. Ellen M. Hathaway.
H. R. 6623. Frank L. Pierce.	H. R. 8920. Retta B. Ackerson.
H. R. 6655. Marietta Bishop.	H. R. 8930. Margaret J. Cody.
H. R. 6667. Josephus S. Ambrose.	H. R. 8933. Clara W. Hunt.
H. R. 6730. Julia A. Tomlinson.	H. R. 8937. Susannah Larson.
H. R. 6734. Josephine Saffell.	H. R. 8943. Mary A. Patterson.
H. R. 6785. Alta A. Roush.	H. R. 8944. Martha Sallee.
H. R. 6856. George H. Dearborn.	H. R. 8946. Surrelda Maranville.
H. R. 6857. John S. Dodge.	H. R. 8948. Linda Paul.
H. R. 6904. Thomas Holden.	H. R. 8962. Eliza J. Lynch.
H. R. 7115. Ellie A. Hill.	H. R. 8965. Effie C. McKay.
H. R. 7116. Mary E. Read.	H. R. 8969. Alameda J. McBride.
H. R. 7138. Nancy J. Whittington.	H. R. 8970. Rebecca D. Chizum.
H. R. 7143. Lydia A. Campbell.	H. R. 8985. Louisa C. Williams.
H. R. 7243. Jane Alexander.	H. R. 8986. Hattie D. Osborn.
H. R. 7277. Margaret Huckleberry.	H. R. 8988. Jennie L. Ryon.
H. R. 7344. Charles P. Kibler.	H. R. 8990. Rebecca Uzell, known
H. R. 7413. Maria D. Dyer.	as Rebecca Meyer.
H. R. 7417. Robert T. C. Blevins.	H. R. 9005. Mary F. Carlisle.
H. R. 7424. Elizabeth J. Andrews.	H. R. 9006. Abbie McCabe.
H. R. 7436. Louisa Sampson.	H. R. 9007. John W. Haynes, alias
H. R. 7665. Priscilla Boyer.	John Webster.
H. R. 7740. Albert M. Crouch.	H. R. 9008. Philemon Walker.
H. R. 7895. Maggie A. Farrill.	H. R. 9012. Benjamin Hall.
H. R. 7952. Ellen A. Miller.	H. R. 9022. Henrietta Rawns.
H. R. 7983. William H. Taylor.	H. R. 9030. Martha Cox.
H. R. 7998. Lanie Wood.	H. R. 9031. Mary A. S. Butman.
H. R. 8077. Araminta Jones.	H. R. 9032. Laura B. Burditt.
H. R. 8134. Christina B. Graeser.	H. R. 9041. Frances Vandermaede.
H. R. 8150. John W. Graybill.	H. R. 9043. Hannah Clark.
H. R. 8190. Anna B. Brackett.	H. R. 9045. Hattie B. Search.
H. R. 8191. Amanda Johnson.	H. R. 9067. Sarah J. Shenkle.
H. R. 8204. Fred J. Souter.	H. R. 9071. Sarah H. Billmeyer.
H. R. 8205. John S. Souter.	H. R. 9075. Mary J. Toler.
H. R. 8225. Francis A. Naille.	H. R. 9079. Jabez Lumbert.
H. R. 8242. Sarah J. Duncan.	H. R. 9080. Mary B. Jenks.
H. R. 8269. Leota M. Jones.	H. R. 9084. Ellice F. Clifford.
H. R. 8279. Sarah F. Butler.	H. R. 9091. Arthur Cox.
H. R. 8323. Rebecca L. Jamison.	H. R. 9092. Malinda Morris.
H. R. 8349. Mary A. Waite.	H. R. 9095. Charles W. Smith.
H. R. 8407. Sarah H. Willburn.	H. R. 9097. Mary E. Allen.
H. R. 8432. Adora Buffalo.	H. R. 9106. Elizabeth Waldon.
H. R. 8434. Alida D. Garden.	H. R. 9109. Emma E. Keeney.
H. R. 8447. George Emma Outten.	H. R. 9111. Sarah J. Davis.
H. R. 8449. Louisa Mawhiney.	H. R. 9113. Eleanor A. Peasley.
H. R. 8501. Annie M. Gage.	H. R. 9114. Lana M. Stansbery.
H. R. 8507. Sarah H. Matheny.	H. R. 9121. Caroline Rich.
H. R. 8532. Robert F. Foote.	H. R. 9122. Julia Waddell.
H. R. 8540. Nellie K. Johnson.	H. R. 9125. Catherine Gardner.
H. R. 8541. Anna Wait.	H. R. 9128. Mary Ann Pack.
H. R. 8546. Israel Cave.	H. R. 9134. Belle E. Vincent.
H. R. 8560. Mary L. McCoy.	H. R. 9146. Abner Lehman.
H. R. 8582. Lily Foughty.	H. R. 9147. William Lehman.
H. R. 8623. Ernestine Baxter.	H. R. 9152. Caroline H. Vincent.
H. R. 8627. Rose Frost.	H. R. 9155. Mary C. Triplett.
H. R. 8694. William E. Kerbaugh.	H. R. 9164. Abbie M. Babcock.
H. R. 8697. Cynthia C. Jones.	H. R. 9168. John H. Charlier.
H. R. 8701. Sarah R. McGrew.	H. R. 9177. Harriet Gale.
H. R. 8707. Lena E. Deming.	H. R. 9178. Marietta Vader.

H. R. 9187. Louisa Firkins.	H. R. 9389. Margaret M. Brownling.
H. R. 9188. Phoebe Laing.	H. R. 9391. Celina B. Lyon.
H. R. 9193. Eliza Davis.	H. R. 9392. Hannah McReynolds.
H. R. 9203. Elizabeth Brown.	H. R. 9393. George Warner.
H. R. 9204. Theresa L. Mathewson.	H. R. 9394. Emeline W. Swanson.
H. R. 9205. Mary E. Sargent.	H. R. 9397. Addie M. Elliott.
H. R. 9209. Sam Wells.	H. R. 9428. Elizabeth Briggs.
H. R. 9211. Isaac Pierce, alias	H. R. 9431. Kate E. Reimert.
Isaac Pearce.	H. R. 9433. Miriam Lambert.

H. R. 9222. Matilda Parkhurst.	H. R. 9434. Mary Lemon.
H. R. 9226. Ellen Grain.	H. R. 9440. John W. McCeldry.
H. R. 9229. Mary J. Evans.	H. R. 9448. Nancy M. Travillion.
H. R. 9231. Minnie Newton.	H. R. 9449. Hattie Kindred.
H. R. 9233. Permelia Hogle.	H. R. 9450. Priscilla Burk.
H. R. 9243. Mollie A. Paden.	H. R. 9451. Nancy J. Barnett.
H. R. 9247. Helen L. Scudder.	H. R. 9452. Winnie L. Martin.
H. R. 9248. Nancy E. Minor.	H. R. 9467. Frances E. Morrison.
H. R. 9252. Minerva A. Ford.	H. R. 9486. Rhoda B. Roberts.
H. R. 9253. Lucinda Hooper.	H. R. 9487. Candus Bailey.
H. R. 9263. Josephine F. Cox.	H. R. 9505. Mary E. Johnson.
H. R. 9266. Frederick E. Woodlee.	H. R. 9517. Georgiana Page.
H. R. 9268. Sarah E. Wood.	H. R. 9518. Slatha Beard.
H. R. 9277. Sarah D. Wood.	H. R. 9536. Margaret E. Patterson.
H. R. 9279. John Kircher.	H. R. 9538. Julia E. Millington.
H. R. 9280. Lydia A. Anderson.	H. R. 9540. Clarinda Riggs.
H. R. 9299. Bonnie Spraggins.	H. R. 9555. Emma Darby.
H. R. 9300. Minerva Plummer.	H. R. 9563. Annie Grady.
H. R. 9301. Mary E. Meek.	H. R. 9571. Susana Whitlatch.
H. R. 9303. Florence Burnett.	H. R. 9584. Estella Connelly.
H. R. 9306. Mary J. George.	H. R. 9588. Letitia D. Wheeler.
H. R. 9311. Laura Dolson.	H. R. 9592. Elizabeth C. Berkey.
H. R. 9314. Warren O. Withrow.	H. R. 9593. Mariah Johnson.
H. R. 9315. Addie Martha Blevans.	H. R. 9610. Matilda W. Leightner.
H. R. 9326. Hannah G. Wise.	H. R. 9617. Alfred Skinner.
H. R. 9328. Sylvia C. Richardson.	H. R. 9618. Julia Hill.
H. R. 9329. Dorcas W. Ash.	H. R. 9619. Martha J. Curtis.
H. R. 9330. Elma McCann.	H. R. 9623. Alice K. King.
H. R. 9338. Ida B. Giddings.	H. R. 9630. Georgianna Peabody.
H. R. 9339. Olive C. Taylor.	H. R. 9638. Elvira F. Jarrett.
H. R. 9340. Elizabeth R. McKallip.	H. R. 9639. Walter E. Ellis.
H. R. 9341. Sophia E. Quirk.	H. R. 9643. Elizabeth Wiggin.
H. R. 9343. Martha Thomas.	H. R. 9647. Alma W. Yewell.
H. R. 9354. Barbara Williams.	H. R. 9674. Oro Cornelius Stom-
H. R. 9357. Glenn E. Walker.	baugh.
H. R. 9360. Ann K. Kindred.	H. R. 9675. Elvira Louisa Kanady.
H. R. 9363. Ann Austin.	H. R. 9703. Wilhelmine Worm.
H. R. 9364. James McFarland.	H. R. 9712. Mary E. Boroff.
H. R. 9365. Sarah C. Bunner.	H. R. 9748. Alberto Murray.
H. R. 9366. Sarah E. Bell.	H. R. 9761. Rosetta Davis.
H. R. 9370. Ellen McCladin, now	H. R. 9765. Catharine Davis.
Cordes.	H. R. 9785. Charles H. Frizzell.
H. R. 9378. Hannah Orr.	H. R. 9846. Harriet A. Hardy.
H. R. 9380. Charles J. Bice.	H. R. 9920. Alfred G. Hawkins.

During the reading of the bill the following colloquy occurred: Mr. KEARNS. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Ohio moves to strike out the last word.

Mr. KEARNS. I do so for the purpose of asking the chairman a question. What has become of all the pension cases that have been passed by this House in the last year? None of them has been enacted into law. What has become of them?

Mr. FULLER. They are all pending before the Senate Committee on Pensions.

Mr. KEARNS. Has the Senate Committee on Pensions acted upon these in any way?

Mr. FULLER. They have not reported any of them.

Mr. KEARNS. What is the trouble?

Mr. FULLER. Search me.

Mr. KNUTSON. Mr. Speaker, if the gentleman will permit, there has been a change in the chairmanship of the Senate Committee on Pensions, and the new chairman expects to report very shortly all these bills that have been passed by the House.

Mr. KEARNS. When?

Mr. KNUTSON. At the first opportunity.

Mr. KEARNS. I certainly want to know what is to become of the bill when we pass it.

Mr. MANN. The gentleman ought to get himself elected to the Senate. [Laughter.]

Mr. KEARNS. I am satisfied with the House. [Applause.]

Mr. FULLER. I understand there has been considerable trouble in getting a quorum of the Senate Committee on Pensions. Senators are on so many committees that they do not seem to have time to pay much attention to that committee.

Mr. MANN. No Pension Committee in either House pays any attention to a quorum.

Mr. FULLER. The excuse they have presented over at the other end of the Capitol for not reporting these bills is that they have not had a quorum.

Mr. KEARNS. As I understand it there are about a thousand of these cases that are now pending in the Senate. The bills have passed this House.

Mr. FULLER. We have done the best we could on this side, and we are not responsible for their inaction over there. I think as the gentleman from Minnesota [Mr. KNUTSON] says under the new chairman we will very soon get action in the Senate on all of these bills.

The Clerk resumed and completed the reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

MUNICIPAL PARK FOR THE CITY OF BUTTE, MONT.

The next business on the Private Calendar was the bill (H. R. 5762) providing for a municipal park for the city of Butte, Mont.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the municipality of Butte, Mont., to designate and segregate for municipal recreational development any lands, not to exceed 3,600 acres, within the Deerlodge National Forest which, in his opinion, are available for such purposes, and he is hereby authorized to enter into such form of cooperation with the said municipal authorities as, in his opinion, will permit the fullest use of the lands for recreational purposes.

With the following committee amendments:

Page 1, line 6, after the word "lands," insert the words "not to exceed thirty-six hundred acres."

Page 2, line 2, after the word "establish," insert the words "lands so designated and segregated under the provisions of this act shall not be subject to the mining laws of the United States."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALFRED P. RECK.

The next business on the Private Calendar was the bill (H. R. 858) for the relief of Alfred P. Reck.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I should like to ask if it is the practice where an officer in the Army has been designated for promotion and does not receive his promotion for some time to pay the difference in the salary between the time when he is designated for promotion and the time when he accepts the promotion?

Mr. REED of New York. I do not know what the practice is. We have had no bill just like this.

Mr. MANN. Of course, this sort of a case has arisen hundreds of times.

Mr. REED of New York. This boy was captured by the Germans, and that was the only reason why he was not in a position to receive his commission. He was in the red-hot battle at the Marne and was captured and held in a German prison camp, which prevented him from accepting his commission.

Mr. MANN. There might have been one of a hundred other reasons for not receiving the commission, and any of them might have been good reasons.

Mr. REED of New York. That was the reason given by the War Department in their communication.

Mr. MANN. I know. I have read it.

Mr. REED of New York. We investigated it very thoroughly, not only the subcommittee but the full committee, and we felt that it was a very meritorious case.

Mr. MANN. There is no doubt about that. Still a man usually is in luck who receives a promotion—not always. I did feel that it would be desirable to know whether where a man was promoted from one rank to a higher rank and for any reason did not accept his commission in the higher rank, we would then be called upon to pay the difference in salary between the lower rank and the higher rank for the time during which he waited. Of course, it was not through any fault of his, but these cases arise quite often.

Mr. REED of New York. This is the only one that has happened to come before our committee.

Mr. MANN. This may be the only case in which they have thought that they had the nerve to ask for the extra pay. Usually the officers are thankful to get the commission.

Mr. REED of New York. I hope the gentleman will not object.

Mr. MANN. I am not going to object.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Alfred P. Reck, of Lima, Ohio, formerly second lieutenant of Infantry, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$672.41, being the loss of pay incurred by him between July 15, 1918, and January 17, 1919, by reason of his inability, prior to January 18, 1919, to accept a commission as second lieutenant of Infantry issued June 1, 1918, because of being wounded and taken prisoner by the Germans on July 15, 1918.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. REED of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

PENINSULAR & OCCIDENTAL STEAMSHIP CO.

The next business on the Private Calendar was the bill (H. R. 1941) to provide for the refund of entrance and clearance fees erroneously collected by the customs authorities from the Peninsular & Occidental Steamship Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Florida [Mr. SEARS] what merit there is in this proposed legislation?

Mr. SEARS. Mr. Speaker, I am glad my colleague asked that question. In 1919 I introduced a bill for the relief of this company. The Claims Committee referred it to the department, and I understand a favorable report was made by the department, although I have not that report. I have a letter from my colleague [Mr. EDMONDS] stating that the claim was referred and favorably reported by the department, but we were unable to get consideration. In 1920 I again introduced the bill, but again we could not reach it. The bill has now been reached and reported, and if the gentleman will look on page 3 of the report that he has in his hand he will find that Mr. Hoover writes Mr. EDMONDS as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 28, 1921.

Hon. GEORGE W. EDMONDS,
House of Representatives, Washington, D. C.

MY DEAR MR. EDMONDS: I am in receipt of your letter of May 23 inclosing copy of H. R. 1941, for the relief of the Peninsular & Occidental Steamship Co., and beg to inclose herewith a memorandum from the head of the Bureau of Navigation on this subject.

Yours, faithfully,

HERBERT HOOVER.

The memorandum says that the company is clearly entitled to a refund in the amount asked for in the bill, to wit, \$7,717.20, as being the amount erroneously collected.

My colleague, the gentleman from Iowa [Mr. COLE], reported this bill, and at my own suggestion—perhaps I should not have done so—you will notice in the report that the claims properly sworn to were not incorporated in the report, but were on file with the committee. This was done solely to save extra cost of printing. I have the papers here, and you will note it would have taken many pages to print it, and so, as stated, to save expense I requested that it be not printed.

Mr. WALSH. Will the gentleman yield?

Mr. SEARS. Certainly.

Mr. WALSH. Why did not they apply for a refund within the time?

Mr. SEARS. They have.

Mr. WALSH. Under the law if they had applied within a year the department would have been in a position to act upon it. They did not do it, and now they are trying to get it by legislation.

Mr. SEARS. The letter of the auditor says there was voluminous correspondence carried on with the department which caused considerable delay. In 1914 the papers were presented to the collector of customs trying to get a refund. Then later on, I believe in 1915 or 1916, they submitted it to one of our Senators, and he took the matter up for them, but for some reason no action was taken—just why I can not tell.

Mr. WALSH. Because it was after the year had elapsed. It was 1914, two years after the last trip and too late for the department to act upon it.

Mr. MANN. The law allows a refund to be made where application is made within a year.

Mr. SEARS. That is true.

Mr. MANN. These people could have secured the money without a special act of Congress, but they just neglected to file their claims.

Mr. SEARS. I think they filed their claims.

Mr. MANN. No; if they had filed their claim the department could have acted upon it. Of course, they filed their claim,

but it was after the year had expired. They were allowed the claim, and that is the only merit the bill has.

Mr. SEARS. They filed a claim for a refund January 6, 1915, which would be within the year.

Mr. MANN. They filed a claim October 14, 1914, but they paid money long before that. The first claim they filed according to the report was October 14, 1914, and the collections commenced in 1909. They may have kicked about it, I do not know, but they did not file claims. However, I think the money was wrongfully collected, and it may be that they were doing such a prosperous business with Cuba at that time that they did not attend to it. It was not quite as prosperous then as it has been since. [Laughter.]

Mr. WALSH. They only had a triweekly service then, and now it is three times a day. [Laughter.]

Mr. SEARS. I hope my colleagues will not object. This money was paid to the Government without law, and therefore the Government is not entitled to it, and I assure you the bill has been carefully considered by the committee. Senator Bryan's secretary died, and the papers could not be located, which caused a further delay, as new papers had to be prepared.

Mr. UNDERHILL. Mr. Speaker, may I state to my colleagues that the equities of this case are clearly with the company. On yesterday gentlemen had an opportunity to raise objection to a similar bill. It seems to me if we are going to use one company in one way, we ought to use the other equally as well.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Peninsular & Occidental Steamship Co., out of any money in the Treasury not otherwise appropriated, the sum of \$7,717.20, covering entrance and clearance fees erroneously collected by the customs authorities at Key West, Miami, and Knights Key, Fla., during the period from January 3, 1909, to February 20, 1914, and in violation of section 2792, Revised Statutes, as amended by the act approved May 28, 1908 (35 Stat., p. 424).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SEARS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

REIMBURSEMENT OF SACRAMENTO, CALIF., FOR PART COST OF SACRAMENTO WEIR.

The next business on the Private Calendar was the bill (H. R. 9048) to authorize the California Débris Commission to reimburse the city of Sacramento, Calif., for money expended by said city in the construction of the Sacramento weir.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That from funds appropriated and contributed for the control of floods on the Sacramento River in pursuance of the flood control act, approved March 1, 1917, the California Débris Commission is hereby authorized to pay to the city of Sacramento, Calif., the sum of \$167,557.08, as equitable reimbursement of money expended by the said city in the construction of the weir at the head of the Sacramento by-pass leading into the Yolo by-pass, such structure being an essential part of the project adopted by the aforesaid act as set forth in House Document No. 81, Sixty-second Congress, first session, as modified by the report of said commission submitted February 8, 1913, approved by the Chief of Engineers of the United States Army and the Board of Engineers for Rivers and Harbors, and printed in Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs.

With the following committee amendment:

In line 7 strike out the figures "\$167,557.08" and insert in lieu thereof "\$161,557.08."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CUREY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

H. C. MULLINS AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 1009) for the relief of H. C. Mullins, his wife and minor children.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. UNDERHILL. Mr. Speaker, I was going to offer a committee amendment to strike out all on line 1, page 2, after the figures "1918."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I am sure the gentleman from Texas [Mr. LANHAM] wants an opportunity to explain this bill.

Mr. LANHAM. Mr. Speaker, in June, 1918, there was quite a serious airplane accident at the R. M. A. field, in Tarrant County, Tex.

An airplane had been disabled through the faulty operations of the engine and had been assigned to an experienced pilot in order that he might correct the troubles that existed. That pilot had made several flights with this machine. The plane was not assigned to any cadet on account of its condition. He tried to rise from the ground in the vicinity of a public road, skirted on each side by a barbed-wire fence, and he allowed one and one-half times the usual distance for rising. There were a great many people assembled on this public road witnessing the flying at the field. The machine, although it was in the hands of an experienced operator, lacked the power to clear the fence, even by zooming. That was resorted to unsuccessfully. The undercarriage of the airplane picked up the top strand of the barbed wire fence and pulled it across some people who were there as spectators on the public highway in their automobiles. One little girl of a different family from this, named Blanche Utley, was horribly scarred and disfigured for the remainder of her life. During the Sixty-sixth Congress a bill for her relief was passed by both bodies and approved by the President, carrying \$5,000. At the time of the introduction of that bill I did not know of these other unfortunate circumstances attendant upon the same accident, but shortly afterwards I learned of this case and introduced the bill now under consideration. The injuries here complained of and for which relief is sought were sustained by the family of H. C. Mullins. His wife was severely injured, and the report of the surgeon to the commanding officer at Tallaferro Field showed that she sustained a lacerated wound of the right breast 2 inches long, 2 inches deep, sutured; multiple scratches of the right breast, superficial; incised lacerated wound 2 inches long, lower upper right arm, sutured multiple scratches on lower right arm, involving skin only. The child, Ina Mullins, aged 3, suffered a lacerated wound on the right cheek, lateral side of nose, 1 inch long, sutured; wound on left cheek, obliquely from side of nose—

Mr. MANN. Oh, I have read the report.

Mr. LANHAM. Then, in addition to that, the 4-months-old infant was killed or died from the effects of the injuries. A board of investigation regularly appointed through military channels passed upon this case and made recommendations for financial compensation, and it is upon that report that the bill is based. The only change that has been made in that amount by the Committee on Claims has been a reduction of the compensation because of the injuries resulting in the death of the infant child, and that is reduced from \$5,000 to \$2,000, and a committee amendment will be offered to that effect.

I do not think this case is analogous from the standpoint of policy to the cases of which complaint was made yesterday. It is a different kind of accident. It grew out of the operation of a faulty machine, known to the Government to be faulty, a machine which was not assigned to any cadet but which was placed in the hands of an experienced pilot, who took, perhaps, every precaution he could to avoid accident. It was purely an accident, and yet it was the result of military operations. If any claim of this character could have merit, it seems that this must have.

Mr. MANN. There is no claim that there was any negligence on the part of the Government.

Mr. LANHAM. Negligence only to the extent that the Government knew the faulty nature of the machine. Every proper precaution was taken.

Mr. GLYNN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GLYNN. My recollection is that the officer who ran this machine said that he would not allow his cadets to use it because it was not working properly, and he went back one-half the distance farther from the road than he ordinarily would have gone because of the lack of lifting power in the machine.

Mr. LANHAM. That is correct.

Mr. MANN. The negligence, if there was any, was on the part of the people gathered to watch the machine, although possibly I would have done the same thing if I had been there.

Mr. LANHAM. They were on the public highway. They were not trespassing on the Government's property.

Mr. MANN. Oh, I know that. Why was not the report of the board printed in this report? A lot of testimony has been picked out, and, of course, one picks out the testimony one

wants; but the committee has been careful to omit the report of the Army board on the subject.

Mr. LANHAM. As I say, there was a companion case to this which passed the Sixty-sixth Congress. That report was practically the same as this one. I have it here.

Mr. MANN. But I have not and other Members have not.

Mr. LANHAM. It is available through the committee and is now on the desk.

Mr. MANN. It is not even referred to in the report.

Mr. LANHAM. The letter of the Secretary of War referring it to the committee is in this report.

Mr. MANN. Yes; and it does not say anything.

Mr. LANHAM. The committee evidently thought that the printing of this voluminous report—

Mr. MANN. Oh, the report is not voluminous.

Mr. LANHAM. There are extracts from it that are pertinent to the various features of it.

Mr. MANN. Extracts are from testimony taken, but that is not the report of the Army board.

Mr. LANHAM. The committee has the report here.

Mr. MANN. It may be of great value to the committee, but not much to the rest of us.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. KEARNS. Was one of these injured persons a child 3 years old?

Mr. LANHAM. Yes.

Mr. KEARNS. You could not in any court attribute negligence to a child 3 years old.

Mr. LANHAM. I do not think so, and in addition to that I do not suppose there was a flying field in the United States where the people did not assemble and sometimes even trespass on the Government's property.

Mr. MANN. Oh, if people had gone up here on Columbia Road near Eighteenth Street, after the Knickerbocker Theater roof had fallen in, and had insisted upon staying there close to the walls, they would have been grossly negligent, even though they were on the public street.

Mr. LANHAM. I would say to the gentleman that the distinction in this case is that the public had no notice of the faulty nature of this airplane.

Mr. MANN. Oh, I do not criticize the people for being there. That is human nature. Still they do take chances when they go to such a place. However, I talked over this case with the lady from Oklahoma [Miss ROBERTSON], and she convinced me that it ought to pass, although I think that the committee which has the report from the War Department of an investigating board ought to include that report in its report to the House.

Mr. LANHAM. I will say that the lady from Oklahoma has been very much interested in the matter.

The SPEAKER pro tempore (Mr. WALSH). Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. C. Mullins, of Fort Worth, Tex., the sum of \$7,522.50, in full compensation for injuries sustained by the said H. C. Mullins; his wife, Ovella Nelson Mullins; his minor child, Ina Flora Mullins; and for the death by reason of said injuries sustained by his minor child, Leona Pearl Mullins, due to an airplane, owned by the United States Government, while engaged in practice flying in Tarrant County, Tex., on the 20th day of June, A. D. 1918, striking a barbed-wire fence near an automobile standing in a public road in which said parties were sitting, knocking said barbed wire loose from said fence and against the occupants of said automobile in such manner and way as to injure and cut the said H. C. Mullins, his said wife, and two minor children, and from which said injury and cutting the said minor child, Leona Pearl Mullins, died.

Mr. LANHAM. Mr. Speaker, is there not a committee amendment?

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 6, strike out the figures "\$7,522.50" and insert in lieu thereof the figures "\$4,522.50."

The question was taken, and the amendment was agreed to.

Mr. UNDERHILL. Mr. Speaker, I move to strike out all after "1918," in line 1, page 2.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, after the figures "1918," strike out the remainder of the paragraph.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN B. H. WARING.

The next business in order on the Private Calendar was the bill (S. 667) for the relief of John B. H. Waring.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is made.

Mr. MANN. However, I will reserve the right to object.

Mr. MONTAGUE. Mr. Speaker, this bill has been twice passed by the Senate, three times reported unanimously by the Senate committee and has been reported unanimously twice by the committee of this House. That upon its face would indicate a great deal of consideration. The committee, I may add, has given it very long and earnest consideration, developing facts which in ordinary equities of life would justify the relief that is proposed by this bill.

Capt. Waring was a surgeon in the Army, faithful in the performance of his duties. By reason of service, as I now recall, in the Philippine Islands, he incurred a serious trouble of the eye known as solar retinitis, resulting from rays of the sun in that climate. He was taken before a board for examination, I think, once or twice and finally he was pronounced cured and immediately assigned to duty in a similar climate, and under circumstances that brought on the original trouble, against which he made a very respectful protest, urging his willingness to serve anywhere within the Temperate Zone or outside the peculiar sun rays incident to a tropical climate. I should observe that that protest was unavailing. Of course, he broke down again. He was examined by surgeons of the Army, I regret to say, who knew nothing of this particular trouble. They were not experts upon this remarkable and infrequent disease. He was examined by the most eminent surgeons in America outside of the Army, and they all agreed, without knowing the opinion of each other, in the same identical conclusion. He was then accused of malingering by virtue of his physical inability to perform his service, a charge wholly unfounded. Then he was brought before a retiring board for temporary disability, brought before that board to consider only his physical infirmity, when during the progress of the proceedings the allegation was shifted to congenital mental nervousness, not theretofore preferred even by implication in any of the proceedings. He then asked for a continuation of his case in order to bring evidence to refute this charge or allegation against him. No heed whatever was given to the request or protest, but the board, having only the legal power to retire him temporarily, went beyond its legal scope and discharged him permanently from the Army, a cruel finding and an unauthorized finding.

Mr. MANN. What does the gentleman mean by "permanently retired"? What does he mean by that expression?

Mr. MONTAGUE. I mean by that he was entirely put out of the Army.

Mr. MANN. That is not being retired.

Mr. MONTAGUE. The gentleman is correct; Waring was wholly discharged from the Army. The Judge Advocate General said:

It is at least open to doubt whether such a conclusion wholly retiring Capt. Waring is altogether just to the officer.

Now, this bill passed the Senate twice, has been reported twice by this House. I may be mistaken, but in my judgment, after consideration of the facts and the equities of the case, the whole treatment of this officer has been pathetic in its cruelty and he should have his remedy.

Mr. FIELDS. Will the gentleman further reserve his objection?

Mr. MANN. I would like somebody who knows something about this report to tell us about some things that are not in it.

Mr. FIELDS. I will say, Mr. Speaker, that with more than 10 years' experience on the Committee on Military Affairs I do not believe that any case that has been handled by that committee during my service has received as much careful thought as this case. Capt. Waring served in the Philippine Islands, and contracted disease of the eye referred to by the gentleman from Virginia [Mr. MONTAGUE] because of the sun glare in that particular section. He was sent back to the United States for treatment. In a hospital in California he received treatment at the hands of an Army surgeon, who severely burned his eyes and rendered him almost blind.

He then went to a civilian surgeon, and there the trouble started. The testimony and the records in this case from that time on up verify that statement. His securing civilian treatment seemed to arouse the ire of certain officers of the Medical Department, and he was given to understand that his days in the Army were numbered.

After he was reported to be able to perform duty, he requested that he be sent to some other place than the South, but he was sent to the Hawaiian Islands. And again, when he was placed in a hospital and requested to be placed in a dark room, because of the condition of his eyes, he was placed in an enameled room, where the room and everything in it was white. Then he was charged with malingering. Those charges, as I now recall, were not sustained.

I do not now remember all the details of the case. The gentleman from Pennsylvania [Mr. CRAIG] reported the bill, and I have not followed it as carefully as I would a bill that I had reported myself, but if my memory serves me aright—and if it does not some member of the Committee on Military Affairs will correct me—he was once discharged or found guilty by a court-martial, which was not confirmed by the War Department, and then this board was assembled to pass upon his case. One of the members of the board was brought from the Mexican border to Chicago, I believe it was; another one from the Pacific coast.

Mr. MONTAGUE. Mr. Speaker, may I interrupt the gentleman?

Mr. FIELDS. Yes.

Mr. MONTAGUE. And brought forward to try this special case of Capt. Waring?

Mr. FIELDS. Yes; to try this special case for Capt. Waring. They stated that they were not experts upon diseases of the eye. That is in the record that is before the committee.

Each of the two witnesses who testified before this board made the statement that he was not an expert on diseases of the eye. The board was assembled, apparently in order to get the man out of the Army—if they retired him for disabilities incurred in line of duty they must place him upon the retired list with retired pay—therefore, to his surprise and to the surprise of everybody else who has looked into the records of this case, they charged that his trouble was congenital, that he had inherited it, and had it before he entered the service. Witnesses had testified that they were not experts upon diseases of the eye, and when they brought this charge he asked for a continuance of the case. They refused to grant a continuance. He then asked them to defer action long enough to give him an opportunity to file testimony in rebuttal. That request was not granted.

I will say, Mr. Chairman and gentlemen of the House, that of all cases of railroading that I have ever seen in the Military Establishment or any other establishment I think this is the most glaring one. It started and was carried on to the final result because this man secured civilian treatment after he had been made practically blind by an Army surgeon.

Mr. MANN. Both gentlemen and the report make a serious charge against the War Department, against the officers of the Army. Now, do these gentlemen think that we ought to approve their indictment against the Army without even having a statement from the Army on the subject? Without particulars to support it the Congress is going to say that the Army railroaded a man out of the Army under the most unjust conditions, and has not even asked the War Department for the particulars.

Mr. MONTAGUE. The hearings contain full information on this case.

Mr. MANN. I do not want to hunt up the hearings.

Mr. FIELDS. I want to say that I am not indicting the War Department.

Mr. MANN. You have indicted the War Department and the Army of gross injustice.

Mr. FIELDS. I want to say without reservation that the board that tried this officer—each member of that board, and the men who had to do with this deal—ought, each one, to be fired out of the Army, and if I had my way I would fire them all out.

Mr. MANN. That shows the gentleman's feeling against the department.

Mr. FIELDS. Oh, I have no feeling against the department, but against the men who did this thing.

Mr. MANN. The board was not the last tribunal in this case. It went up to the Secretary of War, and it went up to the President of the United States and was approved by him.

Mr. FIELDS. The President of the United States evidently was not in possession of the facts.

Mr. MANN. That is an accusation of neglecting to let the President know the facts. That is another accusation against the Army. I think they ought to have a chance to reply to it.

Mr. FIELDS. Right in that connection, Mr. Speaker, let me say that this report was written by the gentleman from Pennsylvania [Mr. CRAIG], of the Committee on Military Affairs; and those of us who have served with him for years on that committee know that that gentleman is not going to let any

unjust indictment against the War Department go unchallenged.

Mr. MANN. I challenge it.

Mr. FIELDS. He knows the record; he knows what it is. I will say that in my opinion the report is not as full as it ought to be. There are many facts that ought to be in the report that are not contained in it.

Mr. MANN. I never heard of this gentleman before, but I understand that Capt. Waring has been around urging his bill, and evidently he is a persuasive talker. He may have a good case. I do not know.

Mr. FIELDS. I have never seen Capt. Waring.

Mr. MANN. The gentleman has seen some one who is prosecuting his case for him.

Mr. FIELDS. I have seen his father some four or five times, and I have read everything in connection with this case.

Mr. MANN. The gentleman does not read everything in connection with every case in his committee by a long shot. Somebody with a persuasive tongue got the gentleman to read the evidence in this case.

Mr. FIELDS. The persuasion of no man caused me to reach the conclusion I have reached. The evidence in the record of the case caused me to reach that conclusion.

Mr. MANN. I do not take much stock in the charge that a discharged officer makes, that the Army has railroaded him out of the Army. It may be true sometimes. I certainly would not vote to indorse such a proposition without hearing a statement from the Army in regard to it, and that is what we are asked to do here.

Mr. FESS. Will the gentleman yield for just one statement?

Mr. MANN. If my distinguished friend from Ohio has been captured by this, I want to hear him.

Mr. FESS. I have not been captured; but in view of the fact that Capt. Waring lives in my district, I think it proper to say that he has not been in Washington. At least I have never seen him.

Mr. MANN. He has somebody who is very active in his behalf. A man who gets a bill passed three or four times through the Senate and reported three or four times from the House Committee on Military Affairs, which has great numbers of bills before it that it never reports at all, has not been sleeping on his rights.

Mr. MONTAGUE. I will plead guilty to the charge that I have appeared before the Committee on Military Affairs, where there were very liberal hearings on this case, and where they did me the honor to listen to me for half an hour on the subject.

Mr. MANN. I do not wonder at that. I would listen to the gentleman for two hours on any bill with great pleasure to myself.

Mr. MONTAGUE. There must have been a great deal of merit in the bill, or they would not have reported it after listening to me for half an hour.

Mr. MANN. No; the gentleman can talk for an hour on any bill without any merit in it with much pleasure to all those who hear him. [Applause.]

Mr. MONTAGUE. I regret that the gentleman has not looked into this case, because I am sure if he had he would favor the bill.

Mr. MANN. I have not examined this case at all, except the report that is made, and naturally I have a feeling against Congress sticking up a man and putting him on the retired list of the Army just because he wants to go there.

Mr. MONTAGUE. The gentleman is mistaken. He did not want to go on the retired list.

Mr. MANN. I will say that when such serious charges are made against the War Department there will have to be some reply from that department. I want to know whether they admit or deny those charges.

The SPEAKER pro tempore (Mr. WALSH). Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. KEARNS. Mr. Speaker, I ask unanimous consent that this bill remain on the calendar.

Mr. MANN. It does remain on the calendar.

Mr. KEARNS. And that the privilege be given of filing a supplemental report.

Mr. MANN. In order to file a supplemental report you will have to recommit the bill to the committee.

Mr. KEARNS. I do not want it recommitted. I want it to remain on the calendar. How then may an additional report be filed in the case?

Mr. UNDERHILL. Bring it in.

Mr. STAFFORD. The gentleman can introduce a bill in slightly different words and have a report on that, and then when the present bill is reached he can ask unanimous consent to substitute the modified bill.

LEAVE TO EXTEND REMARKS.

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. On what subject?

Mr. FREAR. On the soldiers' bonus.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

HEIRS OF OSCAR CHRYSLER.

The next business on the Private Calendar was the bill (H. R. 3346) for the relief of the heirs of Oscar Chrysler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Birdseye Knox Chrysler, Laura A. Chrysler, Harriet L. Chrysler, and Frederick Knox Chrysler, widow and minor children of and heirs at law of Oscar Chrysler, late surgeon in charge at the National Soldiers' Home at Milwaukee, Wis., who was killed while in discharge of his official duty on October 29, 1913, without fault or negligence on his part.

With the following committee amendment:

On page 1, line 5, strike out "\$5,000" and insert in lieu thereof "\$2,400."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. UNDERHILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANK WILLIAM BROWN AND CLARA BRYAN BROWN.

The next business on the Private Calendar was the bill (H. R. 5634) for the relief of Frank William Brown and Clara Bryan Brown.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of \$10,000 to Frank William Brown and Clara Bryan Brown in full for all claims they or either of them may have against the Government on account of the death of their son, Harry Brown, who was fatally injured in or near the city of Orange, in Orange County, Tex., on the 23d day of March, 1918, by being struck by a falling airplane, then and there owned and operated by the Government of the United States.

With the following committee amendment:

Page 1, line 6, strike out "\$10,000" and insert in lieu thereof "\$5,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. Box, a motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. SLAINE.

The next business on the Private Calendar was the bill (H. R. 9069) for the relief of William H. Slaine.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I should like to inquire of the gentleman reporting this bill and the next one whether this claim for reimbursement is merely for damages to the automobile or is to compensate the owner for loss of the use of his automobile?

Mr. LINTHICUM. It is merely to compensate the man for the damages to the automobile itself. No personal injuries whatever are included.

Mr. STAFFORD. I wish to say in compliment that this claim is reasonable. Yesterday we had a man who refused to take the award determined by the department as the real damages. He wanted damages in addition for rent of a car which had been

junked and was later exchanged at a higher value than it was worth.

Mr. MCKENZIE. There is no use going into that, but that is not a fair statement of that claim.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Slaine the sum of \$475 for damages to his automobile by a mail truck belonging to the Government.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. LINTHICUM, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

EUGENE FAZZI.

The next business on the Private Calendar was the bill (H. R. 3461) for the relief of Eugene Fazzi.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eugene Fazzi, the sum of \$2,500, as compensation for the loss of a foot on March 8, 1916, while in the discharge of his duty as a deckhand on the steamship *General Joseph E. Johnston*, in the service of the Quartermaster's Department, United States Army.

The following committee amendment was read:

Page 1, line 6, strike out the figures "2,500" and insert "768."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEHLBACH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FRANCES E. WILLARD.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to print in the RECORD, in 8-point type, a memorial address on the life of Frances E. Willard delivered by the gentleman from Wisconsin, Hon. A. P. NELSON, in Statuary Hall of the Capitol, on February 17, 1922.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The address is as follows:

MEMORIAL ADDRESS ON THE LIFE OF FRANCES E. WILLARD, DELIVERED BY HON. A. P. NELSON, OF WISCONSIN, IN STATUARY HALL OF THE CAPITOL, FEBRUARY 17, 1922.

Madam President, ladies, and gentlemen, we meet to-day in this "Hall of Fame" surrounded by statues in bronze and marble of the great heroic and sublime spirits of our noble past, to pay a tribute of respect and love to the memory of the life of one of its supreme characters, the gentle, brave, courageous, and heroic Frances E. Willard.

Frances E. Willard is the first and only woman in our Nation to be honored by a place in our national temple of fame and glory. She was born at Churchill, N. Y., September 28, 1839, and died in New York City shortly after midnight, February 17, 1898.

Her marble statue, chiseled and fashioned in its marvelous beauty and perfection by the hand of Miss Helen Farnsworth Mears, of Wisconsin, was placed here by the great Commonwealth of Illinois on February 17, 1905, as its glowing tribute to one of its foremost citizens.

Frances E. Willard's early life was spent in the rugged pioneer wilds of Wisconsin, near Janesville. Thus this great life, springing from the noble stock of New England Puritan ancestry and reared in the privations of the rugged pioneer life of our Western States, laid the foundation for her iron will, her unyielding courage, and her matchless achievements, and enabled her to write her name among earth's immortals, and as the foremost woman of her generation.

She achieved renown and undying fame in every sphere in which she labored and applied her marvelous and matchless gifts. But she stands out preeminent and triumphant as the leader in the field of moral and spiritual reform, and the "more abundant life." She was the vigorous organizer and inspiring leader in moral, social, educational, and political reforms. Temperance, equal suffrage, social purity, broader education, and a

nobler home life found in her their great advocate and successful leader.

Frances E. Willard's range of activities touched every sphere of human uplift. She was brilliant as a teacher, preacher, author, orator, editor, lecturer, and organizer. But her greatest achievement was, no doubt, her wonderful leadership of women throughout the world in the capacity of president of the National and World Woman's Christian Temperance Unions.

Through this organization she did much to reunite the spirit of the North and South who met around a common cause and clasped hands in their united efforts of all the best and noblest endeavors of womanly forces for the moral, social, and spiritual uplift of home and native land. Yea, "the great thought of her great heart was to gather the women of the world" for a worldwide effort to save childhood and rescue manhood and womanhood from sin, misery, and shame, and to make the world a cleaner and safer place in which to live and labor for "God, home, and native land."

Her great ambition and noble aspirations were to unite the Christian womanhood of the world to fight for a larger and truer interpretation of the fatherhood of God and the brotherhood of man, to the end that we might secure not only for our own beloved Nation but for all the world a sweeter childhood, a more consecrated fatherhood, and a more holy and devoted motherhood. Her great epigram, "The golden rule of Christ will bring the golden age to man," is indeed epitomized in her golden words and noble deeds, the outward expressions of her inner great and noble soul.

The spirit of Frances E. Willard to-day inspires not only womankind but all mankind to loftier ideals and greater achievements. She has helped to make all the streams of our national life flow swifter, purer, and nobler to the end that under our glorious Government all citizens shall be accorded a freer course in the pursuit of life, liberty, and happiness.

She helped to give to the world a better discipline, a richer scholarship, a finer culture, a deeper patriotism, and a more consecrated character. It is not too much to say that our civilization to-day is abler in intellect, purer in heart, and stronger in civic and national righteousness because of Frances E. Willard's inspiring and self-sacrificing life and service.

The three paramount forces of our civic and national glory—the intellectual, the ethical, and the spiritual—found their highest expression in the noble life and labor of Frances E. Willard. With her high moral nature, she infused into her activities a moral and spiritual atmosphere that caused the seeds of noble character to blossom into the flowers of brave and illustrious deeds.

She led in the great task of making the principles of the meek and lowly Nazarene a living, breathing, and pulsating power in our civic, State, and national life.

Ah, if I could walk to-day through the floral gardens of the world and be permitted to pluck the flowers of rarest beauty and sweetest perfume, and then could "select from the crowns of kings and queens the rarest jewels," I would arrange them with the sweet roses of love, sacrifice, and service, and fashion them into a more glorious crown and place it upon the radiant brow of Frances E. Willard, "America's uncrowned queen."

In her ministrations she touched millions of lives and did more to elevate, sweeten, and change the moral purposes of mankind than any other woman of her generation. Her effort was to touch the home and the child, the cradle of the Nation's safety and perpetuity. Many of the great reforms for which she plead and fought so heroically have been written into our Constitution and national statutes.

To-day, in this solemn presence, in the memorial service of this brief hour, no poor words of mine can adequately express our love and admiration for this lofty soul and inspiring genius, who though dead in body yet lives in soul and spirit to ever bless and inspire civilization and mankind. We praise God to-day for her life and service which forever go on. Truly, we crown her to-day and every day "the mother of true reforms; the brave champion of the oppressed; the great leader and queen of womankind." Her life is an inspiration, her achievements a benediction, and to-day we unite with millions to do her homage. Her name will forever shine as one of the brightest stars in the galaxy of the world's foremost leaders in the uplift of humankind, and this statue stands to-day for the commemoration of all that is "truest, best, and divinest in American womanhood."

O, pure white life divine,
Translated into everlasting day,
Thou shalt pass never from our hearts away,
For Christ's own loves were thine.

Her spirit to-day beckons us all to higher purposes and nobler resolves, and to sing with Oliver Wendell Holmes:

Build thee more stately mansions, O my soul,
As the swift seasons roll,
Leave thy low-vaulted past,
Let each new temple, nobler than the last,
Shut thee from heaven with a dome more vast,
Till thou at length art free,
Leaving thine outgrown shell by life's unresting sea.

EDWARD SHORT.

The next business on the Private Calendar was the bill (H. R. 546) authorizing the Secretary of the Treasury to pay war risk insurance to the foster parents of Edward Short.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, will the gentleman who reported the bill make some explanation as to the reason why we should appropriate this money at all?

Mr. BULWINKLE. My recollection is that this young man's father and mother died when he was quite young, and he lived with Charles A. Thornton and his wife, Elizabeth Thornton, who supported, maintained, and educated him. He enlisted in the Army and took out a life insurance policy, payable to his estate. Upon his death he had no father or mother and no next of kin that could be found. His foster parents were very poor and in needy circumstances. Mr. Mason, then Representative from Illinois, who is now deceased, introduced this bill, and upon recommendation of the Director of the Bureau of War Risk Insurance and other recommendations I reported the bill from the subcommittee.

Mr. STAFFORD. As I understand it, the deceased soldier did not designate any beneficiary?

Mr. BULWINKLE. No; the policy was made payable to his estate, and he left no will. Under the law no one could draw the money.

Mr. MANN. Let me ask the gentleman a question.

Mr. BULWINKLE. Certainly.

Mr. MANN. When this man died leaving the insurance to his estate, claims were filed by three sets of people for that money. One were the foster parents, one was somebody else who claimed to be related, and the other was somebody else, I suppose, who claimed to be related. If we pay the money now to the foster parents, under the law can somebody else who is an heir of this man sue in the Court of Claims and get judgment for the payment to him, the heir?

Mr. BULWINKLE. I do not think so; I do not think you will have that contingency. If the gentleman will notice, on page 2 of the report, under the war risk insurance act as originally enacted, foster parents were not within the permitted class of beneficiaries, and Short could not designate Mr. and Mrs. Thornton as beneficiaries.

Mr. MANN. That does not touch what I am asking about. A man designates himself and he dies; his heirs are entitled to the money, are they not?

Mr. BULWINKLE. Yes.

Mr. MANN. If we pay the money to somebody else, can the heirs still recover the money?

Mr. BULWINKLE. In this particular case they have never been able to locate any heirs. And it is but right that the Thorntons should receive the benefit of the insurance.

Mr. MANN. People have claimed that they were the heirs; perhaps they were unable to prove the relationship. Ten thousand dollars lying around is quite a temptation. Ought not the bill to provide that the money shall be paid to the foster parents and not to anybody else?

Mr. BULWINKLE. We would accept an amendment.

Mr. STAFFORD. Mr. Speaker, before we get to the amendable state, would not this precedent open up many cases where the Government would be called upon to pay insurance where the deceased soldier left no designated beneficiary and made it payable to the estate?

Mr. BULWINKLE. Suppose it does; how is the Government hurt?

Mr. STAFFORD. Because the original intention of the war risk insurance act was merely for the benefit of certain designated beneficiaries; it was not intended originally that the war risk should be on the same scale or the same plan as the ordinary life insurance. There are many persons who failed to take out insurance because of the limitations that then characterized the war risk insurance. Why should we vote \$10,000 which under the law as it existed at the time of the soldier's death did not permit to be paid to the foster parents?

Mr. BULWINKLE. Because we accepted the man's premiums all the time. It is a debt that the Government owes to his estate.

Mr. STAFFORD. Mr. Speaker, I have not had time to go over this matter in detail, and for the time being I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects, and the Clerk will report the next bill.

L. A. McMULLEN.

The next business on the Private Calendar was the bill (H. R. 1892) for the relief of L. A. McMullen.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, is it the policy of the Committee on Claims whenever a public officer loses his clothing by fire to have the Government reimburse him for the clothing?

Mr. UNDERHILL. This does not establish a precedent. It has been done. This fire fighter was told where to leave his clothing. It was through no fault of his or negligence on his part that his clothing was lost.

Mr. MANN. It was through no fault or negligence on the part of the Government either. Does the Government insure a man's clothing when he goes into the employ of the Government?

Mr. UNDERHILL. Not necessarily, but the Government does take care of the equipment and clothing, whether it be civilian clothing or a uniform, of a man in the National Guard. If there was a fire in an armory, the Government used to take care of that.

Mr. MANN. The Federal Government did not. I do not know what the State governments may have done.

Mr. UNDERHILL. The man was performing a service for the Government, for the people, and he lost his clothing while in the performance of that duty, through no fault of his. It seems to the committee that he has made out a very fair case.

Mr. MANN. I supposed that when he went into the employ of the Government to fight fires he knew that he would have to do something besides just look out for his clothing, that he had other duties to perform. I do not know whether we have that policy or not. I have no desire to interfere with any policy. It may be that we ought to insure the clothing. That question has come up a great number of times, and usually it has not been allowed. I will not say that it ought not to be allowed in this case.

Mr. UNDERHILL. Here was a very exceptional circumstance. The man left his clothing at the camp, where he supposed it was perfectly safe. It was later packed upon the backs of some mules. The mules were stampeded and the clothing was lost or destroyed. I do not know whether it was the fault of the Government that they supplied mules that were not controllable, that stampeded. We did not go into that question. It would be pretty hard to decide whether a mule supplied by the Government was at fault or not. Surely somebody was at fault, and not the man who lost his clothing.

Mr. MANN. If an accident happens anywhere, then the Government ought to pay for it, but if an accident happens to a poor citizen who is just a taxpayer, he has to stand the result of it. He does not get any help from the Government.

Mr. UNDERHILL. May I say that the committee this year has taken a little different attitude perhaps than it has taken heretofore, and where a citizen is injured through the fault of some Government agency the committee has considered the claim of that citizen as though the citizen himself were an employee of the Government. Through no fault of his own he has been injured, and has suffered damage or loss.

Mr. MANN. Oh, the committee has gone a great deal further than that. It was only a few years ago that the committee would not report any bill for personal injuries. Then the committee undertook to report bills upon the basis that the injured person was a Government employee and that the Government would allow an amount equal to but not exceeding a year's salary. Now the committee reports similar claims without regard to any negligence upon the part of the Government, but simply because somebody has been injured, if it is against the Government. If it is against the State or the city they do not get anything; if it is against a private corporation they do not get anything; if it is against a private individual they do not get anything; and where we used to say we would not pay any of these claims, we have now gotten to the position where we pay all of them. Perhaps that is right; I do not know.

Mr. UNDERHILL. I think a citizen is entitled to as much consideration from the Government as one who happens to draw pay from the Government. We have established a policy in almost every State in this Union of paying workmen's compensation, whether the loss or injury happens through accident or design, or, in some instances, whether it happens through the fault of individuals. It simply is a question of whether the Government is going to meet obligations along a line which it expects from the States and which it has established itself

through the workmen's compensation act, applying it to all of its employees, and whether or not we are going to give the citizens a measure of protection and justice also. I do not know exactly how far the gentleman would go. I congratulate Congress on taking a more humanitarian view of these questions than it did a few years ago. It used to be said that the king could do no wrong—that the Government could do no wrong—but we have begun to look at it from a different standpoint. There is no reason why the Government should get out from under in cases of injuries any more than an employer, or my own State, or my own city. The State of Massachusetts, the city in which I live, allow suits to be brought against them. The Government does not. In my city and in my State a citizen has same protection.

Mr. MANN. Yes; and they defend suits where they are not negligent, but we have gotten to the point where it does not make any difference, where any claim is good if it is against the Government.

Mr. UNDERHILL. Oh, Mr. Speaker, if the gentleman could see the hundreds of claims pigeonholed over in the Committee on Claims office—

Mr. MANN. Oh, I think the Committee on Claims is doing exceedingly good and careful work. I do not want to be misunderstood. That is the reason they are putting through so many bills without anyone raising any question about them. Yesterday we passed 32 bills, and we have passed more to-day. That will be a record for the same length of time since I have been in Congress. It is owing to the efficiency of the Committee on Claims. Still, sometimes they let something slip by that ought to be more fully considered, and I shall object to this bill.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

J. A. LESLIE.

The next business on the Private Calendar was the bill (H. R. 1764) for the relief of J. A. Leslie.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue in favor of J. A. Leslie a duplicate certificate of indebtedness for \$1,000 in lieu of certificate of indebtedness No. 23115 for \$1,000, dated December 19, 1918, and maturing May 20, 1919, alleged to have been destroyed.

With the following committee amendments:

Page 1, after the word "directed," in line 4, strike out "to issue in favor of J. A. Leslie a duplicate certificate of indebtedness for \$1,000 in lieu of certificate of indebtedness No. 23115 for \$1,000, dated December 19, 1918, and maturing May 20, 1919, alleged to have been destroyed," and insert in lieu thereof the following: "to redeem 4½ per cent United States Treasury certificates of indebtedness No. 23115 for \$1,000, series 5-B, dated December 19, 1918, and maturing May 20, 1919, with interest from December 19, 1918, to May 20, 1919, in favor of J. A. Leslie, of Tazewell, Va., without presentation of the certificate, the said certificate of indebtedness having been lost or destroyed: *Provided,* That the said J. A. Leslie, of Tazewell, Va., shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal and interest of said certificate of indebtedness of the United States of America, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost or destroyed certificate of indebtedness hereinbefore described."

Mr. MONTAGUE. Mr. Speaker, I ask that the committee amendment be amended in this respect. Manifestly there is a typographical error in the word "certificates" in line 10. I ask that the "s" may be stricken from the word, so that it may read "certificate" instead of "certificates."

The SPEAKER pro tempore. Without objection, the amendment to the amendment is agreed to.

There was no objection.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MONTAGUE, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES KELLY.

The next business in order on the Private Calendar was the bill (H. R. 7984) for the relief of James Kelly.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to former Master Sergt. James Kelly, Signal Corps, now a warrant officer in the United States Army, out of any money in the Treasury not otherwise appropriated, the sum of money, which amount is hereby appropriated, that has been paid by him from private funds in replacement of public funds for

which he was responsible when a major, Signal Corps, United States Army, and acting as a financial agent at Port Newark, N. J., and which was lost through theft.

SEC. 2. That the accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of Maj. Kelly the amount of difference between the amount to be paid to him in refund and the total shortage of \$3,029.46 charged against him.

The committee amendment was read, as follows:

Strike out all the bill after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,029.46 to War-rant Officer James Kelly that has been paid by him from private funds in the replacement of public funds for which he was responsible when a major, Signal Corps, United States Army, and acting as a financial agent at Port Newark, N. J., and which was lost through theft."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

MAUDE H. MOSHER.

The next business in order on the Private Calendar was the bill (H. R. 1274) for the relief of Maude H. Mosher.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice in the report of Secretary Baker that he says:

The present case of the claim of Miss Maude H. Mosher does not come within the class for which there is precedent for recommending to Congress the relief requested.

And in the opinion of the Acting Judge Advocate General the statement is made in the report:

The present case of the claim of Miss Maude H. Mosher does not come within the class of cases for which there is precedent for recommending to Congress the relief requested.

If the same were allowed, it would establish a precedent under which almost every personal-injury claim arising from a tort of an officer or an enlisted man of the Army might be presented to Congress, and for this reason I think the Secretary of War should submit the papers to Congress as requested with an expression of opinion that the case is one which according to precedent relief would not be given. Now, does the gentleman think we ought to pass a bill of that sort by unanimous consent without consideration at all?

Mr. GLYNN. I will say this, if the inquiry is directed to me.

Mr. MANN. It is directed to anybody who will answer it.

Mr. GLYNN. As the gentleman from Illinois has stated, if this claim were allowed we would be establishing under it almost every personal-injury claim arising from a tort of an officer or an enlisted man of the Army, but personally I am inclined to think that when there is an injury either to person or property which arises from the tort of a man in the employ of the United States that this Government ought not to hide behind its immunity, but place itself in a position where, if it or its servants have been the cause of that injury, we would be willing to settle just as any ordinary person would be.

Mr. MANN. If that be the case, if this is going to be the position taken by Congress, there ought to be some way of having the case tried to give the Government a chance under general legislation. It is perfectly patent to anyone that the Committee on Claims can not consider all the cases that arise where an accident or injury occurs to people of the United States in some governmental occupation. They do not attempt it. Now, if we are going to adopt the policy of giving everybody compensation, we ought to do that in some kind of general legislation where there will be a body constituted which can pass upon these things. Even if the Committee on Claims could consider all these cases, which it is not possible for them to do, they will not get them passed in Congress—

Mr. GLYNN. I do not think the Committee on Claims is very anxious to pass all the bills—

Mr. MANN. I understand that—

Mr. GLYNN. It is because there seems to be no other remedy.

Mr. MANN. That has never been the policy of the Government. If it is to be made the policy of the Government, does the gentleman consider that we ought to do it in the House with a few Members present, almost all of whom are interested in some bill on the Private Calendar, voting for every one that comes up practically by unanimous consent?

Mr. GLYNN. It is not our fault that it is unanimous consent.

Mr. MANN. Nobody is blaming the Committee on Claims.

Mr. DALLINGER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. DALLINGER. I would like to call the attention of the gentleman from Illinois to the fact we have already passed on this calendar without objection bills on all fours with this. It is true the War Department was opposed to it. There is no difference in principle, however, between this bill and the one

we passed yesterday by unanimous consent giving \$5,000 to the husband of a woman who was killed by an automobile driven by an employee of the Post Office Department. In that case the gentleman from Wisconsin had the word "gross," as modifying the word "negligence," stricken out of the bill. In this case the War Department itself admits that there was gross negligence on the part of its employee. In this case the woman is permanently injured. In the other case the woman was killed. I would like to ask the gentleman from Illinois what is the distinction between the two cases?

I also wish to call his attention to the fact that last year he reserved the right to object to this very claim, and the bill passed the House last year but failed to pass the Senate. He did not then object to its consideration.

Mr. MANN. I will not undertake to say what the distinction is. We passed a bill here this morning to pay a family injured by an airplane operated under the Army, and we had a report from the War Department on the subject which was apparently favorable. Here is a report from the Secretary of War, not the present one, it is true, but the last one, a past one, in which he says that this is a precedent entirely new, and that if we allow this—that is what the acting Judge Advocate General says—if we allow this we will allow almost every case. I question very much whether, out of courtesy and kindness and friendship to the gentleman from Massachusetts, whom we all admire and love, we ought to let a bill go through that will saddle all these claims on the Government just because we like him.

Mr. DALLINGER. If the gentleman will yield still further, the statement of the Secretary of War is not correct. He was misinformed. Congress has repeatedly passed bills of this sort; Congress, since I have been here, has passed numerous bills of this character. Here is the case of a woman permanently injured through the gross negligence of an automobile chauffeur driving a truck belonging to the War Department. Yesterday we passed a bill giving \$5,000 to the husband of a woman who was killed by an automobile operated by an employee of the Post Office Department, and, as the gentleman has said, to-day we passed a bill giving damages or compensation to the dependents of a man killed by the negligence of the operator of an airplane. In other words, the statement of the Secretary of War is not in accord with the facts—not that he made any intentional misrepresentation, but he was misinformed. Congress has established this precedent, and we have been following that precedent here.

Mr. MANN. I wonder if we have had any other case where we allowed large compensation just because the injured party imagined she was hurt?

Mr. DALLINGER. I would like to call the attention of the gentleman from Illinois to what Gen. Crozier says. He says:

It is recommended, that if Congress should see fit to grant compensation in this case, the amount of such compensation be sufficient to cover all expenses incurred by the injured person on account of the accident; loss of wages during her illness, and any permanent disability, in any degree, resulting from the accident, as well as pain and suffering as adequately and accurately as may be; and in view of the considerations hereinbefore mentioned, it is the opinion of this office that such compensation should not exceed the sum of \$5,000.

This bill calls for \$2,500. So apparently Gen. Crozier did not think the woman's injury was imaginary.

Mr. MANN. In what sum did we pass the bill before?

Mr. DALLINGER. It was an annuity before; \$25 a month for a period of not more than 10 years. I understand there was some objection to that form in the Senate. This bill provides for a lump sum of \$2,500.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maude H. Mosher the sum of \$2,500 as compensation for injuries sustained by being knocked down and run over by an automobile truck belonging to the arsenal at Watertown, Mass.

With a committee amendment:

Page 1, line 6, after the word "of," strike out the dollar mark and the blank and insert "\$2,500, in full settlement against the Government."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

LOUISA FROW.

The next business on the Private Calendar was the bill (S. 982) for the relief of Louisa Frow.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louisa Frow, widow of John Frow, who was killed as the result of an accident caused by a United States Navy seaplane, the sum of \$1,200.

Mr. SNELL. Reserving the right to object, Mr. Speaker—

The SPEAKER. Unanimous consent has already been given.

Mr. SNELL. I would like to have some information about that. I would like to ask whoever has charge of this bill how they came to decide on \$1,200 as the amount in this case?

Mr. SEARS. I will say to my colleague that the bill as originally introduced was for the sum of \$10,000. I introduced a bill some time ago, but the Senate passed the bill which we are now considering and allowed this lady only \$1,200; and I, not desiring to have the bill go to conference, because she is 65 years old and the Red Cross is now assisting her, accepted the Senate bill and asked the Committee on Claims to report that amount. I want to call attention to the fact that yesterday we gave one claimant \$5,000. This is only \$1,200.

The SPEAKER. The question is on the third reading of the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SEARS, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

REMISSION OF DUTY ON CARILLON OF BELLS.

The next business on the Private Calendar was the bill (H. R. 5495) to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HERRICK. Mr. Speaker, I reserve the right to object. In the meantime I wish to make a few observations. I think that before we consider any more of these bills we ought to have present at least two of our Treasury watchdogs, because I think the one present will be overworked unless he is joined by a colleague.

In addition, I would like to say this, that this bill appears to be for the purpose of remitting the duties on some bells for the use of a church. If we are going to start a precedent and remit the duties on all bells to be imported by churches, the churches of every denomination will import bells; and if we enact this bill, the result will be that quite a hole will be cut in our revenue. I would like to hear from some one having the bill in charge some further facts concerning it.

Mr. TREADWAY. I shall be glad to give the gentleman from Oklahoma what enlightenment I think he may need. This bill does not establish any new precedent. The same thing has been done previously for churches. Such applications come in very seldom, and I think if the gentleman from Oklahoma would peruse the report accompanying this bill his objection would be entirely removed. The people for whom the importation is made have raised the money to pay for the bells by church societies and in various ways over a long period of years. As a rule, they are poor families of fishermen who brought over to this country certain customs from Portugal, which they would like to continue here. The Treasury Department is entirely agreeable to this remission of duty. It would make practically no difference to the Treasury of the United States, but would be a distinct hardship for the church.

Mr. HERRICK. I will say to the gentleman, upon his informing me that this is not a precedent, but that such action has been taken in the past, I think it is a very bad precedent and this would be a very good time to discontinue it. I object, Mr. Speaker.

Mr. TREADWAY. I wish the gentleman would reserve his objection.

Mr. HERRICK. No; I object.

The SPEAKER. The gentleman from Oklahoma objects. The Clerk will report the next bill.

ST. ANDREWS, FLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7968) granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the city of St. Andrews, a municipal corporation chartered under the laws of Florida, be, and is hereby, granted and conveyed the right to remove and use for road-building purposes shells, sand, and gravel from lots 1, 2, and 3, section 22, township 3 south, range 15 west, comprising 39.93 acres, all in Bay County, State of Florida, reserving, however, to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same, as well as all other right, title, and interest in and to the said lands not herein granted and conveyed.

Sec. 2. That this grant shall be terminated by the Secretary of the Interior whenever he shall be notified by the mayor of the city of St. Andrews that the interest in the said lands herein granted is no longer desired by the city of St. Andrews for the purposes set forth in section 1 of this act.

Mr. MANN. Mr. Speaker, I move to strike out, on page 1, line 5, the words "and conveyed."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 1, line 5, after the word "granted," strike out the words "and conveyed."

The amendment was agreed to.

The Clerk reported the following committee amendment:

Page 1, line 8, after the word "west," insert the words "Tallahassee meridian."

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend by adding a new section, as follows:

Sec. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 2, after line 10, insert a new section to read as follows:

"Sec. 3. The right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SMITHWICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

IKE T. BOYLES.

The next business on the Private Calendar was the bill (H. R. 5648) for the relief of Ike T. Boyles.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster General be, and is hereby, authorized and directed to credit the accounts of Ike T. Boyles, postmaster at Stiles, Tex., in the sum of \$343.57, due to the United States on account of postal funds, money-order funds, and postage stamps on account of losses resulting from fire January 24, 1916.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HUDSPETH, a motion to reconsider the vote by which the bill was passed was laid on the table.

CORNWELL CO.

The next business on the Private Calendar was the bill (H. R. 449) for the relief of the Cornwell Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, I should like to know if the gentleman from Michigan [Mr. FORDNEY] has any additional facts other than those contained in the report? It does not seem to me that the information in this report makes out a case under which relief ought to be given to a concern that has pleaded guilty and paid a fine of \$8,000 and now comes in four or five or more years afterwards asking special legislation to have the money repaid simply because another concern in

some other jurisdiction appealed their case and secured a reversal.

Mr. FORDNEY. I have no additional information, but these are the facts: Swift & Co. shipped beef to the Saginaw Beef Co., which company has since changed its name to the Cornwell Co. The stockholders are exactly the same. Suit was brought against Swift & Co. and the Saginaw Beef Co. for shipping carload lots of beef and on the way taking some of the freight from the car before it reached its final destination and delivering it to some other people along the line of the railroad. The Government claimed that was a violation of the traffic laws and brought suit against Swift & Co. and the Saginaw Beef Co. In the lower court a judgment of \$8,000 was rendered against the Saginaw Beef Co. and \$60,000 against Swift & Co.

Mr. MANN. The gentleman ought to state that this was by indictment and fine.

Mr. FORDNEY. I thank the gentleman for the correction. The attorney for the Saginaw Beef Co. advised that company that it would cost practically as much to go into court and fight this claim all the way to the Supreme Court as it would cost to pay the fine. On the advice of the attorney, the beef company paid the \$8,000 fine. Swift & Co. refused to pay and followed the matter to the court of appeals. Now, Cornwell Co. paid for exactly the same offense, the same carload of stuff or carloads of beef that were shipped by Swift & Co. to the Saginaw Beef Co., which was the offense under which both companies were indicted, and the Saginaw Beef Co. paid the fine because it thought it would cost more to fight it through the courts than it would to pay the fine. I have felt and do now feel that it is no more than fair that the money paid by the Saginaw Beef Co. for an act that was declared not to be a violation of law should be reimbursed. That is all there is to this claim.

I introduced a bill some two years ago and the Committee on Claims reported the bill at the last session of Congress, but it failed to receive consideration in the House. It was not taken up as I now remember it because the claim was not reached on the calendar at that session. I reintroduced the bill at the beginning of this Congress and the Committee on Claims reported it favorably and recommended the payment of this money to the Cornwell Co. I feel that it is a just claim. I would not present it if I did not feel that I was justified in claiming that these people should be reimbursed for what the courts have held was not a violation of law. It is true they pleaded guilty, but it was on the advice of the attorney as the cheapest way out.

Mr. WALSH. Well, Mr. Speaker, the gentleman has stated nothing except what is contained in the report, and has left out one or two matters. The Swift people did not plead guilty. The Saginaw people did plead guilty and were fined \$8,000 in another jurisdiction. If they had appealed it would have gone to another circuit court.

Mr. FORDNEY. It was the same shipment, the same carloads of meat.

Mr. MANN. Will the gentleman from Massachusetts allow me to make a suggestion?

Mr. WALSH. Certainly.

Mr. MANN. There was quite a controversy in the country as to whether under carload rates shipments could be made, stopped in transit and a part of the load removed, carload rates being much cheaper than the ordinary pound rate. The Government endeavored and did test that question in this case. They brought an indictment in two courts against Swift & Co. and these people for a shipment of beef by Swift & Co. to Michigan in carload lots, at carload rates, which was stopped in transit and part of the meat removed. The Government claims that was a violation of the antirebate law in that it effected a rebate under the guise of carload lots at carload rates. The lower court sustained the contention of the Government. This case came up in Michigan and these people pleaded guilty. Swift & Co. claimed that the contention of the Government was erroneous, and the Court of Appeals held that it was erroneous. Now, that is the practice so far as that decision was concerned. Of course, these people pleaded guilty; they were guilty of the fact. There was no dispute about the facts, they pleaded guilty because the fact was there, but the question was a construction of law and it was of no use their contesting it when it was going to be tested by Swift & Co.

Of course, it makes no difference to me; I am not specially interested in the people of Michigan, although I have a great deal of regard for them. After all the question is whether we will let off the big fellows and soak the little ones.

Mr. FORDNEY. That was what was done in this case.

Mr. WALSH. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. WALSH. Of course, as the Attorney General pointed out, if the Saginaw Beef Co. had appealed, which they did not, the Circuit Court of Appeals in that circuit might have taken an entirely different view of the law than it did in the seventh circuit.

Mr. MANN. That is true; but the Attorney General and the Government acquiesced in the decision of the Court of Appeals in Chicago.

Mr. WALSH. Hardly that.

Mr. MANN. Oh, yes; they did not ask that the case should be appealed to the Supreme Court of the United States.

Mr. WALSH. They tried to get a rehearing.

Mr. MANN. They tried to get a rehearing, but they came to the conclusion that the decision of the court was correct, as it plainly was under the law. That became the law and would be followed by the court anywhere else in the country just as much as though it had gone to the Supreme Court of the United States. It was acquiesced in. If the court in Michigan had had a whack at it, it might have construed it the other way, and the court at Chicago might have followed it, but as a rule in courts of appeal where one decides a question the other follows it, when it is not contested in the Supreme Court of the United States.

Mr. WALSH. Mr. Speaker, I am going to do something that I do not do very often—permit myself to be persuaded by the arguments of the distinguished gentleman from Michigan [Mr. FORDNEY] and the distinguished gentleman from Illinois [Mr. MANN], but I think we are making a mistake. I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the Cornwell Co., Saginaw, Mich., successor to the Saginaw Beef Co., the sum of \$8,000, which sum is hereby appropriated, being the amount of money collected from the Saginaw Beef Co. by fine imposed by District Judge Sessions, at Grand Rapids, Mich., on August 28, 1914.

Such fine was imposed following an indictment returned at Grand Rapids, for the same offense as an indictment returned at Chicago against Swift & Co., who were convicted thereon and a fine of \$60,000 imposed, but in which case the judgment of the lower court was reversed by the Circuit Court of Appeals for the Seventh Circuit in December, 1918.

Mr. GLYNN. Mr. Chairman, I offer to amend by striking out all of the bill after line 10 on page 1.

The SPEAKER. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GLYNN: Page 1, line 10 strike out the remainder of the bill, beginning with line 11.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

A bill for the relief of the Cornwell Co., Saginaw, Mich.

On motion of Mr. FORDNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

KRISTINA FURJAK.

The next business on the Private Calendar was the bill (S. 160) for the relief of Kristina Furjak.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kristina Furjak, out of any money in the Treasury not otherwise appropriated, the sum of \$495, being the amount deposited with the Commissioner of Immigration at Ellis Island for safe-keeping pending determination of her right to enter the United States, said sum having disappeared from the safe and all efforts made to determine the responsibility for the loss having proved unsuccessful.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

JOHN HICKSON, JR.

The next business on the Private Calendar was the bill (S. 1951) for the relief of John Hickson, jr.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to have some explanation of this proposed legislation. It seems to be a little different. It involves an automobile accident, but it is going a little further than we have heretofore gone, it seems to me.

Mr. GLYNN. Mr. Speaker, the gentleman who made the report is not here, and I suggest that the bill be passed over.

Mr. MANN. Oh, no; there is no occasion for passing it. It is perfectly plain. The accident occurred without any fault on the part of these people. It is perfectly plain in respect to the cost of the machine.

Mr. STAFFORD. How does the committee arrive at the sum of \$1,075?

Mr. MANN. The total expense was a little more than that, but the bill was introduced for that amount.

Mr. STAFFORD. We find enumerated on page 5 of the report a number of monthly payments of the same amount—\$82.41. What are those payments for—the use of some other machine?

Mr. MANN. Not at all. Those were payments made by the owner of the machine in the purchase of the machine. The value of the machine was shown. It was just being paid for.

Mr. STAFFORD. Can the gentleman explain how they arrived at the sum of \$1,075?

Mr. WALSH. It was worth only \$125 after the accident, and they subtracted that amount from the amount paid for it originally.

Mr. MANN. The man paid \$1,200, although he claims it was worth more, because he had made some improvements on it. I think he claimed \$1,400 or \$1,500. The committee took the value of the machine at the time he purchased it—\$1,200—and took from that the price for which the machine was sold after the accident, which, I believe, was \$125. The machine was ruined, according to the testimony in the case. There is nothing added in this bill, as there has been in some of the others.

Mr. STAFFORD. Will some member of the committee explain how they arrived at the sum fixed in the bill for reimbursing this owner?

Mr. WALSH. It is \$1,200 less \$125.

Mr. MANN. I have explained to the gentleman how the committee arrived at it, as shown from the report. The committee took the value of the machine at \$1,200. The man had just bought it. He had added some improvements and claimed it was worth fourteen or fifteen hundred dollars. The committee did not take his valuation of the machine, but took the price which he was then paying. It had not all been paid for. They deducted from that price the value of the machine after the accident, which was fixed by the amount that he got for the machine when it was sold.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Hickson, jr., of Lynchburg, Va., owner of a Chalmers automobile, the sum of \$1,075 in full settlement to reimburse such owner for loss sustained as a result of damages caused to such automobile through a collision which occurred at Miami, Fla., on May 21, 1920, with a trailer which became detached from a motor truck belonging to the Navy Department while such truck and trailer were being operated by an employee of the Navy Department.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

JAMES E. CONNORS.

The next business on the Private Calendar was the bill (H. R. 7695) for the relief of James E. Connors.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, how did the committee arrive at the rate of compensation in this measure? Here a boy loses his foot, and we are giving him \$2,500. We just passed a bill where a person lost his life, and we gave the parents or the surviving husband and wife \$1,200. What kind of a schedule has the committee got for these automobile accident cases with reference to loss of life and injury?

Mr. ROSE. Mr. Speaker, I think it might be well to state the facts in this case, as they were brought out before the committee. In 1918, in October, on a Sunday, there was a fire in the Brooklyn Navy Yard. The whistle blew. It attracted the attention of a great many people to that locality. A policeman was stationed at the gate to the navy yard whose duty it was to keep spectators away to avoid the possibility of accidents. When the whistle blew the little boy Connors, less

than 8 years old, was attracted by the piercing sound of the whistle and he went onto the pavement in front of the gate leading to the navy yard, and was clearly within his rights. The gates were opened by the watchman. While he opened the gate on the right hand side the boy was standing by a stone buffer at the gate on the opposite side, at which time the big truck complained of was heading for the street. The testimony all goes to show that the truck driver made no alarm of any kind. This little boy Connors, as I take it, under any law, was entitled to be where he was. He was not a trespasser in any sense, and hence contributory negligence could not be successfully sustained against him.

Mr. WALSH. Did he have anybody there watching out for him?

Mr. ROSE. Oh, yes; the navy yard had a policeman at the gates at all hours of the day. At the hearing the watchman was sworn and testified. His testimony forms part of the report. He said it was his business to guard the gates; that he opened the gate on one side and while he was there this little boy came out and stood by the stone buffer.

Mr. WALSH. The little boy was not in charge of the policeman?

Mr. ROSE. No.

Mr. WALSH. There was nobody looking out for him?

Mr. ROSE. No. But when this truck came along it made a very short turn to the right and the rear wheel ran over this little boy's foot. Nobody claims that there is any liability attaching to the Government for this distressing accident. His mother, I understand from the evidence, makes her living at the wash tub, or menial labor of that kind, and is unable to buy a foot for this little boy. I have a picture here, which I will be glad to show any Member who cares to examine it. This committee took into consideration the age of the boy, the financial condition of the mother, and that she would be without his services for a long time, and that the boy would be a cripple for life. The bill as introduced called for \$25,000. The committee did not allow the \$25,000, but recommended \$2,500 after reading the testimony in the case. While it is true in some cases, where a death has ensued, the committee has not allowed the amount that has been allowed in this case, yet because of the distressing condition of this little boy, who had the right to be where he was, it certainly appealed to the members of the committee and they unanimously voted that \$2,500 would not be an excessive sum to reimburse this woman for the loss of the services of the little boy and the mental agony that is bound to follow and which can not be paid nor measured by pecuniary reward.

Mr. WALSH. Of course, that is a very fine sentiment, eloquently expressed. If this were a case to be tried against a private employer or something, and it was found that this little boy was not where he had the right to be probably, and, furthermore, they permitted him to be out there unattended, it might have been found to be contributory negligence. But I can not quite see how the committee reached this figure when we just passed a bill of \$1,200 in a case involving death.

Mr. ROSE. Where a man is in the employ of the Government it is the policy of the committee to allow one year's salary. In this case no such condition obtains, and that is why the gentleman will find these various amounts which have been recommended by the committee under similar conditions. Every case rests upon its own merits, so that it is impossible to establish a hard and fast rule in fixing awards. We have done what we believe to be just and right under the circumstances and under the testimony adduced.

Mr. UNDERHILL. If the gentleman will yield, the committee has tried to base all of its findings upon the table submitted to them by the United States Compensation Board. In every instance where it could be applied it was used. Of course, where a bill is introduced for the death of an individual, the committee has not considered it within its province to raise the amount named in the bill. If the bill originally called for \$1,500, the committee did not raise the amount to \$5,000. If there is an injury sustained by a citizen, we try to apply to that individual's case the table furnished by the Compensation Board of the United States. In the instance of this boy, the table could not be arranged, it could not be figured on scientifically, and the committee were justified in adopting a sum which they thought would be commensurate with the loss of the services of this boy to his mother, whose only support he would be as time goes on.

Mr. WALSH. How does the gentleman know if he gets a new foot that his mother is going to lose his services?

Mr. UNDERHILL. We do not know she is going to lose his services.

Mr. WALSH. Certainly the services of a boy 8 years old are of no value to her now.

Mr. UNDERHILL. I will ask the gentleman if he or any other Member of the House knows of a better method whereby the committee may arrive at its conclusion. The committee would certainly welcome the suggestion on the part of anyone.

Mr. WALSH. I am not criticizing anyone, but I am trying to find out about this amount. We have passed so many bills here and there is such a difference. In case of death, one gets \$5,000, another \$2,500, another \$1,200. I think this is too large an amount.

Mr. UNDERHILL. In almost every State under the workmen's compensation law a total disability or death amounts to \$7,500. The committee has adopted as a maximum \$5,000.

Mr. WALSH. The committee does not raise the amount in some of these bills, as the gentleman has stated?

Mr. UNDERHILL. No.

Mr. WALSH. We have had bills here where they have asked for \$25,000. Now, you reduce it. Upon what basis do you fix the compensation where death occurs?

Mr. UNDERHILL. We fixed it on the basis of the table of the actuary.

Mr. WALSH. Then, if you have a basis, why hesitate about increasing the bill simply because the Member only puts the bill in for \$1,500?

Mr. UNDERHILL. We would have a fine chance of getting through a bill asking for \$1,500 or \$2,000 which was increased by the committee to \$5,000 when the gentleman from Massachusetts was on his job here in the rôle of objector.

Mr. WALSH. It just shows the committee has established a rule that will only work one way.

Mr. MANN. Is the gentleman willing to reduce this amount to \$1,500?

Mr. UNDERHILL. Personally I would be willing to accept any suggestion as to how we may best arrive at the amount which we ought to pay in such cases as this. We can not arrive at the exact sum at which the life of a 4-year-old child, or a 6-year-old child, or a 3-months-old child shall be placed. We can not do that. If a Member objects to the amount found by the committee it is up to the House or the gentleman who is interested, or who has the report to defend, whether it is a just amount or not.

Mr. MANN. Very well. I object to the bill and make the point of no quorum besides.

The SPEAKER. Objection is made, and the gentleman from Illinois makes the point of no quorum.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 33 minutes p. m.) the House adjourned until Monday, February 20, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

543. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination and survey of the Ohio River, from Pittsburgh to its mouth, with a view to establishing such ice piers for harbors of refuge as may be found necessary (H. Doc. No. 187); to the Committee on Rivers and Harbors and ordered to be printed.

544. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination of canal connecting Lake Erie with the Ohio River via the Miami and Erie Canal, Ohio, or other routes, including a branch canal connecting Lake Michigan, etc. (H. Doc. No. 188); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. MILLSPAUGH: Committee on the District of Columbia. S. 1591. An act to amend an act entitled "An act to revise, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, as amended; without amendment (Rept. No. 711). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Miss ROBERTSON (by request): A bill (H. R. 10495) to reimburse certain Eastern Cherokees who removed them-

selves to the Cherokee Nation under the terms of the eighth article of the treaty of December 29, 1835; to the Committee on Indian Affairs.

Also, a bill (H. R. 10496) to provide for the free transmission through the mails of certain publications for the blind; to the Committee on the Post Office and Post Roads.

By Mr. SUTHERLAND: A bill (H. R. 10497) increasing the limit of cost for a Federal building at Juneau, Alaska; to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMSON: A bill (H. R. 10498) providing for the conveyance to the city of Sturgis, in the State of South Dakota, of a part of the Fort Meade Military Reservation; to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 10499) making an appropriation for the relief of suffering coal miners and their families in the States of Kentucky, West Virginia, Alabama, Ohio, and Pennsylvania; to the Committee on Mines and Mining.

By Mr. MOORES of Indiana: Joint resolution (H. J. Res. 272) transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the possession of the Department of State; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURROUGHS: A bill (H. R. 10500) granting a pension to Mary E. Martin; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 10501) granting a pension to Thomas A. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 10502) granting an increase of pension to Lizzie Johnson; to the Committee on Pensions.

Also, a bill (H. R. 10503) granting a pension to Peter C. Jackson; to the Committee on Pensions.

Also, a bill (H. R. 10504) granting a pension to William Heilmann; to the Committee on Pensions.

Also, a bill (H. R. 10505) granting a pension to Anton Aggermann; to the Committee on Pensions.

Also, a bill (H. R. 10506) granting a pension to Ferdinand Heinen; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10507) granting an increase of pension to Melvina Cannon; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 10508) granting an increase of pension to Abbie P. Haskell; to the Committee on Invalid Pensions.

By Mr. MALONEY: A bill (H. R. 10509) granting an increase of pension to Harriet F. McGinniss; to the Committee on Pensions.

By Mr. MILLSPAUGH: A bill (H. R. 10510) granting a pension to Clara A. McCarty; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 10511) granting an increase of pension to Alice C. Downey; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 10512) granting a pension to Lorenzo A. Talcott; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 10513) granting an increase of pension to Mary F. McCann; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 10514) for the relief of Chester D. Barnes; to the Committee on War Claims.

By Mr. ZIHLMAN: A bill (H. R. 10515) to correct the military record of George Patterson, deceased; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4153. By Mr. ANSORGE: Petition of the Audubon Community Council of Defense and the Washington Heights Tenants' Association, of New York City, in favor of reducing the freight rates on material used in the construction of dwellings; to the Committee on Interstate and Foreign Commerce.

4154. Also, petition of the Audubon Community Council of Defense and the Washington Heights Tenants' Association of New York, in favor of placing on the free list material which goes into the construction of dwellings; to the Committee on Ways and Means.

4155. By Mr. CHALMERS: Resolution adopted by Toledo Lodge, No. 105, International Association of Machinists; to the Committee on Naval Affairs.

4156. By Mr. FULLER: Petition of the American Automobile Association, the Rockford (Ill.) Automobile Association, and the Rockford (Ill.) Motor Club, opposing any additional tax on automobiles; to the Committee on Ways and Means.

4157. Also, petition of the City Council of the City of Streator, Ill., indorsing House bill 9691; to the Committee on the Judiciary.

4158. Also, petition of the Pan Albanian Federation of America, Local Branch No. 64, of Argo, Ill., for recognition of the Government of Albania; to the Committee on Foreign Affairs.

4159. Also, petition of the Hero Furnace Co., of Sycamore, Ill., opposing any increase of letter postage; to the Committee on Ways and Means.

4160. By Mr. GALLIVAN: Petition of Intercollegiate Tours, of Boston, Mass., recommending the removal of restrictions attending foreign travel and reduction of consular fees; to the Committee on Foreign Affairs.

4161. Also, petition of Arthur A. Shurtleff, of Boston, Mass., and the Children's Museum, of Boston, Mass., urging favorable action on House bill 7452, a bill to enlarge the Sequoia National Park and to change the name of the park to the Roosevelt-Sequoia National Park; to the Committee on the Public Lands.

4162. By Mr. KISSEL: Petition of Scovell, Wellington & Co., of Boston, Mass., urging the passage of the Zihlman bill, providing for a board of accountancy for the District of Columbia; to the Committee on the District of Columbia.

4163. Also, petition of E. R. Squibb & Sons, of New York City, N. Y., opposing the proposed bonus bill; to the Committee on Ways and Means.

4164. Also, petition of the Ridgewood Chamber of Commerce (Inc.), of Brooklyn, N. Y., relative to changing the methods of taxation; to the Committee on Ways and Means.

4165. By Mr. A. P. NELSON: Petition of residents of Price County, Wis., protesting against the passage of House bill 4388; to the Committee on the District of Columbia.

4166. Also, petition of the board of supervisors of Milwaukee County, Wis., approving the St. Lawrence deep-waterway project; to the Committee on Interstate and Foreign Commerce.

4167. By Mr. SINCLAIR: Petition of Will E. Holbein, secretary of the North Dakota Good Roads Association, protesting against proposed tax on automobiles and gasoline; to the Committee on Ways and Means.

4168. Also, petition of the officers and members of the Elkhorn Farmers' Club, of Divide County, N. Dak., urging the revival of the United States Grain Corporation and establishing a minimum price on wheat; to the Committee on Agriculture.

4169. By Mr. SNEEL: Petition of C. E. Fay, pastor of the Presbyterian churches of Champlain and Rouses Point, N. Y., asking Congress to take immediate action in behalf of Austria, so that relief shall come to Austria in time to prevent needless and increased suffering and death; to the Committee on Foreign Affairs.

4170. Also, resolutions adopted by Brier Hill Grange, No. 744, at Brier Hill, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4171. By Mr. TINKHAM: Petition of Boston Municipal Council, Department of Massachusetts, United Spanish War Veterans, requesting that the Spanish War Veterans be included in the proposed soldiers' bonus bill; to the Committee on Ways and Means.

SENATE.

MONDAY, February 20, 1922.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O God, though the heaven of heavens can not contain Thee, yet Thou hast condescended to dwell with those of an humble and contrite heart. Thou hast promised Thy help constantly to those who, dependent upon Thee, are seeking to fulfill their duties to their fellows. Be pleased to visit this Chamber this morning, granting necessary help in all the duties of the day, and so assuring to each one the consciousness of Thy grace as to enable each therefore to fulfill his duty for the welfare of the land we love and in harmony with the best interests of the world at large. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

COMBINATIONS IN RESTRAINT OF TRADE.

Mr. WILLIS. Mr. President, I regret to observe that the Senator from Nebraska [Mr. NORRIS] is not in his seat, because I wish to direct the attention of the Senate to a matter which relates to a discussion participated in, I think, on the 16th by the Senator from Nebraska, the Senator from Utah [Mr. KING],

and myself, together with some others, relative to the modification of certain rulings as it was alleged they were requested by the Secretary of Commerce. Inasmuch as in the course of that discussion some rather hostile criticism was indulged in, I think it only fair that the position of the Secretary of Commerce should be made clear.

Mr. NORRIS entered the Chamber.

Mr. WILLIS. I notice that the Senator from Nebraska has come into the Chamber. I was just about to ask unanimous consent to have printed in the Record a statement that has come to me from the Secretary of Commerce relative to the matter which the Senator was discussing one day last week, and concerning which he will remember that the Senator from Utah, myself, and others participated.

Mr. NORRIS. Will the Senator have it read?

Mr. WILLIS. Yes; I will be glad to have it read.

Mr. NORRIS. I may desire to make some comment upon it. I of course have not had an opportunity to examine it. However, if it is lengthy and the Senator wants to have it printed in the Record, I shall not object to it, and will examine it in the Record.

Mr. WILLIS. That will save the time of the Senate. I ask unanimous consent to have printed in the Record in regular 8-point type the letter from Secretary Hoover and the accompanying copies of letters which passed between him and the Attorney General, if that is agreeable to the Senator from Nebraska.

Mr. NORRIS. Certainly.

Mr. WILLIS. I certainly did not desire to take advantage of his absence.

The VICE PRESIDENT. Without objection, the letters will be printed in the Record as requested.

The letters are as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, February 17, 1922.

HON. FRANK B. WILLIS,
United States Senate.

MY DEAR MR. SENATOR: I notice in the CONGRESSIONAL RECORD for yesterday a debate on the question of some recent correspondence between this department and the Department of Justice with regard to the relations of this department with trade associations. Senator NORRIS's quotations were from condensed newspaper statements and are an absolute distortion of the basis and intent of this correspondence. As a matter of fact, any student of these matters will observe that an adherence to the lines laid down in this correspondence absolutely eliminates the activities in restraint of trade from such associations.

I send you herewith the complete correspondence on the subject and call your attention to the following paragraph in my letter to the Attorney General in asking his opinion as to the relation of this department to certain activities of these associations as showing how utterly wrong Senator NORRIS's statement as to our favoring conspiracies to restrain trade really is. Far from there being any suggestion of support to open-price associations, or any other doubtful infringement of the Sherman law, I quote one of my statements to the Attorney General which should sufficiently indicate my own views on the subject, which you will see are diametrically opposite to those which were attributed to me:

"However, to make my position clear regarding the trade associations, the existence of which I advocate, I desire to say that I have always taken the view that no body of men can combine in the form of a trade organization and do any act or thing forbidden by law if they were undertaken by them outside of a trade organization. The character of trade organization, the existence of which should be preserved, is one that carries lawful purposes in harmony with its declared purposes. The articles of association, with their lawful, declared purposes, must not be used as a mask to hide unlawful purposes. In other words, the organization can not be used to conceal or disguise any contract, combination, conspiracy, agreement, or understanding, secret or otherwise, on the part of the officers of the organization or on the part of the membership or any part thereof to engage in activities in restraint of trade or otherwise in violation of the antitrust laws."

So far as concerns so-called open-price associations, as Senator NORRIS says, I quote the following from this same letter:

"Information lawfully secured regarding trade and economic conditions made public for the information of everyone can not be harmful. Information secured for the benefit of members solely and of a character that puts the membership, by reason of the information, in a position of advantage as compared with

the public without such information, can not be sanctioned by sound public policy. The act of securing the information and the use of it by the members of a particular organization may be perfectly lawful in itself, but it is my belief that good morals and a sense of fair dealing require the giving of the information secured in this collective manner to the public generally, to the end that all persons engaged in commercial transactions involving the information in question will be on an even footing."

Another statement by Senator NORRIS, equally in entire contravention of the fact, is with regard to the question of credit black lists. The actual question propounded to the Attorney General was so far from his statement as to read:

"May a trade association collect credit information as to the financial responsibility, business reputation, and standing of those using the products of the industry, and may the association furnish such information to individual members upon request therefor, provided such information is not used by the association or the members for the purpose of unlawfully establishing so-called 'black lists'?"

In giving his reply the Attorney General stated among other things:

"I can now see nothing illegal in the exercise of the other activities mentioned, provided always that whatever is done is not used as a scheme or device to curtail production or enhance prices, and does not have the effect of suppressing competition."

I would therefore be obliged if as a matter of public justice the statements made could be corrected.

Yours, faithfully,

HERBERT HOOVER.

[Confidential. Released for Thursday morning, Feb. 16, 1922. Correspondence between Department of Commerce and Department of Justice upon the activities of trade associations.]

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, February 3, 1922.

HON. HARRY M. DAUGHERTY,

Attorney General, Department of Justice,
Washington, D. C.

MY DEAR MR. ATTORNEY GENERAL: The situation regarding the activities of legitimate trade associations is more disturbing now than at any time since we first discussed the matter, and since Mr. Lamb was advised by Col. Goff and Mr. Fowler that it was your desire that I present an informal interdepartmental inquiry regarding the present status of the law relating to legitimate trade associations and the extent that they may engage in legitimate cooperative activities I have made a further survey of the matter, and the questions hereinafter presented seem to me to be vital to trade associations based on present information secured through recent investigation.

It may not be out of place to call your attention to the organic act which created the Department of Commerce, which imposed upon the department the duty "to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities of the United States." In obeying the commands of the statute it seemed to me that the department should employ all available legal means to get into the closest possible touch with industry in all its forms and secure the best information possible regarding the needs and necessities of trade and commerce. If the department has to help, aid, and assist industry, it must, of course, be conversant with the facts and conditions influencing the carrying on of trade. The existence of a large number of trade associations being well known prompted me to make inquiry regarding their forms of organization and the functions they were performing, to ascertain whether or not they could be utilized as a means for securing trade information that would properly aid the department in performing its duties. My inquiry into the affairs of trade associations was not with the idea of creating a new scheme for carrying on business, but solely for the purpose of ascertaining whether or not they could properly be utilized in furnishing information that would not only be helpful to the department and to the commercial world but to the public generally, always keeping in mind that whatever activities were carried on by such associations they should of necessity be within the terms of existing law. In the course of my inquiry I discovered that certain trade associations were involved in litigation which questioned the legality of their performances, and by reason of the litigation there was much doubt and confusion regarding the legal limits within which trade associations could properly operate. This situation seemed to call for

conferences with your department, which you have graciously afforded; and although no definite determination has heretofore been reached regarding the policy to be pursued I realize the difficulties that confront you in attempting to reach a proper conclusion, and while a public announcement from you would have been most helpful to all I most heartily acquiesce in your suggestion that the matter be presented as an informal interdepartmental inquiry for my guidance in performing the duties imposed upon me by the organic act creating this department.

So much has been said in the various conferences, coupled with lapse of time, in order to obviate excusable failures in memory as to the matters that have heretofore been discussed, and to make clear the position and views of this department, I desire to offer some preliminary observations regarding trade associations before asking the specific questions heretofore set forth in various informal memoranda and upon which I desire the informal expression of your views.

Commercial progress in industry has always been measured by the advance in knowledge of those engaged in industry. It is impossible for men to acquire or secure all possible knowledge at one time. Its acquisition is a growth resulting from continuous, intelligent inquiry. The knowledge of an industry that is necessary and essential to its success must embrace all facts and circumstances that will in any way influence that industry. These facts and circumstances must include economic conditions as well as scientific facts to the extent that science is called into play in its operation and all commercial conditions that make for efficient production, merchandising, and distribution. No one will dispute the foregoing statements; they are fundamental and necessary to the life of trade and commerce.

The difficulty seems to lie in the determination of the means and methods that may be adopted to secure this necessary information. Little, if any, trouble is experienced in securing the admission that an individual may secure knowledge of these facts by any means that would not constitute an individual crime, and that he may use the information in such manner as his best judgment may tell him will bring him the greatest benefit.

But when two individuals engaged in the same line of industry undertake to provide a means for securing facts necessary and essential to the economic and efficient conduct of their respective organizations, this form of endeavor seems to at once assume an aspect of difficulty that, in my judgment, is in no way justified by a proper consideration of the underlying necessities thereof.

The individual sets up some form of instrumentality to secure the information without which, in the management of his business, he would be groping in the dark. His competitor across the street does the same thing, and each, securing his information in his own way, uses it as he sees fit, and the action of either one has not offended the majesty of the law. Yet if the two seek to join the instrumentality each has used for information purposes and the same information is received through one instrumentality and the information given to each, and it is used in the same way that it was before, it is suggested that the collective activity in the use of the consolidated instrumentality should not be permitted because of the greater ease and facility thereby afforded for the two individuals to make improper use of the information so acquired. In other words, the objection does not go to the instrumentality but to the abuse of the information that may be secured through the collective means.

The principle is the same whether two or two hundred join together in securing the information.

No form of legislation has ever yet been devised nor has man, with all his genius for invention, ever been able to devise a rule or regulation that would prevent men from committing crimes if they are so minded. The best that can be done is to forbid the doing of certain acts or to command the doing of others, prescribing proper punishments in the case of the commission on the one hand and the omission on the other, and when legislation takes that form rules and regulations and administrative constructions which have for their objective the making of the prohibited thing more difficult will always include within their terms the law-abiding citizen as well as the prospective criminal.

We have had criminals since the beginning of time, and human nature can not be changed by legislation. The criminally inclined represent a small minority, and it may be said in a general way that excepting offenses against persons and property most of the criminal statutes regulating trade and commerce and forbidding acts that seem against sound public policy have been made necessary for the control of the minority. None of these statutes, however, has undertaken to prevent the doing of a thing that would result in benefit to the public, but the

restriction has been against the doing of the thing in an unlawful way. These statutes have not condemned lawful institutions or instrumentalities for the carrying on of commerce merely because some one might possibly abuse their use. The laws have condemned the abuse, and punishments have been prescribed for those who may be found guilty of the abuse. Therefore the fact that the minority may be known to violate given laws does not establish a principle that the primary means, lawful in itself, which they have adopted for the purpose of performing the unlawful acts should be entirely abolished and its use forbidden by law-abiding citizens. Each unlawful use of the means is merely an individual case of the violation of a law.

Trade associations have been in existence for many years. The great majority are legitimate, both in form of organization and in activity. The minority, while lawfully organized under articles expressing lawful purposes, may engage in activities that are evidence of purpose contrary to and outside of the declared purposes in the articles of organization.

Again, a trade association may have lawful form of organization and the activities of its officers may be clearly within the purposes declared in the association charter and yet members of the organization may by unlawful confederation use the information lawfully secured for unlawful purposes. It may, therefore, truthfully be said that the line dividing the good association and the bad, the proper activity from the improper one, and the lawful activities of the officers of an association from the unlawful acts of the membership can not be determined in every instance with singular ease. It is my belief, however, that it is more easy to determine the forms of organizations and activities that are generally recognized as good than to determine in advance those that may be bad, because in the latter instance the peculiar facts relating to each association the subject of inquiry may determine whether the organization or its members are operating in violation of law.

It is with much earnestness that I claim there is propriety, generally speaking, in trade associations. Their lawful field of endeavor is large, and their activities work for promotion and advancement of the public welfare and for progressive economic organization. In making this statement I am not unmindful of the fact that the impression exists with a small minority that individual prohibited acts may be accomplished by organization under the disguise of a trade association. However, to make my position clear regarding the trade associations, the existence of which I advocate, I desire to say that I have always taken the view that no body of men could combine in the form of a trade organization and do any act or thing forbidden by law if they were undertaken by them outside of a trade organization. The character of trade organization the existence of which should be preserved is one that carries lawful purposes only in its articles of association; its activities must be in harmony with its declared purpose. The articles of association, with their lawful, declared purposes, must not be used as a mask to hide unlawful purposes. In other words, the organization can not be used to conceal or disguise any contract, combination, conspiracy, agreement, or understanding, secret or otherwise, on the part of the officers of the organization or on the part of the membership or any part thereof to engage in activities in restraint of trade or otherwise in violation of the antitrust laws.

There has been much information collected by legitimate trade associations in which the general public has no interest whatsoever, yet information of this class has always been freely offered to the daily and the trade press, as well as to any governmental agency that might desire the information as a matter of statistical record. On the other hand, certain statistical data are collected by trade organizations that would be of vast value to the public generally if published in practical, available form.

Many of the trade associations securing and disseminating the statistical data mentioned have restricted the same to its membership, while others have undertaken to give the same to the public through the daily and the trade press concurrently with its members. The trade associations of the latter class are in the minority.

Information lawfully secured regarding trade and economic conditions made public for the information of everyone can not be harmful. Information secured solely for the benefit of members and of a character that puts the membership, by reason of the information, in a position of advantage as compared with the public without such information can not be sanctioned by sound public policy. The act of securing the information and the use of it by the members of a particular organization may be perfectly lawful in itself, but it is my belief that good morals and a sense of fair dealing require the giving of the information

secured in this collective manner to the public generally, to the end that all persons engaged in commercial transactions involving the information in question will be on an even footing.

The activities of trade associations that have received the greatest criticism involve the collection of statistics relating to volume of production, capacity to produce by districts of production, wages, consumption of products in domestic and foreign trade, distribution thereof, including volume of distribution by districts, together with figures as to stocks on hand, wholesale and retail, by districts, coupled with information as to price, either in the form of individual reports of each member distributed to every other member or the individual prices reported to the association and by the latter compiled and averaged by districts for certain specified periods.

If information regarding production, capacity, and distribution by districts, with average prices for grades, brands, sizes, styles, or qualities sold in the respective districts for specified periods of time could be given to the public at the same time that such information is available to the members of an association, in my judgment, great public good would result. With this information available, everyone dealing in the products of a given industry, whether buyer or seller, would have the same information regarding conditions and, in dealing with one another, would have knowledge of the same facts upon which to form their judgments as to the proper course to pursue.

A majority of the associations collecting data of the nature indicated have distributed same only to members of the association, while others have undertaken to give the information to the public through the daily and trade papers. Publications of the information by these associations in the daily press has not been general, and its availability to the public has been largely through the medium of trade papers, and through the daily press to the extent that the latter may have been utilized. When published through trade papers this information should be released to members only after such publication.

It should be borne in mind that the criticism aimed at this form of activity has not involved the instrumentality for securing it or the subject matter of the information, but has been directed to the use or possible use that might be made of the information and the fact that no means existed for distributing the information to the public at the same time that it was received by the members of the association. These observations likewise apply to the criticisms directed to the furnishing of average price of given commodities according to grade, size, brand, or quality by districts for specified periods of time, based on past and closed transactions.

With these observations, which have been extended at greater length than I intended, I desire the informal expression of your views as to the following activities on the part of trade associations and their members wherein neither the form of the association nor the activity, which appear perfectly fair and lawful on the surface, is used to hide or conceal some contract, combination, conspiracy, agreement, or understanding, secret or otherwise, on the part of the association, the membership, or any part thereof to actually restrain trade or otherwise violate the Sherman Act:

(1) May a trade association provide for its members a standard or uniform system of cost accounting and recommend its use, provided that the costs so arrived at by the uniform method are not furnished by the members to each other or by the members to the association and by the latter to the individual members?

(2) May a trade association advocate and provide for uniformity in the use of trade phrases and trade names by its respective members for the purpose of ending confusion in trade expressions and for harmony of construction as to the meaning of trade phrases, names, and terms?

(3) May a trade association, in cooperation with its members, advocate and provide for the standardization of quality and grades of product of such members, to the end that the buying public may know what it is to receive when a particular grade or quality is specified; and may such association, after standardizing quality and grade, provide standard form of contract for the purpose of correctly designating the standards of quality and grades of product; and may it standardize technical and scientific terms, its processes in production, and its machinery; and may the association cooperate with its members in determining means for the elimination of wasteful processes in production and distribution and for the raising of ethical standards in trade for the prevention of dishonest practices?

(4) May a trade association collect credit information as to the financial responsibility, business reputation, and standing of those using the products of the industry; and may the association furnish such information to individual members upon request therefor, provided such information is not used by the

association or the members for the purpose of unlawfully establishing so-called "black lists"?

(5) May a trade association arrange for the handling of the insurance of its members, including fire, industrial, indemnity, or group insurance? In other words, can the members of an industry, through the agency of a trade association, arrange for or place all of the insurance of the members?

(6) May a trade association, in cooperation with its members, engage in cooperative advertising for the promotion of trade of the members of that association engaged in the particular industry; and may the association engage in such form of promotion by furnishing trade labels, designs, and trade-marks for the use of its individual members?

(7) May a trade association, for and in behalf of its members, engage in the promotion of welfare work in the plants or organizations of its members, which welfare work includes sick benefits and unemployment insurance for employees, uniform arrangements for apprenticeship in trade education, the prevention of accidents, and the establishment of an employment department or bureau for cooperation with employees?

(8) May a trade association, in cooperation with its members and acting for and in behalf of its members, handle all legislative questions that may affect the particular industry, regarding factories, trades, tariff, taxes, transportation, employers' liability, and workmen's compensation, as well as the handling of rate litigation and railroad transportation questions?

(9) May a trade association, in cooperation with its members and acting for and in their behalf, undertake the promotion of closer relations between the particular industry and the Federal and the State departments of government which may have administration of laws affecting the particular industry in any form?

(10) A. May a trade association collect statistics from each member showing his volume of production, his capacity to produce, the wages paid, the consumption of his product in domestic or foreign trade, and his distribution thereof, specifying the volume of distribution by districts, together with his stock, wholesale or retail?

B. And may such trade association, on receipt of the individual reports of each member, compile the information in each report into a consolidated statement which shows the total volume of production of the membership, its capacity to produce by districts of production, which in some instances include a State or less area, the wages by districts of production, the consumption in foreign or domestic trade by districts, the volume of distribution by districts, and the stocks on hand, wholesale and retail, by districts?

C. And if, after compiling the information as aforesaid, the information received from the members as well as the combined information is not given by the association to any other person, may it then file the combined statement with the Secretary of Commerce for distribution by him to the members of the association through the public press or otherwise and to the public generally and to all persons who may be in any way interested in the product of the industry, it being understood that the individual reports for the members should cover either weekly, monthly, quarterly, or longer periods as may be deemed desirable by the members, and, when a period is adopted, the report for each member shall cover that period, and the combined report shall be for that period?

(11) A. May a trade association at the time it collects the production and distribution statistics above outlined, at the same time have their members report the prices they have received for the products they have sold during the period taken, specifying the volume of each grade, brand, size, style, or quality, as the case may be, and the price received for the volume so sold in each of the respective districts where the product is sold?

B. And may the association, without making known to any person the individual price reports of any member, consolidate all of the reports into one and show the average price received for the total volume of each grade, brand, size, style, or quality, as the case may be, distributed in each district covered by the distribution statistics for the period covered by each individual report?

C. And may the association, after making such compilation, send the compiled report as to average price, as aforesaid, to the Secretary of Commerce, to be by him distributed to the public and to any or all persons who may be interested in the particular industry making the report?

In order to avoid repeating this question in connection with each one of the activities outlined in the 11 preceding questions, may trade associations engage in any or all of the activities named without violating the law, provided the organization and the activity engaged in are not for the purpose of hiding or con-

cealing some agreement, contract, etc., to actually restrain trade or otherwise violate the antitrust laws?

As stated in the beginning, I do not ask you to express your views in a formal opinion, but it is my hope that you may see your way clear to give me the advice that will enable me to adopt the proper administrative action in undertaking the duties imposed upon the Secretary of Commerce by the organic act creating the department. It is unnecessary for me to say that the general, unsettled condition regarding the proper provinces of trade associations justifies as early a reply to these inquiries as your other numerous official duties will permit.

Yours, faithfully,

HERBERT HOOVER,
Secretary of Commerce.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 8, 1922.

HON. HERBERT HOOVER,
Secretary of Commerce, Washington, D. C.

MY DEAR MR. SECRETARY: Your communication of the 3d instant relating to the practices in which trade associations may lawfully engage was received. I recognize the force of your able discussion of the subject, and after careful consideration of the several activities which you suggest can be exercised lawfully, I beg to say:

With reference to the first paragraph, there is no apparent objection to a standard system of cost accounting, but I think associations should be warned to guard against uniform cost as to any item of expense. For illustration, a strong effort has been made by some lumber associations to take as a basis for estimating costs of production a uniform charge for stumpage. Of course the cost of the timber in the tree to the different manufacturers who own their timber in the woods greatly varies, and as to each it should be charged at its actual cost. It is as clearly a violation of the law to agree upon the cost of an item that constitutes a substantial part of the total cost price when its cost actually varies, as to agree upon the sales price, because the sales price is substantially affected by such agreement. It has been ascertained that the members of one association go so far as to fix a uniform cost price, leaving to each member to determine what per cent profit he will add, thus eliminating entirely competition in so far as affected by the cost of production.

Furthermore, I have serious doubts about the advisability of the latter part of the sixth paragraph. I can see no objection to cooperative advertising designed to extend the markets of the particular article produced or handled by the members of an association, but when the several producers or dealers use uniform trade labels, designs, and trade-marks, it seems to me the inevitable result would be a uniformity of price. Where two competing articles are advertised in precisely the same way and bear exactly the same label or trade-mark, it certainly would be difficult for one to be sold at a higher price than the other, although its quality may be superior. In a way this is illustrated in the cement industry. There a standard of quality has been adopted; that is, it is necessary for all cement to comply with a certain standard, but in practice no manufacturer undertakes to make, or at least no one advertises that he does make, a grade of cement superior to that standard. The result is that there is no competition in the sale of cement so far as quality is concerned. It seems to me, therefore, that it would be well to eliminate the latter clause in paragraph 6, to wit, "and may the association engage in such form of promotion by furnishing trade labels, designs, and trade-marks for the use of its individual members?"

I can now see nothing illegal in the exercise of the other activities mentioned, provided always that whatever is done is not used as a scheme or device to curtail production or enhance prices, and does not have the effect of suppressing competition. It is impossible to determine in advance just what the effect of a plan when put into actual operation may be. This is especially true with reference to trade associations, whose members are vitally interested in advancing or, as they term it, stabilizing prices, and who through the medium of the associations are brought into personal contact with each other. Therefore the expression of the views that the things enumerated by you, with the exceptions stated, may be done lawfully is only tentative, and if in the actual practice of any of them it shall develop that competition is suppressed or prices are materially enhanced, this department must treat such a practice as it treats any other one which is violative of the antitrust act.

Yours, sincerely,

H. M. DAUGHERTY,
Attorney General.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, February 9, 1922.

HON. HARRY M. DAUGHERTY,
Attorney General, Department of Justice,
Washington, D. C.

MY DEAR MR. ATTORNEY GENERAL: I have your letter of the 8th instant, in reply to my letter to you of February 3, 1922, in which I made informal inquiry as to the legality of certain activities of trade associations enumerated in 11 questions. It is very pleasing to me to note that our views regarding these matters are in such close harmony.

Your observations regarding the last clause in question (6) in my letter are wholly sound, based on the language of that clause. It was not, however, my idea that each constituent member of a trade association would use a community trade-mark on his product, i. e., the same trade-mark that was used by every other member of the association, and, therefore, the last clause in that question was unhappily worded. The question really relates to trade promotion through cooperative advertising, in which certain trade slogans are used, such as "Made in Grand Rapids," which was adopted by the furniture manufacturers at that furniture center. Generally, activities covered in question (6) are conducted by a trade association in a given local community. An organization at Chicago advertises for its entire membership, which includes every line of commercial endeavor in Chicago, that the city is the great central market. It is cooperative advertising of this class that tends to promote trade extension in given lines or collected lines of industry. Certain of the trade associations, however, do devise trade-marks, not for use by all members, but for individual members. It is a well-known fact that when some manufacturer or producer is fortunate enough to select a trade-mark that appeals to the public, it becomes a great aid in selling his commodity and, as a result, it is well advertised until it becomes a household word. Other producers or manufacturers of the same kind of an article, in order to take advantage of this situation, will devise a trade name or trade-mark as near to that of the successful competitor as he thinks he can go and still escape suit under the trade-mark or unfair-competition laws. The activities of a trade association regarding trade-marks to which I referred in my letter of the 3d relate to the straightening out of instances of unfair competition or infringement as between the members by undertaking to design trade-marks for the individual members of the association making the same product that would absolutely prevent confusion on the part of the public as to the producer or manufacturer of the given article and, at the same time, remove all claim of infringement or unfair competition. In other words, the trade-mark activity referred to was that of making the trade-marks of each individual member distinctive instead of common. You may, therefore, consider the part of my question (6) referred to in your letter as eliminated from the question, and that the question was really intended to cover the matters stated herein. With this explanation I feel sure you will agree with me that our views on the matters presented are in complete accord.

Yours, faithfully,

HERBERT HOOVER,
Secretary of Commerce.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 9, 1922.

HON. HERBERT HOOVER,
Secretary of Commerce, Washington, D. C.

MY DEAR MR. SECRETARY: Your letter of the 9th instant relating to paragraph 6 of the questions you had previously propounded with reference to the activities of trade associations was duly received, and in reply thereto I will say:

Not being familiar with the practices of such associations in respect to trade names, trade-marks, labels, etc., I did not clearly understand the meaning of the latter clause of paragraph 6, and your explanation places the matter in a somewhat different light. However, I hardly feel that I can express assent to the adoption of a rule by a trade association or to its membership's engaging in a practice whereby the difference between trade names, trade-marks, labels, etc., used by the different members of an association and questions of unfair practices arising out of such use may be determined by the association or a body constituted by it, and a resort to the courts by those believing themselves aggrieved for the determination of such questions of unfair practices be prevented. It seems to me that if it were recognized that associations could exercise such a power, a door would be opened for the adoption of many schemes the use of which might result in the regulation of prices and the suppression of competition. The principles adopted by the courts

with reference to such practices are well defined and the courts are open at all times for the redress of such injuries, while an association has no fixed principle for its guidance and it would be inclined to take such action as would best conserve the interests of the several members.

However, I can see no objection whatever to cooperative advertising by community trade-marks or trade names as illustrated in your communication.

Yours, very sincerely,

H. M. DAUGHERTY,
Attorney General.

FEDERAL RESERVE BANK BUILDINGS IN NEW YORK CITY.

The VICE PRESIDENT laid before the Senate a communication from the governor of the Federal Reserve Board in response to Senate resolution 228, agreed to January 25 (calendar day, January 28), 1922, transmitting copies of all bids and contracts in connection with the construction of the Federal reserve bank buildings in the city of New York, which, on motion of Mr. CURTIS, was, with the accompanying papers and documents, referred to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS.

Mr. STERLING. I present a resolution adopted by the Newark Community Club, of Newark, S. Dak., urging the re-establishment of the United States Grain Corporation so as to fix a fair minimum price for wheat, and move that it be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. STERLING. I also present a resolution adopted by the Retail Merchants' Association of South Dakota, asking for revisions of the transportation act of 1920. I move that it be referred to the Committee on Interstate Commerce and printed in the RECORD.

The motion was agreed to.

The resolution is as follows:

OFFICE OF SECRETARY-TREASURER
RETAIL MERCHANTS' ASSOCIATION OF SOUTH DAKOTA,
Aberdeen, S. Dak., February 11, 1922.

HON. THOMAS STERLING,
United States Senate, Washington, D. C.

DEAR SIR: Following is the text of a resolution which has been adopted by the board of directors of this association, which we take pleasure in submitting to you and ask that it be given your consideration:

"Resolution.

"Whereas there is proposed at this time a revision of the 1920 transportation act; and

"Whereas the problems of transportation, rates, jurisdiction over rates and service and equipment, and the question of claims for errors or loss and damage, are all problems which affect the retailer directly and indirectly; indirectly largely in the effect upon the prices of agricultural products, and directly in the effect upon commodity prices in general: Therefore be it

"Resolved, That the board of directors of the Retail Merchants' Association of South Dakota recommend and urge the following revisions of the 1920 transportation act, together with such other revisions as in the opinion of Congress may seem necessary or beneficial to the general public:

"1. That section 15-A, which in effect guarantees an income of 5½ per cent to 6 per cent upon the aggregate value of all railroad properties, be repealed.

"2. That the jurisdiction of the States over intrastate rates and facilities be preserved or, in the case of previous removal of such jurisdiction, that it be restored, provided that the Interstate Commerce Commission be given such power to change or overrule the acts of the State railroad commissions only when rates fixed by the State commissions are proven to be noncompensatory or discriminatingly injurious to interstate shippers.

"3. That provision be made requiring the payment of claims for overcharges which obtained during the period of Federal control, extending the time for filing such claims to December 31, 1922, or later.

"4. That the Interstate Commerce Commission be given the power to suspend any rate, fare, or charge for a period of 120 days and to extend the time an additional six months when necessity justifies such extension.

"5. That a copy of these resolutions be sent to the members of the Senate and House Committees on Interstate Commerce, to the Senators and Representatives in Congress from South Dakota, and to the newspapers of the State for publicity."

The resolution quoted above is self-explanatory. We only want to add by way of repetition our request that the subject matter of the resolution be given careful consideration. We feel that the recommendations made are both timely and reasonable, and that they are in the interest of the whole people.

Very truly, yours,

RETAIL MERCHANTS' ASSOCIATION OF SOUTH DAKOTA,
By E. U. BERDAHL, Secretary-Treasurer.

Mr. LODGE presented a resolution adopted by the House of Representatives of Massachusetts, which was ordered to lie on the table, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1922.

An order urging the Federal Government to send the steamship *Leviathan* to the Charlestown Navy Yard.

Whereas the steamship *Leviathan*, property of the Federal Government, is now being repaired under the direction of the Federal authorities; and

Whereas said repairs are extensive and will require considerable outlay of money therefor; and

Whereas the making of said repairs would provide work for many citizens of this Commonwealth if the same were done at the Boston Navy Yard; and

Whereas the employment of citizens of the Commonwealth on such work would greatly relieve the unemployment situation in Massachusetts. Therefore be it

Ordered, That the Members of Congress from this Commonwealth are hereby urged to use their influence with the Federal Government in securing the transfer of the *Leviathan* to the Boston Navy Yard in order that the repairs may be done in this Commonwealth; and be it further

Ordered, That copies of this order be sent by the secretary of the Commonwealth to the Members of Congress from Massachusetts.

In the House of Representatives, adopted February 2, 1922.

A true copy. Attest:

F. W. COOK,

Secretary of the Commonwealth.

Mr. SPENCER presented the petition of C. W. German, president, and the executive committee of the Missouri Bar Association, praying for the enactment of legislation creating additional Federal judges in both the eastern and western districts of Missouri, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Petition to Congress of executive committee of Missouri Bar Association to provide additional judges in Missouri.

To the Congress of the United States:

The executive committee of the Missouri Bar Association respectfully represents that the business in the Federal courts in both the eastern and western districts of Missouri has multiplied in the last three or four years to such an extent that the dockets have become badly congested, and that although the judges of these courts are highly efficient and working hard and faithfully all of the time, they have been unable to dispose of the business coming before them, and that the civil docket in the western district is now nearly one year behind; that the business in both districts is growing constantly, and that there is more than sufficient business in each district to provide constant work for an additional judge in each district.

Speaking for the bar of Missouri generally, we urge upon the Congress the creation of judgeships in both districts of Missouri. If the creation of new judgeships as suggested is not provided, it will result in the practical denial of justice to litigants in these districts.

We are sincere in stating that in our opinion there are no districts in the United States that are more in need of additional judges than the districts of Missouri.

C. W. GERMAN, President.

KENNETH C. SEARS, Secretary.

VINTON PIKE, Vice President.

D. D. DUTTON, Treasurer.

J. P. MCBAIN, Vice President.

JOHN E. CARR, Vice President.

R. B. OLIVER, JR., Vice President.

Mr. NELSON presented a resolution adopted by the city council of the city of Duluth, Minn., favoring the enactment of legislation for improvement of the St. Lawrence River so as to admit ocean-going vessels to the Great Lakes, which was referred to the Committee on Commerce.

Mr. CAPPER presented a petition of sundry citizens of Marion County, Kans., praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by Kaw Valley Lodge, No. 313, Brotherhood of Locomotive Firemen and Engineers, of Kansas City, Kans., favoring the passage of Senate bill 2901, to amend an act entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," approved November 23, 1921, and protesting against the so-called Volk sales tax bill, which was referred to the Committee on Finance.

Mr. WILLIS presented a resolution adopted by the American Flint Glass Workers' Union of North America, of Newark, Ohio, favoring the enactment of legislation permitting the manufacture and sale of light wines and beer, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by students of Oxford College for Women, of Oxford, Ohio, favoring ratification of the several treaties as negotiated by the Conference on Limitation of Armament, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by Toledo (Ohio) Lodge No. 105, International Association of Machinists, favoring the enactment of legislation to manufacture all war equipment in Government plants, which was referred to the Committee on Military Affairs.

Mr. LADD presented the petitions of T. A. Kidd and 3 others, of Denbigh; Stephen Isaacson and 2 others, of Cando; M. N. Oien and 2 others, of Bowdon; Mrs. F. Cosebeer and 2 others, of Lisbon; George M. Sherwood and 19 others, of Englevale; Knut Nelson and 8 others, of Roseglenn; A. P. Anderson, of Douglas; Nick Everling and 39 others, of Dunseith and vicinity; and J. A. Dobmeier and 65 others, of Park River, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by officers and members of the Elkhorn Farmers' Club of Divide County, N. Dak., favoring the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Fowler Local No. 585, of Meeker, Okla., praying for the passage of Senate bill 2604, the so-called Ladd honest money bill, which was referred to the Committee on Banking and Currency.

Mr. McLEAN presented petitions signed by 108 employees of the Root Co., of Bristol; 123 employees of the Lux Clock Manufacturing Co. (Inc.), of Waterbury; 86 employees of the New Haven Clock Co., of New Haven; and of 11 citizens of Waterbury, all in the State of Connecticut, favoring inclusion in the permanent tariff bill of the American valuation plan, so as to better meet foreign competition and maintain the American standard of living, which were referred to the Committee on Finance.

He also presented a resolution adopted by Ridgefield (Conn.) Grange, No. 165, Patrons of Husbandry, urging the Senate to ratify treaties as negotiated by the Conference on Limitation of Armament, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry members of the Methodist Episcopal Church of Stratford, Conn., urging the Senate to ratify the treaties as negotiated by the Conference on Limitation of Armament, which was referred to the Committee on Foreign Relations.

He also presented a petition signed by sundry students of the Freshmen Girls' Science Classes of the Stratford High School, of Stratford, Conn., praying for the enactment of legislation enlarging the forest reservations and the conservation of existing reservations, which was referred to the Committee on Public Lands and Surveys.

He also presented a telegram in the nature of a memorial from the New England Farmers, of New Haven, Conn., representing 25,000 New England farmers, protesting against the proposed duty on potash as contained in the pending tariff bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Independent Colored Voters' League, of Hartford, Conn., favoring the passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented the petition of Abe Humiston Chapter, Daughters of the American Revolution, of Plymouth, Conn., praying for the enactment of legislation making a national military park at Yorktown, Va., which was referred to the Committee on Appropriations.

He also presented petitions of C. B. Bowen Camp, No. 2, of Meriden; Allen M. Osborn Camp, No. 1, of New Haven; William H. Hamilton Camp, No. 20, of Danielson; A. G. Hammond Camp, No. 5, of New Britain; and John B. Quinn, department commander, of Stamford, all of the United Spanish War Veterans, Department of Connecticut, in the State of Connecticut, praying for the enactment of legislation granting pensions to widows and dependents of Spanish War veterans, which were referred to the Committee on Pensions.

Mr. HARRIS presented a resolution adopted by the Georgia Press Association, in midwinter session, protesting against the enactment of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Georgia Press Association, in midwinter session, urging Congress to accept Henry Ford's proposal to develop the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment:

S. 2967. A bill to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916; and

S. 3156. A bill to change the terms of the District Court for the Northern Division of the Southern District of Alabama.

Mr. SHORTRIDGE, from the Committee on the Judiciary, to which was referred the bill (S. 534) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913, reported it with an amendment and submitted a report (No. 506) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 3171) for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt (with accompanying papers); to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 3172) granting an increase of pension to Richard H. Atkinson; to the Committee on Pensions.

By Mr. FRANCE:

A bill (S. 3173) for the relief of George Ciszek and Anna Ciszek (with an accompanying paper); to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 3174) confirming and validating the title of certain purchasers from the State of Louisiana of certain lands formerly included in the Fort Sabine Military Reservation in Cameron Parish, La., now abandoned; to the Committee on Public Lands and Surveys.

By Mr. OVERMAN:

A bill (S. 3175) for the relief of William H. Lee (with accompanying papers); to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 3176) for the relief of Fred Sumpter; to the Committee on Public Lands and Surveys.

By Mr. SMITH:

A joint resolution (S. J. Res. 164) directing the Secretary of Labor to reconvey to the city of Charleston, S. C., certain land located in said city; to the Committee on Immigration.

IMPROVEMENT OF LOCKLIES CREEK, VA.

Mr. SWANSON submitted an amendment intended to be proposed by him to the bill (H. R. 9700) for the improvement of Locklies Creek, Va., which was referred to the Committee on Commerce and ordered to be printed.

ADDITIONAL DISTRICT JUDGES.

Mr. HARRIS and Mr. FLETCHER each submitted an amendment intended to be proposed by them to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS OF INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. BURSUM submitted two amendments intended to be proposed by him to House bill 10329, the Interior Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 52, after line 2, to insert: "For construction of a gymnasium and an assembly hall, including equipment for both buildings, to replace the building destroyed by fire February 12, 1922, to be immediately available, \$45,000."

On page 52, after line 7, to insert: "For reimbursement of Dr. C. La Roy Brock, Government physician at the Northern Pueblo Agency, N. Mex., for the loss of his personal automobile in a flood while responding to an emergency call among the Indians, \$750."

Mr. POMERENE submitted three amendments intended to be proposed by him to House bill 10329, the Interior Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

In the item for support of the Columbia Institution for the Deaf, on page 107, line 13, to increase the appropriation from \$95,000 to \$100,000.

In the item for repairs to buildings of the Columbia Institution for the Deaf, on page 107, line 16, to increase the appropriation from \$9,000 to \$10,000.

At the end of the items for the Columbia Institution for the Deaf, on page 107, after line 16, to insert: "For the purchase of 6.2 acres of land between Mount Olivet Road, West Virginia Avenue, and the northeast boundary of the institution grounds, at present belonging to Richard E. Pairo, \$12,000."

PRODUCTION OF COTTON.

Mr. DIAL. Mr. President, I desire to present and have printed in the RECORD a letter which I have received from the Department of Agriculture in reference to the quantity of cotton consumed and exported for the last six months and the quantity of cotton carried over.

A brief analysis of the figures shows that there were carried over in the United States on July 30, 1921, 6,534,360 bales. The crop of 1922, while it is mentioned in the letter as 8,340,000 bales, as a matter of fact is less than 8,000,000 bales, according to the report of the Bureau of the Census. The two items would aggregate, then, 14,534,360 bales of cotton.

I also hold in my hand a report from the Bureau of the Census which contains information which is very startling to me. It says, among other things:

Reports were not obtained from all of the storage places, a number stating that it was impossible to make even reliable estimates. However, data were returned for storage places in which a total of 3,974,974 bales of American cotton were held. The quantity of American cotton, exclusive of linters, not tenderable on future contracts, returned as held in these storage places, was 970,230 bales, or 24 per cent of the total holdings in such storage places.

The impression has been that when cotton was put in the warehouses it was good tenderable cotton, but these figures are alarming as showing that nearly one-fourth of the cotton held there was nontenderable cotton. If that is true, considering the great quantity in the country, no doubt a very considerable portion was nontenderable cotton.

The figures show that we exported for six months, from August 31, 1921, to January 31, 1922, 3,532,000 bales. American consumption for the six months from August 31, 1921, to January 31, 1922, was 3,000,000 bales. Unfortunately they include in that 3,000,000 bales of all kinds of cotton consumed in the United States. They do not eliminate cotton which was imported here. I do not know how many bales there were of that, but that will augment the amount of cotton in the United States, whereas it ought to be deducted.

Assuming that one-fourth of the cotton was nontenderable, which would be 3,633,590 bales, that would leave on January 1 of this year tenderable cotton in the United States to the amount of 4,318,770 bales, with six months yet to run before the end of the fiscal year. Assuming that we consume the same amount for the next six months that we did in the preceding six months and that we also export the same amount, the total would be 6,532,000 bales. Thus it will be seen there would be a shortage of approximately 2,000,000 bales. Furthermore, when we take into consideration that there will be two months after the end of the fiscal year before there will be any cotton ready for market, it shows that there will be a great scarcity of cotton before the next crop is available. We consume and export around 1,000,000 bales per month.

What I desire particularly to call to the attention of the Senate is the great quantity of nontenderable cotton. I think that will surprise the holders of cotton, the growers of cotton, and the cotton trade. I have held this letter back for a few days while I was endeavoring to get the exact letter of the number of bales of cotton on storage in the different warehouses separate from linters. Unfortunately the reports which go out in the papers combine linters and cotton, all stated as cotton. I have had a great many replies, but I have not yet received a reply which covers the entire situation. For instance, in Charleston, S. C., it is claimed something like 110,000 bales of cotton are on storage, whereas over three-fourths of it is linters. Ten thousand six hundred and twenty-nine bales of linters in Savannah counted as cotton and 5,685 bales of linters at Houston counted the same, and so all over the country.

In my section of the country we can not grow cotton successfully without using great quantities of fertilizer. Unfortunately our people owe for some fertilizer they have used in the preceding seasons, and in the coming year they can not buy a great quantity of it. Furthermore, we have sowed more grain in my State and in the South generally than we have for many years past. In my particular county it is stated that we have sowed five times as much grain as in any one season heretofore.

These figures are very interesting indeed and show there will be a tremendous shortage before the next cotton crop comes in. The VICE PRESIDENT. Without objection, the letter referred to will be printed in the RECORD.

The letter is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF MARKETS AND CROP ESTIMATES,
Washington, February 7, 1922.

Hon. N. B. DIAL,
United States Senate.

DEAR SENATOR DIAL: Both of your letters of February 4, in regard to the cotton situation, have been given careful consideration.

Inclosed herewith you will find a draft of an amendment to section 5 of the United States cotton futures act, which embodies your suggestions with regard to how this section should be amended.

In compliance with your request for statistics of the present cotton situation, the following figures, which do not embrace linters, are submitted:

	Bales.
Carryover American cotton in the world, July 31, 1921, estimated about	8,500,000
Carryover American cotton in United States July 31, 1921, estimated by Census	6,534,360
Exports of American cotton during 1920-21	5,744,975
American consumption of all cottons 1920-21	4,892,672
Crop American cotton grown in 1921 estimated by Bureau of Crop Estimates	8,340,000
Stocks of cotton held in United States Jan. 31, 1921, estimated	11,591,987
Stocks of cotton held in United States Jan. 31, 1922	8,497,805
(This estimate is based on crop for 1921 of 8,340,000 bales which may be as much as 340,000 bales in excess of actual ginnings.)	

	1922	1921
American consumption of all cottons for the 6 months' period, Aug. 1-Jan. 31 (about).....	3,000,000	2,333,855
Exports American cotton for 6 months' period, Aug. 1-Jan. 31 (about).....	3,532,000	3,020,595

It is difficult to state exactly what part of the stock of cotton held at any time is tenderable, but an estimate has been made which shows that 24 per cent of the stock of cotton held on July 31 last was considered undeliverable on future contracts.

Regarding what part of the crop of 1921 is undeliverable on future contracts, it must be stated that no estimate has been made, and there is no way, so far as I know, of securing exact figures. It is currently reported, however, that last year's crop was a high-grade one and comparatively a small percentage of it was of nontenderable grades. It has been further stated that a large part of the low grades held over from previous years has already entered into the usual channels of commerce for consumption.

Inclosed you will find the following reports, which will doubtless be of interest to you:

Statistics of cotton untenderable on future contracts, issued June 15, 1921.

Report on cotton of the crop reporting board of the Bureau of Markets and Crop Estimates, September 1, 1921.

Extract from Monthly Crop Reporter, May, 1921, on cotton snaps and bollies, etc.

Very truly, yours,

WM. R. MEADOWS,
Cotton Technologist.

THE MUSCLE SHOALS PLANT.

Mr. McKELLAR. Mr. President, last week the Alabama Power Co. submitted a bid for Muscle Shoals. A day or two afterward Mr. Emmett O'Neal, the distinguished ex-governor of Alabama, gave out an interview in reference to the bid of the Alabama Power Co., of which I desire to read a portion; and I trust that the Senate may be glad to hear what this distinguished gentleman has to say about that offer:

The action of the Alabama Power Co.—

Says Gov. O'Neal—

In making a bid at the last moment for Muscle Shoals was no surprise to those who were familiar with the devious and sinister methods which this company has always pursued. To secure control of the Muscle Shoals—to exploit it, not in the interest of the farmer or the public, but solely to swell the dividends of its Canadian and English stockholders—has from the beginning always been the secret but cherished plan of this corporation, even when the force of public opinion compelled it to publicly announce that it would not be a competitor of Henry Ford. It announced that it was financially unable to undertake so mammoth an enterprise.

All things come to him who waits, and the Alabama Power Co. then recognized that it could not openly enter the list against the wizard from Detroit, behind whom was gathered the most united and powerful public sentiment that had ever favored any industrial enterprise. Delay, a propaganda of misrepresentation, were to be the weapons by which Ford was to be undone.

Leaving out a part of the communication, I continue:

The time had come when something must be done or the interests—the profiteering interests—would be lost. It followed that on yesterday that the Alabama Power Co. suddenly discovered that it was hopeless to expect Congress to heed their futile plea that the option which they claimed the Government was under a moral obligation to recognize for the Gorgas plant would be ignored. They discovered what every intelligent lawyer knew, that their alleged option was void and non-enforceable.

With the support of their allied interests, they appeared in the open and submitted a bid. They offered, with their usual generosity, to construct the Wilson dam at their own expense, and to furnish the Government 100,000 horsepower for the manufacture of nitrates. It is well for us to remember that at about the time the Ford offer was made the water power companies of the South and Southwest met together and through their engineers prepared a memorial to the Congress declaring that the entire Muscle Shoals project was visionary, impracticable, and without value.

While the Alabama Power Co. aided in the preparation of that report and gave it their indorsement, I am informed they asked to be excused from signing it on the ground that it might affect their political fortunes. Now this same company that aided in preparing a memorial to show that the Muscle Shoals project should be junked is suddenly converted to the belief that the Muscle Shoals is so valuable that it can afford to construct the Wilson dam without cost to the Government and present it with power necessary to manufacture nitrates. It will be noted that the Alabama Power Co. does not propose to manufacture nitrates. If their offer is accepted, the Secretary of War will be compelled to reverse his well-declared policy against embarking the Government in the manufacture of fertilizer in competition with private interests, but to organize a Government corporation to manufacture nitrates at Government expense.

God pity the farmers of the United States if the benefits they will derive from the proposed lease of the Muscle Shoals by the Alabama Power Co. do not exceed the benefits that the power consumers in Alabama and adjoining States now derive from the services of this corporation. The acceptance by Congress of the proposed lease would nullify and defeat the primary purpose they sought to accomplish by the enactment of the law establishing a nitrate plant at Muscle Shoals which was the manufacture of nitrates for powder and munitions in war and fertilizers in times of peace; it was not the primary purpose of Congress to build the Wilson dam to create hydroelectric energy for sale by a power company, but to develop the manufacture of atmospheric nitrogen. It would mean that the \$85,000,000 already expended at Muscle Shoals should be exploited, not for the manufacture of nitrates and fertilizers, but the creation of power to be sold by the Alabama Power Co. to increase the dividends of its Canadian and English stockholders.

The Alabama Power Co. does not propose, as does Mr. Ford, to build any factories, develop any industrial enterprises, manufacture any nitrates, and enrich any agricultural interests; its offer simply means that the great Muscle Shoals asset should be converted into a power proposition, not to aid the farmers of the country increase our farming production, but solely to enrich the foreign stockholders of that corporation. It will be noted that by the terms of the proposed bid the Alabama Power Co. will not undertake to construct Dam No. 3 or fully develop the power potentialities of the Tennessee. During the last Congress a special committee of Congress appointed to investigate the Muscle Shoals used this language about the Alabama Power Co.: "The Alabama Power Co., when the war began, had a small system and were comparatively poorly equipped. To-day they have one of the most modern power stations in the world at the Warrior River, with coal mines electrified and a railroad connecting them with the Southern Railway Co., many transmission lines, and with a practical monopoly of electric power in the northern and western part of the State of Alabama, and this at Government expense."

This report shows that the Alabama Power Co. expended for the Government approximately \$5,167,274.14, and in the report the committee states: "That there is not a cent of the expenditure made by the Government for the Alabama Power Co. can be salvaged. Even the minority report criticized the contract made with the Government as entirely unsatisfactory. The offer of the Alabama Power Co. entirely ignores and defeats the fundamental purpose of Congress, which was the development of power for the manufacture of nitrates and not the development of power for private sale."

A few months ago the Alabama Power Co. was financially unable to make a bid for the Muscle Shoals. The papers to-day announce that New York bankers are furnishing the funds to develop this property. Are not the public then justified in assuming that all the selfish special interests that have so bitterly fought the Ford offer have combined with the Alabama Power Co. as their emissary to secure control of this property? Would not the success of the Alabama Power Co. mean the triumph of the Fertilizer, Gunpowder, and Water Power Trusts and other profiteering trusts, who are opposed to Ford because they claim the acceptance of his offer would mean that labor would be demoralized by an increase of its wage and the power he would develop would be used in competition with their trusts by decreasing the cost of fertilizer and enormously enhancing agriculture by the enrichment that would follow cheaper and better fertilizers? Ford's methods are not those of Wall Street, and he would exploit this plant, not to increase his wealth but to give employment to labor at higher wages and enable the farmer, no longer sowing in tears, to reap in joy—that joy which comes from a knowledge of increased production through cheaper fertilizers and more remunerative markets through industrial development.

Mr. President, I have read from this splendid statement by an ex-governor of the State of Alabama, the Hon. Emmett O'Neal. I now want to quote a line from the present governor of the State of Alabama. He says:

It would be most unfortunate for the Alabama Power Co. to get Muscle Shoals.

Surely these two gentlemen, one an ex-governor and one the present governor, know what they are talking about when they warn Congress and warn the people of this country that this great corporation, composed, as they say, largely of Canadian and English stockholders, should not be given control over one of the greatest water-power sites in the world.

In addition, Mr. President, I ask unanimous consent to have printed in the RECORD a full statement of the Ford offer, as made by Mr. James E. Smith, vice president, in charge of the waterways division of the Mississippi Valley Association. Mr. Smith is located in St. Louis. He is as much allied with the interests of the entire section of the Mississippi Valley as any man in it. His views and opinions are always valuable in matters of this kind, and I ask unanimous consent to have printed the short pamphlet which he has written on that subject so that Senators can have the advantage of it.

There being no objection, the pamphlet referred to was ordered to be printed in the RECORD, as follows:

WHY MR. FORD'S OFFER FOR THE USE OF MUSCLE SHOALS SHOULD BE ACCEPTED.

[By James E. Smith, vice president in charge of the waterways division, Mississippi Valley Association, St. Louis.]

To the people of the Mississippi Valley:

The Muscle Shoals Dam and nitrate plants, which the Government began to build early in 1913 as a war measure, and which work was stopped after the signing of the armistice, has been one of the most widely discussed subjects that has been before the people of the United States since the close of the World War.

At the time the war ended the Government had expended over \$100,000,000 upon this project. When the effort was made during the early part of last year to dispose of the different useless plants that had been started or constructed for war purposes, bids were solicited from different corporations and individuals for the Muscle Shoals plants, and among those to whom the request for a bid was sent was Mr. Henry Ford.

Mr. Ford submitted a bid which was delivered to the Secretary of War July 14, 1921. After that time two other bids were submitted, but it is admitted by the Government officials that Mr. Ford's offer is the best one that has been received, and in fact the only one worthy of consideration.

The Secretary of War on February 2, 1922, sent Mr. Ford's offer to Congress, and the decision is now up to the Members of the Senate and the House as to what action shall be taken by them.

Since sending Mr. Ford's offer to Congress Secretary Weeks has stated that he will soon submit the two other bids which have been made for the property; in view of the fact that both of the bidders in competition with Mr. Ford were allowed to send in their bids long after the full details of his offer had been widely published in the newspapers of the country, the fair-minded, impartial Members of Congress are not likely to give them any consideration, as to do so would be contrary to the well-established rules of fair, honorable, and ethical methods of clean business procedure.

When the conditions of Mr. Ford's offer were given to the public by the Secretary of War, the members of the different groups interested in fertilizer production and markets, as the Chilean nitrate interests, the by-product coke interests, all of the fertilizer manufacturers, the air-nitrogen fixation interests, the water-power interests, and the chemical interests, some of whom had been asked to bid for the property, and declined to do so—all these interests united in one concerted, bitter attack upon Mr. Ford's offer—and in carrying on their fight they have flooded the country with unfair and misleading statements which were evidently designed to prejudice the public mind against Mr. Ford's proposal.

Muscle Shoals is a great national project, and its completion and development along the lines proposed by Mr. Ford will benefit the whole country.

Located as it is, in the Mississippi Valley, its great possibilities for the agricultural and industrial development of the entire Mississippi Valley territory are of vital importance to the inhabitants of this important region which contains 55 per cent of our country's entire population.

The people of the Mississippi Valley are therefore entitled to the truth about Mr. Ford's offer, and this statement has been prepared with the view of giving the real facts in the case and of combating the misleading statements which have been widely distributed and which may have created false impressions in the minds of those who have read them.

The writer holds no brief for Mr. Ford. He can not even claim acquaintance with him, having met him on but one or two occasions, and only in a casual way. His only interest in this matter is that of a citizen of the United States who wishes to encourage its industrial progress. He realizes that as we are a commercial nation, that the happiness and prosperity of our people are therefore dependent upon our commercial advancement, which he wishes to aid and encourage.

Further than this, as one of the officials of the Mississippi Valley Association—although serving without compensation—which association is engaged in an effort to foster and protect the general interests of the Mississippi Valley territory, he feels in honor bound to support the Muscle Shoals enterprise, the further development of which, in his belief, will do more for the valley and its people than any one thing now being considered by them.

As a business man of long experience, he has watched with deep interest the wonderful growth and development of the great industry which Mr. Ford has built up—the greatest of its kind in the world—and he has a natural admiration for the genius and ability which has made such an achievement possible. He has also a high respect for the motives which have undoubtedly prompted the principles and policies which have been followed in the building up of this great business.

THE FACTS IN THE CASE.

Let us now consider the facts about the offer Mr. Ford has made for the use of Muscle Shoals. Having them before us, let us get down to "brass tacks" and settle the question for ourselves as to what his offer really means. His offer is couched in simple language, the meaning of which any average mind can grasp. There is nothing subtle or ambiguous in its phraseology to arouse suspicion or doubt in the mind of any fair-minded man as to what he proposes to do.

Abstract of Ford offer for Muscle Shoals:

Mr. Ford's proposal consists of two parts: One, to lease the dams; and, two, to purchase the nitrate plants and accessories.

PART I—OFFER TO LEASE THE DAM.

Provisions of offer:

1. Mr. Ford agrees to pay \$55,000 annually for the maintenance of dams, locks, etc., making a total payment in 100 years of..... \$5,500,000
2. He agrees to pay interest at 4 per cent on whatever the cost may be for completing both dams. If this amounts to \$42,000,000 (the estimate of Mr. Ford's engineers), the total in 100 years under Mr. Ford's plan of payments will amount to..... 161,040,000
3. He agrees to a plan of amortization sufficient to retire \$49,000,000 in 100 years..... 49,000,000

Total payments to the Government under Ford offer during 100-year lease period..... 215,540,000

Cost of dams (expended and proposed):

- There has been expended to date in building Dam No. 2 about..... 17,000,000
- Cost of completing Dam No. 2 by a contract already offered..... \$23,000,000
- Cost of building Dam No. 3 by contract already offered..... 17,000,000
- 40,000,000

Total Government investment in Muscle Shoals' dams and hydroelectric plants will amount to a total of..... 57,000,000

Charges to navigation: Deducting the \$49,000,000 which Mr. Ford repays from the \$57,000,000 total cost, leaves \$8,000,000 unrecovered, which is less than the amount stated by the United States engineers as chargeable to navigation, their prewar estimate being \$8,575,000. (See R. & H. Com. (H. R.) Doc. No. 20, 63d Cong., 2d sess., p. 4, par. 6.)

The United States engineers have more than once recommended that \$8,575,000 should be charged to the navigation improvement of the Muscle Shoals stretch of the Tennessee River under the very plans for joint navigation and power improvement now proposed.

Earnings from Government peace-time investments compared with Ford offer: To meet the terms of the Ford offer and produce a proportionate return to the Government, the Reclamation Service, representing a Government net investment of \$125,870,830, would have to show an annual gross income of \$10,180,132, instead of \$4,191,844, which it now shows. The Panama Canal, representing an investment of \$380,554,949 would have had to earn \$32,450,886 gross revenue, whereas last year's total revenues were only \$12,040,117. (Based on 1921 report.)

PART II—OFFER TO PURCHASE NITRATE PLANTS AND ACCESSORIES.

Provisions of offer: Mr. Ford offers to purchase nitrate plants Nos. 1 and 2, Waco Quarry, and the Gorgas steam plants and its transmission line for \$5,000,000. He has offered to maintain nitrate plant No. 2 in a state of readiness to be promptly operated in the manufacture of materials necessary in time of war for the production of explosives, thus securing the benefit of its use for the purpose for which the plant was originally planned. The Government, therefore, retains every ad-

vantage of the nitrate plant in time of war but pays nothing for the maintenance of the nitrate property in times of peace.

The war-time cost of nitrate plants and accessories amounts to a total of \$85,423,078.73. This includes about \$13,000,000 for the unsuccessful and almost wholly useless nitrate plant No. 1, and represents more than twice the present cost of constructing such plants. Mr. Ford will be compelled to make sweeping changes and alterations on these buildings at large expense.

Salvage to Government from war-time investments compared with Ford offer.

Government property sold.	Cost of property.	Salvage received.	Per cent of cost salvaged.
Muscle Shoals nitrate plants.....	\$85,423,078.73	\$5,000,000	5.85
Old Hickory powder plant.....	80,000,000.00	3,500,000	4.28
Wooden ships, U. S. Shipping Board, each..	800,000.00	5,000	.63

On the basis of the price received for the wooden ships that were sold Mr. Ford would have offered only \$567,000 instead of \$5,000,000 for the nitrate plants.

Annual cash saving to Government by acceptance of Ford offer: The Ford offer when accepted will stop the following annual cash expenditures:

1. Guarding and maintaining nitrate plants and accessories (fiscal year ending June 30, 1921), depreciation omitted \$310,042.44
2. Guarding and maintaining uncompleted work at Dam No. 2 representing a yearly expenditure of..... 384,000.00
3. Maintaining Muscle Shoals Canal, average annual cost..... 53,079.00

Total annual cash saving..... 747,121.44

This is interest at 4 per cent on \$18,678,000.

Cost to Government of the delay in accepting Ford offer.

Average annual cash return to the Government under

Ford offer..... \$2,155,400.00

Annual cash expenditures saved at Muscle Shoals by Ford offer..... 747,121.00

Total annual loss to Government by delay..... 2,902,521.00

Average monthly loss..... 241,877.00

Loss due to present delay of holding Ford's offer for seven months..... 1,693,139.00

The cost of the delay in accepting Mr. Ford's offer, as shown above, has already amounted to \$1,693,139 and on the cost basis of the last fiscal year the cost is piling up at the rate of \$8,062.50 per day.

How long will the people stand for such reckless mismanagement?

There is an offset to this tremendous burden of expense, which was not schemed, however, by those who are responsible for the burden laid upon the people, and it is this:

MILITARY VALUE OF MUSCLE SHOALS.

As was demonstrated in the Great War, the fundamental requirement of all economic preparedness for war is power immediately available. The requirements of modern warfare are the light metals for airplanes and submarines, poisonous gases, and other essentials of chemical warfare. Nitrogen for explosives alone required 200,000 horsepower. At Muscle Shoals can be made aluminum and magnesium and their alloys, including the German mystery metal "electron"; nitrates for explosives and poison gases; hydrochloric acid and silica gel, the basis of gas masks; ferro-alloys for making high-speed steel for speeding up the output of machine shops; oxygen for phosgene gas and for cutting and welding the toughest of metals; and fertilizer, the farmers' greatest labor saver, especially needed in war time.

Hydroelectric power is by far the most dependable for such purposes, for reliable steam power calls for a reliable transportation system sufficient in a national emergency, together with coal mines that are free from strikes. This country has neither.

PEACE-TIME VALUE OF MUSCLE SHOALS.

The farmer is interested in the operation of Muscle Shoals, for it will provide him with material that is 75 per cent useful instead of the present materials containing only 12 or 14 per cent useful plant food. The farmer saves freight, bagging, handling, and distributing, etc., on 60 pounds of filler every time he buys a hundred pounds of fertilizer. The saving on bags alone will exceed \$2,000,000 annually, and Mr. Ford proposes to sell the farmer this high-grade labor-saving product at a profit of not more than 8 per cent on the actual annual manufacturing cost, and a committee from representative farm organizations passes on the books to determine whether the agreement is being faithfully carried out or not.

As shown on page 4, Mr. Ford's offer for the nitrate plants at Muscle Shoals will give the Government the highest rate of salvage it will have obtained from either of the war-time expenditures referred to.

As noted, the percentage of the cost offered for Muscle Shoals is 5.85 per cent. The percentage obtained for the Old Hickory Powder Plant was 4.28 per cent. For the wooden ships thus far sold and on which the sale has been approved it was 0.63 per cent.

In addition to the ships that were sold for \$5,000 each a bid of \$2,100 each was made for 266 more of the ships, but this bid was rejected. The percentage of salvage offered in this latter case was only 0.27 per cent.

The military cantonments constructed during the war which have thus far been salvaged have brought practically nothing. Many of them have been completely abandoned and their buildings are going to waste for the reason that they are not even worth the cost of "scrapping."

When the fact is taken into consideration that Mr. Ford's offer for the nitrate plants imposes upon him the obligation to keep the plants in reserve, at his expense, for the use of the Government in time of war for the production of explosives, his bid looms large in comparison with the prices obtained for the other war-time investments, from which no further returns will be secured. Then, too, the fact should be kept in mind that Mr. Ford was requested by the Government to make a bid for the property and that the opportunity was not sought by him. In response to the request he sent in an offer in good faith, which is freely acknowledged to be the best bid offered for the property. His offer was

therefore entitled to fair, honorable, and courteous treatment, which, in the opinion of a large proportion of the people of the United States, has not been accorded to him.

The wonder is that he has not become disgusted with the very unusual and unfair treatment his offer has received and withdrawn his bid; but as that is what his enemies were doubtless expecting him to do, he probably wanted to give them a bit of a surprise.

Isn't it too bad that Mr. Ford's power of resentment was not in a sufficiently smooth running condition to properly work out the crafty designs of his opponents?

They can, however, console themselves with the reflection that the best-laid plans of mice and men often go wrong.

IF NOT FORD'S OFFER—WHAT THEN?

Looking at the situation fairly and impartially, there are but three courses to follow, viz:

1. To follow the suggestion made by the interests who are opposing Mr. Ford's offer of "scrapping" the work already done, on which more than \$100,000,000 of the people's money have been invested; or

2. To have the Government go ahead and complete the dam and the installation of the hydroelectric power that will be made available and go into the business of selling power and making and selling nitrates for fertilizing and other purposes; or

3. To accept Mr. Ford's offer and thus convert a large war loss into a permanent and profitable investment which will bring beneficial results to the entire country.

The first suggestion, in view of Mr. Ford's offer, is unthinkable, and the people of the whole country would condemn its adoption.

The second plan would meet the objection of the majority of the people of the United States for reasons which need not be explained to any intelligent person.

The third proposal is the only sane and sensible plan to follow, and it is the only plan that will secure the approval of the country at large.

MISLEADING PROPAGANDA.

A group of powerful interests are "moving heaven and earth" to prevent the acceptance of Mr. Ford's proposition. The country is being deluged with their propaganda in the shape of newspaper articles, circulars, and pamphlets, filled with false and misleading statements about Mr. Ford's plans and purposes.

A very elaborate and attractive booklet has recently been issued purporting to tell the "truth about Muscle Shoals," and a large portion of the book is devoted to carefully prepared arguments to prove that the nitrate plant at Muscle Shoals would be devoted to the making of sulphate of ammonia and that this product has very little influence upon the cost of farmers' fertilizer.

The fact is that there is a mistaken conception and a misrepresentation in the above statement that Mr. Ford will produce at Muscle Shoals ammonium sulphate as a nitrogen fertilizer compound. He will, of course, produce ammonia by the air nitrogen fixation process and mix ammonia with phosphoric acid produced electrically from phosphate rock obtained near by, thus making ammonium phosphate.

Thus it will be seen that the author of the statement either did not know what he was talking about or he was deliberately attempting to deceive the public.

The same pamphlet contains the statement that the cost of completing Dam No. 2 would be \$33,000,000 and of Dam No. 3 \$24,000,000, or a cost of \$57,000,000 for the completion of the two dams. The facts are as already stated, that experienced and responsible contractors have offered to complete Dam No. 2 for \$23,000,000 and build Dam No. 3 for \$17,000,000, making the cost for the completion of the two dams only \$40,000,000, or \$17,000,000 less than their stated cost.

And the author of the above mendacious statements in a glaring headline refers to the plan offered by Mr. Ford as a subsidy, and he mentions the term in a manner which suggests a derogatory implication.

What is a subsidy?

Webster defines the word, in brief, as "aid given in money."

Mr. Ford's agreement provides for his paying to the Government, through a plan of amortization, the sum of \$49,000,000, which is \$9,000,000 more than the completion of both dams will cost, and, in addition, he agrees to pay 4 per cent interest for 100 years on their cost, whatever the cost may be; and again, in addition, he agrees to pay an annual charge for the maintenance of both dams for 100 years, the total amount to be paid by him during the 100-year period being \$215,540,000, and then at the end of the 100-year period he agrees that the entire plant shall be turned back to the Government. The Government will get, in addition, the benefit of all improvements added to the dams and power houses that may be made during the lease period, unless the lease should be renewed upon such terms as may then be agreed upon, as provided for in the revised offer of January 25, now in the hands of Congress.

It requires a very elongated stretch of even a vivid imagination to visualize a subsidy in such a proposition. If any aid is given in money in this case, it will strike the casual observer that Mr. Ford is handing it out to "Uncle Samuel," and he is the fellow who will have the subsidy.

And then, too, the dire predictions of the failure of Mr. Ford's plans make a strong appeal to one's sense of humor.

Anyone who knows Mr. Ford or is familiar with his history or his business methods will not believe for a moment that he will not successfully accomplish the things he proposes to do at Muscle Shoals. He needs no guardian. Indeed, he has shown a rather abundant ability to look out for himself and his own affairs. In view of these evidences, the tender solicitude (?) of those who are mournfully predicting the failure of his plans are, to say the least, amusing.

The fact is that these very people who are predicting his failure know that Mr. Ford will succeed in carrying out his plans, and it is this fact that is so seriously disturbing their equanimity.

"What fools these mortals be" who evidently believe they can delude and mislead the intelligent people of the United States. Every sane citizen knows perfectly well that the only reason for the antagonism of the insidious interests who are fighting Mr. Ford is that they fear his competition will break up the monopoly which now exists by lowering the prices of the materials which they produce; and this, of course, is just what will happen.

The inexorable law of the "survival of the fittest," although objectionable to those who do not "keep up with the procession," must nevertheless prevail in order that the march of progress may be continued.

Those who know anything about the growing demand and use for fertilizing materials know that no one individual or corporation will be able to supply the enormous quantity of such materials that will be demanded and used in the United States in the future.

If Mr. Ford gets Muscle Shoals, he promises to make fertilizers cheaper than they have ever been made, and he agrees to sell them at prices which will save the farmers of the United States hundreds of millions of dollars; and, more than this, the farmers, being able to procure their fertilizing materials at a lower cost, will naturally use them to a greater extent, with the result of largely increasing the grain production of our country, thus enormously enlarging our national wealth and prosperity.

Secretary Weeks, in his testimony given a few days ago before the House Committee on Military Affairs, said that "the Muscle Shoals plant would produce only one-thirtieth to one-fortieth of the fertilizer produced in the United States, and that this small production would consequently have no effect upon the price."

The Secretary evidently obtained his information from an unreliable source. Here are the facts:

The total amount of mixed fertilizer produced in 1918 (a year of intensive farming operations) was 4,958,000 tons. In addition, about 1,500,000 tons of acid phosphate was used as such by the farmers. This makes a total of about 6,500,000 tons. Certain quantities of bone, tankage, fish scrap, and cottonseed meal were sold as such in addition to the above. The mixed fertilizer for that year carried, on an average, about 2.5 per cent of nitrogen.

Plant No. 2 at Muscle Shoals, operating at its estimated capacity of 110,000 tons of ammonium nitrate, would produce the necessary nitrogen for 1,540,000 tons of mixed fertilizer, carrying 2.5 per cent nitrogen, or about 30 per cent of the total amount used.

If you add the acid phosphate, which carries no nitrogen, to the total fertilizer used, you lower the average content of nitrogen carried, and the tonnage of mixed fertilizer, for which the plant would furnish the nitrogen content, would be accordingly increased.

Anyone who may wish to verify the above statements can easily do so from records which are readily obtainable.

THE OPPOSITION OF FOREIGN INTERESTS.

Mr. Ford's offer is also being opposed by the Chilean Nitrate Trust, which is largely controlled by foreign capital. It is a significant fact that the nitrogen fertilizer materials produced in this country are, without exception, by-products, and those who most strenuously object to Mr. Ford's plan are those who are trying to keep up prices, not on their principal products but on one or more by-products.

The United States has paid out for Chilean nitrates since 1867 the enormous sum of \$821,183,624.12.

In addition to this large sum, the people of the United States have paid to Chile as export duty on nitrates shipped from Chile since 1867, \$163,647,780.63, and if we estimate the same 10 years increase in shipments of Chilean nitrates to the United States our payment to the Chilean Nitrate Trust since 1867 will in 1928, on the basis of nitrogen consumption doubling every 10 years, have amounted to \$1,400,044,548.18.

Why should Mr. Ford not be allowed to make as large a quantity of these nitrates as he can possibly produce at Muscle Shoals and sell them to our people at greatly reduced prices under those they are now compelled to pay to foreign capitalists for the same materials?

Why should the people of the United States continue to pay tribute to foreign capital when the way is open for them to buy of our own producers at lower prices and keep our money at home for circulation among our own people?

Mr. Ford's enemies are also criticizing the 4 per cent rate of interest which he proposes to pay the Government on its investment at Muscle Shoals throughout the term of the proposed lease. To show how unfair and unreasonable their contention is, we herewith show how his 4 per cent interest rate compares with the Government loans now outstanding in the shape of bond issues:

Consols, 1930, 2 per cent	\$500,724,050
Panamas, 1916-36, 2 per cent	48,954,180
Panamas, 1918-38, 2 per cent	25,947,100
Panamas, 1961, 3 per cent	50,060,000
Postal savings, 2½ per cent	11,774,020
Conversion, 1946-47, 3 per cent	28,894,500
War issues:	
Liberty, 1932-47, 3½ per cent	1,410,074,050
Liberty, 1932-47, 4 per cent	15,130,900
Liberty, 1927-47, 4 per cent	66,362,800
Victory, 1923, 3½ per cent	497,915,100

From the above statement of facts it will be seen that the bonds issued by the Government prior to the World War were put out on a basis of from 2 per cent to 3 per cent, and that the average rate on the six issues referred to, that were put out before the war, is under 2½ per cent.

It shows further that even a number of the war issues were at 4 per cent and less, and that it was only during the later and most serious stress of the war that the issues bearing the higher rate of from 4½ per cent to 4½ per cent were put out.

Attention is also called to the fact that a number of the issues above referred to, bearing rates of 3 per cent, will not mature until from 1947 to 1961, so that during a period of 25 to 39 years Mr. Ford would be paying 1 per cent more to the Government than it will be paying as interest on these bonds.

Under the normal conditions which have prevailed during the past 50 years our Government loans have borne an average interest rate of much less than 4 per cent, and it is a fair assumption that the rate of 4 per cent which Mr. Ford agrees to pay throughout a 100-year period will be well above the normal average rates that will prevail during that period.

As already pointed out, when the War Department called for bids for the Muscle Shoals plants the different interests now opposing Mr. Ford's offer were invited to make a bid for them. At that time the "scrapping" of the work which had been done was being strongly urged, which suggestion in all probability originated in the fertile brain of someone connected with the aforesaid interests.

Instead of sending in a bid, as requested, these plotters wrote long letters in reply to the request strongly condemning the project, declaring it was impracticable, worthless, impossible, etc., doubtless with the hope in their hearts of disparaging the whole enterprise, thus causing it to be "scrapped" and destroyed and put out of their way. These letters, offered in evidence given by Maj. Gen. Lansing H. Beach before the House Committee on Military Affairs, are now in the possession of that committee.

When the splendid bid from Mr. Ford came in, it was to them a "bolt from the blue," and great was the consternation of the conspirators. Having so strongly ridiculed and discredited the project

they had shut themselves out from bidding, although the opportunity was still kept open for them, even after Mr. Ford's bid in all its details was published to the world. Being thus put "out of the game" the only course left to them, or rather the only alternative that could be entertained by such sordid minds, was to start a contemptible warfare on Mr. Ford, which they have kept up relentlessly from that time. Such tactics seldom win, and the fair-minded American people who are advocates of the "square deal" will see to it that they do not succeed in this instance.

GREAT POSSIBILITIES FOR WATER TRANSPORTATION.

The building of the proposed dams on the Tennessee River will not only make available the vast water power now dormant and useless, but it will open up cheap water transportation on the upper Tennessee River, which flows through a large area of our country which is rich in natural resources, but owing to a lack of transportation facilities these resources have not as yet been developed.

On this stretch of the Tennessee River there are great deposits of coal, iron ore, marble, slate, phosphate rock, zinc, and immense forests of hardwood timber, all of which raw materials are badly needed by the rest of the country, and with the cheap water transportation which the completed navigation improvement of the river would permit these valuable materials could be transported by water to the different sections of the valley to the great advantage of the country's industrial welfare and advancement.

Many of these raw materials will be needed by Mr. Ford in the manufacture of the various products he proposes to produce at Muscle Shoals, and as he is a man possessed of modern ideas and who has the means to enable him to introduce and use the most modern methods in the conduct of his operations, he will naturally make use of the cheap water transportation facilities which will be available and the demonstration he would make of the cheapness and value of water transportation would inevitably lead to its use and extension upon all of our valley waterways.

It is well known that Mr. Ford is a strong advocate of the development and use of the water-power possibilities of the United States, and he also advocates in connection with such development the improvement and use of our rivers for transportation purposes. He realizes, as do all thoughtful men, that the growing commerce of our country can not in the future be handled alone by our railroads, and that the only possible solution of the great transportation problem, which now confronts us and which is a menace to our future growth and development, is the improvement and use of all of our navigable waterways as channels of commerce.

He realizes, also, that the full development of the resources of the large areas of our country, which as yet have scarcely been touched, can not be accomplished without the use of our God-given rivers, as mediums of transportation.

THE SENTIMENT OF THE MISSISSIPPI VALLEY.

There is no question about the attitude of the people of the Mississippi Valley as to what shall now be done with Muscle Shoals.

The press of the entire valley is demanding the acceptance of Mr. Ford's offer. The commercial organizations are also advocating the adoption of his proposition. The farm organizations and the individual farmers are solidly arrayed in favor of the Ford proposal.

In order to test the sentiment of the valley on this question, a referendum was sent out in October, 1921, to the officers and directors of the Mississippi Valley Association, who are located in the 27 valley States. When the votes came in it was found that 42 were unequivocally in favor of the acceptance of Mr. Ford's offer, while only three votes were cast against it. Thus it will be seen that this vote was almost unanimous in favor of Mr. Ford's offer, and the votes coming as they did from representative men from all parts of the valley, clearly indicate the general sentiment upon this question throughout this large area of the United States.

Knowing the facts about the possibilities of the proper development of Muscle Shoals, the great mass of the people of the United States who, we believe, insist upon their complete consummation.

Who will be against such development?

Only small groups of covetous men whose personal interests might suffer from the establishment of the proposed great enterprise and who, to further their own selfish ends, would hinder our national progress.

NOT A POLITICAL QUESTION.

The writer fears that politics has been injected into this project, which, if true, is indeed regrettable. It is in no sense a political proposition. It should be regarded only as a big national enterprise, and every patriotic citizen of the United States should give it his full endorsement and cooperation. Let us hope that the Members of Congress, regardless of their political affiliations, will unanimously vote for the acceptance of Mr. Ford's offer, and allow him the opportunity which he seeks, of putting into use facilities which are now being wasted and which, if properly harnessed and put into service, will bring tremendous benefits to our entire nation.

If politics should be permitted to be forced into this great question it will probably be because of certain politicians being aligned with the interests who are fighting Mr. Ford, and the fair-minded Members of Congress, whatever their political beliefs may be, will not betray their constituents by giving their support to men who are guided by such questionable motives. They know that if Mr. Ford goes into the business of producing fertilizing materials, that he will do for that industry what he has done for the automobile industry. Through the exercise of his genius and ability he has produced a cheap, practical, and serviceable car, which has enabled millions of our people to enjoy the pleasure and benefits of its use, thereby adding greatly to their enjoyment of life, and no class of our people have been more greatly benefited in this way than the farmers and their families, all of whom now look upon Henry Ford as a public benefactor.

As Mr. Ford has educated the American public to use the automobile greatly to the public's advantage he now proposes to educate the American farmer in the use of high-grade fertilizer in the same way.

The United States is fortunate in having as a citizen a man of great wealth who is willing to use it in the creation of a tremendous new enterprise that will open up new fields of industry, the development of which will give useful and lucrative employment to thousands of our inhabitants and add greatly to our sources of wealth as a Nation.

AN OPPORTUNITY FOR UNITED STATES LEADERSHIP.

Germany has had the world leadership in the development of chemical production. That leadership was the one thing that had brought her up to the high position which she occupied at the time she threw the world into the maelstrom of destruction through which

it has so recently passed, and in which conflict her high standing and influence was destroyed.

Power is the prime requisite in the production of electrochemicals. Mr. Edison's interest in Mr. Ford's Muscle Shoals plans clearly indicates the great possibilities of what may be done with the vast power available at Muscle Shoals in connection with the necessary and valuable raw materials which are close at hand on the Tennessee River. It is evident that these two master minds are working together for the creation of new and very important industries which, in their operation, may startle the world and give to our country power and prestige never before attained, and bring benefits to our people beyond those which they have hitherto enjoyed.

The Mississippi Valley Association was created for the purpose of promoting and protecting the commercial, agricultural, and general interests of the entire Mississippi Valley territory. It is pledged to an effort to secure the economic freedom of this great region, which is the most populous and productive portion of the United States. Thus far the chief objective of the Mississippi Valley Association has been to secure cheap transportation for our people through the improvement and use of our navigable waterways, and we are making progress in this direction.

Muscle Shoals is in the Mississippi Valley. The development of the unlimited possibilities of this great enterprise will do more to further the valley's progress than would the attainment of any one object that is now within the reach of its people.

Congress should act promptly on this great question and stop the waste of Government funds at Muscle Shoals and put to work the army of idle labor that would be employed. If Congress delays action the useless waste of money will continue monthly and the unemployed will remain idle.

Let us hope that Congress will realize the full importance to the people of the United States of the successful accomplishment of this great undertaking, and that the Members of both the Senate and the House will promptly accept the advantageous offer that has been made by Mr. Ford. Let us all unite and work together for the full fruition of the big, ambitious, and wonderful plan which Mr. Ford desires to carry out and which promises so much for our commercial advancement and for the welfare and happiness of our people.

JAS. E. SMITH,

Vice President, in charge of Waterways Division,
Mississippi Valley Association.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. CARAWAY. Mr. President, in July last, when the President of the United States came to the Senate, and in the interest of payers of excess-profits taxes, of those paying high surtaxes, and of corporations which were paying a corporation stock tax, asked the Senate to recommit the bill providing adjusted compensation for soldiers until the taxpayers referred to could be relieved, stating that later the ex-service men's just demands would be taken care of, the majority party in this Senate, agreeing with the President that the corporations which were making excess profits should be relieved of the payment of \$450,000,000 taxes annually, and those paying high surtaxes on incomes averaging over \$68,000 net each year, amounting in the aggregate to \$90,000,000, should be relieved, recommitted the bill. They said to the soldiers, whom a few years ago when we drafted them into the service we were pleased to call "crusaders for a new freedom, a new democracy," to come back some more convenient day and their wants would be attended to.

This great party, the Republican Party, which came into office and assumed full control of the Government in every branch in 1921 by reason of a propaganda that they and they alone were capable of meeting all difficulties and doing justice to everyone, professed they would reduce taxes and pay the soldiers adjusted compensation, has finally admitted its impotence. It now presents the pitiable spectacle disclosed in the letter which I am about to read. The letter which came to my desk to-day is being sent out by a Republican Member of Congress from one of the richest districts of New York. It reads as follows:

FEBRUARY 15, 1922.

DEAR SENATOR: Have you any old clothes, suits, overcoats, shirts, underwear, shoes, etc.? The "Lest We Forget" Committee have requested me to ask you to leave or send your old clothes to Keith's Theater, Fifteenth and G Streets, any time of the day for the next month. The committee will undertake to clean and repair your old clothes and put them in the hands of ex-service men who are in need.

In other words, this great party that was going to do justice to the soldier finally presents the sorry spectacle of sending out letters begging people for old discarded underwear and old shoes in order to clothe the ex-service men who are walking the streets and begging for work and for something to eat under this administration.

This indictment comes not from a Democrat; this comes from a Republican Member of Congress, from an ex-service man, a man representing one of the richest districts in the United States, appealing to people to give old clothes to ex-service men. That is what they are to receive—that and nothing else. They were told if they would wait until France and England and other countries had been forgiven their debts, if they would wait until the excess-profit takers could be relieved of all excess-profits taxes, and until the men paying taxes on incomes of \$68,000 and more annually should be relieved of the high surtaxes, then they would be taken care of. The Republicans did not say just exactly how they were to be taken care of,

but this letter discloses. After the rich have been relieved of all their taxes, after the profiteers have been assured that they may keep all they have, a letter is sent out, saying: "Now, then, we are ready to relieve the ex-service men; if you have any old clothes or old shoes or any old undershirts that you have thrown away, send them down; we will clothe the ex-service men."

That is a splendid picture for a great party to set before the gaze of the citizens of free America. You have given \$20,000,000 to Russia; the excess-profits earners you have relieved of taxes to the amount of \$450,000,000 annually; to the rich men who are making more than \$68,000 net every year you grant relief; but to the men whom we proclaimed as the saviors of the world you tender a pair of second-hand nether garments and a pair of old shoes! I am sorry that is true, but I think the ex-service men had as well know now as later that you intend to pay your debt, aye, the debt of the world, to them with secondhand clothing.

THE CALENDAR.

Mr. CURTIS. I ask unanimous consent that the Senate may proceed with the call of the calendar at Order of Business No. 474.

The VICE PRESIDENT. Is there objection?

Mr. POINDEXTER. Mr. President, I was not able to be in the Chamber at the time the calendar was last called, and I should like very much to have unanimous consent that a House joint resolution which was called at that time and passed over be now considered. I refer to Order of Business 443, being the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

The resolution involves a matter of considerable importance to the press of the country. It involves the use of naval radio facilities on the Pacific coast for press purposes. I ask unanimous consent that we may proceed with the consideration of the joint resolution. It has been favorably reported by the Senate Committee on Naval Affairs.

Mr. KING. Reserving the right to object—

Mr. FLETCHER. I think we ought to have a quorum when the bill to which the Senator from Washington [Mr. POINDEXTER] refers is considered, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Ladd	Simmons
Ball	Fletcher	McKellar	Smith
Bursum	Gerry	McKinley	Spencer
Cameron	Gooding	McNary	Stanfield
Capper	Harrell	Moses	Sterling
Caraway	Harris	Nelson	Swanson
Culberson	Harrison	Page	Trammell
Cummins	Jones, Wash.	Poinexter	Walsh, Mont.
Curtis	Kellogg	Robinson	Watson, Ga.
Dial	Kendrick	Sheppard	Williams
Edge	King	Shortridge	Willis

Mr. McKELLAR. I desire to announce the unavoidable absence of my colleague [Mr. SHIELDS] on account of illness.

Mr. CURTIS. I desire to announce that the Senator from Nevada [Mr. ODDIE] and the Senator from Wisconsin [Mr. LENROO] are absent on account of sickness.

I also desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Connecticut [Mr. McLEAN], and the Senator from New York [Mr. CALDER] are detained from the Senate in attendance upon the Committee on Finance.

The PRESIDING OFFICER (Mr. FERNALD in the chair). Forty-four Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Jones, N. Mex. Reed.

The following Senators entered the Chamber, and answered to their names:

Brandagee	Kellogg	Pittman	Walsh, Mass.
Colt	Lodge	Pomerene	Warren
Ernst	McCormick	Ransdell	Watson, Ind.
France	New	Smoot	Weller
Glass	Newberry	Sutherland	
Heflin	Overman	Underwood	
Hitchcock	Phipps	Wadsworth	

The PRESIDING OFFICER. Seventy-one Senators have answered to their names. A quorum of the Senate is present.

Mr. CURTIS. I renew my request for unanimous consent that we may proceed with the calendar, at order of business

474, the point reached when the calendar was last under consideration.

Mr. POINDEXTER. Mr. President, a moment ago, before the point of the absence of a quorum was made, I made a request to take up a certain measure; but I will withdraw that request until the calendar has been called, and at the conclusion of the call of the calendar I shall ask that we revert to that bill.

The PRESIDING OFFICER. Is there any objection to proceeding with the consideration of the calendar, beginning with Order of Business 474? The Chair hears none.

LOUISE SAINT GEZ, EXECUTRIX.

The first business on the calendar under the unanimous-consent agreement was the bill (S. 403) for the relief of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré.

Mr. KING. Let the bill be read.

The reading clerk read the bill, as follows:

Be it enacted, etc. That jurisdiction is hereby given to the Court of Claims to hear, adjudicate, and determine the claim of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré, who were before and during the Civil War engaged in mercantile business in the city of New Orleans, State of Louisiana, under the firm name of Lapene & Ferré, for cotton taken by the United States authorities, sold, and the net proceeds covered into the Treasury of the United States. Said claim to be heard and determined under the provisions of the act of Congress approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," and acts amendatory thereof; and if the court shall find that the cotton so taken was sold and the net proceeds thereof were placed in the Treasury of the United States, said court shall render judgment for said net proceeds in favor of the owners thereof, and full jurisdiction is given to said court to adjudge such claims, any statutes of limitation and all other nonintercourse laws to the contrary notwithstanding, and all relevant testimony on file in said Court of Claims taken under the rules of said court upon notice to the United States may be read in evidence in said cause. Said judgment to be subject to an appeal to the Supreme Court by either party.

Mr. KING. I should like to have the report read.

Mr. WALSH of Montana. Does the Senator from Utah think any interest would be subserved by the reading of the report? I have read it, and I do not see anybody else in the Chamber who would be interested in it, except the Senator from Utah and myself.

Mr. KING. It is quite important, it seems to me, and I am not sure whether this is a claim which ought to be paid by the Government.

Mr. WALSH of Montana. I understand; but why take the time to read the report?

Mr. KING. We might let the bill go over.

Mr. WALSH of Montana. That may be done.

Mr. KING. Let it go over, then, Mr. President.

The PRESIDING OFFICER. It will be passed over.

TREATY WITH JAPAN.

Mr. LODGE. Mr. President, I ask unanimous consent, as in open executive session, to report favorably the treaty with Japan in regard to the island of Yap.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The treaty will be received as in open executive session.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the treaty with Japan concerning the island of Yap, as in open executive session, reported the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive R. Sixty-seventh Congress, second session, a treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean, lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The PRESIDING OFFICER. The resolution will be placed on the executive calendar.

THE FOUR-POWER TREATY (S. DOC. NO. 130).

The PRESIDING OFFICER. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Assistant Secretary read the message, as follows:

TO THE SENATE:

Responsive to Senate resolution No. 237, asking for records, minutes, arguments, debates, conversations, etc., relating to the so-called four-power treaty, I have to advise that it is impossible to comply with the Senate's request. Many of the things asked for in the resolution it is literally impossible to furnish, because there were many conversations and discussions quite outside the conference, yet vital to its success. Naturally these are without record.

I do not believe it to be compatible with public interest or consistent with the amenities of international negotiation to attempt to reveal informal and confidential conversations or discussions, of which no record was kept, or to submit tentative suggestions or informal proposals, without which the arrival at desirable international understandings would be rendered unlikely if not impossible.

While I am unable to transmit the information requested, I do, however, take this opportunity to say most emphatically that there were no concealed understandings, and no secret exchanges of notes, and there are no commitments whatever except as appear in the four-power treaty itself and the supplementary agreement, which are now in the hands of the Senate.

Respectfully,

WARREN G. HARDING.

THE WHITE HOUSE, February 20, 1922.

Mr. HITCHCOCK. I think the message should be referred to the Committee on Foreign Relations and printed.

Mr. LODGE. My attention was diverted. I did not hear it read.

Mr. HITCHCOCK. It is an important communication.

Mr. LODGE. I will not ask that it be read again, but I should like to see it. [After a pause.] I ask that it be printed.

The PRESIDING OFFICER. The Senator from Nebraska requests that it be referred to the Committee on Foreign Relations and printed. It will be so ordered, without objection. The Senate resumes the consideration of the calendar in legislative session.

ESTATE OF ALPHONSE DESMARE, DECEASED.

The bill (S. 404) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others was announced as next in order.

Mr. KING. That is of the same character as the bill last called, and I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

THOMAS E. OWEN.

The bill (S. 1502) for the relief of Thomas E. Owen was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to allow credit in the accounts of Thomas E. Owen, receiver of the land office at Clayton, N. Mex., for \$286.67 paid during the second and third quarters, 1921, for clerk hire not previously authorized.

Mr. KING. Mr. President, before the bill is acted upon, if any member of the Committee on Public Lands and Surveys is here, I should be glad to know by what authority additional help may be authorized by the Commissioner of the General Land Office. We have a statute which forbids the creation of a deficit, making it a penal offense, and in this case apparently some official of the Land Office deliberately ordered an expenditure not provided by law, and, so far as I know, no authority is given to the officer who ordered this expenditure to direct the employment of the additional person for whose benefit this claim is.

Mr. JONES of New Mexico. I am quite sure the Senator is not advised as to the law relating to this particular matter. There is a law, according to my understanding, authorizing temporary employment in the land offices. A report from the Department of the Interior specifically refers to the circumstances under which this employment was had. The letter from the Acting Secretary of the Interior is very short, and if the Senator would like to have me read it, I should be glad to do so.

Mr. KING. I shall be glad if the Senator will read it.

Mr. JONES of New Mexico. I may say that this letter is dated May 12, 1921, and the recommendation which the Acting Secretary has made is not timely now, as I will explain a little later; but the Acting Secretary's letter reads as follows:

The facts in this case are that under date of September 1, 1920, the Commissioner of the General Land Office authorized the register and receiver of the Clayton (N. Mex.) land office to employ a temporary clerk at \$1,200 per annum for a period of three months, and that under this authority Mr. James L. Brown entered on duty on the morning of September 7, 1920.

I can not direct the attention of the Senator to the specific legislation warranting this action, but my recollection is, from my experience with that department, that there is authority for such employment, and from his letter the Acting Secretary undoubtedly assumed that there was authority for it. The letter continues:

On request for information as to the last day's service of Mr. Brown, the receiver replied under date of February 28, 1921, that Mr. Brown was still on duty and that he had been under the impression that Mr.

Brown was appointed "pending permanent appointment." In his letter the receiver requested authority to continue the services from December 7, 1920, the day following that to which his services were authorized by the commissioner's letter of September 1.

The commissioner in a letter dated March 2, 1921, authorized the employment of Mr. Brown from and after that date and, quoting the terms of the appropriation act to the effect "that no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices, except upon previous specific authorization by the Commissioner of the General Land Office," informed the register and receiver that he was without authority to authorize the employment of Mr. Brown for the period December 7, 1920, to March 2, 1921, inclusive.

Mr. Thomas E. Owen, for whose relief the bill is introduced, as special disbursing agent of the Clayton land office, paid and charged in his account for the second quarter, 1921, \$80 for the services of Mr. Brown from December 7 to 31, inclusive, 1920. In his account for the third quarter, 1921, Mr. Owen paid \$206.67 for Mr. Brown's services from January 1 to March 2, inclusive, 1921. The Government has received the benefit of Mr. Brown's services and, as stated in the receiver's letter of February 28, above referred to, it was only on account of an oversight that request for authority was not made and granted before the services were rendered.

The point about it is simply this: The receiver of the land office understood that the original employment was one pending permanent appointment, but instead of that the appointment was made under the act of Congress which required previous authority to be granted, and that mistake was the cause of the whole trouble. If he had simply made the request, it would have been granted, because the situation was such as to demand the services of the additional employee, and he was given authority to employ him from that time on; but this little interim was not covered by the exact language of the law. The services were performed, and they were necessary, so the Acting Secretary of the Interior recommends that the claim be allowed.

Mr. KING. Mr. President, the superior knowledge of the Senator from New Mexico upon these land-office matters justifies all of us, perhaps, in bowing to his views. I shall not object to the consideration of this bill, but I shall vote against it. I can not see the wisdom of establishing a precedent of this character. The man in charge of the land office made the appointment without authority. Now we are to ratify it *nunc pro tunc*, so to speak. It is stated that if he had asked authority for the employment of this man it would have been granted, but it is dangerous to establish a precedent by which persons who are wholly unauthorized in the Government service to hire additional help may do so, relying upon a subsequent indorsement of their act by Congress.

I am not quite sure that the law authorizes the Secretary of the Interior to make those appointments if no appropriation has been made. I can see that there ought to be authority, perhaps, for the Secretary of the Interior, where an exigency arises in one of these land offices, to appoint temporarily some additional help, and no doubt the appropriation which is made covers contingencies of that character. If this were to be paid from a fund which was available, that would be one thing, but it is apparent it is not, because this carries an appropriation.

Mr. JONES of New Mexico. I was going to call the attention of the Senator to the fact that the Acting Secretary of the Interior recommended that the bill be amended so as not to provide for a direct appropriation, but that he be credited on his account out of an appropriation already made. I wish to state, however, that since this report was made the term of the incumbent of the office has expired, his successor has been appointed, and it will be impossible now to make the allowance on his account. The Acting Secretary recommended that no new appropriation be made, but that he be credited on his account.

But, of course, that recommendation of the Acting Secretary was in May, 1921, and since that time Mr. Owen has gone out of office. So now the recommendation of the Acting Secretary would not be applicable to this case or furnish the relief, and I shall have to ask the Senate not to agree to the amendment which was proposed by the Committee on Claims following the recommendation of the then Acting Secretary. It would have been a very proper thing to have done at the time the Acting Secretary made his recommendation, but, owing to the fact that Mr. Owen is now out of office and his accounts have been closed so far as he is concerned, it is proper now to make a direct appropriation to cover the case, because his term of office has expired.

Mr. KING. Does the Senator think there was covered back into the Treasury the amount here provided for?

Mr. JONES of New Mexico. Oh, yes. Mr. Owen paid this money out of his own pocket. It was not allowed by the auditor at all. He paid the money out of his own pocket, and inasmuch as he was still in office at the time the Acting Secretary reported upon it, it could have been allowed in a subsequent account, but he is now out of office and, of course, that can not be done. The proper way to reach it is by making the direct appropriation.

Mr. KING. If there was a contingent appropriation from which the amount could have been paid and it was not paid from that but was paid by Mr. Owen himself, then it is clear that the contingent appropriation had that much surplus at the end of the year which had been covered back into the Treasury.

Mr. JONES of New Mexico. The Senator is quite right. That necessarily follows, because there was a fund which could have been used for that purpose in settling the account, but it was not done owing to the fact that there was no legal authority to credit it in the first place, and the fact now is that he is out of office and that would prevent any such legislation being the proper corrective method along that line.

Mr. KING. With that understanding, I shall not object to the bill.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The ASSISTANT SECRETARY. The committee proposes to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to allow credit in the accounts of Thomas E. Owen, receiver of the land office at Clayton, N. Mex., for \$286.67 paid during the second and third quarters, 1921, for clerk hire not previously authorized.

Mr. JONES of New Mexico. I ask that the amendment be rejected because of the statement which I have just made. It would have been a very proper amendment if the legislation had been enacted at the time it was recommended, but inasmuch as the then incumbent is now out of office and his accounts have been settled, leaving the matter of this personal charge, I think the amendment should not be agreed to and that the bill as originally introduced should be passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Claims.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$286.67 to Thomas E. Owen, receiver of the land office at Clayton, N. Mex., to reimburse him for moneys paid out by him for clerk hire in the said land office.

BUFFKIN & GIRVIN.

The bill (S. 1670) for the relief of Buffkin & Girvin was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Buffkin & Girvin, of Jacksonville, Fla., out of any money in the Treasury not otherwise appropriated, the sum of \$2,114, in settlement of their claim for funds paid by them to the Government under protest, for manure, which was never delivered by the Government under certain contracts the said firm had with the Government for the purchase of manure at certain Army camps during the recent war.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONTHLY PAYMENT OF PENSIONS.

The bill (H. R. 2158) to provide for the monthly payment of pensions was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

EXTENSION OF DISTRICT OF COLUMBIA PARK SYSTEM.

The bill (S. 3098) authorizing the extension of the park system in the District of Columbia was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the jurisdiction of the Rock Creek and Potomac Parkway Commission, as granted in section 22, public buildings act, approved March 4, 1913 (Public No. 432), is hereby extended to cover the following tracts of land for park purposes, to wit: The tract known as the Klinge Road Valley Park, containing about 17.21 acres, as shown on map filed in the office of the surveyor of the District of Columbia, and designated as park map No. 647 D, the Piney Branch Valley Park, containing about 16.3 acres, as shown on a map filed in the office of the surveyor of the District of Columbia, and designated as park map No. 291, and the Patterson tract, known as parcel 129 (sub 2), containing about 81.76 acres; the commission is further authorized to reduce the area to be acquired in either of said tracts, where, by reason of improvements constructed or unreasonable prices asked, or for other reasons in their judgment the public interest may require: *Provided,* That if acquired by purchase the cost of the respective tracts shall not exceed the following sums: The Klinge Road Valley Park, \$186,600; the Piney Branch Valley Park, \$237,700; and the Patterson tract, \$600,000.

Mr. BALL. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The ASSISTANT SECRETARY. On page 2, line 14, strike out the period after the figures "\$600,000" and insert:

Provided further, That the tracts authorized to be acquired by this act shall become part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army, and the cost of the acquisition and the improvement and maintenance of said tracts as public parks shall be paid from the revenues of the District of Columbia and the general funds of the Treasury in the same proportion as other expenses of the Government of the District of Columbia.

Mr. WALSH of Montana. Mr. President, the bill contemplates the expenditure of something like a million dollars for the acquisition of further lands for park purposes in the District of Columbia. That is quite a large sum of money, and it ought not to go without some consideration. Provision for these matters is usually made in the general District appropriation bill. I inquire of the Senator from Delaware why that course is not taken with reference to this appropriation?

Mr. BALL. That is the course taken in this instance. The pending bill does not carry the appropriation. The amendment which I have offered is simply a paragraph that was omitted in copying the bill.

Mr. WALSH of Montana. I am not referring to the amendment; I am referring to the bill itself.

Mr. BALL. The appropriation for this purpose will be carried in the District appropriation bill. This bill merely authorizes the purchase of the land, and there will be only a portion of the amount appropriated each year, the same as is done for other parks.

Mr. WALSH of Montana. But exactly what does the bill mean? It provides that "the jurisdiction of the commission shall be extended over the following tracts" and then provides that "if acquired by purchase the cost of the respective tracts shall not exceed the following sums," specifying sums aggregating a million dollars.

Mr. BALL. The sums shall not exceed that total. The reason why I am very anxious that the bill should pass at this time is that unless the purchase of the land is authorized for park purposes now it will be very difficult, in the matter of cost hereafter, to acquire the land. These are all park lands which were authorized in the act of 1901 providing for a park system. These are the connecting links the purchase of which had not been authorized by the other acts. It is to complete the park system which was authorized at that time. For instance, on the Piney Branch extension between Sixteenth and Fourteenth Streets they are already making a fill for the purpose of erecting houses on a part of the land. Unless the purchase of that land is authorized now it will be very expensive ever to get it in the future, if, indeed, we could get it at all.

Mr. WALSH of Montana. As I understand it, then, by the provisions of the bill we agree to take over these tracts and to acquire the title to them either by condemnation or by purchase.

Mr. BALL. That is correct.

Mr. WALSH of Montana. And we authorize the purchase of them at a cost aggregating \$1,000,000.

Mr. BALL. Not to exceed \$1,000,000. I will say that similar bills have been passed for the purchase of lands that have already been authorized for park purposes, and in no case has the purchase price equaled the amount stated in the bill. They have been able for this reason to get the land more cheaply. All those owning the land, after its purchase is by legislative enactment authorized for park purposes, can not sell it for any other purpose and must pay the taxes on the land in the meantime until it is purchased by the Government. Therefore, they are anxious to sell the land, to be paid for out of the first appropriation that is made for that purpose. For that reason they are willing to sell the land more cheaply than the amount fixed in any of the appropriation acts heretofore.

Mr. WALSH of Montana. I did not rise for the purpose of contesting the acquisition of the land. I know nothing about it. However, heretofore, so far as my observation and recollection enable me to speak, these matters have been found in the District appropriation bill, particularly the matter of the acquisition of additional land for park purposes. When the District appropriation bill is up we usually have in the Senate something of a representation, and we all know that when the calendar is called on Monday morning there are ordinarily very few Senators here. What I rise to inquire about is, why the matter of the acquisition of the land is not deferred until the general District appropriation bill is before the Senate?

Mr. BALL. This is merely the authorization for the purchase of the land. One reason why it was called up this morning is

that the District appropriation bill will be reported to the Senate probably by the middle of the week. If the Senate acts on the authorization, then the Committee on Appropriations will include, under a certain rule of the Senate, a small appropriation for the purchase of a part of the land.

Mr. JONES of Washington. Mr. President, will the Senator permit me?

Mr. WALSH of Montana. Certainly.

Mr. JONES of Washington. While it may be true that most of these matters have been taken care of in appropriation bills heretofore, they really are legislation and should not be taken care of in an appropriation bill. They should be cared for in a separate measure, and then the appropriation bill should carry the appropriation. It would be really a straining of our rules, except by unanimous consent, to put it in an appropriation bill. This is really the correct legislative way to do it, to first pass a bill authorizing the appropriation, and then the Appropriations Committee has the authority to provide for the appropriation in the District appropriation bill. That is the explanation that I would have for considering this bill. It is really the proper way to do it.

Mr. BALL. I would like to state that I was asked to introduce the bill as an amendment to the appropriation bill. After investigating the matter, I did not think it was proper as an amendment to that bill. It is distinctly legislation authorizing the purchase of the tracts, and I do not think it ought to be added on an appropriation bill.

Mr. WALSH of Montana. I do think the matter of acquiring ground for park purposes, involving an expenditure of \$1,000,000, ought to be given more consideration than can ordinarily be accorded to it upon call of the calendar upon Monday morning. I do not like to object to the bill, as I understand it is approved by the District Committee, but it does seem to me a rather hasty kind of way to dispose of \$1,000,000.

Mr. JONES of Washington. I wish to say to the Senator that several members of the District Committee made personal investigation of the various tracts. We acquainted ourselves with the situation surrounding the matter, and we feel that prompt action is required in the interest of economy, because the tracts should be acquired as a part of the park system. If they are not acquired now, it is going to cost us a great deal more money to acquire them in the future.

Mr. WALSH of Montana. I wish to say to the Senator that I suppose these proceedings in connection with the tracts of land referred to are being conducted in the most businesslike way. I can understand very readily that if it is adjudged that these tracts are to be used for park purposes, the owners of them would like to have the Government take them over just as speedily as possible, inasmuch as they can not dispose of them for any other purposes; but, on the other hand, if we undertake to take them over for park purposes, then there will be no opportunity for bargaining to advantage, because then we shall have got them and will have to pay for them. I should like to inquire if any option has been secured upon any of these tracts?

Mr. JONES of Washington. I do not think that any options have been obtained, but under this proposed legislation I think we shall be able to do just about what the Senator has suggested. I do not really know that I ought to make public the suggested procedure which was mentioned to us, but I will say to the Senator that those representing the park system did represent to us that if we would take care of this matter in this way they were satisfied that they could get the various units composing the different tracts much cheaper than if we should appropriate out and out a distinct sum for the whole tract. I do not want to say here on the floor just what procedure they said they expected to follow, but they feel that they can get these tracts much cheaper by our taking this course than in any other way.

I desire to say to the Senator from Montana, however, that these lands may be used for other purposes; indeed, they are very likely to be used for other purposes. For instance, the Patterson tract is very likely to be divided very soon and sold in lots.

The Senator from Kansas has just called my attention to the fact that some streets are being laid out, so that we shall either lose the land entirely or else we shall have to pay a much larger sum for it if we do not enact the legislation which is now proposed. Camp Meigs was located on a part of that tract, and some improvements have been made there which will be very desirable in connection with its use for park purposes. Very likely we shall lose all of them unless the property is speedily acquired.

Mr. WALSH of Montana. I do not know how it may be out in the State of the Senator from Washington [Mr. JONES], but in my State I have observed that whenever it is perfectly well

known that a certain particular tract is going to be used for public purposes, its value suddenly appreciates in the most marvelous way, so that ordinarily in connection with such a project we endeavor to get an option on the tract. If we secure the option at a reasonable price, then we devote the land to public purposes; and if we do not, then we do not devote it to public purposes. When the owners know perfectly well that this land is going to be taken for park purposes, naturally they are going to drive their price just as high as they possibly can, limited only by what they imagine they will be awarded upon proceedings in eminent domain.

Mr. JONES of Washington. I shall be glad to tell the Senator from Montana privately what the plan is which it is proposed to follow and the facts on which I base my judgment as to their ability to get these tracts at pretty reasonable rates; but I had rather not make the statement on the floor.

The PRESIDING OFFICER (Mr. Edge in the chair). The question is on agreeing to the amendment proposed by the Senator from Delaware [Mr. BALL].

The amendment was agreed to.

Mr. KING. Mr. President, I desire to inquire of the Senator from Washington [Mr. JONES], in view of the suggestion which has been urged by the Senator from Montana [Mr. WALSH]—and it is a very pertinent suggestion and worthy of consideration—whether it would not be wise to strike out the amount which is named as the maximum to be paid?

Mr. JONES of Washington. I hardly think so, because the matter then would be wide open.

Mr. KING. Then we could provide for the purchase of the tracts for a suitable price, a report to be submitted to Congress before the transaction has been fully consummated.

Mr. JONES of Washington. Of course, the limits are fixed, and the limits, as I understand, which we have placed in the bill are really below the value of the property to-day.

Mr. KING. As quoted on the market?

Mr. JONES of Washington. Yes.

Mr. BALL. Mr. President, I should like to say—

Mr. SWANSON. I do not want to interrupt the discussion, but I desire to raise a point of order under the rule limiting debate to five minutes.

Mr. KING. I have not used all of my time.

Mr. SWANSON. I do not desire to object to the bill, but if the discussion is going to take up all of the morning hour—

Mr. KING. I have the floor, and at the expiration of my five minutes the Senator from Virginia may object to the consideration of the bill if he wishes to do so.

Mr. President, I hope my reputation for economy will reassure some Senators who might be opposed to this bill in their support of it. I think one mistake which this city and other cities have made is found in the fact that they have failed to appreciate the importance of parks and have not purchased land for park purposes when they might have done so at a reasonable price and have consequently been compelled to purchase land for such purposes upon an advancing market when prices had reached altitudinous heights. I have made some investigations in relation to this matter, and I think that we ought to acquire these tracts as well as others. I think it has been very unfortunate that the District and Congress have not in the past purchased more land than they have acquired for park purposes.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. ELLIOTT.

The bill (S. 1784) for the relief of John B. Elliott, was announced as next in order, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John B. Elliott, whose position as collector of customs of collection district No. 27 (formerly known as the district of southern California) was inadvertently abolished under the provisions of the Executive order of February 2, 1920, the salary he would have received as collector of customs of the newly created district No. 27 (known as the district of Los Angeles) from February 2, 1920, to April 5, 1920, inclusive, had not his position been so abolished.

Mr. KING. Mr. President, reserving the right to object, I should like an explanation of the bill.

Mr. CAPPER. I will ask that the report on the bill be read. It is very short, and I think explains fully the reason why the bill should be passed.

Mr. KING. Mr. President, it looks from the bill itself—I have had no opportunity to read the report—that the Government abolished an office and now they are sorry for it and they

are going to pay the official who had been in charge a salary although the office was abolished. Of course if there has been an abolition of an office under either a Democratic or a Republican administration I think we are to be congratulated.

Mr. CAPPER. Mr. President, the subcommittee having charge of the bill went into it pretty carefully. It was urged by the department that the amount, aggregating, I think, about \$700, claimed should be allowed. The committee seemed to have no hesitation about submitting a favorable report on the measure. I ask that the Secretary read the report.

The PRESIDING OFFICER. The Secretary will read the report.

The Assistant Secretary proceeded to read the report (No. 479) submitted by Mr. CAPPER on the 3d instant, which is as follows:

The Committee on Claims, to whom was referred the bill (S. 1784) for the relief of John B. Elliott, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in House Report No. 1221, Sixty-sixth Congress, third session, which is appended hereto and made a part of this report.

[House Rept. No. 1221, 66th Cong., 3d sess.]

The Committee on Claims, to whom was referred the bill (S. 4250) for the relief of John B. Elliott, having considered the same, report thereon with a recommendation that it do pass with the following amendment: Strike out section 2.

Appended hereto is Senate Report No. 619, which is made a part of this report.

The Committee on Claims, to whom was referred the bill (S. 4250) for the relief of John B. Elliott, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

This bill provides for the interrupted and unpaid salary due John B. Elliott, collector of the port of Los Angeles, Calif., amounting to \$888.89, accidentally cut off by an Executive order.

The committee recommend that it do pass.

The Secretary of the Treasury has given his approval of the bill in the following letter to the committee:

THE SECRETARY OF THE TREASURY,
Washington, April 29, 1920.

THE CHAIRMAN, COMMITTEE ON CLAIMS,
United States Senate.

SIR: Reference is made to your letter of the 20th instant transmitting copy of S. 4250, for the relief of John B. Elliott, collector of customs at Los Angeles, Calif., in which you request, for the use of your committee, all papers or copies of the same in the files of this department relating to the matter, together with the department's opinion as to the merits of said bill.

In reply I have to inform you that when the Executive order of February 2, 1920, creating the new customs collection district of San Diego (designated as district No. 25) was prepared at the department it was not the intention to disturb Mr. Elliott's position as collector of customs but merely to transfer a portion of the territory embraced in the old district of southern California to the newly created one of San Diego.

Under the provisions of the Executive order above referred to, the abolishment of the old district of southern California was synchronous with the creation of the two new districts of Los Angeles and San Diego, and Mr. Elliott continued to perform the functions of the office of collector of customs at Los Angeles until March 19, 1920, at which time he was notified by telegram that the Solicitor of the Treasury had ruled that the Executive order of February 2 had abolished his position from that date and that it would be necessary for him to be reappointed. As the result of the solicitor's ruling, Deputy Collector L. I. Sturm, of the Los Angeles customhouse, was, on March 23, 1920, appointed acting collector of customs for the newly created district of Los Angeles, without additional compensation and effective as of February 2, to serve until Mr. Elliott's appointment as collector of said district had been confirmed by the Senate. Mr. Elliott's appointment as collector of the new district of Los Angeles was confirmed by the Senate on April 6, and although he had in fact performed the duties of the office of collector up to March 23 and had thereafter continued to exercise supervision over the work of his district until his reappointment had been confirmed by the Senate, under the solicitor's ruling herebefore referred to he was technically without pay status during the period from February 2, 1920, to April 5, 1920, inclusive.

The department considers Mr. Elliott justly entitled to the salary that accrued from the date of the Executive order which abolished the old district of southern California to the date of the confirmation by the Senate of his reappointment as collector of the new district of Los Angeles on April 6, 1920, and bill S. 4250 accordingly meets with its approval.

For the information of your committee I have the honor to transmit herewith:

1. Copy of the Executive order of February 2, 1920.
2. Copy of the solicitor's opinion of March 17, 1920.
3. Copy of department telegram of March 19, 1920, notifying Collector Elliott of the necessity for his reappointment.
4. Copy of department telegram of March 23, 1920, appointing Deputy Collector Sturm as acting collector at Los Angeles to serve pending the confirmation of Mr. Elliott's reappointment.

Respectfully,

D. F. HOUSTON, Secretary.

During the reading of the report,

Mr. WALSH of Montana. I ask that the further reading of the report be dispensed with.

Mr. KING. Mr. President, I shall not object to the request of the Senator, but this is an indication of the absurd practice of the Government in creating a multitude of collectors' districts. The absurdity of having one district at Los Angeles and one at San Diego is apparent. We have been promised by several Secretaries of the Treasury that a large number of collectors' districts would be abolished. I regret that some of us did not have our attention challenged to the fact that we were

creating a new district at San Diego and recreating the district at Los Angeles. Talk about the fifth wheel to a coach—this is a sixth or seventh wheel to a coach. It is the most absurd proceeding. Of course, this man has served during the period and he ought to be paid, but I protest against the action of the Government in creating a large multitude of unnecessary and superfluous offices.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF CITY OF BALTIMORE.

The bill (S. 2095) to reimburse the city of Baltimore, State of Maryland, for moneys expended to aid the United States in the construction of works of defense during the Civil War, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF TRADING WITH ENEMY ACT.

The bill (S. 2745) to amend subdivision (3) of subsection (B) of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, was announced as next in order.

Mr. KING. Mr. President, I have an amendment to offer to that bill. I did not think the calendar would be taken up this morning. I am in sympathy with the purpose of the bill, but I have not the amendment here, and I shall be compelled to ask that the bill may go over.

Mr. WALSH of Montana. Mr. President, I hope the Senator will not object to the consideration of the bill.

Mr. KING. I shall not object to its consideration, Mr. President, although I regret that I have not here the amendment to which I have referred.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 2, after the word "thereof," to insert "or the minor daughter or daughters of such woman, she being deceased," so as to make the bill read:

Be it enacted, etc., That subdivision (3) of subsection (B) of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, be, and hereby is, amended so as to read as follows:

"(3) A woman who at the time of her marriage was a citizen of the United States or was a daughter of a resident citizen of the United States and herself a resident or former resident thereof, or the minor daughter or daughters of such woman, she being deceased, and who prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary, and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary, subsequent to January 1, 1917."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VIRGIL O. McWHORTER.

The bill (H. R. 1948) for the relief of Virgil O. McWhorter was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ROBERT G. WHITFIELD.

The bill (H. R. 7483) for the relief of Robert G. Whitfield was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert G. Whitfield, his heirs, assigns, or legal representatives, from any money in the Treasury not otherwise appropriated, the sum of \$261.60 as a refund of a donation which Robert G. Whitfield made to the Government.

Mr. KING. Mr. President, I should like an explanation of this bill.

Mr. CAPPER. I ask that the Secretary may read the report.

Mr. KING. Yes; let the report be read.

The reading clerk proceeded to read the report (No. 489) submitted by Mr. CAPPER on the 9th instant, and read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 7483) for the relief of Robert G. Whitfield, having considered the same, report favorably thereon, with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in House Report No. 271, Sixty-seventh Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 271, Sixty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 7438) for the relief of Robert G. Whitfield, having considered the same, report thereon with a recommendation that it do pass.

On April 2, 1919, the Treasury Department received from Robert G. Whitfield a check in the sum of \$261.60, and the same was deposited as a donation to the Government, the amount being covered into the Treasury by miscellaneous warrant No. 68 for the fourth quarter of 1919.

At the time, and for a long while prior thereto, Mr. Whitfield was insane. In December, 1919, he was committed to the Washington State Hospital for the Insane at Fort Steilacoom, where he is now confined.

Above sum of money can only be withdrawn pursuant to an act of Congress.

Attached herewith and made a part of this report are letters from the Treasury Department. Also affidavit from Wilmot G. Whitfield and commitment papers establishing the insanity of Robert G. Whitfield.

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TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, July 9, 1921.

HON. GEORGE W. EDMONDS,
Chairman Committee on Claims, House of Representatives.

DEAR MR. EDMONDS: In reply to your letter of the 1st instant, requesting a report on bill H. R. 7483, copy of which was inclosed with your letter, providing for the relief of Robert G. Whitfield, I have the honor to advise you that this department would interpose no objection to the passage of the bill in question. In connection therewith your attention is invited to letter of this department, dated May 13, 1920, making report on a similar bill, H. R. 13762, Sixty-sixth Congress, second session, for the relief of Mr. Whitfield, and inclosing copies of correspondence in the case.

It appears that under date of April 2, 1919, this department received a communication from Robert G. Whitfield, Calgary, Alberta, inclosing a check for \$261.60, and stated that—

"It seems some one used to make my safe, when a stamp clerk in the Seattle post office from 1909 to July, 1916, a repose for conscience money of some kind."

The amount is also referred to on a receipt which was given by him to the postmaster at Seattle that same was delivered to Mr. Whitfield, as "over and above surplus at stamp window."

The check above mentioned was collected and the proceeds deposited as a miscellaneous receipt under the title "Money received from persons unknown," the amount, \$261.60, being covered into the Treasury of the United States under date of May 31, 1919, by miscellaneous receipt warrant No. 68, fourth quarter, 1919, and moneys so covered into the Treasury can not be withdrawn therefrom except in consequence of a subsequent appropriation made by law.

Subsequent correspondence developed the fact that Mr. Robert G. Whitfield had made the remittance when insane, he having been later committed to the Western Washington Hospital for the Insane, and on January 28, 1920, his brother, Mr. Wilmot G. Whitfield, through his attorney, filed a certified copy of letters of guardianship dated December 29, 1919, issued by the Superior Court of the State of Washington.

Yours, very truly,

A. W. MELLON, Secretary.

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TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 13, 1920.

HON. GEORGE W. EDMONDS,
Chairman Committee on Claims, House of Representatives.

MY DEAR CONGRESSMAN: I beg to acknowledge the receipt of your letter of the 12th instant, inclosing copy of bill (H. R. 13762) for the relief of Robert G. Whitfield.

As requested in your letter above referred to, there is inclosed herewith copy of correspondence in this case.

This department would interpose no objection to the passage of the bill in question.

Respectfully,

D. F. HOUSTON,
Secretary of the Treasury.

Mr. SWANSON. I ask that the further reading of the report be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF CITY OF BALTIMORE, MD.

Mr. JONES of Washington. Mr. President, when Order of Business 484, Senate bill 2095, was reached on the calendar, I asked to have it go over. I desire to withdraw my objection to the consideration of that measure.

The PRESIDING OFFICER. Without objection, the Senate will recur to Senate bill 2095.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2095) to reimburse the city of Baltimore, State of Maryland, for moneys expended to aid the United States in the construction of works of defense during the Civil War, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$202,022.99, being the balance due said city for amounts advanced and expenses incurred and paid arising out of the request of Maj. Gen. R. C. Schenck, United States Army, dated June 20, 1863, to aid the United States in the construction of works of defense in and around the city of Baltimore during

the Civil War," and to insert "\$173,073.60, expended by said city in carrying out the request of Maj. Gen. R. C. Schenck, United States Army, to aid the United States in the construction of works of defense in and around the city of Baltimore on account of the Civil War," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of Baltimore, State of Maryland, out of any money in the Treasury not otherwise appropriated, the sum of \$173,073.60, expended by said city in carrying out the request of Maj. Gen. R. C. Schenck, United States Army, to aid the United States in the construction of works of defense in and around the city of Baltimore on account of the Civil War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES JOHNSON.

The bill (S. 942) for the relief of James Johnson was announced as next in order.

Mr. FLETCHER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER OF CUSTODY OF RELICS.

The joint resolution (S. J. Res. 137) transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the possession of the Department of State was considered as in Committee of the Whole and was read, as follows:

Whereas by a joint resolution of the Senate and House of Representatives, approved March 4, 1844, the sword of George Washington and the staff of Benjamin Franklin were accepted in the name of the Nation as gifts from Samuel T. Washington and deposited for safe-keeping in the Department of State; and

Whereas by a joint resolution of the Senate and House of Representatives, approved February 28, 1855, the sword of Andrew Jackson was accepted in the name of the Nation as a gift from the family of Gen. Robert Armstrong and deposited for safe-keeping in the Department of State; and

Whereas it is represented by the Secretary of State that he has no appropriate place for the exhibition of these relics: Therefore be it

Resolved, etc., That the Secretary of State be, and he is hereby, authorized to transfer the said relics to the custody of the Secretary of the Smithsonian Institution for safe-keeping and exhibition in the National Museum.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

AMENDMENT OF MILITARY ACADEMY APPROPRIATION ACT.

The bill (H. R. 8924) to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the second proviso of the first paragraph under the head "Miscellaneous" of the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920 (41 Stats. L., p. 548), is amended to read as follows:

"Provided further, That any cadet now at the academy may, at his option exercised prior to June 11, 1920, continue at the academy one additional year and postpone thereby his prospective graduation. Any cadet not electing so to prolong his course shall be graduated in the year assigned his class prior to the passage of this act, except that any such cadet may subsequently, at any time not less than three months prior to his prospective graduation in such year, choose to reexercise such option for the purpose of so prolonging his course."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOTEL ON FORT MONROE MILITARY RESERVATION.

The joint resolution (S. J. Res. 156) authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., that the Secretary of War be, and he is hereby, authorized to grant permission to such individuals or corporations as to him may seem proper to construct, operate, and maintain a hotel upon the Fort Monroe Military Reservation in Virginia, for a term not exceeding 50 years, upon such site, according to such plans and dimensions, and subject to such conditions and restrictions as may be approved by the Secretary of War: *Provided*, That the State of Virginia, by its general assembly and governor, shall by proper legal enactment give the consent of such State to the construction, operation, and maintenance of such hotel: *Provided further*, That after the expiration of the grant herein authorized, or in case at any time previous thereto the building hereby authorized is destroyed by fire or other casualty, then all buildings erected or other installations made on said site or the remains thereof shall be removed and the site restored at the expense of the then owner or owners of such hotel to the satisfaction of the Secretary of War, whenever he shall so direct, unless such grant shall be renewed for another term not exceeding 50 years, which renewal is hereby authorized in the discretion of the Secretary of War: *And provided further*, That no claim for damages against the United States shall be made by reason of the enforcement of any conditions or restrictions which have been approved by the Secretary of War or by reason

of the removal of buildings and installations and restoration of the site thereof: And provided further, That the buildings so erected shall be subject to State, local, and national taxation as other property located in the county of Elizabeth City, Va.

Mr. CALDER. Mr. President, I should like to inquire of the Senator from Virginia if this joint resolution will permit the erection of a hotel on the site of the old Chamberlin Hotel?

Mr. SWANSON. It does not designate the specific place, but it allows the Secretary of War to pass upon the plans and authorize the erection of a hotel on that reservation.

Mr. CALDER. Does it permit the charging of rental?

Mr. SWANSON. It permits the charging of rental and the making of all other conditions that may be regarded as necessary. I will state that the permit for the erection of the old Chamberlin Hotel was given solely to John Chamberlin, and when it burned down after his death it could not be reerected.

Mr. FLETCHER. The old Chamberlin Hotel was destroyed by fire, and this hotel is to take the place of the old one.

Mr. JONES of Washington. Will the Secretary have any control over the management of the hotel?

Mr. SWANSON. He can make any provision he pleases under this joint resolution. It was drawn by the War Department, and they are very anxious to have it passed. It was sent down here, and I introduced it with the conditions imposed by them.

The PRESIDING OFFICER. If there be no amendment to be proposed, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEGLIGENT DIPPING OF TICK-INFESTED CATTLE.

The bill (S. 854) to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture, was considered as in Committee of the whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$105.25 to J. B. Glanville; the sum of \$60 to R. Pendergraft; the sum of \$205 to Daniel H. Mehl; the sum of \$350 to E. C. Stockebrand; the sum of \$1,193 to Albert Matti; the sum of \$80 to Fred Reine; the sum of \$100 to George M. Miller; the sum of \$70 to R. F. Morton; the sum of \$9,102.98 to George F. Shotwell; the sum of \$100 to Romain Gurley; the sum of \$3,740.54 to W. E. Huntsinger; the sum of \$662.79 to Arthur Letts; the sum of \$7,080.74 to James Dobbs; the sum of \$36,198.60 to McCready, Shroyer & Gafford; the sum of \$3,106.20 to Pet Nation; the sum of \$52,528.31 to Fred Nation; the sum of \$13,960 to Carl Nation; the sum of \$19,987.56 to Nation & Berns; the sum of \$4,743.10 to Donaldson & Barker; the sum of \$15,039.91 to Charles H. Giddings; the sum of \$2,446.05 to F. L. Giddings; the sum of \$278 to June Williams; the sum of \$1,112.53 to F. Wesley Barker; the sum of \$9,587.98 to T. M. Stribling; the sum of \$5,885.37 to Whittington & Sweeney; the sum of \$12,830.16 to Crocker, Robb & Kitzelman; the sum of \$26,841.56 to Hudelson & Crocker Bros.; the sum of \$12,966.30 to Hudelson, Whittington & Crocker Bros.; the sum of \$4,261.44 to Clay & Easley; the sum of \$152.49 to G. F. Brough; the sum of \$482.26 to Robert L. Wood; in all, the sum of \$245,258.12 for losses and damages sustained by them through the negligence of the veterinary inspectors employed by the Bureau of Animal Industry, Department of Agriculture, in their failure to properly dip 48 head of Texas cattle that were shipped from Fort Worth stockyards in April, 1919, by Fred Nation to Kansas, where they infested the native Kansas cattle with the Texas fever tick. Said sums to be paid to each of the above-named parties in full for all losses and damages so sustained by them.

Mr. DIAL. Mr. President, I would like to know what is the aggregate amount.

The PRESIDING OFFICER. For losses and damages, \$245,258.12.

Mr. DIAL. If we commence passing bills of this kind, Mr. President, it will be establishing a very bad precedent.

Mr. CURTIS. I would like to state to the Senator that the precedent has already been set. A similar case of damage was settled in the last Congress. This matter has been submitted to the department, and a report has been made and the figures agreed to by the Department of Agriculture. There is no question about the carelessness, and there is no question about the disease having been transmitted as a result of the imperfect dipping.

Mr. DIAL. Then it is time to get rid of some of the officials guilty of such negligence. I do not see how the country can stand the passage of such bills very long.

POLITICAL ACTIVITIES OF OFFICERS OF FEDERAL RESERVE BANK OF ATLANTA.

Mr. HEFLIN. Mr. President, I want to bring to the attention of the Senate a question which I think is of considerable importance, not only to the Senate and the House but to the whole country.

I have had occasion to criticize Gov. Harding of the Federal Reserve Board for participating in politics through the Federal Reserve Board. There are thousands of people in the country who believe that he bore down harder with that deflation policy just before the election of 1920 than at any other time. As I have said before, the Washington Times said he had changed his politics and supported the Republican ticket.

A few days ago the Senator from Virginia [Mr. GLASS] made a speech upon the floor of this Senate which he had thoroughly prepared, and in which he attacked me a number of times. I intimated in my speech that he had been prevailed upon to make that speech. I do not mean to say that the Senator meant to do anything wrong himself, but that he was imposed upon and deceived by members of the Federal Reserve Board and those interested, whose crooked conduct I have condemned.

The speech made by the Senator from Virginia contained many inaccurate statements of fact pertaining to the deflation policy of the Federal Reserve Board. I challenged many of the statements, and I quoted from the former Comptroller of the Currency, John Skelton Williams, to show that those statements were inaccurate and misleading.

Mr. President, I have just received a letter from a good friend in my State, a part of which I am going to read to the Senate without giving his name. He is a banker and I want the Senate to say what action we shall take with regard to the matter mentioned in the letter.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER. Will the Senator suffer an interruption from the Senator from Ohio?

Mr. HEFLIN. For what purpose does the Senator rise?

The PRESIDING OFFICER. The Senator from Ohio has interrupted the Senator from Alabama. Will the Senator from Alabama suffer an interruption?

Mr. WILLIS. I want to ask the Senator a question.

Mr. HEFLIN. I yield to the Senator.

Mr. WILLIS. The Senator knows I do not desire to interrupt his speech, but I wondered if he would not let this matter go over until we get through with the morning hour. There are two or three bills which many of us are very much interested in which can not come up after 2 o'clock.

Mr. HEFLIN. It will not take me three minutes to conclude.

Mr. WILLIS. Very well.

Mr. HEFLIN. This letter reads:

FEBRUARY 15, 1922.

DEAR SENATOR HEFLIN: A few days ago the Federal Reserve Bank of Atlanta sent us a copy of Senator GLASS's speech on the Federal reserve system and asked that we read it in order to get a correct idea of the way in which the system had been administered and to write them what we thought about the speech.

Mr. President, the Federal reserve banks hold in their hands the lifeblood of business in my section of the country. The bankers in my State must go to the Federal reserve bank in Atlanta for money to be used by the farmers, the merchants, and other people engaged in business in our State. The Federal Reserve Board, whose conduct I have condemned and denounced, appoints the governor of the Federal reserve bank and the chairman of the board. That bank, which was never intended to be in politics, is procuring speeches made by the Senator from Virginia [Mr. GLASS] and is distributing those speeches to bankers in my State, accompanied by letters from the Atlanta bank, urging the recipients to read the speech and to write back to that bank, to which they must apply for loans, just what they think of the speech; in other words, they demand to know whether they agree with the Senator from Virginia, who defended the deflation policy of the Federal Reserve Board, or the Senator from Alabama, who criticizes and condemns it.

The letter from my friend, the Alabama banker, says further:

We wrote them, of course, that we thought that you and the Manufacturers' Record were nearer right than Senator GLASS in this controversy, but it has occurred to the writer that the Federal Reserve Bank of Atlanta really has no business sending out to your constituents the speech of any Senator or Representative in Congress at the expense for printing letters and postage of the Atlanta bank.

The PRESIDING OFFICER. The Senator's time under the five-minute rule has expired.

Mr. HEFLIN. I ask unanimous consent that I be given two minutes more.

The PRESIDING OFFICER. The Senator asks unanimous consent for two minutes. Is there objection? The Chair hears none.

Mr. HEFLIN. The letter proceeds:

It occurs to me that the Atlanta bank is now doing what it can to bring you into disfavor with your constituents because you have had the temerity to discuss the mistakes of the members of the Federal Reserve Board and the officers of the several banks.

Of course, I do not want to get mixed up in politics in any way, and only write you this because my sympathies in this matter are with you and to put you on your guard.

Mr. President, I bring this to the attention of the Senate for the purpose of laying a foundation for a resolution to investigate the Atlanta bank's activities in this matter and for the purpose of having investigated the governor and the chairman of the board in Atlanta with the view of taking the steps necessary to keep the Federal Reserve Bank of Atlanta out of politics and safeguard the interests of our people.

If these men can do a thing like that, if this great banking system can take a hand in politics in this way, then a great banking system is being assaulted from within, and the Senate owes it to that system and to itself to stop this dangerous conduct now.

Mr. GLASS. Mr. President, I have but a word to say with respect to what has just been said by the junior Senator from Alabama [Mr. HEFLIN], and that is that his statement made some days ago, as he said, and repeated to-day, that the Senator from Virginia was induced to make the speech which he did make is utterly untrue.

Mr. HEFLIN. Mr. President, I stated that—

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. GLASS. The Senator from Virginia made his speech of his own accord, without suggestions from any source. As to the speech being sent to banks in Alabama or anywhere else, I have nothing to say. I hope it will be sent to all the banks and to all people who care to read it.

NEGLIGENT DIPPING OF TICK-INFESTED CATTLE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 854) to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture.

Mr. FLETCHER. Mr. President, I do not know that I will object to this bill finally, but it comes at a time when we have not even had an opportunity to read the report on it, and I am apprehensive about the danger of a procedure of this kind. We may be flooded with claims from all over the country of this sort, it seems to me, if we pass this bill. If these Federal inspectors are so negligent in the discharge of their duties as to cause the unnecessary death of cattle and loss to the people who are endeavoring to take advantage of the provisions made for dipping cattle, the inspectors themselves undoubtedly ought to be held responsible.

I am heartily in accord with the aid given to cattle owners in this respect. I believe the system ought to be enforced and lived up to and that there ought to be a way of ridding the cattle of ticks throughout this country from one end to the other. But the inspectors are the people who ought to be made to pay the damages if such losses have occurred, and I am afraid that if we open the door for claims against the Government of this kind, there will be no limit to this sort of a demand. I would like, if the Senator can see his way clear, to have the bill go over for the present, in order to give us an opportunity to look into the report.

Mr. CURTIS. If the Senator desires to examine the report, that will be satisfactory to me.

Mr. FLETCHER. I would like to do that. It may be that I shall not object to it later.

The PRESIDING OFFICER. Does the Senator request the reading of the report?

Mr. FLETCHER. I ask to have the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

HAYES MEMORIAL MUSEUM, FREMONT, OHIO.

The bill (S. 3046) to donate the gates at the head of West Executive Avenue, in the city of Washington, D. C., to the Hayes Memorial Museum, Fremont, Ohio, was considered as in Committee of the Whole.

Mr. JONES of Washington. Let the bill be read, Mr. President.

The bill was read, as follows:

Be it enacted, etc., That the Chief of Engineers, United States Army, is hereby authorized and directed to transfer to the Hayes Memorial Museum, of Spiegel Grove, Fremont, Ohio, the iron gates at the head of West Executive Avenue, in the city of Washington, D. C.: *Provided*, That the United States shall incur no expense whatever in connection with the removal and shipment of these gates.

Mr. OVERMAN. I would like to know something about what gates are referred to.

Mr. WILLIS. They are the big iron gates at the head of the avenue which separates the Executive Grounds from the State, War, and Navy Building. As the Senator knows, they are an obstruction to traffic, and have been for years, as far as

that is concerned. The particular project that is in mind, the Hayes Memorial, is located at Fremont, Ohio, donated to that city by Col. Webb Hayes, whom the Senator knows. This bill has the approval of the War Department, the President, and everyone else concerned, so far as I know. I hope the Senator will not object.

Mr. HEFLIN. Mr. President, my reference to the speech of the Senator from Virginia—

Mr. WILLIS. Mr. President, will not the Senator permit a vote on this bill, so that we can get it out of the way?

Mr. HEFLIN. In just one minute.

Mr. WILLIS. From a glance at the clock I see there will be only one minute. Let us vote on this bill, and then I will be delighted to yield to the Senator.

Mr. HEFLIN. I yield in response to the very touching appeal of the Senator from Ohio.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FIDELITY & DEPOSIT CO. OF MARYLAND.

Mr. FRANCE. Mr. President, I ask unanimous consent that the Senate take up for consideration the bill (S. 2765) for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md. It will take but a moment. It is a formal matter, which will provoke no discussion, and it can be disposed of in a very few minutes.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the Senate take up for consideration Senate bill 2765. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, after the 15th day of December, 1921, 43 per cent United States Treasury certificates of indebtedness Nos. 13387 and 13388, of the denomination of \$10,000 each, series TD-1920, dated January 2, 1920, and maturing December 15, 1920, with interest from June 15, 1920, to December 15, 1920, in favor of the Fidelity & Deposit Co. of Maryland, without presentation of the certificates, the said certificates of indebtedness having been stolen, lost, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment; *Provided further*, That the said Fidelity & Deposit Co. of Maryland shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal and interest of the said certificates of indebtedness of the United States of America, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stolen, lost, or destroyed certificates of indebtedness hereinbefore described.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF DISABLED ARMY OFFICERS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

Mr. BURSUM rose.

Mr. POINDEXTER. Mr. President, will the Senator from New Mexico allow me to call up the joint resolution to which I referred a few moments ago?

Mr. BURSUM. Will its consideration be likely to lead to debate?

Mr. POINDEXTER. I think not. I think it will only take a moment to dispose of it.

Mr. BURSUM. With that understanding, I consent.

OPERATION OF GOVERNMENT-OWNED RADIO STATIONS.

Mr. POINDEXTER. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which had been reported from the Committee on Naval Affairs with an amendment, on page 3, lines 2 and 3, to strike out the words "in any

event on June 30, 1922," and insert the words "on June 30, 1927," so as to make the joint resolution read:

Resolved, etc., That section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, be, and the same is hereby, amended to read as follows:

Sec. 2. That the Secretary of the Navy is hereby authorized, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department—(a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories, or possessions, or published by citizens of the United States, in foreign countries, or by any press association of the United States, and—(b) for the reception and transmission of private commercial messages: *Provided*, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States and the Orient, shall not be less than the rates charged by privately owned and operated stations for like messages and service: *Provided further*, That the right to use such stations for any of the purposes named in this section, except for the reception and transmission of press messages, other than press messages between the Atlantic coast of the United States and ships at sea, shall terminate and cease as between any countries or localities or between any locality and privately operated ships, whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof, and all rights conferred by this section shall terminate and cease on June 30, 1927.

The amendment was agreed to.

Mr. POINDEXTER. On page 2, line 13, after the words "United States," I move to insert the words "Hawaii and Alaska." Through a mistake in the committee the bill reads: "Messages between the Pacific coast of the United States and the Orient." That does not include communications with Hawaii and Alaska, which should be included. I therefore move that the words "Hawaii and Alaska" be inserted after the words "United States," in line 13, page 2.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, line 13, after the words "United States" insert "Hawaii and Alaska," so as to make the sentence read:

That the rates fixed for the reception and transmission of such messages, other than press messages between the Pacific coast of the United States, Hawaii, and Alaska, and the Orient, shall not be less than the rates charged by privately owned and operated stations for like messages and service.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. POINDEXTER subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD in connection with the consideration of the radio bill which the Senate acted on a few moments ago a letter from the President of the United States and a letter from Mr. V. S. McClatchy, of the Sacramento Bee, to Mr. Owen D. Young, chairman of the board of directors of the Radio Corporation of America. I ask that it be printed immediately following the action of the Senate upon the bill referred to.

The PRESIDING OFFICER (Mr. NEW in the chair). Without objection, it is so ordered.

The letters referred to are as follows:

THE WHITE HOUSE,
Washington, February 13, 1922.

HON. CARROLL S. PAGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR PAGE: The Naval Committee very recently reported in favor of House joint resolution No. 7, relating to the extension of time under which there is authorized the operation of Government-owned radio stations for the use of the general public, and for other purposes. This is the measure in which the press is very greatly interested, looking to the promotion of a better and more helpful exchange of news with the Orient and the islands of the Pacific. I am well convinced that the passage of this resolution would be highly beneficial.

Very truly, yours,

WARREN G. HARDING.

DECEMBER 27, 1921.

OWEN D. YOUNG, Esq.,
Chairman Board of Directors,
Radio Corporation of America,
233 Broadway, New York.

DEAR MR. YOUNG: This acknowledges your letter of December 22, after reading which I regret sincerely that I did not make the attempt to see you personally while in New York.

I understand and to a great degree sympathize with your attitude in regard to control and use of Government radio facilities for transmission of news and commercial messages. I am satisfied, however, that on a thorough understanding of the matter as I submitted it to the two committees of Congress and as you will find it covered in the transcript of my statements before them, made in late November and early December, you will perhaps be in accord with the plans suggested by me.

I made practically the following points:

1. That because of extensive cable and radio facilities and the 7-cent word rate for news, it is not necessary at this time to urge use of Government radio for trans-Atlantic news communication.

2. That existing conditions on the Pacific point to the use, temporarily at least, of such Government facilities as the only means for furnishing news communication at a word rate sufficiently low to maintain service.

3. That in view of these conditions authorization to the Navy Department for use of its facilities may be fairly confined to news purposes across the Pacific, and these, again, as between any two certain points, limited to use until such time only as privately operated stations are in position to accord service between such points.

This statement of my position seemed to eliminate the objections offered by those in both committees most antagonistic to use of Government radio for news purposes.

If you will be kind enough to have your representative in Washington look over the transcript of my statement made in executive session before the subcommittee of the House Committee on Merchant Marine and Fisheries on the day in late November recess was taken, and before the Senate Committee on Naval Affairs in open session December 8, I think you will be prepared to indorse the action which I urge.

I notice with gratification your closing statement that if it is made clear to you that my program is no menace to the investment in private companies you will gladly support it because you believe it to be in the interest of America.

I stated very clearly to each committee that I was in accord with the principle of encouraging and supporting the establishment of radio communication by privately operated companies and urged the present plan because it would not take from privately operated companies business which they would otherwise have or which they are willing to take at the rate necessary to maintain it. In the absence of authority in the Navy to carry on this business the present service across the Pacific which is commencing to prove adequate and satisfactory, must entirely cease. We will then revert to conditions which existed before the war under which communication between this country and China, Japan, and the Philippines depended entirely upon British and Japanese news agencies. On that situation I need make no comment.

In principle I am so thoroughly in accord with what I understand to be your own views and desires that it would please me if you would indicate wherein, if at all, my program as herein outlined and as covered in my statements before the committees would interfere with legitimate business of private radio companies or would be in any way anything save a benefit to the interests of this Nation.

Very truly, yours,

V. S. McCLATCHY.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business. The Senator from Alabama will proceed.

POLITICAL ACTIVITIES OF FEDERAL RESERVE BOARD AND FEDERAL RESERVE BANK OF ATLANTA.

Mr. HEFLIN. Mr. President, as I was about to say when interrupted, the Senator from Virginia [Mr. GLASS] said that he made a speech of his own accord and did not consult or tell anybody that he was going to speak. It was a rather strange thing that at the time he made his speech Gov. Harding, and at least one other member of the board, came up and sat in the gallery. They had notice from somebody as to when the Senator from Virginia was going to speak. They stayed and heard his speech.

The Senator from Virginia said that he would like to see the speech sent to all the banks and to anybody else who will read it. I have no objection to that. I would like to have my speech go along with it. I do not object to the Senator from Virginia circulating his speech, but I do object to the Federal Reserve Board circulating the speech at the expense of the Government. I object to the Federal Reserve Bank in Atlanta circulating the speech at the expense of the people who support that bank. I object to that bank, or any other bank in the great Federal reserve system, taking such a hand in politics. I have no objection to the speech of the Senator from Virginia being circulated because, as I said and I wish to repeat, he is the only Democrat in the Senate from the South, especially from the principal cotton-growing States, who would make a speech in this Chamber or to the public anywhere, defending the Federal Reserve Board's deflation policy.

I have not undertaken to circulate my speech. I have not sent it to a single newspaper in the country. I did what I thought was my duty here in replying to the speech made by the Senator from Virginia. I replied to his speech later in a speech of five and one-half hours long, and I will have that speech ready to be printed in the RECORD in a very few days. I differed with the Senator from Virginia, as I had a right to do, and he had a right to differ with me; but it is not the business of the Federal Reserve Board or of the Federal reserve banks to distribute my speeches or the speeches of the Senator from Virginia.

I want to tell the Senate and the country that they who control the money supply and the credits of the country control the life-giving power of the business of the country, and whenever you put it in the power of a bank to send out literature attacking the position of somebody they hope to hurt and demanding of the local bank which has to come to them to borrow money to report to them just how it feels about the subject, you are putting a club of coercion and intimidation in the hands of the Federal reserve bank and you are mistreating and working

grave injury to the local banks and therefore working injury to the people.

How would the president of a local bank in Alabama feel if he indorsed my position, and was seeking a loan from the bank in Atlanta, and he was called upon to tell the Atlanta bank, which wanted my position repudiated, his position in the matter, and he should write and say that he agreed with me, would the Atlanta bank enthuse over the matter of granting him the accommodation he wanted? Shall the Atlanta bank or any other regional bank in the system be permitted to handle money that the Government issues directly or indirectly to carry on a political propaganda?

An Atlanta bank, located in the State of Georgia, is distributing the speeches of the Senator from Virginia amongst the banks in my State, and a banker writes me that it is done for the purpose of injuring me politically. Mr. President, the bank in Atlanta and the 11 other Federal reserve banks can not deter or stop me in fighting the battle that I am fighting for a fair, just, free, and honest banking business in America. I do not intend to sit silent and permit this great banking system to be changed into an instrument of business disaster or an agency of political propaganda.

Now, the Senator from Virginia [Mr. GLASS] is one of the reputed authors of the Federal reserve banking system. He introduced the bill in the House. The Senator from Iowa [Mr. KENYON] said on this floor that the Senator from Oklahoma [Mr. OWEN] was the real author of the bill. Nearly all, if not all, of the Democrats supported it. I helped to pass it, and I certainly never intended that it should be mismanaged as it has been, and made to conform exactly to what the old system was when Wall Street could produce a panic in 24 hours, contract the currency, deflate credits, and control the situation absolutely. That is what we had under the old system. That is what we have had for months under the new system under the administration of a board that shaped its creed for its cravings and swallowed its convictions for a job.

Mr. President, this is a serious matter. This banking system belongs to the country. The people in America have a right to demand that it be kept out of politics and true to the purposes for which it was created. When a Senator from a cotton-growing State whose people were literally crucified under the deflation policy, started by a resolution introduced by the Senator from Illinois [Mr. McCORMICK] and carried out by the governor of the Federal Reserve Board, Gov. Harding, gets up here or any other place to tell the truth about this thing the board and its yelpers begin to howl.

Mr. McCORMICK. Mr. President—

Mr. HEFLIN. I yield to the Senator from Illinois.

Mr. McCORMICK. Will the Senator quote the resolution to which he refers?

Mr. HEFLIN. The Senator's resolution, which passed the Senate May 17, 1920, calling on the board to know what it was going to do about deflation. That is the resolution I refer to.

Mr. McCORMICK. Will the Senator continue?

Mr. HEFLIN. That is what I am talking about.

Mr. McCORMICK. What else did the resolution contain?

Mr. HEFLIN. It had a camouflaging, misleading—

Mr. McCORMICK. Wait a minute!

Mr. HEFLIN (continuing). Line in the last part of it.

Mr. McCORMICK. I think the Senator does not want to impute to a colleague here a motive to camouflage. I think, under the rule, he will consider that is improper.

Mr. HEFLIN. The resolution speaks for itself.

Mr. McCORMICK. It does.

Mr. HEFLIN. I think this, and I am bringing it to the attention of the Senator, that the last line in it deceived a good many Senators—I do not charge that it was put there for that purpose—but the last line said something about "money for crop-moving purposes," or something to that effect. In my judgment that part of it deceived the Senate. The resolution passed the Republican Senate, and became the order of this body. I want to place the responsibility for deflation just where it belongs.

But, Mr. President, I was coming to a situation that has confronted us for some time. I have studied this situation for months and months; I have read the bulletins of the Federal Reserve Board; I have read the stock-market papers of the country; I have read various periodicals; I have read the book written by Col. George Armstrong, of Fort Worth, Tex., a big cotton producer, and he calls that book "The Crime of 1920"; I have read the Manufacturers' Record, which has indicted, arraigned, and convicted the Federal Reserve Board of "hoarding the Nation's life blood and refusing to let it circulate." I contended that that policy was wrong; that it was an outrage upon the American people, and that it destroyed property values by

the billions. Being convinced as I was that that was true, I dared in my place as a United States Senator to get up here and say that.

Now, then, what do we find? We find the Federal Reserve Board coming up and listening and smiling when the Senator from Virginia makes his speech. Then we find the speech being circulated in my State among the bankers by the Federal Reserve Bank of Atlanta. I repeat, the governor of the Federal Reserve Board here and his board name the governor and the chairman of the board of the bank in Atlanta, and through that bank the Federal Reserve Board is circulating an unwarranted and unfounded attack on me and my position regarding the Federal reserve banks.

Mr. President, in that speech which I made I criticized the extravagance of the New York Federal Reserve Bank. I condemned the graft business in which that bank had indulged when it raised the salaries of clerks who were getting \$1,200 a year to \$12,000 a year, of those who were getting \$1,600 a year to \$16,000 a year, of those who were getting \$1,800 a year to \$18,000 a year, of those who were getting \$2,500 a year to \$25,000 a year, and the salary of the president of the bank from \$30,000 a year to \$50,000 a year.

I condemned the officials of that bank for spending more than \$4,000,000 to buy just one lot on which to build a bank, the lot costing more than all of the 26 buildings of the Corn Exchange National Bank of New York. I was condemning all that; and the Senator from Virginia criticized me and attacked my position.

I condemned that board for lending money by the millions in New York when it was lending only a pittance to the agricultural interests of the South and West. That is what happened. I was showing that the debt-paying power of the farmers of my State had been destroyed. I said on this floor that the young farmer just starting out in life who had but 10 bales of cotton when cotton was 40 cents a pound could pay \$2,000 worth of debts with that cotton, but in 12 months the debt-paying power of that cotton was reduced to \$500 and it would take 40 bales to pay the debt he had incurred in making the crop of 1920. That is the offense which I have committed.

I have been criticizing the Federal Reserve Board for employing a deflation policy that resulted in pouring money into Wall Street by the millions and enabling Wall Street to make money by the billions upon the distress and misfortune of the South and West; and now I am to be attacked by this cowardly, contemptible, and curlike plan of sending the speech of somebody secretly into my State with a letter from a Government bank demanding of the poor struggling banks in Alabama, "Write me back and give me your views upon this subject." What does that mean? It is practically saying to that bank, "You have got to come here for accommodations; we hold the purse strings; we have got the money supply; we control the credit; and if you are with Heflin and the fight that he is making for a fair administration of the banking system, in the demand that he is making that money shall circulate and that credit shall be extended to every legitimate enterprise in the country, then you can not get any credit and you can not get any currency."

Mr. President, it is a terrible thing that they are doing, intimidating the local banks. The banking system with the creation of which myself and the Senator from Oklahoma [Mr. OWEN] and others had to do, was never intended to be perverted from the ends of its institution in this manner and made the handy instrument of sinister interests or political propaganda.

Mr. President, when I started this fight I realized it was a big undertaking; I knew how resourceful were those who would seek to injure one and stab him in the back who dared to expose their conduct and crime against the business of the average man. But that did not deter me. It will not deter me now. I have never lowered my arm in fighting for what I believed to be right; I did not owe my seat in the other branch of Congress for 16½ years nor do I owe my election to the Senate of the United States to the corrupt use of a single dollar or to the predatory interests of any concern in the country. My support has come from the minds and hearts of a splendid and noble people, and it is the confidence that they have reposed and the esteem in which they have held me that has been a constant stimulus and inspiring power in all the battles that I have fought, and I spurn and I despise the contemptible play at politics which sneaks through the mail from another State, campaign literature by a Government bank, for the purpose of influencing and intimidating the bankers of my State.

I shall ask the Senate a little later to take action upon a resolution which I shall present in regard to this matter. If

the officials of the Federal reserve bank in Atlanta are guilty of this act as indicated in this letter to me, they ought to be removed. There ought not to be a Democrat or Republican in this body who would vote against a resolution looking to that end.

Mr. President, the Government will not let you and me coin money; if it would, I should coin all I wanted, and so would you; but the Government reserves to itself the right to coin money and stamp the value upon it. What is money? It is a medium of exchange and a measure of value. If the farmers of the West and the farmers of the South are to be confined to \$2,000,000,000, that is all the crop is worth; if they are to be confined to \$4,000,000,000, then it is worth \$4,000,000,000; and \$4,000,000,000 becomes the measure of the value of all the crops, worth, maybe, \$20,000,000,000.

So I am to be condemned and the effort is to be made, through a Government banking institution, to hurt me politically because I have dared to stand here and fight for what I know is to the best interest of the farmer, the wage earner, the merchant, and local banker in every community in the country.

Senators, do you want the time to come when the Senator who knows the truth and knows the right will be afraid to tell the one or defend the other?

Mr. President, the farmer out yonder goes to work and figures in the spring of the year how much it is going to cost him to make a crop, and he figures how much he is going to get for the crop in the fall on market day. The cattleman moves out upon the plains with his sheep and his cattle and figures how much it is going to cost him to produce beef and mutton and wool, and he figures how much he is going to make in the market place. He has got to have money, and he has got to have credit; they both must flow within his reach. If you are going to put it in the power of somebody to contract the currency, to reduce its volume, to make it scarce and hard to get, what happens to that poor fellow? The value of his product goes down and down, and he finds himself in the market place forced to sell below the cost of production. Then what happens? You kill that man's business. What happens to the sheepman? One of them testified before our committee that he could not get his loans renewed, and he was forced to sell his sheep on a rapidly declining market. He said that after paying freight rates and for feed for his sheep on the way to market he received only 34 cents a head above what it had cost him for the feed and freight rates on the way to market; so that he lost hundreds of dollars in the transaction. What happened to him? You killed his business.

What happened to the cattleman? I have told you once before about a poor fellow out in Texas. He said, "Cattle are pretty cheap; I will buy a little ranch." So he borrowed \$2,000 and bought a few head of cattle and put them out on the plains. He gave his time to their care; looked after them faithfully; and in the fall of the year his paper came due. He said, "The price of cattle is too low for me to sell now; it is going to be better after a while." So he goes to the bank and says, "I understand that you extend notes; that you grant time on loans to other people; I want you to grant me a little more time in which to pay this note." The bank replied, "We can not do it." Listen, Senators. They forced him to sell his cattle, and after he had given his year's work, after his investment of \$2,000, and after paying for the feed which he had bought, and all other expenses to which he had been put, under the forced sale he received but \$1,300 for them. He paid that back on the \$2,000 note, leaving himself in debt \$700 and his business was ruined. That is what the Federal Reserve Board's deflation policy has done. That is what I have condemned, and I repeat there is not a southern Democrat in this body who will defend that deflation policy except the Senator from Virginia.

Mr. President, I have given serious thought and great study to this question. It is no small offense to call in the money supply of the country and withhold it from business, that must have it or perish. I served on the Agricultural Committee of the House for 12 years out of the 16½ years I was in the House. I have been on the Agricultural Committee of the Senate since I came to this body. In our committee since deflation came upon us I have heard men testify with tears in their eyes, telling us of the woeful conditions that exist in the West and in the South. We have suffered the same affliction, and now when I come to present the cause of the people—oppressed, down-trodden, demoralized, their property destroyed—this discredited Federal Reserve Board operates through the Federal reserve banks and slips a speech full of inaccurate statements into my State amongst the bankers and calls on them to write back to the source to which they must go for money and credits to know whether or not they condemn their Senator from Alabama, who dares to fight for the right in this matter.

Senators, Old Hickory Jackson dared to challenge the national bank of his day when it undertook to dominate the politics of the country. The people connected with it even got so bold and arrogant that when Jackson wanted to put a measure through Congress they went to him to yoke with it some measure they had, and Jackson did not take well to it, and the spokesmen for the national bank of that time said: "Well, if you will not put our measure in with yours, then you can not pass yours through Congress." What did Old Hickory say? He said: "Have you power enough to defeat a righteous measure that the President of the United States, the Chief Executive of the whole people, wants to put through Congress for their benefit?" They said, "Yes." "Then," he said, "that is too damned much power for one concern to have, and I will take it away from you," and he did.

Now what have we? We have the best banking system, in my judgment, that was ever put upon a statute book—this elastic system, this system that saved the South and saved the West from the crop gamblers of Wall Street, fought them in the open and routed them in 1919; and then, in 1920, when the wolves of Wall Street came out again, licking their chops and howling in glee, we said, "Let them come; we have the sinews of war; we have a banking system that can whip them in the open; we have whipped them once, and we will whip them again." Then the Federal Reserve Board, the commander of our reserve army, would not order them out to battle, and left 60,000,000 of defenseless people in the South and West to have their hard-earned substance taken from them by those wolves, and would not furnish them weapons with which to fight and defend themselves. That is the gang I am fighting.

I do not blame them for fighting me. It is all right; but I want them to fight me in the open; and I do not intend that they shall use the instrumentalities of the Government that I am trying to serve to weaken my arm in the fight that I am making. I appeal to the President. It is his business to see that that law is enforced. It is his business to see that that board keeps out of politics. It is his business to see that the bank in Atlanta takes its hands out of the politics of the South. It was intended, purely and wholly, singly and solely, to serve the business needs of the people. I do not ask any favors of the Federal Reserve Board.

That board has smitten my people sore. That board has destroyed billions of property values in the South. That board's deflation policy, as I have said, grew out of the resolution of the Senator from Illinois [Mr. McCORMICK]; and you will remember that the Senator from Oklahoma [Mr. OWEN] got up at the time and said that it meant deflation and depression, and subsequent developments showed that to be true. No, Mr. President, I do not ask any favors of that board, and I am not asking any favors of the bank down yonder, but I am protesting against using these governmental instrumentalities of my country to further my claims politically or the claims of anybody else.

It ought not to be done. It ought not to be permitted. The President can stop it. The best thing he could do for the American people, I repeat, would be to remove the members of the Federal Reserve Board.

In the fight that I have made against deflation and in favor of a fair and honest administration of the Federal reserve banking system I am in company with the Senators from North Carolina, Mr. SIMMONS and Mr. OVERMAN, the Senator from South Carolina, Mr. SMITH, the Senators from Arkansas, Mr. ROBINSON and Mr. CARAWAY, the Senators from Georgia, Mr. HARRIS and Mr. WATSON, the Senators from Florida, Mr. FLETCHER and Mr. TRAMMELL, and others that I can name. There is not one of them that will stand on this floor and say: "I indorse the deflation policy or the management of the Federal reserve banking system by the Federal Reserve Board during the year 1920"—not one.

Mr. President, this is a live issue that I am on. There is not a question that is more vital to honest business of the country. We may differ on the tariff, we may differ on foreign policies, we may differ on legislative propositions that affect some of our other domestic concerns, but there ought not to be any difference between Democrats and Republicans when it comes to lashing this system back out of the political entanglements into which Gov. Harding has dragged it.

I repeat, before I sit down, there is not anything in the country that affects more vitally the interests of the whole people than the control of the money supply and credits of the country. If ever Congress, under the control of either party, sits supinely down and permits this system to dabble in politics Congress will prove unfaithful, and every Senator who permits it will violate his oath. When I came into this body and stood at the altar

place of this Chamber I took an oath that I would defend the Constitution of the United States, which is the sheet anchor of my country, against all enemies, both foreign and domestic, and I say to you that any man or set of men who manipulate the money supply, the credits of the country, and try to control politics with them is an enemy to my country.

Mr. President, I believe I have said about all on this phase of the matter that I care to say now. I am going to ask the Senate to act. I am going to put this grave matter square up to the Senate of the United States and let the Senate say whether or not a Federal reserve bank shall be permitted to use its power in politics anywhere.

Mr. McCORMICK. Mr. President, the Senate has been carried away—very far away—by the fervid eloquence of the heroic and martyred Senator from Alabama. Therefore I ask that in this connection the resolution to which he made allusion, and the brief discussion of the resolution upon May 17, 1920, as published on page 7145 of the Record, may here be incorporated in the Record.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, what was the request?

The VICE PRESIDENT. That the resolution to which the Senator from Alabama referred, and the discussion thereon, be incorporated in the Record.

Mr. HEFLIN. I have no objection. Did the Senator include the statement of the Senator from Oklahoma [Mr. OWEN], in which he said that it meant deflation?

Mr. McCORMICK. I included that part of the Record which appears on page 7145, the day on which the resolution was adopted. If I remember correctly, the Senator from Oklahoma did not speak at that time.

Mr. HEFLIN. I want to put in the Record what he did say when he spoke. I will find that part of the Record—it is not very long—and I ask unanimous consent that it may follow the matter that the Senator from Illinois asks to have printed in the Record.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. McCORMICK. Then, Mr. President, I ask that the answer of the Federal Reserve Board, sent to the Senate in reply to the resolution, be also incorporated in the Record.

Mr. HEFLIN. Mr. President, that is too long. Besides that, it comes from a repudiated source.

The VICE PRESIDENT. Is there objection?

Mr. HEFLIN. I will ask the Senator how long it is?

Mr. McCORMICK. I am sure I do not know.

Mr. HEFLIN. Oh, I do not object to printing it. It will cost the Government a good deal; that is all.

The VICE PRESIDENT. Without objection, it is so ordered. Senate resolution 363, submitted by Mr. McCORMICK on May 15, 1920, is as follows:

Resolved, That the Federal Reserve Board be directed to advise the Senate what steps it purposes to take or to recommend to the member banks of the Federal reserve system to meet the existing inflation of currency and credits and consequent high prices, and what further steps it purposes to take or recommend to mobilize credits in order to move the 1920 crop.

[From the CONGRESSIONAL RECORD of May 17, 1920, pp. 7145 and 7146.]
FINANCIAL POLICY.

Mr. McCORMICK. Mr. President, I move that the Senate take up Senate resolution 363, on which I desire to say only a word.

The VICE PRESIDENT. The Chair understands that it is a resolution coming over from a preceding day.

Mr. McCORMICK. It is.

The VICE PRESIDENT. Under the rule the Senator has a right to call it up, if there is no objection.

Mr. McCORMICK. I think there will not be any objection to the resolution.

Mr. GERRY. I ask that the resolution may be read.

The VICE PRESIDENT. It will be read.

The Assistant Secretary read Senate resolution 363, submitted by Mr. McCORMICK on the 15th instant, as follows:

Resolved, That the Federal Reserve Board be directed to advise the Senate what steps it purposes to take or to recommend to the member banks of the Federal reserve system to meet the existing inflation of currency and credits and consequent high prices, and what further steps it purposes to take or recommend to mobilize credits in order to move the 1920 crop.

Mr. KING. May I inquire of the Senator whether the resolution has been reported by the committee?

Mr. McCORMICK. It has not been referred to a committee. It is a Senate resolution. I recognize that there may be some question in the mind of the Senator from Utah as to the purpose of the resolution, but I do not believe he will have any objection to it after a word of explanation.

Mr. KING. Let me say to the Senator, if he will pardon me, that I do not know that I have any objection to it, and yet there are some recitations in it that may not be agreed to by many students of political economy and many members of the committee to which the resolution would properly go.

Mr. McCORMICK. What recitations, may I ask the Senator?

Mr. KING. That high prices are the result of the so-called inflation of credits and currency, and the implication to be derived from the resolution that there is inflation as a result of the activities or lack of activities of the Federal Reserve Board.

Mr. McCORMICK. I do not think the last will be found in the resolution. It is indisputable that not only in this country but in every country there has been a vast increment in the total of currency and credits. It is indisputable that there is a relation between the increment of currency and of credit and existing prices. The Senator surely recognizes that all the classic symptoms of impending financial crisis are manifest to-day. The principal hope of relief is in the Federal Reserve Board, and in the board advising the business world of steps proposed to meet the demand for credit when the period of crop moving comes.

While the distinguished Senator from Virginia [Mr. GLASS] was still Secretary of the Treasury, the Reserve Board with his concurrence, and, if I am not mistaken, following his advice, raised the bank rate. Subsequently Congress legislated to vest in the Reserve Board and the member banks discretion as to the establishment of different rates.

Mr. GRONNA. Will the Senator yield?

Mr. McCORMICK. Certainly.

Mr. GRONNA. Will the Senator briefly outline what are the provisions of the resolution?

Mr. McCORMICK. The resolution calls upon the Reserve Board to inform the Senate what steps it contemplates taking to relieve the existing inflation and to mobilize credits against the time when we must move the crops of the country. The Senator very well remembers that in 1907, at this period in the year, there were manifest exactly the symptoms of economic and credit disorder which are present to-day, very much the same symptoms that were manifest in 1903. Unless under the reserve system the Reserve Board takes steps to forestall a credit stringency in the fall, we shall have something approximating a panic.

In my judgment, announcement at this time of the contemplated steps will serve a most valuable purpose in relieving the apprehension of thousands of creditors in the country. Such announcement will tend to meet the very stringency which is threatened in the fall.

Mr. GRONNA. May I ask the Senator if the resolution simply asks for information?

Mr. McCORMICK. It asks for nothing more.

Mr. GRONNA. I certainly have no objection to that. I think it is very advisable that we should adopt such a resolution.

Mr. McCORMICK. The resolution asks for nothing more than information; in fact, I may say to the Senator that to-day there are gathering in Washington representative bankers from all over the country to confer with the reserve board and the Secretary of the Treasury about the grave situation now impending.

Mr. GRONNA. I rose only for the purpose of securing information. The Senator knows, of course, as well as I do, the danger of changing the monetary laws by piecemeal. In reference to rates of interest and what they will do, I think any man who has studied political science from any angle at all knows that the men who will get the advantage of a high rate of interest, or the concerns which will get the benefit of a high rate of interest, are those which are making large profits. There is nothing which will harm the farming interests any more than to compel them to pay a high rate of interest. They will be obliged, if that be done, to cease operations, because their business does not pay a sufficient profit to enable them to pay high rates of interest.

Mr. McCORMICK. The Senator from North Dakota will learn, if he will examine the resolution, that there is no reference to rates of interest. Unless steps are taken to-day to mobilize the necessary credit resources, farmers will be hard put to it to find money this fall when it is necessary for their very lives.

Mr. GRONNA. We know that the men who are now getting money are the automobile manufacturers and others who can place the burden upon the other party.

Mr. McCORMICK. Great amounts of credit are being utilized in the manufacture of silk stockings, phonographs, and all kinds of nonessentials.

Mr. McCORMICK. Mr. President—

Mr. McCORMICK. I yield to the Senator from North Dakota.

Mr. McCORMICK. I should like to ask the Senator from Illinois why he has such an apprehension of a stringency in connection with the securing of money to handle the crops when grain receipts or warehouse receipts can be taken as security to the Federal reserve banks, deposited there, and any amount of money issued upon them and no interest charged upon that money for six months? If a warehouse receipt is good for the cash—and it certainly is if it covers wheat—why should there be the danger of inability to expand the currency when there is no interest charge for six months for such expansion?

Mr. McCORMICK. Mr. President, we may continue to expand the currency, as we have expanded it, without checking the increase in interest rates, which has been manifest all this year.

Mr. McCORMICK. The increase of interest rates is due to the demand for money.

Mr. McCORMICK. Precisely.

Mr. McCORMICK. But the information I wanted to obtain from the Senator was the basis of his fear that we could not get sufficient money in the fall; in other words, that we could not sufficiently expand our currency to meet the requirements of moving the crops.

Mr. McCORMICK. Doubtless we can expand the currency while prices and interest rates increase indefinitely.

Mr. McCORMICK. Does the Senator from Illinois assume that we will fail to utilize the power in the present banking laws to meet the requirements incident to handling the crops?

Mr. McCORMICK. I assume nothing. I want to learn from the Federal Reserve Board what plan of relief, if any, it has in contemplation.

Mr. McLEAN. Mr. President—

Mr. McCORMICK. I yield to the Senator from Connecticut.

Mr. McLEAN. Under the law there is, of course, a limit to the expansion of the currency. That limit is the gold reserve which is required. When the reserves of the Federal reserve banks are exhausted, no more currency can be issued until the gold reserve is replenished.

Mr. KENYON. I desire to ask the Senator from Illinois, if I may, in connection with his resolution, to explain the rate of interest that is being charged by the reserve banks. What rate of interest are the Federal reserve banks charging?

Mr. McCORMICK. They are not charging a uniform rate of interest, as the Senator from Iowa knows.

Mr. KENYON. They are, I know, charging a very high rate of interest in some cases.

Mr. McCORMICK. They are seeking, I am told, to moderate activities in the production of nonessentials, or they are supposedly doing so.

Mr. KENYON. They have forced some particular banks to pay all the way from 10 to 13 per cent for money. That is reflected on the small banks and is reflected as to the farmer, and it is becoming a very serious situation in the sections of the country which the Senator and I represent.

Mr. McCORMICK. The resolution seeks for information as to the policy of the reserve board. That is what is most immediately necessary in the present situation.

Mr. KENYON. It never was intended, was it, that the reserve board should be engaged in building up banks or getting profits for banks? Its purpose was to serve a general public use.

Mr. SHEPHERD. Will the Senator welcome information as to whether they expect to earn 102 per cent on their capital stock next year?

Mr. BORAH. Mr. President, what is before the Senate?

The VICE PRESIDENT. The resolution of the Senator from Illinois [Mr. McCORMICK].

Mr. BORAH. I do not desire to speak upon that if we can have it disposed of.

Mr. McCORMICK. Mr. President, can we not have a vote on the resolution?

The VICE PRESIDENT. The question is on agreeing to the resolution. The resolution was agreed to.

[From the CONGRESSIONAL RECORD of May 18, 1920, p. 7200.]

Mr. OWEN. * * * The resolution of the Senator from Illinois, however, offers a hook and an invitation from the Senate to the Federal Reserve Board to declare a policy of "deflation." It carries the suggestion of deflation. The policy of deflation set by the Wall Street stock exchange control, which broke the stock market by high interest rates, meets the approval of the same class of financial experts domiciled in Chicago, who might naturally advise the Senator from Illinois; but I warn the Federal Reserve Board and I warn the country that if a panic in this country results from their policy they are liable to have a North Dakota reaction, where a State bank was established to furnish money at fair and stable rates, using the credit of the State and the taxing power of the people of the State for that purpose. You can go too far in the matter of taxing the people of this country by high interest rates and the "deflation" of credit. If the Reserve Board leads the procession of banks in fixing high rates on the people—that is, on their own depositors—and a great industrial depression follows, why should they wonder if the people of this country should demand as a remedy that the reserve banks be made banks of deposit and discount? I warn the Federal Reserve Board that this country is not going to submit to any depression brought about by the banks of the country or under the policy of the board or under the advice of financiers domiciled either in New York or Chicago.

Senate Document No. 280, Sixty-sixth Congress, second session, is as follows:

INFLATION OF CURRENCY AND MOBILIZATION OF CREDITS.

Letter from the governor of the Federal Reserve Board transmitting in response to a Senate resolution of May 17, 1920, certain information concerning the expansion of currency and the mobilization of credits to move crops of the year 1920.

(May 24 (calendar day, May 25), 1920.—Referred to the Committee on Banking and Currency and ordered to be printed.)

FEDERAL RESERVE BOARD,
Washington, May 25, 1920.

THE PRESIDENT OF THE SENATE.

SIR: On May 17, 1920, the Senate adopted the following resolution: "Resolved, That the Federal Reserve Board be directed to advise the Senate what steps it purposes to take or to recommend to the member banks of the Federal reserve system to meet the existing inflation of currency and credits and consequent high prices, and what further steps it purposes to take or recommend to mobilize credits in order to move the 1920 crop."

In response the board desires to say that it has recognized for many months past that the expansion of bank credits in this country was proceeding at a rate not warranted by the production and consumption of goods. It has repeatedly admonished the Federal reserve banks that influence should be exerted upon the member banks to induce them to avoid undue expansion of loans and to keep their volume of outstanding credits within moderate bounds.

Beginning six months ago, the rates of discount on various classes of paper at the Federal reserve banks were advanced. During the latter part of January the present rates were put into effect. These advances, while undoubtedly checking credit transactions which otherwise would have been made, have not been entirely effective in bringing about the reduction in loans desired and which might normally have been expected during the early months of the year. Liquidation during these months is entirely natural and healthy, and is necessary in order that the banks may be prepared to meet the demands made upon them during the crop making and harvesting seasons, but there has been no such liquidation and, on the contrary, commercial loans have steadily increased. Thus it appears that the public has anticipated demands for banking credit which are usually made later on in the year. The average reserves of the Federal reserve banks are now a little over 42½ per cent as against 45 per cent at the beginning of the year and about 51 per cent 12 months ago.

The Federal advisory council, which is composed of one member from each Federal reserve district, elected annually by the board of directors of the Federal reserve bank, is required by section 12 of the Federal reserve act to meet in Washington at least four times each year. The council is authorized "to confer directly with the Federal Reserve Board on general business conditions; to make oral or written representations concerning matters within the jurisdiction of said board; to call for information and to make recommendations in regard to discount rates, rediscount business, note issues, reserve conditions in the various districts, the purchase and sale of gold or securities by reserve banks, open-market operations by said banks, and the general affairs of the reserve banking system."

Upon receipt of a notice that the council would hold its regular meeting on May 17, the board extended an invitation to the three class A directors of each Federal reserve bank, who are the representatives of the stockholding banks, to come to Washington at the same time for conference with the Federal Reserve Board and the Federal advisory council. This conference was held on the 18th instant, and it was developed at the meeting that the present credit expansion is due in great part to the abnormally high prices of goods and commodities now prevailing throughout the country and to the congestion of foodstuffs and essential raw materials at or near points of production because of lack of transportation facilities.

The board is convinced that if the unsold portions of last year's crops can be brought to market before the new crop matures, the liquidation of credits which are now tied up in carrying the old crops will

be sufficient to offset to a considerable degree the credit demands which will be made upon the banks in moving the crop of 1920.

At the conference above referred to the board's views were outlined by its governor substantially as follows: The member banks should lean less heavily upon the Federal reserve banks and rely more upon their own resources, unnecessary and habitual borrowings should be discouraged, and the liquidation of long standing, nonessential loans should proceed. Banks were cautioned, however, that drastic steps should be avoided and that the methods adopted should be orderly, for gradual liquidation will result in permanent improvement while too rapid deflation would be injurious and should be avoided. The board pointed out the necessity for extending such credits as may be necessary to promote essential production, especially of foodstuffs, and that if for any reason it should prove impracticable to increase essential production, there should be greater economy in consumption and more moderation in the use of credit. The problem of the banking system of the country is to check further expansion and to bring about a normal and healthy liquidation without curtailing essential production and without shock to industry, and, as far as possible, without disturbance of legitimate commerce and business. In order to effect this it seems necessary to distinguish between essential and nonessential loans, but the Federal Reserve Board feels it would be a most difficult task, which it should not undertake, to attempt by general rule of country-wide application to make this distinction. During the war there was a broad underlying principle that essentials must be "necessary or contributory to the conduct of the war," but notwithstanding the sharp outline of this principle much difficulty was experienced by the various war boards in defining essentials and nonessentials. All the more difficult would it be for the Federal Reserve Board to make such a general definition in the present circumstances.

Section 13 of the Federal reserve act defines the eligibility of paper for discount by the Federal reserve banks and lays down a general rule that any paper maturing within the time prescribed and "issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used or are to be used for such purposes," is eligible. No expressed condition is made regarding the essential or nonessential character of the transactions giving rise to notes which may be offered for discount and the Federal Reserve Board is not required and properly could not be expected generally to adopt such a criterion of eligibility. It is too much a matter of local conditions and local knowledge to justify at this time any general country-wide ruling by the board even if such a ruling were deemed helpful.

On the other hand, there is nothing in the Federal reserve act which requires a Federal reserve bank to make any investment or to rediscount any particular paper or class of paper. The language of both sections 13 and 14 is permissive only. Section 4 of the Federal reserve act, however, requires the directors of a Federal reserve bank to administer its affairs "fairly and impartially and without discrimination in favor of or against any member bank," and subject to the provisions of law and the orders of the Federal Reserve Board to extend "to each member bank such discounts, advancements, and accommodations as may be safely and reasonably made with due regard for the claims and demands of other member banks." Thus the directors of a Federal reserve bank have the power to limit the volume and character of loans which in their judgment may be safely and reasonably made to any member bank.

The recent amendment to paragraph (d) of section 14 distinctly authorizes each Federal reserve bank on its own account, without reference to action taken by any other Federal reserve bank, to establish a normal discount or credit line for each member bank, and permits the imposition of graduated rates on discount lines in excess of the normal line. This amendment, however, does not repeal or modify sections 4 and 13, and a Federal reserve bank is still free to decline to discount any paper which in its judgment does not constitute a desirable investment for it or which in its opinion would not constitute a safe and reasonable investment within the meaning of section 4.

It is the view of the board, however, that while Federal reserve banks may properly undertake in their transactions with member banks to discriminate between essential and nonessential loans, nevertheless that discrimination might much better be made at the source by the member banks themselves. The individual banker comes in direct contact with his customers; he is better qualified than anyone else to advise the customer because of his familiarity not only with the customer's business but with the general business conditions and needs in his immediate locality. In making loans he is bound by no general rule of law as to the character of the purpose for which a loan is being asked. He is entirely free to exercise discretion, and can make one loan and decline another as his judgment may dictate. He can estimate with a fair degree of accuracy the legitimate demands for credit which are liable to be made upon him, as well as the fluctuations in the volume of his deposits. He knows what industries sustain his community, and is thus qualified to pass upon the essential or nonessential character of loans offered him. He knows, or should know, what rediscount line he may reasonably expect of his Federal reserve bank, and he ought not to regard this line as a permanent addition to his capital. With knowledge of the limitations or penalties put upon his borrowings from the Federal reserve bank, the banker may be depended upon to use a more discriminating judgment in granting credit accommodations to his customers, and that judgment he must exercise if the present situation is to be remedied fundamentally.

It is true that under existing conditions the volume of credit required in any transaction is much greater than was the case in pre-war times, but it is also true that the resources of the member and nonmember banks would be ample to take care of the essential business of the country and to a large extent of nonessentials as well if there were a freer flow of goods and credit. If "frozen loans" were liquidated and if commodities which are held back either for speculative purposes or because of lack of transportation facilities should go to the markets and if large stock of merchandise should be reduced, the resultant release of credit would have a most beneficial effect upon the general situation. In the meantime everything must be done to expedite the release of these credits and to restrict nonessential credits in future.

While the problem of credit regulation and control is national and even international in its scope, yet in the last analysis it is merely an aggregation of individual problems, and the proper working out of the situation must depend upon the public and upon the banks which deal with the public. The public must be made to realize the necessity of economy in expenditures and in consequent demands for banking credit. The banks themselves are best able to impress the importance of this policy upon the public.

For the further information of the Senate the board quotes from the report of the Federal advisory council made to it on May 18, signed by James B. Forgan, president:

"The council has given consideration to the matters included in your communication of April 17 and begs to reply thereto in the following manner, following the order set out by you:

"(a) 'Causes of continued expansion of credits and of Federal note issues.'

"There are many contributing causes, of which the following may be regarded as paramount:

- "1. We recognize, of course, that the first cause is the Great War.
- "2. Great extravagance—national, municipal, and individual.
- "3. Inefficiency and indifference of labor, resulting in lessening production.
- "4. A shortage of transportation facilities, thus preventing the normal movement of commodities.
- "5. The vicious circle of increasing wages and prices.

"(b) 'How can the reserve position of the Federal reserve banks be materially strengthened before the seasonal demand sets in next fall without undue disturbance of the processes of production and distribution?'

"By urging upon member banks through the Federal reserve banks the wisdom of showing borrowers the necessity of the curtailment of general credits, and especially for nonessential uses, as well as continuing to discourage loans for capital and speculative purposes, by checking excessive borrowings through the application of higher rates.

"(c) 'If steps can not be taken at this time leading to a more normal proportion between the volume of credits and the volume of goods, when can they be taken?'

"In our opinion steps should be taken now, as outlined in answer to the last question.

"(d) 'What is the effect upon the general situation of the increased Treasury borrowings and what should be the policy of the Federal reserve banks in establishing rates of discount on paper secured by certificates of indebtedness?'

"It is obvious that the borrowings of the Treasury have the same effect upon the general credit situation as those of other borrowers. The council would suggest the wisdom of congressional relief from the burden of Government financing by a policy of rigid economy; the revision of the tax laws for the sake of a more equitable distribution of the burden without reducing the revenue; the enactment of the Budget system, the Budget to include provision for the gradual payment of the short-time obligations of the Treasury. These would of necessity preclude unwise appropriations, such as the proposed soldiers' bonus.

"In view of the large volume of Treasury certificates of indebtedness carried by member banks at the instance of the Treasury Department, we believe that rates established by the Federal reserve banks on paper secured by them should not be materially greater than the rates borne by the certificates."

The board feels assured that the banks of the country now realize the necessity of more conservatism in extending credits and of a reasonable reduction in the volume of credits now outstanding. The board will not hesitate, so far as it may be necessary, to bring to bear all its statutory powers in regulating the volume of credit, but wishes to point out that the more vital problems relating to the movement of the 1920 crop are physical rather than financial.

This was the unanimous view of those present at the conference on the 18th instant, at which the following resolution was adopted:

"The whole country is suffering from inflation of prices, with the consequent inflation of credit. From reports made by the members of this conference, representing every section of the country, it is obvious that great sums are tied up in products which if marketed would relieve necessity, tend to reduce the price level, and relieve the strain on our credit system.

"This congestion of freight is found in practically all of the large railroad centers and shipping ports. It arises chiefly from inadequate transportation facilities available at this time and is seriously crippling business. We are informed that the per ton-mile of freight increased in three years—1916, 1917, and 1918—47 per cent, while the freight cars in service during the same period decreased 1.9 per cent.

"A striking necessity exists which can only be relieved through the upbuilding of the credit of the railroads. This must come through adequate and prompt increase in freight rates. Any delay means the paying of greater cost directly and indirectly, and places a burden on the credit system which in the approaching time for season expansion may cause abnormal strain. Even under the load of war inflation, high-price level, and extravagances the bank reserves would probably be sufficient if quick transportation could be assured during the time of the greatest strain: Therefore be it

"Resolved, That this conference urge as the most important remedies that the Interstate Commerce Commission and the United States Shipping Board give increased rates and adequate facilities such immediate effect as may be warranted under their authority, and that a committee of five, representing the various sections of the country, be appointed by the chairman to present this resolution to the Interstate Commerce Commission and the United States Shipping Board with such verbal presentation as may seem appropriate to the committee."

Much will depend upon the restoration of the normal efficiency of railroad and steamship lines. If adequate transportation facilities can be provided, the board sees no occasion for apprehension in connection with the movement of crops now being grown.

Respectfully,

W. P. G. HARDING, Governor.

Mr. GLASS. Mr. President, I do not feel that it is at all incumbent upon me to take any notice of what has been said by the Senator from Alabama beyond his personal references to me.

I can appreciate the Senator's point of view and his feeling in the premises. If no one has thought enough of his speech to circulate it, I have nothing to do with that. If anyone else thought enough of my speech to circulate it, naturally I feel gratified at that.

I simply objected to the Senator's rather offensive statement that I had been induced by somebody to make my speech. The speech speaks for itself. It was made without prompting or request from any source. It was intended to express my indignation at the constant assaults upon a great banking institution of this country, and I hope it was effectually done.

I have not asked a human being to circulate a copy of the speech. I have had innumerable requests for it, one this morning from a prominent citizen of Alabama, asking me where he could obtain enough copies to put the speech into the hands of every voter in that State. I am not interested to do that. If anyone else is interested to order copies of the speech through me, I shall be very glad to order them for him.

That is all there is to it, Mr. President.

Mr. HEFLIN. Mr. President, since that announcement from the Senator from Virginia, the friends of the Federal Reserve Board will know how and where to procure copies of his speech. He has assured us that he will be glad to order them for them. I will have one in the Record in a day or two, when I get a chance to finish revising it, which I will send at my own expense to the bankers of my State, because I am forced to do so by the sending of the Senator's speech into my State. It would cost me many hundreds of dollars to put it in pamphlet form and circulate it generally, as it is a long speech. The Federal Reserve Board may circulate some other Senator's speech, but not mine. I will circulate my own speeches and I am not inviting anybody to have my speeches printed and circulated. This great banking system, I repeat, operating under a law which I helped to pass, and which the whole people have a right to demand shall be kept true to its original purpose and high mission, must not become the handy instrument of those whose evil practices it was intended to prevent or destroy.

I have had requests for many copies of my speech from distinguished residents of the State of the Senator from Virginia, and I have a letter from the former Comptroller of the Treasury, John Skelton Williams, a man of unimpeachable integrity, a man of great courage, a man of great ability, who was Comptroller of the Currency for eight years under President Wilson. He was the member of the board who first called attention to the fact that this board had gone wrong with the administration of the Federal reserve system; and John Skelton Williams is a friend of the system. He is the man who told them that instead of contracting the currency they could issue \$2,000,000,000 and save the situation, rather than put out and speed the processes of destruction. He is the man to whom I am now referring, and he wrote me a letter in which he commended my work in this matter, and he said that I was rendering a good service to the whole country, and he added, "God bless you in the splendid work that you are doing."

I appreciate that letter, Mr. President, coming from a man who never has bowed his knee to Baal. No interest in the country could make John Skelton Williams turn against truth and justice. I do not care whether it be the desire for political life or for any other thing, you could not move him. He is as honest as Paul and as firm as the Rock of Ages. None of his statements about the Federal Reserve Board's conduct have ever been disproven. I am fighting the battle of two and a half million people in Alabama, the whole people of the South, and the people of the West. I am one doing my very best to be of service to them and to show them the truth. I have dared to diagnose the case in question from the testimony of Gov. Harding and from that of his "gold-dust twin," Mr. Platt, from the bulletins of the Federal Reserve Board, from the able editorials in the Manufacturers' Record, from the "Crime of 1920," by George Washington Armstrong, of Fort Worth, Tex., and from the Supreme Court decision, and I was convinced that the Federal Reserve Board had maladministered and perverted this system from the ends of its institution. It is my duty to tell what I think the trouble is and who is responsible for the trouble.

Mr. President, the doctor who goes in to see a patient who is sick nigh unto death and tells his loved ones that they are responsible for his condition because they did not properly prepare his food, and that he is near death's door because they did not do the right thing, when that doctor knows that the man has had poison administered to him from an outside source that wanted to get rid of him, is a contemptible wretch.

Mr. President, I have never studied one question in all my life as I have studied this question for 18 months and more, and when I read the bulletins of the board itself, the statements of John Skelton Williams, the statements of Gov. Harding, and the market statements about the effect of deflation upon the market, I knew what it was that wrought ruin in the country, and I have dared to speak my convictions in the matter. Should I have gone to the distressed farmer and said, "You did it; you are the cause of it; you made too much cotton, and so forth," he would have replied, "Why, I didn't make as much as I did the year before."

"You made too much corn. You made too much wheat." He would say, with his head hanging down, despondent, "The

Federal Reserve Board told us that we would have prosperity for five years after the war; to go to it; that Europe was starving and there would be a good price for all we made, and we went out and cultivated the soil and produced the crop, and here we are in the market place, and my cotton, which was worth \$200 a bale, is now worth \$50 a bale." With the gloom clouds of despondency hanging low about his head the farmer said, "What am I to do? What is the cause of this? Who did this thing to me?"

I said, "Can you not go to the bank and take your warehouse receipt and get money?"

He said, "No; I have already been down there."

"What did the banker say to you?"

"He said that they had loaned all the money they had. They already had loans on cotton."

I said, "Why can you not get more money through the Federal reserve banking system?"

He said, "We can not get it. We have tried it, and they say they will not loan any more money on cotton for the purpose of holding it for a better price."

What happened? He had to sell it for \$50 a bale, threw it upon a dead market, sacrificed it, and the debt-paying power, or \$150 of it, had been killed outright by that deflation policy.

Then do they expect me to stand here and abuse my own self-respect and violate my own duty to the truth and say that the farmer did this awful thing? It is not true. The policy of deflation did it.

What happened in 1919? They started to breaking the price. The farmers moved up to this great banking system and said, "Here are our warehouse receipts. We want money." The banker said, "All right; yes, sir," and just counted out the crisp bills—\$20, \$50, \$100 bills—and handed them out to the farmer, and what did he do? He went over to the merchant and he said, "I owe you, and I know you have to carry on your business, and I do not want to sell my cotton. I want to keep it off the market until the price will cover the cost of production plus a profit, and I am going to pay you." He goes to another one and another one, and he holds his cotton off the market and the spinner can not get it, and the speculator meets a warrior in the open who fights him, and he can not beat the price down, because the speculator says, "You had better stay off that bear side. The bulls are backing these fellows. They can get money on your cotton, and when they can you can not drive it down so low."

What happens? He holds that cotton and the demand comes for it strong. He said, "No; that will not cover the cost of production." The price goes up and up and it gets up to where it will cover the cost of production plus a profit, and he says, "All right. I am ready to sell," and he was enabled because he could obtain money and credits to save his business from ruin.

Then what happened? The merchant owed the money to the bank, and the same bank that let the farmer have the money two hours before got it back from the merchant. It was not out in that circle two hours, and it went right back to the bank.

What happened in 1920? The price came down and down. The farmer said, "I declare, this situation is terrible. I will go to the bank. I must have some money."

The banker said, "We are tied right up with loans. We have tried the Federal reserve banks, and we can not get money to loan on cotton."

"Why?"

"They say do not loan money on products that are intended to be held for speculative purposes."

He said, "Of course, that is a speculative purpose. If the price is below the cost of production and I want to hold it so that the price will cover the cost of production, that is speculation, in a sense, but it is honest speculation. It is a speculation that is just and right, and the Government ought to help me to do that." He insists that he be helped for that purpose. But the local bank says, "Not only are they refusing to loan, but they are demanding that we collect that which you already owe us."

He said, "If you do that, you will throw on the market the cotton you already have tied up in loans and I will have to throw mine on the market. All this cotton thrown on the market will bring the price still lower." And that is what happened, and it went down and down, and the banking system, under this reserve board, which enabled us to fight and win the fight in 1919, deserted us in 1920 and refused to give us the same kind of aid.

Mr. President, one other word. Every time the farmer lost \$5 on a bale of cotton, the gambling speculators of New York made it. They were on the bear side selling cotton futures. If cotton was 20 cents and a bear speculator went upon the

exchange and sold a bale of cotton and the next day it was down to 19 cents, the farmer had lost that \$5 a bale and the speculator had made it. When it went to 18 he had made \$10 and the farmer had lost \$10, and so on down the line. One other thing in this connection: Ex-Gov. Bickett, of North Carolina, testified before the Committee on Agriculture and Forestry. He said the trouble was the call came all down the line to liquidate, to pay up, to call loans. "Where did that call come from, Governor?" "The bankers of North Carolina said it came from the Federal Reserve Board." That was in the fall of 1920.

Mr. NORRIS. Mr. President, I have no disposition to take part in the controversy between the Senator from Alabama [Mr. HEFLIN] and the Senator from Virginia [Mr. GLASS]. That is not my purpose in taking the floor. Yet there is one phase that has come out of the controversy of which it seems to me the Senate ought to take notice, and I hope I can speak of that without anyone getting the idea that I am undertaking to participate in the controversy or to find fault with either one of the Senators to whom I have referred.

I have listened to the Senator from Alabama. I listened to him at the time he made the speech to which the Senator from Virginia replied. I listened to the Senator from Virginia and heard him offer his reply. My own judgment is that both of the speeches are worthy of publication and distribution, and I am not finding any fault with any citizen or any official or any person who distributes either one or both of them. I do not agree with the Senator from Virginia in all of the things he said in his very able and eloquent speech, and yet I think everyone who listened to it and heard it will concede that it was a very able presentation of the question from his viewpoint and is entitled to honest consideration and is worthy of distribution either in Alabama or in any other place.

But it seems, Mr. President, from a letter which the Senator from Alabama has read, that the Federal reserve bank at Atlanta circulated that speech and then wrote a letter, presumably to each banker or at least to each bank in the Federal reserve system, at least in the State of Alabama, calling attention in the letter to the fact that they had sent this speech and asking the banker to write them and give his opinion of the speech. Now, if that be true; if that information is correct and that was done by the Federal reserve bank at Atlanta, writing to bankers who when they want a favor or to borrow money must come to this same bank, it seems to me that some of the officials responsible for that kind of procedure ought at least to be removed from office. If the officials of the Federal reserve bank at Atlanta are moved in their action or, directly or indirectly, directed by any of the officials of the Federal Reserve Board in Washington, then the removal ought to come to men who are higher up, and the members of the Federal Reserve Board, if they are responsible for it, should be removed.

It must be remembered that when the Federal reserve bank or their officials send out something of that kind where they themselves are being criticized, where their conduct of an official position is the subject of dispute, and then write to the men composing that system, first telling them what they have done, and asking for their judgment, they are going to men who may be in a position where they must go for help to the very men who are above them. It seems to me that kind of conduct, regardless of the merits of the proposition, is reprehensible and ought not to be passed by in silence. If the Federal Reserve Board or the Federal reserve bank are to use wrongfully the great power that is in their hands, it becomes an instrumentality of oppression and coercion. Nothing can be worse for the good of our country, for the welfare of our people, than to have those who control the purse strings of the Nation draw those purse strings upon people who come to them for financial favors and who must come to them for financial favors and who can go nowhere else.

If the Federal reserve system is to be used for that purpose, and if there is no way to stop it, the law creating it ought to be wiped off the statute books, because certainly that kind of power over the banks of the country which will control the loaning and the borrowing of the money of the banks of the country—that kind of power, if wrongfully used, will bring on the most deplorable condition imaginable.

I repeat, without in any way taking sides in the controversy, without even expressing an opinion as to the merits of the controversy, it seems to me that the Senator from Alabama, in the reading of that letter, has presented something to the Senate which it can not afford to pass by and which it ought to investigate. If the evidence shows what that letter indicates it would show, then there are some officials in the Government who at the very least must be removed from office.

RETIREMENT OF DISABLED ARMY OFFICERS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

Mr. FLETCHER. Mr. President, I ask to have inserted in the RECORD two rather brief telegrams, which are mere examples of telegrams and letters I have been receiving on the subject of the bill now before the Senate. I would not undertake to offer all such telegrams and letters, but these are, as I said, illustrative of the views contained in the many telegrams on the subject which have come to me on this subject.

The PRESIDING OFFICER (Mr. LADD in the chair). Without objection the telegrams will be printed in the RECORD as requested.

The telegrams are as follows:

BALTIMORE, MD., February 16, 1922.

Senator D. U. FLETCHER,
Senate Office Building, Washington, D. C.:

We learn from CONGRESSIONAL RECORD of yesterday that the Bursum bill (S. 1565) is to be considered on the floor of the Senate to-day. The Maryland Chapter of the Disabled Emergency Officers of the World War respectfully request your active support and vote on this measure.

Lieut. J. W. DEWEY, State Secretary.

CINCINNATI, OHIO, February 17, 1922.

DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.:

Understand Bursum bill for relief disabled emergency Army officers up to-day. There is pressing need that it be passed just as soon as possible, as they are dying in considerable numbers. What we are asking is less than now given Regular Army, Navy, and Marine officers, and emergency Navy and Marines. Ours are the only officers being denied the relief. Hope your conviction will lead you to assist Senator Bursum on the floor.

VICTOR HEINTZ.

Mr. FLETCHER. Mr. President, I believe the Senator from New Mexico [Mr. BURSUM] proposes to discuss the unfinished business. I regard it as a measure of very great importance. It is worthy of the attention and very serious and earnest consideration of the Senate and there ought to be more Senators present than we have in the Chamber at this time to hear what the Senator has to say. Therefore I suggest the absence of a quorum in order that we may have a better attendance.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Brandegge	Heffin	Moses	Simmons
Bursum	Jones, N. Mex.	New	Smith
Capper	Jones, Wash.	Newberry	Stanfield
Caraway	Kellogg	Norris	Stranmill
Colt	Kendrick	Overman	Underwood
Cummins	Ladd	Page	Wadsworth
Dial	Lodge	Pittman	Walsh, Mass.
Edge	McCormick	Polindexter	Warren
Ernst	McKellar	Ransdell	Watson, Ga.
Fletcher	McKinley	Robinson	Willis
Harris	McNary	Sheppard	

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. MCLEAN], the Senator from Indiana [Mr. WATSON], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from Kansas [Mr. CURTIS], and the Senator from New York [Mr. CALDER] are detained at a hearing before the Committee on Finance.

The PRESIDING OFFICER. Forty-three Senators having answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Johnson Reed Spencer

The following Senators entered the Chamber and answered to their names:

Ball France Nelson Phipps
Cameron Gooding

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum is present.

Mr. BURSUM. Mr. President, I desire to read into the RECORD a number of resolutions which have been received indorsing the pending measure. I desire to read first a communication from the Colonial Dames of the State of New York dated December 9, 1921, which is as follows:

THE COLONIAL DAMES OF THE STATE OF NEW YORK,
541 Madison Avenue, December 9, 1921.

Hon. JOHN F. CAREW,
House of Representatives Office Building,
Washington, D. C.

DEAR SIR: At a meeting of the board of managers of the Colonial Dames of the State of New York held on December 6, 1921, I was instructed to notify you that the Colonial Dames of this State are strongly in favor of the Bursum bill, Senate 1565, now before Congress, and I was asked to request you to use every effort to secure its passage.

Yours, very truly,

PHEBE K. THORNE, Recording Secretary.

I desire to read into the RECORD a resolution adopted by the Veterans of Foreign Wars. It is contained in the following letter addressed to me:

NATIONAL LEGISLATIVE COMMITTEE,
VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D. C., September 27, 1921.

The Hon. HOLM O. BURSUM,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with the provision in the resolution itself, I am transmitting the following to you, which is the resolution passed at the Twenty-second Annual Convention of the Veterans of Foreign Wars of the United States on September 24, 1921, at Detroit, Mich.:

"Whereas there has been introduced in the United States Senate a bill, known as the Bursum bill, Senate bill 1565, calendar No. 228, which has for its purposes 'the making eligible for retirement under certain conditions officers of the United States Army, other than officers of the Regular Army, who incurred physical disability in the line of duty while in the service of the United States during the war'; and

"Whereas this bill has been favorably reported to the Senate with amendments acceptable to the disabled emergency officers of the World War; and

"Whereas this bill is one of equity and pure justice to a disabled class of our comrades in service, who are entitled because of their wounds and disabilities received in battle and in line of their duty and service to the same consideration and privileges as men of their rank who did the same service but were of the Regular Establishment.

"Therefore the Veterans of Foreign Wars of the United States in encampment assembled at Detroit, Mich., September, 1921, do heartily indorse the above-mentioned Senate bill No. 1565, and do further petition the Congress to pass it at an early date, and to this end we urge that the Senate at this time make it the 'unfinished business' as soon as possible.

"That copies of this resolution be spread at large upon our minutes and copies sent to Senator BURSUM for his information, to Senators LENROOF and SMOOT urging their support of the measure, to the disabled emergency officers of the World War."

Very truly, yours,

EDWIN S. BETTELHEIM, Jr.,
Chairman.

I also read into the RECORD a resolution adopted by the Union League Club, of Chicago, under date of January 23, 1922, as follows:

UNION LEAGUE CLUB,
Chicago, January 23, 1922.

Hon. H. O. BURSUM,
United States Senate, Washington, D. C.

DEAR SIR: The following resolution has just been forwarded to the chairman of the Committee on Military Affairs:

"The Union League Club, of Chicago, through its public affairs committee, desires to express its approval of Senate bill No. 1565, introduced by Senator BURSUM May 4, 1921, and now before the Committee on Military Affairs.

"This bill makes eligible for retirement all officers, including emergency officers, of the United States Army who have incurred physical disability in line of duty in the recent World War, with the same conditions and privileges as are now provided for officers of the Regular Army.

"It further provides that pay and allowances shall come solely out of the military and naval compensation appropriation fund of the Bureau of War Risk Insurance.

"The club believes that there should not be any discrimination against emergency officers and that the passage of the Bursum bill will properly place on a parity all men who have incurred physical disability in line of duty.

"Such a policy will be in harmony with the true intent and purpose of the selective service act of May 18, 1917, and should be enacted into law in accordance with the provisions of the Bursum bill."

Very truly, yours,

GEO. I. BUCKINGHAM, President.

I read into the RECORD a communication from the United Spanish War Veterans dated Washington, D. C., February 17, 1922, as follows:

HEADQUARTERS NATIONAL LEGISLATIVE COMMITTEE,
UNITED SPANISH WAR VETERANS,
Washington, D. C., February 17, 1922.

Hon. HOLM O. BURSUM,
United States Senate, Washington, D. C.

MY DEAR SENATOR: On behalf of the United States Spanish War Veterans, I am taking the liberty of writing to urge your active support of Senate bill 1565, providing for the retirement of disabled emergency officers.

We believe this is a just measure and that such emergency officers should be granted the protection of the measure. All veteran organizations are heartily in favor of its passage.

We trust that you may deem it proper to support the bill.

Very truly, yours,

JNO. LEWIS SMITH, Chairman.

I read into the RECORD a resolution adopted by the American Legion in convention assembled November 22, 1921, as follows:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., November 22, 1921.

Hon. H. O. BURSUM,
United States Senate, Washington, D. C.

MY DEAR SENATOR BURSUM: The recent convention of the American Legion held at Kansas City, Mo., adopted the following resolutions regarding disabled emergency officers:

"Whereas the disabled emergency officers of the Army are not receiving the same treatment as the other five classes of disabled officers who served during the World War, in that they are denied the privileges of retirement for physical disability as allowed all other disabled officers, regular and emergency alike; and

"Whereas it is obviously unjust and discriminatory to deny to one class of disabled officers the rights and privileges accorded all other classes; and

"Whereas there is pending in Congress now legislation to correct this discrimination: Therefore be it

"Resolved, That the American Legion take steps to urge upon Congress the passage of this legislation at the earliest possible date, to the end that the disabled emergency officers may receive the treatment to which they are entitled."

The American Legion's Auxiliary, comprised of some 300,000 women, passed the same resolution at their first national convention held in Kansas City, Mo., recently.

This for your information.

Sincerely, yours,

JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

Mr. President, I desire also to read into the RECORD a telegram dated McMinnville, Oreg., February 18, and addressed to Hon. C. L. McNARY, United States Senator, which reads as follows:

McMINNVILLE, OREG., February 18, 1922.

Hon. C. L. McNARY,
United States Senator, Senate Office Building,
Washington, D. C.:

Oregon Department, American Legion, urges your support of Bursum bill for retirement disabled emergency Army officers. This bill being fought by War Department. Legion is vitally interested in this legislation in favor disabled. It is time for Government to perform rather than promise. There have been too many promises and little performance.

WALTER L. TOOTZ, JR.,
Chairman Legislative Committee.

I desire further to read into the RECORD a telegram dated Eugene, Oreg., February 17, 1922, addressed to Hon. CHARLES L. McNARY, Washington, D. C., as follows:

EUGENE, OREG., February 17, 1922.

Senator CHARLES L. McNARY,
Washington, D. C.:

Request your active support of Bursum bill coming up to-day.

BEN F. DORRIS.

I also read into the RECORD a telegram, received at this moment, addressed to myself, as follows:

NEW YORK, N. Y., February 20, 1922.

Senator BURSUM,
United States Senate, Washington, D. C.:

It is with sincere pleasure and gratitude that I write this wire to you and those other United States Senators whose patriotism is of a kind which believes, even though the war be over, that to accord justice is of greater moment than to please those who would attempt to save a few dollars in taxes for those who profited greatly in money when the emergency officer was giving up blood. As a disabled emergency officer, 50 per cent permanent disability, who commanded Company E, Twenty-third United States Infantry, and served only with Regular troops, I extend to you my sincere thanks and congratulations. Let not your opponents think that the expense of this wire denotes financial opulence. It means no lunches for several days.

GRANT SHEPHERD.

Mr. President, Senate bill 1565 provides for the retirement of emergency officers who were disabled to the extent of 30 per cent permanent rating upon the same basis as those who served in the Regular Army. This bill also provides that those officers who may have a rating of less than 30 per cent and more than 10 per cent may also be retired on application, but without pay. In other words, the retirement of officers under 30 per cent and over 10 per cent will be made, but without any retirement pay.

Mr. SPENCER. Mr. President, will the Senator yield to me a moment?

Mr. BURSUM. I yield.

Mr. SPENCER. Does that give to those officers anything except the title to which they are entitled, without any of the prerequisites of pay or emoluments incident to ordinary retirement?

Mr. BURSUM. It gives them simply the honor of being retired. It further gives them the privilege of hospitalization and the right and privilege of purchasing supplies from the Government commissaries on the same basis as any other retired officer of the Regular Army.

Mr. SPENCER. But no retirement compensation?

Mr. BURSUM. No retirement compensation, and no emoluments whatever. The bill very plainly states that they will be entitled to the compensation which they would otherwise have been entitled to, but none whatever by virtue of being retired.

Mr. SPENCER. And the Senator means, by "which they would otherwise have been entitled to," the regular compensation under the compensation acts of Congress?

Mr. BURSUM. Under the compensation acts—the compensation which they may be entitled to now, which they may now be receiving. In other words, the fact of their being retired below 30 per cent and above 10 per cent will not deprive them of their existing rights; but they do not, by virtue of the retirement, receive a single penny from the Treasury of the United States.

Some objection has been made to this bill on the ground that it might lead to extravagant expenditures later on; that the retirement roll might grow. Mr. President, I submit that under the limitations of this act there would be no chance for such a thing to occur. However, the Congress a few years ago passed a bill granting retirement privileges to the emergency officers of the Navy and the Marines, the provisional officers who retired under conditions similar to those provided in this bill, except that the disability under the pending bill is much greater than it was under the authority which was given by Congress for the retirement of emergency or provisional officers of the Marines and of the Navy. That bill was repealed a short time ago. It was in force, I think, something over a year—nearly two years. Those who were entitled to be retired were retired. The law in itself could no longer have served any special use, as I think nearly all of those who were entitled to retirement secured retirement under that act, and Congress repealed it a short time ago.

In view of that precedent, I had thought to modify this bill so as to limit the time for application to one year after the passage of this bill. That would safeguard any possible objections that the most critical opponents of the bill could set up.

I therefore ask, Mr. President, that the following amendment be made:

First, amend the bill by substituting "Veterans' Bureau" for "Bureau of War Risk Insurance" wherever that expression appears in the bill. That is for the purpose of conforming to the title which was given to the Veterans' Bureau during the present Congress, and the change of legislation.

Second, add at the end of the bill the following:

No person shall be entitled to benefits under the provisions of this act except he make application as hereinbefore provided within 12 months after the passage of this act.

The PRESIDING OFFICER. Does the Senator desire to have the amendments considered at this time?

Mr. BURSUM. It is my bill, and I suppose I have a right to accept the amendments.

The PRESIDING OFFICER. The amendments will be stated.

The READING CLERK. Wherever the words "Bureau of War Risk Insurance" occur in the bill, it is proposed to change them to "Veterans' Bureau."

Also, it is proposed to add, at the end of the proposed committee amendment, the following:

No person shall be entitled to benefits under the provisions of this act except he make application as hereinbefore provided within 12 months after the passage of this act.

Mr. JONES of Washington. Mr. President, I could not hear the amendments. Is the Senator going to press his bill to a vote now?

Mr. BURSUM. No; I will explain the amendments to the Senator from Washington.

Mr. JONES of Washington. We do not want them adopted now. Is the Senator asking for their adoption now?

Mr. BURSUM. Yes; I was. All that the amendments cover is this: One of them limits the benefits arising under this bill to those persons who make application within 12 months after the passage of the bill. The other amendment is simply technical, to change the name of the bureau to conform to the law.

Mr. JONES of Washington. I see. I do not suppose there is any necessity of having any more Members here for the adoption of those amendments.

Mr. BURSUM. The principal amendment simply restricts the benefits of the act.

The PRESIDING OFFICER. Without objection, the amendments will be agreed to.

Mr. BURSUM. Mr. President, among other things, the senior Senator from New York [Mr. WADSWORTH], on the floor of the Senate during the debate on this bill, said:

I have never liked using the retired list of the Regular Army or the Regular Navy as a device for paying additional sums of money to persons outside of those services. The retired list of the Army and of the Navy was not created to be a vehicle for the relief of persons outside of those two permanent services, and it has never been so used. It has been kept inviolate. It was established generations ago on a well-defined and well-accepted theory.

Later, in the course of debate upon the pending business, the senior Senator from New York, among other things, made the following statement:

But, Mr. President, reverting again to the policy of the country with respect to the treatment of its officers and soldiers raised to meet emergencies in former wars and in the World War, this bill constitutes the first attempt on the part of Congress, if it is to be passed, of drawing a line of demarcation in the matter of pensions or compensation to the injured between enlisted men and officers.

Further on in the debate the senior Senator from New York, in answer to a statement made by the junior Senator from Missouri, made the following statement:

I am not contending that the emergency officer should not receive as good treatment financially as the Regular officer, but I do draw a distinction between the different grades or ranks of emergency officers which I would not draw in the case of Regulars.

In answer to these propositions, Mr. President, I submit that the disabled emergency officers are asking for no relief, as the interpretation of that word implies; they are not asking alms or charity. They are asking for justice, for equality, for the rights to which, under all of the rules of fair dealing, they are entitled. They are asking for relief against what seems to me to be a violent discrimination against the disabled officer who served as such in the Army of the United States and was disabled in line of duty.

The senior Senator from New York has admitted on the floor of the Senate that he does not contend that the emergency officer should not receive as good treatment financially as the Regular officer. If that be true, why the objections to this bill? If this were done, of necessity these disabled officers would be carried upon some roll in some form. Can it be possible that the objection is made solely upon the ground that the names of these emergency officers, who have performed such splendid service in behalf of this country, are to be placed on the retirement roll? Is that the basis of opposition to the passage of the bill? If this be the case, Mr. President, I can not understand the purpose, unless it be to establish firmly the policy of maintaining an exclusive roll of the defenders of our country who happen to have belonged to the so-called Regular Army.

I hope this is not the case. There is already prevailing throughout the country a general belief that the spirit of the Regular Army is not friendly to the officer who came from civil life.

Mr. RANSDELL. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Louisiana?

Mr. BURSUM. Yes.

Mr. RANSDELL. I should like to ask the Senator to tell us, if he will, whether or not the discrimination of which he complains, when applied to the officers of the emergency army, as compared with those of the Regular Army, also applies when the private soldiers, the enlisted men of the emergency army, are compared with the private soldiers of the Regular Army?

Mr. BURSUM. Mr. President, it does not apply. With the same service and under like conditions there is equal treatment; there is no difference.

Mr. RANSDELL. I understand the Senator, then, to say that a private soldier who enlisted in the emergency army is, under like conditions and circumstances, treated in exactly the same way as a private soldier in the Regular Army?

Mr. BURSUM. Absolutely.

Mr. RANSDELL. Then, unless the Senator's bill is passed we would have one rule for the private soldier and another rule for the officer in the emergency army?

Mr. BURSUM. That is true. That is the reason for the introduction of this bill. That is the cause of the petition on behalf of these disabled officers, to obtain from Congress what the country believes to be a square and fair deal, to obtain justice.

There is already, as I stated a few moments ago, prevailing throughout the country a general belief that the spirit of the Regular Army is not friendly to the officer who came from civil life. I do not make this statement with any unfriendly feeling toward our Regular Army. I am proud of that Army. I want to see it continue to be a useful and forceful branch of this Government as an element upon which we may rely as a basis for the mobilization of necessary military forces in periods of peril and need. I am not opposed to the officers who have come from West Point or Annapolis. These institutions have made valuable contributions to the world. Great achievements have been accomplished by officers who were trained at one or the other of these institutions.

They gave us such men as Grant, and Lee, and Farragut, and Taylor, and Scott; but, Mr. President, after all, the great potential fighting force of this country in time of peril is found in

the ranks of the civilians. With all of our facilities for training, it was found in the World War that the Regular Establishment of the Army could not furnish 10 per cent of the officers necessary to conduct that war. The country in time of need is dependent upon the patriotic civilian population to produce capable officers to fill the requirements caused by the pending emergency. In order to do this, of necessity a vast amount of educational and military training must be conducted independently and at private expense in order to meet great emergencies which come to great nations. That is done, and has always been done, as a measure of preparedness inspired through love of country and a spirit of patriotism. No one believes in the maintenance of a large standing army, and I think we all agree that whatever its size it should be the best army that American genius can devise. I think we may all agree that we must rely upon the civilian population to constitute the great bulwark of our defense. Mr. President, it is all very nice to talk about the loyalty and patriotism of those who sacrificed themselves for the preservation of the country, but we should not forget, Mr. President, that the average man who serves his country has other obligations which are near and dear to him. When he enters the service in time of war he knows he may never return; he may be killed; he may be wounded; he may be crippled for life; he may be so incapacitated that he will no longer be in condition to take care of those who are dependent upon him. If he knows that the Government will take care of his widow or orphan, if he knows that if he is wounded or disabled to such extent as to render him incapable of fulfilling his dearest and nearest obligations, such a provision as I am urging will go a long way toward perpetuating a universal spirit of loyalty in time of need.

In other words, Mr. President, the measure of loyalty throughout the country, generally speaking, will be largely governed by the measure of appreciation extended by the Government. The American people are strong for a fair deal—a square deal; discrimination is an abominable word to the average American. When it comes to service in time of war, or any other time for that matter, we should have no favorite classes within a class. These emergency officers did not obtain their commissions as a mere matter of chance. It did not simply happen, as has been suggested by the senior Senator from New York. These emergency officers were put to the test before they were given commissions. They were sent to the training camps; they were examined as to their mental capacity; they were examined, tried, and trained as to every requisite essential to constitute a capable officer fit to command the particular unit for which he was commissioned. They were not accidents. And, Mr. President, as to the proposition that retirement privilege is only given to the Regular Army officer because he has made this his life work, that appeals to me as the sheerest nonsense.

The only difference between the Regular Army officer and the emergency officer in respect to education is that the emergency officer has educated himself at his own expense. He may have put in a large portion of his life training with the National Guard at his own expense and without compensation. He may have been trained at a military college at his own expense; at any rate, he was able to stand the test of the Regular Army experts without having been any expense to the Government, except those incurred in the training camps, which, of course, was only for a few months, while, on the other hand, the Regular Army officer has been educated at Government expense. The obligation is all with the Government. If the officer continues in service during his life, it is because he so chooses; there is nothing to prevent an Army officer from tendering his resignation, or the President from accepting the same. The truth of the matter is these places are sought for all over the country. Members of the House and of the Senate are continually receiving applications for appointments to West Point. That is natural; it is a chance to secure a free education and a permanent position for life. But, Mr. President, I can not see why that should be held a good reason to discriminate against the emergency officer. There is no contention that the pending bill will give to the emergency officer a single benefit which is not given to the Regular Army—the identical service, the identical compensation, under identical conditions. The retirement law has, as I understand it, three distinct and separate considerations:

First. The basis is length of service.

Second. The basis is age—that is to say, that when an Army officer reaches the age of 64 he must be retired.

Third. Disability which renders him unfit for service, incurred in line of duty.

The last proposition is the one the benefit of which this bill attempts to extend to the emergency officer.

The principle involved, with reference to retirement on account of disability incurred through injury in line of duty, does not involve in any manner the length of service. Retirement, in effect, is a pension or a compensation, and when earned neither length of time, length of service, nor age is an essential factor. Whenever, and on the spot, and at the time, the injury or wound or disability has been incurred in line of duty, however short the period of service may have been, that compensation becomes immediately due and payable. That is the rule for disability retirement with reference to the officers of the Regular Army, and, in my opinion, it is the law at the present time relating to all officers, providing the War Department were favorably disposed. In support of this contention permit me, Mr. President, to call your attention to General Orders, No. 75, War Department, August 17, 1918, which read in part as follows:

This country has but one Army, the United States Army. It includes all land forces in the service of the United States. These forces, however raised, lose their identity in that of the United States Army. Distinctive appellations such as Regular Army, Reserve Corps, National Guard, and National Army, heretofore employed in the administration and command, will be discontinued and the single term "United States Army" will be exclusively used.

Orders having reference to the United States Army as divided into separate and component forces of distinct origin, or assuming or contemplating such a division, are to that extent revoked.

Mr. President, can it be possible that in the hour of our greatest need, when the battle was fiercely raging overseas, when we had approximately a total of 82,000 officers, out of which number there were 76,000 emergency officers, or more than 90 per cent, that as an encouragement for our boys to carry on, General Order No. 75, which I have just read, was issued? If we have but one Army, the Army of the United States, what could that order mean? It could mean nothing less, Mr. President, than an obligation pledging uniformity and equality of treatment under the law, and I do not understand, Mr. President, how a policy which grants a given compensation to a major or a captain or a lieutenant who was merged into that Army through that order from the so-called Regular Army, and denies it to an emergency officer who came from a different walk in life, can have any relationship to uniformity or equality. It can only be characterized as rank discrimination and an outrageous breach of good faith.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. BURSUM. I yield.

Mr. WILLIS. I have just been handed a telegram from a prominent ex-emergency officer in my State making certain statements, and I desire to ask the Senator as to his view of these statements. First, the officer says:

What we are asking is less than is now given Regular Army, Navy, and Marine Corps officers.

Mr. BURSUM. That is true, for this reason, that the disability required in order for the officers to qualify under the provisions of this bill, in order to be retired with three-fourths pay, the same as is the Regular Army officer, must be 30 per cent or over, while the law relating to the Regular Army simply requires that the disability must be sufficient to unfit the officer for duty or service.

Mr. WILLIS. If the Senator will further yield, I desire to ask him another question, because he has given much study to this. Another statement in this telegram is as follows:

Emergency Navy and Marine Corps officers are the only officers now being denied this relief.

Is that a fact?

Mr. BURSUM. Will the Senator read that again?

Mr. WILLIS. It says:

Emergency Navy and Marine Corps officers are the only officers now being denied this relief.

Mr. BURSUM. They were given this relief.

Mr. WILLIS. The Senator says they were given this relief?

Mr. BURSUM. They were given the relief under an act of Congress and have been retired. That law was in effect for nearly a year and a half, authorizing their retirement, and it was a much more liberal measure than is this bill.

Mr. WILLIS. Then the statement "Emergency Navy and Marine Corps officers are the only officers being denied this relief" is not accurate?

Mr. BURSUM. No, Senator; I do not so understand it. I think the author of that telegram must have gotten mixed. They were the only ones who were granted retirement.

Mr. WILLIS. I thank the Senator.

Mr. BURSUM. Mr. President, the senior Senator from New York has stated that at no time in the history of this country has the matter of rank been made a basis for the granting of a pension or compensation. With that statement I disagree. His statement is not historically correct. Pensions were allowed

immediately after the Mexican War taking one-half of the salary allowed as a basis for fixing the amount of the pension and providing a limitation that the maximum pension should not exceed one-half the salary of a lieutenant colonel; but every officer was given a pension in proportion to his rank. The basis was 50 per cent, and the same allowance was given to an officer whether he was a member of the Regular Army or of the Volunteer forces. That was the universal rule from the time of the Revolution up until the Civil War. For nearly a hundred years the principle of granting an allowance to disabled officers in this country was upon the basis of their salaries during the war, and there was no discrimination between the Volunteers and the Regular Army.

In support of that proposition, Mr. President, permit me to call the attention of the Senate to section 4730 of the Revised Statutes, relating to the Mexican War, which reads as follows:

Any officer, noncommissioned officer, musician, or private, whether of the Regular Army or Volunteers, disabled by reason of injury received or disease contracted while in the line of duty in actual service in the War with Mexico, or in going to or returning from the same, who received an honorable discharge, shall be entitled to a pension proportionate to his disability, not exceeding for total disability half the pay of his rank at the date at which he received the wound or contracted the disease which resulted in such disability. But no pension shall exceed half the pay of a lieutenant colonel.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. BURSUM. In just a moment. This law gives absolute equality and places on an equal basis the Regular Army and the Volunteer Army, and the basis for pensions was that of rank in service.

I now yield to the Senator from New York.

Mr. WADSWORTH. Would the Senator like to see a law of that sort duplicated now?

Mr. BURSUM. I am answering the statement made by the Senator on Friday last.

Mr. WADSWORTH. I know; but I am asking the Senator a question, if he will kindly answer.

Mr. BURSUM. I would like to see a law of that kind so far as the officers of the Regular Army and the Volunteer Army are concerned. Yes; they should be on an equality.

Mr. WADSWORTH. And the Senator would restrict it to half the pay of a lieutenant colonel?

Mr. BURSUM. That is a matter of detail.

Mr. WADSWORTH. It is a very important detail.

Mr. BURSUM. I do not know that I would restrict it, but the principle is there. The principle is involved of equality between those of the Regular Army and those of the Volunteer Army, and that the basis shall be the salary which was paid them while in the service. That is the point I am attempting to bring out.

Mr. WADSWORTH. The Senator has brought out his point all right, but he cited a statute in support of the bill. The bill does not restrict the maximum pension to one-half the pay of a lieutenant colonel.

Mr. BURSUM. Oh, no; it does not. The point I have brought out is in answer to the statement of the Senator from New York to the effect that this was the first time in the history of the country Congress had proposed pension legislation which discriminated between the Regular Army and the Volunteer.

Mr. WADSWORTH. No; I said between the officers and men.

Mr. BURSUM. No; where the rank was even.

Mr. WADSWORTH. The legislation to which the Senator refers includes the enlisted men of the Mexican War.

Mr. BURSUM. Yes.

Mr. WADSWORTH. But the Senator's bill does not include the enlisted men of this war.

Mr. BURSUM. No; I agree with the Senator that it does not. In no way, shape, manner, or form does it give away or take away any of the privileges which the enlisted men had.

Mr. WADSWORTH. It merely gives the officers additional privileges.

Mr. BURSUM. It merely eliminates the discrimination between classes within classes. It eliminates the discrimination between Regular Army officers and the so-called emergency officers.

Mr. WADSWORTH. And it establishes a discrimination between officers on the one side and enlisted men on the other.

Mr. BURSUM. Oh, not at all. The Senator can not bring in that question unless he takes in the enlisted men of the Regular Army. That is, beside the issue and has nothing to do with it.

Mr. WADSWORTH. I have only read the bill, Mr. President.

Mr. BURSUM. That was the policy in the War with Mexico. The same policy has existed since the days of the Revolution. Permit me to call the attention of the Senate to an act effective January 1, 1781, entitled "Half pay for life for supernumerary

officers under the reform of the Army," to take effect on the 1st day of January, 1781:

Resolved, That the commander in chief and commanding officer in the southern department direct the officers of each State to meet and agree upon the officers for the regiments to be raised by their respective States from those who incline to continue in service, and where it can not be done by agreement, to be determined by seniority, and make return of those who are to remain, which is to be transmitted to Congress together with the names of the officers reduced who are to be allowed half pay for life.

That the officers who shall continue in the service to the end of the war shall also be entitled to half pay during life, to commence from the time of their reduction.

The medical staff were pensioned January 17, 1781, as follows:

Whereas by the plan for conducting the hospital department, passed in Congress the 30th day of September last, no proper establishment is provided for the officers of the medical staff after their dismissal from public service, which, considering the custom of other nations and the late provision made for the officers of the Army after the conclusion of the war, they appear to have a just claim to, for remedy whereof and also for amending several parts of the above-mentioned plan,

Resolved, That all officers in the hospital department and medical staff hereinafter mentioned who shall continue in service to the end of the war or be reduced before that time as supernumeraries shall be entitled to and receive during life, in lieu of half pay, the following allowance, namely:

The director of the hospital equal to the half pay of a lieutenant colonel.

Chief physicians and surgeons of the Army and hospital, and hospital physicians and surgeons, purveyor, apothecary, and regimental surgeons, each equal to the half pay of a captain.

So it may be stated that the policy of the country from the time of the Revolutionary War up to the time of the Civil War has been to recognize upon a basis of equality both the Volunteer and the Regular Army, and to fix compensation or pensions upon the basis of rank. That has been the policy.

Mr. WADSWORTH. Mr. President, will the Senator state whether I am right in my impression that in the last statute which he read the rank was limited to captain?

Mr. BURSUM. That applies to the lower grades of the hospital force.

Mr. WADSWORTH. That is what the Senator was reading from.

Mr. BURSUM. Yes.

Mr. WADSWORTH. The rank was limited to that of captain?

Mr. BURSUM. It was on the lower grades of the Hospital Corps.

Mr. WADSWORTH. No one in the Hospital Corps could receive a pension amounting to more than half the pay of a captain.

Mr. BURSUM. Oh, yes; in the higher grades the pension was limited to half the pay of a colonel. The first grade of employees was the head of the institution, who was limited to the compensation of a colonel, while those of the lower grades were limited to the compensation of a captain.

Mr. WADSWORTH. Then they were not arranged in accordance with their rank.

Mr. BURSUM. That evidently was the rank which had been assigned to those particular places.

Mr. WADSWORTH. Were there no first lieutenants?

Mr. BURSUM. Not in that hospital. I guess there were not any. They were all captains and colonels.

Mr. WADSWORTH. Were there no majors?

Mr. BURSUM. Probably not. They did not mention any. I was not present, of course.

Mr. WADSWORTH. Is it not to be inferred that the Congress of 1781, which the Senator believes should guide the deliberations of this Congress in the matter of retired pay, placed a limitation of colonel and captain, respectively, in order that men of other grades should not receive the half pay of their grades? There must be some other grades besides captain and colonel.

Mr. BURSUM. There are in the other act. It is only in the one act where reference is made to the Hospital Corps that they refer to the two grades, but in the other act they take in all the grades.

Mr. WADSWORTH. Is it not true that in the statute which the Senator read a moment ago applicable to Mexican War pensions, Congress in that case did not fix the pay of retirement on the basis of rank throughout?

Mr. BURSUM. Yes; it did.

Mr. WADSWORTH. It limited it to half the pay of a lieutenant colonel.

Mr. BURSUM. Oh, yes; it made the maximum half the pay of a lieutenant colonel, as it was made on the basis of rank. That was the basis.

Mr. WADSWORTH. Up to a certain point, and then it stopped.

Mr. BURSUM. Yes; up to a certain point.

Mr. WADSWORTH. The Senator's bill does not do that?

Mr. BURSUM. It does not. As a matter of fact, as the Senator knows, there are none to come in above the rank of colonel, so a limitation of that kind would not help any.

Mr. WADSWORTH. I do not know; I have no information on that point.

Mr. BURSUM. There are none to come in above the rank of colonel, and there are only 12 colonels possibly eligible.

Mr. WADSWORTH. That I do not know. It is a matter of principle and not of numbers. The Senator's bill puts no maximum on at all. It may go to the rank of major general.

Mr. BURSUM. That is true. However, it is well known there is no major general, there are no brigadier generals, and there are no generals of any kind to come in under the bill.

Mr. WADSWORTH. Under the bill of the Senator they may come in later.

Mr. BURSUM. They could if they were available, but they are not available. The Senator from New York must remember that the emergency officers were not made up of brigadier generals. They were mostly second lieutenants, first lieutenants, and captains, with some majors and a few colonels.

Mr. WADSWORTH. The Senator also knows there were several dozen brigadier generals who were emergency officers.

Mr. BURSUM. But none of them got hurt. None of them are on the disability list.

Mr. WADSWORTH. That is a matter to be brought out in the future.

Mr. BURSUM. They are not on the rolls. They are not reported. The War Risk Bureau knows nothing about them.

Mr. WADSWORTH. They do not have to know anything about them now. Those injuries may develop later.

Mr. BURSUM. How could an injury come later if incurred in line of duty?

Mr. WADSWORTH. It can be asserted and claimed and be the subject of proof. That is the case to-day in connection with all the men who are getting compensation.

Mr. BURSUM. I doubt it. Of course, if a man has temporary disability, where the permanent rating can not be ascertained, they are allowed the full rating.

Mr. WADSWORTH. Wherever it goes to more than 30 per cent a man goes on the retired list regardless of his rank.

Mr. BURSUM. But it must be a permanent rating. The application must have been made within 12 months after the passage of the act.

Mr. President, the emergency officers of the marines and of the Navy were retired with three-fourths pay under authority granted by Congress. That legislation was in force for more than a year. The senior Senator from New York declared that it was passed without the knowledge of Congress. I was not a Member of the Senate at that time. However, I do recall that when this legislation was passed it was announced through the press all over the country. It was given great publicity as representing a fair, decent policy. When it was repealed not a word was said about it. Very few Members knew of its repeal until after the act. It was not given the publicity the bill was given at the time of enactment, and if my information is correct, the senior Senator from New York voted for the enactment of that retirement bill.

Mr. WADSWORTH. Mr. President, I dislike to correct the Senator, but—

Mr. BURSUM. Is not that true?

Mr. WADSWORTH. I think the Senator will find there was no roll call.

Mr. BURSUM. Was the Senator in the Chamber at the time?

Mr. WADSWORTH. There was no roll call. It would be immaterial whether the Senator was in the Chamber or not.

Mr. BURSUM. Was the Senator in the Chamber?

Mr. WADSWORTH. My statement was made the other day. I was in the Senate at the time and the Senator from New Mexico was not. The statement made by the Senator from New York the other day was to the effect that that provision slipped through Congress practically without observation, and that statement is true.

Mr. BURSUM. How did it come to be so widely advertised?

Mr. WADSWORTH. It was probably advertised because it offered something. I understand the Senator to say now that under the terms of his bill application must be made within one year after the passage of the bill?

Mr. BURSUM. Yes; that is an amendment which I offered to the bill and which was agreed to.

Mr. President, the distinguished Senator from Wisconsin [Mr. LENROOT] read into the Record a letter from W. H. Gilmore, a disabled soldier, which letter was addressed to the Secretary of War, protesting against the proposed retirement of

disabled emergency officers. The Senator expressed the opinion that he differed from the spirit of hostility shown by the writer. The Senator also informed the Senate that the War Department had prepared mimeographed copies of Gilmore's letter and sent them to Senators as evidence that this retirement bill should not pass.

Mr. President, who is Mr. Gilmore? In looking up the record I find that he was drafted in New York, served three months at Camp Upton with the Seventy-seventh Division, and was discharged with tuberculosis. The records indicate that he had an incipient case when drafted. Under such circumstances, in my opinion, it was very fortunate to have been so drafted, as, on that account, he became one of the early beneficiaries of the war risk compensation act to the extent of \$157.50 a month for compensation and insurance for about four years.

Mr. President, I submit that this unfortunate sick boy would have served his country loyally and faithfully had he been able to do so, but his service was brief; he had no experience whatever, and his unfortunate condition did not permit him to obtain any knowledge of any kind or character regarding the service, the sacrifice made by, or compensation to which emergency officers were entitled. This evidence, to my mind, is absolutely incompetent. I am surprised that the War Department should seize upon a letter from an unfortunate boy to be used as propaganda against the adoption of a rightful policy toward disabled emergency officers.

Mr. President, in this connection my attention has been called to an open letter written by a disabled former soldier printed in the Stars and Stripes, a service newspaper. I send the letter to the Secretary's desk and request that it may be included in my remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter is as follows:

EMERGENCY OFFICERS.

The Honorable SECRETARY OF WAR,
Washington, D. C.

DEAR SIR: I have read in the Stars and Stripes newspaper a letter from W. H. Gilmore addressed to the Secretary of War and objecting to having disabled emergency Army officers placed on the Army list with retired pay.

Now, Mr. Secretary, I do not know Mr. Gilmore or what service he had, but there is something more to tell on the other side of the question, of which I should like to speak from personal knowledge and experience.

I was drafted in 1918 on the Pacific coast and served with the Ninety-first Division (Infantry) throughout the war until it was demobilized. We participated in the battles of St. Mihiel, Meuse-Argonne, and the crossing of the Scheldt River in Belgium, so that I saw a little real war service.

In the Argonne we had a Regular Army general commanding our brigade, who was relieved of his command out in the middle of no man's land on the first morning of the battle, and it was common talk that he had tried to order a retreat or retirement without any need or cause. Then, the next day, our Regular Army colonel was relieved from command of the regiment. It was also common talk that he had failed in handling his regiment in battle. The Regular Army lieutenant colonel was wounded, and we had nothing but emergency officers to command us and lead the attack. In three days our division penetrated several organized German lines and advanced more than 13 kilometers, although it was our first time in the front line.

I was in the headquarters detachment of my battalion, and all the officers were emergency officers. They were always on the line, and 13 of them were casualties, including the major and all his staff, three of the lieutenants being killed.

Now, Mr. Secretary, no doubt many brave Regular Army officers were equally gallant in battle, but I can only speak of what I saw, and these were all emergency officers.

I was only a private, Mr. Secretary, but I found that when a man did his best the officers were usually square and treated him white while we were in the Army. Since I was discharged my health broke down, and then my former officers were the only friends, as I found when I called on them. The War Risk Bureau would not do a thing for me until I wrote to my officers, and they told the bureau what kind of a soldier I had been. Then my case was taken into consideration and results followed quickly.

This is only one ex-soldier's opinion, but if there is reason why our officers were not as good as any others in the service and if there is any reason the disabled ones should not be treated as well by the Government as the other kinds of officers, I certainly can't see it.

Formerly battalion runner, First Battalion, Three hundred and sixty-fourth Infantry, Ninety-first Division.

Member of Champagne Post, No. 195, Veterans of Foreign Wars.

Most sincerely,

CHARLES F. WRIGHT,
1933 North Baltimore Street, Baltimore, Md.

Mr. BURSUM. Mr. President, I call attention to the vast difference in opinion between Pvt. Wright, as expressed in his letter, and the other private soldier referred to. Pvt. Wright served overseas; he was disabled in line of duty, and his experience qualifies him as a witness worthy of belief.

The distinguished Senator from Wisconsin also mentioned the fact that he had interviewed a private soldier at some place in his own State, who had expressed an opinion opposing this legislation. Mr. President, can anyone imagine what chance that boy had after the junior Senator from Wisconsin, with all his power of rhetoric, had gotten him in a corner and turned loose his guns, shooting him full of the poison which creates

class hatred, and perhaps picturing to him a possible example, such as the Senator so eloquently pictured in the Senate on Friday last, of some colonel, disabled on account of the "flu" in Washington, being pensioned at the rate of \$3,000, while he, the poor private, would only receive \$360? In self-defense, confronted with the masterful advocate from Wisconsin, the soldier could only say "Amen."

But, Mr. President, the compensation of the enlisted men is all beside the question. It has no relationship to the bill. This bill neither takes away nor gives any benefits, nor does it in any way affect the compensation now allowed to the enlisted man. So far as I am concerned, I want to see all disabled soldiers amply taken care of, no matter what the cost may be. If the allowance is insufficient, let us increase that allowance. Let us treat justly and liberally all disabled veterans.

Mr. President, the American Legion at its general convention in Kansas City, representing approximately 1,000,000 soldiers, asked Congress to pass this bill; the veterans of foreign wars have asked Congress to pass this bill; the veterans of the Spanish-American War have asked Congress to pass this bill; the Colonial Dames of the State of New York have asked Congress to pass this bill; the Union League, of Chicago, have asked this Congress to pass this bill. I submit, Mr. President, that the veterans' organizations mentioned, whose membership runs far above a million, are better qualified to speak of the desires and wishes of the enlisted men than are one or two whose opinions have been presented to the Senate by the opponents of this bill.

Mr. President, the boys who will be affected by this bill are those who are seriously injured and crippled, who have been rendered incapable of pursuing their usual vocations. There may be an exception now and then, but, Mr. President, during the hearings which were held upon this bill about 30 or more disabled emergency officers appeared before the committee. The testimony of several of them was included in the printed hearings, some of which was read by the Senator from Florida [Mr. FLETCHER]. Before the Committee on Military Affairs appeared men who had lost legs or arms; others who had been shell shocked, some of them wrecked in both mind and body, on account of the terrific suffering to which they had been exposed during the war. The class of men who will be taken care of under this bill typify such men as Maj. Whittlesey, of what is generally known as the "Lost Battalion" of the Seventh Division in the Argonne Forest, who for five days was under fire of the Germans directed upon him from all sides. Out of 679 men in his command 70 per cent became casualties and approximately 110 were killed. Not only were these boys obliged to withstand the bombardment of the enemy but on the third day of the fight for more than an hour and a half they were bombarded by the American Artillery in the rear. In the midst of all this hell the emergency officers held out to the end. Col. Whittlesey has gone to the great beyond. His end, a sad and tragic one, was no doubt caused by his condition, which was a result of his suffering while in service. We can not do anything for him. He will be cared for by a higher power.

Mr. President, it seems to me there should be no hesitation in granting that which is justly due to the seriously disabled emergency officers who served their country so faithfully and heroically and demonstrated their efficiency and capacity in time of need.

Mr. WARREN. Mr. President, I wish to ask the Senator from New Mexico if it would be agreeable to him to lay aside temporarily the unfinished business, so that we may take up an appropriation bill?

Mr. BURSUM. Yes; I yield for that purpose.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

LEGISLATIVE APPROPRIATIONS.

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. POMERENE. Mr. President, with permission of the Senator from Wyoming, I should like to present three sundry amendments intended to be proposed by me to the Interior Department appropriation bill.

Mr. WARREN. I yield to the Senator for that purpose.

Mr. POMERENE. I ask that they may be referred to the Committee on Appropriations, and I hope they will receive favorable consideration at the hands of the committee.

Mr. WARREN. That bill is under consideration in the committee now.

The VICE PRESIDENT. Without objection, the amendments intended to be proposed by the Senator from Ohio will be received and referred to the Committee on Appropriations.

Mr. WARREN. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that the bill may be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Without objection, it is so ordered. The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 3, line 3, in the items for office of Secretary of the Senate, to increase the number of laborers at \$720 each, from "two" to "three," and in line 4, to increase the total from "\$88,630" to "\$89,350."

The amendment was agreed to.

The next amendment was, on page 4, line 6, in the items for Senate committee employees, after the words "Finance—clerk, \$3,000," to insert "special assistant to the committee, \$3,000"; and on page 5, line 21, to increase the total appropriation for Senate committee employees from "\$260,960" to "\$263,960."

The amendment was agreed to.

The next amendment was, on page 7, line 5, in the items for office of Sergeant at Arms and Doorkeeper of the Senate, to increase the compensation of the chief telephone operator, from "\$1,500" to "\$1,800," and in line 13, to increase the total from "\$154,280" to "\$154,580."

The amendment was agreed to.

The next amendment was, on page 8, line 11, to increase the appropriation for driving, maintenance, and operation of automobile for the Vice President, from "\$2,240" to "\$2,500."

The amendment was agreed to.

The next amendment was, on page 9, line 6, after the word "exceeding," to strike out "\$1.25 per printed page," and to insert "25 cents per hundred words"; and in line 7, to strike out "\$50,000" and to insert "\$100,000," so as to make the paragraph read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per 100 words, \$100,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 9, to insert:

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, \$30,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 6, to insert:

PUBLIC BUILDINGS COMMISSION,

For salaries and expenses of the Public Buildings Commission authorized in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, approved March 1, 1919, to be immediately available and to remain available until expended, \$10,000.

The amendment was agreed to.

The next amendment was, on page 22, line 19, to strike out "\$39,440" and to insert "\$55,654," so as to make the paragraph read:

Senate Office Building: For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, \$55,654.

The amendment was agreed to.

The next amendment was, on page 22, line 24, to strike out "\$5,000" and to insert "\$7,500," so as to make the paragraph read:

For furniture for the Senate Office Building and for labor and material incident thereto and repairs thereof, window shades, awnings, carpets, glass for windows and bookcases, desk lamps, window ventilators, name plates for doors and committee tables, electric fans, etc., \$7,500.

The amendment was agreed to.

The next amendment was, in the items for the Library of Congress, page 26, line 23, after the words "Superintendent, \$3,000," to insert "inspector of stacks, \$1,500," and on page 27, line 9, to change the total of the appropriation from "\$65,580" to "\$67,080."

The amendment was agreed to.

The next amendment was, in the items for the Library of Congress, page 28, line 18, to strike out "\$2,500" and to insert "\$3,000," so as to make the paragraph read:

Temporary services: For special and temporary services, including extra special services of regular employees, at the discretion of the Librarian, \$3,000.

The amendment was agreed to.

The next amendment was, on page 29, line 11, to strike out "\$25,000" and to insert "\$45,000," so as to make the paragraph read:

To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, \$45,000.

The amendment was agreed to.

The next amendment was, on page 29, line 23, after the word "expressage," to insert the word "postage," so as to make the paragraph read:

For service in connection with distribution of card indexes and other publications of the Library: Chief of division, \$3,000; chief assistant, \$1,800; assistants—2 at \$1,600 each, 3 at \$1,500 each, 3 at \$1,400 each, 4 at \$1,200 each, 4 at \$1,100 each, 4 at \$1,000 each; for services of assistants at salaries less than \$1,000 per annum and for piecework and work by the hour, \$24,000, including not exceeding \$500 for freight charges, expressage, postage, traveling expenses connected with such distribution, and expenses of attendance at meetings when incurred on the written authority and direction of the librarian; in all, \$53,900.

The amendment was agreed to.

The next amendment was, on page 31, line 11, to increase the appropriation for contingent expenses of the Library of Congress from "\$8,000" to "\$10,000."

The amendment was agreed to.

Mr. WARREN. Mr. President, I ask that, commencing on page 31, line 13, the balance of that page down to line 20 on the next page may be permitted to go over until to-morrow morning.

The ASSISTANT SECRETARY. Under the heading "Library Building and Grounds," it is proposed to pass over all down to and including line 19 on page 32.

The VICE PRESIDENT. Without objection, it will be passed over. The Secretary will state the next amendment of the committee.

The next amendment of the Committee on Appropriations was, on page 33, line 14, in the items for the Library Building (under Architect of the Capitol), to strike out "\$5,000" and to insert "\$6,000," so as to read:

For extension of the steel stack for storage of catalogue cards in the card division, \$6,000.

The amendment was agreed to.

The next amendment was, on page 35, line 21, in the items for the Government Printing Office, to insert, "and the Public Printer is hereby authorized to furnish, upon requisition of the Secretary of the Senate, such printing and binding as may be necessary for the official use of the Architect of the Capitol."

The amendment was agreed to.

Mr. HARRISON. Mr. President, there is one item in this bill that I want to ask about. It is on page 31, under "Salaries: Superintendent." The law was changed.

Mr. WARREN. I have asked to have that whole subject go over until to-morrow.

Mr. HARRISON. That goes over?

Mr. WARREN. Yes.

The VICE PRESIDENT. The bill has been read. What is the pleasure of the Senate?

Mr. WARREN. Mr. President, at the request of two or more Senators that this item should be laid over, I ask to have the bill laid aside for the present, and I will move to take it up to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JONES of Washington. Mr. President, if there is no Senator here who desires to take up the unfinished business, as it will probably take us quite a time to get a quorum, I move that the Senate proceed to the consideration of executive business.

Mr. HARRISON. Mr. President, why can we not get a vote on the Bursum bill, which is now pending? It is only half past 4.

Mr. JONES of Washington. We would have to have a quorum.

Mr. HARRISON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	McNary	Sheppard
Brandegee	Harrison	Moses	Simmons
Bursum	Heflin	Nelson	Smith
Cameron	Johnson	New	Swanson
Caraway	Jones, N. Mex.	Newberry	Trammell
Cummins	Jones, Wash.	Overman	Underwood
Dial	Kellogg	Page	Warren
Gerry	Kendrick	Pittman	Watson, Ga.
Glass	Ladd	Pol Dexter	
Gooding	McKinley	Pomerene	

The VICE PRESIDENT. Thirty-eight Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The Assistant Secretary called the names of the absent Senators, and the following Senators answered to their names when called:

Ball	Edge	Robinson	Sterling
Borah	King	Shortridge	Walsh, Mass.
Calder	Lodge	Spencer	Walsh, Mont.
Capper	Phipps	Stanfield	Willis

Mr. JONES of Washington. I have been requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Kansas [Mr. CURTIS], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Indiana [Mr. WATSON], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from West Virginia [Mr. SUTHERLAND] are detained at a meeting of the Finance Committee.

The VICE PRESIDENT. Fifty-four Senators have answered to their names. A quorum is present. What is the pleasure of the Senate?

Mr. BURSUM. Mr. President, as no Senator seems to be desirous of speaking on the unfinished business, I ask that it be put to a vote.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhulse, its enrolling clerk, announced that the House had passed a bill (S. 2736) providing for the conveyance of certain unused military reservations in the State of Massachusetts to the city of Salem and the town of Marblehead, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests.

The message further announced that the House returned to the Senate, in compliance with its request, the bill (S. 2024) for the relief of Blanche Winters.

The message also announced that the House had passed, without amendment, Senate bills of the following titles:

S. 29. An act authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms and conditions with respect to improvements to be made on the present target range as may be prescribed by the Secretary of War, or in lieu of such improvements to be made on the present target range the Secretary of War may accept a conveyance to the United States of such other lands to be designated by the Secretary of War as may be deemed suitable for a target range in exchange for such overflow lands; that to facilitate the acquisition of the necessary additional lands the Secretary of War is authorized to condemn land necessary and suitable for target-range purposes, such condemnation to be at the expense of said Lloyd E. Gandy, grantee, his heirs and assigns;

S. 52. An act for the relief of the Stevens Institute of Technology, of Hoboken, N. J.;

S. 160. An act for the relief of Kristina Furbak;

S. 561. An act to grant citizens of Washington and Kane Counties, Utah, the right to cut timber in the State of Arizona for agricultural, mining, and other domestic purposes;

S. 901. An act for the payment of certain money to Albert H. Reynolds;

S. 982. An act for the relief of Louisa Frow;

S. 1247. An act for the relief of Frank Carpenter; and

S. 1951. An act for the relief of John Hickson, Jr.

The message further announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 314. An act for the relief of Forrest R. Black;

H. R. 369. An act for the relief of the owner of Old Dominion Pier A;

H. R. 449. An act for the relief of the Cornwell Co., Saginaw, Mich.;

H. R. 858. An act for the relief of Alfred P. Reck;

H. R. 1009. An act for the relief of H. C. Mullins, his wife, and minor children;

H. R. 1274. An act for the relief of Maude H. Mosher;

H. R. 1463. An act for the relief of William Malone;

H. R. 1543. An act for the relief of Bertram Gardner;

H. R. 1764. An act for the relief of J. A. Leslie;

H. R. 1941. An act to provide for the refund of entrance and clearance fees erroneously collected by the customs authorities from the Peninsular & Occidental Steamship Co.;

H. R. 3057. An act for the relief of George Van Derburgh Brown;

H. R. 3279. An act to refund duties paid by the Nash Motors Co.;

H. R. 3346. An act for the relief of the heirs of Oscar Chrysler;

H. R. 3425. An act for the relief of Benjamin R. Buffington;

H. R. 3461. An act for the relief of Eugene Fazzi;

H. R. 3509. An act for the relief of Capt. D. H. Tribou, chaplain, United States Navy;

H. R. 4069. An act authorizing the Secretary of the Interior to sell certain lands on the Wind River Reservation, Wyo.;

H. R. 4356. An act for the relief of Arthur J. Burdick;

H. R. 4367. An act for the relief of the owners of the schooner *Horatio G. Foss*;

H. R. 4368. An act for the relief of the owners of the barge *Havana*;

H. R. 4504. An act for the relief of Annie M. Lepley;

H. R. 5125. An act for the relief of Oliver A. Campbell;

H. R. 5385. An act for the relief of Henry T. Hill;

H. R. 5634. An act for the relief of Frank William Brown and Clara Bryan Brown;

H. R. 5648. An act for the relief of Ike T. Boyles;

H. R. 5762. An act providing for a municipal park for the city of Butte, Mont.;

H. R. 6196. An act for the relief of Robert E. Danforth;

H. R. 6251. An act for the relief of Leo Balsam;

H. R. 6628. An act for the relief of the owners of the British steamship *Clearpool*;

H. R. 6686. An act for the relief of George Ciszek and Anna Ciszek;

H. R. 7053. An act to grant certain lands to the city of Canon City, Colo., for a public park;

H. R. 7272. An act for the relief of Monroe B. Shealy;

H. R. 7415. An act to correct and amend the service and military record of Herbert Langley, United States Marine Corps;

H. R. 7862. An act authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidee Boatner Calhoun, residents of Catahoula Parish, La.;

H. R. 7968. An act granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes;

H. R. 7984. An act for the relief of James Kelly;

H. R. 8193. An act to amend the first proviso in the act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906;

H. R. 8256. An act authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 8358. An act for the relief of Israel Butts;

H. R. 8460. An act to authorize the occupation and use of certain lands in Alaska by Ketchikan Post, No. 3, American Legion, and for other purposes;

H. R. 8669. An act authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 9047. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street;

H. R. 9048. An act to authorize the California Débris Commission to reimburse the city of Sacramento, Calif., for money expended by said city in the construction of the Sacramento weir;

H. R. 9069. An act for the relief of William H. Slaine;

H. R. 9275. An act for the relief of Frances Kelly;

H. R. 10025. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 77. An act for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests;

H. R. 5659. An act for the relief of Ellen M. Willey, widow of Owen S. Willey;

H. R. 8818. An act granting the consent of Congress to the city of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River, in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania;

H. R. 9386. An act to grant the consent of Congress to the Whiteville Lumber Co. to construct a bridge across the Waccamaw River at or near Fireway Ferry, county of Columbus, N. C.; and

H. R. 10009. An act to authorize the State of Alabama through its highway department to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama.

LANDS IN MASSACHUSETTS.

Mr. LODGE. Mr. President, I ask the Senator from New Mexico if he will yield to me for a moment, in order that the amendments of the House to a Senate bill may be laid before the Senate and agreed to.

Mr. BURSUM. I yield for that purpose.

The VICE PRESIDENT laid before the Senate the amendments of the House to the bill (S. 2736) providing for the conveyance of certain unused military reservations in the State of Massachusetts to the city of Salem and the town of Marblehead, which were, on page 1, line 13, to strike out all after "acres" down to and including "States," in line 5, on page 2, and on page 3, line 2, after "acres," to insert:

Provided, however, That said conveyances shall be subject to the conditions and reversions herein provided for and shall be used for public park purposes, or other public use only, and shall be subject to the right of the United States at any and all times and in any manner to assume control of, hold, use, and occupy without license, consent, or leave from said city or said town any or all of said land for any and all military, naval, or lighthouse purposes, free from any conveyance, charges, encumbrances, or liens made, created, permitted, or sanctioned, thereon by said city or said town: *Provided further,* That the United States shall not be or become liable for any damages or compensation whatever to the said city or said town for any future use by the Government of any or all of the above-described land for any of the above-mentioned purposes: *And provided further,* That if said land shall not be used for the purposes hereinabove mentioned the same or such parts thereof not so used shall revert to the United States.

Mr. LODGE. I understand that the amendments do not change the substance of the bill at all, but place the provisions a little more explicitly in another part of the bill. I therefore move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title and referred as indicated below:

H. R. 314. An act for the relief of Forrest R. Black;

H. R. 369. An act for the relief of the owner of Old Dominion Pier A;

H. R. 449. An act for the relief of the Cornwell Co., Saginaw, Mich.;

H. R. 858. An act for the relief of Alfred P. Reck;

H. R. 1009. An act for the relief of H. C. Mullins, his wife, and minor children;

H. R. 1274. An act for the relief of Maude H. Mosher;

H. R. 1463. An act for the relief of William Malone;

H. R. 1543. An act for the relief of Bertram Gardner;

H. R. 1764. An act for the relief of J. A. Leslie;

H. R. 1941. An act to provide for the refund of entrance and clearance fees erroneously collected by the customs authorities from the Peninsular & Occidental Steamship Co.;

H. R. 3057. An act for the relief of George Van Derburgh Brown;

H. R. 3279. An act to refund duties paid by the Nash Motors Co.;

H. R. 3346. An act for the relief of the heirs of Oscar Chrysler;

H. R. 3461. An act for the relief of Eugene Fazzi;

H. R. 4356. An act for the relief of Arthur J. Burdick;

H. R. 4367. An act for the relief of the owners of the schooner *Horatio G. Foss*;

H. R. 4368. An act for the relief of the owners of the barge *Havana*;

H. R. 4504. An act for the relief of Annie M. Lepley;

H. R. 5634. An act for the relief of Frank William Brown and Clara Bryan Brown;

H. R. 5648. An act for the relief of Ike T. Boyles;

H. R. 6251. An act for the relief of Leo Balsam;

H. R. 6628. An act for the relief of the owners of the British steamship *Clearpool*;

H. R. 6686. An act for the relief of George Ciszek and Anna Ciszek;

H. R. 7272. An act for the relief of Monroe B. Shealy;

H. R. 7984. An act for the relief of James Kelly;

H. R. 9048. An act to authorize the California Debris Commission to reimburse the city of Sacramento, Calif., for money expended by said city in the construction of the Sacramento weir; and

H. R. 9069. An act for the relief of William H. Slaine; to the Committee on Claims.

H. R. 3425. An act for the relief of Benjamin R. Buffington;

H. R. 5125. An act for the relief of Oliver A. Campbell;

H. R. 5385. An act for the relief of Henry T. Hill;

H. R. 8193. An act to amend the first proviso in the act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906; and

H. R. 9047. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street; to the Committee on Military Affairs.

H. R. 5762. An act providing for a municipal park for the city of Butte, Mont.;

H. R. 6196. An act for the relief of Robert E. Danforth;

H. R. 7053. An act to grant certain lands to the city of Canon City, Colo., for a public park;

H. R. 7862. An act authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidée Boatner Calhoun, residents of Catahoula Parish, La.;

H. R. 7968. An act granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes;

H. R. 8358. An act for the relief of Israel Butts;

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent; and

H. R. 9275. An act for the relief of Frances Kelly; to the Committee on Public Lands and Surveys.

H. R. 3509. An act for the relief of Capt. D. H. Tribou, chaplain, United States Navy; and

H. R. 7415. An act to correct and amend the service and military record of Herbert Langley, United States Marine Corps; to the Committee on Naval Affairs.

H. R. 4069. An act authorizing the Secretary of the Interior to sell certain lands on the Wind River Reservation, Wyo.;

H. R. 8256. An act authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 8069. An act authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 10025. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Pensions.

H. R. 8460. An act to authorize the occupation and use of certain lands in Alaska by Ketchikan Post No. 3, American Legion, and for other purposes; and

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church; to the Committee on Territories and Insular Possessions.

RETIREMENT OF DISABLED ARMY OFFICERS.

Mr. CUMMINS. Mr. President, I desire to know what the Senator from New Mexico has proposed with regard to the bill now under consideration.

The VICE PRESIDENT. The bill in charge of the Senator from New Mexico is not now before the Senate, having been temporarily laid aside.

Mr. BURSUM. I ask that Senate bill 1565 be laid before the Senate, so that we may get a vote on it.

Mr. KING. Is that subject to debate, Mr. President?

The VICE PRESIDENT. The Chair rules that the Senator from New Mexico has the right to recall the bill after it has been temporarily laid aside.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

Mr. CUMMINS. I do not desire to speak upon this bill, Mr. President, but I am very desirous that it shall be disposed of for the reason, as I have given notice, that I want to bring forward another bill which is of great importance, and I do

not want any unnecessary delay in the passage or other disposition of the pending bill.

Mr. KING. Mr. President, I have been absent substantially all the afternoon because of attendance upon a committee. I was advised this morning that the Senator from Wisconsin [Mr. LENROOT] was detained from the Senate because of temporary illness. May I inquire whether he has been here to-day? The Senator from Wisconsin desires to move to recommit that bill, as I understand it.

In the absence of the Senator from Wisconsin I shall feel constrained to take up some time, until he returns to-morrow morning, and I hope it may go over until to-morrow morning. I have no objection to taking up this measure for a final vote to-morrow.

Mr. LODGE. Mr. President, my attention was diverted for the moment, and I do not know what arrangements are in progress at the present time. I only desire to say that I reported to-day the treaty between the United States and Japan, commonly known as the Yap treaty, and I shall move to take it up at the earliest possible moment.

Mr. CUMMINS. I gave notice a day or two ago that at the conclusion of the consideration of the pending bill I would move to take up the bill relating to the valuation of the railroads, and I intend to pursue that course.

Mr. BURSUM. Mr. President, in order to accommodate the Senator from Utah—

Mr. KING. No; I am speaking now for an absent Senator, who is ill, and who, I was advised, desires to make a motion to recommit.

Mr. BURSUM. Does the Senator from Utah desire to submit that motion now?

Mr. KING. No; I prefer not to do so, because I could not debate it as the Senator from Wisconsin could.

Mr. BURSUM. I want to bring the bill to a vote now, if possible. Is not the Senator willing to avoid delay in this matter?

Mr. KING. I have no objection to the pending bill being voted upon to-morrow, but I do feel that it ought to go over until to-morrow, in view of the fact that a motion to recommit will be made, and I desire to submit a few observations upon the motion to recommit.

Mr. HARRISON. May I make a suggestion? Can we not agree that after 1 o'clock to-morrow speeches shall be limited to 5 minutes or 10 minutes on any amendment or on the bill?

Mr. KING. I have no objection to agreeing that after the morning hour the bill shall be disposed of within two hours. If the morning business closes at 1 o'clock, I have no objection to an agreement to conclude debate and vote upon the bill at 3 o'clock.

Mr. BURSUM. The Senator will agree to a vote at 3 o'clock to-morrow?

Mr. KING. Yes.

Mr. CUMMINS. I assume the proposition is to vote at not later than 3 o'clock.

Mr. KING. Yes; not later than 3 o'clock. I think Senators ought to have reasonable notice that the vote will be taken.

Mr. JONES of New Mexico. Permit me to make the suggestion that at the conclusion of the morning hour to-morrow debate be limited to 10 minutes by any Senator upon the bill or any amendment offered thereto.

Mr. KING. Let me suggest to the Senator to word the agreement in this way: That one hour may be devoted to general discussion, without limitation, after which for one hour debate shall be limited to 10 minutes by any Senator.

Mr. WILLIS. I suppose the Senator from Utah understands that that would require the call of the roll for a quorum.

Mr. LODGE. What is the agreement now being made?

Mr. KING. None is being made; there is simply a proposition before the Senate. I did not want a vote upon the bill tonight, owing to the absence of the Senator from Wisconsin [Mr. LENROOT] and one or two other Senators, and I suggested that I had no objection to voting upon the bill to-morrow; that there should be a reasonable time, say two hours, to-morrow for debate, and then a vote.

Mr. LODGE. I have no objection to voting on the bill. I merely want to give notice that I do not wish to have all the time mortgaged ahead, because I intend to move at the earliest possible moment to take up the treaty I reported to-day.

Mr. WILLIS. I ask unanimous consent that the pending bill be taken up at the conclusion of the morning business to-morrow, and that after 3 o'clock speeches be limited to five minutes.

Mr. LODGE. That means that the time will be mortgaged for several days, probably. I can not agree to that. If the

Senate can make an agreement for a vote before that time, I will agree to it gladly.

Mr. KING. I am entirely willing that the Senate shall proceed to vote upon the bill and all amendments thereto, without further debate, at 3 o'clock to-morrow.

Mr. BURSUM. Why not make it 2 o'clock?

Mr. KING. The morning business may take two hours.

Mr. LODGE. If we take a recess at the conclusion of the session this evening, it will cut out the morning hour to-morrow, and let us agree to take the vote at 2 o'clock.

Mr. KING. I have no objection to that.

Mr. WILLIS. We must have a quorum before that agreement can be entered into.

Mr. JONES of Washington. Is this a proposal to fix a definite hour for the vote?

Mr. KING. Yes; 2 o'clock.

Mr. JONES of Washington. I will not agree to that. I will agree to the fixing of an hour after which speeches shall be limited to 10 minutes, 5 minutes, or 3 minutes, for that matter.

Mr. MOSES. The Senator from Massachusetts objects to that.

Mr. LODGE. I am ready to make an agreement to vote on the bill, but I am not ready to have the time taken up indefinitely. I think it is my first duty to bring the treaty which has been reported before the Senate as rapidly as possible.

Mr. JONES of Washington. I will not agree to a provision under which amendments may be presented and no opportunity given to discuss them. We have done that time and again, and I have come to the conclusion that it is very unwise.

Mr. JONES of New Mexico. Mr. President, I believe that a suggestion can be made which will satisfy the Senator from Massachusetts as well as the Senator from Washington. I suggest that when we conclude our business for the day, we take a recess until 11 o'clock to-morrow, and that at 12 o'clock all speeches upon the pending bill shall be limited to five minutes.

Mr. JONES of Washington. That will be entirely satisfactory to me.

Mr. LODGE. I will make no objection to that, Mr. President.

Mr. JONES of Washington. But I understand that the Senator is proposing to fix a definite time for a vote.

Mr. JONES of New Mexico. Not at all.

Mr. JONES of Washington. I was so informed.

Mr. NORRIS. Mr. President, I would like to make an inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. NORRIS. Part of the agreement proposed is that we shall meet at 11 o'clock to-morrow. If the hour of meeting is made 12 o'clock, I shall have no objection.

Mr. JONES of New Mexico. I am perfectly willing to enter into an agreement that we shall meet at 12 o'clock, if that is satisfactory to the Senator from Massachusetts.

Mr. LODGE. I have no objection.

Mr. JONES of New Mexico. Let us meet at 12 and then at 1 o'clock let all speeches be limited to five minutes.

Mr. KING. I have no objection to that.

Mr. NORRIS. That is agreeable to me.

Mr. JONES of New Mexico. I ask unanimous consent that that order be made.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

The agreement was reduced to writing as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that when the Senate concludes the business of this day it will take a recess until 12 o'clock meridian to-morrow (Tuesday, February 21, 1922), and that from and after the hour of 1 o'clock p. m. on said last-named day no Senator shall speak more than once or longer than five minutes upon the bill S. 1565, or more than once or longer than five minutes upon any amendment that may be offered thereto.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive business the doors were reopened, and (at 5 o'clock p. m.) the Senate, pursuant to the order previously made, took a recess until to-morrow, Tuesday, February 21, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1922.

COLLECTOR OF CUSTOMS.

A. Lincoln Acker, of Philadelphia, Pa., to be collector of customs for customs collection district No. 11, with headquarters at Philadelphia, Pa., in place of William H. Berry.

POSTMASTERS.

CALIFORNIA.

Orynthia Copeland to be postmaster at Los Altos, Calif., in place of Orynthia Copeland. Incumbent's commission expired January 24, 1922.

COLORADO.

Hal Parmeter to be postmaster at Byers, Colo. Office became presidential October 1, 1920.

William J. Jones to be postmaster at Erie, Colo. Office became presidential January 1, 1921.

Orpha T. Brunner to be postmaster at Johnstown, Colo. Office became presidential January 1, 1921.

Clara A. Gillespie to be postmaster at Stoneham, Colo. Office became presidential April 1, 1921.

Anna C. Hanson to be postmaster at Strasburg, Colo. Office became presidential January 1, 1921.

Samuel B. Wasson to be postmaster at Grand Valley, Colo., in place of James Brennan, resigned.

DELAWARE.

W. Batemen Cullen to be postmaster at Clayton, Del., in place of J. D. Wright, deceased.

GEORGIA.

Ethel C. Warren to be postmaster at Jakin, Ga. Office became presidential July 1, 1921.

Casca S. Barbre to be postmaster at Leary, Ga. Office became presidential April 1, 1921.

IDAHO.

Percy E. Ellis to be postmaster at Stites, Idaho, in place of M. P. Strecker, resigned.

ILLINOIS.

Charles H. Pahlmann to be postmaster at Marine, Ill. Office became presidential July 1, 1920.

William Fries to be postmaster at Alton, Ill., in place of J. L. Lampert, removed.

INDIANA.

Vernin Nowels to be postmaster at Rensselaer, Ind., in place of Nehemiah Littlefield. Incumbent's commission expired January 24, 1922.

MAINE.

Ethel M. McAllister to be postmaster at Andover, Me. Office became presidential April 1, 1921.

Harold L. Haskell to be postmaster at Lee, Me. Office became presidential April 1, 1921.

MICHIGAN.

George L. Olsson to be postmaster at Boyne Falls, Mich. Office became presidential July 1, 1921.

James E. Skidmore to be postmaster at Vestaburg, Mich. Office became presidential July 1, 1920.

MISSISSIPPI.

Winnifred L. McMain to be postmaster at Avera, Miss. Office became presidential April 1, 1921.

Joseph M. Scrivner to be postmaster at Derma, Miss. Office became presidential April 1, 1921.

Annie Laws to be postmaster at Hickory Flat, Miss. Office became presidential April 1, 1921.

MISSOURI.

David M. Williams to be postmaster at Bevier, Mo., in place of L. W. Mitchell, resigned.

NEBRASKA.

Bessie R. Adams to be postmaster at Palmer, Nebr., in place of A. J. Ferris. Incumbent's commission expired August 6, 1921.

NEW YORK.

Harriett H. Paulsen to be postmaster at Wassaic, N. Y. Office became presidential April 1, 1921.

Ahava Rathbun to be postmaster at Williamstown, N. Y. Office became presidential April 1, 1921.

Paul Bailey to be postmaster at Amityville, N. Y., in place of H. A. Inglee. Incumbent's commission expired July 21, 1921.

OHIO.

Frank J. Patterson to be postmaster at Glencoe, Ohio. Office became presidential April 1, 1921.

OKLAHOMA.

Goldie R. Strain to be postmaster at Wann, Okla. Office became presidential July 1, 1920.

Charles White to be postmaster at Washington, Okla. Office became presidential January 1, 1921.

PENNSYLVANIA.

Lois Hill to be postmaster at Baden, Pa. Office became presidential October 1, 1921.

Glenn S. Rowe to be postmaster at Betula, Pa. Office became presidential July 1, 1921.

George V. Glenn to be postmaster at East Butler, Pa. Office became presidential January 1, 1922.

Delma Byham to be postmaster at Guys Mills, Pa. Office became presidential April 1, 1921.

SOUTH DAKOTA.

Leonard D. Walters to be postmaster at Bruce, S. Dak., in place of R. F. Caldwell. Incumbent's commission expired January 15, 1921.

TENNESSEE.

William B. Harlan to be postmaster at Pruden, Tenn. Office became presidential October 21, 1921.

TEXAS.

Annie B. Causey to be postmaster at Doucette, Tex. Office became presidential April 1, 1920.

Nora C. McNally to be postmaster at Godley, Tex. Office became presidential January 1, 1921.

Shirley P. Cox to be postmaster at Mobeetie, Tex. Office became presidential April 1, 1921.

Minnie M. Ashinburst to be postmaster at Sipe Springs, Tex. Office became presidential April 1, 1920.

James W. Griffin to be postmaster at Desdemona, Tex., in place of H. E. Williams, removed.

Warner W. McNaron to be postmaster at Rotan, Tex., in place of Maggie Ellis, resigned.

WASHINGTON.

Edwin R. Larson to be postmaster at Hamilton, Wash. Office became presidential April 1, 1921.

WEST VIRGINIA.

George H. Brackland to be postmaster at Gauley Bridge, W. Va. Office became presidential October 1, 1920.

Rosa H. Brown to be postmaster at Institute, W. Va. Office became presidential January 1, 1922.

Charles T. Kelly to be postmaster at Terra Alta, W. Va., in place of S. M. Scott, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1922.

POSTMASTERS.

COLORADO.

Fred M. Moore, Littleton.

CONNECTICUT.

Charles E. Burnham, Hampton.

DELAWARE.

Howard Rash, Cheswold.

Edward H. Naylor, New Castle.

James E. Willey, Seaford.

GEORGIA.

Alice A. Spence, Ball Ground.

Henry L. Murphey, Hephzibah.

William H. Freeman, Toombsboro.

Eben B. Smith, Wrens.

IDAHO.

Ransom F. Pepple, Juliaetta.

Ross J. Pettijohn, Melba.

Rena E. Creaser, Roberts.

IOWA.

William R. Prewitt, Forest City.

Inga E. Cheely, Hornick.

Fred E. Bourgeois, Kalona.

Richard G. Hulet, Leclair.

Charles H. Jespersen, Wilton Junction.

KANSAS.

Willis J. Ray, jr., Wilmore.

MAINE.

Henry W. Bowen, Chebeague Island.

Eugene H. Lowe, Gray.

Ida P. Stone, Oxford.
Leon M. Small, Ridgelyville.
Alonzo F. Flint, West Buxton.

MASSACHUSETTS.

Ella M. Harrington, Jefferson.
Charles K. Houghton, Littleton Common.
Carl E. Brown, Lunenburg.
Otis E. Hager, North Dana.
Osgood L. Small, Sagamore.
Beulah Hartwell, South Attleboro.
Katherine T. Loftus, Thorndike.
William P. Porter, Wenham.
Henry T. Cobb, West Harwich.

MISSISSIPPI.

Mary E. Holtzclaw, Utica Institute.

MISSOURI.

Omar M. Drysdale, Amoret.
Ralph E. Carr, Eminence.
John E. Swearingen, New Bloomfield.
Jennie M. Peck, Sheldon.

MONTANA.

Ralph H. Bemis, Belt.
Ovid S. Draper, Bonner.
Mordena C. Busey, Eureka.
Fred Schoensigel, Fairfield.
Earle H. Miller, Melstone.
William E. Windisch, Mondak.
Margaret F. Stevens, Pony.
Harvey T. Eastridge, Stevensville.

NEW HAMPSHIRE.

Natt A. Cram, Pittsfield.

NEW JERSEY.

David C. Bush, Oakland.
Loretta Conrow, Oceanport.
Frank Wanser, Vineland.

NORTH DAKOTA.

Olaf O. Bjørke, Abercrombie.
Irwin E. Walton, Bantry.
Estelle A. Kingery, Forbes.
Alf J. Dunnum, Kensal.
Frederick D. Cannon, McHenry.
Marvin Broton, Petersburg.
Minnie Alexander, Sherwood.
Bessie G. George, Van Hook.
Robert M. Mares, Wheatland.

OHIO.

Roy G. Sutherin, East Palestine.

PENNSYLVANIA.

Jay E. Brumbaugh, Altoona.
Benton C. Myers, Fayetteville.
John A. Balsbaugh, Hershey.
Jules C. Luyten, Indianola.
George A. Leach, Lemoyne.
Thomas B. Conrad, Lilly.
Margaret B. Hill, Saltsburg.
Benjamin S. Davies, West Brownsville.

TEXAS.

Benno B. Volkening, Bellville.
Dave C. Dodge, Claude.
Alice O. Wright, Columbia.
Leo Yell, Conroe.
Harvey L. Copeland, Coupland.
Herman H. Duncan, Kaufman.
James L. Powell, Kirvin.
Maggie R. Hopkins, Lone Oak.
Ora R. Porterfield, Lott.
Thomas C. Hood, Lyford.
Isidore Newman, Mexia.
Minnie Kenney, Nash.
William H. Rucker, Nevada.
John W. Neese, Pflugerville.
Charles L. Wiebusch, Riesel.
John H. Roach, Riviera.
Floyd S. Worth, San Benito.
Webster Waide, Sanger.
Mamie Dyer, Tolar.
Walter M. Hudson, Weatherford.

Emanuel T. Teller, Westhoff.
Tom Hargrove, Woodsboro.
William B. Lee, Wortham.
Charles E. Belvin, Zephyr.

WASHINGTON.

Henry R. James, Rochester.
Orie G. Scott, Tekoa.

WEST VIRGINIA.

Parsons M. Nelson, Beverly.

HOUSE OF REPRESENTATIVES.

MONDAY, February 20, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lord God of Hosts, amid the pleasures and the sorrows in the tumult and the strife day by day the old world standeth, and we know that God is good. Thou dost bring music out of discord, contentment out of failure, and morning out of evening. Darkness is the wing of Thy mercy and silence is the breath of Thy kindness. In our words, temper, and conduct may there be thought, calmness, and authority. We would have our energies, our powers of effort, and our desire of achievement declare loudly for every plea and principle of right. Let the future hold for us visions of a brighter dawn, a purer delight, and always incline our hearts to keep Thy law. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, February 18, 1922, was read and approved.

LEAVE OF ABSENCE.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent for indefinite leave of absence for my colleague, Mr. FROTHINGHAM, on account of illness.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for indefinite leave of absence for his colleague, Mr. FROTHINGHAM, on account of illness. Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Calendar for Unanimous Consent is in order to-day. The Clerk will report the first bill on the calendar.

CAMP HENRY KNOX, KY.

The first business on the Calendar for Unanimous Consent was the bill (S. 2072) to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to execute and deliver a conveyance of title to the Chicago, St. Louis & New Orleans Railroad Co. to that certain strip of land in the military reservation at Camp Henry Knox, Ky., belonging to the United States of America, upon which the line of said railroad was relocated and the new depots and transportation structures were erected at Camp Henry Knox, between the junction points of the old and new locations, a distance of approximately 1½ miles, which conveyance, when executed and delivered, shall convey to the said railroad company all the title to the land so conveyed now vested in the United States of America.

SEC. 2. That the Secretary of War be hereby authorized to receive in behalf of the United States deed or deeds of conveyance and releases from the mortgage obligations of said railroad company to the old right of way of said company between the points of junction mentioned in the preceding section.

SEC. 3. That the detail description of said conveyances effecting a change of title made necessary by the relocation of said railroad at said point be set forth in said conveyances in accordance with the descriptions contained in a certain contract and agreement between the said Chicago, St. Louis & New Orleans Railroad Co., the Illinois Central Railroad Co., and the Director General of Railroads, dated May 23, 1921, which agreement has been formally assented to by the Secretary of War, in which the land to be conveyed to the railroad company is shown in yellow tint on the blue print attached to the said contract, and extending from "C" to "D" thereon, while the land to be conveyed by the railroad company is shown in carmine tint on said blue print and extending from "A" to "B."

SEC. 4. That all laws in conflict herewith be, and they are hereby, repealed.

With the following committee amendment:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That the Secretary of War be, and he is hereby, authorized to execute and deliver a conveyance of title to the Chicago, St. Louis & New Orleans Railroad Co. to that certain strip of land in the military reservation at Camp Knox, Ky., upon which the line of said railroad was relocated and the new depots and transportation structures were erected at Camp Knox, described as follows: Beginning at the point of intersection of the present westerly right-of-way line of the Chicago, St. Louis & New Orleans Railroad Co., with the southerly line of a highway which crosses said railroad under Bridge J-29-8, said point being 780 feet northerly from milepost 30 from Louisville, Ky., and running thence westerly along said southerly line 17 feet more or less to a point 50 feet distant westerly from the center line of the main track of said railroad measured at a right angle thereto; thence southerly parallel to the center line of the relocated main track of said railroad and 50 feet westerly therefrom a distance of 780 feet to a point opposite milepost 30 from Louisville, thence westerly perpendicular to said relocated main track 90 feet; thence southerly parallel to said main track 1,701 feet more or less to the northerly line of the highway which crosses said railroad under Bridge J-30-3; thence easterly along the line of said highway 50 feet more or less to a point which is 90 feet distant westerly from the center line of the aforesaid relocated main track measured perpendicularly thereto; thence southerly in a direct line 964 feet to a point which is 50 feet distant westerly from the center line of said relocated track; thence southerly parallel to the center line of said relocated track and 50 feet distant therefrom, 4,457 feet more or less to a point in the westerly line of the present right of way of said railroad about 1,800 feet southerly from milepost 31 from Louisville, Ky.; thence northerly along the westerly line of the present right of way of said railroad 610 feet more or less to a point 50 feet distant easterly from the center line of said relocated main track measured perpendicularly thereto; thence northerly parallel to said center line 3,700 feet; thence easterly at a right angle to said line 50 feet; thence northerly parallel to said center line and 100 feet distant therefrom 1,125 feet; thence westerly perpendicular to said center line 25 feet; thence northerly parallel to said center line 1,861 feet more or less to a point in the westerly line of the present right of way of said railroad; thence northerly along said right-of-way line 655 feet more or less to the point of beginning; reserving to the Government the perpetual right to use and have kept open the underpasses now in use under and across said railroad.

"SEC. 2. That the Secretary of War is hereby authorized to receive, on behalf of the United States, deed or deeds of conveyance, with covenants of general warranty, and release from the mortgage obligations of said railroad companies, to the old right of way of said companies, described as follows: All that part of the original right of way of the Chicago, St. Louis & New Orleans Railroad Co., which lies south of a line drawn parallel to the center line of the relocated main track of said railroad, and 50 feet distant easterly from said center line, measured perpendicularly thereto, near mile post 30 from Louisville, Ky., and north of a line drawn parallel to said relocated main track, and 50 feet distant easterly from the center line thereof, near a point about 1,600 feet southerly from mile post 31 from Louisville, Ky., said original right of way herein conveyed, consisting of a strip of land 66 feet wide and approximately 7,200 feet long, and also a tract of land 575 feet long, 77 feet wide at the southerly end, 23 feet at the northerly end, lying on the easterly side of the aforesaid 66-foot strip, and containing eighty-five one-hundredths of an acre, more or less, and being the tract of land acquired by the railroad company from P. A. Jones and wife, recorded in book 26, page 59, in the deed records of Hardin County, Ky.

"SEC. 3. That the description of the metes and bounds of said property above stated shall be inserted in said conveyances and in addition thereto proper specifications and reference to the next immediate source from which the grantors therein derived title thereto as required by the statute of Kentucky on the subject of recording conveyances of real estate in that State, as set forth in Carroll Statutes, 1915, volume 1, section 495.

"SEC. 4. That all laws in conflict herewith be, and they are hereby, repealed."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. HULL of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker, I move to suspend the rules and pass House joint resolution 268, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Washington moves to suspend the rules and pass House joint resolution 268, which the Clerk will report.

Mr. SINNOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SINNOTT. Will this bill be subject to amendment under the motion to suspend the rules?

The SPEAKER. It will not.

Mr. SABATH. Mr. Speaker, I demand a second.

The SPEAKER. The bill will be read first.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I think we should have a quorum, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is clear that no quorum is present.

Mr. JOHNSON of Washington. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Washington moves a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Andrew, Mass.	Fess	Kunz	Riordan
Beedy	Frothingham	Larson, Minn.	Shaw
Benham	Fulmer	Lawrence	Snell
Bowers	Funk	Lee, N. Y.	Speaks
Brinson	Gallivan	Linthicum	Stiness
Britten	Gerner	Lubring	Stoll
Brooks, Pa.	Goldsborough	Lyon	Strong, Pa.
Burtess	Gould	McLaughlin, Nebr.	Sullivan
Campbell, Pa.	Graham, Pa.	Mansfield	Tague
Carew	Hays	Michaelson	Taylor, Colo.
Carter	Hogan	Mills	Taylor, Tenn.
Chandler, Okla.	Houghton	Montague	Temple
Chindblom	Hudspeth	Mudd	Ten Eyck
Clague	Hukriede	Murphy	Thompson
Clark, Fla.	Husted	O'Brien	Valle
Codd	Johnson, Ky.	Ogden	Vare
Cole, Ohio	Johnson, Miss.	Olpp	Vinson
Connolly, Pa.	Kelley, Mich.	Parrish	Ward, N. Y.
Drane	Kendall	Patterson, Mo.	Ward, N. C.
Driver	Kennedy	Perkins	Watson
Dunn	Kincheloe	Porter	Wingo
Edmonds	Kitchin	Pou	Wood, Ind.
Ellis	Knight	Raasley	Woods, Va.
Fairchild	Kraus	Reber	Yates
Faust	Kreider	Reed, N. Y.	

The SPEAKER. Three hundred and thirty-one Members have answered to their names; a quorum is present.

Mr. JOHNSON of Washington. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from Washington moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

House joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921.

Resolved, etc., That the operation of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, is extended to and including June 30, 1923.

The SPEAKER. Is a second demanded?

Mr. SABATH. I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SABATH. I am.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] has 20 minutes and the gentleman from Illinois [Mr. SABATH] has 20 minutes.

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, this resolution 268 is presented for the purpose of continuing for one year from July 1 the present 3 per cent restrictive act. It is offered so that the people of the United States may continue to have the benefit of that restriction. I am of the opinion that never again will the people of the United States return to the old custom of free immigration. [Applause.] The present 3 per cent restrictive act in the first five months of its operation reduced the net number of new immigrants in this country to 44,014. In the eight months that the law has operated it is probable that more aliens have gone out of the United States than have come in.

To-day Ellis Island is more nearly a desert than it has been for 20 years. The number of detention cases on hand there to-day is only about 400 as compared with an average of 2,000 or more daily for a long time past. New immigrants are arriving now at the rate of only 1,500 per week, whereas for every month of the year preceding this 3 per cent restrictive act the average number coming in was 15,000 a week.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. JOHNSON of Washington. Not at present; in a moment. Eight months' operation of the 3 per cent restrictive act brought to the United States only 192,000 immigrants, and it is clear that the limit of 355,000 that is authorized by the law will not be reached when the law expires at the end of next June. That is a heavy restriction when one compares it with the number of immigrants—805,000—which came in in the year immediately preceding. It is satisfactory also when one realizes that the vessels engaged in transatlantic trade have a steerage capacity for more than 1,700,000 annually, and every ship would like to see its steerage capacity filled on every trip to the United States.

It is interesting to note that the alien steamship lines are concerned over the 3 per cent act and do not want to see it continued. The Italian Government itself has complained that

the operation of the 3 per cent act has greatly interfered with the Italian-owned ships and so reduced their emigrant business that they have passed an act in Italy requiring emigrants to go out only in Italian ships.

The British interests, too, are protesting and are putting British vessels on lines from Bremen to the United States in an effort to catch a little of the disappearing emigrant trade. The British Government says the United States is cutting off its nose to spite its face, but I am of the opinion that we do not see the situation through British spectacles.

A restrictive law is expected to restrict, and any law that restricts will create hardship. During the operation of the 3 per cent act for eight months the United States has admitted in excess of the quota the small number of 1,773 persons, and those have been admitted for reasons of humanity and because of extreme hardship attendant upon return trips. Many of these 1,700 admitted have been fathers or mothers of families or children. Some have been cases of immigrants who secured passport visés months before the law was enacted. Some of them have been people from Persia who started for the United States as far back as a year ago this month. Some others have been cases of Armenian orphans, and the 450 Armenians who came in one ship and were charged against Turkey's quota, which was exhausted. The Secretary of Labor admitted all of these temporarily under the provisions of the Burnett Act, and to-day I shall introduce a resolution authorizing the Secretary, in his discretion, to admit permanently those of that number now in the United States who are otherwise admissible under that law. In my opinion, a remarkably good showing has been made in putting into effect a new and untried plan for the immediate restriction of immigration.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BARBOUR. Were those 1,700 among those who were admitted under some special order?

Mr. JOHNSON of Washington. No. This law was in effect for 27 days of last June, then for one year thereafter, and during the 27 days many immigrants arrived at Ellis Island who had started before the law was operative or before they had any knowledge of the law. In other words, there was not time in which to clear the seas. Then, by resolution of Congress, the Secretary was authorized to admit all of those people, about 10,000 in number, and charge them against future quotas. No persons in excess of yearly quotas were admitted by that act of Congress.

Mr. BARBOUR. And after the passage of this resolution they will be limited, as I understand it, to the actual quota, and there will be no special orders allowing any extra ones?

Mr. JOHNSON of Washington. Except to take care of 1,700 of whom I spoke, who represent the very small number who were caught in the operations of a new and untried proceeding.

Mr. BARBOUR. And they are already here.

Mr. JOHNSON of Washington. They are here, and it is hoped that with the knowledge that the foreign countries have to the effect that this law is going to be effective for another year, with the knowledge of our consular agents who issue the visés, the conditions will be such that those in excess of the quotas can be reached and not be permitted to start. In fact, I think an arrangement may be made with the State Department by which visés will be issued only to those who have the right to come.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. NEWTON of Minnesota. Has the gentleman's committee given consideration to the question of further restriction than the 3 per cent limit?

Mr. JOHNSON of Washington. Yes.

Mr. NEWTON of Minnesota. Is it the intention of the committee to report out some legislation of that character in the near future?

Mr. JOHNSON of Washington. I think so. The committee is still at work on a plan which may give us a permanent restrictive immigration law.

Mr. WALSH. Does the gentleman expect it to be reported some time this Congress?

Mr. JOHNSON of Washington. Let me say in answer to that and in answer to all similar questions: If the Congress finally enacts this one-year extension resolution of the 3 per cent restrictive act, that extension will expire one year from this coming July, at a time when, unless there is an extraordinary session of Congress, Congress will not be in session. Therefore, if the Members of the House and of the other body feel that the people of the country want a restrictive plan continued, it will be necessary to enact additional legislation next winter. The com-

mittee of which I have the honor to be the chairman still has before it many plans. I am in sincere hope that some one of those plans will be perfected. I think the plans are heading up very nicely. I might say that some of the disturbing causes are the desire to write into the bill some paragraph to the effect that 50 per cent of what immigration we do receive shall come to us in American ships. Another plan is an insistent demand for the registration of all aliens, including newcomers and those now here. Additional penalties for steamships are desired. These are problems that can not be settled overnight.

Mr. SCOTT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SCOTT of Michigan. Are the alien wives and children of those now in the United States included in the 1,700 of which the gentleman spoke?

Mr. JOHNSON of Washington. Yes.

Mr. SCOTT of Michigan. So that the wives and children of persons who have resided in the United States for a number of years, who have come in, will be included in that?

Mr. JOHNSON of Washington. All will be taken care of in the resolution which I shall offer myself, and which I am sure the committee will authorize me to report and call up in the House for action. I can not imagine that many will vote against such a resolution.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SUMMERS of Washington. If every country should avail itself of the full quota, how many would be admitted during the year?

Mr. JOHNSON of Washington. Three hundred and fifty-five thousand in round numbers.

Mr. SUMMERS of Washington. And as a matter of fact 180,000 have been admitted?

Mr. JOHNSON of Washington. One hundred and ninety thousand up to the close of business on Saturday night.

Mr. SUMMERS of Washington. That is at the rate of 6,000 a week.

Mr. JOHNSON of Washington. Yes; but let me explain that. It ran at that rate or more at the beginning, but many countries that have sent immigrants have now exhausted their quotas, so that from now on until July immigration, as immigration, will dwindle.

Mr. BRIGGS. Has there been any improvement in determining who are eligible among the immigrants on the other side before they are shipped over here and landed at ports of entry?

Mr. JOHNSON of Washington. I am very glad the gentleman has brought that up. We refer to that in the report of the majority of the committee, where a letter is printed from the Secretary of State conveying to us the protests of the Italian Government against any plan that would set up immigration officials of the United States Government in Italy. Similar protests have been received from other countries; that is to say, those countries do not feel that they can see such legislation in progress in the United States without protesting, because they would not want to agree that our immigration officials and others could detain in this country one of their nationals for 10 days, or any other time, for health inspection, immigration, or any other inspection, any more than we would be willing to agree that if I wanted to go to Italy I would have to go to New York and be in detention for 10 days to see whether I had this or that disease, or so much money.

Mr. GOODYKOONTZ. That would not preclude our foreign representatives from having some clearing house in a country for the purpose of establishing just when the quota has been exceeded.

Mr. JOHNSON of Washington. It does not interfere with that plan—and that plan has been discussed before the committee—to have central points where these quotas may be reported, and that can be done under the present law.

Mr. KELLY of Pennsylvania. Countries that object to our examination of immigrants over there have prima facie admitted that they are willing to ship undesirable to this country.

Mr. JOHNSON of Washington. Yes; and they have also asked why we should pass such a law when they say they make the examination themselves under present international arrangements governing departure of ships. But our standards differ.

Mr. RAKER. The gentleman has stated to the House that after March 4 next year probably no Congress will be in session.

Mr. JOHNSON of Washington. Yes.

Mr. RAKER. And that in December a bill can be presented?

Mr. JOHNSON of Washington. Yes.

Mr. RAKER. The gentleman does not intend to tell the House that as soon as this is passed, so that the docket can be

cleared, the committee will not continue to work on legislation before it or will delay that legislation?

Mr. JOHNSON of Washington. I thought I made that clear. All of the plans which have been placed before the committee are still before the committee, and the committee recognizes the necessity of coming before the House next winter with additional immigration legislation, which I, as chairman of the committee, hope will be constructive and of a permanent nature.

Mr. RAKER. Now, the chairman did not get my point.

Mr. JOHNSON of Washington. I think I did.

Mr. RAKER. If we have June, July, and August, or the early part of this month after this becomes effective, we have some little time to take up legislation before the committee and get it in shape.

Mr. JOHNSON of Washington. I shall call the committee for that purpose, of course, in good time. Now, I want to make this statement.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. JOHNSON of Washington. In a moment. The people want restrictive legislation; it is absolutely necessary to-day. We do not wish to take chances on losing the restriction law which we have, so we are extending it in order to be on the safe side. We could pass a bill here with various amendments which would go to the other body, and then go to the Committee on Immigration there, where it might go through the same operation of examination, suggestion, and amendment as have all bills which have been in our committee. All of that takes time. Probably I am overanxious to see that no immigration legislation gets caught behind bills in this House covering bonus legislation or tariff legislation, and that is my reason for hastening action on this resolution.

The SPEAKER. The gentleman has used 15 minutes.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. CONNALLY of Texas. I notice the resolution is only effective until June 30, 1923.

Mr. JOHNSON of Washington. Yes.

Mr. CONNALLY of Texas. Why does not the gentleman continue it indefinitely until the committee is prepared to bring in some comprehensive act, so we will not have to go through this again next year?

Mr. JOHNSON of Washington. I will refer the gentleman to his own committee for my reason. Look at the status of passport legislation. I am inclined to believe the present passport act, which runs until otherwise changed by law, is an incentive to inaction. As far as I am concerned, I want to see immigration legislation more drastic than the 3 per cent. I want to see the quotas fixed so that all countries will have a minimum and we shall not have to do bookkeeping in the Bureau of Immigration on trifling quotas. We can improve the act, and therefore I have offered this resolution. I reserve the remainder of my time.

Mr. SABATH. Mr. Speaker, I wish to be called when I have used five minutes, and I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. Mr. Speaker and gentlemen, the gentleman from Washington [Mr. JOHNSON], chairman of the Committee on Immigration, tries to make the House believe that we who oppose this makeshift legislation are for free immigration. I myself have never advocated or favored free immigration. I believe in selective immigration, and the strict but humane enforcement of the law. The chairman of the committee [Mr. JOHNSON] also stated that the steamship companies are also interested in larger or increased immigration. I agree that they are interested, and in reply to that statement desire to say I have advocated that we should embody a penal provision imposing heavy penalties upon the steamship companies who in violation of law bring people in excess of the 3 per cent quota. This has not been done and the steamship companies will continue to go unpunished, notwithstanding the terrible suffering and misery they bring to these unfortunates whom they bring in beyond the prescribed number and whom this inhumane law forces to be deported. Mr. Speaker, to eliminate that abuse I would favor that only ships which fly the American flag should be permitted to bring immigrants to our shores. Further, and digressing from the question of immigration for the moment, to my mind this may make unnecessary any ship subsidy.

Mr. Speaker, the report of the majority states that the committee has conducted extensive hearings. This is true; but it fails to state that nearly every witness, whether a private citizen, Government official, or professional investigator, has testified to the effect that the present law was impossible of enforce-

ment. The committee in its report also states that it realizes the present act has caused some individual hardships which they endeavor to justify on the grounds that any law creates hardships. This principle, fundamentally, is just as erroneous as the act itself. The further statement is made in the majority report that the people of the United States demand the continuation of this cruel and iniquitous law. I concede that due to the misrepresentation and misinformation with which the public has been fed, it favors restriction. I speak advisedly when I say that 95 per cent of the American people who are familiar with the provisions of this law are in favor of its repeal. They do not look with favor upon a law which does not permit an American citizen to bring or send for his aged parents or his children, even though the children be over the age of 18 years. They do not believe it is for the best interest of the Nation to enforce the separation of families as has been demonstrated under the provisions of the present act.

Mr. Speaker, I agree with the gentleman from Texas [Mr. Box], who, though a restrictionist, designates this act as makeshift and who states in his views that "the country has been dissatisfied with it, that the Congress itself has felt compelled to denounce it, and that the department was justified in evading its uniform enforcement." During my 15 years' membership in this House I have seen many uncalled-for laws enacted, but I do not know of a single act which has been more uniformly condemned than this one. I take it, Mr. Speaker, that nearly everyone here knows my views on this question, and notwithstanding that I am against unreasonable and unfair restriction I reiterate now as I have in the past that I would rather favor complete and positive restriction than to have this cruel and iniquitous law continued. It is a law which has and will continue, so long as it remains on our statute books, to cause more sorrow and suffering than I can describe. The law was originally passed because the Members of both Houses were deliberately and willfully misled by articles, statements, and purported interviews appearing in the press prior to its enactment and during the time it was considered. I pointed out then that it was propaganda on the part of heartless, professional propagandists.

The newspapers were filled with articles covering purported interviews had with former Immigration Commissioner Wallis, who, however, shortly after the passage of the bill, in speeches which he delivered in the city of Chicago and other sections of the country, clearly and beyond doubt contradicted many of the statements charged to him; but, of course, by that time the damage had been done. And so it was, Mr. Speaker, with the celebrated communication which Secretary Hughes later disowned, but which, nevertheless, was made use of as was Commissioner Wallis's purported interviews, which were used not only to poison the minds of the American people but also the membership of this House.

Mr. Speaker, I have in my hand extracts from a report of the State Department which was embodied in a report of the committee when this legislation was first being considered in December, 1920. It purported to be extracts from reports of various officials and consular officers and tended to show that the scum of the earth was on its way to America; that 10,000,000 immigrants were then ready to come, would pour in as the gentleman from Texas unfortunately believed and, it seems to me, still believes, who would overrun the entire United States and take possession of the Nation.

The extract from this same report on the German situation related that if the passport restrictions were removed 2,000,000 Germans were ready to come. And, lo and behold! notwithstanding the passage of the resolution terminating the state of war between the United States and Germany, which was approved July 2, 1921, up to February 8, 1922, only 11,626 German immigrants have come, which, Mr. Speaker and gentlemen, is a lesser number than is permitted to come under the 3 per cent act during any one month and falls short only 1,988,374 from the number predicted. For some reason this report, which, no doubt, has been read by many Members, tended to convey the impression that 60 to 90 per cent of the immigration was of the Jewish class. The reports in this respect were just as false and untrue as those bearing on the 2,000,000 German immigration, or that the immigration—which did not materialize—has been responsible for the present-day unemployment. Notwithstanding the thousands upon thousands of Jews who have been made homeless by the terrible war, who have been driven from one country to another, and who have suffered untold hardships—yes, the tortures of hell—the official reports show that in the last seven years only about 6 per cent of the total immigration was of that race.

Mr. Speaker, every member of this committee must realize and recognize the fact that the 20 per cent monthly clause in the act has added additional and unnecessary trials and tribula-

tions and increased the difficulties and hardships of the immigrant. To my great amazement the committee has not seen fit to recommend the elimination of that provision.

When the present law was being considered by the House I pointed out that the adoption of the 1910 census instead of the census of 1920, which was then completed, constituted a deliberate and designed discrimination against a great many deserving nationalities. I also called attention of the House then to the fact that the bill exempted and permitted the coming of actors, artists, lecturers, singers, nurses, ministers, and professors after the 3 per cent quota had been reached, but made no such exception to the parents and children over 18 years of American citizens—the wives and children, the orphaned brother or sister, of declarants. They would be barred when the 3 per cent quota had been reached. Further, Mr. Speaker, contrary to our traditions the doors are closed to political or religious refugees.

Mr. Speaker, this bill does not apply to Chinese or Japanese. It permits the coming of Chinese and Japanese students. To this I do not object, but I do object, however, to the restriction of all others. I believe that the education which the Chinese students have received in this country has been of great advantage to our Nation, and that we should continue to encourage their coming to our institutions of learning. Indeed, the Boxer indemnity waiver, which made this possible for Chinese students, has since proven beyond doubt the wisdom of our action.

Why, then, should we not permit the coming of bona fide students from other countries, especially from the newly created nations of Europe, Mexico, and from the South and Central American Republics? To my mind it is a shortsighted policy to debar them. I am of the opinion that it would be of great advantage to our Nation and a great benefit to humanity and the future welfare of the world if we would not only permit their coming but to offer a certain number of scholarships to the young men of every nation.

Mr. Speaker, in conclusion I wish to say that the rabid assertions of the restrictionists that 10,000,000 immigrants were waiting to come was a wild dream; not even one-tenth of that number under our present passport law have applied for visas. I can only point out that the 3 per cent law has brought about sorrow and unhappiness to thousands of American citizens and declarants who, under its drastic provisions, are separated from their kin and those they hold nearest their hearts. I can voice nor stress no greater appeal than to submit the fact that since the enactment of this legislation there has been an actual decrease beyond the number of emigrants who have left this country of immigrants coming to this country. The official statistics of the Bureau of Immigration show that up to February 8, 1922, the total number of immigrants admitted to the United States, mostly women and children, has been 191,154; the total number of emigrants, mostly men between 25 and 45, having left this country between July 1, 1921, and January 30, 1922, numbers 240,212, an actual decrease in this country of 49,058 since this law was enacted. I say to you it is fair, is it just, is it right that we should continue to cause the separation of a wife from a husband, of a mother from her child? That is what the passage of this resolution means. [Applause.]

The SPEAKER. The gentleman has used five minutes.

Mr. SABATH. I will yield four minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Speaker, every university president throughout the Nation is opposed to this legislation, because it prevents students other than Chinese or Japanese coming into the United States after the 3 per cent quota of their particular country is exhausted. President Butler, of Columbia University, one of the leading university presidents, and a distinguished Republican, in a letter dated February 18, 1922, said in part:

MY DEAR CONGRESSMAN SIEGEL: I am greatly disappointed at the news contained in yours of the 16th. This means a fight in the Senate, because the educational institutions will not sit silently by and permit that kind of barbarism to be perpetrated by the Congress.

In October it became necessary to have a special order made relieving the hardships which had arisen and which reads as follows:

OCTOBER 5, 1921.

To all commissioners of immigration and inspectors in charge at ports of entry for aliens:

It is a noteworthy fact that the immigration act approved May 19, 1921, makes no provision for excepting from the quota count or for the admission beyond the quota limits aliens who come to the United States for the purpose of following the vocation of students. Already this is working a hardship, and, in the view of the department, an administrative exception in the cases of bona fide students coming here from certain countries whose quotas for the entire year have been consumed seems advisable. It has been necessary in instances to exclude young men coming here to take collegiate courses whose bona fide status as students there was not the remotest question. The department has taken the position that it will not absolutely exclude students of this class who may arrive in excess of the quota limits of the act,

but that it will, when the bona fides of the case are apparent, admit the subject temporarily for a period of one year on his personal bond.

The purpose of this letter is to authorize the officers in charge at the several ports to dispose of the cases of bona fide and otherwise admissible students destined to recognized institutions of learning in the United States, and who would otherwise be deported because of having arrived in excess of the quota limits of the act in the manner above indicated, viz, accept their personal bonds in the penalty of \$500 guaranteeing their departure from the country at or before the expiration of one year from date of landing, unless, of course, their cases be otherwise disposed of in the meantime. Where the officer in charge is not convinced that the case of the applying student comes within the scope of the department's instruction, it is instructed that the records in such cases be referred to the department, as on appeal, for its consideration and decision.

E. J. HENNING,
Assistant Secretary.

Now, there is no limit to the number of Japanese students coming in, and they do come in. There is no limit to the number of Japanese generally coming into this country, because the 3 per cent quota law does not apply and they are permitted to come under the gentleman's agreement. There is no limit to the number of students coming in from China. Yet we are told that this is a fair and equal law. The 3 per cent restriction is desirable so far as Europe is concerned, but with the other countries, why a greater percentage is satisfactory. The New York Times, which is in favor of sensible restrictive immigration legislation, has said:

NO TEST COULD BE POORER.

Of all the devices yet invented for keeping "undesirables" out of the country, that of fixing a "quota" of admissible aliens for each foreign country is probably the least intelligent, the most provocative of needless hardship and justified irritation. For the literacy test, some, though poor, excuse can be given, but it is the wildest of absurdity that, because there have come over here from a certain land a certain number of persons, no more from that land shall be admitted, no matter what the individual qualifications of the applicant may be.

Under the present law and rulings people who can convince the immigration authorities of intention soon to depart are allowed to land, indeed, regardless of the "quota" limit, but such proof is not always easy to give, and some of the most undesirable of undesirables can produce it.

Quality, not quantity, should determine admissibility, and while quality is not easily ascertained, to do it should not be impossible in a country as well supplied with wise men as ours claims to be.

It has truly been said of the statute that it is one of "inhumanity by statute." The New York World on January 4, 1922, said:

INHUMANITY BY STATUTE.

If further illustrations of the inhumanity of the immigration law are desired, they can be found at Ellis Island in the families of Aaron Kalmanovitch and Moische Shipguel. Both men were born in Russia and are eligible for admission to this country because the Russian quota for the month has not been filled. Their wives were also born in Russia, and are likewise admissible, but the daughters of the two families, aged 8 and 10 months, respectively, were born in Constantinople, and are therefore held for deportation, the Turkish quota being complete.

This test of nationality that separates parents from children is even more ludicrous than the quota system itself. A child of American parents born in Constantinople would not be a Turk, and would not be classed as a Turk under American or any other law. In identifying race with the place of birth the framers of emergency immigration provisions ignored the usage of the courts of the country in dealing with our own citizens. The working of the law is not always so obviously unjust as in the case of these two families, yet every case before the immigration authorities is decided on the same fallacious principle.

Secretary of Labor Davis has confessed that it was his kind heart that led to the holiday freeing of 1,100 immigrants whose quotas had been filled. But it will take more than one kind heart, and the kindness will have to be apparent much oftener than once a year, if the damage done by the immigration act is to be remedied.

On September 8 last I wrote the following letter to the President:

HON. WARREN G. HARDING,
President of the United States.

DEAR MR. PRESIDENT: It is exceedingly regrettable that the immigration laws, as now being enforced, are resulting in the grossest kind of injustice. There is no reason why the same attitude taken by the Labor Department heretofore should not be followed in allowing members of families who arrive after the quota for each month has been filled to remain at Ellis Island or be allowed to land under bond and be counted in the next month's quota.

All I can say to you is that the separation of parents from children who arrive at Ellis Island—the parents being admitted and the children being sent back because they happen to arrive after the quota is filled—is something I don't believe you will approve.

The reason that I desire to bring this to your attention is because no one can picture to you in words the effect of the enforcement of this provision the way it is now being administered. Action on your part is absolutely necessary, if we are to uphold American traditions regarding humanity.

With kindest regard, yours, very truly,

ISAAC SIEGEL.

The reply of President Harding was as follows:

THE WHITE HOUSE,
Washington, September 9, 1921.

MY DEAR MR. SIEGEL: I have your letter of September 8. I haven't any doubt in the world but the enforcement of the immigration laws is working many a hardship. My own distress has been very great over some of the specific instances which have been reported to me.

If I have the situation correctly presented, the difficulty must be charged to dishonest steamship agents, who have brought to this country innocent immigrants in spite of our continued warnings during a period of very great leniency. I know how very persistent have been the impositions, which have been made on the Government agents who have been disposed to be sympathetic and more than generous in carrying out the law. However, I am sending your letter to the Department of Labor for further information on the subject. I have great confidence in the Commissioner of Immigration, and I know the Secretary of Labor is one of the most humane and sympathetic men in the land. If there are conditions such as you suggest, I feel pretty confident that they are unavoidable under the law.

Very respectfully, yours,

WARREN G. HARDING.

What led me to write to the President was the case of a young child by the name of Freda Berman, 10 years of age, coming to a father. The mother had passed away just about the time when the ship was about to sail. The infant was ordered excluded on account of the quota law, and the father was in the United States. Let me say that to the everlasting credit of the President and Secretary Davis this infant was finally allowed to land under a bond. Over 60 cases at one time were called to the attention of the Department of Labor wherein great hardships were involved. On January 5 of this year four children coming to a father, who had been wounded in Gallipoli, were at first ordered excluded because the quota from Australia had been exhausted. I might allude to the case reported where 10 Rumanians became Russians because the United States had not recognized the partition of Europe, as the law does not refer to the places of residence but of nativity. Frequently it has happened that a child has been born in transit or different place than the parents. The result has been that under the law the parents were admissible and the child was not. A law which excludes full orphans on account of an excess quota when other blood relatives are ready to adopt such orphans and are citizens of the United States can not have the approval of the American people.

If it be contended that 3 per cent of a particular nationality is the number of immigrants which should be permitted to come from a particular country, then the logical and fair way is to adopt the last census. The figures for the census of 1920 together with the quotas for 1920 and 1910 are as follows:

Census of 1920, and the quotas for 1920 and 1910.

Country or place of birth.	Foreign born in United States, 1920.	3 per cent quota, 1920.	Foreign born in United States, 1910.	3 per cent quota, 1910.
Albania.....	5,608	169	9,567	287
Austria.....	576,627	17,269	248,132	7,444
Belgium.....	62,687	1,881	40,900	1,557
Bulgaria.....	10,477	315	10,084	301
Czechoslovakia.....	362,438	10,874	475,633	14,269
Danzig.....	2,049	62	9,500	285
Denmark.....	189,154	5,675	188,134	5,644
Finland.....	149,824	4,495	129,667	3,890
France.....	384	12	2,366	71
France.....	153,072	4,593	189,734	5,692

Census of 1920, and the quotas for 1920 and 1910—Continued.

Country or place of birth.	Foreign born in United States, 1920.	3 per cent quota, 1920.	Foreign born in United States, 1910.	3 per cent quota, 1910.
Germany.....	1,689,085	50,582	2,208,967	68,039
Greece.....	175,976	5,299	109,534	3,286
Hungary.....	397,283	11,919	186,834	5,635
Italy.....	1,610,113	48,304	1,439,700	42,021
Jugoslavia.....	169,439	5,084	213,500	6,401
Luxemburg.....	12,588	378	3,067	92
Netherlands.....	131,766	3,953	120,067	3,602
Norway.....	363,893	10,916	403,866	12,116
Poland (including Eastern Galicia).....	1,139,979	34,200	860,000	25,800
Portugal (including Azores and Madeira Islands).....	105,056	3,152	75,634	2,269
Rumania.....	102,823	3,085	247,134	7,414
Russia.....	1,535,563	46,067	1,141,567	32,247
Spain.....	49,535	1,486	12,100	363
Sweden.....	625,585	18,767	665,200	19,956
Switzerland.....	118,659	3,560	124,833	3,745
United Kingdom.....	2,172,723	65,182	2,573,534	77,208
Other Europe (including Andorra, Gibraltar, Liechtenstein, Malta, Nemel, Monaco, San Marino, and Iceland).....	3,576	108	2,867	86
Armenia.....	39,028	1,069	52,934	1,588
Pakistan.....	3,293	97	1,867	56
Syria.....	51,901	1,558	30,167	903
Turkey (Europe and Asia, including Smyrna district).....	16,303	490	21,766	653
Other Asia (including Persia, Rhodes, Cyprus and territory other than Siberia which is not included in the Asiatic barred zone. Persons born in Siberia are included in the Russia quota).....	5,235	158	2,600	78
Africa.....	5,781	174	4,000	120
Australia.....	10,914	328	9,034	271
New Zealand.....	2,544	67	1,667	50
Atlantic islands (other than Azores, Madeira, and islands adjacent to the American continents).....	9,265	278	2,000	60
Pacific islands (other than New Zealand and islands adjacent to the American continents).....	1,168	36	734	22
Total.....	12,084,823	361,663	11,539,840	355,825

NOTE: The total number of foreign born for 1920 was 13,920,692. It includes the following elements which are not considered in the calculations made in regard to restriction of immigration: Canada, China, West Indies, Japan, Mexico, South America, at sea, Central America, India, Newfoundland, country not specified.

Mr. Speaker, one of the arguments usually made by those fathering the restriction of immigration is that the cities where the foreign born predominate show a greater percentage of crime than those of the native born. In order to obtain the facts I wrote to all of the chiefs of police of all cities in the United States having a population of over 60,000 according to the census of 1920. Their returns are as follows:

Crime statistics for 1921.

Cities.	Population 1920.	Total arrests.	Colonies.	Males.	Females.	Native born.	Foreign born.	Colored.		Misde-meanors.
								Males.	Females.	
New York, N. Y. (for 9 months).....	5,620,048	96,389	15,041	88,548	7,841	87,370	39,360			81,348
Chicago, Ill.....	2,701,705	117,739	14,108	107,175	10,555	96,620	39,360	12,468	1,759	103,622
Philadelphia, Pa.....	1,823,158	83,136	10,457	64,328	4,599	59,729	16,910			53,974
Detroit, Mich.....	993,739	50,676	10,457	42,396	8,280	34,116	16,910			29,036
Cleveland, Ohio.....	796,836	31,666	28,742	28,742	2,924	25,818	3,738			25,818
St. Louis, Mo.....	772,897	54,188	32,198	46,182	8,106	40,076	3,738			51,764
Boston, Mass.....	788,060	59,410	2,866	49,247	5,355	43,892	4,852			33,516
Baltimore, Md.....	733,826	54,602	2,838	49,247	5,355	43,892	4,852			29,342
Pittsburgh, Pa.....	588,103	36,382	2,866	30,684	2,819	27,865	15,107			25,992
Los Angeles, Calif.....	576,673	32,282	2,940	29,000	2,382	26,618	9,358			25,992
San Francisco, Calif.....	599,410	15,520	2,940	14,153	1,367	12,786	4,220			14,220
Buffalo, N. Y.....	506,775	56,592	2,618	51,911	4,681	47,230	3,783			4,338
Milwaukee, Wis.....	457,147	14,798	440	13,388	1,410	11,978	4,752			14,220
Washington, D. C.....	437,571	24,188	558	21,104	3,079	18,025	822			20,036
Newark, N. J.....	414,216	17,874	882	16,747	1,127	15,620				14,220
Cincinnati, Ohio.....	401,247	26,714	722	24,560	2,154	22,406	9,891			25,992
New Orleans, La.....	387,219	18,876		17,045	1,831	15,214				14,220
Minneapolis, Minn.....	380,582	9,792		9,145	647	8,498	3,389			4,338
Kansas City, Mo.....	324,410	4,778		4,145	361	3,784	1,857			14,220
Seattle, Wash.....	315,652	26,714	722	24,560	2,154	22,406	9,891			25,992
Indianapolis, Ind.....	314,194	18,876		17,045	1,831	15,214				14,220
Jersey City, N. J.....	297,864	9,792		9,145	647	8,498	3,389			4,338
Rochester, N. Y.....	285,750	4,778		4,145	361	3,784	1,857			14,220
Portland, Oreg.....	258,288	16,844	2,624	14,440	2,404	12,036	5,597			14,220
Denver, Colo.....	256,369	16,844	2,624	14,440	2,404	12,036	5,597			14,220
Toledo, Ohio.....	243,109	9,533		8,643	890	7,753	2,675			14,220
Providence, R. I.....	237,595	8,647		7,803	844	6,959	673			14,220
Columbus, Ohio.....	237,031	8,647		7,803	844	6,959	673			14,220
Louisville, Ky.....	234,891	11,453		9,603	1,189	8,414	10,687			14,220
St. Paul, Minn.....	234,595	11,453		9,603	1,189	8,414	10,687			14,220

Crime statistics for 1921—Continued.

Cities.	Population 1920.	Total arrests.	Felonies.	Males.	Females.	Native born.	Foreign born.	Colored.		Misde- meanors.
								Males.	Females.	
Oakland, Calif.	216,361	10,546	998	9,713	833	7,544	3,002			9,548
Akron, Ohio.	208,435	10,101		9,311	793	7,124	2,980			
Atlanta, Ga.	200,616	27,727		23,019	4,708	27,113	614			
Omaha, Nebr.	191,601	12,133		10,625	1,508	11,043	1,090			
Worcester, Mass.	179,754	7,229		6,727	502	3,633	3,595			
Birmingham, Ala.	178,270	21,488		19,943	2,995					
Syracuse, N. Y.	171,717	3,239	489	3,037	232	2,403	830			2,750
Richmond, Va.	171,667	15,532		13,955	1,577	15,032	480			
New Haven, Conn.	162,519	7,931		7,398	536					
Memphis, Tenn.	162,351									
San Antonio, Tex.	161,379									
Dallas, Tex.	158,976	35,848		33,601	2,247					
Dayton, Ohio.	152,559									
Bridgeport, Conn.	143,538	2,601		2,447	157	1,173	1,431			
Houston, Tex.	138,076	13,159		10,029	571			2,147	432	
Hartford, Conn.	138,036									
Scranton, Pa.	137,783	5,607		5,068	549	3,618	1,989			
Grand Rapids, Mich.	137,634									
Paterson, N. J.	135,860	872		553	319					
Youngstown, Ohio.	135,358									
Springfield, Mass.	129,563	4,574	236	4,225	351	2,992	1,582			4,333
Des Moines, Iowa.	126,468	8,816		7,671	1,145					
New Bedford, Mass.	121,217	3,706		3,335	371	1,700	2,006			
Fall River, Mass.	120,485									
Trenton, N. J.	119,289	5,577		5,073	504	3,919	1,486			
Nashville, Tenn.	118,342	3,560		3,323	237					
Salt Lake City, Utah.	118,110	7,537		6,849	688					
Camden, N. J.	116,309	4,268	173	3,828	440	3,459	809			1,108
Norfolk, Va.	115,777	17,948		15,702	2,246	15,795	2,153			
Albany, N. Y.	113,344									
Lowell, Mass.	112,759	3,561		3,356	205	2,077	1,484			
Wilmington, Del.	110,163	3,970								
Cambridge, Mass.	109,694	4,664	339	4,503	161	3,157	1,597			4,325
Reading, Pa.	107,784	1,676		1,575	101	1,275	431			
Fort Worth, Tex.	106,482									
Spokane, Wash.	104,437	6,478		5,809	678	5,101	1,377			
Kansas City, Kans.	101,177									
Yonkers, N. Y.	100,176	5,389		5,267	122					
Lynn, Mass.	99,148									
Duluth, Minn.	98,917	5,211	229	4,829	382	2,665	2,546			4,982
Tacoma, Wash.	96,865									
Elizabeth, N. J.	96,682	2,915		2,753	162	1,722	1,193			
Lawrence, Mass.	94,270	3,844		3,604	240	1,791	2,033			
Utica, N. Y.	94,156									
Erie, Pa.	93,372									
Somerville, Mass.	93,093									
Flint, Mich.	91,599	3,108		2,807	301	2,215	893			
Jacksonville, Fla.	91,558									
Waterbury, Conn.	91,410									
Oklahoma City, Okla.	91,258	11,636								
Schenectady, N. Y.	88,723	2,467	303	2,235	147	1,705	762	72	13	2,191
Canton, Ohio.	87,091	5,460	219	5,186	274					5,241
Fort Wayne, Ind.	86,549	2,137		2,017	120	1,994	143			
Evansville, Ind.	85,264	1,364		1,209	155	1,355	9			
Savannah, Ga.	83,252									
Manchester, N. H.	78,384									
St. Joseph, Mo.	77,939									
Knoxville, Tenn.	77,818	5,407		4,482	925					
El Paso, Tex.	77,543									
Bayonne, N. J.	76,754									
Peoria, Ill.	76,121	4,502		4,003	499	4,192	310			
Harrisburg, Pa.	75,917									
San Diego, Calif.	74,683	6,897		6,271	624	5,194	1,791			
Wilkes-Barre, Pa.	73,833	2,827		2,635	192	1,841	983			
Allentown, Pa.	73,502									
Wichita, Kans.	72,128	6,213		5,617	596					
Tulsa, Okla.	72,075									
Troy, N. Y.	72,013									
Sioux City, Iowa.	71,227									
South Bend, Ind.	70,983									
Portland, Me.	69,272	1,624								
Hoboken, N. J.	68,166									
Charleston, S. C.	67,957									
Johnstown, Pa.	67,327									
Binghamton, N. Y.	66,800									
East St. Louis, Ill.	66,740									
Brockton, Mass.	66,138	2,366		2,230	136	1,234	638			
Terre Haute, Ind.	66,083	4,338		3,586	288			362	102	
Sacramento, Calif.	65,857									
Rockford, Ill.	65,651									
Little Rock, Ark.	64,997	12,931	947	5,920	720			5,011	1,274	11,984
Pawtucket, R. I.	64,248									
Passaic, N. J.	63,824	3,054		2,856	198	1,240	1,814			
Saginaw, Mich.	61,903									
Springfield, Ohio.	60,840									
Altoona, Pa.	60,331									
Holyoke, Mass.	60,203									
Mobile, Ala.	60,151									

NOTE.—Where blanks appear information was not furnished, although requested.

It is noticeable that in those cities where there is practically no foreign born there is very little difference in the percentage of crime. There is one thing noticeable, however, and that is the smaller the city the greater number of crimes are committed in proportion to the population. One fails to understand, however, why it is that the city of Washington, with a population of 437,571, should have had 56,592 arrests, while cities like Milwaukee or Newark, N. J., have about one-fourth

to one-third of that number. Baltimore, with a population of over 700,000, has less crime than Washington.

The argument therefore usually made that where the foreign born are present in large numbers that crime is greater is not borne out by the facts.

Mr. Speaker, I agree most perfectly with the President when he said, "If there are conditions such as you suggest, I feel pretty confident that they are unavoidable under the law," and,

as I have pointed out, it appears to me that this law, with its extension until June 30, 1923, has not met the approval of the American people.

As I have said in the report expressing the minority views to this resolution, I am in favor of excluding from the United States every person who is not mentally, morally, and physically fit and who is not a firm believer in our form of government and our institutions.

I can not, however, bring myself to believe that the American people have forgotten their ideals and their traditions of old to the extent that they are in favor of shutting the doors of this country to persons fleeing from religious or political persecution. I believe the time is coming—and it is not far distant—when they will commence to recognize once more that the alien who is to be welcomed here is to be judged solely by his good qualities and by what he is prepared to do in order to become a real American citizen and not otherwise.

I believe that our people will commence to ask questions as to why it is that sufficient courts and clerks are not provided to give aliens here the opportunity to become naturalized under conditions which will add dignity to this most important ceremony. I know of no greater problem before the American people, and I sincerely and earnestly hope that they will awaken to its importance and give the matter that earnest consideration which it deserves.

Now, I do not know of a single New York newspaper, and I do not know of any newspaper of standing in the country that is in favor of quota restrictive immigration. I say that advisedly. What does this do? How is it operating? Only the other day, a man who has been nine years in this country, has his first papers, had his wife and two children arrive at Ellis Island. His wife was sick and had been held in France until she could get well. She and the two small children were ordered deported, because the quota was filled, yet every lecturer, singer, and actor, regardless of quota, could come in.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on this resolution.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the Record on this resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. Mr. Speaker, I yield to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Speaker and gentlemen, I think the House should pass legislation adequately dealing with this all-important subject, and that there is no good reason for the failure of this Congress to do so. I ask leave to extend my remarks in the Record by inserting my views as stated by me in the report of the committee accompanying the resolution.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. BOX. The immigration act of May 19, 1921, will expire June 30, 1922. Unless some legislation is supplied in its place, 1,200,000 to 1,500,000 unfortunate, and in the main undesirable, immigrants will, during the next fiscal year, probably pour in upon our own millions of unemployed and other millions of un-Americanized aliens, most of whom are congested in our centers of industrial and city population.

The compelling necessity that this be prevented and a conviction that the Republican Congress will fail to enact anything but this inadequate makeshift drives me, as one of the minority members of the committee, to support the resolution. But the legislative situation which forces me to do so is highly unsatisfactory.

The act of May 19, 1921, has reduced immigration from a probable 1,200,000 or 1,500,000 in one year to probably less than 300,000. But that act was a makeshift enacted after two years of unproductive consideration and talk. The country has been dissatisfied with it; the Congress which enacted it have felt compelled to denounce it, and because of its alleged unworkability to modify it and authorize the nonenforcement of parts of it. Because of the same alleged vices the executive department charged with its enforcement has felt justified in evading its uniform enforcement. Another unsatisfactory resolution authorizing its partial nullification through partial nonenforcement may be expected to be smothered through soon under a suspension of the rules, so as to prevent open disclosure of what is being done. This, if done, will be two such nullification resolutions within 12 months, both based on the alleged faultiness of the law.

Now, with these alleged vices pointed out and confessed by the Republican Congress and administration which enacted the law, and after another year of failure on their part to prepare a satisfactory law, or one which they are willing to have en-

forced uniformly, this committee and this Republican Congress are unable to even amend the act which the Congress has itself denounced and refused to have regularly enforced. We propose to continue for another 12 months the law which the majority have denounced as such a bungle that it should not, or can not, be regularly enforced.

Why this distressing legislative inefficiency? It is not because the friends of restrictive legislation do not control the committee or Congress. The Republicans, being the majority party, have 10 of the 15 members of the committee and more than two-thirds of the Members of the House, and control the other branches of the Government. In restrictive legislation they have the uniform support of an overwhelming majority of the minority party. They can shape and pass legislation according to their will. Are they without ability to know what they want to do? They certainly have power to do their will, both in the shaping and the enactment of legislation.

Why continue a law which they declare to be so faulty that its partial nonenforcement must be assured by semiannual resolutions passed under the debate-muffling suspension of the rules?

An immigration bill which the committee would have been willing to have regularly enforced should have been reported and passed. Because I am inevitably driven to the conclusion that nothing better can be hoped for from the committee or from this Congress, I favor the passage of this resolution and shall stand for the enforcement of the law it continues. If the committee and the House will not amend the law, the country should not tolerate further impairment of it through failure of enforcement on the claim that it is bad.

Mr. SABATH. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. COCKRAN].

The SPEAKER. The gentleman from New York [Mr. COCKRAN] is recognized for 10 minutes.

Mr. COCKRAN. Mr. Speaker, it is a thankless, and, I am inclined to think, a fruitless task, that I have assumed in rising to oppose this bill. I shall not trouble the House with criticism of any particular feature of it. I am opposed to the whole principle of it. I do not favor any restriction of immigration except to exclude the vicious, the diseased, or the imbecile. I do not think this measure any more objectionable than any other that could be devised having for its object reversal of the policy with respect to immigration which this country has pursued uninterruptedly ever since its discovery by Columbus. Whether a lower or a higher percentage of foreigners be admitted does not seriously affect the principle involved. Either admission to this country should be free, with the exceptions already stated, or it should be refused altogether. I think attempts to determine qualifications for admission by literary tests are perhaps the most preposterous, if not the most vicious, of all.

What we need in this country is all the effective labor we can possibly obtain. Only by the toil of human hands can the soil, however rich in natural resources, be made the theater of plenty. The prime necessity of the country is not linguists, but laborers. I do not think a glib tongue, even though it be glib in many languages, is half as good a passport for admission as a calloused hand well used to labor. Above all, the House should consider carefully the whole relation of immigration to industry and to citizenship before this first step is taken toward consummating the very grave change in our traditional policy, which the gentleman from Washington [Mr. JOHNSON] foreshadows. I do not think anyone will question that immigration should either be forbidden or it should be allowed. If it be desirable to restrict it, as the gentleman from Washington contends, why would it not be still more desirable to prohibit it? When it is prohibited we will, with respect to foreign intercourse, be in the position formerly occupied by Tibet and Korea, and by Japan when Commodore Perry forced open her ports 70 years ago. Is such a position desirable for the United States? Will it be—can it be—advantageous to us?

Mr. Speaker, I am not speaking for the people of any other country in the world, but solely for the people of this country. I am not appealing to the House for any measure of charity or forbearance or good will to the world at large, but I am appealing for some common sense in dealing with a question of the highest interest to these United States.

I stated here some time ago, and I repeat it now for the purpose of emphasizing what will follow, that nothing so valuable can enter a port of the United States as a pair of hands directed by a will to exercise them in cultivating our soil.

Mr. CABLE. Will the gentleman yield?

Mr. COCKRAN. I will yield to the gentleman.

Mr. CABLE. Do we at the present time need more hands in this country?

Mr. COCKRAN. We do.

Since all wealth must be produced by labor, it surely must be self-evident that nothing so valuable can come to us from foreign countries—nothing that can contribute so much to the growth and prosperity of this country—as immigrants eager to cultivate our soil. I pointed out that it is impossible for any man to perform labor of any kind without creating employment for others. My friend [Mr. CABLE] is under the delusion which results from disregarding the warning of Bagehot; in economics always distrust the obvious. Evidently he believes that every foreigner who enters this country can find employment only by displacing some one already here from his theater of labor. But nothing is further from the truth. For how can anyone take a ton of coal from the bosom of the earth without giving employment to others, in transporting it to factories where still others utilize it in manufacture? How can any man harvest a field of wheat without giving employment to others, in transporting it to the mill, in making it into flour, and to others still in making it into bread and distributing it among those who need it? And how can all this be done without increasing the volume of commodities available for support of human existence, and thus reducing the cost of living to everybody?

In the condition now confronting this country there is one feature that I call with special earnestness to the attention of the House. We are passing through a period of very grave depression, the gravest this country has ever faced.

Periods of depression have not been unknown in the past. And we never emerged from a period of depression except under the influence of increased immigration.

It has been the fashion to attribute the wonderful growth of this country in the late forties and in the early fifties to the discovery of gold in California. That was but an incident; it was not the source of that marvelous industrial development. The source of that enormous prosperity was chiefly the tide of immigration from Ireland, which sent a million pairs of human hands to cultivate fields that had lain waste for centuries, erecting towns, building sewers, and performing all that fundamental and useful labor without which higher skilled labor can not be employed at all. For I am sure it is unnecessary to remind gentlemen that skilled labor can not be exercised on the earth itself, but only on some product of the earth. And that raw product must be drawn from the earth by unskilled labor.

That no man can labor without creating a demand for other labor is an abstract proposition which even the gentleman from Ohio [Mr. CABLE] would doubtless concede. But he may ask how does that tide of immigration work practically? How can the immigrant find employment here while hundreds of thousands are unemployed, although all of them are eager to work? The answer is simple.

The converse of the proposition, that no man can work without creating employment for other men, is equally true. No man can cease working in these basic forms of toil without depriving other men of work. If there is nobody to take coal from the mine, then there is no employment for men in transporting it to house or factory or in employing it for manufacture or comfort. If there is no one to carry bricks to the bricklayer, that highly skilled worker can not find employment. You could not pay a bricklayer \$6 or \$7 a day if he himself were forced to carry the bricks that he used. It is on a foundation of elemental unskilled labor that all other industry depends. And that unskilled labor in this country must be supplied by immigrants; America will not furnish it.

These unskilled laborers, coming from every port of the world, are the Helots of our industrial system, purchasing American citizenship by service in the field of industry, just as the Helots of old purchased Spartan citizenship by service in the field of battle.

They are the light marching forces of the great industrial army, ever ready and eager to seek a job wherever one can be found. The older elements of our population have become localized, and to a great extent specialized. The man who is a street paver is practically good for nothing else. In another field of labor he would be of decidedly inferior capacity. The man who carries the hod has special qualifications for that kind of work, but for no other. When, through a depression of industry, he is deprived of employment, he does not know where to turn for other work. Moreover, he has ties of family and neighborhood which make him reluctant to abandon places with which he is familiar to seek employment elsewhere. But the newly arrived immigrant has no associations here, no family ties, and no prejudices or preferences for or against any locality. He must work or starve, and he does not starve. He does not know enough about the devious ways of our civilization to begin life here by attempting to be a thief. He is the Janizary of the industrial forces, compelled by the very conditions of his being to go forth and look for a job

wherever it can be found. When the search succeeds he can not fill that job without helping to provide jobs for others. With no other purpose than to gain his own support, he is yet stimulating industry throughout the whole country. And this hope of obtaining admission to the great opportunities of this country led the very flower of vigorous manhood throughout the world to fit themselves for a part in our industrial life. Wherever a young man was trained to skilled labor, aye, when he was unskilled, possessor merely of vigorous muscles, the one place, the El Dorado to which first his eyes and then his footsteps were turned, was America, the United States, seeking a chance to work, not to fight. No laborer can be employed unless he produces more than he consumes; otherwise there could be no profit in employing him. That surplus over the value of what the laborer receives for himself constitutes the compensation of capital, and necessarily becomes a contribution to the common fund, the general wealth through which industry is directed, its efficiency promoted, and its product increased. Let that steady tide of increased contribution to capital be shut out, as you are proposing now, and what must be the consequences? Our experience for the last four years affords the answer.

During the World War there was practically no immigration. What has been the result? A grave interruption of industry. We are suffering from it now. The swelling ranks of the unemployed are its dreary monument. How are the wheels of industry to be started again? Persons now living in cities will be slow to tear up their families and social roots—to change conditions with which they are familiar—to leave their families and neighborhoods seeking other tasks for which they are not fitted in localities with which they are unacquainted. The great mass of active, mobile labor, which immigration, and immigration alone, can afford is the force on which we must depend if our industry is to be revived. And that is the force which this measure restricts and which the policy underlying it will exclude altogether.

Mr. Speaker, we are at a point now where the truth of what I say will be tested. This resolution will be adopted. The existing law will be continued, followed no doubt by the more drastic measures which the report of the majority and the speech of the gentleman from Washington [Mr. JOHNSON] indicate. Nothing that I or anyone else could say will avert these results. But I warn you that when this legislation will have excluded the tide of laborers who if actively employed during the last four years it must have stimulated industry to revived life and activity, and when under its operation the volume of labor will have been narrowed down to the present supply the industrial life of the country will long remain languishing in its present condition. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I yield two minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I can not agree with my colleagues, who criticize this resolution with the expectation of voting for it.

The practical problem before us is simply this: Without the 3 per cent limitation plan, if this resolution continuing it should fail to pass and no other legislation should be enacted, the yearly immigration to this country would be between 1,200,000 and 1,500,000. With the present limitation it amounts to 350,000 a year. The conditions appear to be such that a general immigration bill can not be passed now in view of what else is to be done by this Congress, and while I never have considered any percentage plan as the proper system of regulating immigration, I am supporting this resolution because it means that the number will be limited to 350,000 a year.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. WILSON. In a moment. Some of our friends have brought up again the old talk about selective immigration, urging that the right of the immigrant to enter our shores is a matter that should be determined before he leaves his home port.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. WILSON. May I have one minute more?

Mr. JOHNSON of Washington. I yield to the gentleman one minute more.

The SPEAKER. The gentleman is recognized for one minute more.

Mr. WILSON. Whenever that question comes up the State Department tells us that the other countries take the position that it is an attempt to regulate their affairs and it is impossible to do that without treaty arrangements. That would be a proper system of immigration, but unless you get treaty ar-

rangements to that effect it is simply out of the question to do it. So unless you are in favor of unlimited immigration the only thing we can do to bridge over the present emergency is to adopt the resolution and continue the 3 per cent plan. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, in concluding I should like to say that I have telegrams from the woman's department of the National Civic Federation of New York, from the Women Voters' League of Pennsylvania, and other organizations calling for the reenactment of the 3 per cent law, as well as telegrams from the American Legion, which calls for a three-year extension instead of one.

I want to say also that in spite of the argument of the gentleman from New York [Mr. COCKRAN] it must be apparent that if 1,000,000 laborers should come to the United States in the year beginning July 1 and every one of them should be able to speak the language in which our Constitution is written, we would not be able to care for them, and particularly if one-half of the million decided to remain in the city of New York.

Mr. COCKRAN. They would take care of themselves and produce a surplus, each one of them.

Mr. JOHNSON of Washington. I have a letter here calling attention to 40,000 idle laborers in Denver, and letters of a similar nature from other places. I call attention to the paragraph in the report of the committee which shows that other countries have been obliged to shut down on immigration and why. I ask for a vote.

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. CABLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record in answer to the gentleman from New York [Mr. COCKRAN].

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on this measure.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record on this joint resolution. Is there objection?

There was no objection.

Mr. PERLMAN. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from New York makes a similar request. Is there objection?

There was no objection.

Mr. VOLK. I make a similar request.

The SPEAKER. The gentleman from New York makes a similar request. Is there objection?

There was no objection.

Mr. ROSSDALE. I make a similar request.

The SPEAKER. The gentleman from New York makes a similar request. Is there objection?

There was no objection.

The SPEAKER. The question is, Will the House suspend the rules and pass the joint resolution?

Mr. SIEGEL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. If the gentleman wants a roll call he had better ask for a division first.

Mr. SIEGEL. I demand a division.

The House divided; and there were—ayes 123, noes 36.

Mr. SIEGEL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors. The Sergeant at Arms will notify absent Members. As many as are in favor of the passage of the joint resolution will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 280, nays 36, answered "present" 1, not voting 113, as follows:

YEAS—280.

Ackerman	Begg	Briggs	Cantrill
Almon	Bell	Brooks, Ill.	Chalmers
Anderson	Bird	Brown, Tenn.	Christopherson
Andrews, Mass.	Bixler	Browne, Wis.	Clarke, N. Y.
Andrews, Nebr.	Black	Buchanan	Classon
Anthony	Blakeney	Bulwinkle	Clouse
Appleby	Bland, Ind.	Burke	Cole, Iowa
Arentz	Bland, Va.	Burroughs	Collier
Aswell	Blanton	Burton	Collins
Atkeson	Boies	Butler	Colton
Bankhead	Bowling	Byrnes, S. C.	Connally, Tex.
Barbour	Box	Byrns, Tenn.	Connell
Barkley	Brand	Cable	Cooper, Ohio
Beck	Brennan	Campbell, Kans.	Copley

Coughlin	Hoch	Magee	Schall
Crago	Hooker	Mapes	Scott, Mich.
Crampton	Huddleston	Martin	Scott, Tenn.
Crisp	Hudspeth	Mead	Sears
Crowther	Hull	Merritt	Shelton
Curry	Humphreys	Michener	Shreve
Daile	Hutchinson	Millsbaugh	Sinnott
Darrow	Ireland	Mondell	Sisson
Davis, Minn.	Jacoway	Montoya	Smith, Idaho
Davis, Tenn.	James	Moore, Ill.	Smith, Mich.
Deal	Jeffers, Nebr.	Moore, Ohio	Smithwick
Dempsey	Jeffers, Ala.	Moore, Va.	Snyder
Denison	Johnson, Ky.	Morgan	Sprout
Dickinson	Johnson, Miss.	Mott	Stafford
Dominick	Johnson, S. Dak.	Nelson, A. P.	Stegall
Doughton	Johnson, Wash.	Nelson, J. M.	Steenerson
Dowell	Jones, Pa.	Newton, Minn.	Stephens
Drewry	Jones, Tex.	Newton, Mo.	Stevenson
Dunbar	Kearns	Nolan	Strong, Kans.
Dunn	Keller	Norton	Summers, Wash.
Dupré	Kelly, Pa.	O'Connor	Summers, Tex.
Dyer	Ketcham	Oldfield	Swank
Echols	Kiess	Oliver	Swing
Elliott	King	Osborne	Taylor, N. J.
Evans	Kirkpatrick	Overstreet	Thomas
Fairfield	Kissel	Padgett	Tillman
Fisher	Klecza	Park, Ga.	Timberlake
Fitzgerald	Kline, Pa.	Parker, N. J.	Tincher
Focht	Knutson	Parker, N. Y.	Towner
Fordney	Kopp	Parks, Ark.	Treadway
Poster	Kraus	Patterson, N. J.	Tyson
Frear	Lampert	Petersen	Underhill
Free	Langley	Pou	Upshaw
French	Lanham	Pringey	Vaile
Fuller	Lankford	Quin	Vestal
Funk	Larsen, Ga.	Radeliffe	Vinson
Garner	Layton	Raker	Volgt
Garrett, Tenn.	Lazaro	Ramseyer	Volstead
Garrett, Tex.	Lea, Calif.	Rankin	Walters
Gensman	Leatherwood	Rayburn	Wason
Goodykoontz	Lee, Ga.	Reavis	Weaver
Graham, Ill.	Lineberger	Reece	Webster
Greene, Vt.	Little	Reed, W. Va.	Wheeler
Griest	Logan	Rhodes	White, Kans.
Hadley	Longworth	Ricketts	White, Me.
Hammer	Lowrey	Roach	Williams
Hardy, Colo.	Luce	Robison	Williamson
Harrison	Luhning	Rogers	Wilson
Haugen	McArthur	Rose	Winslow
Hawley	McCormick	Rosenbloom	Wise
Hayden	McDuffie	Rouse	Woodruff
Herrick	McFadden	Rucker	Woodyard
Hersey	McKenzie	Sanders, Ind.	Wurzbach
Hickey	McLaughlin, Mich.	Sanders, N. Y.	Wyant
Hicks	McPherson	Sanders, Tex.	Young
Himes	McSwain	Sandlin	Zihlman

NAYS—36.

Ansorge	Freeman	Kline, N. Y.	Rainey, Ill.
Bacharach	Gahn	Leibach	Rossdale
Bond	Glynn	London	Ryan
Burdick	Gorman	McLaughlin, Pa.	Sabath
Chandler, N. Y.	Greene, Mass.	MacGregor	Siegel
Cockran	Griffin	Maloney	Tilson
Cullen	Hardy, Tex.	Mann	Tinkham
Favrot	Hawes	Moore, Ind.	Volk
Fenn	Hill	Perlman	Walsh

ANSWERED "PRESENT"—1.

Dallinger

NOT VOTING—113.

Beedy	Fulmer	McClintic	Sinclair
Benham	Gallivan	McLaughlin, Nebr.	Slomp
Bowers	Gerner	Madden	Snell
Brinson	Gilbert	Mansfield	Speaks
Britten	Goldsborough	Michaelson	Stedman
Brooks, Pa.	Gould	Miller	Stiness
Burtess	Graham, Pa.	Mills	Stoll
Campbell, Pa.	Green, Iowa	Montague	Strong, Pa.
Cannon	Hays	Morin	Sullivan
Carew	Hogan	Mudd	Sweet
Carter	Houghton	Murphy	Tague
Chandler, Okla.	Hukriede	O'Brien	Taylor, Ark.
Chindblom	Husted	Oden	Taylor, Colo.
Clague	Kahn	Olpp	Taylor, Tenn.
Clark, Fla.	Kelley, Mich.	Paige	Temple
Codd	Kendall	Parrish	Ten Eyck
Cole, Ohio	Kennedy	Patterson, Mo.	Thompson
Connolly, Pa.	Kincheloe	Perkins	Vare
Cooper, Wis.	Kindred	Porter	Ward, N. Y.
Drane	Kinkaid	Purnell	Ward, N. C.
Driver	Kitchin	Rainey, Ala.	Watson
Edmonds	Knight	Ransley	Wingo
Ellis	Kreider	Reber	Wood, Ind.
Fairchild	Kunz	Reed, N. Y.	Woods, Va.
Faust	Larson, Minn.	Riddick	Wright
Fess	Lawrence	Riordan	Yates
Fields	Lee, N. Y.	Robertson	
Fish	Linthicum	Rodenberg	
Frithingham	Lyon	Shaw	

So, two-thirds having voted in favor thereof, the joint resolution was passed.

The following pairs were announced:

On this vote:

Mr. DALLINGER and Mr. FESS (for) with Mr. GALLIVAN (against).

Mr. REED of New York and Mr. TAYLOR of Arkansas (for) with Mr. KUNZ (against).

Mr. FAUST and Mr. DRIVER (for) with Mr. SULLIVAN (against).

Mr. FROTHINGHAM and Mr. MCCLINTIC (for) with Mr. VARE (against).

Mr. ELLIS and Mr. ODGEN (for) with Mr. CAREW (against).

Mr. MILLS and Mr. WINGO (for) with Mr. HOGAN (against).

Mr. GERNERD and Mr. MONTAGUE (for) with Mr. KINDRED (against).

Mr. CHANDLER of Oklahoma and Mr. KINCHELOE (for) with Mr. RIORDAN (against).

Mr. PATTERSON of Missouri and Mr. WOODS of Virginia (for) with Mr. RANSLEY (against).

Mr. HUKRIEDE and Mr. PURNELL (for) with Mr. TAGUE (against).

Until further notice:

Mr. WOOD of Indiana with Mr. O'BRIEN.

Mr. GRAHAM of Pennsylvania with Mr. PARRISH.

Mr. MORIN with Mr. TEN EYCK.

Miss ROBERTSON with Mr. BRINSON.

Mr. SNELL with Mr. FIELDS.

Mr. MICHAELSON with Mr. GOLDSBOROUGH.

Mr. THOMPSON with Mr. WARD of North Carolina.

Mr. STRONG of Pennsylvania with Mr. STEDMAN.

Mr. CHINDBLOM with Mr. KITCHIN.

Mr. OLPP with Mr. CLARK of Florida.

Mr. REBER with Mr. WRIGHT.

Mr. TAYLOR of Tennessee with Mr. LINTHICUM.

Mr. MADDEN with Mr. TAYLOR of Colorado.

Mr. CANNON with Mr. CAMPBELL of Pennsylvania.

Mr. KAHN with Mr. LYON.

Mr. LAWRENCE with Mr. DRANE.

Mr. CODD with Mr. STOLL.

Mr. MUDD with Mr. GILBERT.

Mr. SPEAKS with Mr. CARTER.

Mr. CONNOLLY of Pennsylvania with Mr. FULMER.

Mr. KNIGHT with Mr. MANSFIELD.

Mr. KENDALL with Mr. RAINEY of Alabama.

The result of the vote was announced as above recorded.

Mr. JOHNSON of Washington, by unanimous consent, was given leave to extend his remarks in the RECORD.

TERMS OF UNITED STATES COURTS IN SOUTHERN AND NORTHERN DISTRICTS OF WEST VIRGINIA.

The next business on the Calendar for Unanimous Consent was the bill S. 2810, to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, as amended and reenacted by an act approved the 22d day of August, 1914.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 113 of chapter 5 of the Judicial Code of the United States, as amended by the act approved August 22, 1914, be further amended and reenacted so the same shall read as follows:

"Sec. 113. The State of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Woods, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. The terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday in April and the third Tuesday in September; at Clarksburg on the second Tuesday in April and the first Tuesday in October; at Wheeling on the first Tuesday in May and the third Tuesday in October; at Elkins on the third Tuesday in June and the third Tuesday in November; at Parkersburg on the second Tuesday in January and the fourth Tuesday in May.

"The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe, with the waters thereof. The terms of the district court for the southern district shall be held at Charleston on the third Tuesday in April and the third Tuesday in November; at Huntington on the first Tuesday in March and the third Tuesday in September; at Bluefield on the first Tuesday in January and the third Tuesday in June; at Williamson on the first Tuesday in February; at Webster Springs on the fourth Tuesday in August; at Lewisburg on the first Tuesday in July: *Provided*, That a place for holding court at Webster Springs and Lewisburg shall be furnished free of cost to the United States; *Provided further*, That a place for holding court at Williamson shall be furnished free of cost to the United States by Mingo County until other provision is made therefor by law."

The following committee amendment was read:

Page 2, line 25, strike out the word "first" and insert the word "third."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GOODYKOONTZ, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TO AMEND THE TRANSPORTATION ACT OF 1920.

The next business on the Calendar for Unanimous Consent was the bill S. 621, an act to amend subdivision (c) of section 206 of the transportation act of 1920.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LONDON. Reserving the right to object, what is the object of this?

Mr. NEWTON of Minnesota. Mr. Speaker, when the transportation act was passed provision was made for limiting the time during which claims growing out of mistakes or errors on the part of the director general or his force of employees could be filed against the Railroad Administration. The period of time for the filing of straight overcharges expired March 1, 1921. This bill seeks to amend that law so as to permit the filing of claims for straight overcharges until September 1, 1922. A limitation in the transportation act was also placed upon the time for filing reparation claims against the Railroad Administration. These claims had to be filed within one year from the date of the passage of the act; that would be March 1, 1921. The claims are filed with the Interstate Commerce Commission. If the Interstate Commerce Commission makes an award and the director general chooses not to follow the award, suit must be brought by the shipper on the Interstate Commerce Commission award. Under subdivision (a) of section 206 of the transportation act suits of all kinds against the Railroad Administration must be commenced between the date of the passage of the act and March 1, 1922. The Interstate Commerce Commission has had so many of these reparation claims that they have been unable to decide them one way or the other, so that when March 1 next comes along they will have hundreds of claims undetermined. Later, if they make an award it will be impossible for the shipper to commence suit under the award. So the purpose of this bill is to extend the time for filing straight overcharge claims against the Railroad Administration until September 1, 1922, and to extend the time for filing suits on awards for reparation by the Interstate Commerce Commission until within one year following the date of the award.

Mr. LONDON. The second provision extends the time for filing the suit under the award of the Interstate Commerce Commission. Is that it?

Mr. NEWTON of Minnesota. Yes; under subdivision (a) of section 206.

Mr. LONDON. What is the nature of the reparation claims? By whom are those made?

Mr. NEWTON of Minnesota. They are made by the shippers. They arise out of discrimination or mistakes made in drawing up the published tariff. They arise where there is a discrimination between the locality or where the rates are unjust and unreasonable.

Mr. LONDON. I thought those came under the head of straight overcharge claims.

Mr. NEWTON of Minnesota. No. For example, suppose the rate from here to New York City on first-class merchandise is \$2.50 per hundred; that is the published tariff rate by the Railroad Administration. But suppose the man is charged \$3. That would be a straight overcharge, because it is in excess of the published tariff.

Mr. DUNBAR. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. DUNBAR. I wish to give the gentleman a concrete illustration of the effect of the nonpassage of this bill. To the Bedford Stone Co., of Indiana, for transportation on cars under Government control, rates were increased from \$2 to \$18 for shipping charges. They made an appeal to the Interstate Commerce Commission for a rebate on what they thought to be an overcharge. The result has been that they have had awarded to them, so far as the provisions of the Interstate Commerce Commission extended, \$33,000.

I understand that the Director of Railways objects to paying the \$33,000, but is willing to pay \$31,000, which the Bedford Stone Co. is not willing to accept. Two thousand dollars is in controversy. In order that the Bedford Stone Co. may be made secure in obtaining the rebate from the Government of \$31,000 or \$33,000, whichever amount it may finally be determined to be, this bill will enable them to secure the amount that is really due.

Mr. NEWTON of Minnesota. It gives them a day in court that after March 1 they would not be entitled to.

Mr. DUNBAR. They would either have to accept the award before March 1 or have no day in court.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That subdivision (c) of section 206 of the transportation act, 1920, be, and the same hereby is, amended to read as follows:

"(c) Complaints praying for reparation on account of damage claimed to have been caused by reason of the collection or enforcement by or through the President during the period of Federal control of rates, fares, charges, classifications, regulations, or practices (including those applicable to interstate, foreign, or intrastate traffic) which were unjust, unreasonable, unjustly discriminatory, or unduly or unreasonably prejudicial, or otherwise in violation of the interstate commerce act, shall be filed with the commission within one year, or, if so claimed in respect of overcharges above the legal tariff charge, within two years after the termination of Federal control, against the agent designated by the President under subdivision (a), naming in the petition the railroad or system of transportation against which such complaint would have been brought if such railroad or system had not been under Federal control at the time the matter complained of took place. The commission is hereby given jurisdiction to hear and decide such complaints in the manner provided in the interstate commerce act, and all notices and orders in such proceedings shall be served upon the agent designated by the President under subdivision (a)."

With the following committee amendments:

Strike out all after the enacting clause and insert: "That subdivision (a) of section 206 of the transportation act, 1920, be, and the same hereby is, amended by striking out the period at the end thereof, substituting a semicolon, and adding the following:

"Except that actions to enforce awards made by the commission under the provisions of subdivision (c) against the agent so designated by the President may be brought within one year after the date of the commission's award."

SEC. 2. That subdivision (c) of said section 206 be, and the same hereby is, amended to read as follows:

"(c) Complaints praying for reparation on account of damage claimed to have been caused by reason of the collection or enforcement by or through the President during the period of Federal control of rates, fares, charges, classifications, regulations, or practices (including those applicable to interstate, foreign, or intrastate traffic) which were unjust, unreasonable, unjustly discriminatory, or unduly or unreasonably prejudicial, or otherwise in violation of the interstate commerce act, may be filed with the commission within one year, or, if so claimed in respect of overcharges above the legal tariff charge, within two years and six months, after the termination of Federal control, against the agent designated by the President, under subdivision (a), naming in the petition the railroad or system of transportation against which such complaint would have been brought if such railroad or system had not been under Federal control at the time the matter complained of took place. The commission is hereby given jurisdiction to hear and decide such complaints in the manner provided in the interstate commerce act, and all notices and orders in such proceedings shall be served upon the agent designated by the President under subdivision (a)."

Mr. PADGETT. Mr. Speaker, I offer the following amendment to the amendment.

The SPEAKER. The gentleman from Tennessee offers an amendment to the amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PADGETT: Page 3, line 17, after the word "charge," insert "or where complaints filed before any State commission and not decided at the time of the termination of Federal control."

Mr. SANDERS of Indiana. Mr. Speaker, I make the point of order that that is not germane to the amendment to which it is offered. Neither one of the subdivisions which are proposed to be amended deals with complaints before State commissions. I do not see how that could be germane to an amendment of two sections that do not deal with any such complaints. They deal only with complaints before Federal bodies.

Mr. PADGETT. Mr. Speaker, I want to state what this amendment is intended to reach. To give a concrete statement, a furnace company in my district was shipping ore from a point in Tennessee to their furnace in another portion of the State. The published charge was 55 cents per hundred. The material was shipped at a point called Warners Switch, and the rate from there to the furnace was 55 cents. The railroad company, which was the Government, said, "We will bill this from Allens Creek," a place 2 miles farther, "and we will charge 65 cents." They continued to ship it from the same place, but they billed it from another place and added 10 cents. There was no change in the actual haul. These people filed their claims with the State commission, thinking that as it was an intrastate shipment it would be handled by the State commission. The State commission did not act upon it. They held it until after the time elapsed and then they said that the railroad company now had it.

The SPEAKER. Until after what time elapsed?

Mr. PADGETT. Until after the 1st of March last. Then the railroad company voluntarily reduced the freight charge back to 55 cents. The State commission then said that there was no use of deciding it at all, and there has been no decision by the State commission. The Interstate Commerce Commission here says that they have no jurisdiction because they waited until after the time, and this is to provide for cases where the mistake was made in filing the case before a State commission instead of presenting it originally to the Interstate Commerce Commission.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. The gentleman's amendment provides the time for filing claims with the Interstate Commerce Commission.

Mr. PADGETT. That is it—that were filed before the State commissions, but not acted upon by the State commissions until it was too late to file them with the Interstate Commerce Commission.

Mr. MANN. It does not extend the time for filing a claim before a State commission.

Mr. PADGETT. Not at all.

Mr. MANN. It merely extends the time for filing with the Interstate Commerce Commission certain cases other than those provided in the bill?

Mr. PADGETT. Yes; and designated as those which were filed with a State commission. That is the purpose of the amendment and that is the language.

Mr. DUNBAR. Is it not the purpose also to extend the time for claims now being considered, the consideration of which will not be completed before the time expires?

Mr. PADGETT. As I understand it, it allows the claims to be filed with the Interstate Commerce Commission, all those claims which were erroneously filed with a State commission.

Mr. MANN. It is a claim for overcharge, is it not?

Mr. PADGETT. It is a claim for reparation.

Mr. MANN. If it is a reparation claim, it can be filed with the Interstate Commerce Commission, if this bill passes, without the gentleman's amendment. I do not see any necessity for the amendment.

Mr. PADGETT. It goes to that class referred to by the gentleman from Minnesota [Mr. NEWTON] a while ago, when he spoke of a remedy for unjust charges. They charged 55 cents for hauling from the same point they have always hauled from, but billed it from a different point.

Mr. MANN. They make a claim for reparation or overcharge, one of the two, and either case is covered by the language of the bill now pending, it seems to me.

Mr. RAYBURN. Mr. Speaker, it seems to me clear that the gentleman's case is entirely covered by the bill, because this is to extend the time so that if he has not filed he may file.

Mr. MANN. That is the purpose of the bill. The purpose of the bill is to permit him to file regardless of whether he files with the State commission. If he did file with the State commission, he can file with the Interstate Commerce Commission; if he did not file with the State commission, he can file with the Interstate Commerce Commission. That is what the bill is for, and to put a particular case in may constitute a restriction on the wide latitude of the bill.

Mr. SANDERS of Indiana. Mr. Speaker, so far as the point of order is concerned, after seeing the amendment and reading the context I do not think it is subject to the point of order, and I shall withdraw the point of order which I made.

The SPEAKER. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. NEWTON of Minnesota, a motion to reconsider the vote by which the bill was passed was laid on the table.

SPECIAL CANCELING STAMPS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10161) authorizing the use of special canceling stamps in certain post offices.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration to this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby authorized and directed, under rules and regulations to be prescribed by him, to permit the use of special canceling stamps as follows: In the Richmond, Va., post office, dies bearing the words and figures "Virginia Historical Pageant, Richmond, Va., May 22 to 28, 1922." In the Louisville, Ky., post office, dies bearing the words and figures "Public Health Exposition, Louisville, Ky., February 1 to 9, 1922." In the Pasadena, Calif., post office, dies bearing the words and figures "Fiftieth Anniversary, Pasadena, All the Year 1924." *Provided,* That no permit shall be granted for a longer period than six months.

SEC. 2. That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriations either for the purchase of special dies or for furnishing or adapting canceling machines for the use of special dies.

Mr. STEENERSON. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Lines 8, 9, 10, and 11, page 1, strike out the words and figures "In the Louisville, Ky., post office, dies bearing the words and figures 'Public Health Exposition, Louisville, Kentucky, February 1 to 9, 1922,'" and insert in lieu thereof the following:

"In the Phoenix, Ariz., post office, dies bearing the words and figures 'Visit Phoenix, Arizona, April 24-29, United States Good Roads Week.'"

The question was taken, and the amendment was agreed to.

Mr. STEENERSON. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.
The Clerk read as follows:

At the end of the amendment just adopted insert the following:

"In the Fayetteville, Ark., post office, dies bearing the words and figures 'Semecentennial, University of Arkansas, June 10-14, 1922 (50 years of service).'"

"In the Hutchinson, Kans., post office, dies bearing the words and figures '50th anniversary, Hutchinson and Reno Counties, Kansas, State Fair, September 16-22, 1922.'"

Mr. STAFFORD. Mr. Speaker, I rise to ask the chairman of the Committee on the Post Office and Post Roads, in view of the amendment just adopted and the suggested amendment, whether it is the policy of the committee to authorize canceling stamps for all character of fairs that are held in all localities, small or large, of the country. If it is, why not pass a general law and not take up the time of the Congress with these chicken-feed proposals?

Mr. STEENERSON. I will say that the committee is considering that question, and this bill is an omnibus bill that does contain a limitation.

Mr. STAFFORD. Why not pass a general bill authorizing the Postmaster General to furnish canceling stamps for all character of fairs that are held in various localities of the country?

Mr. STEENERSON. I say we will take up that question very soon. The department has authority—

Mr. MANN. Would the chairman of the committee be willing to permit the city of Milwaukee to have a canceling stamp on which were the words, "We want beer"?

Mr. STAFFORD. I will say that that would reflect the sentiment of 80 to 90 per cent of the citizens of Milwaukee [laughter], and not only Milwaukee but a large majority of the country. [Laughter.]

Mr. STEENERSON. We will decide that question—

Mr. STAFFORD. Give us a chance and we will demonstrate it to you and stop moonshining.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ST. FRANCIS BARRACKS.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 2138) providing that the Government property known as the St. Francis Barracks, St. Augustine, Fla., be donated to the State of Florida for military purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, before the objection stage is passed, I would like to inquire whether there were any Government improvements on this property to be turned over to St. Augustine, Fla.?

Mr. SEARS. I will say to the gentleman from Wisconsin there are 14 wooden buildings on this property. The property only contains about 3 acres of land and has been used by the State of Florida for many years by the adjutant general for military purposes. I have here a report showing that the Secretary of War says he has no objection to the transfer of these buildings, and further calls attention to the fact that the bill provides, following the suggestion of the Secretary of War, that the President at any time may revoke this transfer. The legislature of my State has appropriated \$40,000, and is going to spend it on the remodeling of these buildings, and will also appropriate an additional amount if necessary.

Mr. MANN. Why is not the report of the Secretary of War contained in the report of the committee?

Mr. SEARS. I will read it.

Mr. MANN. I know; but why did not they print it in the report here?

Mr. SEARS. It is in print.

Mr. MANN. Where?

Mr. SEARS. We had it before the Military Affairs Committee, and they reported it out. It was not in print in this report, but it was in print in the Senate report.

Mr. MANN. My observation is generally when we ask for a report of one of the departments and they refuse to print it in their own report it is because they are afraid of it. It is just like the case we had up here the other day where I wanted to see a report of the War Department. I can understand why they left it out. It was distinctly and strongly adverse.

Mr. SEARS. If my friend will yield, it was printed.

Mr. MANN. Where?

Mr. SEARS. In the Senate report.

Mr. MANN. In the Senate report?

Mr. SEARS. Which was before the Committee on Military Affairs.

Mr. MANN. My friend from Florida may expect to go to the Senate some time. I am quite willing to rely on what is before the House, but I do not see that I am obliged to trot over to the Senate to find out what I may before the bill comes before the House.

Mr. SEARS. I realize that. The Military Affairs Committee of the House did not think it necessary to reprint it, and that is the only explanation I can give.

Mr. MANN. I expect that the Committee on Military Affairs of the House never saw the report, although some gentleman has his name attached to it, by a subclerk, probably, somewhere, who did not know anything about it.

Mr. CLOUSE. Will the gentleman from Florida yield for a question?

Mr. SEARS. Yes.

Mr. CLOUSE. Under the provisions of this bill it seems to me the United States Government is donating to the State of Florida this particular property with the provision that upon the demand of the President on the governor of the State the possession of the property shall revert. Now, then, no title passes to the State of Florida. I wonder who is supposed to keep the property in repair during the time that the State of Florida is using it?

Mr. SEARS. I have just stated that our legislature has already appropriated \$40,000 to keep this up, and will continue to keep it up, and I only accept the bill in this form because I am satisfied no President would do any State an injustice.

Mr. CLOUSE. That appropriation is available?

Mr. SEARS. It is available now and waiting for the passage of this bill.

I would like also to call your attention to the fact that the State of Florida, as did, perhaps, some other States during the last war, turned over Camp Johnson with all of its buildings; also the armory in Jacksonville, and all our armories in Florida, where needed, to the Government without cost, and did not ask the Government for a single dollar.

The SPEAKER pro tempore (Mr. WALSH). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2138) providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes.

Be it enacted, etc., That the Government buildings and the land connected therewith, known as St. Francis Barracks, at St. Augustine, Fla., be, and the same is hereby, donated to the State of Florida, to be held by said State and used for military purposes, subject to the following express condition that upon notice in writing by the President of the United States to the governor of the State of Florida that the United States has need for said property, this grant shall cease and determine and title to said lands and all improvements thereon shall immediately revert to the United States.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SEARS, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXCHANGE OF SITES FOR GOVERNMENT BUILDINGS, NEW YORK CITY.

The next business on the Calendar for Unanimous Consent was House joint resolution 257, to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. MANN. Reserving the right to object, I would like to get some information from some one.

Mr. ROSSDALE. I believe I can furnish the gentleman with the information.

Mr. MANN. I do not believe the gentleman can, but I would like to have him answer the question, if possible. I would like

to ask some members of the Committee on Public Buildings and Grounds why they propose an amendment and insist on the appointment of a commission that knows nothing itself? Now, can the gentleman from New York answer that?

Mr. ROSSDALE. I think I can answer it, and I hope I may convince the gentleman from Illinois. This commission is to consist of five Cabinet members, to be appointed by the President.

Mr. MANN. The resolution itself appoints them.

Mr. ROSSDALE. I know. These five Cabinet members, however, are to represent the departments that require the space in these proposed buildings, and the administrations of their departments are concerned in this measure.

Mr. MANN. Yes; and the gentleman knows that not one of them will ever look at these sites—

Mr. ROSSDALE. Their representatives will.

Mr. MANN (continuing). Unless they want a nice trip over to New York, which they can get anyhow, if they want it, and we will never know who it is that recommends the exchange. It will be some subordinate official somewhere. Instead of appointing a commission the personnel of which is known, and which has the responsibility of doing something itself and can be held liable for what it does or does not do, the Committee on Public Buildings and Grounds has proposed that there be five Cabinet officers appointed. If I thought they were going to give it attention themselves, I certainly would not be in favor of passing such a bill, because they have something better to do. They are going to appoint some one, and you do not know who it is; at least, I do not know, though the gentleman may. The country does not know who it is going to be. There is no responsibility. I do not like it.

Mr. ROSSDALE. I will say to the gentleman from Illinois that when I first proposed this measure I provided for a commission of three, and that this change was suggested by the Postmaster General himself.

Mr. MANN. Oh, the Postmaster General has not been worth a 5-cent piece since he has been Postmaster General. He does not know anything about the Post Office Department; and, for one, I am mighty glad he is getting out of it. His only object has been to be extravagant in his own personal relations with the Government. Long-distance telephoning is his main, long suit. I am only speaking of his official duties. And I can say this, having no postmaster to be appointed.

Mr. ROSSDALE. I have not any, either.

The SPEAKER pro tempore. Is there objection?

Mr. LONDON. Will the gentleman yield for a personal interpretation of the law? I understand the way the bill reads it would be the duty of the five members of the Cabinet to attend to the matter personally. Is that not the legal construction of it?

Mr. MANN. Of course, that is the legal construction; but that would not be the way it would be done, although I do not know whether that is the legal construction or not.

Mr. LONDON. When a commission of five members are appointed they can not delegate their powers to anybody else?

Mr. ROSSDALE. They do it and always have done it.

Mr. MANN. The trouble would be as it has always been ever since I have been here. We create a good deal of excitement, and there would be a good many charges made, true or false. I do think when we exchange valuable property over in New York City we ought to have somebody appointed who can give it attention and not appoint a clerk who wants to have a joy ride over to New York, and then go over there and do what they tell him to do.

Mr. ROSSDALE. Mr. Speaker, will the gentleman yield for a moment?

Mr. MANN. Yes.

Mr. ROSSDALE. I wanted to say that I do not think there will ever enter any scandal into this thing, because it is an open-and-shut proposition, without any attempt at gain. The city of New York at the present time really has title to the present site, but it does not want to take that site away from the Federal Government in that way; instead, it offers in the new civic center which they have laid out at tremendous cost—I should say at a cost of many millions of dollars—all the land that the Federal Government may need and want for one or more buildings as the Federal Government may require without the outlay of a single cent. No city could do more. At the present time the Federal Government is expending in rentals in the city of New York approximately \$2,500,000 per annum. We have an example. In a single building rented within the last year the Government agrees to pay \$400,000 per annum.

Mr. MANN. Does the gentleman say that the city of New York owns this post-office site? That is an easy question to answer. Do they own it or not?

Mr. ROSSDALE. In my opinion, they do, but they do not want to acquire it in that way. They want to give the Federal Government another site in exchange. If the gentleman will allow me, I will read an extract from the original deed.

Mr. MANN. Then, it is a very important matter, as to who owns the property.

Mr. ROSSDALE. The city does not want take it that way. Mr. MANN. I do not know about that. If the city of New York has its Representative on the floor, and he says it owns a site, it is certain that the city is not going to give away ground for a site that it now owns.

Mr. ROSSDALE. The city of New York in 1867 deeded the present site for a nominal consideration on the condition that that site would be used for post-office purposes only, and that in the event it was used otherwise the title would automatically revert back to the city of New York. Everybody in the city of New York knows that the Federal Government has used that site for housing various Federal bureaus, and that if at the present time the city desired to, it could have automatically closed in on the Federal Government and taken the land back.

Mr. MANN. What is this property used for?

Mr. ROSSDALE. The old building is there now.

Mr. MANN. What is it used for?

Mr. ROSSDALE. It is used for all kinds of purposes.

Mr. MANN. Is it used for a grocery store or a saloon? [Laughter.]

Mr. ROSSDALE. It is used for a post office and a courthouse and for other Federal bureaus. A single Federal bureau housed in that building invalidates the title of the Federal Government to it. But New York City does not want to do that. New York City is offering the Federal Government the best site in the city of New York, a site that has cost the city millions of dollars. They are establishing a civic center there, and there are blocks and blocks that have been cleared off; and the city is now offering to the Federal Government the opportunity to acquire the land it needs.

Mr. MANN. If that offer is in that shape, why should we provide by act of Congress an exchange for a new site? These people can not make the deed for the site.

Mr. ROSSDALE. Oh, yes; they would have the authority to exchange, following the original form, whereby the site was originally acquired.

Mr. MANN. I do not think they would have the right under this bill to convey the title.

Mr. ROSSDALE. I have here a copy of the law creating that commission, and I could give it to the gentleman. That is how the present site was acquired, and if the present site was acquired in that way, why could not an exchange of sites also be effected in that way?

Mr. MANN. Somebody has to convey the title to the United States. Somebody has to make the conveyance. I do not know in what department the title rests. Probably it rests in the Secretary of the Treasury.

Mr. ROSSDALE. There was an act of Congress that created the original commission that acquired the site.

Mr. MANN. We can buy a site and have the title conveyed to the United States without any trouble.

Mr. ROSSDALE. I grant that the gentleman wants to be fair. Would it be cheaper for the Federal Government to buy a site or to get it for nothing?

Mr. MANN. This commission probably would have authority to accept the title to the new site. Would it have authority to convey the title to the old site?

Mr. ROSSDALE. Yes.

Mr. MANN. Where is that given?

Mr. ROSSDALE. If the gentleman will read the bill, he will understand.

Mr. MANN. I have read the bill oftener than the gentleman has, and could almost give it by heart.

Mr. ROSSDALE. There are the experts in the department that favor it.

Mr. MANN. There are no experts in the department.

Mr. ROSSDALE. I allow that the gentleman wants to be fair, and—

Mr. MANN. That is unnecessary to remark. If the gentleman would prepare himself and know what the bill provides, it would be much better.

Mr. ROSSDALE. I would be glad to enlighten the gentleman on any question he desires to ask me.

Mr. MANN. Who is going to convey the title?

Mr. ROSSDALE. This proposed commission.

Mr. MANN. Well, I dare say they will not, and can not.

Mr. ROSSDALE. Mr. Speaker and Members of the House, this resolution provides for a commission to exchange sites in the city of New York between the Federal Government and the

city of New York. This commission is to be appointed by the President and is to consist of representatives of the five branches of the Government chiefly concerned in housing their various departments and bureaus in that city, namely, the Post Office Department, the Treasury Department, the Department of Justice, the Department of Labor, and the Department of Commerce. The resolution empowers the commission to effect an exchange of sites for a building or buildings which shall house a great down-town post office, courtrooms, and offices for the various Federal agencies and bureaus that are now scattered all over the city of New York in leased buildings at prohibitive rental cost to the Government.

The conditions applying to the space requirements of the Federal Government in New York City are so distressing as to interfere with and prevent the proper functioning of the various Government agencies located in that city. The situation is so acute that it came before the Cabinet for solution and the Cabinet and the President agreed upon and recommended the enactment of this resolution to enable the Government to acquire by exchange the land which is needed to build upon and which the city magnanimously offers the Government for this purpose.

The city of New York, by resolution of the board of aldermen, which is the authoritative body having this matter in hand, passed a resolution creating a commission consisting of the mayor and the comptroller of the city and the president of the Borough of Manhattan, with authority to exchange a part of the land which the city had set aside for a great civic center for the plot of ground known as the old post-office building site. The city offers to deed to the Government a part of the civic center site for one or more buildings, as the Government may determine, and it now remains for Congress to create a Federal commission to arrange with the city commission for the exchange. On the old site is the old post-office building, which was formerly the general post office and Federal court building. At present it houses the United States district attorney's offices, some United States courts, and other Federal bureaus. There is also a branch post office there known as City Hall Station, for the transaction of ordinary postal business as in other local branch stations, and it is also a concentration point for the dumping of enormous quantities of mail matter which is collected at various other branch stations and brought there for sorting and distribution to all parts of the country and elsewhere throughout the world. It is an antiquated old pile of granite in form like an exaggerated mausoleum, inadequate for present needs and impossible of alteration.

It was originally designed as a combination post-office and courthouse building and was erected in 1870. The site was deeded in 1867 by the city of New York to the Federal Government for the nominal sum of \$500,000, conditional that the building to be erected upon it be used exclusively for a post office and Federal courthouse. The Government, however, violated this agreement, for it has housed in it various other Federal departments and agencies for many years, and in the opinion of those qualified to judge the title to this plot of ground has long ago reverted to the city. The following extract from the deed will confirm this opinion among Members of the House:

EXTRACT.

Upon the express condition, however, that the premises above described and every part and parcel thereof and any building that may be erected thereon shall at all times thereafter be used exclusively as and for a post office and courthouse for the United States of America and for no other purpose whatever. And upon the further condition that if the said premises shall at any time or times cease to be used for the purposes above limited, or for some one of them, or if the same shall be used for any other purposes than those above specified, the said premises hereby conveyed and all right, title, estate, and interest therein shall revert to and be reinvested in the said parties of the first part and their successors and assigns.

Although the Government's title is clouded, the attitude of the city is extremely fair; it does not want to exercise its legal rights, however desirous it is to secure the return of this site, and offers in exchange another site just north of the magnificent new municipal building which is about four blocks north of the old post-office site. Here the city has cleared off a large area for the establishment of a civic center at an expenditure of many millions of dollars. Here it is building its thirty-million-dollar courthouse, and here it offers a site in exchange for the old, free of cost, with as much area of ground as the Government may need for the erection of either one or more buildings as the proposed Federal commission may determine.

The advantages accruing to the Government from the proposed exchange are manifold and it is important that this exchange be effected now while the land is available and not built upon. Ground to build upon must be acquired by the Government and Uncle Sam will save millions of dollars by exchanging rather than purchasing land. The old site can not be sold and is limited to post-office and courthouse uses. We must

house all the other Federal agencies somewhere. Besides, the old site is small in area, and its triangular flat-iron shape is unsuitable for the building requirements of the Government.

How urgently pressing is the need for additional post-office space may be seen in the reports of the Joint Postal Commission of the House and Senate. New York City has been very aptly termed the neck of the postal bottle for the whole of the United States. The mails to and from all points in the United States and from every corner and place in the world converge here and must pass through the neck of this postal bottle. It is not local New York City mails alone that are concerned. It is the mails for every city, every village—yes, and every farm—throughout the country; all pass here for distribution. Hamper and delay them in New York because of lack of space to properly handle them and you delay the mail of everyone, everywhere.

The Government is at present paying approximately a million dollars per annum rentals for its various scattered bureaus and departments in the city of New York, and the crowded conditions of some of these bureaus due to lack of space is a shame and a disgrace. Even some of our Federal courts are now in rented office buildings. We can total the cost of the high rentals we pay for this, but we can not total the cost of the wastage resulting from the loss by reason of the improper functioning of these various Federal agencies due to lack of space.

The approximate rental costs I have stated are exclusive of those paid by the Post Office Department. Here we have a worse example of waste. We pay enormous sums for rentals of buildings from private owners and contractors for post-office purposes. Only recently we leased the Varick Street Post Office Station at an annual rental of \$400,000 per annum. This had to be done to relieve the congestion of mails in the very district embraced by the proposed exchange of sites. And the Post Office Department frankly admits it is only a temporary and insufficient relief. Just think of it—\$400,000 per annum for a single rented branch post office station. Something should and must be done to save these rental costs to the Federal Government.

To remedy this situation the Government must eventually build its own building or buildings and it must first secure the land upon which it intends to build. This resolution carries no appropriation with it, for it is but a preliminary to provide the instrument, which is a commission to effect the exchange of sites wherewith to secure the ground needed for these purposes.

It is important that Members of Congress know that the original deed was given by the city for a nominal consideration, shortly after the close of the Civil War in a spirit of helpfulness to our then impoverished Government. The site is an historic spot crowded with incidents and happenings of the Revolutionary War. The building covers the spot where the original Liberty Pole was erected by the Liberty Boys in Revolutionary days. Directly across is old St. Paul's Church and in the churchyard lie the patriots of those days; and here Washington worshipped.

It was originally a part of City Hall Park and is hallowed ground, hallowed with memories of the Revolution, of Nathan Hale, of the old British prison, where suffered and died martyred Continental soldiers. The people of New York have always regretted giving away that site and resented the erection of that architectural monstrosity on that spot. They want to restore it to park purposes and keep it as a shrine for patriotic Americans, and serve as a much-needed breathing spot in that overcrowded section of old New York.

It is not all sentiment, however, that inspires the city in its willingness to exchange sites. It combines sentiment and public spirit with common business sense—for the mutual interest of the city and of the country, for we in New York pay a large part of all Federal taxes. Seeing the deplorable conditions that prevail in the housing of the Federal courts and bureaus and the inadequate post office facilities, the great city of New York has taken the lead in its desire to remedy these conditions, and it generously offers this exchange of sites that Uncle Sam may save millions in annual rentals and lessen the tax bill for us all.

The Joint Postal Commission has recommended that the old building be torn down and that a new building be erected. The Postmaster General, the President's Cabinet, and the President all urge that this exchange of sites be effected and that the resolution be passed.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Postmaster General shall appoint a commission consisting of three officials, who shall have authority to exchange the land known as the old post-office site in the city of New York for other land to be deeded by the city of New York in exchange for such

site; that this commission shall confer and arrange with the authorized committee of the board of estimate of the city of New York, consisting of the mayor, comptroller, and president of the Borough of Manhattan.

With committee amendments, as follows:

On page 1, line 3, strike out the words "Postmaster General" and insert "President of the United States," and in line 4 strike out the words "consisting of three officials" and insert "of five, consisting of the Secretary of the Treasury, the Attorney General, the Postmaster General, the Secretary of Commerce, and the Secretary of Labor."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

Mr. SANDERS of Indiana. Mr. Speaker, I want to debate the committee amendments.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for five minutes.

Mr. SANDERS of Indiana. Mr. Speaker, I am opposed to the policy of creating commissions composed of five members of the Cabinet as a general policy in connection with such a small and relatively unimportant measure. There may be times when it is desirable for such a commission, perhaps, as that of settling and adjusting the debt of other countries to this country. But generally speaking we ought not to pursue the policy of creating commissions composed of Cabinet officers. These Cabinet members have their own duties to perform, and they are selected because of their special fitness to perform the particular duties which are imposed upon them. Now, when we name five Cabinet members to constitute a commission we are not only creating a commission which ordinarily would not be a good one to carry out some particular function of this kind, but we are also interfering with the duties of the different Cabinet members. The Postmaster General has something to do besides attending the meetings of such a commission.

Mr. MANN. He ought to have.

Mr. SANDERS of Indiana. And notwithstanding the opinion expressed by the distinguished gentleman from Illinois [Mr. MANN] I wish to say that in my opinion the present Postmaster General has performed the duties of his office as well as any Postmaster General in the Cabinet of any President. [Applause.] Of course Mr. Hays has had to deal more than any other Cabinet officer with the political questions of this administration. He has had to deal with the question of selecting postmasters, which is always a difficult and trying task. Notwithstanding the criticism of the distinguished gentleman from Illinois, Mr. Hays has brought to that office his wonderful executive ability and has carried out the functions of that office in such a manner as to receive the commendation not only of the members of his party but of the country generally.

Will H. Hays is a remarkable man, energetic, industrious, courageous, and efficient. He brought to the performance of his duties as Postmaster General a wide experience in the conduct of affairs, a genial personality, and a character peculiarly fitted for carrying on the work. The department spends six hundred millions annually. It conducts a business with an annual turnover of over three thousand millions. The department has over 300,000 employees in the field and departmental service. The parcel post handles more than two and a half billion packages annually. The scope of the work is tremendous.

It must be gratifying to Postmaster General Hays to know that his efficient management of postal affairs has the hearty commendation of the great body of the public to whom good postal service means so much. A letter may seem unimportant in itself, but frequently to the sender and to the addressee it is of vast importance. Since he has been at the head of this great department Mr. Hays has seemed to stress the importance of good service to the public which pays the bill.

An editorial in the Review of Reviews in speaking of Mr. Hays says:

WILL HAYS AND THE POSTAL SERVICE.

A two-day meeting of the New York Academy of Political Science was held last month, its five sessions being devoted to the general subject of industrial relations under present conditions in the United States. The proceedings were of exceptional interest, and will soon be published in a volume. One of the sessions was devoted to the topic of governmental employment, whether National, State, or local. Two speakers, testifying from personal knowledge, paid high tribute to the Hon. Will H. Hays, Postmaster General, for the efforts he has been making to improve the Postal Service by considering the welfare of the men and women whom the Government employs. There are about 325,000 of these postal employees. Their efforts bring Uncle Sam closer to the people than any other agency. After all, the post office is our foremost mechanism for the spread of culture and for the unifying of our citizenship. It comes nearer to performing the kindly offices of a national Santa Claus in the month of December than any or all other agencies. In improving the morale of the Postal Service Mr. Hays is also increasing its efficiency.

Mr. Hays has taken a real interest in the welfare of the postal employees, whom he regards as his coworkers. A new spirit has been infused by him into the work of the department and the relations of the men in the service to the welfare of the department.

He is soon to leave the Government service. When he leaves he will take with him the gratitude of the Republic for his faithful service and the well-wishes of a host of friends in Washington and elsewhere who have learned to love him for his sympathetic kindness and to respect him for his keen, brilliant intellect and persevering devotion to his public duties.

Now, to recur to the question of putting five Cabinet members on a commission, I do not think it ought to be done, because it interferes with their official duties. Of course, if we are going to create the commission we ought not to say that the President appoints it. If we are going to have that commission, we ought to say that we create it. I do not think the committee amendment ought to be agreed to.

Mr. MANN. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield to the gentleman from Illinois.

Mr. MANN. May we not properly agree to the first amendment, which substitutes the President for the Postmaster General, and disagree to the second committee amendment, which provides for the appointment of five Cabinet officers instead of three officials who would have to be named?

Mr. SANDERS of Indiana. Yes; I think it would be preferable to have the President appoint the commission. I think that would be a desirable thing.

Mr. ROSSDALE. That is satisfactory to me.

Mr. STAFFORD. Does not the gentleman think it would be better to name three officials? If we authorize their appointment, would it not be necessary to have them confirmed by the Senate?

Mr. MANN. No.

Mr. STAFFORD. Why not name the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster General?

Mr. MANN. Let somebody be appointed who will do the work. I do not know what the President would do. Let the President appoint three officials. They do not have to be confirmed by the Senate unless that is so provided.

Mr. SANDERS of Indiana. I think it would be better for the first committee amendment to be agreed to and for the second committee amendment to be disagreed to.

The SPEAKER pro tempore. The question is on the first committee amendment.

The first committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the second committee amendment.

The second committee amendment was rejected.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 10, after the word "site" insert "and the Secretary of the Treasury is hereby authorized and empowered to make the necessary deeds of conveyance of the property now owned by the Government upon the exchange of said respective properties."

Mr. STAFFORD. Mr. Speaker, when I went over this bill I took occasion to examine the statutes to see whether there was any authorized officer of the Government who is empowered to make conveyances of Government property. I could not find any such authorization in the Revised Statutes. I have just called up the Solicitor of the Treasury Department, who has charge of the conveyances of all Government property and the keeping of all deeds to Government property, and he informs me that there is no such statute—that when the Government does convey property there is authorization carried in the act. I do not think there would be any authority on the part of any Government official, even the President of the United States, to convey the old post-office site without the adoption of this amendment or a similar one. Therefore I ask for its adoption.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. STAFFORD. I yield to the distinguished gentleman from Virginia.

Mr. MOORE of Virginia. Would not the enactment of the statute accomplish the purpose without any specific deed of conveyance? Would not the statute transfer the title?

Mr. STAFFORD. No; I think under this act the officials to be appointed will be authorized only to enter into executory contracts of sale and exchange of the property, and that it would require some subsequent act of Congress delegating authority to some executive officer to make the necessary deed of the Government property so as to show the chain of title.

Mr. MANN. We could pass the title by act of Congress, but this does not purport to.

Mr. MOORE of Virginia. I will say to the gentleman from Illinois that I was not discussing this particular bill, but the general question which the gentleman from Wisconsin [Mr.

STAFFORD] has raised. I had supposed that a statute would operate to pass title if the statute was so drawn.

Mr. STAFFORD. The act itself would be the evidence of the conveyance, but in this instance we are not conveying the title; the property is not described, and we are only authorizing the commission to arrange an exchange. My amendment is to authorize some executive officer to execute the deed.

Mr. MOORE of Virginia. The gentleman admits that it would be possible to frame a bill so that it would convey the title?

Mr. STAFFORD. Yes; but, as the gentleman from Illinois said, the property to be exchanged is not described in the bill, and if that was the case there would be no authorization for the execution of the deed.

Mr. MOORE of Virginia. Let the amendment be again read.

The SPEAKER pro tempore. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ROSSDALE, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

TO CONTINUE THE MILITARY STATUS OF DESERTERS.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 125) to continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law.

The Clerk read the title to the joint resolution.

The SPEAKER pro tempore. Is there objection?

Mr. LONDON. I object.

BUILDINGS OF THE AMERICAN RED CROSS, WASHINGTON, D. C.

The next business on the Calendar for Unanimous Consent was S. J. Res. 43, a joint resolution to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C.

The Clerk read the title.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that that resolution be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to pass over the resolution without prejudice. Is there objection?

There was no objection.

MEMORIAL TO JEANNE D'ARC.

The next business on the Calendar for Unanimous Consent was S. J. Res. 108, a joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to Jeanne d'Arc.

The Clerk read the title.

The SPEAKER pro tempore. Is there objection?

Mr. LUCE. Mr. Speaker, I make the same request as I did to the previous resolution.

The SPEAKER. Is there objection?

There was no objection.

CLOTHING TO EX-SERVICE MEN WHILE HOSPITAL PATIENTS.

The next business on the Calendar for Unanimous Consent was H. J. Res. 221, directing the Secretary of War to furnish clothing to ex-service men while patients in Public Health Service hospitals.

The Clerk read the title.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. RAYBURN. Mr. Speaker, I ask that this resolution be passed over without prejudice.

Mr. MANN. I think the resolution ought to be re-formed.

Mr. RAYBURN. When the resolution was introduced it was properly a resolution for the Committee on Military Affairs, but after they got through with it it was not a resolution for that committee at all, but for the Committee on Interstate and Foreign Commerce. My colleague, the gentleman from Tennessee [Mr. GARRETT], has some amendment that he wishes to offer, but he is away this afternoon.

Mr. MANN. It may be that some relief ought to be granted, but the present resolution goes too far.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the resolution be passed without prejudice. Is there objection?

There was no objection.

DISCHARGE CERTIFICATES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9717) to amend an act [Public No. 219] approved July 1, 1902, authorizing the Secretary of War to furnish discharge certificates.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, as I understand this measure it only changes existing law to the extent of granting the privilege to the next of kin of a deceased soldier to entitle him to a certificate of discharge. My query is, which I wish to direct to some member of the Committee on Military Affairs, how many such certificates may be expected? The next of kin may be a large class. It does not limit it to any one individual; it may mean several. Are all the members under this classification of next of kin privileged to call on The Adjutant General for a certificate of discharge upon his showing that the original certificate of discharge is lost?

Mr. MCKENZIE. That was not the understanding of the Committee on Military Affairs. It means that there can be one certificate.

Mr. STAFFORD. Yes; but heretofore a certificate could only be issued to the soldier in interest, or his widow in case the soldier was deceased. Now you are opening the privilege to a class and not restricting it.

Mr. MANN. This is only an authority; it is not a direction.

Mr. STAFFORD. I do not think it was the intention to grant the privilege promiscuously for everyone who was next of kin.

Mr. MCKENZIE. This does not obligate the Government in any way.

Mr. CLOUSE. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CLOUSE. I am impressed with the suggestion of the gentleman from Wisconsin, and I want to ask the chairman of the committee if the next of kin were entitled to these certificates of discharge if two of equal relation should apply at the same time to the Secretary of War what he would do?

Mr. MCKENZIE. The same rule would apply that it does to the issue of letters of administration, I suppose—the first one would get the certificate.

Mr. CLOUSE. But suppose they both applied at the same time.

Mr. MANN. They would probably both die while the Secretary of War was determining which one should have it. [Laughter.]

The Clerk read the bill, as follows:

Be it enacted, etc., That an act to authorize the Secretary of War to furnish certificates of discharge, approved July 1, 1902, is hereby amended to read as follows:

"That the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, or to the next of kin of such officer or enlisted man, a certificate of discharge to be indelibly marked so that it may be known as a certificate in lieu of a lost or destroyed discharge certificate."

The following committee amendment was read:

On line 6, after the word "That," insert the following: "Whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MANN: Strike out "an act to authorize the Secretary of War to furnish certificates of discharge," and insert "the act entitled 'An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges.'"

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MANN, the title of the bill was amended to read as follows:

To amend the act entitled "An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges," approved July 1, 1902.

LEAVE TO EXTEND REMARKS.

By unanimous consent, Mr. SANDERS of Indiana was granted leave to extend and revise his remarks in the RECORD on the resolution appointing a commission of Cabinet officers for the exchange of sites for a post office, etc., in New York City.

SEQUOIA NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7452) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?
There was no objection.

ISSUANCE OF MEDALS OF HONOR, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10297) to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the eighth paragraph under the caption "Medals of honor, distinguished service crosses, and distinguished service medals," Army appropriation act approved July 9, 1918, to the extent that it establishes limitations of time as a condition of issuance or a condition precedent to issuance of such medals and crosses to persons, or the representatives of deceased persons, who served in the Army of the United States from April 7, 1917, to November 11, 1918, inclusive, is amended so as to extend such respective limitations for a period of one year from and after the approval of this act.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. We have another instance here of a bill reported from the Committee on Military Affairs without any recommendation, so far as the report is concerned, from the War Department. Can any member of the Committee on Military Affairs inform the House whether this bill meets with the approval of the War Department, and whether they support the argument mentioned in the report that there are instances where persons have not had time to have these questions of award gone over by the War Department?

Mr. MANN. Mr. Speaker, if the gentleman will permit me, the gentleman from Massachusetts [Mr. FROTHINGHAM] who introduced this bill, and who to-day is detained from the House because he is ill in bed, introduced a bill some time ago on this subject which, I think, provided for an extension for five years. I suppose the gentleman from Wisconsin understands that no award could be given for heroic service in the war since some time in November last, under the three-year limitation contained in the law. The original bill provided an extension of time for five years, if I remember correctly. The War Department did not think there should be such a long extension, nor did the Committee on Military Affairs. That bill was reported to the House in an amended form, but in such form that it accomplished nothing at all. I discussed the matter with the gentleman from Massachusetts. He took it up with the War Department, which first insisted that the original bill as reported with the committee amendment was sufficient, when, in fact, it did nothing except reiterate words; and the gentleman from Massachusetts drew this bill, which is in accordance with the recommendations of the War Department.

Mr. STAFFORD. Mr. Speaker, I withdraw the pro forma amendment.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill H. R. 9659 on the same subject be laid upon the table.

The SPEAKER pro tempore. Is there objection?
There was no objection.

GENERAL FEDERATION OF WOMEN'S CLUBS.

The next business on the Calendar for Unanimous Consent was the bill H. R. 9979, to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act granting a charter to the General Federation of Women's Clubs," approved March 3, 1901, be, and the same is hereby, amended to read as follows: "Sec. 2. That the said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey such real and personal estate as shall or may be required for the purpose of its incorporation not exceeding \$500,000, with authority in said corporation, should it be by it deemed necessary so to do, to mortgage or otherwise encumber the real estate which it may hereafter own or acquire and may give therefor such evidences of indebtedness as such corporation may decide upon."

Mr. MANN. Mr. Speaker, I move to amend in line 10 by striking out the word "purpose" in the singular, and by inserting the word "purposes" in the plural.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Line 10, strike out the word "purpose" and insert in lieu thereof the word "purposes."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

HOUSING FOR WAR NEEDS.

The next business on the Calendar for Unanimous Consent was the bill H. R. 9597, to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

RELIEF OF CERTAIN PERSONS IN MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 10007, for the relief of certain persons to whom, or to their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, are there any adverse claimants on this property which is sought to be resurveyed; and if so, are their rights protected under the bill as drawn?

Mr. BURTNESS. Mr. Speaker, at the present time, so far as I have been informed, there are no adverse claimants. Adverse claimants have appeared in times past, but in lawsuits tried in the State courts of Minnesota the rights of those claimants have always been declared null and void. The bill, however, in the latter part of section 1, does protect the rights of such adverse claimants as there may be in the following language:

Provided, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to such lands or any part thereof.

Mr. STAFFORD. Will the gentleman yield?

Mr. BURTNESS. Certainly.

Mr. STAFFORD. As I understand the facts of this case, there was a mistake made in the original survey in not including certain lands which the Government surveyed?

Mr. BURTNESS. That is possibly questionable. The original survey, made in 1876, shows quite a large lake—in fact, rather a large lake as compared with what the lake is now. The department for a great many years refused to recognize the possibility of any mistake having been made, but recently they caused a resurvey to be made, and I have this blue print which I hold here, which will give a very good idea of the situation. This part here [indicating] shows the diminished lake, and this line is the original meander line.

Now, some claim that the lake was really as large as indicated here originally—that is, 40 years ago—while others claim that the lake at that time was no larger than it is now. There is some dispute as to that, but in any event the situation now is the lake has receded to the size as shown upon this plat, partly at least due to the effect of drainage ditches, both public and private, having been constructed there draining the area, which is lower than the land included in the original survey.

Mr. STAFFORD. Are the residents on the land that is sought to be resurveyed mere squatters, or have they any claim to it based upon a patent of adjoining land?

Mr. BURTNESS. The owners of the adjoining land, who would be given the preference right to purchase this land if this bill passes, are homesteaders who made their homestead entry upon the land most of them in the eighties—I think one in 1884, a couple of them in 1886, one in 1883, and I think one under the swamp land act in 1904—and these people who would be given a preference right to purchase have actually since 1899 paid taxes upon this land. This land has been upon the assessment rolls of Polk County, Minn., and these people have paid the taxes assessed. The time they commenced to be taxed was directly following an action in the State courts of Minnesota by the owners of the adjoining land against people who squatted in there with the idea that they might be able to get title.

Mr. STAFFORD. And the State courts have upheld their right to the possession of the land?

Mr. BURTNESS. On the theory they were the riparian owners, owning to the middle of the lake.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

The SPEAKER pro tempore (Mr. WALSH). Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell for cash at \$1.25 per acre any unsurveyed land which may on resurvey be found to exist in sections 21, 28, and 33, in township 149 north, range 40 west, fifth principal meridian, in the State of Minnesota, to those persons who in good faith, by themselves and their predecessors in interest, have heretofore acquired, occupied, and improved such lands under the public land laws in accordance with a Government survey made in 1876; and the Secretary of the Interior may in like manner on principles of equity adjust, settle, and confirm by patent the title to any lands in said area heretofore claimed, occupied, and improved under descriptions which on resurvey are found to be erroneous: *Provided*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to such lands or any part thereof.

SEC. 2. The Secretary of the Interior is authorized to make any rules and regulations necessary to carry out and effect the purpose of this act, and any person or persons claiming any benefits hereof shall make the required payments and perform such other acts as may be necessary or required within the time fixed in the regulations; otherwise any right or advantage claimed under this act shall be forfeited.

The committee amendment was read, as follows:

Page 1, line 6, strike out the word "twenty-one."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. STEENBERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMPENSATION OF CLERKS AT DISTRICT COURTS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 8342) to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Attorney General is hereby authorized and empowered to increase or decrease the salary of any clerk of a United States district court within the limits prescribed by the act approved February 26, 1919, where upon investigation the Attorney General finds that there has been such material increase or decrease in the volume of business transacted in any such district when contrasted with the volume of business upon which the said salaries have been heretofore fixed as to justify such increase or decrease, but in all cases the said increase or decrease shall be based upon the amount of business transacted by the court and the fees and emoluments collected by the clerks and by them paid into the Treasury of the United States during the four years last preceding the time of such increase or decrease of salary to be made by the Attorney General under the power hereby conferred: *Provided*, That no change in the salary of any clerk having been hereafter fixed under power hereby conferred shall be made until after the lapse of eight years from the date of such change.

The committee amendment was read as follows:

Page 2, line 9, strike out the word "eight" and insert in lieu thereof the word "four."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. DOMINICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

CREDIT FOR MILITARY SERVICE DURING WORLD WAR.

The next business in order on the Calendar for Unanimous Consent was H. J. Res. 180, extending the provisions of the act of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of public resolution No. 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry, to citizens of the United States who served with the allied armies during the World War.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Speaker, I object.

Mr. FRENCH. Will the gentleman withhold his objection?

Mr. MANN. Not to-day. I have no objection to its remaining on the calendar.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the resolution hold its place on the calendar.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the resolution hold its place on the calendar. Is there objection? [After a pause.] The Chair hears none.

AMENDING WAR RISK INSURANCE ACT.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10003) to further amend and modify the war risk insurance act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have no objection to the passing of the amendment which is incorporated in the bill; but I wish to inquire of the gentleman whether he would have any objection to extending the right of the Government to withhold moneys of soldiers who are inmates of hospitals. It has been called to the attention of the subcommittee preparing the War Department appropriation bill that, so far as the inmates of the National Home hospitals are concerned who are World War veterans, the governors of the homes have no authority to withhold payment of any part of the compensation. In some instances there have been gross abuses by reason of the fact that there is no restraint whatever upon the expenditure of the large amount of compensation that is being paid to the soldiers confined in Government hospitals. In fact, down in Johnson City, Tenn., according to the testimony of a member of the board who was long an honored Member of this House, the conditions are almost a scandal.

There are instances upon instances where the war veterans receive, besides the care and attention the Government gives them, \$80 or more, and use it not for their welfare but in ways that tend to their downfall. I have prepared an amendment to meet this condition. I do not wish to jeopardize the passage of the bill, but I can see that there is urgent need for the constituted authorities being vested with authority to hold back this money for the welfare of the soldier, so that when he is discharged it may be turned over to him in a lump, or during the time he is an inmate. If he has a wife or has dependent children, the board of managers or the governor may parcel it out for his dependents' maintenance, rather than allow the soldier to spend it haphazardly, as in many instances, for his own personal destruction.

Mr. GRAHAM of Illinois. Mr. Speaker, there is a great deal of merit in the contention made by the gentleman from Wisconsin, and I think in some cases it would be wise to make some restriction on the expenditure of this money. The trouble, however, in this particular instance, is of such a nature that, of course, everyone who has thought of it will concede that there surely ought to be early legislation of the kind set up in the bill. Under the existing pension laws, as I understand them, inmates of soldiers' homes have, almost wholly, control over the money that is given them as pensions. Am I right about that?

Mr. STAFFORD. No. The governors of the homes have the right to withhold the pension and determine how much should be given for the use of the soldier and how much should be paid for the benefit of his dependent family, and, upon his discharge from the home, turn over the balance owing to him for his own use. But there is no such provision, so far as the World War veterans occupying the Government hospitals are concerned, and in the case of World War veterans the amount of compensation or pension is twofold and in many instances threefold what the old soldiers of the Civil War and the Spanish American War veterans are receiving, and it is an inducement to them to spend it in profligate ways of living. Down at Johnson City, according to the testimony of a former Member of Congress, it has become a scandal.

Mr. GRAHAM of Illinois. I have not, and the committee has not, considered the question of including that sort of provision. I will be very frank with the gentleman and say that I do not know how much trouble that would make for this bill. I am very anxious to get this amendment made to the statute the omission of which was evidently an oversight, so that the funds of these men who have been adjudged spendthrifts may be conserved, and I am very fearful an amendment of this kind might meet with some opposition from some quarters that would jeopardize the passage of the bill.

I may say this, however, that if a bill were prepared covering this subject and sent to the Committee on Interstate and Foreign Commerce, of which I am a member, I will be very glad to suggest the necessity of early hearings upon it and that something be done definitely by that committee to determine that particular matter. But if we put it in here I am afraid it will cause trouble for this bill.

Mr. STAFFORD. This bill was reported only recently—February 9. If it had been called to my attention sooner, I would have requested, even with the hearings that I have been attending daily the last six weeks, morning and afternoon, to go before

the Committee on Interstate and Foreign Commerce and suggest the amendment that I have prepared. But I have no desire to jeopardize the passage of this bill. But the amendment I have prepared is in keeping with its general purposes and runs right in with the language of the bill. I think that some legislation should be passed. It is the unanimous opinion of the Board of Managers of the National Soldiers' Homes that similar authority should be extended over the World War veterans who are inmates of the Government hospitals, so as to prevent the extravagant use of the compensation funds, not only for the physical welfare of the World War veterans but for their permanent welfare and give them the accumulated sums to which they are entitled upon their discharge, so that they will have some sufficient competence to go out into the world with.

I withdraw the reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10003) to further amend and modify the war risk insurance act.

Be it enacted, etc., That section 23 of the war risk insurance act, as amended, is hereby further amended so that said section, as amended, shall read as follows:

"Sec. 23. That when, by the terms of this amendatory act, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment shall be made to the person who is constituted guardian, curator, or conservator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility of care of the claimant or his estate: *Provided*, That prior to receipt of notice by the United States Veterans' Bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct.

"If any person entitled to receive payments under this act shall be an inmate of any asylum or hospital for the insane maintained by the United States, or by any of the several States or Territories of the United States, or any political subdivision thereof, and no guardian or curator of the property of such person shall have been appointed by competent legal authority, the director, if satisfied after due investigation that any such person is mentally incompetent, may order that all moneys payable to him or her under this act shall be held in the Treasury of the United States to the credit of such person. All funds so held shall be disbursed under the order of the director and subject to his discretion either to the chief executive officer of the asylum or hospital in which such person is an inmate, to be used by such officer for the maintenance and comfort of such inmate, subject to the duty to account to the Bureau of War Risk Insurance and to repay any surplus at any time remaining in his hands in accordance with regulations to be prescribed by the director; or to the wife (or dependent husband if the inmate is a woman), minor children, and dependent parents of such inmate, in such amounts as the director shall find necessary for their support and maintenance in the order named; or, if at any time such inmate shall be found to be mentally competent, or shall die, or a guardian or curator of his or her estate be appointed, any balance remaining to the credit of such inmate shall be paid to such inmate, if mentally competent, and otherwise to his or her guardian, curator, or personal representatives."

The following committee amendment was read:

Page 2, line 2, strike out the word "of" and insert in lieu thereof the word "or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. May I have the attention of the gentleman from Illinois [Mr. GRAHAM], who introduced the bill? I suppose that possibly the word "guardian" or "curator" of an insane person might be sufficient to cover the term "conservator." If I remember, in Illinois we do not have a guardian or curator, but a conservator.

Mr. GRAHAM of Illinois. Conservator.

Mr. MANN of Illinois. I notice the gentleman inserted the word "conservator" here in one place and left it out in three places. Would it not be just as well to insert it in the other places? When we insert it once we assume the words "guardian" and "curator" are not sufficient, and if they are not sufficient we ought to put in "conservator."

Mr. GRAHAM of Illinois. Is that in the second paragraph?

Mr. MANN. It is in the second paragraph. We have a conservator of a person and a conservator of an estate in Illinois.

Mr. GRAHAM of Illinois. Yes, sir. I think that would be advisable.

Mr. MANN. Then, Mr. Speaker, I move to amend page 2, line 11, by striking out the word "or," between the words "guardian" and "curator," and insert after the word "curator" the words "or conservator."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 2, line 11, after the word "guardian," strike out the word "or," and after the word "curator" insert the words "or conservator."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Now, I offer the same amendment in line 6, page 3.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 3, line 6, after the word "guardian," strike out the word "or," and after the word "curator" insert the words "or conservator."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Then, in line 9, after the word "curator," insert the word "conservator."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MANN: Page 3, line 9, after the word "curator" insert the word "conservator."

The question was taken and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. BRIGGS. Mr. Speaker, it occurs to me that on page 3 there ought to be a comma after the word "guardian."

Mr. MANN. It is not necessary for us to do that. That is part of the duty of the engrossing clerk. If the engrossing clerk did not know enough to insert a comma in such places we would not have proper punctuation anywhere.

Mr. MOORE of Virginia. Mr. Speaker, may I ask the gentleman from Illinois a question?

Mr. GRAHAM of Illinois. Yes.

Mr. MOORE of Virginia. Certain terms have been inserted here in order to meet the provisions of State statutes. Have we used the word "committee" at any point? Some of the States call the person appointed "a committee."

Mr. GRAHAM of Illinois. Mr. Speaker, let me say on that proposition that I submitted this bill to the Veterans' Bureau in the first place. When I drafted the bill originally I did not have this second paragraph in it. I simply had the first paragraph, and I had it just as the statute originally was, and added the word "conservator," thinking through an excess of caution that the word "conservator" should go in. The bureau then reported to me that their law officer had held—and I suspect properly—that the words already in the act included a conservator.

Mr. MANN. I would not have suggested that the word "conservator" be included if it were not already in the bill. I suppose it is covered by existing law. They apply it in any case.

Mr. GRAHAM of Illinois. I suppose they are right about it. But through excess of caution I inserted it. They have also held that the words "or his estate," in line 2, page 2, were included in the meaning of the existing law, but thought it would do no harm to state it plainly in this amendment. I am sure the general designation of "committee" as applied to a person under disability would be included in the meaning of the words already in the statute.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. GRAHAM of Illinois, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

STATUE OF GEN. E. KIRBY SMITH.

The next business on the Calendar for Unanimous Consent was the resolution (H. Con. Res. 42) thanking the State of Florida for the statue of Gen. E. Kirby Smith.

The title of the resolution was read.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Concurrent resolution (H. Con. Res. 42).

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be given to the people of Florida for the statue of Gen. E. Kirby Smith.

Resolved, That the statue be accepted, to remain in the National Statuary Hall in the Capitol of the Nation, and that a copy of these resolutions, signed by the presiding officers of the House of Representatives and Senate, be forwarded to his excellency the governor of the State of Florida.

Mr. MANN. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Amend, line 3, by striking out the word "people" and inserting in lieu thereof the word "State."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer a further amendment.

The SPEAKER. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Amend line 4 by inserting, after the word "accepted," the words "in the name of the United States."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer a further amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Amend lines 6 and 7 by striking out the words "signed by the presiding officers of the House of Representatives and Senate" and inserting in lieu thereof the words "suitably engrossed and duly authenticated."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the word "National" in line 5.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Mr. MANN moves to amend line 5 by striking out the word "National."

The SPEAKER. The question is on agreeing to the motion. The motion was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next bill.

EXCHANGE OF LANDS FOR PUBLIC-SCHOOL PURPOSES IN IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9499) to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Reserving the right to object, Mr. Speaker, what is the necessity for this measure?

Mr. SMITH of Idaho. The State owns a great many of these sections of land with the national forests, from which it is not getting any revenue, and the State can not dispose of them. We want to exchange these lands for land of equal value, as described in the bill. The land the State desires is timbered in character and has been withdrawn from settlement for over five years. If it were open to entry under the timber and stone act, it would probably be taken up by the timber companies, and we want the State to get the benefit of these lands and the income they will bring, instead of letting them go into the hands of the large timber companies.

Mr. WALSH. I understand that these sections 16 and 36 are set aside for school purposes?

Mr. SMITH of Idaho. Yes. When the State of Idaho was admitted, sections 16 and 36 were granted by the Federal Government to the State for the benefit of public schools in the State, and a large quantity of these school lands have been disposed of and the proceeds used as provided by law. A great many of these school sections, however, are located in forest reserves and are so inaccessible as to make it impossible to dispose of them at a reasonable price. It is the desire of the State to exchange these school sections in forest reserves for land described in the bill, on the public domain, which are more accessible and from which the State may derive a revenue for the benefit of public schools.

This legislation will be in the interest of the Government by enabling the Forest Service to exclude from the forest lands in State ownership and will also be beneficial to the State, as the lands to be selected can be utilized for the benefit of the school fund.

The enactment of the legislation is recommended by the Acting Secretary of Agriculture and by the Acting Secretary of the Interior in the following letters addressed to the chairman of the Committee on the Public Lands of the House of Representatives.

Mr. WALSH. Mr. Speaker, I withdraw the reservation.

Mr. MCARTHUR. Is it not true also that the forest reserves will be blocked out and squared out?

Mr. SMITH of Idaho. Yes; it will enable the Forest Service to do better administrative work.

Mr. MCARTHUR. The Forest Service will operate the total area instead of only part of it?

Mr. SMITH of Idaho. Yes.

Mr. WALSH. They will if we quit passing these acts permitting exchanges.

Mr. SMITH of Idaho. These exchanges are considered beneficial not only to the Government but to the State. Where the State lands are in these inaccessible and remote sections of the national forests the State can not get any benefit from them.

Mr. WALSH. I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, upon the recommendation of the Secretary of Agriculture, to accept title from the State of Idaho to certain sections 16 and 36 within the boundaries of national forests of Idaho which were granted for public-school purposes and in exchange therefor to issue patents for equal values of any or all of the following-described lands found and determined to be nonmineral in character:

In township 39 north, range 3 east: Section 10, the southeast quarter; section 14, the north half of the north half and the northwest quarter of the southwest quarter; section 15, the southeast quarter of the northeast quarter and the north half of the southeast quarter; section 23, the southeast quarter and the south half of the northeast quarter and the south half of the southwest quarter; section 24, lot 1, the northwest quarter of the northeast quarter, the north half of the northwest quarter; lot 3, the northwest quarter of the southeast quarter and the north half of the southwest quarter; section 25, lot 1, the west half of the northeast quarter and the southeast quarter of the northeast quarter; section 26, the north half of the north half.

In township 40 north, range 3 east: Section 25, the southwest quarter of the southwest quarter; section 26, the southeast quarter of the southeast quarter; section 35, the north half of the northeast quarter.

In township 36 north, range 5 east: Section 3, lots 3 and 4; section 4, lots 1 and 4, the southwest quarter of the northwest quarter and the north half of the southwest quarter, and the south half of the northeast quarter and the east half of the southeast quarter; section 12, the southeast quarter of the southwest quarter; section 13, the east half of the northwest quarter and the northeast quarter of the southwest quarter; section 17, the northwest quarter, the northwest quarter of the southwest quarter and the north half of the northeast quarter; section 18, the northeast quarter of the northeast quarter.

In township 37 north, range 5 east: Section 33, the east half of the southwest quarter; section 34, the northwest quarter of the southwest quarter and the south half of the southwest quarter.

In township 38 north, range 2 east: Lots 2, 3, 6, and 7, section 30.

In township 38 north, range 5 east: Section 25, the west half of the southwest quarter.

In township 39 north, range five east: Section 17, the southeast quarter; section 19, lots 3 and 4, and the northeast quarter of the southwest quarter and the northwest quarter of the southeast quarter; section 21, the southeast quarter.

In township 38 north, range 6 east: Section 29, the northwest quarter; section 19, lots 3 and 4, and the east half of the southwest quarter. All on the Boise base and meridian.

With the following committee amendments:

Page 1, line 6, after the word "certain" strike out the word "lands" and insert the words "sections 16 and 36."

Page 1, line 9, after the word "for" strike out the word "approximately."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed, and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed, was laid on the table.

The SPEAKER. The Clerk will report the next bill.

MALHEUR NATIONAL FOREST, OREGON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10185) authorizing the exchange of lands within or contiguous to the Malheur National Forest, in the State of Oregon, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within or contiguous to the exterior boundaries of the Malheur National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and, in exchange therefor, may issue patent for an equal value of national forest land in the State of Oregon; or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owners as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Malheur National Forest.

With the following committee amendment:

Page 1, line 5, after the word "within" strike out the words "or contiguous to."

Mr. STAFFORD. Mr. Speaker, we have had a good many measures of late authorizing the exchange of lands within the exterior boundaries of national forests for other public lands in the State. Have we had reported many bills of similar import to this, authorizing the exchange of forest lands within a national forest for similar forest lands in other forest reserves?

Mr. SINNOTT. The usual bill is like this. The bill of which the gentleman has spoken is the exception to the usual bill. This is in the ordinary form.

Mr. STAFFORD. I am referring to the policy of the committee as to authorizing exchanges of land for other land in forest reserves. How many of the bills that we have recently passed have authorized the exchange of lands within a forest reserve for public lands outside a forest reserve?

Mr. SINNOTT. We have had very few of those bills; not over two or three.

Mr. MANN. The lands are usually in the forest.

Mr. SINNOTT. This is the usual form.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The SPEAKER. There is a proposed committee amendment to the title of the bill.

Mr. SINNOTT. I desire to offer an additional amendment to the title—to insert after the word "the," in the second line of the title, before the word "Malheur," the words "exterior boundaries of the."

The amendment to the title was agreed to.

The title of the bill was amended to read:

Authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

LAND FOR PUBLIC PARK IN THE STATE OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9235) providing for a grant of land to the State of Washington for public park purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I should like to have some little explanation of this measure.

Mr. HADLEY. Mr. Speaker, there are several military reservations located near one another in the vicinity of a pass in the State of Washington on Puget Sound, known as Deception Pass, which are the subject of this bill. They are not in use by the Government, and so far as I know never have been, and I have known them for some thirty-odd years. There are no improvements, no fortifications, no garrisons, no armament on them. They have never been used at all for military purposes. They are valuable for use for public-park purposes. They afford a very exceptional view of islands, lakes, mountains, and sea of the most attractive and impressive nature. The people have resorted to these reservations for years. The timber on them is liable to destruction by fire, and vandalism may occur from time to time. They ought to be supervised. We have in the State of Washington a committee on public parks, created by statute, which has jurisdiction of the parks of the State, and they are promoting the reservation of parks and the beautification of these areas in various parts of the State for the benefit of the public. The War Department has recommended the use of this land for park purposes; that is to say, they have no objection to this legislation. The State park committee has made application for it. The lands are of no consequential value for any other purpose, and we want to reserve them from speculation in case they should be taken up by private parties for future purposes. We want to devote them to public-park purposes. There is a condition of reversion in the bill, so that the Government can reenter at any time without notice, in case the lands should not be used for the purpose specified, take possession, and occupy them for military, naval, or lighthouse purposes without any compensation to the State for such use and occupation. This is a grant to the State, a conveyance on its face different from the one mentioned a few minutes ago in the case of another bill, but with a reversionary provision.

Mr. WALSH. It is the intention that this shall be converted to public uses?

Mr. HADLEY. Certainly; it is so provided, and it reverts to the Government on the nonuse of it.

Mr. WALSH. And there are no public improvements upon it?

Mr. HADLEY. None.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. HADLEY. Certainly.

Mr. MOORE of Virginia. The land is so described in the bill that the passage of the law will pass the title without any other conveyance?

Mr. HADLEY. The effect of the language is that the title and fee of certain lands described are hereby granted to the State of Washington.

Mr. MOORE of Virginia. The reason that I asked the gentleman the question was in reference to action that we had upon another bill. The difference between this bill and the other bill is that you have the land so described that the title will vest automatically on the passage of the resolution.

Mr. HADLEY. Yes; in my reference to another bill I had in mind the remarks made by the gentleman from Virginia some time ago on that bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the title and fee to all of the land comprising the military reservation situated on Fidalgo Island, in Skagit County, State of Washington, in township 34 north, range 1 east of the Willamette meridian, north of the entrance to Deception Pass, including the two islands in the pass, containing about 550 acres, and to the land comprising the military reservation situated on the northern end of Whidby Island, in Island County, State of Washington, in township 34 north, range 1 east of the Willamette meridian, south of the entrance to Deception Pass, containing about 630 acres, be, and the same are hereby, granted, subject to the conditions and reversion herein-after provided for, to the State of Washington for public park purposes, subject, however, to the right of the United States to at any and all times and in any manner assume control of, hold, use, and occupy without license, consent, or leave from said State any or all of said lands for any and all military, naval, or lighthouse purposes, free from any conveyances, charges, encumbrances, or liens made, created, permitted, or sanctioned thereon by said State: *Provided*, That the United States shall not be or become liable for any damages or compensation whatever to the said State of Washington for any future use by the Government of any or all of the above-described land for any of the above-mentioned purposes: *Provided further*, That if said lands shall not be used for the purposes herein above mentioned the same or such parts thereof not so used shall revert to the United States.

With the following committee amendment:

After the word "acres," in line 13, page 1, of the bill, insert the following: "and to the land comprising the military reservation situated on Whidby Island (north point of) in township 34 north, ranges 1 and 2 east of the Willamette meridian, containing about 606 acres, and to the land comprising the military reservation situated east of Deception Pass in said township 34 north, range 2 east of the Willamette meridian, consisting of Hope Island and Skagit Island, containing about 200 acres."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HADLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MAKING FURTHER PROVISION FOR THE NATIONAL DEFENSE.

The next business on the Calendar for Unanimous Consent was the bill (S. 2774) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, as I understand the purpose of the bill, it is to authorize the War Department to make available certain national appropriations for the maintenance of the National Guard, so as to include motor-drawn and air-service equipment.

Mr. CRAGO. That is correct. It is already appropriated, but it did not include the proper language, so that it could not be used. It is only in relation to service and material already issued that the National Guard officials are very anxious to have this change made. I will say further that there is a typographical error which exists in the bill. Where it says June 4, 1921, it should be 1920.

Mr. STAFFORD. While I see the urgent need of having authorization, so far as motor-drawn vehicles are concerned, and also, perhaps, some authority to permit of the expenditure on aircraft equipment now with the National Guard, I wish to say that I am not in sympathy at all with the present policy of the Government in trying to organize the National Guard with every character of equipment and training the members in the varying arms of the service so that they are a counterpart of the Regular Army. In this particular I wish

to say that the Secretary of War in a hearing this morning before the Committee on Appropriations said that he was not in sympathy with the policy of trying to nationalize the National Guard in having it equipped in every particular like the Regular Army. We have an appropriation pending, requested by the Militia Bureau, of more than \$80,000,000 for the maintenance of the National Guard next year, without considering the expense of the Regular Army officers. Much of the expense is due to these side activities, which, in my opinion, are merely frills and fads. So far as the air service in the Regular Army is concerned, it is necessary to have some activity to develop that line, but to have the National Guard trained in this line during their two weeks of service is carrying preparedness to an extreme. As far as the motor equipment is concerned, it is necessary to have sample tractors and certain motor vehicles. But as far as the air service is concerned it is extravagance running wild. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 90 of the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1921, be amended so as to read as follows:

"Sec. 90. That funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary service, and supplies for the Government animals issued to any organization, and for the compensation of competent help for the care of material, animals, and equipment issued mounted and other organizations, including motor-drawn and air service, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each organization, shall be duly enlisted therein and shall be detailed by the organization commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia."

Mr. CRAGO. Mr. Speaker, I move to amend, in line 7, page 1, by striking out "1921" and inserting "1920."

The Clerk read as follows:

Mr. CRAGO moves to amend, on page 1, line 7 by striking out "1921" and inserting "1920."

The amendment was agreed to.

Mr. CRAGO. Mr. Speaker, I move to amend, line 2, page 2, by striking out the word "service" and inserting the word "services."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

AMENDING THE NATIONAL DEFENSE ACT.

The next business on the Calendar for Unanimous Consent was the bill (S. 2307) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, this is rather an important measure to take up for consideration under unanimous consent. The bill is 12 pages long and amends several sections of the national defense act. I do not think we ought to consider it to-day.

Mr. CRAGO. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. WALSH. Certainly.

Mr. CRAGO. I want to say that I am somewhat in accord with the gentleman's views regarding the matter of putting a bill of that size and character on the Unanimous Consent Calendar. I questioned the advisability of it myself, but the circumstances are these: The National Guard Association of the United States has agreed on these amendments. The War Department is in sympathy with the move to make these amendments, and the Militia Bureau is insisting upon it. The National Guard Association of the United States meets in New Orleans, I believe, some time next week. They are anxious to have this legislation cleaned up before they have that meeting, because it embodies the work of their legislative committee. That was the reason for putting these two bills on the Unanimous Consent Calendar. I do not believe there is a thing in the bill which would not meet with the approval of the House, so far as that is concerned.

Mr. WALSH. Are there any controversial matters here?

Mr. CRAGO. Absolutely none. They have been agreed on by all of these different organizations.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman make a brief statement about the purpose of the bill?

Mr. CRAGO. I can do that, but it will take some little time.

Mr. STAFFORD. Mr. Speaker, with all deference to the distinguished gentleman from Pennsylvania, I think this bill is too important to be considered under unanimous consent. The matter has been called to my attention by the adjutant general of my State, and some of these suggested amendments, I think, are rather too drastic.

Mr. WALSH. Will the gentleman permit the gentleman from Pennsylvania to make a brief statement of the purpose of the bill?

Mr. STAFFORD. Certainly.

Mr. CRAGO. The changes are set forth very clearly in the report of the committee. They are embraced in the letter to the chairman of the Committee on Military Affairs, which is a study by the War Department, from the office of the Chief of Staff. I have been personally familiar with the position which the Chief of the Militia Bureau holds regarding these changes. They have been well presented to the Military Committee and hearings have been had and those hearings are printed. At the hearings we had before us the Chief of the Militia Bureau, some of the other officers of the War Department, and the officers representing the legislative committee of the National Guard Association of the United States.

Mr. WALSH. Mr. Speaker, will the gentleman yield for a question?

Mr. CRAGO. Yes.

Mr. WALSH. In view of the pending reduction in the appropriation for the Army, does the gentleman think that any of these changes might well await action upon the reduction in those appropriations?

Mr. CRAGO. The changes have nothing to do with the reductions in the Army. They do not embrace the expenditure of money.

Mr. WALSH. They all apply to the National Guard operations?

Mr. CRAGO. Yes.

Mr. MANN. Mr. Speaker, permit me to suggest that while the bill is rather long, it is a reenactment amending various provisions of the National Guard act, and the changes are not very many and are easily understood if anyone will compare the bill with existing law, which I did. Of course, I have not much knowledge of military law, but the changes that are proposed, while important to the National Guard in some respects, are not numerous at all.

Mr. WALSH. Mr. Speaker, I withdraw the reservation of objection.

Mr. STAFFORD. Mr. Speaker, I renew it.

Mr. CRAGO. I would like very much if we could consider the bill to-day. I was asked to make a brief statement.

Mr. STAFFORD. Of course, I shall reserve my objection to allow the gentleman to make a statement.

Mr. GARRETT of Tennessee. Does the gentleman intend to object finally?

Mr. STAFFORD. I do.

Mr. CRAGO. If the gentleman intends to object, I see no use in taking up the time of the House.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice, to remain at the foot of the calendar.

The SPEAKER. Is there objection?

There was no objection.

CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS, NORTH AND SOUTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9710) authorizing extension of time for the payment of purchase money due under certain homestead entries and town-lot purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill as follows:

Be it enacted, etc., That any homestead entryman or purchaser of Government town lots within the former Cheyenne River and Standing Rock Indian Reservations in North Dakota and South Dakota who is unable to make payment of purchase money due under his entry or contract of purchase as required by existing law or regulations, on application duly verified showing that he is unable to make payment as required, shall be granted an extension to the 1923 anniversary of the date of his entry or contract of purchase upon payment of interest in advance at the rate of 5 per cent per annum on the amounts due from the maturity thereof to the said anniversary; and if at the expiration of the extended period the entryman or purchaser of town

lots is still unable to make the payment he may, upon the same terms and conditions, in the discretion of the Secretary of the Interior, be granted such further extensions of time as the facts warrant.

With the following committee amendments:

Page 1, line 4, strike out the words "town lots" and insert in lieu thereof the word "lands."

Page 2, line 6, strike out the words "of town lots."

Page 2, line 9, after the word "time" insert the words "not exceeding a period of three years."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. Without objection, on page 2, in line 5, the word "anniversary" will be correctly spelled.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

"A bill authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota."

On motion of Mr. WILLIAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPLYING PENSION LAWS TO CERTAIN PERSONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10196) to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of article 3 of the war risk insurance act, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, may I inquire of some member of the Committee on Interstate and Foreign Commerce whether this merely grants the right to members of the Army and the Navy who enlisted subsequent to a certain date to be entitled to the benefits of the pension laws of the United States?

Mr. GRAHAM of Illinois. That is all.

Mr. STAFFORD. It does not apply to compensation in any way.

Mr. GRAHAM of Illinois. No; it just gives them their pensionable status.

Mr. RAYBURN. The only purpose is to make applicable to men coming into the Army the law that was in operation before the war risk insurance act was passed.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 312 of the war risk insurance act, as amended by section 17 of the act of June 25, 1918 (40 Stat., 613), shall not be construed as making the pension laws inapplicable to persons admitted into the military or naval service after six months from the passage of the act of August 9, 1921, establishing the Veterans' Bureau and adding section 315 to the war risk insurance act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to speak for two minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to speak for two minutes. Is there objection?

Mr. WALSH. I would like to ask on what subject?

Mr. SEARS. The concurrent resolution just passed, the Gen. Kirby Smith resolution.

Mr. WALSH. I shall object if the gentleman only asks for two minutes, but if he asks for five I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS. Mr. Speaker, I deserve no credit for offering this resolution, but simply followed the custom that has been followed for many years. At the time I introduced this resolution I little knew how many relatives this distinguished gentleman had, the late Gen. E. Kirby Smith. Since introducing it I find that one of the leading doctors of Jacksonville, Fla., is a son of this general, and he also has a daughter who lives in Chicago, in the district of my distinguished colleague, whom I admire, Mr. MANN. I want to thank my colleagues even at this

late day on behalf of my State and the relatives of Gen. E. Kirby Smith for accepting this statue, and I certainly appreciate the courtesy which has been extended to me. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to the following:

Mr. FULMER, for one week.

Mr. CLARK of Florida, for two days, on account of illness.

ORDER OF BUSINESS FOR TO-MORROW.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn, and pending that, I think we have all been informed by the little circular from the floor leader of the House what will be up to-morrow.

Mr. GARRETT of Tennessee. If the gentleman will yield, I note that one of the matters scheduled for to-morrow on the bulletin is what I assume to be an omnibus legislative Indian bill. I was just wondering how this was going to come up. There is no rule for it.

Mr. MANN. I think it was the intention of the gentleman from Wyoming to ask unanimous consent—I have not the number of the bill—that the bill may be in order and be taken up after consideration of the housing bill to-morrow, the number of which I also do not have.

Mr. GARRETT of Tennessee. Does the gentleman from Illinois understand it is a unanimous report from the committee?

Mr. MANN. I so understand it; yes. I have that impression, but not the information. There is no minority report.

Mr. GARNER. Do I understand the gentleman is asking unanimous consent that it may be in order to take it up to-morrow or that it will continue to be the business in order?

Mr. MANN. I ask that it be in order to take it up to-morrow.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill referred to be in order to be taken up to-morrow. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5859. An act for the relief of Ellen M. Willey, widow of Owen S. Willey;

H. R. 77. An act for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests;

H. R. 10009. An act to authorize the State of Alabama, through its highway department, to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama;

H. R. 8818. An act granting the consent of Congress to the city of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania; and

H. R. 9386. An act to grant the consent of Congress to the Whiteville Lumber Co. to construct a bridge across the Waccamaw River at or near Pireway Ferry, County of Columbus, N. C.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 52. An act for the relief of the Stevens Institute of Technology, of Hoboken, N. J.;

S. 29. An act authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms and conditions with respect to improvements to be made on the present target range as may be prescribed by the Secretary of War, or in lieu of such improvements to be made on the present target range, the Secretary of War may accept a conveyance to the United States of such other lands to be designated by the Secretary of War as may be deemed suitable for a target range in exchange for such overflow lands; that to facilitate the acquisition of the necessary additional lands the Secretary of War is authorized to condemn land necessary and suitable for target-range purposes, such condemnation to be at the expense of said Lloyd E. Gandy, grantee, his heirs and assigns;

S. 561. An act to grant citizens of Washington and Kane Counties, Utah, the right to cut timber in the State of Arizona for agricultural, mining, and other domestic purposes;

S. 901. An act for the payment of certain money to Albert H. Reynolds; and

S. 1247. An act for the relief of Frank Carpenter.

EXTENSION OF REMARKS.

Mr. ROSSDALE. Mr. Speaker, I ask unanimous consent to extend my remarks on House joint resolution 257.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 21, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

545. A communication from the President of the United States, transmitting an estimate of appropriation in the sum of \$151,620.39 required for contingent expenses of the House of Representatives for the fiscal year 1922 (H. Doc. No. 189); to the Committee on Appropriations and ordered to be printed.

546. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1923, in the sum of \$17,900 (H. Doc. No. 190); to the Committee on Appropriations and ordered to be printed.

547. A letter from the governor of the Federal Reserve Board, transmitting the Eighth Annual Report of the Federal Reserve Board, covering operations for the year 1921; to the Committee on Banking and Currency.

548. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Architect of the Capitol in the sum of \$49,000 required for the maintenance of the House Office Building for the fiscal year 1922 (H. Doc. No. 191); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MOORES of Indiana: Committee on Foreign Affairs. H. J. Res. 272. A joint resolution transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the possession of the Department of State; without amendment (Rept. No. 712). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 10516) to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes; to the Committee on Military Affairs.

By Mr. LAZARO: A bill (H. R. 10517) confirming and validating the title of certain purchasers from the State of Louisiana of certain lands formerly included in the Fort Sabine Military Reservation, in Cameron Parish, La., now abandoned; to the Committee on the Public Lands.

By Mr. J. M. NELSON: A bill (H. R. 10518) to amend section 1 of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 27, 1916, and section 1 of the act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917; to the Committee on Rivers and Harbors.

By Mr. BEGG: A bill (H. R. 10519) to provide for the further investigation of the proposed waterway projects to connect the Ohio River with Lake Erie; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 273) to amend an act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921; to the Committee on Immigration and Naturalization.

By Mr. TOWNER: Concurrent resolution (H. Con. Res. 47) to authorize the printing of the report of the special mission on investigation to the Philippine Islands as a public document; to the Committee on Printing.

By Mr. UNDERHILL: Resolution (H. Res. 289) authorizing and directing an investigation into the operations of the George Washington Memorial Association, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKESON: A bill (H. R. 10520) granting a pension to Eunice Shalley; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 10521) for the relief of the estate of Richard Pemberton, deceased; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 10522) granting a pension to Annie Cason; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 10523) granting a pension to John B. McMullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10524) granting a pension to William F. Critchfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10525) granting a pension to Benjamin Troutman; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 10526) granting a pension to Kate M. House; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 10527) granting a pension to Horace T. Farnsworth; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 10528) granting an increase of pension to Margaret T. Deaver; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 10529) for the relief of Harry E. Fiske; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4172. By the SPEAKER (by request): Resolution adopted by the International Association of Machinists, Lodge No. 838, for disarmament; to the Committee on Foreign Affairs.

4173. Also (by request), petition of residents of North Dakota, relative to taxation and other matters; to the Committee on Ways and Means.

4174. By Mr. ANSORGE: Petition of Audubon Community Council of Defense and Washington Heights Tenants' Association of New York City, opposing any tax to be placed upon sales of real estate; to the Committee on Ways and Means.

4175. By Mr. BURTON: Petition of Charles S. Howe, president of the Case School of Applied Science, praying for leniency with respect to the payment of Austria's debt to this country; to the Committee on Ways and Means.

4176. By Mr. CRAGO: Petition of the board of managers of the New York Produce Exchange, protesting against the various methods of taxation as have been so far suggested in connection with the World War adjusted compensation bill; to the Committee on Ways and Means.

4177. By Mr. CULLEN: Resolution adopted by the National Association of Directors of Girls' Camps, assembled in Boston at its annual meeting, opposing the enactment of bills transferring the national forests from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

4178. Also, resolution adopted by the Amalgamated Metal Workers of America, relative to the use of supplies in Government navy yards and arsenals; to the Committee on Naval Affairs.

4179. Also, resolution of the American Federation of Labor, opposing a retail or general sales tax or turnover tax, or any other tax on consumption, and opposing the repeal of the excess-profits tax and demanding that the highest rate of taxation levied during the war upon incomes and excess profits be retained until the full money cost of the war has been paid; to the Committee on Ways and Means.

4180. Also, resolution adopted by the national executive of the American Association for the Recognition of the Irish Republic, relative to conditions in Ireland; to the Committee on Foreign Affairs.

4181. Also, resolutions adopted by the Ridgewood Chamber of Commerce, relative to income taxes; to the Committee on Ways and Means.

4182. By Mr. FULLER: Petition of the Rockford (Ill.) Trust Co., opposing proposed tax on undistributed profits of corporations; to the Committee on Ways and Means.

4183. Also, petition of Henry Hoerner, president of the Star Union Brewing Co., of Peru, Ill., favoring amendment of the Volstead Act; to the Committee on the Judiciary.

4184. Also, petition of the South Side Garden Club, of Chicago, Ill., protesting against the proposed transfer of the United States Forest Service from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

4185. Also, petition of the Glass Bottle Blowers' Association, Streator (Ill.) branch, favoring the Hill bill (H. R. 9691); to the Committee on the Judiciary.

4186. Also, petition of the National Association of Credit Men, opposing the proposed bonus bill; to the Committee on Ways and Means.

4187. Also, petition of the Haddorff Piano Co., of Rockford, Ill., opposing increase of letter postage; to the Committee on Ways and Means.

4188. By Mr. GALLIVAN: Petition of the Neponset Woolen Mills, of Canton Junction, Mass., urging action by Congress with a view of reducing transportation charges, freight, and express in order to stimulate business; to the Committee on Interstate and Foreign Commerce.

4189. By Mr. KISSEL: Petition of the city council of Streator, Ill., favoring the passage of House bill 9691; to the Committee on Ways and Means.

4190. Also, petition of W. A. Harriman & Co. (Inc.), of New York City, N. Y., protesting against the proposed tax on dealings in securities in connection with the soldiers' bonus bill; to the Committee on Ways and Means.

4191. Also, petition of the Pan Albanian Federation of America, "Vatra" (the Hearth) (Inc.), Local Branch No. 31, of Syracuse, N. Y., urging recognition of Albania by the United States; to the Committee on Foreign Affairs.

4192. By Mr. PADGETT: Petition of the Giles County Farm Bureau, of Pulaski, Tenn., favoring Henry Ford's proposition for Muscle Shoals, and no other concern or individual regardless; to the Committee on Military Affairs.

4193. By Mr. RAKER: Petition of D. E. Langley, of 15 U Street NW., Washington, D. C., indorsing House bill 7850, for the equalization of pensions of retired policemen and firemen of the District of Columbia; to the Committee on the District of Columbia.

4194. Also, petition of the American Automobile Association, protesting against proposed tax on automobiles for paying the soldier bonus; also, petitions of the Tehama County Auto Association, of Red Bluff, Calif.; N. D. Darlington, chairman of the California Highway Commission; and H. O. Harrison, of San Francisco, Calif., protesting against a tax on gasoline and automobiles for paying the soldier bonus; and petition of Ray L. Riley, controller of California, protesting against increase in Federal inheritance tax rates; to the Committee on Ways and Means.

4195. By Mr. ROSSDALE: Resolution adopted by Frank J. Finan and others, to give favorable consideration to House bill 9691, a bill to permit the manufacture and sale of light wines and beer; to the Committee on Ways and Means.

SENATE.

TUESDAY, February 21, 1922.

(Legislative day of Monday, February 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed Senate bills of the following titles, each with amendments, in which it requested the concurrence of the Senate:

S. 621. An act to amend subdivision (c) of section 206 of the transportation act, 1920; and

S. 2774. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

The message also announced that the House had passed Senate bills of the following titles, each with an amendment, in which it requested the concurrence of the Senate:

S. 2072. An act to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes; and

S. 2810. An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, as amended and reenacted by an act approved the 22d day of August, 1914.

The message further announced that the House had passed without amendment the bill (S. 2138) providing that the Gov-

ernment property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes.

AMENDMENT OF TRANSPORTATION ACT OF 1920.

Mr. CUMMINS. Mr. President, I ask the Chair to lay before the Senate the action of the House on Senate bill 621.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 621) to amend subdivision (c) of section 206 of the transportation act, 1920, which were to strike out all after the enacting clause and insert:

That subdivision (a) of section 206 of the transportation act, 1920, be, and the same hereby is, amended by striking out the period at the end thereof, substituting a semicolon, and adding the following: "except that actions to enforce awards made by the commission under the provisions of subdivision (c) against the agent so designated by the President may be brought within one year after the date of the commission's award."

SEC. 2. That subdivision (c) of said section 206 be, and the same hereby is, amended to read as follows:

"(c) Complaints praying for reparation on account of damage claimed to have been caused by reason of the collection or enforcement of or through the President during the period of Federal control of rates, fares, charges, classifications, regulations, or practices (including those applicable to interstate, foreign, or intrastate traffic) which were unjust, unreasonable, unjustly discriminatory, or unduly or unreasonably prejudicial, or otherwise in violation of the interstate commerce act, may be filed with the commission within one year, or, if so claimed in respect of overcharges above the legal tariff charge, within two years and six months, after the termination of Federal control, against the agent designated by the President, under subdivision (a), naming in the petition the railroad or system of transportation against which such complaint would have been brought if such railroad or system had not been under Federal control at the time the matter complained of took place. The commission is hereby given jurisdiction to hear and decide such complaints in the manner provided in the interstate commerce act, and all notices and orders in such proceedings shall be served upon the agent designated by the President under subdivision (a)."

And to amend the title so as to read: "An act to amend subdivisions (a) and (c) of section 206 of the transportation act, 1920."

Mr. CUMMINS. I move that the Senate concur in the House amendments.

Mr. KING. Mr. President, I would like to have a little explanation from the Senator as to the House substitute and the effect of it.

Mr. CUMMINS. The transportation act provides in section 206 that suits against the Director General of Railroads upon any account growing out of Federal control shall be brought within two years. That is paragraph (a) of section 206. Paragraph (c) of the same section provides that claims for reparation for the refund of overcharges and the like must be filed with the Interstate Commerce Commission; that the commission must pass upon the validity of the claims for overcharges; and that suits for overcharges must be brought within a year after having been so filed.

It turns out that the commission has not been able to dispose of the claims as rapidly as it was anticipated they might be disposed of and a great many of them are pending before the Interstate Commerce Commission undecided. The statute of limitations is about to run against all these claims.

The bill passed by the Senate provided for an extension of time for filing the claims with the commission. The amendment made by the House is that, in addition to the extension of time for filing the claims with the commission, the time for bringing suit against the director general shall be extended for one year, or shall continue for one year after the commission decides as to the validity of the claims. As the Senator understands, the law now provides that no suit can be brought until after the commission passes upon the claim. The House amendment also extends for six months the time for filing claims with the commission. It is simply to protect those who have just and valid claims against the Government for overcharges.

Mr. KING. I have no objection to the House amendment.

The VICE PRESIDENT. The question is on concurring in the amendments of the House.

The amendments were concurred in.

AMENDMENT OF NATIONAL DEFENSE ACT.

Mr. WADSWORTH. I ask the Chair to lay before the Senate the amendments of the House to Senate bill 2774.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2774) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, which were, on page 1, line 7, to strike out "1921" and insert "1920,"

and on page 1, line 12, strike out "service" and insert "services."

Mr. WADSWORTH. Mr. President, the two amendments to the bill adopted by the other House are merely in the nature of the correction of typographical errors. They change not in the slightest degree the intent or meaning of the bill, and I move that the Senate concur in the House amendments.

The motion was agreed to.

AMENDMENT OF THE JUDICIAL CODE.

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 2810) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, as amended and reenacted by an act approved the 22d day of August, 1914, which was, on page 2, line 22, to strike out "first" and to insert "third."

Mr. LODGE. On behalf of the Senator from West Virginia [Mr. ELKINS] I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CALL OF THE ROLL.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gerry	McNary	Spencer
Borah	Glass	Moses	Stanfield
Brandagee	Gooding	Myers	Stanley
Bursum	Harrell	Nelson	Sterling
Calder	Harris	New	Swanson
Cameron	Harrison	Newberry	Trammell
Capper	Heflin	Norris	Underwood
Caraway	Johnson	Overman	Wadsworth
Colt	Jones, N. Mex.	Pepper	Walsh, Mass.
Culberson	Jones, Wash.	Phipps	Walsh, Mont.
Cummins	Kellogg	Poinexter	Warren
Dial	Kendrick	Pomerene	Watson, Ga.
Edge	King	Ransdell	Williams
Ernst	Ladd	Sheppard	Willis
Fernald	Lodge	Shortridge	
Fletcher	McKellar	Simmons	
France	McKinley	Smith	

Mr. JONES of Washington. I was requested to announce that the Senator from Nevada [Mr. ODDIE] and the Senator from Wisconsin [Mr. LENROOT] are absent on account of illness.

I was also requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOR], the Senator from Kansas [Mr. CURTIS], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a hearing before the Committee on Finance.

Mr. NORRIS. I was requested to announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] on account of a death in his family.

Mr. McKELLAR. I desire to announce that the senior Senator from Tennessee [Mr. SHELDS] is absent on account of illness.

The VICE PRESIDENT. Sixty-five Senators having answered to their names, a quorum is present.

THE SOLDIERS' BONUS AND ALLIED INDEBTEDNESS.

Mr. FRANCE. Mr. President, I desire to give notice that to-morrow, at the close of the morning business, if it meets the convenience of the Senate, I shall address the Senate rather briefly upon the subject of the problem of the soldiers' bonus, the debts owing us by allied nations which prevent the restoration of Europe and cause demoralization here, and the solution.

In connection with my remarks I shall have some maps to show, which are the result of a very great amount of research and which I believe will prove to be interesting.

In addition to that I have a very interesting set of films bearing upon this subject which I shall be glad to show. I do not know whether or not it will be possible to show these films in the Senate Chamber in connection with my remarks. I wish that we might have the facilities here in connection with the Senate for showing films which might illustrate the subject matter of a Senator's remarks. Probably at some time in the future we shall have such facilities; but if it is not feasible to show these films in the Senate Chamber, I shall be very glad to show them after the adjournment of the Senate, and I shall be very glad to have Senators and Members of the House of Representatives who care to do so view these films, which I think will, in a very illuminating and interesting manner, open up the subject which I am seeking to discuss. I think the Members of the

Senate will at least find the subject which I intend to present an interesting one, even though they may not agree with me in my conclusions.

RETIREMENT OF DISABLED ARMY OFFICERS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee, as amended.

Mr. KING. Does the amendment, as amended, comprise the entire substitute for the bill, may I inquire of the Chair?

The VICE PRESIDENT. It does.

Mr. KING. Very well; then I shall not ask that it be read.

Mr. President, I regret the absence of the Senator from Wisconsin [Mr. LENROOT], whose illness compels him to remain at home. I am advised that he intended moving to recommit the pending bill. If some other Senator, in his absence, fails to do so, I shall submit such a motion at the conclusion of the few observations which I shall submit. I have been detained from the Senate most of the time during the discussions upon this bill because of service upon committees which are even now in session. I came into the Chamber a moment ago expecting that the bill would be voted upon after very brief discussion. I am advised that no one desires to speak, and I shall therefore occupy a few minutes presenting my views upon this bill.

There is no Senator opposed to the most generous appropriations for those who have suffered injuries or incurred disabilities in the great World War. We have appropriated hundreds of millions of dollars by way of compensation to those who have been injured and in behalf of the families and dependents of those who have received disabilities or those who gave their lives upon the battle fields. History does not furnish a parallel of such generous treatment accorded the sick and wounded and disabled as presented by this Nation in its treatment of those who served in the Army and the Navy in the war against the central empires, and this generous treatment meets with universal approval, and the burdens of taxes thus imposed are willingly and cheerfully borne by the people of our country.

If there are those who served as officers in the World War—not of the Regular Army—who are now receiving inadequate compensation for disabilities or injuries, then a proper measure should be enacted that will do justice to them. The officers referred to, whether colonels, majors, captains, or lieutenants, are receiving the same compensation for injuries sustained as are being received by the thousands and tens of thousands of American boys who served and suffered as they did. In other words, under existing law those who served as emergency officers receive compensation and are treated as generously as are the private soldiers who served upon bloody battle fields and who exposed their lives to shot and shell. So far as I am advised, there has been no suggestion by the ex-officers, who are to be beneficiaries under this bill, that they receive additional compensation because of the inadequacy of that now paid; but the demand is that they shall receive "retirement" benefits and privileges the same as officers of the Regular Army.

The Reserve officers claim privileges and advantages denied to their brothers and relatives and companions and friends who served as privates with equal valor and bravery and distinction in the World War. I repeat, there has been no complaint, so far as I am advised, that the liberal appropriations for the wounded and the disabled have not been and are not adequate. If such complaints are made and are just, Congress will immediately grant full relief. It is recognized that the compensation allowed for injuries exceeds that heretofore granted by any nation on earth. It is not contended by the proponents of this bill that those who are suffering from disabilities incurred as a result of their services in the war are not generously compensated, but they argue that, notwithstanding the generous treatment, those who were fortunate enough to obtain commissions of a temporary character are to be lifted out of the category now obtaining and placed in a special class and granted privileges denied to the four millions who constituted the privates in our mighty Army.

Mr. President, I am unable to comprehend the line of reasoning which justifies this legislation. I am unable to understand how Senators who, from appearances, are in a spasm of solicitude for the ex-service men, can bring themselves to support a bill which discriminates against the soldier and in favor of the

officer. I can not comprehend how Senators can support a bill that says to the brave boys who fought in the trenches and offered their bodies as a wall against the advancing tide of the enemy, "You are unworthy to have the same benefits and advantages and privileges that are to be bestowed upon those holding commissions in the Army," though thousands of them never went overseas and though their services involved no danger or exposure to danger whatever.

It is difficult for me to perceive any substantial reasons for differentiating between two brothers, both of whom volunteered or entered the Army through the door of the draft, one being fortunate enough to obtain a commission and the other serving and fighting as a private. And yet this bill permits one brother, who incurred 30 per cent disabilities—disabilities perhaps resulting from sickness while he was serving as an officer in the Quartermaster Corps or as an inspector of lumber or timbers or ordnance in the United States—to be retired upon three-fourths pay for life. The other brother, who went overseas and carried a gun upon his shoulder and faced the enemy in bloody battle and incurred 50 per cent or 75 per cent disability, perhaps lost an arm or leg or an eye, or both eyes for that matter, receives only limited compensation—less than that which his brother would receive. I was told of a young man who was an inspector in some of the Government plants, obtained a commission as colonel, and now claims disabilities of 30 per cent. Under this bill he would be granted retirement privileges and be paid three-fourths of the compensation allowed a colonel, the payment to extend during his entire life. He thus would obtain several thousand dollars each year, though the disability is not so great as to prohibit him from engaging in his former occupation.

The disability constitutes but slight impediment to his engaging in the same class of work as that which he performed before. How can we justify a policy that pays this man thousands of dollars annually and allows to the privates, who went overseas and encountered danger and received wounds and are so incapacitated that they are unable to work or to obtain a livelihood, but a few hundred dollars per annum? Was it thought, when we entered the war and the American boys were volunteering or entering the Army, that discriminations would follow and that after the war those who through adventitious circumstances received commissions, would obtain for injuries received or disabilities incurred greater benefits and allowances than those who rendered as heroic and valiant service in the ranks as privates?

It is well known that tens of thousands of men, indeed hundreds of thousands, entered the Army as privates who were as competent to serve as officers as any who obtained commissions. In the beginning of the war thousands entered the officers' training camps. In the main, they were men of fine character, but there were hundreds of thousands in the Army serving as privates whose character and courage and ability were equally as great and who, if the opportunity to serve as officers had been afforded, would have been as competent as those who held commissions.

I am not disparaging the Reserve officers. Take them all in all, they were as fine a class of men as the world ever saw, and their services merit the commendation of their country. If any were injured or suffer disabilities by reason of their service, I shall vote generous sums by way of pensions or compensation; but I am unable to support a measure that treats them better than the privates who served in the Army. I repeat, there can be no justification for the discrimination in favor of the Reserve officers. Important as was their service, their brothers and friends and boyhood companions who were privates rendered equally heroic and important service.

Some time ago two young men—men who served in the Army as privates, both of whom were wounded—spoke to me in opposition to this bill. They denounced it as unjust and stated that the great body of the ex-service men who had not received commissions would regard it as unjustifiable discrimination. As I recall, one of the young men stated that his brother was a captain; that he had received a commission because it had been agreed between the brothers that one should attend the Officers' Training Camp and the other enlist as a private. The one obtaining the commission was no better, nor did he have greater ability, than the one who fought as a private. The captain, indeed, did not go overseas and had an easy position in some clerical branch of the service. The private received wounds upon the battle field. If the captain claimed and established disabilities of 30 per cent, he would be retired with three-fourths pay for life. The soldier who was wounded and whose disabilities, because of such wounds, were more than 30 per cent would have to be content with compensation of a few hundred

dollars per annum allowed by Congress. And yet that is the kind of discrimination this bill legalizes.

Senators may defend this scheme, but I denounce it as unjust, unfair, and as a grave injustice to the 4,000,000 boys who served as privates in the World War.

Mr. HARRELD. Mr. President—

Mr. KING. I yield to the Senator from Oklahoma.

Mr. HARRELD. I should like to ask the Senator if it is not true that the Volunteer officers of the Civil War have been trying for 25 or 30 years to secure in their behalf the enactment of just such legislation as that contemplated by the pending bill, and if it is not also a fact that Congress has consistently refused to pass that character of legislation affecting the Volunteer officers of the Civil War?

Mr. KING. That is absolutely correct. We not only have denied this to the Civil War Volunteer officers, but for years they were denied pensions or fair compensation for disabilities incurred in service.

Mr. HARRELD. I received a letter yesterday from an officer who served in the Civil War insisting that if the rule established by the pending bill should be applied to emergency officers of the World War, that likewise it should be applied to Volunteer officers of the Civil War.

Mr. KING. Why not?

Mr. HARRELD. I have received several letters of that kind; and I should like to ask is there any reason why the same rule should not apply to the officers who served in the Civil War that it is proposed to apply to those who served in the World War?

Mr. KING. There is no reason why it should not; and if we should amend the law and extend the right of retirement to officers who served in the Civil War, we ought to give them back pay; and if they are deceased, a strong argument could be advanced for the payment to their widows and dependents of the amounts which should have been paid during the lifetime of such deceased officers.

It would require tens of millions of dollars to meet such demands. How unimportant are the pensions and the compensations allowed to the Civil War veterans, though they total several billions of dollars, compared to the projects relating to those who served in the military and naval forces of the recent war. The Senator from Idaho [Mr. BORAH] told us that the bonus bill would impose a burden of \$75,000,000,000. He has not overstated the figures.

Mr. FLETCHER. Mr. President—

Mr. KING. I yield to the Senator from Florida.

Mr. FLETCHER. I call the Senator's attention to the fact that the pending bill only applies to disabled officers of the World War, and, under the restrictions of the bill, they must be 30 per cent or more permanently disabled. The bill does not apply generally to Volunteer officers, but only to those who were disabled.

Mr. KING. This bill provides retirement privileges for every officer, except Regular Army officers, who served in the World War, who may have 30 per cent or more disability—that is, if any ex-officer shall, during the year following the passage of this bill, claim that he is suffering from any disability resulting from his service, and such claim is upheld, he will be placed on the retired list and draw three-quarters pay for life—that is, three-quarters of the amount of the compensation allowed him in the grade of the service in which he served. He may be worth millions; he may be earning tens of thousands of dollars annually; he will nevertheless get all benefits and allowances and emoluments granted to Army officers of the same grade upon retirement.

There are now thousands of ex-officers who claim such disabilities and who are receiving compensation from the Government the same as the privates who are suffering from like disabilities. This bill lifts them out of the class in which they are now found; it doubles and trebles, in some instances, what they are now receiving. It gives to them special advantages over thousands of brave ex-soldiers who will be the victims of an unjust discrimination. I protest against it and plead for equal and exact justice for all.

Mr. HARRELD. Mr. President, the Civil War officer to whom I have referred and who has written me, states that he would come within the rule, for he was disabled during the war, and for many years has been drawing a pension on account of disability.

Mr. KING. There were thousands if not tens of thousands of disabled Volunteer officers in the Civil War, and they have been denied for all these years the benefits and privileges which it is proposed now to give to the favored ones covered by this bill. We propose to separate the more than 200,000

Reserve officers from their brothers and companions and confer upon them superior advantages over those granted to the 4,000,000 ex-soldiers who served their country with as much zeal and fidelity as did those who held commissions.

The Civil War Volunteer officers who were wounded or incurred disabilities in the service not only were denied retirement benefits but received but a moiety of the compensation allowed by existing law to Reserve officers and ex-service men—privates—who served in the recent war. This is the first time in the history of our country that there has been a serious effort made to grant retirement privileges to Volunteer or Reserve officers.

Mr. BURSUM. Mr. President—

Mr. KING. I yield.

Mr. BURSUM. Mr. President, in connection with the question of establishing a precedent for the Civil War officers, which has just been brought up by the Senator from Oklahoma [Mr. HARRELD], permit me to inform the Senator that there are now only 91 Civil War officers drawing disability pensions. Therefore, if we should include the Civil War officers in the pending bill it would not be a serious matter, for under the restrictions and limitations contained in the bill only 91 Civil War officers would be permitted to take advantage of its benefits.

Mr. HARRELD. The point I was making was that the Volunteer officers of the Civil War have been making a fight for 20 years or more to secure the enactment of some legislation which would give them the status of retired officers.

Mr. BURSUM. I should be very glad to include the Civil War officers in the bill, for it would not be a serious matter. I have a statement from the Commissioner of Pensions as to the exact number who would be affected.

Mr. NORRIS. Mr. President, will the Senator yield on that point?

Mr. KING. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I wish to say, in answer to the suggestion made by the Senator from New Mexico as to including the 91 Volunteer officers of the Civil War, or whatever the number may be, in this bill, that would not relieve the unfairness of the measure. Thousands upon thousands of them have died of wounds and disabilities during the years that have passed, and if we now, at this date, decide that immediately after a war Volunteer officers shall be favored, then we ought to give back pay to the descendants of all the Volunteer officers of the Civil War from the date of that war down to the present time. That would be the only way to do justice, if that would be justice.

Mr. KING. Mr. President, there is no purpose to do justice by legislation of the character of the pending bill, but in my view it can not be defended in morals or upon any principle of justice that should guide a great legislative body in dealing with serious and important questions.

The Senator from Nebraska is right. If this bill is passed, then Congress should, if it pretends to follow any course of honor and justice and consistency, immediately enact a law granting retirement privileges to the Volunteer officers of the Civil War. Those officers who are dead should be remembered, and their widows and children should receive the millions which they would have been paid in their lifetime if such legislation as this had been upon the statute books.

Mr. MYERS. Mr. President, I should like to say, if the Senator will permit me—

Mr. KING. I yield to the Senator from Montana.

Mr. MYERS. That I think every bill which has been introduced in Congress since I have been a Member of it to retire Volunteer officers of the Civil War has been an age retirement bill, to retire them all on account of age and not on account of disability. Therefore there is no analogy whatever between bills of that character and the bill now pending, because the pending bill is a disability retirement bill and the others were not.

Mr. KING. Mr. President, with all due respect to my good friend from Montana, whose judgment is always so persuasive with me, he must overlook the fact that in the Civil War there were Volunteer officers who were wounded, Volunteer officers who suffered permanent disabilities. He knows that there were battles in the Civil War as well as in the World War, and that thousands of Volunteer officers in the Civil War suffered disabilities, but they never were able to obtain legislation—indeed, few of them asked for it in those days—which would give them retirement privileges. When they were well advanced in years doubtless some of them sought and obtained pensions, but they never got the great benefits provided by this bill for officers of the World War.

Mr. HARRELD and Mr. FLETCHER addressed the Chair.

Mr. KING. I yield first to the Senator from Oklahoma. Then I will yield to the Senator from Florida.

Mr. HARRELD. Mr. President, I am just informed that 10 years ago a bill of similar import to this was introduced in the Senate, proposing to give to the Civil War Volunteer officers the same status that it is proposed to give to these veterans of the World War, and that that bill was reported unfavorably and was defeated in the Senate. Now, my point is this: After those old men have lived and died and have been without the great advantage that we are seeking to give these new men, I do not think we ought to show the favoritism that we are asked to give to these new men.

Mr. FLETCHER. Mr. President—

Mr. KING. I now yield to the Senator from Florida.

Mr. FLETCHER. I was going to say that, without any exception, all those officers of the Civil War who were disabled have been receiving pensions. The Senator from Utah says they never asked for any legislation of this kind. They may not have asked for just this kind of legislation, but none of them ever declined the pensions that were provided for them under the law. No pension is provided for the Volunteer officers or emergency officers in this war. We have provided no pensions for them. The pensions that the officers of the Civil War enjoyed they have enjoyed all these years, and they continue to enjoy them, and they probably amount to as much in the way of benefits as the retirement privilege granted in this bill. In this case, however, if these officers are allowed to retire as Regular officers are, on precisely the same conditions as to disability and all that sort of thing, they give up their insurance, they give up their compensation, they give up everything. They have no other compensation or allowances or benefits than simply those conferred by the retirement status, just as the Regular officers.

Mr. HARRELD. Mr. President, will the Senator yield?

Mr. KING. I yield to the Senator from Oklahoma.

Mr. HARRELD. I should like to call the attention of the Senator from Florida to the fact that pensions were not granted for 21 years after the Civil War, and these soldiers may all be drawing pensions 21 years from now. We do not know.

Mr. KING. Mr. President, the Senator from Florida certainly does not want to leave the impression that nothing is being done now for the wounded or disabled officers of the World War. They are getting the same compensation that their brothers and their comrades and their neighbors receive for like disabilities. I want the Senator from Florida when he visits his constituents to meet with some of the ex-service men who served overseas and upon the battle front as privates, and say to them, "Some of your relatives and companions who entered the service at the same time you enlisted were made officers or subsequently received commissions; it is true that some of them remained in the United States and held business positions or clerical stations or places in the quartermaster section of the Army. Some of you privates have been seriously wounded, many are suffering from disease and disabilities which incapacitate you from doing any work whatever; however, you are to be treated differently from these officers who may have 30 per cent disability; they are to be cared for for life; they are the favored ones and are to receive all retirement benefits, including three-fourths pay; that is, officer's pay of the grade in which they held commissions. You privates, though you were as competent to serve as officers as those who held commissions, can receive only a small pension or such monthly or annual compensation as Congress may from time to time provide."

Let the Senator speak thus to the his ex-service constituents in Florida and I predict that his welcome will not be as warm as he could desire.

Mr. MYERS. Mr. President, I should like to ask the Senator a question at that juncture.

Mr. KING. I yield.

Mr. MYERS. The Senator made some reference a few moments ago to the fact, as he asserted, that the officers who were injured rendered no greater service than the privates, and much has been said here about that. Does the Senator contend that Gen. Pershing rendered no greater service than a private did? And does he contend that it is a discrimination because Gen. Pershing was paid more compensation during the war than a private was paid?

Mr. KING. Mr. President, it may be that the Senator from Montana and myself—and he is a very able man—are not rendering—and it may be that we did not render during the war—any better service than the man in the factory or in the field or upon the farm. We happened to be selected for positions in this body and we may receive slightly higher salaries, but so far

as service is concerned, it may be determined that we rendered no greater service to our country than did the men who worked upon the farm to feed the armies who were defending the right, or were doing their duty as God gave them the light to see their duty in all parts of our land.

Mr. MYERS. I do not claim that I did; but if the Senator will permit me, if Gen. Pershing rendered no greater service than the private, why was he paid more?

Mr. KING. Mr. President, if the Senator can not perceive any distinction between the position of the Volunteer soldier who served in the war and Gen. Pershing, then no explanation that I could make would prove enlightening to him. Permit me to observe, however, that those who volunteered or entered the Army as private soldiers by means of the draft were performing the temporary service which their obligations to their country devolved upon them. Indeed, they felt it an honor and a high privilege to be permitted to defend their country and the cause of civilization. Many who were not thus permitted to serve regarded themselves as having been denied a great privilege. There are millions of brave men who, because of age or some physical disability or other compelling reason, were unable to enter the Army. This fact they regret and always will regret, and they look with pride and reverence and deep affection upon those who were thus privileged to serve in the armies of their country.

With the termination of the war these young men returned to their homes and to the various fields of industry from which they had temporarily been separated. Their careers had not been blighted, their opportunities in life, generally speaking, had not been lessened. Indeed, the experiences obtained broadened and better fitted and equipped those receiving such experiences for honorable service and for great responsibility.

Of course, I am speaking of those who were not injured. There were many who did incur disabilities and whose lives have been marred. They should be the objects of tender solicitude by a generous Government. Those whose lives were sacrificed should be regarded with reverence and as martyrs to freedom's cause. Their dependents should be affectionately considered by a grateful people and by a Republic whose gratitude for faithful and heroic service is never exhausted.

Gen. Pershing entered the Army as a boy. He denied himself the avenues of civil advancement, of professional success, of business fame and wealth which comes to the fine American business man. Those who enter West Point as boys close every door to success. They enter a cell from which they may not emerge, and their lives, limited and circumscribed, call for the application of a different rule than that which would apply to men who serve for a short season only as officers in an emergency and who return to home and profession and private life and to the fields of industry and endeavor in which victories and rewards and triumphs are obtained.

I will say to the Senator that in my opinion Gen. Pershing's pecuniary condition at the end of a long and illustrious career will be less fortunate than hundreds of thousands of privates who fought in the World War and who are now back in the ranks of peace, where they are doing splendid service in the industrial and economic fields of our country.

Mr. President, I repeat what I have already stated, that the Reserve officers with fine patriotism and high devotion served their country. But they were our sons and our neighbors and a part of our home and community life. So also were the 4,000,000 privates.

Among my friends were two splendid young lawyers. They entered the Army as privates, and after nearly two years of valiant and honorable service in France they returned home—still privates. They were as capable of serving as officers as other lawyer friends of mine who received commissions, and some of whom did not cross the Atlantic. Would it be fair and just to say to the two ex-privates, "You shall not be entitled to the same privileges and benefits from the Government for your wounds and disabilities as those who were made officers, and by reason of illness while in the service have incurred disabilities rated at 30 per cent?"

I ask Senators if it is just and right to grant to an officer who for a few months was a colonel, and who by reason of the influenza, which attacked so many both in and out of the Army, incurred what is rated as a 30 per cent disability, a life pension of more than \$3,000 per annum, though he has property of great value and is capable of following his former vocation and earning a large sum each year, and at the same time provide that his friend, who was a man of equal ability, can receive but \$1,000 or \$1,500 per annum, though he was wounded in battle and has disabilities rated at 90 per cent, simply because he was a private? This bill is designed to permit just such results.

If two brothers were officers, one a second lieutenant and the other a colonel, though the former were abler than the latter,

and the lieutenant had lost both legs upon the battle field, he would receive less under this bill than would his brother, who was a colonel, and when disabilities resulted from sickness while engaged in some clerical work in Washington, but which caused 30 per cent disability.

Mr. President, we are informed that the number of Reserve officers who are now obtaining disability compensation is proportionately greater than the number of privates. Of course this is no criticism of the Reserve officers. I might add that the records show that the number of noncombatants who are obtaining disability compensation or allowances is greater, relatively, than the number of actual combatants. I make no comment in regard to this last stated matter, though it would appear rather incongruous and paradoxical. There are now a very large number of Reserve officers drawing compensation, considerably more than 5,000. One Senator, I am told, has stated—and I have been in committee meetings and have been denied the advantage of hearing the debate—that the cost of this bill would be only \$1,000,000 a year, approximately. I am advised by one of the efficiency experts of the Government that immediately the cost will be over \$4,000,000, and I have no doubt but that before the end of the year, if this bill becomes a law, there will be a situation which will call for annual appropriations very much greater than the sum mentioned. My information is that when there was passed through this body a bill which, as I recall, granted to naval officers the benefits that we seek to give here—and I concede that I did not know anything about it; I will not say how it slipped through—it was later repealed when the stupendous cost that would result to the Government was discovered. The number of naval officers seeking retirement under that bill was so great that in self-defense Congress was compelled to repeal the act; yet, with that example before us, we are proposing now to pass a bill under which the Government will, in my opinion, be compelled to pay in the next 25 years hundreds of millions of dollars.

I make the prediction, certain of its fulfillment, that if this bill becomes a law its terms will be extended, the one-year limitation will be repealed, and before many years have passed tens of thousands of Reserve officers will be enjoying all the retirement benefits. This bill if passed will, I am sure, cost the people of the United States tens and tens of millions of dollars.

It will create resentments and tend to array the privates against the officers. It will tend to perpetuate any differences that may now exist between those who served as officers and those who were privates. It will divide and not unite. It will harm and not benefit our country or our people. Mr. President, this is not the time to consider measures of this character. Let us address ourselves to all proper measures for the relief of the wounded and disabled; if they are not receiving sufficient then let us make additional appropriations. We can properly pay millions for the wounded, whether former officers or privates; they shall be regarded with affection and gratitude by the Nation, but there shall be no discrimination. All our brave sons shall be treated with equal and exact justice.

Mr. President, I now move that the bill be recommitted to the Committee on Military Affairs.

Mr. UNDERWOOD. Mr. President, I only desire to say a word in reference to the pending bill.

I suppose everyone in the Senate knows that I am not in favor of the so-called bonus bill, because I do not believe that the pay is the compensation for service in the Army. Some months ago, however, when I made a statement in the Senate that I did not favor the passage of the bonus bill, and thought it was putting an undue and unnecessary charge upon the country at this time, I said that I was in favor of paying all necessary compensation to the wounded and disabled soldiers of the Great War. The status of the wounded man is very different from the status of the soldier who served with honor, but served without cost to his physical being. I do not mean monetary cost, because they were all taken away from their homes and their business, but I mean without cost in that the man came back sound and well, a perfect man.

At our order, at the order of Congress, these young men went to the battle front. They have come back where they are unable to take their places in the ranks of business life, to fight the battle of life on the same plane with their brothers. I think it is the part of a great Government to equalize, as far as it can, that difference in the status of these men caused by no fault of their own, but caused by their heroic service to their country.

I have listened to the debate on this bill, and the main argument seems to be that we should not support the bill, not because these men are not entitled to just compensation for the injuries they have received but because we have not done something for some one else, because Congress 60 years ago did not give what is said to-day to be just compensation to the wounded and disabled veterans of the Civil War.

I think the gentlemen who make those arguments are mistaken. I believe an earnest effort was made in the days that are past to take care of the soldiers of the Nation. Conditions were very different then. The cost of earning a living was very different in those days from what it is now. The soldiers of the Civil War were entitled to take up homestead lands without cost, when homestead lands were always worth a home, and sometimes worth a fortune. The conditions were very different.

The argument is that we should not pass this bill because we have not given as much to the private as it is proposed to give to the officer. I think we should do justice to the wounded private and give fair and just compensation to him, but his case affords no reason why we should pause now and refuse to do justice to the officer who came back home shot to pieces, left unable to fairly compete in the battle of civil life.

No man is eligible to go on this roll of honor unless his disabilities amount to 30 per cent. Is there a Senator on this floor who would sacrifice 30 per cent of his health, 30 per cent of his usefulness, for the compensation carried in the pending bill?

Mr. EDGE. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. UNDERWOOD. I yield.

Mr. EDGE. Is it not true that under the existing pension system relating to officers and men who fought in previous wars Congress has never recognized any distinction between the officer and the man in providing for a pension for disability?

Mr. UNDERWOOD. That may be true or not. As I said a moment ago, those who are opposed to this bill oppose it on the theory that somebody else has been wronged and not justly compensated. That does not appeal to my idea of justice, whether those who make that argument are right or wrong about it.

This may not be the best way to handle this situation, but here is the situation which confronts us. The law already provides that if a man served in the Regular Army of the United States and was disabled, he might be retired on three-fourths pay. Who served in this Great War on the front line, subject to disablement? Senators may try to answer that by saying it was the professional soldier, but it was not. Only 30 per cent of the West Pointers in the Army served in the Expeditionary Forces abroad. Very few men of the old Regular Army were disabled in the Great War. I do not say that in criticism of them. As far as I know, all of them were gallant soldiers. They were men who wanted to be in the front line, but their country kept them either at home for training purposes or promoted them to a higher rank where they were not exposed to the greatest danger, because it was thought that there they could serve best, and I have no doubt the conclusion was correct. But the men in the Army who were disabled in the Great War were the young men who were commissioned in the Regular Army, lieutenants and captains, from civil life, the great bulk of them men who graduated, not at West Point but at the training camps established during the war, just where these volunteer officers started.

Let us say that two of them graduated from the same training school; one was offered a commission in the Regular Army and the other a commission in the volunteer forces. Let us assume that the man who drew the commission in the Regular Army was disabled and is retired for life. His companion, who fought with equal gallantry and rendered equal service to his country, because he was not in the Regular Army is not entitled to recognition, it is argued.

I am not upon the Committee on Military Affairs. I am not an expert in military matters. I do not know whether the committee worked this question out in the most satisfactory way or not, but at any rate the bill comes before the Senate with the sanction of the Military Affairs Committee of the Senate, and I assume that they worked the problem out as they thought best. It is not an issue as to whether we are giving enough money to the private for his wounds and his disability; it is not an issue as to whether the soldiers of the Civil War received just compensation for their injuries and service during the war; it is a question as to whether these young chaps, whom you and I are responsible for sending to the battle fields of France, who had more than a third of their life's capacity to earn a living shot away on the battle fields in the service of their country, shall not receive just recognition.

I am not for a bonus bill. Men should serve their country as a patriotic duty. The man who served abroad and came home sound and well has an asset, not a liability. He has an asset of which any man should be proud—the glory of serving his country on the battle field. The man who came back shot to pieces is entitled to compensation from his Government.

One reason why I am not for a bonus bill to pay well men for their services is that I believe the dollars of the taxpayers of America should first be used to provide amply and sufficiently to take care of the wants and needs of those who suffered physical disabilities on the battle fields for their country.

Mr. MYERS. Mr. President, there appears to be a disposition in some quarters to pillory this bill and those who support it, which I can not understand. The opposition to it is intense and vehement, and I can not understand the reason for it. I voted in the Committee on Military Affairs, of which I have the honor to be a member, to make a favorable report on this bill in its present form. It was long and well and deliberately considered in the committee, and I voted with the majority of the committee to report it favorably, as modified, and nothing has occurred since then to change my mind about it. I was for it then and I am for it now, because I thought then and now think it a just and meritorious bill.

At the very beginning of the discussion in this country and in Congress about compensation for our former service men, away back at the time of the armistice, I declared that I was in favor of having the Government do everything within the bounds of reason for those of our former service men who were in any way disabled as a result of their service. I early declared that, in my opinion, we should be not only just to them but liberal and most generous. I am and long have been committed to the policy of doing for those former service men who were injured or disabled as a result of their service everything within the bounds of reason. Therefore, with me the only question is, Is this bill within the bounds of reason; is it a reasonable bill? If it is not a reasonable bill, I should not support it. If it is, I am committed to the policy of it.

I believe it would be very unreasonable to defeat the bill. I believe that reason and justice require that all of our former service men who were in any wise disabled as a result of their service should be treated like all others in the same class. All in the same class should be treated alike. That is the test of justice and reason with me in this matter. Then, the question is, How are others in the same class treated? If you treat some of a certain class in one way and others in the same class in another way, there is rank discrimination, and it is not right or reasonable. I think we should treat in the same way all who are in the same class.

As to the privates who did a great and glorious work in that war—and none would or could give them more credit, higher praise, or more sincere gratitude than I have ever given them—I say as to the privates who were disabled, privates who volunteered or were drafted are given the same compensation as the privates who served in the Regular Army. That is fair and right. I believe in it. There is no distinction or discrimination in their treatment.

Going another step, I say why should not the volunteer or emergency officer be treated in the same way, by parity of reasoning, as the officers in the Regular Army?

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair calls attention to the unanimous-consent agreement which now goes into effect and which limits speeches to five minutes.

Mr. MYERS. I have, then, until 5 minutes after 1 to speak, I understand.

The PRESIDING OFFICER. The Senator from Montana may proceed for five minutes.

Mr. MYERS. If the emergency officers are not treated in the same way as the Regular Army officers in the way of compensation for disability, then there is discrimination as between officers who were disabled and privates who were disabled. I can see no reason why an officer who was not in the Regular Army should be treated differently from or compensated in a less degree for the same character of injury than an officer in the Regular Army. To do so would be rank injustice. I think as between the two the volunteer officer or the emergency officer sustained a greater sacrifice when he was injured than did the officer of the Regular Army. The officer in the Regular Army is taken in hand by the Government when he is a youth. He is sent to the Military Academy by the Government. He is there educated, supported, and equipped. He is equipped for life in every way. He is given an education by the Government. He is by the Government given a most valuable equipment. Everything is done for him and for his future career. He is provided for throughout life. He knows if he falls sick he will be taken care of; if he is injured, he will be put upon the retired list; he knows that when he reaches the age of 62 years he is to be retired upon a salary that will afford at least a comfortable living for him during the rest of his life. He is never required to enter into competition with his fellow beings in the strife of life, to build up a business, or

to acquire a competence for his family. That is all taken care of.

On the other hand, the emergency officer who entered the war left a farm or a business of some kind or a professional practice. Most of them left families. Most of them were married men. They were nearly all from 25 to 45 years of age. I believe 45 was the maximum age which was allowed. There were very few who were under 25 years of age. They nearly all left families; they left farms or business establishments or professional practice. They nearly all volunteered. Much has been said here against paying them more compensation for their injuries than is paid to privates. Most of them sacrificed more than did privates. They were much older than the average private. Most of them were married and had families dependent upon them. The most of the privates were unmarried men. I say unhesitatingly the loss, the sacrifice, of the average wounded or disabled emergency officer was and is greater than that of the average wounded or disabled private.

Resuming my comparison of the sacrifice made by disabled emergency officers with that made by Regular Army officers, I say the emergency officers went into the Army training camps, they volunteered their services, and they exposed themselves to the same dangers, the same evils, the same hardships as the Regular officers. They left behind them their families, businesses, and professions. When the volunteer officer is wounded he has in most cases a family dependent upon him. He has left a business or professional practice to which he returns and which he finds greatly deteriorated, wrecked, or dissipated. He may have left a professional practice which has disappeared and gone to others. He finds that those who stayed at home have acquired what he abandoned for the good and welfare of his country. Undoubtedly, he is placed at a greater disadvantage than the Regular Army officer. Why should he not be treated in the same way, if injured as the result of his service? It would be gross discrimination in favor of class, in favor of caste, in favor of the Regular Army organization, if he were not treated in the same way for the same disability.

There were some most pitiful cases of disabled emergency officers that came before the Committee on Military Affairs when this bill was considered in committee. If those cases are not to be taken care of in the way in which this bill provides, I do not know what will become of them. It would be a gross discrimination and an outrage to see them suffer the neglect, the want, the disadvantages, the poverty which they would have to endure, and to see officers of the Regular Army, disabled in the same way but no more, provided for in ample and comfortable degree. Shall we stand for such discrimination?

More than that, there is another element of discrimination for our attention. The emergency officers of the Navy and of the Marine Corps who were disabled have been cared for by another bill in just such manner as this bill provides for disabled emergency officers of the Army. The provisions of that bill were continued in force only a year or two when it was repealed, but all emergency officers of the Navy and of the Marine Corps who were injured and desired to take advantage of it availed themselves of the benefits of it and, as the chairman of the Senate Committee on Military Affairs said on the floor of the Senate the other day, they have now acquired those benefits, are entitled to them in law, and they can not be deprived of them. Are we going to treat the emergency officers of the Army who were disabled in the great World War any less fairly than we treat the emergency officers of the Navy and Marine Corps who were disabled while in the service? What about that discrimination? Would it be just or right?

Mr. KING. Mr. President, will the Senator yield to me?

Mr. MYERS. I yield, with pleasure, although my time is about to expire.

Mr. KING. I disagree with the Senator that those are rights of which they can not be deprived. They were not rights and we can deprive them of them, and we should do it. A bill will be introduced to deprive them of those pensions.

Mr. MYERS. I was simply taking the word of the Senator from New York [Mr. WADSWORTH], chairman of the Senate Committee on Military Affairs, as to the situation. If that be the case, if Navy and Marine Corps emergency officers who were disabled are to be deprived of the compensation heretofore voted them, then it ought to be done before we deny the compensation provided for by this bill. There are Senators who oppose this bill who will vote for a cash bonus for all former service men. They oppose this bill on the ground of the cost, but they will vote for a cash bonus to all, although it will cost the Government billions of dollars. I think they are highly inconsistent. Those Senators who intend to vote for a cash bonus to uninjured soldiers should first see that the disabled are adequately taken care of. My first concern is for the dis-

abled men, be they privates or officers. Do our duty by them first. They have the first and highest claim upon us. I think we should attend to the wounded soldier first. That is my platform and policy. Humanity requires it, and of the disabled treat alike all in the same class.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. EDGE. Mr. President, I am convinced Congress owes it to the disabled men, both officers and men, to provide some additional fund apart from the the war-risk insurance, and that it is our duty to do so. However, I can not reach the conclusion apparently arrived at by the proponents of the bill that there should be a distinction between officers and enlisted men represented, as I understand, by the scale of salaries they received during service.

It is quite a different matter to consider a soldier disabled and a soldier in line of duty. Necessarily from the latter standpoint the distinction between officers and men must be made and recognized; but when a soldier, be he a private soldier or a noncommissioned officer or a commissioned officer, is disabled in line of service to the extent of a 30 per cent disability or more, and he is returned to society and then faces the obligations necessary to maintain himself and those who are dependent upon him, it seems to me most unfair that the question of rank should play much of a part in considering the remuneration to the disabled soldier or officer. He has received that disability in the service of the country; he then goes back to private life facing those responsibilities; he has been impaired according to the degree of disability and faces them unfitted, as he did not before he proffered his service to his Government.

I think this view is likewise well borne out by the present policy of the Government, referring to those who have been disabled in wars before the recent Great War. My attention has been drawn by the sponsor of the measure to a portion of an act which existed previous to 1861, and which referred to the veterans of the Mexican War and wars previous to that. Under the provisions of that statute rank was recognized and for disability pensions were given by the Government equal to a certain proportion of the regular pay up to and including the rank of lieutenant colonel. But apparently recognizing the unfairness of this viewpoint and of this policy, after 1861—I think I am correct in this statement—that section was repealed, or at least the present pension system in this country was adopted, and Congress since that time has not recognized rank but has granted pensions without any consideration of rank, apparently recognizing the injustice of the statute that prevailed previous to 1861.

So I repeat that, while I believe it is our duty to provide some additional substantial payments to the officers and men who have suffered the disabilities they have because of their service in the war, I feel convinced that the pending bill is resurrecting a recognition of a system long ago set aside, a system the injustice of which is perfectly apparent, it seems to me, and must have been to the Congress that repealed it. I sincerely trust that the Committee on Military Affairs will, in addition to rehabilitation work, in some consistent manner add to the possibilities of income in addition to the war-risk insurance, so that officers and men alike, disabled in the Great War, may receive a proper consideration from the Government, which they served so well.

The PRESIDING OFFICER (Mr. STANFIELD in the chair). The question is on the motion of the Senator from Utah [Mr. KING] to recommit the bill.

Mr. SMOOT. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BURSUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Glass	Myers	Smoot
Borah	Gooding	Nelson	Spencer
Brandegee	Harrell	New	Stanfield
Bursum	Harris	Newberry	Sterling
Cameron	Harrison	Norris	Sutherland
Capper	Heflig	Overman	Swanson
Caraway	Johnson	Page	Trammell
Coit	Jones, N. Mex.	Pepper	Underwood
Culberson	Jones, Wash.	Phipps	Wadsworth
Cummins	Kendrick	Poinexter	Walsh, Mass.
Dial	King	Ransdell	Walsh, Mont.
Edge	Lodge	Reed	Warren
Ernst	McCumber	Robinson	Watson, Ga.
Fletcher	McKellar	Sheppard	Williams
Frelinghuysen	McNary	Simmons	Willis
Gerry	Moses	Smith	

Mr. McKELLAR. I desire to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness.

Mr. JONES of Washington. The senior Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate.

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. There is a quorum present. The Secretary will proceed to call the roll on the motion of the Senator from Utah [Mr. KING] to recommit the bill.

Mr. BURSUM. Mr. President, I hope the motion to recommit the bill, made by the Senator from Utah, will not prevail. This bill was considered for months in the Committee on Military Affairs; extensive hearings on it were had; the result of the best thought which the large majority of the committee were able to give to the bill has been given to the Senate. The bill should either be passed or defeated. The motion to recommit is simply a method of killing the bill off in an indirect manner, and I hope the motion will be defeated.

Mr. TRAMMELL. Mr. President, is the Senate now proceeding under the five-minute rule?

The PRESIDING OFFICER. Yes; the speech of each Senator is limited to five minutes under the unanimous-consent agreement.

Mr. TRAMMELL. Mr. President, I hope the motion to recommit the bill will not prevail. I think there is every reason in justice and fairness why the emergency officers of the Army should be accorded the same treatment as that which is extended to the Regular Army officers. That is what is contemplated by the bill. The Regular Army officer who suffered injuries justifying his retirement under the law receives retirement compensation. The emergency officers who in action and in the service of their country served side by side with the Regular Army officers who suffered similar injuries should be accorded the same consideration and should be allowed the compensation provided for in this measure. If it is wrong to allow retirement to Regular Army officers, then it is the duty of Congress to repeal the law authorizing their retirement. If we do not repeal the law, if we permit it to stand and approve of the policy, then I can not conceive of any reason or any logical conclusion upon which we may base a denial of the same benefits to the emergency officers who suffered injuries and are incapacitated in the same way, due to their services during the recent Great War.

This is not an issue as between the question of the treatment extended to privates and that extended to officers. If it is desired to raise that issue, then you can claim that privates are already being discriminated against when the Regular Army officers are permitted to enjoy the advantages of retirement. Time and time again I have befriended the private soldiers. I believe that they are entitled to the same consideration as that accorded to officers. I recall that when the question of the compensation was before us, involving the rations to be allowed to those in the Army, I took the position that we should make more liberal allowances to the private soldiers and that we should make less liberal allowances to the officers. I repeat, however, this is not an issue between doing justice to the privates and doing justice to the emergency officers; it is a question whether or not we are going to discriminate against the emergency officers in favor of the Regular Army officers. So far as I am concerned, Mr. President, I believe that that discrimination should be corrected, and that the bill should be passed.

Mr. HARRELD. Mr. President, the Senator from Florida argues that to fail to pass this bill would be a discrimination in favor of the Regular Army officer as against the emergency officer. My view of the situation is this: A while ago I called attention to the fact that for 21 years after the Civil War there was no provision made for pensions to the soldiers who fought in that war. It is true that subsequent to every war in which we have engaged no provisions have been made for the pensioning of soldiers for years thereafter, usually about 20 years after the war has ended.

What does this bill do? If this bill shall be passed, immediately the emergency officers who have suffered disabilities of 30 per cent will begin to draw pensions, for under this bill their retired pay will be nothing in the world but pensions. So we are in the attitude of discriminating against the privates, because in the case of the emergency officers who fought alongside of them, and who were, perhaps, not any better qualified to do service and did not perform any better service in the Army than the privates, we immediately make such officers eligible for pensions; but it will be 21 years, perhaps, before the privates are entitled to any such consideration. That is a discrimination against the privates for which I would not be willing to stand. Of course, if we are going to draw a contrast between the treatment accorded the emergency officers and that accorded the officers of the Regular Army, then there is some room for an argument such as that made by the Senator from Florida; but I do not see why we should discriminate against the privates

who fought in the World War in order to try to equalize the advantages accorded to emergency officers and Regular officers.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah to recommit the bill, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. RANDELL (when Mr. BROUSSARD's name was called). My colleague [Mr. BROUSSARD] is absent from the Senate on official business. If present, he would vote "nay."

Mr. JONES of Washington (when the name of Mr. CURTIS was called). The Senator from Kansas [Mr. CURTIS] is necessarily absent on the business of the Senate.

Mr. DIAL (when his name was called). I have a pair with the junior Senator from Colorado [Mr. NICHOLSON], and, therefore, withhold my vote.

Mr. EDGE (when his name was called). I have a pair with the senior Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote.

Mr. HARRIS (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER], but I reserved the right to vote on this bill, and I vote "nay."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I understand that if he were present, he would vote as I am about to vote, so I feel at liberty to vote. I vote "nay."

Mr. JONES of Washington (when Mr. KEYES's name was called). The Senator from New Hampshire [Mr. KEYES] is necessarily absent. If present, he would vote "nay."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of a death in his family, and that if he were present he would vote "nay" on this motion. He is paired with the Senator from Nevada [Mr. ODDIE]. If the Senator from Nevada were present, he would vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. As he is absent, I withhold my vote.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I transfer that pair to the Senator from Arizona [Mr. ASHURST], and will vote. I vote "nay."

Mr. GERRY (when Mr. OWEN's name was called). The senior Senator from Oklahoma [Mr. OWEN] is necessarily absent. If present, he would vote "nay."

Mr. WILLIAMS (when his name was called). May I inquire whether the Senator from Indiana [Mr. WATSON] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. WILLIAMS. I have a pair with that Senator. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. CARAWAY. I have a general pair with the junior Senator from Illinois [Mr. MCKINLEY], but he has released me on this measure, and therefore I will vote. I vote "nay."

Mr. KENDRICK. I have a general pair with the senior Senator from Illinois [Mr. McCORMICK], which I transfer to the Senator from Nevada [Mr. PITTMAN], and will vote. I vote "nay." If the Senator from Nevada were present, he would vote as I have voted on this question.

Mr. ERNST. I have a general pair with my colleague [Mr. STANLEY], but I am advised that on this question he would vote as I am about to vote, and I will therefore vote. I vote "nay."

Mr. WILLIAMS. I have just received a communication to the effect that I am relieved from my pair upon this particular question. I therefore vote "nay."

Mr. DIAL. I am unable to get a transfer of my pair. If I were at liberty to vote, I should vote "nay."

Mr. GERRY. I desire to announce that the Senator from Nebraska [Mr. HITCHCOCK] is paired with the Senator from Wisconsin [Mr. LENROOT], and that if those Senators were present the Senator from Nebraska would vote "nay" and the Senator from Wisconsin would vote "yea."

Mr. JONES of Washington. I have been requested to announce the following pairs:

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS]; and

The Senator from Wisconsin [Mr. LENROOT] with the Senator from Nebraska [Mr. HITCHCOCK].

I also desire to announce that the Senator from Maine [Mr. HALE] and the Senator from South Dakota [Mr. NORBECK], if present, would vote "nay" on this question.

Mr. McKELLAR. I desire to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness.

The result was announced—yeas 16, nays 49, as follows:

YEAS—16.			
Borah	France	King	Phipps
Brandeggee	Gooding	Nelson	Smoot
Cummins	Harrell	Newberry	Wadsworth
Dillingham	Kellogg	Norris	Warren
NAYS—49.			
Ball	Harrison	Page	Sterling
Bursum	Heflin	Pepper	Sutherland
Cameron	Johnson	PoinDEXTER	Swanson
Capper	Jones, N. Mex.	Pomerene	Trammell
Caraway	Jones, Wash.	Ransdell	Underwood
Culberson	Kendrick	Reed	Walsh, Mass.
Ernst	Lodge	Robinson	Walsh, Mont.
Fernald	McCumber	Sheppard	Watson, Ga.
Fletcher	McKellar	Shortridge	Williams
Frelinghuysen	McNary	Simmons	Willis
Gerry	Myers	Smith	
Glass	New	Spencer	
Harris	Overman	Stanfield	
NOT VOTING—31.			
Ashurst	Edge	Lenroot	Owen
Broussard	Elkins	McCormick	Pittman
Calder	Hale	McKinley	Shields
Colt	Hitchcock	McLean	Stanley
Crow	Kenyon	Moses	Townsend
Curtis	Keyes	Nicholson	Watson, Ind.
Dial	Ladd	Norbeck	Weller
du Pont	La Follette	Oddie	

So the Senate refused to recommit the bill to the Committee on Military Affairs.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as amended.

The amendment was amended was agreed to.

Mr. FRANCE. Mr. President, I desire to say a word or two in connection with this bill.

I, of course, am in favor of doing everything which it is possible and proper to do in the way of compensating and caring for the men who served so valiantly in our Army. I had hoped that when this measure came before the Senate I should be able to vote for it; but in view of the general situation in which we find ourselves and in view of the great financial problems which are confronting the country, I can not see my way clear to vote for the measure at the present time. Therefore it is with great regret, in the performance of what I feel to be my duty to the country at large, that I shall be compelled to vote against the bill, though I had hoped that we might find ourselves in such a situation that I should be able to vote for the bill and still be performing conscientiously what I see to be my duty toward the country as a whole.

Mr. POINDEXTER. Mr. President, from the course of the debate on this bill it is very easy to have gotten a misapprehension in regard to its real nature. In fact, I had that misapprehension myself from some of the arguments at one period of the consideration of the bill.

It has been urged by some of the supporters of the bill that they are supporting it because the Volunteer and Reserve and temporary officers ought to be put upon the same basis as the Regular officers. I doubt very much whether such a bill as that, if it were presented, would be justified at this time. I myself should have very grave doubts about the propriety of casting a vote in its favor; but this bill does not do that. It is a much more limited measure. It only gives the benefits of the bill to the officers of the classes referred to who suffered disability to the extent of 30 per cent. That is not the law that relates to the retirement of Regular officers at all. It is much more circumscribed; and I think it is much easier, with consideration for the interests of the public and the condition of the Treasury, as well as generous and liberal treatment toward the men who came to the rescue of the country in the hour of its greatest need, to justify a vote for this bill than to justify a vote for such a bill as has been described by some of the proponents of this measure.

I think the bill has defects. I expect to vote for it; I think it is meritorious, on the whole; but I think it is defective, for instance, in classing all disabled soldiers upon the same plane and measure of compensation above 30 per cent. I think there ought to be some discrimination between a man who suffered 90 per cent or 60 per cent disability, when it comes to compensation for his disability, and a man who suffered only 30 per cent disability; but that grows out of the effort to use a retirement law as a disability measure. You can not very well make it fit. A more logical way to reach these cases, it seems to me, would have been through the increase of the disability compensation allowed, with a proper gradation of compensation to correspond to the varying degrees of disability, instead of putting them all into one class and giving all those disabled above 30 per cent the same compensation; but because it is limited to those who have suffered at least 30 per cent disability and be-

cause there is no other remedy proposed, I expect to vote in favor of the measure.

Mr. KING. Mr. President, may I ask the Senator a question in my time?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield.

Mr. KING. As I understand the Senator, this bill means that if some person has suffered a disability, say, of 31 per cent, and is able to continue his work, supposing he is a merchant or a lawyer, or practicing some other profession; suppose also he is worth a million dollars, or worth \$10,000,000, he is to be retired on three-fourths pay, and if he is a colonel he would be getting three or four thousand dollars a year out of the Government for the rest of his life, and earning perhaps large sums in his profession, and deriving large sums from his investments. That would be the situation if this bill should pass, would it not?

Mr. POINDEXTER. I do not know whether the Senator is correct about the exact amount a colonel would receive, but in principle he is correct, and in that respect it corresponds with all the legislation which Congress has ever enacted in behalf of disabled soldiers. There has never been any discrimination made between those who are wealthy and those who are poor. Compensation acts in relation to the soldiers of the late war with Germany are entirely without any differentiation between men of means and those without means. The compensation is based entirely upon the degree of disability.

Mr. KING. It would mean that the person with a 31 per cent disability would get as much as the individual who had a 99 per cent disability and was wholly incapacitated?

Mr. POINDEXTER. That would be the situation, and in that respect I think it defective. I pointed out that defect myself. I think I am the only person who did point it out.

Mr. KING. I am very glad the Senator did. I briefly alluded to it this morning. I am glad the Senator has emphasized it as an additional reason why this bill should not be supported.

I thank the Senator for replying to my question. Let me add just one word. If this bill becomes a law, then obviously after the one year provided in the bill has expired, if officers ask for relief and allege that they may trace their injuries to the war, we shall be compelled to repeal this time limit, and that will be done. I make the prediction now that within 15 or 20 years we will have paid out of the Treasury of the United States, under the terms of this bill, not \$5,000,000, which the bill will cost next year, but we will have paid more than one hundred or two hundred million dollars. Of course, that amount, or even five hundred million, would be unimportant to the Senate of the United States and the Congress in the hysterical situation in which the country finds itself.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. REED. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. JONES of Washington (when Mr. CURTIS's name was called). The Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate.

Mr. DIAL. As the Senator from Colorado [Mr. NICHOLSON], with whom I have a general pair, would vote the same way as I do on this question I am free to vote. I vote "yea."

Mr. HARRIS (when his name was called). Making the same announcement as before of my pair and its transfer, I vote "yea."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I understand that if he were present he would vote for this legislation. So I feel at liberty to vote and I vote "yea."

Mr. KENDRICK (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "yea."

Mr. JONES of Washington (when Mr. KEYES's name was called). The Senator from New Hampshire [Mr. KEYES] is necessarily absent. If present, he would vote "yea."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). Repeating the announcement I made on a prior vote in regard to the pair of the Senator from Wisconsin [Mr. LA FOLLETTE],

if he were present he would vote "yea," and the junior Senator from Nevada [Mr. ODDIE] would vote "nay."

Mr. MYERS (when his name was called). I make the same transfer of my pair with the Senator from Connecticut [Mr. McLEAN] which I announced on the last vote, and I vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I understand that if he were here he would vote as I do on this question, and I vote "yea."

The roll call was concluded.

Mr. CARAWAY. I have a general pair with the junior Senator from Illinois [Mr. McKINLEY], but on this question he has released me and I vote "yea."

Mr. McKELLAR. I desire to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness.

Mr. JONES of Washington. I desire to announce that the Senator from Maine [Mr. HALE] is paired with the Senator from Tennessee [Mr. SHIELDS], and if present the Senator from Maine would vote "yea" on this question. I also desire to announce that the Senator from South Dakota [Mr. NORRICK] would vote "yea" if present.

Mr. GERRY. I desire to announce that the Senator from Nebraska [Mr. HITCHCOCK] is paired with the Senator from Wisconsin [Mr. LENROOT], and that if present the Senator from Nebraska would vote "yea," and the Senator from Wisconsin would vote "nay."

I also desire to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from New Jersey [Mr. EDGE], and if present the Senator from Oklahoma would vote "yea."

Mr. RANDELL. My colleague [Mr. BROUSSARD] is absent from the city. He is paired with the Senator from New Hampshire [Mr. MOSES]. If present my colleague would vote "yea."

Mr. McKELLAR. I have a pair with the junior Senator from Indiana [Mr. NEW]. I transfer that pair to the senior Senator from Kentucky [Mr. STANLEY] and vote "yea." I am authorized to say that if the senior Senator from Kentucky were present he would vote "yea."

Mr. EDGE. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote.

Mr. ERNST. Making the same announcement as before as to my pair and its transfer, I vote "yea."

The result was announced—yeas 50, nays 14, as follows:

YEAS—50.

Bursum	Glass	Overman	Stanfield
Cameron	Harris	Page	Sterling
Capper	Harrison	Pepper	Sutherland
Caraway	Hefflin	Poinexter	Swanson
Colt	Johnson	Pomerene	Trammell
Culberson	Jones, N. Mex.	Randell	Underwood
Cummins	Jones, Wash.	Reed	Walsh, Mass.
Dial	Kendrick	Robinson	Walsh, Mont.
Ernst	Ladd	Sheppard	Watson, Ga.
Fernald	Lodge	Shortridge	Williams
Fletcher	McKellar	Simmons	Willis
Frelinghuysen	McNary	Smith	
Gerry	Myers	Spencer	

NAYS—14.

Borah	Harrell	Newberry	Wadsworth
Brandegee	Kellogg	Norris	Warren
France	King	Phipps	
Gooding	Nelson	Smoot	

NOT VOTING—32.

Ashurst	Edge	McCormick	Oddie
Ball	Elkins	McCumber	Owen
Broussard	Hale	McKinley	Pittman
Calder	Hitchcock	McLean	Shields
Crow	Kenyon	Moses	Stanley
Curtis	Keyes	New	Townsend
Dillingham	La Follette	Nicholson	Watson, Ind.
du Pont	Lenroot	Norbeck	Weller

So the bill was passed.

The title was amended so as to read: "A bill making eligible for retirement under certain conditions officers of the United States Army, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the war."

EXTENSION OF DISTRICT OF COLUMBIA PARK SYSTEM (S. DOC. NO. 131).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Rock Creek and Potomac Parkway Commission for the fiscal year ending June 30, 1923, in amount \$200,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a resolution adopted by the Minnesota Central Cooperative Live Stock Shippers' Association, South St. Paul, Minn., protesting against enforcement of the so-called packer control act in so far as said control affects public stockyards in Minnesota, and favoring amendment of the act to allow any State now having adequate control of public stockyards under State laws to be exempted from the provisions thereof relating to stockyards, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a resolution adopted by the Twenty-fifth Annual Convention of the American National Live Stock Association, favoring extension for 12 months from July 1, 1922, of the powers granted the War Finance Corporation vital to the interests of producers, which was referred to the Committee on Agriculture and Forestry.

Mr. WADSWORTH presented a petition of officers and employees of the Alderman-Fairchild Co., of Rochester, N. Y., praying for the passage of adequate protective tariff legislation based upon American valuations, which was referred to the Committee on Finance.

Mr. WILLIS presented a resolution adopted by the Cleveland Grays, an organization of Cleveland, Ohio, favoring the policy of reestablishing a Federal naval reserve force with a substantial unit thereof in or about Cleveland, Ohio, and also the granting of a Federal appropriation to provide an adequate naval reserve armory on the property already acquired and available for this purpose on the Cleveland lake front, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. JONES of Washington, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States, reported it without amendment and submitted a report (No. 507) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 508) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3111) to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes, reported it without amendment and submitted a report (No. 509) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. CAPPER. On behalf of the senior Senator from Illinois [Mr. McCORMICK], who is unavoidably absent, I introduce the bill which I send to the Secretary's desk.

By Mr. CAPPER (for Mr. McCORMICK):

A bill (S. 3177) declaring a portion of the West Fork of the South Branch of the Chicago River, Cook County, Ill., to be a nonnavigable stream; to the Committee on Commerce.

By Mr. WALSH of Massachusetts:

A bill (S. 3178) for the relief of George E. P. Mitchell; to the Committee on Military Affairs.

By Mr. SPENCER:

A bill (S. 3179) providing for the reservation of certain lands in New Mexico for the Indians of the Zia Pueblo; to the Committee on Indian Affairs.

By Mr. NORRIS:

A bill (S. 3180) granting an increase of pension to Susan Backus; to the Committee on Pensions.

By Mr. STANFIELD:

A bill (S. 3181) to extend, continue, and further carry out the provisions of the Federal highway act approved November 9, 1921, and all other acts of and to which the same is amendatory or supplementary, and all other acts amendatory thereof or supplementary thereto, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. BRANDEGEE:

A joint resolution (S. J. Res. 165) authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke; to the Committee on the Library.

By Mr. STANFIELD:

A joint resolution (S. J. Res. 166) to suspend the requirements of annual assessment work on mining claims during the years 1920 and up to and including June 30, 1924; to the Committee on Mines and Mining.

AMENDMENT OF INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. MYERS submitted an amendment proposing that the Secretary of the Interior be authorized to expend \$3,632.92 from funds held by the United States in trust for the Flathead Tribe of Indians in the payment of \$2,250 due Swan Johnson on a logging contract, and \$851 and \$531.92, respectively, due Agnes and Paul Antoine, Flathead Indians, for stumpage, intended to be proposed by him to House bill 10329, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on February 17, 1922, the President approved and signed the bill (S. 1831) to amend section 237 of the Judicial Code.

ADDRESS BY SENATOR LODGE (S. DOC. NO. 132).

Mr. SPENCER. I ask unanimous consent that an address which was delivered by the senior Senator from Massachusetts [Mr. LODGE] to the Republican members of the Massachusetts Legislature on February 14 may be printed in the RECORD in regular 8-point type, and printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

ADDRESS OF SENATOR LODGE TO THE REPUBLICAN MEMBERS OF THE MASSACHUSETTS LEGISLATURE FEBRUARY 14, 1922.

There are two points of a general character which I wish at the outset to bring to your attention. In the first place remember, and make other people remember, that the choice which lies before the voters next autumn is not between the Republican Party and some ideal organization which never makes a mistake but which passes laws, especially tax laws and tariffs, which please everybody, an organization which has never yet existed and never will exist. The choice before us is much simpler than that—very different—it is a choice between the Republican Party and the Democratic Party. Those two parties in a practical way are all you have to choose between. Therefore, when you are making your comparison you are not making it with counsels of perfection as against the Republican Party, you are making it as against the Democratic Party and nothing else, and, therefore, what the Democratic organization has done and promises to do is that with which the comparison must be made in determining how to vote. Now, the second point is this: The Democratic organization in Congress, and no doubt elsewhere, has been filling the air with the cry that this is a "do-nothing" Congress; that nothing has been done. That is easily said and its ease commends itself, of course, to the Democratic intelligence, on which it is not well to put too severe a strain. By every artifice of delay and time wasting they have done their best to make this Congress a "do-nothing" body, and although they have failed they are keeping on saying it just the same. The proposition, however, that this has been a "do-nothing" Congress is a statement I purpose to disprove, so far as time will permit this evening. In the first place, pause a moment and consider what the situation was which the Republican Party was obliged to take up when it came into full control of the Government less than a year ago. We had passed through a Great War, a war won not by any party organization, whether Republican or Democratic, but by the courage and quality of our soldiers and the enormous patriotic energy of the American people. It was a time when everybody was profoundly moved—it was a time of excitement. The American people were determined to win the war; they were ready to make any sacrifice in money to secure success. Although they are the most generous people on earth and did not question in that war time any appropriations or expenditures, they had a right to expect that the money they freely gave with both hands should not be spent needlessly or recklessly. Then the war ended and the excitement died down and in cold blood we began to look about us.

The tragedy was over, the lights were out, the music was hushed, and the country was left to contemplate what had happened in the calm of returning peace. It is an old saying that they who call the tune must pay the piper, but in this case, so far as the Government was concerned, the Democrats called the tune and, being rejected by the country, left it to the Republican Party when it came in to pay the piper. I had been in Washington, of course, through all those months of the war. I thought I knew something of the expenditures, something of the extravagance, but until the burden fell upon us I had no conception of the extent of the waste or of the amount of debt and wreckage with which we were obliged to deal. Three billion five hundred million dollars had gone to the Shipping Board, and we had to take over that financial wreck. We are

making an endeavor to save from that wreck enough to secure the future of our American merchant marine, the difficulty of which can hardly be overestimated. We had spent three hundred and sixty-five millions on aircraft and we had not a single combat plane in France when the war closed. We had been using for our Air Service such planes as we could get from France and England. We had spent on artillery five hundred and eighty-two millions and we fought the war with French guns. When the war closed we had just begun to get machine guns of our own, on which many months had been wasted in experimenting and delays. We had bought supplies for the War Department with reckless profusion and had on our hands an immense surplus of every kind of material—copper, wool, food, clothing, and equipment of all kinds. If I had time to give you the details it would present a picture which you would find it difficult even to believe. All these results of reckless buying had to be disposed of. I mention only these as illustrations of the problems which confronted us on the 4th of last March. Figures are usually dull, but I am going to give you a few figures, which I think you will find both striking and picturesque. We gained control of Congress by the elections of 1918, and on the 4th of March, 1919, we had possession of both House and Senate. With the war still going on, on the eve of victory, as all men know, the American people had gone to the polls and changed a Democratic majority of 500,000 in the country to a Republican majority of 1,200,000.

Such a change of party under such conditions had never happened before and was really almost unimaginable, and yet the American people had voted in such a way as to make a net gain throughout the country for the Republican Party of 1,700,000. They were passionately thrilled by the coming victory, but were still calm enough to get rid of the Democratic Party as a necessary condition of peace and safety. The new Congress was hampered in its work because it received no help from heads of departments or from the administration, which was still in Democratic control. Now for the figures. They are not many and I think you will remember them: Despite the obstacles, the Republican Congress of 1919 reduced the appropriations \$1,500,000,000 by making them a billion and a half less than the Wilson administration asked for in its last year and \$13,000,000,000 less than was appropriated in the fiscal year preceding. This surely was doing something; but before I go on further I wish to call attention to the simple fact that one result of the war was to impose upon the country as a permanent appropriation a billion dollars to pay the interest on the debt incurred by the United States, and that interest account was within one hundred millions of the total appropriations for the Government for the year ending June 30, 1916. To be perfectly exact, the appropriations for that year were \$1,114,000,000. The appropriations for the next year, ending June 30, 1917, when we had been in the war three months, were \$1,625,000,000; for the year ending June 3, 1918, after one year and three months of war, the appropriations were \$18,892,000,000. I think I am not mistaken in saying that these are figures that are not dull; but the next year we surpassed those that I have just read, for the appropriations for the fiscal year ending June 30, 1919, were \$27,065,000,000. Then the Republican Party came into power in March, 1919, and they repealed war appropriations aggregating more than \$8,000,000,000. For the fiscal year ending June 30, 1920, the first under a Republican Congress, the appropriations aggregated \$6,495,000,000; and remember that the year before they had been \$27,000,000,000. We have done something. For the next fiscal year, ending June 30, 1921, they were decreased by the Republican Congress to \$4,780,000,000, and for the fiscal year ending June 30, 1922, \$3,909,000,000, just short of \$4,000,000,000. Something was done by somebody. Since the present Congress has been in they have reduced appropriations asked for by the departments of \$5,337,000,000 by \$1,428,000,000. This was the work of the present "do-nothing" Congress. This is partly owing to the fact that during the year ending June 3, 1921, 93,634 people were dismissed from the public service, and since the armistice 320,278 employees have been dropped from the civil pay rolls. Somebody did something.

Let me now call your attention briefly to what the "do nothing" Congress has done during the extra session, which began on the 11th of April and ended on November 23. We passed the revenue act of 1921. This was a very complicated and very difficult measure, involving a revision of the taxes imposed by the war legislation. It was absolutely necessary to raise a certain amount of money to meet the expenditures of the Government, and therefore there had to be taxes continued or imposed. The law has been severely criticized in certain quarters because there was not a larger reduction made in the income surtaxes. I should have been glad, personally, to have made those surtaxes lower than they were finally agreed upon, but we were compelled

to get the money somewhere, and it seemed to the Republican majority of the Congress that the most important relief to be given to business and the country was by the termination of the excess-profits taxes. These taxes had greatly declined in amount, but still it was expected to raise by them some four hundred millions. It was also thought of the first importance to get rid of the transportation taxes on freight, passengers, and express packages, a direct burden on all the business of the country. That tax brought in two hundred and sixty millions. We were also anxious to repeal some of the smaller taxes on special articles, popularly known as the "nuisance taxes." We repealed many of them. Some of it was necessary to leave in order to get the necessary money. Now, as a general proposition no tax is popular and no bill imposing taxes is ever liked. In fact, as Senator Moses remarked, "The only generally satisfactory way of raising taxes would be to have them all paid out of the United States Treasury," an observation which will bear consideration. This bill, however, admitting the necessity of taxes, has really brought a large measure of relief from taxes to which little attention has been paid. The total reduction on the best analysis which can be made will reach \$835,000,000 for the calendar year. This is a very large reduction in taxation, and I believe that, owing to the great savings that have been made and to the diminution of expenditures, we shall be able to make still further tax reductions in the next year. Consider this when you hear the parrot cry that Congress has done nothing.

We passed also the Budget act, which had been vetoed by President Wilson when sent to him by the previous Congress. Gen. Dawes, who has been placed at the head of the Budget Commission, has done very great work, in which he has had the most cordial support from the President, and the Budget system undoubtedly is going to lead to a permanent reduction in appropriations.

We also passed the emergency tariff for the benefit of the farmers, because our vast agricultural interests have suffered more severely from the rapid decline of prices than any other interest in the country.

We passed the Veterans' Bureau act, one of the first acts which were dealt with. This was the so-called "Sweet bill," which established a Veterans' Bureau, consolidating all the agencies charged with care and responsibility in behalf of the ex-service men. The appropriations of Congress for this purpose will be between four and five hundred million dollars, and the administration has also succeeded early in its career in greatly improving the service so all important to our disabled veterans. I quote what the President said in his message of July 12, 1921, in regard to it:

In the Department of War Risk Insurance there have been filed up to July 7, 1921, compensation and insurance claims numbering 813,442. Of these, 747,786 have been adjudicated at an expenditure of \$471,946,762. There were 200,000 claims pending when the War Risk Department was reorganized late in April, this year, and the number of pending claims has been reduced by 134,344. All work in this department will be current by the 21st of this July; that is to say, all action which the bureau may take on a given case will be current, though new claims are being filed at the rate of 700 per day. There have been requested 887,614 medical examinations, and less than 14,000 await medical action. Up to July 7 there have been 26,237 disabled soldiers hospitalized, and in Government controlled hospitals to-day there are 6,000 available beds without occupants.

Something of vast consequence to our soldiers has been done here. We passed the immigration restriction act, made necessary by the enormous flood of immigration from Europe induced by war conditions and which was threatening to increase the large number of those unemployed in the country to a perilous extent. We passed the bill for twenty-five million addition to the farm loan; the naval appropriation and the Army appropriation, which came over from the previous Congress and which went through with large reductions; the act dealing in grain futures; the act regulating the business of the meat packers. Then we passed also for the benefit of our agricultural interests the war finance and agricultural loan act. This was an extension of the Finance Commission established during the war, which had been a marked success, in order to bring aid to the farmers by credits given on good security. We passed the Federal highway act; the maternity act, which provided for Government aid to the States in all efforts for the benefit of mothers and infants.

Legislation carrying appropriations was passed for the Shipping Board in our endeavor to save what could be saved from the vast wreck due to the wastefulness and extravagance of our predecessors. We amended the Edge Export Act to encourage and help our export business, and the cable control act, which regulated all cables landed in the United States. We have also passed a bill for the funding of the foreign debt to the United States. With accumulated interest it amounts in round

numbers to \$11,000,000,000. It is now in the form of national notes, notes of hand. It should be in some permanent form, which makes the legislation necessary. The United States has no intention of playing the part of a usurer, but this was the money of the American people which was lent to the allied and associated powers in their time of greatest need. The debts which the United States owed to those powers she has paid in cash and has questioned none of them. They were trifling compared to what the allied and associated powers owe to us. We are well aware that some, perhaps many, of the nations indebted to the United States can not now pay their principal or interest, but some arrangement must be made to place that great debt upon a businesslike basis, and to secure what is properly due to the United States and her people, for it was the people who lent the money by subscribing for their own bonds and giving the proceeds to the powers who were fighting Germany. This is another of the great and necessary measures which this Congress has passed. These are only the most important and comparatively few of the many bills passed by the extra session of Congress. The House also sent over the tariff bill, which is now in the Senate, and the Republican conference has voted to take up and pass immediately the soldiers' adjusted compensation bill, commonly known as the bonus bill, and has just passed the farmers' cooperative marketing act. I know that I am speaking within bounds when I say that no Congress in time of peace has ever shown such an amount of important, effective, and remedial legislation as has been enacted by the present Congress since it has been in session. One other thing we have done—not by legislation—to which I wish to call your attention. I will read you the prices of the United States bonds on the 4th of March last:

Liberty three-and-a-halves, 1932-1947	\$90.92
Liberty first fours, 1932-1947	87.22
Liberty second fours, 1927-1942	87.00
Liberty first convertible four-and-a-halves, 1932-1947	87.22
Liberty second convertible four-and-a-halves, 1932-1947	87.04
Liberty third convertible four-and-a-halves, 1928	90.26
Liberty third convertible four-and-a-halves, 1928, registered	90.12
Liberty fourth four-and-a-halves, 1933-1938	87.18
Victory three-and-three-quarters, 1922-1923	97.50
Victory four-and-three-quarters, 1922-1923	97.50
Victory four-and-three-quarters, 1922-1923, registered	97.35

And here are the prices of those bonds to-day:

Liberty three-and-a-halves, 1932-1947	95.16
Liberty first fours, 1932-1947	95.16
Liberty second fours, 1927-1942	95.90
Liberty first convertible four-and-a-halves, 1932-1947	96.20
Liberty second convertible four-and-a-halves, 1932-1947	96.00
Liberty third convertible four-and-a-halves, 1928	97.12
Liberty third convertible four-and-a-halves, 1928, registered	97.20
Liberty fourth four-and-a-halves, 1933-1938	96.16
Victory three-and-three-quarters, 1922-1923	100.12
Victory four-and-three-quarters, 1922-1923	100.10
Victory four-and-three-quarters, 1922-1923, registered	99.96

The Republican economies, the Republican tax legislation, all the sound legislation which the Republican Party has enacted, and which has helped to stabilize business, has brought about this increase in the value of the United States bonds. For those who were forced to sell their bonds at a low price before they could complete their payments unhappily nothing can be done, but all who have held their bonds have had their value increased from 3 to 9 per cent. Consider this when you vote, and ask yourself whether you wish to go back to the price of bonds as they were left by the Democratic Party when the Republicans came into power on the theory that this has been a "do-nothing" Congress.

The cause, apart from steady Democratic obstruction, of the delay in the Senate as compared with the House arises from the fact that on the Senate devolves the ratification of treaties.

To us came the treaties concluding peace with Germany, Austria, and Hungary. It was high time that the technical state of war which still existed should be finally removed. There was a strong opposition in the Senate, almost wholly Democratic, to the ratification of these peace treaties, and I hope that you will remember, and that the people of Massachusetts will remember, that a majority of the Democratic Party tried to prevent the passage of these treaties, and voted to continue the technical state of war with Germany, Austria, and Hungary, which was wrong in principle, and a danger to the trade, commerce, and business of the United States.

Now, if you will indulge me, I should like to ask you to come with me into a field larger even than that of the domestic problems and policies of the United States. I wish to bring before you for a few minutes the International Conference for the Limitation of Armaments and for the Far East, which concluded its labors a week ago.

This conference, as the world knows, was called by President Harding. It was a great service, in my opinion, to the peace of the world, and is an integral part of the principles which

have guided the President during his year in office. He has been devoting himself and his administration to the utmost in an effort to improve the conditions left by the war in the United States and in the world at large. The task is enormous and difficult to a degree which only those who have been brought face to face with it can realize.

The war left behind it a wrecked world. Millions of the strongest and best of the youth of the western world perished in battle; business was shattered, and the purchasing power of all the great markets of Europe was almost destroyed. Only the slow-moving hand of time will cure all the losses caused by the frightful convulsion of four years. It is our part as a nation to do the best we can to make better these terrible conditions, and the situation appeals to President Harding with peculiar force, for he is a man who has the right to say, as Abou Ben Adhem said to the angel, "Write me as one who loves his fellow men." As the long procession of people, with an endless variety of cares and sorrows, joys and hopes and desires pass before him day by day, the deepest thought in his mind, whether in small matters or large, is to try to help others wherever he can, and to increase the happiness not only of those whom he sees but of his entire country. The courage to do what is right, the determination to do his duty to his country at all hazards, are there and will not fail, but President Harding's dominant impulse is to try to make the world, so far as he can do it, a better place for men and women to live in. This has been behind all his domestic policies, and this was the moving influence in his call for the conference. The President does not believe in alliances for the United States—alliances which are backed by force and accompanied with penalties. He stands firmly on the great Washington tradition that the United States should have no permanent alliances, but he also believes that the United States, free and unhampered, can thus be of greater service than in any other way to humanity and to mankind. His desire is to do what can and ought to be done by appealing to what is best in the nations, to the right feeling of men and women, and by getting them to agree together, with no alliances, no provisions for war in the background; to do what is right to reduce the burden of armaments and promote the cause of peace. For these reasons, and moved by these impulses, he summoned the conference, sent his representatives to it, and the results are now before the world.

Neither you nor I have time to-night to go into the details of the great and difficult work upon which the conference has been engaged for 12 weeks. They are very interesting and important, those details, and I shall hope to explain them later and with some fullness to the people of Massachusetts, but here and now I am merely going to ask you to look with me on some of the great results which the conference has achieved, for I think they are really great results.

The American delegation consisted of Mr. Hughes, the Secretary of State; Mr. Root, Senator Underwood, and me. Mr. Hughes's services as head of our delegation and presiding officer of the conference can not be overestimated. He was wise, tactful, patient in the highest degree, and unrelenting in his labors, which were very heavy. He was masterly in his treatment of every subject and showed himself to be a statesman of the first order. The entire American delegation, I may say, worked together as one man from the beginning.

Both parties were represented on the delegation, and no word of party or politics was ever heard in our deliberations. We were there simply as Americans representing the United States. We discussed every subject from every point of view. We never had a difference of any kind. We stood absolutely together in our efforts for what we believed to be for the highest interests of the United States and of the world of men outside our gates. We were restricted in our jurisdiction, of course, by the terms of the President's invitation. Our three great objects were the limitation of armaments, the termination of the Anglo-Japanese alliance, and to obtain all we could for the benefit of China, in which the dominant feature was the return of the Province of Shantung. In all three of these objects we were successful. I do not underrate in the least the earnest good will and cooperation that we received from all our colleagues representing the other nations, but the lead in the conference belonged to the United States, because we issued the invitations, and that lead we took and held throughout. Almost every proposition, certainly all of any importance, was brought forward by the American delegation.

Land armaments could not be limited, because the situation of France was such that she felt it was necessary for her safety to maintain her present land forces. Therefore our exertions were confined to naval armaments. Mr. Hughes opened the conference on November 12 with his masterly presentation of the proposition, which the American delegation had been working

over for weeks previously, in regard to the reduction of naval armaments. I do not exaggerate when I say that the presentation of the American plan startled the world. People had expected much, no doubt, but they were surprised by the boldness, the clearness, and the practical character of the American proposition. In the main that proposition prevailed. In the most essential points it entirely prevailed. We so reduced the number of capital ships that at the end of 10 years Great Britain will have 15 ships, the United States 15, and Japan 10. The United States now has 33 capital ships, Great Britain 41, and Japan 21. The capital-ship tonnage of these powers at the present time is: The United States, 728,390 tons; Great Britain, 1,015,825 tons; Japan, 494,528 tons. At the end of 10 years the United States will have 525,000 tons of capital ships, Great Britain 525,000 tons, and Japan 315,000 tons.

The United States made a great and generous offer. The capital ships which we abandon, convert, or destroy number 28, and they represent an expenditure of \$330,000,000. No nation has ever before made such an offer as that. Great Britain met it and Japan met it. A large proportion of the Navy of Great Britain had been already scrapped since the war, but that did not affect the reduction. This great reduction in capital ships is the feature of the conference work which has most impressed the world. It is the most spectacular part of the work and is of very great importance, and yet it is not so important as other provisions of the naval treaty, to which comparatively little notice has been paid.

We have provided for a naval holiday, which runs to 1947, during which only ships for replacement can be built, and, most important of all, we have limited the tonnage, not only of capital ships but of auxiliary ships, and we have limited the caliber of the guns for all vessels. Pause a moment and think what that means and you will see why it is most important. It means the end of naval competition. It will no longer be necessary for any nation to be continually increasing her ship tonnage and her gun calibers in order to keep abreast of or pass her neighbor. This naval treaty, upon which our Navy must be based and continued, means a relief, not so much at the moment as in the future years, from the great burden which has rested upon all maritime nations because of great naval armaments. It will help also to maintain the peace of the world. So much for our first object.

By what is known as the four-power treaty, signed by the United States, France, Great Britain, and Japan, we terminate the Anglo-Japanese alliance. That alliance was a breeder of suspicion in North America, both in Canada and the United States. It had an unfortunate effect in Asia. It offered a soil in which the seeds of war might easily grow. It is gone. And that treaty, which relates only to the insular possessions and dominions of the four powers in the Pacific, merely provides that we shall respect each other's rights in such possessions and dominions, and that if controversies arise we shall consult before taking any further measures. There is no alliance in it; no military or naval force is hidden anywhere in those simple paragraphs. The only obligation we assume is that of consultation, and when the consultation has been held each nation that was in it, each party to the treaty, is as free to do what she thinks right as she was when she entered the doors. The treaty rests on the good intentions, the better feeling of nations, and on the world-wide desire that our children may be spared from the horrors which were poured out upon us in the war with Germany. That is the second result of the conference. Now as to the third.

The United States refused absolutely to accept the propositions in regard to Shantung in the treaty of Versailles and believed then, and believes now, that that Province should be controlled by China, of which it has always been a part. But of the other eight powers at the table in Washington six had ratified the treaty of Versailles and had accepted that clause relating to Shantung. Therefore, the only way to get that wrong undone was to bring about negotiations between Japan and China directly. This was effected by the good offices of the United States, represented by Mr. Hughes, and of Great Britain, represented by Mr. Balfour. The result has been that Shantung goes back to China practically unburdened. The only hold retained by Japan is a traffic manager on the railroad, appointed by and under a Chinese director. China is to buy the railroad with her own treasury notes. The notes are to run for 15 years, and in 5 years they can be redeemed. In the meantime, within six months, Japanese troops will all be withdrawn from Shantung and China will have her oldest and most sacred Province once more within her own hands. England announced on the conclusion of this treaty that she would return to China the port of Wei-hai-wei, which was held under a lease, and that will clear the Province entirely from any foreign hold.

In addition to that we signed a treaty negotiated by the nine powers, agreeing to respect the administrative, territorial, and political integrity of China. There are clauses in it providing also for neutrality and for the open door, all most beneficial to the Chinese Republic, as are a number of other declarations agreed to by the conference in regard to foreign post offices, foreign troops, and matters of that character which now hamper and shackle China in her effort to establish herself again, regain peace, and secure her independence.

I think this is a great work. It will help to relieve the burden of taxation and, in my opinion, to promote the peace of the world. And we all owe this to the wisdom of President Harding in summoning that conference.

When they say that the Republican Party, which has not yet been in power for one year, has done nothing, after you have reviewed what Congress has accomplished, call attention to this conference, where more has been done in 12 weeks for the world's peace than has been done anywhere else in twice as many years. These are questions which rise above the region of politics; both parties were represented on the delegation and worked together for a common purpose, but the fact nevertheless remains that it was under a Republican President that steps have been taken under which a thoroughly American policy has been carried out in the conference at Washington by a delegation representing both political parties, with a success which is recognized by the entire world.

Such, in mere outline, is the work of the first Republican year.

Let us make our case clear to the people of Massachusetts. Let them know what we have done—what we have done in Congress, what we have done in international affairs, and why we have done it. We have a record worthy of the party. I know that much remains to do, although much has been done, but on what has been done we ought to stand together as one man and ask for the approval of the men and women of Massachusetts. The party in power is always blamed, not only for its errors but for events and conditions which no party can control; but we found the worst situation economically which any party in this country has ever been called upon to face, and we have a right to be proud of our record. We are entitled to stand by it ourselves without fear or misgiving and to ask all reflecting men and women to join with us. Let us stand together shoulder to shoulder, close up the ranks, pay no heed to outcries of our political opponents, go forward in the old Republican way, and carry on.

LETTER BY SENATOR SHIELDS.

Mr. KING. I ask unanimous consent to have printed in the RECORD, in regular 8-point type, a letter written by the senior Senator from Tennessee [Mr. SHIELDS], dated February 15, 1922, to Mr. Philip Cole, commander of Davidson County Post, No. 6, of the American Legion, Nashville, Tenn. It is upon the very live and acute question of adjusted compensation. I ask unanimous consent that it may be printed in the RECORD in the regular RECORD type.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The letter is as follows:

WASHINGTON, D. C., February 15, 1922.

Maj. PHILIP COLE,
Commander American Legion, Davidson County,
Post No. 6, Nashville, Tenn.

MY DEAR SIR: I have your letter, urging me to support the adjusted compensation bill, commonly known as the bonus bill, now pending before the Finance Committee of the United States Senate.

I have given this bill careful and deliberate consideration, and I regret that my conclusions of my duty as a Senator to the ex-service men and the entire people are such that I can not comply with your wishes in the matter.

I agree with you that the services of the ex-soldiers in the defense of their country and their patriotism can not be priced or paid for in money, and I assure you that I will always favor giving them the "square deal" you advocate. What particular basis upon which you urge the proposed legislation you do not state, and I can only give you the facts and reasons upon which I feel it my duty to vote against the measure.

The distribution of large sums of money or conferring other benefits upon special classes, by taxation collected from the people, is dangerous in policy and unsound in principle, and difficult to justify other than in great emergencies, in the absence of a direct mandate from the people, but I am not resting my opposition to the bill upon this ground.

Congress when making great appropriations for any purpose to be paid by relentless taxation should carefully consider the

benefits to be conferred upon the particular class and the ability of the people to pay the necessary taxes. The benefit should be in some reasonable proportion to the hardships of the exactions and amount involved and the financial and economic conditions of the country.

What is the proposed legislation, the magnitude of the appropriation carried, the benefits conferred, the condition of those who will have to provide the money and their ability to do so at this time?

The grand total of the officers and men enlisted in the American Army in the World War was 4,650,500, of whom 2,083,865 served overseas and the remainder were in cantonments in the United States. The average service December 1, 1918, overseas was five months, and of entire Army, overseas and domestic, about nine months. The casualties of the American Expeditionary Forces show that 77,698 lost their lives in the service, and of these 50,403 were killed or died of wounds received in action and the others of disease or other causes. There were 197,922 who received wounds of more or less severity, and many thousands returned broken in health, all of whom are receiving and will receive as fast as possible the assistance of a grateful Government and people. The others are young men, selected because of their character, vigor, and strength, and are of the highest type of citizenship.

The Government of the United States, for the defense of our country in the war which Germany was unjustly waging against us and for the comfort, support, and equipment of our magnificent Army, appropriated and provided many billions of dollars, collected from the people by immediate taxation and raised by the sale of bonds. The people, with few exceptions, worked, produced, economized, and saved as never before that they might pay the taxes and purchase the bonds of the Government in their earnest and sympathetic desire to provide for the comfort of their brave defenders. Great sacrifices were made, thousands borrowing the money to make their bond purchases, to pay which they afterwards sold the bonds at a discount without complaint. The patriotism of the American people was aroused to the highest pitch, and no one can deny that they did their share and discharged their full duty. While our soldiers and sailors suffered the hardships inseparably incident to Army life and war, they were the best clothed, fed, housed, paid, and equipped of any army of any age that ever went out to battle.

The United States yet has outstanding bonds, which were issued for war purposes, aggregating \$23,000,000,000, over \$6,000,000,000 of which will mature and have to be paid or funded within the next 15 months. This just indebtedness and the annual interest thereon of \$1,000,000,000 must be met and promptly paid by taxation of the people and the credit of the Government maintained.

The annual expenses of the Federal Government are now about \$4,500,000,000, compared with \$1,200,000,000 previous to the war. The Federal Treasury is well-nigh exhausted and faces a probable deficit of not less than \$300,000,000 in the next two fiscal years, notwithstanding that many of the war taxes continue in force. The State and municipal taxation in perhaps every State of the Union, and especially in Tennessee, is greater than ever before imposed. The people of the United States, it is conceded, are staggering under a burden of taxation unprecedented and which would be hard to bear in prosperous times.

The economic and financial condition of the business, industrial, agricultural, and labor interests are demoralized, depressed, and suffering, never before surpassed in the history of our country. Mines, mills, and factories are idle. Millions of acres of grain and cotton plantations go uncultivated, and raising live stock is being abandoned, all because the cost of production is greater than the market value of the products. There are thousands of men unemployed because of this cessation of business and depression of our industries. The farmers of the country are not only unable to meet their obligations for supplies and labor but many of them are compelled to borrow money to pay taxes.

The adjusted compensation or bonus bill which the American Legion is now asking the Congress to pass it is estimated will call for the stupendous appropriation of from \$2,000,000,000 to \$5,000,000,000 to the surviving ex-service men—the strong, the prosperous, the wounded, the diseased, and the disabled alike. The cash bonus to be paid in quarterly installments of \$50, which, according to common experience, will be of meager benefit.

Congress should not pass the bill without providing means for the payment of the cash bonus; to do so would be a hollow mockery, a false pretense, and a fraud upon the expectations of the American soldiers, and the Congress would be open to the charge of resorting to a flimsy expedient, devoid of benefit, to de-

ceive the ex-service men and exploit their suffrage in coming elections.

There are but two ways by which the means to pay the cash bonus could be provided, and these are increased and drastic taxation or the issuance of short-time interest-bearing bonds, and both are practically impossible.

The people can not, in the depressed condition of the country bear further taxation. They should not in times of peace be subject to greater exactions than in war. They should not, when in industrial and financial distress and depression, be subjected to further taxes for the benefit of any one or any particular class. The taxes that have been proposed would fall upon the whole people, including the ex-service men and the fathers, mothers, and widows of their comrades who lost their lives upon the battle field or the agonized bed of disease in foreign lands.

The sales tax is the most unjust of all those proposed, as it would operate to exempt wealth and fall heaviest upon the people in moderate means, for which reason Congress rejected it a few months ago. It is easy to understand the interest that is seeking this opportunity to have it imposed, with the hope of making it permanent in our taxing system.

The further increase of the bonded indebtedness of the Government will be equally disastrous to the country in its depressed condition. It is doubtful whether such a stupendous sum can now be floated, in the absence of the enthusiasm and patriotism which impelled the people to buy bonds during the war—certainly not unless they bore an exorbitant rate of interest. The consequent inflation would depreciate the value of the present securities of the Government and make it difficult, if not impossible, to refund the \$6,000,000,000 maturing in the near future, and, in the opinion of those best able to judge, further unsettle and demoralize the business of the country. It is certain that the increase of taxation or the further issue of Government bonds would cause greater depression and stagnation in business and delay in the restoration of affairs to normal conditions and prosperity. The ex-service men would be equally injured, as they can not be prosperous when their neighbors and their country are in distress. The merit of the legislation is not commensurate with the evil that it will cause.

The proposition to pay the bonus out of the interest and principal to be collected from our associates in the late war on account of the loans we made to them is without merit and impracticable in execution. Those who advance this proposition must know there is no hope of the immediate collection of this foreign indebtedness and that collection in the future is problematical. Some, if not all, of the debtor nations will not for years be in a condition to make payment, and, although they are indebted to our Government and our people in the aggregate more than \$16,000,000,000, they are calling upon us for further credits and further loans. More than this, they feel under little obligation to make payment and believe that we should cancel this just indebtedness as a contribution toward the common war expense. Again, the acts of Congress which authorized these loans pledge them for the payment of the Liberty loan and other bonds which were issued and sold to raise the money so loaned, legislation contractual in its nature, which can not without a breach of faith be violated.

There is another consideration which weighs heavily with me and adds to my objection to this legislation. The Congress must provide for the comfort, cure, support, and maintenance of the wounded, diseased, and disabled ex-service men. Their comrades who came through the war unscathed will imperatively insist upon this and will not, as I believe, ask for any measure that would embarrass Congress in performing this duty. The Congress has already appropriated and paid out for the benefit of these unfortunate men more than \$1,500,000,000, the appropriation for the present year being about \$450,000,000, and increasing sums will be required each succeeding year. The applications of those who are broken in health and diseased physically or mentally are coming to the Veterans' Bureau by thousands, and there are now on file more than 1,000,000 of such applications. The indications are that the demands upon the Treasury of this kind will soon amount to billions of dollars, several times more than was necessary to pay the annual expenses of the National Government previous to the war. I favor appropriations without limit for this purpose.

It requires no argument to convince anyone that an appropriation of from \$2,000,000,000 to \$5,000,000,000 now to the ex-service men, strong and in good health and in the main prosperous, would greatly embarrass the Government in taking care of their comrades, who deserve and must have the first consideration of the Government. The people of the United States have, I am sure, and I know I have, the greatest admiration and gratitude for the American soldier who jeopardized his life

in the defense of the sovereignty and independence of his country and the liberty and happiness of the American people. They will, in my opinion, be ready and willing to do what conditions and opportunities may permit to express this gratitude substantially and effectively, but this is no time for what is now proposed. I can not ignore the financial condition of our Government, the distressed condition of the people, and the necessities of the wounded and diseased soldiers; and, for the reasons herein expressed, I am compelled to oppose legislation which proposes the appropriation of such stupendous sums of money, to be taken from the pockets of a people suffering from economic troubles and oppressive burdens of taxation.

With kindest regards and best wishes, I am,

Very truly, your friend,

JOHN K. SHIELDS.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9060) to authorize the Secretary of War to lease a certain tract of land to the city of Leavenworth, in the State of Kansas.

The message also announced that the House had passed a concurrent resolution (H. Con. Res. 42) extending the thanks of Congress to the State of Florida for the statue of Gen. E. Kirby Smith, in which it requested the concurrence of the Senate.

The message further announced that the House had passed bills and joint resolutions of the following titles, in which it requested the concurrence of the Senate:

H. R. 8342. An act to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts;

H. R. 9235. An act providing for a grant of land to the State of Washington for public park purposes;

H. R. 9499. An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands;

H. R. 9710. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.;

H. R. 9717. An act to amend the act entitled "An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges," approved July 1, 1902;

H. R. 9979. An act to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs";

H. R. 10003. An act to further amend and modify the war risk insurance act;

H. R. 10007. An act for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876;

H. R. 10161. An act authorizing the use of special canceling stamps in certain post offices;

H. R. 10185. An act authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes;

H. R. 10196. An act to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of article 3 of the war risk insurance act as amended;

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War;

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York; and

H. J. Res. 268. Joint resolution extending the operation of the immigration act of May 19, 1921.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 29. An act authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms and conditions with respect to improvements to be made on the present target range as may be prescribed by the Secretary of War, or in lieu of such improvements to be made on the present target range the Secretary of War may accept a conveyance to the United States of such other lands to be designated by the Secretary of War as may be deemed suitable for a target range in

exchange for such overflow lands; that to facilitate the acquisition of the necessary additional lands the Secretary of War is authorized to condemn land necessary and suitable for target-range purposes, such condemnation to be at the expense of said Lloyd E. Gandy, grantee, his heirs and assigns;

S. 52. An act for the relief of the Stevens Institute of Technology, of Hoboken, N. J.;

S. 561. An act to grant citizens of Washington and Kane Counties, Utah, the right to cut timber in the State of Arizona for agricultural and other domestic purposes;

S. 901. An act for the payment of certain money to Albert H. Reynolds; and

S. 1247. An act for the relief of Frank Carpenter.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED:

The following bills and joint resolutions were severally read twice by title and referred as indicated below:

H. R. 8842. An act to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts; and

H. R. 9979. An act to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs"; to the Committee on the Judiciary.

H. R. 9717. An act to amend the act entitled "An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges," approved July 1, 1902; and

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

H. R. 10003. An act to further amend and modify the war risk insurance act; and

H. R. 10196. An act to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of article 3 of the war risk insurance act as amended; to the Committee on Finance.

H. R. 9235. An act providing for a grant of land to the State of Washington for public park purposes;

H. R. 9499. An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands;

H. R. 9710. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.;

H. R. 10007. An act for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876; and

H. R. 10185. An act authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 10161. An act authorizing the use of special canceling stamps in certain post offices; to the Committee on Post Offices and Post Roads.

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York; to the Committee on Public Buildings and Grounds.

H. J. Res. 268. Joint resolution extending the operation of the immigration act of May 19, 1921; to the Committee on Immigration.

STATUE OF GEN. E. KIRBY SMITH.

The concurrent resolution (H. Con. Res. 42) extending the thanks of Congress to the State of Florida for the statue of Gen. E. Kirby Smith was referred to the Committee on the Library.

LEGISLATIVE APPROPRIATIONS.

Mr. WARREN. I ask that the Chair may lay before the Senate the legislative appropriation bill which was laid aside last night, to consider the one subject that is left on page 31.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. The first amendment passed over will be stated.

The first amendment of the Committee on Appropriations passed over was, on page 31, line 14, under the subhead "Library Building and Grounds," after the word "superintendent,"

ent," to strike out "\$3,600" and to insert "who shall act as disbursing officer, as now provided by law, \$3,000."

The amendment was agreed to.

The next amendment was, on page 31, line 20, in the items for Library Building and Grounds, to strike out "two carpenters, at \$900 each; decorator, \$1,400; painter, \$900."

The amendment was agreed to.

The next amendment was, on page 32, line 1, in the items for Library Building and Grounds, to strike out "chief engineer, \$1,500; assistant engineers—one \$1,200, three at \$900 each; electrician, \$1,500; machinists—one \$1,000, one \$900; two wiremen, at \$900 each; plumber, \$900."

The amendment was agreed to.

The next amendment was, on page 32, line 4, in the items for the Library Building and Grounds, before the word "elevator," to strike out "three" and to insert "four," so as to read "four elevator conductors, at \$720 each."

The amendment was agreed to.

The next amendment was, on page 32, line 5, to reduce the total of appropriations for the Library Building and Grounds from "\$92,265" to "\$76,785."

The amendment was agreed to.

The next amendment was, on page 32, line 6, at the end of the items for the Library Building and Grounds, to insert the following proviso:

Provided, That said employees shall be appointed by and be under the direction of the Librarian.

The amendment was agreed to.

The next amendment was, on page 32, after line 7, to insert:

LIBRARY BUILDING (UNDER ARCHITECT OF THE CAPITOL).

For chief engineer, \$1,500; assistant engineers—one \$1,200, three at \$900 each; electrician, \$1,500; machinists—one \$1,000, one \$900; two wiremen at \$900 each; plumber, \$900; decorator, \$1,400; two carpenters at \$900 each; painter, \$900; in all, \$15,600: *Provided*, That said employees shall be appointed by and be under the direction of the Architect of the Capitol, who shall contract for, superintend, and have charge of all structural work in the Library Building, including repairs, shall provide therefor all furniture and equipment, and shall direct the operation of the mechanical plant.

The amendment was agreed to.

The VICE PRESIDENT. The committee amendments are completed. The bill is as in Committee of the Whole and open to further amendments.

Mr. KING. Mr. President, before the committee amendments are finally disposed of may I inquire of the Senator from Wyoming if he will do me the kindness to direct my attention to the amendment with respect to the Library?

Mr. WARREN. It is found on page 31 of the bill.

Mr. KING. I have been engaged in committee work and just entered the Chamber. My attention has been called to this amendment by a Senator who was compelled to leave the city, and at his request I am challenging the attention of the Senate to it.

Under the head of Library Building and Grounds there is an item, "superintendent, who shall act as disbursing officer, as now provided by law, \$3,000." The contention was made, as I am advised by this Senator, that this is new legislation.

Mr. WARREN. It is cutting down the amount from \$3,600 to \$3,000.

Mr. KING. Is it increasing the power of the superintendent so that he may have control over other officials which in the past he did not have?

Mr. WARREN. The provision that is made here is to confine the work to two men instead of three. The superintendent has had charge of some of the engineering, but the real management of the engineering part of it is where it belongs, with the Architect of the Capitol, because the building is lighted and heated and given electric power from the main United States plant. The other part of this division of employees is put under the Librarian proper, because it refers to the Librarian's work. It is entirely satisfactory, as I understand it, to those who first raised the question as to what it all meant. The item was passed over last night, as the Senator knows.

Mr. KING. No; I did not know that.

Mr. WARREN. There were three or four Senators who, last night, wished this to go over until they could make inquiry about it, but this morning they sent me word that they were satisfied with it.

Mr. KING. I have no criticism myself; in fact, I know nothing about it. I was with committees all day yesterday and was not here when the bill was under consideration.

I have called the attention of the chairman of the committee to the item as I promised I would do, and, with the explanation which he makes, I can see no objection to it.

Mr. WATSON of Georgia. Mr. President, I have been out of the Senate during the luncheon hour and do not know just what

has taken place, but when we reach the proviso at the end of line 6, on page 32 of the bill, I have a motion to make.

The VICE PRESIDENT. The committee amendments have been disposed of. The bill is as in Committee of the Whole and open to amendment.

Mr. WATSON of Georgia. My understanding is that under the existing law the President of the United States appoints these employees, but the proviso takes that appointing power from the President and places it in the Librarian.

Mr. WARREN. I will explain it to the Senator. Originally the Library of Congress was in the Capitol Building, and the Librarian was a gentleman by the name of Spofford, who was a very able Librarian, but he was not specially qualified for executive business or the overlooking of mechanical matters. When the new Library Building was constructed it was built under the direction and control of a man by the name of Green, so far as the mechanical work was concerned. Having completed the construction of the building to his great credit, as it was thought, and being a man of humble means, it was arranged that he should be appointed to an office. The idea was merely to create a place so that that particular man might draw a salary. It was said, "We will create the office of superintendent of the building and appoint Mr. Green." This was done, with the expectation that when Mr. Green died that would end the matter and a successor would not be appointed.

Mr. Green has died and the position is considered to be unnecessary because we have to have both the Librarian and the Architect of the Capitol to superintend those various matters, so it has been undertaken, in place of the one appointed by the President, to create what we might term the position of a custodian in charge. But the mechanical part is all under the Architect of the Capitol, who is the architect in charge of that building and of the Capitol and the House and Senate Office Buildings. Those two employees in the first group are properly under the Librarian; they do library work and should be appointed by him, as all others are. Those in the second group, having charge of the steam heating, lighting, the electricity, and so forth, are appointed by the Architect of the Capitol, as all such others are.

So the Senator is right about it, that it takes away that one place from the President, because, while the President, I assume, has never thought of it since, it was at that time placed under the President in order that he might appoint the man Green of whom I have spoken, who was to have the position during his lifetime.

Mr. WATSON of Georgia. I knew the Librarian, Mr. Spofford, very well when I was a Member of the House and he was indeed a most competent Librarian, but my understanding is that he was a book man only and not a business man at all. I could readily understand why the change is made, as the Senator explains it, but we might again have a Librarian who would be a book man and nothing else. He might not combine the two, and a rare combination it is, too.

Mr. WARREN. Perhaps the Senator overlooks the fact that the Librarian by this arrangement has charge only of the strictly library matters. The other matters are under the Architect of the Capitol. All those matters which were at that time properly under the direction of Mr. Green have since been placed under the charge of the Architect of the Capitol.

Mr. WATSON of Georgia. Let me ask the Senator this question. For instance, under the proposed change in the law, who would appoint the disbursing officer?

Mr. WARREN. If the Senator will look at the amendment and will read it, he will see, on page 32, starting in line 9, that the employees there mentioned are the only ones who are not directly under the Librarian.

Mr. WATSON of Georgia. But coming back to the point of order, which I now formally make, I will ask the Senator if this is not general legislation and does it not change existing law?

Mr. WARREN. So far as the legislation is concerned, considered from the viewpoint of what the Senator has probably practiced under in the House, the Holman law, it merely reduces expenses and introduces no new expense and no new item; so that under the Holman law it would be hardly subject to a point of order. We have no such rule in the Senate. Our rule here is quite different. I think we could hardly call it general legislation, since it applies to one particular place only, and that in the way of a reduction.

Mr. WATSON of Georgia. I frankly admit that I am not familiar with the subject. It was brought to my attention this morning after 10 o'clock and I have had no time to examine it, but if the Senator is not very anxious to dispose of the bill to-day, I would be very glad if he would give me the opportunity to look into it and let us take it up later, if that be possible.

Mr. WARREN. Of course, the Senator understands how difficult it is to handle these appropriation matters. I think Sena-

tors ought to devote a little more time to looking up matters of that kind before they are picked up. I never bring bills directly before the Senate from the committee, but always report them, and always, or nearly always, announce when they will be taken up. I wish I could accommodate the Senator, but I hardly think he ought to ask that now. The bill was passed over last night at the request of other Senators.

Mr. WATSON of Georgia. Of course, I can only say that my information is that if the amendment is adopted it will disorganize and demoralize the service; that it will simply tear it up and create a spirit of discontent among the employees.

Mr. WARREN. If the Senator wishes to reconsider the vote by which the amendment was agreed to and have it go to another vote, I shall not object to having it reconsidered and brought before the Senate.

Mr. WATSON of Georgia. I do not assume the chairman of a committee in making out his list of appropriations can expect Senators to examine each one closely, especially in the case of so experienced a Senator as the Senator in charge of this bill, but a new matter like the one to which I have directed attention might very easily escape the attention of Senators until some one furnished the information calling particular attention to it. Then, of course, he would inspect the bill and find the very radical change. It seems to me it is a very radical change to take the appointing power away from the President and give it to the Librarian, the Librarian himself being an appointee. It is the delegation of a delegated authority. It seems to me there could be no possible harm in allowing the President to continue to appoint instead of making this very radical change.

The VICE PRESIDENT. If there be no further amendment proposed, the bill, as in Committee of the Whole, will be reported to the Senate.

The bill was reported to the Senate as amended and the amendments were concurred in.

The VICE PRESIDENT. The question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. WATSON of Georgia. Would it be in order to move to amend this section by substituting the words "that said employee shall be appointed by the President of the United States"?

Mr. McKELLAR. Why would it not be better to strike out the proviso?

Mr. WATSON of Georgia. That might be better. I will accept that suggestion. I move to strike out the proviso, thus leaving the law as it is now.

Mr. McKELLAR. I suppose it is subject to a point of order anyhow.

Mr. WARREN. I think the Senator does not mean that, because that would eliminate a number of clerks, and so forth, and I presume that the Senator does not wish to deprive them of being appointed by the Librarian.

Mr. WATSON of Georgia. I did not withdraw the point of order.

Mr. ROBINSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. ROBINSON. Does the proviso in lines 6 and 7, page 32, constitute a committee amendment?

Mr. WARREN. That is being discussed now.

Mr. ROBINSON. Have the amendments made as in Committee of the Whole been concurred in in the Senate?

The VICE PRESIDENT. They have been concurred in.

Mr. ROBINSON. I ask unanimous consent that the vote by which the amendment referred to was concurred in be reconsidered, in order that the matter may be determined upon its merits in the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none. The question recurs on agreeing to the amendment in lines 6 and 7 on page 32.

Mr. WATSON of Georgia. Mr. President, I hope the Senate will vote down the amendment. The appointing power is now in the President. There is no reason assigned why it should be taken away from the President and placed in the Librarian. I am informed that the amendment will work detriment to the service in the library, create dissatisfaction among the employees, and demoralize matters over there, bringing about a permanent state of discontent.

That being my information, coming from the very highest sources of the personnel of the Library employees, it seems to me the Senate ought not to be too hasty in taking away from the President an appointing power, which he has exercised to everybody's satisfaction, and giving it a new direction, which is nothing more than an experiment.

Mr. McKELLAR. Mr. President, I should like to ask what was the ruling of the Chair on the point of order of the Senator from Georgia as to this amendment?

The VICE PRESIDENT. The Chair did not make any ruling. The point of order was not made in such a way that a ruling could be made on it.

Mr. McKELLAR. I did not understand the situation.

The VICE PRESIDENT. There was a suggestion about the amendment not being in order, but the point of order was not specifically made.

Mr. McKELLAR. I think the amendment is clearly subject to a point of order, and I supposed that the Senator from Georgia had made the point of order, but I did not know as to that.

Mr. WATSON of Georgia. Mr. President, I asked for information as to the status of the bill when I first came into the Chamber from the lunch room, and I understood the reply to be that the amendment had not been acted on. If it has been acted on I suppose the proper course for me to pursue would be to ask unanimous consent that the vote by which it has been agreed to may be reconsidered.

Mr. WARREN. That has been done.

Mr. ROBINSON. That has already been done; so that the question which is now before the Senate is the amendment reported by the committee, which is subject to amendment. If the Senator desires to strike out the word "Librarian" and to insert the word "President," he may offer such an amendment.

Mr. WATSON of Georgia. Then that is what I will do. I move to strike out the word "Librarian" and to insert the word "President," just as I did some time ago, leaving the law as it is.

Mr. WARREN. I know the Senator from Georgia does not wish to do just what he has stated. The proviso reads:

Provided, That said employees shall be appointed by and be under the direction of the Librarian.

Certainly the Senator does not mean to strike out the word "Librarian" in the proviso and to insert the word "President," which would make the President practically the superintendent of such employees. There then would have to be an additional amendment to carry out the Senator's object. I presume that the Senator from Georgia does not expect to have the President appoint a little group of employees here comprising, perhaps, a dozen or 15 out of all of the Library employees.

Mr. WATSON of Georgia. Mr. President, the Senator from Wyoming and I may not understand one another, but what I should like to do is to substitute the word "President" for the word "Librarian," so that this power will not be taken from the President and given to the Librarian.

Mr. WARREN. Then the Senator simply wishes to strike out the whole proviso and leave the matter in that way?

Mr. WATSON of Georgia. The existing law is what I should like to see retained.

Mr. ROBINSON. That was my understanding, if the Senator from Georgia will permit me, when I asked unanimous consent to reconsider the vote by which the Senate agreed to the amendment. The question now recurs on agreeing to the committee amendment. If the amendment is voted down, that will leave the superintendent to be appointed as he is now appointed. Is not that the case?

Mr. WARREN. If this proviso is stricken out it leaves the law standing as it now is, of course.

Mr. ROBINSON. It is not necessary to strike out the proviso. All that is necessary to do is to vote to reject the amendment. The question recurs on agreeing to the amendment, as I understand. So, in order for the Senator from Georgia and those who agree with him to accomplish their purpose, they should vote against agreeing to the committee amendment. If it is not agreed to, then such appointments will be made as they are now made.

Mr. WARREN. The Senator refers to that particular portion of the bill, of course?

Mr. NORRIS. May I ask a question of the Senator from Arkansas?

Mr. ROBINSON. Certainly.

Mr. NORRIS. I should like to know—and it becomes important to know, I think, before we vote on the amendment—what the law is now in reference to the appointment of these employees? How are they selected? Are they under the civil service?

Mr. McKELLAR. Will the chairman of the committee state how that is?

Mr. WARREN. As I understand, what the Senator from Georgia [Mr. WATSON] desires is to leave the law as it is now as to the appointment of the superintendent? Am I right about that?

Mr. WATSON of Georgia. That is true.

Mr. WARREN. Very well. In order to do that, it is only necessary to strike out the entire proviso and leave the remainder of the clause as it stands.

Mr. ROBINSON. That is my understanding; but the Senator from Wyoming constantly recurs to the statement, "to strike out the proviso." The proviso as yet is not in the bill. The question is on agreeing to the proviso. So those who take the view of the matter which the Senator from Georgia takes should vote against agreeing to the committee amendment. I ask the Senator from Wyoming if he will not agree, if he is authorized to do so, that this amendment may be rejected?

Mr. WARREN. As I have said several times, the Senate can vote not to agree to the proviso, and then nothing will be said in the bill as to appointment of the superintendent.

Mr. ROBINSON. Yes. The question is upon agreeing to the Senate amendment; and the understanding is that the Senate amendment will not be agreed to.

Mr. NORRIS. Mr. President, I still have not obtained the information that I am trying to get from these wise men; and I ought to have it before I can vote intelligently. The proviso is to the effect that a number of employees—I do not know how many; 40 or 50, I think, probably—shall be appointed by the Librarian. If the proviso is not agreed to, then, so far as this bill is concerned, no law is made on the subject. Those employees are now in office and have been for a good many years, and somebody appoints them. I am trying to find out who it is. Does some Senator know, and will he tell me?

Mr. WATSON of Georgia. I can give the Senator the information from what I have learned about it. I am told that the President makes the appointment.

Mr. NORRIS. Does the President appoint these laborers and messengers?

Mr. WATSON of Georgia. Oh, no; the President appoints the employee who is mentioned previous to the proviso.

Mr. NORRIS. I have reference particularly to the employees who are covered by this proposed amendment.

Mr. OVERMAN. All ordinary employees are appointed by the Librarian.

Mr. NORRIS. This proviso reads:

Provided, That said employees shall be appointed by and be under the direction of the Librarian.

The words "said employees," I presume, refer to all the employees mentioned in that paragraph, namely, the superintendent, 4 clerks, property clerk, messenger and assistant messenger, 3 telephone switchboard operators, captain of the watch, 2 lieutenants of the watch, 22 watchmen, foreman of laborers, 16 laborers, book cleaner, laundress, 2 attendants, and so forth. Does the Senator mean that the President appoints the laundress, for instance?

Mr. WATSON of Georgia. Mr. President, I think I can give the Senator that information in a word. The President will appoint the superintendent, "who shall act as disbursing officer, as now provided by law," and all of the subordinates are employed by him. The President does not have anything to do with them.

Mr. NORRIS. That is the information I am trying to get. Then the law provides that the superintendent shall appoint all of these employees?

Mr. WATSON of Georgia. That is my understanding. The President appoints the superintendent, "who shall act as disbursing officer, as now provided by law," and the superintendent engages the subordinates.

Mr. NORRIS. That is the information I want.

Mr. WARREN. Mr. President, as the Senator from Nebraska has stated, many of these employees have been there for years, long before the civil service law applied, if indeed it applies at all now, to their particular branch. In fact, these employees are appointed in practically the same manner as Senators' clerks and others about the Capitol are appointed. That library is the Library of Congress in all that the title means. The meaning of the provision in regard to the employment of these men is that they shall be appointed, as in the case of other departments, from lists of eligibles furnished by the Civil Service Commission, provided the Librarian calls for eligibles from the Civil Service Commission's lists. The proviso simply changes the procedure as to a portion of the employees, so that they shall be under the control of the Librarian, as they are properly doing their work under the direction of the Librarian, and that the other employees shall be under the Architect of the Capitol, because of the mechanical nature of their work. The objection seems to be that we take from the President a duty not asked for by him, but which was given him in order to provide for one old-time employee who had done great service for the country but who has now passed away.

Mr. NORRIS. Let me get the facts. The Senator from Wyoming says that it is now proposed to take from the President the appointment of some official to fill a vacancy in an office formerly occupied by an old employee who is now dead. Who is that? Is that the Librarian?

Mr. WARREN. No; it is not the Librarian, but the man who has acted as the superintendent.

Mr. NORRIS. Does not the Senator know who he is?

Mr. WARREN. I do not know the man except as he comes before the committee, the same as others do.

Mr. NORRIS. I thought the Senator said he was dead.

Mr. WARREN. Mr. Green, the first superintendent, is dead.

Mr. NORRIS. That is the man of whom I am speaking.

Mr. WARREN. He is the man for whom the office was created.

Mr. NORRIS. Who is going to fill the office?

Mr. WARREN. I think a man by the name of Averill is acting in that place.

Mr. NORRIS. Was it the object of the committee amendment in inserting this proviso that the place should be filled by appointment of the Librarian?

Mr. WARREN. There have been changes in the building in connection with the power that is used for the elevators, for heating, for lighting, and all of that sort of thing, so that the power is now furnished by the station which supplies the Capitol, which is under the superintendency of the Architect of the Capitol, who likewise has charge, of course, of the Capitol, the Senate and House Office Buildings, and other buildings that are dependent upon that station for power. It is proposed to place under the Architect of the Capitol the places which were formerly under Mr. Green, which had to do with the heating, the lighting, the elevators, and so forth, embracing mechanics, and a similar class of employees.

Mr. NORRIS. The effect of the proviso, being the committee amendment, then, would be to take these employees really out from under the civil service, would it not?

Mr. WARREN. Oh, no; not at all, if they chance to be there now.

Mr. NORRIS. Are they not there now?

Mr. WARREN. The Civil Service Commission appoints no one. Eligibles on the lists of the Civil Service Commission are not appointed by that commission. As the Senator knows better than I can tell him, the commission merely certifies the eligibles, and then appointments are made by the proper appointing authority.

Mr. NORRIS. I understand a list of eligibles is furnished by the Civil Service Commission.

Mr. WARREN. As to this amendment, it is simply thought desirable that the control and direction of certain employees be transferred from the supervision of one officer to another; that is all.

Mr. NORRIS. I can not understand what the meaning of this proviso is if it does not go further than the Senator from Wyoming seems to think it does. It reads:

Provided, That said employees shall be appointed by and be under the direction of the Librarian.

Mr. WARREN. The Senator agrees that they should be under the direction of some one, does he not?

Mr. NORRIS. Yes; I presume so; and I suppose, of course, they are. He picks one out of the list.

Mr. WARREN. Yes; the Librarian picks one out of the list to serve under him.

Mr. NORRIS. How are these employees appointed now, let me ask the Senator?

Mr. WARREN. They are appointed in that way now, as to whom they shall serve under.

Mr. NORRIS. Then what is the use of the proviso?

Mr. WARREN. I have explained that, I thought sufficiently; as to these employees who have heretofore been under the control of one man we felt that some of them should be under the control of that one man, and some others should be under the control of another man.

Mr. NORRIS. Then the Senator's object is to put the employees mentioned in the paragraph under the control of the Librarian, although they have heretofore been under the control of the Architect of the Capitol?

Mr. WARREN. No; under the control of the superintendent.

Mr. NORRIS. Then I should think the language has been made entirely too broad to do that, because it covers the appointment as well.

Mr. WARREN. The next proviso places the other employees under the Architect of the Capitol.

Mr. ROBINSON. Mr. President, I do not care to discuss this matter at great length if I correctly understand the position of the Senator from Wyoming. My understanding of his position is that he is not anxious to have the amendment agreed to, or is not insisting upon its being agreed to. I think this amendment ought to be rejected, for a number of reasons.

Mr. WARREN. Mr. President, I do not want the Senator to misunderstand me.

Mr. ROBINSON. No; I do not want to misunderstand the Senator.

Mr. WARREN. I think this ought to be done; I think good management requires it; but it is one of the matters that are here for the Senate to decide, and I did not wish to cut any one off.

Mr. ROBINSON. It is a matter of legislation. It ought not to be in an appropriation bill under the rules of the Senate. It might have been subject to a point of order if the point of order had been properly made and pressed at the proper time; but, in any event, I do not believe the amendment ought to be agreed to. I am ready to take a vote on it.

The VICE PRESIDENT. The question is on agreeing to the amendment made as in Committee of the Whole.

Mr. NORRIS. Mr. President, I move to amend the committee amendment by striking out in line 6, after the word "be," the balance of that line down to and including the word "be" in line 7, the part stricken out being "appointed by and be," so that if the amendment is agreed to it would leave the proviso reading as follows:

Provided, That said employees shall be under the direction of the Librarian.

Mr. ROBINSON. I think there is no objection to that amendment.

Mr. NORRIS. If that amendment is agreed to, it seems to me it does what the Senator from Wyoming says he wants to accomplish; that is, it leaves them under the control of the Librarian and leaves the appointment of them just as it is now, so that there can be no misunderstanding.

The VICE PRESIDENT. The Chair understands that the amendment which was offered by the Senator from Georgia [Mr. WATSON] is withdrawn. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the amendment made as in Committee of the Whole.

Mr. WARREN. I ask to have the amendment to the amendment stated.

The VICE PRESIDENT. It will be stated.

The READING CLERK. On page 32, lines 6 and 7, it is proposed to strike out the words "appointed by and be," so that, if amended, it will read:

Provided, That said employees shall be under the direction of the Librarian.

Mr. WATSON of Georgia. Mr. President, that amendment is perfectly satisfactory and accomplishes the purpose I had in view, and I therefore hope that it may be voted upon.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF RAILROAD VALUATION ACT.

Mr. CUMMINS. I move that the Senate proceed to the consideration of Senate bill 539, to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. NORRIS. Mr. President, before the motion is voted upon; I should like to make some inquiries of the Senator from Iowa. Can the Senator give me any idea as to how long it will take to dispose of this bill?

Mr. CUMMINS. No; I can not give the Senator from Nebraska any information on that subject, because I do not know the attitude of other Senators with regard to it.

Mr. NORRIS. The Senator has not any idea about the debate that probably will take place?

Mr. CUMMINS. I know that it will require on my part a statement, with the interruptions that are likely to occur, that will take an hour or an hour and a half.

Mr. NORRIS. I should like to say to the Senator that I am moved to ask the question because I have received from some one connected with the office of the senior Senator from Wisconsin [Mr. LA FOLLETTE] an inquiry in regard to this particular bill. I talked with the Senator about it the other day;

but, as I understand, this bill amends the railroad valuation act, of which the Senator from Wisconsin was the author, passed quite a number of years ago. The Senator from Wisconsin, as the Senator from Iowa knows, is detained at home on account of the death of his brother-in-law.

Mr. CUMMINS. That is true, Mr. President.

Mr. NORRIS. I do not know from him directly that he wants to be here, nor do I know but that he is perfectly willing to have the bill proceeded with; but I wanted, if I could, to give him some information about the time when we shall perhaps reach a vote on the bill. If the Senator from Iowa can help me out in that, I shall be very much obliged to him.

Mr. CUMMINS. It is true that this bill seeks to amend the valuation act of 1913—

Mr. ROBINSON. Mr. President, would not the Senator like to have more Senators present to hear him? It seems to me Senators ought to be given an opportunity of hearing the statement of the Senator.

Mr. NORRIS. Yes; I think so.

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Harrell	Myers	Simmons
Bursum	Harris	New	Smith
Cameron	Harrison	Newberry	Spencer
Capper	Hedlin	Norris	Stanfield
Caraway	Jones, N. Mex.	Page	Swanson
Culberson	Jones, Wash.	Pepper	Trammell
Cummins	Kellogg	Phipps	Underwood
Dial	Kendrick	Polindexter	Walsh, Mass.
Edge	King	Pomerene	Walsh, Mont.
Fletcher	Lodge	Ransdell	Warren
Gerry	McKellar	Reed	Watson, Ga.
Glass	McNary	Robinson	Willis
Gooding	Moses	Sheppard	

Mr. McKELLAR. I desire to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness.

Mr. JONES of Washington. I desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Finance Committee.

The VICE PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Iowa [Mr. CUMMINS] that the Senate proceed to the consideration of Senate bill 539, to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. KING. Before the vote is taken, I would like to ask the Senator from Iowa whether, in his view of the bill, it in any manner emasculates or weakens the act of which it is amendatory, and in which the Senator from Wisconsin [Mr. LA FOLLETTE] was so much interested, if he was not the father of the act.

Mr. CUMMINS. From the standpoint of the railroad companies, I think it may be said that it would weaken the act. From the standpoint of those who are interested in securing lower railroad rates, I think it would strengthen the act.

Mr. KING. I make the inquiry because I have received a letter from a friend of the Senator from Wisconsin calling my attention to the fact that this bill is to be pressed for consideration to-day, and announcing the fact, as was stated by the Senator from Nebraska [Mr. NORRIS], that the Senator from Wisconsin, owing to a death in his family, was compelled to be absent from the city, and further stating that he was profoundly interested in this bill. It occurred to me that in view of the fact that it seeks to amend an act which he had so much hand in framing, and which he considers of very great importance, if it does change or weaken that act from his standpoint, we should not take it up in his absence.

Mr. CUMMINS. Mr. President, it strengthens the act from the standpoint of the Senator from Wisconsin. Allow me to answer in a connected way the inquiry propounded by the Senator from Nebraska.

I would be the last man in the Senate, I think all Senators know, to be guilty of any discourtesy toward the senior Senator from Wisconsin, and if I had not believed that he is second only to me in the desire to secure the passage of this bill, I would not have brought it forward at this time. I will state the facts in regard to it, and after I have stated them the Senate can judge for itself what its decision will be if there should be any application made for postponement.

I introduced this bill on the 21st of April, 1921, as I recollect. It was referred to the Committee on Interstate Commerce, of which I am chairman. I referred the bill to a subcommittee composed of the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Ohio [Mr. POMERENE], and myself.

The subcommittee held full and complete hearings on the bill. There appeared in favor of the measure the Interstate Commerce Commission, the Bureau of Valuation appointed by the Interstate Commerce Commission, and the representatives of all the State commissions. There appeared against the bill the representatives of the railroad companies. The matter was thoroughly discussed, and all the facts which I think are material to the inquiry were developed.

At the conclusion of that hearing the subcommittee, of which the Senator from Wisconsin was one, made a unanimous report in favor of the bill to the full committee. I prepared a written report for the subcommittee, in which the Senator from Wisconsin specifically joined. I have believed, therefore, and I think it may be taken for granted unless something appears to the contrary, that he is just as anxious to secure the passage of this bill as I am. I have had no communication with the Senator from Wisconsin for a month or more with regard to the bill, but he has never indicated to me in any way that he had changed his mind respecting it, and the Senator from Wisconsin is one who makes up his mind after full inquiry, and does not often change it.

That is the situation, and if there is any suggestion that the consideration of the bill should be postponed until he returns, I, of course, shall not resist it.

Mr. SMITH. Judging from the tone of the letter read by the Senator from Utah, I take it for granted it is identical with one I received, and I think the party writing it said in the letter that he had not communicated with the Senator from Wisconsin and did not know his position.

Mr. CUMMINS. If the Senator refers to the letter of Mr. Manly—

Mr. SMITH. That is the letter.

Mr. CUMMINS. It is the letter which the Senator from Utah has shown me, and I can only say that Mr. Manly does not understand what the bill proposes.

Mr. NORRIS. Mr. President, I would like to say to the Senator from Iowa that I am perfectly satisfied with his explanation. I think Mr. Manly does not understand the situation, and that is the explanation of his letter.

Mr. KING. In view of the statement made by the Senator from Iowa, supplemented by the statement of the Senator from Nebraska, and with the limited knowledge which I have relative to the subject and to the matter before the Senate now, I would not feel like urging the Senate to postpone the consideration of the bill. If the Senator from Wisconsin joined in the report and if this bill is one which he desires to have passed, then I would not feel like asking for a postponement of the consideration of the bill for an indefinite time.

Mr. CUMMINS. Mr. President, if I may again recur to the letter of Mr. Manly, he is in error in regard to one thing. If this bill, or the amendment to the valuation act, proposed to relieve the Interstate Commerce Commission of the requirement to ascertain and report the original cost to-day of the lands used as rights of way and for other railroad purposes, then we all understand that the Senator from Wisconsin would be opposed to it, as I would be opposed to it; but this bill does not propose to relieve or withdraw from the Interstate Commerce Commission the requirement that it shall ascertain and report to the Congress the original cost of the lands which are now held and used for railway purposes.

Mr. FLETCHER. The only question in my mind would be whether the Senator from Wisconsin did not have the intention of offering some amendments to this bill, not so much that he objected to the bill, perhaps, but because he desired to have it amended.

Mr. CUMMINS. I can not answer on that point, of course. I do not know what may be in his mind with respect to amendments, but I know he offered no amendment in the committee.

Mr. KING. He joined in the report?

Mr. CUMMINS. He not only joined in the report, but he and I have taken such measures as we could from time to time to secure a report from the full committee. It was a little difficult to secure the attendance of enough members of the committee to give the subject full consideration.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Senator from Iowa has moved that the Senate proceed to the consideration of the bill (S. 539) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the paragraph entitled "First" of section 19a of the interstate commerce act, as amended, is amended by inserting after the words "In such investigation said commission shall ascertain and report in detail as to each piece of property" the words and commas following: ", other than land,"; so that said paragraph as amended shall read as follows:

"First. In such investigation said commission shall ascertain and report in detail as to each piece of property, other than land, owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value and each of the foregoing cost values."

SEC. 2. That the paragraph entitled "Second" of said section 19a is amended by striking out the comma after the words "and the present value of the same," and inserting a period in place thereof, and by striking out the words "and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value" at the end of said paragraph, so that said paragraph as amended shall read as follows:

"Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purpose of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same."

Mr. CUMMINS. Mr. President, I intend to proceed with some deliberation in presenting this subject to the Senate, because it is a subject of the first importance. It is, indeed, quite impossible to exaggerate, from my point of view, the importance of this measure to the country, interested, as it is, in the proper regulation of our railway system. I refer, in the first instance, to one or two well-settled doctrines or principles upon which the Interstate Commerce Commission must proceed, and which we must respect, inasmuch as these principles have been adopted and are well established by and through the decisions of the Supreme Court of the United States.

The first of these fundamental principles is that the railroad companies of the country are entitled, as against Government regulation, to a fair return upon the value of the railroad property which is used in rendering the service of transportation. The rates which are fixed from time to time by the Interstate Commerce Commission must be such rates as will yield a fair return upon the value of the property.

There is not much difference of opinion, among those who have thought on this subject and who are familiar with it, with regard to what constitutes a fair return. It may be changed from year to year, but there is not room for a great variety of judgment with regard to a fair return. The other element which determines the contribution which those who are interested in transportation must bear is the value of the property, and that is elemental; that lies at the foundation of all that we do with respect to the regulation of railway rates, and the ascertainment of the value of the property which renders the service, for which the public must pay, is the difficult task which we have assigned to the Interstate Commerce Commission.

Mr. UNDERWOOD. Will it interrupt the Senator's argument if I ask him a question?

Mr. CUMMINS. Not at all. I invite inquiry rather than repel it.

Mr. UNDERWOOD. On account of other public business I was not able to follow this bill in the committee and keep in touch with it. There is one question which I had in mind which I would like to have the Senator inform me about.

The valuation act, passed nearly 10 years ago, provided for the ascertainment of the valuation of the railroad lands on a certain existing basis. Subsequent to that the Congress passed the so-called Cummins bill, and one of the very important features of the Cummins bill is the adjustment of compensation to the railroads.

As the Senator will recall, under that bill the railroad is entitled to earn a certain percentage on its value, and above that the amount of compensation that it earns must be divided between the railroad and a general fund, which it is not necessary now to discuss. The basis of that ascertainment in the Cummins bill was the value. The Cummins bill provided that the commission should temporarily fix that value, but ultimately it should be the value ascertained under the valuation act.

Now, if we change the valuation act by fixing another basis of ascertaining the value, what effect will that have on the Cummins bill in so far as the rates there are based on the valuation that is in the pending bill? I may be entirely wrong about it, and that is one reason why I desired to hear the Senator discuss the bill, but I had some doubt in my mind about what will be the effect legally in the courts on the ascertainment of the

Cummins bill if we change the basis of valuation on which the Cummins bill was originally written, as to whether it would not affect that piece of legislation entirely if it were pursued in the courts in a lawsuit. I am sure the Senator has considered it from that standpoint, and I should like to ask him what his reflected view is.

Mr. CUMMINS. I would prefer to answer that question a little later in my presentation of the matter. I think my answer will be more intelligible and certainly more easily understood if I pursue the plan that I have in mind. However, I answer it in a general way by saying that the Cummins transportation act, so called, provides that the Interstate Commerce Commission shall fix such rates as will yield to the railway companies, taken as a whole or in districts into which they may be divided by the commission, a fair return upon the value of the property held and used for the purposes of transportation.

The specific percentage which was fixed for two years now passes out of existence. It is not operative after the 1st of March of the present year. The act is not changed in any way. I am not seeking in the pending measure to take away the ascertainment of the present value of the railroad properties, using the exact language used in the transportation act. I do not propose to disturb that feature of the matter at all.

Mr. UNDERWOOD. Let me ask the Senator a question at that point. That is right where I fear he may have done just that thing. I do not say that he has. Of course, I am not referring to the present rate fixed in the Cummins bill, because I know that that is to expire next month, and the commission will then fix what rate it can. What I referred to was the earning of the railroad that is to be taken away from it. After the earning amounts to so much, all in excess of that the railroad no longer has, and, of course, the basis of valuation fixes that amount, its earning, and the amount that is to be taken away. It is true that in the Cummins Transportation Act it was said that it should be based upon the value, but it is also true that it should be based upon the value ascertained in a particular way.

Mr. CUMMINS. I think not.

Mr. UNDERWOOD. That was my impression of it.

Mr. CUMMINS. I will consider that in a moment.

Mr. UNDERWOOD. It may be that we discussed so much in committee the question of how it was to be ascertained that I may have that confused in my mind with what is in the bill, but my understanding was that the bill provided that temporarily it should be fixed by the commission and subsequently the value should be ascertained under the valuation act the Senator is now attempting to amend.

Mr. CUMMINS. I think that is true; but I am not proposing to amend the valuation act to take away from the railroad property any part of its present or existing value. I think the Senator from Alabama will find as I go on such answer as I have, at least, to the question he has now propounded.

Mr. UNDERWOOD. I did not intend to interrupt the Senator and shall be glad to hear what he has to say.

Mr. CUMMINS. I am trying now to impress the Senate with the importance of the proposition that is contained in the bill before us, and that importance is readily seen if I assume for a moment that the tentative value, fixed by the Interstate Commerce Commission in August or September, 1920, be accepted for a moment. The Interstate Commerce Commission fixed the value of the railroad property for the purpose of making rates at that time at the sum of \$18,900,000,000. It is, I think, usually considered a fairly accurate estimate when I say that the lands of the railroad companies of the United States—I mean separating the lands from all superstructures and improvements on the lands that go to make up the completed railways—are regarded as constituting about 12½ per cent of the entire value of the railroad property. Twelve and a half per cent of \$18,900,000,000 is substantially \$2,000,000,000, so that in the estimate which the Interstate Commerce Commission has made of the railway property it can well be said that \$2,000,000,000 of the estimate refers to the lands owned by the railroad companies and used for the purposes indicated.

If we increase the value of those lands \$2,000,000,000, what is the result? We enforce upon the people of the country an annual contribution of \$120,000,000. That is not to be paid once, but is to be paid each year as time goes on. If we increase the value of the land \$4,000,000,000, we have then laid an additional burden upon the people of the country of \$240,000,000 annually. I am assuming that 6 per cent would be regarded by most people as a fair return upon the value of the property.

I instance these two illustrations only to show how important it is that the commission reach a fair and just result in valuing the property of the railroad companies. Any increase

reflecting itself so instantly and so completely in the rates upon the commodities of the country for transportation presents a subject that ought to command the immediate and undivided interest of everyone who desires to see railway regulation not only successful, but fair and reasonable.

I now turn to the statute in order that the amendment which I have proposed can be more fully understood. The statute was enacted in 1913, and, as we all know, commanded the Interstate Commerce Commission to enter upon an inquiry with regard to the value of railroad property. That duty was imposed upon the commission solely in order to enable it to prescribe just and reasonable rates for the service which the railroad companies render to the people. I shall take the liberty of reading two of the extracts from the law itself as it was enacted:

That the commission shall, as hereinafter provided, investigate, ascertain, and report the value of all the property owned or used by every common carrier subject to the provisions of this act. To enable the commission to make such investigation and report, it is authorized to employ such experts and other assistants as may be necessary. The commission may appoint examiners who shall have power to administer oaths, examine witnesses, and take testimony. The commission shall make an inventory which shall list the property of every common carrier subject to the provisions of this act in detail, and show the value thereof as hereinafter provided, and shall classify the physical property, as nearly as practicable, in conformity with the classification of expenditures for road and equipment, as prescribed by the Interstate Commerce Commission.

First, in such investigation said commission shall ascertain and report in detail as to each piece of property owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any.

I pause there to suggest a principle which I shall endeavor to maintain and have endeavored to maintain during all this conflict with regard to the valuation of railroad property or any other public utility property. The cost of reproduction, less such depreciation as the use of the property may have brought about, is the standard substantially which the Supreme Court of the United States has adopted with reference to all personal property, and all structures or plants which depreciate with time and use. It is contended that the cost of reproduction should apply also to real property, which ordinarily does not depreciate and certainly does not depreciate with use. In my opinion, we must find some other standard to ascertain the value of real property in the hands of the railroad companies. I think in taking that position I have the support of the Supreme Court of the United States.

I proceed with the reading of paragraph (b):

The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value, and each of the foregoing cost values.

The amendment which I shall read in a moment makes just one change in the paragraph I have read. It eliminates from that paragraph the lands of the carriers.

Mr. NORRIS. Mr. President, may I ask the Senator a question at that point?

Mr. CUMMINS. Certainly.

Mr. NORRIS. Is the paragraph which the Senator has just read, and which the bill proposes to modify, printed in the report of the committee?

Mr. CUMMINS. A part of it. It is proposed to be modified by putting in the words "other than lands," so that the first paragraph, being the one I have just read, would not include lands.

Mr. NORRIS. Where is that to be found in the report? What I would like to do is to get an idea of just what change is proposed to be made. In reading the report, where it states that certain words are to be stricken out, it is difficult to understand just what that means, unless one has the law before him.

Mr. CUMMINS. If the Senator will look at the first page of the report after the small print, he will find it stated:

This bill proposes to insert in the first paragraph—

Which is not quoted; I have read it, however—the words "other than land."

I now come to the second paragraph of the existing law, which reads:

Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same.

That part of the second paragraph is not disturbed. The paragraph closes in this way—

and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

That is the part of the second paragraph which the amendment eliminates. If those words are eliminated, the second paragraph will read in this way:

Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same.

If the proposed amendment is now clearly in the minds of Senators, I desire to point out some of the impossibilities in complying with the paragraph as it was originally enacted.

Mr. NORRIS. Mr. President, I dislike to interrupt the Senator from Iowa.

Mr. CUMMINS. I am very glad to have the Senator ask questions. My only purpose in making the speech is to have the bill understood.

Mr. NORRIS. I regret that I have not quite understood the Senator's explanation. The last quotation which the Senator has read is as printed in the report, and, as I understand, is the way the law will read if amended?

Mr. CUMMINS. That is the way the second paragraph will read.

Mr. NORRIS. I refer to the second paragraph. Now, I wish the Senator would explain just what is the difference between that paragraph as it will read and as it now stands in the law.

Mr. CUMMINS. Mr. President, I am proceeding now to do that; but before doing so I wish to take up historically what has been done by the Interstate Commerce Commission under the act as it now stands. That is the interesting part of the history of valuation.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I yield to the Senator from Arkansas.

Mr. ROBINSON. In order to assist in making clear to the Senator from Nebraska [Mr. NORRIS] the difference between the second paragraph as the committee proposes to amend it and the existing law, I will state that if the Senator will refer to the report, which I see he has in his hand, he will find that the present law contains, in addition to the language proposed by the committee, the following language:

And separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

The committee amendment eliminates that language from the law. That is what the Senator from Nebraska wanted to know.

Mr. CUMMINS. I desire the Senator from Nebraska and all others, however, to note that it does not eliminate the requirement that the commission shall find the present value of all land owned by the railway carriers.

When the commission began the work of valuation in 1913 and came to the question of the lands of the companies it was confronted immediately with a very uncertain task. I will not go over the debates which I have had repeated to me and which were repeated somewhat in the hearings which we had. It is sufficient to say that the commission yielded to a decision of the Supreme Court which practically held that railroad companies were entitled to have considered the present value of their real property no matter how they acquired it. Even if it were donated either by individuals or by the Government, still the railroad companies were entitled to revenues that would produce a return upon the present value of that property, no matter how acquired. So the commission finally decided that it would ascertain the value of the lands of the railway companies with reference to the values of adjacent lands or lots as the case might be; that is to say, if the adjacent property was a farm it would ascertain the value per acre of the farm at the time of valuation and then would take as the value of the right of way of the railroad company through that farm such proportion of the entire value as the area of the right of way bore to the area of the entire farm; so that if the adjacent land was worth \$100 an acre and the railway company's right of way occupied 6 acres it attributed to that right of way a value of \$600, and with like reasoning respecting lots and parts of lots. Tested by the rule which the commission adopted, all of the railway companies of the country receive the benefit of what we generally know as the unearned increment. Personally, I do not believe that a public utility company is entitled to the unearned increment, but I find myself in opposition to the Supreme Court of the United States, and I yield to the judgment of that high tribunal. The commission yielded also, as it was its duty to do, and gave to the railway companies everywhere the benefit accruing in the last 75 years from the advance in real property, including farms and town lots, an advance brought about by increasing population and increasing commerce.

It made a report to Congress in which it stated that it had adopted that view and set forth that it was utterly impossible

for it to comply with that part of paragraph 2 of the law which required it to state "separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value." I am only repeating the language of the commission, with which I heartily agree, when I say that it is beyond human power, it is almost an unthinkable thing to ask the Interstate Commerce Commission to report what it would cost to condemn the present right of way or purchase the present right of way of any railroad company in the United States. I simply ask Senators to think for a moment of a concrete illustration. Suppose that any Senator were asked to determine what it would cost to acquire, either by purchase or by condemnation, the right of way of the Pennsylvania Railroad Co. from New York to Chicago. The very moment that is suggested it becomes apparent to anyone who is capable of thought that the commission could not in the very nature of things do it. There is but one such right of way, and the commission was asked to speculate and conjecture upon the amount that would be required either to condemn or purchase the right of way, terminals, and other real property in the possession of the railroad company which could not possibly be condemned; it was already in the use of the railroad company. The commission says, and says very truly, and the Supreme Court repeated that observation afterward, that it would be necessary to consider the situation as though the Pennsylvania Railroad were not there at all, and some one were entering upon the enterprise of acquiring such a right of way upon the assumption that there was no railroad there.

I do not believe that it is necessary for me to enlarge upon that phase of the matter, because the railroad companies themselves recognized the utter impossibility of ascertaining what it would cost to acquire any right of way, for how many of the owners of adjacent property would contribute the right of way for nothing in order to secure the enhancement of values that would result from building the railway, how many would contribute a part of the right of way, and so on, no human being can say. The whole subject is one that is so clear and plain that I ought not to consume a moment upon it. It is one of the things that can not be done, and the commission so declared in its report to Congress, and asked Congress to eliminate that requirement.

How did the railroad companies treat it? The railroad companies looked at it from this point of view: They said, in substance, of course the commission can not with any certainty determine what it would cost to acquire a right of way already in possession of a railroad company and that had no duplicate in the country, but we suggest this: Ordinarily it would cost three, four, or five times as much to secure the right of way as it would cost to purchase the adjoining property, to purchase a like area, or to purchase a farm of which the right of way was a part; and so in the Minnesota Rate case, to which I shall call your attention presently, they asked the Minnesota commission to multiply the present value of the property by three or four or five, and in that way ascertain the excess over present value as representing the cost of condemnation of the present right of way. The Supreme Court of the United States, in passing upon that question, commented—and I shall presently read from that—upon the impossibility of doing anything of that sort.

If the position of the railroad companies had been sustained, or is sustained now, and they are able to multiply the present value of the property as ascertained by the adjacent values, it will increase the valuation of the railroads by five or six or seven billions of dollars; and that means, upon the rate of return to which I have referred, an increase in the annual burden of anywhere from \$240,000,000 to \$248,000,000.

The Interstate Commerce Commission refused to make that report, for the reason that I have indicated; and having finished the valuation of several railroads, including the Kansas City & Southern Railway, without making a report as to excess of cost of condemnation over present value, that railroad applied for a writ of mandamus against the commission, seeking to require it to do this impossible thing.

Mr. KELLOGG. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. Because the commission should find what it would cost above the value of adjacent acre property to acquire a right of way or to condemn it, it does not necessarily mean that that value would be added to the value of the railroad, does it?

Mr. CUMMINS. I hope not.

Mr. KELLOGG. I understood the Senator to say that.

Mr. CUMMINS. But so far as Congress is concerned, it is our expression that it ought to be added to the value. I quite agree that if it is ever passed upon judicially, the court might exclude that element of value, and I very much hope it would.

Mr. KELLOGG. Is it strictly accurate to say that Congress would express an opinion that that ought to be added to the value of the property? All that the original valuation act provided was that all of the elements of original cost and present value, as nearly as Congress should determine the elements that should enter into it, should be found by the commission. The act does not require the commission to find the present value of the railroad; but they do it, and I think they should do it.

Mr. CUMMINS. I think that is not quite accurate. The law does require the commission to find the present value of the railroads, and that would be true if this amendment were adopted.

Mr. KELLOGG. I mean it does not require the commission to find the added cost of acquiring the property. It requires or permits them to take into consideration all of the elements which the commission have found under this valuation law. The Supreme Court might determine that the present cost of acquiring the right of way over and above the value of adjacent property was not the proper basis of the present value of the property.

Mr. CUMMINS. There is no doubt about that. The court to which it may ultimately come, if it ever reaches a court, would not be required to accept the elements which have been prescribed by Congress for the consideration of the Interstate Commerce Commission; but when we have prescribed an element which I think every reasonable man must know is not a proper element to be considered in determining value, the sooner we withdraw that improper element from the consideration of the commission the better we shall stand in the forum of reason and justice.

Of course, I recognize that the Supreme Court of the United States, if the matter ever reaches that tribunal, can accept just such elements of value as it pleases at that time. We can not bind it; but the Interstate Commerce Commission is our agent. It is a legislative tribunal, organized by Congress for the information of Congress and for the information of the country and of the courts, if the work finally comes before the courts; and what I am objecting to is that we are insisting upon the Interstate Commerce Commission doing something that it can not possibly do, and that in attempting to do it a standard is being set up which everybody must recognize as false.

Mr. NORRIS. Mr. President—

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. When the Senator was interrupted by the Senator from Minnesota [Mr. KELLOGG], he had just reached a point that was exceedingly interesting, where he stated that the Interstate Commerce Commission having declined to do this impossible thing, a mandamus proceeding was commenced by the Kansas City & Southern Railway Co. I should like to have him finish that statement.

Mr. CUMMINS. Yes; I will do that; and I want it to be borne in mind now, as I proceed with the examination of this opinion and another opinion to which I shall refer, that the railroad took the position that the commission must adopt some multiplier; that is, that having ascertained the present value of the property in the way I have indicated, the commission then must multiply that value by two or three or four or five in order to ascertain what it would cost to acquire that right of way at the present time. The opinion of the Supreme Court in the mandamus case—and that is the one upon which the opponents of this legislation rely—

Mr. NORRIS. Is the Kansas City & Southern case the mandamus case to which the Senator had reference?

Mr. CUMMINS. Yes.

Mr. NORRIS. Where was that action commenced?

Mr. CUMMINS. It was begun in the District of Columbia. I will ask one of the pages to get me Two hundred and fifty-second United States Statutes.

The case is reported in Two hundred and fifty-second United States Statutes, at page 178; and the decision of the court below was reversed, that decision being favorable to the Interstate Commerce Commission. I quote from a printed copy of our report that part of the decision which I would read if the volume were here:

We are of opinion, however, that, considering the face of the statute and the reasoning of the commission, it results that the conclusion of the commission was erroneous, an error which was exclusively caused by a mistaken conception by the commission of its relation to the subject, resulting in an unconscious disregard on its part of the power of Congress and an unwitting assumption by the commission of authority which it did not possess. And the significance which the commission

attributed to the ruling in the Minnesota Rate cases, even upon the assumption that its view of the ruling in those cases was not a mistaken one, but illustrates in a different form the disregard of the power of Congress which we have just pointed out, since, as Congress indisputably had the authority to impose upon the commission the duty in question, it is impossible to conceive how the Minnesota Rate ruling could furnish ground for refusing to carry out the commands of Congress, the cogency of which consideration is none the less manifest though it be borne in mind that the Minnesota Rate cases were decided after the passage of the act in question.

It is a peculiar thing, which will be interesting to lawyers—although I am not disparaging the court in any way—that in the opinion as it was originally filed that last sentence read, "Though it be borne in mind that the Minnesota rate cases were decided before the passage of the act in question." A subsequent review informed the Supreme Court that it was in error with regard to that fact, so that it made its reasoning suit the altered conditions, without any change whatsoever.

However that may be, the Supreme Court simply said that inasmuch as Congress had declared that the commission must do this thing, it was not for the commission to refuse, no matter how impossible it might be, to perform the duty, and no matter what the results might be. The Supreme Court did not pass upon the validity of the element of value in any sense whatsoever. It simply said to the commission, "You must obey the mandate of the legislative branch of the Government, of which you are a creature."

I am proposing now in this amendment to relieve the commission of this command, so that hereafter it will not be compelled to do this impossible thing or endeavor to do this impossible thing.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. NORRIS. There are a good many impossible things with regard to the railroads which would bring relief in the present situation if the commission could do them. Why not, following the Supreme Court, pass a law which would require the Interstate Commerce Commission to do a lot of impossible things, and let the Supreme Court compel them to do them, and afford relief from our present freight situation and passenger situation? If the Supreme Court can make them do impossible things, we have an instrumentality which we should make use of.

Mr. CUMMINS. It might be amusing for Congress to do that thing, but nothing would be accomplished. We can deal with the commission, I suppose, as we like, but when we attempt to affect the railroad properties we must confine ourselves within the limits of the Constitution. So the suggestion of the Senator from Nebraska would probably not lead to any very valuable result.

I pursue this history now. After the decision of the Supreme Court which I have just read, the commission, as any other law-abiding tribunal would do, went forward in an attempt to comply with the law and with the order of the court, and entered upon another hearing. It necessarily adopted the general philosophy of the railroad companies as to the excess of cost over present value; and that is a most repugnant phrase to be found in any statute, Mr. President. It bears no other construction than that we were attempting to give to the railroad companies a return upon something more than the present value of their property, a thing which is abhorrent to every sense of justice.

The commission then proceeded, and I know it will be interesting to observe the policy which the commission was then compelled to adopt. Mark you, the railroad companies were all this time claiming that after the full value had been ascertained, the value with all the increases which development and growth had brought about, then the commission must multiply that value by three or four or more as a multiplier, and in that way fix the value of the lands.

The commission did not yield to the pressure brought to bear upon it by the railroad companies, and complied with the order of the Supreme Court in a mild degree. It divided the lands of the railroad companies into a great number of types. For instance, the first type noted on this paper furnished me by the valuation bureau of the commission is "highly developed lot property," and it has four subdivisions under that type—one commercial, one residential, one industrial, and one mixed utility when not included in above subdivisions. It reached the conclusion that where a whole lot had been taken by a railroad company of a commercial character it would add 60 per cent to the present value so ascertained. Where a part of a lot was taken under that designation it would add 75 per cent.

In residential property, where a whole lot was taken it would add 55 per cent, and where a part of a lot was taken it would add 70 per cent.

In industrial property where a whole lot was taken it would add 65 per cent, and where part only of a lot was taken it would add 70 per cent. I need not read more of this general type.

The second type was "Platted property in towns or outlying portions of large cities." Where a whole lot was taken under this type it added 60 per cent. Where a part of a lot only was taken it added 100 per cent.

I pass down to a more interesting type—that is, rural properties. With high-grade land adjoining land held in large tracts, if irrigated, indicated by symbol "I," it multiplied the present value by 1.6. That is, it doubled it and then added 60 per cent more. With adjoining land held in small tracts it added 1.7; that is, it doubled it and added 70 per cent more.

In medium-grade land adjoining land held in large tracts it added 1.6; with adjoining land held in small tracts it added 1.7.

Low-grade land adjoining land held in large tracts it added 1.9; with adjoining land held in small tracts it added 200 per cent.

I need not proceed further, although, Mr. President, having received this paper from the Valuation Bureau of the Interstate Commerce Commission, and in order that all who are interested in the subject may know just how it is being dealt with at the present time, I ask that this exhibit be printed as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CUMMINS. I am not criticizing the Interstate Commerce Commission. It is doing the best it can under the circumstances. It has practically compromised with the railroad claim by adopting about one-third of the railroad demands; but even with the additions which are proposed in this exhibit, and which the Interstate Commerce Commission is now pursuing as well as it is able, and if no part of the further railroad claim is conceded anywhere, we will add more than \$2,000,000,000 to the value of the railway lands of the United States, and, as I remarked in the beginning—and that was the reason why I did so remark—that means an annual imposition upon the people in the way of railway rates of not less than \$120,000,000; and if under the testimony which is being taken all the while by the Interstate Commerce Commission the railway claim should hereafter be given further consideration, it might add \$4,000,000,000 or more to the value of these lands.

My position is that when the railway companies receive the benefit of the unearned increment of all the lands in the United States, of which they have been in possession in many instances for more than 50 years, when rights of way which were insignificant in their cost at the time of acquisition have quadrupled and multiplied in many instances a hundred times, I think they ought to be content, and should not insist that we should not only give them the benefit of the increased value of their property as a whole, but that we should attempt to ascertain what it would cost to acquire by condemnation or purchase their particular rights of way at the present moment. That is the whole purpose of this amendment. It is to strike out the requirement that the commission shall find the excess of cost of present condemnation over present value. They are entitled to present value, and I think the commission ought to be permitted to go its way unhampered by a statute of this sort, to ascertain, according to the rules of the law, as they understand those rules, what the present value of the lands held by the railway companies is.

Mr. ROBINSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. I yield.

Mr. ROBINSON. If I understand the Senator from Iowa correctly, the proper basis for a determination of a fair return on railroad property is the present value of that property?

Mr. CUMMINS. That is the rule which has been adopted many times by the Supreme Court.

Mr. ROBINSON. What relationship, if any, to the proper basis for rate fixing has the excess of the present cost of condemnation and damages for purchase over the original cost?

Mr. CUMMINS. I do not think it has any. I deny the principle of the cost of reproduction with regard to real property, because it can not be reproduced. There is no bit of real property in the world which can be reproduced.

Mr. ROBINSON. Then the provision which the committee bill seeks to strike out is an arbitrary element of value prescribed by the Congress and not such an element of value as a court would properly fix unless it were required by an act of Congress to be considered?

Mr. CUMMINS. That is my judgment. I do not believe the commission would give any consideration to this element if it

were not commanded by Congress to do so. I do not believe that any commission should give any consideration to that element. If the commission in finding present values adopts a false formula, then, of course, it is for the courts of the country to correct it. All I want to say to the commission is that it shall find the present value of the property and find its original cost.

I do not agree with many of my fellow Senators with regard to the standards that ought to be applied. I hardly need mention my general view of the subject, because I am bound to confess that the trend of judicial decision in this respect is not in harmony with my opinion. I think that what the Constitution of the United States protects against unwise or unfair regulation on the part of our public tribunals is the investment in the property. If we enter upon this broad speculative field in ascertaining the value of the property used in public service we are apt to be led far astray. If originally we could have adopted in our legislation long, long ago the principle that it was the investment which men and women might make in public utilities that should not be impaired in a confiscatory way by legislation we would have been vastly better off than we are now. We must now yield to the doctrine laid down by many courts that it is the present value or existing value of the property, and we must, of course, proceed upon the hypothesis that the railway companies are entitled to the unearned increment upon the property.

I refer now to the case which seems to me to fortify my position at every point. The Minnesota Rate cases, reported in Two hundred and thirtieth United States, beginning at page 352, present probably the best considered analysis of the question that can be found anywhere in the decisions of that tribunal. The railroad companies attempted to do just this thing when the Minnesota State commission was engaged in valuing the railroad property in the State of Minnesota. The railroad companies insisted not only that they should use this multiplier of three, three and a half, or four, but that the present value or what might be called the original value should be ascertained with reference not to the value of the adjacent property, but with reference to the special use which the railroads were making of their property.

Mr. Justice Hughes rendered the opinion in the case, and for clearness in its argument and for justice in its conclusions I think no opinion in all the reports of the Supreme Court is more noted than this one. It is very long, and I must necessarily extract just a few paragraphs. I am about to begin reading on page 450. The court pointed out what would be the result of certain rules claimed by the railroad companies and then said:

These are the results of the endeavor to apply the cost-of-reproduction method in determining the value of right of way.

That is the fundamental proposition which lies at the bottom of the amendment which I have proposed.

It is at once apparent that so far as an estimate rests upon a supposed compulsory feature of the acquisition—

That is, condemnation— it can not be sustained. It is said that the company would be compelled to pay more than what is the normal market value of property in transactions between private parties; that it would lack the freedom they enjoy, and, in view of its needs, it would have to give a higher price. It is also said that this price would be in excess of the present market value of contiguous or similarly situated property. It might well be asked, who shall describe the conditions that would exist, or the exigencies of the hypothetical owners of the property, on the assumption that the railroad were removed? But, aside from this, it is impossible to assume, in making a judicial finding of what it would cost to acquire the property, that the company would be compelled to pay more than its fair market value. It is equipped with the governmental power of eminent domain. In view of its public purpose it has been granted this privilege in order to prevent advantage being taken of its necessities. It would be free to stand upon its legal rights and it can not be supposed that they would be disregarded.

It is urged that, in this view, the company would be bound to pay the "railway value" of the property. But supposing the railroad to be obliterated and the lands to be held by others, the owner of each parcel would be entitled to receive on its condemnation its fair market value for all its available uses and purposes.

Then the opinion proceeds to consider a somewhat separate phase of the matter and finally this paragraph is found:

Moreover, it is manifest that an attempt to estimate what would be the actual cost of acquiring the right of way if the railroad were not there, is to indulge in mere speculation.

And yet that is exactly what the law requires the Interstate Commerce Commission to do, nothing more, nothing less, and that is not my interpretation; but it is the interpretation which the commission itself has put upon this part of the statute. The opinion then proceeds:

The railroad has long been established; to it has been linked the activities of agriculture, industry, and trade. Communities have long been dependent upon its service, and their growth and development have been conditioned upon the facilities it has provided. The uses of property in the communities which it serves are to a large degree determined by it. The values of property along its line largely depend upon

its existence. It is an integral part of the communal life. The assumption of its nonexistence, and at the same time that the values that rest upon it remain unchanged, is impossible and can not be entertained. The conditions of ownership of the property and the amounts which would have to be paid in acquiring the right of way, supposing the railroad to be removed, are wholly beyond reach of any process of rational determination. The cost of reproduction method is of service in ascertaining the present value of the plant when it is reasonably applied and when the cost of reproducing the property may be ascertained with a proper degree of certainty.

That is true of a freight car; it is true of an engine; it is true of a bridge; it is true of any superstructure. We can ascertain with reasonable certainty the cost of reproducing any one of these instrumentalities of a railroad, but we can not ascertain with any certainty the cost of reproducing the right of way.

I continue reading:

But it does not justify the acceptance of results which depend upon mere conjecture. It is fundamental that the judicial power to declare legislative action invalid upon constitutional grounds is to be exercised only in clear cases. The constitutional invalidity must be manifest and if it rests upon disputed questions of fact, the invalidating facts must be proved. And this is true of asserted value as of other facts.

Mr. President, I do not intend to continue the discussion further at this time. The whole subject is so clear, the injustice of requiring the commission to do this thing is so manifest, and the utter want of any showing that injustice would be done to the railroads by eliminating this part of the statute is so conclusively established that I am at a loss to know what further I can say in support of the amendment which I have proposed.

I do not want Congress to stand longer in the attitude of suggesting to the commission or suggesting to any court that this excess of cost is a fair and reasonable element in the value of railway property. I want to relieve the commission of an embarrassment which it creates, and permit the commission to go forward and value the railway property, ascertain the present value of railway lands unhindered and unhampered by any expression on the part of Congress with regard to the elements which enter into that value. If I thought I could get it adopted I would be very glad to bring forward a rule which, in my judgment, the Interstate Commerce Commission should follow in ascertaining the value of lands, but I am not going to do it simply because I think the commission will reach conclusions, if it is allowed to proceed without this impossible command, that will fairly meet the views of all the people in the country and will give us for a basis for rate making in the future a reasonable value, a value which being established will not oppress the people to whom the railroads must render their service.

APPENDIX.

COST OF ACQUISITION. FINAL TYPES.

I. HIGHLY DEVELOPED LOT PROPERTY.

(a) Commercial:

1. Whole lots taken, \$0.60.
2. Part only of lots taken, \$0.75.

(b) Residential:

1. Whole lots taken, \$0.55.
2. Part only of lots taken, \$0.70.

(c) Industrial:

1. Whole lots taken, \$0.65.
2. Part only of lots taken, \$0.70.

(d) Mixed utility when not included in the above subdivision:

1. Whole lots taken, \$0.55.
2. Part only of lots taken, \$0.65.

II. PLATTED PROPERTY IN TOWNS OR OUTLYING PORTIONS OF LARGE CITIES.

1. Whole lots taken, \$0.60.
2. Part only of lots taken, \$1.

III. IRREGULAR TRACTS—SUBURBAN.

(a) Residential:

1. Whole tracts taken, \$0.70.
2. Part only of tracts taken, \$1.

(b) Industrial:

1. Whole tracts taken, \$0.65.
2. Part only of tracts taken, \$0.70.

(c) Truck gardens, undeveloped or property not falling in either residential or industrial:

1. Whole tracts taken, \$0.80.
2. Part only of tracts taken, \$1.

IV. RURAL.

A. Right-of-way strip only taken:

(a) High-grade land—

1. Adjoining land held in large tracts (if irrigated, indicate by symbol "I"), \$1.60.
2. Adjoining land held in small tracts (if irrigated, indicate by symbol "I"), \$1.70.

(b) Medium-grade land—

1. Adjoining land held in large tracts, \$1.60.
2. Adjoining land held in small tracts, \$1.70.

(c) Low-grade land—Swamp, rocky, desert, and grazing—

1. Adjoining land held in large tracts, \$1.90.
2. Adjoining land held in small tracts, \$2.

Value of orchards, minerals, and timber deducted and land then valued.

(d) Orchard lands—

1. Adjoining land held in large tracts.
2. Adjoining land held in small tracts.

(e) Mineral lands—

1. Fissure veins or pockets.
2. Sedimentary beds.

(f) Timberlands—

1. Adjoining land held in large tracts.
2. Adjoining land held in small tracts.

B. Large areas taken by carrier:

- (a) High-grade land—
 1. Adjoining land held in large tracts (if irrigated, indicate by symbol "i"), \$0.60.
 2. Adjoining land held in small tracts (if irrigated, indicate by symbol "i"), \$0.70.
- (b) Medium-grade land—
 1. Adjoining land held in large tracts, \$0.70.
 2. Adjoining land held in small tracts, \$0.80.
- (c) Low-grade land—Swamp, rocky, desert, and grazing—
 1. Adjoining land held in large tracts, \$0.80.
 2. Adjoining land held in small tracts, \$1.

Value of orchards, minerals, and timber deducted and land then valued.

- (d) Orchard lands—
 1. Adjoining lands held in large tracts.
 2. Adjoining lands held in small tracts.
- (e) Mineral lands—
 1. Fissure veins or pockets.
 2. Sedimentary beds.
- (f) Timberlands—
 1. Adjoining lands held in large tracts.
 2. Adjoining lands held in small tracts.

V. WATER-FRONT LANDS.

1. Right of way, \$1.
 2. Docks and wharves, \$0.40.

VI.

A. Owned right of way for industrial track, where the adjoining land is owned by the industry served.
 B. Where the right of way is through large tracts of noncarrier land owned by the carrier.

Mr. CUMMINS. Mr. President, I understand that no Senator desires at this moment to continue the discussion on the pending bill, and I ask unanimous consent that it may be temporarily laid aside.

Mr. LODGE. There is no need for the Senator making that request. The motion which I am about to make will not displace his bill.

Mr. CUMMINS. I think that is true, and therefore I withdraw the request for unanimous consent.

TREATY WITH JAPAN CONCERNING YAP.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of the treaty with Japan concerning the island of Yap in open executive session.

Mr. ROBINSON. I suggest the absence of a quorum.

Mr. LODGE. I should like to have the motion adopted, and then the point of no quorum may be made.

Mr. ROBINSON. Very well.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, proceeded to consider the treaty with Japan concerning the island of Yap.

Mr. LODGE. Now, Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harrison	McNary	Robinson
Borah	Hefflin	Moses	Sheppard
Bursum	Jones, N. Mex.	Nelson	Simmons
Cameron	Jones, Wash.	New	Smith
Capper	Kellogg	Norris	Trammell
Caraway	Kendrick	Overman	Underwood
Cummins	King	Phipps	Wadsworth
Dial	Ladd	Pittman	Warren
Gerry	Lodge	Polindexter	Watson, Ga.
Harris	McKinley	Pomerene	Willis

The PRESIDING OFFICER. Forty Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Page	Shortridge	Sterling	Walsh, Mont.
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Mr. JONES of Washington. I desire to state that the senior Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate. I also wish to announce that the following Senators are detained from the Senate in attendance upon the Committee on Finance:

The Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Indiana [Mr. WATSON], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN].

The following Senators entered the Chamber and answered to their names:

Colt	Harrell	Spencer	Stanfield
Ernst	Johnson		

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum of the Senate is present.

Mr. LODGE. Mr. President, it had been my intention to take up to-night the treaty with Japan concerning the island of Yap, but the hour is so late that I shall only ask now that the treaty be read. I give notice that to-morrow, immediately after the conclusion of the reading of the Farewell Address, I shall move to continue, in open executive session, the consideration of the treaty, and I shall not attempt to address the Senate now.

The VICE PRESIDENT. Does the Senator desire to have the preamble read, or just the articles?

Mr. LODGE. The preamble is very important. I wish to have that read also.

The VICE PRESIDENT. The treaty will be read.

The Assistant Secretary read as follows:

THE UNITED STATES OF AMERICA AND JAPAN.

Considering that by article 119 of the treaty of Versailles, signed on June 28, 1919, Germany renounced in favor of the powers described in that treaty as the principal allied and associated powers, to wit, the United States of America, the British Empire, France, Italy, and Japan, all her rights and titles over her overseas possessions;

Considering that the benefits accruing to the United States under the aforesaid article 119 of the treaty of Versailles were confirmed by the treaty between the United States and Germany, signed on August 25, 1921, to restore friendly relations between the two nations;

Considering that the said four powers—to wit, the British Empire, France, Italy, and Japan—have agreed to confer upon His Majesty the Emperor of Japan a mandate, pursuant to the treaty of Versailles, to administer the groups of the former German islands in the Pacific Ocean lying north of the Equator, in accordance with the following provisions:

"ARTICLE 1. The islands over which a mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

"ART. 2. The mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require. The mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

"ART. 3. The mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration. The mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic signed on September 10, 1919, or in any convention amending same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

"ART. 4. The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

"ART. 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the mandatory shall insure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any state member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling.

"ART. 6. The mandatory shall make to the council of the League of Nations an annual report to the satisfaction of the council, containing full information with regard to the territory and indicating the measures taken to carry out the obligations assumed under articles 2, 3, 4, and 5.

"ART. 7. The consent of the council of the League of Nations is required for any modification of the terms of the present mandate. The mandatory agrees that, if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the permanent court of international justice provided for by article 14 of the covenant of the League of Nations";

Considering that the United States did not ratify the treaty of Versailles and did not participate in the agreement respecting the aforesaid mandate;

Desiring to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in

the aforesaid islands, and in particular the island of Yap, have resolved to conclude a convention for that purpose, and to that end have named as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the Emperor of Japan: Baron Kijuro Shidehara, His Majesty's ambassador extraordinary and plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

Subject to the provisions of the present convention, the United States consents to the administration by Japan, pursuant to the aforesaid mandate, of all the former German islands in the Pacific Ocean lying north of the Equator.

ARTICLE II.

The United States and its nationals shall receive all the benefits of the engagements of Japan defined in articles 3, 4, and 5 of the aforesaid mandate, notwithstanding the fact that the United States is not a member of the League of Nations.

It is further agreed between the high contracting parties as follows:

(1) Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside thereon, to acquire and possess property, to erect religious buildings and to open schools throughout the islands; it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control.

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired;

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands;

(4) Japan will address to the United States a duplicate of the annual report on the administration of the mandate to be made by Japan to the council of the League of Nations;

(5) Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited in the convention unless such modification shall have been expressly assented to by the United States.

ARTICLE III.

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

ARTICLE IV.

In connection with the rights embraced by Article III, specific rights, privileges, and exemptions, in so far as they relate to electrical communications, shall be enjoyed in the island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

(2) Nationals of the United States shall not be obliged to obtain any permit or license in order to be entitled to land and operate cables on the island or to establish radiotelegraphic service, subject to the provisions of Article III, or to enjoy any of the rights and privileges embraced by this article and by Article III.

(3) No censorship or supervision shall be exercised over cable or radio messages or operations.

(4) Nationals of the United States shall have complete freedom of entry and exit in the island for their persons and property.

(5) No taxes, port, harbor, or landing charges or exactions of any nature whatsoever, shall be levied either with respect to the operation of cables or radio stations, or with respect to property, persons, or vessels.

(6) No discriminatory police regulations shall be enforced.

(7) The Government of Japan will exercise its power of expropriation in the island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities can not otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the island shall not be subject to expropriation.

ARTICLE V.

The present convention shall be ratified by the high contracting parties in accordance with their respective Constitutions. The ratifications of this convention shall be exchanged in Washington as soon as practicable, and it shall take effect on the date of the exchange of the ratifications.

In witness whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at the city of Washington this 11th day of February, 1922.

CHARLES EVANS HUGHES.
K. SHIDEHARA.

The VICE PRESIDENT. The Committee on Foreign Relations have reported a resolution which the Secretary will read.

The Assistant Secretary read the resolution reported yesterday by Mr. LODGE from the Committee on Foreign Relations, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive R. Sixty-seventh Congress, second session, a treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean, lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. PHIPPS. Mr. President—

Mr. LODGE. I yield to the Senator from Colorado before making a motion to go into executive session with closed doors.

The VICE PRESIDENT. The Senate resumes its legislative session.

DEATH OF HON. JOHN F. SHAFROTH.

Mr. PHIPPS. Mr. President, it is with a feeling of deep regret that I announce to the Senate the passing away of former Senator John F. Shafroth, of Colorado. After an illness of only a few days, the end came last evening at his home in Denver, Colo.

Mr. Shafroth was born in Fayette, Mo., in June, 1854, and he was therefore in his sixty-eighth year. His service in the House of Representatives comprised four terms, and later he was for four years governor of his State. Mr. Shafroth was elected to the United States Senate to represent Colorado, taking office on March 4, 1913, and serving his full term of six years, which included the entire period of the Great War. His three sons were in the Army or Navy during that war, and they, together with the widow, are the only survivors.

While the Senator and I were members of opposing political parties, that difference in faith was never permitted to interfere with our personal friendship, and I am happy to say that his attitude toward me personally was invariably one of courteous consideration. Our two families were always upon terms of cordial friendship, a friendship which has extended over a great number of years.

Those who served with Senator Shafroth during his membership in this body are well aware of his courteous manner, his high standards, and his kindly bearing, and I know they are deeply grieved over his loss.

Mr. UNDERWOOD. Will the Senator from Massachusetts allow me just a word?

Mr. LODGE. Certainly.

Mr. UNDERWOOD. Mr. President, I was greatly grieved when I read in the paper this morning of the passing of an old-time friend and a colleague with whom I had served the larger part of a quarter of a century.

When I first knew John F. Shafroth we served together on one of the committees of the House when Mr. Reed was Speaker. He then sat at the Republican end of the table and I at the Democratic end. Afterwards he came to our side of the political family. I have known him long and I have known him well.

He was a man who was always moved by the higher impulses, who never responded to personal desires.

His political life was as clean as the life of a good woman. He was a man without guile. He wore his heart on the outer sleeve. Everybody knew where John Shafroth stood on all questions and everybody knew the impulses that guided his life.

I felt, as one of his colleagues on this side of the Chamber, that I could not let this occasion go by without saying how deeply we all regret his loss, and feel that a good and a great man has gone beyond the shore.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 22, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 21 (legislative day of February 20), 1922.

WORLD WAR FOREIGN DEBT COMMISSION.

The following-named persons to be members, with the Secretary of the Treasury, of the World War Foreign Debt Commission:

Charles E. Hughes, the Secretary of State.
Herbert C. Hoover, the Secretary of Commerce.
Reed Smoot, of the Senate.
Theodore E. Burton, of the House of Representatives.

REGISTER OF THE LAND OFFICE.

Martin Jacobson, of North Dakota, to be register of the land office at Minot, N. Dak., effective upon completion of consolidation under the act of October 28, 1921.

POSTMASTERS.

ALABAMA.

Eugene D. Reynolds, jr., to be postmaster at Centerville, Ala., in place of C. L. Cleveland. Incumbent's commission expired January 30, 1919.

CALIFORNIA.

William A. Garton to be postmaster at Hawthorne, Calif. Office became presidential April 1, 1921.

Mary L. Courtright to be postmaster at Larkspur, Calif. Office became presidential October 1, 1921.

Joseph Chattwood to be postmaster at Manhattan, Calif. Office became presidential July 1, 1921.

Josephine Montgomery to be postmaster at Randsburg, Calif. Office became presidential October 1, 1921.

Robert L. Abell to be postmaster at San Joaquin, Calif. Office became presidential January 1, 1922.

DELAWARE.

Joseph C. Hutchison to be postmaster at Townsend, Del. Office became presidential April 1, 1920.

FLORIDA.

John D. Peterson to be postmaster at Pierson, Fla. Office became presidential October 1, 1921.

GEORGIA.

Lucius E. Register to be postmaster at Alapaha, Ga. Office became presidential July 1, 1920.

James P. Rose to be postmaster at Lyerly, Ga. Office became presidential July 1, 1920.

John W. Berryhill to be postmaster at Milltown, Ga. Office became presidential April 1, 1921.

Ivey M. Cox to be postmaster at Newton, Ga. Office became presidential April 1, 1921.

Portia C. McAllister to be postmaster at Pitts, Ga. Office became presidential April 1, 1921.

Bernie C. Chapman to be postmaster at Porterdale, Ga., in place of J. W. Osborn, resigned.

James F. Dever to be postmaster at Rock Mart, Ga., in place of G. W. Dansby, resigned.

HAWAII.

Louis W. Jongeneel to be postmaster at Wahiawa, Hawaii. Office became presidential October 1, 1921.

Elizabeth H. Travis to be postmaster at Waipahu, Hawaii, in place of E. H. Travis. Incumbent's commission expired January 24, 1922.

ILLINOIS.

Luther R. Trescott to be postmaster at Chebanse, Ill. Office became presidential October 1, 1920.

William E. Clark to be postmaster at Hillview, Ill. Office became presidential April 1, 1921.

John L. Thomas to be postmaster at Pleasant Hill, Ill., in place of E. F. Voshall. Incumbent's commission expired August 1, 1921.

IOWA.

Gabriel Pederson to be postmaster at Waterville, Iowa. Office became presidential January 1, 1922.

John L. Addington to be postmaster at Webb, Iowa. Office became presidential October 1, 1920.

KANSAS.

Vaclav Sajner to be postmaster at Bison, Kans. Office became presidential July 1, 1920.

MAINE.

Fred O. Goldwaite to be postmaster at Biddeford Pool, Me. Office became presidential April 1, 1921.

MASSACHUSETTS.

Harriett L. Corbin to be postmaster at East Brookfield, Mass. Office became presidential April 1, 1920.

Harriet E. Hotchkiss to be postmaster at Harding, Mass. Office became presidential January 1, 1922.

Arthur J. Fairgrieve to be postmaster at Tewksbury, Mass. Office became presidential October 1, 1920.

MISSISSIPPI.

Noah B. Scales to be postmaster at Crawford, Miss. Office became presidential January 1, 1921.

Marcus B. Stroud to be postmaster at Louise, Miss. Office became presidential January 1, 1921.

Allie B. Terry to be postmaster at New Augusta, Miss. Office became presidential April 1, 1921.

Alfred L. King to be postmaster at Vance, Miss. Office became presidential April 1, 1921.

Reese R. Hathorn to be postmaster at Columbia, Miss., in place of A. W. Quin, resigned.

Lula M. T. Rutledge to be postmaster at Newhebron, Miss., in place of R. M. Izard, resigned.

Louisa J. Megehee to be postmaster at Picayune, Miss., in place of O. R. Freeman, removed.

Robert R. Smith to be postmaster at Poplarville, Miss., in place of M. B. Holloway, removed.

MISSOURI.

Jesse L. Martin to be postmaster at Independence, Mo., in place of C. W. Brady. Incumbent's commission expired July 25, 1921.

NEBRASKA.

Barbara B. Tweed to be postmaster at Bassett, Nebr., in place of C. R. Tweed, deceased.

NEW YORK.

Henry A. Cole to be postmaster at Pine Hill, N. Y., in place of L. E. Eignor. Incumbent's commission expired March 16, 1921.

NORTH CAROLINA.

Herbert H. Miller to be postmaster at Hickory, N. C., in place of C. W. Bagby, resigned.

NORTH DAKOTA.

Katie H. Hanson to be postmaster at Munich, N. Dak. Office became presidential January 1, 1921.

Abbie I. Boyd to be postmaster at Pingree, N. Dak., in place of A. I. Boyd. Incumbent's commission expired March 16, 1921.

OHIO.

George D. Seymour to be postmaster at Windham, Ohio. Office became presidential October 1, 1921.

John F. McQueen to be postmaster at Wellsville, Ohio, in place of D. D. Duty. Incumbent's commission expired July 21, 1921.

OREGON.

Minta D. Lundberg to be postmaster at Wheeler, Oreg. Office became presidential July 1, 1919.

PENNSYLVANIA.

Inez B. Rex to be postmaster at Irvona, Pa. Office became presidential October 1, 1920.

Wilbur J. Woodring to be postmaster at Port Matilda, Pa. Office became presidential July 1, 1920.

Harry M. Allison to be postmaster at Spring Mills, Pa. Office became presidential October 1, 1920.

Wayne Lewis to be postmaster at Berwyn, Pa., in place of J. P. Lamborn. Incumbent's commission expired August 7, 1921.

D. Thomas Lindley to be postmaster at Canton, Pa., in place of B. J. Davison, deceased.

Edwin L. Whitson to be postmaster at Lancaster, Pa., in place of L. N. Spencer. Incumbent's commission expired February 4, 1922.

SOUTH DAKOTA.

Charles P. Decker to be postmaster at Roscoe, S. Dak. Office became presidential January 1, 1920.

Samuel G. Mortimer to be postmaster at Bellefourche, S. Dak., in place of R. O. Fellows. Incumbent's commission expired July 21, 1921.

TEXAS.

J. S. Zweifel to be postmaster at Caddo, Tex. Office became presidential January 1, 1920.

Elroy L. McCord to be postmaster at Katy, Tex. Office became presidential April 1, 1921.

William H. Everitt to be postmaster at North Pleasanton, Tex. Office became presidential July 1, 1921.

J. L. Andrews to be postmaster at Olden, Tex. Office became presidential October 1, 1920.

Carl S. Guin to be postmaster at Ballinger, Tex., in place of J. J. Erwin. Incumbent's commission expired July 21, 1921.

John Shields to be postmaster at Glen Rose, Tex., in place of G. F. English. Incumbent's commission expired July 21, 1921.

Elena L. King to be postmaster at Presidio, Tex., in place of G. H. Candlin, resigned.

Peter J. Sherman to be postmaster at Whitney, Tex., in place of T. R. Stewart. Incumbent's commission expired July 21, 1921.

VIRGINIA.

Adelaide E. Drewry to be postmaster at Capron, Va. Office became presidential October 1, 1920.

WISCONSIN.

Christian R. Mau to be postmaster at West Salem, Wis., in place of C. F. A. Mau, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21 (legislative day of February 20), 1922.

UNITED STATES DISTRICT JUDGE.

George C. Scott to be United States district judge, northern district, Iowa.

UNITED STATES DISTRICT ATTORNEY.

Leonard G. Husar to be district attorney of the United States Court for China.

UNITED STATES MARSHALS.

Harvey Sullivan to be United States marshal, third division, district of Alaska.

Roy B. Williams to be United States marshal, eastern district of Kentucky.

POSTMASTERS.

ARKANSAS.

Henry C. Wade, Batesville.

Herbert D. Edwards, Benton.

Joe Mitchell, Danville.

Lester N. White, Emmet.

John E. Reid, Foreman.

Daniel C. Wines, Helena.

John A. Davis, Hope.

Helen Porter, Horatio.

Cary Johnson, Hot Springs National Park (late Hot Springs).

Oscar W. McClintock, Monticello.

Paul Smith, Nettleton.

George L. Fink, Newark.

Charley V. B. Harley, Paris.

Joseph L. McLaughlin, Perry.

Burton C. Willard, Plainview.

William E. Edmiston, Portland.

George B. Cady, Rogers.

William H. Moreland, Tyronza.

William H. Houston, Widener.

CONNECTICUT.

William J. Phillips, Woodmont.

IDAHO.

Charles A. Johnston, Cottonwood.
Norman O'Donnell, Elk River.

INDIANA.

Guy F. Johnson, Ewing.
Charles Boomershine, Millersburg.
Samuel W. Armstrong, St. Joe.
Dean W. White, Vallonia.

IOWA.

Vellas L. Gilje, Elkader.
Boyd W. Smith, Waukon.

KANSAS.

K. Leonor Lee, Portis.

MARYLAND.

Lloyd T. Hayden, Centerville.
James O. Wilson, Hebron.

MASSACHUSETTS.

James M. Perley, Rowley.

MICHIGAN.

Charles Dufty, Caseville.
Herbert T. Trumble, Elkton.
Elmer M. French, Hersey.
Edna A. Gorton, Lexington.
Hercules Rice, Muir.
Russell S. Kendrick, New Haven.
Claude B. Van Wert, North Adams.
George H. Poskitt, Prescott.

MISSISSIPPI.

Henry L. Rhodes, Ackerman.

NEW JERSEY.

William A. Tripp, Millington.
Robert J. Vanderhoff, Newfoundland.

NEW YORK.

John Common, Andover.
Charles B. Hugg, Cazenovia.
Lewis O. Wilson, Long Beach.
George W. Fuller, Portland.

NORTH CAROLINA.

Lloyd V. Sorrell, Cary.
Charles R. Thomas, Milton.
Lewis B. McBrayer, Sanatorium.
John D. Massey, Selma.
John H. Elliott, Stony Point.

OKLAHOMA.

Frank Victor, Afton.
Alpha Rutherford, Bennington.
Grace L. Taylor, Blair.
John M. Tyler, Idabel.
Stephen M. Gold, Indianola.
Ulysses S. Curry, Newkirk.
John D. Morrison, Red Oak.
Sanford I. Pennington, Ringling.
William A. Peters, Sallisaw.
Pauline E. Hatchett, Wapanucka.

SOUTH CAROLINA.

Theron L. Gregory, Kershaw.

WEST VIRGINIA.

Luther L. Lycan, Fort Gay.
William H. H. Gardner, Point Pleasant.
Boyd McKeever, Wardensville.

WITHDRAWALS.

Executive nominations withdrawn from the Senate February 21 (legislative day of February 20), 1922.

POSTMASTERS.

ALABAMA.

Henry H. Jones to be postmaster at Centerville, in the State of Alabama.

WISCONSIN.

William H. Bender to be postmaster at West Salem, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 21, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, may this silent moment, like a touch of God, sink into our breasts and send us forth through the waiting hours to labor in sympathy with men, their duties and their needs. Clear away all misconception and enrich us with knowledge and wise utterance. Teach us how to bear this life, not proudly, but humbly, and how to rise above temptation and pursue the right ways. O let the light of Thy face shine upon the children of misfortune and deliver them from despondency and distrust, and when the eventide comes be with us on that path that slopes to rest. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEASING A TRACT OF LAND TO CITY OF LEAVENWORTH.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9060 and concur in the amendment of the Senate.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table and concur in the Senate amendment a bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9060) to authorize the Secretary of War to lease a certain tract of land to the city of Leavenworth, in the State of Kansas.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

Mr. GARNER. May I ask the gentleman what committee this bill originally came from?

Mr. ANTHONY. From the Committee on Military Affairs.

Mr. GARNER. Do the minority members of the Committee on Military Affairs know that he is going to take this up, or is it satisfactory to them?

Mr. ANTHONY. I never heard of any objection to the bill. It simply authorizes the Secretary of War to transfer to the city a lease, which now is possessed by a corporation, for a water reservoir.

Mr. GARNER. I want to suggest to the gentleman from Kansas and other gentlemen who have charge of bills that come from conference or otherwise, that it is a very good practice in the House, and one that will result not only in desirable legislation but better practice generally, to notify the minority members, or that a statement be made that they have been seen in regard to the matter.

Mr. ANTHONY. I agree with the gentleman. If the bill had been of any importance, I would certainly have done that.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

HOUSING FOR WAR NEEDS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits from the Committee on Rules a privileged resolution which the Clerk will report.

The Clerk read as follows:

House resolution 290.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering H. R. 9597, being a bill "To amend an act entitled 'An act to authorize the President to provide housing for war needs,' approved May 16, 1918." There shall be not to exceed one hour of general debate on the said bill, the time for such general debate to be controlled one-half by those favoring the bill and one-half by those opposing it. Thereupon the bill shall be read for amendment under the five-minute rule. Upon the conclusion of the consideration of the bill for amendment the bill shall be reported to the House with such amendments as may have been agreed to; whereupon the previous question shall be considered as ordered on the bill and on all amendments thereto to final passage, without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution makes it in order that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill in question. I understand the bill was unanimously reported from the Committee on Public Buildings and Grounds. The only question raised in the Committee on Rules as to whether or not it should be considered was raised by myself; otherwise, it was unanimously reported.

Mr. GARNER. Do I understand that the gentleman from Tennessee [Mr. GARRETT] was at the meeting that reported this resolution?

Mr. CAMPBELL of Kansas. Yes. It was entirely satisfactory to every member of the committee except myself. I did not think that the resolution was necessary. It is my contention that with the law as it now exists everything necessary to be done could have been done and probably would have been done if it had not been the desire of certain gentlemen to hold very desirable positions for another year.

Mr. LANHAM. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. LANHAM. What objection is there to a division of the time in the usual way? I anticipate that gentlemen on that side and on this side would be willing to yield half of the time to those opposed to the bill should they desire time.

Mr. CAMPBELL of Kansas. I understand the gentleman from Indiana [Mr. ELLIOTT] will ask to control the time in support of the bill, and anybody opposing the bill may take the time in opposition to it. I am informed that no member of the Committee on Public Buildings and Grounds is opposed to the bill.

Mr. LANHAM. If some gentleman on that side should get recognition in opposition to the bill, the time would be controlled exclusively on that side.

Mr. CAMPBELL of Kansas. I think usually an arrangement is made so that the center aisle divides on matters of that kind.

Mr. LANHAM. Would the gentleman be adverse to a division of the time equally between members of the committee on the two sides?

Mr. CAMPBELL of Kansas. The objection to putting that in the rule was that nobody on the Committee on Public Buildings and Grounds was opposed to the bill.

Mr. LANHAM. Would the gentleman object to unanimous consent to that effect, that those in charge of the time on the respective sides should agree that half of the time would be yielded to the opposition?

Mr. CAMPBELL of Kansas. That will be agreed to by unanimous consent pending the motion to go into the Committee of the Whole.

Mr. KING. Does the gentleman recommend that this rule be voted down simply as a matter of conscience?

Mr. CAMPBELL of Kansas. No. But if any Member has a sensitive conscience he has a right to do that.

Mr. WALSH. Does the rule provide that general debate shall be confined to the bill?

Mr. CAMPBELL of Kansas. It does not. It is only 30 minutes on a side.

Mr. WALSH. That is general debate. You can talk about—

Mr. CAMPBELL of Kansas. You can talk about anything.

Mr. BANKHEAD. Will the gentleman object to unanimous consent that it be in order to yield time on the rule?

Mr. CAMPBELL of Kansas. The time on the rule is just about to expire.

Mr. WINGO. Just what changes does the bill make in the law?

Mr. CAMPBELL of Kansas. It authorizes them to pay certain taxes and close up certain contracts.

Mr. WINGO. Have they not authority under the law now to do that?

Mr. CAMPBELL of Kansas. I think they have; yes. But they say not, and they will not act until they get this authority, all of which has resulted in prolonging the life of the Housing Corporation for at least a year.

Mr. WINGO. The gentleman does not think, for the reasons given, that the bill or the rule ought to be adopted?

Mr. CAMPBELL of Kansas. I think so. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. ELLIOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9597; and, pending that, I ask unanimous consent that if there are no opponents to this bill, the time for general debate be divided equally between this side of the House and the other side, and that I shall have control of one half of the time and the gentleman from Texas [Mr. LANHAM] shall have control of the other half.

Mr. WINGO. I am against the bill. I do not know who else is. I agree with the gentleman from Kansas [Mr. CAMPBELL] that there is no necessity for this bill.

Mr. ELLIOTT. Does the gentleman want time?

Mr. WINGO. Yes.

Mr. LANHAM. I will agree to give the gentleman such time as he wishes, if the unanimous-consent request is agreed to.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the time for general debate be divided equally, one half to be controlled by himself and the other half by the gentleman from Texas [Mr. LANHAM]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9597.

The motion was agreed to.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] will please take the chair.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9597) to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9597, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9597) to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, as amended by an act approved July 19, 1919, be, and the same is hereby, amended to read as follows:

"Sec. 5. That the power and authority granted herein shall cease with the termination of the present war as formally proclaimed by the President, except the power and authority to care for, rent, operate, and sell such property as remains undisposed of; to conclude, execute, settle, and adjust all contracts or other obligations made or incurred during the war, or in carrying out the provisions of this act, including contracts made with municipalities for the furnishing of services and facilities to the property of such corporations, and for the construction of public utilities by such municipalities in pursuance to the terms of said contract; to collect the principal and interest of loans made or other sums due under obligations entered into under this act; and to take such other steps as are necessary to protect the interests of the Government and to fulfill the obligations duly incurred in carrying out the powers granted by said act. All property shall be sold at its fair market value as soon as can be advantageously done, and a reasonable effort shall be made to sell the houses direct to prospective individual home owners for their own occupancy before they are offered for sale in bulk or to speculative investors. Full power and authority is hereby given to sell and convey all of such property remaining undisposed of after the termination of the present war. All deeds, contracts, or other instruments of conveyance executed by the United States Housing Corporation by its duly authorized officer or officers where the legal title to the property in question is in the name of the said corporation, and by the United States of America by the Secretary of Labor where the title to the property in question is in the name of the United States of America, shall be conclusive evidence of the transfer of title to the property in question according to the purport of such deeds, contracts, or other instruments of conveyance, and in no case shall any purchaser or grantee thereunder be required to see to the application of any purchase money: *Provided*, That no sale or conveyance shall be made hereunder on credit without reserving a first lien on such property for the unpaid purchase money: *Provided further*, That in no case shall any such property be given away; nor shall rents be furnished free, but the rental charges shall be reasonable and just as between the tenants and the Government. The United States Housing Corporation (a corporation organized by authority of the President of the United States, pursuant to the provisions of an act approved May 16, 1918, entitled 'An act to authorize the President to provide housing for war needs,' and an act approved June 4, 1918, entitled 'An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes') shall wind up its affairs and dissolve as soon as it has disposed of said property and performed the duties and obligations herein set forth: *And provided further*, That the corporation shall report to Congress on December 31, 1919, and on June 30, 1920, all sales made and the amounts received therefrom, together with a detailed statement of receipts and expenditures on account of the other activities authorized by law.

With committee amendments, as follows:

On page 2, line 5, after the word "contracts," insert the words "or other obligations."

On page 2, line 5, after the word "made," insert the words "or incurred."

On page 2, line 6, after the word "municipalities," insert the words "or other political subdivisions."

On page 2, line 9, after the word "municipalities," insert the words "or other political subdivisions."

On page 2, line 10, after the word "contract," insert the words "or other obligations."

On page 4, line 7, after the word "law," insert a colon and the words "And provided further, That no settlement or adjustment of any contract or other obligation, made or incurred with any municipality, or other political subdivision, under the provisions of this act, may be made until all taxes and special assessments upon the property of the United States of America, the title to which is in the name of the United States Housing Corporation, and which is situate within such municipality, or other political subdivision, shall have been first canceled or otherwise satisfied of record."

The CHAIRMAN. The gentleman from Indiana [Mr. ELLIOTT] is recognized.

Mr. ELLIOTT. Mr. Chairman, this bill is designed to amend section 5 of an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, as amended by the act approved July 19, 1919.

It seems that the United States Housing Corporation constructed in various cities of the United States certain buildings for the purpose of housing war workers. At that time this Housing Corporation entered into contracts with these various municipalities by which they put in various kinds of public utilities; and now that the war is over, the United States Housing Corporation has been trying to sell these houses and make settlement with the various corporations.

The amendment of July 19, 1919, was made for the purpose of compelling this Housing Corporation to close up all of its business; to sell these houses and settle up its business and turn the money, whatever it had, into the Treasury of the United States. We supposed, and I think and I believe that the committee thinks, that the Housing Corporation has the power under the law as it now stands to sell all of these buildings and settle its business. But that has been questioned, and they come back to us and ask that the law be amended. The principal amendment is found on page 2, lines 2 and 3, after the word "execute," insert the words "settle and adjust all," which makes the law broader than it was before.

This bill when it came before the committee was given careful consideration and exhaustive hearings, and the committee, after hearing all of the parties, was unanimous in voting that this bill should be reported for passage.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. WINGO. This Housing Corporation was created by the Government during the war, created by Congress, for a specific service during the war?

Mr. ELLIOTT. It was.

Mr. WINGO. The claims in question and the several suits now pending, as I understand, are all based upon claims for taxes and betterments and certain assessments made for sewers, paving, water supply, street building, and such things as that?

Mr. ELLIOTT. Yes.

Mr. WINGO. On what theory does the gentleman think these municipalities were justified in assessing these taxes against an instrumentality of the United States Government?

Mr. ELLIOTT. I do not think they were justified, and it is not the design of this bill to authorize them to pay these taxes. The object of this bill is to give the United States Housing Corporation authority to pay the bills that it actually contracted for with these municipalities or other political subdivisions.

Mr. WINGO. Do you authorize the payment of these taxes?

Mr. LANHAM. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. LANHAM. Is there not a specific committee amendment to the bill providing that these contracts shall not be adjusted until all the taxes have been first canceled or otherwise satisfied of record by the municipalities or other political subdivisions?

Mr. ELLIOTT. The object of this bill is to authorize this Housing Corporation to settle all the bills that it legally contracted for.

Mr. WINGO. It is intended to pay the tax bills?

Mr. ELLIOTT. No. On page 4 there is an amendment which provides—

That no settlement or adjustment of any contract or other obligation, made or incurred with any municipality, or other political subdivision, under the provisions of this act, may be made until all taxes and special assessments upon the property of the United States of America, the title to which is in the name of the United States Housing Corporation, and which is situate within said municipality, or other political subdivision, shall have been first canceled or otherwise satisfied of record.

Mr. WINGO. The point I am trying to get at is this: Under your bill do you authorize them to pay the taxes? You authorize them to pay claims. There is nothing in the amendment you have read which prohibits the payment of taxes.

Mr. ELLIOTT. We authorize them to settle and pay the obligations of the Housing Corporation entered into with various municipalities.

Mr. WINGO. Is this bill intended to authorize them to settle these different lawsuits out of court? Will not this bill authorize them to settle what they thought they had the power to settle—that is, all these claims growing not only out of their own contracts but out of the tax and other bills that have been rendered against them?

Mr. ELLIOTT. This bill is designed to authorize the Housing Corporation to settle all legal obligations of that body which it has entered into with these various municipalities.

Mr. WINGO. If they are legal obligations, you do not have to authorize the Housing Corporation to pay them. Is not this to legalize obligations that are not now legal or that are of doubtful legality?

Mr. ELLIOTT. No.

Mr. WINGO. What is the object of the lawsuits? Why are these lawsuits pending? If these are admitted legal contracts and they have authority to settle them, why do you require a curing act of Congress?

Mr. ELLIOTT. If the gentleman will pardon me, lawsuits are very often founded on legal contracts.

Mr. MERRITT. Will the gentleman yield?

Mr. ELLIOTT. I yield to the gentleman from Connecticut.

Mr. MERRITT. If the gentleman will allow me, I think I can explain to the gentleman from Arkansas what happened in one case, which will illustrate others. In Bridgeport there was a tax levied on the property, which tax was disputed by the Housing Corporation, whereupon the city said they would not go on with the improvements unless they knew they were going to get their money. Then the Housing Corporation entered into a contract with the city of Bridgeport providing that if the city would make certain improvements the Housing Corporation would pay them as much for those improvements as the corresponding surrounding property of private individuals would have had to pay. In other words, they used the tax on the surrounding property to measure the amount which the Housing Corporation would have to pay. It does not commit the United States or change the status of the United States in any way as to paying taxes, but simply uses that means as a measure for the determination of the amount that the United States shall pay under this contract.

Mr. WINGO. Does the gentleman refer to a betterment or improvement tax, or to a property tax?

Mr. MERRITT. This was for sewers and such things.

Mr. WINGO. That is a betterment or improvement tax.

Mr. MERRITT. Yes.

Mr. WINGO. There is no dispute that the Government ought to grant authority to pay its part, but not all, of that kind of a burden. The point I want to get at is that there is a committee amendment referring not only to cancellation but to settlement and payment of these betterment taxes, is there not?

Mr. ELLIOTT. I do not know that I quite understand the gentleman.

Mr. WINGO. You provide here for the cancellation or some other satisfaction on the record of the tax claims, and in the main part of the bill you give them general blanket authority to settle and adjust all contracts or other obligations incurred during the war.

Mr. ELLIOTT. The object of this bill is to authorize the Housing Corporation to settle all legal existing claims against the corporation.

Mr. WINGO. You have authority to pay a specific sum in order to get a cancellation of the tax lien? Then, as I understand, this will not affect these lawsuits challenging the legality of these claims.

Mr. ELLIOTT. If there is a claim that is illegal, they have no right to pay it. I can not attempt to prophesy what will be the outcome of any lawsuit against the United States Housing Corporation.

Mr. WINGO. Is it intended to pay any alleged property taxes or is it intended to confine the payment to the betterment taxes?

Mr. ELLIOTT. I think it is only designed to pay the taxes which the Housing Corporation agreed to pay; that is, special assessments. For instance, in some of these towns and perhaps all of them they entered into contracts with the municipalities for the extension of sewers and water and other things of that character which have not yet been paid for. These things were done under a contract and were a special assessment. I think it was the intention of this bill to authorize them to pay for all those things they agreed to. But the ordinary taxes they assess against other property they had no right to assess against the Government property, and I do not think there is anything in the bill to authorize the Housing Corporation to pay them.

Mr. WINGO. That was not the intention of the committee to do that?

Mr. ELLIOTT. No.

Mr. WINGO. And if the language does it, it is not according to the judgment of the committee?

Mr. ELLIOTT. It is not according to the judgment of the committee.

Mr. CLOUSE. Will the gentleman yield?

Mr. ELLIOTT. I will, but my time is running.

Mr. CLOUSE. In reference to the Bridgeport, Conn., controversy which seems now to be in litigation, does not this

amendment to the bill authorize a settlement of that claim regardless of the merits?

Mr. ELLIOTT. This bill is not designed to take care of any particular case, but is to take care of all of them.

Mr. CLOUSE. But it confers power and authority to settle that claim of the city of Bridgeport regardless of the merits.

Mr. ELLIOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen, if I may be allowed to proceed without interruption, I will make this matter as clear as I can in the 10 minutes allotted to me. This bill only clarifies what the law now is. The additions sought to be made in the existing law are these: In lines 1 and 2, page 2, the words "settle" and "adjust" have been inserted. Those words are not in the existing law. Then, in lines 4, 5, 6, 7, and 8, the words "including contracts or other obligations made or incurred with municipalities or other political divisions for the furnishing of services and facilities to the property of such corporations, and for the construction of public utilities by such municipalities or other political subdivisions in pursuance to the terms of said contract or other obligations" are added. Otherwise the bill is exactly as the law is to-day. By the sundry civil bill of 1919 we amended section 5 of the housing act, and in that amendment we said that the Housing Corporation should thereafter cease to do business except that it might conclude and execute contracts and other obligations made and incurred during the war.

In my judgment, that was ample authority for the Housing Corporation to conclude and execute its contracts, and it seems to me it included the payment of amounts due under them.

However, controversies have arisen in this department and legal opinions have been given to the officials of the Housing Corporation, as they say, and as the statement of the Secretary of Labor to the Committee on Public Buildings and Grounds shows, as a result of which doubt has been thrown on the authority of the housing officials to settle outstanding contracts made with municipalities. This doubt is based largely on the theory that perhaps it is illegal, or not in pursuance of any law, for the Government to pay what might be considered taxes.

I remember distinctly when the gentleman from Kentucky, Mr. Sherley, was chairman of the Committee on Appropriations, and was explaining the original housing bill on the floor of the House. He said the reason that we were creating the Housing Corporation was to create an agency of the Government by which things could be done that the Government itself did not or could not do. In order to carry out that purpose this corporation was authorized. Mr. Sherley said that it would be necessary in this housing project for the Government to build sewers and pavements and all that sort of thing and contract to pay for them, and in order to give the Government the power to do so this corporation was created. That was what the act was for; the Housing Corporation was organized under the laws of New York to buy and sell lands, to enter into contracts with municipalities, and to perform other necessary functions, and as a result of that the corporation did enter into a number of contracts.

I want to call your attention to the kind of contracts that were made. I have not the time to go into it at length. The corporation made contracts with various cities by which it agreed that if the cities would lay certain pavements in the housing project, put in sewers, put in lights, put in water, that after the cities had done that and paid for it the Housing Corporation would reimburse them for the expense.

Here is a sample clause that is in the written contract. After providing what the city should construct, it is provided:

The Government shall pay to said city during the period covered by this contract for all special facilities furnished or provided to the said real property of the Government and the residents thereon, and not provided for in said initial agreement, an amount equal to the amount which would be assessed against said real property as a special assessment, including the usual interest and penalties for said above-described real property of the Government subject to taxation, and shall pay said amount when the first installment of such an assessment shall be due.

The corporation made these arrangements by which it did not agree to pay taxes or to pay special assessments, but said, "If you will put these things in for us, we will pay you an amount equal to the amount that otherwise would have been assessed against our property as special assessments." If the objection were made that the Government could not pay taxes, even laying aside the question of the right of this corporation to do things that the Government could not, I imagine that even that language in that contract would have stood the test and would have been held to be good.

As a result of these contracts which they made with many cities throughout the country, these improvements were put in. The general method of putting in these public utilities is by

special assessment on the abutting property, and on the basis of those assessments bonds are issued, special assessment bonds, which are sold on the market. That has been done all over the country, and to-day this peculiar situation exists. Those bonds are being presented for payment, in many cases maturing already, and payment is being defaulted. The municipalities have no funds with which to pay them, while there is lying in the treasury of the Housing Corporation ample funds to pay every cent of these obligations which these cities now owe. If I may be excused for referring to something that is happening in my own district, where I have, no doubt, a personal interest, I wish to refer to a telegram that I recently received from the mayor of the city of Rock Island, which is in my district, and to which city over \$70,000 is due on account of these special assessments. He says in this telegram that the United States housing bonds are being presented for payment; that the city has no money to take them up; that the holders of them are insisting that they be paid; that the city can not afford to default in the payment of these bonds; and that it is in a bad predicament. He then asked, What is the prospect of remedial legislation?

In taking this matter up with the Housing Corporation, I am told that there is a question about their authority. We then took the matter up with Secretary Davis, who perhaps does not have direct control over the Housing Corporation, but who is at the head of the Labor Department, under whose general jurisdiction the Housing Corporation exists.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. WINGO. On the Rock Island proposition, were those bonds issued by the city for the sole purpose of paving and sewerage around those Government buildings?

Mr. GRAHAM of Illinois. Yes.

Mr. WINGO. What is the total issue?

Mr. GRAHAM of Illinois. I think about \$70,000, all together.

Mr. WINGO. They are making a claim for taxes for a school district and for betterment amounting to \$73,000.

Mr. GRAHAM of Illinois. There were contracts made with all of those municipalities.

Mr. WINGO. I am talking about the Rock Island proposition.

Mr. GRAHAM of Illinois. Yes. In our State the various school districts, the counties, the cities, the various subdivisions of the municipal government have the right to levy taxes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LANHAM. Mr. Chairman, if the gentleman desires, I yield him 10 minutes more.

Mr. GRAHAM of Illinois. Mr. Chairman, I do not know how familiar gentlemen of the committee are with the operations of this Housing Corporation, but the projects they built were very large. Up in our community, in the city of Rock Island, and in Moline and in East Moline, which lie along the river, houses were constructed on account of the large number of men in the Government arsenal at that place. The Government built several hundred houses. It built little communities, little cities, with community gathering places, with stores and other facilities. They built them usually in places where there were no streets, no sewers, no water, and then they would get the cities to extend these utilities to the housing project, and make as a result of that a rather complete town. Then when the war was over the Government sold these houses with all of these abutting privileges and got the benefit of them in the increased price received. When the cities go to the corporation and ask it to pay, as it agreed to do in the original contract, they find that there is some doubt about it, and the Government does not pay. If all of these obligations were paid, they would amount to about \$500,000.

As I am informed, there is in the treasury of the Housing Corporation about \$800,000, which would be available for this purpose and which ought to be used for that purpose. We are in the unfortunate position of having these obligations, which are justly due to these municipalities all over the country, and not being able to get the money because of what can not be more than an ambiguity in the law. Having no other recourse, if this bill does not pass, these cities will have their bonds defaulted. The Secretary of Labor says in his letter, incorporated in the report, that doubts have arisen, that the matter has been discussed in the department among the law officers, and that doubts have arisen, and that this legislation is necessary to clear up those doubts, so that those obligations can be settled.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. CLOUSE. Referring to the Rock Island matter, I see that the corporation is billed as though sold by the city for serv-

ices rendered during the year 1919, also for the year 1920 and for the year 1921, with approximately some \$30,000. Does the gentleman know what the services were?

Mr. GRAHAM of Illinois. Yes. They were the installment of these special assessments which are coming due—installments that would have been paid if it had been an improvement that the city itself was making.

Mr. CLOUSE. But I see following that the city is claiming \$40,000 by virtue of assessments for paving, and so forth. I presume that includes the installation of the necessary sewers?

Mr. GRAHAM of Illinois. Oh, yes. I have a list here of the total amount in that city—\$70,000. It is all paving. They are special assessments that come in from year to year. This statement in the report was made by the Housing Corporation, and is not very accurate. It was a memorandum that was made for us while we were investigating this matter, for the purpose of trying to get some general idea of how much they did owe, but, as a matter of fact, these are practically all special assessments.

Mr. CLOUSE. Then, the report here is inaccurate when it says that the claims of the city of Rock Island for assessments amount to only \$40,000.

Mr. GRAHAM of Illinois. Yes.

Mr. CLOUSE. As a matter of fact, the claim is \$70,000?

Mr. GRAHAM of Illinois. This statement in the memorandum is not correct. It was made hurriedly by the officers of the Housing Corporation and does not show the exact situation.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. MANN. Do I understand that the Housing Corporation in many places constructed dwelling houses and obtained for them sewer and water connections from the cities, and that the Government has either sold those houses or wants to sell them with the understanding that the purchasers would have the use of the water and the sewer connections?

Mr. GRAHAM of Illinois. That is the situation.

Mr. MANN. This part goes into the value?

Mr. GRAHAM of Illinois. Absolutely. They have got the value for it. They have sold several hundred houses up in our country with all these privileges.

Mr. MANN. Would it be possible, the city having put in these improvements at its own expense, to shut off the water or sewer connections if they desired to, not having been paid for them?

Mr. GRAHAM of Illinois. I do not know whether they could or not, but here is what they tried to do. This happened in many cities. Seeing that the Housing Corporation was not paying the amount that it agreed to pay, a great many municipalities tried to assess these properties for taxes and special assessments. At once the district attorneys in the various jurisdictions brought injunction suits against the taxing bodies and tied them up by injunction on the theory that this was Government property and therefore free from taxes. I am inclined to think if a vigorous fight had been made on some of these injunction suits it might have been held that the Housing Corporation was liable, at least for special assessments, but as it was not made, the injunctions are permanent.

Mr. MANN. Unless we pass this bill we will be in this position. The Government makes use and gets the benefit of sewer and water connections and sells the houses to people upon the basis of having them in, and the purchase price is based upon that condition, then reneges?

Mr. GRAHAM of Illinois. That is the exact situation.

Mr. WHITE of Maine. May I have the attention of the gentleman from Illinois a moment? The situation is worse than that, because in a very large number of these cases the Government, or rather the Housing Corporation, has sold the houses to individuals, and in some cases title was passed, I think, and in others they have a contract of sale outstanding and only 10 per cent of the purchase price has been paid. If the water is shut off and the other betterments are taken from the purchaser we will have a default on the contracts or a foreclosure under the mortgage, and the Government will have all this stuff back on its hands.

Mr. MANN. And the Lord knows we do not want it.

Mr. GRAHAM of Illinois. I will say in conclusion, let the corporation have the legislation which they say they need to settle up all of these contracts and get it off their hands, and then I am, for one, willing to go along with the rest of the Members here and see that the corporation is wound up and concluded. But as long as these matters are pending with rights not well established, you can not get anywhere.

Mr. SMITH of Michigan. That is the only way, to wind it up and get out of it?

Mr. GRAHAM of Illinois. Yes.

Mr. WINGO. If we do not pass this bill these various cities will be out that much?

Mr. GRAHAM of Illinois. Absolutely.

Mr. LAYTON. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. LAYTON. In any case can a settlement be made except on the basis fixed in their contract?

Mr. GRAHAM of Illinois. It must be upon a contractual basis.

Mr. LANHAM. Will the gentleman yield back the remainder of his time.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. LANHAM. How much time have I?

The CHAIRMAN. The gentleman from Indiana has 10 minutes remaining and the gentleman from Texas 20 minutes.

Mr. ELLIOTT. I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Chairman and gentlemen of the committee, the condition that exists in my district in regard to this housing proposition is somewhat different than in other districts. During the war they constructed in Davenport some 200 houses. Immediately following the war they sold all the houses that they had in Davenport; that is, the Housing Corporation, acting for the Government. They put their own price on them, and I believe in less than two days' time they had sold the entire housing proposition in the city of Davenport. I think it was one of the wisest things the Government ever did. They closed up, and at the time they were getting a fair value for the property.

Mr. LAYTON. Will the gentleman yield just a moment? Does not the gentleman think the Government would have done infinitely better if Congress had passed a compulsory law compelling the closing up of all this Housing Corporation and selling all its properties at the time when real estate was high?

Mr. HULL. I certainly do. I do not care to use much of my time in answering this question. I simply want to call attention to the fact that unless we pass a bill and unless the Housing Corporation takes up and settles these things in the city of Davenport they will have a lot of houses back on their hands as suggested by the gentleman from Illinois. The people who bought the houses were laboring people, and I think the contract said they would get fee in simple title free of encumbrance, and then when they came to get title the city wants to levy a tax that the Government has failed to pay it for betterments, sewerage, and the other things.

Now, the effect of that is simply this: That unless the Housing Corporation has this bill and settles it up, these people will be unable to finance themselves, and the Government is going to have these houses back on its hands, and they can not get 50 cents on the dollar compared with what they already have them sold for. I do not think it necessary to take any more of your time. It is simply a business proposition. I do think that this amendment that is placed at the end of the bill by the committee ought to be clarified. I think, in line 11, page 4, we ought to say "except special assessment of betterments." That will clear the whole matter up. Then they will know what you state in your bill, that they are to pay for sewerage, for paving, and the betterments that they contracted with the cities to pay for at the time they built these houses.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

- S. 1502. An act for the relief of Thomas E. Owen;
- S. 1670. An act for the relief of Buffkin & Girvin;
- S. 1784. An act for the relief of John B. Elliott;
- S. 2095. An act to reimburse the city of Baltimore, State of Maryland, for moneys expended to aid the United States in the construction of works of defense during the Civil War;
- S. 2745. An act to amend subdivision (3) of subsection (B) of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes";
- S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.;
- S. 3046. An act to donate the gates at the head of West Executive Avenue in the city of Washington, D. C., to the Hayes Memorial Museum, Fremont, Ohio;
- S. 3098. An act authorizing the extension of the park system in the District of Columbia;

S. J. Res. 137. Joint resolution transferring to the custody of the secretary of the Smithsonian Institution certain relics now in the possession of the Department of State; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2774) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

- H. R. 7483. An act for the relief of Robert G. Whitfield; and
- H. R. 8924. An act to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes."

The message also announced that the Senate had passed with amendments the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public and for other purposes," approved June 5, 1920, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

- S. 621. An act to amend subdivision (c) of section 206 of the transportation act, 1920; and
- S. 2736. An act providing for the conveyance of certain unused military reservations in the State of Massachusetts to the city of Salem and the town of Marblehead.

HOUSING FOR WAR NEEDS.

The committee resumed its session.

Mr. LANHAM. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, this bill has two objects. One is to keep on the pay rolls certain gentlemen. The suggestion that these gentlemen are Democrats does not appeal to me at all. I recognize you will not get rid of them or these claims as long as they have some money in the Treasury.

This bill will take about \$600,000 out, and that will leave \$200,000 more. This very bill will be the basis for claims involving over \$4,000,000, to be paid out of the Treasury of the United States, if it is passed, and you establish this precedent.

Now, my good friend from Indiana [Mr. ELLIOTT] says that this will authorize them to pay "legal" claims only. I dislike to differ with the gentleman, but as I read his report, and as I kept up with the dispute, the object of this bill is to validate that which is of doubtful legality and which is in litigation in court.

Not one single dollar of a single class, not one single dollar of your betterments, of the streets in front of Government property, not one single dollar of the main lines of sewer in front of this Government property, can be collected out of this Housing Corporation, which, in the last analysis, is the money of the United States Treasury, without the passage of this bill, and no court will ever sustain their claim. And that is the reason why they are coming in here.

Gentlemen, it is not a new proposition. It has been litigated ever since 1868, involving the very theories that are in this lawsuit, and there are 50 or 60 cases which hold what the limit is of the States and local authorities to tax agencies of the United States Government. You can not do it. You are going to authorize by the passage of this bill the payment of bills that are not legal, and that no court will hold are legal. And the only claim you have is in the court of conscience. Now, if there is any municipality that has been injured and has borne a burden by reason of these operations, I will be glad to vote for a bill to pay that, because I do not want the Government to stand on a strict legal liability in meeting an obligation. But every one of these cities received distinct benefits. You can just as well say that these cities will suffer if they are not reimbursed for this paving and for the main line of the sewers as to say that a man on whose land a well had been bored without his authority can go on the assumption that he would make somebody else pay for it, and that that well would be injured just as if you would pull it up out of the ground. Are we going to pull up those sewer mains or that paving? Are we going to get the benefit when these buildings are sold?

In my State governmental agencies went out in time of war and, under the contract, before certain activities could be located, you had to give not only the land—and the same is true in Mississippi and other States—but you had to lay down the sewer and make the connection. You paved the road to the addition, and streets in the addition; in one instance you had to pay cool cash in order to get the location. Pass this bill and the people of that State will come in here and get that enormous sum they have claimed. They will come here from Mississippi and other States. If you want to do it, gentlemen, I do not care. I would like, of course, to accommodate these municipalities, and if you will bring in a bill here that will authorize the payment alone of proper claims, I will support that. I would be willing to support an item to cover what might be termed "betterments accruing solely to Government property." Their merchants and everybody else got the benefit of it, and yet you say because there is \$800,000 in the Treasury you are going to authorize this Housing Corporation to reimburse it. Of course, all municipalities are hard up at this time.

You set the precedent as to these municipalities, and do not you worry, there will be claims for over \$4,000,000 coming from the other States where cities had to put in this same kind of betterments. You say the war is over, and you have got the money, and that these cities are poor. Is not that true of every other city and class in the country? If it is a legal claim, you do not have to pass this validating statute. Read what the Secretary says in the report as to what these claims are made up of. Have these cities been burdened by giving them these improvements and the great swelled pay rolls during the war? Do they mean to say that they have been imposed on, when we all know that every bit of political pressure was brought to bear here to locate all these improvements we could in each man's district? Cities sent their boards and representatives here and paid hotel bills, and did everything they could to get this. Now, when the tumult and the shouting dies, they say that, while the pavements are there and the sewer mains are there, and that the people who buy from the Government will get the benefit and maybe the Government will get a little better price for the buildings, they are going to lose the benefit of having a governmental agency there and they will have to depend on the private occupant of those houses. All right, gentlemen; you can do it if you want to do so. I do not care. But do not you come and talk about Shipping Board expense or anything else when you put a bill like this through.

Mr. Chairman, I yield back the balance of my time.

Mr. LANHAM. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. APPLEBY].

Mr. APPLEBY. Mr. Chairman and gentlemen, a particular case of a housing situation in my district was brought to my attention after this bill was introduced—that of Lincoln Gardens, a suburb located within the city limits of the city of New Brunswick, N. J. One hundred and ninety-five houses were built there by the Government and sold at public sale, with the understanding that all the improvements, in the shape of water, special sewer construction, and so forth, were included in the sale. The contracts for the sale of these houses were entered into, running through a period of 11 years. The purchaser has 11 years in which to pay for them. A number of the people who have these contracts between the Housing Corporation and themselves are desirous of obtaining title, but they can not get a good title for the reason that the city of New Brunswick has filed tax liens against the property.

I have endeavored to get the city to cancel those tax liens for the various years, and they come back to me with the proposition that the Government made a special agreement with them to build what is known as an outfall sewer to cost some \$22,000, one half of which was to be paid by the Government—the Housing Corporation—and the other half by the city. The city of New Brunswick has never received one dollar on that contract made with it in good faith by the Government. I am not here arguing only for the city but for the 200 people—the 195, to be exact—who have these contracts and can not get good title to the property.

It seems to me since the Housing Corporation has received that money, some \$800,000 from the sale of these various properties, and is holding that money up and refusing to pay their obligations, and the people who have made partial payments on the contracts can not get title to the property, it is a very serious proposition, and legislation of this sort, which will give the Housing Corporation power to settle the claims, is a fair bill. That is my interest in the matter.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. APPLEBY. Certainly.

Mr. WINGO. The gentleman does not mean to say that there is any lawyer up there who seriously contends that they can sustain their tax liens?

Mr. APPLEBY. They are sustaining them.

Mr. WINGO. Can the gentleman tell of a Federal court that will sustain that claim?

Mr. APPLEBY. This case has not been taken to court.

Mr. WINGO. I thought the gentleman had said that had been done.

Mr. APPLEBY. That is in the Bridgeport case, one of the Connecticut cases.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. SMITH of Michigan. Does this bill cover all in the list of claims of that class?

Mr. APPLEBY. All cases where claims have been filed with the Housing Corporation.

Mr. SMITH of Michigan. Is there any prospect of other cities coming in?

Mr. GRAHAM of Illinois. Absolutely none. In every case where there is any contract or any claim of any kind on account of any housing project, they are in this list.

Mr. SMITH of Michigan. This is supposed to wind it up?

Mr. GRAHAM of Illinois. Yes.

Mr. WINGO. That applies to the Housing Corporation, but it does not apply to the War and Navy Departments.

Mr. APPLEBY. This applies to the Housing Corporation.

Mr. KIRKPATRICK. Mr. Chairman, will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. KIRKPATRICK. I have knowledge of a claim by the city of Bethlehem for several thousand dollars under an agreement by which they paid an architect for the work on this Housing Corporation proposition there with an understanding or contract with the Government to get that back. I notice that is not included in this bill.

Mr. GRAHAM of Illinois. That is not included because it is not in this class of claims.

Mr. KIRKPATRICK. I thought the gentleman said it was included.

Mr. GRAHAM of Illinois. No; I am talking about contracts made for public utilities.

Mr. KIRKPATRICK. That is not a contract for public utilities.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. LANHAM. Mr. Chairman, is the gentleman from Indiana [Mr. ELLIOTT] going to use any more of his time?

Mr. ELLIOTT. No. Mr. Chairman, I ask that the bill be read.

The CHAIRMAN. The Clerk will read the bill for amendment.

The bill was again read, with the committee amendments, as follows:

Page 2, line 5, after the word "contracts," insert "or other obligations," and after the word "made," in the same line, insert the words "or incurred."

In line 6, after the word "municipalities," insert the words "or other political subdivisions."

In line 9, after the word "municipalities," insert the words "or other political subdivisions."

In line 10, after the word "contracts," insert the words "or other obligations."

On page 4, after the word "law," in line 7, insert a colon and the following:

"And provided further, That no settlement or adjustment of any contract or other obligation, made or incurred with any municipality, or other political subdivision, under the provisions of this act, may be made until all taxes and special assessments upon the property of the United States of America, the title to which is in the name of the United States Housing Corporation, and which is situate within such municipality, or other political subdivision, shall have been first canceled or otherwise satisfied of record."

The CHAIRMAN. The question is on agreeing to the first committee amendment.

Mr. WINGO. Mr. Chairman, will not these amendments be considered separately?

The CHAIRMAN. They will be considered separately. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 5, after the word "contracts," insert the words "or other obligations."

Mr. WINGO. Mr. Chairman, that amendment would authorize the settlement of claims based on contracts, contracts which, I think, every lawyer will concede they had no authority to make, although there might be some argument in favor of validating them because the Government got the benefit. But you say you are authorized to satisfy one other class of obligations, and that is the general property tax obligation. If you want to limit it to obligations that have been incurred in good faith by the corporation with these different municipalities, all right.

That is your argument. But you propose by this amendment to go further. I hope the amendment will be defeated.

Mr. GRAHAM of Illinois. Mr. Chairman, there might be some force in the gentleman's argument if this were adding anything to the law as it now exists. The law as it now exists, and as it was enacted by the sundry civil bill of 1919, reads this way:

To conclude and execute contracts or other obligations made or incurred during the war—

And so forth. So you will notice that the words "or other obligations" were used in the act which is now the law. As I understand it, the committee in passing on this inserted the words "or other obligations" in order to conform with the language of the existing law.

Mr. WINGO. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. WINGO. The existing law authorized them to make contracts or other obligations. That would have quite a distinct meaning from the language you use here. You amend the existing law and authorize them to "settle," and under the discretion which you claim they had you say it would authorize them to cover every possible obligation that had been made. That is the gentleman's argument, that they made contracts with these municipalities. They would not have to be written contracts. You are undertaking to change the law, and the change in the law would give a different effect to these same words here, and for that very reason the first draftsman of the bill left out the words "or other obligations," because he recognized the effect of the change.

Mr. MANN. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. MANN. The law now provides that they can conclude or execute contracts or other obligations made or incurred during the war. That is the law which it is proposed to amend. Now, in inserting the amendment about municipalities they simply carry the same language; that is all.

Mr. WINGO. I do not object to the words "or other political subdivisions."

Mr. MANN. It simply carries the same language which is carried already in the law, which authorizes them to conclude and execute contracts or other obligations. Now, the only new language is the words "settle and adjust." When you say "contracts or other obligations" and then go on and say "including so-and-so," you naturally repeat that language the way you have already covered it, or else it would be considered as excluding something already covered by the law; and the only question here is whether, having given them authority to conclude and execute contracts, we will add the words "settle and adjust" contracts. That, I take it, comes of a hypercriticism of the law—I think that is the proper word—because everybody supposed, unless it was some hypercritical lawyer, that when that language was used authority to conclude and execute contracts gave authority to settle and adjust them. What else does it mean?

Mr. WINGO. Is the gentleman asking me?

Mr. MANN. No; I am simply suggesting that the words "or other obligations" in this bill are in conformity with the previous law.

Mr. WINGO. The gentleman does not think it has any effect at all on the words "or other obligations." Does the gentleman think that is a hypercritical suggestion?

Mr. MANN. No; but the other obligations are already included in the bill. The only thing about this particular amendment is that it is said that that includes municipalities. I think it would include them whether it is inserted here or not, but there may be some question in the minds of the Housing Corporation.

Mr. WINGO. The gentleman is a good lawyer and not a hypercritical one. Is the Housing Corporation given authority to incur tax obligations?

Mr. MANN. That is not a matter for the board to determine.

Mr. WINGO. Possibly the gentleman has overlooked what I had in mind. It was stated that the board had a contract or had a verbal agreement that if the municipality would do certain things the Housing Corporation would give them a gratuity in a sum equal to the tax which they had no authority to pay. Does the gentleman think they had authority to make any such agreement or to incur any such obligation?

Mr. MANN. Why, certainly. The Housing Corporation had authority to let a contract for the building of a house or a number of houses. In connection with that they had authority to let a contract for the building of a street. They had authority in connection with that to construct a water system or a sewer system; but it was much cheaper for them to arrange

with the municipality, so that they could get the water from the water system of the municipality and to connect their sewer system with the sewer system of the municipality. Otherwise they might have been without an outlet, except at great expense. I think they undoubtedly had the right to enter into that contract. They had a right to enter into any contract for the providing of the necessary facilities according to the modern notion of houses in cities. My district has no interest in this, because they never came to Chicago to build any of these houses.

Mr. WINGO. No; I do not think they did.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 5, after the word "made," insert "or incurred."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 6, after the word "municipalities," insert "or other political subdivisions."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 9, after the word "municipalities," insert "or other political subdivisions."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 10, after the word "contract," insert "or other obligation."

Mr. WINGO. Mr. Chairman, of course, there is no doubt in the mind of any lawyer that they had authority to make certain contracts, but they had no authority to bind either directly or indirectly any property or fund they had for the payment of a tax upon a governmental agency.

If they did have, you would not have this bill in here. The original law as now written does not authorize them to do certain things with reference to other contracts or obligations. You may very properly, because there is some force in the argument, authorize them to settle contracts which are legal but which some one may have some doubt about on account of being interwoven with illegal contracts. The words used in here are for the sole purpose of settling a void contract, not a voidable one, but absolutely void, and there is not a lawyer in the House who has any regard for his reputation that will say that the courts have not settled this identical question. In at least three leading cases involving agents—not Government-owned property, but private corporations acting as Government agents and conferred with agency powers by congressional statute—they have passed on this identical question. This is only a bluff to get you to reimburse cities for these permanent betterments—making you pay for the streets that were built, because, forsooth, you say they had authority to build streets, but they called on the cities to build them. Of course, the cities would be glad to build the streets and additions. In one case there were 700 new homes. Of course, the city would be glad to put a sewer out there. There is one claim coming in regard to a county in Florida where they floated \$500,000 of bonds, and objection was made to the floating of a bond issue that this was not to be a permanent Government institution, and that later it would not be worth one cent to the community for community purposes. Now, they are to abandon it, and these people will have a right to come in on the same footing as those in this bill and ask that they be reimbursed. If you reimburse one community for building streets through Government activity, reimburse one city for laying a sewer main in the street, reimburse one city for putting sidewalks in front of Government property, that they are to have and the only change contemplated is a change of ownership—you do that and you will have all the other communities come in here and demand that they be treated the same way.

The Clerk read the following committee amendment:

Page 4, line 7, after the word "law" insert:

"And provided further, That no settlement or adjustment of any contract or other obligation, made or incurred with any municipality or other political subdivision under the provisions of this act, may be made until all taxes and special assessments upon the property of the United States of America, the title to which is in the name of the United States Housing Corporation, and which is situate within such municipality or other political subdivision, shall have been first canceled or otherwise satisfied of record."

Mr. WALSH. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Page 4, line 15, after the word "record," insert "and said corporation shall report to Congress from time to time all settlements or adjustments made under authority herein."

Mr. ELLIOTT. Mr. Chairman, we will accept that amendment.

Mr. MANN. Mr. Chairman, I would like to ask my colleague, the gentleman from Illinois, how you can work out this sort of a proposition practically. Is the gentleman satisfied that it can be worked out practically? I admit that whatever assessment of taxes there are that they must be disposed of if a settlement is to be made.

Mr. GRAHAM of Illinois. Let me answer that in rather a roundabout way. I suggested to the president of the Housing Corporation when this proposition was advanced to me that there might be some practical difficulties about taking the taxes off the books, the tax being extended thereon. I can see practical difficulties about it now, I am frank to say. It seems to me if I was going to do it I would go about it in this way. I would make an agreement with the district attorney by which a mandatory injunction would compel the removal of the taxes.

Mr. MANN. No mandatory injunction can take a tax off the books. They can restrain the collection of it.

Mr. GRAHAM of Illinois. There are cases where a permanent injunction is in force in some cases.

Mr. MANN. I doubt whether a tax official who is responsible for the money received by him can mark a tax off unless he turns the money over.

Mr. NORTON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. NORTON. In all cases wherever there is a question about the taxes a court can issue a permanent injunction, and that will satisfy it on the record. That leaves the record clear for all time.

Mr. MANN. If you can work it out in that way, all right.

Mr. GRAHAM of Illinois. I do not know whether we can or not.

Mr. MANN. I think I could have framed language which would have covered it without putting it in that shape.

Mr. GRAHAM of Illinois. This is not my language, it is the language of the Department of Labor.

Mr. MANN. Then it is probably not right. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment, as amended.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, on page 2, line 10, I think there should be an amendment striking out the word "contract" in the singular, and inserting the word "contracts" in the plural.

Mr. GRAHAM of Illinois. I think that is correct.

Mr. MANN. I offer that amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 2, line 10, strike out the word "contract" and insert in lieu thereof the word "contracts."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last word. I have been unable to locate this section 5, as amended. I have no doubt that it has been amended, but I can not locate it.

Mr. MANN. It has been amended all right. I located it, though I can not give the gentleman the citation.

Mr. GRAHAM of Illinois. It is the act of July 19, 1919.

Mr. WALSH. The deficiency or the sundry civil appropriation act?

Mr. GRAHAM of Illinois. The sundry civil appropriation act.

Mr. MANN. I say I located it. My secretary did, and it was compared.

Mr. SANDERS of Indiana. It is an amendment to that section?

Mr. MANN. Yes.

Mr. ELLIOTT. Mr. Chairman, I move that the committee do now rise and report the bill, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that

committee had had under consideration the bill (H. R. 9597) to amend an act entitled "An act to authorize the President to provide housing for war needs," and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. ELLIOTT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and on a division (demanded by Mr. WINGO) there were—ayes 49, noes 2.

Mr. WINGO. Mr. Speaker, I make the point of no quorum and challenge the vote for that reason.

The SPEAKER. The gentleman from Arkansas makes the point of order that there is no quorum present. It is clear there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 230, nays 78, answered "present" 3, not voting 119, as follows:

YEAS—230.

Ackerman	Fairfield	Kline, N. J.	Ransley
Anderson	Faust	Kline, Pa.	Reece
Andrews, Nebr.	Favrot	Kopp	Reed, W. Va.
Ansorge	Fenn	Kraus	Rhodes
Appleby	Fess	Kreider	Ricketts
Arentz	Fish	Lampert	Riddick
Atkeson	Fitzgerald	Langham	Roach
Bacharach	Fordney	Layton	Robertson
Barbour	Foster	Lazaro	Robison
Begg	Frear	Lea, Calif.	Rogers
Bixler	Free	Leatherwood	Rose
Blakeney	Freeman	Lineberger	Rossdale
Bland, Ind.	French	Linthicum	Ryan
Bland, Va.	Frithingham	Little	Sanders, Ind.
Boles	Fuller	Logan	Sanders, N. Y.
Bond	Funk	Luce	Schall
Brennan	Gahn	Luhning	Scott, Mich.
Brown, Tenn.	Gensman	McArthur	Scott, Tenn.
Browne, Wis.	Gerner	McCormick	Shelton
Buchanan	Glynn	McFadden	Shreve
Bulwinkle	Goldsborough	McLaughlin, Mich.	Siegel
Burdick	Goodykoontz	McLaughlin, Nebr.	Sinnott
Burke	Gorman	McLaughlin, Pa.	Smith, Idaho
Burroughs	Graham, Ill.	McPherson	Smith, Mich.
Burtess	Green, Iowa	MacGregor	Smithwick
Burton	Greene, Mass.	Magee	Snyder
Butler	Griest	Maloney	Sproul
Cable	Griffin	Mann	Steenerson
Campbell, Kans.	Hadley	Mapes	Stephens
Carter	Hardy, Colo.	Merritt	Summers, Wash.
Chalmers	Hardy, Tex.	Michener	Swank
Clague	Haugen	Miller	Sweet
Clarke, N. Y.	Hawes	Mills	Swing
Cole, Iowa	Hawley	Millsbaugh	Taylor, N. J.
Colton	Hayden	Montoya	Thompson
Connell	Herrick	Moore, Ohio	Tilson
Connolly, Pa.	Hersey	Moore, Ind.	Timberlake
Cooper, Ohio	Hickey	Morgan	Tinkham
Copley	Hicks	Morin	Towner
Coughlin	Himes	Mott	Treadway
Crago	Hukriede	Nelson, A. P.	Underhill
Cramton	Hull	Nelson, J. M.	Voigt
Crowther	Humphreys	Newton, Minn.	Volstead
Cullen	Husted	Newton, Mo.	Walsh
Curry	Hutchinson	Noian	Walters
Dale	Jeffers, Nebr.	Norton	Wason
Dallinger	Johnson, S. Dak.	Padgett	Watson
Darrow	Jones, Pa.	Parker, N. J.	Webster
Davis, Minn.	Kearns	Parker, N. Y.	Wheeler
Deal	Keller	Patterson, Mo.	White, Me.
Dempsey	Kelly, Pa.	Patterson, N. J.	Williamson
Dowell	Ketcham	Perkins	Woodruff
Dunbar	Kless	Perlman	Woodward
Dunn	King	Petersen	Wyant
Dupré	Kinkaid	Pringley	Young
Dyer	Kirkpatrick	Purnell	Zihlman
Echols	Kissel	Raker	
Elliott	Klecaka	Ramseyer	

NAYS—78.

Almon	Byrns, Tenn.	Gilbert	Larsen, Ga.
Aswell	Collier	Hammer	Lee, Ga.
Barkley	Collins	Harrison	London
Beck	Connally, Tex.	Hoch	Lowrey
Bell	Cooper, Wis.	Hooker	McClintic
Bird	Crisp	Huddleston	McDuffie
Black	Davis, Tenn.	Ireland	Madden
Blanton	Doughton	Jacoway	Moore, Ill.
Bowling	Drewry	Jeffers, Ala.	Moore, Va.
Box	Fields	Johnson, Ky.	O'Connor
Brand	Fisher	Jones, Tex.	Oliver
Briggs	Garner	Kindred	Park, Ga.
Byrnes, S. C.	Garrett, Tex.	Lankford	Parks, Ark.

Quin	Sears	Taylor, Ark.	White, Kans.
Rankin	Sisson	Thomas	Williams
Rayburn	Steagall	Tillman	Willson
Rouse	Stiglmann	Tincher	Wingo
Sabath	Stevenson	Tyson	Wright
Sanders, Tex.	Strong, Kans.	Vinson	
Sandlin	Sumners, Tex.	Weaver	
ANSWERED "PRESENT"—3.			
Clouse	Cockran	Johnson, Miss.	
NOT VOTING—119.			
Andrew, Mass.	Fairchild	Lyon	Rucker
Anthony	Focht	McKenzie	Shaw
Bankhead	Fulmer	McSwain	Sinclair
Beedy	Gallivan	Mansfield	Slemp
Benham	Garrett, Tenn.	Martin	Snell
Bowers	Gould	Mead	Speaks
Brinson	Graham, Pa.	Michaelson	Stafford
Britten	Greene, Vt.	Mondell	Stiness
Brooks, Ill.	Hays	Montague	Stoll
Brooks, Pa.	Hill	Mudd	Strong, Pa.
Campbell, Pa.	Hogan	Murphy	Sullivan
Cannon	Houghton	O'Brien	Tague
Cantrill	Hudspeth	Ogden	Taylor, Colo.
Carew	James	Oldfield	Taylor, Tenn.
Chandler, N. Y.	Johnson, Wash.	Olpp	Temple
Chandler, Okla.	Kahn	Osborne	Ten Eyck
Chindblom	Kelley, Mich.	Overstreet	Upshaw
Christopherson	Kendall	Paige	Vaile
Clark, Fla.	Kennedy	Parrish	Vare
Classon	Kincheloe	Porter	Vestal
Codd	Kitchin	Pou	Volk
Cole, Ohio	Knight	Radcliffe	Ward, N. Y.
Denison	Knutson	Rainey, Ala.	Ward, N. C.
Dickinson	Kunz	Rainey, Ill.	Winslow
Dominick	Langley	Reavis	Wise
Drane	Larson, Minn.	Reber	Wood, Ind.
Driver	Lawrence	Reed, N. Y.	Woods, Va.
Edmonds	Lee, N. Y.	Riordan	Wurzbach
Ellis	Lehlbach	Rodenberg	Yates
Evans	Longworth	Rosenbloom	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. WINSLOW with Mr. O'BRIEN.

Mr. OSBORNE with Mr. GALLIVAN.

Mr. DENISON with Mr. BANKHEAD.

Mr. BROOKS of Illinois with Mr. RIORDAN.

Mr. SNELL with Mr. WOODS of Virginia.

Mr. VARE with Mr. KINCHELOE.

Mr. OLPP with Mr. MCSWAIN.

Mr. ELLIS with Mr. CAMPBELL of Pennsylvania.

Mr. LAWRENCE with Mr. SULLIVAN.

Mr. CANNON with Mr. WISE.

Mr. WOOD of Indiana with Mr. GARRETT of Tennessee.

Mr. REBER with Mr. MARTIN.

Mr. MONDELL with Mr. OLDFIELD.

Mr. REED of New York with Mr. RUCKER.

Mr. HILL with Mr. DOMINICK.

Mr. GRAHAM of Pennsylvania with Mr. HUMPHREY.

Mr. CODD with Mr. MONTAGUE.

Mr. SPEAKS with Mr. POUL.

Mr. CHINDBLOM with Mr. DRANE.

Mr. STRONG of Pennsylvania with Mr. LYON.

Mr. CHANDLER of Oklahoma with Mr. OVERSTREET.

Mr. RADCLIFFE with Mr. RAINEY of Illinois.

Mr. TAYLOR of Tennessee with Mr. UPSHAW.

Mr. OGDEN with Mr. KITCHIN.

Mr. KENDALL with Mr. RAINEY of Alabama..

Mr. HOGAN with Mr. KUNZ.

Mr. VAILE with Mr. WARD of North Carolina.

Mr. KENNEDY with Mr. TAGUE.

Mr. DICKINSON with Mr. PARRISH.

Mr. KAHN with Mr. MEAD.

Mr. LEHLBACH with Mr. FULMER.

Mr. VOLK with Mr. BRINSON.

Mr. MUDD with Mr. CANTRILL.

Mr. KNUTSON with Mr. TAYLOR of Colorado.

Mr. JOHNSON of Washington with Mr. DRIVER.

Mr. ANTHONY with Mr. CAREW.

Mr. KNIGHT with Mr. MANSFIELD.

Mr. HAYES with Mr. STOLL.

Mr. COLE of Ohio with Mr. TEN EYCK.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. ELLIOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a letter from Capt. L. M. Overstreet, United States Navy, showing the amount of Federal taxes compared with State, county, and municipal taxes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. MacGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the St. Lawrence Ship Canal, including a report of the investigation.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record on the St. Lawrence Ship Canal.

Mr. MANN. Including what?

Mr. MacGREGOR. Including the report of the investigation, which I think will be very interesting to Members.

Mr. MANN. How long is it?

Mr. MacGREGOR. Well, it is quite lengthy, but I think it will be of value to the Members of the House who are interested in the proposition.

Mr. MANN. Well, I doubt the advisability of printing some long report of a private individual on a subject of that kind in the Record.

Mr. MacGREGOR. I would like to get it before the Members. This is a very large subject.

Mr. MANN. Well, I shall not object; but if everybody is going to print the opinion of private individuals on the St. Lawrence project in the Record we will have to enlarge the Printing Office.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEGISLATION REGARDING SEVERAL INDIAN RESERVATIONS OR TRIBES.

Mr. SNYDER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10193, and pending that motion I desire to see if we can not arrange a short time for general debate. I would like to ask the gentleman from Arizona if he has made any arrangement or had any requests?

Mr. HAYDEN. I have had requests for an hour and a half, but I have asked gentlemen who asked for an hour to forego at this time in order that the bill might be passed this afternoon. I can get along with 30 minutes, and if consent is granted I will divide it between two gentlemen.

Mr. SNYDER. I will be willing to agree to 40 minutes general debate, and the gentleman from Arizona can have 30 minutes, as far as I am concerned.

The SPEAKER. The gentleman from New York asks that general debate be limited to 40 minutes. The gentleman from New York to control 10 minutes and the gentleman from Arizona 30 minutes. Is there objection? [After a pause.] The Chair hears none. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10193, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10193, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10193) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; payment for tuition of Indian children in Montana; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in fee in certain cases; establishing a revolving fund on the Rosebud Reservation; leasing, for mining purposes, certain lands on the Fort Peck, Mont., Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; additional water rights on the Crow Reservation; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments; and for other purposes.

Mr. SNYDER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAYDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Chairman, there appeared in the New York Tribune of the 18th instant a Washington dispatch which reads in part as follows:

[From the Tribune's Washington bureau.]

WASHINGTON, February 17.

The entire fleet of merchant ships owned by the United States Government will be offered for sale on February 21, it was announced today by Joseph W. Powell, president of the Emergency Fleet Corporation. The total of 1,470 vessels included is expected to net the Government close to \$200,000,000, or an average of \$20 a ton.

"If the subsidy bill is passed," said one official, "the Government will find a ready market at the top world-market prices, but if Government aid is refused only a miraculous advance in ocean commerce will stimulate the market."

"The Fleet Corporation's advertisement will call for offers on all Government tonnage, to be sold at private competitive sale. No award will be made before March 14, the date set for closing of bids.

"The Fleet Corporation also stipulates that the twenty-three 535-foot and 502-foot combination passenger and cargo vessels now under construction will be sold in fleets, in order that constant service on selected routes may be possible in compliance with the intent of the merchant marine act. It is the desire of the Shipping Board that 12 of these vessels be employed in the Pacific trade, 5 in the London service, 2 on South American routes, and 4 on the Bremen schedule.

"The administration subsidy program will be laid before Congress late next week in a special message by President Harding, and the majority leaders of both Houses will give the proposal their hearty approval and support, it was indicated to-day at the White House."

Similar articles appeared in the press generally.

Whatever sales of our ships that may be made must be under the authority of the merchant marine act of 1920. Such authority is as follows:

SEC. 5. That in order to accomplish the declared purposes of this act and to carry out the policy declared in section 1 hereof, the board is authorized and directed to sell, as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this act, at public or private competitive sale after appraisalment and due advertisement, to persons who are citizens of the United States, except as provided in section 6 of this act, all of the vessels referred to in section 4 of this act or otherwise acquired by the board. Such sale shall be made at such prices and on such terms and conditions as the board may prescribe, but the completion of the payment of the purchase price and interest shall not be deferred more than 15 years after the making of the contract of sale. The board in fixing or accepting the sale price of such vessels shall take into consideration the prevailing domestic and foreign market price of, the available supply of, and the demand for vessels, existing freight rates and prospects of their maintenance, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold, and any other facts or conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell.

It was stated in one of the newspapers that the "sale of the fleet is in line with the administration's declared determination to get the Government out of the shipping business." I, too, am in favor of getting the Government out of the shipping business as soon as possible, but the Shipping Board has no authority to sell this immense fleet, representing a cost of about \$2,500,000,000, except in the manner and under the conditions explained in section 5 of the merchant marine act, which I have just read.

As still further evidence of the fact that it was not the intention of Congress for these ships to be given away or thrown on the market when conditions were such that there was admittedly no sale therefor, I call attention to section 7 of said act, which provides in part as follows:

The board is authorized to sell, and if a satisfactory sale can not be made, to charter such of the vessels referred to in section 4 of this act or otherwise acquired by the board, as will meet these requirements to responsible persons who are citizens of the United States who agree to establish and maintain such lines upon such terms of payment and other conditions as the board may deem just and necessary to secure and maintain the service desired; and if any such steamship line is deemed desirable and necessary, and if no such citizen can be secured to supply such service by the purchase or charter of vessels on terms satisfactory to the board, the board shall operate vessels on such line until the business is developed so that such vessels may be sold on satisfactory terms and the service maintained, or unless it shall appear within a reasonable time that such line can not be made self-sustaining.

While officials of the Shipping Board are quoted as estimating that our immense fleet will bring \$200,000,000 at the proposed sale, yet it does not definitely appear as to whether this estimate is predicated upon present values or upon values in anticipation of subsidy legislation or whether it is an estimate of the sale price after the enactment of subsidy legislation.

It is certain that under the existing depressed conditions and the very low ebb of world shipping, these ships can not be sold at anything like their real value or what they would bring when conditions improve. All the authorities agree that there is no adequate sale for the ships at this time.

In an address last May, James A. Farrell, president of the United States Steel Corporation, declared:

It is questionable whether under present conditions any considerable tonnage could be sold except at a sacrifice which is not warranted, pending a revival of business in foreign markets, and considering the nominal cost of maintenance laid up.

While the cost of the ships will be written down eventually to a reasonable figure, the ships can not be sold until a market exists for them, and until that the investors will not furnish the money to buy them.

In a statement last year, Charles Piez, former Director General of the United States Shipping Board Emergency Fleet Corporation, declared:

At the present time ships, like other commodities, are a drug on the market.

In the hearings before the Appropriations Committee the latter part of last July, Chairman Lasker was asked the following question, and gave the following reply:

Mr. KELLEY. Of course, this is not the right time to sell any kind of ships. You would have considerable difficulty in selling a steel ship, would you not?

Mr. LASKER. I make the prediction that you will never reach the time when you will sell these wooden ships. You can not give a ship away to-day. I mean that literally, if a man must pay the cost of operation.

In the same hearings, Mr. J. B. Smull, one of the experts employed by Chairman Lasker, stated:

There is no possibility of selling boats to-day at any price.

On the 12th of last August, the chairman of the Appropriations Committee [Mr. MADDEN] declared on this floor:

There is no chance to sell the ships now. You could not give a ship away.

All of these authorities were undoubtedly correct in their statements and there has certainly been no change in conditions since those utterances were made. Consequently, we may well inquire as to what is the purpose of the Shipping Board in now throwing all of our ships upon the market.

From the standpoint of the Government and the taxpayers it would certainly be a monstrous and indefensible proposition to practically give these ships away, and then subsequently enhance their value as it is predicted would be done by the enactment of subsidy legislation. Some of the newspaper articles stated that it was intended to sell the vessels "on a rising market," presumably in anticipation of subsidy legislation. However, in view of the past fate of proposed subsidy legislation, it is foolish to think that a mere prospect will materially stimulate prices.

Furthermore, if it is intended by those in authority to enact subsidy legislation, and if it is known that such can be done as is declared, why not wait until after the enactment of such legislation and then sell the ships after the market has actually advanced instead of selling on the nebulous prospect of "a rising market."

Certainly nobody is foolish enough to believe that subsidy legislation can be enacted prior to the closing of bids on March 14, less than three weeks hence. No bill for that purpose has even been introduced, no hearings have been held before any committee of the House or the Senate. On the other hand, when the proposition is definitely presented and the American people are heard from, it is more than likely that such legislation will not be enacted at all. There is nothing more certain than that it will not be enacted by March 14. Consequently, in any aspect of the case, a sale of this fleet at this time, prior to the improvement of shipping conditions and even prior to the proposed artificial and superficial stimulus, is not only without authority and in direct violation of the authority vested in the Shipping Board but would constitute the most colossal betrayal of the rights of the people ever perpetrated in any Government. Will it be contended by any Member of this House that such a sale would be "consistent with good business methods" or that it would be made under "conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell"?

Mr. GOODYKOONTZ. Will the gentleman yield for a question?

Mr. DAVIS of Tennessee. I will be glad to yield, if I have time, after I have concluded my statement.

Even if the proposed subsidy legislation is enacted and the ships are then sold for \$200,000,000, how would the Government come out? The act provides that the vessels may be sold on not exceeding 15 years' time, and it may be reasonably inferred that most, if not all, of the purchasers would purchase on the basis of the time limit. In addition to indirect subsidies, it is proposed to pay an annual direct cash subsidy of \$30,000,000. In 15 years the direct subsidy would amount to \$450,000,000. In other words, it would involve selling these vessels in the outset for less than one-tenth of their cost and at one-third or one-fourth of what their value would have been in normal times prior to the World War or of what their market value will be when conditions and prices again become normal, and then in the form of a direct subsidy we would be paying the purchasers all that they had contracted to pay for the ships and \$250,000,000 as a clear net bonus. This bonus would be paid twice as rapidly as their purchase payments would accrue. In other words, the iniquitous proposal would amount to absolutely giving away our entire fleet of 1,448 steel vessels, besides the 276 wood and concrete vessels, and then giving the private owners a direct subsidy of \$250,000,000 additional besides indirect subsidies. I do not believe that even this Congress will stand for any such proposition. I am sure that the American people will not.

I am aware that there has been much propaganda and misrepresentation as to the character and quality of our ships. However, the fact that our war-built vessels have received the 100 A-1 classification from Lloyd's Register of Shipping proves that our work is fully up to the standards of the British yards. I cite British yards specifically because their workmanship

has always been accepted as the world standard. Lloyd's is a British organization, and it may be fairly inferred that they would not give our vessels any higher rating than is justified.

Along the same line I will quote further from the address of James A. Farrell, delivered at Cleveland last May, who, in referring to our Shipping Board vessels, said:

The steel ships were well constructed, and with few exceptions, compare favorably with the work of the best builders in any country. While we may only surmise what will ultimately become of the wooden ships which were built as a result of the dictates of military necessity, and in response to the appeal from our associates for ships, and more ships, the fact remains that our steel ships are fine examples of the skill of American mechanics.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Tennessee. May I have two minutes more?

Mr. HAYDEN. I will yield the gentleman two additional minutes.

Mr. DAVIS of Tennessee. He says this is true with only a few exceptions. Mr. Lasker now says about half of them are first class.

Furthermore, about the cost of them you have heard a great deal said. What does Mr. Farrell say about that?

The claim is made, and justly, that the cost of American ships must reasonably approximate the costs of their competitors, and that capital charges must be substantially equalized with those of our competitors. The fact remains that while a considerable number of ships built abroad have been sold under stress of necessity at less than half the cost of reproduction, as in the case of ex-enemy ships sold by Great Britain, the great bulk of the world's tonnage built during the war fairly approximates the average cost of our own fleet.

In speaking of our Shipping Board vessels, Edward N. Hurley declared:

The ships are good, strong ones, of much better quality, equipment, and finish than the cargo vessels of Europe.

He further calls attention to the run-down condition of the European fleet. Most of the European vessels were constructed at different dates prior to the World War. A large percentage of them are not only old type, but old vessels.

Wherefore, in spite of the contention to the contrary of those who have been intrusted with the authority of disposing of our merchant marine to the best advantage, we have a valuable property in our tremendous merchant marine fleet, which involves such a large investment of the people's money, and I enter my protest against it being given away to the greedy private interests who are clamoring for it, and who seem to have so completely gotten the ear of the present chairman of the Shipping Board.

I will now yield to the gentleman.

Mr. GOODYKOONTZ. The American Federation of Labor has made an investigation and report that as to the retail price of coal, for instance in the cities of San Francisco and Los Angeles, the price is \$19 per ton. Coal at our mines in West Virginia is quoted as being sold at prices ranging from \$1.60 to \$2.25 a ton.

Hundreds of these vessels are tied up now for want of cargo and business. Does not the gentleman think the Shipping Board ought to utilize these vessels in transporting coal from the Atlantic to the Pacific seaboard and elsewhere in order to meet the requirements of people for cheap fuel?

Mr. DAVIS of Tennessee. It occurs to me that that is a reasonable proposition. In that connection I wish to state that the fuel bill constitutes 30 or 40 per cent of the cost of operating a cargo vessel, and if the United States ports are given the United States coal at anything like what they ought to get it for they will have a very great advantage in the fuel bill over the ships of any other nation on earth. [Applause.]

Mr. HAYDEN. Mr. Chairman, I yield 13 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman and gentlemen, I do not wish to indulge, and do not often indulge, in extreme statements, but my friend from Tennessee and I have purposely taken advantage of this opportunity in order, if possible, to arouse at least the interest of Congress in what seems to us to be a very urgently important matter. In my judgment, if the publications in the New York Tribune are true, they set forth the boldest projected steal ever perpetrated in the history of the United States. This may not be viewed as a steal by those engaged in it. The Government owns, paid for by the money of the people, one of the greatest merchant marine fleets on the top of God's earth, and it is proposed, if the Tribune's statement is correct, to sell it for a song. Now, what it cost us does not make any difference. What it is worth as compared with what it is to be sold for does make a difference. It cost us about \$225 per ton to build it, and Mr. Farrell and others quoted by the gentleman from Tennessee [Mr. DAVIS] say that most of those ships are as fine ships as there are in the world, and they are new. Yet the proposition goes out that the Shipping Board or the Emergency Fleet Corporation proposes to sell

those ships at a round sum of \$200,000,000, or over a million tons of shipping at \$20 a ton, or thereabouts.

Mr. BLACK. Does not the gentleman think that the Congress ought in the near future to pass a law repealing that authorization in the Shipping Board act to sell these ships? I agree with my colleague that now is no time to sell an asset of that kind.

Mr. HARDY of Texas. If the gentleman will permit, the Shipping Board act amply safeguards the rights of the Government, but it is not obeyed. The question is, Will the Shipping Board obey it?

Take the case of the *Leviathan*. This House passed an amendment to a bill pending before it the other day that the Shipping Board should not have repairs done outside of the Government navy yards if the Government navy yards would do the work for less money, and the Senate took that same measure when it went to it and, as I understand it, incorporated in its passage a provision to the effect that no repairs costing over \$5,000 should be done under private contract if the Government was able to do it for less money in its navy yards. And the Boston Navy Yard was ready, and offered an estimate of \$6,000,000 to put the *Leviathan* in repair. The printer's ink was not dry on this record of the Senate and the House until we were informed that the Shipping Board had let the contract for the repair of the *Leviathan* at \$8,200,000 to a private company, which admitted that it would have to spend \$600,000 to take that ship, before it could be conditioned, to the Boston Navy Yard dry dock. What sort of a condition have we reached—

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. HARDY of Texas. I yield.

Mr. CONNALLY of Texas. Is it true that gentlemen on the other side, under the old administration, when it was offered to repair the *Leviathan* at a much smaller sum than that, raised all kinds of disturbance?

Mr. HARDY of Texas. If I am not mistaken, we had a sale of the *Leviathan* for some millions of dollars. It was enjoined by some public-spirited citizens, who ought to get busy now. The temporary injunction was issued and the bid was withdrawn and the sale fell down. To-day we are informed by the chairman of the Shipping Board that when we spend \$8,200,000 to recondition and equip the *Leviathan* we could probably get \$6,000,000 or \$7,000,000 for it; and yet we talk of economy and saving, and we are now confronted with the proposition that we will sell our entire merchant fleet at \$20 or less per ton, when before the war you could not build those ships for less than \$65 per ton in this country or in England, and you can not build them to-day for less. In fact, I doubt if they can be built in the United States for less than \$100 per ton.

The question is this: Put these ships en masse upon the market and, who can bid for them? The little man can not. Only the big corporations, that have their well-understood gentlemen's agreements, can bid. There has been a tendency to beat down the price of those ships almost from the day we first owned them. The shipping act of 1920 provided a wise policy. It said it was the purpose of this Government to organize and establish a great merchant marine. For that purpose they offered and endeavored to sell the ships that were owned by the Government at a fair market price to American citizens, regardless of what they cost.

Mr. OLIVER. Will the gentleman yield?

Mr. HARDY of Texas. I will.

Mr. OLIVER. Is it not a fact that the present chairman of the board, since he took charge, in every public utterance has depreciated the value of these ships?

Mr. HARDY of Texas. The present chairman of the board in every utterance to the public has depreciated the value of these ships, and says there is no market for them. He has said so time and again.

Mr. OLIVER. And by that he depreciates them the more?

Mr. CLARKE of New York. Do you think the chairman of the Shipping Board told the truth and stated the facts fairly?

Mr. HARDY of Texas. That there was no market now?

Mr. CLARKE of New York. Yes.

Mr. HARDY of Texas. Yes; and so did Mr. Farrell and so did Mr. Piez. I think we all know that if these ships are put upon the market now it means they are to throw them away.

Mr. LONDON. A trustee would not be permitted by a court to sell the ships on a flat market.

Mr. HARDY of Texas. If a trustee made a sale and you would show these conditions to the court, the court would set aside the sale. It is being done as if the Government is a pauper and has to save something from the wreck and ruin.

The truth of the business is the so-called Jones bill provides a wise policy. It says the Government shall take these ships and sell them for a fair price, taking into consideration what

they could be rebuilt for and what ships were selling for in the markets of the world, and taking into consideration the fact that the Government was not forced to sell; that taking all these things into consideration, the Shipping Board can sell the ships if they can find a purchaser.

To get the exact policy prescribed by the law, let us read it:

SEC. 5. That in order to accomplish the declared purposes of this act, and to carry out the policy declared in section 1 hereof, the board is authorized and directed to sell, as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this act, at public or private competitive sale after appraisal and due advertisement, to persons who are citizens of the United States except as provided in section 6 of this act, all of the vessels referred to in section 4 of this act or otherwise acquired by the board. Such sale shall be made at such prices and on such terms and conditions as the board may prescribe, but the completion of the payment of the purchase price and interest shall not be deferred more than 15 years after the making of the contract of sale. The board in fixing or accepting the sale price of such vessels shall take into consideration the prevailing domestic and foreign market price of, the available supply of, and the demand for vessels, existing freight rates and prospects of their maintenance, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold, and any other facts or conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell. All sales made under the authority of this act shall be subject to the limitations and restrictions of section 9 of the "shipping act, 1916," as amended.

SEC. 6. That the board is authorized and empowered to sell to aliens, at such prices and on such terms and conditions as it may determine, not inconsistent with the provisions of section 5 (except that completion of the payment of the purchase price and interest shall not be deferred more than 10 years after the making of the contract of sale), such vessels as it shall, after careful investigation, deem unnecessary to the promotion and maintenance of an efficient American merchant marine; but no such sale shall be made unless the board, after diligent effort, has been unable to sell, in accordance with the terms and conditions of section 5, such vessels to persons citizens of the United States, and has, upon an affirmative vote of not less than five of its members, spread upon the minutes of the board, determined to make such sale; and it shall make as a part of its records a full statement of its reasons for making such sale. Deferred payments of purchase price of vessels under this section shall bear interest at the rate of not less than 5½ per cent per annum, payable semiannually.

SEC. 7. That the board is authorized and directed to investigate and determine as promptly as possible after the enactment of this act and from time to time thereafter what steamship lines should be established and put in operation from ports in the United States or any Territory, District, or possession thereof to such world and domestic markets as in its judgment are desirable for the promotion, development, expansion, and maintenance of the foreign and coastwise trade of the United States and an adequate postal service, and to determine the type, size, speed, and other requirements of the vessels to be employed upon such lines and the frequency and regularity of their sailings, with a view to furnishing adequate, regular, certain, and permanent service. The board is authorized to sell, and if a satisfactory sale can not be made, to charter such of the vessels referred to in section 4 of this act or otherwise acquired by the board, as will meet these requirements, to responsible persons who are citizens of the United States who agree to establish and maintain such lines upon such terms of payment and other conditions as the board may deem just and necessary to secure and maintain the service desired; and if any such steamship line is deemed desirable and necessary, and if no such citizen can be secured to supply such service by the purchase or charter of vessels on terms satisfactory to the board, the board shall operate vessels on such line until the business is developed so that such vessels may be sold on satisfactory terms and the service maintained, or unless it shall appear within a reasonable time that such line can not be made self-sustaining.

You will note the law says, as to fixing the price, "considering that they were owned by an owner who was not forced to sell," but they are being thrown out as though we were forced to sell them.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield for a question? I ask for information.

Mr. HARDY of Texas. Certainly.

Mr. CAMPBELL of Kansas. I saw over 300 of these ships down in the York River some time ago. I think they had been there almost a year. Are they deteriorating rapidly?

Mr. HARDY of Texas. Are they wooden ships or steel ships?

Mr. CAMPBELL of Kansas. They are steel.

Mr. HARDY of Texas. I will say this to the gentleman, that there are many privately owned ships tied up now, and that there is not a private corporation or company that can keep those vessels if the Government of the United States can not do so.

Mr. CAMPBELL of Kansas. What I wanted to know was whether or not they were really deteriorating.

Mr. HARDY of Texas. I understand that any vessel that is laid up and not taken care of is bound to depreciate.

Mr. CAMPBELL of Kansas. I understand that about 207 are now up in the Hudson River also in the same condition.

Mr. HARDY of Texas. I want to say to the gentleman that I am ready to admit that it is a difficult problem. The Government is the owner of a great property that it is better able to take care of than any private individual, and it is criminal to give them away to private individuals, or, rather, to great combinations or corporations.

Mr. CAMPBELL of Kansas. How long will it take these ships to become absolutely valueless if they remain unused as they are to-day?

Mr. HARDY of Texas. If cared for, I think it would take 20 years. They might be put a little out of condition, but, if cared for, at any time in 20 years' time they can be reconditioned. Take the whole Jones Act; if they were to obey that law, a great deal of loss could be avoided. The gentleman from West Virginia spoke about the fact that there are vast demands for coal. The Government could utilize those vessels to transport that coal from where it is to where it is needed. The Government can find something for them to do, and the Government can care for them better than can any individual. But what will happen if you sell them in fleets, as proposed? No one but those who are already selected, perhaps, will come in and bid; some line like the Munson Line or the Pacific Line would come in and bid on a whole fleet.

I was on one of those ships, not as big a ship as the *Leviathan*, but a very big one, the *Southern Cross*, arranging to make a trip from New York down to Rio Janeiro. That vessel, I suppose, will go as a part of the fleet. It cost \$7,000,000, or about \$300 per ton. We hold a number of these great big ships. None but a great big corporation will bid for them now. Now, the big shipping corporations are banding together and beating down the value of the tonnage of the United States. It has seemed to me that propaganda has been decrying and depreciating our Government's ship property for two whole years.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. Certainly.

Mr. JOHNSON of Mississippi. I read a report in a newspaper on Sunday to the effect that the President and the leaders of the Republican Party had already agreed on a ship subsidy bill.

Mr. HARDY of Texas. Yes. Let me comment on that. If that were true, and that subsidy bill were passed, these ships would perhaps bring a better price afterwards. But they are being offered for sale and bids are beginning to-day, to end on the 14th of March, before you can begin work on the subsidy bill. I will have something to say about subsidy later. It is up to this administration, it is up to Congress, it is up to the ingenuity of American statesmanship to show that they have some ability to handle a difficult question. In the Jones Act of 1920 we made provision that where there were desirable lines for our commerce to enter into, if we could not get private capital to buy the ships, we would try to charter the ships to run them on that line, and if we could not charter them to private capital, then the Government would run them itself. Now, it may be at a loss, at a sacrifice. But, in my opinion, if the policy of the Jones Act is followed out in that respect we will start the lines where there will be the greatest promise of success, and as we get a line in successful operation private capital will come and ask for the ships, and you will sell the ships as you get the opportunity to sell them at a fair value; and this great property belonging to the United States, instead of being thrown away, will result in opening up the commerce of the United States and result in the development of the merchant marine of the United States. I want our people to take an interest in it, to wake from their slumber, and I want to let the public know that this thing is about to be perpetrated, that this steal is about to be put through. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SNYDER. Mr. Chairman, if no gentleman desires to use any time I will ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the time for making the allotments on the Crow Reservation, Mont., as provided by the act of June 4, 1920 (41 Stat. L., p. 751), be, and it is hereby, extended for a period of two years from December 4, 1921.

That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to make or approve contracts with competent and experienced firms or individuals to prepare and submit, through the superintendent of the Five Civilized Tribes, amended income-tax returns covering previous years, for the restricted members of the Five Civilized Tribes of Indians in Oklahoma: *Provided*, That the compensation paid for the preparation and submission of such amended income-tax returns shall not exceed for any year 10 per cent of the actual net savings in taxes allowed such tax-paying Indians either by reason of deductions for depletion or other proper allowances actually secured in their behalf as a result of the work and efforts of the firms or individuals with whom such contract or contracts are made in pursuance of this act: *Provided further*, That the Secretary shall make payment of such compensation out of the funds belonging to the several restricted Indians who shall be the beneficiaries of such contract.

That nothing contained in the provisions of section 10 of the act of February 14, 1920 (41 Stat. L., p. 421), and of section 10 of the act of March 3, 1921 (41 Stat. L., p. 1237), shall be construed to preclude the payment of tuition for Indian children enrolled and educated in Montana State public schools, pursuant to annual or existing appropriations of public money for payment of such tuition.

That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, and amended by the act of April 11, 1916, and the act of June 30, 1919, be, and the same are hereby, extended to March 4, 1923: *Provided*, That the provisions of this act shall apply only in cases where it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts in allotment under existing law, but for the grant to the railroad company.

That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore set apart to and are now being actually and beneficially used and occupied by such organization solely for mission or school purposes, the area so patented to not exceed 160 acres to any one organization at any station: *Provided*, That when no longer used for mission or school purposes said lands shall revert to the Indian owners.

That the Secretary of the Interior be, and he hereby is, authorized and directed to withdraw from the fund in the Treasury of the United States to the credit of the Rosebud Sioux Tribe of Indians, known as the Sioux fund, Rosebud, created under the act of March 2, 1884 (23 Stats. L., p. 895), the sum of \$30,000 for the purpose of establishing a revolving fund from which he may make loans to members of that tribe, under such rules and regulations as the said Secretary of the Interior may prescribe. Any loan so made is to stand as a preferred claim against any trust funds or trust lands under Government supervision which may belong to the borrower or his restricted estate from any source whatever.

That lands reserved for school and agency purposes and all other unallotted lands on the Fort Peck Reservation, Mont., reserved from allotment or other disposition, may be leased for mining purposes, with the approval of and under regulations prescribed by the Secretary of the Interior.

That there is hereby authorized an appropriation of \$5,000, or so much thereof as may be necessary, from Rosebud tribal funds, for the erection of a monument, under the supervision of the Secretary of the Interior, on the Rosebud Indian Reservation as a memorial to Indians of that tribe who gave their lives for their country in the recent war with Germany.

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of not to exceed \$24,000 of any tribal funds on deposit to the credit of the Crow Indians, in the State of Montana, and to expend the same, or so much thereof as may be necessary, for the acquiring of additional water rights for Indian allotments that are irrigable under the Two Legions Canal, but which have no water rights: *Provided*, That the amount to be paid for the acquiring of such water rights shall be not to exceed \$20 per acre, and that said sum, or such part thereof as may be used for the purpose indicated, shall be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior.

That wherever, in any law or treaty or in any patent issued to Indian allottees for lands in severalty pursuant to such law or treaty, there appears a provision to the effect that the lands so allotted can not be alienated without the consent of the President of the United States, the Secretary of the Interior shall have full power and authority to consent to or approve of the alienation of such allotments, in whole or in part, in his discretion, by deed, will, lease, or any other form of conveyance, and such consent or approval by the Secretary of the Interior heretofore or hereafter had in all such cases shall have the same force and legal effect as though the consent or approval of the President had previously been obtained: *Provided, however*, That the approval by the Secretary of the Interior of wills by Indian allottees or their heirs involving lands held under such patents shall not operate to remove the restrictions against alienation unless such order of approval by said Secretary shall specifically so direct.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph on page 4, commencing on line 3, and on the paragraph on page 5, commencing with line 3. I suppose the intention of the gentleman from New York is to strike out the paragraph beginning on page 2, line 22?

Mr. SNYDER. Yes. It is my intention to offer an amendment to the bill by striking out the language on page 2, beginning on line 22 and extending down to and including the language on page 3 to line 4; and then on page 4, beginning on line 16, strike out all down to line 20 and the language included in line 20; and then on page 5 to strike out, beginning with line 3, all the language on that page to and including line 15.

The reason for that is that on the 7th day of February those items were passed through this House as separate measures, so it is not necessary to include them here.

Mr. MANN. One of them is now a law.

Mr. SNYDER. Yes. I knew of no other way to correct this bill than to have those items stricken out at this time.

Mr. MANN. One of them is now a law and the other has passed both Houses.

Mr. SNYDER. Yes; but I knew of no other way to correct this bill except to ask to have this stricken out at this time.

Mr. MANN. I wonder if the gentleman has any suggestion about the point of order?

Mr. SNYDER. I do not understand what the gentleman has in mind.

Mr. MANN. This provides that the Secretary of the Interior be, and he is hereby, authorized and directed to withdraw from

the funds in the Treasury of the United States certain funds. Now, that is an appropriation.

Mr. SNYDER. That was not the intention. The intention here is simply to authorize the Committee on Appropriations to make that appropriation.

Mr. MANN. Down here in line 21, on page 4, is a provision that there is hereby authorized an appropriation of \$5,000 from Rosebud tribal funds.

Mr. SNYDER. That is what the committee intended to do by the use of that language. There is no intention on the part of this Indian Affairs Committee to appropriate, because that committee knows that it has no authority to make appropriations. If the language is not correct I would be glad to have a suggestion of an amendment.

Mr. MANN. Oh, I do not know that I am specially anxious about the point of order, though I am not particularly enthusiastic about withdrawing Indian funds to loan the money; but I think this is an appropriation of that money in the Treasury. This is a direction to withdraw money now in the Treasury. Under the Constitution you can only withdraw money in the Treasury by virtue of an appropriation.

Mr. SNYDER. I have already stated to the gentleman that it was not the intention of this committee to attempt to appropriate; but after careful investigation and hearing it was determined that, since the Rosebud Indians had something like \$300,000 in the Treasury, and many of the Indians were hard up and needed some money, after an act of their own council had been passed asking to have this money set aside, in order that they might loan it to their own Indians, it was thought advisable to give them an opportunity to do that. That is all this committee intended to do, and if we have done more than that I want to fix it so that we will do that and no more.

Mr. MANN. But I thought the intention of the committee was to get the money out of the Treasury?

Mr. SNYDER. I think the gentleman is absolutely right about that.

Mr. MANN. These were all special bills, introduced by a gentleman who probably was not very familiar with that particular rule of the House. He wanted to get the money out of the Treasury, and all he did in this bill was to collect the other bills and put them all together.

Mr. SNYDER. The hearings will show that it was distinctly stated, time and again, that we had no authority to appropriate, and we were simply attempting to authorize an appropriation.

Mr. MANN. Oh, well, I thought I would call attention to it at least—

Mr. SNYDER. I am glad the gentleman did.

Mr. MANN. So that gentlemen in this committee might know that these things do not slip by without our knowing about it.

Mr. SNYDER. I want the gentleman to know that the chairman of the Committee on Indian Affairs, at least, had no intention of letting anything slip by, and he ought to be fairly familiar with the fact that it is impossible to slip anything by, and he never would attempt to do it.

Mr. MANN. Well, if the item is to be in one shape or another I had just as lief it should be in this shape as any other as far as this item is concerned. I withdraw the point of order.

Mr. WALSH. I renew the reservation of the point of order, Mr. Chairman, for the purpose of asking the gentleman what the committee ascertained as to the necessity of creating a revolving fund for these Indians to have this money loaned to them, which very likely will never be repaid. What is the matter? Have they got tired of working, or are they destitute and suffering?

Mr. SNYDER. It is the rule on nearly all the reservations now, where they have money of their own, to create a revolving fund of this sort. I have never been heartily in favor of the proposition, but they insist on it, and they maintain that it is their own money and that if they want to loan it to their own people they ought to have the right to do so—

Mr. CAMPBELL of Kansas. For old and indigent Indians.

Mr. SNYDER. For old and indigent Indians who have allotments which have not been realized on.

Mr. WALSH. Why not?

Mr. SNYDER. Because they have not found anybody to whom they can lease or sell them.

Mr. WALSH. Then it is only the old ones that have these allotments?

Mr. SNYDER. No; I think others have them also.

Mr. WILLIAMSON. Mr. Chairman, this bill is intended to take care of old and indigent Indians living upon the Rosebud Indian Reservation. There are many of the Sioux Indians who are now between 70 and 80 years of age who have allotments

but who are incompetent and to whom a patent, therefore, can not issue.

Mr. WALSH. Why does it not specify the kind of Indians that it is proposed to relieve? This is wide open to old or young, thrifty or improvident.

Mr. SNYDER. The gentleman is right about that. No doubt it is the intention to loan this money to any Indian, whether he is young or old, for some purpose; but it is not the intention to loan it without some idea of a return of the money to the Indian fund.

Mr. WALSH. Does the gentleman think it will be returned?

Mr. SNYDER. I think much of it will be. The experience with revolving funds is that much of the money is returned. The great difficulty is to get money returned which has been paid out from reimbursable funds that were created for the purpose of constructing irrigation systems and things like that.

Mr. WALSH. What is there about a revolving fund that attracts money back again, once it has been placed in the hands of these people?

Mr. SNYDER. Of course a revolving fund on a reservation is similar to a bank, only that it is a take-out bank and rarely does anybody put anything in. Arrangements are made with the superintendent for a loan, and the superintendent makes some arrangement with the Indians to pay that money back.

Mr. WALSH. I would like some explanation as to the necessity for this legislation. I would like to hear the gentleman from South Dakota, and I will reserve the point of order if the gentleman wants to make some explanation as to why this is so broad in its terms.

Mr. WILLIAMSON. As I started out to state before, there are on this reservation a large number of old and indigent Indians. This bill is intended to take care of those people. It permits the Secretary of the Interior to make loans to these old incompetent Indians who have allotments, or who have money coming to them from the Rosebud Sioux fund in the Treasury. Being wards of the Government they have no way by which they can obtain funds. Some are in a starving condition and have been kept alive only by assistance from friends. When this appropriation is authorized it will be available for the Secretary of the Interior from which to make loans to these old Indians, which loans become a first lien against their allotments or proceeds thereof when they shall be patented or sold and are also a lien against any trust fund under Government supervision they may have coming to them or that may accrue hereafter. There is no possibility of a dollar of this money being lost; it is bound to come back into the Indian fund.

Mr. SNYDER. The Secretary of the Interior after investigation wrote this letter. I will read a part of it:

The general council of the Rosebud Indians, at a meeting held on the 4th and 5th of April, 1921, unanimously adopted a resolution requesting that a sum of \$30,000 be set aside from any applicable funds belonging to that tribe for the purpose of extending financial assistance to certain members of the tribe, particularly old Indians whose funds are exhausted and who are without means of providing themselves with the necessities of life. This resolution also suggested that any money so loaned to an Indian to stand as a preferred claim against his allotment or against any trust funds under Government supervision accruing to his credit at any subsequent time.

Mr. WALSH. The language in the bill does not confine it to the purpose set forth by the assistant secretary or the Indian Bureau, nor for the purpose stated by the gentleman from South Dakota.

Mr. WILLIAMSON. There is this to be said—all this money will be loaned under rules and regulations prescribed by the Secretary of the Interior. In going over this matter with the Secretary and the Commissioner of Indian Affairs, they both said that it was their intention to loan money from this proposed fund to the Indians who have assets upon which they can not realize. The only way that this can be done is to provide a revolving fund from which the Secretary can make the loans.

Mr. WALSH. It ought to be confined to these indigent Indians.

Mr. WILLIAMSON. Oh, well, we have other Indians; some are incompetent—

Mr. WALSH. We appropriated \$350,000 for the relief of the Indians, and we made a \$100,000 appropriation for them the other day.

Mr. MANN. That is out of the Federal Treasury, and we had better let them get it out of their own money than to take it out of the Treasury.

Mr. SNYDER. It is their own money. But I am as careful about spending their money as I would be spending that out of the Treasury.

Mr. MANN. Yes; but if the Indians have any property and they get any money it should be out of the Indian fund instead of out of the Treasury.

Mr. CAMPBELL of Kansas. Is it not true that the young incompetent Indians have allotments and their money?

Mr. CARTER. And is not it also true that it is necessary for these young Indians to have a horse or a plow, and that that ought to be advanced by the Indian Bureau, and when that is done would not it be better to have it taken out of their own property than out of the Treasury?

Mr. RHODES. Will the gentleman permit me to assign an additional reason? The gentleman from Massachusetts has expressed a desire for reasons justifying this legislation. I have in mind a concrete case that is one of the strongest reasons I have ever seen for the justification of this particular legislation. I remember once having visited a certain ex-Indian chief of the Flathead Nation, a wonderful man, a man probably 90 years of age, who had both real and personal property in his own right. Yet this old man lived in a little cabin by himself, without any furniture scarcely, except one or two old broken-down chairs, a very few of the most simple household utensils, and I was informed that he was unable to make use of his own property, and was actually being maintained by charity in the neighborhood. It seems to me that such cases makes it absolutely necessary from a humanitarian standpoint, and from every other standpoint, that this legislation be enacted.

Mr. WALSH. Does this old man come under the provisions of this bill?

Mr. RHODES. This particular Indian would come under the provisions of this bill if the bill was applicable to his reservation. I submit that Congress should speedily enact such legislation applicable to every Indian tribe.

Mr. WALSH. We know that the longer a revolving fund is maintained the smaller it becomes, until it finally disappears.

Mr. SNYDER. Mr. Chairman, the gentleman from Missouri was the chairman of the subcommittee on Indian Affairs when that committee made an investigation of Indian affairs, which is now printed. He had charge of this particular part of this investigation—the revolving fund and reimbursements. He is as well versed on the question as any man on the Indian Affairs Committee, and I think he will bear me out in the statement that every Indian tribe should have a revolving fund out of which loans may be made for the purchase of harnesses, horses, cattle, plows, machinery, and things of that sort.

Mr. BANKHEAD. Mr. Chairman, what is the parliamentary situation?

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. BANKHEAD. Mr. Chairman, I reserve a point of order to the last paragraph of page 3 of the bill authorizing the disposition in fee simple of certain lands to certain religious organizations.

Mr. SNYDER. Mr. Chairman, I hope the gentleman will not press that point.

The CHAIRMAN. What is the point of order?

Mr. BANKHEAD. This committee has no jurisdiction to report legislation of that character.

Mr. SNYDER. Mr. Chairman, that section is certainly not subject to the point of order. That sort of legislation has been enacted from time to time in this House for years by the Committee on Indian Affairs. The point about this question is this: There are now several sections of land on various reservations which have been allotted to various missionary societies, upon which they have built structures of great value, and the societies desire to go further with that work. They have no title to the property. The property has been set aside for them, and this is to give the bureau the right to give title to such of those as have already been allotted them in general, so that they will not have to come here every time they desire to set aside 160 acres for some particular purpose of this kind. In the visiting of the 25 reservations that this committee a year or two ago visited the best kept-up property and the best service we found in connection with the Indian Service anywhere was being conducted by these various missionary societies, without regard to their religious belief. It did not make any difference to what sect or belief they adhered, the work was being well done in all of them. I am heartily in favor of giving the bureau the right to set aside property for school and missionary purposes.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. COOPER of Wisconsin. I notice this proposes to give a title in fee simple.

Mr. SNYDER. Yes.

Mr. COOPER of Wisconsin. A title in fee simple carries with it the absolute right to sell and dispose of the property.

Mr. SNYDER. Oh, no.

Mr. COOPER of Wisconsin. How do you reconcile a title in fee simple with the proviso?

Mr. SNYDER. The bill distinctly provides that when no longer used for missionary or school purposes the land shall revert to the Indian owner. Of course, the property is set aside and the mission is conducted under rules and regulations laid down by the Secretary of the Interior.

Mr. COOPER of Wisconsin. A title in fee simple would allow the grantee to sell without limitation. A title in fee simple does not carry with it any restriction or limitation.

Mr. CARTER rose.

The CHAIRMAN. Does the gentleman from Alabama yield the floor?

Mr. SNYDER. Let us dispose of the point of order.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. BANKHEAD. Yes; I make the point of order.

Mr. SNYDER. What is the point of order?

Mr. BANKHEAD. That these are public lands of the United States, and that this committee has no jurisdiction to report legislation alienating title in fee simple to outside parties.

Mr. CARTER. Mr. Chairman, this provision is strictly in accordance with the rules of the House and in accordance with the jurisdiction of this committee. If the gentleman will notice, the land to be transferred is land on Indian reservations where the lands are used for school or mission purposes. The lands on Indian reservations are Indian lands and are not public lands. Without saying anything with reference to the merits of the case, I do not think the point of order can be considered seriously, because there is not any implication even that these are public lands, and the Chair must take notice of the fact that the bill says lands on Indian reservations, which clearly defines the lands as Indian lands.

Mr. BANKHEAD. Mr. Chairman, I want to state to the gentleman that the purpose of my making the point of order is that here is a proposition which involves the giving away, without any compensation, in fee simple, an undetermined amount of public lands of the United States.

Mr. CARTER. Oh, not to exceed 160 acres to anyone.

Mr. BANKHEAD. Not exceeding 160 acres; but how many of these associations are there that would be entitled under this bill to receive 160 acres of land, which might amount in the aggregate to a good many thousand acres of land? I want the gentleman to understand that I am not undertaking to criticize the work that is being done by these organizations. On the contrary, all of the evidence is that they are doing splendid work; but this involves a principle which I think is of sufficient gravity to at least have the matter discussed by raising the point of order, because it involves the absolute alienation in fee simple of an undetermined amount of public lands owned by the United States.

Mr. CARTER. The gentleman is discussing the merits. I am speaking of the parliamentary situation.

Mr. BANKHEAD. If the point of order is not well taken, I do not care to discuss it, of course.

Mr. MANN. Mr. Chairman, may I call the attention of the gentleman from Alabama to the fact that one can not make a point of order to a legislative item in a public bill which has been referred to a committee and reported back to the House by that committee?

Mr. BANKHEAD. If that is true, the point of order is not well taken.

Mr. MANN. It is not well taken. The only way you can raise that question is by a motion in the House to refer the bill to some other committee.

Mr. BANKHEAD. I expect to refer that question to the presiding officer.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Illinois states correctly the rule and the uniform practice in this House, so far as the present occupant of the chair recalls, that after a bill has been considered by a committee and reported to the House and is under consideration in the Committee of the Whole House on the state of the Union, the question of jurisdiction can not be raised. The Chair, therefore, overrules the point of order.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I want to say to the gentleman from New York that I can illustrate the point I made by citing a familiar example. Very often men by deed grant land to a village or town or city for the purpose of a park, with a right to use it unreservedly for that particular purpose, but with a provision in the deed that when the land ceases to be used for such specific purpose, then the title shall revert to the original donor; but a deed containing such reservation and limitation should never declare or pretend that it conveys to the grantee an absolute estate in

fee simple, for it does nothing of the kind. Title in fee simple is a title without reservation. It includes an unrestricted right to transfer and sell. A patent in fee simple is an estate without limitation.

Mr. SNYDER. This would not be an absolute fee simple.

Mr. COOPER of Wisconsin. But in line 17, page 3, it provides for a "patent in fee simple," in direct contradiction of the proviso.

Mr. SNYDER. I think the gentleman from Wisconsin will admit it appears to be nothing more than an easement.

Mr. COOPER of Wisconsin. And yet, on page 3, line 17, the Secretary of the Interior is authorized to issue a patent in fee simple. That would convey the whole title without any qualification or reservation.

Mr. CARTER. For certain purposes, to be used for schools and missions.

Mr. COOPER of Wisconsin. Then strike out the words "fee simple." There is a direct contradiction in terms as the language now stands. You do not, you can not, give a person a title in fee simple if in the same sentence you provide that the land must be used for certain purposes only, and that when no longer so used the title shall revert to the grantor. You can give the right to use this land for the purposes of a school a thousand years if you choose, and with the reservation that it shall go to the donor or his heirs in the event it ceases to be used for that specific purpose. But do not use the words "fee simple."

Mr. CARTER. If the gentleman will permit, evidently the Committee on Indian Affairs intended to do that which the gentleman from Wisconsin is in favor of doing.

Mr. COOPER of Wisconsin. Then strike out the words "fee simple."

Mr. MANN. Well, the term "fee simple" originally was used in contradistinction of the entailed estates. We have always used it in this country where we have no entailed estates, but that is where the term came from and the meaning. We can pass title by fee simple with all sorts of reservations in if we wish. I have drawn deeds that way repeatedly.

Mr. COOPER of Wisconsin. It was a mistake if the gentleman did it.

Mr. MANN. It may be a mistake, but after all—

Mr. COOPER of Wisconsin. Absolutely.

Mr. MANN. The great title conveyancers of the country and the greatest guarantors of real estate in the country do it, notwithstanding the opinion of my friend from Wisconsin.

Mr. COOPER of Wisconsin. Let me say to my friend from Illinois that you do not give a man a title in fee simple when you provide that if the land be used for other than a specified purpose the title shall revert to the grantor and his heirs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GENSMAN. Mr. Chairman, I am in full accord with the law as laid down by the gentleman from Illinois [Mr. MANN]. I believe that the language of the bill amply protects the Government in every respect in that it states that wherever the land being used is ever used for other purposes than those intended by the bill then the same reverts to the Government.

In any event the Government is protected, and I feel that it is up to us to encourage these institutions in every way possible.

I live within a few miles of two Indian churches. I do not know what the condition of the title to the land is; whether it is in the organization, corporation, institution, conducting services upon the premises. For instance, one of these institutions is run by Brother Deyo, an old-time Indian missionary, who is beyond question the true and tried friend of the Indian. When I came to that country and it was all a prairie, few white men were in the Kiowa and Comanche country. Brother Deyo had his church or mission out west of the newly established town. Indians attended faithfully at his meetings and had been doing so for a number of years. If there is any man in the Kiowa and Comanche country who has earned 160 acres, it certainly is he. To the north of my home town is an Indian mission. Rev. Harper, an Indian missionary, has been there for a number of years. His work among the Indians is apparent.

I am a great believer in this form of helping the Indian, and I feel that we can not do too much to encourage them, and whether the point of order made by the gentleman from Alabama [Mr. BANKHEAD] is good or not, from the standpoint of merit these missionaries are entitled to every consideration and encouragement.

Mr. CLOUSE. Will the gentleman yield?

Mr. GENSMAN. I will.

Mr. CLOUSE. Of course, I understand that the gentleman from Oklahoma is intensely interested in the welfare of the Indians, and having that view of the case I was just wondering what he thought about this provision authorizing the Secre-

tary of the Interior, in his discretion, to make contracts with experienced firms or individuals to go into the question of reviewing their income tax returns back to the year 1914 and charge a per cent.

Mr. SNYDER. We will come to that a little later on.

Mr. CLOUSE. I desire to know now, if I can get the information, what the object and purpose of that is when you have a superintendent whose duty it should be to look after the welfare of those Indians?

Mr. SNYDER. If the gentleman will permit, we will get to that in just a minute.

Mr. GENSMAN. I will answer the question propounded by the gentleman from Tennessee by saying that I have not looked into the matter very carefully, but that the superintendent of an ordinary Indian agency has all he can do to take care of the Indians without going into the question of the Indians' tax reports. What I am more particularly interested in is these missionaries on the reservation, who have lived there for years and years and who have done their part to raise the standards of the Indian and make him able to cope with the white man. These missionaries do their work with a feeling of love for humanity and a desire to serve their God. Their work is usually performed under trying circumstances and more or less unpleasant surroundings. The Indian is losing nothing and gaining a great deal, and I certainly hope the point of order will be withdrawn.

Mr. SNYDER. Mr. Chairman, I move to amend the bill by striking out, on page 2, beginning with line 22, all the language down to and including line 4, on page 3.

The CHAIRMAN. The gentleman from New York [Mr. SNYDER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: Page 2, line 22, strike out all of lines 22, 23, 24, and 25, and all of lines 1, 2, 3, and 4 on page 3.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I invite the attention of the gentleman from Illinois [Mr. MANN] and of the gentleman from Oklahoma [Mr. GENSMAN], who a few moments ago promptly approved his interpretation of the law, that according to Bouvier's Law Dictionary, a standard authority, both gentlemen are absolutely mistaken. I thought it was strange if I had forgotten the definition, given from Blackstone down, of the words fee simple. I read from Bouvier:

Fee simple: An estate of inheritance. The word simple adds no meaning to the word fee standing by itself. But it excludes all qualification or restriction as to the persons who may inherit it as heirs—

I direct the attention of the gentleman from Oklahoma—

Mr. CAMPBELL of Kansas. That is, if they inherit it.

Mr. COOPER of Wisconsin. Please wait a minute.

Mr. CAMPBELL of Kansas. It provides a deed in fee simple.

Mr. COOPER of Wisconsin. This bill, as drawn, does not.

Mr. CAMPBELL of Kansas. A patent in fee simple.

Mr. COOPER of Wisconsin. Bouvier, in defining fee simple, says:

It excludes all qualification or restriction as to the persons who may inherit it as heirs, thus distinguishing it from a fee tail, as well as from an estate which though inheritable, is subject to conditions or collateral determination.

It is the largest possible estate which a man can have, being an absolute estate in perpetuity. It is where lands are given to a man and to his heirs absolutely, without any end or limitation put to the estate.

Note that language. Fee simple is "the largest possible estate which a man can have. It is where lands are given to a man and to his heirs absolutely without any end or limitation on the estate." But the proviso beginning on line 25, page 3, puts a very strong limitation in the deed, and, therefore, a deed containing such limitation would not convey a title in fee simple.

Now, this is in a certain sense not a very important matter, and yet when men arise and take it as a matter of course that you are mistaken, when you know that you are right, it is well, when possible, to bring in authority to demonstrate that your interpretation of the law is correct. And therefore I again read Bouvier's definition of an estate in fee simple:

It is where lands are given to a man and to his heirs absolutely, without any end or limitation put to the estate.

Mark that language, "to a man and his heirs absolutely," "without limitation."

But this proviso imposes a limitation. It restricts the authority of the grantee. It provides not for a title in fee simple, but for a restricted fee. And therefore, as I have said, it is a contradiction in terms to say in one line that you give to John Smith a title in fee simple, which is an absolute title without qualification or limitation, and follow that up with the statement that if the land is not used for school purposes it shall go back to you and your heirs.

Mr. WALSH. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. WALSH. Does the gentleman contend that the authority he has cited proves that his contention is right?

Mr. COOPER of Wisconsin. Of course I do. Otherwise, Mr. Chairman, I should not have read it. And I also mean what I say when I say that Bouvier defines a title in fee simple as an absolute estate without limitation.

Mr. WALSH. The dictionary corroborates the position of the gentleman from Illinois [Mr. MANN].

Mr. CLOUSE. Mr. Chairman, I move to strike out the last two words. I wanted to kindly come to the aid of the gentleman from Wisconsin and simply call his attention to the rule in Shelley's case, which is where an estate is created by gift or conveyance, and in the same instrument an estate is limited to the heirs of the grantee, the word heir or heirs shall be construed as words of limitation and not of purchase, but this rule having been abrogated by statute in this country leaves the converse to be the rule.

But I am not interested in that, but am interested in another feature of the bill. Now, under the language used on page 2, beginning with line 4, it seems that down in the good old State of Oklahoma there is some one that needs a job, and if that be true there is a provision in this bill that is going to take care of him very well, I think. The Secretary of the Interior is authorized to make and approve contracts with experienced firms or individuals to go over and review and revise the income tax returns of this tribe of Indians since the year 1914.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. CLOUSE. In just a minute.

I happen to know a little something about figures, and I know how a man's memory operates, too, and if you open up this avenue to permit some expert accountant to go down there, with the incentive that he is to get 5 per cent on every dollar that he can fish out of the Government of the United States in revising these returns, I imagine when you grant the authority and he gets on the job that the Treasury of the United States is going to suffer immensely as a result of it. Why go down there and revise estimates, and insist upon deductions that probably were made at the proper time and at the time the returns were made, seven years or eight years ago, when time has destroyed the records that would be worth anything or that could be looked to or considered as evidence as to the justice of these claims? Now, I just wanted to know what the superintendent, who is supposed to be looking after the interests of these Indians, has been doing if he did not make the income-tax returns for this tribe of Indians, who are the wards of the Government, at the proper time and in the proper way?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNYDER. Mr. Chairman, I ask for a vote on the pending amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SNYDER. Mr. Chairman, I move to further amend, on page 4, beginning on line 16, by striking out the language down to and including the language in line 20 on the same page.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: Page 4, beginning with line 16, strike out all of lines 16, 17, 18, 19, and 20.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SNYDER. Mr. Chairman, I offer a further amendment: On page 5, beginning with line 3, strike out all the language down to and including the language in line 15 of the same page.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: On page 5, beginning with line 3, strike out all the language down to and including the language in line 15 of the same page.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEATHERWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEATHERWOOD: Page 2, line 8, after the word "returns," strike out the words "covering previous years" and insert in lieu thereof the words "to and including the year 1921."

Mr. MANN. Mr. Chairman, I have heard the amendment read. What does it mean?

Mr. CLOUSE. It means to go back to 1913.

Mr. SNYDER. It means this, that after this bill was presented here to-day, after further study, some of the members of the committee were in doubt as to whether the words "previous years" would not permit a case occurring, say, this year, which would be considered as a previous year if the matter were not presented until next year; and in the desire to fix it so that the report could not go back further than the previous year we put this language in.

Mr. MANN. It goes back under the language of the bill and according to the amendment as far as 1913.

Mr. SNYDER. This prevents going, in the future, further back than 1921.

The CHAIRMAN. The gentleman from Utah is recognized in favor of his amendment.

Mr. LEATHERWOOD. Mr. Chairman, it was clearly the intention of the committee to limit these contracts simply to returns already on file. It was not the intention of the committee to recommend legislation with the idea that there would be incorrect tax returns filed for these Indians in the future.

Mr. MANN. There will be, will there not?

Mr. LEATHERWOOD. We do not propose, if we enact this legislation, to make it possible that the attorneys shall be constantly clamoring in the future that the Indian Bureau shall make this class of contract. The superintendent of the Five Civilized Tribes should file correct income-tax returns for these Indians from now on. It is with some reluctance that I am led to think that this bill should be passed. I think there is much force in what the gentleman from Tennessee [Mr. CLOUSE] has said with reference to this particular question. I have very little doubt but that if you pass legislation of this character, leaving the time open, you will put a premium upon an attempt, every time a lot of income-tax reports are filed for these Indians, to have them revised by attorneys holding contracts calling for commission for their services.

Mr. SNYDER. Of course the gentleman understands that the situation as it exists to-day is this: Certain restricted Indians in Oklahoma have had returns made for them by the superintendents of these various tribes—returns that are proven already to have been incorrect—and they have no means except through the bureau to make an effort to get a revision of those returns. The Indian Bureau takes the position that it has no lawyers or no experts that it can put upon these cases to determine what the Indian is entitled to have returned to him.

Mr. LEATHERWOOD. It is just for that reason that I am in favor of enacting this particular legislation, but limiting it so that it will apply only to returns filed prior to and including the year 1921. There is no question but there have been incorrect returns filed involving perhaps as much as \$350,000. I have no objection to this legislation, but I do not want it to go further.

Mr. SNYDER. The gentleman would stop it at this point, so that it can not go further than 1921?

Mr. LEATHERWOOD. Yes.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. WALSH. What years do you want examined?

Mr. LEATHERWOOD. I assume, and I understand it is the intention of the committee, that the returns filed since 1913 up to 1921 will be examined for the purpose of correction.

Mr. MANN. There is a statute of limitations against opening up the accounts.

Mr. SNYDER. The gentleman understands that recently, within a year, everybody who made an income-tax return was asked to waive that statutory right, so that the inspectors of the income department can go on and inspect your returns even though the statute of limitations has barred it.

Mr. MANN. They do not pretend to go back to 1913 or 1914. They can not go back that far and open up those returns.

Mr. LEATHERWOOD. Then it would include only those that accrued prior to 1921 and that are not barred by the statute.

Mr. WALSH. Why not specify the years, 1918, 1919, 1920, and 1921? Why should they not be specifically mentioned?

Mr. MANN. If you can go back beyond the statute of limitations, it will open them up.

Mr. LEATHERWOOD. The object I have in view is to put a stop to it as to all reports filed as to income received after 1921.

Mr. CLOUSE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. CLOUSE. Mr. Chairman, the amendment offered by the gentleman from Utah [Mr. LEATHERWOOD], in my judgment,

repeals all existing law upon this question and especially with respect to the statute of limitations, because of the fact that it is a subsequent statute, directly in conflict with the provisions of existing law and therefore operates as a repeal by implication of all laws inconsistent therewith.

Now, here is the proposition that I have in mind: Here is a proposition, a contract, made with an expert income-tax authority or an accountant to go out in Oklahoma and revise the returns of this tribe of Indians, his compensation depending solely upon the amount that he can have the income tax reduced for a certain year. Every incentive is offered to induce him to falsify his figures, because his compensation depends upon his success in reducing the amount paid. Now, if we repeal the act for this tribe of Indians and permit them to go back to 1913—

Mr. SNYDER. Will the gentleman permit a suggestion?

Mr. CLOUSE. Yes.

Mr. SNYDER. This does not deal with a tribe of Indians. This simply deals with a few restricted Indians who have sufficient incomes to pay an income tax.

Mr. CLOUSE. Oh, yes; I understand the class of Indians it deals with, but if you are going to take the bars down to a class of restricted Indians, why do you not take them down to the thousands of American citizens who are white men who have made mistakes in their income-tax returns and paid the Government more than they were justly obligated to pay?

Mr. SNYDER. These are restricted Indians, who can not of their own accord go out and get somebody to do it.

Mr. CLOUSE. But the Government is paying a superintendent for those restricted Indians, and it is his duty to look after them; and if he had been doing his duty he would have seen to it that their returns were properly made.

Mr. SNYDER. Will the gentleman permit me to make another suggestion there?

Mr. CLOUSE. Yes.

Mr. SNYDER. It was impossible for the superintendent to do that, because it was impossible for him to figure the depletion in the property at the time the income-tax returns were made, so the returns must be gone over afterwards.

Mr. CLOUSE. But the record discloses, in my judgment, that he followed literally the provisions of the income tax law, for he says that his office has computed the taxes on the basis of the actual decrease in production for each current year. What other method is there for arriving at the return?

Mr. BURTNESS. Will the gentleman yield?

Mr. CLOUSE. Yes.

Mr. BURTNESS. Does not the gentleman see that that allowance has not been granted by the department?

Mr. CLOUSE. Yes; and under the law it should not be allowed.

Mr. BURTNESS. Does the gentleman contend that there should not be a proper allowance made for depletion, and just because the Indian agent did not know what the depletion was, and did not give the Indian the benefit of what he should be allowed, that for that reason there should be no allowance for depletion?

Mr. CLOUSE. I know that under the income tax law he may charge off such an amount as is necessary to keep the property in repair, but depletion does not relate to income, and I say if an honest expert accountant was there he could not change the result in this case, because that is the ruling of the Commissioner of Internal Revenue.

Mr. SNYDER. Evidently the gentleman is not familiar with the method in which they handle the income tax out there, because they do deduct for depletion.

Mr. CLOUSE. I do not know of any section of the income tax law which authorizes it.

Mr. SNYDER. This matter has been about as carefully investigated as it is possible to investigate any matter.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. My genial friend from Tennessee [Mr. CLOUSE] says that evidently somebody down in Oklahoma wants a job. If this bill becomes a law, as I hope it will, probably somebody will receive a job. It will be necessary to appoint some one to check up these income-tax returns of the restricted Indians, and I assume it will be some worthy Republican under this administration.

Mr. MANN. Oh, the gentleman knows this is for the benefit of ex-Senator Gore. What is the use of beating around the bush?

Mr. CARTER. Mr. Chairman, ex-Senator Gore is a lawyer. The thing necessary to be done here is to have an expert on depletion who is an engineer. It will take an engineer to do this work. A lawyer can not do it, and I think Senator Gore so stated before the committee if I recall correctly.

Mr. MANN. Ex-Senator Gore is the only man who has been here advocating the bill. I do not say it is an improper bill.

Mr. CARTER. I say to the gentleman from Illinois that several other gentlemen have been to me about the bill, and there were several other gentlemen before the committee. Of course, what I said with reference to the appointment of a good Republican was a facetious remark in reply to what the gentleman from Tennessee [Mr. Clouse] had said. I assume, however, that it will be a Republican. If this was a Democratic administration, I should certainly insist on the appointee being a Democrat.

Mr. MANN. It will be a great disappointment to ex-Senator Gore if the appointee is a Republican.

Mr. CLOUSE. I would like to have the gentleman from Oklahoma point out just what section of the income tax law would authorize a deduction for depletion in the value of property?

Mr. CARTER. I think I can do that if the gentleman will indulge me for a moment.

Mr. CLOUSE. I would be glad to have the gentleman do it.

Mr. CARTER. I thought I had the citation here. I can put it in the Record if the gentleman would like to see it.

I think about February 17, 1919, they began allowing a charge for depletion in the income-tax returns on oil. There is no one who can figure this depletion but a mining engineer. Every big oil company in the country has an engineer to figure the depletion for them. They had a man doing the very same service for them that is asked for by these Indians.

Mr. CLOUSE. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. CLOUSE. Suppose one of these engineers goes from here and finds in 1913 the depletion on a particular tract of land was \$200,000. How is the Government going to controvert and take issue with the findings of that engineer?

Mr. CARTER. We all know that the Internal Revenue Department of the Government is taking care of the collection of internal revenue pretty well.

Mr. CLOUSE. Yes; and they are trying to be fair with the taxpayers as well as with the Government and with these Indians.

Mr. CARTER. The Indians have not been taken care of because they have had no one to figure the depletion. The superintendent of the Indians went to the Government to get the depletion records of the oil producers, but he could not have access to them. The experts in the Indian Bureau, according to the statements of the Indian Commissioner and according to the statement of the superintendent himself, can not figure this depletion. It will take such men as they have not in the service and such men as are employed now by very big oil companies of the country. So the Indian has gone along, getting no credit for depletion where the white man has been getting his.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. MANN. The depletion that is claimed by a man who returns his income is to be passed upon by the Government.

Mr. CARTER. Certainly.

Mr. MANN. If an Indian employs an engineer who figures a great depletion, who is going to determine whether it is correct?

Mr. CARTER. Oh, the gentleman from Illinois saw that in a moment, and the gentleman from Tennessee must have seen that.

Mr. MANN. That does not answer the question.

Mr. CARTER. What I mean is that the gentleman saw that the Government would have the last word on the proposition of depletion.

Mr. MANN. Does the Government act without any knowledge or take the say so of somebody else?

Mr. CARTER. Mr. Chairman, I assume and I think it may be presumed that the Government does not do business that way.

Mr. MANN. That is what I presume, that it does not do business that way, and therefore I can see no earthly reason for hiring an expensive engineer to figure out the depletion.

Mr. CARTER. There is no depletion figures on Indian property because there has been no way of figuring it. There has been nobody to do it. The oil company has an engineer to figure out the depletion, but these records are not accessible to the superintendent, and therefore he has no way of figuring it and the Indian has not got the benefit of it.

Mr. MANN. In the end the Government is to figure the depletion on a certain basis, here or elsewhere, and it does not depend on the individual opinion of some engineer who says that the depletion at this well is so much and at that well so much.

Mr. CARTER. Oh, yes; it does depend on the situation; the depletion is figured differently at different wells; no two wells have the same depletion. Some wells are exhausted much sooner than others.

Mr. BURTNESS. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. BURTNESS. In other words, the amount of depletion that an engineer of the department allows in each particular case depends solely on the evidence that is submitted to the department in connection with the return.

Mr. CARTER. It depends solely on the exhaustion of the oil in each particular case.

Mr. BURTNESS. But the department does not know anything about the exhaustion in the absence of evidence offered to it.

Mr. SNYDER. What happens is that the estimate of depletion laid down by the engineer is the basis of each adjustment that is made. The Government does not have to take the engineer's say so.

Mr. CARTER. Certainly not, the department will have the right to revise it. This bill is representing the taxpayer, and allows him to employ an engineer the same as the corporation.

Mr. SNYDER. As a matter of fact, returns have been made in which depletion has not been figured, and the Indian has no power and no authority to employ somebody to correct his return. Therefore, by this legislation we are simply giving the bureau the right to select an attorney to see that the return is revised, and if the Indian has anything due him he is to get it back. We did not bring this bill in as it was originally planned to do, giving the attorney 5 per cent on all of the money collected.

Mr. MANN. I am not so sure.

Mr. SNYDER. We have brought in a bill giving him 10 per cent of the actual tax he recovers.

Mr. MANN. Mr. Chairman, I have no objection to the principle of letting the Indians have a fair show, but I would like to ask about what was a committee amendment on the Senate bill, and what is a part of the text in this bill. The Senate passed this bill providing that the commissions should not exceed 5 per cent of the allowances secured in behalf of such Indians as the result of the contract.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. The allowances that are actually secured are the reductions, so far as I can understand, of the taxes to be paid.

Mr. BURTNESS. Mr. Chairman, I believe I can answer that question. I had something to do with drawing the proposed amendment to the Senate joint resolution as it was introduced, and I think the gentleman from Illinois has misunderstood or has misread the language of the Senate bill.

Mr. MANN. I have not misread it. I may have misunderstood it.

Mr. BURTNESS. The original Senate bill provided that the compensation should not exceed 5 per cent of the depletion allowed. This bill provides that the compensation shall not exceed 10 per cent of the actual net savings in taxes allowed. The situation is plain, that 5 per cent of the depletion allowed in most cases would be very much more than 10 per cent of the actual net saving allowed. A person may be allowed \$1,000 in depletion, reducing by that amount the net income upon which he must pay a tax. That, however, may not save him more than 4 per cent of the thousand dollars, or \$40, in so far as the taxes are concerned. The amount saved would depend upon the specific normal and surtax applicable to his case. If the Senate bill as originally introduced and as it was passed by the Senate should have been approved by the House, then 5 per cent would have been figured on the entire allowance of depletion deducted, which often would be many times as much as 10 per cent on the actual saving. Take a case to illustrate, where the return of the Indian in the first place is \$15,000. He is allowed a depletion of \$10,000, making his net income \$5,000. There would be a saving in depletion of \$10,000. Five per cent of that amount would mean \$500, while, as a matter of fact, if you figure out the saving, that would be graduated, starting out

with the first thousand dollars saved above \$5,000. If he is a single man with an exemption of \$1,000, the sum from \$5,000 to \$6,000 would be subject to 9 per cent, 8 per cent normal and 1 per cent surtax; from \$6,000 to \$8,000 10 per cent, and so on, graduated depending on the amount of the surtax applicable. I think I have the exact figures here in just that sort of a case. Ten per cent on the savings in such a hypothetical case would amount to \$115, 10 per cent of a net saving of \$1,150, while 5 per cent on the depletion would amount to \$500; and that is why I suggested, somewhat inadvertently, a few moments ago that I felt the gentleman from Illinois did not gather the full import of the language used in the Senate bill. I have a copy of the Senate bill here.

Mr. MANN. So have I, and the gentleman from New York [Mr. SNYDER] had explained this in part to me before, but I did not take time to understand it at the time and asked them to explain it when we reached it on the floor.

Mr. SNYDER. I intended to do that, but the gentleman from North Dakota is a member of the subcommittee that worked out these figures.

Mr. MANN. As far as I am concerned I am satisfied with that explanation.

Mr. CARTER. Mr. Chairman, I just want to answer one question the gentleman from Tennessee asked. He asked why there is any more reason to do this for the Indian than there is for the white man. The reason is twofold. First, this is being done with the Indians' own funds, it being done by paying a percentage of that amount which is recovered. Second, the Indian is the ward of the Government. He is incapable of doing business himself. Last year 242 Indians in Oklahoma paid more than \$350,000 income tax. They have no way to have those matters adjusted or corrected unless this bill is passed, and the United States Government can not in good conscience refuse to protect them, since they are the wards of the Government.

Mr. SNYDER. Mr. Chairman, I move a substitute to the Leatherwood amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment by way of substitute to the amendment offered by the gentleman from Utah, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. SNYDER: Page 2, line 9, strike out "previous," at the beginning of line 9, and insert "the," and after the word "years" insert the figures "1919, 1920, and 1921."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment in the nature of a substitute.

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended by the substitute.

The amendment as amended was agreed to.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the Clerk amend the bill by inserting section numbers in front of all of the different paragraphs of the bill after the first paragraph.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the Clerk number the paragraphs of the bill as sections. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BANKHEAD: Page 3, line 25, after the word "provided," insert "such patent shall provide," and in line 17 strike out the words "in fee simple."

Mr. SNYDER. Mr. Chairman, so far as the chairman of the Committee on Indian Affairs is concerned and other members of that committee he has spoken to, we have no objection to the amendment.

Mr. BANKHEAD. Mr. Chairman, I am very glad the gentleman accepts the amendment. The only purpose I have in offering it is to clear up a proposition that might arise with reference to the title in these lands. I understand the purpose of the committee was only to give an easement in perpetuity to these organizations so long as they used the land for school purposes.

Mr. SNYDER. That is all.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. SNYDER. Mr. Chairman, I move that the committee do now rise and report the bill with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10193, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SNYDER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is there a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

Mr. SNYDER. Mr. Speaker, I move to amend the title to conform with the changes made.

The motion was agreed to.

Mr. SNYDER. I move that the bills H. R. 9383 and 10073 be laid on the table.

The motion was agreed to.

On motion of Mr. SNYDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

GOVERNMENT-OWNED RADIO STATIONS.

Mr. GREENE of Massachusetts. Mr. Speaker, I desire to take from the Speaker's table House joint resolution No. 7, returned from the Senate with certain amendments made by that body, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the joint resolution by title.

The Clerk read as follows:

House joint resolution No. 7, a joint resolution to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes, approved June 5, 1920."

Mr. GARNER. Mr. Speaker, a parliamentary inquiry. Is that a privileged matter?

The SPEAKER. It is not; it is a unanimous-consent request.

Mr. GARNER. Reserving the right to object, I would like to ask the gentleman from Massachusetts whether or not he has consulted with the minority Members and has their consent for this action?

Mr. GREENE of Massachusetts. I have; and they have agreed to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. GREENE of Massachusetts, Mr. WHITE of Maine, Mr. CHINDBLOM, Mr. LAZARO, and Mr. BANKHEAD.

EXTENSION OF REMARKS.

Mr. RHODES. Mr. Speaker, I ask unanimous consent to print in the RECORD an address delivered by Hon. B. B. Cohoon, sr., of Fredericktown, Mo., on the life and character of Judge William Carter, deceased, before the bench and bar of Bollinger County, late judge of the twentieth judicial circuit of Missouri.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print in the RECORD the address referred to. Is there objection?

Mr. WALSH. Mr. Speaker, I do not think we ought to start in the practice of printing speeches made by distinguished gentlemen outside of the House upon the life and character of other distinguished gentlemen, and for the present I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. ROBERT E. EVANS, for two days, on account of important business.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3046. An act to donate the gates at the head of West Executive Avenue, in the city of Washington, D. C., to the Hayes Memorial Museum, Fremont, Ohio; to the Committee on Public Buildings and Grounds.

S. 1502. An act for the relief of Thomas E. Owen; to the Committee on Claims.

S. 1670. An act for the relief of Buffkin & Girvin; to the Committee on War Claims.

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.; to the Committee on Claims.

S. 2745. An act to amend subdivision (3) of subsection (B) of section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

S. 1784. An act for the relief of John B. Elliott; to the Committee on Claims.

S. 2095. An act to reimburse the city of Baltimore, State of Maryland, for moneys expended to aid the United States in the construction of works of defense during the Civil War; to the Committee on War Claims.

S. 3098. An act authorizing the extension of the park system in the District of Columbia; to the Committee on Public Buildings and Grounds.

S. J. Res. 156. Joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation; to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 77. An act for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests;

H. R. 5659. An act for the relief of Ellen M. Willey, widow of Owen S. Willey;

H. R. 9386. An act to grant the consent of Congress to the Whiteville Lumber Co. to construct a bridge across the Waccamaw River at or near Pireway Ferry, County of Columbus, N. C.;

H. R. 8818. An act granting the consent of Congress to the city of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania; and

H. R. 10009. An act to authorize the State of Alabama through its highway department to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama.

ADJOURNMENT.

Mr. SNYDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 11 minutes p. m.), the House adjourned until to-morrow, Wednesday, February 22, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JOHNSON of Mississippi: Committee on Interstate and Foreign Commerce. H. R. 4898. A bill to declare the Tombigbee River nonnavigable from its source to its intersection with the boundary line between the counties of Itawamba and Monroe; without amendment (Rept. No. 714). Referred to the House Calendar.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 7299. A bill to incorporate the Women's Overseas Service League; with amendments (Rept. No. 715). Referred to the House Calendar.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 9604. A bill for the acquisition of a post-office site at Madison, Wis.; without amendment (Rept. No. 717). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER: Committee on the Public Lands. H. R. 5588. A bill to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916; with amendments (Rept. No. 718). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DRIVER: Committee on the Public Lands. S. 2147. An act to patent to the Ed E. Richardson Co. (Inc.) certain lands; without amendment (Rept. No. 716). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Mines and Mining was discharged from the consideration of the bill (H. R. 10499) making an appropriation for the relief of suffering coal miners and their families in the States of Kentucky, West Virginia, Alabama, Ohio, and Pennsylvania, and the same was referred to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GAHN: A bill (H. R. 10530) to authorize and direct the Secretary of the Treasury of the United States to issue legal-tender money, purchase from and pay therefor the United States Shipping Board Emergency Fleet Corporation for 112 Submarine Boat Corporation type vessels of about 5,375 dead-weight tons each, totaling about 602,000 dead-weight tons, contract for reconditioning such vessels, pay therefor, and sell such vessels on 15 years' credit without interest, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. WINSLOW: A bill (H. R. 10531) to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHAELSON: A bill (H. R. 10532) declaring a portion of the West Fork of the South Branch of the Chicago River, in Cook County, Ill., to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. KNUTSON: A bill (H. R. 10533) to pension soldiers who were in the military service during the Indian wars and disturbances, and the widows, minors, and helpless children of such soldiers, and to increase the pensions of Indian war survivors and widows; to the Committee on Pensions.

By Mr. BLANTON: Resolution (H. Res. 291) directing the Speaker of the House of Representatives to appoint a committee of seven Members of the House to investigate and procure all of the facts relative to the real condition of the affairs of the Woodmen of the World; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 10534) granting a pension to Fred A. Martin; to the Committee on Pensions.

Also, a bill (H. R. 10535) granting a pension to James R. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10536) granting a pension to Celia Hunt; to the Committee on Invalid Pensions.

By Mr. DRIVER: A bill (H. R. 10537) for the relief of C. M. Reives; to the Committee on the Public Lands.

By Mr. FITZGERALD: A bill (H. R. 10538) granting a pension to Phoebe Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10539) granting a pension to John Long; to the Committee on Pensions.

Also, a bill (H. R. 10540) granting a pension to Mary C. Meunell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10541) granting a pension to Eliza Jane Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10542) granting a pension to Samuel C. Cox; to the Committee on Pensions.

Also, a bill (H. R. 10543) granting a pension to Harriet E. Hagan; to the Committee on Invalid Pensions.

By Mr. GAHN: A bill (H. R. 10544) for the relief of Louis Cayet; to the Committee on Claims.

By Mr. HAMMER: A bill (H. R. 10545) granting an increase of pension to Evan D. Lewis; to the Committee on Pensions.

By Mr. JOHNSON of Mississippi: A bill (H. R. 10546) for the relief of the estate of W. L. Dunham; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 10547) granting a pension to Michael Coveny, alias Michael Dowling; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 10548) granting an increase of pension to Mary E. Eldridge; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 10549) granting a pension to Fred E. Morehouse; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 10550) granting an increase of pension to Clara C. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10551) granting a pension to Margaret T. Rouchard; to the Committee on Pensions.

Also, a bill (H. R. 10552) granting a pension to Charles R. Taylor; to the Committee on Pensions.

Also, a bill (H. R. 10553) granting a pension to Mary F. Dean; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 10554) authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes; to the Committee on the Public Lands.

By Mr. REAVIS: A bill (H. R. 10555) for the relief of Russell Wilmer Johnson; to the Committee on Naval Affairs.

By Mr. RODENBERG: A bill (H. R. 10556) granting a pension to William O. Wallace; to the Committee on Pensions.

Also, a bill (H. R. 10557) granting a pension to Minnie McMullen; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 10558) granting an increase of pension to Joseph Hermann; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4196. By the SPEAKER (by request): Petition of the Merchants and Manufacturers' Association of Baltimore, protesting against the enactment of the proposed soldiers' bonus bill; to the Committee on Ways and Means.

4197. By Mr. CONNOLLY of Pennsylvania: Papers in support of House bill 8849, for the relief of Dommick Taheny and John W. Mortimer; to the Committee on Claims.

4198. Also, papers in support of House bill 8848, for the relief of Morris Dietrich; to the Committee on Claims.

4199. By Mr. DALLINGER: Resolution of the Corporal Harry E. Nelson Post, No. 63, of the American Legion, of Wakefield, favoring the plan for adjusted compensation; to the Committee on Ways and Means.

4200. By Mr. FULLER: Petition of James P. Gallagher and 98 other citizens of Rockford, Ill., favoring early passage of the Fordney protective tariff bill, based on American valuation, and with adequate protective rates based on American living costs and American living standards; to the Committee on Ways and Means.

4201. Also, petition of the Bassick Manufacturing Co., of Chicago, Ill., opposing all proposals for additional taxation to pay a soldiers' bonus; to the Committee on Ways and Means.

4202. Also, petition of the New York Produce Exchange, favoring the utmost consideration of those who were injured in the World War and their dependents, but opposing a general bonus and all special taxation to pay the cost of such bonus; to the Committee on Ways and Means.

4203. Also, petition of the Western Casket Co., of Chicago, Ill., favoring amendments to the transportation act; to the Committee on Interstate and Foreign Commerce.

4204. By Mr. GALLIVAN: Petition of the National Association of Cotton Manufacturers and the New England Bedding Co., of Boston, Mass., urging favorable action on appropriation requested for the tabulating and publishing of results of the 1921 census of manufacturers; to the Committee on Appropriations.

4205. Also, petition of the Gillette Safety Razor Co., of Boston, Mass., recommending favorable action on request for appropriation for Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

4206. Also, petitions of Anthony Nevilis, of 128 Bowen Street, South Boston, Mass., and other constituents of the twelfth Massachusetts district, urging early and favorable action on the Tinkham bill (H. R. 9805); to the Committee on the Post Office and Post Roads.

4207. By Mr. HOCH: Petition of 70 citizens of Ramona, Kans., and vicinity, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of producing plus a reasonable profit; to the Committee on Agriculture.

4208. By Mr. KISSEL: Petition of Edwin P. Maynard, Esq., of Brooklyn, N. Y., opposing any bonus bill; to the Committee on Ways and Means.

4209. Also, petition of Richard D. Wyckoff, of New York City, N. Y., urging legislation eliminating bucket shops; to the Committee on the Judiciary.

4210. Also, petition of Miss Ida Lundberg and Miss Edythe Fromme, of Brooklyn, N. Y., opposing a tax on the transfer of securities; to the Committee on Ways and Means.

4211. By Mr. LINTHICUM: Petition of the Edwin Bennett Pottery Co., of Baltimore, Md., favoring adequate protection to our industry against Japan and Germany; to the Committee on Ways and Means.

4212. Also, petition of John J. Greer & Co., of Baltimore, Md., opposing tax on letter mail as means of raising bonus; also petition of H. C. Burgan, of Baltimore, Md., registering opposition to bonus bill; also petitions of R. & V. Motor Co., Chevrolet Motor Co., Walter Scott (Inc.), Manuel Motor Co., and the Automobile Club of Maryland, opposing tax on automobiles; also petition of O. O. Ellis, Mrs. William A. Stewart, Mrs. Claude H. Hall, and others, of Baltimore, Md., opposing the bonus; to the Committee on Ways and Means.

4213. By Mr. ROGERS: Resolutions adopted at a meeting of Reno Post, No. 9, Department of Massachusetts, Grand Army of the Republic, urging the passage of the Morgan bill or a similar bill; to the Committee on Invalid Pensions.

4214. By Mr. ROSE: Petition of the United Mine Workers of America, District No. 2, of Hopewell, Bedford County, Pa., appealing to Congress to take action and extend aid in some form to save from starvation during these times of distress this district, No. 2, United Mine Workers of America, Hopewell, Bedford County, Pa.; to the Committee on Interstate and Foreign Commerce.

4215. By Mr. ROSSDALE: Resolution adopted by the residents and voters of Riverside on the Hudson to permit sale of light wines and beer; to the Committee on the Judiciary.

4216. By Mr. TIMBERLAKE: Petition of E. L. Rountrel and others, of Colorado, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

4217. Also, petition of A. W. Beisel and several hundred others, of Colorado, opposing the enactment of House bill 4388; to the Committee on the District of Columbia.

4218. By Mr. YOUNG: Petition in the form of a resolution of the North Dakota Wheat Growers' Association, of Grand Forks, N. Dak., urging their Members in Congress to use all honorable means to have a definite price fixed on wheat to cover the cost of production for the year 1922; to the Committee on Agriculture.

4219. Also, petition of Mrs. Arnt Thueson, of New Rockford, N. Dak., and 38 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4220. Also, petition of Robert Rimmerend, of Hamar, N. Dak., and 1 other, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4221. Also, petition of Fred W. Doering, of Tower City, N. Dak., and 20 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4222. Also, petition of Elroy F. Hill, of Oakes, N. Dak., and 4 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4223. Also, petition of L. L. Jewell, of Bergen, N. Dak., and 1 other, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

SENATE.

WEDNESDAY, February 22, 1922.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, the God of our fathers, we bless Thee to-day for such a noble heritage. We think of the men who had to do with the formation of our country, giving to it character at its very beginning and bringing to us so much of the richness of thought, of high and holy incentive in lines of duty and of responsibility.

We thank Thee for him who in our thought we love to call the Father of our Country. We thank Thee for his devotion to high ideals, for the splendor of his patriotism, and for the genius that gave character to his statesmanship. We do ask that we may never be faulty in connection with our devotion to

him, and that our regard for the principles that were dear to him may be handed down to the latest ages.

The Lord, our God, keep us from all the follies that have saddened the lives and the histories of other lands. God grant to us constantly the evidence of Thy presence, and give unto us, we ask, always and under every circumstance the assurance that Thou art our God and shall be our guide even unto the end. We ask in Jesus Christ's name. Amen.

The VICE PRESIDENT being absent, the President pro tempore [Mr. CUMMINS] took the chair.

On request of Mr. LODGE, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Monday, February 20, 1922, was dispensed with, and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore. In compliance with an order of the Senate, the Senator from Washington [Mr. POINDEXTER] will now read Washington's Farewell Address.

Mr. POINDEXTER read the address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an

instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The north, in an unrestrained intercourse with the south, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The south, in the same intercourse benefiting by the same agency of the north, sees its agriculture grow and its commerce expanded. Turning partly into its own channels the seamen of the north, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national naviga-

tion, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalry alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious

management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and it is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissention, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns

this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundations of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous ex-

ertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favored nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow-citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for

another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanc-

tioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views it in the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

TREATY WITH JAPAN.

Mr. LODGE obtained the floor.

Mr. HEFLIN. Will the Senator from Massachusetts yield to me?

Mr. LODGE. I desire to make a motion first. I move that the Senate proceed, in open executive session, to the consideration of the treaty between the United States and Japan relating to the mandated islands, particularly to the island of Yap.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed, in open executive session, to the consideration of the treaty with Japan concerning the island of Yap, and so forth.

Mr. FRANCE. Mr. President, as a substitute for the motion of the Senator from Massachusetts, I move that the treaty be recommitted to the Committee on Foreign Relations.

Mr. BRANDEGEE. Mr. President, I rise to a question of order. I think a motion to proceed to the consideration of executive business is not amendable by a substitute and is not debatable.

The PRESIDENT pro tempore. The Chair is of the opinion that the point of order is well taken. The Chair has some doubt as to whether the original motion is in order.

Mr. UNDERWOOD. A motion to recommit the treaty is not in order before we go into executive session.

Mr. LODGE. Certainly not. It has to be taken up first. Was the motion I made agreed to?

The PRESIDENT pro tempore. Does the Senator from Massachusetts couple with his motion for an executive session a motion that the Senate proceed in open executive session to the consideration of a particular subject?

Mr. LODGE. I made the usual motion, Mr. President, which I made over and over again when the Senate was considering the

German treaties. I moved that the Senate proceed to consider the treaty in open executive session.

The PRESIDENT pro tempore. The Chair is in doubt as to the Senator's original motion.

Mr. LODGE. Then I make a motion that the Senate proceed to the consideration of executive business in open executive session.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business in open executive session.

The motion was agreed to.

Mr. LODGE. The first item on the Executive Calendar is the treaty with Japan, and I move that the Senate proceed to its consideration, if a motion is necessary.

Mr. WARREN and Mr. HEFLIN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wyoming desire to be recognized?

Mr. LODGE. I will yield to the Senator in a moment. Let me get up the treaty first.

Mr. FRANCE. Mr. President—

The PRESIDENT pro tempore. There are three Senators who have addressed the Chair.

Mr. LODGE. I think I have the floor, and I have made a motion.

The PRESIDENT pro tempore. The Senator has the floor, but other Senators can address the Chair at the same time.

Mr. HEFLIN. I wanted the Senator to yield to me. I will wait until he gets the treaty up, and then I will ask him to yield to me for a moment.

Mr. LODGE. I will yield as soon as I get the treaty before the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts, that the Senate proceed to the consideration of the treaty with Japan.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, proceeded to consider the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean, lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. LODGE. I yield to the Senator from Wyoming [Mr. WARREN] that he may submit a report from the Committee on Appropriations.

INTERIOR DEPARTMENT APPROPRIATIONS.

Mr. WARREN. As in legislative session, from the Committee on Appropriations, I report back favorably with amendments the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, and I submit a report (No. 510) thereon. I give notice that I shall undertake to call up the bill for consideration to-morrow.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

MESSAGE FROM THE HOUSE.

As in legislative session,

A message from the House of Representatives, by Mr. Overhues, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 7158) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McKENZIE, Mr. GREENE of Vermont, and Mr. FIELDS were appointed managers of the conference on the part of the House.

The message also announced that the House disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GREENE of Massachusetts, Mr. WHITE of Maine, Mr. CHINDBLOM, Mr. LAZARO, and Mr. BANKHEAD were appointed managers of the conference on the part of the House.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 9597. An act to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918; and

H. R. 10193. An act extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized

Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments; and for other purposes.

FEDERAL RESERVE BANK AT ATLANTA.

Mr. HEFLIN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. LODGE. I yield.

Mr. HEFLIN. I have a short resolution to offer asking for an investigation of the political activities of the Federal reserve bank at Atlanta. I ask to have it read and for its present consideration. If it leads to debate, I will withdraw it.

Mr. LODGE. I do not want to interfere with the resolution, but we are now in executive session.

Mr. HEFLIN. I ask leave to offer the resolution as in legislative session. If it leads to debate, I will withdraw it.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the presentation of a resolution as in legislative session. Is there objection?

Mr. BRANDEGEE. I reserve the right to object until I can know the purport of the resolution.

Mr. HEFLIN. It is short. I ask that it may be read.

Mr. BRANDEGEE. I would like to hear the resolution, so that I may know whether I will give consent or not.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 242), as follows:

Whereas it is alleged that the officials of the Federal Reserve Bank of Atlanta have been and are mailing out literature and speeches of a political nature designed to influence public opinion and injuriously affect the standing and service of a United States Senator; and

Whereas it is alleged that said officers are paying for the distribution of said literature and speeches out of the funds of said Federal reserve bank, in violation of law; and

Whereas the Senate would regard with keen disapproval the attempt on the part of any one of the Federal reserve banks to use its power to influence or coerce politically any banker or anyone else in its district; and

Whereas Congress in creating the Federal reserve banking system desired and intended that it should at all times be kept free from political activities; and

Whereas such activities of officers of the said Federal Reserve Bank of Atlanta are alleged to be the result of the suggestion of the Federal Reserve Board, or some member thereof, and are contrary to law and sound public policy: Therefore be it

Resolved, That the Chair shall appoint five Senators, who shall constitute a committee to investigate said actions of said board and bank and report to the Senate their findings thereon and recommendations touching said alleged actions and political activities.

Resolved further, That said committee shall have power to send for persons, papers, and books, to administer oaths and take testimony, to employ a stenographer and pay for his services at not more than \$1.25 per printed page of said testimony; and all costs accruing hereunder shall be paid out of the contingent fund of the Senate upon vouchers approved by said committee.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent to present the resolution just read by the Secretary. Is there objection?

Mr. HEFLIN. And I ask for its present consideration as in legislative session.

The PRESIDENT pro tempore. The Senator from Alabama must have unanimous consent to present the resolution.

Mr. BRANDEGEE. I have no objection to the Senator having the resolution presented.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama?

Mr. LODGE. I object to its being considered now.

The PRESIDENT pro tempore. The Chair has not suggested that question as yet. The Senator from Alabama now asks unanimous consent for the immediate consideration of the resolution so presented. Is there objection?

Mr. BRANDEGEE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HEFLIN. I ask that the resolution may lie on the table for the present.

The PRESIDENT pro tempore. It will go over under the rule.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. FRANCE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. The Senator from Maryland wants to make a motion to recommit. I have only to say that I am in charge of this treaty, which I desire to lay before the Senate, and in regard to which I want to make a short statement, but before I have made my statement the Senator from Maryland proposes to make a motion to recommit. I think at least the Senate is entitled to have the treaty presented, and I think in all fairness I am entitled to make a statement in regard to it.

Mr. FRANCE. Mr. President, I will say, in response to the Senator, that I have not renewed my motion to recommit the treaty.

Mr. LODGE. I am much obliged to the Senator.

Mr. FRANCE. My reason for not doing so is because I fear that we have not at present a sufficient number who would support the motion to justify me in making it, although I am quite persuaded that after the treaty has been examined there will be a sufficient number of Senators who will support a motion to recommit it. I shall, however, not renew my motion at this time, and shall, of course, be very glad to have the Senator from Massachusetts proceed with the treaty, although I had announced that at the close of the morning business to-day I would take up another matter which I deemed to be of much more importance.

Mr. LODGE. Mr. President, I have made a privileged motion, after giving due notice. If the Senator objects to my going on he has an opportunity to divide the Senate and take a vote. I have reported, and I feel I am entitled to have considered, a measure of the first importance—a treaty submitted by the President of the United States—and I do not think that it can be set aside properly by taking up some other subject. It is for the Senate to decide, of course.

Mr. FRANCE. Mr. President, as I stated to the Senator, I have no desire to renew my motion at this time. I had hoped to discuss to-day a matter which I consider to be of very great importance, and I am quite persuaded that if the Senator undertakes to explain why a Republican committee, representing a Republican administration, should bring such a measure as this before the Senate and explain it satisfactorily it will certainly require the rest of this calendar day and many days subsequent.

Mr. LODGE. Oh, well, Mr. President, there is no need of making a threat to filibuster. I shall take but little time, and will be as brief as I possibly can, in laying the treaty before the Senate. It will then be for the Senate to determine when it will go on with it, and I shall give the Senate an opportunity to go on with it every day.

Mr. McNARY. Mr. President—

Mr. NORRIS. I would like to make an inquiry of the Senator from Massachusetts.

Mr. LODGE. I yield to the Senator.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. NORRIS. I understood the Senator from Massachusetts to yield to me.

Mr. LODGE. I will first yield to the Senator from Oregon.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Brandagee	Gooding	Nelson	Shortridge
Barsum	Harris	New	Simmons
Calden	Harrison	Newberry	Smith
Cameron	Heflin	Nicholson	Spencer
Capper	Johnson	Norbeck	Stanfield
Caraway	Jones, Wash.	Norris	Sterling
Coit	Kellogg	Oddie	Townsend
Culberson	Kendrick	Overman	Trammell
Cummins	King	Page	Underwood
Edge	Ladd	Phipps	Wadsworth
Elkins	Lodge	Pittman	Walsh, Mass.
Ernst	McKellar	Poin Dexter	Walsh, Mont.
Fletcher	McKinley	Pomerene	Warren
France	McNary	Ransdell	Watson, Ga.
Gerry	Moses	Robinson	Weller
Glass	Myers	Sheppard	Williams

Mr. McKELLAR. I wish to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness. I will let this announcement stand for the day.

Mr. JONES of Washington. I wish to announce that the Senator from Wisconsin [Mr. LENROO] is absent on account of sickness.

I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Kansas [Mr. CUR-

TIS], the Senator from Utah [Mr. SMOOT], the Senator from Indiana [Mr. WATSON], the Senator from Connecticut [Mr. McLEAN], the Senator from New York [Mr. CALDER], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a hearing before the Committee on Finance.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, the treaty which is now before the Senate, made between the United States and Japan, contains two subjects—the mandated islands of Japan, as they are called, and in particular the island of Yap. I am first going to explain the provisions of the treaty in regard to the mandated islands.

Under the treaty of Versailles Japan was given a mandate for the German islands in the Pacific lying north of the Equator. There was a claim at one time that she had a title to those islands under the secret treaties. I was never able to learn that there was any title there, because the only agreement that I was able to find was contained in the notes exchanged between the British ambassador and the Government at Tokyo as to the islands north and south of the Equator in the Pacific. I think any claim to title of that sort under the secret treaties was abandoned.

Germany's overseas possessions were, by the treaty of Versailles, given absolutely and without condition to the five principal allied and associated powers, of which the United States was one. The last administration and the present administration have both taken the ground, and have taken it very strongly, that the fact that the United States did not ratify the Versailles treaty and is not a member of the League of Nations in no respect alters the title of the United States given by the treaty of Versailles to the five principal allied and associated powers conveying the German overseas possessions. Without reference to our having refused to ratify the treaty, we are entitled to one undivided one-fifth part of the overseas possessions formerly belonging to Germany, and Japan, by the assent of the other three powers, is entitled to four undivided fifth parts of the islands mandated to her in the Pacific.

This contention, which was made under President Wilson's administration, more particularly in reference to Palestine and Mesopotamia, was renewed by the present administration and was made applicable to the islands of the Pacific. This contention of the United States has been admitted. It is admitted by this treaty by its very existence, because the first two articles relate entirely to the mandated islands. It has also been recognized in regard to the mandated islands south of the Equator which were given to the British Empire, to Australia, and to New Zealand.

We have, therefore, established our position, and on that basis we have made this treaty with Japan in regard to the mandated islands, and I am speaking of them all, north of the Equator. Those islands were the Carolines, the Mariana, or Ladrone Islands, of which Guam, belonging to us, is one, and the Marshall Islands. They are all very small and unimportant islands with the exception of Guam. At the conclusion of the Spanish War we were, of course, in a position to have taken possession of all the Spanish islands, but it was thought by the United States Government at that time that the islands were of no importance, that they were of no interest to us, and we left them in the hands of Spain, excepting always the island of Guam. In the year after the war, 1899, Spain sold those islands to Germany for \$4,000,000, and when taken away from Germany they passed to Japan.

In giving our consent to the mandate, which we had never before given, we extended certain conditions which exist in the mandate given to Japan by the other powers. The mandate under which the British Empire, France, Italy, and Japan agreed to confer upon the Emperor of Japan the mandate are printed in the preamble of this treaty, and those which are of importance to us are made a part of the treaty, articles 3, 4, and 5.

Article 2 of the treaty contains the additional conditions which we have imposed in addition to those contained in the mandate. We have added to the conditions of the mandate given to Japan by the four powers the right of our missionaries to erect religious buildings and to open schools throughout the islands. We have also provided that vested American property rights in the mandated islands shall be respected and in no way impaired; that existing treaties between the United States and Japan shall be applicable to the mandated islands; that Japan shall address to the United States a duplicate of the annual report of the administration of the mandate to be made by

Japan to the Council of the League of Nations. The treaty also provides, and Japan agrees to all these conditions, that—

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited in the convention, unless such modification shall have been expressly assented to by the United States.

Those selected conditions of the mandate given to Japan by the other powers and made part of this treaty provide that the slave trade shall be prohibited; that traffic in arms and munitions shall be controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic in the convention of September 10, 1919; that the supply of intoxicating spirits and beverages to the natives shall be prohibited; that the military training of the natives, otherwise than for purposes of internal police, is prohibited, and that no military or naval bases shall be established or fortifications erected in the territory; that the mandatory shall insure in the territory freedom of conscience and the free exercise of all forms of worship and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling. All these provisions, as I have said, are made part of our treaty, and I have read the additional conditions which we have imposed.

The other two articles of the treaty relate to the Island of Yap. That is an island which has come into quite recent notoriety. I think it is safe to say that four years ago nobody had ever heard of it. I am going to read, therefore, a brief discussion of the Island of Yap and then explain its importance.

I read from a memorandum furnished me by the Division of Far Eastern Affairs in the State Department:

The island of Yap is located in the Pacific Ocean at approximately 138° east longitude and 9° north latitude, about 1,600 miles south of Yokohama and 700 miles east of the northeastern end of Mindanao, the southernmost island of the Philippine group. The island is about 15 miles long in the northeast and southwest direction and tapers from about 8 miles in width at the northeastern end to a point at the southwestern end. Like most of the Pacific islands, it is surrounded by coral reefs making approach difficult for large steamers. The only harbor of real value is Tomil Bay, which opens to the south on the eastern side of the island and divides it into two unequal portions. The northeastern end of the island is traversed by a ridge of hills, the highest of which is about 1,000 feet above the sea. The southern portion is flat and covered with tropical vegetation.

The climate is warm and moist, the precipitation amounting to about 130 inches a year, two-thirds of which falls in the summer season. The temperature does not vary greatly during the year, remaining in the neighborhood of 81° F. Yap is at times visited by typhoons during the summer, and is on the edge of the monsoon or trade-wind belt. These winds blow from the northeast during the winter months and from the southwest during the spring and early summer.

The population, according to the latest information available, is about 8,000, of which less than 100 is foreign. Of the foreign population about 70 are Japanese. The natives are said to be of Malay origin with a slight admixture of Polynesian. Their diet consists of fish and such vegetable products as sweet potatoes, yams, bananas, and breadfruit.

The only commercial products of more than local value are copra and a timber which resembles mahogany. Owing to the small size of the island neither of these commodities is available in any quantity.

Tomil Bay, referred to above as the only harbor of value, is difficult of approach for large steamers because of the narrow, winding entrance through the coral reefs.

It is possible that phosphate rock may be found in Yap, as deposits exist in other of the Pelew Islands, but none has been discovered so far as is known at present, although the Germans are understood to have made extensive economic surveys.

In view of the lack of natural resources on the island, the low state of civilization of the inhabitants, the trying climate, and the absence of any harbor useful for commercial steamers of any size, it seems improbable that there can be much economic development.

I will also read a letter from the Secretary of State:

Referring to the inquiry which you made the other day regarding rights of the Government of the United States with respect to the island of Yap prior to the war, I beg to inform you that it appears that this Government had no treaty rights with respect to this island at that time.

Following the adjustment in 1885 of the dispute between Germany and Spain with regard to the Caroline Islands, among which is Yap, the Government of the United States sought through a diplomatic communication addressed to the Government of Spain to obtain from that Government assurances that citizens of the United States, particularly missionaries, would receive treatment no less favorable than that of Germans or other foreigners in the islands. Such assurances were given.

In 1899 the islands were ceded by Spain to Germany. No treaty stipulations were concluded with the latter country prior to the war with regard to the treatment of American citizens in the islands. For discussions with respect to the status of the islands and the treatment of American citizens therein, I may refer you to Moore's Digest, Vol. V, pp. 863-864, and Foreign Relations, 1886, pp. 831-834.

Mr. President, such is the island of Yap. Its importance grows out of the fact that our naval authorities and possibly others have regarded it as being of great value for telegraph communications, as a point where there may be relaying and interchange of telegraphic messages. The only cable of which I am aware that now runs to Yap is the Dutch cable, which runs from Borneo to Mindanao, thence to Yap, thence to Guam, and thence to Shanghai, whence the terminal was removed, as a German cable, I think, during the war to Tokio. We have no

cable at Yap. The American cable runs to Guam; from Guam to the Philippines, and thence to China. I am not aware that we have any direct telegraphic interest in Yap, although the Dutch cable is of considerable value to us for commercial purposes.

At Paris President Wilson and Mr. Lansing made representations very strongly and with some elaboration in two or three meetings on April 30 and on May 6 and 7, 1919, in regard to this island and the desirability either of its being internationalized or of special arrangements being made in regard to it, owing to its value as a telegraphic station. Evidently there was some misunderstanding relative to the matter, because when the decisions of the representatives of the great powers who made the treaty were published subsequent to May 7, among the questions decided the understanding supposed by Mr. Wilson to exist relative to Yap did not appear. How that happened I do not profess to know, but President Wilson informed the Senate committee that he had supposed there was complete understanding in regard to it, and his administration made, on what I consider very good grounds, opposition to Japan's occupancy of Yap on account of that omission from the decisions of the conference at Paris, which was finally agreed to, of President Wilson's representations in regard to the island. The present administration, through the Secretary of State, Mr. Hughes, took similar ground in regard to the possession of Yap, but based their position not only on the misunderstanding at Paris but also on the broad ground that Yap was one of the mandated islands, and that we, therefore, were an owner of an undivided fifth part of the island. Japan declined to accept the view of the United States in regard to the transactions at Paris and also at that time in regard to our right to a fifth part of the island. The situation had reached the point, therefore, where we had either to leave the question open, in statu quo, in which case we should have had none of the rights which we desired to obtain in Yap; Japan would have excluded us from the use of the island and we could only have asserted our rights there by force, which, of course, we did not contemplate doing, or we had to negotiate in regard to the controversy.

These negotiations began last summer and were continued until the treaty was practically almost completed at the time the conference met. The treaty has nothing to do with the conference treaties; it is an independent and entirely separate agreement. Under this treaty we secure the rights set forth in article 3 and article 4, and those provisions give to the United States every privilege she has ever sought to obtain upon the island. The first paragraph of article 3 reads as follows:

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

Then, it is provided that unless Japan provides us with "an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, we shall have the right to establish radiotelegraphic stations ourselves.

Article 4 provides that—

Nationals of the United States shall have the unrestricted right to reside in the island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

It is further provided in article 4 that nationals of the United States are not to be obliged "to obtain any permit or license in order to be entitled to land and operate cables," and that "no censorship or supervision shall be exercised over cable or radio messages or operations."

It is also provided that—

Nationals of the United States shall have complete freedom of entry and exit in the islands for their persons and property.

No taxes, port, harbor, or landing charges or exactions of any nature whatsoever shall be levied either with respect to the operation of cables or radio stations, or with respect to property, persons, or vessel.

No discriminatory police regulations shall be enforced. The Government of Japan agrees to exercise its power of expropriation in the island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities can not otherwise be obtained.

We acquire, under the treaty, rights which we have never had heretofore and all the rights which we have ever desired to obtain; we also settle what has been an annoying dispute running over three years since the making of the Paris treaty.

I think, Mr. President, I have now stated all the facts in regard to the treaty, which is a very simple one, it seems to me a very beneficial one, and which removes a subject of controversy on excellent terms to the United States.

I have nothing further to say in regard to it. Of course, if there are any questions that any Senator desires to ask me in regard to the treaty, I shall be only too happy to answer them if it is in my power to do so.

Mr. KING. Mr. President, may I propound a question to the Senator?

Mr. LODGE. Certainly.

Mr. KING. Does the Senator understand that the treaty limits the rights of American nationals to those individuals who may be engaged in what might be denominated electrical activities upon the island—that is, activities relating to the laying of cables and the setting up of wireless or other telegraphic apparatus?

Mr. LODGE. I do not think it is limited in that way. The first paragraph of article 4 reads:

Nationals of the United States shall have the unrestricted right to reside in the island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

That, it seems to me, is as broad as it could possibly be made.

Mr. KING. If the Senator will pardon me a moment, I invite his attention to article 4:

In connection with the rights embraced by article 3, specific rights, privileges, and exemptions, in so far as they relate to electrical communications, shall be enjoyed in the island of Yap by the United States and its nationals in terms as follows—

Then follow the terms under which the nationals of the United States may have unrestricted rights; and I was wondering whether the interpretation of this—

Mr. LODGE. I do not think that limits it in the least. I think they have absolute rights; but it does not make any difference whether this treaty limits it or not, because under the general mandate of Japan, which is made part of this treaty, and which we have extended under article 2, it is said that vested American property rights in the mandated islands shall be respected and in no way impaired, and that existing treaties between the United States and Japan shall be applicable to the mandated islands, among which treaties are those of commerce and navigation giving all the rights usual among nations. All the provisions of the mandate are made part of this treaty; and I think every right is secured that can be secured in any of the mandated islands. I do not apprehend that many people are going to Yap to settle.

Mr. KING. I agree with the Senator; but yet it occurred to me that there might be some diversity of opinion as to whether these rights extended to nationals for any legitimate purpose there or whether their rights upon the islands were restricted to those activities that would be related to the business of setting up cables, electrical apparatus, wireless apparatus, and so forth.

Mr. LODGE. Of course, they relate chiefly to that, because that is the only value the islands have.

Mr. FRANCE obtained the floor.

Mr. PITTMAN. Mr. President—

Mr. FRANCE. I yield to the Senator from Nevada.

Mr. PITTMAN. I realize that the Senator from Maryland has given notice that he will address the Senate to-day on a different subject than that which is pending, and I do not desire to trespass at all upon his time, as he has given notice of his address, but I should like to know if he would object if I took 15 minutes on the treaty. I will yield the floor to the Senator at the end of that time, or prior to that time, if he desires.

Mr. FRANCE. Mr. President, of course if I lose the floor I have no means of regaining it, unless I am recognized by the Chair. Would the Senator from Nevada have any right to yield me the floor? However, under unanimous consent, if the Senator can be permitted to proceed with that understanding I shall be very glad to allow him to proceed.

I ask unanimous consent that the Senator from Nevada may proceed for 15 minutes of my time, with the understanding that I am to have the floor when he concludes.

The PRESIDING OFFICER. Is there any objection?

Mr. KELLOGG. Mr. President, I do not want any unanimous-consent agreement of that kind. We can not parcel out the time by such a unanimous-consent agreement. I may desire to ask the Senator from Nevada some questions on this treaty if he speaks on it.

Mr. PITTMAN. Mr. President, I withdraw the request. I see that there is a possibility of any arrangement that might be made being disturbed, and I have no desire to annoy the Senator from Maryland or to be the cause of any annoyance. I will simply state that as soon as I can get the opportunity I shall take 15 or 20 minutes for the purpose of discussing that

portion of the treaty which is involved in the questions asked by the Senator from Utah [Mr. KING] of the Senator from Massachusetts [Mr. LODGE]. I may say that I am firmly of opinion that the Senator from Massachusetts has not given the proper construction to the treaty, and that our nationals have not the same rights in the island of Yap or any of the former German overseas islands.

Mr. BRANDEGEE. Mr. President, I simply want to express the opinion that it is entirely within the power of the Senate to give unanimous consent to a Senator to address the Senate for 15 minutes, and at the end of that time other Senators can proceed. In my opinion it is entirely within the power of the Senate by unanimous consent. If, however, the Senator does not ask it, of course the request is not before the Senate.

Mr. KING. The Senator from Minnesota [Mr. KELLOGG] objected.

Mr. BRANDEGEE. It is entirely within the power of any Senator to object to unanimous consent being granted, in which case there is no unanimous consent; but if there is unanimous consent it is within the power of the Senate to make such an agreement.

Mr. ROBINSON. Mr. President, not only is it true that the end sought by the Senator from Nevada may be accomplished in the way suggested by the Senator from Connecticut, but the Senator from Maryland may, by consent of the Senate, yield to the Senator from Nevada, and, as a matter of fact, that practice is pursued in the Senate almost daily; and unless objection should be made he could yield now, or any number of times during the course of his remarks if desired to do so.

Mr. FRANCE. I thank the Senator for his suggestion, and I will say that I have already asked for such unanimous consent, and objection has been made by the Senator from Minnesota.

Mr. ROBINSON. No; there was no objection made. There was the suggestion that such a unanimous-consent agreement could not be made because it would constitute a parceling out of the time of the Senate. As a matter of fact, under the practice of the Senate it is entirely proper to make such an arrangement; and I suggest that the request for unanimous consent be submitted, and Senators can, of course, object if they desire.

Mr. LODGE. I do not see how the Senate is going to make an agreement that the Chair shall recognize a given Senator at a given time.

Mr. ROBINSON. I ask unanimous consent that the Senator from Maryland be permitted to yield to the Senator from Nevada for a period of 20 minutes, or such portion of that time as he may desire to consume.

Mr. KELLOGG. I object.

Mr. ROBINSON. Of course it is entirely competent for a Senator to object to any request for unanimous consent.

Mr. FRANCE. Mr. President, the subject which I desire to discuss is not remote from the question of this treaty. Indeed, it is closely related to it.

I expressed surprise that the Foreign Relations Committee had so promptly reported this treaty to the Senate, for, of course, the ratification of this treaty would, in my judgment, be a repudiation of the platform pledges of the Republican Party, for it would clearly do in part what the League of Nations proposed to do in entirety; and I will say that its very purpose is to accomplish in part what the League of Nations was designed to accomplish in its entirety.

Stripped of all hypocrisy and stripped of all verbiage, what did the League of Nations propose to do? I need not tell the Senators nor need I tell the people of this country that back of every great policy there are practical men with practical purposes to accomplish, and practical men, and very practical men, are back of this treaty.

The League of Nations, stripped of all its verbiage and hypocrisy—and it was involved in both—was designed to do two things: To carry on an economic war against Germany, after the declaration of peace, and to get us into a coalition or an alliance of nations which was to guarantee the territory of the great empires—territory acquired before the war and territory acquired as a result of the war. That is beyond dispute.

On May 5, 1919, a meeting was held between the three statesmen who were responsible for the submission of this plan—President Wilson, Clemenceau, and Lloyd-George—and they made a tentative agreement as to the disposition of the territories which were to be transferred to the allied and associated powers under the provisions of the treaty. I ask unanimous consent to insert in the RECORD at this point a list of these territories and the tentative agreement as to their disposition.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

IN THE SENATE OF THE UNITED STATES,
April 12, 1921.

Mr. FRANCE introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations:

Joint resolution (S. J. Res. 11) authorizing the President of the United States to undertake negotiations for the purchase of the territories in east, southwest, and west Africa, and in Oceania, over which Germany exercised sovereignty prior to the war; to undertake negotiations with a view to acquiring by purchase or otherwise the cables surrendered under article 244, Annex VII, of the treaty of peace with Germany; to enter upon the negotiation of a treaty of international comity, commerce, and cooperation with the allied associated powers looking to the development of the human and natural resources of Africa; to urge the fixing by the allied and associated powers of a just and reasonable indemnity to be paid by Germany to said powers; and to negotiate for the settlement of the principal sums and interest that represent the debts now owing by the said allied and associated powers to the United States, and for other purposes.

Whereas, since the 11th day of November, 1918, when the President of the United States announced the signing of an armistice between the United States and the powers with which the United States had been at war, little progress has been made toward the rehabilitation of the European nations, and there are widespread financial and industrial depression, unemployment, misery, and social unrest; and

Whereas the dismemberment and bankruptcy of Austria, the disorganization and insolvency of Germany, the unfavorable conditions in Italy, the isolation of Russia from the world's trade, and the diminished purchasing power of the European countries because of the enormous debts owed by certain of the European nations to the United States, have created conditions which tend to prevent the sale and shipment from the United States of the raw products and food supplies so desperately needed in Europe for the rehabilitation of industry and the feeding of starving peoples; and

Whereas a satisfactory settlement or liquidation of the huge debts and obligations growing out of the war, owed by certain countries to other countries in Europe and to the United States, now seems to be necessary, if there is to be a speedy rehabilitation of industry in Europe and in the United States; and

Whereas cordial and constructive cooperation between the advanced nations for the solving of these serious financial, industrial, and international problems and for the advancement of the backward peoples and the development of the undeveloped natural resources of the world has become a necessity; and

Whereas the submarine telegraphic cables to which Germany under the peace treaty renounced all rights, titles, and privileges in favor of the principal allied and associated powers, have become the subject of a controversy in which the interests of the United States are vitally involved: Now, therefore, be it

Resolved, etc., That the President be authorized to call and enter an international conference of the principal allied and associated powers—Great Britain, France, Italy, and Japan—for the formulation of plans for the adjustment or settlement of the international debts and obligations growing out of the war, particularly the debts owed by certain of the principal allied and associated powers to the United States; that the President be further authorized to urge international policies and actions for the relief of the overburdened and bankrupt peoples by the extension of credits; that the President be authorized to promote the export trade of the United States with Europe, with Asia, and with Africa by the removal of financial and artificial barriers and restrictions; to negotiate the acquisition for the United States of the territories in east, southwest, and west Africa, and in Oceania over which Germany exercised sovereignty prior to the war; to undertake negotiations with a view to acquiring, by purchase or otherwise, from the principal allied and associated powers, the cables surrendered under article 244, Annex VII, of the treaty of peace with Germany; to enter upon negotiations looking to a treaty providing for international comity, commerce, and cooperation between the United States and the principal allied and associated powers for the purpose of the upbuilding and development of the peoples and of the natural resources of Africa, Oceania, and of the backward portions of the world; and to urge the fixing by the principal allied and associated powers of a just and reasonable indemnity to be paid by Germany to said powers.

SEC. 2. That the President, in order to arrive at a just and equitable determination and settlement of all debts growing out of the war, particularly those owed by the principal allied and associated powers, or any of them, each to the other or to the United States, be, and he is hereby, authorized to enter upon conversations and negotiations with the said principal allied and associated powers, namely, with Great Britain, France, Italy, and Japan:

(a) For the determination of the extent of the debts and obligations owed by Germany to the principal allied and associated powers, the debts and obligations owed by any one of the principal allied and associated powers to any other power and those owed by the principal allied and associated powers to the United States; and that the President be, and he is hereby, authorized—

(b) To urge upon the principal allied and associated powers the immediate necessity for fixing the indemnity sum to be paid to the principal allied and associated powers at such an amount as can be met by Germany without an undue strain and disturbance of international financial and trade arrangements, and to recommend to and urge upon the principal allied and associated powers that such indemnity sum should be, in addition to the sums already paid by Germany in money or in kind, approximately, and not to exceed that named by the principal allied and associated powers, Great Britain and France, at the Hythe conference, tentatively, namely, the principal sum not to exceed \$15,000,000,000, or not more than \$1,000,000,000 in gold a year for 28 years, and further to urge, upon this sum, a credit to Germany of approximately \$5,000,000,000 be allowed for full, final, and unconditional cession to the said principal allied and associated powers and to the United States of the territories in Africa and Oceania, which were, prior to the war, under German sovereignty, namely, Togoland, Kamerun, German East Africa, German Southwest Africa, German Samoa Island, German Pacific Islands.

(c) To enter upon conversations and negotiations with Great Britain, France, and Italy looking to the purchase by the United States from the said powers of the colonial territories in Africa over which, prior to the war, Germany exercised sovereignty, territories with an area approximately of 1,032,280 square miles.

(d) To enter upon conversations and negotiations with the said principal allied and associated powers, including Japan, looking to the purchase by the United States of the Samoan Islands and of the islands in the Pacific over which Germany exercised sovereignty prior to the war.

(e) To enter upon conversations and negotiations with Germany and Japan for a full and unconditional release by them, or either of them, of all rights, titles, or privileges of whatever nature which they, or either of them, might claim or have in said territories or islands in the Pacific.

(f) To enter upon conversations and negotiations for the acquisition by the United States from the principal allied and associated powers, or from any of them, and from Germany any residual right which she may claim, indeed, all rights, titles, or privileges of whatever nature which they, or any of them, may claim or have in the submarine cables to which Germany, under article 244, Annex VII, renounced all rights, titles, or privileges to the said principal allied and associated powers.

SEC. 3. That the President be, and he is hereby, authorized to enter upon such conversations and negotiations looking to the purchase by the United States from the principal allied and associated powers of the said territories and of the said submarine cables, with a view to relieving the said principal allied and associated powers—Great Britain, France, and Italy—by a credit to them on the debts which they owe the United States of the amount of the purchase price which the President be, and he is hereby, authorized to pay by such a credit on said debts for the said territories and submarine cables, namely, a sum approximately \$5,000,000,000 and not to exceed \$6,000,000,000.

SEC. 4. That the President be, and he is hereby, authorized, in the event of a successful termination of the negotiations for the purchase by the United States of the said territories and submarine cables, to enter upon further negotiations looking to treaty agreements between the United States, Great Britain, France, Italy, Japan, and Germany for cordial international cooperation in solving the problems of Africa and for the development of the undeveloped natural resources of Africa by the formulation of plans for the reclamation of waste lands, for the utilization of the natural resources, including water power, for wise colonization, particularly by the citizens of the overcrowded countries, and for the promotion of education and civilization throughout Africa in the interests of the people of Africa and of all the nations of the world.

SEC. 5. That in the event of the failure of such conversations and negotiations to result in the acquisition by the United States in the manner and for the sums above recited, of the territories and cables herein described, the President be, and he is hereby, authorized to negotiate for the prompt settlement, principal and interest, of the debts owed by the said principal allied and associated powers to the United States, and, pending such settlement, to request collateral satisfactory and sufficient as security for said debts.

SEC. 6. That it is the sense of the Congress that such an agreement upon and discharge of the debts of the nations, and, in particular, the satisfaction of the claims of the United States in the manner herein proposed, would be highly promotive of the good will and economic well-being of the peoples and Governments of the principal allied and associated powers and those of the other European countries, and that the United States in entering upon the conversations and negotiations, through the President, with the several Governments herein named, is moved by a desire to have such adjustments made, in order that there may result an associated effort by the enlightened nations in behalf of the backward peoples of the territories affected, to the ends of human welfare and the promotion of the ideals of civilization.

Mr. FRANCE. The territory of the German Empire was in Asia, Africa, and Oceania, the German island possessions alone, particularly those north of the Equator, being, because of their strategic positions near the cable routes and in part interposed between the United States and the Philippines, of great potential importance to the United States and an asset which should not be transferred to a power which may become unfriendly.

Germany possessed the Mariana and Caroline Archipelagoes and 70,000 square miles of northeast New Guinea; the Bismarck Archipelago, 20,000 square miles; the Northern Solomon Islands, 4,200 square miles; and in the Samoan Archipelago she had 9 out of 14 islands.

In Africa she possessed imperial possessions of uncomputed value, embracing an area of 1,032,280 square miles, or about one-third of the United States, made up as follows:

	Square miles.
Kamerun (West Africa)-----	291,950
Togoland (West Africa)-----	33,700
German East Africa-----	384,180
German Southwest Africa-----	322,450
	1,032,280

Much of this territory is very valuable, with highly fertile soil, rich mineral deposits, vast agricultural possibilities, water power, and a salubrious climate.

German Southwest Africa is well watered, has a fine climate, and rich mineral deposits. In the Kamerun are mineral deposits, and there are no doubt valuable deposits of tin, while its coast sections are rich in palm-oil trees, timber, and rubber. Togoland is also extremely valuable for its tropical products, while in German East Africa there may probably be found extensive deposits of coal, gold, copper, and iron.

So great is the value of this African territory that as early as October, 1914, such prominent Englishmen as Sir H. H. Johnston, who is an authority on Africa, advocated England taking this territory, and indeed some of it England seems then to have claimed, what she had conquered there. In addition to this, some English publicists are seriously contending that Great Britain should have the Belgian Congo, embracing 900,000 square miles of the heart of Africa, and in the absence of an affirmative American policy the Kongo may go to Great Britain.

PROPOSED DISPOSITION OF GERMAN COLONIES.

It was decided at the peace conference at Paris that Germany should be deprived of all of her overseas possessions, and in articles 118 to 127 this policy has been embodied in the peace treaty, the principal article being—

Section 1.

GERMAN COLONIES.

Article 119.

Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions.

On May 5, 1919, there was made a provisional organization of the League of Nations, and on the following day the so-called council of three—M. Clemenceau, President Wilson, and Lloyd-George—met and decided upon a tentative disposition, subject to the approval and ratification of the League of Nations, of the German colonies as outlined in the official statement as reported as follows. I ask permission to insert that without reading.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

Togoland and Kamerun: France and Great Britain shall make a joint recommendation to the League of Nations as to their future.

German East Africa: The mandate shall be held by Great Britain.

German Southwest Africa: The mandate shall be held by the Union of South Africa.

The German Samoan Islands: The mandate shall be held by New Zealand.

The other German Pacific possessions south of the Equator, excluding the German Samoan Islands and Nauru: The mandate shall be held by Australia.

Nauru (Pleasant Island): The mandate shall be given to the British Empire.

The German Pacific islands north of the Equator: The mandate shall be held by Japan.

Mr. FRANCE. This agreement was made subject to ratification by the League of Nations; but when the United States refused to go into the League of Nations there was no guaranty by the United States of these territories which had been acquired by the allied and associated powers jointly as a result of war, and the whole plan seemed to be threatened with disarrangement; but the gentlemen who were favorable to this plan of getting the United States to become one of the guarantors of the titles to these properties, which were acquired during the war as they were disposed to the various countries, now come with a new plan, and this treaty is part of that plan; and under this treaty we assert our acquiescence in the transfer which was tentatively made by those three gentlemen on May 5, 1919, of these islands to Japan. In other words, we are doing here exactly what it was proposed that we should do under the League of Nations so far as the Japanese mandates are concerned; and in passing I want to say that this whole question of mandates is one which should make the statesmen of the world blush with shame, because the nations do not really consider, as has been proven by the acts of the empires since this tentative agreement was made, that these are mandatory territories which they hold in trust. They consider that they own these territories, and their ownership in them is now to be in part guaranteed by the United States.

The positive proof that they do not consider that they hold these territories in trust is the fact that Great Britain, for a consideration, has already ceded to Belgium certain of the territory which was given to her in Africa, which is conclusive proof that Great Britain did not consider that she was holding these territories in trust.

Mr. WATSON of Georgia. Mr. President, will the Senator allow a suggestion there?

Mr. FRANCE. I yield.

Mr. WATSON of Georgia. The Senator will remember that by the Berlin treaty of 1878 Austria was given a mandate over Bosnia and Herzegovina. She was to hold them in trust; and that mandate led to the World War, which drew us into its vortex.

Mr. FRANCE. Yes; and I would say to the Senator that if the plan adopted at Washington is ratified by the Senate, we are preparing the world for another war, and I shall prove it before this debate is over, I think, to the satisfaction of the American people.

The American statesmen, following the conference of our Republic with the three great empires at Washington, propose now that we guarantee the title of Japan to all of these islands; for what? In the beginning we asserted that Yap ought to be for America. American statesmanship after the war was so bold as to assert that out of all this vast empire of territory alienated from Germany as a result of war, this great Republic, for all she had sacrificed, should have Yap. It is astonishing, it seems to me, that the representatives of the empires did not see the propriety of transferring Yap and the Yaps to the statesmen of that caliber.

Now, for a mere possible cable landing on Yap, which is of limited value to us, we are to agree to transfer all of those islands north of the Equator to Japan, and, as I will show in a few moments, this cable landing itself is only of value as it supports the cable from Guam to the Philippine Islands. The other cable which I am advocating we seek to acquire extends from Yap to Guam, and from Yap to Celebes, and from Yap to the Orient.

For myself, I do not propose to face the people of the State of Maryland, who expressed their views at the last election on this subject—and ordinarily it is a Democratic State, but it went overwhelmingly Republican last time—after I have voted to ratify, for a mere cable landing on Yap, the title of the Japanese Empire to these islands in the Pacific. I predict that when the United States has become one of the guarantors of Japan's title to these islands—and that is what it really amounts to—the next thing will be to get us to become a guarantor of the title to the islands which have been given to Great Britain south of the Equator, and the next step after that will be to get America to become the guarantor of the title of the former German colonies in Africa, and then the League of Nations plan will be practically complete, and we will have been put into the league, so far as the provisions guaranteeing title to territory are concerned, as effectually as we would have been put into the league under the terms of the treaty of Versailles.

The Senator from Massachusetts [Mr. LODGE] will later, perhaps, explain in what respect this guaranty under this treaty with Japan is essentially different from the guaranty which we would have given Japan under the terms of the covenant of the League of Nations.

Mr. LODGE. Mr. President, the Senator referred to me, and I desire to say that there is no guaranty about it at all. These islands were given to Japan outright by the treaty of Versailles as one of the five principal allied and associated powers. We were another of those allied and associated powers, and we had title to one undivided fifth of all Germany's overseas possessions. Japan now, by the action of the other three powers, has title to four-fifths, and we simply give her our approval for the mandate which she has already received, a separate one on her own account, for our undivided fifth part. There is no guaranty whatever about it.

Mr. FRANCE. I understand the Senator, and I can explain why it is thought to be a guaranty.

Mr. LODGE. Who thinks it is a guaranty?

Mr. FRANCE. The interested parties think it is a guaranty, or they would not seek to have us do this, and I will explain exactly the situation. I must admit, and I will be the first one to admit the great truth, that no guaranty of any world status can be made effective.

Mr. LODGE. I do not wish to interrupt the Senator, but I do not want any misunderstanding of my position. Of course, I deny absolutely and entirely that there is anything resembling a guaranty to anybody in this treaty.

Mr. FRANCE. Of course, it is very clear that the Japanese are getting something for this great generosity to us in giving us a cable landing on Yap.

Mr. LODGE. They are getting our assent to the mandate, to an undivided fifth part; they have title to four-fifths now.

Mr. FRANCE. That is exactly my meaning. I shall show the fallacy of the whole arrangement, the fallacy of the League of Nations arrangement.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Maryland yield to the Senator from Georgia?

Mr. FRANCE. If the Senator will just let me finish this thought, I will be very glad to yield.

The assumption of the great powers was that if they could get the principal great powers at Paris to mutually agree to this disposition of territory it would amount to a guaranty, because nothing but a great power could question the combined power of these other great powers to the territories in question. We are a great power, the greatest of all powers, undoubtedly, and it is assumed that if Great Britain, Japan, France, and the United States agree to the establishment of these mandates it will amount to a guaranty; but the mistake of the men at Paris, as the error of the men at Washington, is made manifest by the fact that, while these are at present the only great powers, so far as their naval preparedness and their military preparedness are concerned, there are other great and potentially greater powers than these who are ready to question, who are now questioning, and who may ultimately question by war, any such agreement as this, and the whole mistake of the Washington conference was in not getting those great powers to come in and consent to an arrangement of all the powers which would estab-

lish some rational and just settlement of this whole question of the territories occupied by the backward peoples.

The mistake in Paris was the failure to invite Germany and Russia to participate in that conference, and the mistake in Washington was in the failure to invite Germany and Russia, particularly, and China, to participate in that conference. Let me say that the folly of our Russian policy is proved by the fact that intermeddling and intervention, contrary to the Constitution of the United States, by this country, together with the other powers, have resulted in the militarization of Russia. The policy of intermeddling in China is resulting in the militarization of China, and Germany is already militarized, in my judgment, to a more dangerous degree than she was before 1914, if we confine that statement to the spiritual sense. I think, perhaps, in 1914, 3 per cent of the Germans would have wished for war. To-day I believe 97 per cent of the Germans, while they have not rifles on their shoulders, have a hatred, a rankling sense of injustice, in their hearts, which is even more dangerous, perhaps, than military preparedness in the mere physical sense.

The Senator from Georgia has left the Chamber, and I regret it, because I had intended to yield to him.

Mr. KING. May I interrupt the Senator for a moment?

Mr. FRANCE. I yield.

Mr. KING. I beg to suggest to the Senator that, in my opinion, if I interpret his statement correctly, he places too much stress upon the character of title that was given to the mandates over or in relation to the mandated territories. It seems to me that the proper interpretation of the Versailles treaty is that those territories which were named as mandates did not obtain what might be denominated a fee simple title to the mandated territories, but they obtained merely trusteeships, and that Great Britain should cede to Belgium, as the Senator said a moment ago, some of the territory over which she had a mandate, Belgium would take it subject to the limitations which Great Britain had, and Belgium would be compelled to account to the League of Nations for her trusteeship, and would be amenable to the League of Nations for her trusteeship, and would be amenable to the determination which would be made by the League with respect to her trusteeship.

Mr. FRANCE. The Senator has raised an interesting legal point, but, as a matter of fact, these mandates were held by these nations under the League of Nations presumably as trustees, and if they considered that they held these territories as trustees, it is to be presumed that they would have gone to those who created the trust to gain consent for the alienation. The Senator is too good a lawyer to defend the proposition that a trustee, without the consent of the courts or without the consent of those for whom the trust is held, can alienate property simply because the one who purchases the property will be presumed to purchase subject to the trust, to be held as a trust, as it would have been held by the trustee. The Senator would not defend that proposition.

Mr. KING. If I understand the Senator, I think I am in accord with him, and that is one of my objections to this treaty. Whether it would prove an insuperable objection to my voting for ratification I express no opinion, but I do feel that our Government, before yielding or ceding—if that is the purpose of this treaty—its undivided one-fifth interest in and to the island of Yap, as the Senator from Massachusetts denominated it, ought to have presented its contentions or its claims to the League of Nations, to determine whether or not that supervisory organization assented to our alienation of a right, if we had a right there, which we held subject to the League of Nations and subject to the surveillance and supervisory control of the League of Nations.

Mr. FRANCE. The Senator's position is perfectly sound. It would be much better for us to give practical guaranties of these territories under the protection of the league than it would be for us to give those guaranties under separate treaties, for while we are not in the league we can not invoke the assistance of the league, which provided a procedure in case of controversy. So it seems that the Democrats are perfectly consistent in their position in being for a League of Nations, and in being opposed to our doing individually and separately what the nations of the league proposed to do collectively. We are assuming obligations which we would have assumed under the league, but we have not the protection which membership in the league would have given us. So the proposition is really a less defensible one than the League of Nations proposition, but it was assumed that a League of Nations was impossible so far as any participation by the United States in it was concerned, and that the only way to get us to assent to the transference of these territories was for us to

be persuaded to do it separately instead of as a member of the league.

Mr. WALSH of Montana. Mr. President—

Mr. FRANCE. I yield to the Senator from Montana.

Mr. WALSH of Montana. I have been endeavoring to follow the argument of the Senator and have found it exceedingly interesting. I was interested particularly in that portion of his objection which was founded upon the nonparticipation of Germany in the conference at Washington. Inasmuch as Germany by the treaty of Versailles surrendered all of her interest in these islands to the five powers, she would not have anything to say about that, would she? Is it not a fact that the Senator's objection goes to the disposition made by the treaty of Versailles rather than to this treaty? Is not the Senator complaining, as I understand him, that Germany was forced by the treaty of Versailles to give up her interest in these islands?

Mr. FRANCE. I would say to the Senator that I am not objecting to the disposition of the territory at all, nor to its alienation from Germany.

Mr. WALSH of Montana. If that is the case, if Germany has surrendered all of her interest in them by the treaty of Versailles, as she did, and that is accepted, what difference if she were right here? She would not have anything at all to say about it.

Mr. FRANCE. I would say to the Senator that my argument that Russia and Germany should have participated in the Washington conference was not based upon that consideration to which he calls attention. I am persuaded that if those nations had been present at the conference a totally different arrangement would have been made; in other words, the conference would not have been at all what it was. We should not have had this kind of conference at all. We should have had what I have been advocating practically since January, 1919, a conference of all the powers which would deal with economic questions, settling them satisfactorily on the theory that the political questions would settle themselves when the economic questions had been adjusted.

Mr. WALSH of Montana. I am disposed to agree with the Senator in that view, but I was endeavoring to follow the argument to make it applicable to the matter that is exactly before us.

Mr. FRANCE. The Senator's point is perfectly well made in that particular.

Mr. WALSH of Montana. Then, assuming that Germany has no interest in the thing at all, and these islands belong to the five powers, and that Japan exercises the mandate over them by virtue of the concession then by the four powers and now by the United States, they belong, as said by the Senator from Massachusetts [Mr. Lodge], to the extent of one-fifth to the United States and the other four-fifths to the other four powers. They have all now agreed that Japan shall exercise governmental control. Now, where does the guaranty come in of which the Senator speaks? I can not follow that. They belong to us and we have accepted the concession under the treaty with Germany by taking all the benefits accruing to us under the treaty of Versailles, including our one-fifth interest in these islands. How do we guarantee anything and to whom do we guarantee it?

Mr. FRANCE. Of course, in a legal sense I am not contending that a release is the same as a guaranty. This is a release, but it is more than that, in my judgment. It amounts to our acquiescence in the former settlement which was made, let it be remembered, not by the disarmament conference at Washington but by President Wilson tentatively at Paris.

Mr. WALSH of Montana. That is what I understand the Senator is complaining of.

Mr. FRANCE. And this is a ratification not of the act of the disarmament conference but it is a ratification of the agreement entered into by President Wilson with Clemenceau and Lloyd-George at Paris.

Mr. WALSH of Montana. Now the Senator is perfectly logical. I understand he is attacking the Versailles arrangement and not the Washington arrangement.

Mr. FRANCE. I am glad now to yield to the Senator from Georgia [Mr. Watson], if he desires to ask a question.

Mr. WATSON of Georgia. The time has passed. I will not intrude upon the Senator.

Mr. FRANCE. I am very sorry.

Now, I desire to discuss a slightly different aspect of the whole question, and what I think to be a somewhat important aspect.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. FRANCE. Certainly.

Mr. NORRIS. I was not in the Chamber when the Senator commenced, and he may have made this point clear. Before he leaves this particular aspect I would like to ask him a question or two. Does the Senator contend, as a matter of international law, that the treaty now before us is one that the parties who make it have no right to make because of their lack of title to the property involved?

Mr. FRANCE. I would say in response to the Senator that a discussion of the question as to the title of nations to countries would lead us far afield. There is but one title which one country has to another country, and that is the title which rests upon military force. The empire holds its territory because it is strong enough to hold it, and there is no other, so far as know, in international law to the territory held by an empire.

Mr. NORRIS. I am not seeking to raise that point. Perhaps the Senator did not understand me, or I may not have made my question clear. The idea entered my mind from listening to the Senator that while Germany had by the treaty of Versailles surrendered to the five powers all her rights to these islands, we, not being a party to that treaty, had the same right as any other one power to say what should be done with those islands that had been ceded to us by Germany. The other four powers got together and decided among themselves that Japan shall be given a mandatory privilege over them to govern them.

This treaty comes before the Senate between us and Japan alone, and proposes that we shall give our consent to that mandate for certain concessions that are given to us in the island of Yap. I think there might be a technical legal objection made to that, because it could be said, perhaps, that the other three powers outside of Japan might object to the concessions which were given to us by Japan, because Japan has no right there except to govern the island under the mandate given her by the League of Nations. She has not any title. It is not her Government. She is just a trustee carrying out a mandate, as I understand it.

Then there was another thing that entered into it which it seems to me might raise a close legal proposition. I think of it because the Senator's argument called it to my attention when he said that Russia ought to have been here in order to make this agreement perfect. At the beginning of the war and, in fact, throughout most of the war Russia was one of the powers that helped to fight Germany. She lost more men than any other one nation. She did great work in that war. While Russia was out of it at the end of the war, the Allies received the benefit of the sacrifices Russia made during the war. Russia was never consulted, either at Versailles or at Washington. It seemed to me there might be a technical reason why Russia would not have the right to say, "We were part of this war and an important part, and one of the Allies, and you can not dispose of anything that you took away from Germany without you consult us."

Mr. FRANCE. Russia has already, I believe, if we may rely upon newspaper reports, stated that she would be bound by none of these arrangements.

Mr. NORRIS. Even though that were true, is that any reason why we should reject the treaty, knowing the imperfection, if I may put it that way, of the title that we do get for whatever we get? I am inclined to concede, as a matter of international law and of real justice, that there is an imperfection in our title as well as one in Japan's title. We do not take any greater title than is owned by the power that conveys it to us, and we do that knowingly. If that does not give us an absolute title, we take it with whatever imperfection there is in it. Knowing what the facts are, as we all must, is that any reason why we should reject the treaty?

Mr. FRANCE. Upon that general question I would say that we may consider that there are two forms of title to territory. There is imperial title which rests upon force, and there is the moral title which rests upon reason and justice. Germany had imperial title to these territories. She conferred imperial title, if I may use the term, upon the allied and associated powers, of which we were one. That title was good because those powers were strong enough to make it good. When those powers were ready to transfer those territories one to the other, they were strong enough to do that, and the title which had been obtained and conferred was a title which rests upon might. President Wilson advocated a totally different policy, a policy based upon the theory, the American theory, I would say, that peoples should not be passed about from sovereignty to sovereignty without their consent. In other words, that sort of doctrine of course looked to what may be considered the moral title resting upon morality and justice.

The utter futility of the whole Washington conference will begin to appear when we, as the Senate, seriously settle ourselves to a consideration of the very great problems growing

out of the war which now confront us, problems which must find a very prompt solution if the disorganization which now prevails in the industrial, commercial, and financial life of this country and that of the world is not to grow steadily worse.

Mr. President, the very perplexing problems which now confront us, and that of a cash bonus for our ex-service men is one of them, are in large part due to the failure of the Congress at the close of the war to formulate policies comprehensive enough to meet the complexities and difficulties of the tremendous situation in which we found ourselves after the signing of the armistice.

We had a disordered and a disorganized world to deal with and we sought to apply measures of relief which were wholly inadequate. We failed, as did all the parliaments of the world, to begin at once the application of principles and policies looking to the reconciliation of all the peoples of the world and to the reorganization and reconstruction of a broken and disordered economic system.

The backward-looking elderly statesmen of a passing age who met at Paris ignored the fundamental truth, dimly perceived before the war, made apparent during the conflict, and fully demonstrated during the last destructive years, which should have been the reconstruction period, that the civilized world is an economic unity, a living organism, of which each of the various countries is a vital and indispensable organ, and that there can be no general well-being throughout the whole unless there be health and vigor in every part. There must be a peaceful and plentiful production of the commodities and necessities for civilized life in every country and the normal unclogged circulation of these commodities in the arteries of commerce which bind the nations into a functioning whole. This great truth the peacemakers at Paris disregarded when they imposed upon Germany impossible reparations, when they destroyed the economic unity of the Austrian-Hungarian federation, when they failed to formulate plans for the economic restoration of Russia, Poland, Lithuania, Latvia, Estonia, Turkey, Greece, and the lesser countries; when, in short, they failed to inaugurate measures looking to a more abundant world commerce in commodities, to a wider extension of the boundaries of civilization, and to an enormous increase in the productive power of the world for the purpose of creating a better and more rational, international, economic structure to replace the one destroyed by war.

The task was not too difficult. On every hand were the ready materials for such a creation of a more stable and prosperous condition, but prejudice, passionate hatreds, and imperial greeds, the cruel emotions which had all but destroyed the world, prevented their utilization. Millions of bleeding, broken hearts in every land were acquiescent to such a plan; but reactionary, blind, Bourbon statesmen, who refused to heed the lesson which was perhaps intended to be taught by God through this most awful scourge of war, stubbornly, stupidly blocked the way onward toward the realization of the reawakened hopes and aspirations of mankind.

THE QUESTION OF THE BONUS.

Let us be fair, honest, and frank while we ask ourselves the question why a considerable number of those heroic men who made up the invincible armies of our country, men more free from mercenary motives than any body of men which could be marshaled in all the world, are now asking for a bonus as a recognition of their services in war for the preservation of institutions of liberty. These men have never been and are not now mercenary. They sought to drive no hard bargain when their country called. They were not mercenary when they gladly offered to place all that they held most precious, even life, upon the altar of their country. They were not mercenary when they embarked on transports calmly to brave the peril of the cruel submarine. They were not mercenary when they stood a solid phalanx against all the terrible onslaughts of the enemy. They were not mercenary when, an invincible host, they launched that desperate charge, the most valorous in all the military annals of mankind, and when with thinner ranks, with uniforms stained with the blood and mire of conflict, they bivouacked beneath the stars of France, but yet under their own banners rebaptized with sacrifice, bathed in a new light, resplendent with a glorious victory. They were not mercenary when with their hearts sad and sorrowing for their dead and wounded, but rejoicing with the glad expectation of reunion with those they loved, they embarked for home. What did they ask when their feet touched the soil of the cherished homeland? They asked but these two things: First, that their disabled and diseased ones should be cared for tenderly and generously by a grateful country; and second, that those in health should be given opportunity for useful and profitable employment in which they might further serve their country and the world.

Unfortunately, these two requests of theirs could meet with no instant acquiescence: The first appropriations for hospitals, for vocational training, and for the payment of compensation to the wounded were wholly inadequate. This fact, of course, has been testified to by the Committee of Senators who made the investigation as to the hospital facilities available, of which committee my distinguished colleague from Maryland [Mr. WELLER] was one of the able members.

The continued unemployment of many of those who were able to work was the result of the unwise and destructive treaty at Paris and the failure of America to assert herself in wise leadership toward the adoption of rational, courageous, and comprehensive policies for the economic reconstruction of the world. The first appeal for the bonus came from the disabled who were improperly compensated, and later those who were unemployed called attention to their necessities. We must remember that it was a sense of injustice rankling deep in their hearts which started the appeal for aid. There were also the contributing factors, their realization that profiteering had been carried on at home and their conviction that while they had bared their breasts to fight the enemy of liberty there in France we, their representatives, had failed faithfully to hold the lines for liberty here at home. As they went to foreign fields to battle for its protection, they had a right to expect of us that we would stand manfully here for the preservation of liberty against the day of their return. They return and find absolute freedom of speech and discussion and many of the principal pillars of free government thrown down. They find repressive and restrictive statutes everywhere; they find the framework of free government mutilated by the building into it of a prohibitive statute, not an amendment of the framework of government enlarging the powers of people over their own affairs but a statute called the eighteenth amendment which impairs popular sovereignty and makes possible the vicious system of government by minority.

The invasion of the people's liberties; the impairment of popular sovereignty; the virtual destruction of representative government by the abdication by Congress of its functions; the enormous, swollen, unhealthful growth of Executive power; the creation of a huge, wasteful, autocratic, bureaucratic government at Washington, with its thousands of too often mercenary and corrupt spies swarming through the States, all of which occurred during the war, and the failure to avoid the economic crisis which has caused the unemployment of millions of men, agricultural depression, industrial paralysis, and social unrest during the reconstruction period—these are some of the factors which have caused a widespread discontent.

I am asking for a fair hearing for my plan, which proposes that we accept from the former allied and associated powers their share in the formerly owned German cables and colonies transferred to them under the terms of the Paris treaty in payment of the huge debts of those powers to us. It is a plan for the liquidation of troublesome international obligations which are preventing the rehabilitation of Europe and of the world. This plan would give us vast assets for slow if not worthless paper. You will see by a glance at the maps upon the wall, particularly this one [indicating], that these colonies constitute a great territory, approximating one-third of the area of the United States. Here are huge storehouses of undeveloped natural wealth—palm oil, rare woods, gold, copper, iron, rubber, tin, lead, diamonds, ivory, and probably large undiscovered reservoirs of oil, which, by the way, is not an unimportant subject when we recall that it has been estimated by the Geological Survey that the United States has oil enough only to last her for 17 years. Here are great tracts of land suitable for homestead development, agriculture, and the extension of the commerce of the United States. The formerly owned German cables you will see indicated upon the maps in red. They cross the Atlantic; they go down the European coast along Africa to all the African colonies; thence over to South America, and from Guam to Yap and from Yap to the Orient, the Philippines, and the South Sea islands. If we acquired them, they would afford us an uncensored means of communication with the Orient and prompt and profitable contact with Europe and Africa. The vast resources which we would thus acquire would meet the reasonable demands of our people for a settlement of the obligations of the allied nations to us and the transaction bring about a situation which would enable us to not only meet our legitimate obligations but to also render an invaluable service to the world.

I propose this plan because I am convinced that it would be unwise and dangerous for us to attempt to put further strain upon our financial system by attempting to pay a cash bonus of from three to five billions of dollars before at least attempt-

ing to find a solution for the problem of our agricultural, industrial, commercial, and financial depression, now a cause for deep concern.

OUR BUSINESS DEPRESSION.

In considering this question of the bonus it would be hazardous for us to close our eyes to the fact that we are now in and are moving toward an even more serious condition of agricultural, industrial, commercial, and financial depression and unemployment. Our banks, particularly in the grain and cotton States, and those in the large industrial centers, are filled with frozen assets due to the inability of the cotton planters, of the grain farmers, and of the manufacturers to liquidate their obligations because of their inability to sell the products upon which these bank credits are based. Due to this situation, there have been most serious failures in the Southwest, in the Northwest, in the Central West, and also in the eastern industrial cities. In the absence of radical measures for the relief of these conditions other failures would seem to be inevitable. The unemployment has reached most serious proportions. It was estimated that from four to six millions of men were out of work during the autumn months, and the condition has certainly not improved. There can be no doubt that in the absence of comprehensive relief, which must be based upon a clear understanding of the fundamental reason of the condition, we must look for a serious situation, if not actual panic, in the spring or early summer. The crisis might well be precipitated by the bankruptcy of Germany, which might follow a further attempt to make reparation payments which she is not strong enough to make.

CAUSE OF OUR BUSINESS DEPRESSION.

The cause of our business depression is to be found in the conditions which prevail in Europe. The failure of most of the Governments of Europe to balance their budgets, the overproduction of money by inflation, the piling up of enormous governmental expenditures, taxation, and debts, the existence of huge outstanding international obligations, the vain efforts of the Germans to pay impossible reparations, the prostration of Russia, the great nutritive organ of Europe, the food producer which has been called the trunk of the tree of Europe, the world-wide underproduction and faulty distribution of goods, and the huge indebtedness of Europe to us—these are some of the factors which are adversely affecting conditions here and which are inviting the world-wide disaster which will follow the further breakdown of the economic international structure.

Cecil Rhodes, the great empire builder, once said that "goods constituted civilization." His epigram, "Civilization is goods," contains a profound truth. If the statesmen of the world could firmly grasp this golden key of truth, that "civilization is goods," and that civilization is now in danger because the world is so desperately short of goods, they could unlock the iron gates of unhappy circumstance which bar the way onward toward the preservation and fuller realization of civilization and the permanent peace and the enlarging prosperity of the world.

Through four long years of blood, millions of men have been drawn from the peaceful and plentiful production of the necessities and commodities of civilized life. With concentrated furious energy these millions were inventing, building, and using gigantic engines and organizations for destruction. Unspeakable havoc has been wrought in all our agricultural, financial, commercial, industrial, and transportation processes. Vast reaches of once populous and fertile earth have been devastated. Powerful, well-integrated Governments have been weakened, dissolved, or disintegrated. The process of dissolution tends to spread. Agony breeds anarchy.

Starving peoples can not be held in stable governments. Not agitations, but unfavorable conditions, invite the anarchy which, like an insidious, contagious, cancerous disease, threatens to break down the tissue of all governments. Civilization depends not only upon goods, but upon the credit which makes the production of goods possible, and when we say that civilization is bleeding to whiteness and to weakness in Europe we mean that the frightful deficits shown by the European budgets, which are being met by inflation, by the printing of more money, are draining and weakening the credit systems of the world.

We dare not, if we are to be faithful in the fulfillment of our obligations to the heroic men who preserved for us our institutions, to the millions of unemployed workers, to our farmers and manufacturers, to our business men, and to all the people, permit a further drain from the world's severed arteries of credit through which the economic strength of the world is wasting, as we would do by now passing the proposed bonus legislation before we have checked this progressive

malady of credit depletion by tying the arteries and closing the gaping wounds suffered by the world in war.

Our great industrial expansion activity and prosperity during and immediately after the war were due to our enormous export trade. With the collapse of our export trade we suffered an industrial paralysis and a grave depression in every line of business. In 1920 our exports were \$8,228,016,307, while in 1921 they were \$4,485,122,696, a loss in export trade of \$3,742,893,611. This huge sum representing our loss in trade would be sufficient to pay 4,000,000 men a wage of \$70 a month each for a year. It is not strange that in 1921 we had from four to six millions of men unemployed, and that many ex-service men suffered acute distress. This decline in our export trade occurred when Europe desperately needed for reconstruction all that we could ship in food and commodities, but Europe could not buy because of the huge debts to us, totaling in Government obligations and open accounts much more than \$15,000,000,000.

Unless some way can be found to liquidate Europe's debt to us so Europe can buy from us, our business can not revive, the exchange situation can not be cured, the budgets of European countries can not be brought to balance, and the shortage of food, raw products, and manufactured goods in Europe will cause acute distress, disturbances, and a further disintegration of the social and economic structure of the world.

Here is a most important point, for few seem to realize that a world-wide shortage of food is imminent if we do not restore the vigorous flow of commodities in the arteries of international commerce. Note the alarming facts that in 1910 Russia exported to the world over 225,000,000 bushels of grain, enough to supply with bread for a year 45,000,000 people in the industrial countries. In 1913 Russia exported 122,000,000 bushels, in 1915, 7,000,000 bushels, and now she requires at once for import about 60,000,000 bushels to feed her people and seed a small portion of her tillable land.

Why, Senators, stop for a moment and realize the fact that there are more than 45,000,000 people in the industrial countries of Europe whose living or dying must depend upon whether Russia and the United States, and to a lesser degree Argentine and Rumania, can export to them grain for their daily bread; and consider further the alarming fact that before the war the people of Europe generally were not overfed—indeed, in Germany and the other industrial countries the standard of living was not high—and then consider the further fact that now, in the absence of the exportation of grain from Russia, many of these people are almost certainly doomed to malnutrition, if not to actual starvation.

The exports of wheat from the United States have been declining, and because of the demoralized prices, which have more recently somewhat recovered, western farmers are now planning to reduce their crops 12 per cent next year. Millions in Russia are famishing, millions of Germans are suffering slow starvation, and there is undernourishment or starvation in many other lands. Forty millions of people who live in the industrial countries, I repeat, must depend for food on exports from Russia and the United States. The ominous strikes in Germany, which are the beginning of a total breakdown of the social, economic, and financial structure of Germany, are the result of hunger, and they must grow to serious disturbances unless Germany can import more food.

With the peoples of the world desperately needing food and all of the manufactured articles of civilized life, there can be no fundamental cause for financial, industrial, and agricultural depression. It is true that there are places, and the United States is one, of surplus of productive power and of superabundance of commodities and food, but against these there are other places of desperate and imperative need. How long shall the statesmen of America and of the world be able to maintain their power if they continue to declare that there is no way to send the surplus to supply the need?

The farmers of the West, the cotton growers of the South, and the woolgrowers of the West are beginning to question the validity of a system under which they can not sell their grains and their cotton and their wool when the people of Europe are starving and suffering death from freezing for lack of the very food and clothing which could have been made from these surplus raw products which are a drag upon the market here. The industrial workers of America, sitting in their cold houses, are beginning to question the validity of a system under which the great industries of America are in part closed down when they know there are millions of people in Europe suffering death from lack of the very materials that these industries might be supplying.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. I yield.

Mr. KING. Before he concludes, I hope the Senator will elucidate the subject which he discussed a moment ago, which is profoundly interesting, namely, that the United States has a great surplus not only of raw materials—wool, cotton, copper, and so forth—but finished products, and that if our prosperity is to be regained, it will be regained by reason of finding a foreign market for our goods.

I call the Senator's attention to the fact that there are statesmen from this Chamber and from the other end of the Capitol now engaged in formulating a plan which, if we are to believe the newspapers, is calculated to absolutely prohibit exports from the United States, because that plan would deny to those who are freezing and starving, and who need these surplus products, any possibility of paying for them. It would erect a wall so high that the Chinese wall, of which we speak, would be insignificant in comparison with it. I hope the Senator will point out the policy which he thinks we should adopt to facilitate the exchange of commodities, as a result of which there will come increased vitality and vigor to our industrial and economic life, and at the same time bring happiness and prosperity to other nations.

Mr. FRANCE. The Senator is referring to the fact that those countries must pay us with goods, which can not be imported here because of our proposed tariffs.

Mr. KING. Absolutely.

Mr. FRANCE. Of course, it is a very strange thing that so many men who call themselves statesmen are not able to think out the simplest problems. As a matter of fact, it soon was discovered that Germany must pay her reparations not in gold but in goods. The statesmen never thought of that, although it is a fundamental economic proposition. Germany had only \$260,000,000 worth of gold, and it was necessary, if she paid her reparations, to pay them in goods. I happened to be sitting in the visitors' gallery of the House of Commons, in England, when the House of Commons adopted an antidumping bill to prevent the Germans from paying any indemnity to Great Britain in goods; and the French did not want the Germans to pay them in goods; they did not care to have them pay even in material for the rebuilding of their houses, upon which labor had been performed; and when the Germans offered to pay the reparations for the destruction of ships in tonnage of ships, of course, the British workmen protested most strenuously against a policy which would have thrown them all out of work.

The Senator's question is a very appropriate one, and I will touch upon it a little more fully in a few moments—the question as to how the allied Governments are to pay the principal and interest of their debts to us.

ECONOMIC CONFERENCE NEEDED.

While the countries of Europe are facing great perplexities, a careful investigation must disclose the fact that the countries of Europe are, if we regard the fundamentals of human nature, moral, solvent, and sound. The ultimate basis of credit rests upon a faith in the moral nature of men, in their desire and capacity for production, and in the adequate resources of the earth. Men, except a negligible proportion, can be expected to pay for what they buy and they can buy when they produce and produce when they can buy.

While it is not safe for us to pass legislation granting a cash bonus for the relief of our ex-soldiers, many of whom are suffering real distress, in our present situation, I must insist that it is also not safe for us to sit here closing our eyes to the perils of our position, refusing to apply the efficient remedies either because we do not see them or because their application in the interests of all the people might upset some of the sinister schemes of a few, here in our own country or there in other nations, who are playing a deep game to accomplish purposes of their own. Before proceeding with the discussion of the plan I propose for the liquidation of the debt of the allied and associated powers to us, which was presented many months ago, which plan also calls for a reduction in the German reparations, I desire to mention two other necessary measures which must be adopted before there can be a solution for our problems—the calling by the United States of an international economic conference, which I have been urging since January, 1919, to which all of the nations signatory of or inherent to the convention for the pacific settlement of international disputes of July 24, 1899, would be invited, and the adoption of a policy, which I have been urging since February, 1920, looking to our reconciliation with and the restoration of Russia.

I would say merely in passing that my contention in 1919 and 1920 that the protection of the foreign trade of the United States and the prevention of a collapse in our exports were indispensable if we were to avoid agricultural, industrial, and commercial depression has been borne out by the recent developments in the grain markets. It is the unsalable surplus that breaks the prices of the farmers' products.

The Senator from Nebraska is before me, and I am reminded of his great fight here in the Senate for a measure based upon that contention—that it was the unsalable surplus that broke the price, and that means should be found for the selling of that unsalable surplus to the starving peoples of Europe. It was a constructive measure, which should have been passed, in my judgment, although I do not know all the details of the measure, as it was presented during my absence from the Senate. Often the absorption of a relatively small surplus by the opening up of a new market is sufficient to cause a rapid advance in price. The entrance of the Government into the market to purchase \$30,000,000 worth of grain has been one of the contributing factors in the recent spectacular rise in grain prices. The bill to appropriate \$20,000,000 to purchase these grains for Russia passed in the third week of December last, and since the 3d day of January the wheat market has rallied from \$1.08 to \$1.42, corn from 52 cents to 62½ cents, and oats from 37 cents to 42 cents. It will be seen, therefore, that this relief work for Russia has materially relieved the American farmer.

THE PROBLEM OF THE WORLD'S DEBTS.

It is important to clearly understand the true fundamental causes for the world's economic disorganization and then to consider the remedies which might be applied for their cure. The world's debts are causing the world's disorders. These debts can be divided for convenience into the total debts of all of the countries and the international debts or obligations owed by certain of the countries to certain of the other countries of the world.

At the beginning of the war the total debts of all of the countries of the world amounted to approximately \$45,000,000,000. Now the debts of the countries amount to the inconceivable and staggering total of over \$265,000,000,000. It must be apparent that many of the nations of the world must become insolvent under such a crushing load of debt unless means are found for the increasing of national incomes, the elimination of deficits, and the balancing of budgets.

The annual interest charge upon this huge debt of the world is approximately \$9,000,000,000. To meet the principal and interest of this debt makes necessary a total increase in the world's sources of revenue. Taxation to meet the increase of governmental expense must be levied against a much greater total of productive and consumptive power. More men in the world must become producers and more must become consumers of goods. This means that the boundaries of civilization must be greatly extended. In other words, there must be international cooperation on the part of advanced nations for the rational, practical, and humane development of the world's vast resources of energy and productive power and of its largely unused natural wealth. International cooperation would find vast virgin fields for helpful endeavor in upbuilding and developing Russia, China, Africa, and other less important but extensive backward portions of the world.

Then we have the international debts or obligations of certain of the nations to certain of the other nations, which outstanding obligations, as I have indicated, are preventing the normal circulation of goods between the countries which is so indispensable to the welfare of the world. The debts owed by Russia and the countries disannexed from Russia to the other countries, particularly to France, have contributed, because of their effect upon international policy, to the continued prostration of Russia and the demoralization of Europe. Russia is potentially the richest and most solvent country of the world, and her outstanding obligations can and will, I believe, be met if a proper policy toward Russia is adopted. The funding, the recognition, and the payment of interest on the Russian debt would enormously relieve France, and France would be put in a position to relax her demands for impossible reparations from Germany; and this, if properly carried out, would make possible the recovery of industrial Germany, the dynamo which drives the economic machinery of Europe. If, however, France is to modify the reparations demanded from Germany, France as well as the other allied powers must be relieved of some or all of the burdens of their debts to the United States.

CAN EUROPE PAY DEBTS TO US?

I was opposed to the bill recently passed by the Congress to appoint a commission with the power to adjust by some sort of funding the debts of certain of the allied and associated powers to the United States. The delegation by the Congress

to commissions of legislative, executive, and judicial powers is a vicious practice and one which, if continued, must ultimately destroy our institutions. All thoughtful and understanding students of the spirit and mechanism of our Government, with its well-designed system of checks and balances, should look with disfavor upon such legislation. If there ever was a question which should be settled by the Representatives of the people, it is such a question as this, which involves not only the question of revenue, which has a direct bearing upon the taxation which must be levied upon the people, but which may even carry with it the momentous issues of peace and war. Moreover, I am convinced that the international bankers, who were the moving spirits back of this legislation, did not offer it in good faith. I have discussed this question of the debts owed by certain of the nations to certain of the other nations and by the formerly allied and associated powers to the United States with leading economists and financiers of our country and I have yet to meet one who believes that these obligations can be met by the ordinary means of payment. Those who voted for the bill authorizing the commission to fund the debts owing by these powers to the United States with the hope that a bonus could be met out of what France and England can pay on their obligations have not considered the elementary facts of the world's economic situation. How can Europe pay her debts to us? Can we trade as usual with Europe, and can Europe send us in addition one-half a billion dollars of gold annually to pay the interest on these debts of the European countries to us? It is impossible. The present gold reserve of the United States is in excess of \$3,000,000,000; England has but \$763,749,000, France \$690,158,000, and Italy \$209,698,000 in gold; all of these countries together having gold little in excess of one-half of our gold reserve.

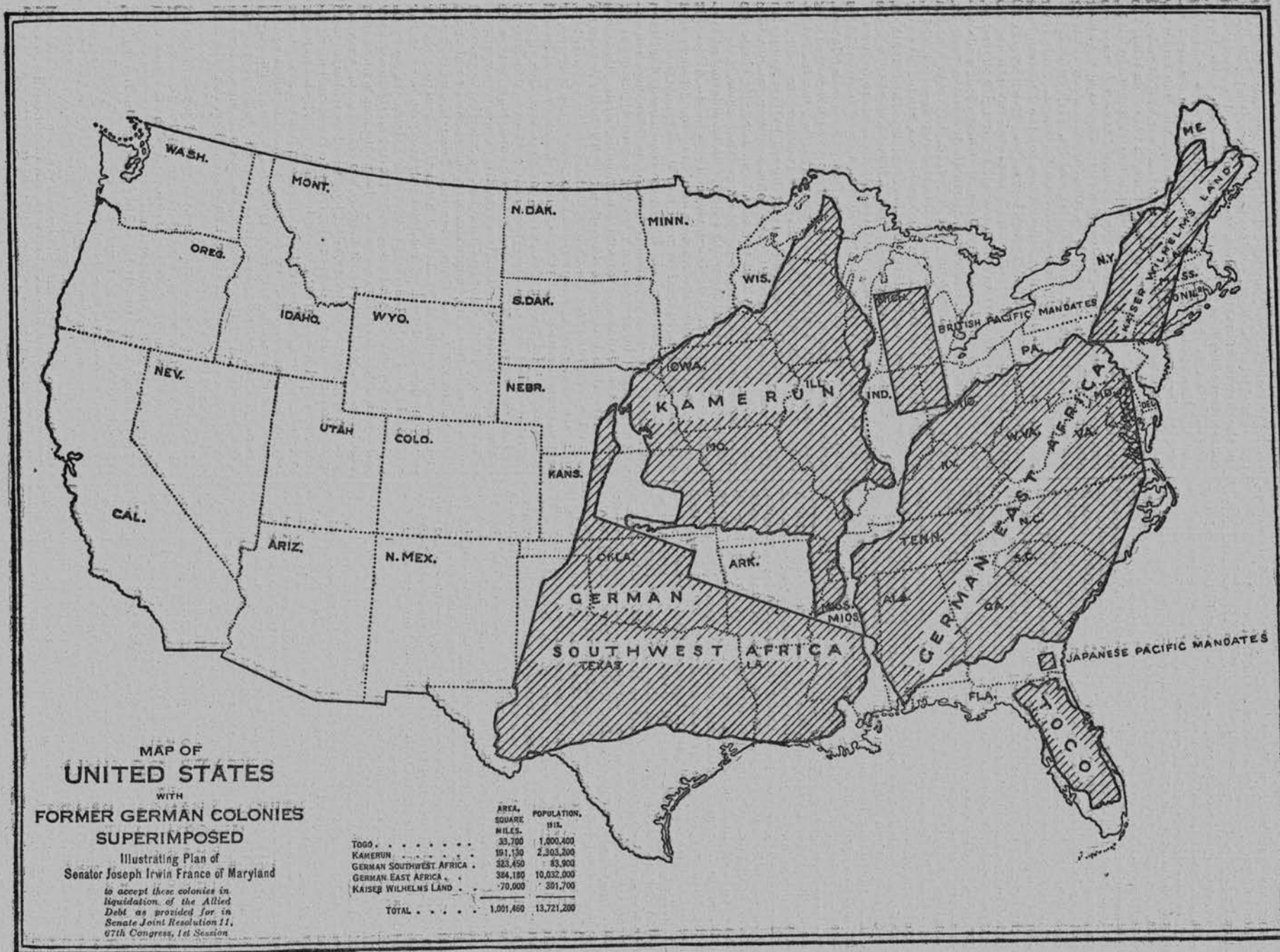
If the European countries begin paying us this interest on their debt in gold, in less than three years we would drain from Europe every ounce and grain of gold. Germany has but \$236,698,000 in gold. Germany's reparations, the debts of the European countries to us, all of these international obligations, which are the fundamental causes of the demoralization of our exchanges and of international trade, must be liquidated otherwise than with gold. The annual production of gold in the world is estimated at \$300,000,000, and gold production in the world is tending to decline because of adverse conditions surrounding the mining industry. The distinguished junior Senator from Nevada [Mr. Odell], who is an authority upon this subject, has presented to the Senate and to the country this serious aspect of the problem.

I ask that the article may be inserted at the close of my remarks as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRANCE. What I have long contended—that it would be ruinous to England and to France and injurious to ourselves if France or England should attempt to pay their indebtedness to our Government in gold—is now becoming evident to all. England is financially the stronger, but an attempt on her part to pay the interest or principal of this debt in gold would drive down the pound sterling to a ruinous figure, making it increasingly difficult for England to import needed foods and raw products from us; would tend to close down her industries and cause an increase of unemployment which might lead to serious social disturbances. If we do not accept payment in gold, can we accept payment in goods? Can we increase the importation of goods from Europe over and above our ordinary importations to the amount of \$500,000,000 each year without seriously disturbing our industries and disorganizing our whole taxation system? Or can we import from Europe in normal quantities and decrease our exports in the amount of \$500,000,000 each year without crippling our industries? For them to pay in gold would be to destroy their industries, while for them to pay in goods would be to disorganize ours. Two remedies have been proposed for the settlement of the debt of the allied nations to us, one of which remedies is too strong to be taken and the other of which is no remedy at all.

I refer to outright cancellation of the allied debt, which is impossible because it would ruin any political party proposing it, and the funding of the principal of the allied debt into long-time obligations and the deferment of interest payments, which is almost as unpopular as outright cancellation, while at the same time it is no remedy whatever, since the allied Governments would remain indebted to us, interest payments would become necessary, and the fundamental cause of the difficulty would persist. Moreover, antagonism and open hostility between the allied nations as debtors and ourselves as creditor would be unavoidable. I foresee that such an arrangement must lead to constant political agitation, international misunderstanding,



contention, and possibly war. It would be ruinous to let them pay, cancellation is impossible, and we can not afford to have our former associated nations hopelessly in our debt. These propositions appear to me to be self-evident truths.

LIQUIDATE DEBTS, INCREASE OUR RESOURCES, AND EXTEND CIVILIZATION.

I repeat that before there can be a rehabilitation of our national, international, economic structures, we must find a way to largely decrease or liquidate all of these international obligations and to increase the total income of the world in order that the total increased obligations of the countries incurred by war may not force important nations to the policy of repudiation. It is most desirable that America should assert her leadership in the calling of an international conference for the consideration of these questions. The resolution, Senate joint resolution 11, which I am discussing to-day, and which I asked at the beginning of my remarks to have printed as a part of my remarks, proposes that the President of the United States undertake negotiations for the purchase, giving credit on the debts of the formerly allied and associated powers to the United States for the amount of the purchase price, of the territories in East, Southwest, and West Africa and in Oceania over which Germany exercised sovereignty prior to the war and the cables surrendered under article 244, Annex VII, of the Versailles treaty.

It would further authorize the President to enter upon the negotiation of a treaty of international comity, commerce, and cooperation with the allied and associated powers looking to the development of the human and natural resources of Africa; to urge the fixing by the allied and associated powers of a just and reasonable indemnity to be paid by Germany to said powers. This plan would not only result in a liquidation of the debts which the formerly allied and associated powers owe us, but it would give us valuable assets instead of slow if not worthless paper, and it would make possible the cooperation of the great advanced nations, under the leadership of America, the great missionary Nation, in the better organization, education, evangelization, and the civilization of the peoples of the yet dark continent of Africa. Great opportunities for trade, profitable to American merchants, would be open. The growth in the commerce to those portions of Africa, which since 1898 have been touched by civilization, has been phenomenal.

I indicate the colonies as laid down upon the map of the United States. I indicate again the colonies as they are in Africa and as they would appear in their territorial extent if laid down upon the United States. At another point upon the map I have indicated the cables which, if they were acquired, would give us an unmolested means of communication to Europe and Africa and also to the Orient, for Senators will perceive that under the pending treaty we have no adequate direct communication with Japan and China, these cables, being the former German cables, not having been transferred with the island of Yap to the United States. It is a very serious thing, particularly if we are going into any guaranty of conditions in the Far East, that we by the acquisition of this German cable at least should have a further direct means of communication from the United States to China and Japan. The importance of the island of Yap ceases to appeal to us when we realize that we can only communicate through Yap over cables which were of former German ownership and which are now owned by the allied and associated powers.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRANCE. Certainly.

Mr. KING. The statement made by the Senator with reference to the possibility of obtaining trade in Africa is, I confess, rather novel to me. I had supposed, and I fancy that is the view of most Americans, that Great Britain in her colonies, and Belgium and France in their colonies in Africa, were so thoroughly entrenched, that their credit system was so regnant in those territories where they are supreme politically, that it would give them such economic advantages that it would be practically impossible for our country, with our lack of foreign avenues for trade, our lack of business men who might do so, to go out into those countries and deal with the people as the residents and business men of those countries that dominate them can do, so that we would be deterred if not prevented from getting any foothold in obtaining any trade in those countries. If I am in error, I should be glad to get the view of the Senator.

Mr. FRANCE. I regret that I have not with me the figures showing our trade with certain of the colonies of Africa. We have, as a matter of fact, carried on a quite considerable amount of trade, relatively small it is true, but still quite a considerable amount of trade with South Africa. Of course, in considering the whole question of trade we must remember that trade is always reciprocal, as the Senator well knows, as indi-

cated by his question. The very fact that we take rubber from Africa, and a large part of the rubber which we take is taken from Africa, is proof positive that ultimately our goods are reaching Africa in payment for that rubber; that is to say, to the extent that the rubber is a cultivated product. Of course, there has been a great amount of vandalism in Africa. By that I mean the stripping and destruction of rubber trees and the exportation of rubber for which no commensurate return has been made. But even in those colonies the same law is quite apparent that they export and import almost in equal amounts. We are exporting, both directly and indirectly, to Africa to pay for materials which we are taking from there, which are quite considerable. For example, to show that the exports and imports are quite apt to run the same, I direct attention to Togoland, a little portion of Africa up in West Africa which is approximately the size of Florida.

Their imports in 1913 were £531,000,000 sterling and their exports £456,000,000 sterling; in the case of the Kamerun, the imports in 1911 were 26,000,000 marks and the exports 21,000,000 marks, showing the fact that trade is always reciprocal. So when we buy from Africa we must sell to Africa. Of course, we are taking from Africa directly, and through England, diamonds, gold, and other materials, particularly ostrich feathers.

It is quite interesting to note that our trade with South Africa has fallen off quite markedly in the last two or three years. That is due to the fact that we have not been buying as many of the luxuries, particularly diamonds and ostrich feathers, which we formerly purchased from Africa, and, as we have failed to import from there, we have failed to export to there.

Of course, the extension of civilization, as I have said, is simply the selling of goods and the buying of goods; indeed, civilization is goods. It is quite interesting to note in passing something which I always insist upon, that we live in a law-ordered world in which that which is commercially sound is ethically right. It is ethically right to reach these people in Africa, and it is commercially wise to do so. Any policy which might be right ethically and not sound commercially is not one to be considered, for it leads us into impossible schemes.

It is ethically right for us to extend the boundaries of civilization to Africa, and it is commercially wise to do so. It would enrich America, the whole world, and would benefit that continent, which is in need so greatly of development.

Indeed, in the last analysis, it is to be remembered that even Christianity itself is dependent upon goods. You can not export a political idea; you can not even export Christianity, if I may use that expression, to Africa without exporting the goods which are indispensable to Christianity. To indicate what I mean I refer to the fact that Christianity depends upon Bibles, upon school books, upon proper habitations, upon the proper relationships between individuals, all of which must be based upon goods. In the last analysis, as has well been said, Christianity is service, and service must be expressed in goods; so that it is particularly sound ethically and it is very wise commercially to do what I have suggested.

The extent of the former German territories is, as will be seen from the map, approximately one-third of the total continental area of the United States. Great wealth is there and our young citizens could find attractive opportunities for service in this great field. I need not enlarge upon our peculiar interest in and obligation to the people of Africa. Thousands of Americans have for years been contributing to the missionary work which has been carried on by the noble men and women who have been sent out in that field by the churches of America. On a previous occasion I referred at length to this whole problem of missionary work and of its importance to the spread of civilization. America, the great pioneer in this work, should not seek to evade her responsibility for the accomplishment, by great international action, of those purposes which the missionaries have sought to realize through individual effort. The rapid spread of Islam, described by Lothrop Stoddard in his new work, "The New World of Islam," can not be checked unless there be cooperation on the part of the enlightened nations in the spread of the true faith.

I ask permission to incorporate as a part of my remarks at this point certain tables showing the export and import trade of the former German colonies in Africa, and also material with reference to their area and population.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

STATISTICS CONCERNING FORMER GERMAN COLONIES.

A. TOGOLAND.

1. Administration (Statesman's Yearbook, 1921, p. 253): Togoland was surrendered unconditionally by the Germans to British and French forces in August, 1914. The colony is now divided between the French and British.

2. Area (Deutsches Kolonial-Handbuch, Nach amtlichen Quellen bearbeitet. Berlin, 1913, p. 1. According to Statesman's Yearbook, the area is 33,700 square miles): 87,000 square kilometers.

3. Population (white) in 1912, 345 (Deutsches Kolonial-Handbuch, 1913, p. 1); population (colored) in 1913, 1,031,978 (Statesman's Yearbook, 1921, p. 253).

4. Imports and exports (ibid., p. 254):

	Pounds.
Imports, 1913	531,550
Exports, 1913	456,850
Imports, 1919	665,332
Exports, 1919	850,774

The principal imports were cotton goods, provisions, salt, and tobacco. The principal exports were palm oil, palm kernels, cocoa, copra, and cotton.

B. CAMEROON.

1. Administration (Statesman's Yearbook, 1921, p. 255): The colony was captured from the Germans by French and British troops in February, 1916, and is now divided between the British and the French.

2. Area (Deutsches Kolonial-Handbuch, 1913, p. 23. According to Statesman's Yearbook, 191,130 square miles): 745,000 square kilometers.

3. Population (white) in 1912 (ibid., p. 24), 1,537; population (colored) in 1912 (ibid., p. 24), 2,537,400.

4. Imports and exports (Auslandsbuch für Kaufleute, Leipzig, 1913, p. 15):

	Marks.
Imports, 1911	26,338,830
Exports, 1911	21,185,859

In 1919 imports into British Cameroon amounted to 67,000 pounds; exports, 235,000 pounds (Statesman's Yearbook, 1921, p. 255).

Chief imports: Textiles, spirits, timber, iron wares, rice, tobacco, salt. Chief exports: Rubber, palm kernels, cocoa, palm oil, ivory.

5. Communication (ibid.): A new direct cable to Germany was opened in 1913. Railways in 1913, 149 miles.

6. Economic wealth (ibid.): The colony is rich in hardwood; ebony is abundant. Gold and iron have been found. Natives in the Bamenda Division smelt iron. Salt is found in the Keara country, Ossidinge Division, and at Bamessing, in the Bamenda Division.

C. SOUTHWEST AFRICA.

1. Administration (Statesman's Yearbook, 1921, p. 239): The Union of South Africa administers the territory under a mandate from the League of Nations, dated December 17, 1920.

2. Area (Deutsches Kolonial-Handbuch, 1913, Deutsch-Südwestafrika, p. 1: The Statesman's Yearbook gives 322,400 square miles): 835,100 square kilometers.

3. Population (white) in 1912 (ibid.), 14,816; population (colored) in 1912 (The Statesman's Yearbook, 1921, p. 239; the estimate is exclusive of Ovamboland, in the north, where there are probably 100,000 Ovambos), 90,000 (estimated).

"Although 6,350 Germans were deported during 1919, the European population in 1919 is estimated at 16,000 to 17,000. The newcomers are mostly South Africans in search of farms." (ibid.)

4. Imports and exports:

	Marks.
Imports, 1911 (Auslandsbuch für Kaufleute, p. 17)	44,893,804
Exports, 1911	28,573,244
Imports, 1919 (The Statesman's Yearbook, 1921, p. 240), pounds sterling	1,135,116
Exports, 1919	1,679,534

Chief imports: Metals, textiles, agricultural implements, engines, beer and spirits, spices, meat, leather goods, wood. Chief exports: Diamonds, copper, lead, animal products.

5. Mineral production (Statesman's Yearbook, 1921, pp. 240-241): Five of the German diamond mining companies in the Lüderitzbuch area have been acquired by the Consolidated Diamond Mines of Southwest Africa (Ltd.), which is registered in South Africa. The stones, which are small but of good quality, are found in the sand along the coast, but in no case at a greater distance than 15 miles from the sea. During 1919 the yield was 462,181 carats, valued at £2,081,863. The total output since 1908, when the mines were first discovered, has been 6,669,246 carats, valued at £13,349,690. The copper mines at Tsumeb were handicapped at the beginning of the year by shipping difficulties. Their output in 1919 was 26,675 tons. Alluvial tin is being worked in the Karibib and Omaruru districts, and valuable deposits of colored marble at Karibib. Prospecting has been allowed since March 1, 1920. Coal is greatly required but only poor seams have so far been located.

6. Agriculture (ibid., p. 241): The Protectorate is essentially a stock-raising country. Roughly speaking, Windhuk and the country to the north is a cattle country and the southern portion is a sheep country. Stock thrive well in nearly every part, and retain their condition in times of drought in a wonderful way. No artificial feeding is required; 17,266 cattle and 87,000 sheep were exported in 1919. In 1914 there were 240,000 cattle and 1,125,000 small stock; the estimated number in 1920 was 400,000 cattle and 2,225,000 sheep and goats. No agriculture is possible without irrigation, except in the northwest, and there unseasonable or poor rains frequently result in very poor crops.

The German administration tried to encourage the tobacco industry, but with very little success; and although cotton and wheat do fairly well, the principal crop is maize.

Approximately 37,000,000 acres have been taken up out of a total of 207,000,000.

A land board has been established, and farms are being given out on 5-year leases, with the option of purchase on an installment principle. Personal occupation is an essential. As boring is necessary on nearly all vacant Government ground before it can be allotted, the board can only go slowly. Fifty-eight drills have been purchased by the administration for this purpose. The usual size of farms is 3,000 hectares in the north and 10,000 to 20,000 in the south. A hectare is roughly 2.47 acres. Large numbers of applications for farms have been received.

7. Communications (Statesman's Yearbook, 1921, p. 241): The wireless station (Telefunken system) at Windhuk, which in 1914 was one of the most powerful in the world, is not being used, nor is the German cable station at Swakopmund. Cables are sent to Cape Town for dispatch.

The total length of Government railway lines is 967 miles of 3 foot 6 inch gauge and 98 miles of 2-foot gauge, and of private lines 98 miles.

8. Finance (ibid., p. 240): For the financial year 1919-20 the revenue amounted to £654,370 and the expenditure to £718,100 (1918-19: Revenue, £377,049; expenditure, £744,407). The estimates for the year 1920-21 are: Revenue, £1,025,000; expenditure, £849,674. The principal source of revenue is the tax on diamonds, which is estimated to yield £800,000.

D. EAST AFRICA (NOW TANGANYIKA TERRITORY).

1. Administration (Statesman's Yearbook, 1921, p. 182): The country has been divided between the British and Belgians and is to be administered under mandates approved by the League of Nations.

2. Area (Deutsches Kolonial-Handbuch, 1913, Deutsch-Ostafrika, p. 1): Nine hundred and ninety-five thousand square kilometers.

3. Population (white) in 1912 (ibid.) 4,886

Population (colored) in 1913 (Statesman's Yearbook, p. 182) 7,659,898

4. Imports and exports:

	Marks.
Imports, 1911 (Deutsches Kolonial-Handbuch, 1913, p. 3)	45,301,955
Exports, 1911	22,437,760
Imports, 1919 (Statesman's Yearbook, p. 183), pounds	1,158,000
Exports, 1919	1,426,000

Chief imports: Cotton piece goods, rice, foodstuffs, kerosene, tobacco, spirits, wine, and beer. Chief exports: Sisal, cotton, hides, skins, copra, wax, nuts, grain, rubber, ivory.

5. Economic wealth (ibid.): Near the coast forests of mangrove, coco palm, baobab, tamarind, etc.; in the higher regions the acacia, cotton tree, sycamore, banian, and other trees. Government forests, 652,067 acres. There are a number of plantations of coco palms, coffee ton (on the higher lands), caoutchouc, sugar, cotton, cardamom, cinchona. Fiber plants, especially sisal, are successfully cultivated. In 1912 there were 43,617 cattle, 41,647 sheep and goats in the possession of Europeans, and 3,950,250 cattle and 6,398,300 sheep and goats in the possession of natives. Minerals known to exist within the protectorate are coal, iron, lead, copper, mica, and salt. Agates, topaz, moonstones, tourmaline, and quartz crystals are found, and garnets in large quantities.

E. NEW GUINEA.

1. Administration (Statesman's Yearbook, 1921, p. 419): New Guinea included Kaiser Wilhelm's Land, Bismarck Archipelago, Solomon Islands, Nauru, Caroline Islands, Marshall Islands, Ladrone Islands (excepting Guam). These possessions were occupied by an Australian force on September 12, 1914. The islands north of the Equator, namely, the Marshall, Caroline, Pelew, and Ladrone (Marianne) Islands, are to be administered by Japan as mandatory. Those south of the Equator, namely, the Bismarck Archipelago, those of the Solomon Islands, formerly owned by Germany, and (late) German New Guinea, are assigned to Australia. German Samoa is assigned to New Zealand. The mandate from the League of Nations is dated December 17, 1920.

2. Area (Deutsches Kolonial-Handbuch, 1913, Deutsch-Neuguinea, p. 1): Two hundred and forty-two thousand five hundred square kilometers.

3. Population (white) in 1912 (ibid.), 1,278. Population (colored) in 1912 (Auslandsbuch für Kaufleute, p. 22), 580,000.

4. Imports and exports:

	Marks.
Imports, 1911 (Auslandsbuch für Kaufleute, p. 22)	7,506,508
Exports, 1911	12,026,851

Chief imports: Groceries, wine, spirits, beer, hardware, machinery, tobacco, drapery, shoes, oils, and kerosene. Chief exports: Copra, shell, birds of paradise, cocoa, phosphate.

F. SAMOA.

1. Administration (Statesman's Yearbook, 1921, p. 438): On August 20, 1914, the British occupied German Samoa. The island is assigned under a mandate from the League of Nations to the King of England in right of his dominion of New Zealand. The mandate is dated December 17, 1920.

2. Area (Deutsches Kolonial-Handbuch, 1913, Samoa, p. 35): Two thousand five hundred and seventy-two square kilometers.

3. Population (white) in 1912 (ibid.), 499. Population (colored) in 1912 (ibid.), 36,637.

4. Imports and exports:

	Marks.
Imports, 1911 (Auslandsbuch für Kaufleute, 1913, p. 24)	4,066,238
Exports, 1911	4,389,983

	Pounds sterling.
Imports, 1919 (Statesman's Yearbook, 1921, p. 439)	291,368
Exports, 1919	532,500

The chief imports were: Groceries, textiles, timber, building material, metals, machinery. Chief exports: Copra, cocoa, rubber, cardamoms, sugar.

G. KLAUSCHOU.

1. Administration (Statesman's Yearbook, p. 1058): The territory was captured by the Japanese and British forces in November, 1914, and is now administered by Japan under a mandate.

2. Area (Deutsches Kolonial-Handbuch, 1913, Klauschou, p. 51. The Statesman's Yearbook, 200 square miles): Five hundred and fifty-one and seven-tenths square kilometers.

3. Population in 1913: One hundred and ninety-one thousand nine hundred and eighty-four (ibid., p. 51).

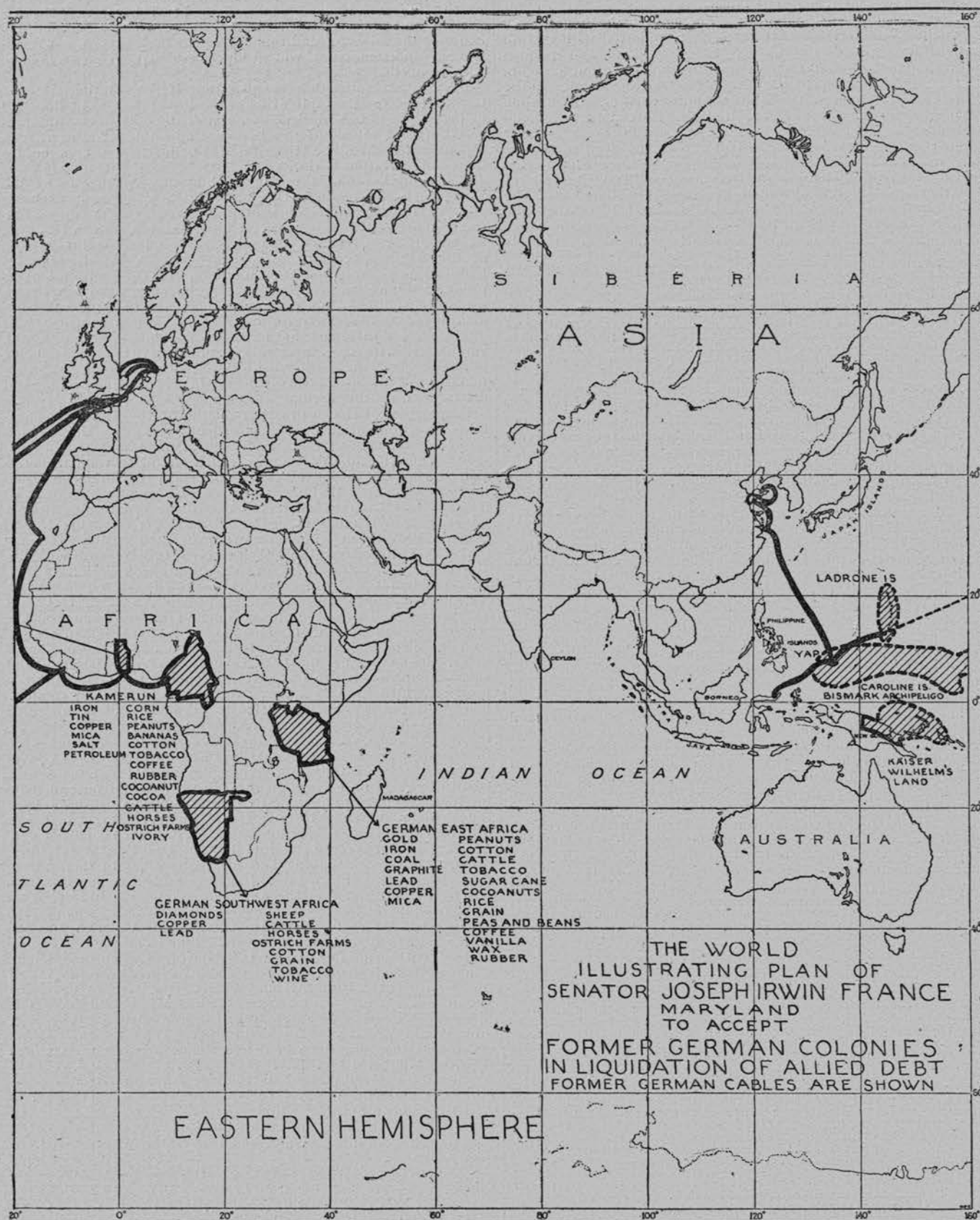
4. Imports and exports:

	Mexican dollars.
Imports, 1911-12 (Deutsches Kolonial-Handbuch, 1913, Klauschou, p. 51. The Mexican dollar=50 cents)	52,900,000
Exports, 1911-12	37,000,000
Imports, 1919 (Statesman's Yearbook, 1921, p. 1059)	61,557,059
Exports, 1919	69,131,550

The chief imports were cotton goods, cigarettes, metals, petroleum, lumber, dies. The chief exports were ground nut and bean oil, wheat, tobacco, Shantung pongees, silk, hides, cotton.

Mr. FRANCE. - Mr. President, we needed not a disarmament conference, but an economic conference, for unless the economic causes for war are removed disarmament must prove to be futile. No passive peace to preserve any world status can be permanent. Permanent peace between the great powers must





be the product of concert of purpose and cooperation in effort between them in the extension of the boundaries of civilization and for the material as well as the moral and spiritual advancement of the world. The plan I propose is not imperialism for America, because our fundamental doctrines make imperialism impossible; our doctrine that all men are endowed with certain inalienable rights—to life, liberty, self-government, and the pursuit of happiness—would impose upon us the obligation to secure these rights ultimately to all those in the territory coming to the United States. Imperialism leads to oppression and exploitation.

No American need ever fear that his Government can embark upon a policy of imperialism. I wish that every Senator might read the great works of a truly great American and Christian statesman, the late Alpheus Henry Snow, who in his books, *The Administration of Dependencies*, *The Question of the Aborigines in the Law and Practice of Nations*, and *The American Philosophy of Government*, has greatly treated this subject. In *The American Philosophy of Government* he says:

The belief in the fundamental rights of the individual which we hold destroys all motive for conquest, since the only effect of conquest by us is to place upon us the difficult task of securing the fundamental rights of the individual in the countries annexed.

And in *The Question of the Aborigines* he says:

As the Constitution contains a Bill of Rights, imposing certain prohibitions or conditions upon the action of all the organs of the Central Government respecting individuals under the sovereignty of the United States, all of the provisions of this Bill of Rights, which are of universal application, are applicable in all the colonies and dependencies of the United States from the moment of their acquisition.

Americanism enjoins and compels elevation, development, liberation. That is well illustrated by the statement of a British officer made some time ago. He said wherever the Americans have gone into colonial development they have succeeded greatly. Wherever the French go you find railroads; wherever the Germans go you find arsenals; wherever the British go you find customhouses; and wherever the Americans go you find schoolhouses.

Shall we seek to escape all of the white man's burden? We owe a peculiar duty to Africa, and one which we have too long ignored. When Stanley carried the Stars and Stripes through the wilderness of the Kongo Basin the sovereignty over that territory became vested, by a right which we did not assert, in the United States. The cruelties and the atrocities there later practiced and the bloodshed and agony of those there who should have been our wards can all be charged to the timidity which caused the failure on the part of our Government to assert our sovereignty. The world which is passing has been destroyed by the hatreds, passions, and ambitions of imperialism. The new world which is to be builded must have its foundation laid deep in the cement of cooperation and affection.

This policy of participation in the elevation, education, and evangelization of these backward people is morally right, as I have said, and commercially wise. I have on a previous occasion quoted from the eloquent words of Lord Macaulay, spoken on July 10, 1833, in a memorable debate on a bill for the exclusion of Hindus from office in India, to which he was opposed. In the paragraph which I am about to quote he enunciates the doctrine which has been held by the great progressive men of England, but denied by too many of those who have been in power in the British Government—the doctrine that what is ethically right is also commercially sound. He said:

We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that this is the condition on which we hold our power. We are told that we are bound to confer on our subjects—every benefit which they are capable of enjoying? No.

He was answering his opponent.

Which it is in our power to confer on them? But which we can confer on them without hazard to our own domination. Against that proposition I solemnly protest as inconsistent alike with sound policy and sound morality. * * * It is the most childish ambition to covet dominion which adds to no man's comfort or security. To the great trading nation, to the great manufacturing nation, no progress which any portion of the human race can make in knowledge, in taste for the conveniences of life, or in the wealth by which those conveniences are produced can be a matter of indifference. * * * To trade with civilized men is infinitely more profitable than to govern savages. * * * To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens would, indeed, be a title to glory all our own. The scepter may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms, but there are triumphs which are followed by no reverses. There is an empire exempt from all national causes of decay. These triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our law.

CONCLUSION.

Mr. President, it is difficult to treat so vast a subject within a reasonable limitation of time, but I trust that I have been able to indicate that we are facing grave economic problems, that we must secure international cooperation for the solution of

these problems, and that until these problems are solved we may not, considering the interests of all of the people, yield to those impulses, prompted by our affection and deep sense of gratitude for the noble men who so heroically served in our armies, and grant to them the bonus which many of them, because of the adverse conditions in which they have found themselves, conditions over which they have had no control, have been compelled to ask.

I hope that you will remember that if the solution which I have offered for the liquidation of the allied debt to us does not at first seem to be a desirable one, it is the only one so far proposed, except cancellation, which is impossible. At least, it is a plan which should be studied and, I believe, acted upon before the bonus question is decided.

The liquidation of these huge obligations owing us by the European countries, and the inauguration of a comprehensive plan of international cooperation between the advanced nations—more particularly the United States, Great Britain, France, Italy, Germany, Poland, and Russia—for the solving of the common economic problems of the world, for the rehabilitation of the world's machinery, for the more intensive production and more extensive circulation of goods in commerce, in short for concert of action by the nations in a common purpose of world restoration, with no binding treaties and alliances, but with each nation free, unbound, sovereign, acting voluntarily with the others to accomplish that which would be ethically right and economically wise—these would result in immediate benefits to every worker, farmer, business man, and producer in all the world.

I am confident that a drastic reduction in the German reparations, the liquidation of Europe's debt to us, and the opening up of the Russian markets would result in industrial and commercial activity in this country which would be comparable to that during the period of the war. The peril of our position is due to the fact that the world can not remain where it is. The distress from which it suffers will be progressive if it is not cured. We must immediately take steps looking to the world's recovery, or we must move on toward greater economic and social disorganization. With the return of prosperity in this country, which is being prevented only by reactionary policies, the bonus and other problems could be solved in such a way as to advance the interests of all America. The return of prosperity—and it can be almost immediately summoned back—will relieve our millions of unemployed, many of whom are ex-soldiers. The plan which I have proposed should be considered before the bonus question is taken up. It is quite possible that such a plan, looking to business restoration, would put us in a position which would enable us to meet some form of soldiers' bonus without a serious addition to the burden of taxation.

Mr. President, on yesterday I suggested that I might show in the Senate some very interesting moving pictures bearing upon this subject. Some time ago the Universal Film Co.—one of the great organizations of the country—and the Smithsonian Institution sent an expedition to Africa for the purpose of making a study with the films of that great continent, in order that the people of the United States and of the world might be better informed upon the geographic and ethnologic conditions in Africa. I have been permitted by the Universal Film Co.—some of its officers having had my plan called to their attention—to use this film in presenting this subject to the Congress and to certain groups of the American people. It did not seem to be feasible, owing to the objection on the part of some of the members of the Rules Committee, for me to illustrate my remarks here with moving pictures, so I have been forced to be content with using these charts. However, when the Senate adjourns I shall display some of these pictures in room 112 of the Senate Office Building, and I should be glad to have any Senators or Members of Congress who care to see these pictures—the few that I can show in the limited time which Senators would care to give to viewing them—come to that room in order that they may have a revelation as to what the country is concerning which I have been talking. Although I have studied the subject somewhat from the maps and from the reports I was astonished myself when I really took a journey into Africa by means of these films. I shall be glad to have any Senator, after the adjournment of the Senate, come to room 112, Senate Office Building, where some of these pictures will be displayed.

Mr. NORRIS. Mr. President, will the Senator be able to do that at once? Is he going from here over there now?

Mr. FRANCE. When the Senate adjourns.

Mr. NORRIS. If we should adjourn now, the Senator would be ready to go ahead?

Mr. FRANCE. Yes; we shall be ready when the Senate adjourns, and I think the pictures will prove to be quite interesting.

Mr. KELLOGG, Mr. SIMMONS, and Mr. McNARY addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so, to whom?

Mr. FRANCE. I yield to the Senator from Minnesota. I think he rose first.

Mr. KELLOGG. I hope no Senator will make a motion to adjourn until the Senator from Massachusetts [Mr. LODGE] comes up. He is in charge of the treaty and is desirous of going on with it as long as possible and I have sent for him.

Mr. NORRIS. I suppose, then, that we may divide ourselves up. Those who want to go with the Senator from Maryland can go, and the Senator from Minnesota and the Senator from Massachusetts can stay here and consider the treaty and save the country.

APPENDIX.

[From the Financial Review, Jan. 14, 1922.]

ARE WE FAILING TO UPHOLD THE GOLD STANDARD?—SENATOR ODDIE INSISTS THAT EVEN IF WE HAVE THE LARGEST RESERVES OUR DUTY IS TO CONTRIBUTE IN LARGER MEASURE TO NEW OUTPUT.

(An exclusive statement on the gold situation written for the Financial Review by Senator TASKER L. ODDIE.)

The gold production of the world has declined from \$469,000,000 in 1915 to \$325,000,000 in 1920, a decrease of \$134,000,000, or 28.5 per cent, while that of the United States has declined from \$101,000,000 to \$51,000,000, a decrease of \$50,000,000, or 49 per cent. Of the total decline of the world's production during this period, that of the United States is accountable for 37 per cent, although its normal contribution to the gold production of the world has been about 21 per cent.

In 1915 the United States produced 21.5 per cent of the world's output of gold, and in 1920 it produced 15.2 per cent, while the gold production of the British Empire in the former year amounted to 63 per cent of the total production of the world, and in the latter it had risen to over 70 per cent.

The decline in the gold production of the world, excluding that of this country, from 1915 to 1920, was 22.8 per cent, while that of the United States was 49 per cent, or more than double.

Gold production.¹

	World.	United States.	Per cent United States to world.
1915.....	\$468,724,918	\$101,035,700	21.5
1916.....	444,176,500	92,590,300	20.8
1917.....	419,422,100	83,750,700	20.0
1918.....	383,605,552	68,646,700	17.9
1919.....	365,788,796	60,333,400	16.5
1920.....	334,987,810	51,188,900	15.2

¹ United States Mint Report.

This extensive decline in gold production throughout the world has been largely due to the increased cost of labor and material since 1915, as against a fixed price for gold, \$20.67 per fine ounce. The gold producer in the United States has been in the same position as a person who had received no increase in income to meet the increasing living costs during the war and postwar periods, and occupies the same position to-day. In all countries outside of the United States, however, there has been a factor which in a large measure has compensated for these increased costs since 1919. The standard price of gold in London has been 85 shillings per fine ounce, but on account of the depreciation in sterling exchange in terms of the gold standard, newly produced gold has sold at auction in the London market at an average during 1920 of approximately 113 shillings per fine ounce, or a premium of about 33 per cent. Because of the serious condition which confronted the producers of gold in British territory, the Government in July, 1919, permitted the export of newly produced gold from its possessions under a license, and since that time the gold producers of the Empire have been receiving an exchange premium. The benefit of this premium is well illustrated in the accompanying table of annual declines, where it is shown that the decline of the world's production for 1919 was about half that of 1918.

In the United States, however, nothing has been done to assist the gold producer or to in any way compensate for the increased cost of production, which is borne out by the fact that the extent of the decline of gold production in the United States has been about double that of the remainder of the world. When one considers the position of the United States as the creditor nation of the world, it is not a condition which can be pointed to with any degree of American pride. Since the maintenance of the gold standard depends upon the ability of the world to produce gold, in which the United States should contribute its normal share, it seems all the more deplorable that this Government should have been so negligent in this regard.

Annual declines in gold production.

	World.	Per cent.	United States.	Per cent.	World, excluding United States.	Per cent.	Per cent United States of world's decline.
1915-16.....	\$24,548,418	5.2	\$8,445,400	8.3	\$16,103,018	4.4	34.4
1916-17.....	24,754,400	5.5	8,839,600	9.5	15,914,800	4.5	35.7
1917-18.....	35,816,548	8.5	15,104,000	18.0	20,712,548	6.2	42.2
1918-19.....	17,816,756	4.6	8,313,300	12.1	9,503,456	3.0	46.6
1919-20.....	30,801,186	8.4	9,146,500	15.1	21,654,686	7.1	29.7
1915-1920.....	133,737,308	28.5	49,548,800	49.3	83,888,508	22.8	37.3

It is obvious that a mere change of position of the gold that has been formerly employed in national monetary reserves is contributing nothing to expand the base upon which the entire credit and currency structure of the world now rests. The financial authorities of this Nation are little concerned over this serious situation, as they would regard the gold which we have acquired during and since the war by importation as a fixed addition to the prewar gold reserve of this country. Little consideration has been given to the fact that this loss of gold to the reserves of foreign nations has played so important a part in the depreciation of their currencies and, consequently, their purchasing power in our market. No return to the normal purchasing power of the remainder of the world can be possible until the restoration of their currencies on the gold basis. To accomplish this return to normal this gold must inevitably be redistributed to the gold reserves of the nations which have become depleted through its shipment here. Our export trade has already declined seriously because of this condition, and will continue to decline unless the matter is dealt with in a broad and comprehensive way to restore the economic poise of Europe.

The best information now available would indicate that the gold production of this year (1921) will not exceed \$320,000,000, while that of the United States will certainly be less than \$50,000,000. More than half of the gold-producing properties of the United States that were operating in 1915 have since been closed down, and many of these properties are now filled with water, their ore reserves caving, and their expensive surface plants disintegrating. That the condition in the gold-mining industry has not greatly improved with the decline in wholesale prices and wages is evidenced by the report of the President's conference on unemployment through its committee on emergency measures and mining, made public October 13, 1921, as follows:

"Gold mining suffers from the excessive cost of supplies and other items, and the value of the gold output being fixed as against material advances in cost has operated to restrict the employment of labor in gold mines."

The gold-purchasing power of the Nation has been seriously crippled, and, if the Government continues to follow this policy, will suffer still more serious losses in the future. As a matter of necessity, as well as a matter of national pride, the Government should remedy this situation if it is desirable to maintain the gold-producing power of the Nation on a level with the remainder of the world and thereby to sustain the gold standard as the basis of all credit and currency transactions. If the Government shirks its responsibility in this regard, it must necessarily subject this Nation to the difficulties which may ensue in the straightening out of the world's economic affairs, in which the maintenance of the world's gold standard may be seriously impaired.

Before remedial legislation can be expected, the people of our country must be educated to understand and see that the reestablishment of a sound and ample monetary basis is necessary as the only safe foundation for our business and financial structure.

TASKER L. ODDIE.

DECEMBER 31, 1921.

During the delivery of Mr. FRANCE'S speech,

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. McCUMBER, from the Committee on Finance, to which were referred the following nominations, reported them with the recommendation that the nominations be confirmed:

The following-named persons to be members, with the Secretary of the Treasury, of the World War Foreign Debt Commission:

Charles E. Hughes, the Secretary of State.

Herbert C. Hoover, the Secretary of Commerce.

Reed Smoot, of the Senate.

Theodore E. Burton, of the House of Representatives.

Mr. McCUMBER. I ask that the nominations may go to the calendar.

The PRESIDENT pro tempore. The nominations will be placed on the Executive Calendar.

After the conclusion of Mr. FRANCE'S speech,

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Glass	McKinley	Robinson
Borah	Harris	McNary	Sheppard
Brandegee	Harrison	Moses	Simmons
Cameron	Heflin	New	Smith
Capper	Johnson	Newberry	Spencer
Caraway	Jones, N. Mex.	Nicholson	Sterling
Colt	Jones, Wash.	Norris	Townsend
Edge	Kellogg	Oddie	Trammell
Elkins	Kendrick	Overman	Underwood
Fernald	King	Page	Wadsworth
Fletcher	Ladd	Phipps	Walsh, Mont.
France	Lodge	Pittman	Warren
Gerry	McKellar	Pomerene	Williams

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, there is a quorum present.

Mr. SIMMONS. Mr. President, I read in the Washington Post of to-day a statement that President Harding on yesterday sent to the Senate the names of Secretary Mellon, Secretary Hughes, Secretary Hoover, Senator Smoot, and Representative Burton to be members of the Foreign Debt Funding Commission.

I make no criticism of a personal character upon these selections made by the President. They are all able and upright gentlemen. All of them have had large business and financial experience. They are all admittedly entirely competent. I do not mean now to express any opposition to their confirmation. I assume they will be confirmed by the Senate without opposition.

Nevertheless, Mr. President, I want to express my keen disappointment, and I believe that disappointment will be shared by the people of this country, irrespective of party, that the President of the United States in the selection of a commission to settle the vast indebtedness covered by our loans to foreign Governments, an indebtedness growing out of loans made from money contributed by all the people of the country, irrespective of party, saw fit to select the entire commission from the party which he represents.

It is well known, Mr. President, that in the discussions which took place in this Chamber with reference to the settlement of these debts there were sharp conflicts of opinion. Especially was there a sharp conflict with reference to the extension of the payment of the interest upon these debts, and when we came to a vote upon that question this Chamber was divided, not altogether but very nearly altogether, upon party lines.

I do not wish to extend my remarks with reference to this matter, but I do want to say in conclusion that, in view of this division as well as in view of the general interest of all the people in these loans—because they furnished the money which created the debt, and when the debt is paid the money will be theirs, and if the debt is not paid the loss will be theirs—without any desire to criticize the President, I can not refrain from expressing the wish that he had seen the fitness and the propriety of allowing the opposition party in Congress at least one representative upon this commission.

Mr. WALSH of Montana. Mr. President, I share the high esteem expressed by the Senator from North Carolina [Mr. SIMMONS] of the ability of the distinguished gentlemen named upon this commission, and particularly those two members representing the legislative branch of the Government.

When the bill respecting this subject was under consideration, I expressed the view that no Member of Congress was eligible to appointment upon that commission. I have investigated the subject to some extent, and my investigation has confirmed me in the opinion I then expressed. I do not believe that under the Constitution either the Senator from Utah [Mr. SMOOT] or Representative BURTON is eligible to appointment upon the commission, and whenever the subject is before the Senate on the confirmation of the nominations, I shall desire to say something, unless I do so at some time earlier.

The subject was very exhaustively considered at one time by a committee of the House of Representatives, of which Speaker Henderson was the chairman, and, as I think, the correct rule was laid down, namely, that there is no constitutional objection whatever to the appointment of Members of Congress upon commissions vested with no authority except to investigate and report to Congress. Neither is there any objection to the appointment of Members of Congress upon commissions to negotiate treaties which are afterwards to be submitted to the Senate for ratification; but whenever commissions are vested with power to deal finally with a matter with respect to which they are authorized to act, they then become officers of the United States and fall under the inhibition of the constitutional provision and their nominations must be confirmed by the Senate.

I shall be glad to refer to the report at length.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. Has the Senator, in his investigation of this question, come across a speech by the late Senator Hoar, of Massachusetts, upon this subject?

Mr. WALSH of Montana. No; I have not.

Mr. BORAH. It has been some time since I read it, but he did discuss it at one time.

Mr. WALSH of Montana. My recollection is that that was in connection with the appointment of commissioners to negotiate the treaty at the close of the Spanish War.

Mr. BORAH. I do not remember the occasion of it, but he took the position that they should not be appointed as a matter of policy, and could not be appointed, as I recall, under the Constitution.

Mr. WALSH of Montana. The matter was the subject of consideration in the Senate at one time, I think not in that connection; but on one occasion when Senator McComas, of Maryland, submitted quite an elaborate report reciting occasions when Members of the Senate or Members of the House, or both, were appointed upon commissions to negotiate treaties, he referred to a long list of precedents, reaching away back to the early days of the Republic when Members of Congress were appointed as commissioners to negotiate treaties.

That could be justified upon two grounds not applicable here. In the first place, the power to negotiate treaties is reposed in

the President, and he can employ any agencies he sees fit, without any regard to the action of the Congress, to negotiate a treaty. So he could choose a Representative in Congress if he desired to do so, or he could choose outside persons. These commissioners are not officers who are personal representatives or agents of the President.

It could also be justified upon the ground that they merely conduct the negotiations in their preliminary stages and the result of their work is submitted for ratification by the Senate, and it is ineffective without such ratification; but it will be remembered that in this case the commission's action is to be absolutely final, without any submission whatever. Under those circumstances, by all the authorities to which my attention has been directed in the rather unsatisfactory examination I have given them, they must be denominated as officers falling within the constitutional prohibition.

Mr. HEFLIN. Mr. President, as the Senator from North Carolina [Mr. SIMMONS] was proceeding with his very timely and able speech, I thought of the time when President Wilson issued a letter to the voters of the country suggesting that he would like to have a Democratic Congress, and how Republican leaders misconstrued that letter, and said that the President was seeking to obtain a Congress composed only of Democrats. They made the point that Republicans and Democrats had won the war, that people who voted the Republican ticket and those who voted the Democratic ticket had supported the war program in every way they could; that there should not be any politics in it, and that there ought to be Democrats and Republicans in Congress.

President Wilson really was asking for a Democratic Congress, but he did not mean that there should not be any Republicans in the House and in the Senate. He was asking for a working majority, and that was all. A similar appeal had been made once before, by Mr. Lincoln, and by Mr. McKinley, and also by Mr. Roosevelt; but at the time I speak of a great deal was said about Wilson wanting to shut out the Republicans and have only Democrats in Congress. They claimed his message was to this effect. Your leaders told the people in effect that President Wilson had said, "You Republicans are not good enough to come in and participate in shaping the policies of your Government. You are good enough to help win the war; you are good enough to send your sons to the battle fields, but now you are not good enough to go to Congress." When in fact President Wilson meant nothing of the kind.

Mr. President, as the Senator from North Carolina stated, this large amount of money, due to the people of the United States, amounting, interest and all, to about \$11,000,000,000, is money which was furnished by Democrats and Republicans, and people who belonged to neither party, loaned to the Allies to help win the war, and now the same party which used the argument against the Democrats in 1918 that we wanted only Democrats on guard, is appointing five Republicans to handle that \$11,000,000,000, due the whole people of the United States, Democrats and Republicans, and they are not going to let even one Democrat be placed on guard to keep the four Republican members straight. [Laughter.]

Oh, Mr. President, there is something wrong with this thing. If President Wilson had made a proposition like this, the able senior Senator from Massachusetts [Mr. LODGE] would have given him a severe tongue lashing, and how solemn he would have looked, as my good friend the Senator from Mississippi [Mr. WILLIAMS] suggests to me. But here we are with an \$11,000,000,000 indebtedness to be handled by five Republicans without a single Democrat to watch them. [Laughter.]

Mr. CARAWAY. And that without bond.

Mr. HEFLIN. And without bond. Oh, Mr. President, Republican criticism of that course would ring around this country like a trumpet call if a Democratic President had dared to name a commission of so much importance, a commission with so much power, without placing upon it at least one representative of the Republican Party. My good friend from South Carolina [Mr. SMITH] asks me, "What about the Lord's Prayer—'Lead us not into temptation.'"

Five Republicans. No Democrats. You Democrats were good enough to put up the coin of the realm. You were good enough to contribute that which represents your toll and your investments. You were good enough to pay taxes and contribute your money to the Government; you were good enough to be sent out by the people of the whole country to win the great World War, or to help win it; but you are not good enough to sit in the council chamber when they come to deal with this big money matter and postpone even the interest for years to come. It is a pretty serious proposition, Senators. Eleven billion dollars is a heap of money to rest upon the unwatched constitutions of five Republicans. [Laughter.]

Mr. LODGE. Mr. President—

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. HEFLIN. I am glad to yield to the Senator from Massachusetts.

Mr. LODGE. I merely wish to remind the Senator that the Federal Reserve Board at the time President Wilson went out of office was composed exclusively of Democrats, and yet I have reason to believe that the Senator from Alabama was never satisfied with it.

Mr. HEFLIN. There have been all along Republicans on the Federal Reserve Board, and the head of the board is accused of having supported the Republican ticket in 1920. I am in favor of having some Republicans and some Democrats on that board. I have been in Congress several years, and I think it is a pretty good idea to have some Democrats and some Republicans on these boards or commissions.

I will tell you what I want to see, speaking for a good many of the Democrats in this country. I want at least one Democrat on that commission because the people are entitled to know what is going on on the inside. Without meaning to reflect at all upon the integrity of men suggested, politics is politics, and when five Republicans are sitting in secret council about what they will do with this great matter affecting \$11,000,000,000 and the interest on it, it will play some part in politics, and the people of the country ought to be able to know exactly what is going on.

I do not suppose the President really means to put five Republicans on the commission, because it is due to the Democrats, who are going to be in control of the House after the next election, to give us at least one Democrat on the commission. I believe in fair play in all these things.

Before I sit down I repeat that if Woodrow Wilson had sent a proposition like this to the Senate, the Senators on the other side of the aisle would have been bobbing up and down like the little bird in one of these cuckoo clocks at the striking time of the hour of 12. [Laughter.]

Mr. KELLOGG. Mr. President, I believe the Senator from North Carolina [Mr. SIMMONS] said the bill was not passed by a party vote.

Mr. SIMMONS. No; the Senator misunderstood me. I said when we came to vote upon that question it was almost upon the lines of party cleavage, but not altogether.

Mr. KELLOGG. It was absolutely on party lines so far as the Democrats were concerned. If the President is going to appoint a commission to settle a debt, he will naturally appoint men who are in sympathy with the settlement of the debt, and there was not a Democrat in the Senate who voted for that bill on its final passage—not one.

Mr. WILLIAMS. May I inquire of the Senator what bill he refers to?

Mr. KELLOGG. The bill to create a commission to settle the foreign debts.

Mr. WILLIAMS. And the Senator says that there was not a Democrat who voted for it?

Mr. KELLOGG. Not on its final passage.

Mr. WILLIAMS. Oh, on the final passage. It may have happened that I was out of the Senate Chamber at the time, but I remember saying a few words in behalf of it, and being in favor of it in committee and elsewhere.

Mr. KELLOGG. The Senator did not vote for it on the final passage in the Senate, nor did any other Democrat. I do not know whether there were any Democrats in the House who voted for it or not.

Mr. SIMMONS. Mr. President, in what I said I was not speaking about the vote upon the final passage of the measure. I think the vote upon the final passage of the measure was determined by the vote upon the proposition with reference to the extension of the interest. That was the controversy, and the only real controversy in the Senate. If that had been settled differently, the final vote would have been different. What I said was that the vital question of whether the interest should be extended indefinitely, arbitrarily at the will of the commission, was a question upon which, when we came to vote on that question, we voted almost entirely, but not altogether, upon party lines.

I suggested that that was one reason why those on this side of the Chamber or those who were opposed to the extension of the interest ought to have representation upon the commission, that together with the other fact which I cited and which the Senator from Alabama [Mr. HEFLIN] emphasized, namely, that this money was not contributed by any political party, but by the whole people of the United States. If it is collected, principal and interest, the receipts will not belong to any political

party, but will inure to the benefit of the whole people of the United States. If the interest, now amounting to a billion dollars, is deferred indefinitely and probably none of it paid until it has reached a billion and a half or two billion dollars, all the people of the United States will have to suffer as a result.

Senators pointed out during the debate that there was one scheme known to be in contemplation that would inevitably eventuate in the entire loss of the interest. If by any chance of juggling or otherwise the interest should be entirely lost, the loss would not be confined to the Republican Party and its adherents, but it would be the loss of the whole people of the United States.

For these reasons I suggested that I wished the President might have found it expedient and fit to have accorded at least a minimum of representation to the opposition party.

Mr. LODGE. Mr. President, before the Senator takes his seat may I suggest that these credits were given and loans made by Democratic Secretaries of the Treasury without any Republican assistance at all. I have no complaint to make of that. It was perfectly proper. But the taxes were paid by Republicans and Democrats alike, and they were lending the money of Republicans and Democrats alike.

Mr. SIMMONS. But, if the Senator will pardon me, that was a mere perfunctory act upon the part of an official. Congress had voted the money. Congress had directed the loaning of the money.

Mr. LODGE. Very well; and now Congress has directed the collection of it. We are collecting money every day under acts of Congress from Republicans and Democrats and everybody else alike. A Democratic Secretary of the Treasury collected and received that money and now a Republican happens to be doing it.

Mr. SIMMONS. There is where the Senator from Massachusetts makes his fundamental mistake. This commission has no authority to collect a dollar and will not collect a dollar. This commission is appointed to settle and adjust an indebtedness existing between the foreign nations and the United States, and when that adjustment is made the collection will be made by the Secretary of the Treasury, who is a Republican.

Mr. LODGE. The collection is not the point.

Mr. SIMMONS. That is just the point the Senator made.

Mr. LODGE. That is a point I made because necessarily, under our form of government, one man representing one party deals with the finances habitually. There is no reason why five men of one party should not deal with a purely financial question. Mr. McAdoo and our colleague, Mr. GLASS, dealt with the making of the loans, the money for which came from all the people alike, and the making of the loans is quite as important as the collection thereof, and more easily done. Nobody found any fault with that. It was perfectly proper.

Mr. WILLIAMS. Mr. President, I was a little astonished a moment ago to hear that no Democrat had been in favor of arming the Executive with the right to adjust these foreign debts.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from Minnesota.

Mr. KELLOGG. I did not say no Democrat was in favor of it. I know the Senator from Mississippi was in favor of it, and I know it was stated that if he were to vote he would vote in favor of it, but he did not vote. I said there was no Democrat who voted for it.

Mr. WILLIAMS. I announced my pair and accompanied the announcement with that expression. At any rate, there is no doubt of the fundamental fact that I was opposed to the amendments which were defeated and which wanted to bind us up in time and in interest in making the adjustments; that I was in favor of giving the Executive as full discretion as possible in agreeing to some sort of adjustment; and that I thought we would merely weaken our power if we limited the Executive too much. Knowing that later on the whole matter would have to be laid not only before the Senate but before the House as well, I wanted to give as much elasticity as possible in negotiating for a final settlement of mutual indebtedness.

But, Mr. President, if I had known that a commission was going to be appointed, not to represent the entire country, but to represent the Republican Party, a particular school of politics in the country, which had neither fought the war nor raised the money exclusively, or perhaps even mainly as far as the first proposition goes, I would never have been quite as liberal in the entertainment of my views or in the expression of them. I would have been very much more apt to have sympathized with those who wanted to circumscribe the functions and limit the actions of the commission.

The late President of the United States was very much criticised because most of the men who were appointed to negotiate the Versailles treaty were Democrats and because he

himself went over and, in a measure, took charge of the negotiations. Whatever else may be said about that, it was a brave act; it was making action and responsibility synonymous. He took his burden in the open, not merely saying "My administration is responsible for the recommendations to Congress," but "I personally am responsible as one of the negotiators." There was nothing cowardly about it; there was nothing secret about it. It was a brave thing to have done, whether a wise one or not.

Mr. President, in the views that I entertained and in the views that I expressed, I confess that I did not have the slightest doubt that the commission upon whose action mainly Congress will ultimately rely was to be exclusively a partisan body. I have not yet learned to trust the Republican Party well enough to give it unlimited power. I have learned to trust the American people, and an American administration belonging to either party enough to give it at times unlimited power; but when I do so, I expect that power to be exercised in behalf of the whole people and by representatives of both political schools.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. WILLIAMS. I yield.

Mr. SIMMONS. I understood the Senator from Mississippi to state that Congress would have to rely upon the action of the commission. Does the Senator advert to the fact that, under the act of Congress, the findings, conclusions, and settlements made by the commission will be final and conclusive and that Congress will not have any power at all to review them?

Mr. WILLIAMS. Mr. President, I do not mean that. Whatever the intent of the act may be, the Congress of the United States can not be deprived of power to sit in judgment upon the final findings of the commission. It has that right, and an act of Congress can not take it away. It is a constitutional right. I know it was open to debate when the question was being passed upon as to whether the intent of the act was to make a final adjudication with the operation of law, but I knew that that could not be done, and, as a matter of fact, will not be done.

Any man in either House may rise at any time after a final report and question the final action; may bring it to the attention of the legislative body of this country; and if the law-making power shall conclude that a mistake has been made by the commission, there is no power in the heavens or the earth or the waters under the earth to keep the American Congress from acting; but, Mr. President, that is a mere side issue and that was debated very fully, although I did not participate in the debate, not thinking the point taken well worth combating. I do say, however, that this country is full of men who belong to my school of politics who thought that it was ill-advised to attempt to restrict and to limit too much the power of the negotiators in reaching an adjustment, but the opinions of those men would have been different from what they were had they known that the entire adjustment was to be accredited entirely to those who to-day represent but a little over one-half of the people of the United States, if the number is at all over one-half, notwithstanding the peculiarly fallacious illustration afforded by the last election.

Mr. President, the men comprising this commission, I doubt not, will act honestly as business men. I can see but one excuse for the partisan character of their appointment, and that grows out of the old Hamiltonian notion that financial affairs ought to be managed by the "better element." What was meant by the "better element" was the richer element. Conjoined with that premise—a major one—is the minor premise that the Federalists, and the Republican Party as their successors, were the financial classes, taking the country by and large, and that, therefore, they ought to be granted full power to conduct financial transactions. I myself never espoused that doctrine. I have thought that the man who paid \$10 taxes to his State or to his county or to the Federal Government had as much right to a look-in, at any rate, if not to a say-so, as the man who paid \$1,000. The Senator from Alabama [Mr. HEFLIN], however, is right. In this case we are not even going to be allowed a look-in.

When the Versailles treaty was held up, President Wilson thought he did not have a right to appoint anybody to participate in the various meetings that were being held, but he appointed men who were to observe and to report. In this case you are not even allowing a Democrat go along as an observer or as a reporter. If there shall be any reporters, they will be from the outside, not from the inside of the commission.

Mr. BORAH. Did the Senator's party not have a representative in the Conference on the Limitation of Armament?

Mr. WILLIAMS. Yes.

Mr. BORAH. How much do you want?

Mr. WILLIAMS. I want a little bit more. A man may have buttermilk on Friday and yet have a little appetite for beefsteak on a succeeding Sunday. [Laughter.] There is no particular reason why he should be denied beefsteak merely because he has had buttermilk. However, Mr. President, I believe all of this will finally turn out some of these days, perhaps, for the better.

It may develop that one of the Cabinet officers, who was first of Democratic reputation and then later on of no political reputation, and then still later of Republican reputation, may change faith once more and give us a Democratic representative upon the commission. Without mentioning any names, that might happen; there is no telling; but if it does not happen, then we shall have no chance at all. If there be no sheep in wolves' clothing present, then there will be no sheep present at all. However, we have been rather accustomed for about half a century, with a few interludes, to paying the taxes and having the Republicans get the credit of everything that is done and at the same time pretend to constitute the Government, and it may be we can stand it for a little while longer without any of us committing suicide. We will manage to get along in some way. I always thought that even Republicans could not run this Government so badly that I would want to emigrate, although at about the time of the action on the Versailles treaty I was for once in my life tempted by the idea of emigrating.

But, seriously speaking, Mr. President, I hope the President of the United States will think over this matter to-night and to-morrow night and will send in the names of two supplementary commissioners, and that they may be Democrats, not mugwumps, not men of my peculiar thought upon this question, but representing what the majority of this side think, so that the commission may be truly and veritably bipartisan.

Mr. LODGE obtained the floor.

Mr. HEFLIN. Will the Senator from Massachusetts allow me a moment?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. LODGE. I should like first to state my purpose in rising. The Senator from Nevada [Mr. PITTMAN], as I understand, does not desire this evening to speak on the so-called Yap treaty. Am I correct?

Mr. PITTMAN. Yes; I should prefer to address the Senate to-morrow.

Mr. LODGE. Under those circumstances, Mr. President, as it is now half past 4 o'clock, I shall move that the Senate proceed to the consideration of executive business with closed doors.

Mr. HEFLIN. Mr. President—

Mr. LODGE. Before making the motion, I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, a little while ago the Senator from Massachusetts and I had a little colloquy about the personnel of the Federal Reserve Board. I am informed by the Senator from Virginia [Mr. GLASS], who himself was Secretary of the Treasury, that there never has been a time when there was not a Republican on the Federal Reserve Board. Mr. Warburg was a Republican, Mr. Strauss was a Republican, and Mr. Platt, who is now on the board, is a Republican.

Mr. McKELLAR. Mr. President, before we leave the subject which we have just been discussing—

Mr. LODGE. I have left the subject.

Mr. McKELLAR. Will the Senator yield to me to continue it for a moment?

Mr. LODGE. I do not desire to yield for protracted debate.

Mr. McKELLAR. What I have in mind will not involve protracted debate. I merely desire to read into the Record at this point an excerpt from a statement of the Senator from Utah [Mr. SMOOT].

Mr. LODGE. I think that can properly be read when the question comes up again, can it not?

Mr. McKELLAR. Unless the Senator is particularly anxious to have an executive session with closed doors at this moment, I should like to have the excerpt go in the Record at this point so that it may appear in connection with the remarks of the Senator from Mississippi [Mr. WILLIAMS].

Mr. LODGE. Very well.

Mr. FERNALD. I will inquire of the Senator how long it will take?

Mr. McKELLAR. About half a minute.

Mr. FERNALD. Very well, let it be read.

Mr. McKELLAR. I quote from the remarks delivered by the Senator from Utah [Mr. SMOOT] on the 11th of July, 1921, as follows:

I am one who has given a great deal of thought and attention to this subject.

Referring to the collection of the foreign debt.

With me it is not a question of whether we can collect the money. Of course, we can force the money out of England; of course, we can make France pay; of course, we can make some of the other countries pay. The question with me is whether it is for the best interests of the United States to do it. I say to the Senator without a moment's hesitation that it would be the very worst thing in the world for the United States to take that position.

I have not the time now, but I am going to take about an hour's time of the Senate within a very short time, and I think I can convince the Senate that if that policy were to be pursued it would be the absolute ruin of the foreign commerce of the United States.

I submit that for the purpose of showing the attitude of one of the commissioners who has been appointed by the President.

The PRESIDENT pro tempore. The Senate resumes legislative business, and the Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were each read twice by title and referred as indicated below:

H. R. 9597. An act to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918; to the Committee on Public Buildings and Grounds.

H. R. 10193. An act extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes; to the Committee on Indian Affairs.

THE MUSCLE SHOALS PLANT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting an offer made by the Alabama Power Co., proposing to complete the Wilson Dam at Muscle Shoals, Ala., and to administer the Government's property at that point, which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate resolutions adopted by the Ketchikan (Alaska) Commercial Club, favoring the enactment of legislation to perpetuate and protect the salmon fisheries in Alaska, which was referred to the Committee on Territories and Insular Possessions.

Mr. LODGE presented a resolution adopted at a mass meeting held under the auspices of the Massachusetts Branch of the National Council for Reduction of Armament, of Boston, Mass., favoring prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a petition of sundry citizens of Morris County, Kans., praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented a telegram in the nature of a petition from the Kiwanis Club of Atlanta, Ga., by J. Sherrard Kennedy, president, praying for acceptance of the proposals of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Tifton (Ga.) Board of Trade, favoring acceptance of the proposals of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

Mr. LADD presented a resolution adopted by the North Dakota Society of Engineers, at Jamestown, N. Dak., February 8, 1922, favoring the improvement of the St. Lawrence-Great Lakes waterway so as to accommodate ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a resolution adopted by a meeting of the North Dakota Wheat Growers' Association at Grand Forks, N. Dak., February 15, 1922, favoring revival of the Government Grain Corporation, so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Jacob Severson and seven others of Chantapeta, Russell Tollis and 40 others of Omeme and vicinity, and Nels H. Nestrum and 26 others of Epworth, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. NORBECK presented petitions of sundry citizens of Dallas, Freeman, Burke, Winner, Marion Junction, Bryant, Lemmon, Gregory, Bonesteel, Artesian, Letcher, Astoria, Wallace, Bradley, Garden City, Florence, Lily, St. Charles, Herrick, Woonsocket, Bijou Hills, Hammer, New Effington, White Rock, Rosholt, Victor, Putney, Columbia, Bath, Houghton, Gettysburg, Lebanon, Rutland, Colman, Brookings, Flandreau, Dell Rapids, Frederick, Claire City, Sisseton, Veblen, South Shore, Britton, Lake City, Kidder, Hillhead, Spain, Amherst, Cuthbert, Newark, Bancroft, Manchester, Osceola, Willow Lakes, Pukwana, Kimball, Hecla, Letcher, Wessington, Westport, Aberdeen, Northville, Howard, Winfred, Vilas, Newell, Plana, and Eden, all in the State of South Dakota, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND presented a resolution adopted at a meeting of the board of administration of the United Automobile, Aircraft & Vehicle Works of America, Local No. 127, favoring the passage of Senate bill 2717, the so-called France bill, for the forwarding of surplus war material now held by the Army and Navy to the famine-stricken regions of Russia, China, and the Near East, etc., which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Detroit, Highland Park, and Milford, all in the State of Michigan, favoring prompt acceptance of the proposals of Henry Ford relative to the Muscle Shoals project, which were referred to the Committee on Agriculture and Forestry.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 3182) granting an increase of pension to George A. Joyner; to the Committee on Pensions.

A bill (S. 3183) granting renewal and extension of certain patents to I. H. Larr; to the Committee on Patents.

By Mr. TOWNSEND:

A bill (S. 3184) for the relief of Robert Guy Robinson (with accompanying papers); to the Committee on Naval Affairs.

A bill (S. 3185) granting an increase of pension to James Q. Bullard (with accompanying papers); and

A bill (S. 3186) granting a pension to Emeline J. Whitmore (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A joint resolution (S. J. Res. 167) authorizing the Postmaster General to enlarge the building used by the Post Office Department equipment shops in the city of Washington, D. C.; to the Committee on Post Offices and Post Roads.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 23, 1922, at 12 o'clock meridian.

PATENT CONVENTION WITH GERMANY.

In secret executive session this day the following resolution was agreed to by two-thirds of the Senators present, and, on motion of Mr. LODGE, the injunction of secrecy was removed therefrom:

Whereas under the treaty concluded between the United States and Germany, signed on August 25, 1921, to restore friendly relations between the two nations the right is secured to the United States to revive, by giving notice to Germany, any treaty or convention in force between the two nations prior to the outbreak of war: Be it

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the giving of notice by the President to revive the patent convention concluded on February 23, 1909, between the United States and the German Empire.

EXTRADITION TREATY WITH COSTA RICA.

In secret executive session this day the following treaty was ratified, and, on motion of Mr. BRANDEGEE, the injunction of secrecy was removed therefrom:

TO THE SENATE:

I transmit herewith, to the end that I may receive the advice and consent of the Senate to its ratification, a treaty of extradition between the United States and Costa Rica, signed at San Jose January 21, 1922.

WARREN G. HARDING.

THE WHITE HOUSE, February 15, 1922.

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to its ratification, if his judgment approves thereof, a treaty of extradition between the United States and Costa Rica, signed at San Jose January 21, 1922.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,

Washington, February 13, 1922.

The Republics of the United States of America and Costa Rica, desiring to assure the prompt and efficient action of justice in punishing delinquents who attempt to escape the penalty prescribed by the laws of one country by taking refuge in the other, have resolved to conclude a treaty of extradition. For that purpose they have named as their respective plenipotentiaries:

The President of the United States of America; Mr. Walter C. Thurston, chargé d'affaires ad interim of the United States of America in Costa Rica; and

The President of the Republic of Costa Rica, the secretary of state in the office of foreign relations, Licentiate don Alejandro Alvarado Quiros; who, after having mutually communicated their full powers, and they being found in good and due form, have stipulated as follows:

ARTICLE I.

It is agreed that the Government of the United States and the Government of Costa Rica shall, upon mutual requisition duly made as herein provided, deliver up to justice any person who may be charged with or may have been convicted of any of the crimes specified in Article II of this convention committed within the jurisdiction of one of the contracting parties while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found would justify his apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II.

Persons shall be delivered up according to the provisions of this convention who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary, poisoning, or infanticide, as well as the attempt to commit these crimes.

2. Rape, abortion, carnal knowledge of children under the age of 12 years.

3. Bigamy.

4. Arson.

5. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

6. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the laws of nations, or by statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas for the purpose of rebelling against the authority of the captain or commander of such vessel or by fraud or violence taking possession of such vessel;

(d) Assault on board ships upon the high seas with intent to do bodily harm.

7. Burglary, defined to be the act of breaking into and entering the house of another in the nighttime with intent to commit a felony therein.

8. The act of breaking into and entering into the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.

9. Robbery, defined to be the act of feloniously and forcibly taken from the person of another goods or money by violence or by putting him in fear.

10. Forgery or the utterance of forged papers.

11. The forgery or falsification of the official acts of the Government or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.

12. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local, or Municipal Governments, bank notes, or other instruments of public credit, counterfeit seals, stamps, dies, and marks of State or public administrations, and the utterance, circulation, or fraudulent use of the above-mentioned objects.

13. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds \$200 (or Costa Rican equivalent).

14. Embezzlement by any person or persons hired, salaried, or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds \$200 (or Costa Rican equivalent).

15. Kidnaping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

16. Larceny, defined to be the theft of effects, personal property, or money of the value of \$25 or more.

17. Obtaining money, valuable securities, or other property by false pretenses, or receiving any money, valuable securities, or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds \$200 (or Costa Rican equivalent).

18. Perjury or subornation of perjury.

19. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director, or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds \$200 (or Costa Rican equivalent).

20. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

21. The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both contracting parties.

ARTICLE III.

The provisions of this convention shall not import claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the contracting parties in virtue of this convention shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of a foreign State, or against the President of either of the signatory Republics, shall not be deemed sufficient to sustain that such a crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

ARTICLE IV.

No person shall be tried for any crime or offense other than that for which he was surrendered.

ARTICLE V.

A fugitive criminal shall not be surrendered under the provisions hereof when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

ARTICLE VI.

If a fugitive criminal whose surrender may be claimed pursuant to the stipulation hereof be actually under prosecution, out on bail, or in custody for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined and until he shall have been set at liberty in due course of law.

ARTICLE VII.

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers pursuant to treaty provisions on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

ARTICLE VIII.

Under the stipulations of this convention, neither of the contracting parties shall be bound to deliver up its own citizens or subjects. In each Republic, according to their respective laws, shall the citizenship of the delinquent be determined.

ARTICLE IX.

The expense of the arrest, detention, examination, and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X.

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall, so far as practicable, according to the laws of either of the contracting parties, be delivered up with his person at the time of the surrender. Nevertheless the rights of a third party with regard to the articles aforesaid shall be duly respected.

ARTICLE XI.

The stipulations of this convention shall be applicable to all territory, whatever may be its situation, belonging to one or the other of the contracting parties or which may be occupied and under the jurisdiction of the same.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country or its seat of government, requisition may be made by superior consular officers.

It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if on such hearing the evidence be deemed sufficient to sustain the charge it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII.

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in Article XI hereof, and been brought before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the Government asking for the extradition, it shall be competent for the judge or magistrate, at his discretion, to hold the accused for a period not exceeding two months, so that the demanding Government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of said period of two months such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

ARTICLE XIII.

In every case of a request made by either of the two contracting parties for the arrest, detention, or extradition of fugitive criminals, the legal officers or fiscal ministry of the country where the proceedings of extradition are had shall assist the officers of the Government demanding the extradition before the respective judges and magistrates by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided, however, that any officer or officers of the surrendering Government so giving assistance who shall, in the usual course of his or their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for

the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV.

This treaty must be submitted for approval in the form prescribed by the laws of the two countries and shall take effect from the day of the exchange of the ratifications thereof; but either contracting party may at any time terminate it on giving to the other six months' notice of its intention to do so.

The ratifications shall be exchanged in San Jose de Costa Rica or in Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at the city of San Jose de Costa Rica this 21st day of January, 1922.

WALTER C. THURSTON.
ALEJANDRO ALVARADO QUIRÓS.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 22, 1922.

REGISTERS OF THE LAND OFFICE.

Job Alexander McLeod to be register of land office at Camden, Ark.

Wallace Townsend to be register of land office at Little Rock, Ark.

RECEIVER OF PUBLIC MONEYS.

James W. Grubbs to be receiver of public moneys at Little Rock, Ark.

POSTMASTERS.

CALIFORNIA.

Harry R. Borden, Angels Camp.
Mae C. Lodge, Auberry.
George M. Eaby, La Habra.
Frank F. Smith, Oilcenter.
John Z. Shelton, Oroville.
Thomas W. Henry, Paso Robles.
Mary L. Cogan, Santa Margarita.
William H. Hitchcock, Shafter.

KENTUCKY.

Quay C. Quigg, Livermore.
Charles W. Robinson, jr., Pewee Valley.
Anna Harris, Prestonsburg.
John S. Marksbury, Williamstown.

MISSISSIPPI.

Preston C. Lewis, Aberdeen.

MISSOURI.

Mae P. Bowen, Sheridan.
Clarence B. Robinson, South West City.
Claude E. Dusenbery, Van Buren.

NORTH CAROLINA.

Judson D. Albright, Charlotte.

OHIO.

Frank J. Patterson, Glencoe.

OKLAHOMA.

John K. Miller, Apache.
William N. Williams, Broken Arrow.
James W. Hinson, Fletcher.
Ara N. Click, Jenks.
Lena R. Allen, Owasso.

TENNESSEE.

Sanders S. Proffitt, Concord.
John E. Bettis, Dandridge.

TEXAS.

Fred P. Ingerson, Barstow.
James W. Griffin, Desdemona.
Annie B. Causey, Doucette.
Nora C. McNally, Godley.
Shirley P. Cox, Mobeetie.
Horace H. Watson, Orange.
Sam H. French, Purdon.
Warner W. McNaron, Rotan.
Michel Abdelmessih, Seminary Hill.
Minnie M. Ashinhurst, Sipe Springs.

WASHINGTON.

Christopher C. Van Leuven, Molson.
Michael J. Murphy, Oakville.
William Busch, Raymond.
Wilson Howe, Tenino.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 22, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we thank Thee that we are Americans, and that the power and the genius of the past, with its great causes, its great sacrifices, and with its great triumphs still remain as our blessed heritage. We give Thee thanks for the memory of him whom we lovingly call "Father of our Country." May we feel the resistless inspiration of his spirit, of his balanced intellect, and of his enlightened understanding that preserved and steadied the infant Government against peril and prejudice. Be Thou the guardian of all those wise principles and sacred traditions which were born out of the loins of our forefathers, and may they always be ours to cherish and defend. To-day may we breathe the proud consciousness of our American citizenship and renew our consecration to free and righteous government. O put Thy hand upon the life and destiny of our Republic, and keep it there until all despotism is dissolved, all cruel edicts repealed, all unjust scepters are broken, and all chains melted and every man walks the earth a crowned free-man and a servant of the Most High. In the name of the Son of Man. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPROPRIATIONS FOR DEPARTMENTS OF COMMERCE AND LABOR.

Mr. SHREVE, from the Committee on Appropriations, presented a bill (H. R. 10559; Rept. 719) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, which was read by title, and referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. WALSH. Mr. Speaker, I reserve all points of order on the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1565. An act making eligible for retirement under certain conditions officers of the United States Army other than officers of the Regular Army who incurred physical disability in line of duty while in the service of the United States during the war.

The message also announced that the Senate had passed with amendments the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2810) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States as amended and reenacted by an act approved the 22d day of August, 1914.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1565. An act making eligible for retirement under certain conditions officers of the United States Army other than officers of the Regular Army who incurred physical disability in line of duty while in the service of the United States during the war; to the Committee on Military Affairs.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7158, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from California asks unanimous consent to take from the Speaker's table, disagree to the Senate amendments, and ask for a conference on a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7158) entitled "An act to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases, and making additional appropriations therefor."

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, if I may have the attention of the gentlemen on that side of the House who make requests to go to conference on these bills, I will make the statement again in reference to a policy which

I think ought to be pursued, out of respect to the minority, at least. When a gentleman gets the floor, as the gentleman from California [Mr. KAHN] has, and asks unanimous consent to disagree to Senate amendments and send a bill to conference, he ought at least in the same statement say that he had consulted with the leader of the minority on the committee and that it was entirely agreeable to him. Unless some such arrangement is made, I will say frankly they can consider one standing objection being made. I think it is a reasonable request, and unless you make some such statement—

Mr. KAHN. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. KAHN. Unfortunately the chairman of the Committee on Military Affairs for the last three months has had a daily session with his committee and he has not been able to be over here—

Mr. GARNER. I am not sure whether it is an unfortunate affair or not.

Mr. KAHN. I will say that the gentlemen of the minority have, at any rate, agreed that this should go to conference.

Mr. GARNER. Has the gentleman consulted the minority leaders as to its going to conference?

Mr. KAHN. Yes.

Mr. GARNER. And it is agreeable to them?

Mr. KAHN. I understand it is, and I am going to ask the Speaker—

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed the following conferees: Mr. McKENZIE, Mr. GREENE of Vermont, and Mr. FIELDS.

THE BATTLE OF TRENTON.

The SPEAKER. By a special order for to-day, immediately after the reading of the Journal the gentleman from Pennsylvania [Mr. WATSON] is allowed 40 minutes in which to address the House on the subject of the Battle of Trenton. The gentleman from Pennsylvania is recognized. [Applause.]

Mr. WATSON. Mr. Speaker, after Washington was appointed Commander in Chief of the Continental Army he realized the superior strength of the British forces. His retreat to the neighborhood of Trenton was evidence of his wisdom and generalship, as he would still be within reach of New Jersey, Philadelphia, New England, and the South. This maneuver of Washington resulted in the Battle of Trenton, which was the most important event toward winning the war for American independence. Therefore I have taken for my subject

THE BATTLE OF TRENTON.

The history of civilization's progress has been marked by great wars. The decisive and final battle of each war was universally won by the nation representing the higher inspirations of human conduct, of liberty, and of the unfolding of learning and culture. Thus the world has advanced from the earliest ages to the present hour.

No battle in the annals of war was so strategic as that of Trenton, nor the victory so far-reaching in its effect upon the policies of governments.

Congress, on the 2d of July, 1775, ordered Washington to Cambridge to assume command of the Continental Army, numbering 17,000 men, and to advance immediately to Boston. His soldiers untrained and undisciplined, his officers unfamiliar with military tactics, with raw recruits to take the places of deserters and of those whose time of service had expired, forced Washington to adopt a policy of retreat, rather than that of aggression, during the whole period of the war.

Washington withdrew from Boston and marched to New York, where he hoped to expel the British and to hold that important vantage ground. Lord Howe contested the position held by the American Army. Washington was compelled to retreat from the east bank of the Hudson River, and, favored by the protection of a fog, made a rapid march to New Jersey. Washington's military strength, due to the casualties of war, was reduced to 5,500 men. The rear guard of his army remained near the village of Hackensack, but quickly followed the main troops, and after crossing the Hackensack River burned the bridge. This delayed the British advance guard and gave the Continental Army the advantage of a day. Washington was pursued in his retreat across New Jersey by Cornwallis with an army of 12,000 men. The British did not press close upon Washington, as he was three weeks reaching Trenton, which distance he could have readily accomplished in four days. Cornwallis remonstrated against the slow pursuit and asked permission of Gen. Howe to make an attack. Howe replied he would give orders without delay. This he failed to do, which provoked the criticism that he "had calculated with the great-

est accuracy the exact time necessary for his enemy to make the escape."

Washington, upon arrival at Princeton, asked his adjutant general, Reed, of Pennsylvania:

Should we retreat to the back counties of Pennsylvania, will we get support?

Reed replied:

If the lower counties are subdued and give up, the back counties will do the same.

Washington, passing his hand over his throat, remarked:

My neck! It was not made for a halter.

He then suggested:

We will go to Augusta County, Va., and carry on a predatory war; if we are overpowered, we will cross the Allegheny Mountains.

Washington had no thought of abandoning the cause of liberty nor the loyal American people, who fought and subscribed their all for an independent nation. [Applause.]

When Washington arrived at Brunswick he ordered Col. Humpton to collect all the boats on the Delaware River for several miles either way from Trenton, and make rafts for the transport of the Army across the river. Washington arrived at Trenton on the afternoon of December 7, and by the morning of the following day he had transferred his troops to Pennsylvania.

Thomas Paine made the march with the Continental Army to the Delaware, and encouraged the soldiers by his writings, which he read daily. Afterward they were printed in the Pennsylvania Journal. One of his campfire bulletins is as follows:

The summer soldier and the sunshine patriot will in this crisis shank from the service of his country, but he that stands now deserves the love and thanks of man and woman.

The Hessian battalion, under command of Col. Rall, marched into Trenton only a few hours after the Continental Army had safely crossed the river. A division corps, under the immediate command of Lord Cornwallis, on the morning of the 9th of December attempted to capture the boats secured to the west bank of the river near Coryells Ferry, but in this it failed, Lord Stirling having placed a strong guard over them. Cornwallis then returned to Trenton, where he ordered a detachment of Hessians, under Col. Rall, to remain there until the river was frozen or suitable boats were transported from the Raritan River.

Washington stationed his Army at McKonky's Ferry on the Delaware River, 10 miles north of Trenton.

This period was the blackest during the war for American independence. A fever of apprehension spread throughout the country. Cornwallis was so sure of victory that he engaged passage for home in order that he might in person carry to the king the welcome news of subduing the rebels. Congress was in session at Philadelphia, but on the 13th of December adjourned to Baltimore. Its proceedings were marked with indifference; the army was rebellious, and had dwindled to an alarmingly small number; hundreds of soldiers deserted; many loyalists believed the war must end in defeat, and turned Tories to save their necks and estates. Residents of New Jersey, to the number of 2,700, appealed to Col. Rall for "protection papers." The following is a copy of one:

To his excellency, Gen. Howe:

Express orders that no person presumes to molest or injure John Harcourt in his person or property. By order of his excellency.

RALL.

DECEMBER 16, 1776.

Gen. Howe wrote to Gen. Germain, the English minister, that "Washington, after January, would become only a skeleton." Rall commented upon Washington's army as "a lot of farmers."

When Gen. Charles Lee retreated from New York, Washington ordered him to join his army. Lee was jealous of Washington. He either ignored or did not receive the dispatches, and stationed his troops at Morristown, N. J., 40 miles north of Trenton. Gen. Lee made his residence, a few miles from where he camped, his headquarters. While writing a letter to Gen. Gates, in condemnation of the Commanding General, his home was surrounded by a small British detachment and he was taken prisoner. Lee's unfinished letter also portrayed the state of the army.

Entre nous, a certain great man is most damnably deficient. He has thrown me in a situation where I have my choice of difficulties. If I stay in this Province, I risk myself and army; if I do not stay, the Province is lost forever. I have neither guides, medicines, money, shoes, or stockings. I must act with great circumspection. Tories are in my front, rear, and in my flanks; the mass of the people is strongly contaminated; in short, unless something which I do not expect turns up, we are lost. Our counsels have been weak to the last degree.

Washington knew that Lee was ambitious to supplant him and was directing his influence to that end, and that many Mem-

bers of Congress demurred against the danger of military ascendancy when unlimited power was extended to him. Washington's magnanimous character and noble spirit elevated his mind above all hatred and revenge, which enabled him to conquer and to subdue. [Applause.]

Gen. Sullivan, next in rank, assumed command of Lee's troops and immediately crossed the river to Pennsylvania and joined Washington's division.

Washington evidently had not planned his attack on Trenton when he wrote to Congress, December 12, 1776, making this appeal:

Ten days more will put an end to the existence of the army. This is not a time to stand upon expenses. Our funds are not the only object of consideration. If any good officers offer to raise men upon continental pay and establishment at this quarter, I shall encourage them to do regiment work when they have done it. If Congress disapproves of the procedure, they will please signify it, as I mean it for the best. It may be that I am going a good deal out of the line of my duty to adopt these measures or to advise thus freely. A character to lose, an estate to forfeit, the inestimable blessings of liberty at stake, and a life devoted must be my excuse.

[Applause.]

Washington's army at this time was destitute. The soldiers were without warm clothing or sufficient food. The fatigues of the service had unfitted them for an engagement, and the magazines were short of ammunition and rifles.

Washington conceived the idea of attacking Trenton on Christmas night, at an hour when the Hessians would probably be a little twisted after celebrating the day. "The Pomeroy letter," dated the 22d of December, written by Adj. Gen. Reed to Washington, doubtless determined his decision.

This is called the Pomeroy letter because Pomeroy was a spy in the Continental Army. Adj. Gen. Reed sent him to locate the British forces in New Jersey. When Pomeroy made the report, Gen. Reed wrote the following letter, and Pomeroy conveyed it to Washington:

We are of the opinion, my dear General, that something must be attempted to revive our expiring credit, give our cause some degree of reputation, and prevent a total depreciation of the Continental money, which is coming on very fast; that even a failure can not be more fatal than to remain in our present situation, in that some enterprise must be undertaken in our present circumstances, or we must give up the cause.

Washington did not move his army from McKonky's Ferry. His headquarters were 5 miles back in the country; his generals—Lord Stirling, Knox, Hamilton, Sullivan, and Greene—were located within a few miles of the valley of concentration, not far from the place of embarkation.

Washington dispatched Gen. Gates to Bristol, 10 miles south of Trenton, on the Pennsylvania side, but Gates left his regiment without official permission, and proceeded to Baltimore to interest Congress for an independent division, and did not return. Col. Cadwalader, the ranking officer, was ordered to command Gates's division.

After the plans were completed Washington issued his orders to Gen. Ewing and Col. Cadwalader to cross the river on Christmas night, and to guard the roads leading from Trenton south to prevent the Hessians escaping.

Christmas afternoon a Tory from Pennsylvania called at Mr. Hunt's residence in Trenton, where Col. Rall was the guest of the evening, and begged the guard to present him for an interview. This was denied, so he wrote a hurried note, stating Washington would attack Trenton in the morning. Col. Rall, "busy at cards and wine," placed the note unopened in his pocket, considering it of no value.

Washington called his generals together in conference on the evening of December 24 and explained in detail the proposed charge upon the Hessians. On account of the depleted condition of the Army, nearly one-half being unfit for field duty, only 2,600 men were therefore mustered into service, each being provided with three days' rations and 40 rounds of ammunition.

Washington assembled his troops, gave to them the countersign "Victory or death," with strict orders that no man should speak above a whisper. Bowman Hill, a high prominence not far from the encampment, commanding a distant view up and down the river, was selected for the sentinel on Christmas afternoon to signal those in command of the boats immediately to float them down the river and place them in hiding back of an island at the point of embarkation. After dark, Washington started to convey his troops across the river, with the hope of reaching Trenton, a distance of 10 miles, at 5 o'clock the following morning, but was delayed on account of floating ice and the stormy night. Although the width of the river where Washington crossed was only 1,000 feet, it was 3 o'clock before all the troops arrived on the Jersey side. Washington immediately formed his men in line and after a march of 2 miles stopped for breakfast. He then advanced toward Trenton with two divisions, one under his command, with 1,200 men; the

other Gen. Sullivan lead, with 1,400 men. Each proceeded by different roads.

Sullivan sent an aid-de-camp to Washington while en route, stating the arms were wet and the flint would not ignite the powder.

Tell your general—

Said Washington—

to use the bayonets and penetrate into the town. I am resolved to take it.

[Applause.]

Both divisions arrived at Trenton at 8 o'clock in the morning, three hours later than previously arranged, which prevented the surprise in the dark, as Washington had planned. Heavy snow of the night covered the ground, which enabled the army to march in silence. Washington was within 2 miles of Trenton before he met the Hessian pickets, who prepared to make a stand, but quickly retreated, having lost two of their number. The firing gave the alarm. The Hessians began slowly to rally, but only to find that Washington had secured the best positions.

Col. Rall was sleeping heavily and his soldiers had not recovered from the orgies of the preceding day. Upon being aroused and hearing the firing Rall rushed to the street and at once realized he was surrounded by Americans. Orders were given to push the cannon ahead, but the advance was only 150 feet when the American artillery forced them back. Gen. Green's division prevented the retreat of the Hessian troops toward Princeton. Lieut. James Monroe—afterwards President of the United States—leading his men, made a quick charge and captured two brass cannon. Monroe was hit by a bullet which severed an artery. Rall led his battalion, but as his men became panic-stricken he was forced to give way and withdrew to a plain back of the town. Rall rallied a second charge, his men started in good order, but again fell back in confusion. In this attack to regain his lost ground Rall was wounded, fell from his horse, and was carried to a near-by church. The Americans were gaining on every side. Many of the Hessians having been killed and wounded, the troops became disorganized and Rall was forced to surrender. Supported by his aides, Rall handed his sword to Washington. [Applause.] The battle lasted 45 minutes. In the afternoon Washington and his staff called upon Rall. Two days later the Hessian died of his wounds.

The American casualties were two officers and two soldiers wounded. Washington captured 1,000 prisoners, 6 brass cannon, 3 ammunition wagons, 40 horses, about 1,000 arms, and 15 army colors.

The Hessians reported 106 killed and wounded and 900 taken prisoners. The total Hessian force was 1,550 men.

In disrobing Col. Rall after he was wounded, an unopened note was found in his pocket, the one sent him by the Tory early Christmas night. When it was read Rall replied:

If I had read it at Mr. Hunt's I would not be here.

Washington recrossed the river and returned to camp at McKonky's Ferry the evening after the battle.

Gen. Ewing and Col. Cadwalader failed to obey the orders of Washington, both believing that he would not undertake the adventure on such a stormy night. Cadwalader on the following day wrote to Washington:

I imagine the badness of the night must have prevented you from passing over as you intended.

Thus the officers of his detachments disregarded his dispatches, and Congress ignored his pressing call for aid.

Washington's generalship, perseverance, and judgment at this period of the war protected the union of the thirteen States and maintained the honor of the early patriots, who pledged their lives and their fortunes for American independence. [Applause.]

Washington a few days after his victory marched the 1,000-Hessian prisoners through the streets of Philadelphia, which had an important moral effect upon those who were inclined to sympathize with the British.

Washington's ruse de guerre was praised by all nations, and at home he was lavished with admiration and congratulations. Lord George Germain, the British colonial minister, said:

All our hopes were blasted by the unhappy affair at Trenton.

The Italian historian Carlo Batto said of him:

All nations shared in the surprise of the Americans. All equally admired and applauded the prudence, the constancy, and noble intrepidity of Gen. Washington. A unanimous voice proclaimed him the savior of his country and extolled him as equal to the most illustrious commanders of antiquity. His name was in the mouth of all. All proclaimed him the Fabius of America.

Mr. Speaker, if man is endowed with divine discernment, then Washington possessed that attribute. He had faith in a duty to perform, unswerving confidence of final victory, and eternal

hope that the new Nation, founded upon liberty and justice, would grow in wealth and power. We inherit what Washington and the Battle of Trenton won for America and for human liberty throughout the world. [Great applause.]

WASHINGTON'S FAREWELL ADDRESS.

The SPEAKER. It has been customary on the 22d of February of each year for the Chair to designate a Member to read Washington's Farewell Address. Without objection, the Chair will ask the lady from Oklahoma [Miss ROBERTSON] to perform that duty. [Applause, the Members rising.]

Miss ROBERTSON read Washington's Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry

it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free Constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets

for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalry alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endeavor to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other: those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic States, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their

constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foment occasional riot and insurrection. It opens the door to foreign influence and corruption,

which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a

decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be included; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have

already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all

the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

[Prolonged applause, the Members rising.]

RELICS OF WASHINGTON AND FRANKLIN.

Mr. MOORES of Indiana. Mr. Speaker, I am directed by the Committee on Foreign Affairs to ask unanimous consent to call up Senate joint resolution 137, transferring to the custody of the Secretary of the Smithsonian Institution certain relics of Washington and Franklin now in the possession of the Department of State.

The SPEAKER pro tempore (Mr. WALSH). The gentleman calls up Senate joint resolution 137, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 137) transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the possession of the Department of State.

The SPEAKER pro tempore. The Clerk will report the resolution in full.

The Clerk read as follows:

Whereas, by a joint resolution of the Senate and House of Representatives, approved March 4, 1844, the sword of George Washington and the staff of Benjamin Franklin were accepted in the name of the Nation as gifts from Samuel T. Washington and deposited for safe-keeping in the Department of State; and

Whereas, by a joint resolution of the Senate and House of Representatives, approved February 28, 1855, the sword of Andrew Jackson was accepted in the name of the Nation as a gift from the family of Gen. Robert Armstrong and deposited for safe-keeping in the Department of State; and

Whereas it is represented by the Secretary of State that he has no appropriate place for the exhibition of these relics: Therefore be it

Resolved, etc., That the Secretary of State be, and he is hereby, authorized to transfer the said relics to the custody of the Secretary of the Smithsonian Institution for safe-keeping and exhibition in the National Museum.

The SPEAKER pro tempore. Is there objection to the present consideration of this resolution?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time.

The SPEAKER pro tempore. The question is on the adoption of the preamble.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman from Indiana yield?

Mr. MOORES of Indiana. Yes.

Mr. MOORE of Virginia. May I ask the gentleman from Indiana to yield to me five minutes?

Mr. MOORES of Indiana. Yes. I promised to yield to the gentleman five minutes. I wish to say that the committee unanimously approved a resolution which is identical, word for word, with the Senate joint resolution, and had unanimously reported it to the House. I will yield to the gentleman five minutes.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for five minutes.

Mr. MOORE of Virginia. Mr. Speaker, as has been stated, the single purpose of this resolution is to transfer from the State Department to the National Museum the articles which are enumerated—the sword of Washington, the sword of Jackson, and the staff of Franklin, which Franklin had given to Washington.

It may not be out of place to spend a few minutes in referring to what occurred when these priceless relics were accepted for the United States by Congress.

The resolution accepting the Washington sword and the Franklin staff was passed by both Houses February 7, 1843. The proceedings were most dignified and impressive. The ordinary business was laid aside in the Senate, which was addressed by Mr. Archer, of Virginia. The scene here in the House at the moment when Mr. George W. Summers, of Virginia, began his speech of presentation is described in the Congressional Globe, as follows:

As Mr. Summers arose, "all eyes were at once turned to him, and the whole House was at once hushed into silence. The galleries were densely filled with an anxious and attentive auditory, which had collected in anticipation of the interesting proceedings which were about to be witnessed. Many Senators occupied seats amongst the Members of the House, and some of the representatives of foreign powers, accredited to this Government in diplomatic relations, were ranged below the bar, and all listened with profound stillness while the honorable gentleman from Virginia spoke."

Mr. Summers, a member of whose family now occupies a seat in this House, was a man of extraordinary vigor and eloquence. Although he represented the Kanawha district, which is now a part of West Virginia, he was a native of the county of Fairfax, Va., which treasures as its greatest historic possession the home and tomb of Washington. When Mr. Summers had concluded there was a notable and brilliant address by John Quincy Adams, of Massachusetts. The resolution, because of some inadvertence, not having been formally approved, was reenacted by both Houses on the 4th day of March, 1844, and approved the same day.

The resolution accepting the Jackson sword passed both Houses February 26, 1855, the speech of presentation being delivered in the Senate by Lewis Cass, of Michigan, who, as we all know, was one of the foremost statesmen of that time. The resolution was approved February 28, 1855.

I ask permission to print with my remarks the addresses of Senator Cass and Representative Summers. I shall not attempt to add any further word of eulogy to that which they contain. With reference, however, to Washington and Franklin, who were so closely associated and whose names we are now linking together, there is a fact perhaps not commonly noted which attracts the attention of the traveler who searches in the mother country for American origins. In Northamptonshire, which is a beautiful part of England, he finds that at the village of Brington, a little east of the city of Northampton, is the home and burial place of Lawrence Washington, who died not long after the close of the reign of Queen Elizabeth. He was Gen. Washington's lineal ancestor. He finds also that a little west of the city of Northampton, at the village of Ecton, there lived and are buried the progenitors of Benjamin Franklin. The villages of Brington and Ecton are within 12 miles of each other. Thus we may say that from the same far-off locality sprang two great forces which united here in the successful struggle for independence and free institutions. [Applause.]

The speeches of Representative Summers and Senator Cass follow:

ADDRESS OF HON. GEORGE W. SUMMERS IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 7, 1843.

Mr. Speaker, I rise for the purpose of discharging an office not connected with the ordinary business of a legislative assembly. Yet, in asking permission to interrupt, for a moment, the regular order of parliamentary proceedings, I can not doubt that the proposition which I have to submit will prove as gratifying as it may be unusual.

Mr. Samuel T. Washington, a citizen of Kanawha County, in the Commonwealth of Virginia, and one of my constituents, has honored me with the commission of presenting, in his name and on his behalf, to the Congress of the United States and through that body to the people of the United States, two most interesting and valuable relics

connected with the past history of our country and with men whose achievements, both in the field and in the cabinet, best illustrate and adorn our annals.

One is the sword worn by George Washington, first as a colonel in the colonial service of Virginia in Forbes's campaign against the French and Indians, and afterwards during the whole period of the War of Independence as commander in chief of the American Army.

It is a plain cuttleau, or hanger, with a green hilt and silver guard. On the upper ward of the scabbard is engraved "J. Bailey, Fishkill." It is accompanied by a buckskin belt, which is secured by a silver buckle and clasp, whereon are engraved the letters "G. W." and the figures "1757." These are all of the plainest workmanship, but substantial and in keeping with the man and with the times to which they belonged.

The history of this sword is perfectly authentic, and leaves no shadow of doubt as to its identity.

The last will and testament of George Washington, bearing date on the 9th day of February, 1799, contains, among a great variety of bequests, the following clause: "To each of my nephews, William Augustine Washington, George Lewis, George Steplow Washington, Bushrod Washington, and Samuel Washington, I give one of the swords, or cuttleaus of which I may die possessed; and they are to choose in the order they are named. These swords are accompanied with an injunction not to unsheathe them for the purpose of shedding blood, except it be for self-defense or in defense of their country and its rights; and, in the latter case, to keep them unsheathed and prefer falling with them in their hands to the relinquishment thereof."

In the distribution of the swords, hereby devised, among the five nephews therein enumerated, the one now presented fell to the lot of Samuel Washington, the devisee last named in the clause of the will which I have just read.

This gentleman, who died a few years since, in the county of Kanawha, and who was the father of Samuel T. Washington, the donor, I knew well. I have often seen this sword in his possession, and received from him the following account of the manner in which it became his property, in the division made among the devisees:

He said that he knew it to have been the side arm of Gen. Washington during the Revolutionary War—not that used on occasions of parade and review, but the constant service sword of the great chief—that he had himself seen Gen. Washington wear this identical sword—he presumed for the last time—when, in 1794, he reviewed the Virginia and Maryland forces, then concentrated at Cumberland, under the command of Gen. Lee, and destined to cooperate with the Pennsylvania and New Jersey troops, then assembled at Bedford, in suppressing what has been called "the whisky insurrection."

Gen. Washington was at that time President of the United States, and, as such, was Commander in Chief of the Army. It is known that it was his intention to lead the Army in person on that occasion, had he found it necessary; and he went to Bedford and Cumberland prepared for that event. The condition of things did not require it, and he returned to his civil duties at Philadelphia.

Mr. Samuel Washington held the commission of a captain at that time himself, and served in that campaign, many of the incidents of which he has related to me.

He was anxious to obtain this particular sword, and preferred it to all the others, among which was the ornamented and costly present from the great Frederick.

At the time of the division among the nephews, without intimating what his preference was, he jocosely remarked, "that, inasmuch as he was the only one of them who had participated in military service, they ought to permit him to take choice." This suggestion was met in the same spirit in which it was made; and the choice being awarded him, he chose this, the plainest and intrinsically the least valuable of any, simply because it was "the battle sword."

I am also in possession of the most satisfactory evidence, furnished by Col. George Washington, of Georgetown, the nearest male relative of Gen. Washington now living, as to the identity of this sword. His information was derived from his father, William Augustine Washington, the devisee first named in the clause of the will which I have read, from his uncle, the late Judge Bushrod Washington, of the Supreme Court, and Maj. Lawrence Lewis, the acting executor of Gen. Washington's will; all of whom concurred in the statement that the true service sword was that selected by Capt. Samuel Washington. It remained in this gentleman's possession until his death, esteemed by him the most precious memento of his illustrious kinsman. It then became the property of his son, who, animated by that patriotism which so characterized the "father of his country," has consented that such a relic ought not to be appropriated by an individual citizen, and has instructed me, his representative, to offer it to the Nation, to be preserved in its public depositories, as the common property of all; since its office has been to achieve and defend the common liberty of all.

He has, in like manner, requested me to present this cane to the Congress of the United States, deeming it not unworthy the public acceptance.

This was once the property of the philosopher and patriot, Benjamin Franklin.

By a codicil to his last will and testament we find it thus disposed of:

"My fine crab-tree walking stick, with a gold head, curiously wrought in the form of the cap of liberty, I give to my friend and the friend of mankind, Gen. Washington. If it were a scepter, he has merited it and would become it."

Gen. Washington in his will devises this cane as follows:

"Item. To my brother, Charles Washington, I give and bequeath the gold-headed cane left me by Dr. Franklin in his will."

Capt. Samuel Washington was the only son of Charles Washington, the devisee, from whom he derived, by inheritance, this interesting memorial, and having transmitted it to his son, Samuel T. Washington, the latter thus seeks to bestow it worthily by associating it with the battle sword in a gift to his countrymen.

I cordially concur with Mr. Washington in the opinion that they each merit public preservation; and I obey with pleasure his wishes in here presenting them, in his name, to the Nation.

Let the sword of the hero and the staff of the philosopher go together. Let them have place among the proudest trophies and most honored memorials of our national achievements.

Upon the staff once leaned the sage of whom it has been said, "He snatched the lightning from heaven and the scepter from tyrants."

A mighty arm once wielded this sword in a righteous cause, even unto the dismemberment of empire. In the hand of Washington this was the "sword of the Lord and of Gideon." It was never drawn except in defense of the public liberty. It was never sheathed until a

glorious and triumphant success returned it to the scabbard, without stain of cruelty or dishonor upon its blade. It was never surrendered, except to that country which bestowed it.

ADDRESS OF HON. LEWIS CASS IN THE SENATE FEBRUARY 26, 1856.

Mr. CASS. Mr. President, I must ask the indulgence of the Senate for requesting that its usual business may be suspended, in order to give me opportunity to discharge a trust which has been committed to me; a trust I have not the heart to decline, but which I knew I had not the power to fulfill as such a mission should be fulfilled. I hold in my hand the sword of Gen. Jackson, which he wore in all his expeditions while in the military service of the country, and which was his faithful companion in his last and crowning victory, when New Orleans was saved from the grasp of a rapacious and powerful enemy, and our Nation from the disgrace and disaster which defeat would have brought in its train. When the hand of death was upon him, Gen. Jackson presented this sword to his friend the late Gen. Armstrong as a testimonial of his high appreciation of the services, worth, and courage of that most estimable citizen and distinguished soldier, whose desperate valor on one occasion stayed the tide of Indian success and saved the Army from destruction. The family of the lamented depostary, now that death has released him from the guardianship of this treasure of patriotism, are desirous it should be surrendered to the custody of the National Legislature, believing that to be the proper disposition of the memorial which, in all time to come, will be a cherished one for the American people. To carry that purpose into effect I now offer it in their name to Congress.

Mr. President, this is no doubtful relic whose identity depends upon uncertain tradition, and which owes its interest to an impulsive imagination. Its authenticity is established beyond controversy by the papers which accompany it, and it derives its value as well from our knowledge of its history as from its associations with the great captain whose days of toil and nights of trouble it shared and witnessed, and who never drew it from its scabbard but to defend the honor and the interests of his country.

This is neither the time nor the place to portray those great traits of character which gave to Gen. Jackson the ascendancy that no man ever denied who approached him, and that wonderful influence with his countrymen which marked almost his whole course, from his entrance upon a public career till the grave closed upon his life and his labors, and left him to that equality which the mighty and the lowly must find at last. Still from my personal and official relations with him—and I trust I may add, from his friendship toward me, of which I have many proofs—I can not withhold the acknowledgment of the impression which his high qualities made upon me, and which becomes more lasting and profound as time is doing its work of separation from the days of my intercourse with him.

I have been no careless observer of the men of my time, who, controlled by events, or controlling them, have stood prominent among them; and will occupy distinguished positions in the annals of the age; and circumstances have extended my opportunities of examination to the Old World, as well as to the new. But, I say, and with a deep conviction of its truth, that I never have been brought into contact with a man who possessed more native sagacity, more profundity of intellect, higher power of observation, or greater probity of purpose, more ardor of patriotism, nor more firmness of resolution, after he had surveyed his position, and occupied it, than the lamented subject of this feeble tribute, not to him but to truth. And I will add that during the process of determination upon important subjects he was sometimes slow and generally cautious and inquiring; and he has more than once told me, anxious and uneasy, not seldom passing the night without sleep; but he was calm in his mind and inflexible in his will when reflection had given place to decision. The prevailing opinion that he was rash and hasty in his conclusions is founded upon an erroneous impression of his habit of thought and action, upon a want of discrimination between his conduct before and after his judgment had pronounced upon his course.

This is not the first offering of a similar nature which has been laid upon the altar of our country, with the sanction of the legislative department of the Government. Some years since another precious relic was deposited here, the sword of him who in life was first in the affections of his countrymen and in death is now the first in their memory. I need not name his name. It is written in characters of living light on every heart and springs instinctively to every tongue. His fame is committed to time, his example to mankind, and himself, we may humbly hope, to the reward of the righteous. When centuries shall have passed over us, bringing with them the mutations that belong to the lapse of ages, and our country shall yet be fulfilling, or shall have fulfilled, her magnificent destiny, for good, I devoutly hope, and not for evil, pilgrims from our ocean coasts and our inland seas and from the vast regions which now separate but ere long, by our wonderful progress, must unite them, will come up to the high places of our land, consecrated by days and deeds of worldwide renown. And turning aside to the humble tomb, dearer than this proud Capitol, they will meditate upon the eventful history of their country and will recall the example while they bless the name of Washington.

And on the same occasion was presented the cane of Franklin, which was deposited in our national archives with the sword of his friend and collaborer in the great cause of human rights. Truly and beautifully has it been said that "peace hath its victories as well as war." And never was nobler conquest won than that achieved by the American apprentice, printer, author, statesman, ambassador, philosopher, and, better than all, model of common sense, over one of the most powerful elements in the economy of nature, subduing its might to his own, thus enabling man to answer the sublime interrogatory addressed to Job, "Canst thou send lightnings, that they may go and say unto thee, Here we are?" Yes; they now come at our command and say, "Here we are, ready to do your work." And it was our illustrious countryman who first opened the way for this subjugation of the fire of heaven to the human will. The staff that guided the steps of Franklin and the sword that guarded the person of Washington may well occupy the same repository under the care of the Nation they served and loved and honored.

And now another legacy of departed greatness, another weapon from the armory of patriotism comes to claim its place in the sanctuary assigned to its predecessor and to share with it the veneration of the country in whose defense it was wielded.

The memorial of the first and greatest of our Chief Magistrates, and this memorial of his successor in the administration of the Government, and second only to him in the gratitude and affections of the American people, will lie side by side, united tokens of patriotic self-devotion and of successful military prowess, though they who bore them and gave them value by their services are now tenants of distant and

lowly graves, separated by mountains and rivers and valleys. And in ages shut out from our vision by the far-away future, when remote generations, heirs of our heritage of freedom, succeeding to it without the labors and privations of acquisition, shall gaze, as they will gaze, upon these testimonials of victories, timeworn but time honored, they will be carried back by associations to those heroes of early story and will find their love of country strengthened and their pride in her institutions and their confidence in her fate and fortunes increased by this powerful faculty of the mind—a faculty which enables us to triumph over the distant and the future, as well as over the stern realities of the present, gathering around us the mighty dead and the mighty deeds that excited the admiration of mankind, and will ever command their respect and gratitude. And thus will communion be held with the great leaders of our country in war and in peace, who wore these swords in her service, and hallowed them by their patriotism, their valor, and success.

Mr. MOORE of Virginia. I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the preamble.

The preamble was agreed to.

The SPEAKER pro tempore. The Clerk will read the resolution the third time.

The resolution was read the third time and passed.

The SPEAKER pro tempore. Without objection, House joint resolution 272, of similar import, will be laid on the table.

There was no objection.

WASHINGTON ON ADJUSTED COMPENSATION.

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. JOHNSON of Mississippi. On what subject?

Mr. FISH. I want to read some extracts from a letter of Gen. Washington.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York is recognized for five minutes.

Mr. FISH. Mr. Speaker, in view of the interest of the public and for the information of those Members of Congress who are considering the merits of the pending adjusted compensation bill, it seems an appropriate time and occasion on the birthday of George Washington to quote his views on the subject of adjusted compensation for the officers and men of the Revolutionary Army. It will be observed that the sentiment expressed, the very words used such as "debt of honor," and the arguments set forth are almost identical with those advanced by the American Legion of to-day. The main difference being the extent to which Gen. Washington urged compensation for his soldiers, which was far beyond that considered or proposed in the bill now pending in Congress. He advocated half pay for life for his officers, and land donations, exemption from taxation, back pay, and one full year's pay for his men.

The following are a few extracts taken from a congratulatory letter written by him toward the conclusion of the Revolutionary War on June 18, 1783, from his headquarters at Newburgh, N. Y., to the governors of the Thirteen States, giving advice and encouragement:

[Extracts from Washington's letter of congratulation and advice to the governors of the Thirteen States, headquarters, Newburgh, June 18, 1783.]

* * * In this state of absolute freedom and perfect security, who will grudge to yield a very little of his property to support the common interests of society and insure the protection of government? Who does not remember the frequent declarations at the commencement of the war that we should be completely satisfied if, at the expense of one-half, we could defend the remainder of our possessions?

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. FISH. I regret I can not. I have only five minutes.

The SPEAKER pro tempore. The gentleman from New York declines to yield.

Mr. FISH. I will yield after I am through. I read:

Where is the man to be found who wishes to remain indebted for the defense of his own person and property at the exertions, the bravery, and the blood of others, without making one generous effort to pay the debt of honor and gratitude? In what part of the continent shall we find any man, or body of men, who would not blush to stand up and propose measures purposely calculated to rob the soldier of his stipend and the public creditor of his due? And were it possible that such a flagrant instance of injustice could ever happen, would it not excite the general indignation and tend to bring down upon the authors of such measures the aggravated vengeance of heaven?

* * * For my own part, conscious of having acted while a servant of the public in the manner I conceived best suited to promote the real interest of my country; having, in consequence of my fixed belief, in some measure, pledged myself to the Army, that their country would finally do them complete and ample justice, and not willing to conceal any instance of my official conduct from the eyes of the world,

I have thought proper to transmit to your excellency the inclosed collection of papers relative to the half pay and commutation granted by Congress to the officers of the Army; from these communications my decided sentiment will be clearly comprehended, together with the conclusive reasons which induced me at an early period to recommend the adoption of this measure in the most earnest and serious manner. As the proceedings of Congress, the Army, and myself are open to all, and contain, in my opinion, sufficient information to remove the prejudice and errors which may have been entertained by any, I think it unnecessary to say anything more than just to observe that the resolutions of Congress now alluded to are undoubtedly and absolutely binding upon the United States as the most solemn acts of confederation or legislation.

As to the idea which, I am informed, has in some instances prevailed that the half pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded forever; that provision should be reviewed, as it really was, a reasonable compensation offered by Congress at a time they had nothing else to give to officers of the Army for services then to be performed; it was the only means to prevent a total dereliction of the service; it was part of their hire. I may be allowed to say it was the price of their blood and of their independence; it is therefore more than a common debt; it is a debt of honor; it can never be considered as a pension or gratuity nor canceled until it is fairly discharged.

With regard to the distinction between officers and soldiers, it is sufficient that the uniform experience of every nation of the world combined with our own proves the utility and propriety of the discrimination. Rewards in proportion to the aid the public draws from them are unquestionably due to all its servants. In some lines the soldiers have perhaps generally had as ample compensation for their services by the large bounties which have been paid to them as their officers will receive in the proposed commutation; in others, if besides the donation of land, the payment of arrears of clothing and wages (in which article all the component parts of the Army must be put upon the same footing) we take into the estimate the bounties many of the soldiers have received and the gratuity of one year's full pay, which is promised to all, possibly their situation (every circumstance being duly considered) will not be deemed less eligible than that of the officers. Should a further reward, however, be judged equitable, I will venture to assert no man will enjoy greater satisfaction than myself in an exemption from taxes for a limited time (which has been petitioned for in some instances) or any other adequate immunity or compensation granted to the brave defenders of their country's cause, but neither the adoption or rejection of this proposition will in any manner affect, much less militate, against the act of Congress by which they have offered five years' full pay in lieu of the half pay for life which had been before promised to the officers of the Army.

[Applause.]

MARINE INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I understand it is not necessary to make a motion to proceed with the consideration of Senate bill 2265, to regulate marine insurance in the District of Columbia, and for other purposes, at the point where we discontinued consideration on the last District day?

The SPEAKER. It is not necessary to make the motion. All that the gentleman has to do is to call up the bill and the rule automatically operates.

Mr. CROWTHER rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

UNITED STATES VETERANS' BUREAU.

Mr. CROWTHER. I ask unanimous consent to proceed for five minutes. I just want to read a short letter from Mr. Forbes, of the United States Veterans' Bureau, and suggesting an amendment that I would like to make.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes for the purpose indicated. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I would like to call the attention of the gentlemen on the Republican side of the House to this point, that if they are going into the question of discussing the bonus bill to-day, you had better devote the balance of the day to it. I have no objection to the gentleman speaking five minutes, but five minutes after five minutes touching the bonus will inevitably open up the entire subject, and it seems to me that this is not the proper time to do it. The responsibility is upon the Republican organization.

Mr. CLARKE of New York. Mr. Speaker, I wish to say that I do not think it is proper to inject the discussion of the bonus question into the proceedings on a day set aside to honoring the life and works of George Washington. I shall have to object.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWTHER. Mr. Speaker, I just want to call attention to an existing condition, as exemplified by this letter with which many of you are familiar. This is in regard to the claim of George Washington Wiswell, formerly a private in the Air Service:

UNITED STATES VETERANS' BUREAU,
Washington, February 16, 1922.

Hon. FRANK CROWTHER,

House of Representatives, Washington, D. C.

MY DEAR MR. CROWTHER: In reply to your letter of February 13, 1922, relative to the above-named case, please be advised that it has been adjudged that the evidence on file is insufficient to connect claimant's disability with the service.

The records of this bureau show that he was discharged from service June 23, 1919; that his claim was filed July 14, 1921, which was more than two years after discharge; and that the first evidence on file in this bureau of the existence of pulmonary tuberculosis is the report of examination dated July 16, 1921. Any further evidence that this claimant may wish to submit will receive careful consideration.

All future communications referring to this claim should bear the file number C-715310, and other data as captioned above.

Respectfully,

C. R. FORBES, Director.

Many Members of the House have had similar letters, and no doubt the above language is familiar to you all. I just want to suggest that if this tubercular condition existed at the date of the examination of this boy, it certainly existed for some months before that date, and it seems to me that the clause in the act might well be amended. I intend to offer an amendment to the act substituting the word "three" for the word "two," so that the limitation period may be three years instead of two years. Many men are shut out by 8 or 9 or 10 days, often due to the delay between the time of the application and the report on the examination, because of the long, winding, red-tape path that they have to follow before the first examination is made. I think on a day like this we might well dedicate ourselves to the further relief of these men who have lost the precious attribute of health in the service of their country. [Applause.]

Under the present laws governing payment of compensation to former disabled service men who contracted tuberculosis or mental diseases while in the military or naval service, or within two years following separation from the service, the administrative authorities of the United States Veterans' Bureau are compelled to accept the existence of such disabilities as proof of service origin thereof and pay adequate compensation to the disabled veteran.

It seems to me that the arbitrary period of two years is too short, and I do not believe that the members of the medical profession are justified in definitely deciding that such disabilities will necessarily develop within said two-year period. No one can state positively the exact period of time that must elapse before the effects of the various poisonous gases used during the World War show a marked increase in the number of neuropsychiatric and tubercular cases. In fact, it has already been brought out in hearings held before legislative committees that the peak of such development will not be reached within five years. Gentlemen, let me urge upon you the necessity for immediate action; in many cases this is a matter of life and death.

ELIGIBLE LISTS FOR POSTMASTERS.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the United States Civil Service Commission on the subject of certifying eligible lists for postmasterships.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD by inserting a letter from the Civil Service Commission relative to eligible lists for postmasters. Is there objection?

There was no objection.

The letter is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 20, 1922.

Hon. FREDERICK R. LEHLBACH,
Chairman Civil Service Reform Committee,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LEHLBACH: It is probably not necessary for the commission to answer every erroneous statement with reference to civil service made by Congressmen and published in the RECORD, but in the speech of Congressman THOMAS, of Kentucky, published in the RECORD of Monday, January 23, 1922 (pp. 1595-1597), there are certain statements which perhaps should not go unanswered, and if you are of this opinion you are at liberty to have this letter inserted in the RECORD.

I quote from his speech the following:

"I have it on perfectly reliable authority, which authority will be produced if this Republican Congress will order an investigation of the actions of the Civil Service Commission and the Post Office Department under this Republican administration, that the private secretary to Dr. Work, a Mr. Johnston, I believe, his name is, stated to A. P. Richards, who is connected with the Civil Service Commission, that he was returning the eligible list for postmaster at a certain town, with the statement that he noticed a certain person was not on the eligible list; that such person is our friend and we would like to have him on the list, and see if you can not revise the list so as to include our friend."

"From the above statements it seems perfectly patent that there is a well-defined working agreement between the Civil Service Commission and the Post Office Department as to eligible lists for postmasters' appointments, or, rather, I believe the commission obeys the requests of the department as to the eligible lists, fearing if it does not do so the heads of its members will fall into the official waste basket of the Post Office Department."

The above is wholly unfounded. No one in the Post Office Department has ever to my knowledge undertaken even to suggest who should or who should not be on any eligible list. The Post Office Department has never made any such suggestions to the commission, and I am sure it would not do so. The lists are made up on evidence which the com-

mission obtains in as far and thorough a manner as possible, and the eligibles are certified to the Post Office Department on their merits wholly. No such conversation as above referred to took place, as I am informed by Mr. Richards.

In the case of Edgar A. Simkins, referred to in the speech of Mr. THOMAS, the facts are that he was promoted, having been already under civil service; and, as you well know, promotion is one of the cardinal principles of civil service. It is true that Mr. Simkins was reinstated in the service before promotion, but it is also true that his absence was on "military leave" from August 8, 1916, and such absence should not militate against him. In case of promotions the Post Office Department sends to the Civil Service Commission its desire to promote, and in accordance with the Executive order the commission's duty is to see if the person so recommended possesses the minimum requirements for the office. This was done in a perfectly regular and legal manner.

The record of Mr. THOMAS's speech purports to quote from a letter which Dr. Work wrote to the Civil Service Commission on August 31, 1921. To show this I quote from the RECORD, as follows:

"In view of the experience of Mr. Simkins and the fact that he is strongly recommended locally for this position (by the Republican county committee, of course, of which Simkins was chairman), the department desires to nominate him for the position of postmaster."

Perhaps I do not know how to interpret this, but the ordinary reader would suppose that the language above used was intended to be quoted verbatim from Dr. Work's letter. Would he not? I have the letter before me for comparison, and I find that the language in parentheses in the RECORD, namely, "by the Republican county committee, of course, of which Simkins was chairman," was not in Dr. Work's letter at all. I presume it was inserted there by the speaker, but to the lay reader it would give the impression that Dr. Work was appealing to us on political grounds.

This was not true, as I have specifically shown in this case, and now I would like to say, generally, that it is not true and never has been true in any case.

In the case of the Bowling Green post office, a certification has been made to the Post Office Department and no review of the case is asked for.

In the case of Brownsville, Ky., referred to by Congressman THOMAS, the fact is that all three men certified by the commission to the Post Office Department were "ex-service men." I might add that the commission spares no pains to give ex-service men all that is permissible on their merits and then adds the 5-point bonus in accordance with the Executive order. The time they were in the service is also allowed as business experience in accordance with the Executive order.

It would seem to me in the interest of correcting erroneous statements in the RECORD that this letter might well be inserted.

By direction of the commission.

Very respectfully,

JOHN H. BARTLETT, President.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the committees.

The Committee on the District of Columbia was called.

MARINE INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I call up for further consideration the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania calls up S. 2265. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union. The gentleman from Oregon [Mr. McARTHUR] will resume the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of S. 2265, with Mr. McARTHUR in the chair.

The CHAIRMAN. The Clerk will resume the reading of the bill for amendment under the five-minute rule.

The Clerk read as follows:

CHAPTER VI.—INVESTMENT OF ASSETS OF DOMESTIC COMPANIES.

SEC. 17. That the cash capital of every domestic corporation transacting marine insurance in the District, required to have a capital, to the extent of the minimum capital required by this act, shall be invested and kept invested in—

(1) Stocks or bonds of the United States, or of any State or of the District, or of any county, township, school, or other district or municipality in the United States, or Federal farm loan bonds, not estimated above their par value or their current market value.

(2) Bonds or notes secured by mortgages or deeds of trust of improved unencumbered real estate, or perpetual leases thereof, in the United States, worth not less than 50 per cent more than the amount loaned thereon. Where improvements on land constitute part of the value on which the loan is made, the improvements shall be insured against fire for the benefit of the mortgagee in amount not less than the difference between two-thirds the value of the land and the amount of the loan.

(3) Mortgage bonds of railroad companies in the United States and on which default in payment of interest has not occurred within five years prior to the purchase by the company.

(4) Loans upon the pledge of such securities.

The cash capital of every insurance corporation not organized under the laws of the District and transacting marine insurance in the District to the extent of the minimum capital required of a like domestic corporation shall be invested and kept invested in the same classes of securities specified in the preceding paragraph of this section for domestic insurance corporations, except that like securities of the home State or foreign country shall be recognized as legal investments for the amount of the minimum capital required. The residue of the capital and the surplus money and funds of every domestic insurance corporation over and above its capital, and the deposits that it may be required to make with the superintendent, may be invested in or loaned on the pledge of any of the securities specified in the preceding paragraph of this section; or in the stocks, bonds, or other evidence of indebtedness of any solvent institution incorporated under the laws of the United States, or of any State thereof, or of the District; or in such real estate as it is authorized by this act to hold.

The assets of every domestic mutual insurance corporation transacting marine insurance in the District to the extent of an amount equal to the minimum capital required of a like domestic stock corporation shall be invested and kept invested in the same class of securities specified for the investment of the minimum capital of like domestic stock insurance corporations. The residue of the assets of every domestic mutual insurance corporation, over and above said amount, may be invested in or loaned on the pledge of the same classes of securities or property as specified in this chapter for the investment or loan of the residue of the capital and the surplus money and funds of like domestic stock insurance corporations.

A company doing business in a foreign country may invest the funds required to meet its obligations in such country in conformity to the laws thereof in the same kinds of securities in such foreign country as such company is allowed by law to invest in the United States.

Nothing in this act shall prohibit a company from accepting in good faith, to protect its interests, securities or property, other than herein referred to, in payment of or to secure debts due or to become due the company.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. What is the idea of the final paragraph in this section? The first six or seven paragraphs of the section specify the securities in which their money must be invested and what property they may hold. Then you say that nothing in this act shall prohibit a company from accepting in good faith, to protect its interest, securities or properties, other than herein referred to; that is property which it is prohibited to accept and hold by the rest of the section.

Mr. EDMONDS. It is only in case of emergency.

Mr. WALSH. It does not say so.

Mr. EDMONDS. It says "to protect its interests."

Mr. WALSH. I know, but they hold all this property to protect their interests. That is why they hold all of the property which under the preceding paragraphs of the section they are permitted to hold.

Mr. EDMONDS. This paragraph should be taken in connection with the rest of the section. It is to cover an exceptional case, where a company finds that in order to protect itself it has to take outside assets. That has been done frequently, and it has been done in other States. Sometimes they have to go outside the regular channel in order to protect their stockholders. This seems to be fully understood by the insurance men, and the insurance commissioners seemed to think it was all right.

Mr. WALSH. The insurance commissioner now in office might think so, but by some good fortune or evil fortune there might be somebody in office later who would not understand it. If this is to take care of an emergency, or to protect the company from losses, I think it ought to be so stated. Otherwise the section amounts to this, that it says "We will specify what they can invest in and what property they may hold, but if they do not do that they can hold any other property to protect their interests."

Mr. EDMONDS. Would the gentleman suggest the use of the expression that nothing in this act shall prohibit a company in an emergency from accepting in good faith? Would that be satisfactory?

Mr. WALSH. In an emergency, or to protect it against losses, or something of that sort.

Mr. EDMONDS. I think "in an emergency" would be the proper words to use.

Mr. SANDERS of Indiana. Unless you define "an emergency" that language does not mean anything.

Mr. WALSH. That is why I was suggesting that the emergency should be coupled up with something to indicate that it is to prevent losses. I think the gentleman from Pennsylvania sees the point.

Mr. EDMONDS. I see the point the gentleman is making.

Mr. WALSH. And while that may all be understood by the insurance commissioners now, if this bill becomes a law it leaves an opportunity for somebody later to misunderstand it.

Mr. EDMONDS. Would the gentleman be satisfied if we put after the word "company" the words "to prevent loss," so as to provide that—

Nothing in this act shall prohibit a company, in order to prevent loss, from accepting in good faith—

Would that be plain enough?

Mr. WALSH. I think those words ought to come in after the word "faith."

Mr. EDMONDS. Would the gentleman suggest the words "in order to prevent loss"?

Mr. WALSH. Some such language as that—to prevent losses.

Mr. EDMONDS. I move an amendment after the word "faith" in line 14, to insert the words "in order to prevent losses," and a comma after that.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Page 24, line 14, after the word "faith" insert the words "in order to prevent losses."

Mr. EDMONDS. The word "and" should follow the word "losses."

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Page 24, line 14, after the word "faith" insert the words "in order to prevent losses and."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SANDERS of Indiana. I should like to have the gentleman give me an illustration of an occurrence such as is described in this paragraph which is to be amended.

Mr. EDMONDS. It might be possible that the company had taken some bonds on a 50 per cent basis and yet the loss might be so great that they required additional security which the party could not give them except in securities they could not accept. In that case they would be able to take something to protect the stockholders.

Mr. SANDERS of Indiana. If this is intended to give an additional security after the transaction is over—

Mr. EDMONDS. It is intended to give additional security and protection.

Mr. SANDERS of Indiana. It says they may take security on property to secure debts due the company.

Mr. EDMONDS. This would only be possible in event that the loan was one where they had not sufficient security, or the security became bad and they had to take additional security to protect the loan. It might be possible that the man could not give security that they could take. The restrictions are sharply drawn. They can not hold but a certain amount of real estate. The result might be that a man would say I will give you my house as security, and they could not take it. The paragraph is only intended to protect them in an emergency that might arise.

Mr. SANDERS of Indiana. I think the paragraph is broader than the gentleman thinks it will accomplish.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The Clerk read as follows:

SEC. 18. That a domestic company may acquire, hold, and convey real estate for the purpose and in the manner only following:

(1) The building in which it has its principal office and the land on which it stands.

(2) Such as shall be requisite for branch office or other business facilities necessary for its convenient accommodation in the transaction of its business.

(3) Such as shall have been acquired for the accommodation of its business.

(4) Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for money due.

(5) Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

(6) Such as it shall have purchased at sales on judgments, decrees, or mortgages obtained or made for such debts.

All such real estate specified in subdivisions (3), (4), (5), and (6) of this section which shall not be necessary for its accommodation in the convenient transaction of its business shall be sold by the company and disposed of within five years after it shall have acquired the title to the same, or within five years after the same shall have ceased to be necessary for the accommodation of its business, unless the company procure the certificate of the superintendent that its interests will suffer materially by a forced sale thereof, in which event the time for the sale may be extended to such time as the superintendent shall direct in such certificate.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to offer an amendment which I think will correct a rather clumsy language. I think the word "only" should follow the word "estate" in line 18, and the word "only" in line 19 should be stricken out, so that it will read "that a domestic company may acquire, hold, and convey real estate only for the purpose and in the manner following."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 18, after the word "estate," insert the word "only," and in line 19, at the beginning of the line, strike out the word "only."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 19. That any two or more corporations organized under the laws of the District and transacting the business of marine insurance may merge or consolidate into one corporation under the name of any title approved by the superintendent, but no mutual corporation or company shall be merged with a stock corporation or company. With the approval of the superintendent, a corporation organized within the District and transacting marine insurance may also be merged or consolidated with any marine insurance company or companies organized under the law of any State or States of the United States, into one corporation. In either case the corporations may enter into and make an agreement for such merger or consolidation, prescribing its terms and conditions, the amount of its capital, which shall not be larger in amount than the aggregate amount of capital of the merged or consolidated corporations, and the number of shares into which it is to be

divided. Such agreement must be assented to by a vote of the majority of the number of directors of each corporation prescribed in its charter and must be approved by the votes of stockholders owning at least two-thirds of the stock of each corporation represented and voted upon in person or by proxy at a meeting, called separately for that purpose upon a notice stating the time, place, and object of the meeting, served at least 30 days previously upon each personally or mailed to him at his last known post-office address, and also published at least once a week for four weeks successively in some newspaper printed in the District, and in case any of the merging companies are domiciled in some other State or States at least once a week for four weeks in some newspaper printed in the town or county where each such company has its principal office. Every such agreement must have the approval of the superintendent before the details of said agreement may be carried into effect as provided therein.

The new corporation may require the return of the original certificates of stock held by each stockholder in each of the corporations to be merged or consolidated and issue in lieu thereof new certificates for such number of shares of its own stock as such stockholder may be entitled to receive. Upon such merger or consolidation all rights and property of the several companies shall become the property of the corporation composed of such companies, and the new corporation shall succeed to all the obligations and liabilities of the old corporations in the same manner as if they had been incurred or contracted by it. The stockholders of the old corporations shall continue subject to all the liabilities, claims, and demands existing against them at or before such merger or consolidation. No action or proceeding pending at the time of the consolidation in which any or all of the old corporations may be a party shall abate or discontinue by reason of the merger or consolidation, but the same may be prosecuted to final judgment in the same manner as if the merger or consolidation had not taken place, or the new corporation may be substituted in place of any corporation so merged or consolidated by order of the court in which the action or proceeding may be pending.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I notice that this is a very important chapter and section in the bill, I think the most important. It permits a merger or consolidation of any corporation organized in the District with corporations that are organized in Pennsylvania or with corporations that may have been organized in half a dozen States, so that in the District there will be one corporation.

Now, I would like some explanation from the gentleman from Pennsylvania as to why we give this broad invitation, apparently, for companies to consolidate, and even go so far that if they wish, to create and establish a monopoly not only in the marine business but of other kinds of business, including reinsurance.

Mr. EDMONDS. I will explain, and probably it may be sufficient to satisfy the gentleman. In the first place, this requires the companies outside the District to have the consent and the certificate of the superintendent before doing business in the District. Further than that, it requires a compliance with the laws of the State under which the company was organized and the winding up and a cleaning up of the assets.

This is what we found and I think there is a good deal of force in the contention that they should be allowed to merge. We found a group of insurance companies in New Jersey, in New York, and Connecticut, whose capital stock was virtually controlled by a holding company organized under the laws of New Jersey. In other words, while operating individually in Connecticut, in New York, in New Jersey, a holding company in one case had five companies under one holding. That all adds to the cost of insurance and it seems like a foolish method when by the consolidation we can thereby effect an economy. The committee felt that it would tend to economy, and it is limited to marine insurance. If it is necessary to have a holding company to save overhead expenses, to carry out a consolidation which does not appear on the surface, why not have it done open and aboveboard and save the premium money that otherwise would be paid?

Mr. WALSH. The argument in favor of a holding company is one of economy.

They will tell you that instead of having a half dozen corporations operating and conducting their business, going out after business in the same territory, they will form a holding company, with one overhead organization to supervise all of the rest of the organizations, and thereby they will eliminate the overhead.

Mr. EDMONDS. Unfortunately that is not true in the insurance business. The gentleman can readily see that the organization in Connecticut, we will say, must be kept up the same as it was before, and that the organization must be kept up in New York the same as before, and in New Jersey or Pennsylvania, or any other State. The result is that the holding company is simply a company holding the stocks of these companies, owning property there, and operating under united management. There can be no breakdown of your State insurance laws, because every State prescribes how a company can wind up its business. Therefore, if a company in New York were coming down into the District of Columbia, to join with a company here, it would be forced to wipe out its business in New

York before it could do so, and if the superintendent in New York did not want to give his consent, they could not do it.

Mr. WALSH. But it is not necessary that they wind up their business. They can form a lot of new corporations to-day, and to-morrow they can come down to the superintendent in Washington and say that they want to merge with the George Washington Insurance Co. of the District of Columbia, that they have not established any business, that they are incorporated under the laws of Connecticut or New Jersey, or Delaware or Massachusetts, or Pennsylvania or Illinois, that they have complied with all of their provisions, that they have issued their stock and that they desire to incorporate. There is nothing, as I understand it, that will prevent a parent company from still continuing business in one of these other States even though one of its subsidiaries is in this merger.

Mr. EDMONDS. If you were to strike it out of the bill, there would be nothing to prevent a holding corporation under the present corporation laws of the District of Columbia from holding stock in a dozen insurance companies. Why not do aboveboard what you are doing below board? That was the reason for it. It is not a matter of vital importance to the bill. Personally, if the Members here think it ought to be stricken out, I am willing to strike it out. It is simply a matter of policy that we have to decide upon. Do we want to have a holding company with four or five different companies that have gotten together, virtually operating together, virtually a monopoly, if you wish, operate in this manner? They have to have a different corporation in each State in order to operate under the insurance laws.

Mr. SANDERS of Indiana. I was going to ask of what advantage it would be to us to provide for the organization of a company here in the District and provide safeguards about its investments, and so forth, and give it blanket authority to consolidate with any outside corporations?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. Of what advantage is it, I say, to safeguard it here, and then given the corporation blanket authority to consolidate with any outside corporations or any number of outside corporations, and say that when that consolidation shall have been perfected that this corporation that we have organized shall be subject to all of the liabilities of these other corporations? Of what advantage is our safeguarding the interests of the corporation in this organization if we are to subject it to all of the liabilities and all of the obligations of these other companies when this consolidation, under the provisions of this section, could be made without reference to what sort of obligations these other companies have? Of course, there is an arbitrary provision that the superintendent must approve the consolidation. I do not think it is a very wise thing to put into the hands of any one man the approval or disapproval of such an important matter and have no basis whatever for his judgment, but to just leave it to the arbitrary will of the superintendent.

Mr. WALSH. It might well be that in a particular line of insurance it would be a most unwise thing to have any consolidation.

Mr. EDMONDS. Mr. Chairman, I do not think it is vital to the bill, and I am willing to strike it out—that is, to strike out the clause that is connected with the merging of companies outside of the District with one in the District. It is not vital at all. If the gentleman thinks from my explanation that it ought to be kept in the bill, I am perfectly willing to have it stay in the bill.

Mr. WALSH. I do not think at the start of this new venture, and it is a new venture, that we ought to invite this. If they find it is necessary, after these companies have been conducting their business for a time, that this power should be given and that the concerns here in the District by consolidating can not carry on business or compete, and that it is better that they shall be permitted to merge with some company, for instance, in Arkansas or Arizona, two great insurance States, we can have a special act amending this bill.

Mr. EDMONDS. But I might not be here then to put it through.

Mr. WALSH. Oh, if the gentleman gets this measure through there will be no doubt about his being here. I think the language permitting this consolidation outside of the District should be eliminated, and I move to strike it out by offering the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, line 7, strike out the language, beginning with the word "with" down to and including the word "case" in line 13, capitalize the letter "t" in the word "the," and on page 27, line 5, beginning with the word "and," after the word "district," strike out all of the language down to and including the word "office" in line 8.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

SEC. 21. That corporations engaged exclusively in the writing of insurance in foreign countries may be organized within the District in the same manner and under the same conditions as prescribed by this act for companies writing risks within the United States. The capital stock of such insurance corporations may be owned by American corporations engaged in the same kind of insurance, and the holding companies shall be given credit for the stock thus owned as admitted assets when rendering their financial statements to the superintendent. Any corporation organized under this section shall pay taxes and fees as provided under Chapter V of this act and shall comply with and receive the benefit of all other sections of this act so far as the same may be applicable.

Mr. JONES of Texas. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word. I notice in this foreign business of these insurance companies it is provided that they shall pay taxes and fees as provided under chapter 5 of this act, and turning back to chapter 5 it will be seen the language there is so worded as to exempt them from all taxes on their foreign business, or practically all their taxes. In other words, outside of certain domestic taxes, set out in section 8, page 12, the company shall only pay taxes on a certain percentage of the business done in the District of Columbia.

Mr. EDMONDS. I do not think that the gentleman quite understands this paragraph.

Mr. JONES of Texas. I have read it very carefully.

Mr. EDMONDS. As the matter stands now this paragraph allows 10, 12, or 15 insurance companies to get together in a corporation which will be a separate corporation.

Mr. JONES of Texas. I know, but this goes ahead and specifically states that they shall pay taxes and fees as provided under chapter 5 of the act. Now, chapter 5 of this act limits the taxes to a certain proportion of the business done within the District of Columbia, so that would exempt them from paying all taxes on all business done without the District of Columbia and in foreign countries.

Mr. EDMONDS. The gentleman is wrong there.

Mr. JONES of Texas. I do not think so.

Mr. EDMONDS. Where did the gentleman say it was?

Mr. JONES of Texas. Page 12, that with the exception of certain designated taxes "the companies organized under this act shall pay taxes on that proportion of the total underwriting profit of the company for marine insurance written within the United States which the net premiums of the company from marine insurance written within the District bear to the total net marine premiums written within the United States. That is at the bottom of page 12 and runs over on page 13. The paragraph under discussion says that these companies which organize to do foreign business shall pay taxes in the manner set out in chapter 5. Turning back to chapter 5 we find the tax is limited to a certain proportion of the business done within the District of Columbia. In other words, these companies so organized to do foreign business shall be exempt from all taxation except certain designated fees and taxes named in section 8, so that they will not be liable to taxes other than those that are imposed upon these corporations organized under this act to do business within the District of Columbia on the business written within the District. In fact, by the terms written into the paragraph we have under consideration all of these companies—and they are practically unlimited in the line of business they can engage in—will be exempt from taxation on all business done in foreign countries, and by means of this exemption they would be able to drive out of competition any company organized under the laws of any State in this Union which undertook to do any foreign business whatever.

Mr. EDMONDS. No; the gentleman is mistaken there.

Mr. JONES of Texas. I would be very glad to be shown I am mistaken; I do not believe I am.

Mr. EDMONDS. If the gentleman will read here, he will find this language:

That any domestic company authorized to write insurance or reinsurance within the District may establish and maintain one or more agencies beyond the United States for the transaction of its lawful business—

Mr. JONES of Texas. Yes.

Mr. EDMONDS. Now, this is the present condition of affairs: If a company is formed in Spain, it does not pay taxes in the District of Columbia.

Mr. JONES of Texas. That is very true; but it does pay taxes in Spain.

Mr. EDMONDS. Why should it pay taxes here when its business is done there?

Mr. JONES of Texas. I am talking about companies organized in the District of Columbia as compared with companies doing business under the laws of the various States.

Mr. EDMONDS. New York laws accept this; they passed this last year; and Pennsylvania, I understand, has also; and other States are going to accept it.

Mr. JONES of Texas. The gentleman does not mean that the people of Pennsylvania and New York are going to or have agreed that the United States Government shall exempt from all taxes insurance companies doing business within the District?

Mr. EDMONDS. No; because in the District of Columbia they pay. Every one of these corporations is taxed in the District of Columbia, and they will pay.

Mr. JONES of Texas. But they will not pay on the income and net returns from foreign business.

Mr. EDMONDS. That is exactly true, and exactly what we are trying to do in the bill, to prevent their paying on the foreign business.

Mr. JONES of Texas. Under the provision you have written in this section they would not pay any tax whatever on anything from their foreign business, no matter how much they may accumulate in this country therefrom.

Mr. EDMONDS. Certainly they would not pay any tax on the foreign business.

Mr. JONES of Texas. The various State laws require the payment of taxes on business.

Mr. EDMONDS. On business written in foreign countries?

Mr. JONES of Texas. Certainly.

Mr. EDMONDS. Certainly not.

Mr. JONES of Texas. Not on business, but on property rights acquired or business done and property rights accumulated from business done in foreign countries they are compelled to pay, and they are compelled to pay taxes on their net income under Federal law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Texas. Mr. Chairman, I want to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. JONES of Texas. I think it will accomplish the purpose I have under consideration.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: On page 29, line 15, after the word "shall," strike out the remainder of line 15 and line 16 down to and including the word "shall."

Mr. JONES of Texas. That amendment would leave all the paragraphs of this bill which are applicable to these companies still applicable, and at the same time would save them from having an exemption that other companies would not have.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. SANDERS of Indiana. What tax does the gentleman have in mind? The Federal income tax?

Mr. JONES of Texas. I am speaking of the general revenue laws of the United States.

Mr. SANDERS of Indiana. The Federal income tax?

Mr. JONES of Texas. The other companies must pay their taxes under the general revenues of this country. You are writing into a bill, as it is worded here, a provision which would exempt the companies in the District of Columbia from being liable to payment of taxes under the general revenue laws of the United States, which would give them a distinct advantage.

Mr. EDMONDS. It does not.

Mr. JONES of Texas. Oh, yes; it does. If you read the provision here in connection with the provision concerning exemption, on pages 12 and 13, you will see that that is the case very clearly, because this section that we have under consideration provides for doing business in foreign countries. Then it lays alongside of that provision a stipulation that the companies so engaged in business shall be taxed according to the provisions of section 8. Now, section 8 of chapter 5 says that such companies shall pay taxes only on a certain proportion of the business which they write within the District of Columbia. When you write that provision into the law, you exempt them from all of the Federal revenue laws, except these two or three exceptions that are written in the first part of chapter 5.

Mr. EDMONDS. The gentleman is an attorney, and I would like to ask him a question. Do you mean to say a company organized under the District of Columbia, as far as its Federal taxes are concerned, would be in a different position than a company organized, say, under the State of Maryland?

Mr. JONES of Texas. I certainly do. A company organized under the laws of the State of Maryland, unless the law specifically exempted it, would be compelled to pay taxes on its foreign business.

Mr. EDMONDS. Most of the taxes in this bill are local taxes, and there is absolutely nothing in the bill that the gentleman can show me that in any way exempts them from paying any Federal taxes.

Mr. JONES of Texas. It says here in chapter 5, which is the only one that according to this bill shall govern, that with the exceptions of license fees and two or three other taxes mentioned, these companies shall pay no other taxes than that proportion of the total underwriting profit of the company being written within the United States and within the District of Columbia. In other words, it leaves these companies out of the scope and purview of the general revenue laws of the United States, and those laws continue to be applicable to companies which are organized under the laws of the various States of the Union.

Mr. EDMONDS. I want to say to the gentleman that he is entirely mistaken in that, because there is absolutely no intention on the part of anybody to prevent it. If they had a 1 per cent revenue tax, they would have to pay it.

Mr. JONES of Texas. That may be what you intended, but that is not what you say.

Mr. LEHLBACH. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. LEHLBACH. The taxes in section 8 are the taxes which are levied in the District of Columbia, treating it as a local governmental organization, which would be levied by a State were these companies incorporated under the laws of a State.

Mr. JONES of Texas. I think so.

Mr. LEHLBACH. And the gentleman, whenever he quotes that phrase in section 8 which begins with "shall be taxed only on that proportion of the total underwriting profit," omits the phrase which immediately precedes it.

Mr. JONES of Texas. No.

Mr. LEHLBACH. Which is this, that the company's license to transact business within the District shall, with respect to marine insurance written by it within the District, be taxed only so-and-so. Now, that means the tax which a State locally would levy, and which is provided for in this bill as a local government expense, and does not exempt the companies organized under this from any general Federal provisions whatever.

Mr. JONES of Texas. But you go further and state over here that those taxes shall not apply; that those taxes only shall apply to foreign business. Inasmuch as foreign business will, of course, not be transacted in the District of Columbia, there would be practically no taxes. At least, that will furnish a basis of contention for all companies so organized.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. In answer to the gentleman's question, the chairman frankly told him that it was his purpose and the purpose of the committee to free these companies that are to do business under this act from all taxes on their income from foreign business. He has been very frank with the gentleman in admitting that. I wanted to call the gentleman's attention to the fact that that is another of the little inside advantages that these special companies are to enjoy over all the rest of the companies that do business in the United States.

Mr. JONES of Texas. Very clearly that is the way it seems to me. And the gentleman took the position that they should not pay these taxes. Now, if the gentleman from New Jersey [Mr. LEHLBACH] is correct, there can be no harm in adopting my amendment, which would leave these companies subject to the general revenue laws of the United States just the same. But no; you do not want that amendment. Now, the gentleman's construction would apply clearly if we leave out the clause which was written in paragraph 21, and which my amendment seeks to eliminate. In other words, I think these laws should be applied uniformly. If a company wants to do business in Texas or New York or in any other State, they should be permitted to do so on the same dead level of equality. Here you undertake to exempt corporations doing business in the District from certain taxes. In another place authority is

given to corporations in other States to merge with those in the District. It is a powerful means of coercion. I am glad the House has adopted the amendment of the gentleman from Massachusetts [Mr. WALSH], which eliminates the latter provision. Otherwise companies in other States would practically have been forced into the District. When you put in paragraph 21 "that any corporation organized to do business in foreign countries shall pay taxes as provided under section 5 of this act" you grant practically a total exemption as to the payment of taxes. If you enact that into the law you will drive every other company organized under any other State of this Union which does business in foreign countries out of business in those foreign countries or into dissolving and reorganizing within the District.

Mr. EDMONDS. Will the gentleman yield there?

Mr. JONES of Texas. I yield to the gentleman.

Mr. EDMONDS. What I want to say is this: If a company in New York has an agent in Spain and writes its business in Spain, it is not taxed in New York State. If a company in the District of Columbia goes over to Spain and does business in Spain, it would not be expected to be taxed for that business in the District of Columbia.

There is nothing in this bill in any shape or form that prevents the payment of Federal taxes. Whatever this Congress sees fit to tax these companies they will have to pay, not as a local matter but as a revenue matter.

Mr. JONES of Texas. Of course they would have to pay if you did not write in the body of the law a statement that they are exempt from the taxes. If you enact a law and then come along later and say that a certain company doing business in a certain place is not subject to the law, by inference you repeal the general law in so far as it applies to such company.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. SANDERS of Indiana. As I understand it, the gentleman is talking about Federal income taxes?

Mr. JONES of Texas. The general revenue laws of the United States.

Mr. SANDERS of Indiana. Excess-profit taxes, of course.

Mr. JONES of Texas. Well, it might be, so far as this year is concerned, income and all other Federal taxes.

Mr. CONNALLY of Texas. What about our "return to normalcy"?

Mr. JONES of Texas. Oh, that would be more than "normalcy" for these favored companies, and less than "normalcy" for all others.

Mr. SANDERS of Indiana. Certain taxes laid on incomes of corporations.

Mr. JONES of Texas. I would not want to undertake at the moment to analyze and state what ones would apply. But this would exempt these companies from all taxes, so far as the income and net returns from foreign business is concerned. I do not think they should be so exempted, because if a corporation is organized in my own State or in any other State they ought to be allowed to do business on the same basis, with the same rights and privileges, as a corporation organized under the laws of the District of Columbia.

Mr. SANDERS of Indiana. What I want to get at is, what the gentleman thinks this corporation will be exempted from?

Mr. JONES of Texas. It will be exempt from the general provisions of the revenue laws of the United States which apply to all other corporations doing business of this kind.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LEHLBACH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized in opposition to the amendment.

Mr. LEHLBACH. Mr. Chairman, section 21 of this bill, to which the amendment of the gentleman from Texas [Mr. JONES] is offered, provides that corporations engaged exclusively in writing insurance in foreign countries may be organized in the District under the same provisions under which domestic companies may be organized. It says that such foreign writing insurance companies may have their stock held wholly or in part by American corporations engaged in the same kind of insurance, and then it provides further, "Any corporation organized under this section shall pay taxes and fees as provided under chapter 5 of this act and shall comply with and receive the benefit of all other sections of this act so far as the same may be applicable."

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. If the gentleman from Texas will allow me to follow out the train of thought that I have in mind, I would prefer to do that. I do not want my train of thought to be broken.

Now, what are those taxes and fees provided under section 5? They are the local taxes in the District of Columbia, taxes payable on property locally taxable. They are taxes on the local property of the corporation, and they are taxed on that portion of the business done within the District of Columbia as that business compares with the business done in the United States generally. Now, these companies organized exclusively to do business in foreign countries will have no business in the District of Columbia, and therefore they will have no such tax levied on them. They will pay tax on their real estate and on their personal property locally under this chapter 5.

Now, there is nothing in section 21 which makes the payment of those taxes exclusive and limits the payment of other taxes.

It says they shall pay the same taxes as other companies organized in the District under chapter 5, and there is nothing in chapter 5 or in chapter 21 here which relieves these corporations, or the domestic corporations, or any other corporations doing insurance, either domestic or foreign, organized under this bill, from the general revenue laws of the country at all.

Mr. JONES of Texas. The gentleman is familiar with the principle of law that by enumerating certain things you exclude those not enumerated?

Mr. LEHLBACH. The gentleman is not familiar with a principle of law which says that if certain corporations must pay certain specific local taxes, that by construction relieves them of paying general taxes. There is no such general principle of law with which the gentleman from New Jersey is familiar.

Mr. JONES of Texas. This provision in section 21 says, "Any corporation organized under this section shall pay taxes and fees as provided under chapter 5 of this act."

Mr. LEHLBACH. Yes.

Mr. JONES of Texas. Does not that undertake to state what taxes they shall pay?

Mr. LEHLBACH. Certainly; taxes on their real estate and personal property.

Mr. JONES of Texas. And, in other words, they shall pay no other taxes than those named.

Mr. LEHLBACH. No; it does not say that at all. The gentleman would attempt to read into that section the word "only." He would make it read, "Any corporation organized under this bill shall pay taxes as provided under chapter 5, and no other taxes." These words are not there, either expressly or impliedly.

Mr. JONES of Texas. They are in the other section, to wit, section 8, and it expressly says that the other section shall apply.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. JONES].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. JONES of Texas. Mr. Chairman, I ask for a division. This is an important amendment.

The CHAIRMAN. The gentleman from Texas demands a division.

The committee divided; and there were—ayes 14, noes 22.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 24. That any person or corporation holding such license from the superintendent who shall do or perform any or all of the aforesaid acts in connection with marine insurance with any corporation, person, partnership, association, Lloyd's, individual underwriters, or interinsurers, which are not authorized by license of the superintendent to transact such business in the District, shall (1) maintain in good faith an office in the District, (2) keep in said office a complete book of record of the marine insurance transacted by, through, or with his or its assistance with unauthorized insurers, showing (a) a brief description or identification of the subject matter and kind of the insurance, (b) the voyage insured, or, if for time, the date of such insurance going into effect and the date of its termination, (c) the name of the beneficial insured, (d) the amount insured with unauthorized insurers, (e) the rate of premium, (f) the gross premium payable therefor. Such book of record shall also contain statements in the same details of all such insurances canceled or on which premiums have been increased or reduced (including laying-up returns) and the amounts of additional or of return premiums thereon; (3) keep in said office such additional record of the insurance, including the names of the corporations, partnerships, associations, persons, Lloyd's, underwriters, of interinsurers and the amount insured by each. The books of record and all supplementing records shall be open at all times to the inspection of and examination by the superintendent of insurance or anyone appointed by him for said purpose. The data as herein outlined shall be furnished to the superintendent within one month following his request therefor and upon the form furnished by him. Such classified records of any licensee reporting shall be regarded by the superintendent as intended solely for the information of the District and Federal Governments and shall not be revealed to any person not authorized by law to receive the same. Any person or persons in position to acquire the aforesaid information who shall, either while in office or after

leaving office, reveal such information to any person or corporation not legally authorized to receive the same shall be guilty of a misdemeanor and subject, upon conviction, to a fine of \$2,000 or imprisonment for one year, or to both such fine and imprisonment. Any licensee under this chapter failing to report such classified records within the time limit prescribed by this section shall forfeit to the District \$200 per month for each month he has failed.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I realize that it is somewhat presumptuous for a Member who has just come in on the floor to attempt to discuss a bill of this character; but I must confess that on looking this bill over it appears to me as if a whole regiment of Africans are concealed in this woodpile that is before the House. I am at a loss to understand how it is that these companies are permitted not only to insure anything that is carried by a ship but anything that is carried by an automobile as well. The bill purports to be a bill for marine insurance, but an examination of it shows that under it companies may be formed to carry on any kind of insurance. I am at a loss to understand this tax provision, and I should like to inquire of the gentleman from Pennsylvania [Mr. EDMONDS] if this bill is intended to cover much the same provision with reference to taxation of insurance companies that was at one time before the Ways and Means Committee, the purpose of which was to exempt marine insurance companies from certain taxes?

Mr. EDMONDS. This bill has nothing whatever to do with Federal taxes. Whatever Federal taxes may be assessed against insurance companies will be assessed against these companies organized in the District of Columbia just the same as against any other companies organized anywhere else.

Mr. GREEN of Iowa. I wish I was as well satisfied on that point as the gentleman seems to be.

Mr. EDMONDS. I am perfectly well satisfied, because that matter was taken up and carefully considered by the committee. Insurance companies are incorporated in the District of Columbia just the same as they are incorporated in the gentleman's State of Iowa, and just the same as they are incorporated in the State of New York. A company organized in the District of Columbia comes under any Federal law that may be passed relating to insurance companies, just the same as an insurance company organized under the laws of any State, and the taxes provided for in this bill are taxes to be imposed by the government of the District of Columbia for the purpose of paying the expenses of carrying on the office of commissioner of insurance in the District of Columbia and other necessary expenses. The purpose of this bill is to provide for the incorporation of marine insurance companies in the District of Columbia. There is an incorporation law in the District of Columbia to-day providing for the incorporation of companies to engage in other branches of the insurance business. There is nothing in this bill changing the law with reference to Federal taxes. These companies pay Federal taxes now and they will pay them after this bill passes. It appears difficult to draw the line in the minds of the Members between the incorporation of a local company in the District of Columbia and the incorporation of a Federal company, but this bill does not relate to the incorporation of a Federal company, but relates solely to the incorporation of companies under the laws of the District of Columbia.

Mr. GREEN of Iowa. If the gentleman will permit me, I will say that it would not be at all difficult to draw the line if only it had been drawn in this bill. It may be that the imaginary line that the gentleman speaks of can be traced by a careful reading of the provisions of this bill, and I confess that I have not gone over the legal features of the bill carefully enough to say that the gentleman is not correct; but it would have been perfectly easy to fix this so that there would be no doubt about it.

Mr. EDMONDS. There is no doubt about it. It never entered the minds of the members of the committee, and it never entered the minds of the experts who assisted the committee, that they were doing anything more than a town council would do for a city or than a State legislature would do for a State.

Mr. GREEN of Iowa. I know there have been cases in which gentlemen supposed they were doing that, but subsequently they found that they had done a good deal more than they intended to do.

Mr. EDMONDS. The gentleman knows just as well as I do that if the Ways and Means Committee draw a tax bill providing for the Federal taxation of insurance companies in all the States the companies in the District of Columbia will be included in that bill. It will be subsequent legislation anyhow. Supposing you pass a tax bill next year in which you tax insurance companies. The insurance companies in the District of Columbia must be taxed, of necessity, the same as any other insurance companies.

Mr. GREEN of Iowa. We do not pass tax bills in that way.

Mr. BLANTON. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman from Texas.

Mr. BLANTON. Suppose that what the gentleman suggests should happen. These insurance companies organized under this bill would come in and say, "We organized under a law in which you exempted us from certain taxes on our incomes on foreign business. Now, when you have passed a law so exempting us and we have come in here and organized and have begun doing business, is it fair for you to make us pay taxes from which we have been exempted?" That is the way they will answer the proposition.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. In view of the fact that other gentlemen have occupied most of my time I ask unanimous consent that I may proceed for two minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, as I stated, I am not prepared to say positively that the gentleman from Pennsylvania is not correct; but I am surprised that the bill is not brought in here in such form that a person can determine at a glance that he is correct in his statement that this will not interfere with the levying of Federal taxes. The sweeping provision with which the bill begins, including so many different kinds of insurance, rather leads me to distrust the experts who helped the gentleman prepare this bill. I do not doubt their cleverness. That is shown by the manner in which they have concealed the real purposes of the bill. They were evidently able enough, but I should prefer to have the advice of the Solicitor of the Treasury as to whether this would or would not exempt these insurance companies from Federal taxation, and I very much fear we are creating an insurance monopoly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last two words. I notice that according to sections 25 and 26, which have just been read, all corporations are required to take out a license and put up a bond. On page 31, under the first proviso, this superintendent is given the right to require a corporation organized under the laws of any State to take out a license and put up a bond with the superintendent. Does the gentleman mean corporations organized anywhere in the 48 States shall submit their right to do business to this superintendent?

Mr. EDMONDS. This provision is contained in every State law; your State has it, and my State has it.

Mr. JONES of Texas. The corporation has of course to comply with the State law, but you put in the further requirement that State corporations in addition thereto must come in and submit to further restrictions under the law which you insist is alone to apply to the District of Columbia. In other words, all the privileges you extend you extend only to corporations in the District, but when you come to put on restrictions and penalties you make them apply to all corporations organized in the different States.

Mr. EDMONDS. There is no State which does not require an outside company to submit to the superintendent and get a license before they can come in to do business.

Mr. JONES of Texas. Most assuredly, but they have to go further here and secure a license of this superintendent.

Mr. EDMONDS. Certainly; a corporation can not do business without complying with the State law.

Mr. JONES of Texas. On page 31 of the bill the first proviso reads:

Provided, That with respect to insurers organized under the laws of any foreign country and duly licensed to transact the business of insurance in any State or Territory of the United States and with respect to insurers organized under the laws of any State or Territory of the United States, said license shall not issue unless the superintendent shall be satisfied.

And so forth.

They must satisfy the superintendent of insurance of the District of Columbia, and he has the right to require penal bonds from them under the provisions set out here; and there are a number of other restrictions which have been named in sections 25 and 26, and at the same time none of the benefits of the various tax exemptions, and so forth, which are provided in the bill, inures to the benefit of the corporations organized under the laws of the various States.

Mr. EDMONDS. None of the benefits, of course—if they want to come in and establish themselves here—

Mr. JONES of Texas. That is it, you force every one of them to come here, you drive them out of business in the various

States by giving them exemptions and benefits that you do not allow those not in the District of Columbia.

Mr. EDMONDS. As I have said, this is a provision that is in every State law in the country. No company outside of the State can come into the State and do business without getting a license from the superintendent.

Mr. JONES of Texas. Why do you require them to come here?

Mr. EDMONDS. We do not require them to come here; they can come here if they want to, but they do not have to come here.

Mr. JONES of Texas. But even if they do not come here to do business they have to get a license—

Mr. EDMONDS. Oh, no.

Mr. JONES of Texas. Under the provisions on page 31, if the superintendent requires it, before they can do business they must get this license.

Mr. EDMONDS. This has nothing to do with foreign companies.

Mr. JONES of Texas. It would apply not only to foreign companies, but the companies doing business here.

Mr. EDMONDS. This is a provision that is in every State law in the Union. If you have an insurance company in Texas you can not go into Pennsylvania unless you have satisfied the superintendent or the insurance commissioner.

Mr. JONES of Texas. You require the companies in the various States to get a license and do everything that is required, and then you place alongside of that tax exemptions for District of Columbia corporations which do not apply to other companies unless they come to the District of Columbia.

Mr. EDMONDS. If a company in the District of Columbia wants to do business in the State of Texas it has to comply with the laws of the State of Texas.

Mr. JONES of Texas. If a corporation in the District of Columbia wants to do a foreign business it does not have to comply with the laws of the different States, whereas if a State corporation wants to do business, it must comply with the laws of the State—

Mr. EDMONDS. If a company organized under the laws of New York wants to do business in the State of Texas it has to comply with the laws of the State of Texas.

Mr. STEVENSON. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. STEVENSON. I understood the gentleman from Pennsylvania to say, in reply to a question by the gentleman from Iowa [Mr. GREEN], that if there were exemptions contained in the bill as to Federal taxation, if a bill was passed next year taxing all insurance companies, that would probably require them to pay a tax. I do not know whether there is an exemption here or not, but I want to direct attention to the fact that if a company comes in here and incorporates under a charter that exempts them from taxation and the charter does not provide for amendment or a repeal, that contract could not be impaired by subsequent legislation.

Mr. EDMONDS. There is nothing in this bill that prevents Federal taxation.

Mr. STEVENSON. I hope very much there is not, because there is nothing in the bill which prevents that from becoming an irrevocable contract. You have not put any provision in here which provides for the subsequent repeal or modification or amendment of this act.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. TINCHER. As I understand the gentleman's position it is that if a corporation obtains a charter under a law that exempts a corporation from taxation no subsequent legislative body could impose taxes on that corporation.

Mr. STEVENSON. That depends on when and where. In the District of Columbia a charter that is passed, with an exemption from taxation which is accepted and under which the corporation is organized can not subsequently be impaired by imposing taxes unless the charter itself has a provision in it that it is subject to amendment hereafter by Congress, because there is nothing in the Constitution that prohibits that thing.

Mr. LEHLBACH. Does the gentleman know of a jurisdiction within the Union which, since the Dartmouth College decision, does not provide in its basic law that charters are not unamendable contracts?

Mr. STEVENSON. I do not know of any, except the Congress of the United States, and there is nothing in the Constitution of the United States which safeguards that. Therefore when Congress passes a charter for a corporation in the District of Columbia it must provide for subsequent amendment, or it becomes an irrevocable contract.

The CHAIRMAN. The time of the gentleman from South Carolina has expired, and the Clerk will read.

The Clerk read as follows:

CHAPTER XII.—CLERICAL ASSISTANCE AND DEPARTMENTAL EXPENSES.

SEC. 29. For the purpose of carrying out the provisions of this act the superintendent of insurance is authorized to appoint, in addition to the present force, an examiner at \$3,000 per annum, a clerk-stenographer at \$1,800 per annum, and to increase the contingent expenses of the Insurance Department in the sum of \$800.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 36, line 21, after the figures "800," add a new section as follows:

"Nothing herein shall be construed so as to relieve any corporation organized under the provisions hereof from the payment of taxes on its income under the revenue laws of the United States."

Mr. SANDERS of Indiana. Mr. Chairman, I offer that for the purpose of clarifying and making sure that the provisions of the act mean what the author of the bill contends they mean, and to meet the point made by the gentleman from Texas [Mr. JONES]. One of these sections deals with taxes. I think it was not meant to deal with Federal income taxes. Another provision refers to it, but it is left somewhat ambiguous.

Mr. JONES of Texas. Does the gentleman so word his amendment as to apply it to these companies which do business both foreign and domestic?

Mr. SANDERS of Indiana. Any corporation organized under this act.

Mr. EDMONDS. Where does that come in?

Mr. SANDERS of Indiana. As a new section.

Mr. EDMONDS. And that will make a new chapter. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the Sanders amendment.

Mr. JONES of Texas. Mr. Chairman, I suggest to the gentleman from Indiana that he should insert the words, "or doing business" after the word "organized," in his amendment. Some corporations might already have been organized. I think the amendment should read "any corporation organized or doing business under the provision of this act."

Mr. SANDERS of Indiana. The tax sections deal only with corporations organized. Certainly there is nothing that would indicate that a corporation not organized here would not pay taxes.

Mr. JONES of Texas. I have in mind the provision about the merging of corporations here with outside corporations as well as corporations heretofore organized and which undertake to qualify under this law.

Mr. SANDERS of Indiana. The bill authorizes only the merger of two corporations organized within the District. The language permitting a merger of outside corporations with District corporations was stricken out.

Mr. JONES of Texas. Mr. Chairman, I move to amend the amendment by inserting after the word "organized" the words "or doing business."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Amend the amendment by inserting after the word "organized" the words "or doing business."

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman from Indiana permit me to ask him a question? In line 18, on page 3, there is a provision that a marine, fire-marine, or fire insurance company "may be formed, admitted, or licensed." Should not the amendment of the gentleman from Indiana be so worded as to include not only those organized but those formed, admitted, or licensed?

Mr. SANDERS of Indiana. My purpose was to clarify what I thought might be an ambiguity in the two sections and to make it clear that we were not relieving them from Federal income taxes.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. SANDERS of Indiana. Yes.

Mr. LEHLBACH. Will not the gentleman ask unanimous consent to return to Chapter V on page 12 of the bill, which deals with taxes, and offer his amendment there at the end of that chapter, on page 21, to follow section 16 as section 17? It would then be in its proper order.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent to return to Chapter V on page 12, and that the amendment which I have offered be offered at the end of page 21 as a new section, to be numbered 17.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the amendment which he has offered at the Clerk's desk, with the amendment to the amendment offered by the gentleman from Texas [Mr. JONES], be considered as an amendment to Chapter V, to be offered at the bottom of page 21 as section 17. Is there objection?

There was no objection.

Mr. JONES of Texas. Mr. Chairman, just this word in reference to the amendment which I have offered. On page 31 and two or three other places this clearly authorizes the licensing of corporations organized in the various States of the Union, also corporations heretofore organized.

Mr. SANDERS of Indiana. If the gentleman will yield. Of course, there is no objection to the gentleman's language, because the amendment I have offered is an amendment that the law shall not be construed to relieve any of these corporations from the Federal income tax, and there is no objection, of course, to providing to add any additional corporation, because the language ought not to be construed to relieve any corporation.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question is upon the amendment of the gentleman from Indiana as amended by the amendment of the gentleman from Texas.

The question was taken, and the amendment to the amendment was agreed to.

Mr. LEHLBACH. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from New Jersey rise?

Mr. LEHLBACH. I ask unanimous consent that the Clerk be authorized to renumber the sections following section 17.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. LEHLBACH. I further ask unanimous consent that the Clerk may amend the bill by striking out the word "chapter" wherever it occurs in the caption and inserting the word "title."

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

CHAPTER XIII.—UNCONSTITUTIONALITY OF PART OF ACT NOT TO AFFECT THE REMAINDER.

SEC. 30. That this act shall supersede the provisions of any other law of the District in conflict therewith. Should any section or provision of this act be held unconstitutional or invalid, the constitutionality or validity of the act as a whole or of any part thereof, other than the part so held unconstitutional or invalid, shall not be affected.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, line 4, add a new section, as follows:

"Sec. 31. That the right to alter, amend, or repeal is hereby reserved."

Mr. SANDERS of Indiana. Mr. Chairman, I do not think that is quite the language we usually use, but I do not recall the exact language. I ask unanimous consent to insert the words "this act" after the word "repeal."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FOCHT. Mr. Chairman—

Mr. BLANTON. Mr. Chairman, I offer the following amendment. I move to strike out the enacting clause.

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that it is not in order at the present time, the entire bill having been read, and the Chair recognized the gentleman from Pennsylvania.

Mr. BLANTON. This is a preferential motion at any time before the committee rises.

Mr. SANDERS of Indiana. I think this motion is not in order after the entire bill has been read and a new section added.

The CHAIRMAN. The Chair is of the opinion that the motion is in order at any time before the committee rises, and therefore will put the motion of the gentleman from Texas.

The question was taken, and the Chair announced that the yeas seemed to have it.

Upon a division (demanded by Mr. BLANTON), there were—ayes 16, yeas 46.

So the motion was rejected.

Mr. FOCHT. Mr. Chairman, I move that the committee do now rise and report the bill with amendments, with the recom-

mentation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having assumed the chair as Speaker pro tempore, Mr. McARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 2265, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FOCHT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded upon any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time.

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the Committee on the District of Columbia.

Mr. FOCHT. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from Texas to recommit the bill to the Committee on the District of Columbia.

The question was taken, and the Speaker pro tempore announced the yeas appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 14, noes 45.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is upon the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the yeas appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 44, noes 8.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

Mr. CONNALLY of Texas. Will the gentleman withhold his motion a moment?

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. There is a point of no quorum pending. The gentleman from Wyoming moves that the House do now adjourn.

ADJOURNMENT.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, February 23, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

549. A letter from the Assistant Secretary of Labor, transmitting a list of useless papers in the office of the Solicitor of the Department of Labor to be disposed of in accordance with law; to the Committee on Disposition of Useless Executive Papers.

550. A letter from the Secretary of War, transmitting offer made by the Alabama Power Co. proposing to complete the Wilson Dam at Muscle Shoals, Ala. (H. Doc. No. 192); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SINNOTT: Committee on the Public Lands. H. R. 10002. A bill to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation in the State of Wyoming; without amendment (Rept. No. 720). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHREVE: A bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. HIMES: A bill (H. R. 10560) authorizing and directing the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise a suitable site and cause to be erected thereon a suitable building for the use and accommodation of the post office and other governmental offices at Canton, Ohio, at a cost not to exceed \$500,000, and to sell the present building and site; to the Committee on Public Buildings and Grounds.

By Mr. PRINGEY: A bill (H. R. 10561) to pay the balance due the Loyal Creek Indians on the award made by the Senate on February 16, 1903; to the Committee on Indian Affairs.

By Mr. CROWTHER: A bill (H. R. 10562) to amend section 300 of the war risk insurance act as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SWING: A bill (H. R. 10563) to authorize the leasing of unallotted lands on Indian reservations; to the Committee on Indian Affairs.

By Mr. APPLEBY: A bill (H. R. 10577) to create a new division of the Bureau of Education, to be known as the Federal motion-picture commission, and defining its powers and duties; to the Committee on Education.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON: A bill (H. R. 10564) granting an increase of pension to Ruby J. C. Furlong; to the Committee on Pensions.

Also, a bill (H. R. 10565) granting an increase of pension to Charles A. Streeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10566) for the relief of May B. Rollins; to the Committee on Claims.

Also, a bill (H. R. 10567) for the relief of Emanuel Lieberman; to the Committee on Claims.

By Mr. DALE: A bill (H. R. 10568) granting a pension to Bessie B. Waldo Howland; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 10569) granting a pension to Samuel P. Keynon; to the Committee on Pensions.

Also, a bill (H. R. 10570) granting a pension to Jasper H. B. Norfleet; to the Committee on Pensions.

By Mr. LOGAN: A bill (H. R. 10571) granting a pension to Lizzie C. Thayer; to the Committee on Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 10572) granting an increase of pension to Lewis C. Jones; to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 10573) granting an increase of pension to Harry L. Hoff; to the Committee on Pensions.

By Mr. SWANK: A bill (H. R. 10574) granting a pension to Frederick Dose; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 10575) granting a pension to Otis C. Mooney; to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 10576) for the relief of H. H. Dean; to the Committee on Appropriations.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4224. By the SPEAKER (by request): Memorial adopted by the Ketchikan Commercial Club, of Ketchikan, Alaska, for the protection of salmon fisheries of Alaska; to the Committee on the Merchant Marine and Fisheries.

4225. By Mr. BARBOUR: Petition of Harold W. Roberts Post, No. 466, Veterans of Foreign Wars, of San Francisco, Calif., re the Wadsworth-McKenzie bill; to the Committee on Military Affairs.

4226. By Mr. CLAGUE: Petition of numerous citizens residing at Wells and Belview, Minn., asking that the Government Grain Corporation be revived; to the Committee on Agriculture.

4227. By Mr. FENN: Petition of Mount Aetna Commandery, Knights of Malta, in support of Towner-Sterling educational bill (H. R. 7); to the Committee on Education.

4228. Also, memorial of the Connecticut Chamber of Commerce, remonstrating against transfer of control of national forests from the Department of Agriculture to the Department

of the Interior; also remonstrating against passage of House bill 7542, unless it be so amended as to protect the Roosevelt-Sequoia National Park from water-power developments, except as existing national parks are protected; to the Committee on Agriculture.

4229. By Mr. FULLER: Petition of 202 citizens of Rockford, Ill., asking for the immediate enactment of the Fordney tariff bill, with adequate protective rates, based on American labor costs and the American standard of living; to the Committee on Ways and Means.

4230. By Mr. GALLIVAN: Petition of the Milk Dealers' Association of Boston, Mass., urging favorable action on House bill 7459, relative to the manufacture and sale of "filled-milk" products; to the Committee on Ways and Means.

4231. Also, petitions of Louis G. Connell, of 511 Talbot Avenue, Dorchester, Mass., and other constituents of the twelfth Massachusetts district, urging early and favorable action on the Tinkham bill (H. R. 9805); to the Committee on the Post Office and Post Roads.

4232. By Mr. KELLY of Pennsylvania: Resolutions of the Pittsburgh Chamber of Commerce, opposing the passage of the adjusted compensation bill; to the Committee on Ways and Means.

4233. Also, resolutions of the Braddock (Pa.) Chamber of Commerce, favoring the passage of the adjusted compensation bill; to the Committee on Ways and Means.

4234. By Mr. KISSEL: Petition of the Central Trades and Labor Council of New York City, N. Y., urging the passage of House bill 10034; to the Committee on the District of Columbia.

4235. Also, petition of James R. Williston, Esq., of New York City, N. Y., protesting against the soldiers' bonus legislation; to the Committee on Ways and Means.

4236. Also, petition of the Warner Sugar Refining Co., of New York City, N. Y., protesting against the 60 per cent tariff on Cuban raw sugars; to the Committee on Ways and Means.

4237. By Mr. THOMPSON: Petition of Local 667, International Association of Machinists, of Van Wert, Ohio, opposing a sales tax to provide payment of soldiers' bonus; to the Committee on Ways and Means.

SENATE.

THURSDAY, February 23, 1922.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, again we recognize the hand that is blessing us. Again we put our lives before Thee asking for Thy direction, so that every course we may take may be agreeable to Thy mind and will, and that in all the duties of the day we may find ourselves in happy correspondence with those high and holy purposes which shall meet with Thine approval. The Lord our God be our portion always. Through Jesus Christ. Amen.

The VICE PRESIDENT resumed the chair.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Jones of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, transmitting, pursuant to law, a list of papers and documents on the files of the Department of Labor which are not needed in the conduct of business and having no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. STERLING and Mr. McKELLAR members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of sundry citizens of Terrace, Sedan, Murdock, Broton, and Sunburg, all in the State of Minnesota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a petition of sundry business men and citizens of Independence, Kans., praying for the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

Mr. PHIPPS presented a memorial of sundry citizens of the State of Colorado remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a letter in the nature of a petition from Local Union No. 4, American Flint and Glass Workers' Union, of Newark, Ohio, praying for inclusion in the pending tariff bill of an adequate protective duty on flint glass based on American valuation, which was referred to the Committee on Finance.

He also presented a resolution adopted by Bucyrus Lodge No. 1321, International Association of Machinists, of Bucyrus, Ohio, favoring the making of all munitions and war equipment in Government plants, which was referred to the Committee on Military Affairs.

Mr. LADD presented a resolution adopted by Minot Lodge No. 765, International Association of Machinists, of Minot, N. Dak., favoring the making of all munitions and war equipment in Government plants, which was referred to the Committee on Military Affairs.

He also presented a petition of Aug. Honeyman and 35 others of Havelock, N. Dak., and vicinity, praying for the enactment of legislation reviving the Government Grain Corporation, so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. NEWBERRY presented a petition of the Houghton (Mich.) Association of Commerce, praying for the passage of the so-called Lehlbach reclassification bill, which was referred to the Committee on Civil Service.

He also presented a petition of the Detroit (Mich.) Federation of Labor, praying for the enactment of legislation permitting the manufacture and sale of light wines and beer, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Detroit, Mich., praying for the passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Columbia Community Center, of Detroit, Mich., favoring relief for the suffering peoples of Austria by deferring payment for 20 years of Austria's debt, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Iron Mountain Commercial Club, of Iron Mountain, and the Houghton Association of Commerce, of Houghton, both in the State of Michigan, favoring the enactment of legislation for improvement of the St. Lawrence River so as to admit ocean-going vessels to the Great Lakes, which were referred to the Committee on Commerce.

NATIONAL SCREW THREAD COMMISSION.

Mr. POMERENE (for Mr. KENYON), from the Committee on Manufactures, to which was referred the joint resolution (H. J. Res. 227) extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922, reported it without amendment and submitted a report (No. 511) thereon.

RELIEF OF FARMERS IN CROP-FAILURE AREAS.

Mr. LADD. Mr. President, from the Committee on Agriculture and Forestry I report back favorably, with amendments, the bill (S. 2897) to appropriate \$5,000,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture. As it is a matter of emergency, I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment was, in section 1, on page 1, line 4, after the word "farmers," to insert "for feed to relieve animals," and at the end of line 6, after the word "purchase," to insert the words "of feed and," so as to read:

That the Secretary of Agriculture is hereby authorized, for the crop of 1922, to make advances or loans to farmers for feed to relieve animals in the crop-failure areas of the United States, where he shall find that special need for such assistance exists, for the purchase of feed and of wheat, oats, barley, and flaxseed for seed purposes, and, when necessary, to procure such seed and sell same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed thus obtained by him for the production of grain or flaxseed.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "therefor" and before the period, to insert "or in the case of loan for feed for the relief of live stock, the lien shall be made on the live stock," so as to read:

A first lien on the crop to be produced from seed obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor, or in the case of loan for feed for the relief of live stock the lien shall be made on the live stock.

Mr. WATSON of Georgia. Mr. President, will the Senator in charge of the bill please explain it to the Senate?

Mr. LADD. In the southwestern part of North Dakota, in portions of Montana, in portions of South Dakota, and in portions of Montana they have had several years of drought, six years in some of those sections. The farmers during the past year had the promise of a good crop, until July. It looked as though they would produce 20 or 30 bushels per acre, but just then, as sometimes has happened in that western country, hot winds came from the south and completely destroyed all their crops in six counties and in parts of other adjoining counties in North Dakota as well as in other States. This was the fifth or sixth failure for that section of the country.

One would think, perhaps, that in that dry region the land is unsuited for agriculture. The rainfall, it is true, is not large, being about 14 inches, but until 1917 they always had large crops. It is a new country, with about 50,000 to 60,000 people.

This year a new condition has come, in that the crop was not only completely destroyed by the hot wind and the rust that followed, but within the past 30 days since the bill was originally introduced the snowfall, which is unusual in that country, is over 2 feet deep and is frozen. There was almost no feed. The farmers had hoped that the cattle might get a part of their feed from the open fields during the winter, but the snow having come to the depth of 2 feet and frozen the animals are unable to secure any feed whatever from that source. The supply of feed is practically all gone and the animals are dying in great numbers.

I am not proposing in the bill nor is my colleague [Mr. McCUMBER] proposing a donation to these people, but it can readily be seen that their financial power is exhausted. They are new settlers, just getting started, the majority of them having been there only 12 or 13 years. Their farms are mortgaged to the limit. Naturally, in order to purchase animals and erect buildings their credit at the bank was exhausted after a failure of crops for five or six years, and they have no means to secure help unless the Federal Government comes to their aid and loans them the money, under the charge of the Secretary of Agriculture, who will arrange for the loans, for a lien on the crops and on the stocks, and the farmers will repay the loans as soon as they secure a crop. The crop conditions appear to be favorable this year.

Mr. WATSON of Georgia. I think I understand the bill now, and I desire to make merely this suggestion: If the Senator will substitute the words "boll weevil" for the word "drought," his description of his part of the country and the calamities that fell upon it would fit my own. I ask the Senator in all earnestness and kindness if I introduce a similar bill for a loan to the people of my section, ruined by the boll weevil, will he support it?

Mr. LADD. I certainly will.

Mr. BORAH. Mr. President, I just came into the Chamber. If the bill is not too long, I would like to have it read again.

The VICE PRESIDENT. The bill has not yet been fully reported. It is being read for amendments. It will be reported for the information of the Senate.

The Assistant Secretary read the bill, as proposed to be amended.

Mr. BORAH. I would like to ask some member of the Committee on Agriculture, or I will address my inquiry to the chairman of the Committee on Irrigation and Reclamation, what is the status of the legislation with reference to deferring payments on reclamation projects?

Mr. McNARY. In answer to the Senator from Idaho I will say that the bill has been reported favorably by the Committee on Irrigation and Reclamation. Wide discretion is given to the Secretary of the Interior by the provisions of the bill to designate particular instances where payments should be deferred. The bill is on the calendar, and I hope within a week to call it up for consideration.

Mr. BORAH. Does the bill provide simply for deferring the payments for one year or for a longer period?

Mr. McNARY. It provides for the postponement of construction charges or water rights for two years, with a charge of 5 per cent per annum on deferred payments. It has nothing to do, however, with the pending bill. There is no analogy between the measures. There is a precedent for the pending legislation found in last year's annual agricultural appropriation act, where the Senate provided an appropriation of \$2,000,000 to take care of people in the drought-stricken regions, who are not

in the vicinity of the irrigation projects but are dry farmers alone.

Mr. BORAH. I understand it has no relevancy or relationship, so far as legislation is concerned, but it is all designed to meet one proposition, and that is to enable farmers to save their homes and farms.

Mr. McNARY. Of course, that is the general tenor of all beneficial legislation of this character.

Mr. BORAH. That is the reason why I thought it would be interesting to know whether we are going to save those on the reclamation projects as well as the others.

Mr. McNARY. I can assure the Senator from Idaho that there will be no lagging in the proposition at all. The pending bill is to take care of those living in the drought-stricken regions who engage in dry farming and enable them to procure seed. The Government has aided them twice formerly.

Mr. BORAH. I understand that.

Mr. McNARY. Part of the money has been returned and part of it has not. The committee reported unanimously in favor of the bill introduced by the Senator from North Dakota [Mr. McCUMBER], and whatever disposition is made of the bill introduced by that Senator, I can assure the distinguished Senator from Idaho the other bill will be cared for in a few days.

Mr. BORAH. I am very glad to have that assurance. I did not mean by any question I asked to imply that the committee had been recreant to its duty at all, but I did mean to say that the legislation basically is the same in one instance as in the other, and that is to protect those who have farms from being sold out. I wanted to feel that action was to be had, otherwise it might be practicable to attach that proposition as an amendment here.

Mr. McCUMBER. Mr. President, I desire to supplement what has been said by my colleague, the junior Senator from North Dakota [Mr. LADD], with reference to the conditions of the southwestern part of the State of North Dakota. My colleague has properly stated that there has been a succession of crop failures, which in some counties in North Dakota have run through a period of five or six years. The banks of the vicinity have loaned to the extent to which they are permitted to grant credit; the counties have gone as far as their constitutional tax limitation would allow them to go. The lands were plowed back ready for the 1922 spring seeding, but the farmers, on account of the drought of last year, are entirely without seed. It is necessary that they be furnished seed, or else there are whole counties not more than 20 per cent of whose acreage will be put in crop at all.

Mr. President, I agree with the Senator from Idaho [Mr. BORAH] that the farming condition throughout the United States is such that in the irrigated districts it will be necessary to allow time for the payment of the amounts that will be due the Government of the United States; that it will be necessary in some instances where advances have been made by the Government to grant a year or two and to allow the farmers to raise a crop in order to make their payments.

Mr. POMERENE. Mr. President—

Mr. McCUMBER. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, in looking over the bill I find that it provides for a lien on the crop to be produced from the seed furnished under the appropriation. The bill also provides that where the grain is used for feed it shall be regarded as a lien on the live stock. Would not the Senator from North Dakota be willing to go further in this matter and provide that the grain thus used shall constitute a lien on the real estate? I am disposed to be friendly toward the measure, and I want to help in granting this relief, but at the same time we must realize the fact that these are public funds, and we ought to have as much security as may be reasonably obtained.

Mr. McCUMBER. I do not think the Senator from Ohio fully understands the purposes of the pending measure. There is no intention of feeding to live stock the grain which is obtained for seed; there is no provision of that kind in the bill. There is, however, an amendment which allows \$1,000,000 of the \$5,000,000 to be used with which to buy feed, so that one-fifth of the total amount may be used to buy hay or buy anything that may be used for feed, and for such amount as may thus be used there will be a lien upon the live stock.

The grain itself that is bought for seed must, under the terms of the bill, be used for seed purposes. If the farmers get a crop from the seed the Government will have a first lien upon that crop, but if they do not get a crop from the seed I do not think the Government ought to claim a lien upon the land itself. The land itself is now mortgaged, in most instances, for about all that it is worth. If the farmers could get anything more than they have in the shape of a mortgage upon their lands by obtaining a second or a third mortgage or

any kind of a lien, they would buy the seed themselves; they would not come to Congress for aid. They can not get the money on an additional mortgage; the banks can not help them out. It is almost a case of starvation so far as they are concerned.

I wish also to refer to the live-stock matter, as to which my colleague did not fully go into the details. In the last three days I have received more than 300 telegrams from the live-stock section of the State, from banks and from private individuals. They estimate that the loss of life amongst live stock will range all the way from 30 to 75 per cent of all of the live stock which is raised in that section of the country unless they get immediate relief. As explained by my colleague, the farmers, on account of the drought, did not even raise sufficient hay last year, but they hoped for an open winter, which we sometimes have. In such an open winter, with the buffalo grass of that section, the farmers can do some feeding outside, but with 2 feet of snow and a crust frozen over that every foot of pasture is gone, and now the farmers must rely entirely upon feeding. With the lien the Government will have upon the live stock it will be protected if that live stock can be saved. So, Mr. President, I ask that we may rush this measure through as quickly as possible. I agree also with the Senator from Georgia [Mr. WATSON] that each section of the country should have the relief that is necessary to care for its needs.

Mr. LODGE. Mr. President, I gave notice that I would call up the treaty with Japan immediately on the conclusion of the routine morning business. I do not wish to object to this bill, but if it is going to lead to protracted debate I shall have to ask for the regular order.

Mr. FLETCHER. Mr. President, I understand unanimous consent has already been given.

The VICE PRESIDENT. The Senate is proceeding under unanimous consent.

Mr. LODGE. Unanimous consent has been given to consider the bill?

Mr. McCUMBER. Yes; and I will say to the Senator that I think it will only take a few minutes to dispose of it.

Mr. FERNALD. Mr. President, as a rule I am very glad to accept and do accept the opinion expressed by Senators from the States who have these matters in charge. There comes to my desk and that of every other Senator every morning a statement of loans made to farmers in 16 or 17 States. I approve of what is being done in that regard, and I am anxious to aid the farmer at all times. I presume that the farmers in every State in the Union might bring forth, as the Senator from Georgia has stated, some reason why they should have aid and assistance from the Federal Government. These loans, I imagine, may continue from now until the end of time, but whether or not the making of them is really an advantage to those engaged in agriculture I am unable definitely to determine. I believe that such matters ought always to be thoroughly thrashed out before the proper committee, and for that reason I rarely rise on the floor of the Senate to discuss measures of this kind.

In this instance I am not surprised at the statement of the Senator from North Dakota that the banks are rather loath to make loans to the particular farmers who would be the beneficiaries of this bill. He stated that they were new residents; that they had been in the locality for only a few years—I think some 10 or 12 years—and that they had suffered six crop failures. It would appear to me that rather poor security is afforded to the Federal Government in making loans under such conditions.

I am not going to object to this bill; I am going to vote for it, I suppose; but just how far the Government ought to go along this line of business, I am at a loss to understand. I assume that I must also vote for the bill which has been presented by the Senator from Georgia, and we have troubles also in the State which I have the honor in part to represent; but we have never asked the Federal Government for a loan, and up to this time have never received a loan from the Federal Government.

Mr. WATSON of Georgia. Mr. President—

Mr. FERNALD. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. The States in the cotton belt are under mortgage now to the extent of \$500,000,000. Half of the farms of the cotton belt are under mortgage, and they would not, in my judgment, if forced to sale to-day, bring enough to pay off the encumbrance. A typical instance is this: A two-horse farmer, owning 123 acres of land, made one bale of cotton on 20 acres. At the suggestion of my friend, the Senator from Ohio [Mr. POMERENE], I will state that a one-horse farm means, as a rule, 30 acres under cultivation, some-

times slightly less and sometimes slightly more. In this case there must have been two plows, because there were 20 acres in cotton, and a farm of 123 acres would readily allow two horses or even three, perhaps; but the farm being under mortgage and the entire expense of cultivation having been incurred, including the support of the owner's family, the payment of wages and the support of the labor, the farmer made only one bale.

Of course, the Senator can realize that that means ruin, for the Senator can see what 500 pounds of cotton, say, at 20 cents a pound would come to; it would not pay for the support of the family. That man had to leave his farm; he was offering it for sale and trying to find a purchaser the last I heard of him. The case is typical.

I received a telegram yesterday about my own farm very much to the same effect. I had to telegraph back offering to do for my tenant just what the Senator from North Dakota is trying to have the Government do for his constituents. In that case I would have had an equitable claim for a loan from the Government for the tenants, not for myself. The circumstances of that case apply throughout the South. I actually believe that the mortgaged farms in the South to-day would not sell for enough to pay off the debts, and the farmers are quitting their farms because of the complete failure of crops owing to the boll weevil.

Mr. FERNALD. Mr. President, I thank the Senator; and I know the conditions are exactly as stated, and it may be said that the farmers in every other State in the Union are likewise laboring under difficulties. In the case of the State of Maine, for instance, we have trouble with our potato crop. The farmers to-day have 37,000,000 bushels of potatoes which they can not sell for what it cost to produce them. So we might start from the Orient and go to the Occident, and in every State we would find farmers in trouble.

If this condition exists and this is the policy to be pursued by the United States Government, then we want to continue it, as the Senator from Georgia has stated; but the attention of the people of the country ought to be brought to what Congress is doing along this line.

Mr. WATSON of Georgia. Mr. President—

Mr. FERNALD. I yield to the Senator.

Mr. WATSON of Georgia. I hope I will be understood. I have always favored governmental loans on land and on the products of the land. I have always favored direct loans by the Government to the people. Therefore I am going to support the bill of the Senator from North Dakota.

Mr. FERNALD. Mr. President, I will not detain the Senate longer.

Mr. RANSDELL. Mr. President, I am a member of the Agricultural Committee, which examined this bill and reported it out favorably. I supported it in the committee and shall support it here. There are exceptions to all rules, Mr. President and Senators, and this is one of the exceptions.

I sympathize with the situation described by the Senator from Georgia [Mr. WATSON]. My own section of the South experienced exactly the same condition with the boll weevil when it first appeared a number of years ago. We suffered terribly and are suffering somewhat now; but I believe we are all getting enough to eat, and our live stock are not starving. The evidence before the Agricultural Committee showed that the people out in these portions of North Dakota and Montana have scarcely food enough to eat, and their work animals are literally starving. It is a bad situation and calls for exceptional treatment. It is comparable to other conditions which have occurred in our Republic and in other parts of the world when our Government has gone to the relief of the suffering. I have seen situations similar to this in the Mississippi Valley, when by a tremendous overflow of the Mississippi River many counties were submerged, thousands of people driven from their homes, their live stock destroyed, their ability to make a crop for that year completely frustrated, and the Congress has come to their relief.

In this case the evidence before the committee showed that for five consecutive years the crops in that section have been almost a complete failure, due to no fault of the people themselves, not due to indifference, laziness, or any lack of effort. The testimony showed that they had a wonderful crop last year until about the middle of the month of July, when warm winds swept over their fields and shriveled them, destroying food for man and beast. It is a different situation, Senators, from the boll-weevil menace; it is different from that existing anywhere else in the United States. It is a small section, but very important. We are merely lending these stricken people our credit to give them seed to plant their crops and to feed their work animals for a brief period. I hope it will be considered one of the exceptions which prove the rule in every

instance, and that the Senate will not hesitate but will pass this bill promptly.

Mr. OVERMAN. Mr. President, I desire to ask the Senator from Oregon [Mr. McNARY] a question. He says there is a precedent for this, and that some years ago we appropriated \$2,000,000, and that some of the money has been paid back. How much of it has been paid back?

Mr. McNARY. The Senator means with respect to this extension of governmental credit?

Mr. OVERMAN. Yes.

Mr. McNARY. Last year the annual Agricultural appropriation bill carried an item of \$2,000,000. One million nine hundred and some-odd thousand dollars was loaned to the farmers in the drought-stricken regions, mainly in North Dakota, the eastern part of Montana, and the eastern part of the State of Washington. About 50 per cent of it has been returned to the Government.

Mr. OVERMAN. Another question: The Senator said that this money was for the purpose of buying seed for dry farming. I want to know something about this dry farming. Is it a success? It seems that for six years they have failed to raise a crop. What is the Senator's experience? What can he tell us about dry farming, as to whether or not it is a success?

Mr. McNARY. I will say to the Senator from North Carolina that I am a very experienced farmer; but I farm in a moist, humid country, where we have plenty of rainfall. I am not an experienced, scientific dry farmer, like the Senator from Idaho, but I do know that over a period of a great many years dry farming has proven profitable. Unfortunately, however, in this particular district drought has stricken the farmers; but last year it was not a question of drought. It was a question of hot winds at the time when the milk was in the seed. This year the prospects for a crop are excellent, on account of the great quantity of snow that has fallen in the mountains, and that will conserve and preserve the moisture until late in the season; and I have no doubt that unless something unusual should arise the farmers will have an abundant crop.

Mr. OVERMAN. Dry farming is a success in this country, then, is it?

Mr. McNARY. I should say that dry farming is a success, although I am not an experienced dry farmer. I am the other kind.

Mr. FERNALD. Mr. President, I sympathize greatly with these people, and I am perfectly willing to make the appropriation as a matter of charity; but as a business matter, for this Government to make a loan with security on lands or cattle or grain where there is a crop only every other year, or half of the time, seems to me a very poor proposition.

Mr. BORAH. Mr. President, the Senator from North Carolina [Mr. OVERMAN] referred to the dry-farming proposition.

Mr. OVERMAN. I was just asking for information, because I wanted to know.

Mr. BORAH. I understand; the Senator was asking in regard to whether it is a success or not. In some respects it can hardly be said to have been a success. Nevertheless, there are vast areas of land in the West where dry farming has been carried on which have been reclaimed in a successful way, and communities have been built up; but I can assure the Senator that it has been after a very long, tedious, hard, sacrificing struggle upon the part of the farmers. They have gone there, however, land hungry and home hungry, and they have remained with the task which is before them in a way which is worthy of the highest commendation for citizenship and courage. In some of the areas in the West where they have had dry farming they have been successful; in others not so successful. However, in my opinion, ultimately dry farming will prove altogether beneficial to the western country.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 2, line 11, after the word "available," to insert "of which not more than \$1,000,000 may be used for the purchase of feed for the relief of live stock," so as to read:

The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of \$300. All such advances or loans shall be made through such agencies as the Secretary of Agriculture shall designate. For carrying out the purposes of this section there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$5,000,000, to be immediately available, of which not more than \$1,000,000 may be used for the purchase of feed for the relief of live stock.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to appropriate \$5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 3187) to amend section 2 of the act entitled "An act to save daylight and to provide standard time for the United States," approved March 19, 1918; to the Committee on Interstate Commerce.

A bill (S. 3188) to amend section 24 of the Judicial Code; to the Committee on the Judiciary.

By Mr. TRAMMELL:

A bill (S. 3189) providing that freight and passenger rates shall not be increased without authority of the Interstate Commerce Commission and providing that shippers shall be given at least 60 days' notice of hearings on application for increase in rates; to the Committee on Interstate Commerce.

By Mr. MCCUMBER:

A bill (S. 3190) to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of article 3 of the war risk insurance act as amended (with accompanying papers); to the Committee on Finance.

By Mr. POMERENE:

A bill (S. 3191) authorizing and directing the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise a suitable site and cause to be erected thereon a suitable building for the use and accommodation of the post office and other governmental offices at Canton, Ohio, at a cost not to exceed \$500,000, and to sell the present building and site; to the Committee on Public Buildings and Grounds.

By Mr. CALDER:

A bill (S. 3192) for the promotion of certain officers of the United States Army now on the retired list; to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS—ELLEN M. WILLEY.

On motion of Mr. JONES of Washington, it was

Ordered, That the papers accompanying the bill (S. 3489, 66th Cong., 2d sess.) granting a pension to Ellen M. Willey be withdrawn from the files of the Senate, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—BARBARA KURNER.

On motion of Mr. ELKINS, it was

Ordered, That the papers filed with the bill (S. 697) for the relief of Barbara Kurner be withdrawn from the files of the Senate, no adverse report having been filed thereon.

BUSINESS RELATIONS WITH MEXICO.

Mr. WALSH of Montana. I have here a copy of a report made by the Texas Chamber of Commerce of an investigation conducted by that body into the relations between this country and Mexico. It is brief and contains some very important information. I ask that it be printed in the RECORD and appropriately referred.

There being no objection, the communication was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

MEXICO.

GENERAL HEADQUARTERS TEXAS CHAMBER OF COMMERCE,
Houston, Tex., February 10, 1922.

To the Members of the Texas Chamber of Commerce.

GENTLEMEN: During the past several months members of your board have been giving study to the question of developing closer business relations with our southern neighbor, the Republic of Mexico.

On January 16 and 17 a meeting of representatives of Mexico and Texas commercial organizations was held at Laredo, Tex., under the auspices of the Texas Commercial Executives' Association. This meeting was attended by many prominent men, resulting in a comprehensive understanding of the problems to be met.

Following the Laredo meeting, and for the purpose of obtaining first-hand information, the writer visited Mexico City and now desires to briefly present his conclusions and submit certain recommendations.

For a period of 10 years prior to 1921 the Republic of Mexico was in turmoil, one revolution following another, as a result of ambitious men or parties seeking to direct and control the destiny of its people, resulting in political and financial chaos, worthless currency, and limited national credit.

The present administration has made surprising progress in restoring confidence by adopting a metallic currency, rehabilitating transportation, and aiming to establish sound commercial relations with the United States and other nations.

That a stable Government has been in existence for more than a year can not be questioned. However, the present constitution of Mexico,

revised and adopted in the year 1917, contains certain provisions that, while they may be sound in theory, are absolutely impractical in meeting immediate needs.

I refer particularly to article 27, which vests title to all lands, as well as all minerals in or under such lands or waters in the Federal Government. The purpose of this article was clearly to exclude foreign investment in either land or minerals. The effect is to not only prevent acquisition, but to prevent foreign loans on lands or minerals. A further and more serious effect is to add doubt and uncertainty regarding the future among the large landowners on which the Republic has been dependent for its food supply, a source of apprehension among thoughtful and foresighted citizens who have the present and future welfare of Mexico at heart.

However, these are internal questions, and, whether wise or unwise, are not open to change by foreign Governments, corporations, or individuals and must be settled by the Mexican people themselves, and should be taken into account to the extent only of guiding our policy pertaining to investments or loans and would seem to confine our commercial contact to trade in the form of purchase or sale of commodities.

The population of Mexico is now estimated at upward of 16,000,000 people. Its foreign trade with the United States has grown rapidly as shown by the figures below:

	Imports (into U. S.)	Exports (from U. S.)	Total.
1921.....	\$119,445,532	\$221,844,304	\$341,289,837
1920.....	179,331,755	207,858,497	387,190,252
1916.....	105,035,730	54,270,283	159,306,013
1911.....	57,450,111	61,281,315	118,731,426
1906.....	50,965,177	58,182,278	109,147,455
1901.....	28,851,635	36,475,350	65,326,985

Of the 1921 trade with the United States, Mexico purchased to the value of \$221,844,304 in gold. Complete figures upon various articles bought by Mexico during 1921 are not yet available, but figures upon the commodities exported through the San Antonio-Laredo district (only one of the four customs districts of Texas) during the first 11 months of 1921 should be of interest to citizens of our State:

Cattle.....	\$3,354,117
Hogs.....	279,066
Horses and mules.....	354,116
Sheep.....	280,809
Eggs.....	1,259,951
Corn.....	6,465,476
Wheat.....	1,463,811
Butter.....	70,791
Wheat flour.....	690,747

The national debt of Mexico as of June 30, 1921—Independent of railroad obligations assumed by the Government—is reported by the Mexican minister of finance at 563,526,517 (pesos), which is the equivalent of \$281,763,258.50 in terms of United States money. This debt, it will be noted, is very moderate as compared with the national debt of the United States and European nations, and under proper laws and administration Mexico should promptly attain a strong financial position. However, at this time the people are being heavily taxed, prices for necessities are extremely high, and a large amount of unemployment exists, resulting in considerable discontent. The unsatisfactory situation is accentuated by political graft through irresponsible individuals, who look selfishly to their personal welfare rather than the general welfare.

Texas, with its extensive Mexican border line of more than 1,000 miles, is particularly interested in aiding in the stabilization of Mexico.

I take it that our membership are agreed that Mexico is justified in aiming to prevent the exploitation of her resources and her people by foreigners. Further, that the people of our State, living under the most advanced form of government ever developed by man, are not egotistical enough to assume that our experience with its administration justifies our assuming to direct or dictate to a people where civilization is known to have existed for centuries previous to development of our form of government.

The recommendations it is proposed to submit for consideration are: First, That the Government of Mexico be immediately recognized, under such conditions as will insure to our citizens protection of life and the safeguarding of property rights under the Constitution and the law existing at the time such property was or is acquired.

Second, That all unnecessary restrictions regarding trade and travel, including skilled or unskilled labor, be removed.

Third, That, as applied to the Republic of Mexico, a so-called bargaining tariff be adopted, thus permitting executive changes or adjustments as conditions demand.

Fourth, That the international automobile highway extending from our capital—Austin—to the capital of the Republic—Mexico City—as recommended at the Laredo meeting above referred to, receive our hearty indorsement and support as an additional means of intercourse between Mexico and the State of Texas.

Your comments or suggestions will be appreciated.

Yours, very truly,

J. S. CULLINAN, President.

Resolution of executive committee, Texas Chamber of Commerce,
February 8, 1922.

Whereas, since the closing of the Diaz administration, the United States Government has declined to recognize the Republic of Mexico; and Whereas the commerce, business, and social relations of the State of Texas, bordering on Mexico for a distance of more than a thousand miles, is being seriously hampered under existing conditions; and Whereas the administration of President Alvaro Obregon has demonstrated its capacity to govern Mexico and protect the life, liberty, and property of its subjects and of other nationals: Therefore be it

Resolved, That we respectfully recommend that our State Department at Washington immediately recognize the existing government of Mexico under such conditions and stipulations as will insure protection to life and the safeguarding of property of our citizens under the Constitution and the laws existing at the time such property was or is acquired: Be it further

Resolved, That passport regulations, head tax, and like impediments to the freest practicable trade and travel be modified or repealed: Be it further

Resolved, That as applied to the Republic of Mexico, we urge that a basis of bargaining tariff be adopted that will permit of executive changes or adjustments to meet changing conditions as they arise: Be it further

Resolved, That we heartily indorse the project of constructing the international automobile highway between Mexico City and Austin, Tex.

COMMENTS ON CONFERENCE ON LIMITATION OF ARMAMENT.

Mr. BORAH. I ask permission to have printed in the Record in the regular eight-point type an address by former Undersecretary of State Davis upon the Conference on Limitation of Armament and Far Eastern questions.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

COMMENTS AND REFLECTIONS UPON THE CONFERENCE ON THE LIMITATION OF ARMAMENT AND FAR EASTERN QUESTIONS BEFORE THE COUNCIL ON FOREIGN RELATIONS AT THE HOTEL ASTOR, NEW YORK, FRIDAY EVENING, FEBRUARY 17, 1922.

(By Hon. Norman H. Davis, formerly Undersecretary of State.)

The achievements of the Conference on the Limitation of Armament and Far Eastern questions have been of considerable importance. First among these was the revival of a state of mind by which attention was directed to the superior benefits of peace and cooperation over those of selfishness and strife.

It is, of course, easy to criticize the failures of the conference. It is easy to show that many important questions still pressing for a solution were not settled and that some of those heralded as happily disposed of may remain sources of future trouble. It is also easy to point out that in so far as any real progress was made it was only by following in the footprints leading to the League of Nations and world-wide cooperation. Our national welfare is, however, too dependent upon the contribution we make to an improvement in international relationships to excuse a partisan, ignorant, or emotional consideration of such a vital question. America and the world have suffered almost to the breaking point, partly as a result of the unfortunate controversies over the work of the Paris peace conference. Real or alleged defects in the treaty of Versailles were allowed to obscure the good and lasting achievements which were not taken advantage of by us. We must accept and hold to the gains secured at the Washington conference, but these may be lost if we fool ourselves into believing that all the necessary objectives have been reached and fail to press forward. It is therefore our duty to take stock and examine any defects and mistakes, not with a view of belittling the good results but for the purpose of correcting the defects or avoiding the mistakes in order to preserve our gains and strive on to greater achievements.

The apparent rapid progress made at the outset in Washington raised undue expectations. It may be that we advanced too rapidly in some directions and not enough in others. Constructive improvement in international relations comes slowly because it is regulated by the rapidity with which the respective nations are prepared to adopt enlightened policies. Each delegation at Washington was restricted by what it was thought the people acting through their Government would accept. In order to appraise the work of the conference it is therefore necessary, not only to survey the principal questions which were causing friction and preventing a decrease in armament for which solutions were sought, but first of all to review the state of national opinion as to the relevant matters involved and the circumstances under which the conference was called. We may then examine more in detail some of the questions in the agenda and consider to what extent the difficulties indicated have been removed, what, if any, false steps have been taken, and what further steps should be taken.

The war aroused a general public demand for measures which would prevent a recurrence of such a catastrophe and relieve the peoples of the burdens growing out of armaments. The first serious attempt to bring this about was through the creation of the League of Nations. With the realization that the problem must be dealt with as a whole; that nations would not reduce or discard their arms without some assurance that their rights and interests would be otherwise protected and secured, the League of Nations was formulated on a comprehensive plan which it was believed would attain this result. More than 50 nations, being convinced of the necessity for world conference and cooperation, joined the league. The United States refused to do so or to otherwise cooperate with these powers in reaching settlements which would restore confidence and facilitate a general world-wide reduction in armaments.

Our failure to do this militated against naval disarmament as well as recovery from the world-wide industrial depression. We could not safely throw up our arms without substituting for them protective agreements with the other powers, and obviously the League of Nations could not take steps for effective disarmament, one of its principal objectives, without the con-

currence of the United States, the most powerful Nation. As a result, we continued to increase our Navy, and England and Japan did likewise. I shall not attempt to state why we failed to enter the league. Suffice it to say, we took the opposite course. Embracing the fiction that we were not concerned with outside controversies, we spurned this opportunity for service and leadership.

As the tide of passion and prejudice, which came in the aftermath of the war, began to subside, our vision and higher qualities began to emerge, the myth of American isolation began to vanish, and the necessity for international cooperation became more apparent. As Europe's economic collapse spread to the United States as a result of her contracted purchasing power, it began to be seen and admitted that we were concerned in outside questions, at least in those of an economic character. Developments soon showed that Europe's failure to recover industrially was primarily due to political policies, actuated by fear or greed, which prevented a restoration of confidence and stability—the prerequisites to economic recovery—and to a failure to reduce armaments and taxes; and therefore that industry and commerce would not recover in advance of political security and the adoption of political policies which would set the economic forces free. In the Far East, trouble and friction were increasing because of the efforts of certain powers to secure for themselves preferential economic and political advantages or controls detrimental to the rights and interests of other nations, as well as to those of the people directly concerned.

It became more apparent that if we were to protect our own economic structure we must change our course and do something definite to assist in the improvement of foreign political and economic conditions, which could be done only by working in concert with the other powers. We began to see how much loss and damage had been caused by our previous failure to realize these facts and to act accordingly, and how unfortunate it was that our participation in world affairs had become the source of such a bitter political controversy that it could not then be dealt with frankly on its merits.

I have held the belief that once the leaders of the present administration were confronted with the same facts and problems which confronted the last administration and with the same solemn official responsibility for decision and action, they would reach substantially the same conclusions and see the wisdom of adopting the same true American course. My belief has been substantially confirmed, except as to our ratification of the treaty of Versailles and entrance into the League of Nations. Some of the Republican Senators opposed in principle our entrance into the league, but the large majority of them, including Senator Harding, professed to favor it in principle, but insisted upon reservations to rectify or remove certain alleged defects. Furthermore, 31 distinguished citizens, many of whom, including our present distinguished Secretary of State, were intellectual leaders in the Republican Party, had in an open letter in 1920 expressed the firm conviction that the United States should ratify the treaty of Versailles and enter the League of Nations, and had assumed the solemn moral responsibility of assuring the American people that the election of Mr. Harding would insure our taking this wise course. We must assume that these views, under the circumstances in which they were given publicity, must have been reached after most earnest and well-matured consideration, and also that these 31 gentlemen still believe as we do that this would have been the wise and logical way to secure world-wide cooperation and to deal with disarmament; otherwise they surely long ago would have so informed the public who in such great numbers placed their faith in that assurance. It must be admitted, however, that the "irreconcilables," although in the minority, professed equal assurance that Mr. Harding if elected would keep us out of the league. Instead of clarifying issues, the 1920 elections confused them. The overwhelming Republican victory obtained by the temporary combination of groups holding most conflicting views gave to each of them an opportunity to claim approval from the people. Whatever may have been Mr. Harding's views as a candidate, as to which there is still a divergence of opinion, he did talk about a new association of nations without involvements, but did not as President show any inclination to enter the existing one, or to give any clear lead as to a possible new one. The public were not told nor could they see what course the administration proposed to take. As a result, the Senate took the initiative in directing our foreign relations.

Shortly after the present administration came into power, and before it had formulated or announced any definite policy in respect to the future relationship of the United States to world problems, it considered itself forced by a resolution of

Congress to make a separate peace with Germany. It would seem, however, that this was in accord with the President's own ideas, since he as a Senator had voted for a similar resolution and after election had invited such action. Before negotiations for a separate treaty with Germany were concluded, the administration considered itself again forced to take another step, as a result of a congressional resolution, to call a conference for the limitation of armament.

Obviously the separate peace resolution and the disarmament resolution were attempts by Congress to respond to a public sentiment again becoming articulate, and to an increasing pressure for a solution of the disturbing world problems, in view of the fact that the administration was failing to act or point the way.

The President and the Secretary of State were evidently in possession of facts which convinced them of the inexpediency and futility of attempting to bring about a limitation of armament without the concurrent settlement of other questions so intimately related to, if not the cause for, maintaining and increasing armaments. As a settlement of the various controversies relating to China and Siberia had more relation to naval armament, and as it was probably considered premature to tackle European questions, the scope of the proposed conference was enlarged but practically limited to Far Eastern questions, although conditions in Europe were causing more loss and trouble. There had not been so much controversy or fear over our becoming entangled in Asiatic controversies. Some minds functioned differently in respect to questions in Asia, 7,000 miles to the west of us, than in Europe, 3,000 miles to the east. Future developments may, it is hoped, enable a shortening of mental range, even to the extent of realizing that questions in Europe may have a most important relation to those in Asia and even the Pacific Ocean, and to world peace.

I believe, as did those 31 gentlemen who signed the aforementioned letter, that our logical and safe course was to have entered the League of Nations; or failing in that, the administration should at least have offered some other definite comprehensive plan for world conference and cooperation. Having done neither, it decided to tackle the problems piecemeal and to call a disarmament conference, apparently with the object of thus securing a part of the desired objective. Our invitations to the conference were limited to members of the League of Nations, and in assuming the responsibility of calling it, the United States was compelled to accomplish something or to cause much harm and suffer a further loss of moral prestige. With the specter of the mangled treaty of Versailles hovering over them, and the uncertainty of what plans would meet with approval, our delegates labored under adverse conditions; and as might have been expected, the conference was not an American diplomatic victory.

We may now review the Far Eastern questions included in the agenda of the conference, which were to be taken up in connection with a limitation of naval armament, and see to what extent they have been settled. Most of these relate to the so-called open door, a policy originally announced by the United States, which had by successive interpretations come to mean equal opportunity for all powers in trade and commerce in China and respect by all powers of the territorial and political integrity of China.

All of the powers represented at the conference had for 20 years officially professed to accept this policy, but it was being constantly violated. On account of more recent developments, the United States Government took the position that the principles embodied in this policy should also be applied to Siberia. Japan had been charged with the most serious disregard of these principles in Manchuria, Shantung, Siberia, and Sakhalien.

In 1915 Japan submitted her famous 21 demands, which in effect would have made Manchuria a Japanese Province. The Japanese delegates at Washington announced an intention not to press for acceptance by China of some of the most objectionable of these demands, but this question remains unsettled.

One of the most important questions to be settled was that relating to the Chinese Eastern Railway. This railway, which crosses Manchuria and connects at Manchouli with the Trans-Siberian Railway, belongs to Russia through the nominal ownership of the Russo-Asiatic Bank, and ultimately reverts under certain conditions to China. On account of the vital necessity of this railway for commerce into Manchuria, Siberia, and Russia, the allied and associated powers, constituting themselves as trustees, took control during the war and appointed an inter-allied committee, headed by a distinguished American engineer, Mr. John F. Stevens. This committee has been operating the road in the interests of all concerned pending its return to the owners. Successful operation was prevented, however, by a lack of proper cooperation and because the committee's control

did not extend over the Ussuri Railway, which is now in control of Japan and connects the Chinese Eastern with the terminus at Vladivostok, nor over its other outlet at Port Arthur, the terminus of the South Manchurian Railway, which is also under Japanese control. Without the removal of these obstacles it is evident that the operation could not prosper and that the open door would be a joke. No progress was made toward a settlement of this matter.

In Shantung Japan had by force taken over the ex-German interests, the right to which was claimed under secret treaties with the Allies. At the Paris conference the Japanese promised to get out, but did not fix a definite date. At the Washington conference this promise has been made good in part or in full. It is too early to herald a complete and unconditional withdrawal in Shantung, but it is an excellent start. If, however, this withdrawal is to be made at the expense of a more secure hold on Manchuria, and especially on Siberia, it would be a costly one and will not help the situation.

In Siberia the United States has a considerable material interest as well as a moral obligation. For the purpose of extricating certain Czech-Slovak troops in Siberia, and for protecting military supplies at Vladivostok, the United States agreed, in the summer of 1918, to the dispatch of allied troops under an arrangement which provided that the United States and Japan would send there a military expedition of an equal number of forces. Japan at once sent several times her quota. The Czech-Slovak troops were embarked, and in 1920 the American troops were withdrawn. The Japanese forces, although reduced, have not been withdrawn. In spite of the fact that the Japanese Government in August, 1918, at the time of dispatching her troops to Siberia, made an official statement explaining the above object of the expedition and reaffirmed as the Japanese policy that of "respecting the territorial integrity of Russia and abstaining from all intervention in her internal affairs," and furthermore that upon the realization of that object, the troops would be withdrawn, leaving "wholly unimpaired the sovereignty of Russia in all its phases, either political or military."

After the withdrawal of the American troops Japan took control of Vladivostok, which is the door to Manchuria and all of Siberia. Subsequently the Japanese troops occupied the northern half of the island of Sakhalien, which is held as a hostage until Japan receives from Russia satisfaction for certain alleged atrocities committed on the Russian mainland against Japanese troops. The original Japanese pledges have been recently renewed, but now those pledges are contingent upon settlements with Russia satisfactory to Japan, and upon a restoration of order in Siberia, which the Japanese occupation and activities make increasingly difficult. These vital questions remain unsettled, and unless and until they are settled we can not expect peace and stability in the Far East.

The controversy over the island of Yap was settled by our agreeing to Japan's claim for a mandate from the League of Nations over the island, subject to our right to land and operate cables there. It is to be presumed that the league will approve this because this island, which formerly belonged to Germany, is of vital importance for cable communication to the Far East and can serve no other useful purpose.

The Anglo-Japanese alliance was one of the principal obstacles to a settlement of the Far Eastern differences as well as to naval disarmament. As long as the British were allied with the Japanese, they could not act independently in the Far East, and we could not consider the two navies separately. It must be admitted, however, that this alliance was not the sole obstacle to British support, because the British Government has not felt as we have the wisdom and justice of applying to Russia the same principles of nonviolation of political and territorial rights which have been professed in respect to China. There has been little, if any, opposition in England to a dismemberment of Russia, and apparently little support at the Washington conference of our views relating to Siberia. While the British realized the desirability of terminating the Anglo-Japanese alliance, they evidently did not consider it expedient to do so until they knew what our future naval and foreign policy was going to be. On the other hand, they were most desirous for a naval agreement, and equally as desirous as we were for a closer understanding and friendship between the peoples of the British Empire and the United States, which could not be had without the termination of this alliance. Japan had no desire to terminate it and was placed in a position to exact something in exchange.

The first step taken at the conference toward a settlement of the above questions was the proposal submitted by Secretary Hughes to scrap certain battleships already constructed, or in process of construction, and for a period of years to limit fur-

ther construction, and to retain the status quo of certain fortified islands in the Pacific. This dramatic move gave conclusive proof of our good faith and peaceful intentions, and must have allayed any Japanese fears as to the hostile use of our fleet, because it was not made conditional upon Japan allaying our fears that she might continue her present activities in China and Siberia, of which we had heretofore complained. Besides stopping for at least a number of years the naval competition between England, Japan, and the United States, the naval treaty results in a division of naval spheres of influence. The United States is not permitted to increase fortifications at Guam and the Philippines, which in effect confines our naval operations to American waters. England, being permitted to increase her naval bases at Singapore, Australia, and New Zealand, may transfer a large part of her fleet there, which leaves the British and Japanese fleets in control of the Far East.

We did subsequently get the nine-power treaty, which specifies so clearly the principles by which the powers are to be guided in the maintenance of Chinese integrity. This, in my judgment, is probably the most promising agreement reached at the conference. It is unfortunate that provision was not made for a supervising organization or board with power to apply those principles rather than to report their findings to the respective Governments, but it is after all a fortunate beginning. It is also unfortunate that the spirit of the treaty has already been violated by the refusal to permit China now to levy import duties of more than 5 per cent, especially when other powers levy as high as 200 per cent on certain Chinese goods. This is unfair and unwise; but China came out of the conference with much more than she went in with.

The next step taken to compose the difficulties in the Far East, including ostensibly the abrogation of the Anglo-Japanese alliance, was the four-power treaty between England, France, Japan, and the United States relating to the islands in the Pacific Ocean. It is more difficult to understand why this step was taken and why it was considered necessary. As the Anglo-Japanese alliance was the principal obstacle to an agreement for the limitation of naval armament, it would have been most logical and natural for our naval proposals to be made contingent upon the cancellation of this alliance, which England and Japan most surely would have welcomed and accepted had they been given the opportunity and alternative.

The Anglo-Japanese alliance covered specifically China and India and in effect provided most definitely for the maintenance of the open door, equal opportunities for all nations, and the territorial and political integrity of China. If we were to sign any treaty in substitution of the Anglo-Japanese alliance it should have been the naval treaty, or even the nine-power treaty on Chinese integrity, which is in complete harmony with the preamble of the Anglo-Japanese alliance and which should have been made applicable to Siberia as well as to China. Why cover a new portion of the world, unless it were to switch from land to sea, in order to baptize us into the system of alliances? Could it be that in exchange for the intangible security to Australia and New Zealand, provided for under the Anglo-Japanese alliance, the British preferred a more tangible security from Japan and the United States, or was it to assure Japan that we would not interfere by force in her activities of which we have heretofore complained?

There exists some fear that we may be morally obligated under this treaty to use force. Senator Lodge has explained that no such obligation exists, but in so far as I know he has not made clear just what our obligation is not to use force. It seems to me that we are obligated not to use force without first attempting in conference to adjust any controversy in the Pacific. If a controversy should arise over the failure of one of the powers to keep its pledges in respect to China or Siberia, it is not quite so clear what our rights or duties would be under this treaty. As this and the naval treaty are not in any way conditional upon the observance of those pledges, it would seem that we are in effect estopped from using force in case of non-observance. It would seem therefore that our delegates determined we would not in any event resort to force to secure our rights and interests in the Far East or that they can be properly safeguarded without it. Evidently the principal objective was to relieve all suspicion and tension in the Far East, and the remedy given was for the United States to relieve the tension by the unconditional withdrawal of the pressure. The wisdom of this depends upon future developments and the extent to which moral force and pressure can be applied. There is undoubtedly an overwhelming demand that international disputes be settled without resort to war. I am a firm advocate of this and also of disarmament, but I am convinced that wars can not be prevented merely by discarding obsolete instruments of war. The cessation of naval competition is a wise economic

move and also has a tendency to dispel fear and suspicion, but it will not prevent war. The only possible way to prevent wars is to establish some world-wide effective machinery for securing justice and respect for rights without the necessity of resorting to force except in so far as it may be required to support the machinery of justice. Unless and until the United States forms a part of such machinery, which shall include all of the powers, large and small, I am doubtful of the efficacy or wisdom of surrendering our inalienable sovereign right to use force.

President Harding stated in his message to the Senate that the four-power treaty contains "no commitment to armed force, no alliance, no written or moral obligation to join in defense, no express or implied commitment to arrive at agreement except in accordance with your constitutional methods." I do not quite understand what he means by arriving at agreement in accordance with our constitutional methods.

Apparently we are committed beforehand in this treaty to a method of adjusting differences between the parties to the treaty, and in case of aggressive action by an outside power to confer and decide what to do about it. This must mean something, because, as President Harding says, "it is easy to believe, however, that such a conference of the four powers is a moral warning that an aggressive nation, giving affront to the four great powers ready to focus world opinion on a given controversy, would be embarking on a hazardous enterprise." It of course might be unnecessary for these powers to join armed forces to deprive other nations of their rights, but what aggressive nation have they in mind? It is conceivable that China and Russia might some day become aggressive in order to recover their territorial and political integrity, to which the United States has contended they are entitled. Surely we would not want to "focus world opinion" against them or to increase the hazard of such an enterprise by having our hands tied with those who have provoked the aggression.

The explanation for the four-power treaty may be that it was considered a most innocuous way to get rid of the Anglo-Japanese alliance in so much as it means nothing more than to confer. If that is so, is it a wise practice for nations to sign treaties that mean nothing? Will not one nation think it means more than another does and thus cause misunderstanding?

According to an Associated Press dispatch from Tokyo, dated January 31, Baron Uchida, Japanese minister of foreign affairs, in replying to interpellations in the House of Peers, stated in substance that "the four-power treaty was not intended to abrogate the Anglo-Japanese alliance, but rather to widen and extend it." It would seem that instead of getting rid of this alliance we have entered it, enlarged it, and changed the territory covered by it.

This new pact has been praised for its brevity and simplicity. Will the Chinese and Russian peoples feel that it is so simple, innocuous, and meaningless? Is it not very probable they may conclude that we have abandoned our independence of action and traditional friendship for them by entering into a pact with their oppressors? Will not this diminish our prestige and moral influence in the Far East and dishearten the peoples of China and Russia in their struggle to maintain their independence pending the working out of their salvation and the establishment of effective governments?

The powerful influence of America has been due in great measure to our impartial advocacy of justice for all nations and our freedom from alliances with one or more nations which would ignore the rights and claims or even arouse the suspicions of other nations. The hope for peace rests not in this four-power pact, but, if anywhere, in the will of the Japanese people for cooperation and peace and their ability to reverse the imperialistic policy initiated by the militaristic party. Fortunately there appears now to be a growing public sentiment in Japan against her former aggressive policies and a growing realization that it is from every standpoint to the interests of Japan to cooperate with the other powers in applying the open-door principles to Siberia and China. There is no difference in principle between the two territories and nationalities; justice, future peace, and stability can not be served by one or more powers taking advantage of unfortunate political conditions in Russia any more than by doing so in China.

Would it not have been well to incorporate this in a treaty? There should have been no objection if the Japanese pledged to abstain from all intervention in the internal affairs of Russia in Siberia and to retire from there as to be complied with in good faith. This would have strengthened the liberal elements in Japan who advocate her withdrawal from Siberia.

If the military party maintains control of Japan and continues its past policy in respect to Manchuria, Siberia, and

Sakhalien the four-power treaty as it now stands may simply tie our hands, protect the Japanese rear, and encourage that party to proceed all the more vigorously with the aggressive policies on the Asiatic mainland. Although these policies were in clear violation of the Anglo-Japanese alliance, the practical effect of that alliance was to assist instead of deter Japan. Now that Japan has refused to evacuate Siberia or to do more than repeat her former pledges to get out after conditions improve to her satisfaction, and the other powers have failed to protest officially against the Japanese actions, was it wise, logical, or necessary for us to bind ourselves unconditionally?

Our liberal and reasonable proposal for a naval holiday created an unusual atmosphere of good will and confidence, which should have facilitated a settlement of the other equally, if not more important, questions for which the conference was likewise called, particularly those relating to Manchuria, the Chinese Eastern Railway, Siberia, and Sakhalien. After we had agreed to stop naval competition and to enter the four-power pact there was, unfortunately, not so much interest shown in settling the other questions.

All that was done toward a world-wide reduction of land armaments was to pass a resolution recommending that the Chinese armies be reduced, while foreign troops are on her soil. Afterwards some good resolutions were passed and agreements reached condemning the use of poisonous gas, and outlawing the use of submarines against merchantmen. It was, however, impossible to agree upon a definition of a merchantman. Because of the limited number of powers represented, these agreed principles could not be embodied in international law, but they may help formulate and enlist the support of public opinion for future action in a world conference.

While the Japanese Government may have been more determined to hold on to Siberia and Manchuria than we were inclined to try to force them out, I am convinced that Japan was just as anxious to avoid trouble as we were. She also knew any possible conflict with us could be easily avoided by a frank compliance with her pledges, but instead she secured from us a pledge of good behavior in the Pacific without giving a reciprocal assurance to cease doing on the Asiatic mainland the very things we have objected to as being unjust and hazardous to peace in the Far East.

Japan owns the southern half of the island of Sakhalien and claims, through occupation, some sort of interest in the northern half. Would an attempt by Russia to recover control there threaten Japanese interests? Suppose Russia should find it necessary to land troops on the southern half in order to recover possession of her northern half? In that case, what would be our obligation or position?

All differences of opinion as to whether or not the Japanese homeland was one of the islands included in the four-power treaty have been cleared up. This never seemed so important to me. The unanswered question in my mind is why was the four-power treaty negotiated and where will it lead us? Certainly it can not remain static. No treaty or alliance does. Few alliances have done what they were intended to do. Is this treaty an alliance or is it merely an agreement to confer before going to war? If it is an alliance, against whom is it directed? It provides that a conference will be held to adjust any differences arising between the parties to this treaty, but also to determine what to do in case of aggressive or disturbing action in the Pacific by some other power not a party to the treaty. Apparently, in the latter case, it would automatically develop into an alliance against other powers. If it is not an alliance against other powers, but is merely an agreement to confer in order to prevent trouble among themselves or with any outside power or to settle amicably questions which concern other nations, would it not be logical to widen the scope of this treaty and to fulfill that purpose by permitting any nation which may now or hereafter have an interest in the Pacific Ocean to become a party to the treaty and to attend the conferences which may be held to consider and settle such questions? That would accord with American ideals of right and justice.

There would be no impartial conference unless all of the powers which may be concerned are permitted to attend and confer as equals over any questions that may arise. Certainly Holland, Portugal, China, and Russia—when there is a recognized Russian Government—all of whom have vital interests in the Pacific, should be parties to this treaty, and why should Italy have been left out? Italy has no island or mandate in the Pacific, but she might under certain conditions be adversely affected by this pact. She supported, probably more than any other power at the conference, the American views, and it can not but cause some regret in Italy that she was not considered of enough importance to be asked to join in this with the other powers with which she has been associated in war and postwar

activities. If a war should come between France and Italy, the latter might have a vital interest in the Pacific, if for no other reason than that of protecting her mercantile marine. If it is not an alliance, there should be no objection to bringing all of these powers in; and if it is an alliance the American people ought to know it and have an opportunity to decide whether or not they want us to adopt the European system of alliances. While there may be a difference of opinion as to the mandate of the American people to enter or stay out of the league, no one claims that they have ever given a mandate to enter an exclusive alliance.

It is difficult to see what objection there could be to inviting all of the nations to join this pact. The answer to this may be that the nations who are to-day members of the League of Nations would be entering into a superfluous agreement, because they have already agreed to confer not only on all questions arising in the Pacific but in any other portion of the world. England, France, and Japan in signing this treaty have, of course, agreed to nothing whatever, except that for which they were already bound as members of the League of Nations, unless it be that it is an alliance meaning more than its advocates contend and that article 2 of the four-power treaty is more binding upon them than article 10 of the covenant of the League of Nations.

Many of the islands in the Pacific the title and possession of which are in effect guaranteed by us and the other parties to this four-power treaty are trust estates over which the League of Nations exercises jurisdiction. England, France, and Japan, as members of the League of Nations, are obligated to file this treaty with the league before it is binding on them. Was it advisable for us, without even a request from the league, to give this guaranty? If we wish to assist the league, is that the best way to do it?

Statesmen have been particularly concerned about two outstanding situations which were disturbing the economic and political equilibrium of the world. I refer to conditions in Europe and the Far East, which have been created more particularly by the state of mind and political policies of two nations, France and Japan, respectively. As heretofore indicated, the difficulties in the Far East which the Washington conference endeavored to solve were due primarily to Japanese activities to which other nations, and especially the United States, were opposed, and to the fear on the part of Japan that force might be employed to stop them. The situation referred to in Europe has grown out of the war. The principal obstacle to a restoration of confidence and stability as well as to a reduction in armies is due to the French policy of taking measures to secure dominance in Europe and so prevent another invasion by Germany. The settlements in the Far East may all be upset unless Europe is straightened out. It is apparent that without some measure of assurance against aggression France can not be persuaded to disarm and contribute her share toward the restoration of Europe's equilibrium. We refuse to give any guaranty to France or, better still, to enter the League of Nations and make it such a factor that France would not require further assurance, but we have asked France to join with us in the four-power treaty to guarantee peace in the Pacific and tranquillity to Japan.

In so far as concerns the participation of any one nation in international affairs, there have been up to now only three distinct policies advocated or followed:

First. That of so-called isolation—the refusal to enter into offensive or defensive alliances or to act in concert with the other powers for the settlement of international controversies.

Second. The European system of alliances or so-called "balance of power." This means agreements between certain groups of nations to act in concert, usually against certain other groups of powers.

Third. Cooperation between all of the powers.

The policy of isolation has under modern conditions become impossible and has now been definitely discarded by the present administration.

In spite of the fact that Europe is strewn with wrecks caused by alliances, wrecks which a "balance of power" has not prevented, there are still those who cling to this forlorn hope. While the alliances composed of a certain group of powers have always been alleged as defensive, they are primarily intended to prevent other powers, composing another group, from interfering with alleged rights and interests. Controversial questions between the respective groups are not thus composed. The result has been ex parte arrangements and continued misunderstandings which have resulted ultimately in armed conflict. While we must admit that through this system the recurrence of war may have been retarded, yet when a war has come it has been impossible to localize it because so many powers are involved that it becomes a world war.

The third policy of cooperation is based upon the recognition of the failure of the two former policies. The first practical attempt to adopt this latter plan was through the creation of the League of Nations, one of the principal objects of which was to disentangle alliances by bringing all the powers together in an agreement to settle their controversies by peaceful adjustments rather than by force. This was also the first serious attempt made to bring the nations together to work in concert purely and solely in the interests of peace and equity.

I believe in the plan for universal conference and cooperation, because the world has become too interdependent to function harmoniously without it and because it is the only method offered whereby we may cooperate without becoming entangled by alliances.

I also believe in it because of the practical possibilities which it offers, because there would seem to be no harm in trying it, and because it certainly could not play any more havoc than has the system of alliances.

If there were some other means whereby alliances could be done away with and prevented, there would not be so much necessity for an association of nations, but how can this be accomplished unless all of the nations enter into an agreement to that effect and substitute more enlightened methods for adjusting differences and preventing conflicts?

America's first actual contact with the old system of alliance was when it brought us into the World War. Our second contact was with the Anglo-Japanese alliance, which we found to be quite an obstacle to just and peaceful settlements in the Far East. It is therefore well for us to know now whether we are rid of this obstruction or have increased its size by becoming part of it. Alliances or special agreements between certain groups of nations arouse suspicions and militate against cooperation. The existence of the Anglo-Japanese alliance made it difficult to fix a naval ratio. It is equally certain that any subsequent alliance between one of the powers parties to the new naval treaty will upset the respective ratio of naval strength now fixed. It would therefore have been wise to prohibit any party to this treaty from making an alliance or agreement with one or more of the other members, which, since such an agreement would upset the ratio fixed, might ultimately involve joint naval action against any one of the other parties to the treaty.

It is to be presumed that those who have negotiated the various agreements in Washington will make very clear to us just which of the three above-mentioned plans they propose to follow. If the steps taken, with a view to maintaining harmony in the Pacific Ocean and the Far East, are part of a general plan to eliminate conflict in other portions of the world, it is difficult to form an intelligent opinion regarding one phase of a comprehensive plan without knowing what the entire plan is and how it will be applied to other regions of the world. If an attempt is to be made to segregate the world's problems into different compartments, would it not be well to know just what relation one compartment is to have to another? If the Far East is to be put in one compartment, the Near East in one, Europe in another, and South America in another, will it not be necessary to define how the relations between different compartments are to be maintained? How many of these groups are we going to join? Is any other power to be in them all? If a nation joins more than one, to what extent will it be a free agent, and to which group will it owe most allegiance?

Surely this last war has taught us that conflicts which seem purely local and of no interest to the outside world may spread until they involve all of the powers. It is now generally admitted that some sort of international cooperation is necessary. The world has become too interdependent and interrelated to deal with its problems in separate compartments. What happens in one section affects another, and there can be no appreciable advance toward peace and prosperity until the problems are dealt with as a whole.

This last war, which involved the whole world, including the United States, grew out of issues primarily European, with which we were not supposed to be at all concerned. After that experience, how is it possible to believe that questions in the Pacific Ocean merely concern the United States, Japan, England, and France?

It may be argued that this four-power treaty would be different from former or other existing alliances. That, it seems, is difficult to substantiate by existing facts. It had about the same kind of birth. The moral rights of other nations equally interested in the Pacific were ignored at the outset by not being invited to join it. Any alliance composed of powerful nations which ignores or violates the rights and claims of weaker nations would be repugnant to the fundamental and historical American principles of freedom, equality, and justice. Alliances

or special agreements between a certain group of nations either originate from moral or material objectives not in harmony with those of other nations or inevitably develop them.

Some doubt about the four-power treaty could be cleared up by a simple provision to the effect that no *ex parte* conferences will be held to consider questions relating to the Pacific Ocean; that any and all powers which now have or may hereafter have an interest in the Pacific will be invited to become parties to the treaty; that its maintenance shall be contingent upon the due and proper adherence by each party to the principle embodied in the treaty on Chinese integrity and applied also to Siberia; and that the creation of any treaty, alliance, or diplomatic agreement in future between any two or more signatories to the four-power treaty to which the other signatory powers are not parties shall be cause for reconsideration or renunciation (by those omitted) of the four-power treaty itself. We have learned from experience that even a diplomatic agreement between two powers relating to a particular territory or question invariably results in their acting in concert on questions outside the scope of their agreement.

Some of my friends, including Republicans, with whom I have discussed this treaty have, in spite of certain misgivings about it, expressed the hope that this, together with the other agreements, will ultimately lead us into the League of Nations or some similar association of nations.

I am convinced that the four-power pact will not only diminish the benefits to be derived from those other agreements, but that as it stands it will lead us in the opposite direction and into the European system of alliances, which will make it more difficult if not impossible thereafter to enter the existing league or any other genuine association of nations.

Unless this danger is avoided and unless we get started on the right course now, we will soon find ourselves entangled in a chain of alliances covering different parts of the globe; the four-power treaty or alliance in the Pacific; the Anglo-French alliance, the Anglo-Belgian alliance, and the Franco-Belgian alliance against Germany; the Franco-Polish alliance against Germany; possibly a Franco-Rumanian-Hungarian alliance; a Balkan alliance; and then a German-Russian alliance. When all of these alliances get to working for the peace of the world we may well imagine how beautiful are the future prospects for peace.

ACQUISITION OF REAL ESTATE BY THE WAR DEPARTMENT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7158) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases, and making additional appropriations therefor, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WADSWORTH. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NEW, Mr. SPENCER, and Mr. MYERS conferees on the part of the Senate.

CAMP HENRY KNOX, KY.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2072) entitled "An act to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes," which was to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to execute and deliver a conveyance of title to the Chicago, St. Louis & New Orleans Railroad Co. to that certain strip of land in the military reservation at Camp Knox, Ky., upon which the line of said railroad was relocated and the new depots and transportation structures were erected at Camp Knox, described as follows: Beginning at the point of intersection of the present westerly right of way line of the Chicago, St. Louis & New Orleans Railroad Co. with the southerly line of a highway which crosses said railroad under Bridge J-29-8, said point being 780 feet northerly from milepost 30 from Louisville, Ky., and running thence westerly along said southerly line 17 feet more or less to a point 50 feet distant westerly from the center line of the main track of said railroad measured at a right angle thereto; thence southerly parallel to the center line of the relocated main track of said railroad and 50 feet westerly therefrom, a distance of 780 feet to a point opposite milepost 30 from Louisville; thence westerly perpendicular to said relocated main track 90 feet; thence southerly parallel to said main track 1,701 feet more or less to the northerly line of the highway which crosses said railroad under Bridge J-30-3; thence easterly along the line of said highway 50 feet more or less to a point which is 90 feet distant westerly from the center line of the aforesaid relocated main track measured perpendicularly thereto; thence southerly in a direct line 964 feet to a point which is 50 feet distant westerly from the center line of said

relocated track; thence southerly parallel to the center line of said relocated track and 50 feet distant therefrom, 4,457 feet more or less to a point in the westerly line of the present right of way of said railroad about 1,800 feet southerly from milepost 31 from Louisville, Ky.; thence northerly along the westerly line of the present right of way of said railroad 610 feet more or less to a point 50 feet distant easterly from the center line of said relocated main track measured perpendicularly thereto; thence northerly parallel to said center line 3,700 feet; thence easterly at a right angle to said line 50 feet; thence northerly parallel to said center line and 100 feet distant therefrom 1,125 feet; thence westerly perpendicular to said center line 25 feet; thence northerly parallel to said center line 1,861 feet more or less to a point in the westerly line of the present right of way of said railroad; thence northerly along said right-of-way line 655 feet more or less to the point of beginning; reserving to the Government the perpetual right to use and have kept open the underpasses now in use under and across said railroad.

Sec. 2. That the Secretary of War is hereby authorized to receive, on behalf of the United States, deed or deeds of conveyance, with covenants of general warranty, and release from the mortgage obligations of said railroad company to the old right of way of said company, described as follows: All that part of the original right of way of the Chicago, St. Louis & New Orleans Railroad Co. which lies south of a line drawn parallel to the center line of the relocated main track of said railroad, and 50 feet distant easterly from said center line, measured perpendicularly thereto, near milepost 30 from Louisville, Ky., and north of a line drawn parallel to said relocated main track, and 50 feet distant easterly from the center line thereof, near a point about 1,600 feet southerly from milepost 31 from Louisville, Ky., said original right of way herein conveyed, consisting of a strip of land 66 feet wide and approximately 7,200 feet long, and also a tract of land 375 feet long, 77 feet wide at the southerly end, 23 feet at the northerly end, lying on the easterly side of the aforesaid 66-foot strip, and containing eighty-five one-hundredths of an acre, more or less, and being the tract of land acquired by the railroad company from P. A. Jones and wife, recorded in book 20, page 59, in the deed records of Hardin County, Ky.

Sec. 3. That the description of the metes and bounds of said property above stated shall be inserted in said conveyances, and in addition thereto proper specifications and reference to the next immediate source from which the grantors therein derived title thereto as required by the statute of Kentucky on the subject of recording conveyances of real estate in that State, as set forth in Carroll Statutes, 1915, volume 1, section 495.

Sec. 4. That all laws in conflict herewith be, and they are hereby, repealed.

Mr. WADSWORTH. Mr. President, I am about to move that the Senate concur in the House amendment, with a very brief statement in explanation.

The Senate passed some little time ago this bill providing for this exchange of lands, made necessary by the moving of a certain railroad right of way around the edge of this Government reservation instead of going through it, as it formerly did. The bill as amended by the House accomplishes exactly the same result. They have made some change in language and have described the property by metes and bounds with great particularity, which the original Senate bill did not do. There being no change in the essential features of the bill, I move that the Senate concur in the House amendment.

Mr. FLETCHER. Mr. President, I will ask the Senator if the amendment accomplishes the same purpose that the Senate bill originally was intended to accomplish?

Mr. WADSWORTH. Exactly; and the amendment meets the approval of the United States Railroad Administration, which was much concerned about this matter, the War Department, and the owners of the property.

The VICE PRESIDENT. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

OPERATION OF GOVERNMENT-OWNED RADIO STATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. POINDEXTER. I move that the Senate insist upon its amendments and grant the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. PAGE, Mr. POINDEXTER, Mr. HALE, Mr. SWANSON, and Mr. PITTMAN conferees on the part of the Senate.

AFFAIRS IN HAITI.

Mr. WALSH of Montana. Mr. President, I offer the resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 243) was read, as follows:

Resolved, That the President be, and he hereby is, respectfully requested, if not incompatible with the public interest, to transmit to the Senate a copy of any order, commission, or other authorization issued by him or under his direction to Brig. Gen. John H. Russell authorizing him to act for or on behalf of the Government of the United States in Haiti, with a copy of any instructions which may have been given him

touching the discharge of his duties therein; or if such order, commission, or authorization, or such instructions, were given orally and not in writing, to advise the Senate touching the same.

Mr. WALSH of Montana. Anticipating no opposition, I ask for the immediate consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. WALSH of Montana. Mr. President, I submit a resolution and ask that it be read.

The resolution (S. Res. 244) was read, as follows:

Resolved, That the Committee on the Judiciary be, and it hereby is, directed to inquire into and report to the Senate not later than Tuesday next (Feb. 28, 1922), touching the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the commission created by the act of Congress approved February 9, 1922, entitled "An act to create a commission authorized to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes," reference being made to section 6 of Article I of the Constitution of the United States, as follows:

"No Senator or Representative shall during the time for which he was elected be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time."

Mr. WALSH of Montana. In the regular course of procedure the nominations to which the resolution refers would receive consideration at the next executive session of the Senate. In view of that fact, I hope to address the Senate some time during the day on the subject matter of the resolution. I am not prepared to do so at this hour.

I take this course because of the very distinguished precedent for it. Some years ago, when Members of this body were appointed to a commission, the then distinguished Senator from the State of Massachusetts, Mr. Hoar, questioned both the legality and the wisdom of appointments of that character, and upon his suggestion the Committee on the Judiciary was directed by the Senate to inquire into the matter. I have not yet been able to follow the matter to its ultimate result, but it is my understanding now that the Committee on the Judiciary made no formal report. The matter is of such very grave moment that it seems to me that committee, created for the purpose of considering questions of this character, ought to be given an opportunity to investigate it and report to the Senate before action is taken.

Mr. LODGE. I only want to suggest that if prompt action is not taken, and the confirmation of the Senator from Utah [Mr. SMOOT] and Mr. BURTON of the House is to be held up until the committee reports, it will, of course, arrest all the proceedings of the commission.

Mr. WALSH of Montana. That is a matter for the Senate to determine. The Senate may go on and confirm or reject these nominations without adequate investigation into the important question which is now raised, if it sees fit to do so. I shall be very glad to amend the resolution so as to require the committee to report not later than next Monday.

Mr. LODGE. That will be satisfactory to me.

The VICE PRESIDENT. The Secretary will report the modification.

The ASSISTANT SECRETARY. Add at the end of the resolution the following words:

And that the said Committee on the Judiciary be directed to report to the Senate not later than Monday next.

Mr. WALSH of Montana. I suggest to make it Tuesday, if the Senator from Massachusetts will consent to that.

Mr. LODGE. Not later than Tuesday of next week.

Mr. WALSH of Montana. I ask that the resolution may lie on the table until to-morrow morning, and I shall endeavor to address the Senate during this afternoon.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

PROPOSED LOAN TO HAITI.

Mr. KING. Mr. President, on the legislative day of the 3d instant, the calendar day of the 6th, I offered a resolution, and I challenge attention to it now because of the important resolution just offered by the Senator from Montana [Mr. WALSH]. The resolution which he offered asks for certain information relative to the appointment of Brig. Gen. Russell to a very important position in the island of Haiti. The resolution (S. Res. 233) which I offered reads as follows:

Whereas the United States, through its naval forces and officials acting under the direction of the State Department, is in control of Haiti and the Haitian Government; and

Whereas it is proposed that a loan of \$14,000,000 be negotiated in behalf of Haiti, to be paid by the Haitian people; and

Whereas such a loan is not desired by the Haitian people and is believed by them to be unwarranted and illegal and contrary to the best interests economically and politically of Haiti and her people: Therefore be it

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate by what authority such proposed loan is being negotiated, together with the terms and conditions thereof and the reasons therefor.

Resolved further, That no debt should be created by the United States or by persons representing it which would be a charge upon Haiti or the Haitian people or the Haitian Government.

I will ask the adoption of the resolution, first striking out the third "whereas" and the last "resolve," so that it will read as I ask its adoption:

Whereas the United States, through its naval forces and officials acting under the direction of the State Department, is in control of Haiti and the Haitian Government; and

Whereas it is proposed that a loan of \$14,000,000 be negotiated in behalf of Haiti, to be paid by the Haitian people: Therefore be it

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate by what authority such proposed loan is being negotiated, together with the terms and conditions thereof and the reasons therefor.

Mr. LODGE. With that amendment, I have no objection to it.

Mr. POMERENE. Mr. President, has this matter been before the Committee on Foreign Relations?

Mr. KING. No.

Mr. POMERENE. I see no reason why the resolution should not pursue the regular course, and go to the committee for inquiry and report. I do not care to discuss Haitian matters to-day, nor the affairs of Santo Domingo. I happen to be a member of the committee which has been making an investigation into the affairs on those islands. I do not have complete knowledge on that subject, and no member of the committee will claim to have complete knowledge on the subject. We have not yet completed our hearings.

I simply want at this time to suggest that if Senators are going to come to a conclusion based upon statements which are made by a very few people, some of whom are Haitians and Dominicans, and a few of whom are Americans, they will be sadly led astray.

This is a matter of a good deal of importance. No one wants to impose a loan if it is not a proper thing, but how anyone can come here and speak for the Haitian people, in view of conditions as they exist there now, is beyond my comprehension. I can understand how a few American politicians, who get in touch with a few Haitian or Dominican politicians, can speak the expressed views of those politicians, if they do not present the actual views of those politicians.

The conditions in Haiti and Santo Domingo touch me very much, and I think the special committee investigating those conditions has at heart the interests of those people just as much as the few politicians who pretend to speak for those people. I do not want this statement to be misunderstood. I have no criticism to offer of those Senators or other people who want full knowledge; they are entitled to that; but it does seem to me that under the circumstances this resolution should go to the Committee on Foreign Relations, and pursue the usual course.

The chairman of the special committee which has had charge of this investigation is out of the city now, I understand. He likewise is a member of the Committee on Foreign Relations, and I may say, without any reflection upon the other members of the special committee, that he perhaps is more familiar with the details of conditions there than any of the rest of us; and I should certainly want his view with regard to it.

Mr. LODGE. Mr. President, after the statement of the Senator from Ohio, I hope the Senator from Utah will be willing to allow the resolution to go to the Committee on Foreign Relations.

Mr. KING. Just one word, Mr. President.

I accept with due humility the castigation which has just been administered by the Senator from Ohio. I am sure the Senator from Montana [Mr. WALSH] must feel as I do, greatly perturbed, because the Senator from Montana has had the temerity to ask for certain information relative to a most extraordinary proceeding upon the part of the State Department in sending an officer to Haiti clothed with plenary authority—military, administrative, civil, and political. I was glad the Senator from Montana asked for the reasons for such an extraordinary commission being given to an American officer.

I have asked for information as to the reason why a loan of \$14,000,000 is being negotiated by the State Department for Haiti. I can not conceive that there is anything improper in offering such a resolution, or that it is evidence that the man so seeking that information is a politician. I deny the right of the American Government to superimpose its will upon any people, an alien race. If a loan is to be imposed upon the people of Haiti of \$14,000,000, they ought to have something to say in regard to it, and if we are to impose the loan upon them, there is certainly no reason why the Department of State

should not furnish the reason for the loan and the terms of the loan.

I want to know the facts in regard to that. The Senator from Ohio, if he wants to debate that question here and now, or at any other time, will be accommodated.

I ask that the resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The resolution is now on the table.

Mr. KING. I ask that it be taken from the table and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. POMERENE. Mr. President, I was especially careful to suggest, at the conclusion of my remarks, that I made no reflection upon the Senator from Utah. I had reference to certain other individuals, and I have no apology to make. I usually speak the English tongue when I do speak, and at the proper time I shall discuss this matter fully, but I think it will be after the special committee shall have concluded its hearings.

TREATY WITH JAPAN.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business in open executive session, the subject being the treaty between the United States and Japan.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts.

Mr. HEFLIN. Mr. President, I presented a resolution on yesterday afternoon for an investigation of the Federal reserve bank at Atlanta, and under the rule it went over until this morning. I hope the Senator from Massachusetts will not press his motion until we can get that resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LODGE. It ought to go to the Committee on Banking and Currency.

Mr. OVERMAN. It has to go first to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. FLETCHER. Yes; it must first go to that committee.

Mr. LODGE. I have no objection to its going to the proper committee.

Mr. KING. Mr. President, may I inquire whether that means the adoption of the resolution?

Mr. HEFLIN. No; it will have to be reported back from the Committee to Audit and Control the Contingent Expenses of the Senate and then its course will be determined by the Senate.

Mr. KING. I desire, when the resolution is formally before the Senate, to offer a substitute for it.

Mr. HEFLIN. The Senator can do that when it is before the Senate.

Mr. LODGE. Mr. President, I must insist on my motion.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of executive business in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

Mr. UNDERWOOD. Mr. President, will the Senator from Massachusetts yield to me for a minute.

Mr. LODGE. Certainly.

Mr. UNDERWOOD. As I understand it, the Senator from Massachusetts gave notice yesterday evening that he would call up the treaty after the disposition of morning business. The proposal of my colleague to have the resolution referred to the appropriate committee is morning business.

Mr. LODGE. I have no objection and said so, but apparently it was going to lead to a great deal of debate.

Mr. UNDERWOOD. Of course, the substitute of the Senator from Utah [Mr. KING] would not be in order until the reference had been made and the resolution reported back to the Senate.

Mr. LODGE. I have no objection to the reference being made.

Mr. HEFLIN. I ask to have the resolution referred, then.

Mr. KELLOGG. To what committee?

Mr. HEFLIN. To the Committee to Audit and Control the Contingent Expenses of the Senate.

FEDERAL RESERVE BANK AT ATLANTA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the previous day, which will be read.

The Assistant Secretary read the resolution (S. Res. 242) submitted yesterday by Mr. HEFLIN, as follows:

Whereas it is alleged that the officials of the Federal Reserve Bank of Atlanta have been and are mailing out literature and speeches of a political nature designed to influence public opinion and injuriously affect the standing and service of a United States Senator; and

Whereas it is alleged that said officers are paying for the distribution of said literature and speeches out of the funds of said Federal reserve bank, in violation of law; and

Whereas the Senate would regard with keen disapproval the attempt on the part of any one of the Federal reserve banks to use its power to influence or coerce politically any banker or anyone else in its district; and

Whereas Congress in creating the Federal reserve banking system desired and intended that it should at all times be kept free from political activities; and

Whereas such activities of officers of the said Federal Reserve Bank of Atlanta are alleged to be the result of the suggestion of the Federal Reserve Board, or some member thereof, and are contrary to law and sound public policy: Therefore be it

Resolved, That the Chair shall appoint five Senators, who shall constitute a committee to investigate said actions of said board and bank and report to the Senate their findings thereon and recommendations touching said alleged actions and political activities.

Resolved further, That said committee shall have power to send for persons, papers, and books, to administer oaths and take testimony, to employ a stenographer and pay for his services at not more than \$1.25 per printed page of said testimony; and all costs accruing hereunder shall be paid out of the contingent fund of the Senate upon vouchers approved by said committee.

Mr. HEFLIN. I move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. EDGE. Mr. President, on that question I should like to be recognized.

Mr. LODGE. Mr. President, I yielded with the understanding that the resolution was simply to be referred. If it is going to lead to protracted debate I must say that I do not think it is morning business under the ruling of the former Vice President. I always used to think it was until he ruled to the contrary.

Mr. UNDERWOOD. It is in the line of morning business. It seems to me clear under the rules of the Senate that it is a class of business which is in order during the morning hour.

Mr. LODGE. It is in order to make a motion to take it up.

Mr. UNDERWOOD. The rules of the Senate require that a resolution of this kind shall go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LODGE. Undoubtedly, and I did not suppose there would be any objection to that reference.

Mr. UNDERWOOD. There can not be any question that the junior Senator from Alabama is entitled to have his resolution go to the Committee to Audit and Control the Contingent Expenses of the Senate. When it comes back to the Senate, if Senators desire to move to refer it to some other committee, they can do so at that time.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. BRANDEGEE. I think it is a United States statute which requires a resolution involving the expenditure of money from the contingent fund to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, but is there any rule of the Senate which requires it to be referred to that committee before it is referred, for instance, as in this case, to the Committee on Banking and Currency on the merits?

Mr. FLETCHER. Yes; that has to be done as the first step.

The VICE PRESIDENT. There is no rule of that kind.

Mr. BRANDEGEE. As I have stated previously, it would seem to me to be the logical way for the Senate to determine whether it is going to make an investigation before it decides whether to appropriate money for it.

Mr. LODGE. That is the way it is usually done.

Mr. BRANDEGEE. I had always supposed that it would be much better. If the Senate decides not to make the investigation, there is no use of referring the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. UNDERWOOD. I suggest to my friend from Connecticut that logically the situation is just as well one way as the other. If the Committee to Audit and Control the Contingent Expenses of the Senate make up their minds that they will not allow the money to be spent for the investigation, there is no use of the other committee investigating whether it should be done. It is the usual course in the Senate that my colleague is taking in reference to a resolution that is personal to himself, in asking that it be referred to the usual committee to which resolutions of this kind go.

When the question comes before the Senate for consideration on its merits, of course, all these questions are open. If the Committee to Audit and Control the Contingent Expenses of the Senate report the resolution back favorably, it will then be in order to move to have it referred to the Committee on

Banking and Currency. It will then be in order for the Senator from Utah [Mr. KING] to move his substitute. But the course which my colleague is pursuing, whether it is provided in the rules or not, is the custom and the precedent of the Senate. Whether Senators agree with the resolution or not, every Senator is entitled to have an opportunity for the consideration of his proposal. This is the usual way and I think my colleague is entitled to have it followed.

Mr. BRANDEGEE. Of course, I admit the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate at some time. I merely desired to inquire whether it was a rule of the Senate or not.

Mr. LODGE. It has been done both ways.

Mr. UNDERWOOD. It is customary to have it done this way, and the Senator in charge of the resolution usually has the privilege of having it referred the first time where he desires to have it go.

Mr. EDGE. Will the Senator from Massachusetts yield to me?

Mr. LODGE. I yield to the Senator from New Jersey.

Mr. EDGE. In the absence of the chairman, the Committee on Banking and Currency, of which I am a member—I am speaking on the subject of the resolution—it seems to me that the committee charged with the responsibility of banking and currency matters should first consider the subject matter of the proposed resolution before a general committee charged with the responsibility of furnishing funds for all activities considers the advisability of furnishing the funds.

While I understand the Senator from Alabama [Mr. UNDERWOOD] and the Senator from Massachusetts [Mr. LODGE] that either order has prevailed at different times, I think the businesslike order would be for the committee intrusted with the responsibility of banking and currency legislation first to consider the charges made and the foundation for them, and if in their judgment the investigation is warranted they would so report. Then the Committee to Audit and Control the Contingent Expenses of the Senate would consider the expense feature of the resolution. For that reason I intended to suggest that the resolution be referred to the Committee on Banking and Currency.

Mr. UNDERWOOD. My attitude in the matter is this. I am not making the suggestion simply because my colleague has offered the resolution, but it is customary in the case of a resolution of inquiry or a resolution of investigation, especially where the matter is personal to the Senator himself, to allow him to name the committee to which it shall be referred. It is entirely within the precedents of the Senate to refer such a resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Whether Senators are in favor of the resolution or not, I hope because some Senators may think the resolution should not be passed they will not attempt to establish a precedent and delay the action and a proper reference of this kind in this exceptional case when it is customary across the aisle that lies between us to allow such resolutions to go as a matter of comity every day.

I think if my colleague, the junior Senator from Alabama, desires to have this reference he is entitled to it. If the Committee to Audit and Control the Contingent Expenses of the Senate fail to report the resolution, he must take his chance. If it comes back to the Senate, of course it can not be finally acted on before a motion to refer is made, so nobody can lose any rights.

Mr. EDGE. I am not discussing the merits of the resolution at all, because I know absolutely nothing about it, but it would seem to me the Senator from Alabama would prefer on second thought to press his charges before the Banking and Currency Committee and the consideration of the resolution there than before the Committee to Audit and Control the Contingent Expenses of the Senate. I can not, of course, speak for him, but that would seem to me to be the natural course.

Mr. HEFLIN. Mr. President, I will say to the Senator from New Jersey that the resolution states that a certain amount and no more shall be paid for stenographic work, and the idea is that the Committee to Audit and Control the Contingent Expenses of the Senate will approve or disapprove that feature of it and say that the committee can or can not take care of the expenses proposed to be incurred. That is the purpose.

The Presiding Officer on yesterday, the President pro tem [Mr. CUMMINS], told me that my resolution would have to go to the committee to which I have asked to have it sent. That is the reason why I asked this morning that it go there first. When it comes back to the Senate the Senate can then refer it where it chooses to refer it, but it must be looked into first, as I understand it, by the committee which audits and controls the contingent funds of the Senate.

Mr. LODGE. Sooner or later that must be done.

Mr. FLETCHER. Rule XXV of the Senate provides for—

A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of five Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

Mr. LODGE. All they have to determine is whether there is money in the Treasury with which to pay the bill. They have no right to pass on the merits of the resolution.

Mr. FLETCHER. No; but such resolutions have to go to that committee.

Mr. LODGE. And the question of the investigation will have to go to another committee.

Mr. EDGE. Mr. President, a parliamentary inquiry. What is the motion now pending, or is there a motion pending?

The VICE PRESIDENT. The pending motion is to refer the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. EDGE. I move to amend that motion that the resolution be referred to the Committee on Banking and Currency.

Mr. LODGE. That can not be done.

Mr. EDGE. Then if the motion of the Senator from Alabama is defeated, I will move to refer the resolution to the Committee on Banking and Currency, where I think it properly belongs.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. I yield.

Mr. KING. I do not want the statement made by the Senator from Florida [Mr. FLETCHER] to go unchallenged, namely, that the rule requires or compels the reference of all resolutions first to the Committee to Audit and Control the Contingent Expenses of the Senate. We had that matter under consideration recently when a resolution was offered for an investigation, and after some discussion the resolution was referred to the Committee on the Judiciary. After they reported that the investigation should be had, the resolution came back to the Senate and then it was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. FLETCHER. I did not say that the rules require that it shall first be referred to that committee, but it has to go there.

Mr. KING. Oh, undoubtedly; sooner or later.

Mr. FLETCHER. I think it should go there first.

Mr. HEFLIN. That is what the Presiding Officer told me yesterday was the course to pursue.

Mr. LODGE. Let it go there, then.

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McLean	Smith
Ball	Glass	McNary	Smoot
Borah	Gooding	Moses	Spencer
Brandegee	Harrell	Nelson	Stanfield
Bursum	Harris	New	Townsend
Calder	Harrison	Newberry	Trammell
Cameron	Hefflin	Nicholson	Underwood
Capper	Johnson	Oddie	Wadsworth
Caraway	Jones, N. Mex.	Overman	Walsh, Mass.
Colt	Jones, Wash.	Page	Walsh, Mont.
Culberson	Kellogg	Philpotts	Warren
Curtis	Kendrick	Pittman	Watson, Ga.
Dillingham	King	Pomerene	Watson, Ind.
Edge	Ladd	Ransdell	Weller
Elkins	Lodge	Robinson	Williams
Fernald	McCumber	Sheppard	Willis
Fletcher	McKellar	Shortridge	
France	McKinley	Simmons	

Mr. JONES of Washington. I desire to announce that the Senator from Wisconsin [Mr. LENROOT] is absent on account of sickness. I also wish to state that the Senator from New Hampshire [Mr. KEYES] is necessarily absent from the Chamber.

The PRESIDING OFFICER (Mr. MOSES in the chair). Seventy Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. President, on that I demand the yeas and nays.

The PRESIDING OFFICER. Is the demand seconded?

Mr. HEFLIN. I withdraw the demand for the yeas and nays just now.

Mr. EDGE. I will make the suggestion for the Senator from Alabama, and demand the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

The PRESIDING OFFICER (when the name of Mr. MOSES was called). The present occupant of the chair has a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. In the absence of that Senator the Chair transfers the pair to the senior Senator from Pennsylvania [Mr. CROW] and votes "nay."

The roll call was concluded.

Mr. JONES of Washington. The senior Senator from Virginia [Mr. SWANSON] is necessarily absent, and I have agreed to take care of him during that absence. I find I can transfer my pair with him to the Senator from Wisconsin [Mr. LENROOT]. I make that transfer and vote "nay."

Mr. PHIPPS (after having voted in the negative). On this motion I am paired with the Senator from South Carolina [Mr. DIAL]. I transfer that pair to the junior Senator from Pennsylvania [Mr. PEPPER] and allow my vote to stand.

Mr. KENDRICK. I have a general pair with the Senator from Illinois [Mr. McCORMICK], which I transfer to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. EDGE (after having voted in the negative). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from New Hampshire [Mr. KEYES] and allow my vote to stand.

Mr. SMITH (after having voted in the affirmative). I desire to inquire has the Senator from South Dakota [Mr. STERLING] voted?

The PRESIDING OFFICER. He has not.

Mr. SMITH. I have a general pair with that Senator, which I transfer to the Senator from Missouri [Mr. REED], and allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY]; and

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS].

The result was announced—yeas 32, nays 33, as follows:

YEAS—32.

Ashurst	Harris	McNary	Smith
Capper	Harrison	Overman	Stanfield
Caraway	Healin	Pittman	Trammell
Culberson	Jones, N. Mex.	Pomeroy	Underwood
Fletcher	Kendrick	Ransdell	Walsh, Mass.
France	King	Robinson	Walsh, Mont.
Gerry	Ladd	Sheppard	Watson, Ga.
Gooding	McKellar	Simmons	Williams

NAYS—33.

Borah	Fernald	New	Townsend
Brandagee	Harrell	Newberry	Wadsworth
Calder	Jones, Wash.	Nicholson	Warren
Cameron	Kellogg	Oddie	Watson, Ind.
Colt	Lodge	Page	Weller
Curtis	McCumber	Phipps	Willis
Dillingham	McKinley	Shortridge	
Edge	McLean	Smoot	
Elkins	Moses	Spencer	

NOT VOTING—31.

Ball	Frelinghuysen	Lenroot	Poindexter
Broussard	Glass	McCormick	Reed
Bursum	Hale	Myers	Shields
Crow	Hitchcock	Nelson	Stanley
Cummins	Johnson	Norbeck	Sterling
Dial	Kenyon	Norris	Sutherland
du Pont	Keyes	Owen	Swanson
Ernst	La Follette	Pepper	

So, Mr. HEFLIN's motion was rejected.

Mr. EDGE. I move that the resolution be referred to the Committee on Banking and Currency.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey to refer Senate resolution 242 to the Committee on Banking and Currency.

Mr. HEFLIN. Mr. President, I wish to say a few words on the motion.

The custom in the Senate has been to refer to the Committee to Audit and Control the Contingent Expenses of the Senate a resolution which sought an investigation and carried expenditures from the contingent fund of the Senate. On yesterday, when I asked permission to have my resolution considered at once, without its being referred to any committee, I was told by a number of Senators that it was necessary to have it go to the Committee to Audit and Control the Contingent Expenses of the Senate. The consideration of the resolution was not permitted at that time. Objection was made to it, I believe, by the Senator from Massachusetts [Mr. LODGE], the Senator from Minnesota [Mr. KELLOGG], and the Senator from New Hampshire [Mr. MOSES]. Three Republican Senators objected to its present consideration and to making any disposition of it at that time. I afterwards talked with the Presiding Officer, who was the Senator from Iowa [Mr. CUMMINS], and he told me that the resolution would have to go to the Committee to Audit

and Control the Contingent Expenses of the Senate, that being the first step, to see whether or not that committee, which handles the purse strings of the Senate, is to O. K. the expenditure of money necessary to carry on an investigation, and whether or not it will O. K. the amount set out in the resolution which is to be paid for stenographic work.

I know, and the Senate knows, and the country knows, that unless expenses are provided for there will be no investigation. It was my purpose—and I am going to be frank with the Senate as I am going to be frank with the country in discussing this matter—it was my purpose when this resolution came back from the Committee to Audit and Control the Contingent Expenses of the Senate to ask for its immediate consideration. There is no use in referring it to any committee for further investigation than that of looking after the expense to be incurred; none in the world. Senators can very easily be acquainted with the situation. I can show by the newspaper reports that the Atlanta bank admits that it has been writing letters and distributing the speech of the Senator from Virginia [Mr. GLASS], which was made in a debate with me upon the Federal Reserve Board and its administration of the banking system. I shall read that statement a moment later.

What is the necessity for referring this resolution to the Committee on Banking and Currency?

In the first place, the controversy had upon this floor was between myself and the Senator from Virginia [Mr. GLASS], who is himself a member of the Committee on Banking and Currency. The chairman of that committee is the Senator from Connecticut [Mr. MCLEAN], who takes the position that the Senator from Virginia takes, and who congratulated him upon his speech the first day in this discussion with me upon the Federal Reserve Board's deflation policy and its administration, or maladministration, of the Federal reserve banking system. My resolution seeks to have the Senate determine whether one of the great Federal reserve banks in this country shall engage in politics, shall use its power to spread a propaganda in which there are attacks by one Senator upon another, which challenge the position of one Senator and criticize his position through the mouth of another.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. Directly in line with what the Senator is saying, I will state to him and to the Senate and to the country that months and months ago I introduced a resolution requesting the President to remove Gov. W. P. G. Harding, the man who has done more industrial harm to this country than was done to Belgium and France by the armies of Germany. That resolution has rested in that committee month after month; and I submit to the Senate and to the country that that is not the courteous way to treat a Senator, nor is it a senatorial way to treat a great matter which has been referred to a committee in a proper way. The Senator's resolution will take the same course. It will be chloroformed in the committee room.

Mr. HEFLIN. I thank the Senator.

Mr. President, this is a vital question. A hundred million people are involved in this matter. Mighty forces are being brought to bear to seal the lips of those of us who dare to challenge in this Chamber the action of the Federal Reserve Board. One Federal reserve bank, serving several States in my section, is using its power, making itself a clearing house for political literature, and circulating at the expense of the bank a speech of one Senator that challenges the position of another Senator, that criticizes the position of another Senator, that belittles the position of another Senator, and is sending that literature into that Senator's State.

Mr. President, the Atlanta Journal, a paper published in that city, got a statement from one of the agents of that bank, in which he says that they have sent that speech not only to the bankers of my State, the member banks of the system, but to the nonmember banks, to merchants, to corporations, and to business people generally, accompanied by a letter telling them of this speech made by the Senator from Virginia and asking them to read it and get a correct view of the situation.

I took the position that his speech was not the correct view of it. I took the position that his speech was full of misinformation. He took the same position with regard to mine. He had a right to take that position; I had a right to take the position that I did with regard to his speech; but what business has a Government bank, holding the purse strings of millions of people in the district that it serves, to use its power to spread its propaganda through the speech of one Senator which attacks, assails, and criticizes the position of another?

Mr. CARAWAY. Mr. President, will the Senator yield?
Mr. HEFLIN. I am glad to yield to my friend from Arkansas.

Mr. CARAWAY. The Senator overlooks another part of that letter. There is a questionnaire that goes along with it, and asks the bankers and merchants to commit themselves as to what they got out of the speech after they read it. They want a reply.

Mr. HEFLIN. I am going to send the letter to the desk and ask that it be read in my time. Here it is, published in the Atlanta Journal.

The PRESIDING OFFICER. The Senator from Alabama requests that the letter referred to be read from the desk. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Assistant Secretary read as follows:

FEBRUARY 7, 1922.

To whom addressed:

During recent months the Federal reserve system has been the subject of much discussion, some of which has evidenced that a thorough understanding of the system's operation does not exist, which is not surprising, as the average person has had no occasion to make a study of finance, except as it relates to his own business efforts.

Hon. CARTER GLASS, Senator of Virginia, one of the framers of the act from which the system took life, recently delivered a speech in the Senate of the United States that presents a clear exposition of what the Federal reserve system can do and has done, a copy of which we inclose. The document has such educational value that, being interested in the national welfare, you will not only enjoy its reading but will obtain information that can not but give you a better understanding of the value of the Federal reserve system to the country and to your own community of which you are a representative citizen. With the latter thought in mind, we are prompted to ask, after reading the document, that you answer the following questions:

Before having read Senator GLASS'S speech what was your opinion of the value of the Federal reserve system to our country?

What is your opinion after reading his presentation?

Do you now have a better understanding of the functions and operation of the Federal reserve system than you had before?

Any other comment you care to make is invited and will be welcomed.

Respectfully,

FEDERAL RESERVE BANK OF ATLANTA.

Mr. HEFLIN. Mr. President, that letter tells a banker, business man, merchant, or corporation that by reading that speech he or it will get a clear explanation of the whole system and what it has done. There is a matter of controversy here between the Senator from Virginia and myself as to how that system has been conducted. I challenge the position that he takes. He challenges mine. Here is a bank taking up the speech of a Senator and sending it out. To whom is it sending it? It is sending it to people who must go to that bank for money or die financially. What does that letter suggest to the man who receives it? Read the speech. You will enjoy it. There are several attacks in it upon the junior Senator from your State, who has had the courage to challenge the cruel course of the Federal Reserve Board and its administration of the system for several months past; but you will, we trust, enjoy the attacks made upon the junior Senator from your State.

After you have read those attacks, and you have gotten a clear explanation of the system from a man whose position he challenges, write to me—the man to whom you must go to get money for the merchants of your town and your territory and the farmers of your county and the territory around you, that will enable them to make a crop and live—write to me, and give me your opinion of this thing. Answer this question: What was your opinion of this system before you read the speech that we send to you at the expense of a Government bank? Then give us the opinion you hold after you have read it, and write that opinion back to us.

Oh, Mr. President, was there ever anything of a more coercive nature, a more insidious, mean, sneaking effort to worm a way into the hearts and brains of bankers in the hope of injuring a Senator in his own State?

What was the feeling of the local banker? What thoughts occupied him when he read that letter? They were the same thoughts which came to me in the letter which I read to Senators, portions of which I read again in this connection. This is from the president of a bank in my State:

DEAR SENATOR HEFLIN: A few days ago the Federal Reserve Bank of Atlanta sent us a copy of Senator GLASS'S speech on the Federal reserve system and asked that we read it in order to get a correct idea of the way in which the system had been administered and to write them what we thought about the speech.

We wrote them, of course, that we thought that you and the Manufacturers' Record were nearer right than Senator GLASS in this controversy, but it has occurred to the writer that the Federal Reserve Bank of Atlanta really has no business sending out to your constituents the speech of any Senator or Representative in Congress at the expense for printing letters and postage of the Atlanta bank.

It occurs to me that the Atlanta bank is now doing what it can to bring you into disfavor with your constituents because you have had the temerity to discuss the mistakes of the members of the Federal Reserve Board and the officers of the several banks.

Of course, I do not want to get mixed up in politics in any way, and only write you this because my sympathies in this matter are with you and to put you on your guard.

That is the feeling, I believe, which came to the bankers generally, Mr. President, when they received that letter. How would the average banker feel? The first thought which comes into his head is something to this effect, "I now owe that bank in Atlanta money on account of loans. I have to go to that bank again in a few days for more accommodation, and I have received from that bank a speech which attacks a Senator whom I voted to elect to represent me in the United States Senate, as well as to represent the other people in this State, and a letter accompanies it asking me to give the bank in Atlanta my opinion of the speech, and the effort is made to have me express a favorable opinion of it."

Mr. President, those questions in substance say this to the man:

You write us, if you were against the system before, whether you are against it now. Write us whether you agree with Senator HEFLIN or whether you agree with Senator GLASS.

Then what thought comes to him? He says, "Here I am, a free man in what is supposed to be a free country, called upon by a bank designated under the law to serve us with funds which are necessary to carry on the business of our section, and they are asking me a question which I must answer. If I answer it as they want me to answer it, I must repudiate the stand of a man whose course I indorse. If I write them that I do not approve of the speech, but do agree with Senator HEFLIN, then they will tell me that they can not grant my request."

In a statement from a man who had to do with sending out that speech and letter, he said that they sent the speech and letter to all the States of that section. Is that not in violation of the law? Do Senators indorse that sort of thing? I did not know those speeches were being printed by the Federal Reserve Board or the Federal Reserve Bank of Atlanta. I did not know they were taking up the speech which had been made by a man who assailed my position and sending it out all over that section. I do not object to any man assailing my position. All I ask is to have him assail me in the open, where I can know what he says about me.

But they took that speech and printed it and sent it out, and when the bankers of my State commenced to complain among each other and write and notify me of what was going on, they said, "Yes; we have sent them not only into Alabama but into Georgia and Louisiana," and two or three other States down there which that bank is intended to serve.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. Mr. President, in that connection let me tell the Senator from Alabama that a Member of the Georgia delegation in the other House made a speech over there on the same line the Senator from Alabama has been taking, and the next day he received from Mr. Platt, of the Federal Reserve Board, the most insolent letter I ever read.

Mr. HEFLIN. I agree with the Senator in his opinion of the letter. I have read it.

Mr. WATSON of Georgia. It was a threatening letter, and there must have been something sent out into Georgia about it, because this Congressman told me a short while afterwards that he had received a letter from his son-in-law, who is a clerk in a country bank down there, in which his son-in-law begged him for God's sake not to make another attack upon the Federal Reserve Board, for if he did he would lose his job.

Mr. HEFLIN. Mr. President, I recall the incident mentioned by the Senator from Georgia. I recall the letter written by Mr. Platt, a Republican, a member of the Federal Reserve Board. He was a Member of the House when they got that high rediscount rate through the House. He engineered it; he was chairman of the Committee on Banking and Currency in the House, and then later went on the Federal Reserve Board. He wrote to Congressman BRAND that he had better stop or he would hear from it before the primary. That is the substance of it. Let Senators read the letter and see whether I am correct or not. What is that? That is a threat to muzzle men who come here to represent the people back home.

Senators, are we going to submit to this? Are we going to have it said of us by those who write the history of this time, when we are gone, that we betrayed our trust, that we truckled to special interests, that we tied up the instrumentalities of this Government and made the people a prey to those who wanted to suck their life's blood? Do Senators want to be guilty of that?

I want to comment on the incident mentioned by the Senator from Georgia. He told me about that, and it went home to my heart. Think of that, a Representative in the other House criticizing this deflation policy of the Federal Reserve Board,

deflation such as was denounced by Lincoln as a crime, and a member of the Federal Reserve Board taking him to task and threatening him politically.

Then follow it on. Certain influences are set to work down there in the reach of this Federal reserve bank, just as they started this move against me, and you find the son-in-law of a Member of Congress [Mr. BRAND] writing his father-in-law that unless he holds up in his criticism of the Federal Reserve Board and its policy, which wrought ruin in that State and in the South and West, it had been whispered to him that he would lose his job. Congressman BRAND is standing by his guns.

If the French soldiers who died at Verdun could have been reached like that the German Army would have been in Paris long, long ago, but there were men at that place feeding themselves into death as rapidly as the destructive engines of war could play upon them from the German Army, and they never surrendered; they never faltered; they never violated their trust; they held that place, saying all the while, "They shall not pass!" Are we going to be less courageous than they? I realize that this is a great power, and I realize that when it is used for good it is a blessing to the country, but I realize that when it gets into politics it is going to be a destructive monster, breaking the morale and courage of men because they are dependent upon it for their money supply to carry on their business.

This is a dangerous thing they are doing. We are bringing the facts before the Senate, and we are calling them to the attention of the Senate. I do not know whether the Senators on the other side are going to permit this investigation or not.

The boys who sent out the first report of my statement in regard to this misunderstood my position. Their report said, "Senator HEFLIN accuses the bank of Atlanta of writing letters to bankers in his State accompanying a speech of the Senator from Virginia," and telling those bankers to write to me to lay off the Federal Reserve Board, to desist in my criticism of that board. I never said anything of the sort. I said they sent out that speech, and that they sent a letter with it calling on the bankers to read it, and asking the bankers to write back to them and tell them what they thought about the speech, and I was not to be notified at all; oh, no. They never suggested that I be told anything about it. They never suggested that anybody write me. They may have intended that it should have that effect, and that people would write me and say to me to desist.

If they did write to me it would be a confidential letter somewhat along this line:

"DEAR SENATOR: I agree with all you say. I know how that policy wrought ruin in this section. I know how it worked ruin in this community, and I know you are right. I agree with you that the deflation policy cost Alabama more than a hundred million dollars, and while this is true (do not use my name) I have been requested to ask you to let up on them, and those who made the request hold the purse strings of the money supply of this section and the situation is embarrassing to me. Is this any longer a free country?"

No official of a Government bank has the right to try to influence the political opinions of any banker in my State or any other State.

We have a great many courageous bankers in this country; and I want to tell Senators another thing. I resent the charge that Gov. Harding has made that the bankers of my State and other States "passed the buck" to the Federal Reserve Board. I believe that the bankers of my State did everything in their power to aid the farmers and the merchants in 1920, but when they were tied up with loans, and this deflation policy broke in all its fury, they could not get the money necessary to meet the needs of their communities, and disaster and distress and acute human suffering came upon our people. I personally know that some of those banks made every effort to get money to loan on cotton to help the farmer keep it off the market until the price would yield a profit. The banks were told that money could not be had to hold cotton.

Mr. CARAWAY. Does the Senator believe that a single Senator on the other side who voted to keep the Senator from Alabama from getting the investigation—for that is what their votes meant—would have voted as he did if the resolution had been aimed at an investigation of the activities of a Democratic bank against some Republican Senator standing for reelection?

Mr. HEFLIN. I do not.

Mr. CARAWAY. Does the Senator think they would have smothered an investigation in an instance similar to this?

Mr. HEFLIN. I do not.

Mr. CARAWAY. I do not, either.

Mr. HEFLIN. That is the reason why I said I was going to indulge in plain talk, and as long as I hold a commission in this

body I am going to do it. The faculties that God Almighty has given me were to be used for the best purpose possible, and when I went into the House in 1904 I dedicated myself before God to the service. I registered a vow again when I came to this body to do everything in my power to make a useful and a faithful Senator representing the people of my State. Are efforts to be made to muzzle me, to silence me, to prevent me from speaking what I believe is the truth, from fighting for what I know is the right?

I wish to read what Mr. Lincoln said about deflation, and I am in mighty good company when I am with him. When they asked him, "What is your concrete doctrine in a nutshell?" he is the man who said, "I am in favor of placing the man above the dollar." What did he mean by that? Dollars are useful. We have to have dollars to carry on business. As I said the other day, the dollar is a medium of exchange and a measure of value, but Lincoln wanted the idea always to be uppermost that a human being made in God's image was to be exalted and kept above the doctrine that suggested the worship of the dollar.

What did Lincoln say about deflation?

Here is what he said:

I warn the American people not to permit a repetition of the crimes of history. Following great periods of inflation, if drastic artificial deflation is attempted, disastrous results must follow. I warn them not to permit the money power—

Listen, Senators! What am I talking about to-day? The money power, the ill use of that power, the abuses of those in charge of that power.

I warn them—

Mr. Lincoln said—

not to permit the money power to take advantage of the condition of the people.

What was the condition of the people in this instance dependent for their money upon this system? Who was it that locked the door in their faces and would not let them have it? Who was it deflated and destroyed their property values and made them dump their produce upon the market, and pay with deflated products debts incurred under an inflated policy? Listen further to what Lincoln said:

I warn them not to permit high and usurious interest rates.

What did they do under this progressive interest rate? They charged 10 per cent, 20 per cent, 40 per cent, 50 per cent, 60, 70, 80 per cent, and a little bank in my State paid as high as 87½ per cent; and yet Senators wonder that I cry out against a deadly policy of that character. That is the State in which they are circulating speeches that attack my position, that belittle my position, when my position is a correct position and their position is incorrect. A bank established under the Government is circulating that speech and asking banks dependent upon it for their money supply to write back and tell them how they feel upon that subject.

Listen further to Mr. Lincoln:

I warn them not to permit high and usurious interest rates, contraction of the currency, or any change in the circulating medium that will affect the debt contracted until it has been discharged.

What did I tell you the other day? When prosperity was here, when the cotton producer of my State received \$200 per bale for his cotton and when 10 bales would pay a debt incurred of \$2,000, I saw this deflation policy, this contraction of the currency, operate in its fury and beat down the price of that cotton to \$50 a bale, where 10 bales brought only \$500 and where it would take four crops—40 bales of cotton—four years, to pay a debt incurred in one year under the inflation policy.

That is the truth. Why not tell it here?

Here is the concluding statement of Mr. Lincoln:

Any movement to artificially deflate before the debt can be paid, to change the medium or circulation upon which the debt was contracted, would be a crime.

What do you say about that, Senators? What are you going to do? Are you going to stay by the doctrine of Lincoln, or are you going to follow the dictates of Wall Street? Wall Street does not want my resolution to pass. My resolution goes to the very meat of the situation. My resolution says that it is alleged that this action taken in Atlanta was inspired by the Federal Reserve Board governor or some member of the board, and the resolution empowers a committee to investigate the connection of that board and that bank with the political propaganda of the Atlanta bank.

Senators, if my contention is right, am I not entitled to have that truth given to the Senate and to the country? I am not asking you to do that for any personal consideration for me. I am pleading for the good of my country. Will you permit this banking system which has been perverted from the ends of its institution and turned into open notorious politics under the administration of the present board, which changed its politics

in the election of 1920, to do that? When we get in power, if the banks are then playing politics, you would stand in your places on the other side of the aisle and say it was very wrong, that it ought not to be permitted, and I would agree with you. It ought not to be permitted at any time. I do not care what party is in power, we ought to keep this system free from that sort of thing.

I am going to read the resolution right here in my speech, because I want the country to know just what the facts are and what the situation is. It reads:

Whereas it is alleged that the officials of the Federal Reserve Bank of Atlanta have been and are mailing out literature and speeches of a political nature designed to influence public opinion and injuriously affect the standing and service of a United States Senator; and Whereas it is alleged that said officers are paying for the distribution of said literature and speeches out of the funds of said Federal reserve bank, in violation of law; and

Listen to this, Senators:

Whereas the Senate would regard with keen disapproval the attempt on the part of any one of the Federal reserve banks to use its power to influence or coerce politically any banker or anyone else in its district; and

Whereas Congress in creating the Federal reserve banking system desired and intended that it should at all times be kept free from political activities; and

Whereas such activities of officers of the said Federal Reserve Bank of Atlanta are alleged to be the result of the suggestion of the Federal Reserve Board, or some member thereof, and are contrary to law and sound public policy: Therefore be it

Resolved, That the Chair shall appoint five Senators, who shall constitute a committee to investigate said actions of said board and bank and report to the Senate their findings thereon and recommendations touching said alleged actions and political activities.

Resolved further, That said committee shall have power to send for persons, papers, and books, to administer oaths and take testimony, to employ a stenographer and pay for his services at not more than \$1.25 per printed page of said testimony; and all costs accruing hereunder shall be paid out of the contingent fund of the Senate upon vouchers approved by said committee.

Now, Mr. President, what objection can there be to passing that resolution right now in the open Senate? Why not let the Senate say what it will do with it? Why refer it to the Committee on Banking and Currency, some of the members of which I fear are hostile, and the chairman of it I fear is hostile, to the purposes of my resolution, and one member of the committee is the very man whose speech has been circulated by the bank of Atlanta. I want the country to know the exact situation. A Senator in his place in this body, under his responsibility as one of the Senators of a sovereign State, has denounced what he believes to be an injurious policy of deflation and holds up to criticism the board that inflicted that policy and carried it out. Another Senator assailed that position and his speech is taken up and circulated by a bank, a governmental institution, accompanied by a letter to those whom the bank must serve, to those who must depend upon that bank for accommodation, asking how they feel upon the subject.

Senators, are you going to permit that thing to be done? Is that going to be the deliberate judgment of this body to-day? I would not vote so to refer a resolution of any Senator on the other side of the Chamber where he was involved personally to a hostile committee if speeches were circulated in his State by a Democrat attacking his position and criticizing him and belittling his effort. I would not vote to refer that to a committee where the man was a member of the committee who made the speech against him upon the other side. That is just common fair play, Mr. President.

Why should this resolution of mine be referred to the Committee on Banking and Currency when a speech of one of the members of that committee is the proposition in question, is the document that has been circulated, is the one that assails me and my position? Why should this resolution be referred to a committee when the chairman of that committee came over and congratulated the Senator whose speech assailed me and my position? Now to take the resolution that I introduce for the good of the country, for the good of everybody, and refer it to that committee, where it will be buried, chloroformed, as my friend from Georgia has said, does not appeal to me as the fair thing to do.

Mr. President, I hope the Senate will not do that. I hope the Senate will let the resolution go, as such resolutions usually go, to the Committee to Audit and Control the Contingent Expenses of the Senate. This proposition is in it:

That said committee shall have the power to send for persons, papers, and books, to administer oaths and take testimony, to employ a stenographer and pay for his services at not more than \$1.25 per printed page of said testimony; and all costs accruing hereunder shall be paid out of the contingent fund of the Senate upon vouchers approved by said committee.

I wish to ask the Senator from New Jersey [Mr. EDGE], and any other Senator in the Chamber, what objection there is to allowing the resolution to go to that committee and letting that committee say whether or not \$1.25 a page is proper and correct,

whether it should be less or whether it should be more, and whether that committee is in a position to take care of the expenses of this investigation or whether it is not in favor of doing so.

Mr. President, that is the proposition.

Mr. JONES of New Mexico. Mr. President—

Mr. HEFLIN. I yield to my friend from New Mexico.

Mr. JONES of New Mexico. I think it wise in this connection to call attention to the fact that such a resolution can not pass unless it be approved by the Committee to Audit and Control the Contingent Expenses of the Senate. That is the law of Congress; it is a statutory regulation; and it seems to me that it is a useless thing to refer the resolution to the Committee on Banking and Currency, at least until after it shall have been approved by the Committee to Audit and Control the Contingent Expenses of the Senate. The Committee on Banking and Currency may recommend it or it may not do so, but in no event have we any authority to adopt the resolution until it has had the approval of the Committee to Audit and Control the Contingent Expenses of the Senate. So I should say that every reason points to the procedure that the resolution shall first be referred to that committee.

Mr. HEFLIN. I thank my good friend from New Mexico for that suggestion. That was the advice which was given to me by the Senator from Iowa [Mr. CUMMINS], who was the Presiding Officer yesterday afternoon when I presented the resolution. He is a clever Republican from the State of Iowa, and I followed the course suggested to me by the then Republican Presiding Officer of this body.

Mr. President, similar resolutions heretofore have, in the main, been submitted to the Committee to Audit and Control the Contingent Expenses of the Senate. That committee has said to the Senator who has introduced the resolution, and to those who are interested in it, "This is all right; the figure you propose to pay is all right, we indorse it; and the expense that you suggest we will take care of." So the Committee to Audit and Control the Contingent Expenses of the Senate O. K. the resolution and it is reported back to the Senate. The Senate may then act upon it, and the Senator in charge of the resolution will show to the Senate that the Committee to Audit and Control the Contingent Expenses of the Senate has already said that it could take care of the expense suggested in the resolution.

Reference to the Committee to Audit and Control the Contingent Expenses of the Senate is the proper course. After the resolution should have been reported from that committee, the Senate could then decide whether or not it would consider the resolution, which I hope it may do, or whether it will refer it to some other committee.

Mr. President, I have spoken longer than I intended to speak; the fact is I did not intend to speak at all. I never thought that there would be any objection to the consideration of the resolution this morning. I can not see how there could be any objection to it. It involves a question that is very vital to the welfare of the people back home, in every section of the country, but I do not know whether or not they are very long remembered by some who come here. I have seen votes cast here that indicated to my mind that those back yonder amongst the mass of the people were very soon forgotten by, if, indeed, they ever were very much in the minds and hearts of some men whom I know who get into public life.

Senators, I repeat, this is a vital question which is now presented. Old "Hickory" Jackson, while President, as I have heretofore reminded the Senate, saw the evil of the use of the power of the national banks in politics and he stopped it. We created the greatest banking system that ever was devised by the genius of man; a system under which no power can produce a panic if the system is honestly administered. Whenever the Federal Reserve Board state they have got to "draw in" or have a panic, they tell an untruth against the Federal reserve system. The system was intended to be a panic-proof banking system, and it is such when honestly and intelligently administered. My good friend from Georgia [Mr. WATSON] knows that at the time the legislation was pending those of us who initiated and advocated it said, "If this bill shall become a law we will never see any more hard times such as we have seen, or anything that approaches a panic."

Mr. WATSON of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I yield to my friend from Georgia.

Mr. WATSON of Georgia. Mr. President, since the Senator from Alabama has made that allusion, I hope I may be permitted to say that I predicted at the time that the system would do just exactly what it has done.

Mr. HEFLIN. Mr. President, the former Senator from Texas, Joe Bailey, used to say that he feared that the Federal Reserve Board had too much power. I criticized him for the position which he took, and he used this expression to me. He said, "Tom, I would not turn over the control of the money supply of this Nation to any five men born of woman." That is what we have done. We have five members appointed by the President, and the Secretary of the Treasury and the Comptroller of the Currency, who are ex-officio members of the board, making seven in all.

There ought to be more members on that board, and the law should be changed to give all sections representation on it.

It is a great system and we must not allow it to be ruined by the greed of any set of men.

Mr. SIMMONS. Who has got the five members?

Mr. HEFLIN. Who has got the five members? my friend, the able Senator from North Carolina [Mr. SIMMONS], asks me. I have been telling the Senate and the country for 12 months and more who has got those five members. The very newspapers in Wall Street that denounced the system and said it would produce a panic, and that it would not do at all, are now defending the Federal Reserve Board and criticizing me. Who does the Senator from North Carolina suppose has got the five members? Have I got them or has Wall Street got them? My opinion is that Wall Street has got them and dominates them absolutely.

Mr. President, I wish to repeat something I said here the other day. Until President Wilson was stricken down and the Democrats lost the House and the Senate, the Federal reserve system worked with unerring precision; it worked like a Corliss engine; there was never any disturbance anywhere; there was no hitch anywhere. Whenever one Federal reserve bank was in distress the others would go to its rescue; if the people of one locality needed more money than was needed in another, the system would come to its rescue. I remember that when the banks of Philadelphia and Boston, I believe, were in distress, and we did not need the money in the South, for cotton was bringing a good price, business was moving along smoothly, the Federal Reserve Board was functioning properly, and Wall Street stood afar off and did not control it, the Federal Reserve Bank of Atlanta, the Federal Reserve Bank of Dallas, the Federal Reserve Bank of Richmond, and the Federal Reserve Bank of St. Louis went to the rescue of the banks in Philadelphia and Boston and let them have, as I recall, between \$65,000,000 and \$75,000,000. So in those days no objection could be raised to the system; but when Woodrow Wilson, the greatest President, in my judgment, that we have had, was stricken down and suffered that long and serious illness, and the Democrats lost control of the House and the Senate, then this trouble commenced.

Anybody could tell by the drift of things that the Republicans were going to win in 1920. They had carried the House and Senate in 1918. The Federal Reserve Board scented it before anybody else; it had its weather eye out, and the head of that board, appointed by a Democrat as a Democrat, is charged by the Washington Times in an editorial, which has never been denied, as saying that he was going to retain his place at the head of that board because he had helped the Republican Party in the election of 1920.

Mr. President, this deflation policy came about and was inaugurated under the authority of a resolution passed by a Republican House and by a Republican Senate and was carried out by a Federal Reserve Board which supported the Republican ticket. Were they trying to help the Republican Party in that election by using their power in politics? Is that the reason some Senators on the other side are not going to vote for my resolution? Mr. President, if there was any understanding that they should help the Republican Party, I want to name four States that we lost on account of that policy. They are Tennessee, Oklahoma, Arizona, and New Mexico. In the States that produce cotton, when cotton fell from 40 cents to 20 cents in October before the election, the farmer could not borrow money on his cotton, as he had done the year before, and so he did not vote the Democratic ticket.

The Democrats suffered because he had an idea that the board was a Democratic board while Wilson was President and he was stricken down and did not know what was going on, and the people were punished. That little taste of politics which the board got then evidently has caused them to pursue a similar course in the case of Senators, for they are taking a hand in senatorial matters. They have written a letter to a Member of the House and suggested to him that he will be punished in the primary if he keeps up his attack on the board, a public institution, and the word is carried to the son-in-law of that Representative, "If you do not get your father-in-law off of this

course, you are going to lose your job." Then we find them taking the speech of another Senator, who takes issue with my position, and circulating that speech in a Senator's State accompanied by a letter, I repeat, wanting to know of the banker to whom it is sent what his views are upon the subject and where he stands in the matter.

Mr. SIMMONS. Mr. President—

Mr. HEFLIN. I yield to my friend from North Carolina.

Mr. SIMMONS. I was going to suggest for the consideration of the Senator from Alabama that it might be appropriate and helpful if he would reform his resolution so as to provide also for investigation of the letter which he says was written to a Member of the House, setting out that letter.

Mr. HEFLIN. I thank the Senator from North Carolina for that suggestion, but the letter was printed in the CONGRESSIONAL RECORD by Representative BRAND, of Georgia, who commented upon it in a speech which he made. Mr. Platt, who wrote the letter, never denied writing it; his signature was attached to it, and it was printed in the CONGRESSIONAL RECORD of this Congress.

Mr. SIMMONS. Mr. President, if the Senator will pardon me further, I have not read that letter, but if it is of the character indicated by the Senator from Alabama, I think there is no Senator here who would dispute the proposition that that letter itself presents a situation which imperatively demands an investigation.

Mr. HEFLIN. I agree with the Senator.

Mr. SIMMONS. Therefore I suggest that the Senator include it in his resolution.

Mr. HEFLIN. I would be willing to put that in the resolution, Mr. President; but I thought that question could be reached under the resolution as drawn, because the resolution suggests that the committee shall inquire into the political activities of the members of the board and of the Federal reserve bank at Atlanta.

Mr. WATSON of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. To show that this is not an isolated case—to show that there is some general plan looking to the control of public men by intimidation on the part of the Federal Reserve Board—I will state to the Senator that I have in my possession a letter which the governor of the bank in Idaho wrote to the commissioner of agriculture of Idaho—a most insolent letter, provoked by an attack which the commissioner of agriculture had made upon the workings of this system, just as the Senator from Alabama is giving offense to them by his attacks—and that letter can not be construed to mean anything else than that unless he ceases to criticize the system they will antagonize him and prevent him from again being commissioner of agriculture of Idaho.

Mr. SIMMONS. Mr. President, the Senator from Alabama says that the terms of his resolution are broad enough to justify an investigation into these other matters, but the grounds upon which he makes the request for an investigation are confined to the use of the methods of influencing public opinion in his State against him.

Mr. HEFLIN. The resolution does not mention any name, but it mentions that particular matter.

Mr. SIMMONS. That might be regarded by some as more or less a personal matter, although I think it is an effort to create political sentiment favorable to the bank; but these other letters to which the Senator from Georgia and the Senator from Alabama have both referred are letters that upon their face show a purpose on the part of the Federal reserve bank to coerce sentiment in this country in favor of the action taken by the banks and to suppress discussion or criticism of their action. It makes a plain case of interference—dangerous and menacing interference—on the part of this system with the political affairs of this Government and an effort on their part to shape and control sentiment in behalf and in support of their wrongful action if the criticism is correct and true.

Mr. WATSON of Georgia. Mr. President, will the Senator allow me to interrupt him?

Mr. HEFLIN. I am glad to yield to the Senator.

Mr. WATSON of Georgia. If the Senator from North Carolina will consult Benton's Thirty Years in the Senate, he will find that the national bank of that day, in resisting President Andrew Jackson, resorted to exactly the same means of intimidation that this system has resorted to.

Mr. SIMMONS. I think the Senator from Georgia is absolutely correct. Therefore I suggest to the Senator from Alabama, not that he broaden the scope of his proposed investigation, for it seems to be sufficiently broad already, but that he

broaden the basis, the ground, the cause for the investigation, by setting forth these letters which upon their face show an effort on the part of this bank to control public sentiment in this country. Nothing can be more dangerous, after we have established in this country a system that controls the finances of the country, than to permit that system to enter as a factor into politics, and to use all the power and resources that the people have put at its command by putting it in control of their finances. Control of the politics of the country by an institution of this kind is as menacing now as it was in the days of Andrew Jackson; and I suggest to the Senator that he broaden the basis of his proposed investigation, and then let us see whether the other side of this Chamber have made up their minds—as I am fearful the vote we have just taken indicates—that there shall be no investigation of the criticisms and the alleged wrongdoings of this system.

We did not create the Federal reserve banking system in this country in order that it might become a tyrant, controlling and dictating to the people of this country their action. We did not create it for any such purpose as that; and when it attempts even in the slightest degree to enter the domain of politics it is the duty of the Congress of the United States to make it halt and desist from that dangerous course of action.

I sympathize with the personal position of the Senator from Alabama in this matter. I sympathize with his feeling, but I do hope that he will broaden the basis of his resolution. I do not know what interpretation the Senator places upon the action of the other side of the Chamber in casting a solid vote against referring this matter to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HEFLIN. Three or four Republicans voted with us.

Mr. SIMMONS. I do know, though, that there can be no investigation of this matter unless there is some money provided in order to finance that investigation—no investigation except a perfunctory look-in on the part of the committee. That sort of an investigation, I take it, the Senator from Alabama does not desire. That sort of an investigation of a question of this sort, I take it, would be a farce, and would not meet the demands of the country. When the other side, by a party vote, voted down that motion, did they mean by that vote to say that there should be no investigation of the charges of the Senator from Alabama?

Mr. HEFLIN. It would appear that they did.

Mr. SIMMONS. If they did, then I ask the Senator from Alabama to supplement his charges with these other charges that do not require any construction, but upon their face show a dangerous activity of this system in the field of politics in this country, and then let them vote down an investigation if they want to do it.

Mr. HEFLIN. I thank the Senator from North Carolina for his suggestion.

Mr. SIMMONS. I want to say, if the Senator will pardon me further, that in my judgment the most serious matter in connection with the question we are now discussing is what seems to me—and I think I place a proper interpretation upon it—to be an organized movement on the part of the other side of this Chamber to suppress an investigation into the doings of the Federal Reserve Board. I should be glad if the Senator from Alabama would discuss that phase of the question.

Mr. HEFLIN. I do not see how we can reach any other conclusion than that which the Senator from North Carolina has pointed out. That vote declared to my mind that the other side does not want an investigation of this subject. I shall be glad to broaden the scope of this resolution when we get it back into this Chamber after it goes to the Committee to Audit and Control the Contingent Expenses of the Senate. I suppose that would have to be done first.

Mr. SIMMONS. They have refused now to permit it to go to that committee.

Mr. HEFLIN. But I am hoping that this other motion will be voted down—I may be hoping in vain—and then, when we ask the Senate to consider the resolution in the open, that it will change its mind after this discussion.

Mr. SIMMONS. What I meant to suggest to the Senator was that he should broaden and reform his resolution and introduce it again, and then repeat his motion that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HEFLIN. I will look up the letter of the member of the board, Mr. President.

Mr. SMITH. Mr. President—

Mr. HEFLIN. I am glad to yield to my good friend from South Carolina.

Mr. SMITH. I felt like suggesting to the Senator from North Carolina and the Senator from Alabama that as the basis of this controversy between the Senator from Virginia and the Senator from Alabama has been whether or not the system in its proper operation has brought about the disastrous conditions that exist in this country, or whether they were brought about by the disastrous policy of those who had the system in charge, I rather think it is time right now to have a competent and thorough investigation of the system from the head to the member banks. Let us bring them in and swear them, and let us find out why the condition in which we find ourselves has occurred, who brought it about, who was responsible. Let us put the men on their oaths, and find out whether or not the conditions that now obtain were brought about by virtue of certain well-understood policies and orders or agreements that may not appear on paper, but which men would not deny if put on their oaths. Let us start at the head and go to the foot, and let the American people judge as to whether this system has been righteously administered in the face of the dangerous conditions that confronted us, and go to the bottom of the whole business.

If the Senator prefers to take this resolution—which, if I were in his place, I would, since it involves a question of himself personally—I think I shall introduce a resolution, and let it take its fate, to have a proper committee appointed to investigate this whole question of all parties concerned in the administration of our Federal reserve system from the time when it began the deflation until the present day, and put men on their oaths—member banks, State banks, the "whole push"—and let us know just who is responsible or whether they are responsible for this condition. My opinion or your opinion is not worth the paper on which it is written as long as the people do not know the facts; but the people do know that they are without the means to transact ordinary business; that prices have dropped to a point where everybody who produces in this country is practically bankrupt; and that there is a boast of the fact that in spite of that condition there is \$1,700,000,000 of free, idle gold in this country against which there is not a Federal reserve note or an obligation of any kind. If we have no law by which we can utilize that money it is the duty of the Senate to see that we do have a law by which we can utilize it.

Have we converted the people into the horrible condition of a Tantalus, that the flood reaches just to their lips, and that they must thirst to death in a flood tide of plenty, because our law so fixed it that it will just reach their lips and no further? Let us investigate this situation from top to bottom and put the blame where it belongs. Let us not merely take glimpses of it here and there, but view the whole situation.

Mr. WATSON of Georgia. Mr. President, with the permission of the Senator from Alabama, I might say to the Senator from South Carolina that exactly this condition existed in England just exactly a hundred years ago, and that the Bank of England brought it about by doing exactly what the Federal Reserve Board does.

Mr. SMITH. I want to ask the Senator from Georgia a question, if the Senator from Alabama will allow me. In view of the criticism of the system and the defense of the system, while the people are suffering, does not the Senator think it is due the Federal reserve system, the Senate of the United States, the Congress of the United States, and the people of the United States that we investigate this thing fearlessly and thoroughly and find out where the blame belongs and fix the responsibility?

Mr. WATSON of Georgia. Answering the Senator, I will say yes, and I will tell him how the situation was handled in England 100 years ago, when the Bank of England did exactly what the Federal Reserve Board has done—destroyed the paper currency. They brought about such a calamitous state of affairs that Parliament first had to feed an army of unemployed out of the public treasury and the Government had to issue exchequer bills to increase the amount of currency in circulation, and thus the panic was lifted—was banished—instantly upon the issuance of those exchequer treasury notes.

Mr. SMITH. Mr. President, I have been forced by a sense of my duty to make the statement I have just made. I have not referred at all to the controversy between the Senator from Virginia and the Senator from Alabama—

Mr. GLASS. Mr. President, if I may correct the Senator from South Carolina, there is no controversy between the Senator from Virginia and the Senator from Alabama. I made a speech which occupied 47 printed pages in pamphlet form, and, incidentally, I twice referred to the Senator from Alabama.

Mr. HEFLIN. Oh, Mr. President, I can not permit that statement to go unchallenged. The Senator from Virginia made several references to me, and took up a statement I made about the extravagances indulged in the building of the Federal

reserve banking house in New York, stating that there were six instances in which I referred to that, and that in all of them I was wrong. I showed in my speech the facts as stated by John Skelton Williams, which speech will be printed in the RECORD in the next two or three days, showing that the Senator from Virginia was entirely wrong and that I was right. There is a matter of controversy about the issue involved, and there were several personal references made by the Senator from Virginia to me. I said I did not agree with the Senator in a good many things he was saying and that I would answer him later, and he answered that by saying that he did not expect I would agree with him about anything. The Senator displayed a disposition to criticize and belittle the part I played in this matter.

I have no personal feeling in the matter toward the Senator, but the Senator made a speech, and in it made many points that the Federal Reserve Board has made in antagonizing the position I have taken, and he made one or two points which Mr. Platt of the board suggested in his letter to Mr. BRAND from Georgia. I do not know whether the Senator saw those points stated in that letter, or whether they occurred to him, too, as they did to the board at that time, but no man can read the speech of the Senator from Virginia and get any other impression but that he was belittling and making light of my position. He referred a number of times to the things I had said about the deflation policy of the Federal Reserve Board and characterized them as "pitiful nonsense" and wicked mummery, using expressions like that. He insinuated that those who did not agree with him were demagogues. I do not object to that, because I heard what he said and I paid my respects to him and his speech as well as I could in an hour and 15 minutes immediately following his speech. I did not have any notice he was going to speak, but some of the members of the Federal Reserve Board were here listening to his speech, so it impressed me, being a man of an inquiring mind, that the word that he was going to speak and attack my position must have gotten to the board, because I never saw them here before, and have not seen them here since.

I am the only Senator to whom the Senator referred frequently throughout his speech, and I am the only Senator, so far as I know, who has received a letter telling him that the speech is being circulated in his State.

Why is that speech being circulated? It belittles my position. It throws off on the stand I took and it carries to the voters of my State, through a bank operating under the Government, propaganda which seeks to quietly and sneakily undermine and injure a Senator, when those people do not know what he has said about the subject.

I join with the Senator from South Carolina in his query. What is the opinion of a Senator worth to the people for whom he battles unless he can get the truth of his position to them? The Federal Reserve Board, with the Wall Street agencies back of it, has money to circulate speeches of any man who assails my position, but I have no such means. The first 1,000 copies of the speech of the Senator from Virginia cost \$50 a thousand or thereabouts.

This agent at Atlanta admits he sent it to business men in all those States, to bankers, members and nonmembers, and to corporations, sending the speeches out by the hundreds and the thousands, writing letters and putting 2-cent stamps on them, and the bank's funds are being gone into to defray the expenses incurred. They assailed me, as well as the position I have taken as Senator in behalf of 60,000,000 people in the South and West, who have been slaughtered under that deadly deflation policy. Now they come here and say that we ought to just drop this. I have not the money to circulate my speech as that other speech is being circulated. It would cost \$50 or \$60 a thousand to circulate my speech. There is no concrete movement on the part of men with money to distribute my speech in order that the people may know the truth and know the position of one who has dared to champion their cause.

Mr. President, I said that the deflation policy carried out by this board was called for and inspired by a resolution introduced into this body by the senior Senator from Illinois [Mr. McCORMICK], and passed through a Republican Senate. The Senator from Oklahoma [Mr. OWEN] rose and said that it meant deflation and depression, and he said it was being inspired by Chicago and New York. I am not the only Senator in this body who takes the stand that this deflation policy was cruel and deadly. There is not a Senator from the South who is really a friend of the people, except the Senator from Virginia [Mr. GLASS], who will stand upon this floor and say, and let his constituents know that he had said that he indorsed the

deflation policy of the Federal Reserve Board. I pause for such a Senator, if he be here, to rise now and make that statement. He is not here.

Let the people know about these things. They have got to know. I am willing to spend and be spent in the service of those whose Government this is. Are we going to permit the Nation's great banking system to become a powerful political agency, seeking to control the actions of the lawmaking body of the country? Senators, if it is put in the hands of a banking system to raise the rediscount rate from 3 per cent to 7 per cent, and exercise the power to employ that rate to beat down business, kill the borrowing spirit, stop loans from being granted, destroy business, impoverish the people, and break their morale, it is the duty of a Senator to cry out against it and suggest a change if he thinks it should be had. But if this thing is to be permitted, the Government banks will intimidate your lawmakers and threaten to punish them at the polls.

We will fight you secretly. We will take somebody else's speech, well prepared and designed for certain purposes, and we will circulate that among your people. We will write letters to be sent with it. We will get expressions from the bankers in your State before they can ever know your position, because we hold the purse strings, and they must come to us for money to supply their wants.

The other side has to-day refused a Senator's request to make an investigation of the charges made against a Federal reserve bank in his territory which has admittedly been circulating speeches, according to an officer of the bank, which has been circulating letters, which an officer of the bank admits he circulated, admitting they have asked questions of bankers as to what they thought about the speech of the Senator from Virginia. What are we coming to?

I am speaking in behalf of thirty-odd million people in the South who have suffered God only knows how much. I told the Senate in my speech the other day about one little farmer who had a nice little home out in my county, and a wife and two children, a boy about 12 or 14 and a daughter about 6; that this deflation crash caught him, and that the price of his produce was beaten down away below the cost of production, and that he had to throw it on the market. The crash got his little home and his little farm, and I saw him moving with his wife and his little boy and girl, leaving the community where he was born and reared, going off to work in a cotton factory to make a living, which he had failed to do that year upon the farm, when under conditions that were favorable he was becoming a prosperous young farmer, and owned his little farm.

Mr. President, a policy that will destroy a man's business like that, which will destroy his spirit, which will crush him in his young manhood, is a deadly and a dangerous policy. Just what they did to that young farmer they did to thousands and hundreds of thousands in the South and West.

I told the Senate one day about a man out in the West who had written to me and said, "I saw that you made reference to two bankers, one in South Carolina and one in Georgia, who had killed themselves." They had endured the strain as long as they could, and then blew out their brains. He said, "I want to give you an instance. I knew a man who lived in this community, who owned a place for which he had been offered ninety or a hundred thousand dollars, and he was involved, having a big crop and a lot of stock and farm produce. The crash came, and the banks told him that they could not help him; they could not carry his paper any longer, that he must pay. He said, 'I owe you only \$25,000, and I have a place worth over \$100,000 and a lot of farm produce.' They said, 'But you must pay.' He said, 'If I have to pay, it will take my place, and I could not raise \$15,000 in money. You will sweep everything away that I have.'"

What did they say? They said, "We are very sorry, but you will have to pay." That man had a wife and four children, and he brooded over it, seeing all swept away under this cruel condition which had caught him and which was crushing him to death, and he killed his wife, killed his four children, and killed himself—wiped out the family.

That deflation policy took that man's farm. That deflation policy destroyed his produce. That deflation policy made him kill the wife he had promised to love, cherish, and protect; made him take the life of the woman who had borne his children and fought the battle along with him up to that prosperous time, and that deflation policy made him kill himself.

Let me read to you, Senators, from testimony of those who agree with me. The volumes are full of it. This is from the president of the American Cotton Association:

In September, 1920, after insistent demands for a more liberal policy, Mr. Harding—

That is, Gov. Harding—

invited leaders in the cotton industry to Washington to discuss the situation and at that time issued an ambiguous statement which many of the leaders took at its face value—

Listen, Senators—

and went home full of hope and expressing the highest appreciation of the attitude of Gov. Harding and the Federal Reserve Board. They wrote articles and made speeches and lulled their people into a sense of security. It was believed that every facility would be given the farmer to market his cotton in an orderly manner; in other words, that he could borrow money on his cotton for his immediate needs and hold the cotton until the demand made a satisfactory market, but that fools' paradise was shattered on October 8—

Just a little while before election—

when, after another conference, held this time in Birmingham, Gov. Harding ripped the mask from his policies and the cotton producer realized at last that he could expect no help from that quarter. Not only did he realize that he could expect no help, but he found out that what was supposed to be an agency of support to him in a crisis had been transformed into an instrument being used to beat him to his knees. With studied misunderstanding, with studied misrepresentation of the demands and the needs of the cotton producer, Gov. Harding thus brutally blasted his hope.

Mr. President, that board denies that it carried on a deflation policy. One or two have dared to defend their position in that regard and join them in denying it. Yet here is what Mr. Wannamaker, who is president of the American Cotton Association, said came in response to inquiries from him as to who did cause it. Listen:

We sent out thousands of these questions: What effect has this had upon you individually?—

He was referring to the deflation policy—

What effect has it had upon your community and upon your section? To whom do you attribute the condition to-day? Upon whom do you place the blame?

Listen:

And, gentlemen of the commission—

This is Mr. Wannamaker testifying before the commission, of which my good friend the Senator from Arkansas [Mr. ROBINSON] was a member:

And, gentlemen of the commission, to this question 98 per cent of the answers came: "We place the blame for the condition that exists to-day upon the policy of the Federal Reserve Board." I repeat, 98 per cent of the answers came in that way.

There were thousands of those questionnaires sent out.

I want to read what the Federal Reserve Bank of Richmond said in circular No. 98, under date of July 7, 1920, when this thing was ready to start in all its wickedness and fury. From the Federal Reserve Bank of Richmond there is the following statement—listen, Senators:

The rise in rates has checked borrowing or expansion, as it was intended to do.

Mr. President, what more proof do you want? There is a statement from the Federal reserve bank at Richmond, made with the knowledge and consent of the Federal Reserve Board, and yet they deny that they have carried on a deflation policy, and they want me to falsify the record with them and deny it. I refuse to do it. I agree with Mr. Wannamaker.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. I remind the Senator from Alabama that the leading editorial in the New York Herald two or three days ago was an analysis of the official report of the Federal Reserve Board recently issued, and drew attention to the fact that the Federal Reserve Board had prevented a panic by destroying a thousand million dollars of paper money in 12 months, which was the amount that they had destroyed in that 12 months, and that the process was going on until the amount of money destroyed was nearly two thousand million dollars. That statement that they had destroyed the money, decreased the circulation, and brought on the panic which they called deflation was based upon that report.

Mr. HEFLIN. Yet they deny in the face of such statements as that that they carried out a dangerous and destructive deflation policy. Of course, that is what we charge. We charge that when the community needed money most they took it away. We did not need as much money in 1919, and yet the Senator from Virginia [Mr. GLASS] in his speech stood up here and showed that they had let them have a little more money for certain months in 1920 than they had in 1919. We did not need it in 1919. We were prosperous then. We were then sending money from our reserve bank to help Philadelphia and Boston. We did not need it; but in 1920, and in July especially, when the crash commenced, going down and down, the farmer was losing \$5 and \$10 a day on a bale of cotton. On 10 bales he was losing a hundred dollars, and that meant a

heap to that little man. Then they sat down and said, "We do not want to sell this, because we have already lost a hundred dollars on 10 bales in 5 days or 10 days. We want to borrow money to hold it off the market, and then it will go back and we will get a good price." They were told, "We can not let you have the money." And that is where the trouble was.

The farmer was destroyed and that money was drawn out of the community, but that did not mean it went into retirement right then. It went to New York and call money went up and up and up, and that helped to drain the money out of the country under this deflation policy, and the farmer could not get the money. The speculator got what he wanted. He could beat down the price and the farmer could not get any to help hold up the price, and the farming industry nearly died under that system.

Now, one of the banks that was maladministered under the policy of Gov. Harding and his board is being used to send out attacks upon me, who dares to defend the people in my State, nearly 3,000,000 people, who suffered and suffered greatly under that very policy.

Mr. President, the action taken by the Senate has caused me to take this course. This is the most important question that is now before the Senate. There is nothing more important. Lincoln once said:

The crisis that I see approaching unnerves me, and I tremble for the safety of my country.

I want to say to you that if the time ever comes when a Senator in this body will be so coerced and intimidated by the banking power out yonder that he dare not stand up here and say that this interest rate or that is wrong, that this rediscount rate or that is wrong, for fear that he will be destroyed, they will destroy the courage of many a man who if left undisturbed would do what he thought was best for his country. Is the Senate to be composed of men who dare not oppose but who smile and bow to the dictates of a conscienceless money power?

Do you want to invite that situation, Senators? Do you want to help create a condition like that? When you deny an investigation of this system, of this thing that is charged, you are striking a body blow at the best interests of your country. When you deny to a Senator the right to have a situation of this kind investigated, where speeches are being used as propaganda to further one Senator's idea against another's, I do not care whether it is my speech or the speech of the Senator from Virginia, it is wrong.

I do not want any bank to circulate my speeches where I have attacked another Senator in this body. I will fight it out with him here. I believe in striking in the open. If the Government bank were to ask me if it could use my frank for that purpose, I would say, "No. You stay out of politics. We put you in the banking business to stay clear of politics and run only the banking business, and now you are trying to take a hand in politics. It is dangerous. It is a power you ought not to exercise."

I appeal to Senators on the other side of the aisle to vote with me upon this question and to keep this resolution out of the Committee on Banking and Currency. Before I sit down I want to say this further word: I want to repeat as to the Senator's speech which is being circulated, not only in my State but all over the Southern States, to merchants, bankers, and members and nonmembers, corporations, and other people in business, that they are writing letters to them about the attacks on me to get replies before they can ever see what my position is and whether I am right or wrong.

I say to Senators that that is wrong, and that the resolution ought not to be referred to the committee on which sits the Senator who is antagonistic to my position, and whose position I criticize and assail. It ought not to go to the committee of which he is a member, and it ought not to go to a committee the chairman of which agrees with the member of the committee who made the speech and who, as I said, came over and congratulated him on the speech in which he attacked me.

Senators, if you take that course it will rise to haunt you some of these days. You are going to set a precedent, and then some Senator will rise and say, "Oh, yes; I remember the occasion when you considered the resolution offered by Senator HEFLIN, when he wanted to keep banks out of politics. I remember what you did with that. I remember you referred it to the very committee on which the man who made the speech criticizing him was sitting as a member." Do you want to establish a precedent like that? I appeal to you not upon a partisan basis, I appeal to you as an American.

As an American I appeal to your love of country. I appeal to you to do that which is best for the country. Thousands of boys followed that flag on foreign battle fields and died in its name; thousands of American boys are lame and halt and blind to-day

who followed it and offered their all for the preservation of this Republic. What would those boys think to-day, some of them sightless and others who left a leg or an arm on the battle field in France, if, sitting in the gallery, they should hear denied the plea of a Senator for a clean condition, a condition which should keep the dollar from being the dominant power in politics; the plea of a Senator that the banking system be kept out of the business of spreading political propaganda against a Senator who is asking for fair play and justice in matters of this kind, and for the encouragement and preservation of free speech in America?

They would say, "We did all we could to preserve the Republic and we come back and find it now in the hands of a party that is undertaking to encourage the use of money in politics and to put the Government banks in politics, and permit them to intimidate and coerce men; to use the banking system not to serve the needs of the people, but to browbeat and destroy their public servants and to suppress free speech in the Government."

Mr. EDGE. Mr. President, while the Senator from Alabama is always most eloquent and interesting, still I can not conceive just why the motion which has been made and is now before the Senate should have inspired this discussion of the merits of the resolution. I am not going to discuss the merits of the resolution, because, except in so far as I have been able to follow the statements of the Senator from Alabama, I am in no way familiar with its merits. It seems to me, however, that the orderly and businesslike manner of considering such an important subject—and I in no way minimize its importance—is to follow that course which is consistent with the fundamental rules and principles of all legislative bodies, so far as that is concerned, and certainly of the Senate of the United States.

In order to facilitate business, various committees are provided. Those committees are charged with well-known, distinct responsibilities. Every measure that is introduced into the Senate is automatically referred to one of those committees, unless unanimous consent is asked and granted for its immediate consideration. In the case of resolutions dealing with equally important subjects, it seems to me there should be absolutely no differentiation. The question of order seems to be the only question, so far as I have followed the discussion, which should be considered at this time.

As to whether the resolution should first be referred to the Committee to Audit and Control the Contingent Expenses of the Senate or to the Committee on Banking and Currency, I have heard it suggested by various Senators—I think by the Senator from Alabama and by others who interrupted him during the course of his discussion—that it has been almost a universal rule first to submit resolutions to the Committee to Audit and Control the Contingent Expenses of the Senate. As a matter of fact, I have not had an opportunity to look up the record, and it would make very little difference to me, so far as my judgment of the proper procedure is concerned, as to what the record shows; but I have learned that the resolution providing for one of the most important investigating committees now in session—I think perhaps the last investigating committee which has been authorized by the Senate—the committee investigating the activities of those who are interested in the dye industry, was upon its presentation first referred to the Committee on the Judiciary, then reported to the Senate, and subsequently referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The investigation has been begun and is under way at the present moment. Therefore the question of the merits of the resolution offered by the Senator from Alabama does not, it seems to me, enter at all, nor should enter at all, into the discussion to-day.

I have simply taken the floor in defense of my motion that the Committee on Banking and Currency should first consider the necessity and advisability of the proposed investigation. I am quite sure that no Senator will seriously contend that that committee will not give the resolution proper and careful consideration. It is constituted, as every committee is constituted, of members of the majority and members of the minority. As a member of the committee, I will with great interest further examine the resolution and consider any discussion or evidence which the Senator from Alabama sees fit to bring before the committee. I am quite sure that the Senator is perfectly well aware that the committee will act upon the resolution according to the merits of the testimony presented to the committee, as I believe all other committees of the Senate under the control of either party always do.

So the question before the Senate is not at all the question as to whether the Federal Reserve Board have adopted an unfortunate policy in connection with the so-called deflation or otherwise. Much may be said on that subject on both sides of the controversy. The question before the Senate is purely the

question of orderly procedure, recognizing the foundation upon which our procedure is erected, and recognizing that committees have responsibilities and that their members are supposed to be familiar with the subject matter of which they have jurisdiction. It appears to me that an important resolution of this character—and the suggestion which has been made by Senators that it ought to be broadened makes the contention all the more pertinent—should first be referred to the Committee on Banking and Currency in order that they may investigate the advisability and necessity of such an investigation as is proposed.

The work of the Committee to Audit and Control the Contingent Expenses, I understand, is purely perfunctory. They simply decide whether or not the money is available with which to conduct the investigation; their examination does not go at all into the subject matter of the resolution. That committee is merely a general finance committee having jurisdiction over the expenses of the Senate and of the contingent fund. So, if this question is a question of such supreme importance—and I believe it is; I agree with the Senator from Alabama that it is—as to inspire him to make a three-hour speech, then it is all the more important that the Committee on Banking and Currency, which is charged with the consideration of all legislation dealing with the Federal Reserve Board and its activities, should give this resolution and all similar resolutions consideration and be responsible for their final judgment and final action upon them.

Mr. HEFLIN. Just a word, Mr. President. The Senator from New Jersey suggests that what he says is in the interest of orderly procedure. On yesterday I consulted the President pro tempore, the Senator from Iowa [Mr. CUMMINS], who was then in the chair—I do not know whether the Senator from New Jersey heard me refer to the fact earlier in my remarks—and he suggested the very course which I have pursued as the orderly and correct course. I told him that I would be here this morning to pursue it. I have followed that suggestion, and other Senators agree with me that the course I have suggested is the one which should be pursued.

Now, as to the Senator's statement that suggestions have been made about amending my resolution if it is referred to the Committee to Audit and Control the Contingent Expenses, I can offer amendments here and have them referred to the committee. So it is not necessary to hold this matter up at all, but my resolution can go to the committee, and I can submit amendments to it, and they can be referred to the committee. I am protesting against sending this resolution to the Committee on Banking and Currency, and I want the Senate and the country to know what the issue is. I have stated my reasons for the action I have taken. Of course, the Senate may adopt whatever course it chooses; but at the conclusion of the Senator's remarks, or whenever the debate shall have been concluded, I shall make the point of no quorum in order to have a vote on the question.

Mr. WATSON of Georgia obtained the floor.

Mr. HARRISON. Mr. President, I merely wish to ask a question of the Senator from New Jersey if the Senator from Georgia will allow me.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. WATSON of Georgia. I yield.

Mr. HARRISON. I understood the Senator from New Jersey to say that the question at issue did not involve the merits of the matter, but that the resolution should go to the Committee on Banking and Currency purely in the interest of orderly procedure.

Mr. EDGE. That is where the resolution should first be referred; yes.

Mr. HARRISON. To the Banking and Currency Committee?

Mr. EDGE. I think so.

Mr. HARRISON. May I ask the Senator would not the Committee on Rules be the proper committee to which to refer the resolution rather than the Banking and Currency Committee? Inasmuch as it involves the creation of a special committee, if we were going to send it to any committee other than the Committee to Audit and Control the Contingent Expenses of the Senate, would not the Rules Committee, the procedure committee of the Senate, be the proper one to which the resolution should be referred and not the Banking and Currency Committee?

Mr. EDGE. It would not be my judgment that that would be the proper procedure at all. I mentioned the fact that the resolution which created the committee to investigate the activities of those interested in the dye industry took exactly the course which I have suggested by the motion which I have made that the pending resolution shall take. The dye investigation resolution was first referred to the committee supposed to

be familiar with the subject matter, namely, the Judiciary Committee, to consider the charges involved in connection with those who were in Washington reputed to be representing the dye industry. From that committee the resolution was reported to the Senate and was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The pending resolution, if the motion I have made shall be adopted, will take exactly the same course.

I do not question for a moment the fact that the President pro tempore, the Senator from Iowa [Mr. CUMMINS], suggested that the ordinary procedure would be first to refer it to the Committee to Audit and Control the Contingent Expenses of the Senate. As a general rule, that is so; but I am stating that in the case of resolutions which are extremely important and which, as the Senator says, go to the fundamentals of government, and particularly in the case of a resolution of such importance that it has inspired the Senator to make the speech he has made, it should not simply be referred to a general financial committee and then come back on the floor, but such resolutions ought to be referred to a committee of 16 Senators who are familiar with and are appointed to study banking and currency affairs and problems. That is exactly my contention, and to a great extent it is based on the Senator's own suggestions.

Mr. HEFLIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. HEFLIN. If the Senator will yield for just a second, I should like to ask the Senator from New Jersey a question.

Mr. WATSON of Georgia. I yield.

Mr. HEFLIN. If the resolution goes, as I suggest that it go, to the Committee to Audit and Control the Contingent Expenses of the Senate, and they O. K. the expense part of it, and it comes back to the Senate, then I will have an opportunity to move that it be taken up and considered and not go to any committee; but if the Senator sends it now to the Banking and Currency Committee, it will be out of the reach of the Senate and will not go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. EDGE. Oh, no, Mr. President. It is quite true that temporarily it may not be before the Senate. The Senator from Alabama knows perfectly well, however, that any committee of the Senate at any time would listen to a Senator who was the proponent of a measure and would give him every opportunity to endeavor to have his measure reported; and I contend that it is absolutely without justification to contend that that committee will not treat the resolution entirely as the merits of the resolution would dictate that it should be treated.

Mr. FRANCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. WATSON of Georgia. Yes; I yield.

Mr. FRANCE. I noted with interest the statement of the Senator from New Jersey that the committee would give a Senator an opportunity to endeavor to have a measure reported. I do not think that anybody who is a Member of the Senate would go so far as to say that a committee would refuse to allow a Senator to have an opportunity to endeavor to have his measure reported, but I do not contemplate that it is the desire of the Senator from Alabama merely to have an opportunity to endeavor. I myself have been given the opportunity to endeavor to have several important measures reported, and some of my measures are still in the committee, and have been in the committee since January, 1919.

I should like to ask the Senator, before taking my seat, why he considers the mere question of having an investigation made such a momentous question, a question fraught with such tremendous issues? Why is that in itself such a momentous question? Personally, as a member of the Committee to Audit and Control the Contingent Expenses of the Senate, I have been inclined to vote for any reasonable investigation of any matter which falls within the jurisdiction of the Senate, and I have never considered that an investigation in itself was a momentous question. Sometimes the results are quite important and sometimes they are somewhat unimportant; but it does seem to me that the suggestion that there may be some very momentous reason for not having this investigation made is quite interesting.

Mr. WATSON of Georgia. Mr. President, I hope Senators will not go into a general discussion.

Mr. FRANCE. I did not mean to trespass upon the Senator's time. I merely wished to ask that question.

Mr. EDGE. Mr. President, if the Senator from Georgia will permit me, I shall endeavor to be quite brief in replying to the query of the Senator from Maryland.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. WATSON of Georgia. Yes. I hope the Senator will be brief.

Mr. EDGE. Mr. President, there are investigations and investigations. I do not propose to pass upon the merits of this one, as I have stated, I think, several times. I will consider this resolution as I would consider any other matter of legislation or any other resolution; but in answer to the Senator from Maryland I will say that while the thought I am going to express refers in no way to this resolution I do think that we have entirely too many investigations as a matter of good, common-sense business development of the country. Some investigations bring forth splendid results, and should be made; but I do think it is the duty of Senators, as individual Senators and in their membership on committees, to give serious consideration to requests for investigations. Some investigations have resulted in absolutely nothing but a tremendous expense to the Government of the United States. As I say, I am not referring to this investigation. I think there is a great deal of merit in the proposal, as far as I have been able to listen to the testimony that has been given; but I am speaking now in answer to the Senator from Maryland. If he implies that any Senator who introduces a resolution asking for an investigation should be granted the investigation, I absolutely and most emphatically disagree with that policy.

THE FOUR-POWER TREATY.

Mr. WATSON of Georgia. Mr. President, we did not pay to the memory of George Washington very much tribute on yesterday. So far as I recall, not a word in the way of eulogy was pronounced in the Senate Chamber. Whether or not the country will be surprised at that, I do not know. Whether the world will be surprised, I do not know. The man whose birthday was honored yesterday, in some places, was in many respects the greatest man this world ever saw—not the greatest soldier; there were many greater; not the greatest statesman, there were many who were greater; but a greater man, in my judgment, never walked the earth—a character as strong as an Alpine mountain and as pure as the snow that sleeps on its summit; a man who, when he lay dead at Mount Vernon, excited such admiration and regret in England that the fleet in the channel lowered its flag; and Napoleon Bonaparte in France issued an order of the day to his armies to honor Washington's memory. In the British Parliament the greatest of English statesmen, Charles Fox, paid him a tribute which Caesar did not deserve, Alexander the Great did not deserve, William Pitt did not deserve, and no King of England ever deserved.

Washington was great in this, Mr. President: He lifted himself above party; his mind was as broad as the continent; his wisdom was not only for his day, but for our day and all days; and if we have reached the point in our national development when we discard his teachings and no longer follow his counsels, I should like to inquire from what source emanates the wisdom that is greater than that of Washington, when Washington's has been vindicated by a hundred years of unparalleled growth and wealth and strength in his Republic? Who are these wise men that want us to change our policies? Who are the statesmen, who are the leaders, what are the influences that overcome the teachings of this wise American, who said, time and again, that he was a nationalist and not an internationalist, an American and not a cosmopolitan?

Mr. FRANCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. WATSON of Georgia. Yes, Mr. President.

Mr. FRANCE. I am very much interested in the remarks of the Senator, and it has occurred to me that it would be very desirable to have a quorum present to hear his remarks. If the Senator will yield, I will suggest the absence of a quorum.

Mr. WATSON of Georgia. Mr. President, I must ask the Senator not to do that.

The PRESIDING OFFICER. The Senator from Georgia declines to yield for that purpose.

Mr. HEFLIN. Mr. President, if the Senator from Georgia will permit me—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. WATSON of Georgia. Yes, Mr. President.

Mr. HEFLIN. The Senator recalls that in the Farewell Address of Washington, which was read on yesterday, Washington appealed to his countrymen to beware of the power of money in politics; and yet at the conclusion of the day on which his Farewell Address was read three Senators on the other side objected to the immediate consideration of a resolution that sought to investigate a bank that was in politics up to its neck.

Mr. WATSON of Georgia. Mr. President, Washington, like Jefferson and Madison and Monroe, realized the marvelous geographical position which this country holds. There is no country on earth, nor did there ever exist a country, having the natural geographical advantages that we possess. No other country is defended on the one side by the Atlantic, separating us by 3,000 miles from any possible attack, defended on the other side by the Pacific, protecting us there with inexpensive barriers—barriers made by the Almighty, and which cost us nothing to maintain—against possible attack on that side. The Great Lakes on the north, the Gulf on the south, are natural barriers, bulwarks, fortifications that cost us nothing, and that will endure forever.

England has no such advantages. A narrow channel separates her from Ireland upon the one side and from France upon the other, and the Baltic is not such a very great sea to protect her from the northern powers. France has no such advantages. She is surrounded, she is encircled, she is girdled by nations that are jealous of her and that hate her. Japan has no such advantages, the island kingdom with 400,000,000 possible enemies waiting for the time when they can take revenge upon Japan for the wrongs which they claim she has done them. Russia also is within striking distance of Japan.

Washington saw America's natural advantages. Another one which I will mention is that we hold Canada as a hostage for the good behavior of England. Canada is open to our attack the very moment a declaration of war is issued by the British Government. England dares not clench her fist at us, because she knows we could seize Canada and hold it against any force that she could send across the seas. To the south of us we have natural defenses, if we will simply avail ourselves of them. Treat Mexico right, and we will have a buffer State that will add to our natural strength. Treat the South American Republics right, and this continent will always stand together, a brotherhood of American nations and of American blood, to fight any foreign foe.

Talk about statesmanship, Mr. President. It seems to me we have made no improvement over the statesmanship of Washington, the outlines of which I have thus briefly given.

One of the biographies of George Washington was written by HENRY CABOT LODGE, the senior Senator from Massachusetts, whose "erudite cloistered aloofness" was referred to by Col. George Harvey in one of his happy London speeches. From page 217, volume 2 of Senator Lodge's biography of Washington, I read:

His foreign policy had, however, some immediate practical results which were of vast importance. In December, 1795, he wrote to Morris—

That is, Gouverneur Morris, our minister to France at that time—

"It is well known that peace has been (to borrow a modern phrase) the order of the day with me since the disturbances in Europe first commenced. My policy has been, and will continue to be while I have the honor to remain in the administration, to maintain friendly terms with, but to be independent of, all the nations of the earth; to share in the broils of none; to fulfill our own engagements; to supply the wants and be carriers for them all; being thoroughly convinced that it is our policy and interest to do so. Nothing short of self-respect and that justice which is essential to a national character ought to involve us in war; for sure I am, if this country is preserved in tranquillity 20 years longer, it may bid defiance in a just cause to any power whatever; such in that time would be its population, wealth, and resources."

The date, remember, was 1795. If Washington believed that in 20 years from that time we would be invincible, secure from attack from any nation on earth, what would he say now, when our population is more than 100,000,000, and when our wealth is such that history never knew anything like it before? There is the germ of the Farewell Address, Mr. President. That was in a private letter to our minister to France. It was simply elaborated and put in semi-official form when he issued his Farewell Address.

Here is the comment of Senator-Author HENRY CABOT LODGE. I read from his original text:

"In one word, Washington, in policies and politics, was an American and a nationalist."

Finally, the author Senator closes his book with these words, which, Mr. President, I consider far more beautiful than that prose poem which he wrote about those Pacific Islands:

As I bring these volumes to a close, I am conscious that they speak so far as they speak at all, in a tone of almost unbroken praise of the great man they attempt to portray. If this be so, it is because I could come to no other conclusions. For many years I have studied minutely the career of Washington, and with every step the greatness of the man has grown upon me, for analysis has failed to discover the act of his life which, under the conditions of the time, I could unhesitatingly pronounce to have been an error. Such has been my experience, and although my deductions may be wrong, they at least have been carefully and slowly made. I see in Washington a great soldier who fought a trying war to a successful end impossible without him; a great statesman who did more than all other men to lay

the foundations of a republic which has endured in prosperity for more than a century. I find in him a marvelous judgment which was never at fault, a penetrating vision, which beheld the future of America when it was dim to other eyes, a great intellectual force, a will of iron, an unyielding grasp of facts, and an unequalled strength of patriotic purpose. I see in him, too, a pure and high-minded gentleman of dauntless courage and stainless honor, simple and stately in manner, kind and generous of heart. Such he was in truth. The historian and the biographer may fail to do him justice, but the instinct of mankind will not fail. The real hero needs not books to give him worshippers. George Washington will always hold the love and reverence of men because they see embodied in him the noblest possibilities of humanity.

Mr. President, on yesterday, when the Senator from Washington [Mr. POINDEXTER] was reading the Farewell Address, it seemed to me that the performance was mechanical. There was no warmth of tone or manner. There was no emphasis to distinguish one portion of it from another, and when he reached that distinctive doctrine which we now know by the name of the Monroe doctrine, but whose kernel is in that Farewell Address, and in the letter to Mr. Morris, the Senator from Washington skidded along as if he were skating on thin ice.

England wants us, and apparently she is going to get us, and Mr. Balfour did carry "a present" when he went back to London, a present to King George and Great Britain. She had achieved, or will soon have achieved, what has been her purpose ever since the Colonies broke her yoke. She has gotten the benefit of our unlimited money and our unlimited man power, and she needed both.

France wanted security; she wanted her future underwritten and guaranteed, and she has it.

Japan knew that her position was weak, unpopular, fatal in its structural character, binding her to ages of strife; and now she has another partner along with England to guarantee her from the attack of Russia or China.

We are told by the President of the United States, and by other eulogists of the four-power treaty, that a millenium of brotherly love will ensue; that there will be no future wars, although humanity remains unchanged.

Peace, Mr. President, is the dream of the philosopher, but war is the history of man. That is an old statement, as old as written record. Man is a fighting animal, and when he ceases to be so he is not worth his victuals and clothes. Men will fight about anything. Talk about binding four warlike nations with scraps of paper! It never was done; it can not be done; it never will be done until you give us another human nature.

Nations have gone to war about women. There was an Italian war that cost 10,000 lives in a dispute about an old well bucket. Men have fought because of an insolent joke; and another war was started when a king's scarlet woman was offended by the remark made by old Frederick the Great in commenting upon her doubtful character.

Men fight for the possession of trade routes, of natural resources, of oil fields, of mineral deposits, of timberlands. There are numberless causes of strife; and when we remember that there has never been an end to strife from the time Cain killed Abel, I can not understand how experienced historians, like the senior Senator from Massachusetts, or experienced men of affairs, like the President of the United States, could believe for one minute that you can make any kind of agreement, signed up in any sort of way, which will banish war.

If they meant it, why do they not disband the Army, why do they not scrap more battleships, why do they have men going up in these dirigibles or airplanes and coming hurtling to their death? Preparations for war are as great now as they were a hundred years ago. There are millions more men withdrawn from peaceful pursuits and devoted to learning the art of killing one another than there were a hundred years ago. If we believe we have established peace, why not disband the Army and trust to the National Guard and other militia forces?

Why not scrap all the battleships if we have no more need for them? Why have men day after day and month after month been perfecting superior guns and seeking to construct airplanes and dirigibles that will not fall? We do not believe it ourselves, Mr. President.

What will be the effect of this four-power treaty on the nations not embraced in it? It will naturally arouse jealousy. Germany will not always be prostrate. Sixty-odd million people can not be kept down. Russia will not always be torn by internal dissension and oppressed by the hostility of foreign nations. Mr. President, these very nations—Germany and Russia—will resent their exclusion and be driven into a coalition by the mere force of circumstances.

Where is there any peace? There is none in Ireland; there is none in Egypt; there is none in India. War is going on in Europe and Asia Minor. It never has stopped for one minute. The guns have never ceased to roar or the soldiers to march.

We have golden words about this new attempt to abolish war and to have mankind live according to the rules of right, but we had just exactly that a hundred years ago when the Holy Alliance was formed. Let me read from the document embracing some of its principles:

ART. I. Conformably to the words of the Holy Scriptures, which command all men to consider each other as brethren, the three contracting monarchs will remain united by the bonds of a true and indissoluble fraternity; and, considering each other as fellow countrymen, they will on all occasions and in all places lend each other aid and assistance, and regarding themselves toward their subjects and armies as fathers in the same spirit of fraternity with which they are animated to protect religion, peace, and justice.

Sweeter words were never penned. And the balance of the compact is along the same line. That Holy Alliance was joined by the King of Naples, by the King of France—Louis XVIII—by Ferdinand of Spain.

Mr. President, I ask unanimous consent that the whole of the compact of the Holy Alliance may be inserted at this point as a part of my remarks.

The PRESIDING OFFICER. Without objection, leave will be granted.

The matter referred to is as follows:

ART. I. Conformably to the words of the Holy Scriptures, which command all men to consider each other as brethren, the three contracting monarchs will remain united by the bonds of a true and indissoluble fraternity, and considering each other as fellow countrymen, they will, on all occasions and in all places, lend each other aid and assistance; and regarding themselves toward their subjects and armies as fathers in the same spirit of fraternity with which they are animated to protect religion, peace, and justice.

ART. II. In consequence, the sole principle of force, whether between the said Governments or between their subjects, shall be that of doing each other reciprocal service, and of testifying by unalterable good will and the mutual affection with which they ought to be animated, to consider themselves all as members of one and the same Christian Nation; the three allied princes looking on themselves as merely delegated by Providence to govern three branches of the one family—Austria, Prussia, and Russia—thus confessing that the Christian world, of which they and their people form a part, has in reality no other sovereign than Him to whom alone power really belongs, because in Him alone are found all the treasures of love, science, and infinite wisdom, that is to say God, our divine Saviour, the Word of the Most High, the Word of Life. Their majesties consequently recommend to their people, with the most tender solicitude, as the sole means of enjoying that peace which arises from a good conscience, and which alone is durable to strengthen themselves every day more and more in the principles and exercises of the duties which the Divine Saviour has taught to mankind.

ART. III. All the powers which shall choose solemnly to avow the sacred principles which have dictated the present act and shall acknowledge how important it is for the happiness of nations, too long agitated, that these truths should henceforth exercise over the destinies of mankind all the influence which belongs to them will be received with equal ardour and affection into this holy alliance.

Mr. WATSON of Georgia. What was the result of that holy alliance? Let me sketch it briefly: First, they invaded Spain, overthrew the liberal constitution which Spain had adopted in 1819, and reestablished the absolute despotism of that infamous Ferdinand VII. They invaded Italy time and again, and beat down every attempt on the part of the Italians to obtain freedom of speech, freedom of the press, and free institutions.

Not content with having restored the Spanish king to his throne, they threatened to send armies and fleets to America, to reduce Central and South America again to the sway of the Spanish king. It was then that President Monroe, in February, 1822, issued his famous proclamation, the substance of which was, "You shall not interfere with American affairs"; the converse of the proposition being "We will not interfere with your affairs."

There are those who claim that George Canning was the author of the Monroe doctrine. Not at all. Madison, Jefferson, and Monroe had agreed upon it; and, as I said, the germ of it is in the Washington letter of 1795. By reason of that Monroe doctrine we expelled from Mexico the French Army, which had come to set up a Hapsburg, the Emperor Maximilian, and had held him up with those French bayonets, until the Civil War was closed. Then the President and Secretary of State invited the French to return home, and they returned.

So, Mr. President, I say these attempts by alliances to create a state of peace have never succeeded. This quadruple alliance will do no better than the quadruple alliance of 100 years ago. What have we gained by it except a vague, undefined responsibility which may draw us into the vortex of another world war. France has possessions in the Pacific second only to those of Great Britain. England, of course, wants to maintain her Empire there, in spite of the efforts of the Hindus to throw it off. Japan wants security for her encroachment upon the weaker peoples of the Orient. This gives her the opportunity.

I ask again, what do we get? It is said that we get security for the Philippines. If we keep our word we are going to turn

them loose anyway. We are pledged to do it. We have been pledged to it ever since we broke the compact that Admiral Dewey made with Aguinaldo, by which compact he got the service of Aguinaldo and the Filipinos. We are in the attitude now of pledge breakers, people who break solemn treaties, after having got the benefit of them.

Some day we will have to grant those islands their independence. In other words, as honorable men conducting the affairs of an honorable Government, we will have to keep our word, as we do in private affairs.

We are told we get security for Hawaii. Very well, would it be worth the maintenance for an indefinite period of the vast armies which are taxing our people to death? Why should we not create a free State there, and give Japan to understand that she could not attack it else we would put against her movements on her flank in the East which would bear her down? Japan is going to do exactly what she thinks for her own interests, and her career shows it.

So, Mr. President, I merely wish to call attention to the vast advantages which the God of nature bestowed upon us, and which we are giving up in this four-power treaty.

Let us stand by the farewell address. Let us stand by the words of wisdom. Let us be content with the prosperity which has been ours under the historic purely American policies. Let us not embark, at this late day, into European intrigue, dynastic quarrels, disputes between emperors and kings, aristocracies and autocracies, involving our country in things which we do not understand and which we need not try to understand. Why should we? Let Europe and Japan attend to their own affairs, and let us attend to ours.

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. WALSH of Montana. Mr. President, on Tuesday last, the 21st day of the present month, the President sent to the Senate the names of certain gentlemen to serve upon the commission created by the act approved February 9 last, including among them the Hon. REED SMOOT, a Member of this body, and the Hon. THEODORE BURTON, a Member of the House of Representatives. A resolution offered by myself this morning questioned the eligibility of the two gentlemen named to serve upon this commission in view of section 6 of Article I of the Constitution of the United States, which reads as follows:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time.

While the purpose of this particular provision of the Constitution to be subverted by it or the evil to be repressed or avoided is sufficiently obvious perhaps from the reading of the section, I desire to advert to the history of this provision of the Constitution before the Constitutional Convention and some comments made by writers of the time upon the Constitution at the time of its adoption and immediately thereafter in reference thereto.

The history of the clause in question is reviewed in the eighth volume of the Federal Statutes Annotated, at page 129 and succeeding pages, as follows, after quoting the provision:

The provision here concerned is to be found in another form in the very early proceedings of the convention. The fourth and fifth resolutions of the Virginia plan in relation to the first and second branches, respectively, of the legislature each contained a clause upon the subject. That as to the first branch read that the members ought "to be ineligible to any office established by a particular State or under the authority of the United States, except those peculiarly belonging to the functions of the first branch, during the term of service and for the space of — after its expiration; to be incapable of reelection for the space of — after the expiration of their term of service, and to be subject to recall." That as to the second branch omitted the provisions incapacitating for reelection and as to being subject to recall, but was otherwise almost identical.

In the discussion of the provision as to the first branch the clauses making the members incapable of reelection and subject to recall were struck out in committee of the whole on June 12; the clause as to ineligibility was changed, and the whole was then reported from the committee to the convention in the following form:

"To be ineligible to any office established by a particular State, or under the authority of the United States (except those peculiarly belonging to the functions of the first branch), during the term of service, and, under the National Government, for the space of one year after its expiration."

In the House revision, on June 22 and 23, the subject was a good deal discussed and Members evidently thought it of much importance. Madison wanted to amend the provision so as to make members ineligible only to such offices as should be established or their emoluments increased during the member's term of service, but his motion was defeated. Some minor amendments were, however, carried and the clause was left to read: "to be ineligible to and incapable of holding any office under the authority of the United States (except those peculiarly belonging to the functions of the first branch) during the term of service of the first branch."

In the discussion in committee of the whole on June 12 of the like clause in relation to the second branch it was changed to read as the provision in regard to the first branch had been made to read by the committee of the whole, and in the House revision on June 26 it

was further changed, and was left as follows: "to be ineligible to, and incapable of holding, any office under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term for which they are elected, and for one year thereafter."

The two clauses were later referred to the committee of detail in the forms shown and were inserted by Randolph in the draft in almost the same words. The committee, however, later consolidated them into one clause, applying to both Houses, and then reported the following as the ninth section of the sixth article:

"The Members of each House shall be ineligible to, and incapable of holding, any office under the authority of the United States during the time for which they shall respectively be elected; and the Members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards."

This clause came up in the Convention on August 14 and was the subject of a lengthy discussion. Charles Pinckney thought it was degrading to Members to make them ineligible to offices. Their election, he said, showed that they had the confidence of the people, and it was his hope to see the Senate become a nursery of statesmen. He moved an amendment as follows: "The Members of each House shall be incapable of holding any office under the United States for which they, or any others for their benefit, receive any salary, fees, or emoluments of any kind, and the acceptance of such office shall vacate their seats, respectively." Mason ironically proposed to strike out the whole section, and suggested that "in the present state of American morals and manners, few friends will be lost to the plan by giving premiums to a mercenary and depraved ambition." Gouverneur Morris was opposed to the ineligibility, particularly as regards the officers of the Army and Navy, and thought it would only stimulate them to despise "those talking lords who dare not face the foe." Let this spirit be aroused at the end of a war," he went on, "before your troops shall have laid down their arms, and, though the civil authority be 'intrenched in parchment to the teeth,' they will cut their way to it." Finally Butler and Charles Pinckney moved to postpone until it should be seen what powers would be vested in the Senate, when it would be more easy to judge of the expediency of allowing the officers of state to be chosen out of that body, and this was carried.

This matter was not taken up again by the Convention, and consequently went to the Committee on Unfinished Portions, and they reported through Brearly on September 1 recommending that the following be substituted:

"The Members of each House shall be ineligible to any civil office under the authority of the United States during the time for which they shall respectively be elected; and no person holding an office under the United States shall be a Member of either House during his continuance in office."

When this was taken up in the Convention on September 3, Charles Pinckney again moved the substitute he had offered during the prior discussion. He was strenuously opposed to an absolute ineligibility and wanted to make it a mere incompatibility, so that they could accept the office, but that such acceptance should vacate their seats as Members; but his motion was defeated by a vote of eight States to two. King then moved to insert the word "created" before "during," so that Members should only be incapable of holding such offices as might be created during their term of service, and Williamson seconded the motion, as he did not see why Members should be ineligible to vacancies happening during their term. Sherman, Gerry, Randolph, and Mason were all in favor of the ineligibility and of at least as broad a provision as reported by the committee; while Gouverneur Morris, Gorham, Baldwin, and Charles Pinckney were in favor of King's amendment, or of a still further reduction of the ineligibility. King's amendment was lost by an evenly divided vote, and then the Convention adopted, by five States to four, an amendment of Williamson to insert before "during" the words "created, or the emoluments whereof shall have been increased." The last clause rendering any person holding an office under the United States incapable of being a Member of either House during his continuance in office was agreed to nem. con. The clause now reads:

"The Members of each House shall be ineligible to any civil office under the authority of the United States, created, or the emoluments whereof shall have been increased, during the time for which they shall respectively be elected. And no person, holding any office under the United States, shall be a Member of either House during his continuance in office."

In this form the matter was later referred to the committee on style, and they reported it as follows:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office, under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office."

On September 14, during the comparison of the report from the committee on style with the articles agreed on, Baldwin suggested that the language of the section did not extend to offices created by the Constitution, and the salaries of which would be created, not increased, by Congress at their first session. Hence Members of the first Congress might evade the disqualification. He was not seconded.

I read this report of the proceedings at length, Mr. President, for the purpose of showing how exceedingly important, in the judgment of the framers of our Government, was this particular provision of the Constitution. Likewise I call attention to the fact that an effort was made to restrict the ineligibility to those offices to which were attached some salary or other emolument, and an amendment of that character was defeated.

Mr. President, there can arise but one question under this provision of the Constitution, and that is whether the members of the commission to whom I have referred or any of the members of the commission hold an office under the authority of the United States within the meaning of the term as it is used in this provision of the Constitution. Let me recall to Senators the substance of the act. It provides:

That a World War foreign debt commission is hereby created consisting of five members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and four of whom shall be appointed by the President, by and with the advice and consent of the Senate.

It will be remembered that under the provisions of section 2 this commission is—

authorized to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign Government now held by the United States of America—and other obligations specified.

The authority granted by the act extends for the period of three years. It will be recalled that an effort was made to amend the bill in the course of its consideration, so that there should be reposed in the commission no authority finally to dispose of the questions with which they were called upon to deal, but under the provisions of which they would be required to report whatever arrangement they had made for ratification by either the Senate of the United States or by the Congress. That amendment, however, was defeated, and the law provides that whatever arrangement the commission may make for the refunding or conversion of these securities as provided in the act shall be final and conclusive.

Mr. President, the question is addressed to the Senate as to whether these commissioners hold office under the United States within the purview of the relevant provision of the Constitution. There are other provisions of the Constitution referring to offices under the authority of the United States or to officers exercising authority under the United States. This, I think, will shed some light upon the question as to whether commissioners such as these fall within the meaning of this particular provision of the Constitution.

Mr. BRANDEGEE. Mr. President, does the Senator think that the question of whether these appointees are to serve for any particular time or are to draw any salary would have any effect upon determining whether or not they occupy an office?

Mr. WALSH of Montana. No. I shall call the attention of the Senate to a direct decision to the effect that the fact that appointees draw no salary does not affect the question as to whether or not they hold office under the United States, although in defining what is an office the textbooks often say that it embraces the idea of emolument. I might say in that connection that I take it that the word "embraces" means that it is broad enough to take in emoluments, though emoluments may not be an essential feature of the office.

Mr. BRANDEGEE. The point I had in mind was whether the fact that they were merely temporary appointees to perform a particular service, brief in its nature and without compensation, would be a factor in determining the question?

Mr. WALSH of Montana. I shall advert to that consideration in the course of my discussion. I ask the attention of the Senate, first, to the second clause of the first section of the second article of the Constitution, which reads as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

Before I proceed, Mr. President, I perhaps ought to advert to the fact that the particular clause in question received brief consideration from the authors of the Federalist in two of their contributions to the discussion which generally passes under that name. It was adverted to in No. 52, the authorship of which is attributed by some to Madison and by others to Hamilton. The commentator was combating the proposition that the liberties of the people were imperiled by the new Constitution which it was proposed they should ratify. The author says:

Is it the danger apprehended from the other branches of the Federal Government? But where are the means to be found by the President, or the Senate, or both? Their emoluments of office, it is presumed, will not, and without a previous corruption of the House of Representatives can not, more than suffice for very different purposes; their private fortunes, as they must all be American citizens, can not possibly be sources of danger. The only means, then, which they can possess will be in the dispensation of appointments. Is it here that suspicion rests her charge? Sometimes we are told that this fund of corruption is to be exhausted by the President in subduing the virtue of the Senate. Now, the fidelity of the other House is to be the victim. The improbability of such a mercenary and perfidious combination of the several members of Government, standing on as different foundations as republican principles will well admit, and at the same time accountable to the society over which they are placed, ought alone to quiet this apprehension. But, fortunately, the Constitution has provided a still further safeguard. The Members of the Congress are rendered ineligible to any civil offices that may be created, or of which the emoluments may be increased, during the term of their election. No offices, therefore, can be dealt out to the existing Members but such as may become vacant by ordinary casualties; and to suppose that these would be sufficient to purchase the guardians of the people, selected by the people themselves, is to renounce every rule by which events ought to be calculated and to substitute an indiscriminate and unbounded jealousy with which all reasoning must be vain.

In No. 76, the author of which was undoubtedly Hamilton, occurs the following:

A man disposed to view human nature as it is, without either flattering its virtues or exaggerating its vices, will see sufficient ground of confidence in the probity of the Senate to rest satisfied, not only that

it will be impracticable to the Executive to corrupt or seduce a majority of its Members, but that the necessity of its cooperation in the business of appointments will be a considerable and salutary restraint upon the conduct of that magistrate. Nor is the integrity of the Senate the only reliance. The Constitution has provided some important guards against the danger of Executive influence upon the legislative body; it declares that "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the United States, which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office."

Rawle was one of the first commentators upon the Constitution whose work became standard. It was published in 1825. I read from pages 188 and 189 of that work:

The public officer being therefore considered with us as having actual living duties which he is bound to perform, and as having no more time than is necessary to perform them, the Constitution expressly excludes him from a seat. But a further caution is introduced into it. A Member of either House may be appointed to an office existing previously to his being elected, if the emoluments of it have not been increased during the time for which he was elected. But if a new office has been created, or the emoluments of an old one increased during that time, the promise or the chance of receiving an appointment to it may have an undue influence on his mind. Such an appointment is therefore forbidden by the Constitution during the time for which he was elected; and it is only to be regretted that it was not forbidden altogether. A dishonorable traffic in votes, should it ever become a characteristic of our country, would be more completely prevented if to an office so created, or rendered more profitable, no one who had had an agency in either respect could ever be appointed.

I read these matters, Mr. President, for the purpose of impressing upon the Senate the idea that there were two considerations inducing the inclusion of this provision in the Constitution. The first was so that offices should not be multiplied to be filled by the Members of Congress who voted for their creation. The second was so that the President might not constrain Members of Congress to his will concerning legislation by holding out to any of them the hope that they might be appointed to the offices thus to be created. In other words, it was a safeguard against Executive domination and control over either branch of Congress.

I proceed now, Mr. President, with the references to the other provisions of the Constitution that seem to me to shed some light upon the meaning of this particular provision.

I have heretofore read from the second clause of section 1 of Article II, which provides that—

No Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Of course, the obvious purpose of that was this: The President of the United States, it was understood, would be likely to be a candidate for reelection; and it was feared that he might gain the adherence of members of the Electoral College, who were supposed to be entirely independent and free in their action, if the election went to one who had received an appointment from the President himself.

Accordingly, Mr. President, the question is presented to us as to whether any one of the commissioners appointed under the provisions of this act would be eligible to election as an elector of President and Vice President.

Another provision of the Constitution—perhaps most important in this connection—is that which gives to the President the appointive power, found in section 2 of Article II, as follows:

He—

That is, the President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

The question is presented to us as to whether these commissioners are "other officers of the United States" whose appointment is to be confirmed by the Senate. Of course, the Senate, at the time it passed the act, must have deemed them so, because the act itself provides that they shall be appointed by the President and confirmed by the Senate; so it would appear that the Senate itself considered these commissioners as officers of the United States.

Mr. KELLOGG. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH of Montana. I yield to the Senator.

Mr. KELLOGG. The fact of confirmation itself does not make them officers. For instance, the President has often sent to the Senate names of men to negotiate treaties, and yet he would have the constitutional power to appoint Senators or Representatives without confirmation.

Mr. WALSH of Montana. Oh, yes.

Mr. KELLOGG. So that the fact of their confirmation by the Senate does not make them officers. Does the Senator

doubt that the Secretary of the Treasury could have been authorized to select men not appointed by the President to act with him in this case?

Mr. WALSH of Montana. I have not the slightest doubt in the world about it.

Mr. KELLOGG. Are they any more officers because the President appoints them than if the Secretary of the Treasury had appointed them? In that event, a Senator could have been appointed.

Mr. WALSH of Montana. If there were no other question involved, if the question were to be determined upon that matter alone, the suggestion of the Senator might be entitled to some consideration.

I have invited your attention to this provision of the Constitution as strongly indicative of the sense of the Congress, at the time this act was passed, that these men are officers of the United States; but the same article, in the concluding section thereof, section 4, provides as follows:

The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

That is to say, Mr. President, that it is only officers of the United States who can be removed from office by impeachment for high crimes and misdemeanors; so the question is directed to us as to whether, if any member of this commission should prove recreant to his duties, should be guilty of treason, felony, or other high crimes and misdemeanors, it would be possible for the House of Representatives to impeach him and whether the Senate would have jurisdiction to try him and remove him from office.

Mr. President, if these persons are not officers of the United States, subject to removal by impeachment, how could they be removed from office for dereliction of duty or for recreancy in the discharge of the duties reposed in them by Congress?

For instance, section 3 of the act provides that—

This act shall not be construed to authorize the exchange of bonds or other obligations of any foreign Government for those of any other foreign Government, or cancellation of any part of such indebtedness except through payment thereof.

Let us suppose that in total disregard of this plain provision of the statute the commission accepted, in lieu of the obligations due us from Italy, we will say, the bonds of Germany secured by Italy, pursuant to the reparations provisions of the Versailles treaty; or let us suppose that in the case of one of these countries they actually canceled a portion of the indebtedness: Would a member of the commission be subject to impeachment by the House of Representatives and trial by the Senate for such action upon his part; and, if not, what redress would the people of the United States have in the premises?

Let us go a little further.

The third clause of Article VI reads as follows:

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Every executive and judicial officer of the United States is required to take an oath to support the Constitution. Is it required of these commissioners?

The fourteenth amendment to the Constitution provides:

No person shall be a Senator or Representative in Congress or elector of President and Vice President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath, as a Member of Congress or as an officer of the United States or as a member of any State legislature or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disability.

Mr. President, it has been held by the Supreme Court of the United States that so insignificant an officer as a paymaster's clerk is an officer of the United States. Of course, there are a great many employees of the Government—stenographers, doorkeepers, messengers—who hold no office. They are simply employees; but a paymaster's clerk is held to be an officer. All of these are subject to the provisions of the Constitution to which I have invited your attention. A paymaster's clerk can not be an elector of President or Vice President. A paymaster's clerk must take an oath to support the Constitution of the United States. These officers may all be removed by impeachment. Is it true that the commissioners appointed pursuant to the provisions of this act are all exempt from these safeguarding provisions of the Constitution of the United States?

The subject which I am considering with you had very careful study in the House of Representatives by a committee of which, as my recollection serves me, ex-Speaker Henderson was the chairman. He at least submitted an elaborate report to the House of Representatives, in which he carefully considered this

question as to whether members of commissions created by the action of either House or by an act of Congress are officers of the United States within the meaning of the provisions of the Constitution to which I have asked your attention. Although the report is somewhat lengthy, I deem it of such great importance in this connection that I venture to read most of it.

Mr. POMERENE. What is the Senator reading from?

Mr. WALSH of Montana. I read from House Reports, Volume II, Miscellaneous Documents, Fifty-fifth Congress, being the report of the committee directed to inquire into the eligibility of Members of either House for appointment upon a commission to inquire into the advisability of annexing the Hawaiian Islands. They were held to be eligible in that proceeding for reasons which will appear as I read from the report filed.

While it may be admitted—

Said Mr. Henderson—

that all of the commissions, examining boards, regents, etc., considered by the committee do differ in many particulars as to their duties, still the legal principles involved in the consideration of this class of public servants apply to all of them, and therefore they will be considered together in discussing the law in respect to them.

It can not be contended that every position held by a Member of Congress is an office within the meaning of the Constitution, even though the term office may usually be applied to many of these positions. We are therefore led to an analysis and discussion of the word "office."

The chairman of a committee of Congress is in one sense an officer holding a position different from other members of the committee. Marks of honor and distinction are given to Members of Congress in many ways, but all incident to or growing out of their position as a Member of Congress. It is a mark of distinction to be selected as members of escorts to those of our number who die; designations are made of committees to notify the Senate and the President of certain matters. The mind will readily run over a list of many positions of trust and honor that are conferred upon Members of Congress where no pretense will be made that they are offices within the meaning of the Constitution.

In *United States v. Hartwell* (6 Wall., 393) it is laid down that "an office is a public station or employment conferred by the appointment of Government. The term embraces the ideas of tenure, duration, emolument, and duties."

That is to say, it embraces those. It need not necessarily include all of them. Some of them may be missing, but it is wide enough and broad enough to include those elements.

Elsewhere it is held that an office is "an employment on behalf of the Government, in any station or public trust, not merely transient, occasional, or incidental." (20 John Rep., 492, 7 Ohio State, 556.)

A careful consideration of all of the positions above referred to will show that they are merely transient, occasional, or incidental in their nature, and none of them possess the elements of duration, tenure, or emolument.

I pause here to remark, Mr. President, that that question came before the Supreme Court of the United States in the case of *United States against Germane*, my recollection is, in Ninety-eighth United States, which was the case of a contract surgeon. He was appointed by the Commissioner of Pensions to examine such applicants for pensions as the Commissioner of Pensions might direct to be examined, and he was to have a fee for each applicant examined. He had no place in which he carried on his work, but was an ordinary surgeon and physician in the city of Washington. He did not work regularly at the job but examined applicants as they came to him. It was held that that was a transient and not regular employment, so that it did not make him an officer. I continue reading:

All of these appointees were but instruments to procure detailed information.

I ask attention particularly to that remark:

All of these appointees were but instruments to procure detailed information for the better information and guidance of Congress and are wholly lacking in the essential elements of an office within the meaning of the Constitution.

"A public office is the right, authority, and duty, created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the Government to be exercised by him for the benefit of the public." (Mechem's Public Offices and Officers, sec. 1; *Matter of Hathaway*, 71 N. Y., 238-243; 3 Greenleaf (Me.), 481; *Public Officers*, Throop, sec. 6; *Olmstead v. The Mayor*, etc., 42 N. Y. Sup. Ct., 481.)

It has been held that these functions must be either legislative, executive, or judicial, and that to constitute the person an officer he must have conferred upon him either legislative, executive, or judicial powers. (Mechem's Public Offices, etc., sec. 4, and cases cited.)

Says the author:

"Sec. 4. Office involves delegation of sovereign functions. The most important characteristic which distinguishes an office from an employment or contract is that the creation and conferring of an office involves a delegation to the individual of some of the sovereign functions of government, to be exercised by him for the benefit of the public; that some portion of the sovereignty of the country, either legislative, executive, or judicial, attaches, for the time being, to be exercised for the public benefit. Unless the powers conferred are of this nature, the individual is not a public officer."

This involves necessarily the power (1) to legislate, or (2) execute law, or (3) hear and determine judicially questions submitted.

Therefore mere power to investigate some particular subject and report thereon, or to negotiate a treaty of peace, or on some commercial subject, and report without power to make binding on the Government, does not constitute a person an officer.

That, Mr. President, I think is the test. Some time ago the President was moved to appoint the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. UNDERWOOD] to represent the Government of the United States in the Limitation of Armaments Conference in session in this city. That was to result, if it was to be successfully worked, in a treaty or treaties, which treaty or treaties were to be submitted to the Senate for ratification. They had no power except to carry on negotiations and report the same to the President of the United States and to the Senate for such action as they might take with respect to the same. They were invested with no power to conclude anything, to make any kind of a treaty, but simply to carry on the preliminary negotiations which were to be submitted to the President and to the Senate as I have stated.

In this matter, of course, the situation is entirely different. Whatever authority and power is given to these commissioners they exercise, and when they have performed their duties the work will be done.

Mr. Henderson continued:

Again, the employment must not be merely transient, occasional, or incidental.

I have adverted to that heretofore. He continued:

In *United States v. Hartwell* (6 Wall., 385) the court held that the term public office embraces the idea of tenure, duration, emolument, and duties, and that the duties were continuing and permanent, not occasional or temporary.

In *United States v. Germaine* (99 U. S. Sup. Ct., 508) the question of who is or who is not a public officer was again up, and the court said:

"If we look to the nature of defendant's employment, we think it equally clear that he is not an officer. In that case (referring to *United States v. Hartwell*) the court said the term embraces the ideas of tenure, duration, emolument, and duties, and that the latter were continuing and permanent, not occasional or temporary. In the case before us the duties are not continuing and permanent, and they are occasional and intermittent. * * * He is required to keep no place of business for the public use. He gives no bond and takes no oath, unless by some order of the Commissioner of Pensions of which we are not advised. * * * He is but an agent of the commissioner, appointed by him, and removable by him at his pleasure, to procure information needed to aid in the performance of his own official duties. * * * There is no penalty for his absence from duty or refusal to perform, except his loss of the fee in the given case."

The duties of the commissioners appointed under the statutes (to which attention will be called) are not continuing or permanent; they have no place of business for the public use, or even for their own use; they give no bond and take no oath. In fact, they are mere agents appointed by direction of Congress for the purpose of gathering information and making recommendations for its use if the Congress sees fit to avail itself of the labors of the commission. The commissioners appointed under these statutes or resolutions can not be compelled to attend or act, and in the broadest sense they are mere agents of the Congress. These commissioners are not to execute any standing laws which are the rules of action and the guardians of rights, nor have they the right or power to make any such law, nor can they interpret or enforce any existing law.

Under a statute of Maine the governor was authorized "to appoint one or more agents for the preservation of timber on the public lands, and for other purposes," and the judges held that these agents were not a civil office of profit under the State, although they were entitled to compensation. (See 3 Greenleaf Reports (Me.), p. 481.)

In *United States v. Hendee* (124 U. S., 309) it was held that a paymaster's clerk in the Navy is an officer of the Navy, and in *United States v. Mount* (124 U. S., 303) it was held that such paymaster's clerk, appointed by a paymaster in the Navy, with the approval of the Secretary of the Navy, is not an officer of the Navy in the sense that he is an officer of the United States.

The constitution of the State of New York, 1846, article 6, section 8, prohibits the judges of the court of appeals and justices of the supreme court from exercising any power of appointment to public office.

Section 16, chapter 280, laws of 1847, conferred upon the chancellor power to issue a commission to some person empowering him to act as a surrogate in a particular case when by reason of statutory disqualifications the officers designated to act could not do so. It was contended that such person when designated to act as surrogate became a public officer, inasmuch as for the time being and in the matter before whom he was to act as a judicial officer with full power to hear, try, and determine the particular case, but the court of appeals in *Matter of Hathaway* (71 N. Y., 238) held:

"The term 'public office,' as used in the Constitution, has respect to a permanent public trust or employment, to be exercised generally and in all proper cases. It does not include the appointment, to meet special exigencies, of an individual to perform transient, occasional, or incidental duties, such as are ordinarily performed by public officers; as to such appointments the legislature is left untrammelled, and at liberty to invest the courts with power to make them." (Church, Ch. J., *Andrews and Miller, JJ.*, dissenting.)

In *Hall v. State* (39 Wis., 79, chap. 40, laws of 1857) (the law) appointed certain named persons "commissioners to make a geological, mineralogical, and agricultural survey of the State," and provided that such commissioners should arrange and distribute the functions of such survey by mutual agreement. The law provided a salary and provided for filling vacancies, and gave the governor authority to remove any member for incompetency or neglect of duty. The court held that these commissioners were officers. The court said:

"The geological survey commissioners were appointed directly by legislature; no specific term of office was fixed (except by the governor, whose power to do so may well be doubted); provision was made by law for removing them for cause and for filling vacancies; their salaries were paid out of the State treasury, and their functions were not of merely private, local, or temporary concern, but related to the material and permanent interests of the whole State. The duty imposed upon them was an important public trust, to be exercised for the benefit of all the people of the State, and could only be discharged properly by gentlemen of high attainments in physical science,

* * * It may safely be asserted that any person charged by law with the performance of public functions affecting the general interests of society, especially if he be elected thereto by the people or appointed directly by the legislature, and who receives his compensation out of the Public Treasury, is a public officer, and as such can have no vested right in his office, unless secured by the Constitution. * * * It may be difficult to draw the exact line between an officer and a mere service or employment; but, as already observed, when public functions are conferred by law upon certain persons elected by the people or appointed by the legislature, if those functions concern the general interests of the State, and are not of a nature merely local or temporary, such persons are public officers, especially if they are paid a salary for their services out of the Public Treasury."

Mr. President, the distinguished chairman of the Committee on Appropriations is desirous of getting up a measure for consideration this afternoon, and is desirous that I should yield for that purpose. I am very anxious to accommodate him, but it was rather agreed this morning that the resolution to which I am addressing myself should provide that the Judiciary Committee should report on the question by Tuesday morning, and accordingly I am desirous of submitting these matters, so that the committee shall have them for consideration at as early a time as possible; so I want to conclude. I said to the Senator from Wyoming, however, that if an agreement could be made to take a recess until 11 o'clock to-morrow morning, and allow me to conclude my remarks then, I should be very glad to yield to him at this time.

Mr. LODGE. Mr. President, the Senator from Montana is very considerate in the matter, and I shall be very glad to move to go into legislative session in order to enable the Senator from Wyoming [Mr. WARREN] to call up the Interior Department appropriation bill, which ought to be disposed of, and after the legislative session to-day I shall certainly make a motion to take a recess until 11 o'clock to-morrow, leaving the Senator from Montana in possession of the floor.

Mr. WALSH of Montana. I yield, then, to the Senator from Wyoming.

Mr. LODGE. I move that the Senate return to legislative session.

The motion was agreed to.

Mr. CUMMINS. I have no objection to the Senate returning to legislative session, but I do not want to have anything else taken up, so as to disturb the unfinished business, if I can help it.

Mr. LODGE. There is no intention of disturbing the unfinished business.

The VICE PRESIDENT. The Chair will lay the unfinished business before the Senate.

AMENDMENT OF RAILROAD VALUATION ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 539) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. CUMMINS. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhulse, its enrolling clerk, announced that the House had passed the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 137) transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the possession of the Department of State.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

- S. 160. An act for the relief of Kristina Furjak;
- S. 621. An act to amend subdivisions (a) and (c) of section 206 of the transportation act, 1920;
- S. 982. An act for the relief of Louisa Frow;
- S. 1951. An act for the relief of John Hickson, jr.;
- S. 2736. An act providing for the conveyance of certain unused military reservations in the State of Massachusetts to the city of Salem and the town of Marblehead;
- H. R. 7483. An act for the relief of Robert G. Whitfield;
- H. R. 8924. An act to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920; and
- H. R. 9060. An act to authorize the Secretary of War to lease a certain tract of land to the city of Leavenworth, in the State of Kansas.

INTERIOR DEPARTMENT APPROPRIATIONS.

Mr. WARREN. I move that the Senate proceed to the consideration of House bill 10329, the Department of the Interior appropriations bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I make the usual request that the formal reading of the bill be dispensed with and that the bill may be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Without objection, it will be so ordered.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in the items for contingent expenses, Department of the Interior, page 4, line 10, to strike out "\$58,000" and insert "\$66,500."

The amendment was agreed to.

The next amendment was, on page 4, line 19, to strike out "\$75,000" and insert "\$85,000," so as to read:

For stationery, including tags, labels, index cards, cloth-lined wrappers, and specimen bags, printed in the course of manufacture, and such printed envelopes as are not supplied under contracts made by the Postmaster General, for the department and its several bureaus and offices, \$85,000.

The amendment was agreed to.

The next amendment was, on page 5, line 5, to strike out "\$75,000" and insert "\$85,000," so as to read:

and said sums so deducted shall be credited to and constitute, together with the first-named sum of \$85,000, the total appropriation for stationery for the department and its several bureaus and offices for the fiscal year 1923.

The amendment was agreed to.

The next amendment was, on page 8, line 5, after the word "Building," to insert "including the power, heating, and lighting plant therein," and in line 7, after the word "therefor," to insert "together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith," so as to read:

The responsibility for the care, maintenance, and protection of the Interior Department Building, the Pension Office Building, the Patent Office Building, and the General Land Office Building, including the power, heating, and lighting plant therein, and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, shall be transferred on July 1, 1922, and thereafter, from the Secretary of the Interior to the superintendent of the State, War, and Navy Department Buildings.

The amendment was agreed to.

The next amendment was, on page 9, line 9, after the word "lights," to insert "power," so as to make the paragraph read:

For fuel, lights, power, repairs, window washing, miscellaneous items, printing, city directory, and telephone service for Interior Department, \$77,000.

Mr. WARREN. I will ask that the amendments with reference to the surveyor general's office be passed over for the present.

The VICE PRESIDENT. They will be passed over as requested.

The reading of the bill was continued.

The next amendment was, in the items for the General Land Office, on page 15, line 4, to strike out "\$372,000" and insert "\$400,000," so as to read:

Registers and receivers: For salaries and commissions of registers of district land offices and receivers of public moneys at district land offices, at not exceeding \$3,000 per annum each, \$400,000.

The amendment was agreed to.

The next amendment was, on page 15, line 18, after the name "Eureka, Calif.," to insert "Vancouver and Seattle, Wash.," so as to make the additional proviso read:

Provided further, That, with the exception of the land offices mentioned in the last preceding proviso, and also the land offices at Eureka, Calif., Vancouver and Seattle, Wash., and Burns, Oreg., and where the land office shall be the only remaining land office in any State, no money herein appropriated shall be expended for the maintenance of any land office, other than as is provided in this paragraph, in a land district having public land area of less than 100,000 acres, or whose cost of maintenance shall exceed 33½ per cent of the revenues of the office for the fiscal year ending June 30, 1922.

The amendment was agreed to.

Mr. KING. Mr. President, may I inquire of the Senator whether the increases noted on this page result from increasing the number of offices?

Mr. WARREN. Not at all. It is work in the offices that has increased. There is not an increase of an employee.

Mr. KING. I did not hear the Senator's statement.

Mr. WARREN. It does not increase the number of officers or the amount they receive. It is merely to take care of the work of the office and keep it current.

Mr. KING. Was not the House advised as to the necessity?

Mr. WARREN. The House did not seem to agree with the Land Office officials and did not give them the amount of the Budget estimate. On consideration by the Senate committee it was perfectly plain that the House had erred and that the Senate should come to their aid to that extent.

Mr. KING. May I inquire of the Senator what amount the bill carries in excess of the amount carried by the bill as it passed the House?

Mr. WARREN. About 1 per cent or a trifle over 1 per cent; in other words, about \$3,000,000 altogether.

Mr. KING. More than the House provided?

Mr. WARREN. More than the House provided.

Mr. KING. Generally speaking, how do the items for the various departments carried in the bill compare with the items for the same departments, bureaus, and divisions for the present fiscal year?

Mr. WARREN. Let me say to the Senator that this is the state of affairs. Nearly every item is below or the same. I do not remember now of a single item that is more, although there may be some. There is not a single place in the bill where we have exceeded the estimate of the Budget. There is not a single increase in salary, so far as that is concerned, in the bill. It carries less than the amount appropriated last year, and less than the estimates for last year or this year.

Mr. KING. It seemed to me in running through the bill that some of the amounts are in excess of the sums carried in the last appropriation act for the same service.

Mr. WARREN. There possibly might be, although I do not recall any. My clerk refreshes my recollection that there is scarcely any, if any, but there was a quite general scaling down made by the House of all estimates. The Senate committee noted all of those cuts and called no one before us except those who felt aggrieved. When they came before us we told them that we had the evidence given before the House committees and asked them not to repeat it. We asked them if they could not get along with the House allowances, and in almost all instances they said they could, but there were some items where the necessity for increases was very evident.

Mr. KING. May I inquire of the Senator whether there has been any cut in the number of employees in the Interior Department and in the other agencies of the Government for which the bill carries appropriations?

Mr. WARREN. Some, perhaps; but so far as the Land Office is concerned, in the Interior Department, the work of that office has been very much increased, as the Senator knows, in the last few years. They have not been very materially decreased.

Mr. KING. The bill carries the appropriation for the Indian Bureau?

Mr. WARREN. It does.

Mr. KING. That is, the items which in the past constituted the Indian appropriation bill?

Mr. WARREN. That is correct.

Mr. KING. May I inquire in respect to those items?

Mr. WARREN. The estimates in nearly every case were less.

Mr. KING. Less than they were for the present fiscal year?

Mr. WARREN. Yes. They were very satisfactory in this way, that the bureau went before the Budget officers—in fact, the commissioner himself went—and struggled through the matter with the Budget officers and concluded, almost in every instance, to take the estimate of the Budget. He asked us to change some of the language in different places and to add a few increases. In one or two cases, for instance, where buildings have burned down since the House committee had passed on the bill—I think in two cases schools have burned down—we have provided for those.

Mr. KING. The fact is, then, that the bill as it came from the House was less than the recommendation from the Budget?

Mr. WARREN. It was less than the Budget estimates.

Mr. KING. Has the Senator in mind the reductions from the recommendations of the Budget?

Mr. WARREN. They are almost all general. Of course, if the Senator wishes the items, he has the report of the House committee on the bill, which gives the status of every item.

Mr. KING. To save further inquiry, which I would be compelled to make at a later point, may I inquire of the Senator whether there was any purpose to include any new projects for reclamation, or was it the view that the matter would be taken care of in the McNary bill?

Mr. WARREN. In fact, the House unceremoniously reduced the reclamation projects below the estimates and below the

amount that was expected to be realized from land sales, oil royalties, and so forth. We have raised them to the Budget estimates because it takes not a dollar out of the Treasury. It simply takes whatever money is received from the oil royalties and from the sale of lands and divides it among the different projects, and even if we should add \$10,000,000 to it in this way it would not add one dollar to the moneys to be taken directly from the Treasury.

Mr. KING. What I wanted to ask the Senator was this: In view of the fact that there have been no new reclamation projects for so long, did not the committee feel justified in recommending appropriations, or was not the committee impressed with the need for making provision for new ones?

Mr. WARREN. That has not been done here. We had before us an amendment offered by a Senator providing for \$20,000,000, but we did not feel we could offer it because it was legislation.

Mr. KING. The opinion of the committee then was that that would be new legislation, which they were not authorized to put on the bill?

Mr. WARREN. It undoubtedly would be new legislation.

Mr. KING. And therefore any amendment to the bill asking for a new project—

Mr. WARREN. It would have to be done by unanimous consent.

Mr. KING. It would be subject to a point of order?

Mr. WARREN. It would.

The next amendment of the Committee on Appropriations was, on page 15, line 26, after "1922," to strike out the additional proviso in the following words:

And provided further, That the land office at Springfield, Mo., and the offices of register and receiver thereat are hereby abolished.

The amendment was agreed to.

The next amendment was, on page 16, line 24, after the word "lands," to insert "including not exceeding \$15,000 for clerical services in bringing up and making current the work of the General Land Office."

The amendment was agreed to.

The next amendment was, on page 17, line 2, to strike out "\$485,000," and to insert "\$550,000," so as to read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: For protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, including not exceeding \$15,000 for clerical services in bringing up and making current the work of the General Land Office, \$550,000, including not exceeding \$35,000 for the purchase of motor-propelled passenger-carrying vehicles for the use of agents and others employed in the field service and for operation, maintenance, and exchange of same and for operation and maintenance of a motor boat.

The amendment was agreed to.

The next amendment was, on page 19, line 7, to increase the appropriation for surveying public lands, from \$600,000 to \$700,000.

The amendment was agreed to.

The next amendment was, on page 43, line 24, after the word "available," to insert "and to remain available until expended," so as to read:

For enlarging and repairing canals, repairing structures and dam, and replacement of structures of the irrigation system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation, \$300,000, to be immediately available and to remain available until expended, the total cost of the work to be done on this project not to exceed \$760,000.

The amendment was agreed to.

The next amendment was, on page 45, line 9, to strike out "\$166,000" and to insert "\$184,000," so as to make the paragraph read:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendents, \$150,000; for general repairs and improvements, \$14,000; for addition to heating and power plant, \$20,000, to be immediately available; in all, \$184,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 8, to insert:

The Secretary of the Interior is authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$46,570, or so much thereof as may be necessary of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota arising under section 7 of the act of January 14, 1889, and to expend the same for payment of tuition for Chippewa Indian children enrolled in the public schools of the State of Minnesota: *Provided,* That the Secretary of the Interior may make payments therefrom of such amounts as he deems proper and just in aid of public schools of the State of Minnesota which have enrolled Chippewa Indian children therein during the fiscal year 1922, and in excess of the rate of compensation fixed in any existing contracts with public school districts, where such rate is inadequate.

The amendment was agreed to.

The next amendment was, on page 48, after line 21, to insert:

For salaries and expenses of the commission to be appointed under the provisions of section 2 of the act of May 23, 1908 (35 Stat. L., pp. 268-271), \$2,500, to be paid from the principal sum on deposit to the credit of the Chippewa Indians arising under the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889 (25 Stat. L., p. 642).

Mr. WARREN. I send to the desk an amendment to the committee amendment which I offer at this point.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 48, line 25, after "\$2,500," insert the words "to be immediately available."

Mr. ROBINSON. Mr. President, what are the functions or the duties of this commission?

Mr. WARREN. It is the old law which I think the Senator remembers. They have the general oversight of the rights of the Indians, preservation of timber, and so forth, I believe. It has been going on for a number of years.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 50, after line 9, to insert:

The Secretary of the Interior is authorized to expend \$3,632.92 from funds held by the United States in trust for the Flathead Tribe of Indians in the payment of \$2,250 due Swan Johnson on a logging contract and \$851 and \$531.92, respectively, due Agnes and Paul Antoine, Flathead Indians, for stumpage.

The amendment was agreed to.

The next amendment was, on page 53, line 15, to insert "for dining room and kitchen, \$20,000," and in line 16 to strike out "\$90,000" and insert "\$110,000," so as to make the paragraph read:

For support and education of 400 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, \$80,000; for general repairs and improvements, \$10,000; for dining room and kitchen, \$20,000; in all, \$110,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 4, to insert:

The Secretary of the Interior is authorized, by agreement or otherwise, to bring 4,887 acres of Paiute Indian lands in the State of Nevada within the provisions and benefits of a drainage district, organized pursuant to the laws of said State, for the purpose of draining the lands within the Newlands irrigation project; and there is hereby appropriated the sum of \$2,500 for the purpose of paying the first installment assessable against said Indian lands: *Provided*, That the total amount of the charges assessed against said Indian lands shall not exceed \$49,603.05, and shall be payable in 20 annual installments: *Provided further*, That the Indian lands so drained by said district shall not be amenable to any lien which is subject to foreclosure created by the laws of said State for failure to pay charges when due: *And provided further*, That the money herein appropriated shall be reimbursed in accordance with such rules and regulations as the Secretary of the Interior shall prescribe.

The amendment was agreed to.

The next amendment was, on page 55, line 10, to insert "for construction of a gymnasium and an assembly hall, including equipment for both buildings, to replace the building destroyed by fire February 12, 1922, to be immediately available, \$45,000," and in line 13 to strike out "\$109,000" and insert "\$154,000," so as to make the paragraph read:

For support and education of 500 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, \$100,000; for general repairs and improvements, \$9,000; for construction of a gymnasium and an assembly hall, including equipment for both buildings, to replace the building destroyed by fire February 12, 1922, to be immediately available, \$45,000; in all, \$154,000.

The amendment was agreed to.

Mr. WARREN. I ask unanimous consent that the Secretary may correct all totals as may be necessary from time to time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 62, line 8, after the word "pupil," to insert the following proviso:

Provided, That the Osage Boarding School may be continued, in the discretion of the Secretary of the Interior, for a period not exceeding six years from July 1, 1922, and that the limit of \$300 allowed per capita shall not apply to such school for the present fiscal year.

The amendment was agreed to.

The next amendment was, on page 64, line 14, after the word "prescribe," to insert the following additional proviso:

Provided further, That hereafter no money shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes at salaries at the rate heretofore paid, and one attorney each for the Choctaw, Chickasaw, and Creek Tribes employed under contract approved by the President, under existing law.

The amendment was agreed to.

The next amendment was, on page 67, line 11, to insert: "for boys' dormitory, \$60,000; in all," and in the same line to strike out "\$160,000" and to insert "\$220,000," so as to make the paragraph read:

For support and education of 700 Indian pupils, including native Indian pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, \$140,000; for general repairs and improvements, \$20,000; for boys' dormitory, \$60,000; in all, \$220,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 19, to insert:

TEXAS.

For education of Alabama and Coushatta Indians in Polk County, Tex., \$3,500.

The amendment was agreed to.

The next amendment was, in the items for the Pension Office, on page 78, line 4, before the words "assistant messengers," to strike out "six" and to insert "eight"; in the same line, to strike out "skilled laborer, \$660; messenger boy, \$420;" and in line 5, to strike out "\$1,174,920" and to insert "\$1,175,280," so as to read:

PENSION OFFICE.

SALARIES.

Commissioner, \$5,000; deputy commissioner, \$3,600; chief clerk, \$2,500; assistant chief clerk, \$2,000; medical referee, \$3,000; assistant medical referee, \$2,250; 2 qualified surgeons, at \$2,000 each; 8 medical examiners, at \$1,800 each; 6 chiefs of divisions, at \$2,000 each; law clerk, \$2,250; chief of board of review, \$2,250; 35 principal examiners, at \$2,000 each; private secretary, \$2,000; 10 assistant chiefs of divisions, at \$1,800 each; 3 stenographers, at \$1,600 each; disbursing clerk for the payment of pensions, \$3,000; deputy disbursing clerk, \$2,750; 3 supervising clerks in the disbursing division, at \$2,000 each; clerks—\$7 of class 4, 80 of class 3, 228 of class 2, 299 of class 1, 26 at \$1,000 each; 2 copyists, at \$900 each; 23 messengers, at \$840 each; 8 assistant messengers, at \$720 each; in all, \$1,175,280.

The amendment was agreed to.

The next amendment was, on page 78, line 10, before the word "leave," to insert "or sick," so as to read:

For temporary additional employees in the Bureau of Pensions, District of Columbia, at salaries to be fixed by the Commissioner of Pensions, with the approval of the Secretary of the Interior, such employee to serve without annual or sick leave allowance and to be appointed as far as available under the provisions of civil service laws, rules, and regulations, for the purpose of making current the work of the bureau, \$291,800.

The amendment was agreed to.

The next amendment was, on page 78, line 18, after the word "appropriation," to insert "who shall not by reason of such transfers lose any of the rights and privileges heretofore accorded to them on the regular statutory roll," so as to make the proviso read:

Provided, That not more than 10 persons now on the statutory roll of employees of said bureau may be transferred to this temporary roll or paid from this appropriation, who shall not by reason of such transfers lose any of the rights and privileges heretofore accorded to them on the regular statutory roll.

The amendment was agreed to.

The next amendment was, on page 78, line 23, after the words "except the," to strike out "following: Not more than 11 at not exceeding," and to insert "10 persons heretofore provided for, at"; and, in line 25, to insert "and" before the word "not," so as to make the additional proviso read:

Provided further, That no person shall be employed hereunder at a rate of compensation exceeding \$1,500 per annum except the 10 persons heretofore provided for, at \$2,000 each, and not more than 29 at not exceeding \$1,800 each, and not more than 34 at not exceeding \$1,600 each.

The amendment was agreed to.

The next amendment was, in the items for the Patent Office, on page 80, after line 19, to strike out:

Commissioner, \$5,000; first assistant commissioner, \$4,500; assistant commissioner, \$3,500; chief clerk (who shall be qualified to act as principal examiner), \$3,000; five law examiners, at \$2,750 each; examiner of classification, \$3,600; five examiners-in-chief, at \$3,500 each; two examiners of interferences, at \$2,700 each; examiners of trade-marks and designs—one \$2,700, first assistant \$2,400, 8 assistants at \$1,500 each; examiners—48 principals at \$2,700 each, 94 first assistants at \$2,400 each, 94 second assistants at \$2,100 each, 94 third assistants at \$1,800 each, 94 fourth assistants at \$1,500 each; financial clerk, who shall give bond in such amount as the Secretary of the Interior may determine, \$2,250; librarian, who shall be qualified to act as an assistant examiner, \$2,000; 8 chiefs of divisions, at \$2,000 each; 8 assistant chiefs of division, at \$1,800 each; private secretary, to be selected and appointed by the commissioner, \$1,800; translator of languages, \$1,800; clerks—11 of class 4, 17 of class 3, 19 of class 2, 137 of class 1, 93 at \$1,000 each; draftsmen—one \$1,600, one \$1,400, 3 at \$1,200 each, 4 at \$1,000 each; 92 copyists, at \$900 each; 30 copyists, at \$720 each; 3 messengers at \$840 each; 33 assistant messengers, at \$720 each; 13 laborers, at \$600 each; 45 examiners' aids (who shall be selected without regard to apportionment), at \$600 each; 39 copy pullers (who shall be selected without regard to apportionment), at \$480 each; in all, \$1,500,200.

And in lieu thereof to insert:

Commissioner, \$6,000; first assistant commissioner, \$5,000; assistant commissioner, \$5,000; 5 examiners in chief, at \$5,000 each; chief clerk, who shall be qualified to act as principal examiner, \$4,000; solicitor, \$5,000; 5 law examiners, at \$4,000 each; examiner of classi-

fication, \$4,200; 2 examiners of interference, at \$5,000 each; examiner of trade-marks, \$3,900; assistant examiners of trade-marks and designs—first, \$3,000, second, \$2,700, third, \$2,500, third, \$2,200, third, \$2,050, 2 fourth, at \$1,800 each, 2 fourth, at \$1,650 each, 2 fourth, at \$1,500 each; 48 principal examiners, at \$3,000 each; first assistant examiners—40, at \$3,300 each, 30, at \$3,100 each, 30, at \$2,900 each; second assistant examiners—40, at \$2,800 each, 30, at \$2,500 each, 30, at \$2,350 each; third assistant examiners—40, at \$2,200 each, 30, at \$2,050 each, 30, at \$1,925 each; fourth assistant examiners—40, at \$1,800 each, 30, at \$1,650 each, 30, at \$1,500 each; financial clerk, who shall give bond in such amount as the Commissioner of Patents may determine, \$2,500; librarian, \$2,700; chiefs of nonexamining divisions—8, at \$2,500 each, 8 assistants, at \$2,100 each; private secretary to be selected and appointed by the commissioner, \$2,000; translators of languages—1, \$2,400, assistant, \$2,000; clerks—22 of class four, 33 of class three, 100 of class two, 125 of class one, 100, at \$1,100 each; skilled draftsmen—1, \$1,800, three, at \$1,600 each; 3 draftsmen, at \$1,400 each; 40 copyists, at \$1,100 each; 36 messengers, at \$1,080 each; 13 laborers, at \$1,080 each; to be selected without regard to apportionment—47 examiners' aids, at \$720 each, 39 copy pullers, at \$720 each; in all, \$1,951,340.

For special and temporary services of typists certified by the Civil Service Commission, who may be employed in such numbers, at \$3 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records, \$7,500.

The amendment was agreed to.

The next amendment was, in the items for the Reclamation Service, on page 89, line 26, to strike out "\$215,000," and to insert "\$235,000," so as to read:

Uncompahgre project, Colorado: For operation and maintenance, continuation of construction, and incidental operations, \$235,000;

The amendment was agreed to.

The next amendment was, on page 90, line 6, to strike out "\$1,220,000" and to insert "\$1,300,000," so as to make the paragraph read:

Boise project, Idaho: For operation and maintenance, continuation of construction, and incidental operations: *Provided*, That the expenditure for drainage shall not exceed the amount paid by the water users pursuant to the provisions of the Boise public notice dated February 15, 1921, \$1,300,000.

The amendment was agreed to.

The next amendment was, on page 90, line 12, after the word "operations," to insert "with authority"; in line 13, after the word "Reservoir," to insert "to purchase or condemn and to improve suitable land for a new town site to replace the portion of the town of American Falls which will be flooded by the reservoir, and to provide for the removal of buildings to such new site, and to plat and to provide for appraisal of lots in such new town site, and to exchange and convey such lots in full or part payment for property to be flooded by the reservoir, and to sell for not less than the appraised valuation any lots not used for such exchange"; and in line 21, to strike out "\$1,200,000" and to insert "\$1,250,000," so as to make the paragraph read:

Minidoka project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, with authority in connection with the construction of American Falls Reservoir, to purchase or condemn and to improve suitable land for a new town site to replace the portion of the town of American Falls, which will be flooded by the reservoir, and to provide for the removal of buildings to such new site, and to plat and to provide for appraisal of lots in such new town site, and to exchange and convey such lots in full or part payment for property to be flooded by the reservoir, and to sell for not less than the appraised valuation any lots not used for such exchange, \$1,250,000.

The amendment was agreed to.

The next amendment was, on page 91, line 3, to strike out "\$340,000" and to insert "\$890,000," so as to make the paragraph read:

Milk River project, Montana: For operation and maintenance, continuation of construction, and incidental operations, \$890,000.

The amendment was agreed to.

The next amendment was, on page 91, line 12, to strike out "\$1,440,000" and to insert "\$1,690,000," so as to make the paragraph read:

North Platte project, Nebraska-Wyoming: For operation and maintenance, continuation of construction, and incidental operations, \$1,690,000.

The amendment was agreed to.

The next amendment was, on page 91, line 21, to strike out "\$1,000,000" and to insert "\$1,100,000," so as to make the paragraph read:

Rio Grande project, New Mexico-Texas: For operation and maintenance, continuation of construction, and incidental operations, \$1,100,000.

The amendment was agreed to.

The next amendment was, on page 91, line 24, to strike out "\$115,000" and to insert "\$145,000," so as to make the paragraph read:

North Dakota pumping project, North Dakota: For operation and maintenance, continuation of construction, and incidental operations, \$145,000.

The amendment was agreed to.

The next amendment was, on page 92, line 11, to strike out "\$350,000" and to insert "\$370,000," so as to make the paragraph read:

Belle Fourche project, South Dakota: For operation and maintenance, continuation of construction, and incidental operations, \$370,000.

The amendment was agreed to.

The next amendment was, on page 92, line 23, to strike out "\$675,000" and to insert "\$1,075,000," so as to make the paragraph read:

Riverton project, Wyoming: For operation and maintenance, continuation of construction, and incidental operations, \$1,075,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 2, to strike out:

For continued investigation of the feasibility of water storage on the lower Colorado River for irrigation and other purposes, and related problems, \$100,000.

The amendment was agreed to.

The next amendment was, on page 94, line 6, to strike out "\$14,200,000" and to insert "\$15,600,000," so as to read:

Total, Reclamation Service, \$15,600,000.

The amendment was agreed to.

The next amendment was, on page 95, line 16, to strike out "\$275,000" and to insert "\$400,000," so as to make the paragraph read:

For topographic surveys in various portions of the United States, including lands in national forests, \$400,000.

The amendment was agreed to.

The next amendment was, on page 95, line 19, to strike out "\$300,000" and to insert "\$352,000," so as to make the paragraph read:

For geologic surveys in the various portions of the United States, \$352,000.

The amendment was agreed to.

The next amendment was, on page 96, line 23, to strike out "\$150,000" and to insert "\$300,000," so as to make the paragraph read:

For the examination and classification of lands requisite to the determination of their suitability for enlarged homesteads, stock-raising homesteads, public watering places, and stock driveways, or other uses, as required by the public land laws, \$300,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 96, line 24, to strike out "\$1,325,940" and to insert "\$1,652,940," so as to read:

Total, United States Geological Survey, \$1,652,940.

The amendment was agreed to.

The next amendment was, on page 104, after line 24, to insert "for labor and material necessary for installation of sewer, garbage disposal, and water-supply system in the park, to be immediately available, \$38,878.10; in all, \$45,378.10," so as to make the paragraph read:

General Grant National Park, Calif.: For administration, protection, maintenance, and improvement, \$6,500; for labor and material necessary for installation of sewer, garbage disposal, and water-supply system in the park, to be immediately available, \$38,878.10; in all, \$45,378.10.

The amendment was agreed to.

The next amendment was, on page 105, line 12, to strike out "\$80,000" and to insert "\$93,200"; in line 14, to strike out "\$50,000" and to insert "\$100,000"; and, in line 17, to strike out "\$150,000" and to insert "\$213,200," so as to make the paragraph read:

Glacier National Park, Mont.: For administration, protection, and maintenance, including necessary repairs to the roads from Glacier Park Station through the Blackfoot Indian Reservation to various points in the boundary line of the Glacier National Park and to the International Boundary, including not exceeding \$3,000 for the purchase, maintenance, repair, and operation of motor-driven and horse-drawn passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$93,200; for continued construction of the transmountain road, connecting the east and west sides of the park, \$100,000; for miscellaneous construction of physical improvements, including not exceeding \$10,000 for completion of gravity water supply at administrative headquarters, \$20,000; in all, \$213,200.

The amendment was agreed to.

The reading clerk read down to line 23, page 105, as follows:

Grand Canyon National Park, Ariz.: For administration, protection, and maintenance, including not exceeding \$2,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$48,000.

Mr. CAMERON. Mr. President, I have carefully noted the appropriations for Grand Canyon National Park, Ariz. If there is one thing which I do know about, it is that section of the country. In the Grand Canyon there was first established a forest reserve.

Mr. WARREN. If the Senator will permit me, he is now referring to a part of the House text. Will he reserve his

remarks until we finish consideration of the amendments proposed by the committee to the bill, and then we may come back to the item in which the Senator is interested?

Mr. CAMERON. Very well. I thank the Senator.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 106, line 1, before the words "ranger station," to insert "including not to exceed \$3,000 for"; after line 2, to insert "for labor and material necessary for insect-control work on the north rim of the Grand Canyon, to be immediately available, \$2,500," so as to read:

Grand Canyon National Park, Ariz.: For administration, protection, and maintenance, including not exceeding \$2,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$48,000; for completion of Hermit Rim Road, for partial construction of new trail from South Rim to new suspension bridge, for reconstruction Kaibab trail, and including not to exceed \$3,000 for ranger station and community center for campers at headquarters, \$40,000; for labor and material necessary for insect-control work on the north rim of the Grand Canyon, to be immediately available, \$2,500.

The amendment was agreed to.

The next amendment was, on page 106, line 5, to increase the total appropriation for the Grand Canyon National Park from \$88,000 to \$90,500.

Mr. McNARY. Mr. President, I think there is a misapprehension on the part of the chairman of the committee in regard to the object which the Senator from Arizona has in view. He wants to object, as I understand, to the appropriation as an entirety and if the amendments are agreed to now that opportunity will not be afforded.

Mr. WARREN. Let me say to the Senator that the \$48,000 item is a part of the House text. The amendment which has last been read is a committee amendment, and of course the Senator from Arizona may address himself to that if he wishes so to do. The Senator understands that unanimous consent was given to consider first the committee amendments. The amendment which has just been stated is, of course, open to amendment.

Mr. McNARY. I appreciate that, and at this point I think the Senator from Arizona could properly bring up the matter he has in mind.

Mr. CAMERON. Does the Senator from Wyoming have reference to the \$40,000 item?

Mr. WARREN. I have reference to the amendment on page 106, beginning in line 3. At the earnest solicitation of the superintendent of parks, we put that amendment in to try to save the timber against insects, the appropriation being \$2,500.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 106, line 5, striking out "\$88,000" and inserting "\$90,500."

Mr. WARREN. The amendment on page 106, line 5, striking out "\$88,000" and inserting "\$90,500," of course, embraces the total of the items in the paragraph, and includes everything that goes to the Grand Canyon National Park.

Mr. CAMERON. Mr. President, I object to the whole proposition, and I hope if opportunity is not afforded to speak on it now that I may have some time later. I should like to have it passed over temporarily, if I can not have the opportunity to speak at the present time.

Mr. WARREN. I ask that the last amendment may be passed over.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 107, line 16, to strike out "\$13,000" and to insert "\$21,000"; in line 17, to strike out "\$3,000" and to insert "including not to exceed \$19,200 for reconstruction and improvement of about 4 miles of entrance road, \$22,200"; and in line 19, to strike out "\$16,000" and to insert "\$43,200," so as to make the paragraph read:

Mesa Verde National Park, Colo.: For administration, protection, and maintenance, including not exceeding \$2,400 for purchase, maintenance, operation, and repair of horse-drawn and motor-driven passenger-carrying vehicles for use of the superintendent and employees, \$21,000; for construction of physical improvements, including not to exceed \$19,200 for reconstruction and improvement of about 4 miles of entrance road, \$22,200; in all, \$43,200.

The amendment was agreed to.

The next amendment was, on page 108, line 3, to strike out "\$38,000" and to insert "\$46,000"; line 4, to insert "for completion widening 3 miles of the Nisqually Glacier to Paradise Valley Road, \$45,000"; and in line 8 to strike out "\$77,000" and to insert "\$130,000," so as to make the paragraph read:

Mount Rainier National Park, Wash.: For administration, protection, and maintenance, including not exceeding \$1,800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for use of the superintendent and park employees in connection

with general park work, \$46,000; for completion Carbon River Road, \$36,000; for completion widening 3 miles of the Nisqually Glacier to Paradise Valley Road, \$45,000; for four winter patrol cabins, \$2,000; for miscellaneous construction physical improvements, \$1,000; in all, \$130,000.

The amendment was agreed to.

The next amendment was, on page 108, line 20, to strike out "\$39,000" and to insert "\$53,000," and in line 21 to strike out "\$59,900" and to insert "\$73,900," so as to make the paragraph read:

Rocky Mountain National Park, Colo.: For administration, protection, and maintenance, including not exceeding \$2,400 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for use of the superintendent and employees in connection with general park work, \$53,000; for construction of physical improvements, \$20,900; in all, \$73,900.

The amendment was agreed to.

The next amendment was, on page 109, line 3, to strike out "\$25,000" and to insert "\$50,000"; in line 6 to strike out "\$5,500" and to insert "\$9,000; for labor and material necessary for installation of sewer, garbage disposal, and water-supply system in the park, to be immediately available, \$54,706.20"; and in line 9 to strike out "\$87,500" and to insert "\$145,706.20," so as to make the paragraph read:

Sequoia National Park, Calif.: For administration, protection, and maintenance, including not exceeding \$2,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$32,000; for continued construction Middle Fork Road, \$50,000; for construction storehouse, bunkhouse, two quarters for employees at permanent headquarters on Middle Fork at Alder Creek, and miscellaneous new construction, \$9,000; for labor and material necessary for installation of sewer, garbage disposal, and water-supply system in the park, to be immediately available, \$54,706.20; in all, \$145,706.20.

The amendment was agreed to.

The next amendment was, on page 109, line 22, to increase the appropriation for construction of physical improvements in Yellowstone National Park, Wyo., from "\$80,000" to "\$80,800."

The amendment was agreed to.

The next amendment was, on page 112, line 19, to strike out "\$95,000" and to insert "\$100,000"; and in line 22 to strike out "\$9,000" and insert "\$10,000," so as to read:

COLUMBIA INSTITUTION FOR THE DEAF.

For support of the institution, including salaries and incidental expenses, books and illustrative apparatus, and general repairs and improvements, \$100,000.

For repairs to buildings of the institution, including plumbing and steam fitting, and for repairs to pavements within the grounds, \$10,000.

The amendment was agreed to.

Mr. POMERENE subsequently said: Mr. President, if I may have the attention of the Senator from Wyoming for a moment, on page 112 certain amendments have been agreed to, as I am advised, relative to the appropriation for the Columbia Institution for the Deaf. In addition to the two amendments which have been agreed to, as a member of the board of directors, I asked the Committee on Appropriations to include another amendment which provided for an expenditure of \$12,000 for the purchase of 6.2 acres of land. I have that amendment before me. In view of the fact that the Senator asked me one or two questions in regard to it which I was unable to answer at least satisfactorily to myself, I wonder if the Senator will not consent to have that amendment adopted if I offer it now, with the understanding that if after the matter goes into conference there is any objection to it I shall not insist upon it?

Mr. WARREN. Let me say to the Senator that I would not be able to do that, because all members of the committee in considering the item were opposed to it, and I would not feel that I had the right to let it go in now. It appears to me that the price proposed to be paid is large for a small parcel of land.

Mr. POMERENE. I do not think that it is too large for the amount of land, but at the same time I realize fully that the committee is giving its best thought to these matters.

Mr. WARREN. The institution has, as I understand, one hundred and thirty-odd acres there already.

Mr. POMERENE. If the committee as a whole feels that way about it, I shall not insist upon the amendment.

Mr. WARREN. That was the feeling of the committee.

Mr. POMERENE. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the items for Freedmen's Hospital, on page 114, line 7, to strike out "\$70,000" and to insert "\$77,535," so as to make the paragraph read:

For subsistence, fuel and light, clothing, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, replacement of X-ray apparatus, furniture, motor-propelled ambulance, and other absolutely necessary expenses, \$77,535.

The amendment was agreed to.

The next amendment was, on page 114, line 8, to strike out "\$111,020" and to insert "\$118,555," so as to read: "Total, Freedmen's Hospital, \$118,555."

The amendment was agreed to.

The next amendment was, in the items for the Territory of Alaska, on page 114, line 18, to insert "for renovating furniture, draperies, etc., and purchase of new furniture and equipment for executive mansion, and painting and decorating interior of the building"; and in line 21, to strike out "\$7,500" and to insert "\$12,000," so as to make the paragraph read:

For incidental and contingent expenses, clerk hire, not to exceed \$2,500; janitor service for the governor's office and the executive mansion, not to exceed \$1,200; traveling expenses of the governor while absent from the capital on official business; repair and preservation of executive mansion and furniture and for care of grounds; stationery, lights, water, and fuel; for renovating furniture, draperies, etc., and purchase of new furniture and equipment for executive mansion, and painting and decorating interior of the building; in all, \$12,000, to be expended under the direction of the governor.

The amendment was agreed to.

The next amendment was, on page 116, line 3, to strike out "\$1,400,000" and to insert "\$1,662,000," so as to make the paragraph read:

For expenses of maintenance and operation of railroads in the Territory of Alaska (in excess of revenues), \$1,662,000.

The amendment was agreed to.

The next amendment was, on page 116, after line 10, to insert:

Authority is granted to purchase during the fiscal year 1923 from the appropriation made for the construction and operation of railroads in Alaska, articles and supplies for sale to employees and contractors, the appropriation to be reimbursed by the proceeds of such sales.

The amendment was agreed to.

The next amendment was, on page 116, after line 15, to insert:

During the fiscal year 1923 there shall be covered into the appropriation established from time to time under the act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914, as amended, the proceeds of the sale of material utilized for temporary work and structures in connection with the operations under said act, as well as the sales of all other condemned property which has been purchased or constructed under the provisions thereof; also any moneys refunded in connection with the construction and operations under said act, and a report hereunder shall be made to Congress at the beginning of its next session.

The amendment was agreed to.

The VICE PRESIDENT. The committee amendments, except those passed over, are completed.

Mr. WARREN. Mr. President, I wish to call attention to the last two items. While they are in separate paragraphs, I wish them marked so that they may be taken as only one paragraph, and given one number in the copy of the bill with Senate amendments numbered that is made up for conference.

The VICE PRESIDENT. They were read as one, and so considered.

Mr. PHIPPS. Mr. President, I desire to call attention to the items on page 13 of the bill for clerical hire in the various surveyors' offices.

The VICE PRESIDENT. That is the first amendment passed over.

Mr. PHIPPS. In the consideration of these items, I think from reading the House hearings that the committee was misled and used a table showing comparisons of surveys made, thinking that it related to the entire activities of these various offices, whereas it related only to mineral surveys and locations, which constitute only a part of the work. The estimates for this particular service for clerk hire had been materially reduced in the various offices under the amounts in the bill for the current year. The House made further very drastic reductions in the amounts estimated for and which were approved by the Budget Committee. Therefore I am going to move that the following corrections be made, which will have the effect of restoring the figures of the Budget.

Mr. WARREN. A motion made to conform to the figures of the Budget would be all right to make. I wish to say, Mr. President, regarding that, that the Commissioner of the General Land Office, who has charge of that matter, appeared before the committee and fully justified the Budget estimates, and therefore I am inclined to accept the motion made by the Senator from Colorado to restore all of those amounts—they are not large anyway—to the amounts of the estimates, and the clerk of the committee will furnish the desk with the figures.

Mr. PHIPPS. Yes; the clerk will furnish the estimates. The desire I had was that the figures of the Budget estimate should be reinstated in the bill in lieu of the figures adopted by the House.

Mr. WARREN. If there is no objection, they can go in and go to conference.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. OVERMAN. Mr. President, this is a small amount, but some of these days we shall have to raise the question here as to whether we are going by what Congress thinks ought to be done or by what the Budget recommends. The committees of Congress have passed on this matter of clerk hire and have agreed to certain sums. The Budget has recommended other sums. Now the Senator comes in here, without giving any reasons, and asks that the figures be raised to the recommendations of the Budget. Therefore the Budget is to control, and not Congress.

Mr. PHIPPS. Mr. President, I tried to give one reason, and that was that the House had a misunderstanding of the comparative statement of the activities of these various surveyors' offices, and if they had known the real conditions I believe they would have been inclined to follow and accept the cuts that were made in these various offices, estimated for by the Land Office here, and approved by the Budget committee.

Mr. WARREN. Mr. President, let me say to the Senator from North Carolina that, as he remembers, it was a matter of some uncertainty in the committee, and the Senator from Colorado has looked up the mineral part of it, and I can easily see that there is a misunderstanding; but the Senator from North Carolina will be on the conference committee, and he can look into the matter further there.

Mr. OVERMAN. I want it understood that I am not making any special objection to this action; but when it is said that after the House and the Senate have recommended an appropriation we should go back to the Budget figures, that is no reason at all. That is the only point I wanted to make.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The READING CLERK. The next amendment passed over is on page 106, line 5, relative to the Grand Canyon.

Mr. CAMERON. Mr. President, I ask that that amendment go over until to-morrow. My colleague, the senior Senator from Arizona [Mr. ASHurst], is down town and unable to get here to-night. I have just talked to him on the telephone and he makes that request, as he wants to talk on this subject, which I also wish to present to the Senate.

Mr. WARREN. Mr. President, why can not the Senator bring his colleague here to-night? The trouble is that there is an agreement now that we shall take a recess until a certain hour to-morrow, when another subject will be taken up, so that I do not know where we should land if we did not finish the bill to-night.

Mr. CAMERON. I should like very much to accommodate the Senator from Wyoming, but—

Mr. LODGE. This is not a question of carrying the bill over until to-morrow; it may be carried over for several days.

Mr. CAMERON. I understand that; but this is a very important question to me and to our constituents.

Mr. LODGE. Can it not be disposed of now?

Mr. CAMERON. The senior Senator from Arizona would like to speak on it, and he is unable to get here to-night. I have just talked to him on the telephone. It is not a matter that I want to put over, because I am willing to make my statement now.

Mr. WARREN. We are entirely ready to hear any statement the Senator wishes to make; but I shall be glad if he will send word to his colleague, who is usually very accommodating. The Senator from Oklahoma [Mr. HARRELD] has an amendment to offer, and it is not very late. It is only half past five. Will not the Senator try to get his colleague here? Of course we will remain in session until he can make any remarks he wants to make.

Mr. CAMERON. Very well. I will see what I can do.

Mr. WARREN. I wish the Senator would try that, please, so that we may get this bill to conference.

Mr. CAMERON. Mr. President, the statement that I wish to make to the Senate pertains to the Grand Canyon National Park. It is located in Coconino County, Ariz., a county that I had established a great many years ago. About 78 per cent of the land in that county has been withdrawn by public withdrawals by the United States Government.

We first had on the public domain that is embraced in the Grand Canyon National Park a forest reserve. The forest reserve was managed and maintained under the forest regulations and everyone was getting along very well. During the Roosevelt administration it was made a national monument, and about two years ago it was made a national park.

I explored the Grand Canyon in 1883 and opened up the paths, the trails, the wagon roads, and blazed the roads around the rim of the Grand Canyon, and also promoted a railroad to the south rim of the Grand Canyon which is now in operation, connecting with the main line of the Santa Fe Railroad at Williams.

We have in Coconino County, connecting the Grand Canyon National Park, two county roads. They have been used for years. They have been maintained by the county. They are in excellent shape and have been kept in good condition. We have first-class railroad accommodations, by which you can get on a Pullman car at Chicago and go directly through to the Grand Canyon. Since the creation of the Grand Canyon National Park some \$150,000 has been expended there by the management of the park, and I want to say to you here to-day, Mr. President, that you can not find where they have done anything worth while; yet you can see where there has been much from this expenditure of \$150,000 foolishly wasted.

I contend that these appropriations are unnecessary, for the reason that we have every facility in the world to-day to visit the Grand Canyon National Park. We have a railroad that is not excelled by any other railroad in the United States—the Santa Fe system. We have fine highways across the State of Arizona. We have two beautiful rim roads that have been constructed by the county and the Forest Service up to the Grand Canyon. Now they propose to go on the north side of the rim, where it is nearly 200 miles from any railroad, and open up another camp, where they can bring tourists from the Union Pacific or the railroads to the north of there by stage line down to the rim of the Grand Canyon on the north side, where most of this money is to be expended.

Mr. JONES of Washington. Mr. President, will the Senator permit me to ask him a question?

Mr. CAMERON. Yes.

Mr. JONES of Washington. Does the Senator know whether or not his colleague is in favor of striking out this item?

Mr. CAMERON. He is. I saw him this afternoon, after I had talked with the Senator from Wyoming.

Mr. JONES of Washington. I do not see any reason, then, why we should not strike it out.

Mr. WARREN. The chairman of the committee is ready to have it stricken out, but I understood that there was some necessity of the Senator's colleague being here. I am perfectly ready to allow the amendment to be made.

Mr. CAMERON. I simply wanted to make this statement.

Mr. WARREN. I wish the Senator would finish his statement, because the matter will go to conference, and if the House insists upon its action, we shall have to defend ours, and we shall have to depend upon what the Senator says for the defense.

Mr. CAMERON. Understand, Senators, I do not care to talk on the subject, except that I want to make a statement that I know I am absolutely right in making as one who helped develop this entire country and who certainly understands the conditions; and there is no more excuse for our appropriating the public's money for this purpose than there is for my jumping off the Capitol to-night. I believe that if we are going to conserve the people's interests and take care of the people's money as we should, we should not make a foolish appropriation merely to satisfy somebody's whims or pet ideas who think they can do wonderful things by building certain pleasure camps out on the public domain, remote from any railroad, where no one can come in contact with them; where they can go out perhaps in a year's time and bring in 10 or 15 or 20 men with money to look over the greatest scenic wonder of the world. I contend that we can see the greatest scenic wonder of the world to-day from the south rim of the Grand Canyon. You can go there at your ease; you can go there in any way you want to, by vehicle, horseback, automobile, Pullman car, special train, or otherwise; and why should we in the United States Senate to-day appropriate this money when it is not needed?

I am sure that if the people of this country knew as much as I do about the Grand Canyon and knew that we do not need this appropriation, you would not, as a body of Senators, appropriate this money. One corporation alone controls every national park in the United States. Naturally they want camps built by Government money at remote places so that they can put on stage lines and drive automobiles from points two and three hundred miles away, when the Government expends money to build camps and roads for them. That is the idea. That is what is behind this.

Senators, the sooner we wake up to this condition the quicker we will get down to earth where we belong. We have spent too much money already for "isms" and fads and chasing rainbows; and so far as I am concerned, if I can stop it, I am going to do it, and I want to begin right now.

The idea of our squandering the people's money just to please a fad of Mr. Mather or any other man who chooses to be the representative of the Grand Canyon National Park or any other park is ridiculous. I say to you, without egotism, I

hope, that I have been over nearly every park in this country. I have gone on horseback and on foot, and I know the Southwest, I believe, as well as any other living man on earth, and it is about time we brought a halt to this idea of having somebody come in here and appropriate our public domain for such "isms" and fads. It is wrong, Senators, and I am going to help stop it if I can. Will you help me?

It not only applies to this but it applies to other things as well. I could sit around here and never say a word, which at first thought would seem sensible, as this is a big appropriation going to my State, and not often do Senators oppose appropriations going their way, and perhaps what I am saying to-day will not meet with your approval; but I am expressing my honest convictions, and I serve notice that I shall go into this subject very thoroughly before this body with substantiating facts and figures within the very near future and show the people of this country the real workings of this National Park Service.

Mr. LODGE. May I ask the Senator from Arizona if his colleague agrees with him as to this matter?

Mr. CAMERON. He does.

Mr. LODGE. Then, why should it not be stricken out, may I ask the chairman of the committee?

Mr. WARREN. I have agreed that it may be stricken out.

Mr. LODGE. Then, let us strike it out.

Mr. WARREN. I may have to consult with the Senator from Arizona with regard to some language in connection with it. The Senator asked that he be allowed to state his reasons in order that we might have some of those reasons before us when we go to conference. I think his reasons are sufficient.

Let me ask the Senator first as to the item of \$48,000.

Mr. CAMERON. It all ought to come out so far as that is concerned.

Mr. WARREN. Does the Senator wish to cut the entire Grand Canyon National Park item out?

Mr. CAMERON. I think it all should come out.

Mr. WARREN. Let it all go out and go to conference and we will give it more consideration there.

Mr. CAMERON. Let it all be taken out.

Mr. WARREN. I think the provision on the next page should also go out with the other provision.

The VICE PRESIDENT. The Secretary will state the proposed amendment.

The READING CLERK. On page 105 strike out lines 18 to 25, both inclusive, and on page 106 strike out lines 1 to 7, both inclusive, as follows:

Grand Canyon National Park, Arizona: For administration, protection, and maintenance, including not exceeding \$2,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$48,000; for completion of Hermit Rim Road, for partial construction of new trail from South Rim to new suspension bridge, for reconstruction Kaibab trail, and including not to exceed \$3,000 for ranger station and community centers for campers at headquarters, \$40,000; for labor and material necessary for insect-control work on the north rim of the Grand Canyon, to be immediately available, \$2,500; in all, \$90,500: *Provided*, That no expenditure shall be made in the maintenance or improvement of any toll road or toll trail.

The amendment was agreed to.

Mr. McNARY. Mr. President, I offer the following amendment on behalf of the Senator from California [Mr. JOHNSON], if the amendment is in order at this time. I ask that the Secretary state the amendment.

Mr. WARREN. Has the Senator consulted with the Senator from California about it recently?

Mr. McNARY. A few moments ago the Secretary of the Senator from California came and left the amendment with me, stating that the Senator was home and had telephoned him that he did not expect the bill would come up for consideration to-day, but if it did come up I might offer it in his behalf.

Mr. WARREN. I would like to read the Senator the testimony on that item. I saw the Senator from California [Mr. JOHNSON] about 1 o'clock to-day and told him the situation. It seems that they took the appropriation from the one school which was burned and transferred it to the other, and they are to take pupils to other points. The provision seemed to be satisfactory to him. His anxiety was that none of the Indian children should be without education. We interrogated the commissioner very carefully about that, and the testimony in the House hearings shows the change they intended to make. If the Senator should ask to have it provide as they undertook to have it in the first instance, it would leave one set of children without schooling while the other school would have its usual complement. A hundred pupils is the outside number at the Bidwell and 100 at the Greenville school, and about 90 pupils each is the regular attendance. They took from \$20,000 to \$30,000 for the education and \$28,000 for buildings and care.

They undertook to transfer the appropriation from the Greenville School to the Bidwell School on account of the fire, for this one year, so that they can furnish the transportation of part of those pupils to the other places. Some of them are provided for in public schools, and in the public schools they have to pay a proportion to the county where they attend. The authorities in some counties will not permit the Indian children to go with the white children, but in some of the others they do.

Mr. McNARY. I am wholly uninformed as to the situation. I am only doing this at the request of the Senator's secretary, and I assumed that the Senator wanted to have the amendment affixed to the bill. I would like to have it reported by the Secretary anyway, so that it will appear in the RECORD.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 41, after line 20, add the following:

For support and education of 100 Indian children at the Greenville Indian School, California, including pay of superintendent, \$24,000; for general repairs and improvements, \$4,000; for reconstruction of school building destroyed by fire on December 17, 1921, \$60,000; in all, \$88,000.

Mr. McNARY. From the CONGRESSIONAL RECORD of February 4 of the present year, at page 251, I am supplied with a statement by Mr. RAKER, of which perhaps the chairman is cognizant. If not, I would like to read it.

Mr. WARREN. We have a statement in regard to it in the committee hearings.

A fire occurred, I believe, after testimony was taken in the House committee. I have no wish to object to the Senator's amendment, if the Senator is assured that he is right.

Mr. McNARY. If the chairman will accept the amendment offered by me on behalf of the Senator from California, the matter can be gone into thoroughly in conference.

Mr. WARREN. I am willing to accept the amendment of the Senator and let it go to conference. I understand it does not affect any committee amendment at all.

Mr. McNARY. That can be worked out.

Mr. WARREN. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon in behalf of the Senator from California.

The amendment was agreed to.

Mr. HARRELD. Mr. President, I had prepared an amendment which I expected to offer and ask to have lie on the table. It is to be inserted on page 66. I will ask the Secretary to read the proposed amendment.

The VICE PRESIDENT. The Secretary will read the amendment.

The READING CLERK. On page 66, after line 11, insert the following:

Hereafter nontaxable Indian lands in the State of Oklahoma shall not be leased or rented unless, in addition to the restrictions now imposed, if any, the immunity from taxation is waived, under regulations prescribed by the Secretary of the Interior, in so far as such immunity prevents the taxation by the State of Oklahoma, or by any political subdivision thereof, of the income of the lessee: *Provided*, That any tax upon any such income shall not be discriminatory and that any such lands shall not be held subject to a lien for the payment of any such tax: *And provided further*, That nothing in this paragraph shall be construed to permit the taxation by the State of Oklahoma of the lands or of royalties or rents received therefrom by any Indian owners, except as now provided by law.

Mr. WARREN. Let me say to the Senator that that is a subject which I do not feel we have had before us, or with which I am competent to deal, and unless there is a point of order made, I will raise no objection. It may go in and go to conference, but the Senator will, I hope, give me such information as he may have.

Mr. HARRELD. I would like to make a short statement, so that it may go to conference also.

The State of Oklahoma levies a tax known as a gross-production tax of 3 per cent on all oil produced in the State. In lieu of all other forms of taxation that 3 per cent tax is levied by the State, and paid.

They have been collecting that tax from the lessees of restricted Indian lands until recently, when the Supreme Court of the United States held, in the Gillespie case, that that could not be done under the terms of the leases as they have been heretofore executed. The court held that the lessee of restricted Indian land was the agent of the Indian, and therefore that he could not be taxed.

The result of that is this in a nutshell: If I have a lease on a tract of land, we will say of 100 acres, from some man who is not restricted, and somebody has a 100-acre tract immediately adjoining it, which is restricted land, I have to pay the gross production tax of 3 per cent on my production, but the man who has the Indian lease adjoining me does not have to pay the 3

per cent tax. It seems to me that that is manifestly unfair. This amendment does not propose to make any levy upon the restricted Indian at all; it is upon the production of a man who has a lease upon the restricted land.

When the Gillespie case was decided the governor of the State took up the matter with me, and I called a meeting of the congressional delegation from my State, which my colleague [Mr. OWEN] attended, and we agreed that we would attempt to get this amendment on the Indian appropriation bill, so that the State may be able to collect this 3 per cent gross-production tax from the man who takes oil off the restricted land on leases that are made hereafter. I repeat, it does not affect the interests of the restricted Indian at all; it affects only the production which a man gets from a restricted Indian lease.

It is a matter of immediate importance to the State. If we had to wait to procure legislation on this subject it would defeat the purposes for which we are striving, because many people who are now producing oil on these restricted lands would escape taxation during all of that time and during all of this year.

I ask that this provision be incorporated in the pending measure, because it is a matter which needs immediate attention and it should be remedied at once, so that the taxation of the State may be just and equitable.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. HARRELD].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF RAILROAD VALUATION ACT.

Mr. CUMMINS. I ask that the unfinished business be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 539) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. CUMMINS. Mr. President, I have made diligent inquiry and I have not been able to find that anyone desires to speak upon the bill, nor do I believe that there is any opposition to it in the Senate. If I am correct in this respect, it will require but a moment to dispose of the bill, and the treaty with Japan, with reference to the island of Yap, will then be in full possession of the field.

The VICE PRESIDENT. If there be no amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to, and the Senate (at 6 o'clock p. m.) took a recess until to-morrow, Friday, February 24, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 23, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, whose bounty and mercy fill the earth, we thank Thee for Thy love that will not let us go. Be Thou unto us the hidden source of all our strength and hope, and with humble hearts may we accept what Thou dost ordain. Bestow upon us the peace of conscience, the joy of duty, and the spirit of consecration to the truth. Invigorate us with wisdom and clear vision to serve our country that gives us the great blessings of our free citizenship. And at all times may we have the heart of Him who was most pitiful, merciful, and loving toward all lives. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MARINE INSURANCE IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The unfinished business is the bill which was under consideration yesterday, and which the Clerk will report by title.

The Clerk read as follows:

An act (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes.

The SPEAKER. The previous question was ordered. The question now is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 47, noes 14.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point that there is no quorum present, and it is evident that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—ayes 247, noes 67, answered "present" 3, not voting 113, as follows:

YEAS—247.

Almon	Dunn	Klecza	Radcliffe
Anderson	Dupré	Kline, N. Y.	Raker
Andrews, Nebr.	Dyer	Kline, Pa.	Ramsayer
Anthony	Echols	Knutson	Ransley
Appleby	Edmonds	Kopp	Reber
Arentz	Elliott	Lampert	Reece
Atkeson	Fairchild	Layton	Reed, W. Va.
Bacharach	Fairfield	Lazaro	Rhodes
Bankhead	Favrot	Leatherwood	Riddick
Barbour	Fenn	Leibach	Roach
Barkley	Fess	Lineberger	Robertson
Beck	Fish	Linthicum	Robison
Beedy	Fisher	Lucas	Rodenberg
Begg	Fitzgerald	McArthur	Rose
Benham	Focht	McCormick	Sanders, Ind.
Bixler	Fordney	McDuffie	Sanders, N. Y.
Blakeney	Foster	McFadden	Scott, Mich.
Bland, Ind.	Frear	McKenzie	Scott, Tenn.
Bland, Va.	Freeman	McLaughlin, Mich.	Sears
Bowers	Fuller	McLaughlin, Nebr.	Shelton
Brennan	Funk	McLaughlin, Pa.	Shreve
Briggs	Gahn	McPherson	Sinclair
Brooks, Ill.	Gensman	MacGregor	Sinnot
Brooks, Pa.	Gerner	Madgen	Slomp
Brown, Tenn.	Gilbert	Maloney	Smith, Mich.
Burdick	Glynn	Mann	Smithwick
Burke	Graham, Ill.	Mapes	Snell
Burroughs	Graham, Pa.	Martin	Snyder
Burtess	Green, Iowa	Merritt	Spreul
Burton	Greene, Mass.	Michener	Steenerson
Byrnes, S. C.	Griest	Miller	Stephens
Cable	Griffin	Mills	Summers, Wash.
Campbell, Kans.	Hadley	Millsbaugh	Sweet
Cannon	Hammer	Mondell	Swing
Chalmers	Hardy, Colo.	Montoya	Taylor, N. J.
Chandler, N. Y.	Hardy, Tex.	Moore, Ohio	Temple
Christopherson	Haugen	Moore, Va.	Tincher
Clague	Hawes	Moore, Ind.	Tinkham
Clarke, N. Y.	Hawley	Morgan	Towner
Classon	Hayden	Mott	Treadway
Clouse	Hays	Murphy	Underhill
Cole, Iowa	Hersey	Nelson, A. P.	Upshaw
Colton	Hickey	Nelson, J. M.	Valle
Connell	Hicks	Newton, Minn.	Vestal
Cooper, Ohio	Himes	Newton, Mo.	Volstead
Cooper, Wis.	Hoch	Nolan	Walters
Copley	Hukriede	Norton	Watson
Crago	Hull	O'Brien	Webster
Cramton	Husted	O'Connor	Wheeler
Crisp	Hutchinson	Olpp	Williamson
Cullen	Jeffers, Nebr.	Osborne	Wilson
Curry	Jeffers, Ala.	Overstreet	Woodruff
Dale	Jones, Pa.	Padgett	Woodyard
Dallinger	Kearns	Parker, N. J.	Wright
Darrow	Keller	Parker, N. Y.	Wursbach
Davis, Minn.	Kelly, Pa.	Patterson, N. J.	Wyant
Deal	Kendall	Perkins	Yates
Dempsey	Ketcham	Petersen	Young
Denison	Kindred	Pringle	Zihlman
Dickinson	King	Purnell	
Drewry	Kinkaid		
Dunbar	Kissel		

NAYS—67.

Aswell	Evans	McClintic	Sandlin
Bell	Fields	McSwain	Sisson
Black	Garner	Mead	Stafford
Blanton	Garrett, Tex.	Montague	Steagall
Boles	Goldsbrough	Oldfield	Stedman
Bowling	Huddleston	Oliver	Stevenson
Bex	Hudspeth	Park, Ga.	Stoll
Brand	Jacoway	Parks, Ark.	Summers, Tex.
Buchanan	Johnson, Ky.	Pou	Swank
Bulwinkle	Johnson, Miss.	Quin	Thomas
Byrns, Tenn.	Jones, Tex.	Rainey, Ala.	Tillman
Carter	Lanham	Rankin	Tyson
Collier	Larsen, Ga.	Rayburn	Vinson
Collins	Lee, Ga.	Ricketts	Walsh
Connally, Tex.	Logan	Rouse	Weaver
Domnick	London	Rucker	Wingo
Doughton	Lowrey	Sanders, Tex.	

ANSWERED "PRESENT"—3.

Cockran	Humphreys	James	
Ackerman	Bird	Britten	Campbell, Pa.
Andrew, Mass.	Bond	Browne, Wis.	Cantrill
Ansoorge	Brinson	Butler	Carew

NOT VOTING—113.

Chandler, Okla.	Hill	Luhring	Stiness
Chindblom	Hogan	Lyon	Strong, Kans.
Clark, Fla.	Hooker	Mansfield	Strong, Pa.
Codd	Houghton	Michaelson	Sullivan
Cole, Ohio	Ireland	Moore, Ill.	Tague
Connolly, Pa.	Johnson, S. Dak.	Mudd	Taylor, Ark.
Coughlin	Johnson, Wash.	Ogden	Taylor, Colo.
Crowther	Kahn	Paige	Taylor, Tenn.
Davis, Tenn.	Kelley, Mich.	Parrish	Ten Eyck
Dowell	Kennedy	Patterson, Mo.	Thompson
Drane	Kiess	Periman	Tilson
Driver	Kincheloe	Porter	Timberlake
Ellis	Kirkpatrick	Rainey, Ill.	Vare
Faust	Kitchin	Reavis	Volk
Free	Knight	Reed, N. Y.	Ward, N. Y.
French	Kraus	Riordan	Ward, N. C.
Frothingham	Kreider	Rogers	White, Kans.
Fulmer	Kunz	Rosenbloom	White, Me.
Gallivan	Langley	Rossdale	Williams
Garrett, Tenn.	Lankford	Ryan	Winslow
Goodykoontz	Larson, Minn.	Sabath	Wise
Gorman	Lawrence	Schall	Wood, Ind.
Gould	Lea, Calif.	Shaw	Woods, Va.
Greene, Vt.	Lee, N. Y.	Siegel	
Harrison	Little	Smith, Idaho	
Herrick	Longworth	Speaks	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. ELLIS with Mr. HUMPHREYS.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. PATTERSON of Missouri with Mr. GARRETT of Tennessee.

Mr. GORMAN with Mr. WOODS of Virginia.

Mr. FREE with Mr. CAREW.

Mr. FAUST with Mr. KINCHELOE.

Mr. MUDD with Mr. GALLIVAN.

Mr. LAWRENCE with Mr. FULMER.

Mr. KIESS with Mr. CANTRILL.

Mr. IRELAND with Mr. TEN EYCK.

Mr. ACKERMAN with Mr. LEA of California.

Mr. BUTLER with Mr. HOOKER.

Mr. CODD with Mr. KUNZ.

Mr. STRONG of Pennsylvania with Mr. PARRISH.

Mr. THOMPSON with Mr. CAMPBELL of Pennsylvania.

Mr. WINSLOW with Mr. WISE.

Mr. REED of New York with Mr. DAVIS of Tennessee.

Mr. WILLIAMS with Mr. LANKFORD.

Mr. LUHRING with Mr. KITCHIN.

Mr. JOHNSON of Washington with Mr. RIORDAN.

Mr. CHINDBLUM with Mr. DRIVER.

Mr. DOWELL with Mr. SULLIVAN.

Mr. FROTHINGHAM with Mr. TAYLOR of Arkansas.

Mr. KIRKPATRICK with Mr. DRANE.

Mr. CHANDLER of Oklahoma with Mr. BRINSON.

Mr. JOHNSON of South Dakota with Mr. WARD of North Carolina.

Mr. MICHAELSON with Mr. HARRISON.

Mr. KAHN with Mr. SABATH.

Mr. COLE of Ohio with Mr. TAGE.

Mr. OGDEN with Mr. LYON.

Mr. CONNOLLY of Pennsylvania with Mr. MANSFIELD.

Mr. SPEAKS with Mr. RAINEY of Illinois.

Mr. VARE with Mr. TAYLOR of Colorado.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. FOCHT, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPROPRIATIONS FOR DEPARTMENTS OF COMMERCE AND LABOR.

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, and pending that motion I would like to ask the gentleman from Alabama [Mr. OLIVER] if we can agree upon time for general debate.

Mr. OLIVER. I think four hours would be sufficient, two hours to be controlled by the gentleman from Pennsylvania and two hours by myself.

Mr. SHREVE. Could we not get along with three hours?

Mr. OLIVER. I think it would take two hours to meet the requests I have.

Mr. SHREVE. Very well. Then, Mr. Speaker, I ask unanimous consent that the debate be limited to four hours, one half of the time to be controlled by the ranking minority member and the other half by myself.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the general debate shall be limited to four hours, two hours to be controlled by himself and two hours

to be controlled by the gentleman from Alabama [Mr. OLIVER]. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill making appropriations for the Departments of Commerce and Labor.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10559, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SHREVE. Mr. Chairman and gentlemen of the committee, before taking up the consideration of this bill I desire to express my deep appreciation of the very loyal support received at the hands of the members of the subcommittee. I also wish to take this occasion to acknowledge the very valuable assistance of the gentleman from Iowa [Mr. DICKINSON], who is not a member of the subcommittee, but on account of illness in the family of the gentleman from Kentucky [Mr. OGDEN], the gentleman from Iowa has taken his place. We greatly appreciate the work he has done.

Now, gentlemen, in bringing to your attention the appropriation bill covering the appropriations for the Departments of Commerce and Labor, I want to call your attention particularly to three things: First, we have not considered any matters that have not been recommended by the Bureau of the Budget; second, we have not increased any statutory positions or increased any salaries in the bill; and lastly it has been our purpose not to attach any new legislation to this bill.

In this connection I wish to say to the legislative committees of the House that there is very much legislation needed in the departments which are covered by this appropriation bill. I trust the legislative committees will use the hearings as the basis of their information. I will say that we went very exhaustively into all the subjects embraced by the original and supplemental estimates, not only for the purpose of satisfying the subcommittee as to the merits of appropriations but that the legislative committees might have information upon which to base their legislation.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. GARNER. I think the gentleman has rendered a valuable service in that particular. Would it not be a good idea to put in your report suggested legislation that has come to the attention of the subcommittee, so that it might be in concrete form and thereby be made more available to the legislative committees, rather than to have them dig through the entire hearings in order to get at the legislation needed?

Mr. SHREVE. Yes. I am very glad the gentleman from Texas has raised that point, because it is a very valuable suggestion. I realize that to go through nearly a thousand pages of testimony requires some considerable effort. We can do that for the benefit of the legislative committees, and we shall be glad to do so.

Now, in taking up the consideration of the bill, I want to say to you that it has been our purpose to follow the current law as nearly as possible. There are very few increases. These are increases that we deem to be absolutely necessary, and they pertain to the management of the Department of Commerce, the foreign and domestic service, and the Bureau of Standards principally. We regard the Department of Commerce as the very heart of the Nation's business. The business men of the United States are beginning to take that same view of the proposition. I am sure that any gentleman who will carefully read the hearings concerning the work that has been done in every quarter of the world toward promoting and extending our foreign trade will concur in my statement.

For the Department of Commerce this bill proposes appropriations totaling \$18,503,164, which is \$916,104 more than was appropriated for the current fiscal year ending in June and \$3,080,891.75 less than proposed in the original and supplemental estimates. For the Department of Labor this bill proposes appropriations totaling \$6,826,920, which is \$1,372,084.25 more than was appropriated for the current fiscal year and \$1,227,712 less than proposed in the original and supplemental estimates. For the two departments combined the bill proposes \$25,333,084, or \$2,288,188.25 more than the appropriations made for these two departments for this fiscal year and \$4,308,603.75 less than proposed in the original and supplemental estimates. I shall endeavor now to explain to you the reasons which prompted the committee to recommend the several increases making up the total sums to which I have referred.

We have allowed an increase of \$100,000 in the appropriation for printing and binding in the Secretary's office. That increase of \$100,000 in the appropriation for printing and binding grows out of the fact of the Census Bureau reverting to its permanent organization status on the 1st of July, 1922, necessitating annual appropriations during the ensuing fiscal year.

Now, the next increase is an item of \$29,000 for commercial attachés. The department is asking for two offices, one in Cuba and one at Stockholm. The reason for asking for the office in Cuba is the fact that it is primarily the experimental station for the manufacturers of the United States who desire to go into the export business. They usually try it out on Cuba first, and our manufacturers are getting a great deal of very valuable information. Our exports to Cuba in 1913 were about \$70,000,000. They have grown until now they are about \$370,000,000. The American people have millions of dollars' worth of goods down there, and we have a great many Americans engaged in business there, so that for these reasons we felt that it was very proper to give the Bureau of Foreign and Domestic Commerce an office in Cuba.

As to Stockholm, I want to say that the trade with Stockholm in 1913 amounted to \$45,000,000; that is, our exports for that year were \$45,000,000. That has increased until at the present time it amounts to over \$300,000,000. A commercial attaché stationed at Stockholm would not only handle the various trade opportunities in that vicinity but would cover Denmark, Norway, and Sweden, and just at the present time we are very greatly interested, particularly in the situation in Denmark. A little while ago I was crossing the continent and met a gentleman from one of the Western States who was going down to New York to sell a lot of butter.

He told me that up to that time they had not been able to sell butter in New York by reason of the fact that the people of Denmark could place butter in New York for less money than the people out in Iowa had been able to do. He said, however, that the emergency tariff bill had cured all that, so he was looking for the trade. I mention that as one of the items.

Another thing about the office at Stockholm is this, it will be the listening post for trade in northern Russia. The day is coming when the soviet government will have exhausted itself, when we are going to do business again in Russia. So we are also providing for some trade commissioners; not that we expect those trade commissioners to go into Russia at the present time, but we are placing them at the outposts so that they may be ready, so that that great trade that we once had may be properly directed into channels that will bring it back to the United States of America.

The next item is a matter of \$54,000 for the promotion of foreign and domestic commerce. This is possibly one of the most important items in the bill. It covers principally the commercial attaché proposition to which I have just referred.

I might add in connection with what I have said regarding Stockholm and Cuba that it is our purpose to supply some additional clerks. We desire to supply some additional clerks in London and Paris, and for the purpose of the promotion and development of foreign and domestic commerce we are appropriating this additional \$54,100. This is also for the establishment of trade commissioners in Russia, Athens, and Canada. Some one may ask the question why it is necessary to have a trade commissioner in Athens.

The secretary of the Chamber of Commerce of Athens appeared before the committee the other day and told us of the wonderful prospect for trade with Greece, in which Athens is a sort of commercial crossroads, a meeting place, a place from which trade will spread all over that country; and while financial conditions at the present time are not all that they should be, yet Athens is another one of those posts where we should be established. The trade there has increased in the last three years from about \$7,000,000 to \$26,000,000. Another thing, the Greeks are very anxious to do business with the United States, because so many of them have been over here,

and they have been trained to the use of American commodities. They like our ways. They go back to their own country, and immediately they desire to supply themselves with the luxuries that they have enjoyed in the United States. Soon they are engaged in the mercantile business. So it all means that the trade is going in that direction.

I might say that after the war there was a great congestion in the eastern Mediterranean ports. Goods that were primarily intended for the Baltic ports were stopped down there. The people in Athens and that vicinity got the benefit of those goods, but now they are nearly all exhausted, and the people there are about ready to begin trade negotiations again.

The next item of increase is for the promotion of commerce in Central and South America. We feel that trade possibilities in Central and South America are probably the most important at the present time of any in the whole world. For that reason we are asking first for some new offices in Colombia, Uruguay, and Venezuela. Look at the situation down in Colombia. As you all know, we have recently adjusted our affairs with the Colombian Government and have agreed to pay them \$25,000,000 in installments. The people of Colombia are very friendly to us at the present time. They want to do business with us. They are ready to do business with us.

Mr. DUNBAR. Will the gentleman yield?

Mr. SHREVE. I yield to the gentleman from Indiana.

Mr. DUNBAR. How much of that \$25,000,000 has been paid to Colombia?

Mr. SHREVE. I understand that the payments are to be made \$5,000,000 at a time, and that an estimate has been submitted covering the first payment.

Mr. LAYTON. Was there any specific appropriation for the payment of that \$25,000,000?

Mr. SHREVE. I understand not.

Mr. DICKINSON. If the gentleman will allow me, there is an item of \$5,000,000 for the first payment under the Colombian treaty now pending before the subcommittee on deficiencies, so that is under consideration.

Mr. LAYTON. None of it has been paid yet?

Mr. SHREVE. No. Now, what are the trade possibilities in Colombia? In the first place, there are only two countries in the world where platinum is produced. One is Russia and the other is Colombia. Then we get coffee from Colombia.

Another thing, experts tell us that the oil development in Colombia will exceed even the development in Mexico. It is a country of only about 5,000,000 people, with 500 miles of railroad, with no line from the coast back to the capital. There is a wonderful opportunity there for our railroad supplies, our machinery, and various other commodities, and we felt justified in proposing that a trade commissioner be placed in Colombia.

We placed another trade commissioner in Uruguay. You will remember that Uruguay is down just south of Brazil, and it is the port of entrance to the southern part of Brazil. It is a wonderfully fine country, a country very much like Kansas, Iowa, and that country out in the Middle West. The people are principally farmers, and we take from them large quantities of meat, hides, wool, and so forth.

In this connection I wish to say that the old trade channels are broken up. The wool that formerly went to London is now sent to Boston, the greatest woolen market in the world. Coffee that formerly went from Brazil to London now finds its way to New York. Tin that is produced in Bolivia is now being sent to Perth Amboy. And, gentlemen, the South American people are trading in the United States against the accounts established by reason of their products coming into our country instead of going to foreign lands.

Now to get back to Uruguay. The people of Uruguay are very friendly to the United States, and it is a curious fact that their money is worth 10 cents on the peso more than the American dollar. Montevideo, the principal city, is a city of culture, where there are splendid schools and universities—one of the finest cities in South America. It is said that they speak the finest and purest Spanish in Uruguay of any people in South America. It is a very attractive spot, large numbers of Americans go there, and we feel that they, too, are entitled to a trade commissioner.

We are also increasing the clerical assistance of the trade commissioner in Buenos Aires. The great country of Argentina, extending from the Andes to the Atlantic Ocean, and with a coast line as long as from Maine to Florida, is one of the finest countries in the world. Its principal city is Buenos Aires, one of the finest cities on the American Continent, either North or South. They are a wonderful people. The trade possibilities there are good, and we felt justified in giving the trade commissioner some assistance.

This South American situation is in very many ways unique. We have been doing business in South America for a good many

years with more or less success, and sometimes with less. There seems to have been a general propaganda going on against us in that country since away back in the days when they found fault with our Monroe doctrine. That is not an issue now. But they have an issue now almost as bad as the Monroe doctrine. They say that the United States of America is absorbing all the gold in the world, and we are doing that for the purpose of bearing down and depressing the exchange of the whole world, so they feel that a commercial war will be worse than any other kind of warfare.

There is another bit of propaganda going on in South America against us. We have established branch banks in the principal cities all over South America, and they are rendering valuable services to our exporters, because our paper, drafts, acceptances, and so forth, find their way through the American banks, formerly going through London, which in a way gave publicity to the transactions. Now the financial transactions are handled almost exclusively by Americans, and so in that regard we are in fine shape. But unfortunately a little while ago one of our banks made a bad loan, and immediately it was taken up by the propagandists, who said that the United States of America was financing wildcat propositions.

Mr. KING. Would the gentleman object to divulging the name of that bank?

Mr. SHREVE. I will say in answer to the gentleman that I have not the name of the bank, but I am making my statement from the record, in which the gentleman can find verification. However, our commercial attachés are in a position to counteract this propaganda. It becomes necessary for us to have men on the ground thoroughly familiar with all of these propositions able to give the intelligent South American people the facts and tell what the condition is.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. KELLY of Pennsylvania. Has the gentleman any figures as to the proportion of the trade that the United States has with the leading South American countries?

Mr. SHREVE. Yes; we are doing on an average three times as much business with the South American countries as we did before the war. Now, speaking of trade with South America, there are a lot of people who think that we have absorbed the trade of foreign countries. That is not correct. If you make a careful analysis of the situation in South America you will find that 85 per cent of our trade is merchandise that they can not buy in foreign countries. A large proportion of it is medium and cheap automobiles. Then there is manufacturing machinery which can not be bought abroad. Also clothing manufactures, and a multitude of things that they are unable to buy abroad, and so they buy of us and will continue to buy from us if we are alert and keep wide-awake men on the job.

It is necessary to do the proper thing and meet this propaganda. The propaganda was not started by the people of South America, but by our friends who are in competition with us and who want to get the business away from us.

Mr. FOCHT. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. FOCHT. To what extent is this merchandise which we sell to South American countries carried in American vessels, and will the gentleman later discuss the question of subsidy?

Mr. SHREVE. No; I will not discuss the question of subsidy, but I will say that the trade with South America is carried very largely in American bottoms; but however strange it may appear, if a shipper in New York or Hamburg wants to send some goods to South America and there is a tramp steamer going down, and he can send his flour or other goods for 25 cents a barrel less than he can in American bottoms, I regret to say that the American shipper is likely to use the foreign bottom. I asked to what extent the German people were crippled by the loss of their merchant marine, and the answer came back "very little," because they employed tramp steamers to carry their merchandise to all parts of the world, and perhaps get it carried for less money than they did when they carried it themselves.

Before leaving the South American matter I want to say that I think the people of North America and of South America should stand together. We should make the two Americas the last ideal in the civilization of the world. [Applause.] It is the United States of America that blazed the way, made the trail, but in the last analysis it is not one nation but many nations, not one flag but many flags. In 1775 we caught a vision of the new Nation conceived in liberty and dedicated to the principle that all men are created equal. Now let us establish a broad policy with our South American neighbors, so that it will become the firm and fixed foundation upon which the des-

tinies of the whole world shall rest. [Applause.] I think we should catch a new vision of the organized American Republics, north and south. They are all vitally related, they all have the same ideals, and let them be united in the bonds of peace and good will. [Applause.] Gentlemen, to my mind this should be America's highest purpose, inspiring, unifying, and fundamental. [Applause.]

The next item of increase is for the promotion of commerce in the Far East. We propose to try and add another trade commissioner in China, and we want to place one at Bombay or Calcutta and another one in Delhi. I will mention the Chinese situation first. You remember that during the last year the United States of America has been able to sell to the Chinese people over \$2,000,000 worth of cotton machinery. Those contracts were secured largely through our commercial attaché at Peking, with the assistance of his trade commissioners. We have only four or five men to look after the whole of China, so that we thought we should send a man down to Canton, perhaps, as a trade commissioner, because the Chinese people want to do business with us. For more than 20 years the Chinese people have been looking to the United States of America for inspiration, for guidance, and for direction. Many of you will remember back to the time of the Boxer rebellion. A settlement was made, and it was decided that the United States of America should have \$25,000,000 of the indemnity fund to be paid. When we figured up our actual expenses we found that they were only about \$13,000,000, and we remitted the balance to China.

The Chinese Government could not understand. They sent representatives over here to find out about it. When they found that we did not intend to take the money they created a commission over in China, whose business it is to use that money in the education of young Chinamen, and for 20 years from 50 to 100 young Chinamen have been coming to this country each year. They have gone back and are now engaged in business. They are the principal citizens in China. We had one of them with us just a little while ago in the Armament Conference, Mr. Wellington Koo, who is a graduate of Columbia University. He was afterwards sent to Mexico as minister there before taking his place as minister to the United States. Then he went over to Britain and was sent back here as one of the commissioners to settle these great international problems between the various nations of the earth. This Chinese trade is just waiting over there for us. All we have to do is to go and get it, to use some intelligence in the way of promoting our trade in China and in the Far East generally.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. KELLY of Pennsylvania. I agree most heartily with the splendid recital the gentleman has given as to our foreign trade. I notice that the recommendation of the Budget for the Bureau of Foreign and Domestic Commerce was some \$740,000 increase. The committee has given \$300,000. Does the gentleman think that is enough to take care of our increased foreign trade?

Mr. SHREVE. It will go a long way. We felt at this time that we must reduce expenses, notwithstanding the fact that the committee is satisfied with the great possibilities of foreign trade that is coming to us, just a little way off. However, it is not here yet, and we thought that possibly under all of the circumstances for the present we should not give more than the sum which the gentleman has just mentioned.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. LAYTON. For this great purpose, which concerns the prosperity of the whole people of the United States, regardless of employment, why did not the gentleman's committee divert a million dollars from the maternity proposition and put it over here on this?

Mr. SHREVE. Mr. Chairman, I am very glad to answer the gentleman. I have wanted to make a little statement here, to the effect that the Committee on Appropriations is not a legislative committee. The committee does not propose to attempt any legislation on appropriation bills. We want that thoroughly established. Congress has authorized \$1,240,000 and we have appropriated that for that particular item referred to by the gentleman. It is the duty of the Appropriations Committee to appropriate sums of money, if they are justified, when authorized by the Congress, and we have no right whatever to transfer that million and a quarter dollars over to some other fund.

Mr. LAYTON. My idea about the question which I asked the gentleman was that I had hoped between the time of the passage of that bill and the present time some sanity has been restored to this body.

Mr. CRAMTON. Mr. Chairman, I suggest that there will be nothing to prevent the gentleman from Delaware testing that proposition when that item is reached in the bill.

Mr. LAYTON. Which I propose to do.

Mr. SHREVE. Mr. Chairman, I now call attention to the item of \$135,000 for the combined investigation of foreign and domestic problems with respect to production, distribution, marketing, and so forth. That item covers a great variety of things relating to the important exporting industries of the United States.

The Bureau of Foreign and Domestic Commerce has established a number of commodity divisions. They are finding that these divisions are meeting with an instant response at the hands of the manufacturers of the United States. We have added sufficient funds to provide for 9 or 10 more of these commodity divisions. They have had in operation for the last year or so a commodity division covering vehicles, automobiles, foodstuffs, textiles, films, leather, and so forth—I shall not attempt to go through the whole list. I call attention to just one of the items and that is with respect to automobiles. The department met with an instant response from every automobile manufacturer in the United States in connection with the establishment of a commodity division dealing with automobiles. The first thing to do was to select the proper men to represent this activity in the Department of Commerce. The director put the proposition up to the automobile men themselves. Finally the nominees narrowed down to about 68 or 70, and by continued process of elimination the number finally was reduced to two of the most expert automobile men in the United States—men who have traveled abroad, men who speak the language of the country where they will be sent. One of these men is in the office here at present and the other is now on his way to the Far East. The work done last year was found to be of the greatest service to the manufacturers of automobiles. For instance, it was found that in Shanghai there was an ordinance that automobiles with a certain kind of a horn should not be allowed to land. They are not only finding the trade opportunities, but they are finding out the hindrances. It is things like these that we have to watch out for. Somebody asked me the other day just how a manufacturer could receive any benefit from this department. I asked him first what his proposition was. He said that he wanted to sell some hosiery down in Venezuela. Very well, I told him to write a letter down to the Department of Commerce making known his request. That report would go down to the trade commissioner in Venezuela, unless they had the information in the office, and in about 48 hours he could get an answer back, if it was of sufficient importance.

These men are watching these trade opportunities all over the world. It was one of our commercial attachés that worked up a \$13,000,000 deal in Argentina. Our commercial attaché there, who has now the honor of presiding over this department, truly the right man in the right place, started a little deal down there with the Baldwin Locomotive Co. and another concern and secured orders for \$13,000,000 worth of machinery. This very valuable order from South America came solely through and by reason of one of the efforts of one of our commercial attachés down in that country. So we propose to give them enough money to create several new departments, 8 or 10, all told, covering vegetable oils, foodstuffs, and numerous other things.

Now, for the Bureau of the Census we are proposing appropriations totaling \$1,741,780. I want to say for this bureau that it is one department of the Government that seems to me entitled to very great credit for the way they are finishing up their work. The director of the bureau informs us that their work would be completed—that is, the work of taking the population would be completed—it is already in the hands of the printer—on time at the end of the fiscal year.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. KELLY of Pennsylvania. The manufacturers' census, I understand, is to be taken this year?

Mr. SHREVE. I am glad the gentleman mentioned the matter of the manufacturers' census. It is one problem that has given a good deal of trouble, because it will cost over \$800,000 to finish that census, and when completed it is nothing but ancient history, a census of 1921. Of course, it will be finished. But I am in hopes that the appropriate legislative committees might go into the matter and see if they can not devise some way by which some of that money will be saved. I will say that it is a matter that the Secretary of Commerce is very deeply interested in. He came before our committee and made a reduction in the bureau's estimate of over \$400,000, but there is a feeling that it is a large waste of money, and we hope that the Secretary of Commerce will be able to devise some

means by which the census can be taken and made available more promptly. We found in our examination that the method is to send out a questionnaire to the manufacturers, which they fill out and send back. They are expected to give their answer in 30, 60, or 90 days, but there is much difficulty in getting correct reports. There are lots of manufacturing concerns who do not respond and who do not fill out the questionnaire, and final result has not come up to expectations.

Mr. KELLY of Pennsylvania. What I want to ask the gentleman about is that I see provision is made for payment not to exceed \$8 a day for these special agents. I understood that these agents were paid on a piecework basis.

Mr. SHREVE. It is the old law, I will say to my colleague. We had to go back to the law of 1919, because the census-taking period covering the last three years is over.

Mr. KELLY of Pennsylvania. That is in conformity with the old law?

Mr. SHREVE. Yes. The next item is the Bureau of Navigation. That bureau has volunteered a reduction of \$5,000. This comes about by reason of duplication, and we found that they could get along without making this appropriation of \$5,000. In the Bureau of Standards we have proposed three or four increases. The first of them is for the purpose of having an investigation regarding the molasses situation. It seems that the molasses ordinarily is worth about \$20 a ton and at the present time it is down to \$2 a ton. The cane-sugar growers—and they are the ones who make the molasses—find they are unable to sell the molasses, and they are unable to give it away, and it is against the law to throw it away, so they are in a bad fix, and we are going to give the department \$10,000 for the purpose of making some experiments, and we hope they will be able to find just what the people over on the other side are doing with their molasses situation, because they seem to have it solved. The Bureau of Standards is doing a very splendid work and we would be glad if there was more money for them, but they are in cooperation with all the manufacturing industries of the United States, and the industries are bearing in some instances a large part of the expense.

Mr. WHITE of Kansas. Will the gentleman allow me?

Mr. SHREVE. I will.

Mr. WHITE of Kansas. It is well known that molasses is one of the most common ingredients of stock food and very extensively manufactured in Tarkio, Mo., and many other places in this country. It may not be pertinent to the discussion of this question, but at the same time I have observed that the gentleman's statement is corroborated by statements in the public press that at the present freight rate the molasses product is absolutely prohibitive. There is great demand for this as stock food in the West and in my own State. I am told about a thousand tons of it are consumed annually, and there is a prospect within the limits of our own country of a better commercial use and demand for this product and that it could be utilized except for the freight rates that make it absolutely prohibitive to transport it.

Mr. SHREVE. I am very thankful to the gentleman for the definite information which he has given. I am inclined to think freight rates enter into the situation. It is a scientific problem that ought to be settled at this time and one that would seem to benefit the farmers. The next is the Bureau of Lighthouses. Now, strange as it may seem, we have increased the appropriation \$603,000 on account of aids to navigation, but at the same time we have reduced the Lighthouse Service by \$498,000. That comes about by reason of our failure to appropriate money for vessel construction.

You all remember the act of June 5, 1920, authorizing a \$5,000,000 building program for the Bureau of Lighthouses. They have already had an appropriation of \$1,000,000, and they are building five ships with that money. They asked for \$737,000 more. But your committee felt that with conditions as they are at the present time these services should find somewhere in our merchant marine, in our Navy, or some place else where we have the ships in storage, some ships that they could use that would answer their purpose and make it unnecessary for them to purchase them. We were not altogether satisfied that they needed these ships at the present time. They have 40 light-vessel stations and they have 15 relief lightships. Some of them are old, of course, but the testimony shows that there are five new vessels now under construction. One will be used on a new station, where no vessel is now maintained, and the others will be used to replace old ships. So we thought they could get along.

The Coast and Geodetic Survey, which is a wonderfully fine bureau and doing a splendid work, has recently secured two ships from the Navy. They were mine sweepers. They are going to be used on the Pacific coast, and we are going to help

them to rig up those ships, and we give them about \$58,000 for the operation of the ships, and that will enable them to bring the *Lydonia* around to the Atlantic coast. And we are going to give them \$27,000 for the operation of that ship. Their work this year will be in triangulation and finishing up the work that has already been started. They want to work with their drag outfits along the Pacific coast, where the wrecks have been so numerous.

I want to say that we have added a new item, one for the investigation of earthquakes. It is a very important matter to the people of California. The universities out there are studying the proposition, and they desire to get into a point of contact with the Government so that the Government may know what they are doing. It is a matter of very great importance to the people out there, and we concluded that it would be wise to give them an appropriation of \$15,000 to assist in this work. Why, one of the scientists who came before us started his remarks by saying that the mountains were moving north at the rate of a foot and a half a year. That certainly attracted our attention. I hope you will read the hearings on the subject. At least your committee were satisfied they should give them the \$15,000.

The Bureau of Naturalization—

Mr. KELLY of Pennsylvania. Before the gentleman leaves the Department of Commerce, may I ask him a question concerning a matter that has been brought to my attention several times, and that is the use of radio grounds utilized by the great transmitting stations? Under what bureau of the Department of Commerce is that matter handled?

Mr. SHREVE. I think that comes under the Bureau of Lighthouses. I will explain to the gentleman the situation there. That bureau has a very wonderful contrivance which they are using now out of New York and which is a sort of a range finder. They have, say, a little radio station over here and another little station over here, and they send out a notice or warning on something like a telegraph instrument, say, with one dot or two dots or a dot and a dash, and these messages are received on shipboard by some sort of a receiving device studied out by the Bureau of Standards, and so it enables the ships, when there is low visibility, to be able to direct their course.

Mr. KELLY of Pennsylvania. I am speaking particularly of the land stations. We have one at the Westinghouse Electric.

Mr. SHREVE. They are under the Navy Department. The only thing we have considered is these very small stations.

Mr. KELLY of Pennsylvania. I called up the Secretary of Commerce the other day and he informed me that there is to be a convention held on the 27th of February, when the operators of these stations will be called here for consideration of laws regulating the service, and I was wondering what department that came under.

Mr. SHREVE. I do not know; but I will say that there is great need of legislation along those lines. There is probably no service in the United States that has grown so rapidly as this has. A little while ago, when I was home, I listened to a grand opera in Pittsburgh, and everything went smoothly until about half past 9 when somebody "buted" in and said that they wanted to talk to Annapolis. Something must be done to regulate such a condition as that.

Mr. KELLY of Pennsylvania. The gentleman does not believe that that should come under the Navy Department?

Mr. SHREVE. I do not know. They are doing quite a large part of that work now.

Mr. KELLY of Pennsylvania. It seems to me that that is a part of the Department of Commerce's operation.

Mr. CHALMERS. Will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. CHALMERS. I want to make an observation along this line, to the effect that in the serving of lighthouses and life-saving stations it seems that there is a waste of money and efficiency. They come, to be sure, under different departments, but they are all under your Committee on Appropriations. I happen to know of a case down in the district represented by my friend from Massachusetts [Mr. WALSH].

There is a lighthouse there at North Truro, on Cape Cod. There is a life-saving station a mile distant, on the shore; and yet the Government of the United States sends two ships there to serve those two small stations—the lighthouse, under one department, and the life-saving station, a mile away, under another department. It seems to me that that is a matter that ought to be worked out in the cause of good efficiency by your committee or by some other committee.

Mr. SHREVE. I thank the gentleman for the very valuable information.

Mr. MANN. Is there a post office there, too?

Mr. CHALMERS. Yes.

Mr. MANN. Why not have the post office get its supplies from the same vessel? [Laughter.]

Mr. SHREVE. The next item is the Department of Labor. We have not recommended any increases, except in the case of the Children's Bureau, where the increase is \$1,240,000, by reason of the maternity law heretofore referred to. And we cite a portion of the law in the report.

Mr. KING. Will the gentleman yield?

Mr. SHREVE. I will be glad to do so.

Mr. KING. Does the gentleman intend to refer to the appropriation for the Bureau of Fisheries before he finishes?

Mr. SHREVE. I thank the gentleman. I do not want to skip that. The Bureau of Fisheries is going along on an even tenor, and we have restored a few of their stations that were taken out.

The Director of the Budget made some recommendations to curtail the operations of the bureau, but after more mature consideration they recommended that they be put back in again.

Mr. KING. Mr. Chairman, will the gentleman yield at that point?

Mr. SHREVE. Yes.

Mr. KING. Was there any discussion before the subcommittee, or is there any proposition pending before the committee, to appropriate any money for fish-rescue work in the Mississippi River? Millions of fish are there being destroyed.

Mr. SHREVE. I understand that has been taken care of for a considerable time. We have appropriated for the fish hatcheries that are handling the fish that are gathered from the pools and holes which are left by the subsidence of the water of the Mississippi.

Mr. KING. There is an appropriation in this bill for that, is there?

Mr. SHREVE. Yes.

Mr. LAYTON. The gentleman from Illinois says the fish are being destroyed in the Mississippi River. The question is, Why are they being destroyed? It looks to me, from what little attention I have paid to that matter and from reading the hearings before the Committee on Rivers and Harbors, that the destruction of the fish in the Mississippi River is due chiefly to the pollution of the stream from numerous cities and towns along the course of the river and from the innumerable manufacturing plants.

Mr. KING. The gentleman from Delaware is in error as to that. It is not due to that cause or to the passage of the maternity bill. In high water the banks of the river overflow and great quantities of fish are left in various ponds and pools by the receding waters, where they simply die and go to waste. The Bureau of Fisheries have attempted to do some work along that line to save millions of fish of great food value.

Mr. LAYTON. But I see that the gentleman's maternity instincts are involved even in fish. [Laughter.]

Mr. SHREVE. That item remains the same as it was last year. As the gentleman from Illinois [Mr. KING] said, those losses of fish are due largely to floods. These little fish are left in the pools by the receding water, and later on the men in the Fisheries Service come along and take care of them, and in that way the loss is prevented.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. SHREVE. Gladly.

Mr. MOORE of Virginia. It seems to me the suggestion made a little while ago by the gentleman from Texas [Mr. GARNER] is a very valuable one; that is, that the Committee on Appropriations should embody in its various reports legislation that it thinks ought to be enacted, so that the recommendations of the Committee on Appropriations in that regard may thus be brought to the attention of the various standing committees. I made the same suggestion to the former chairman of the committee in the last Congress, and it received its approval. I find now from a communication that has reached us recently from the White House that the Budget Bureau is itself suggesting legislation that appears to be necessary in connection with the expenditure of funds that are appropriated. Of course, such suggestion from the bureau ought to be considered by the standing committees. But aside from that, if a steady policy were adopted of embodying in the reports accompanying these appropriation bills a statement of what general legislation should be enacted it would serve a very useful purpose. And I understand from the chairman of the Committee on Appropriations that he proposes to put into effect that policy.

Mr. SHREVE. I fully agree with the gentleman from Virginia, and I will say that during the last year I was on the Committee on the Post Office and Post Roads, and we carried out the idea suggested by the gentleman from Virginia. We heard the testimony and prepared another bill as we went along,

and we introduced a bill on certain items and it became a law, and we did not have to interfere with the functions of the other committee, because the bill was reported to the other legislative committee, and with its approval it finally became a law. [Applause.]

The CHAIRMAN (Mr. DOWELL). The gentleman from Pennsylvania [Mr. SHREVE] has consumed 55 minutes.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent that the committee rise briefly for the purpose of receiving some reports.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the committee rise. Is there objection? There was no objection.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7483. An act for the relief of Robert G. Whitfield;

H. R. 8924. An act to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920; and

H. R. 9060. An act to authorize the Secretary of War to lease a certain tract of land to the city of Leavenworth, in the State of Kansas.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 160. An act for the relief of Kristina Furjak;

S. 1951. An act for the relief of John Hickson, Jr.;

S. 2736. An act providing for the conveyance of certain unused military reservations in the State of Massachusetts to the city of Salem and the town of Marblehead;

S. 982. An act for the relief of Louisa Frow; and

S. 621. An act to amend subdivisions (a) and (c) of section 206 of the transportation act, 1920.

APPROPRIATIONS FOR THE DEPARTMENTS OF COMMERCE AND LABOR.

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10559, the appropriation bill for the Departments of Commerce and Labor.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10559, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10559, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. The gentleman from New York [Mr. GRIFFIN] is recognized.

Mr. GRIFFIN. Mr. Chairman, I yield 30 minutes to the gentleman from South Carolina [Mr. STEVENSON].

The CHAIRMAN. The gentleman from South Carolina is recognized for 30 minutes.

Mr. STEVENSON. Mr. Chairman and gentlemen, it is an old controversy, but recently I have discovered that in the last edition of the CONGRESSIONAL RECORD, the permanent one, the myth that Andrew Jackson was born on the McKemey plantation in North Carolina has been engrafted on our Congressional Directory, and I desire to controvert that proposition and once for all place before the Congress and this country the evidence as to the birthplace of Andrew Jackson.

The controversy about the birth of Andrew Jackson is one which should be settled on the evidence and not on personal preferences. I myself am a native of North Carolina; left there after I was 21 years of age; was born and reared in the Scotch-Irish settlements about 60 miles from where Jackson was born, and have no reason to question the claim of North Carolina to his birthplace except the truthfulness of history. My admiration for the State of my birth would forbid my undertaking improperly to take away any of her claims of distinction. But this controversy arose first in the mistake of the surveyors in

locating the lines between the Provinces. They were directed in 1735 to start at the mouth of Little River south of Wilmington and run to the thirty-fifth parallel of latitude, and that parallel was then to be followed to complete the northern line. By error they stopped 11 miles short of the thirty-fifth parallel, and when they started to complete the line they found when they got to Waxhaw Creek that they were 11 miles south of their line. The line was to run around the Catawba Indian Nation, which had 144,000 acres of land, which would run the line at that point above the thirty-fifth parallel. That line had been run in 1763, and the eastern line at its southern point had reached Twelve Mile Creek 3 miles below the thirty-fifth parallel and stopped on Gum Corner, and the State line should have cut that line, therefore, 3 miles above Twelve Mile Creek. When it was found to be 8 miles below, they established a rock corner at Waxhaw Creek and the line between that rock corner and the Gum Corner on Twelve Mile Creek was not settled finally until 1815.

You see, here on the map is the line. They were to come up to this parallel, but for some unknown reason they stopped 11 miles south of the parallel. That stood until 1765, when they were directed to go there and finish it. In the meanwhile the Catawba Indian Reservation was run out here, as you see on this map, containing 144,000 acres of land, and it was understood that it was to be entirely in South Carolina. The line was run around that in 1763 and came to Twelve Mile Creek, which is shown here, at which they established a corner known as the Gum Corner, which is still extant.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. STEVENSON. I will yield to the gentleman from Kansas.

Mr. LITTLE. The gentleman says "it was understood." What does the gentleman mean by "understood"?

Mr. STEVENSON. It was agreed between the two Provinces of North and South Carolina, I am informed. Then when they went to make the northern line here, that was to be the thirty-fifth parallel clear through here, and they were to run it until they struck the Indian reservation and then run around it and to take the thirty-fifth parallel again and complete the line. That was the understanding between the Provinces. But when they got here they found they were 11 miles below the thirty-fifth parallel and 8 miles below the corner of the Indian reservation, and they lay down and quit and placed a stone corner by two oaks near Waxhaw Creek. (See map.) That was in 1765. Then in 1772 they took up this line and ran the northern line from the Catawba River west, and rather than surrender this piece of territory south of the thirty-fifth parallel, east of the Indian reservation, a piece north of the thirty-fifth parallel and west of the Catawba River was given in exchange for it. But the 8-mile line here from Waxhaw Creek, where they established a rock corner in 1765, to Gum Corner, on Twelve Mile Creek, was in dispute. The State of South Carolina claimed that it was a straight line and the State of North Carolina claimed that it followed the road, and all the maps, as I will show you by one of them presently, carried it by the public road, which threw the James Crawford grant of land largely into North Carolina. Meanwhile the Crawfords were granted a tract of land by South Carolina, and the same tract of land was granted by North Carolina to Gen. Andrew Pickens, that being the place on which Gen. Jackson was born. So that from 1765 until an agreement was reached in 1815 the Crawford land, on which Jackson was born, according to one claim was in North Carolina, and according to another was in South Carolina, and the map showed the Carolina road as the dividing line, and that threw the Crawford land largely into North Carolina, though the Crawford house was in South Carolina. Therefore, while the claim was set up that Jackson was born in North Carolina, it was well established and everybody admitted that he was born on the Crawford plantation. There was no dispute about that. The dispute was whether the Crawford place was in North or South Carolina.

Now, in 1813 the two States reached an agreement and sent a commission to settle that line, and extended the northern line, which had only been run about to Tryon, and ran it out to the Georgia line. That commission worked two years. They adopted the straight line from the stone at Waxhaw Creek to Gum at Twelve Mile Creek, which put the Crawford plantation in South Carolina and established the Crawford land as Crawford's and not as Pickens's. That was ratified at a great conference between the governor of North Carolina and the governor of South Carolina on November 2, 1815, at Greenville, S. C. Some of you may have heard of the remark of the governor of North Carolina to the governor of South Carolina.

SEVERAL MEMBERS. What was it?

Mr. STEVENSON. Of course, they were the governors of two neighboring sovereignties, and when the governor referred to himself he did not say "I," but he said "the governor of North Carolina says" so and so "to the governor of South Carolina." That was the way they conducted it, and there was a great deal of dignity about it.

Mr. STEPHENS. What was it he said?

Mr. STEVENSON. Finally, at a long sitting, when the refreshments ran low, the governor of North Carolina is said to have remarked, "The governor of North Carolina wishes to remark to his excellency the governor of South Carolina that it is a long time between drinks." [Laughter.] Now, that was when that was settled, and the agreement on that straight line settled it that Andrew Jackson was born in South Carolina, because nobody disputed that he was born on his Uncle James Crawford's plantation, that that was where his mother lived. That was one of the burning questions settled, and was in direct issue, because of Jackson's great prominence as a general just then. (See Foote's Sketch of North Carolina, below cited, pp. 198, 476.)

Mr. DUNBAR. Will the gentleman yield?

Mr. STEVENSON. I yield to the gentleman from Indiana.

Mr. DUNBAR. Is it not contended that he was born at the home of Mr. McKemey?

Mr. STEVENSON. Yes; and I will come to that in a moment.

Mr. DUNBAR. The gentleman just said he was born at the home of Mr. James Crawford.

Mr. STEVENSON. He was born on Crawford's plantation, in South Carolina, in a tenant house, separate from Crawford's, where he lived and grew up with his mother till he was 15; and I will give you the evidence in a minute, and I will show you how the myth came about the McKemey plantation. I defy you to find any claim anywhere, from Bancroft, the historian, down, or any statement made anywhere that did not attribute Jackson's birthplace to South Carolina until 1859, 14 years after his death.

Mr. DUNBAR. Will the gentleman yield?

Mr. STEVENSON. I can not yield any more. I want to go through this now consecutively. Let us look at the evidence a minute. Mr. Parton, in his history, admits that Jackson said he was born in South Carolina and that he lived in South Carolina till 1784; but he said Jackson did not know whether he was born there or not. That is the basis of this new statement made, which was vamped up in 1859—"that Jackson said he was born in South Carolina, but he did not know."

I set out below nine documents, each signed by Jackson, in each of which he asserts that he was a native of Lancaster County, S. C.; 12 statements in all, signed by him, in 20 years. But Parton says he did not know. To be sure he only knew what he had been told, but he had canvassed the question, because he says, in answer to the direct question, in his letter of August 11, 1824, to Witherspoon:

I was born in South Carolina, as I have been told, on the plantation whereon James Crawford lived.

And so forth.

In other words, the question had been up and Jackson had canvassed the question; he had asked the witnesses, and necessarily he had access to the best witnesses in the world—his mother, his brothers, and his uncles—and their testimony to him is the testimony which he transmits to us. No question can be raised as to his belief in it, and he was not the man to believe fairy tales.

To complete the statements of Jackson, I will set out as Exhibit A the report of the Historical Commission of South Carolina to the general assembly in 1908, which gives the whole controversy. It contained a photostatic copy of the map made by Eugene Reilly, of Lancaster County, in 1820, on which is the same statement as is found in Mills's and Boykin's maps herein referred to and set out, "Gen. Jackson's birthplace," on the Crawford land in Lancaster County, S. C. This map is on file with the historical commission at Columbia, S. C. Mr. Parton also stated that one of his witnesses, James Falkner, a man dead 50 years, said that Jackson and he were once sleeping together at the McKemey house in North Carolina, and Jackson told him that he was born in that house. Parton says Jackson did not know, and thereby destroys the truthfulness of his main witness or the truthfulness of the man who claimed to have heard Falkner say so and related it to him.

But let us see what Jackson said about it, and while he did not know himself where he was born, still there is not a man here that knows where he was born; but there is no man living who lived with his mother 15 years whose mother has not told him where he was born, and that is evidence that is taken in all

courts of law, because it is considered primary evidence. Now, I want to put before you a letter written by Jackson in 1824 to James H. Witherspoon.

In 1824 James H. Witherspoon, of Lancaster, S. C., asked him the exact question. He replied promptly and frankly as follows:

NASHVILLE, August 11, 1824.

DEAR SIR: Your letter of the 24th ultimo is just received, and although an entire stranger to you, feel a lively interest in your prosperity and that of your family, your lady being the descendant of a distant relation by marriage and one for whom I had a sincere regard, being raised together—I mean your lady's mother. I have had a great wish to revisit my native State and once more mingle with those friends of my juvenile days who may still be living, but I have been hitherto prevented by circumstances over which I had no control, and I am now prevented from accepting the opportunity that the friendly invitation of my fellow citizens through you would now afford for many reasons unnecessary now to enumerate; next spring may afford me an opportunity with my family of visiting the country that gave me birth, when it will afford me much pleasure and when I shall avail myself of the pleasure of seeing you and your family at your own house and offering up a prayer for that son of yours, that you have honored me with his name, that he may long live and be a blessing to his parents in their old age.

As to the question asked, I with pleasure answer. I was born in South Carolina, as I have been told, at the plantation whereon James Crawford lived, about 1 mile from the Carolina road crossing of the Waxhaw Creek; left that State in 1784; was born on the 15th of March, in the year 1767. I am truly happy to learn at what house my mother died.

I know she died near Charleston, having visited that city with several matrons to afford relief to our prisoners with the British—not her son, as you suppose, for at that time my two elder brothers were no more, but two of her nephews, William and Joseph Crawford, sons of James Crawford, then deceased. I well recollect one of the matrons that went with her was Mrs. Boyd. It is possible Mrs. Barton can inform me where she was buried, that I can find her grave. This to me would be great satisfaction that I might collect her bones and inter them with that of my father and brothers. I offer you my thanks for the political information your letter has afforded. Present me affectionately to your lady, kiss my namesake for me, and accept assurances of my high respect and regard.

Your most obedient servant,

ANDREW JACKSON.

JAMES H. WITHERSPOON, Esq.

I exhibit a photostatic copy of this letter, and any Member can see it and also the ones next hereinafter exhibited by going to the manuscript division of the Congressional Library where the originals are on file. This was in 1824. In 1828 he was addressed by a committee of citizens and invited by them to come and spend July 4 with the citizens of "your native district." This invitation was signed by Jas. H. Witherspoon, Jno. Nisbet, John Stewart, Nathaniel Barber, Jackey Perry, Sam. R. Gibson, Bartlett Jones, I. Donnom, H. Massey, sr., and Wm. McKenna, secretary. I set out herewith their letter and the answer of Gen. Jackson in which you will note that they state that he is a native of Lancaster, and he states twice that he was born in Lancaster County. The letter of the citizens is as follows:

LANCASTER, S. C., May 12, 1828.

GEN. ANDREW JACKSON.

DEAR SIR: At a large and respectable meeting of the citizens of Lancaster district held in the courthouse on the 5th instant we were appointed a committee to express to you their high sense of your many public services and in testimony of their appreciation of the same to request the pleasure of your company at a dinner in Lancasterville on the 4th day of July next, and if not convenient at that time you will please designate a day on which the citizens of your native district may enjoy the pleasure of your company. You will please accept the assurance of our sincere friendship and esteem.

JAS. H. WITHERSPOON,	SAM. R. GIBSON.
JNO. NISBET.	BARTLETT JONES.
JOHN STEWART.	I. DONNOM.
NATHANIEL BARBER.	H. MASSEY, SR.
JACKEY PERRY.	WM. MCKENNA, Secretary.

The answer of Gen. Jackson is as follows:

HERMITAGE, June 2, 1828.

GENTLEMEN: I have had the pleasure to receive your kind letter of the 12th ultimo inviting me to celebrate with the citizens of my native district the approaching anniversary of our national independence. For this pleasing testimonial of the esteem of the citizens of Lancaster I pray you, gentlemen, to offer to them the assurance of my heartfelt thanks. If it were in my power, nothing could be more grateful to my feelings than to comply with their wish, but the distance to be traveled and the various requisitions upon my time at home compel me to say that this pleasure must be postponed to some other period. Be pleased, gentlemen, to accept for yourselves individually and convey to those you represent my gratitude for your tender recollection of me as citizen of Lancaster. This obligation is heightened by the consciousness on my part that absence and time have not weakened the ardor of that sentiment which consecrates the memory of the place which gave me birth.

I have the honor to be, gentlemen,
Your obedient servant,

ANDREW JACKSON.

To Messrs. JAS. H. WITHERSPOON, etc.

The signers of the above invitation are men who were thoroughly familiar with the birthplace of Andrew Jackson. John Stewart, for instance, as is shown in Mills's History of South Carolina, page 601, lived just on the south side of Waxhaw Creek, while Jackson was born just across on the north side.

H. Massey, sr., lived exactly on the line between North and South Carolina, less than a mile from where Andrew Jackson was born, as will be seen by Mills's Atlas, and he is a near relative, so I am informed, of the Benjamin Massey whom Parton cites as saying he heard Sarah Lathan say that Jackson was born at McKemys, in North Carolina. H. Massey, sr., is here stoutly asserting over his own signature that Jackson was born in South Carolina. And there were hundreds of men who were 20 years old when Jackson was born who made up that large audience at Lancaster and appointed this committee to testify of Jackson's nativity and invite him to come back and celebrate it. It is hard to conceive that this nativity was unchallenged if it was untrue.

Recently there has been a monument put up by certain citizens of North Carolina over on the alleged location where they say he was born, and then there is a sign put up on the railroad station that you can go to a certain place and see where Andrew Jackson was born. They say that South Carolina has never made any protest against it, and therefore he was born there. Well, in 1820 it went on the maps of South Carolina that Andrew Jackson was born in South Carolina and the spot was marked on the maps, and no protest was ever made by North Carolina, and therefore I make one answer the other. [Laughter.] Why no protest from North Carolina?

Now, the men that signed this statement in the above invitation were natives of the district, and a majority of them lived within 1, 2, and 3 miles of the place where he was born, and they knew the facts and the living witnesses to prove them, and a protest from North Carolina would have been overwhelmed. But history is based on proof. The law of estoppel does not settle historical questions, and the fact that certain ladies, led on by bogus tradition and vivid imagination, put up a monument in the twentieth century does not settle where a baby was born in the eighteenth century.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. REED of West Virginia. In view of the conclusive evidence that the gentleman is producing, would not he be in favor of the Rules Committee making in order legislation that would move that monument to South Carolina? [Laughter.]

Mr. STEVENSON. That would be like Jacob's wife taking the brazen images of Laban—but I will state that if I remain on the Printing Committee when we bring out the next permanent volume of the Congressional Directory, I propose to make an effort to see that history is correctly stated in that particular.

Now, I am not through, those were only two letters, let me read some more.

The next letter of Jackson which I will cite was written December 24, 1830, to J. R. Pringle, of Charleston, in which he says (Niles's Register, vol. 39, p. 385):

Although it will be gratifying to my feelings to avail myself of so favorable an opportunity to visit the emporium of my native State, I am yet prevented by my official engagements from designating the period when I can seize it.

In 1831, in reply to a committee inviting him to Charleston to a Fourth of July celebration, he writes on June 14:

A necessary attention to the duties of my office, must deprive me of the gratification I should have had in paying, under such circumstances, a visit to the State of which I feel a pride in calling myself a citizen by birth.

On December 9, 1832, he wrote to Joel R. Poinsett, of Charleston, as follows (Stillé's Life of Poinsett, p. 64):

If the Union Party unite with you, heart and hand in the text you have laid down, you will not only preserve the Union, but save our native State, from that ruin and disgrace into which her treasonable leaders have attempted to plunge her.

Again, on December 10, 1832, he issued his nullification proclamation, in which he says:

Fellow citizens of my native State, let me not only admonish you, as the First Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. (See vol. 5, p. 85, Great American Debates.)

On January 24, 1833, he wrote again to Poinsett, as follows:

I repeat again, my pride and desire is, that the Union men may arouse and sustain the majesty of the Constitution and the laws, and save my native State from that disgrace that the Nullifiers have brought upon her. (Stillé's Life of Poinsett, p. 68.)

If there ever was a time when Jackson would have repudiated his nativity in South Carolina, it was then, when he was being baited and defamed and abused, when he was being called everything on earth by the people who were attempting to nullify the laws of the National Government. If there ever was a time when the leaders of South Carolina would have been glad to wipe him off their slate and repudiate him as a native-born citizen of South Carolina, they would have done it then, when he threw in their faces that he was a native,

and that he proposed to vindicate the rights of the National Government in his native State. [Applause.]

It went on then until he had gone through his stormy career, and in the shades of the Hermitage he received a copy of a resolution from the South Carolina Legislature, sent by Gov. Hammond, in which they asked that Congress take action to rescind the action and to refund the fines imposed upon him for contempt of Judge Hall's court in New Orleans, when he put Judge Hall in jail for a little while. Here is his answer to that:

Conscious as I am of the integrity and propriety of my conduct in regard to Judge Hall, it is truly grateful to my feelings to find the legislature of my native State, South Carolina, uniting with the legislature of other States in those high and honorable feelings of justice which their resolutions so plainly indicate.

That is the last deliverance by letter, and it is in the hands of the descendant of Gov. Hammond, Mr. E. Spann Hammond, at Blackville, S. C., and was published in the Sunday News, Charleston, August 7, 1904; and I cite you where you can see the originals of every one of these declarations. He then came down to the time when death was laying its hand upon him, and he sat down to make his will. Let us see what he said. He was patriotic to the bone. There is not a clause in his will that does not conduce to the conservation of the Union which was his heart's love and desire. He gave away several swords, and with each gift he enjoined the donee that it only be drawn in honorable defense of his Government, the Government of the United States, and the Union as constituted by the Constitution. His will is a remarkable document, if you will look at it. He then came down to the last and said:

The gold box presented to me by the corporation of the City of New York, the large silver vase presented to me by the ladies of Charleston, S. C., my native State, with the large picture representing the unfurling of the American banner, presented to me by the citizens of South Carolina when it was refused to be accepted by the United States Senate, I leave in trust to my son, A. Jackson, Jr., with directions that, should our happy country not be blessed with peace, an event not always to be expected, he will at the close of the war or end of the conflict present each of said articles, of inestimable value, to that patriot residing in the city or State from which they were presented who shall be adjudged by his countrymen or the ladies to have been the most valiant in defense of his country and our country's rights.

I pause here and turn aside from my manuscript just a moment to tell you something interesting regarding that bequest. The Mexican War within two years was upon us. The Palmetto Regiment of South Carolina entered the City of Mexico first and planted the banners of America upon the Castle of Chapultepec. When they came back the executor turned over to the governor of South Carolina these two emblems—a vase he called it, while as a matter of fact it is a \$12,000 silver punch bowl, and we are keeping it very closely guarded now, because we do not want the Volstead folks to get it. [Laughter.] The governor called together the Palmetto Regiment and made a request of them that they determine who was the bravest man. They spent one day in endeavoring to settle that question, I am informed. Necessarily, it was a rather difficult and delicate question to settle. They came back to the governor and asked him to have the legislature provide that the State should hold these emblems in trust for all of them until the last but one was dead and then give them to him. The State held them until Gen. Sherman came down through Columbia, and his folks got the banner, but the punch bowl was so well hidden that we have it yet. It came back into the hands of the governor after the war, when it was dug up out of the sand hills of Richland County; and two or three years ago, when there were only three or four of these old veterans of the Palmetto Regiment tottering on the border of the grave, I understand they made an absolute assignment to South Carolina of all their interest in it and asked that it be held as an emblem for South Carolina of the man who threatened to spank South Carolina if she went out of the Union in 1831. That is the history of that, and you will find that vase in the historical room in Columbia, S. C., to-day.

Just one moment now as to the contemporaneous declaration. In the first place, up to 1815, when, as I said, the line was settled, this line was always designated on the maps as being the road from Lancaster, S. C., to Charlotte, N. C. And you will see it is designated there so as to show it. The convention of 1815 settled that question between the two States, and every map after that was run straight. The county of Lancaster and the State of South Carolina employed James Boykin, one of the great civil engineers of that time, whose work has been verified from start to finish, to make a map of the county of Lancaster. That was 53 years after Jackson's birth. There were hundreds of men in that country then who were 20 years old when Jackson was born. He made the survey. He put on that map the battle field of Buford's Brigade, which was cut to

pieces, and the people have recognized that by putting a little monument there right on the spot where Boykin laid it out.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. STEVENSON. May I have 10 minutes more?

Mr. GRIFFIN. Mr. Chairman, I yield five minutes to the gentleman.

Mr. SHREVE. If the gentleman will answer a question or two by the gentleman from Indiana [Mr. DUNBAR], he will surrender five minutes of his time to the gentleman from South Carolina.

Mr. STEVENSON. I shall be very glad to answer any questions.

Mr. DUNBAR. The gentleman is proving or trying to prove that Andrew Jackson states he was born in South Carolina. Everybody knows and everybody concedes that he thinks he was born in South Carolina. I would be very much interested in having the gentleman prove to us that the statements which have been made that he was born in North Carolina are not well founded.

I wish the gentleman would tell us why it is that the American Encyclopedia, the International Encyclopedia, the Encyclopedia Britannica, and all the encyclopedias which have been published and which give a reference to the birth of Andrew Jackson, there is but one of them that states that he was born in South Carolina, and that is the international. The International Encyclopedia states—folk lore states—that he was born in North Carolina and Gen. Jackson himself states that he was born in South Carolina. It is the only encyclopedia which states that he was born in South Carolina. Why is it that the other—

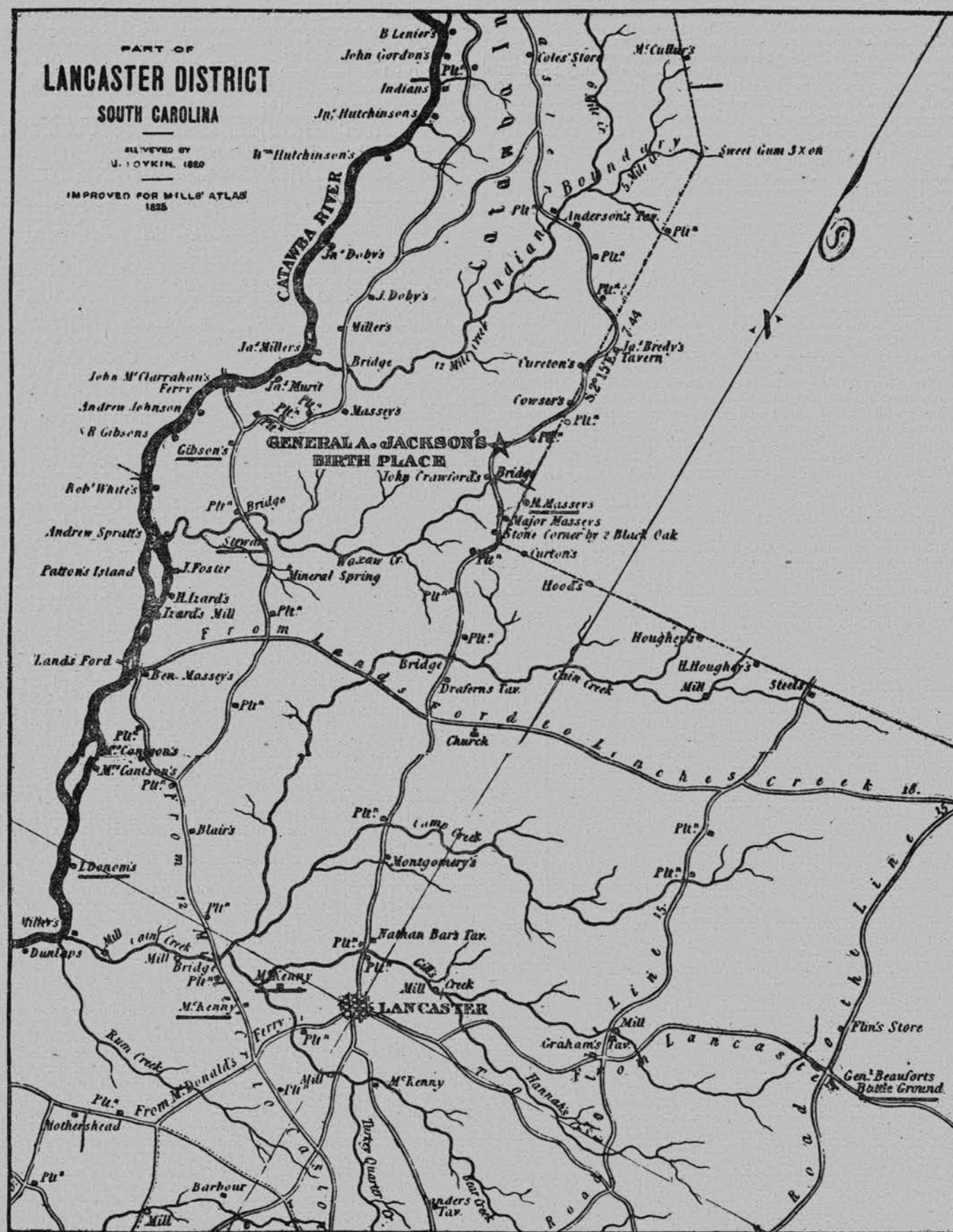
Mr. STEVENSON. If the gentleman is going to take up all of my five minutes, I have not got anywhere. [Laughter.]

Mr. DUNBAR. I will conclude. In the face of this evidence how can the gentleman accept the statement of Andrew Jackson, which we all know was only founded upon information, and it was in contradiction of the testimony of his relatives?

Mr. STEVENSON. Yes; now we will come to that question. The gentlemen interrupted me before I got to it. Let us find out who had the best opportunity of seeing the real witnesses who knew when and where he was born. But I will insert in the record the statement of who these people were who in 1858 gave Mr. Parton the affidavits on which he has based his history and from which these encyclopedias have taken their statements, but which do not bear out your statement.

I say Andrew Jackson and his contemporaries saw and knew intimately the living witnesses, and the question was up and inquired into and settled in 1815, and all historians and citizens accepted the truth as settled then, and it was never challenged until 1858. Now, I cite the circumstances and other evidence.

It will be seen by Mouzon's maps, 1775, and also 1794, and Reed's maps, 1775, and Strother's map, 1808, that the road from Lancaster to Charlotte was recognized as the line by the geographers up to 1808, but in 1813, as above stated, that line was settled and every map of North and South Carolina from that time forward sets it out as a straight line and puts the road in South Carolina and all of the Crawford land in South Carolina. In 1820 the first official map of South Carolina after that settlement was made by Boykin, and I hereto append a photostatic copy of that map of Lancaster County, which was subsequently put in Mills's Atlas of South Carolina, which is on file in the Congressional Library. That map was made in 1820 and was verified and improved for Mills's Atlas in 1825. And right beside the road from Lancaster to Charlotte and on land which in the old maps was partly in North Carolina, this entry is made "Gen. Andrew Jackson's birthplace." This is the statement of the civil engineer whose work has never been successfully assailed as to any of his historical references. For instance, on the same map you have the location of the battle ground where Buford's brigade was destroyed, which is now marked by a monument, which verifies the location by Boykin. Here also properly noted is the battle ground of Hanging Rock, the first battle in which Andrew Jackson was under fire; he was there under Gen. William R. Davie. He ran this when all the men who were a few years Jackson's senior were alive. Jackson was 53 years old and then a very noted general when this map was made. And nobody can escape the conclusion that the tradition was thoroughly settled at that time and this map was made with all the evidence before him, and it was an acute issue up to that time—Reilly's map made about the same time has the same entry—it is in State historical department of South Carolina. Another declaration of contemporaneous history was that of Gen. William R. Davie, who was born in England June 20, 1756, and after 1760 was raised in the Waxhaw settlement and belonged to Waxhaw



Church, which was established by his uncle, William Richardson, Presbyterian preacher, who left him all his fortune, and knew intimately the traditions of the country, who in 1815 made the statement unequivocally that Jackson was born in Lancaster district, S. C. The letter is still extant. Davie was afterwards governor of North Carolina and a county bears his name. In 1820 James Thonaldson, of Philadelphia, presented to the legislative library of South Carolina a bust of Jackson, for the reason that South Carolina was the native State of the distinguished general, and the South Carolina Legislature in resolution accepted it, as will be seen by reference to the report of the historical commission with congratulations that the nativity of Jackson is now acknowledged as our own. Referring to the line settlement of 1815, Why no protest from North Carolina?

The dispute was supposed to be settled when they settled that line, because the only dispute then was whether Crawford's land was in North or South Carolina. There was no dispute about his being born on Crawford's land, everybody admitted that, and as late as 1846 Foote in his sketches of North Carolina, upon page 476, says:

The place in which Andrew Jackson passed his early years was claimed by North Carolina for a long time, but is within the bounds of South Carolina, as now settled by the mutual agreement of the States.

It was done in 1815. Foote states this again on page 198. That was the only question until Mr. Parton moved the place of birth from Crawford's to McKemey's by the testimony of some good old ladies who had been dead 50 years. One circumstance which is pregnant is the failure of North Carolina historians to claim him. Wheeler's history of North Carolina was written in 1845 to 1850 and published in 1851, and enumerates the men who have originated in the different counties. Under Mecklenburg County, pages 263 to 268, he names eight very prominent citizens who originated in that county, and amongst them he names James Knox Polk, native of Mecklenburg, and afterwards President of the United States, and gives quite a lengthy history of him, but he makes no claim that Andrew Jackson was a native of Mecklenburg County, and when the brethren of Mecklenburg County fail to claim a man for 75 years—85, in fact—it is pregnant evidence that they have no claim upon him. Under Union County, which had just been established, no such claim is made either.

What do the historians say? Mills's History of South Carolina, published in 1826, page 600, speaking of Lancaster County, says:

Lancaster was the birthplace of Andrew Jackson. He was born near the waters of Waxhaw Creek in this district and within a mile of the North Carolina line.

The accuracy of this historian has never been successfully assailed in any particular. Amos Kendall wrote practically an autobiography of Jackson, because he wrote it under Jackson's immediate supervision, and the first number contains a map identical with the maps set out here, with the place of Jackson's birth shown as the Crawford place, in Lancaster County, S. C., which is claimed under the authority of Gen. Jackson.

On June 27, 1845, George Bancroft, the greatest historian yet produced by America, said in his memorial address on Jackson:

South Carolina gave a birthplace to Andrew Jackson. On its remote frontier, far up on the forest-clad banks of the Catawba, in a region where settlers were just beginning to cluster, his eye first saw the light. (Bancroft, Miscellaneous Writings, p. 445.)

This memorial address was published in the leading papers of the country, and coming, as it did, from the leading historian of the country, no protest or counterstatement was issued by North Carolina, and the correctness of the statement was conceded till 1858, when Gen. Walkup and Mr. Parton promulgated the new history.

"Gadsden's Life of Jackson," published in 1824, states unequivocally that he was a native of South Carolina. No history prior to Parton's, 1859, ever asserted the contrary.

As I have already said, Wheeler's History of North Carolina does not claim him for Mecklenburg County as it does James K. Polk—and properly—and Foote's History of North Carolina states expressly twice that there was a dispute as to the place where he was brought up, but that it had been settled that it was in South Carolina. Brady's History of Jackson, published in 1902, and again in 1906, makes the statement in the text, which is the 1902 text, that Jackson was born at the McKemey house in North Carolina. This is his statement:

When Andrew Jackson, sr., died, he left his wife with two little boys and practically no property. He had not proved up his claim, and there is no evidence in the records of land transfers that he ever owned a foot of ground.

Then he speaks of Mrs. Jackson starting to her brother-in-law's, Mr. Crawford's:

On the way she stopped over night at the McKemey house, and there Andrew, Jr., was born; she was well enough to travel in three weeks, a rather long convalescence for a frontier woman of that period; leaving Hugh in the McKemey home, she journeyed to the Crawford place with Robert and the infant, Andrew.

After publishing his 1902 edition, and possibly his first edition of the 1906 book, he took up with Mr. A. S. Salley, secretary of the Historical Commission of South Carolina, and had him prepare a complete statement of the evidence in the matter, which will be found as Appendix A to the 1906 edition, and in bringing out the book he repudiates the text as to that matter, and Appendix A begins with this note:

This most interesting and valuable paper which seems to settle the question has been specially prepared for this book by Mr. A. S. Salley, Jr., secretary of the Historical Commission of South Carolina, an author of numerous historical and genealogical papers relating to southern subjects.

That is on page 407 of the appendix. On page 421 he makes this statement:

While I agree with Mr. Salley as to Jackson's birthplace, and to that extent disagree with Parton, I am compelled to make an emphatic dissent from his estimate of Parton's book as a whole.

So that Brady, when confronted with the evidence which Salley produced, repudiated the tradition found in Parton on which all the biographical dictionaries have based their statement as to Jackson's birthplace. The latest history is that of J. Spencer Bassett, now professor of history in Smith College, formerly a professor of history at Trinity College, North Carolina, at which institution I am informed he was educated; and on pages 6 and 7 of volume 1 you will find a discussion of the question with his conclusions, and I cite them, published in 1911:

To the writer the weight of evidence seems to favor the South Carolinians. The Leslie tradition rests on an old woman's account of an event which happened when she was a child of 7, an event, too, about which a child could not be well informed. It was weakly corroborated by a statement of Thomas Faulkner, aged 70; by another man, also a Leslie descendant, who relied on information which he said he had from Sarah Lathan's mother 50 years earlier; and by James D. Craig's statement that he had heard—evidently much earlier than his statement—"a very aged lady," Mrs. Cousar, say that she assisted at the birth at McKemey's house. The weakness of this evidence lies in the long time which elapsed between the event and the time of its recording. All of it must have been carried many years in the minds of two people, one passing it on when she was very old to another, who told it when he was very old. Add to this the enthusiasm which the narrators had for their story and the lack of critical examination of it when it came from their lips, place against it the clear statement of Jackson made in response to a question which this controversy aroused, that he was born in the house of James Crawford, in South Carolina, and to most men the story will probably appear doubtful. Somewhat more trustworthy is the explicit statement of Gen. Jackson.

There were numerous histories of Jackson written during his life, all of which assume that he was born in South Carolina, and his will is found in full in Frost's History, pages 500 to 502.

Parton's History is the one upon which the North Carolina tradition relies. It was published in 1859 or 1860, and is not accurate as to real legal proof on this question and on several others to which I will call attention. His conclusions depend (a) on the alleged statements of Mrs. Leslie, a midwife who had been dead 50 years when the people were making their statements as to what she said; (b) Mrs. Sarah Lathan had been dead 35 years before the statement was made. In other words, Mrs. Leslie was dead in 1808 before the original controversy as to the line from the gum at Twelve-Mile Creek to the stone at Waxhaw Creek had been settled; and Mrs. Lathan had been dead at least since 1823, according to the testimony of the folks who gave their statements; and one witness stated that he had heard (c) Mrs. Cousar make the statement, who had been dead possibly 75 years. She must therefore have been dead since 1783; and, finally (d) what they heard James Faulkner say Jackson said, which was that James Faulkner—who had then been dead 40 or 50 years—said that Jackson told him while they were sleeping together in the McKemey House that he was born in that house. Now, Parton says that Jackson believed he was born in South Carolina, but that he did not know any better, not knowing where he was born. James Faulkner says, if we believe him, that Jackson did know where he was born, and hence Parton has discredited one of his most material witnesses because he evidently does not believe Faulkner. If Faulkner was right, that Jackson knew where he was born, the folks who brought down the tradition merely forgot which place Faulkner said Jackson said he was born. So we can not place a finding on the testimony of Faulkner because Parton himself repudiates Faulkner's statement and says that Jackson did not know where he was born. He certainly can not ask us then to believe Faulkner—that he was born in McKemey's house.

Then coming to the statements of the other witnesses, John Lathan, a son of Sarah, who says she attended the birth at midnight when only 7 years of age (p. 54 of Parton), testifies that soon after Jackson's father died Mrs. Jackson left

Twelve Mile Creek to go and live with Mrs. Crawford in Lancaster district, South Carolina; that on her way she called at the house of George McKemey, and while at McKemey's she was taken sick and Andrew was born, and as soon as she was able to travel she went to Crawford's. Let us lay that beside Parton's conclusion. He says on page 52:

The bereaved family of the Jackson's never returned to their home on the banks of Twelve Mile Creek, but went from the burial yard to the house, not very far off, of Mrs. Jackson's brother-in-law, George McKemey by name.

Now, his (Lathan) witnesses say that they did return to the Jackson home and were removing to Crawford's when they stopped at McKemey's. Parton thereby discredits Mrs. Leslie and Mrs. Lathan, and without them he can do nothing. Then to increase the contradiction Parton brings up one Charles Finly, who is said while in the flesh to have said that he took the Jackson family to the burial and then conveyed them to the residence of George McKemey where Andrew was soon afterwards born (see p. 55). This contradicts the statement of Sarah Lathan, the most numerous quoted witness, and also contradicts James Faulkner, both of whom say that Mrs. Jackson returned to her home, and while moving from Twelve Mile Creek to Crawford's stopped with her sister, Mrs. McKemey, and was there delivered of Andrew (p. 54). So the two most material witnesses produced by Parton are contradicted by Parton and his other witness Finly, and their story is discarded as being incidental to the removal to the Crawford's.

The most reasonable theory is to adopt Parton's statement that Mrs. Jackson went to her sister's, not far off, from the burial of her husband, and that sister was Mrs. Crawford. It was possibly a mile and a half or two miles from the graveyard to Mrs. Crawford's; it was 2½ miles farther to Mrs. McKemey's (see Tompkins' "History Mecklenburg County," vol. 2, p. 5), so that I assume that she did go as Parton says, to her brother-in-law's, not far off, to wit, James Crawford, and there Andrew was born.

There is another view which should be given here. Mr. D. A. Tompkins, of Charlotte, N. C., has written a history of Mecklenburg County, and at page 188 of volume 1 it has a picture of the McKemey cottage. It is 20 feet by 16, log cabin with a door, two windows, one fireplace, and one room, which room, like all pioneer cottages, was used in front for sitting room, kitchen, and dining room, and the back was used for a bedroom in which the whole family slept. McKemey had a family; we do not know how many, but we know there were children. If the story is true, Mrs. Jackson was there with two boys, making McKemey and his wife and probably two or three children, and Mrs. Jackson and two boys, and old Mrs. Cousar, if we accept the tradition, all in that small house when this distressing period came on—when Mrs. Leslie, the mother of Sarah, was called in to officiate at Andrew's birth. Now Sarah's testimony as brought down by tradition is that she went with her mother at night to this little cabin, already full of people to overflowing, to be present at the birth of another addition to the human race. I was raised among the country Scotch-Irish people myself, and instead of bringing children in from the neighborhood to attend occurrences of that kind, even where there was an abundance of room, the children that belonged at the place were always sent away from home. And it is patently absurd to think that Mrs. Leslie, knowing the conditions there were at the McKemey house, should have taken her little 7-year-old daughter along to be an incumbrance and in the way of everybody there. It is simply an old wives' fable.

There is another thing to which I want to call attention as to the exuberance of traditional testimony which Gen. Walkup found in that neighborhood and upon which Parton bases his history. He says on page 62:

I was also assured that young Jackson attended the famous school of Dr. Waddell, one of whose pupils was Calhoun, and was inclined to believe the story until I discovered that Dr. Waddell did not open his academy until after Jackson had left school forever.

This rumor failed to get in as history, because Mr. Parton had an absolute check on it and found that it was contrary to the truth. Nevertheless, people in that country still tell it and believe it, just as they do this story as to his birth at McKemey's. Mr. Parton says that "the old people of that community scout the idea that Andrew Jackson's father ever owned any land" (p. 100 of his book). This is another of the uncertain traditions brought us by Mr. Parton and discounts the reliability of his statements. Andrew Jackson, sr., did enter his land on Twelve Mile Creek; he did not get a grant of it because he did not live long enough to do so. The James Crawford grant was not made until 1775, although Parton says that that land was bought in 1765. But Andrew Jackson, sr., acquired such an equity in the land on Twelve Mile Creek that his son and only surviving heir made conveyance of it in 1792 to one Shared

Gray, as evidenced by the power of attorney which I hereby submit, which is on record in Lancaster County, S. C., being recorded on January 2, 1793, for the reason that Crawford lived in Lancaster, and even as to that tract of land it was so uncertain as to whether it was in North or South Carolina that it was deemed best to record the power of attorney in Lancaster County, S. C. Parton says (p. 49) that Gen. Walkup reached the conclusion that old Andrew Jackson had nothing because he had searched the records in Anson and Mecklenburg Counties; if he had searched some in Lancaster County, he might have found something that would have interested him; and if he had searched some for evidence as to the place of Jackson's birth in Lancaster County instead of where he did, amongst the people who had a pride in North Carolina, he would have found evidence corroborative of our case there. (See Buell, vol. 1, pp. 22, 33.)

The power of attorney is as follows:

POWER OF ATTORNEY, ANDREW JACKSON TO JAMES CRAWFORD.

To all to whom these presents shall come, Andrew Jackson, of the county of Davidson and district of Mero, in the territory of the United States of America, south of the river Ohio, sends greeting:

Know ye that for divers good causes and considerations me thereunto moving, I have made, constituted, and appointed, and by these presents do make, constitute, and appoint, James Crawford, of the county of Lancaster, in the State of South Carolina, my true and lawful attorney for me and in my name and for my use to ask, demand, sue for, recover, and receive all sums of money, debts, dues, or demands whatsoever which are or may be due, owing, and payable to me, and on receipt thereof sufficient receipts, acquittances, and discharges for me and in my name make, execute, and deliver and more particularly to make over and convey unto Shared Gray by lease and release a sufficient title in fee simple to 200 acres of land situate, lying, and being in Mecklenburg County, in the State of North Carolina, and on the Waters of Twelve Mile Creek; and every other act and acts, deed or deeds necessary to be done in the premises do as fully and amply as I might or could do were I personally present, hereby ratifying and confirming all that my said attorney shall lawfully do in the premises. In witness whereof I have hereunto set my hand and affixed my seal the 28th day of November, in the year of our Lord 1792.

ANDREW JACKSON. [L. S.]

In the presence of—
ABRM. BOYD.

SOUTH CAROLINA, Lancaster County:

Abraham Boyd came before me and made oath that he was present and saw Andrew Jackson, of the county of Davidson and district of Mero, in the territory of the United States of America, south of the river Ohio, sign, seal, and acknowledge the within power of attorney to James Crawford, of the county of Lancaster and State of South Carolina, for the uses and purposes therein contained, and that he, this deponent, signed his name as a witness thereto at the same time.

ABRAHAM BOYD.

Sworn to December 26, 1792, before me.

JNO. SIMPSON, J. L. C. C.

Recorded January 2, 1793.

STATE OF SOUTH CAROLINA, County of Lancaster:

I, Paul Moore, clerk of the court of common pleas and general sessions in and for said county, do hereby certify that the above and foregoing is a true and correct copy of a power of attorney executed by Andrew Jackson to James Crawford, as shown by the record of the same in my office in deed book B, at page 227. Given under my hand and official seal at Lancaster this 16th day of February, 1922.

PAUL MOORE,
Clerk of Court.

Mr. HAMMER. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. HAMMER. I desire to ask the gentleman if Mr. Parton is not considered one of the most painstaking of historians?

Mr. STEVENSON. He is by some people, no doubt. Specially with North Carolinians.

Mr. HAMMER. Mr. Collier, who wrote the authentic history of Gen. Jackson, who was a life-long friend of Mr. Jackson, did not know where he was born.

Mr. STEVENSON. Jackson said that he was born in South Carolina, and said it over his own signature, and he knew more about what he knew than Collier did.

Mr. HAMMER. I would like to ask the gentleman if Gen. Walkup did not make an investigation of 18 witnesses, about one-third living in South Carolina—

Mr. STEVENSON. Gentlemen, I can not—

Mr. HAMMER. And did not they overwhelmingly furnish the testimony that has been uncontroverted?

Mr. STEVENSON. You can not take any more of my time.

Gen. Walkup got 18 affidavits, but what were they? Eighteen affidavits as to what Sarah Lathan, James Faulkner, and Mrs. Cousar and old Mrs. Leslie and Mr. Finly said, and all of them had been dead 35 years, and most of them 50 or 60. You trace it back to those five people, and they do not agree. Eighteen people in 1858 stated what they had been told by people who had been dead, all of them, for more than a half century, except one, who had been dead 35 years, to contradict people who spoke while many living people knew the facts.

I want to show you how unreliable Mr. Parton was. Gen. Walkup states that Andrew Jackson never had any land.

The trouble is he did just what he did as to where he was born—he did not look in the right place.

I have put in here the power of attorney executed by Andrew Jackson in 1792, in which he conveys to one Shared Gray 200 acres of land in Mecklenburg County, in North Carolina, on the waters of Twelve Mile Creek. That is the land that his father took up, just on the line, but in North Carolina.

Parton and Walkup say there was no such land, and they could not find any trace of it. And here I produce a record of a power of attorney from Jackson himself, conveying it away in 1792 and recorded in Lancaster County, S. C., on the 2d day of January, 1793. And it shows you the absolute unreliability of the witnesses relied on by Mr. Parton, because he says not only positively that Gen. Walkup says that the old man never had any land there, but he says positively that all these people he saw down there scouted the idea that the old man ever had any, and that it was all a myth. And yet I here produce the record over Andrew Jackson's signature that he did have it, and gives the lie to that which Parton got up and which he spread all over this country. These people told him that Jackson went to school to Waddill. He believed it till he found it untrue. They told him the old man had no land. He believed it, and I show it is untrue. They told him Mrs. Jackson went back home after she buried her husband, and he repudiated that in his own text. How can history be accepted out of their mouths? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

EXHIBIT A.

(Report of the Historical Commission of South Carolina to the General Assembly of South Carolina at the regular session of 1908.)

"The roots of the present lie deep in the past, and nothing in the past is dead to the man who would learn how the present came to be what it is." (Stubbs.)

"A people who have not the pride to record their history will not long have the virtue to make history that is worth recording." (R. D. W. Connor.)

THE BIRTHPLACE OF ANDREW JACKSON (1767-1845).

During the lifetime of Andrew Jackson it was almost universally accepted that he was born in South Carolina, but of recent years it has come to be widely believed that he was born in North Carolina. The encyclopedias and biographers either state that his birthplace is a matter of doubt or that it was in North Carolina. But the most impartial and acceptable evidence all points to a well-defined spot in South Carolina as his birthplace.

Jackson himself repeatedly declared that he was born in South Carolina, and actually fixed the spot upon a map, and his is the only evidence we have before us that would be admissible in a court of law.

In a letter, dated at Washington, December 24, 1830, replying to a letter from J. R. Pringle, intendant of Charleston, inviting him to visit Charleston, he wrote:

"Although it will be gratifying to my feelings to avail myself of so favorable an opportunity to visit the emporium of my native State, I am yet prevented by my official engagements from designating the period when I can seize it."

To the committee of arrangements for the celebration of the Fourth of July by the people of Charleston in 1831, President Jackson wrote in a letter dated at Washington, June 14, 1831:

"A necessary attention to the duties of my office must deprive me of the gratification I should have had in paying under such circumstances a visit to the State of which I feel a pride in calling myself a citizen by birth."

In a letter to Joel R. Poinsett, of Charleston, another native of South Carolina, dated at Washington, December 9, 1832, he wrote:

"If the Union Party unite with you heart and hand in the text you have laid down, you will not only preserve the Union but save our native State from that ruin and disgrace into which her treasonable leaders have attempted to plunge her."

In his proclamation of December 10, 1832, anent the "nullification" convention of South Carolina, he used this language:

"Fellow citizens of my native State, let me not only admonish you, as the First Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin."

Again, in a letter to Poinsett, dated at Washington, January 24, 1833, he wrote:

"I repeat again my pride and desire is that the Union men may arouse and sustain the majesty of the Constitution and the laws and save my native State from that disgrace that the nullifiers have brought upon her."

In a letter to Gov. Hammond, of South Carolina, dated at the Hermitage, January 13, 1843, he wrote:

"Conscious as I am of the integrity and propriety of my conduct in regard to Judge Hall, it is truly grateful to my feelings to find the legislature of my native State, South Carolina, uniting with the legislatures of other States in those high and honorable feelings of justice which their resolutions so plainly indicate."

And, finally, in his last will and testament, Gen. Jackson declared that South Carolina was his native State. He said:

"The large silver vase presented to me by the ladies of Charleston, S. C., my native State, with the large picture representing the unfurling of the American banner presented to me by citizens of South Carolina, when it was refused to be accepted by the United States Senate, I leave in trust to my son, A. Jackson, jr., with directions that should our happy country not be blessed with peace, an event not always to be expected, he will at the close of the war or end of the

conflict present each of said articles of inestimable value to that patriot residing in the city or State from which they were presented who shall be adjudged by his countrymen, or the ladies, to have been the most valiant in defense of his country and our country's rights."

Here are seven direct statements from Jackson that he was a native of South Carolina. As to the location of the spot in South Carolina whereon stood the house in which he was born the following evidence is offered:

In 1843 Amos Kendall, one of Jackson's closest personal friends—in fact, so close that during Jackson's occupation of the office of President he was credited by Jackson's political opponents with being the "power behind the throne" and, as a member of the little coterie of Jackson's personal friends and advisers, was contemptuously referred to as of the "kitchen cabinet"—published several parts of a life of Jackson, which was, unfortunately, never completed. That work was prepared so much under Jackson's eye that it might almost be called an autobiography. It contained a map showing what Jackson regarded as the exact site of his birth. The evidence given on that map is confirmed by four earlier maps. The first of these is a plat to a grant of land made to Robert Crawford by the governor of that Province of South Carolina in 1775. The plantation so granted contained 620 acres, and lay along Waxhaw Creek, with the line between the Provinces of North Carolina and South Carolina as the eastern boundary.

The certificate to the plat recites that the tract had previously been granted to Andrew Pickens by the governor of North Carolina under the misapprehension that it lay within the bounds of North Carolina. At the time of Jackson's birth the line between the two Provinces at this point had not been agreed upon or blazed out. In 1764 Gov. Bull had directed that a straight line connecting a gum tree on Twelve Mile Creek with a stone about a mile south of Waxhaw Creek should be considered the line until an agreement should be reached. In 1772 this line was officially agreed to, and by that agreement the land whereon Crawford then lived was shown to be South Carolina territory, and was then formally granted to Crawford, who had doubtless been on it for some years. In 1808 the States of North Carolina and South Carolina entered into a conventional agreement for definitely fixing the boundary line between the two States at certain points. One of these points was the 8-mile line referred to above. In 1813 the commissioners and surveyors appointed by the two States ran, blazed out, and made a map of the line. This map shows the landmarks along the line. On the plantation granted to Robert Crawford in 1775 two houses were shown on this map, those of J. Crawford and R. Crawford. In 1820 the State of South Carolina began the compilation of a series of maps of the districts of the State under the supervision of Robert Mills, the great American engineer. The contract for surveying and making a map of Lancaster district was given to J. Boykin, a native of that section of the State and a surveyor of wide reputation. His map fixes "Gen. A. Jackson's birthplace" on the Crawford plantation exactly where the map made under Gen. Jackson's direction in 1843 placed it. Before publishing Mr. Mills sent a proof of the map to Gen. Jackson, who wrote back that the birthplace thereon given was correct; that he was born on the Crawford place. In the same year (1820) Eugene Reilly, "surveyor and engineer," delineated a map of Lancaster district, differing from Boykin's map as regards landmarks, but placing "Gen. Jackson's birthplace" exactly where Boykin placed it.

In 1820 Mr. James Thowaldson, of Philadelphia, presented to the legislative library of South Carolina a bust of Jackson. A committee was appointed by the general assembly to draft resolutions of thanks. Embodied in their resolutions is this significant statement:

"With so many themes of admiration and causes of gratitude in the history of the general, we, as Carolinians, have a still more happy reason for gratulation that he, whose nativity has been the cause of rivalry for contending States, is acknowledged as our own."

Evidently the committee had had some conclusive evidence as to Jackson's birthplace furnished to them whereupon they based that statement. There is still another bit of secondary evidence to prove that Jackson very well knew the place of his birth. In 1858 some contention arose as to the place of his birth, and the Lancaster Ledger published an article on the subject. The following paragraph from that paper is to the point:

"But the testimony rests not here. Many years ago it was mooted whether Gen. Jackson was born in this State or just over the line in North Carolina. Col. James H. Witherspoon, then a prominent citizen of this district and intimate friend of Jackson's, addressed to him a letter of inquiry as to his birthplace. The reply of Gen. Jackson was full and particular. He states that he was born in the Waxhaws, in South Carolina, on a place belonging to Maj. Crawford. This letter is now in the hands of James H. Witherspoon, Esq., son of the late Col. James H. Witherspoon, to whom it was addressed. Unfortunately, Mr. Witherspoon is on a summer tour among the highlands, and we are consequently deprived of the pleasure of laying it before our readers."

This letter is now in the Library of Congress, and is cited by J. S. Bassett in his life of Jackson.

Perhaps this was the evidence upon which the committee of the general assembly based its statement in 1820. At any rate, all of Jackson's statements are to the effect that he was born in South Carolina on Robert Crawford's plantation. The rules of evidence permit a man to testify as to the time and place of his birth. In certain circumstances hearsay evidence as to the time of a child's birth is admissible, but not hearsay evidence as to the place of the child's birth. There is no evidence within the reach of the general investigator to contradict Jackson save that of several witnesses who have given testimony from hearsay and tradition that Jackson was born at the house of one George McKemey, a relative. There is not one single direct statement from anyone that he or she knew of his or her own knowledge of the place where Jackson was born, as all of this hearsay testimony was offered long after Jackson and all of his elders and contemporaries were dead. There is a tract of land lying within the bounds of North Carolina and about 3 miles from the Crawford place that belonged to George McKemey at the time of Jackson's birth, as shown by the public records of Mecklenburg County, but that is no proof that Jackson was born there, or even that he was born in McKemey's house, and the fact that McKemey owned that tract of land in 1767 is not sufficient proof that he lived upon it at the time of Jackson's birth, even admitting that Jackson was born in McKemey's house, as claimed by this made-to-order tradition.

On the other hand, we have a statement by one of Jackson's early neighbors, who doubtless knew him well from infancy to young manhood, when he went to Tennessee, and who was considerably older than Jackson, that he was born in South Carolina. This was Gen. William R. Davie, who spent many years of his life in the neighborhood in

which Jackson was born, and who was some time governor of North Carolina. He was appealed to in 1815 by a native of Lancaster district then residing in Charleston, who made the following statement to Gen. Davis:

"Much has been said here relative to the birthplace of Gen. Jackson. I have stated that he is a native of Lancaster, in this State."

To this Gen. Davis replied:

"Your statement respecting Gen. Jackson is perfectly correct; he was born in what is usually called the Waxhaw."

Gen. Jackson had half a dozen or more biographers who wrote during his lifetime, at least four of whom were his intimate friends—John Reid, John H. Eaton, Gen. James Gadsden, William Cobbett, Goodwin and Amos Kendall—and every one of them credited him to South Carolina, as did hundreds of newspaper and magazine writers of his day; so did the official publications of South Carolina and other States, such as legislative reports and resolutions and journals; and when he died very many editors and eulogists, including the great historian Bancroft, spoke of him as a native of South Carolina, yet 15 years later, after his contemporaries had passed away and proofs had disappeared, new claimants arrived on the field to claim him as a native of North Carolina. But the evidence is against them, and South Carolina should "acknowledge him as our own" and place a lasting marker on the spot where he first saw the light. (For further discussion of this matter, see Appendix A to Brady's Life of Jackson.)

A. S. SALLEY, Jr.

Mr. BYRNS of Tennessee. Mr. Chairman, I have listened with a great deal of interest to the very able and convincing speech of our colleague from South Carolina [Mr. STEVENSON]. We have just been told that a reply is to be made at a later date by our colleague, the gentleman from North Carolina [Mr. HAMMER].

I think it worthy of observation to say at this particular time, and without any intention of becoming involved in the controversy between these gentlemen and the two great States of North and South Carolina as to the birthplace of Andrew Jackson, that as soon as he reached the age of discretion he moved to the great old Volunteer State of Tennessee. [Laughter and applause.] By doing that he displayed most excellent judgment. [Applause.] He lived in Tennessee during all the years of his great record as a soldier and statesman and of his enduring service to his country. He settled in middle Tennessee, near Nashville, which is located in the district I have the honor to represent, and where his splendid old historic home, the Hermitage, now stands, maintained as he left it by the loving care and the patriotism of the noblest women who ever lived, under the name of the Ladies' Hermitage Association. [Applause.]

Mr. SHREVE. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. CHALMERS].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. CHALMERS. Mr. Chairman, I ask unanimous consent to print in 8-point type an address which I delivered on day before yesterday before the Press Club of Chicago.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to print in the Record an address, as indicated. Is there objection?

There was no objection.

Mr. CHALMERS. That address was on the subject of the American seaway. It is a subject that ought to interest every Member of this Congress. I want to print in the Record this address on the American seaway, which will give relief to the great Middle West and the West in the reduction of the high freight rates which the business of this country is suffering from now. It will reduce freight rates radically downward if we give adequate water transportation. I think we ought to look right now at this problem, which is one of the biggest things that is coming before this Congress.

I introduced a bill here a short time ago that is now before the Interstate and Foreign Commerce Committee, with a report by the International Joint Commission, a committee presided over by the gentleman from Massachusetts [Mr. WINSLOW], in the House of Representatives, presided over by our honored Speaker [Mr. GILLETTE], a gentleman from Massachusetts. In the Senate the report was referred to the Committee on Foreign Relations, presided over by Mr. LODGE, a Senator from Massachusetts, and the Senate itself is presided over by the Vice President, Mr. COOLIDGE, from Massachusetts. So, you see, all eyes are turned toward Massachusetts, from whence cometh our light.

Mr. GARNER. Under those circumstances, does the gentleman expect much action?

Mr. CHALMERS. Oh, yes; they will give us action. I want to say that the report of the International Joint Commission has now been printed, and I hope the Members of the House will avail themselves of the opportunity to study this question, the biggest thing that is coming before the Sixty-seventh Congress.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Following is the address referred to:

ADDRESS DELIVERED BEFORE THE PRESS CLUB OF CHICAGO ON FEBRUARY 21, 1922, BY HON. WILLIAM W. CHALMERS.

THE AMERICAN SEAWAY.

"One thirty-ninth of the people of this great Republic live within the limits of the city of Chicago. No city in the world to-day has made the civic progress that Chicago has made in the past half century. Fifty years ago last summer Chicago was laid in ruins. Well do I remember as a lad of 8 years of age, living on the eastern shores of Lake Michigan, seeing the black clouds of smoke roll up, heralding to your neighbors the destruction of your city. With the barriers burned away you have erected here on the site of the ruins, built by the patience, perseverance, and industry of your people, a city which in the resultant of all its factors make it the greatest in the world. I refer to the factors of opportunity, location, art, commerce, and industry. You have had a remarkable growth. In 60 years you have grown from 109,000 people to over 2,700,000 population. This growth has been a world's record; but let me warn you that unless you secure speedy transportation relief your growth will not only cease but you will begin to retrograde. The very growth of your commerce will smother you.

"The very growth of your business will bring commercial drowsiness, will put your civic organization asleep. Asleep because of restricted business circulation. The human organism attains its full stature through circulation through its veins and arteries. The channels of transportation are the veins and arteries of national and civic life.

"The railroads, the waterways, the electric tramways, and motor highways are the channels through which the commercial lifeblood of our Nation flows. If these veins become clogged, it brings on commercial drowsiness and business stagnation. That is what is the matter with this country to-day.

"I know that this is true. You active business men know it is true. Those of us who lived through the crest of the highest wave of prosperity of the spring and early summer of 1920, and then saw the business life of our beloved country hesitate, droop, wither, grow sick, and die for lack of transportation relief feel like crying out a warning. We feel like advocating and providing relief, so that when the country is again brought back to normalcy, and the peak load comes at the height of national prosperity, water transportation will act as the safety valve to care for the expansion and will keep the railroads from breaking under the strain of transportation demands which are many years beyond their capacity. With the Great Lakes-St. Lawrence improvement completed, a shipload of merchandise could be sent from a dock in Chicago to any ocean port in Europe before a loaded freight car could be moved from Buffalo to New York City under the freight congestion of the winter of 1920.

"At the Detroit hearing last spring I heard a Government engineer say that during 1919 and 1920 they found cars that had been on the road so long that on the contents the dust and dirt had collected, and that the rain had fallen and that vegetation had grown 2 feet high before the car had reached its destination. He said that they had found loaded freight cars on sidetracks where birds had built nests on the trucks, the mother bird had laid her eggs, hatched her young, and departed with her brood before the switching crew had seen fit to depart with the car and send it on its way toward its destination. These were some of the rail delays reported by a United States officer at the Detroit hearing.

"It is not so with water shipments. Tear down the barriers and open the Great Lakes ports to the sea and we will show you what service is. Do you know that we have the most modern and most scientific loading and unloading facilities in the world?

"In September of this year the *D. G. Kerr* broke all records in loading at the Two Harbors dock in Minnesota. She loaded 12,382 gross tons of iron ore in 16½ minutes. She was at the dock only 19 minutes. Less than 20 minutes from the time she arrived at the dock she was headed down the lake with full cargo. She also broke the world's record in unloading five days later at Conneaut, Ohio. She was entirely relieved of the 12,382 tons of freight in three hours and five minutes.

"Contrast that service with the port of New York. A recent editorial in a New York daily says that it costs 24 cents to bring a bushel of potatoes from Michigan to the Hudson River in New Jersey, but 47 cents and four days to bring them across the river and over the docks and piers to the Manhattan consumer. The trouble with progress in the past has been that we Americans have been taught to read, write, and spell in rail transportation terms only. Other nations have kept waterways

apace with their rail routes. We do not understand that language. We regard commerce from the rail standpoint only. We do our commercial thinking in the language of railroads.

"Now, I shall state a proposition which, when demonstrated, will place every business man in the Great Lakes-Mississippi Valley region behind this project. That is what we want from now on, men and women interested in this proposition, with enough interest to write to their Congressmen and Senators advocating this project. Tell the Representatives to vote for the Chalmers bill now before the Interstate and Foreign Commerce Committee, known as House joint resolution No. 262, which reads as follows:

[67th Cong., 2d sess.]

"IN THE HOUSE OF REPRESENTATIVES,
January 20, 1922.

"Joint resolution (H. J. Res. 262) providing for the establishment of an international board to have jurisdiction of the construction, operation, and control of the improvement of the Great Lakes-St. Lawrence waterway.

"Whereas in the treaties now in force between the United States of America and Great Britain, namely, the Webster-Ashburton treaty of 1842, the reciprocity treaty of 1854, the treaty of Washington of 1871, and the treaty of Washington of 1909, it is provided that the St. Lawrence River shall forever remain free and open for the purpose of commerce to the citizens of the United States; and

"Whereas the treaty of Washington of January 11, 1909, provides for the organization of the International Joint Commission; and

"Whereas the river and harbor act approved March 2, 1919, provided that the International Joint Commission should investigate what further improvement of the St. Lawrence River between Montreal and Lake Ontario is necessary to make the same navigable for ocean-going vessels, together with the estimated cost thereof, with its recommendation for the cooperation by the United States with the Dominion of Canada in the improvement of said river; and

"Whereas on January 21, 1920, in what is known as the reference, the Secretary of State requested the International Joint Commission to investigate what further improvement in the St. Lawrence River between Montreal and Lake Ontario is necessary to make the same navigable for deep-draft vessels of either the Lake or ocean-going type, and what draft of water is recommended, and the estimated cost; and

"Whereas on January 21, 1920, the Secretary of State in said reference asked the Board of Engineers to take charge of the survey of the St. Lawrence River from Montreal to Lake Ontario for the purpose of preparing plans and estimates for its further improvement to make the same navigable for deep-draft vessels of either the Lake or ocean-going type, and to obtain the greatest beneficial use of these waters; and

"Whereas in July, 1921, the Board of Engineers unanimously recommended the improvement of said waterway for navigation and power purposes; and

"Whereas the International Joint Commission on January 10, 1922, recommended to the Government of the United States and the Dominion of Canada the completion of the New Welland Canal, connecting Lake Erie and Lake Ontario, and the improvement of the St. Lawrence River from Lake Ontario to the sea for navigation and power purposes: Now therefore be it

"Resolved, etc., That an international board be established, composed of six members, three on the part of the United States, one appointed by the President thereof, one by the President of the Senate, and one by the Speaker of the House of Representatives, and three on the part of Great Britain.

"Resolved further, That the international board shall have jurisdiction of the construction, operation, and control of the improvement of the Great Lakes-St. Lawrence waterway from Lake Erie to Lake Ontario, and from Lake Ontario to the sea, providing for a channel 30 feet deep, and shall determine the final plans for the construction of the improvement for navigation and power purposes.

"Resolved further, That one-half of the cost of the construction, maintenance, and operation of the navigation and power works shall be borne by the United States of America and one-half by the Dominion of Canada.

"Resolved further, That one-half of the hydroelectric power generated by the construction of this work shall be credited to the United States of America and one-half to the Dominion of Canada, and that the international board shall supervise the control, use, and sale of the power thus made available.

"Resolved further, That the expenditure of the sum of \$1,000,000 is hereby authorized to be paid from funds not otherwise appropriated, to be under the control of the American section of the international board, to be transferred to the control of the international board when completed by the legal appointment of the Canadian section of the said international board and the appropriation of an equal amount of money by the Dominion of Canada. This joint appropriation is to be used by the international board for organization purposes and to start the work until additional funds are made available.

"Resolved further, That the international board is hereby authorized to issue bonds, guaranteed by the United States of America and Great Britain, in an amount necessary to pay for the construction of the navigation and power works.

"An examination of the treaties now in force between the United States and Canada shows that the treaty provisions are ample to guarantee to the nationals of the high contracting parties that the Great Lakes-St. Lawrence waterways shall remain forever free. The treaty of 1871, adopted the year of the Chicago fire, contains the following provision:

"ART. XXVI. The navigation of the River St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary line between the two countries, from, to, and into the sea, shall forever remain free and open for the purpose of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

"The Chalmers bill also provides for the organization of an international board, as recommended by the International Joint Commission, this board to determine plans, let construction contracts, issue bonds, sell power, and provide for operation and maintenance of both navigation and power works. The bonds to cover the cost of construction will probably be issued and held by a holding corporation representing the two Governments on an equal basis, organized similar to the Food Administration or the United States Sugar Equalization Board, which was a body corporate under the laws of the State of Delaware and of which the President was the sole stockholder as trustee for the American people.

"Under the Chalmers bill the international board may be made stockholders and trustees for the two nations. The guaranteed bonds for the construction of the works may be issued in the name of this holding corporation, and when the profit from the sale of power has redeemed the bonds this international corporation, under the trusteeship of the international board, may become a source of great profit to the two contracting nations. In fact, at that time it is my prediction that the sale of this five or six million hydroelectric horsepower will be the largest single source of income to the United States and Canada.

"The International Joint Commission recommend the completion of power works in the fourth division only. This makes available 1,464,000 horsepower. At the proper time I shall recommend to Congress that the power works be completed in the second division also, at an added expense of \$151,688,000. This will make available for the market at the completion of this project 3,024,000 hydroelectric horsepower.

"I shall also recommend that in addition to the completion of a 30-foot channel at this time the locks and other structures be built for a possible depth of 40 feet at an estimated cost of four and one-half million dollars. This depth would accommodate the largest boats of the future. The *Leviathan* draws 38½ feet of water when she is loaded. Then, in the future, when this seaway is enlarged to conform to the requirements of the deepest channels anywhere, none of the proposed works will need to be torn down. My friends, everyone who is connected with the promotion of this enterprise will have his name go down on the honor roll in the record of the history of commercial progress in this country.

"The engineers have wisely provided the right of way, the building of bridges and approaches for a final canal width of 450 feet, the widest restricted waterway in the world. Should the present proposed canal be deepened to 40 feet the bottom width would be 160 feet. When the Suez Canal was built it was only 70 feet wide. The St. Lawrence will be 220 feet wide at the 25-foot depth and 200 feet wide at 30 feet, 180 feet at 35 feet, and 160 feet at 40 feet deep, and it will have all permanent works built for a width of 450 feet.

"The West must find its way to the sea or settle down into a secondary position commercially and industrially. Examine the pages of history and you will find that more wars have been fought, more blood has been shed over the question of an outlet to the sea than over any other problem. It has been the ever-present desire of humanity since the dawn of the ages to have a seacoast. If all the landlocked countries of Europe had possessed an adequate seacoast there would have been no World War.

"Let me pause here to warn the Empire State and its little coterie of jealous Atlantic ports, including the two from Canada—Montreal and Quebec—that their propaganda of poisonous gas, 'closed season,' 'icebergs,' 'fog,' and 'insurance rates' will avail them naught. We are in this fight to a finish. It is a case of 'Sil Fitch' with us. Our backs are to the wall. We are fighting for business life or death. Win, and we live, grow, prosper, become the most favored section. Lose, and we hesitate, stagnate, wither, and perish as commercial leaders and become slaves to the favored ports and their allies, the railroad-transportation magnates. Unless relief comes the West will be bled white by that deadly leech, high freight rates.

"After a careful study and a clear understanding of the plan proposed and recommended, so simple, so easy of construction, and with such small financial outlay, in my opinion it is an international crime that the project was not completed decades ago.

"To solve the problem of transportation for 28 States would lift the burdens from the railroads and other systems of transportation so that there would be no breakdown when the peak load comes. In other words, water transportation would relieve the excessive demands at times of great stress, just as relief and elasticity have come to the financial demands at crop-moving times by the act organizing the Federal reserve banks and the revision of the banking laws.

"The successful peoples of the earth have been masters of the deep. During all time the prosperous nations of the world have been those who have made the ocean their first transportation unit. Just now the United States is coming into its own. We have ships to make our merchant marine the greatest and most efficient on the seas. We have the ships, the organization, the will, but we have not the business. If we could only clear away the barriers made by the rapids of the St. Lawrence and let those ships into the Great Lakes and the Mississippi Valley territory they would pick up more business than they could handle. The Shipping Board has property valued at three and one-half billions of dollars. Five per cent of this amount would more than pay the American part of the St. Lawrence improvement. The Shipping Board is losing millions every year. Turn the Great Lakes into a Mediterranean Sea and you will change the merchant marine of the United States from a losing proposition into a profitable business. What private business management would hesitate to spend 5 per cent of its investment to turn a fatal loss into a magnificent profit? The time is here, the necessity is crowding us to the wall. The landlocked continent lying between the Rockies and the Alleghenies, the bread basket and cream jug of the world, the land of the golden opportunities, rich in raw materials, lumber, coal, minerals, agriculture, and manufacturing products, must find a water highway to the ocean or we must surrender our enviable position as a world leader.

"We must have a way! Then, what is the way? The Congress put that question to the International Joint Commission three years ago this winter. After exhaustive study and investigation they have reached a conclusion.

"All the available routes were submitted to them—the all-Canadian and all-American—and after 40 hearings, conducted in all the large cities affected, they unanimously recommended the St. Lawrence route. This commission, composed of three eminent men of this country and three of Canada, have unanimously recommended the St. Lawrence route. They not only, without a dissenting vote, picked the St. Lawrence route as the best, but submitted detailed plans for its improvement. How simple are those plans. How easy of construction. The 182 miles of river from Montreal to Lake Ontario are divided by the commission into five divisions. The first division is from Montreal to Lake St. Louis, 25 miles, 13 miles of canal and 12 miles of river, with a change of elevation of 45 feet. In the canal section they make use of two locks and a guard lock. The second division is from Lake St. Louis to Lake St. Francis, 16 miles, with an elevation of 83 feet, 13½ miles of canal and 2½ miles of river. In this section they place two locks and one guard lock. The third section is from Lake St. Francis to St. Regis Island, a distance of 28 miles, all open sailing, with a change in elevation of 3 feet. The fourth division is from St. Regis Island to Chimney Point, a distance of 48 miles, 7½ miles of canal and 40½ miles of river. The elevation is 92 feet, and they use three locks in the canal. The fifth section is from Chimney Point to Lake Ontario, with wide river sailing the whole distance of 65 miles, with a change of elevation of only 1 foot. The power works are recommended to be placed in the fourth section, on the international boundary line, and provide for the development of a million and a half horsepower of hydroelectric current.

"This is the only way for the proponents of this improvement. Our friends are definitely committed to this route. Do not let the opposition distract us by drawing attention to the barge canal, all American, Hudson Bay, or any other fair tale of dreamland, easy way of avoiding the St. Lawrence, a waterway planned by a divine engineer in the morning of creation.

"The opponents tell us that we must not use the St. Lawrence because it flows through foreign territory. The same logic would compel the New Yorker to land his Manchester cargo at Liverpool rather than sail the Manchester ship canal because it goes through foreign territory.

"Oh, no; this hot-air logic and expensive propaganda, such as that staged on the congressional barge canal junket and the recent Washington congressional movies, will no longer affect the proponents of this necessary public improvement. If I understand aright, the people of the Middle West, South, and West are now fully awake to their interests. They realize that they are passing through a great transportation crisis and that the only hope of relief is in the adequate development of the waterways. The Great Lakes-St. Lawrence is not the only relief that must come. The Father of Waters, the Mississippi and its tributaries, the Ohio and Missouri, must be improved so that they can do their part in this transportation revival.

"I want to pause here to make a prophecy. It may not come in my day, but it will surely come. I shall put this in the Con-

GRESSIONAL RECORD, so that future generations may see it. This city, the hindermost port of the Great Lakes-St. Lawrence seaway, will in time not only ship full cargoes without breaking bulk through the lakes and rivers to the east and the Atlantic, but in due time she will also ship full cargoes across your State to the west, and by way of the Mississippi, the Gulf, and the Panama Canal to the ports of the Orient and the coasts of South America. Some of you may think this is extravagant and beside the question. I feel that in due time it will come, and I want to record the thought.

"Now, with the way settled, we must examine into other matters: First, is this route feasible; can it be built? Second, will it be used when completed? Third, will it pay to go to all this trouble? I will not take much time to discuss these questions; the ground has been covered many times.

"The great engineers of this country and Canada have answered the first question in the affirmative. Col. Wooten and Mr. Bowden, after long study, definite surveys, and plans and specifications, have reported to both sections of the commission that the construction of this project is a simple engineering feat. I make the assertion that there is not a responsible engineer who will claim that there are any insurmountable difficulties in the way of the completion of a 30-foot channel from the Great Lakes to the Atlantic Ocean.

"I make this statement advisedly. I have read Gen. Goethals' recent St. Paul interview, in which he says that 'the proposed St. Lawrence-Great Lakes tidewater project is impracticable as a seaboard project.' He says 'it is visionary, because there is not enough water to carry ocean-going boats to the head of the Great Lakes. It would cost too much to deepen them, let alone improving the St. Lawrence.' George W. Goethals, consulting engineer New York-New Jersey Port and Harbor Development Commission, negatives the value of his opinion by going on to say that 'he has not read the report; he has not seen the plans; he knows nothing of the project.'

"Let me insert here the official depth of the five Great Lakes. Lake Erie has a mean depth of 85 feet, Lake Ontario 300 feet, Lake Huron 325 feet, Lake Michigan 300 feet, Lake Superior 600 feet. How much does the New York engineer think it will be necessary to deepen these lakes so that the ocean-going vessels may sail them without scraping on the bottom?

"Tell Gen. Goethals not to worry about the water. God will provide the water. You will remember that a long time ago another good and wise old man was worrying about a victim for the sacrifice. He had decided to stick the sacrificial knife into the body of his own son. God provided a ram when the time came for the sacrificial offering. The opponents of the seaway seem willing to sacrifice their kinsmen of the West on the altar of the money kings of the East so that a toll may be collected as their goods pass through the port of New York.

"The consulting engineer of the New York-New Jersey port and harbor commission says that it is 'all bosh to think that New York is opposed to the project for selfish reasons.' If the seaway is impractical, why should New York do so much worrying? We are not asking them for money, although I think they will be voluntarily coming across at about the time we are floating those international bonds. New York is not given to overlooking profitable investments.

"No, my friends, the conflicting statements that 'the St. Lawrence is impracticable' and that 'the St. Lawrence route would be detrimental to the interests of the New York Barge Canal, the commerce of New York State, and result in irreparable injury to the State of New York, its ports and business interests,' will not stand the test of any rules of logic I have ever seen. The seaway can be built. They know it, and that is what worries them. It will be used. With all its handicaps and obstructions, it is used now.

"The Detroit River to-day, connecting two land-bound inland lakes, carries more shipping than any other similar stretch of water in the world. The Suez Canal carries about 9,000,000 tons a year, the Panama about the same, and the Manchester Ship Canal about 3,000,000 tons, while—listen, my friends—the commerce passing through the Detroit River carries more tonnage than the combined traffic of all the important canals of the world—100,000,000 tons. No; our New York friends know that the way is feasible, and when built will be used. This is the logical conclusion deduced from an analytical examination of their altruistic anxiety that the builders of these works may lose their investment.

"Although the West, the Middle West, and the South have been paying their tribute to the port of New York for decades I am glad that a way will be found to finance this project without asking New York to contribute a dollar of tax toward its construction. I believe that the power, generated as a by-

product, will more than carry all the expense of construction, operation, and depreciation.

"We are just in the morning of the electric day. The greatest progress in science and invention in this age will be made in the electric field. The New England States are interested in this project, particularly from possibilities from its hydroelectric development. The St. Lawrence drains one-third of the American continent north of the Mexican border, and in its course falls 220 feet and is capable of delivering five or six million continuous horsepower.

"On January 27, 1919, the Secretary of the Interior sent to Congress a supplemental estimate of an appropriation in the sum of \$200,000 for a special investigation and report on the power supply for the Boston-Washington industrial region to be made during the fiscal year 1920.

"This resulted in an elaborate report—Professional Paper 123, issued recently by the Interior Department, W. S. Murray, chief engineer—recommending a superpower circuit including Boston, New York, and Washington and adjacent territory. A superpower zone along these same lines could be developed for the cities of Buffalo, Syracuse, Rochester, Toronto, Cleveland, Toledo, and Detroit.

"My own opinion is that a major superpower circuit can be created taking in all cities and towns within the following outer circle: Boston, New York, Baltimore, Washington, Pittsburgh, Cleveland, Toledo, Detroit, Buffalo, Toronto, and Montreal. In other words, including all territory in New England, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Michigan, and a part of the Dominion of Canada.

"It is time we were about our country's business. Too long have we idled and wasted. Let us start in earnest to recuperate the losses we have suffered as a result of inertia that followed the World War. Let us erect in this waterway a monument to American enterprise. When completed it will stand out as the greatest constructive policy of the age.

"This project is more than a mere business proposition. Its potential possibilities are limitless. It contains romance, comedy, tragedy, life, and death, not only to this generation but to countless generations yet unborn. Let us be pioneers and promoters of this the greatest and most beneficent enterprise of the age.

"As I look back over the years I ask myself why the big-visioned men of the past failed to utilize this wonderful natural resource. It means greater prosperity for the country—not for any select section but for all our people. The completion of this waterway is a program that interests us all. No matter what section of the country we come from we must work together in this one great cause. It is too big and too important a thing to permit sectional rivalries to overshadow our sense of justice and fairness. In the final analysis prosperity can come to America only when all the people are prosperous, and the Great Lakes-St. Lawrence River improvement will do much to bring about that desired end. There is no excuse for prejudice and no reason for jealousy.

"New York should not be jealous of any proposition that will add wealth and riches to the West and the South. We of the Middle West spend much of our money in New York City. If this proposition should add a half billion dollars annually to the States north, west, and south of her, New York would finally get most of the money.

"Remember I do not underestimate the power, financial strength, and finesse of our opponents. You will find that the New York interests will count heavily upon what may be called their 'patriotic appeal.' 'Do not spend money in foreign territory.' 'Why help the foreign port of Montreal at the expense of New York? We have plenty of demands for our money at home without sending it to a foreign country.' To offset that so-called patriotic appeal, I find that New York has built a canal forming a connection between the New York Barge Canal and Hudson River and the St. Lawrence River by way of Lake Champlain. It is right, proper, and patriotic for New York to build a canal into foreign territory but it is wrong, wicked, and high treason for the West to connect up the Great Lakes with the St. Lawrence.

"The time for talk is over. From now on we want votes. I call upon the men and women of this country to bring every influence to bear upon their Congressmen, to the end that the Committee on Interstate and Foreign Commerce shall report out House joint resolution 262 between now and the 15th of April. This matter must be settled during the Sixty-seventh Congress. It can be done, my fellow countrymen, if you will write a letter at once to your Congressman, asking him to facilitate the passage of this bill and thus enact it into law.

"Let us return to the proposition of lower freight rates. I make the statement that when the Great Lakes-St. Lawrence

seaway is completed with a 30-foot channel all the Great Lakes ports will be granted the same freight rates from Liverpool and other foreign ports as those in force from the same ports to New York City. Do you business men realize what that would do to your business? Do the farmers and manufacturers realize what it would do to them to have the cost of the railroad haul eliminated from Chicago, Milwaukee, Duluth, Detroit, Toledo, Cleveland, and Buffalo to New York City? It costs 22½ cents to ship a bushel of wheat from Chicago to New York by rail. Save it and give it to the farmers. It costs \$40.65 to ship an automobile weighing 3,000 pounds from Toledo or Detroit to New York. Save it and divide it among those who make the automobiles. It affects equally all the territory between the Alleghenies and the Rockies. When this seaway is completed the freight rates will be revised radically downward.

"You ask me what proof I can submit to substantiate the above surprising statement. It is 160 miles farther from Liverpool to Cleveland by the St. Lawrence River than it is from Liverpool to New York. It is 275 miles farther to Toledo, 325 miles farther to Detroit, 860 miles farther to Chicago, and 950 miles farther to Superior and Duluth. What difference does even 1,000 miles make on a seaway? All the Atlantic seaports now, although some of them are a thousand miles apart, have the same Liverpool rate. Let me quote from the report of the International Joint Commission.

"The commission is inclined to agree with the statement that where there is a productive interior, ships will proceed as far inland as physically practicable, and that the farther inland they can penetrate the greater will be the resulting economy and the more extensive the area benefited. Notable examples of rivers on which considerable traffic has been developed by ocean-going ships are the Amazon, the Yangtze-Kiang, the Rhine, the Danube, the Columbia, the Willamette, the Delaware, the lower Mississippi, and the St. Lawrence itself. It appears in evidence that the same rate of freight was paid from New York to Bombay as from New York to Calcutta, although the latter port was 2,000 miles farther and involved 90 miles of a tortuous river channel much more difficult than the St. Lawrence. It may also be noted that ocean shipping has to an increasing extent made Montreal its destination, although railways extend down both banks of the St. Lawrence from Montreal to Quebec.

"Two thousand miles farther and a tortuous channel of 90 miles make no difference in the rates. The total restricted channel of our seaway, including both the St. Lawrence and Welland Canal, is only 59 miles. The equal rates from the lake ports are not visionary but are a corollary of the present practice.

"This may not be the birth of a nation, but it will prosper our homeland; it will become the business salvation of the land we love. We are on the last lap now; let us pull hard and make the dream of Father La Salle, visioned nearly three centuries ago, come true in our day, enacted into law by the Sixty-seventh Congress in the year of our Lord 1922.

"In opening this address I paid tribute to this great city, and now in closing I want to congratulate the city of Chicago on the efficiency of her publicity agents. Her newspapers equal the best in the world. I congratulate her on the alertness and vision of her newspaper men. This organization is a beacon light of progress. In closing I am using the subject of the last paragraph of 'The Cream Jug of America,' by my friend Addison C. Thomas.

"For the Mississippi Valley and the Great Lakes territory to build its deep waterway to the sea by Lake Erie and to the gulf by New Orleans, millions will reap the benefit. From the Alleghenies to the Rocky Mountains every home, every hamlet, every farm, every factory, all the living, all the unborn must reap the measures of reward. Why? Because the Mississippi Valley and the Great Lakes territory will then be the loading station for the world."

Mr. SHREVE. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. VOLSTEAD].

The CHAIRMAN. The gentleman from Minnesota is recognized for 20 minutes. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, permit me to call the attention of the House to an article appearing in the March number of the Cosmopolitan magazine purporting to be written by one William G. Shepherd under the caption, "Why America isn't dry." It has been my policy to ignore misrepresentations in regard to my attitude and my part in securing the passage of prohibition legislation, but in this instance the falsehood is so flagrant and the sinister purpose so plain that I may be permitted to enter an emphatic denial. I should have ignored this if the article had not purported to give these false statements under quotation marks with the claim that they were made by

me personally. The statements ascribed to me are nothing but a tissue of falsehood from start to finish, and not a syllable of the purported interview was ever authorized.

I might content myself with this denial, but I know that those who are engaged in the wet propaganda, of which this article is a part, will not hesitate at any means that they believe will further their end. A denial is just what they want, as it gives them an excuse for amplifying and reiterating their charges, and to demand a retraction only serves a like purpose. It is foolish to expect that men who are willing to lend themselves to such disreputable methods have any conscientious scruples against piling one falsehood on top of another. They have no consideration for a person's good name or reputation. The game they play is for the purpose of discrediting prohibition, and they are not limited by what they consider old foggy notions about honesty. Fortunately in this case the most fertile imagination can not suggest any reason based on facts why I should misrepresent my connection with the prohibition legislation so as to make myself an object of ridicule and contempt. Still that is clearly what this fake interview says I did.

The one redeeming feature about the story is that it is such an ignorant and clumsy fabrication that anyone who knows the facts can not be misled by it. It is plainly a labored effort on the part of the writer to convey the impression that I never was interested either in the passage of the war time or the national prohibition act, familiarly known as the Volstead Act; that I did what was done only because I had to do it, being that I was chairman of the Judiciary Committee; that the act is so defective that it is quite useless, and that I am now trying to deny my connection with this legislation, trying to shift my responsibility for what I did to the Judiciary Committee, and that in effect I am apologizing and pandering to the wets. This despicable and cowardly attack is evidently a part of the campaign of vilification which is being directed against me. Immediately after the wet Fourth of July demonstration in New York City last summer proved such a fiasco the leader of that strenuous effort gave to the press a statement, then generally published, that the wets were willing to spend a million dollars to defeat me in the next election. Vilification and threats will not change my views or affect my purpose in the least. I am not shirking any responsibility nor apologizing for anything I have done to make prohibition of the liquor traffic effective, and I have never done either. I believe in the law and the policy it is designed to enforce. I have always been in favor of prohibition—county, State, and National—and despite all wet propaganda to the contrary, I believe that the prohibition law has done more good than any other law that we have passed.

Let me point out to you some of the statements that this article says I made. In speaking of the prohibition bill, I refer to the bill that became Title II of the Volstead Act, as that title embraces the essential features of the act. Title I was drawn to enforce war-time prohibition, and my share in drafting and passing that is immaterial at this time, as it is no longer in force. Title III only applies to industrial alcohol for use in the arts. In this fake interview I am represented as saying that I did not write the prohibition bill; that it was not only the duty of the Judiciary Committee to create an act to enforce the prohibition amendment but that the Judiciary Committee actually wrote the bill, and that all the members of the committee participated in writing it; and I am further quoted as saying that when we—the committee—saw that a law had to be framed for the enforcement of the new amendment, we sent out everywhere over the United States to get together all the plans we could find for prohibition laws—county laws, State laws, and drafts of national laws. Neither of these statements have in them the slightest foundation. They are brazen falsehoods.

I am making this statement here in the presence of you who know the facts. Nearly all the members of the Judiciary Committee who reported the prohibition bill are here and can contradict me if I misrepresent what took place. For several weeks I devoted such time as I could spare from my other work to the drafting of this bill, though it was no more my duty than it was the duty of any Member of this House to draft it. The committee made no arrangement to secure any laws or plans for a prohibition law. In drafting the bill I made use of whatever bills had been introduced on the subject and consulted in the Supreme Court library State statutes and court decisions. No other member of the committee or of this House was consulted or participated with me in drafting it, and so far as I am aware no Member of the House knew that I intended to introduce such a bill until it was introduced. Very soon after its introduction hearings were had in the customary way, in which those against as well as those in favor of the

bill were given an opportunity to present their views. These hearings were public, and a full stenographic report was made and printed of what every person said. Following these hearings the bill was carefully read and reread for amendments by the committee, and a number of amendments were made, but these did not greatly change the bill from the form in which it was first introduced, as will appear by comparing the bill with the present law. Several of the amendments were offered by me as a result of the hearings and the discussion of the legislation. The record of the Judiciary Committee shows just what was done at each of its meetings and is conclusive proof that the committee did not write the bill, and the record of this House will show that the original bill with my name as the author was introduced by me before the Judiciary Committee considered the matter at all.

Here is another rank falsehood. I am said to have been asked this question: "Why do they call the act the Volstead Act; you say you did not write it at all?" And this is what I am said to have answered: "Well, it is the custom in Congress to name a bill after the chairman of the committee which proposes the bill; that is how the bill got my name." The man who made that statement was too ignorant to manufacture a successful fake. This class of bills do not bear the name of the chairman of the committee that reports it simply because he is chairman. If this bill had been introduced by any other Member of this House, he need not even have been a member of the Judiciary Committee, it would have borne his name. Though I drew the so-called antibeer bill, it does not bear my name, regardless of the fact that it was reported by me while chairman of the Judiciary Committee and that I had charge of its passage in the House. The so-called antibeer bill was part of a bill drafted and introduced by me, but which was afterwards reintroduced by another Member, and because it was so reintroduced it would bear his name and not mine. The class of bills that usually bear the name of the chairman are tariff bills, and the reason for that is that such bills are usually prepared by subcommittees of the Ways and Means Committee and are not introduced in the House until they are about ready to be reported.

I might go on and point out a number of other instances in which the writer of this article shows that he was too ignorant to manufacture a successful fake story. For instance, he makes me say that the war prohibition act was passed before the end of the war, while everyone in the House knows that it was passed after the war ended; and speaking of the bill reported by the Judiciary Committee to enforce that act he made me say that report was made before the prohibition amendment had been ratified. It was not reported until after such ratification. He says I told him I was made chairman of the Judiciary Committee a year before I drafted this bill. I was made chairman the same year and had only held the position a few weeks when I introduced it. To make my position as chairman accidental he says I told him it was my turn under the rules to be chairman when I was appointed. While this is not very material, I may be pardoned for saying that there is no such rule. When I was first placed on the Judiciary Committee I was made the highest ranking Republican on it. There was no rule or custom that gave me that rank. I could not have complained if I had been refused a place on the committee altogether, and when thereafter the House became Republican those who selected the chairman were at liberty to disregard the custom of making the highest ranking Republican in the previous Congress chairman, a thing they have done in a number of instances. While these misstatements are in themselves of no consequence, they tend to show that they could not have been made by one familiar with the facts, and besides there can be no possible reason why I should have made them.

I am amused at the attempt of the writer of this article to have me say that the prohibition law is full of all sorts of "holes," as he expresses it. He does not hesitate to give it as his own opinion that it is full of "leak holes." All the adjectives in the dictionaries have been used to denounce this law as too drastic and all-embracing. Hundreds of thousands of dollars have been spent in court and counsel fees to find some of these leak holes, but up to date that money has been spent to little purpose. If the writer of this article had taken pains to compare the national law with the most recent and effective State prohibition laws, it might have eased his troubled soul. The national law simply applies to national conditions the ordinary and most effective provisions of State laws. If the national act is without any merit, it is strange that the friends of prohibition are copying the law and applying it to their States. While no human law is perfect, the national prohibition act is altogether too perfect to suit the wets. If it

is true that the act has a lot of leak holes, why did not this expert on the subject point out some of them? To simply make the assertion gets a person nowhere. When he cites the importation of Scotch whisky in New York as an instance, he only makes an exhibit of his own ignorance. The first part of his story is disproved by the last part of it, as he admits that the Treasury Department stopped such importation. That could not have happened without authority in the law to do so. The law on that subject is perfectly plain.

The suggestion that the law is defective because the regulations are not written into the law, coming from one who is apparently unable to distinguish between law and law enforcement, will make no great hit. Evidently he does not know what a regulation is for. Regulations simply govern the officers in the administration of the law and are necessary in the administration of this law the same as they are in the administration of other laws.

I am not surprised that he condemns the reorganization of the prohibition unit. So far as I am aware, and I think I know the sentiment of those who have given any thought to the subject, everyone who favored enforcement condemned the old system, which he praises.

The other complaint against the law is that the enforcement officers are political appointees. To prove this a grievous wrong he makes an attack on these officers that is so coarse and brutal that it destroys itself. This demand for their appointment under civil service, a demand that is supported by some of the most enthusiastic wets, naturally appeals to those who do not know to what extent politics play a part in civil-service appointments. I am not willing to place those who are charged with enforcement in a position where they can blame any failure to lack of power to select and discharge their employees. Theoretically such employees may be discharged for inefficiency, but the practical effect of a civil-service appointment is to give a life tenure, so much so that Congress was compelled to pass a civil-service pension to get superannuated employees out of office. I believe that the administration should make the appointments and be held responsible for results. Appointments under civil service could be made to absolutely destroy enforcement. While it is true that some of the enforcement officers have failed to do their duty, the great majority of them have been and are faithful and are doing very good work.

The attempt to discredit the prohibition act as a "patched-up" law that only received perfunctory attention in its preparation is so thoroughly disproved by the records of this House and of the Judiciary Committees of the House and Senate that it took more than the ordinary nerve to make the claim. If any law ever received careful consideration, this one did. Not only is the law itself based upon the experience of the prohibition States but nearly every sentence in it was fought over by friend and foe.

Having sponsored this law and the prohibition cause in the House, much bitterness and abuse has been directed against me personally, and as a consequence my name has in a measure become synonymous with the prohibition policy. For this reason, if for no other, I feel that I owe it to the friends of that cause to denounce this fabrication, which is clearly aimed at the prohibition policy rather than against me personally. But there is also another reason, one that is more personal. No one here can doubt my attitude on the prohibition question. You are all aware of the work I have done in trying to place upon the statute books an effective enforcement law. If you could be persuaded that I had made such statements as the article ascribes to me; if I am disowning the work I have done and I am apologizing and pandering to the wets, I would deserve nothing but your pity and contempt. I value your good opinion too highly to permit that.

As I do not control newspapers and have no effective means of reaching the public save through the CONGRESSIONAL RECORD, I trust that the House will pardon me for making this statement. [Applause.]

The CHAIRMAN. The gentleman from Minnesota yields back three minutes.

Mr. GRIFFIN. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Texas is recognized for 30 minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, on yesterday we celebrated the birthday of the greatest American. To-day we have listened to a discussion of the geography of Andrew Jackson's birthplace, and we listened just a few moments ago to an address by the gentleman from Minnesota [Mr. VOLSTEAD], who, evidently aroused by the remarks concerning the doubt as to the place of Andrew Jackson's

birth, has hastened to inform future generations all about the paternity of the legislative child that bears his name. He acknowledges himself to be its proud father. I am glad to hear the gentleman from Minnesota make an open, free confession on that point.

He who steals my purse steals trash,
But he who steals my legislative glory
Steals that which does not enrich him,
But makes me poor indeed.

Mr. Chairman and gentlemen, last August I was bold enough in this House to present some remarks with reference to the relations of the United States Government to that of the Republic of Mexico, and if the House will indulge me for a little while I want very briefly to point out what I believe the relationship between the two Governments should be at the present time.

It is well known to all gentlemen in the House, and in the country as well, that in 1910 the régime of Porfirio Diaz, the President of the southern Republic, was disturbed by a revolution, under the leadership of Madero. You will remember that Diaz for a long period of years held practically undisputed sway throughout Mexico.

His policies, however, had during the course of his rule engendered a great deal of opposition among the people of Mexico, who believed that Diaz was too generous with foreigners in the grant of concessions and in the treatment of foreign capital and was not considerate enough of the rights of the people of Mexico. We all know how turbulent has been the history of Mexico since 1910. We know how unsatisfactory have been the relations between the United States and Mexico, both under Madero and under all the provisional governments which followed the various revolutions, and especially under the administration of Mr. Carranza, which was brought to an end in 1920 by the last revolution, which finally resulted in the election of the present President of the United States of Mexico.

Gentlemen, permit me to say that in what I desire to suggest to-day I am not concerned with individuals; I am not concerned as to who may be President of Mexico or as to who may be Secretary of State or President of the United States, so far as those relations are concerned; but I come from a State that is more or less familiar with Mexican conditions. I have for a long number of years watched the development of the Mexican situation. Membership on the Committee on Foreign Affairs has kindled that interest, because I believe that wrapped up in the relations between the United States and Mexico and with other South and Central American Republics are questions that may affect American relations not only with them but with other nations of the world. We remember that during the World War it was repeatedly charged that there was within Mexico a certain element affiliated with German influences and German interests, and for years we heard the charge made that Japan had a sinister purpose in conducting negotiations with Mexico looking to the acquisition of a naval harbor and naval base on the Pacific coast. The whole question of the Monroe doctrine not only involves us and our relations with South and Central American countries, but its maintenance involves potential controversies with other nations who have interests in Mexico and property rights there; and so I say, gentlemen, that these considerations particularly suggest to the United States the importance of conducting our affairs with Mexico in a broad and considerate fashion.

The present administration of Mexico has not been recognized officially by the Government of the United States, notwithstanding it has been functioning for something like a year and a half. The Carranza régime was overturned in May, 1920. An election was held, and on the 1st of December the present administration of Mexico assumed office, and since that time, in greater measure than ever before during the 10 years of revolution since Diaz, order and stability have been preserved within the Republic to the south of us.

Why is it that the United States Government has not recognized the at least de facto government of Mexico? I beg to refer to the last public statement from the Department of State. On the 7th day of June, 1921, the department issued a statement which in part reads as follows:

The fundamental question which confronts the Government of the United States in considering its relations with Mexico is the safeguarding of property rights against confiscation. Mexico is free to adopt any policy which she pleases with respect to her public lands, but she is not free to destroy without compensation valid titles which have been obtained by American citizens under Mexican law.

Then omitting, I come to this statement:

If these provisions—

After referring to the Mexican constitution of 1917—

If these provisions are to be put into effect retroactively, the properties of American citizens will be confiscated on a great scale.

Then omitting—

Accordingly this Government has proposed a treaty of amity and commerce with Mexico in which Mexico will agree to safeguard the rights of property which attached before the constitution of 1917 was promulgated.

After the issuance of that statement, in which it was laid down that the condition upon which the United States would grant recognition was the execution by the Government of Mexico of a treaty specifically, or at least by implication, promising a construction of a certain clause in the constitution of Mexico, the Mexican Government indicated its refusal to execute such an obligation as the price of recognition. To anyone who is familiar at all with the Mexican character it is perfectly apparent that that action was prompted by the knowledge that if the Mexican authorities should, at the demand of a foreign power, agree to modify or amend their constitution for the control of their domestic affairs, it would arouse such opposition among the people of Mexico as to endanger the existence of that Government, or, if not to endanger it, to seriously impair its strength. Of course, the Republic of Mexico refused, at the demand of a foreign power, to make any promise regarding its fundamental law. Any administration in Mexico which, at the demand of a foreign Government should by treaty agree to abrogate or modify its constitution, would be overthrown by an enraged people.

But I want to call the attention of the Members of this House and of the country to the fact that nowhere in this statement issued by the Department of State is any claim advanced that life is not protected in Mexico. If American life is not protected in Mexico, the State Department makes no mention whatever of it in this statement. It bases the whole question of recognition on "the fundamental question which confronts the Government of the United States in considering its relations with Mexico," and that is the safeguarding of property rights. Gentlemen, what does that mean? It means that article 27 of the Mexican constitution of 1917 is the point at issue. What is that constitution? I can not undertake to read all of article 27, but let me read what the Government of Mexico has to say with reference to it.

On June 26, 1921, President Obregon sent a telegram to the New York World with reference to this matter. What did he say as to what the policy of the Republic of Mexico and its Government will be? Listen to his own words:

Foreign capital will be invited and given every justice. Every private right acquired prior to May 1, 1917, when the new constitution was adopted, will be accepted and fully protected. The famous article 27, one section of which declares the national ownership of subsoil rights in petroleum, will never be given retroactive effect, nor has it ever been given retroactive effect.

Gentlemen of the House, the refusal of the American Government to recognize the Government of Mexico is based solely on the hypothesis that article 27 will be construed retroactively and, if so, that confiscation will result, and, therefore, that the American Government will not recognize the Republic of Mexico until a treaty is executed saying that no such construction shall be placed on that article. But in the face of this position we have the solemn statement of the President of Mexico that it never has operated retroactively, nor will the Government of Mexico ever undertake to put it into effect retroactively. In addition the President of Mexico has made that statement not once, but repeatedly. In the correspondence between the Republic of Mexico and the United States in 1920, on November 26, the Mexican Government in a note to Secretary of State Colby said:

Not one square yard of land has been confiscated in Mexico. Not a single legitimate right of property has been annulled, nor do we intend to deviate from this fundamental policy.

President de la Huerta and President-elect Obregon have also made repeated public declarations to the effect that article 27 of the Mexican Federal constitution is not and must not be interpreted as retroactive or violative of valid property rights.

Mr. LONDON. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield to the gentleman from New York.

Mr. LONDON. What is the gentleman's theory as to the right of a people to correct mistakes made by past legislatures? Have not the Mexican people a right, when they realize that too large concessions have been granted to private capital, whether their own or foreign capital, to withdraw those concessions? Has not every people that sovereign right?

Mr. CONNALLY of Texas. I can not agree with the gentleman as to that. I can not go that far. My theory is that any property right or concession granted by a de facto government or a government that is exercising the functions of government, that is maintaining itself, would naturally vest rights in the grantee in the absence of fraud, which, of course, vitiates every-

thing. Abstractly a Government might possibly possess such a power, but its exercise could rarely be justified.

Mr. LONDON. The gentleman realizes that in the Constitution of the United States our National Government is not prohibited from passing legislation impairing the obligation of contracts.

Mr. CONNALLY of Texas. I will say to the gentleman that whatever conclusion at which we might arrive after discussing that matter, the question does not arise here, because everybody admits that the Republic of Mexico, like the Republic of the United States, so far as future transactions are concerned, has the right to put into its Constitution the provision contained in the Mexican constitution. The State Department acknowledges that. So that the only question raised here is what has already transpired, and in the state of this record with the statement of Mexico that its constitution does not operate retroactively there can be no plausible ground on which this Government may longer refuse to recognize the Republic of Mexico.

Mr. MOORE of Virginia. May I interrupt the gentleman a minute?

Mr. CONNALLY of Texas. Certainly.

Mr. MOORE of Virginia. I would like to ask the gentleman a question, which seems to be more pertinent than the one propounded by the gentleman from New York. The gentleman has stated that the President of Mexico has given certain assurances to this Government, but nevertheless this Government refuses to recognize Mexico. Now, what is it that this Government demands of the Mexican Government as a condition for recognition?

Mr. CONNALLY of Texas. I will answer the gentleman by saying that the State Department in its last official statement demanded as the price for recognition that the Mexican Government execute a treaty in which it shall be particularly specified in effect that Mexico shall place a certain construction on its constitution of 1917.

Mr. LINEBERGER. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. LINEBERGER. Does the gentleman find any objection to the State Department requesting or demanding anything; is there anything fundamentally wrong about it?

Mr. CONNALLY of Texas. Certainly there is something fundamentally wrong about it. There is nothing fundamentally wrong about it so far as it affects the power of the United States—the United States can refuse to recognize Mexico, but there is something fundamentally wrong in such an attitude, if the gentleman wants to cultivate cordial relations with other nations, if he desires to cultivate such relations with Mexico as will contribute to that Government's interest and desire to protect American lives; and there is something wrong in such an attitude if we would treat the people of Mexico on the same terms as we treat other nations. If so, we should not require her to execute a treaty that may be humiliating to her national pride and sovereignty. I will say to the gentleman that, in my view, the proper course would be to recognize her as an existing government because she is an existing government, and then if the Government of Mexico does not perform its duty to American citizens and American property, if the President of the Republic of Mexico does not keep the pledge made in his solemn statement, then let the Government of the United States hold that Government responsible; but do not undertake to humiliate it by saying "the price of recognition is to come out here before the whole world and sign on the dotted line."

Mr. BLACK. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. BLACK. Would not the situation be like this: If the gentleman's own State of California, for instance, should pass a law dealing with some phase of the Japanese question in relation to citizens within its border and Japan should undertake to ask the United States to enter into a treaty, as to how the Supreme Court of the United States would interpret that particular constitutional provision of California?

Mr. CONNALLY of Texas. I thank my colleague for the suggestion.

Mr. LINEBERGER. That is an entirely different proposition. Here we are dealing between two sovereign nations. This is a national law; the constitution is a national document.

Mr. CONNALLY of Texas. I will say to the gentleman from California that we ought to assume that another Government will live up to its obligations. We ought not to assume, as the State Department has, that this particular constitution of Mexico will be treated retroactively. There is nothing in it to indicate that it is to operate retroactively. Our State Department admits that Mexico is within her rights so far as future rights are concerned.

Mr. LINEBERGER. Our State Department tries to obviate any question of a different interpretation from the one given by the President of Mexico. They want to get the language on record in the form of a treaty, and I see nothing humiliating to the sovereign power of Mexico in embodying such an agreement in a treaty.

Mr. CONNALLY of Texas. Suppose Mexico does not execute the treaty; what would you do? Continue the present uncertain condition, withdraw our consuls, and have no diplomatic connection with Mexico, and invite riots and uprisings and revolution?

Mr. LINEBERGER. We would continue to do as we have done in the past. Let things continue until Mexico is ready to negotiate a treaty and solve the question as it should be solved.

Mr. SUMNERS of Texas. Will the gentleman allow me to make this suggestion?

Mr. CONNALLY of Texas. Certainly.

Mr. SUMNERS of Texas. That the great problem with Mexico at this time in connection with its people and the Government of the United States is that the United States is imposing a condition which anybody who knows the Mexican characteristics, or the characteristics of any people on this earth, knows would destroy the hold of the Government on the Mexican people.

Mr. CONNALLY of Texas. I thank the gentleman. I have already made the suggestion that the moment the Government of Mexico pledged a foreign power to alter, amend, or agree to a particular construction of the constitution, the demagogues and revolutionaries all over Mexico would rise up and declare that the President had sold out to the foreigners, that he had surrendered Mexican pride and sovereignty, and that he would be driven from power.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. MANN. The gentleman, I understood, stated a moment ago that he thought we ought to recognize the Republic of Mexico, and then if the Republic of Mexico did not do what we thought it ought to do, we should hold it responsible. How could we hold it responsible?

Mr. CONNALLY of Texas. We could hold her responsible much more surely than we do now.

Mr. MANN. What possible method is there by which one country can hold another country responsible unless you go to war?

Mr. NORTON. By treaty.

Mr. MANN. Oh, you can not hold anybody responsible by treaty.

Mr. CONNALLY of Texas. Suppose you execute a treaty and then Mexico breaks it, what are you going to do?

Mr. MANN. Then we might go to war; I do not know.

Mr. CONNALLY of Texas. Yes.

Mr. MANN. But the gentleman proposes instead of having an arrangement in advance that we should recognize Mexico and then hold her responsible. I ask for information by what method the United States can hold the Government of Mexico responsible except by the method it is now pursuing, of refusing to recognize the Government?

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield for me to make a suggestion?

Mr. CONNALLY of Texas. Yes.

Mr. SUMNERS of Texas. I would like to make this suggestion: The price that this country is asking of Mexico would destroy the Mexican Government which we do recognize.

Mr. MANN. Of course, nobody really believes that, I suppose.

Mr. SUMNERS of Texas. But I know it.

Mr. MANN. I do not believe that.

Mr. CONNALLY of Texas. Mr. Chairman, I shall have to proceed, without interruption, as I have only five minutes left. The gentleman from Illinois [Mr. MANN] asks me the question, "What are we going to do if we do recognize Mexico and she does not recognize American rights?" My answer to the gentleman is, What are you going to do if you do not recognize Mexico and she does not recognize American rights? I will tell you what you are going to do. The whole question involved here is whether the United States wants to help Mexico really create and maintain a stable government. I want American rights protected in Mexico, I want American life protected in Mexico, and I know that the only way those things can be protected is by some government in Mexico which is able and willing to protect them. I want to help the present government of Mexico to maintain itself, to suppress rebellion, to punish outrage, to put down uprising, but if you fail to recognize a government in Mexico no government can last for a great while.

What do you want? Do you want to return to the days of Villa? Do you want American rights and American lives imperiled by the ravages of Villa? Do you want to invite another Zapata, with his marauding bands, to harry the lands of Mexico and destroy the lives of Americans and American property? Do you want another Palaez to draw a line with a sword about some little territory and within it levy tribute on American oil and financial interests? Do you want 50 little warring bands in Mexico, or do you want one stable government with which the United States can deal and with which the United States can carry on negotiations, to which the United States may look for protection of its nationals, or do you want a host of irresponsible chieftains?

I do know this, that from 1910 until 1920 the papers of the country were filled with accounts of American lives that were lost, of American women who were violated, of American property that was destroyed; but since 1920, since the Government of Mexico has begun to function, the State Department has not made any claim that American lives are not respected and protected. I do know that the only complaint that is now made is that it is feared that article 27 will be so construed that the titles of some American oil interests in Mexico may be imperiled. I do know that the newspapers a day or two ago carried an account that recognition is dependent on adjustment of the foreign debt and the oil tax. An Associated Press dispatch from Mexico City stated that it was expected soon to clear Mexico's finances and have an adjustment of the foreign debt and the Mexican oil tax. Only two questions now remain between the United States and Mexico, and they are, first, the foreign debt, which the American Government wants paid and which of course ought to be paid, and which Mexico says it is going to pay; the other controversy is the oil tax. Those are the two questions. Obregon, the President of Mexico, wants to pay the foreign debt, but he wants to use the oil taxes with which to pay it. The men who hold the Mexican bonds want those bonds paid, but they do not want them paid with oil taxes. It is all right for the United States to levy a tariff duty on Mexican oil, it is all right for the United States to tax the natural resources of Mexico when they reach our borders, but interests in the United States, influential interests, want the United States Government to interpose and prevent the Mexican Government from levying a tax upon oil.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GRIFFIN. Mr. Chairman, I yield the gentleman two minutes more.

Mr. CONNALLY of Texas. Influential interests in this country want the United States to refuse to recognize Mexico until she promises that she will not levy a tax on the oil that is taken from her own soil, the natural resources of the Republic. I do not want oil confiscated. I want all American rights protected, wherever they may be, but I do not want to imperil the rights of all Americans in Mexico; I do not want to imperil the property of every American in Mexico simply to appease the desires of a few oil interests in Mexico, who ought to contribute a reasonable amount of taxes toward the support of that Government.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. I can not yield now. The time has come for the United States to become concerned in respect to the relations between the United States and Mexico. To-day the gentleman from Pennsylvania [Mr. SHREVE] called attention to the fact that in the pending bill a large appropriation is being carried to foster trade with South and Central American countries. You can do more to forward American trade and intercourse in Mexico by pursuing toward her a large and exalted international policy than you can by trying to bulldoze her under threats that if she does not comply with American demands recognition will not be granted. All South and Central American countries are looking with interest upon our treatment of Mexico. If we want to foster there a spirit of cooperation with the United States, if we want to dissipate any feeling that the United States is always standing above those little countries with a dollar mark written all over her, we ought to be generous enough to give them a chance to work out their own destiny.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. GRIFFIN. I yield the gentleman two additional minutes.

Mr. CONNALLY of Texas. The only manner in which these countries can work out their own problems is for the United States to give them a chance to pursue for themselves their

own destiny. I do not want to go into Mexico as we went into San Domingo. I do not want to go into Mexico, as we are now in Haiti and San Domingo, sword in hand. I do not want to have to go into Mexico like we went into Cuba a few years ago with an army. But the only way we are going to be kept out of Mexico with an army is for the United States to give Mexico a chance to work out her own salvation, and when a de facto government arises in Mexico, one able to protect life and property, one prepared to function as a government, a government that says that American property shall be safe, a government that says that her constitution shall not be construed retroactively, our Government ought to grant it a chance to work out its own destiny and its own future. We must not forget that we celebrated Washington's birthday on yesterday. We must not forget that the influence of that great American, the spirit that led him in achieving our own liberties, found a fruitful resting place in South and Central America. That it was the example of Washington that inspired the great Bolivar to lead his people into their independence and sovereignty. The time has come when the United States should no longer deny recognition. The time has come to act. The United States should not by inaction permit Mexico to drift, drift into turmoil and revolution that will threaten American lives and the property of our people. Yea, even the peace of the continent. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHREVE. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman, in common with all the other members of the committee, I am greatly interested in the measure now before us making appropriations for the Departments of Commerce and Labor. The splendid form in which all the previous appropriation bills have been presented for our consideration promises prompt and, I trust, favorable action upon this particular one. It is not my purpose, however, to take the time of the committee to discuss any of the features of this bill but rather to present some facts which I have gathered bearing on a closely related subject, namely, where and how the revenue may be obtained to meet the appropriations provided in this and the other great supply bills now being presented to the House.

Mr. Chairman, much discussion is now taking place on the subject of the sales tax, in various forms, as a means of providing the increase of revenue required to pay the soldiers' adjusted compensation. A great deal of propaganda has been circulated by those who believe that such a tax is the easiest and simplest kind of a tax to levy and collect, and that it is also the fairest tax to impose. On the other hand, the great body of consumers and producers of the country are bitterly opposed to a sales tax, because they feel that it is based upon consumption rather than upon ability to pay, which they regard as the correct basis upon which to levy taxes. The attitude of this great body of our people is aptly phrased in the saying, "From each according to his ability, to each according to his need." They feel that the proponents of the sales tax are reversing the sentiment thus aptly expressed so that it reads, "From each according to his need, to each according to his ability." I am opposed to any form of sales tax as a means of raising revenue. Making exemptions in favor of certain classes of our people or in favor of certain commodities widely used, in order to establish the principle of the sales tax, is particularly objectionable. I can account for the active support given the sales tax in no other way than the desire for some form of taxation that will afford an opportunity to be relieved of the burdens imposed by the present income and surtax law, which evidently is working altogether too well to suit certain classes of our taxpayers.

It has become an axiom in the discussion of tax revision on the floor of the House that "taxes should be lifted, not shifted." This position has been taken by leaders in the discussion on both sides of the Chamber. It is fair to all classes of our people to provide a proportionate share of relief from the tax burden when any reductions are made. I have prepared a brief study which establishes clearly to my mind the fact that the adoption of a sales tax will perceptibly shift the burden of taxation from those who now bear it. In order to make this study clear to the committee I have made use of the plan adopted by the Bureau of the Census in establishing the center of population of the United States. To insure accuracy, the various centers referred to in the discussion were located by the Bureau of Standards, with the exception of the center of population, which was taken from the Bureau of the Census. On this outline map of the United States has been located, first, the geographic center of the United States in north central Kansas, near the Nebraska line.

Mr. O'CONNOR. At what point?

Mr. KETCHAM. North central Kansas. To be exact, in Smith County, near the Nebraska line.

Second, the center of population, census of 1920, in southwest Indiana.

Third, center of manufacturing industries, total value of output, 1919, in northwest central Ohio.

Fourth, center of live stock, farm crops, and forest products, census of 1920, in east central Missouri.

Fifth, center of personal and corporation taxes, 1918 statistics of income, in northeast Ohio.

Sixth, center of surtaxes, 1918 statistics of income, on the State line between Ohio and Pennsylvania near the corners of Ashtabula, Trumbull, Mercer, and Crawford Counties.

Mr. Chairman, I desire to have the committee fix its attention, first, upon center No. 5, that of personal and corporation income taxes. This may be fairly regarded as the center of taxpaying ability as determined by the operation of our revenue law. It is not seriously disputed by the advocates of the sales tax that the center of such tax, established in the same manner as the centers indicated in this study, would follow the center of population and the center of production. Both of these being west of the center of taxation referred to above, would inevitably shift the burden of taxation from the East toward the West. In this connection it will be of some interest to the committee, I am sure, to be advised that 67½ per cent of the surtax payers whose incomes are above \$70,000 reside east of the Allegheny Mountains. In order that the committee may see the location of these upper surtax payers by States I present herewith the following table showing such taxpayers for the years 1918 and 1919:

Number of taxpayers, by States, who pay surtaxes on incomes of \$70,000 and above for the years 1918 and 1919.

	1918	1919
Alabama.....	14	29
Alaska.....	1	0
Arizona.....	9	8
Arkansas.....	11	18
California.....	263	250
Colorado.....	36	54
Connecticut.....	165	167
Delaware.....	46	60
District of Columbia.....	69	74
Florida.....	7	24
Georgia.....	42	59
Hawaii.....	24	33
Idaho.....	2	3
Illinois.....	595	784
Indiana.....	60	87
Iowa.....	39	39
Kansas.....	22	31
Kentucky.....	55	89
Louisiana.....	74	116
Maine.....	29	23
Maryland.....	124	190
Massachusetts.....	765	895
Michigan.....	169	249
Minnesota.....	108	143
Mississippi.....	13	35
Missouri.....	154	173
Montana.....	6	5
Nebraska.....	21	28
Nevada.....	0	1
New Hampshire.....	25	21
New Jersey.....	347	495
New Mexico.....	4	1
New York.....	2,744	3,813
North Carolina.....	54	74
North Dakota.....	0	0
Ohio.....	437	451
Oklahoma.....	35	68
Oregon.....	36	48
Pennsylvania.....	1,127	1,132
Rhode Island.....	129	129
South Carolina.....	10	24
South Dakota.....	2	2
Tennessee.....	33	70
Texas.....	122	221
Utah.....	5	3
Vermont.....	17	20
Virginia.....	29	44
Washington.....	37	69
West Virginia.....	42	46
Wisconsin.....	83	82
Wyoming.....	5	5
Aliens, nonresident.....	117
Total.....	8,341	10,437

It will be recalled that it was in the interest of the particular group of taxpayers indicated in the table above that the attempt was made during the passage of the present revenue law to "shift" the burden of taxation by reducing the maximum rate of surtaxes from 65 per cent to 32 per cent on incomes above \$68,000. This group numbered 10,437 in 1919, as against 647,312 surtax payers whose incomes range from \$5,000 to \$68,000, who

were given no reduction in the measure as drawn. Fortunately, the bill was so amended as to raise the maximum surtax rate to 50 per cent from the 32 per cent proposed and at the same time give a reduction to the great body of surtax payers having incomes from \$5,000 to \$68,000 per year. The surtax load was thereby measurably lifted for all instead of being shifted from one group to another.

Mr. Chairman, it seems clear to me that the enactment of a sales tax, as proposed, would establish a principle of taxation wholly at variance with the generally accepted standard of ability to pay. Organized groups of consumers and producers are a unit in opposition to it, and one can not escape the conclusion that it is one of the shifting schemes so strongly urged by interested groups. The centers of population, of farm, and of factory production all lie to the west of the center of wealth, as already shown. The imposition of a sales tax would unquestionably shift the center of taxation in the same direction.

Mr. SMITH of Michigan. I understood my colleague to give the center of manufacture and the center of production. What difference is there between the center of manufacture and the center of production? What is the difference between these two centers?

Mr. KETCHAM. The center of manufacturing is in north-west central Ohio while the center of agricultural production is in eastern Missouri.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHREVE. I yield one-half minute more to the gentleman.

Mr. BURTNESS. I wondered if the gentleman could point out on the map where the center of consumption is located?

Mr. KETCHAM. I hope to have some data—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHREVE. I yield one minute more to the gentleman.

Mr. KETCHAM. I would say in response to the question of the gentleman from North Dakota [Mr. BURTNESS] that I hope to have in the near future some figures in four or five typical commodities of consumption and shall be glad to work them out as suggested.

Mr. LINEBERGER. I would like to have the gentleman make a distinction between luxuries and necessities.

Mr. GARNER. The gentleman should put in his speech his definition of luxuries and his definition of necessities. It would be interesting to all of us.

Mr. KETCHAM. In conclusion may I say that the idea of presenting this brief study has not been that of advancing any pet notion of my own, but has been undertaken with the hope of reaching a decision on the question of taxation that could be backed up by figures which are official and final. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I want to follow up the argument of the gentleman from Texas [Mr. CONNALLY] on the subject of recognition of Mexico, although when I originally asked for time I intended to speak on another subject. Our Constitution provides that no State shall pass any law impairing the obligation of contracts.

This is a prohibition upon the State legislatures, but not upon the National Government. The National Government is free to impair the obligation of contracts should the welfare of the Nation demand it. In any event, the supreme right of the people has not been surrendered.

I recall that Jefferson advocated that no constitution should last for more than 20 years. His reasoning was that no generation should undertake to bind any future generation, and that while the age of an average generation was one-third of a century the political age of a generation, according to Jefferson, was not more than 20 years; he believed that the Constitution should expire automatically so as to guard against the innate conservatism and inertia of the mass.

For the same reason he insisted that the life of treaties should be very brief.

The difficulty with the argument of the gentleman from Texas [Mr. CONNALLY] is that he is afraid to follow his own reasoning to its logical conclusion. He is right in protesting against the Government of the United States failing to treat the Republic of Mexico as a friend. He is right in his condemnation of the present attitude of the State Department which subjects this country to the charge that it intends to dominate over the entire American Continent instead of being the friend and the guide and the leader of the South American Republics.

The real objection to the position of our State Department toward the Government of Mexico is the demand that the Republic of Mexico should surrender its right to change its own constitution. The Mexican constitution stipulates that no

retroactive legislation shall be passed affecting the rights of foreign property. Our State Department demands that by treaty or by an agreement with us as an outside power the Mexican people should covenant not to change their constitution in that regard, and that the Mexican people to that extent should surrender their sovereignty.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. CONNALLY of Texas. Suppose a foreign nation should require the United States to change its Constitution as the price of recognition. What would be the answer of the gentleman on that subject?

Mr. LONDON. I know. But the fault of the argument of the gentleman from Texas is that he lays too much stress upon the pride of a people. It is not merely pride; it is their very existence that is involved. Take for illustration this matter of national prohibition. I voted against it because I believed that the national prohibition amendment had no place in the Constitution. Constitutions are written to secure the rights of individuals against society, and a constitution should not contain anything curtailing the rights of the individual. The prohibition amendment destroyed the value of a billion and a half of American property. Suppose that property were British property or French property. Would you permit the French Government or the British Government to interfere with our right to pass a prohibition act because it might involve the interests of French or British property holders?

The misfortune of Mexico is that, being a small people of 15,000,000 souls, she possesses valuable oil fields and other almost inexhaustible natural resources. That is her historical crime. She can not be permitted to live her own life, free from outside interference. Nearly 85 per cent of Mexican property is owned by foreign capital; the large interests of finance and industry are owned by strangers. Only 15 per cent of Mexico's property is held by Mexicans, most of them little shopkeepers. The natural resources of the country are owned and managed by aggregations of foreign capitalists, American capitalists predominating. The Mexicans have been struggling for years to restore to the people their national domain, their own soil, their natural resources. Foreign capital is in the way. If the world is to be improved, if international relations are to be placed on a higher plane than has existed heretofore, there must be certain moral and basic principles recognized in the relations between nations, and one of them is that we should not demand of an outside Government more than we demand from our own; that we should not demand for our citizens greater property rights in a foreign land than the citizens of that land enjoy.

The Mexican people have the right to change their property laws whenever in the interest of Mexico it becomes necessary to change such laws. It is criminal to demand of the Mexican people that they surrender their right to correct mistakes of the past, that they should surrender the right to change property laws when they are shown to be disastrous to the great masses of the people of Mexico. We have no right to demand that the concessions granted by a usurper and a tyrant, as Diaz was conceded to be—that his concessions should become permanent concessions of the land of Mexico to strangers. We must not deny the opportunity and the right to exist to the present Mexican people and to the generations to come. Let us stop being international hypocrites. Let us stop talking about international peace and about international love when in our relations toward smaller nations we act the part of the bully. The Mexican Government should be recognized. The rights of the Mexican people to grow, to change, to develop, to live their own life should not be challenged by our State Department. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2072) to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and

had appointed Mr. PAGE, Mr. POINDEXTER, Mr. HALE, Mr. SWANSON, and Mr. PITTMAN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NEW, Mr. SPENCER, and Mr. MYERS as the conferees on the part of the Senate.

APPROPRIATIONS FOR THE DEPARTMENTS OF COMMERCE AND LABOR.

The committee resumed its session.

Mr. SHREVE. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. ANDREWS].

The CHAIRMAN. The gentleman from Nebraska is recognized for 15 minutes.

Mr. ANDREWS of Nebraska. Mr. Chairman, before we listen to the bombardment from North Carolina against South Carolina as to the birthplace of Andrew Jackson, let us direct attention to a practical question that is pressing for solution. The mention of Gen. Jackson recalls to my mind some interesting history connected with the Treasury Department.

You know that, if you follow the minus sign and the plus sign in the balances of the financial statements of the Treasury Department, you can tell quite readily whether the Republicans were in power or whether the Democrats were in power, the plus sign representing a surplus in the Treasury and the minus sign representing a deficit. The Democrats carry the minus sign and the Republicans the plus sign.

As I turned in thought to the financial history of the past I recalled only one instance in which the Democracy was entitled to the plus sign, and that was in 1836, when Gen. Jackson was helping to manage things and when they are said to have really had a surplus of \$42,000,000 in the National Treasury. They did not know what to do with it. They were disturbed about it. So on the 23d day of June, 1836, they enacted a law authorizing the deposit of that money with the States of the Union whose legislative bodies would accept the tender of the amount that would go to the State according to its population.

A number of those States—26—enacted such legislation and accepted the deposits. The deposits were to be made in four installments. After three had been made they thought they would better cancel the authorization and retain the fourth in the Treasury. So to the States that I will name in a moment there was passed money from the National Treasury, from the only Democratic surplus that I now recall in the entire history of the Nation.

We are now earnestly asking the question, Where can we secure the money to pay the soldiers' bonus?

Mr. SUMMERS of Washington. Is the gentleman able to give the source of that Democratic surplus? What was the revenue from which it was produced?

Mr. ANDREWS of Nebraska. No; I did not ascertain where they got it. They had it. That is the strangest part of it—they had it.

Mr. SUMMERS of Washington. I understood it was from the sale of public lands.

Mr. ANDREWS of Nebraska. Let that be as it may. We will not stop to discuss that. There are too many deviations to follow with reference to such conjectures. They had the money, and that is the strange feature of the whole story. That money went to these States, and the States returned certificates of deposit. A few years ago I found that the Treasurer of the United States was carrying these deposits as cash in his vaults; and for 75 years the financial statements of the Treasurer of the United States were about \$30,000,000 to the bad. They did not tell the truth by that much.

Then Congress authorized the transfer of those amounts to the ledgers of the Treasury Department, and those States now stand charged with their respective loans. We now need money to pay the bonus. Let us call back these loans from the States, and they will furnish a portion of the funds to pay the bonus. Here is a joint resolution which I intend to introduce to-day:

Whereas the following States are indebted to the Federal Government under the act of June 23, 1836, for the respective amounts set opposite their names:

Maine	\$955,838.25
New Hampshire	669,086.79
Massachusetts	1,338,173.58
Vermont	669,086.79
Connecticut	764,670.60
Rhode Island	382,335.30

New York	\$4,014,520.71
New Jersey	764,670.60
Pennsylvania	2,867,514.78
Delaware	286,751.49
Maryland	655,838.25
Virginia	2,198,427.99
North Carolina	1,433,757.39
South Carolina	1,051,422.00
Georgia	1,051,422.00
Alabama	669,086.79
Louisiana	477,919.14
Mississippi	382,335.30
Tennessee	1,433,757.39
Kentucky	1,433,757.39
Ohio	2,007,260.34
Missouri	382,335.30
Indiana	860,254.44
Illinois	477,919.14
Michigan	286,751.49
Arkansas	286,751.49
Total	28,101,644.91

and,
Whereas the Federal Treasury is now in urgent need of funds to pay a bonus to the ex-service men of the World War; and
Whereas such deposits are to remain with said States under existing law until otherwise directed by Congress: Therefore be it

Resolved, That such States be, and hereby are, requested and directed to return said deposits to the National Treasury, with interest at 4 per cent per annum from date of deposit.

Resolved further, That the Secretary of the Treasury is hereby directed to withdraw said deposits with interest from said States in accordance with the terms of section 13 of the act of June 23, 1836, under which they were made.

Apply the rate of 4 per cent to the amounts above set forth and Pennsylvania would pay into the Treasury for the soldiers' bonus \$12,735,000. New York would come in with \$17,825,000, Ohio with \$8,912,000, Virginia with \$9,761,000, and altogether they would come in with \$124,770,000. Carry this news to Brother FORBNEY for relief and consolation.

Moreover, gentlemen, following up this proposition in the joint resolution which I am introducing to-day, to be referred to the Committee on Ways and Means, I hope we can solve this problem to this extent. Surely no State will refuse to aid the National Treasury at this time, because the debts are valid, and the States have been accommodated for 86 years.

Gentlemen, if you want to pay the soldiers' bonus, let these States bring in the money they owe to the Federal Government and we will be \$124,000,000 on the way. Will they do it? Let the States answer through their Representatives on this floor. Gentlemen, what will you do?

BRITISH BONDS.

Moreover, where can we get additional funds? We have just passed a bill creating a Foreign Debt Commission. That commission is to secure from the foreign Governments bonds in lieu of the due bills now held in the Treasury. Let me mention the British bonds alone simply as an example of availability. We have loaned to the British Government \$4,166,318,358. Taking into account the interest due, Britain owes us approximately \$4,883,000,000. Now, what length of time is needed to lay down in the Treasury of the United States the bonds of the British Government? I understand the commission will take the British proposition first. That is good discretion. How much debate is involved in the proposition? Britain concedes by her due bills the principal, and a rate of interest at 5 per cent. Our legislation says the rate of interest shall not drop below 4½ per cent. What is the margin for debate? Only three-quarters of 1 per cent for the great statesmen of the United States and the British Empire to settle. But practically all there is to be done is for Britain to print the bonds, sign them, deliver them to the Treasury of the United States, and take up her due bills. Then you have got the British bonds, approximately \$5,000,000,000, out of which to raise the money to pay the soldiers' bonus, plus the \$124,000,000 from the States. Gentlemen, let us press the button. We have enacted the legislation. There is no need of a sales tax, no need of any other legislation to increase taxation now. Here are the resources. Let Uncle Sam utilize these securities and thus bring in the money and pay the soldier boys. [Applause.]

I yield back the remainder of my time.

By unanimous consent, leave to extend and revise their remarks in the RECORD was granted to Mr. ANDREWS of Nebraska, Mr. KETCHAM, and Mr. CONNALLY of Texas.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent to insert in the RECORD two articles which I have in connection with the bonus from two of the leading Boston newspapers, the Boston Transcript and the Boston Herald. As I have had a large number of telegrams from Boston in respect to my course on the bonus, I would like to insert these two articles, which I think would be very instructive, and I ask that they be inserted also, in view of the remarks of the gentleman from Nebraska [Mr. ANDREWS] made this afternoon.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. GARNER. Mr. Chairman, I do not like to object to the gentleman extending his remarks. I do not know whether it is going to be the policy of the Republican side of the House to have the bonus debated at this time or not.

Mr. GREENE of Massachusetts. I am not going to be in any debate.

Mr. GARNER. It was indulged in yesterday to an extent. Now, we come in with Members on the Republican side of the House speaking of the bonus, and so far as I know there has been no one on this side of the House who has done so. If you are going to open up the question of the bonus for general discussion by inserting editorials and other matter in the RECORD, then the whole matter will be opened up.

I merely call attention of the gentleman who is responsible for the procedure of the House to this continued effort, it seems, by Members on that side of the House to bring into the discussion at this time the question of the bonus. If it is to be indulged in, then we shall all feel at liberty to do the same thing.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLACK]. [Applause.]

Mr. BLACK. Mr. Chairman, in the time which has been allotted to me by the gentleman from New York [Mr. GRIFFIN], who to-day is in control of the time on the Democratic side of the House, I want to discuss a bill which passed the Senate this week, February 21 (S. 1565), and which has already been messaged to the House and has been referred to the Committee on Military Affairs of the House.

The bill provides that all persons who have served as officers of the United States Army during the World War and who have incurred physical disability in line of duty and who have heretofore or may hereafter be rated at not less than 30 per cent permanent disability by the Veterans' Bureau shall be placed upon the retired Army officers' list at the rank which they held when discharged from the Army, and shall be paid the monthly pay of a retired Army officer.

During my discussion of this bill I shall point out fully its meaning and will show what radical and revolutionary changes it will make, if enacted into law, in the scale of pay for injuries received in the war as between those who served as officers and those who served as privates. I crave the indulgence of the House while I point these things out, and after I have done so, if there is a Member of the House who is willing to defend them and say that it is his interpretation of the spirit of democracy, then I am sure it will be interesting to the House to hear from him and have him give his reasons.

HISTORY OF ARTICLE 3 AS WRITTEN IN THE ORIGINAL WAR RISK INSURANCE BILL.

If the Committee on Military Affairs of the House makes a favorable report on this Senate bill, and if the House should pass it as the Senate has passed it, it will bring about the very same sort of discriminatory features which were carried in the original war risk insurance act and which the House refused to accept. I remember these discriminatory features in the original act very well, indeed, for I led the fight against them, offered a series of amendments to correct them, and my amendments were adopted by a vote of 139 to 3. My amendments rewrote the whole plan of article 3 of the war risk insurance act as originally reported to the House, and when the bill went to the Senate no change was made in the plan. I now have here before me a copy of the original war risk insurance bill, which was introduced by Representative Alexander, of Missouri, and reported to the House by the Committee on Interstate and Foreign Commerce. By an examination of this bill we will find that both the death benefits and the compensation payments for disability provided for in article 3 were written upon the percentage basis. By that expression I mean that in case a soldier was killed in the service the amount that was to be paid by the Government to his dependents because of his death was a percentage of the pay that he was receiving in the Army at the time of his death, or if he was not killed but was only disabled the payments to him for such disability were to be made on the same basis. Just how these percentage payments would have worked out in practice was pointed out in a speech which I made in the House on September 13, 1917, in support of my amendments to strike them out and substitute for them equal, specific amounts. Under leave to extend my remarks, I herewith insert a brief account of the adoption of

these amendments which was published in the September, 1917, issue of the Survey, reading as follows:

By a vote of 139 to 3 the House wrote into the soldiers' and sailors' insurance bill before its passage, on September 13, the principle of equal care as between the dependents of officers and of private soldiers and sailors. The amendments offered by Representative BLACK, of Texas, indorsed in this decisive fashion, provide that the payment to be made to the dependents of soldiers and sailors killed or totally disabled shall be specific rather than based on a percentage of the pay of the dead or disabled man.

Congressman BLACK, with a number of other Members of the House, assailed the committee's plan of compensation based on the rate of pay of the soldier or officer as being an attempt to establish class and caste in America, "while we are carrying on a war for democracy." Mr. BLACK termed it "preserving the distinction of rank and pay beyond the borders of the grave."

Representative Alexander, of Missouri, one of the Members who had charge of the bill in the House, gave his entire approval to the Black amendments when the measure was finally passed. He said:

"It was clearly demonstrated in the debate that the House considered it only fair that there be established complete equality in treatment, as to this compensation on the Government's part, of the dependents of all in the service."

As I have already stated, this Senate bill No. 1565 now proposes to undo at least one part of the work which the House did in 1917 and change the rule of equal payments to the soldier who was injured or disabled in the service and pay different amounts of compensation as between officers and privates. When the bill was originally before the House in September, 1917, it was contended by the advocates of the percentage basis that the system was justified because of the difference in earning capacity as between officer and enlisted man. That view of the matter was put forward by Mr. Dewalt, of Pennsylvania, a very able Member of the House, in the following language, which I quote from his speech. He said:

It is said that this compensation feature is unjust because it makes a discrimination against the private in favor of the officer. Is that true? No; it is not. Apparently it does; but when you reason it out to its conclusion it does not. Why? Because the earning capacity of every man must be taken into consideration when you consider the compensation feature in the law. In other words, in fixing compensation under all the statutes in all the States there is always taken into consideration as a primal fact—first, the age of the individual; second, the number of people that he has dependent upon him; and third, the earning capacity which he has in order to sustain himself and the people dependent upon him.

To this argument of Mr. Dewalt I replied in my speech, as follows:

If the premise of Mr. Dewalt is correct, then the reason which he advances is a good one, but I dispute the correctness of the premise. He says that these benefits are based upon the earning capacity of the individual. It is true that our State compensation laws, after which, no doubt, this bill was modeled, are built upon that basis, and no doubt in civil occupation it is a sound basis. But, gentlemen, it must be remembered that we are drafting into the Army men without the liberty of choice. They must serve as and when and where they are placed. In civil life a man has a liberty of choice, and presumably he selects that occupation and reaches that remuneration for which he is qualified. But when he goes into the Army he surrenders the liberty of choice. And under the operation of the selective draft law we may take a man out of the civil walks of life that is earning to-day—and there is not a bit of doubt but that some will be taken—who are now earning more than even a major general in the United States Army, and yet his compensation as a private in the Army would be \$30 a month and his benefits under this compensation article would be based upon that amount. Can it be said in such a case that the benefits provided for himself and dependents would be based upon his earning capacity? No; indeed; it would not be. Then, where is the just reason for this wide difference of benefits? I call upon the committee for a better reason than they have thus far advanced. I say the premise is not correct, and you can not take as a model for these compensation laws in the Army the compensation laws of the several States, because they are based upon the civil walks of life, where each man has the liberty of choice in selecting his civil occupation.

After the whole matter had been thoroughly debated in the House, a vote was taken upon my series of amendments to equalize both the death and disability benefits of the law, and these amendments were adopted, as I have already stated, by a vote of 139 to 3. So far as I know, this Senate bill, bill No. 1565, has been the first legislative effort which has been brought forward to change the plan of equality which the House so overwhelmingly adopted in 1917. And it will not be passed if I can do anything to prevent it.

Mr. GARNER. If the gentleman will permit, this Senate bill to which the gentleman refers has in it a greater discrimination than any to which the gentleman has yet referred, and that is the provision which would retire an officer who has only received a 30 per cent disability and pay him the same retirement pay as an officer who has received a total disability.

Mr. BLACK. I am glad my colleague calls attention to that particular provision of the bill, because that is one feature of it to which I want to devote some especial attention, if I have the time.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BLACK. Yes; I yield to my friend from Alabama.

Mr. HUDDLESTON. I just want to call attention to the fact that every volunteer officer of the Civil War has been de-

nied this very thing during all these years that have passed since the Civil War.

Mr. BLACK. The gentleman is exactly right, and they have been righteously denied the privilege. The policy of the Government has been to pay equal Civil War pensions to both privates and officers. Now, what will happen if the Congress passes this Senate bill?

RESULTS OF THE BILL IF IT BECOMES A LAW.

If the bill is passed, any officer who incurred a disability of not less than 30 per cent may be retired as an Army officer and if he should be so retired would draw three-fourths of the pay each month which would be paid to the same grade officer in the active service. What would be the result? An officer or private whose disability has been rated 30 per cent partial and permanent under existing law now draws \$30 per month. If this Senate bill becomes a law, an officer who served as captain in the World War and has only this 30 per cent disability could and would be retired at \$150 per month, a major at \$187 per month, a lieutenant colonel at \$218 per month, and a colonel at \$250 per month.

Senator KING, in debating this measure in the Senate on February 21, stated that he had been advised by one of the efficiency experts of the Government that the increased cost of the operation of the bill for the first year would be \$4,000,000. I have no doubt but that his figures are less, rather than more, than the bill will actually cost each year if it is enacted. While the question of the increased cost which the bill would impose upon the Treasury is the least of the evils which I see in its passage, still, in view of the enormous sums of money which the Federal Government must raise in taxation, it is a solemn duty of Members of Congress to give some attention to economy. I am willing to vote for generous sums to pay compensation to the disabled and wounded, but I am not willing to vote for a law which would make a distinction in payment for equal injuries received, as between officers and privates.

I stand on that question just where I stood in 1917 when I offered my amendments to the original war risk insurance act to equalize the benefits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. May I have one or two minutes more?

Mr. GRIFFIN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes remaining.

Mr. GRIFFIN. That is reserved for the gentleman from Alabama [Mr. HUDDLESTON] here, and I can not yield to the gentleman from Texas, I am sorry to say.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GRIFFIN. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HUDDLESTON] 10 minutes, the remainder of my time.

Mr. HUDDLESTON. Mr. Chairman, I voice the sentiments of 99 per cent of the people of Alabama in urging upon Congress that Henry Ford's offer for Muscle Shoals be accepted and that the offer which has been made by the Alabama Power Co. be rejected with contempt.

The people of my State are deeply concerned over the present situation. They are wrought up to an extraordinary degree. They are stirred as they have never been stirred before over the developments concerning the disposition of Muscle Shoals and upon the offers which have been made concerning it. Within the past few days action upon the subject has been taken by practically every organization in the State. Civic bodies, veterans' societies, labor organizations, farm organizations, and women's clubs have had their meetings and passed resolutions expressing in one form or another the sentiments with which I began these remarks. Mass meetings have been held in many of the cities and towns for the purpose of expressing those sentiments and presenting them to Congress.

In my own city of Birmingham, two days ago, a public meeting was held which packed our largest theater, and from which more than a thousand people were turned away, at which those sentiments were unanimously expressed. I believe that I am safe in saying that the people of Alabama rather than have Ford's offer rejected and the Alabama Power Co. placed in control at Muscle Shoals would rather see the majestic Tennes-

see River remain undeveloped, and for another quarter of a century roll on unharnessed to the sea.

ALABAMA TRUSTS FORD, FEARS POWER COMPANY.

The profound emotion which stirs the people of Alabama may not be understood by those unfamiliar with our local conditions. To understand our feelings it is necessary to know something on the one hand of the history and activities of the Alabama Power Co., and on the other of what we expect from development by Ford.

The people of Alabama trust Henry Ford. They believe in him. They regard him as the exemplar of the best in modern American industry. He is no ruthless dollar grabber. He holds to honorable competition and not to monopoly gained through corrupt methods and oppressive practices. He does not grind the face of labor and take advantage of its every extremity to extort the greatest possible amount of toil for the least possible return. He is not an oppressor of the poor. He has some higher ideal than the worship of the dollar made god. We feel that he is sincere in saying that he does not desire the opportunities of Muscle Shoals for mere profit making but that he wishes to build there a great industrial community which will be a monument to himself when he is gone.

Ford sees a great vision at Muscle Shoals—immediate employment of idle hands with eventually profitable work for a million men—cheap fertilizer for our farmers—the loosening of the stranglehold on industry by the productions of the electric furnace—defeat of monopolies in necessities of life and industry now held by selfish interests, and, finally, the building of a great industrial community with a happy population of well-paid and productive workers. The people of Alabama believe in Ford. They believe in his vision. They see the vision with him. They commit themselves unreservedly to the hope that the vision may be made a reality.

WHY POWER COMPANY IS FEARED.

On the other hand, let us consider the views of the people of Alabama as to the Alabama Power Co. That company is a subsidiary of the Alabama Light, Power & Traction Co., a Canadian corporation, owned in chief by Edgar, the London banker. The power company was organized some 15 years ago. Its beginnings were quite modest, as its capital was limited. Its organizers had no such ambitions as the present owners of the concern. Shortly prior to 1908 the attention of British capitalists was directed to the water-power possibilities of our State. They found Alabama to be probably the richest water-power State east of the Mississippi. It is said that our water power aggregates probably about 2,000,000 horsepower, the equivalent of some five Niagaras as at present developed.

These British interests proceeded quietly to get control of the Alabama Power Co. and to acquire all the desirable power sites in the State. They sent their spies throughout the State and along remote mountain streams and into the least developed parts of the State. They found the best places where dams might be located. They took over these sites, sometimes buying only a few acres, the key to the situation, which was purchased for a trifling sum from some uninformed owner. Then they began their siege of the State government. Always there were local parties who could be used as their instruments.

Our legislature was unaware of the scheme to entrap them. They surrendered to the devious methods of this great selfish interest and were hoodwinked into passing our power act of 1908. By that act the State of Alabama practically abdicated its sovereignty over its greatest natural asset, the use of its splendid rivers for the production of power. The act granted in perpetuity to the owners of power sites the right to construct their dams and works without payment to the State of one cent in return therefor. The act also granted the State's power of eminent domain for the condemnation of lands for flowage and other purposes, and this without a cent in return. To crown its folly the legislature granted an exemption from taxation for all works of water-power development. The Alabama Power Co. having acquired all the best of the power sites, the practical effect of the act was to grant to that corporation a perpetual monopoly of water power in Alabama.

Following the passage of that act the Alabama Power Co. constructed a power plant at Lock 12 on the Coosa River, and is now engaged in constructing another plant a few miles farther down the Coosa. In aid of its power monopoly it has acquired certain other plants, including fuel plants, and has taken over certain street car lines and lighting systems already in operation. But it has done nothing further to develop the water powers of our State. The rivers flow on unharnessed. The power company owns the dam sites. It will not or can not develop them, and, like a dog in the manger, allows no other interest to do so.

HAS BEEN IN POLITICS FROM BEGINNING.

But this is only a part of the story. The Alabama Power Co. has been in politics from the beginning. It has had its State governor, its legislators, and other officials. It has had its champions in Congress. It has tainted the judgments of our courts. The slime of its trail has befouled our elections. It has its subsidized newspapers. As Ford stands for the best in American industry, so does the Alabama Power Co. stand for the lowest in our industrial life.

The Alabama Power Co. covers our State with the menace of its influence; it impedes progress; it blocks all development from which it does not draw profits. The grant of Muscle Shoals to this great selfish concern will give it a monopoly in water-power production in the richest power State east of the Rockies. It will place the throttling fingers of this merciless concern around the throat of Southern industry. It will thwart the development possibilities of the section of the South greatest in natural resources. It will prevent during the years of the ascendancy of this company the legitimate growth of a section great in industrial possibilities. But worse than all, it will block the political, social, and educational development of that section. Alabama does not want to be a rotten borough under the domination of a great industrial interest.

It is my desire not to overexpress the feelings of the people of my State and not to make extravagant statements. It would be hard, indeed, for me to overstate the opposition of my people to the grant of Muscle Shoals to the Alabama Power Co. We know what to expect from that company. As we trust Ford, we fear the Alabama Power Co. As Ford is humane, that company is selfish. As he depends for success upon legitimate competition, it relies upon monopoly and oppressive practices. As he refrains from meddling with matters of government, it exerts a malign influence on public affairs. As he pays decent wages, the Alabama Power Co. is now, upon the works which it is building upon Coosa River, taking the labor of men for as little as \$1.25 a day.

A TOOL OF THE GREAT TRUSTS TO STRIKE FORD.

But there is yet another aspect of this situation. We of Alabama know that the Alabama Power Co. is not acting for itself alone in making an offer for Muscle Shoals. The real purpose of the offer is to defeat Henry Ford's offer and the competition for the great trusts which lies in his acquisition of Muscle Shoals. The Alabama Power Co. is ambitious, it has its "great expectations," but it has not the financial strength to put through the offer that it has made. It has received assurances from outsiders who use it as a tool with which to strike at Ford—the Virginia-Carolina Chemical Co., the fertilizer trust, the General Chemical Co., the chemical trust, and the great trusts which by reason of their monopolies gained by secret processes of production and devious business methods in nitrates, aluminum, abrasives, steel alloys, and carbide—these colossal concerns are deeply concerned in preventing Ford's development of Muscle Shoals. They squat at Niagara clutching the throat of American industry, and through their Wall Street affiliations are well able to finance any adventure which promises to further their aims. They can well afford to see to it that the Alabama Power Co. is furnished with the resources with which to make its offer. Their Washington lobbyists are coordinated and in action. The Alabama Power Co. offer is obviously the fruit of a conspiracy which they have concocted.

SHALL OUR MEANS OF DEFENSE BE UNDER BRITISH CONTROL?

And now let us turn from the terrible to the ridiculous. Our Government is interested in Muscle Shoals primarily for the purpose of producing nitrates for the manufacture of explosives in time of war. As a measure of national defense we want to be independent of foreign sources of nitrate. It was for that purpose that the development of Muscle Shoals was entered upon—for that all our millions were poured out there. And now this subsidiary of a British corporation dares to propose that it shall be intrusted with that governmental interest. Think of the colossal impudence of it! How do we know; perhaps our next war may be with the Government to which the chief owner of this company owes his allegiance. We should then find ourselves confronted with a situation in which we would have to rely upon this foreigner for an essential means for the defense of our country.

Sensing the storm raised by its offer the Alabama Power Co. is calling for support from the Southern newspapers. It is now engaged in an expensive advertising campaign which seems to have little purpose other than as a graceful means of putting some money into publishers' pockets, since there is little sense or substance in the matter printed. It is spending hundreds of dollars in this way. It is characteristic of this con-

cern that it should rally newspaper support by this means. This is not the first time that the Alabama Power Co. has spent large sums on advertising for the purpose of affecting political events. Unfortunately there are indications that the money being spent in this way is accomplishing something of its object. In the case of at least two of the dailies there are signs of weakening in their interest in Ford's offer. But the weakening of these newspapers has developed no corresponding relaxation upon the part of the people. To the contrary, it is met by still greater feeling upon their part and by their overwhelming insistence that Ford's offer shall be accepted and that the Alabama Power Co.'s offer shall be spurned.

Perhaps it may be considered that it is premature for me to speak upon this subject while the Committee on Military Affairs is yet considering it, but when you realize how deep are the emotions of the people of Alabama and how profoundly indignant they are over the present situation you will agree that they have a right to have their sentiments voiced in this Chamber. [Applause.]

As illustrative of the nature of the resolutions to which I have referred I include in my remarks four of them which are typical:

Resolutions adopted by the Kiwanis Club of Talladega, Ala.

Whereas the Alabama Power Co. has made a bid to the Government for the acquisition of Muscle Shoals and all subsidiary plants; and Whereas the Alabama Power Co. already has practically a monopoly on all water-power rights in Alabama except Muscle Shoals, which rights now possessed will require years to develop; and Whereas it is the opinion of this club that any further grant of power to that company would be a calamity not only to Alabama but to the entire territory contiguous thereto, and would retard development of this country commercially and agriculturally for years to come; and Whereas it is the opinion of this club that the offer of Henry Ford would, if accepted, redound to the good of the whole country, and especially the agricultural interests: Now, therefore, be it

Resolved, That the Kiwanis Club of Talladega go on record as opposed to the Alabama Power Co. offer and in favor of the Ford offer.

Second. That the Alabama delegation in Congress and the Senate be urged to use their influence in behalf of the Ford offer and against the Alabama Power Co. offer.

Third. That a copy of these resolutions be mailed to each Congressman and Senator from Alabama.

Resolutions adopted at mass meeting in Birmingham.

Whereas the great question before the American people to-day and the Congress of the United States in the proper utilization for the benefit of all the people of America, is the great natural resources that have remained dormant for 100 years or more at Muscle Shoals, Ala.; and

Whereas Henry Ford, the mechanical wizard of the age, has made a proposal to the Government that meets with almost unanimous approval of the people of the entire Nation and apparently a large number of Representatives in Congress and the Senate; and

Whereas Mr. Ford's offer for the operation of the Muscle Shoals properties was made in good faith to the proper person as spokesman for the Government, Secretary of War Weeks, and after due consideration by the Secretary of War was submitted to Congress for its approval or rejection and was apparently about to be ratified; and

Whereas selfish interests such as the Fertilizer Trust, power monopolies, and others supported by the gigantic moneyed powers of Wall Street are opposed to the Government disposing of these resources in a way that would be of benefit to the people as a whole; and

Whereas a sequel to this great opposition is shown by the submission of a bid by the Alabama Power Co., a foreign corporation that has never been of any material benefit to anyone other than the stockholders, who are citizens principally of foreign countries: Therefore be it

Resolved, That we, the citizens of the Birmingham district in mass meeting assembled this, the 19th day of February, 1922, go on record as being unalterably opposed to the Government of the United States considering the bid of the Alabama Power Co.; and be it further

Resolved, That we, the citizens of this district, heartily indorse and unqualifiedly recommend that the proposal of Henry Ford be accepted and entered into by the Government for operation of the Muscle Shoals properties; and be it further

Resolved, That these resolutions be given the widest publicity by furnishing same to the press and that a committee of five be appointed by the chairman of this meeting to forward copies of these resolutions to our two Senators and Representatives in Congress, and the committees of Congress before whom the proposals are now pending.

Resolutions adopted by Camp Hardee, United Confederate Veterans.

Whereas there is a bill now pending in Congress for the disposition of Muscle Shoals; and whereas the people are vitally interested in this project, believing this giant power, sleeping for ages on the bosom of the Tennessee, can be made a great blessing not only to the people of Alabama but to the entire South and West, developing a great plant for the manufacture of cheap fertilizers for the farmers and opening up navigation and commerce of the West and Southwest, also cheapening freights by furnishing electric power to railroads; in fact, putting new energy and hope in the South and giving employment to thousands of people.

Whereas Henry Ford accepted an invitation of the Government to make a bid, and after thorough inspection, in company with that American genius, Edison, who says that his project is practical and O. K'd his bid to the Government as fair, the Secretary of War, after delaying a report to Congress for months, finally has submitted Henry Ford's bid with criticism and not with friendly aid; now at the eleventh hour the Alabama Power Co., a foreign corporation, growing fat by its greed in Alabama, comes forward seemingly aided by all the corporations interested, and seeing that Mr. Ford would compete with them, makes a competitive bid.

Whereas the world knows what Henry Ford has accomplished as a manufacturer; the world knows what Edison has accomplished in his line; they do not know what this Secretary of War and his henchmen have ever done, except to sit still and let the waters of the beautiful Tennessee flow on to sea undisturbed by the genius of man; but the world suspects they are aiding a foreign corporation and capitalistic associates in putting in possession a corporation which already has its hands upon the throat of Alabama and which has been exempted by the legislature from taxes for 10 years, and in the meantime getting its hands upon the most valuable water power of the United States, not for the people but exclusively for its own profit.

Now, therefore, we heartily endorse Mr. Ford's bid and ask our Representatives, together with our Senators, to do all in their power to give this contract to Henry Ford.

Resolution adopted by the commissioners of the city of Birmingham, Ala.

We urge the Government to accept the offer of Henry Ford for Muscle Shoals because we believe that it will be developed by him for the benefit of the American people. We protest against the acceptance of the offer of the Alabama Power Co., because it would insure to it the control of all large water-power sites in the State of Alabama and thereby fasten upon our people for all time a water power monopoly.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. SHREVE. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. RICKETTS].

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, the Executive and independent offices bill before the House on the 30th day of January, 1922, carried, among other things, an appropriation for the support and maintenance of the vocational training school at Camp Sherman, Ohio.

At the conclusion of the reading of the bill, under the five-minute rule, the gentleman from Tennessee [Mr. REECE] offered an amendment which struck out of the bill this appropriation. Unless this appropriation has been put back in the bill by the Senate, this vocational training school for disabled soldiers suffering a handicap which prevents them from following their original employment or vocation will be discontinued. I can hardly imagine a greater calamity to the disabled soldiers of this country than the discontinuance of this school. The school has only been in operation since December 1, 1921. It is just in its infancy. It is a new project, and Col. Forbes, Director of the United States Veterans' Bureau, has his heart and soul set on the success of this school. It is an experiment which he desires to try out for the purpose of demonstrating fully its feasibility, practicability, and real value to the soldiers who seek rehabilitation. I have never talked to the President concerning the school, but I dare say that it has his approval and sanction or Col. Forbes would not have initiated the project.

This vocational training school is located in Ross County, one of the five counties composing the district which I have the honor to represent. I can not tell you how deeply interested I am in the success of this school. I know that the establishment of the school is a new idea which originated in the mind of Col. Forbes and that it will require, of necessity, an annual appropriation of the people's money in order to support and maintain it for the present; but when it is established and fully equipped there is no question but that it will be in a measure self-supporting if not altogether self-supporting.

It is the policy of Congress to give these unfortunate soldier boys vocational training and make them efficient citizens, and to repair, so far as possible, their injuries. They fought our battles. They made the sacrifice. They won the war and saved the country, and when we asked them to bear this burden every appropriation was made in order to fully equip them to serve their country. No Member of this House then hesitated for a second to make any appropriation that was necessary in order to promote the success of the American soldiers. Now, when these boys come back, maimed and disabled, and disqualified to follow their original occupation or vocation, this Congress should make such appropriations as will make reparation to them as far as possible. It is to the interest of the country, as well as to these maimed and disabled soldiers, to make them efficient, self-supporting citizens. The same generous appropriations should be made for the purposes of rehabilitation and vocational training as were made to equip these boys to fight our battles in foreign lands, and I know of no better way to carry out this policy than for Congress to make an appropriation which will support and maintain this school, and that will insure these disabled soldiers the chance they deserve to equip themselves to wrestle with life's problems. [Applause.]

Many criticisms have been made against this project, both by Members of this House and by certain other individuals. Some of them are without foundation. But few Members of this House, and but few men in the country, know the facts in relation to the establishment and progress of this school and the exceptional fitness of Camp Sherman for a project of this kind.

Mr. Marx, head of the disabled soldiers' organization of the country, quite recently criticized this project severely through the press. I do not know the gentleman personally, but I do know that his criticism was unwarranted and grossly unfair.

I have made a thorough investigation of the facts in relation to the conduct and operation of this school, and it is my purpose to-day to bring these facts to the attention of the membership of this House. I know that every Member here wants to be fair. I know that you want to do what is best in the premises. For that reason, I will submit for your consideration the following facts pertaining to this project:

On or about January 21 of this year, and after Mr. Marx's article had appeared in the press criticizing this school, a committee of the American Legion of Franklin County, in which is located the city of Columbus, the capital of Ohio, made a complete investigation of this school and submitted the following report:

We proceeded to Camp Sherman, Saturday, January 21, investigated the different departments, talked to the men and instructors unofficially, without disclosing our identities, and spoke with the officers of the Sherman Tech Association, an association made up of the men in training for self-government, law, and order. Our report should be preceded by the statement that "any monkey can tear down, where it takes a man to build up."

We found living conditions good; food good; training facilities good, on the arrival of more equipment; instructors fair; health and medical conditions good; location fine; and general morale fair. The main reason for lack of morale seems to be a disturbed condition because of the recent reports of men endeavoring to tear down the plan. Mr. Michael J. Lyons and Sidney W. Lawrence, chairman and secretary of the tech association, stated that Judge Marx is doing the camp more wrong than good. He did not give the camp a fair investigation.

Realizing the great troubles with placement training, and realizing that this camp does away with a great number of these troubles, we wish to approve of Camp Sherman as it is, for single men, as long as the school does not try to attain the degree-granting power.

(Signed) THE COMMITTEE,

W. WM. WILLING, Chairman,
Commander University Post, 150, American Legion.

JAMES M. PATCHELL,
President Zero Hour Club, Ohio State University,
American Legion.

HENRY M. GREEN,
Commander 136 F. A., American Legion.

I have also received a petition from the students now in training at the Camp Sherman School, which I desire to bring to your attention, and the same is as follows:

JANUARY 31, 1922.

We, the undersigned students of the electrical department of the United States Veterans' Bureau Vocational School No. 1, wish to take this means and at this time voice our hearty disapproval of the various interests working to the end of discontinuing this school.

While we realize that this school is at present incomplete we have faith in the project and feel that the course offered is of a practicable nature and that in a very short time all will be working smoothly.

We wish to emphatically register our objections to the false statements made by Judge Robert Marx while on a recent visit to this school and consider his report a reflection on our intelligence.

Edward C. Winters, Jr., John H. Dixon, Edward W. Schott, Francis G. Milen, Wm. Briener, Geo. D. Turner, C. M. Campbell, John H. Bridley, Fred Stevens, John Saglet, Carl Stanones, James E. Slusfer, B. Campbell, George A. Long, J. Kinney, Thos. J. Harrington, Geo. Scully, Fred Schroeder, William G. Fitzsimmons, P. Mills, John E. Frost, J. N. Robert, Aaron Knechtel, C. O. Williams, James Chaloupka, G. P. Williams, Chas. R. Cook, Tony White, J. Kessler, Chas. F. East, Edward Betts, Richard Zimmerman, Herman P. Craddock, Loren M. Gant, Walter D. Province, Elias H. Butler, Thomas J. Moran, Raymond D. Cunningham, Allen H. Wilson, Patrick J. O'Keefe, Chas. R. Runge, Oscar T. Rhoads, Edwin Manly, Alfred McDonald, Henry P. Arcanti, Julius Fine, Wm. Adelson, Rufus Wiseman.

The equipment required in this report arrived at the school soon after the investigation was made by this committee and is now being installed. This school had been in progress at the time this investigation was made less than two months, and in spite of the fact that the school had just gotten under way the general conditions were found to be satisfactory by a committee of experts, American Legion men, who have at heart the welfare of the disabled soldiers of the country and who are most deeply interested in their successful rehabilitation.

This report squarely contradicts the statements given out by Mr. Marx. He assumes the rôle of critic, and he makes no suggestions to Col. Forbes or to Congress. The secret investigation of these men on this committee of this school was for the purpose of determining whether or not the criticisms of Mr. Marx were founded upon fact. The propaganda of Mr. Marx clearly shows that he is prejudiced. Why did he not make his criticism to Col. Forbes or to the commander in charge of this school? Was he seeking notoriety? Did he rush into the press for the purposes of publicity? Was he seeking to stir up dissension and strife among the students of this school? Did he have in mind to prejudice the Congress and the country against the school?

This school was opened on the 1st day of December, 1921, and approximately 300 students have been enrolled since that time. Some students have been returned to their districts because they were not able mentally, and some of them physically, to take the training. The approximate cost per student at the present time is about \$35 per month, which includes tuition, books, supplies, and equipment. It can be readily seen from the above statement that an enrollment of 1,000 students would decrease the cost per month considerably.

The total number of trainees receiving vocational and pre-vocational training in hospitals and training centers is 14,637. The total cost of training in hospitals and training centers is estimated at \$3,012,576.75. This amount is distributed as follows:

Teachers' salaries	\$1,543,895.00
Equipment	866,707.38
Supplies	175,524.08
Travel	39,307.56
Subsistence	6,453.48
Tuition	22,043.90
Rent	298,465.65
Construction and labor	60,179.70
Total cost	3,012,576.75

The average cost per trainee per month is \$17.15.

In compiling these figures the maintenance pay and administrative cost is eliminated and the figures submitted show the actual amount expended for training only.

In reference to trainees' training in hospitals it must be understood that a large number of these trainees are not receiving training that will remove their vocational handicap, but it is given with a view to reconstruction through occupational therapy. The total number of men training with a view to vocational rehabilitation is 5,035 in the various training centers.

The total amount spent for training trainees in the various universities, special schools, and colleges is \$13,678,860.54. This amount is distributed as follows:

Teachers' salaries	\$21,320.00
Supplies	1,832,676.84
Travel	401,272.38
Subsistence	65,879.88
Tuition	11,357,711.44
Total	13,678,860.54

The total number of institutions is 3,188. The total number of trainees receiving institutional training, 49,909. The average cost per trainee per month is \$22.84. This average cost does not include maintenance and administrative cost.

The above information does not include trainees placed in establishments.

Mr. BLANTON. Will the gentleman yield?

Mr. RICKETTS. Certainly; glad to yield to the gentleman.

Mr. BLANTON. The gentleman spoke of the appropriation being eliminated.

Mr. RICKETTS. Yes.

Mr. BLANTON. What is to become of the school?

Mr. RICKETTS. If no appropriation is made all the work that has been done since December 1 up to this time will be undone.

Mr. BLANTON. And what is to become of these young men?

Mr. RICKETTS. They will be turned loose to go some place else to receive vocational training.

Mr. BLANTON. That is, on June 30?

Mr. RICKETTS. Yes; surely they will. They will not have a dollar with which to maintain this school after June 30 unless an appropriation is made.

VOCATIONAL TRAINING.

The following is a correct statement of the courses which are placed at the disposal of the disabled soldiers in training at the Camp Sherman School, together with descriptive matter of buildings, equipment, and so forth:

VOCATIONAL SCHOOL I.

COURSES OF INSTRUCTION—TRADES NOW BEING TAUGHT.

Automotive trades: Auto mechanics, ignition, storage batteries, vulcanizing.

Woodworking trades: Carpentry, cabinetmaking.

Electrical courses.

Painting trades: Sign painting, vehicle painting.

Sheet metal, shoe repairing, tailoring, typewriter repair, upholstery and auto trim, baking, cooking, laundering, nursing (male).

Machine-shop work soon will be offered; machinery being placed; equipment being assembled.

Telegraphy and wireless probably will be offered in near future.

AGRICULTURAL COURSES (WORK JUST BEGUN).

Agronomy: Soils, farm crops, fertilizer, etc.

Economic entomology and botany: Insects, plant diseases, bee culture.

Animal husbandry: Live stock (general stock farming), poultry, dairying, swine and sheep.

Dairy manufacturing: Creamery management, butter making, cheese making, ice-cream making.

Horticulture: Gardening, small fruits, orcharding.

Farm mechanics: Automotive power, implements, machinery, repair of tools, carpentry, concrete.

Farm management: Gentlemen estates, stock farms, poultry farms, etc.

Related education: English, history, arithmetic, geography, drafting, current events.

Type of men to be trained: Men of little or no education. The established schools and colleges are finding it difficult to handle men with very limited educational background. There is a real need for schools of this kind, especially in agriculture. There are many hundreds of men drawing training pay who are not getting the training for which the Government is paying. This school can give proper training for such men as should come here.

Type of instruction given: All instruction is practical, supplemented by as much theory as may be necessary to give a man proper training in his employment objective.

Concerning dormitories: Two-story buildings, light and pleasant.

There are eight dormitories, containing 470 beds.

Most of the rooms have a single bed, a bureau with mirror, table, two chairs, curtains at windows, and small rug on floor.

Rooms and hallways are painted soft colors.

Writing table and lounging chairs are in the halls.

Toilets, bath tubs, and shower baths are well arranged and near rooms.

Buildings are steam heated and well lighted with electricity.

Charge is \$5 per month per man, and this includes maid service.

Each building has a matron in charge of it.

Dormitories for agricultural students: There are several buildings in a single group, all divided into rooms with radiators and electric fixtures, which, with comparatively little work, will give housing facilities for 400 students. In the center of the buildings is a dining hall and kitchen suitable for 400. Also in the same group are shops, classrooms, and assembly hall.

Homes for married students: Married men find it very hard to get training and also live with their families. There are a large number of one-story buildings—officers' quarters, latrines—which with very little work will make excellent homes for families of trainees, especially good for men training in agriculture.

Concerning dining hall: Large building, well lighted; floor seats 330, balcony 170; tables have porcelain tops; each table seats 6.

Food is excellent, wholesome, clean, and student may have as many helpings as he wishes.

Charge for food is \$20 per month.

Men waiters are employed; it is not run on cafeteria plan.

Buildings used for trade course: These buildings are remodeled warehouses, about 200 feet long by 60 feet wide, very light; excellent shops.

Training in forestry: The State of Ohio has appropriated \$10,000 for a forest nursery and for reforestation. The State intends to establish an excellent nursery near or on Camp Sherman and will offer the opportunity to disabled service men to receive training on this nursery. There are few practical forestry courses other than four-year college courses. There are no such courses between Missoula, Mont., and Pennsylvania State College. There are possibly 200 men who want forestry courses and can not get them. This school could care for 50 men this spring and summer.

Agricultural education in general: There is a decided need for agricultural training of the kind which is contemplated here. It is very difficult to find sufficient training opportunity for men who have been disabled and who have very limited education. They are too old to enter the usual preparatory schools and can not easily adjust themselves in our existing colleges. The special agricultural courses formed in our present colleges are greatly overcrowded, and there are many boys from agricultural areas who do not have the courage to attempt training because of their limited education at existing college institutions. When it becomes known that this is a school for just such young men with very limited or no education, it will be easy to secure a thousand for training in agriculture.

The climatic conditions are ideal. The latitude is nearly the same as that of Washington, and weather conditions are more favorable. There is no reason why a young man with a disability and with no education can not be returned to his home farm or established upon another farm with every opportunity for success after training at a school of this type.

Stock judging and show pavilion: There is a large group of buildings with cement floors, well fenced-in yards, etc., which will make an ideal stock judge and show pavilion. A most creditable county fair could be held at this place.

Stock buildings—Agriculture: There are several buildings (latrines) with cement floors which will make perfect buildings for swine and sheep. In some instances they are almost entirely ready for stock.

Related educational courses: This school plans to give careful attention to the men of little or no education. By reducing illiteracy the man becomes a better mechanic or farmer, and the time needed for rehabilitation becomes proportionately less. Every effort will be made to make the men understand American ideals and standards.

Three stereopticon lectures or moving pictures are to be offered once a week or once every two weeks, which will be of an instructional nature, such as a model dairy farm, disease prevention, model homes for the farm, pictures showing geography, history, etc.

Recreation: Every effort is being made to give wholesome recreation. Social gatherings are held at the Hostess House, at which time young women with chaperons come from the town. Dancing is indulged in. Moving pictures are offered two or three times per week at the nominal price of 15 cents, which is enough to cover costs. Special gatherings are held from time to time. Glee clubs, orchestras, and a band are being encouraged and formed.

Attitude of students toward the school: Contrary to criticisms of the type of Judge Marx, the attitude of the students toward this school is excellent. Unfortunately, a number of men were sent here who had been failures elsewhere, and probably will be failures so far as rehabilitation is concerned, for all they are looking for is the pay check. These undesirable students have either requested transfer and have left or it was necessary to send them away. The present student body heartily resents many of the articles which have been published. They recognize the square deal which they are getting.

Mission of this school: Men of limited education who really need to be rehabilitated have had much to contend against. This school can be made to serve the needs of just such fellows. They do not fit into any existing scheme of education, and this school can develop courses of training suitable to the needs of each particular case, irre-

spective of the previous education or occupation and irrespective of the man's disability. This is the special function of such a school as this.

Certificate or diploma: Every man successfully completing his course will receive a diploma or certificate, signed by the President. This will be comparable to the diploma or certificate given by colleges offering two-year noncollegiate courses or to the diploma of a night school.

UNITED STATES VETERANS' BUREAU
VOCATIONAL SCHOOL, No. 1,
Chillicothe, Ohio, January 20, 1922.

TRADE AND INDUSTRIAL SECTION INFORMATION REGARDING COURSES.

1. The following is a brief discussion of the character of the instruction and of the aims of the different courses offered in the trade industrial section:

AUTOMOBILE TRADES.

2. Most of the men in the automobile maintenance trades were assigned a trade objective covered by the term "auto mechanic." It is the intention that the general auto mechanic shall be able to do the various kinds of automobile repair work done in the ordinary well-equipped garage or service station, or that he shall be qualified for the class of work done by the so-called "service-department road man," who is generally considered the highest type of "repairman expert."

3. To attain the necessary knowledge of the various special branches of automobile maintenance the general auto mechanic spends enough time in the storage-battery department, the ignition, starting, and lighting department, and the tire-repair department to make him familiar with such work and to train him to do as much of such special work as he might be expected to be able to do as a traveling service man or as a garage foreman.

4. The starting, lighting, and ignition department is training men to be specialists in the field of repairing all types of electrical equipment used on motor vehicles. This includes all the different types of magnetos, of battery-ignition systems, of starting motors, generators and the accompanying current cut-outs, regulators, and other electrical accessories. In addition to training these specialists this department is giving to the general auto mechanics such training on electrical equipment as will enable him to perform such repairs and make such adjustments as are made by the expert general repairman.

5. The storage-battery department is giving training to men who at the completion of their courses, are to be specialists in storage-battery repair, qualified to be workmen or foremen in storage-battery service stations. In addition, this department is giving instruction to the general auto mechanics as outlined in paragraph 3.

6. The tire-repair department is at present giving instructions in tire repairing and vulcanizing to the general auto mechanics in order that they may be able to do such tube repair work and minor repairs on casings as are done in the ordinary garage by the general repairman. It is expected that in a short time there will be assigned a number of trainees who intend to make tire repair and vulcanizing their employment objective.

BAKING.

7. At present the trainees are engaged in baking bread in the bakery which supplies bread to the Army and the trainees' mess. As soon as they have become proficient in this, they will be given practice in baking various kinds of rolls and other breads. After having learned what they should know about the baking of breads and rolls, they will be given practice in the baking of pies, cakes, and pastries. The arrangement is ideal in that it furnishes a ready method of disposing of the entire product, and therefore the cost of materials for instruction becomes a negligible quantity. The training facilities are far superior to those available in the average bakery where placement training might be given.

CABINETMAKING.

8. In the cabinetmaking department the men are engaged in making various kinds of small pieces which bring in the various operations of the cabinetmaking trade. Several large pieces of furniture have been built for instruction in upholstery. Work has been started on a few pieces of furniture such as are found in the ordinary house. In a short time the cabinetmaking department will have completed an entire set of furniture such as is used in the home.

9. In a short time a very thorough instruction is to be given in the finishing of the various kinds of hardwoods. There will be a dust-proof finishing room provided with radiators to give the uniform heat necessary for proper setting and drying of varnish.

10. Many of the trainees have had experience prior to military service, or have had previous training in cabinetwork, and are qualified to do very good work.

CARPENTRY.

11. The carpentry trainees have been given practical instruction work on the erection of buildings and on changes in buildings about the school. They have been doing a considerable amount of what might be termed "mill work" on the woodworking machines of the carpenter shops. There is so much carpenter work to be done about the school that they have a chance to select as much as they desire of such work as the instructors believe is the best training for the men. It is planned that later they will erect some complete small bungalows for training in carpentry.

COOKING.

12. Instruction in cooking has been given by the chef and the cooks in the trainees' mess. The character of the food served and the variety, especially in view of the fact that they prepare very elaborate special meals on holidays and Sundays, is such that the training is very thorough. With such excellent facilities as are available for thorough instruction, and since the problem of disposal of the product gives no cause for worry, there being available at all times an adequate supply of raw material, it is hoped that there will soon be assigned a number of additional trainees.

ELECTRICAL DEPARTMENT.

13. At present electricians are receiving instructions to train them for two special employment objectives—wireman and motor and generator repairman, including armature rewinding and maintenance of power equipment. The employment objective for which a trainee was assigned in many cases has been subject to review by the vocational advisor and the chief instructor in the electrical department to insure training for the particular field of electrical work most feasible.

14. A considerable number of men has been assigned daily to the electrical department of the construction and repair section on work of installing wiring and machinery and making maintenance repairs throughout the reservation. This is most excellent training and is well liked by the men.

15. It is understood that an instructor has been employed and will report soon to give instruction in telegraphy. Since there should be courses available for a man who can not remain long on his feet, it is expected that this course will take care of an existing need.

16. As soon as the electrical equipment now in shipment from Camp Grant arrives, it is intended that equipment shall be set up for instruction in simple telephone work. One of the instructors already employed has had telephone experience. In fact, intercommunicating phones have been installed in four of the different shops of the schools.

LAUNDRY.

17. The facilities for instruction in laundry work are complete in every detail. The man in training works successively in each of the departments of a completely equipped, productive laundry, remaining in each department only long enough to become thoroughly competent to do and to direct work of that department.

18. The training will lead to the position of foreman of a department or to superintendent of a laundry. The men have taken a great interest in their work. The superintendent of the laundry, who has charge of the training, has informed the training officer that in three or four months one of the trainees will be qualified to be superintendent of a small laundry. As foremen and superintendents of laundries are sure of employment almost regardless of industrial conditions, it is unfortunate that there are not more men in training in this field.

MACHINIST.

19. The shop for instruction in the machinist trade is now being equipped with a complete line of machine tools, including lathes of various types, milling machines, shapers, drill presses, grinders, boring mills, planers, etc., and with hand and other tools necessary for bench work. This will be completely installed and fully equipped early in February.

PLUMBING AND STEAM FITTING.

20. The instruction in plumbing and steam fitting has been entirely on construction work. There has been an ideal variety of work in the installation of bathroom plumbing, such as bowls, toilets, tubs, showers, etc., and in the installation of steam radiators, both on low-pressure systems of the variety used in houses and on high-pressure systems where reducing valves and return traps are used.

21. The plumber trainees have installed all the washrooms and toilets in the various buildings used as shops in the training division and have done most creditable work. The men have taken great interest in their work.

22. Lead-working instruction will be started in about 30 days for men who have already become proficient in handling steam fitting and other plumbing work.

SHEET METAL.

23. The instruction in sheet-metal work has been of a varied nature, most of it being on production work required for maintenance or construction about the school. The instructor passes on each job offered him as to whether it is or is not satisfactory training before a job order is issued. This prevents production interfering with training.

24. The equipment has been sufficient for the various kinds of work which have been undertaken to date. Very complete equipment is expected from the sheet-metal department at Camp Grant. An acetylene welding torch is to be installed at once. The electrical school has built an electric arc welding outfit which will soon be in operation in the sheet-metal department.

25. A bench with the proper water tanks and acid tank for the test and repair of motor vehicle radiators is now under construction. This work has become important in many jobbing tin shops and sheet-metal shops. In many cities shops specialize on radiator repairing as their only line of work. The sheet-metal department will give instructions in automobile radiator repairing to men assigned from the auto mechanics departments in order that they may be able to do as much of such work as the general-repair man is likely to find necessary.

SHOE REPAIRING.

26. The very thorough instruction given in shoe repairing trains a man to do both handwork and any work done in the ordinary machine-equipped shoe-repair shop. The men who have had comparatively little experience have worked on Army shoes, of which there was an adequate supply available. It is intended that the trainees shall be allowed to bring their shoes to the shoe repair department for repairs, the charge made to be sufficient to reimburse the Government for materials used. This will give a much-desired variety of work on shoes of different styles and types.

27. Five men in training are now sufficiently proficient to make it safe to predict that 30 days' practice after a special type of stitcher now ordered has been set up will qualify them for rehabilitation. The machine differs from those with which the shop is now equipped in that it is better adapted to handling women's shoes and civilian shoes of the lighter type and having narrow welts.

SIGN PAINTING AND SHOW CARD WRITING.

28. The instruction in this department is laid out to train men to perform the various lines of work done in the ordinary "sign shop," which varies from plain simple lettering of small signs and cards to painting large signs such as are mounted in conspicuous places near highways and railroads. The man must have a large amount of practice in forming letters properly on the board or table before he can expect to do creditable work on larger signs, just as the musician or the typist must practice exercises and exercises to develop the skill of hand required.

29. As fast as the men become proficient they will work on large signs of wood, metal, and cloth such as are used so extensively in commercial advertising. Two of the more advanced men have rigged a painter's scaffold on the brick fire wall which forms the end of one of the large warehouses, have painted the brick surface and are lettering a large sign.

30. Equipment is adequate for the stage of advancement reached by the men. As they progress the necessary equipment is being provided. At no time has it been necessary for any trainee to sit around on account of lack of training facilities and equipment.

STATIONARY ENGINEERING.

31. The training in stationary engineering has been given in the refrigerating plant and in the boiler room of the laundry, pending the arrival of some steam engines which have been shipped. The men have secured some good training in tearing down and rebuilding the boiler-fed pumps in the laundry. It is intended that they shall undertake the job of overhauling the piping and fittings of one of the boilers in the laundry boiler room. This involves much of such work as the stationary steam engineer often has to perform or direct. As soon as the engines arrive they will be installed, connected up, run, and tested. They can then be torn down and assembled as often as desired.

for satisfactory training. In placement training the men learning in a power plant which must be kept running all the time do not have this opportunity to tear down and assemble engines which they will have here.

TAILORING.

32. The equipment and facilities for instruction in tailoring have been reported by the instructors in that department as 100 per cent complete. Many of the trainees have had some experience prior to the war or some previous training. Many of the men have bought their cloth with their own money and are making or have nearly finished suits for themselves. This is most desirable training in that it promotes the most sincere interest and pride in the work. The interest in this department is excellent.

TYPEWRITER REPAIRING.

33. Facilities for instruction in typewriter repairing are excellent. In that there are available at the present time eight or nine hundred typewriters of all makes and types in a condition varying from worn to unserviceable. The rebuilding of these machines is the best possible training and at the same time is providing serviceable machines which will be available for shipment to various offices of the Veterans' Bureau wherever needed.

34. Men who had taken little interest in some other line of work are taking great interest in this trade. It is a good trade for men who on account of the nature of their handicap can not do many other kinds of work.

UPHOLSTERY AND TRIMMING.

35. The work of the upholstering and trimming department is along two different lines, either or both of which may be taken by the trainees. The vehicle work consists of upholstering motor vehicles and building motor-vehicle tops of various types. The furniture work is laid out to train a man for work in furniture factories. Pieces of furniture have been built in the cabinet shop, and the men in the upholstery shop are building up the springs and doing the work necessary to turn out high-grade upholstered parlor suites.

RELATED EDUCATION.

36. The related education section is organized to support the trade and industrial section and the agricultural section by giving the trainees such basic education as is necessary for them in order that they may successfully pursue the vocations which have been selected as their employment objectives.

37. It is intended that the related education shall be not for the sake of academic instruction alone, but that it shall be specialized to meet the needs of the individual trainee with respect to the particular trade he intends to follow. Thus the mathematics given to a tradesman will be only what are needed for the special trade, and no more. If the trade requires no mathematics, none will be given. Drafting, sketching, and blue-print reading will be specialized to such extent that a man will be working on objects common to this trade.

PRODUCTIVE WORK.

38. Since January 1 all productive jobs scheduled through the various departments of the trade and industrial section have been covered by shop orders from the office of the superintendent of trade and industrial training. One copy of each such order is returned after the job is completed, with notations thereon to indicate all materials and all time charged to the job. The trainees in the department are to receive practice in figuring cost of jobs as a part of the training which will be necessary to qualify them for entering business for themselves or handling work for others.

INSTRUCTIONS SCHEDULES AND PROGRAMS.

39. Immediately after the opening of the training each instructor prepared under direction a complete "trade analysis" of his trade and submitted it to the training officer. This trade analysis indicated, first, all the manipulative operations which a skilled or master workman at the trade should be able to perform; second, the trade mathematics required for satisfactory performance of the operations; third, the necessary fundamental, scientific, or technical knowledge necessary; fourth, the trade drafting and sketching which applies to the trade, if any.

40. The related technical training has been given in connection with the jobs in the shops to some extent, and efforts are being made to secure the closest possible cooperation between the instructors who teach the trade and those who teach the related subjects in order that the work may be as closely parallel as possible.

41. The character of the training in any of the trades given is such that men who have different ability to progress or have different previous training are allowed to make individual rates of advancement. Where group work is necessary men of nearly equal progress and ability are allowed to progress in the manipulative work of their trade more rapidly than the less fit. The same custom which is universal in nature and in business is as natural and as desirable in vocational training.

UNITED STATES VETERANS' BUREAU, VOCATIONAL SCHOOL No. 1, Chillicothe, Ohio, January 30, 1922.

AGRICULTURAL TRAINING SECTION—INFORMATION REGARDING COURSES.

1. The following is a brief discussion of the character of the instruction and of the aims of the different courses offered in the agricultural training section.

2. The plans for the opening of the agricultural section of the vocational school at Chillicothe are practically completed. Six instructors and four assistants have been secured and are at the institution ready for the opening February 1. Arrangements are completed for the accommodation of 50 students for the beginning of the agricultural training, and by such arrangements the trainees will have housing and boarding accommodations equal to those supplied the trainees in the trades and industrial section. Classrooms are in readiness for the instruction, and, although not the permanent classrooms with laboratory connections, they will enable very complete and satisfactory instruction of the theoretical nature necessary in elementary introduction into the various lines of agriculture composing the main objectives of the trainees.

AGRICULTURAL BUILDINGS.

3. A very desirable and satisfactory group of buildings, formerly used by the E. and R., are, saving the necessary modifications, to supply ideal quarters for the various departments of agricultural training and will include the necessary rooms and unit libraries in connection with classrooms and laboratories for the proper handling of such subjects as horticulture, covering gardening, small fruits, orcharding, poultry and swine husbandry (later, general animal and dairy husbandry), farm mechanics, and bee culture.

try and swine husbandry (later, general animal and dairy husbandry), farm mechanics, and bee culture.

4. As the work develops and the growing season approaches, arrangements will have been completed for landscape gardening, floriculture, and forestry.

5. Referring in detail to some of the subjects mentioned in which the trainees will specialize, attention should be called to the exceptional opportunity presented by the numerous one-story buildings which, with slight modifications, will provide greenhouses, plant-propagating houses, vegetable forcing, cottages for student villages, poultry houses, etc. The modifications of these buildings will be brought about by the student labor in instruction, since poultrymen construct their own buildings.

6. For dairy husbandry and dairy manufacture the institution has inherited from the E. and R. equipment for the creamery for butter making, cheese and ice-cream manufacture and instruction in general cream and milk pasteurization, bottling, and marketing. The institution also has the advantage of the floor of one barn properly concreted for the stalls and stanchions to accommodate a unit of 20 cows ready for installation. We have in hand, left by the E. and R., the necessary stalls and stanchions for this barn, also the dairy machinery ready for installation on the concrete floor already prepared for the purpose. As the development proceeds, it is planned to establish at least 3 additional dairy barns, 2 for units of 20 cows each and the other for 40 cows. Most excellent farm lands for the production of corn for silage for the most ideal rations for dairy cows and the production of grain and hay are in splendid arable condition.

7. The implements, machinery, and tools, with many other supplies, are in hand for almost complete complements for the satisfactory operation of said farms. These will be overhauled and placed in proper condition by the farm mechanic unit, two instructors of which constitute a part of the faculty and are here for the purpose of giving instruction and incidentally placing the four tractors, farm implements, and machinery on hand in prime condition.

8. The farm lands of Camp Sherman have been alluded to and should be referred to more in detail. That part of the splendid area of about 5,000 acres constituting the camp proper and extending in three directions beyond the camp buildings is of the richest Scioto Valley land most suitable for corn and other valuable grain crops, gardening, and small fruits. The blocks from which the buildings are being and have been removed will be handled as the garden group. They consist of 2½ acres each within the road border and present an exceptional opportunity for practical project training on the part of the students carefully supervised by the instructors, who have been selected with careful consideration as to their ability to prepare and give instruction in project training and at the same time with such experience in teaching as to enable them to give the students the most complete instruction in the related subjects.

9. Referring further to agricultural group of buildings, it is proper to state that with a reasonable outlay in necessary modifications they can be made to serve a real and most desirable purpose as an ideal school at applied agriculture. These buildings have been gone over very carefully by experts, including two men selected by the Secretary of Agriculture from the United States Department of Agriculture, a gentleman selected from the Ohio Agricultural College (a part of the Ohio State University of Columbus), and a training officer of agricultural education from the central office of the United States Veterans' Bureau who has been at the head of agricultural training in rehabilitation for the last three years. These men were a unit in their judgment that the opportunities presented at Camp Sherman were most exceptional for the training of disabled soldiers of elementary grade. In their study suitable buildings were designated on the plats to be retained in this group for farm mechanics to cover shop work, forge work, farm carpentry, and automotive power, horticultural lines mentioned, poultry, agronomy, including elementary soil physics, chemistry, and classrooms for the teaching of English and mathematics vocationally from the standpoint of agricultural subjects.

10. It is germane to state that this committee of agricultural experts recommend that the practical work in all these agricultural lines be carried fully 50-50 with the scientific instruction and that the schedules be prepared to cover all related subjects that would strengthen the trainee in his objective. In other words, that the objective be considered as a major and that such minors be added to the schedule of each student as would strengthen that major and enable the trainee to diversify the knowledge and training secured, in order that he might efficiently carry on in other lines independently or associated with his specialty. This is in conformity with the plans and courses of study in the subcollegiate, one and two year courses of the State agricultural colleges of the country and with the objectives recommended and already followed by the training section of the Rehabilitation Division of the Veterans' Bureau. To illustrate, combination objectives have been offered for the trainee as a prospective small farmer. The first of such combinations grew out of the suggestion from the Pacific coast—California, Oregon, and Washington coming to us as "poultry, fruit, and bees." The modification was then adopted for horticulture—gardening, small fruits, orcharding—poultry, bees, etc. With these diversifications, intensified upon, the trainee on his practical little farm is quite fully assured of success and the establishment of a paying and profitable farm home, in which his entire family is interested and helpful. No line of training has ever appealed to the trainees more strongly than such combinations. Another assurance of the success of the trainee is, namely, farm mechanics and farm management. Positions are awaiting everywhere for such trained men to enable the proper and efficient use of improved farm machinery and implements with automotive power on the farm.

11. All schedules have been worked out and are in readiness for the beginning, February 1. The instructors are on the ground, have held their conferences, and are ready and enthusiastic, full of sympathy for the undertaking and proper development of the 50 students to begin their agricultural courses.

12. It is believed that 50 students can be taken care of at the beginning of March and April and that thereafter the increase can be much more rapid to complete accommodation of the buildings selected for the agricultural training.

CAMP SHERMAN.

After war was declared the Government purchased 5,000 acres of land, constituting Camp Sherman proper, and has a title in fee simple for the same. The Government has expended approximately \$19,000,000 in the purchase, construction, and equipment of this camp. The camp is located in Ross County, Ohio, the fourth State of the Union in population, near the

center of population of the United States, in close proximity to the coal fields; on two main trunk lines, the Norfolk & Western and the Baltimore & Ohio Railroads, the former running north and south and the latter running east and west, both of which are connected with the seacoast and with all the great industrial centers.

Camp Sherman is located in the very heart of a great agricultural community. Fuel and food supplies can be had at a minimum cost. Chillicothe, adjacent to the camp, has a population of about 17,000. It is a thriving, progressive city. It has the largest canning factory in the world. Its business men are thrifty and progressive. Food supplies of every description can be obtained in this city for the students at a reasonable cost. The camp farm is one of the finest farms in the country. The soil is of the best quality and highly productive. The scenery surrounding the camp is beautiful, and the climate is delightful. This camp has at all times ranked as one of the three highest in the United States from a point of health and sanitation. The camp has one of the best equipped hospitals of any of the camps in the United States, having a bed capacity of 2,000, with all modern facilities, and this is in line with the provisions of what is known as the "Sweet bill," which gives the Director of the United States Veterans' Bureau the right to utilize all existing facilities in the War Department.

Both the disabled soldiers and their friends and relatives can reach this camp from any quarter of the country at a minimum cost to themselves and the Government.

The same spot upon which the Vocational School No. 1 is located has been used as a site for the training of soldiers in four different wars in which the United States has been involved.

THE UNITED STATES VETERANS' BUREAU.

Gentlemen of the House, if you will permit me, I want to say right here that Gen. Forbes, Director of the United States Veterans' Bureau, in my judgment, has rendered a most valuable service to the veterans of the late World War and to the country. He has been subjected to severe criticism which he did not deserve. To my mind he has proven beyond doubt his ability to handle one of the biggest jobs in the country. He has a tremendous responsibility, but he has discharged his official duties faithfully and well, and is entitled to the highest commendation of those seeking relief for veterans of the World War. His task has not been an easy one, but difficult, indeed. [Applause.]

Many of the delays in awarding compensation and vocational training are not due to any fault of his, but due to the fact that many of the claims presented were not supported by sufficient evidence to warrant their allowance. I hold no brief for Col. Forbes, but I do believe in giving every man due credit for what he does. I have a statement here which he recently submitted that I want to incorporate as a part of this address for the information of the Members of the House and the people of the United States.

THE UNITED STATES VETERANS' BUREAU IS—

1. Paying out over \$1,000,000 in cash every day, including Sunday, directly into the hands of the ex-service man or his dependents.
2. Providing, without cost, hospital care and treatment to 30,000 veterans. This care includes board and lodging and represents an expenditure by the Government of \$60,000,000 per annum.
3. Giving vocational training, without cost, to over 100,000 disabled ex-service men at an expenditure for tuition and supervision of \$30,000,000 per annum.
4. Mailing out 650,000 checks every month, representing \$42,000,000.
5. Conducting an insurance business for over 600,000 ex-service men without any cost of administration to them. Insurance in force: Three and one-half billions.
6. Conducting over 50,000 medical examinations every month.
7. Giving outside treatment in cases where hospitalization is not required to 20,000 ex-service men every month.
8. Receiving 1,000 new claims every day, in addition to the 1,200,000 already on file; employing 4,000 ex-service men and women in carrying out the work.
9. Requiring for 1922 expenditures in behalf of the disabled ex-service man \$510,000,000—more than the entire expenditure of the whole United States in 1897.
10. The United States of America is already doing more for its disabled veterans than any country in the world, despite the fact that their losses were far heavier than ours.
11. Do these facts indicate that the disabled ex-service man is being neglected?

I have a few photographs here which were taken at the training school at my instance and request, and I want to submit them for your consideration. These photographs will give you some idea of the work that is being done at Camp Sherman, notwithstanding the fact that this school has been in operation only a little more than two months.

Gentlemen of the House, I have submitted the above facts for the information of the membership of this House, as I am led to believe that the Senate has already reinstated this appropria-

tion. In the event that it does, then, of course, the House will have an opportunity to vote on the same.

I know that it has been the policy of this administration to adopt economy wherever possible and to lessen the burden of taxation as much as possible. I am one of the Members of this House who has voted for every economy that was submitted to the House, and I would not support this appropriation if I was not convinced that it is highly proper and essential to the welfare of the disabled soldiers. We can not afford, gentlemen, to economize at the expense of the disabled soldiers of this country. They deserve our support and any appropriation that will tend to relieve their condition. We owe it to them to do all within our power to help them. [Applause.]

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, namely:

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. LANKFORD (at the request of Mr. LARSEN of Georgia), on account of illness.

To Mr. ROGERS (at the request of Mr. WALSH), on account of illness of his mother.

ADJOURNMENT.

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned until Friday, February 24, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. ANDERSON: Joint commission of agricultural inquiry. Report No. 408, part 3. A report on transportation. Ordered to be printed.

Mr. HAYDEN: Committee on the Public Lands. S. 2471. An act to amend the act entitled "An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof," approved July 28, 1914 (38 Stat. L., p. 558); without amendment (Rept. No. 721). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN: Committee on the Public Lands. H. R. 9257. A bill to permit adjustment of conflicting claims to certain lands in Mohave County, Ariz.; with an amendment (Rept. No. 722). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 10578) for the support and education of Indian pupils at the Greenville Indian School, California, for repairs and improvement, for reconstruction of school building destroyed by fire December 17, 1921, and for other purposes; to the Committee on Appropriations.

Also, a bill (H. R. 10579) authorizing appropriations and expenditures for the rebuilding of the school building destroyed by fire on December 17, 1921, at the Greenville Indian School,

California, and for other purposes; to the Committee on Indian Affairs.

By Mr. VOLSTEAD: A bill (H. R. 10580) to create a commission to determine what employment can be furnished Federal prisoners, and for other purposes; to the Committee on the Judiciary.

By Mr. BUTLER: Joint resolution (H. J. Res. 274) authorizing the commissioning in the Marine Corps of the midshipmen under certain conditions; to the Committee on Naval Affairs.

By Mr. ANDREWS of Nebraska: Joint resolution (H. J. Res. 275) directing that the funds deposited with the various States under the act of June 23, 1836, be returned to the National Treasury, with 4 per cent interest from that date; to the Committee on Ways and Means.

By Mr. RYAN: Resolution (H. Res. 292) calling for the investigation of the statements of Ambassador George Harvey and his recall; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DALE: A bill (H. R. 10581) granting a pension to Jennie B. Cullum; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 10582) for the relief of Edward Knight; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 10583) for the relief of Alice Pitman; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 10584) granting a pension to Eliza D. Brattain; to the Committee on Invalid Pensions.

By Mr. GENSMAN: A bill (H. R. 10585) granting a pension to Curtis E. Cook; to the Committee on Pensions.

By Mr. JOHNSON of Mississippi: A bill (H. R. 10586) for the relief of the estate of Jacob L. Green; to the Committee on Claims.

By Mr. KLECZKA: A bill (H. R. 10587) granting an increase of pension to Thomas Butler; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 10588) granting a pension to Henry T. Goodhue; to the Committee on Invalid Pensions.

By Mr. OLPP: A bill (H. R. 10589) for the relief of the De Kimpke Construction Co., of West Hoboken, N. J.; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 10590) for the relief of the Daly & Hannan Dredging Co. (Inc.); to the Committee on Claims.

By Mr. STEPHENS: A bill (H. R. 10591) granting a pension to Amoretta Fitch; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 10592) granting an increase of pension to Rome Patton; to the Committee on Pensions.

Also, a bill (H. R. 10593) granting a pension to John H. Dean; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4238. By the SPEAKER (by request): Telegrams from the Society of the Virgin Mary Bodnarka, Panko Poplycsak, president; Lucas Chanas, secretary; and others, American citizens of Ukrainian descent from West Galicia, relative to conditions existing in that country; to the Committee on Foreign Affairs.

4239. By Mr. BARBOUR: Petition of the California Academy of Sciences, of San Francisco, Calif., indorsing Senate bill 3031, providing for a forest experiment station in California; to the Committee on Agriculture.

4240. By Mr. BURTON: Evidence in support of House bill 10564, granting an increase of pension to Ruby J. C. Furlong; to the Committee on Pensions.

4241. Also, evidence in support of House bill 10565, granting an increase of pension to Charles A. Streeter; to the Committee on Invalid Pensions.

4242. Also, papers in support of House bill 10567, for the relief of Emanuel Lieberman; to the Committee on Claims.

4243. By Mr. DARROW: Resolution of the Geographical Society of Philadelphia in behalf of the Barbour bill (H. R. 7452), relative to proposed Roosevelt-Sequoia National Park; to the Committee on the Public Lands.

4244. By Mr. DRIVER: Petition of the Cosmos Club, of Forest City, Ark., indorsing the Towner-Sterling bill; to the Committee on Education.

4245. By Mr. GALLIVAN: Petition of Scovell, Welling & Co., of Boston, Mass., recommending the passage of the Zihlman

bill, which provides for a board of accountancy for the District of Columbia; to the Committee on the District of Columbia.

4246. Also, petitions of Fred E. Kelley, of 20 Dunmore Street, Roxbury, Mass., and other constituents of the twelfth Massachusetts district, urging early and favorable action on the Tinkham bill (H. R. 9805); to the Committee on the Post Office and Post Roads.

4247. By Mr. KISSEL: Petition of Fred Cohen, of Brooklyn, N. Y., opposing the proposed method of raising revenue for the soldiers' bonus; to the Committee on Ways and Means.

4248. Also, petition of the Cozzens Trading Co. (Inc.), of New York City, N. Y., relative to the proposed bonus bill; to the Committee on Ways and Means.

4249. Also, petition of Charles G. Edwards, Esq., of New York City, N. Y., opposing the passage of the bonus bill; to the Committee on Ways and Means.

4250. Also, petition of the Conference of Historical Societies of the American Historical Association of New York City, N. Y., urging the erection of a national archives building; to the Committee on Appropriations.

4251. By Mr. LINTHICUM: Petition of the Edwin Bennett Pottery Co., of Baltimore, Md., protesting against the Smoot amendment; to the Committee on Ways and Means.

4252. Also, communication from the Religious Liberty Association, submitting petition from citizens of Frederick, Md., protesting against House bills 4388 and 9733; to the Committee on the District of Columbia.

4253. By Mr. LOGAN: Petition of certain citizens of Charleston, S. C., protesting against the passage of certain compulsory Sunday observance laws and particularly House bill 4388; to the Committee on the District of Columbia.

4254. By Mr. McDUFFIE: Resolutions adopted by the Birmingham (Ala.) district, in mass meeting assembled on the 19th of February, 1922, unalterably opposing the Government's considering the bid of the Alabama Power Co., and urging that the offer of Henry Ford for the operation of Muscle Shoals be accepted; to the Committee on Military Affairs.

4255. Also, resolution of the Kiwanis Club, of Talladega, Ala., opposing the plan of the Alabama Power Co., and favoring the Henry Ford offer to operate Muscle Shoals; to the Committee on Military Affairs.

4256. By Mr. RAMSEYER: Petition of Post No. 16, Grand Army of the Republic, of Newton, Iowa, urging the passage of the Morgan bill; to the Committee on Invalid Pensions.

4257. By Mr. SINCLAIR: Petition of about 60 citizens of Max, N. Dak., and vicinity, favoring the early passage of the adjusted-compensation bill; to the Committee on Ways and Means.

4258. Also, three petitions from citizens of Englevalle, Kulm, and Arnegard, N. Dak., urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4259. Also, petition of Nils H. Nesheim and 25 others, of Epworth and Van Hook, N. Dak., urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4260. Also, petition of Peder Aure and 59 others, of Berg, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4261. Also, petition of Adam Mann and 14 others, of Heil and Carson, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4262. Also, petition of the North Dakota Wheat Growers' Association, urging a fixed price on wheat for 1922; to the Committee on Agriculture.

4263. Also, petition of Thore Sollin and 37 others, of Rugby, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4264. Also, petition of Fred H. Getchell and 43 others, of Calley City, N. Dak., urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4265. By Mr. SNELL: Resolutions adopted by De Kalb Junction Grange, No. 1120, of De Kalb Junction, N. Y., favoring the passage of the Voigt bill (H. R. 8086), which seeks to prohibit the movement of bogus milk in interstate commerce; to the Committee on Agriculture.

4266. By Mr. TIMBERLAKE: Petition of G. W. Curtis and other citizens of Colorado, opposing the passage of the compulsory Sunday observance bill (H. R. 4388); to the Committee on the District of Columbia.

4267. By Mr. TINKHAM: Resolutions passed by the Boston Branch of the Fellowship of Reconciliation, at a meeting on February 17, urging that Austria's debt be suspended for at least 20 years; to the Committee on Ways and Means.

4268. By Mr. WARD of North Carolina: Petition of Albe-marie Steam Laundry, of Elizabeth City, N. C., protesting against any proposal to place duties on soya bean oil, coconut oil, cottonseed oil, whale oil, tallow, and other vegetable, animal, and fish oils used in the manufacture of laundry soap and other soap preparations; to the Committee on Ways and Means.

4269. By Mr. WASON: Petition of the following owners and lessees of moving-picture theaters in the second congressional district of New Hampshire, urging the amendment of the copy-right law of the United States so that the payment of the so-called music tax shall be prohibited: J. D. Hallisey, Tremont Theatre, Nashua; J. B. Eames, Premier Theatre, Littleton; J. B. Eames, Empress Theatre, Lisbon; J. B. Eames, Star Theatre, Groveton; A. S. Bisson, Majestic and Scenic Theatres, Keene; Griffin & Duston, Columbia Theatre, Contoocook; Eaton & Daley, Magnet Theatre, Claremont; F. H. Baldwin, Community Theatre, East Jaffrey; C. B. Comi, Sterling Theatre, Concord; A. M. Grayes, Park Theatre, Lebanon; F. F. Davison, Nugget Theatre, Hanover; H. W. Bean, Wonderland Theatre, Penacook; Mrs. C. E. Paro, Star Theatre, Whitefield; T. S. Hurley, Town Hall Theatre, Wilton; Smith & Stearns, Tremont Theatre, Claremont; Mrs. May B. Richardson, Strand Theatre, Milford; E. P. Hicks, Opera House, Lancaster; Sam D. Lewis, Coniston Theatre, Newport; A. C. Chadwick, Empire Theatre, Newport; C. E. Sawyer, jr., Fairland Theatre, Greenville; Wm. A. Nichols, Mystic Theatre, Antrim; Wm. A. Nichols, Dreamland Theatre, Bennington; and M. H. O'Grady, Franklin Theatre, Nashua; to the Committee on Patents.

4270. By Mr. WATSON: Resolution passed by the members of Richland Grange, No. 1206, in favor of House bill 8086; to the Committee on Agriculture.

4271. By Mr. WEAVER: Petition of citizens of Wilmington, N. C., relative to House bills 4388 and 9753; to the Committee on the District of Columbia.

SENATE.

FRIDAY, February 24, 1922.

(Legislative day of Thursday, February 23, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKinley	Ransdell
Ball	Glass	McNary	Robinson
Borah	Gooding	Moses	Sheppard
Brandegee	Harrell	Myers	Smith
Bursum	Harris	Nelson	Spencer
Calder	Harrison	New	Sterling
Cameron	Heflin	Newberry	Sutherland
Capper	Johnson	Nicholson	Townsend
Caraway	Jones, N. Mex.	Norbeck	Trammell
Colt	Jones, Wash.	Norris	Underwood
Culberson	Kellogg	Overman	Wadsworth
Cummins	Kendrick	Page	Walsh, Mass.
Curtis	Kenyon	Pepper	Walsh, Mont.
Edge	Keyes	Phipps	Warren
Ernst	Ladd	Pittman	Watson, Ga.
Fletcher	Lodge	Poindexter	Williams
France	McKellar	Pomerene	Willis

Mr. JONES of Washington. I was requested to announce the absence of the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN], who are detained at a hearing before the Committee on Finance.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Sixty-eight Senators have answered to their names. A quorum is present.

SENATOR FROM IOWA.

Mr. CUMMINS. Mr. President, I present the resignation of my colleague [Mr. KENYON] as a Senator from the State of Iowa, which I ask to have read.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read as follows:

UNITED STATES SENATE,
Washington, D. C., February 24, 1922.

To the Hon. CALVIN COOLIDGE,
Vice President of the United States and President of the Senate.

SIR: I hereby tender my resignation as a United States Senator from the State of Iowa for the term expiring March 3, 1925, to take effect immediately.

Respectfully submitted.

WILLIAM S. KENYON.

Mr. CUMMINS. I present the certificate of appointment of Mr. CHARLES A. RAWSON as a Senator from the State of Iowa to succeed my former colleague.

The PRESIDING OFFICER. The credentials will be read.

The credentials were read and ordered to be filed, as follows:

STATE OF IOWA,
EXECUTIVE DEPARTMENT.

To all to whom these presents shall come—Greeting:

Whereas Charles A. Rawson, of the county of Polk, has been appointed to the office of Senator in the Congress of the United States to represent the State of Iowa in the Senate of the United States until the vacancy therein caused by the resignation of Hon. William S. Kenyon, effective February 24, 1922, is filled by election as provided by law:

Therefore, know ye, that in pursuance of law, I, N. E. Kendall, governor of the State of Iowa, in the name and by the authority of the people of the State, do hereby commission the said Charles A. Rawson to such office, with full power and authority to execute and perform the duties thereof according to law, and to enjoy all the rights, authorities, privileges, and emoluments thereto legally appertaining for the period until a successor is elected and qualified, the commission taking effect on the 25th day of February, A. D. 1922.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa.

Done at the capitol, in the city of Des Moines, this 21st day of February, in the year of our Lord 1922.

[SEAL.]

By the governor:

N. E. KENDALL, Governor.

W. C. RAMSAY, Secretary of State.

Mr. CUMMINS. Mr. RAWSON is present and ready to take the oath of office. I ask that it now be administered to him.

The PRESIDING OFFICER. The Senator appointed will come forward and take the oath of office.

Mr. RAWSON, escorted by Mr. CUMMINS, advanced to the Vice President's desk, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

PETITIONS.

Mr. LADD presented a resolution adopted by the Senate of the State of Maryland, which was referred to the Committee on Agriculture and Forestry, as follows:

A resolution recommending the stabilization of sundry basic farm products.

Whereas the basic industry of agriculture is now in the depths of the greatest depression in the history of the Republic, in which over 40,000,000 of our farm population have lost their purchasing power; and

Whereas the loss of this purchasing power is reflected on the paved streets of our great cities, where more than 5,000,000 jobless, helpless, breadless workmen tramp the highways seeking work that can not be found; and

Whereas the helpless farmer can not help the helpless industrial worker on account of his own helplessness and lack of organization; and

Whereas the National Government insisted on a price guaranty and stabilization of markets for farm products during the late World War, when the farmers did not need and did not want it; and

Whereas the time has now come when they do need it and do want it, not only for their own welfare but for the welfare of the entire Nation: Now, therefore, be it

Resolved by the Senate of Maryland in session assembled on this 14th of February, A. D. 1922:

First. That we recommend and urge upon the President of the United States, the Senators and Representatives of the State of Maryland in Washington, that they quickly cooperate, unite, pass, and approve a bill for the immediate stabilization of at least three of the basic products of the farm for enough, at least, to pay the cost of production, but not exceeding wheat at \$2 per bushel, corn at \$1 per bushel, and wool at 60 cents per pound, all of which command the power of precedent in that the United States Government has already decided it to be right, proper, and legal to stabilize and did stabilize by the guaranty of a minimum price these products of the farm at a time when neither the country nor the farmer needed such stabilization. How much more necessary, therefore, is it now to stabilize these products in order that prosperity may return, not only to the fields and furrows of the farms but that, with renewed purchasing power, the farmer may start again the wheels of industry and provide jobs for the jobless, help for the helpless, and bread for the breadless.

Second. That the United States Grain Corporation be revived with a fair and friendly board of directors and provided with one-half the capital that was heretofore used to exploit and plunder the farmer, who was more interested in winning the World War than in the winning of a competence against the day of misfortune, which has now arrived.

Third. That a copy of this resolution be mailed by the secretary of the senate to the President of the United States, to the Maryland Senators and Representatives, and to the members of the agricultural bloc in Washington, that they may be encouraged to continue the work for the farmer which they have thus far so nobly carried on.

Which was read and adopted by yeas and nays, as follows:

Yeas 21, nays 4.
February 14, 1922.

E. R. CROTHERS,
Secretary of the Senate.

Mr. LADD presented a resolution adopted by the Commercial Club of Wahpeton, N. Dak., favoring the enactment of legislation for improvement of the St. Lawrence River so as to admit ocean-going vessels to the Great Lakes, which was referred to the Committee on Commerce.

He also presented the petitions of I. B. Klein and 49 others, of Rhame and vicinity; Carl Aamodt and 66 others, of Overly and vicinity; and H. O. Gulbranson and 52 others, of Colgan and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. BURSUM, from the Committee on Pensions, to which was referred the bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses, reported it with amendments and submitted a report (No. 512) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, reported it with amendments and submitted a report (No. 513) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELKINS:

A bill (S. 3193) to provide for the refund of penalties paid under section 4 of the food control act, as amended; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 3194) granting a pension to John R. Robertson; to the Committee on Pensions.

By Mr. PHIPPS:

A bill (S. 3195) to authorize the Secretary of the Interior to accept completion of Carey segregation No. 11 and to issue patent therefor; to the Committee on Irrigation and Reclamation.

By Mr. McNARY:

A bill (S. 3196) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States; to the Committee on Irrigation and Reclamation.

AMENDMENT OF DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CALDER submitted an amendment proposing an extension of Rittenhouse Street from the Metropolitan Branch of the Baltimore & Ohio Railroad Co. intended to be proposed by him to House bill 10101, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. WALSH of Montana. Mr. President, I ask that Senate resolution 244 be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the resolution, which will be stated.

The ASSISTANT SECRETARY. Senate resolution 244, by Mr. WALSH of Montana, directing the Committee on the Judiciary to inquire as to the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the Commission to Refund Obligations of Foreign Governments to the United States.

Mr. CALDER. Mr. President, will the Senator from Montana yield to me for a moment?

Mr. WALSH of Montana. I yield.

Mr. CALDER. I have asked the Senator from Montana to yield to me in order that I may report favorably two resolutions from the Committee to Audit and Control the Contingent Expenses of the Senate, and ask unanimous consent for their present consideration.

Mr. NORRIS. Mr. President, we are unable to hear what is going on.

The PRESIDING OFFICER. The Senate will be in order.

THE MUSCLE SHOALS PLANT.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report favorably with an amendment Senate resolution 238, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The resolution reported by the Senator from New York will be read.

The reading clerk read the resolution (S. Res. 238), which had been submitted by Mr. NORRIS on the 16th instant, as follows:

Resolved, That the Committee on Agriculture and Forestry or any subcommittee thereof be, and they are hereby, authorized to go to Muscle Shoals, Ala., for the purpose of taking evidence and making investigation regarding the advisability of the completion of the Government improvement for power purposes at that place, either by the Government itself or by some lessee. There is hereby appropriated out of the contingent fund of the Senate the sum of \$1,000 for the payment of the expenses of said investigation.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Committee to Audit and Control the Contingent Expenses of the Senate.

The amendment reported by the committee was, on page 1, to strike out, "There is hereby appropriated out of the contingent fund of the Senate the sum of \$1,000 for the payment of the expenses of said investigation," and to insert "and to employ a stenographer at a cost not exceeding \$1.25 per printed page, the expenses of said investigation to be paid out of the contingent fund of the Senate, and not to exceed \$1,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HARRISON. Mr. President, will the Senator from New York yield for a moment?

Mr. CALDER. I yield.

Mr. HARRISON. There are some Senators who are very much interested in the proposition which is involved in the resolution who are not, however, members of the Committee on Agriculture and Forestry. Would the Senator object to inserting after the word "thereof" the words "or any other Member of the Senate," in order that other Senators who may be particularly interested in this matter may also be authorized to go to Muscle Shoals with the Committee on Agriculture and Forestry?

Mr. CALDER. Speaking for myself, I should have no objection to such an amendment as the Senator suggests, provided that the expense incurred shall not exceed the thousand dollars, which is the limit fixed in the resolution.

The PRESIDING OFFICER. Does the Senator from Mississippi offer the amendment which he has suggested?

Mr. HARRISON. I offer that amendment.

Mr. TRAMMELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Florida?

Mr. CALDER. I yield.

Mr. TRAMMELL. I should like to know why the limitation of \$1,000 is proposed to be placed upon this expenditure. This matter involves one of the most important questions with which the Senate will have to deal, relating, as it does, to the utilization of the plant and improvements at Muscle Shoals. It seems to me a little unusual to place such a small limitation upon the expenditures of a committee which is to investigate so very important a matter. Why was the expenditure limited to only \$1,000?

Mr. CALDER. The \$1,000 limitation was put upon the expenditure by the Senator from Nebraska [Mr. NORRIS] in the original resolution, and the committee authorized me to report the resolution with that limitation.

Mr. TRAMMELL. I think that that limitation is really too small. I have been impressed with the fact that the proposal made by Mr. Ford is one of great merit; that Congress should take advantage of his offer; and that this plant should in this way be utilized for the benefit of the agricultural interests of our country. I should very much dislike for the expenditure to be so limited that the committee would be hampered in making a proper investigation. Of course, however, if this sum is all which may be agreed upon by the committee, we shall probably have to accept it. It is my opinion that the appropriation should be two or three times the amount fixed in the resolution. I think Mr. Ford's proposition should be acted upon favorably and I do not desire to see anything happen to retard prompt action on his proposal.

Mr. UNDERWOOD. Mr. President, I have listened attentively to what the Senator from Florida has said. Of course I think if this proposed investigation is made it ought to be made in the proper manner. I am very much in favor of the investigation, because I think it will throw light on the question involved. There is a vast sum of money involved, besides other

problems. I think if the Committee on Agriculture and Forestry and such other Senators as may desire to go shall go to the ground it will not be necessary for them to stay a great while in order to see the immense plant which has been built by the Government, the power dam, and the partially completed construction work, and to understand the potential possibilities, and that it will be of great aid to the Senate in reaching a final conclusion as to the disposition of the matter.

We spend sometimes by direction of the Senate up to ten or fifteen or twenty thousand dollars investigating theories. I do not want to expend in this case a sum which is unnecessary. I can readily see how the chairman of the Committee on Agriculture and Forestry may not have been able carefully to calculate what the investigation will cost. However, as I travel that route very often, I know that the actual railway fare down there and back is something like \$60; the Pullman car fare will be at least \$15 more; then there will be hotel bills and other incidental expenses, so that \$1,000 would not be sufficient to take more than 10 Senators down there and back.

Mr. CALDER. The sum of \$1,000 is all for which the resolution as originally introduced by the Senator from Nebraska asks, I will say to the Senator from Alabama.

Mr. UNDERWOOD. I realize that, but I fear that the chairman of the Committee on Agriculture and Forestry did not measure the situation. Of course, the resolution is subject to amendment. I do not desire to interfere with the proposal of the chairman of the committee, but I hope he will not object if I move to make the sum \$2,000 instead of \$1,000.

Mr. SMITH. Mr. President, may I suggest to the Senator from Alabama that the resolution should merely provide, as such resolutions ordinarily provide, that the expenditure shall be paid out of the contingent fund of the Senate? Of course the committee would use all necessary precautions about the expenditures, but to limit them to a definite amount I think would be unwise.

Mr. UNDERWOOD. I was proceeding on the basis that a committee consisting of 12 or 15 Senators can go down there and make the investigation and come back within the limit of \$2,000, but it is proposed by the resolution to confine the expenditures to \$1,000.

Mr. SMITH. I am quite sure that what the Senator from Alabama states as to that is true. As a member of an investigating committee I have just returned, and I am sure that I have held everything down to the lowest possible amount, but it approximated \$100 of expenditure for each Senator in almost the identical neighborhood involved in this resolution. As the Senator from Alabama has already remarked, merely the car fare and traveling expenses will be practically \$100 for each Senator.

Mr. HEFLIN. Not only that, if my colleague will permit me, but the resolution provides for stenographic services; so if the committee should desire to take testimony on the ground, that work would have to be paid for; and \$1,000 would not begin to pay the expenses, as my colleague, the senior Senator from Alabama [Mr. UNDERWOOD], says for the committee merely to go down there and back, not including other expenses.

Mr. LODGE. I will ask the senior Senator from Alabama what limit to the expenditure he has suggested?

Mr. UNDERWOOD. I have suggested to increase the sum provided for by the resolution from \$1,000 to \$2,000.

Mr. CALDER. I have no objection at all to that.

Mr. UNDERWOOD. I think that amount will cover the necessary expenditures.

Mr. McKELLAR. I think \$2,000 will be ample to provide for all Senators who may desire to go.

Mr. LODGE. I think there should be a limit to the expenditure.

Mr. McKELLAR. I also think so.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

Mr. NORRIS. Mr. President, I think I ought to say a few words on this question. In submitting the original resolution I was acting under instructions given me by the Committee on Agriculture and Forestry. The resolution, therefore, came from the committee. The subject was considered in the committee. It was at first thought by me that a subcommittee of the full committee would be sent down to Muscle Shoals to investigate, but in the discussion it developed that many members of the committee were deeply interested in the project, and felt so keenly the responsibility placed upon them by the Senate in connection with the investigation that they wanted to go. So the feeling was that a very large number of the committee would want

to go down and make the investigation. That was perfectly natural, I think. I believe it must be conceded that those who are to investigate and report on the Muscle Shoals project ought to examine it on the ground if they are to make a full investigation. I was instructed, therefore, to report the resolution to the Senate, which I did.

I have no objection whatever to any other Member of the Senate visiting Muscle Shoals, and of course I have no objection to the Senate providing that any Senator may go down there who desires to do so. I do not want to be understood as in any way objecting to the amendment suggested by the Senator from Mississippi. It is a very appropriate suggestion, it seems to me; but I think if the resolution is amended, as is proper and right, so as to provide that any other Member of the Senate who desires to do so may go down there, the resolution ought to be further amended so as to put the matter in the hands of the Sergeant at Arms and let him take charge of it.

It is not a committee matter any further, and the Sergeant at Arms, it seems to me, or some other designated officer—I think he is usually the officer to make such arrangements—should have charge of it. He is equipped with the necessary clerical force and employees who have had experience in matters of this kind, so that he could, after consultation or communication with Senators, ascertain how many desire to go, and then secure the necessary accommodations, not only upon the train but whatever hotel reservations may be necessary down there. The Committee on Agriculture and Forestry through its chairman is not equipped to make such arrangements.

Mr. CALDER. Mr. President, what the Senator proposes is the practice. All he has to do is to ask the Sergeant at Arms, and he will take complete charge of the matter for him.

Mr. NORRIS. If an amendment making provision for the Sergeant at Arms to take charge of the matter is not necessary and if he can do that in any event, that is perfectly satisfactory to me, of course.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Mississippi, which will be stated.

The ASSISTANT SECRETARY. In line 1, after the word "thereof," it is proposed to insert "or any other Member of the Senate."

The amendment was agreed to.

Mr. CALDER. The Senator from Alabama [Mr. UNDERWOOD], I understand, suggested an amendment to strike out "\$1,000" and insert "\$2,000."

Mr. UNDERWOOD. Yes; I move to amend the resolution further by striking out "\$1,000" and inserting "\$2,000."

The PRESIDENT pro tempore. Before the amendment may be considered it will be necessary to reconsider the vote by which the amendment reported by the committee was agreed to.

Mr. CALDER. Mr. President, as I understand, the Senate has already adopted the committee amendment fixing the limit of expenditure at \$1,000.

Mr. UNDERWOOD. Then, I ask unanimous consent that the vote may be reconsidered by which the committee amendment was agreed to.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote whereby the committee amendment was agreed to is reconsidered.

Mr. UNDERWOOD. I now offer the amendment to strike out "\$1,000" and insert "\$2,000."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the last line of the resolution it is proposed to strike out "\$1,000" and to insert in lieu thereof "\$2,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The resolution as amended was agreed to.

NETTIE B. ROSS.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution S. Res. 239, and I ask unanimous consent for its immediate consideration.

Mr. OVERMAN. I ask what is the purport of the resolution?

Mr. CALDER. It is a resolution to pay a sum equal to six months' salary to the widow of a laborer in the employ of the Senate, who recently died.

Mr. OVERMAN. Very well.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution, which was submitted by Mr. LODGE on the 16th instant, was considered and agreed to as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Nettie B. Ross, widow of James D. Ross, late a laborer in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

WORLD WAR FOREIGN DEBT COMMISSION.

The Senate resumed the consideration of Senate resolution 244, submitted by Mr. WALSH of Montana yesterday, directing the Committee on the Judiciary to inquire as to the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the Commission to Refund Obligations of Foreign Governments to the United States.

Mr. McKELLAR. Mr. President, a day or two ago, in speaking of the appointment of the Senator from Utah [Mr. SMOOT] on the World War Foreign Debt Commission, I quoted from the CONGRESSIONAL RECORD of July 11, 1921, as to the position of the Senator from Utah in reference to the collection of our foreign debt and the interest thereon. I quoted only a small portion of his statement, but, in justice to the Senator from Utah, I desire to have printed in the RECORD at this point his entire statement, as it appears on pages 3533 and 3534 of the RECORD of July 11, 1921.

Mr. POINDEXTER. Mr. President, will the Senator read it? I should like to hear what it is.

Mr. McKELLAR. It embraces a whole page of the RECORD.

Mr. POINDEXTER. Then I will not ask that it be read.

Mr. McKELLAR. I have talked to the Senator from Utah in regard to it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. SMOOT. I am one who has given a great deal of thought and attention to this subject. With me it is not a question of whether we can collect the money. Of course we can force the money out of England. Of course we can make France pay. Of course we can make some of the other countries pay. The question with me is whether it is for the best interests of the United States to do it. I say to the Senator without a moment's hesitation that it would be the very worst thing in the world for the United States to take that position.

I have not the time now, but I am going to take about an hour's time of the Senate within a very short time and I think I can convince the Senate that if that policy were to be pursued it would be the absolute ruin of the foreign commerce of the United States.

The Senator must know, because he has already referred to the question of the reparations being paid by Germany, that those reparations were paid and the small transfer made in foreign exchange to the United States caused the pound sterling to drop 30 cents within 10 days. If the money that is owing by way of interest was paid to the United States to-day, if it could be paid by all the countries of the world, we would see the French franc drop 50 per cent, we would see the pound sterling drop, not 30 cents but at least \$1 and perhaps more, and we would be left high and dry as far as reaching any of the markets of the world is concerned until the situation through credits from other countries, and that would take years of time, would drop back to a normal condition, so we could exchange the goods of foreign countries, and I mean exchange the goods by being in a position to exchange our credits that we may be owing one nation to another nation that was owing us. It is a law of commerce, and when it is violated commerce answers, just as in the violation of a law of health the individual has to answer. It is so plain to me that it seems every one ought to see it.

Mr. WATSON of Indiana. Mr. President, I should like to ask the Senator from Utah a question.

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. NORRIS. I will yield later to the Senator from Indiana to answer the Senator from Utah.

Mr. WATSON of Indiana. I did not wish to answer the Senator from Utah. I desired to ask him a question.

Mr. NORRIS. I think that while what the Senator from Utah has said is fresh in my mind I ought to make what comments I have to make upon his remarks. If the Senator from Utah would apply his logic individually, I should like to owe him some money. I should like to borrow all the money I could get from him and not pay the interest until it ran up to such a large sum that he would refuse to accept it. If I only owed him a little, I suppose he would take it, but if I did not pay it for several years and it accumulated into a large amount I presume he would forgive the debt.

Mr. SMOOT. The only difference between the Senator from Utah and the foreign country is that the Senator from Utah can not begin issuing paper money and compelling the people of the country to take it. No country can compel the people to take it at a certain figure, because it is only worth what it will sell for in a foreign land in the purchase of foreign commodities.

Mr. NORRIS. No one disputes that.

Mr. SMOOT. If the Senator from Utah had the right to issue paper money and compel the Senator from Nebraska to take it, or if the Senator from Nebraska could issue paper money and compel the Senator from Utah to take it with no security other than the promise to pay of either man, then the situation would be quite different. Neither the Senator from Nebraska nor the Senator from Utah can do that, but the Government can do it.

What is the matter with the Government of Poland to-day? The printing press. Germany, with her mark down to 1.3—what is the matter? The printing press. When she owes a debt to a foreign country the printing press does not count. It is what that money that is

issued from the printing press will bring in gold as the standard that counts.

In my opinion Germany is in a better position than any country in all the world to-day to get out from under the bondage that has been placed upon her by the war. I say that with the understanding that she will pay every dollar of the obligations that have been placed upon her through the Versailles treaty. She stands in a better position to-day to be out and free from her bonded indebtedness than almost any other country in the world.

Mr. NORRIS. I wonder if I may talk a while?

Mr. SMOOT. I beg the Senator's pardon. I shall not bother the Senator again.

Mr. NORRIS. The Senator's statement about the Government issuing paper money and compelling some one to take it does not apply. It has nothing to do with the case. No Government can compel us to take their paper or any other Government to take their paper. It is not a question of taking any depleted currency here, but the Senator's own argument is to the effect that this has gone on so long that there is such a vast amount of money due us now that if we require payment it will do us much more injury than it will do to the people who pay it. His statement that Germany is better off than other countries may be true in one sense, because Germany, by the defeat she has suffered, is not allowed to build up an army and a navy, and her energies will be directed toward other activities.

If the balance of the world continue to spend all their energy, all their money, and all their resources in building up armies and in building up navies, the time will come when the statement of the Senator from Utah will prove to be true. But if his logic is right, then we made an awful mistake in winning the war. We ought to have been defeated. We ought to be the country that owes instead of the creditor nation. In order to save ourselves we ought to get in debt some more and give some more money to the nations of Europe and then say that we will never let them pay it; that we should get into debt ourselves and borrow all the money we can to pay the interest, tax our people to pay it, and then say, "We are going to owe it to you, and then we are not going to let you pay it because whenever you pay it you will ruin us, you will hurt us."

It is an awful thing. If we were demanding now of England and France and Italy and the other countries the payment to-morrow of all the money that they owe us, it would be an entirely different proposition. We know they could not pay it. It would be an impossibility. It would not be right to ask that. I would not be in favor of it. But every day that we put it off we make it possible for men to make the argument that is made here to-day by the Senator from Utah, that it is too much, they can not pay it, that it is getting bigger every day, and it is going up by the thousands of dollars every hour.

Mr. SMOOT. The Senator does not mean to intimate that I think these obligations ought to be forgiven these countries, does he?

Mr. NORRIS. Oh, no; I have not said that. I do not know what the Senator thinks about it.

Mr. SMOOT. If the Senator had allowed me to continue just a moment, I would have stated that, in my opinion, just as soon as the peoples of the world get back to work and get to producing, then there is no question that the exchanges can be adjusted; and not only would I demand that all the interest be paid but I would demand part of the obligation, and they could pay it then. But as long as the world is in the shape that it is in to-day I would say to the Senator it is a commercial impossibility.

I do not wish the country or the Senator or the Senate to think for a moment that I have the least idea of forgiving these countries either the principal or the interest. Every dollar of both ought to be paid, in my opinion.

Mr. NORRIS. When ought they to commence?

Mr. SMOOT. Just as soon as the countries get in a position whereby they can get to work. The country that is nearest that point to-day is Germany, as I said before. I do not know how long they will take.

Mr. NORRIS. Suppose Germany pays England, as she has paid her something recently; suppose Germany pays England \$5,000,000 to-day and England wanted to pay that same \$5,000,000 to us to-morrow, to be applied on what she owes us, would the Senator from Utah reject it?

Mr. SMOOT. Not at all.

Mr. NORRIS. He would take it, would he?

Mr. SMOOT. That is quite a different proposition from collecting all the interest. There is nearly a billion dollars of interest, and \$5,000,000 would be quite a different proposition from \$1,000,000,000.

Mr. NORRIS. Yes; I would rather have \$1,000,000,000 than \$5,000,000.

Mr. SMOOT. I may say this to the Senator from Nebraska: Whatever payment can be made should be made and we should collect all we can up to the point that it will not interfere with the exchanges of the world so as to place our country at a disadvantage.

Mr. NORRIS. Where will that point be, in the Senator's judgment? How much could we collect to-day if England were willing to pay it? Would it hurt us to take \$100,000,000 to-day?

Mr. SMOOT. That would depend upon the ability of England to pay so that it would not interfere with her exchange.

Mr. WALSH of Montana. Mr. President, it will aid in appraising the value of the discussion which I have been presenting to the Senate if I state the conditions giving rise to the report of Speaker Henderson, to which I have referred.

Mr. LODGE. May I ask the Senator if his resolution has been laid before the Senate?

Mr. WALSH of Montana. It has. On July 13, 1898, President McKinley appointed Senator Cullom, Senator Morgan, Representative Hitt, and Messrs. Dole and Frear as commissioners to recommend legislation concerning the Hawaiian Islands under the joint resolution of July 7, 1898. The matter of the eligibility of Senators Cullom and Morgan and Representative Hitt to serve upon this commission was, by resolution of the Senate, referred for consideration to the Judiciary Committee of the Senate. In that situation of affairs the House also took note of the question, and the report of Mr. Henderson which I have been reading was submitted to the House in support of his contention that there was no constitutional objection to the appointment of Members of Congress upon that commission.

No report was made from the Judiciary Committee of the Senate, as I stated on yesterday, or at least no record of any report can be found. It is recorded, however, that Senator Hoar, upon whose motion the reference was made, made a very able and exhaustive speech contending that the gentlemen named, being Members of one or the other House of Congress, were ineligible. The speech evidently made a very deep impression upon his colleagues. As I say, there is no record that a report from the Judiciary Committee was ever made, and it is not clear from the RECORD as to whether this address of Senator Hoar was delivered in the Senate in executive session or before the Judiciary Committee; but a very careful search of the RECORD has not revealed the speech. However, the Senate refused to confirm these nominations, and the inference is irresistible that they were persuaded by the discussion which took place. Speaker Henderson, however, took the other view; and the discussion to which I am now directing the attention of the Senate is, I take it, as strong an argument as could be made upon the other side. The Speaker here points out that inasmuch as the members of this commission had no duties to perform except to investigate and report to the Congress, without any power to carry out any law or to enact any law or to construe any law, they were not officers within the meaning of the Constitution.

I discontinued last night at that part of the report which referred to the decision of the Supreme Court of the State of Wisconsin holding that commissioners appointed to make a geological, mineralogical, and agricultural survey of the State of Wisconsin are officers within the meaning of an analogous provision of the constitution of the State of Wisconsin. The opinion says:

The geological survey commissioners were appointed directly by the legislature; no specific term of office was fixed (except by the governor, whose power to do so may well be doubted); provision was made by law for removing them for cause and for filling vacancies; their salaries were paid out of the State treasury, and their functions were not of merely private, local, or temporary concern, but related to the material and permanent interests of the whole State. The duty imposed upon them was an important public trust, to be exercised for the benefit of all the people of the State, and could only be discharged properly by gentlemen of high attainments in physical science. * * * It may safely be asserted that any person charged by law with the performance of public functions affecting the general interests of society, especially if he be elected thereto by the people or appointed directly by the legislature, and who receives his compensation out of the public treasury, is a public officer, and as such can have no vested right in his office, unless secured by the constitution. * * * It may be difficult to draw the exact line between an office and a mere service or employment, but, as already observed, when public functions are conferred by law upon certain persons elected by the people or appointed by the legislature, if those functions concern the general interests of the State, and are not of a nature merely local or temporary, such persons are public officers, especially if they are paid a salary for their services out of the public treasury.

Mr. Henderson then takes up the case of *In re Corliss* (11 Rhode Island, 638), to which I shall refer at length a little later on; but I pause here to remark that in my judgment it is a direct and exact adjudication of the question that is now before us. I ask your especial attention, then, to the brief reference in the report to this case, as follows:

In *re Corliss* (11 R. I., 638) the question was up whether the office of a commissioner of the United States Centennial Commission is an office of trust under Article II, section 1, of the Constitution of the United States, and it was held that he was such an officer. The law creating that commission provided "for the holding of an exhibition of American and foreign arts, products, and manufactures, under the auspices of the Government of the United States," and the functions of such commissioners were to continue until the close of the exhibition, and their duties were "to prepare and superintend the execution of a plan for holding the exhibition." By the act of Congress approved June 1, 1872, the duties and functions of the commission were further increased and defined, and a corporation was created called "The Centennial Board of Finance," to cooperate with the commission and to raise and disburse the funds. It was to be organized under the direction of the commission. The commission was also to adopt plans for the erection of buildings, and the corporation created was to erect them in accordance with these plans.

The act also provided that the commission should "have power to control, change, or revoke all such grants, and shall appoint all judges and examiners and award all premiums." The commission was also "to supervise the closing up of the affairs of said corporation, to audit its accounts, and submit in a report to the President of the United States the financial results of the centennial exhibition." The act also provided "no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States." The only other officers provided for by the act were alternates to serve as commissioners when the commissioners were unable to attend.

In the opinion in the case, the court gives especial consideration to the fact that the commissioners were paid no salaries, but holds that that is not a matter of consequence.

The court properly held that these commissioners were officers of the United States. They were certainly vested with sovereign functions of the Government which were to be exercised by them for the benefit of each and every State in the Union and for the benefit of all the people of the United States.

In *Bunn v. The People* (45 Ill., 397) the court held:

"A person employed for a special and single object, in whose employment there is no enduring element, nor designed to be, and whose duties when completed, although years may be required for their performance, ipso facto terminate the employment, is not an officer in the sense in which that term is used in the constitution of Illinois."

In *re Attorneys, etc.* (20 Johnson, N. Y.), the court defines the legal meaning of the term "office" to be "an employment on behalf of the Government in any station or public trust not merely transient, occasional, or incidental."

In *matter of Hathaway* (71 N. Y., 238-243) the court said:

"Public office" as used in the Constitution has respect to a permanent trust to be exercised in behalf of the Government, or of all citizens who may need the intervention of a public functionary or officer, and in all matters within the range of the duties pertaining to the character of the trust. It means a right to exercise generally and in all proper cases the functions of a public trust or employment."

In *McArthur v. Nelson* (81 Ky., 67) the question was up as to whether certain commissioners were district officers, and the case says:

"The first section of the act authorizes the judge of the circuit court to appoint three commissioners, residents of the district, who shall hold their office at the will and pleasure of the judge. It is made the duty of the commissioners to have the courthouse constructed at a cost not exceeding \$50,000, and to enable them to raise this money they are authorized to issue bonds, with coupons attached, bearing interest at 5 per cent, payable semiannually; and to redeem the bonds and pay the interest they are further empowered to levy an annual tax on the real and personal property in the district not exceeding 12 cents on the \$100, etc. * * * They are not district officers within the meaning of section 10 of article 6 of the constitution, but are the mere agents for the district, required by the act to discharge certain duties with reference to the building of the courthouse, and when those duties end their employment terminates."

In *United States v. Germaine* (99 U. S., 508) the question as to who are and who are not officers of the United States was quite fully considered. Under section 4777 of the Revised Statutes, United States, it is provided:

"That the Commissioner of Pensions be, and he is hereby, empowered to appoint, at his discretion, civil surgeons to make the periodical examinations of pensioners which are or may be required by law and to examine applicants for pensions where he shall deem an examination by a surgeon appointed by him necessary, and the fee for such examinations and the requisite certificates thereof in duplicate, including postage on such as are transmitted to pension agents, shall be \$2, which shall be paid by the agent for paying pensions in the district within which the pensioner or claimant resides out of any money appropriated for the payment of pensions under such regulations as the Commissioner of Pensions may prescribe."

It was held in the case cited that the appointees under this statute are not officers of the United States but mere agents of the Commissioner of Pensions.

That completes the review of the authorities by Mr. Henderson; and then he argues as follows:

It is perfectly clear, therefore, that the commissioners appointed under the act approved July 7, 1898, "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes," the resolution approved July 7, 1898 (Pub. Res. No. 51), entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States," and the act approved June 18, 1898, entitled "An act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," are not persons "holding any office under the United States."

Here is the gist of the argument:

They are persons designated by authority of Congress to make certain investigations, inquiries, etc., or to conduct certain negotiations preliminary to and as a basis for possible action by the Congress of the United States or by one branch of it. They neither make law, execute law affecting the rights of the people, nor perform judicial functions. These commissioners are and are intended to be mere advisory agents of the Congress of the United States. Their investigations are confined to some particular matter or subject, and they are not required to take an oath of office. They have no power to decide any question or bind the Government or do any act affecting the rights of a single individual citizen.

If the House or Senate authorizes or directs the Speaker or President of the Senate, as the case may be, to appoint a special committee to investigate some particular matter or subject and report and recommend legislation, can it be claimed that an office is created or that the Members of the House or Senate appointed hold "an office"? Suppose the President of the United States is authorized to make the appointments. Does this create offices, and are the appointees "officers"?

The acts performed are for the information of the Congress, and it alone. Their suggestions and recommendations have no force; they may or may not be adopted. To make their suggestions or recommendations operative, bills or resolutions must be introduced embodying the provisions recommended, or their substance, and these must be enacted into law. If a treaty is recommended by peace commissioners, it must be submitted to the Senate and by it ratified. The acts of such a commission do not bind the President, the Senate, or the Government. Then such commissioners neither make, execute, nor interpret law. They do not possess or exercise any of the sovereign power of the Government of the United States.

That the Senate may feel that it ought to ratify or approve the recommendations of such a commission can make no difference; the fact remains that their acts are not binding upon anyone or upon any departments of the Government.

If the Congress of the United States should see fit by joint resolution to authorize the President to appoint 10 persons as commissioners, whose duty it should be to investigate the condition of the people residing in Porto Rico and recommend laws suitable to their government, and should appropriate money to pay the expenses of the commission, would anyone contend that such commissioners when appointed would become other than mere agents of the Congress for the purposes specified? Would they possess or exercise legislative, executive, or judicial functions or powers? Such commissioners would possess the mere naked power to investigate and report, and their

action would conclude no one, nor would they execute or interpret any law. Their action would not affect in the slightest degree the personal or property rights of a single citizen of the Republic. They would be answerable to no power for misconduct, they would be bound by no oath.

"The officer is distinguished from the employee," says Judge Cooley, "in the greater importance, dignity, and independence of his position; in being required to take an official oath, and perhaps to give an official bond; in the liability to be called to account as a public offender for misfeasance or nonfeasance in office, and usually, though not necessarily, in the tenure of his position."

Attorneys and counsellors admitted to practice in the courts of the United States are not officers of the United States. (Ex parte Garland, 4 Wall. (U. S.), 333; see also *In re Robinson*, 131 Mass., 376.)

In *People v. Nichols* (52 N. Y., 478), one of the judges of the court of appeals was designated by statute as one of three persons to examine and report upon the genuineness and value of certain relics which the State proposed to purchase, and upon the certificate of these commissioners the purchase price was to be paid. The court held that this was not an office or a public trust within the meaning of the constitution of that State, which prohibits such judge from holding an office or public trust. Said the court: "It is very plain that the doing of such an act, a single act like this, is not within the meaning of the constitutional prohibition against holding any other office or public trust" (p. 485).

Applying these principles to what is known as the Postal Commission the committee finds that those Members of the House of Representatives appointed or designated as commissioners under public act No. 131—"An act making appropriations for the fiscal year ending June 30, 1899," are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to the Industrial Commission, the committee finds that those Members of the House of Representatives appointed or designated as commissioners under public act No. 146, "An act authorizing the appointment of a nonpartisan commission to collate information and consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," approved July 7, 1898, are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to the Canadian Commission the committee finds that those Members of the House of Representatives appointed or designated as commissioners under public act No. 182—"An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and prior years, and for other purposes"—are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to the Hawaiian Commission the committee finds that those Members of the House of Representatives appointed or designated as commissioners under public resolution No. 51—"Joint resolution providing for annexing the Hawaiian Islands to the United States"—are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to visitors to the Military Academy, etc., the committee finds that those Members of the House of Representatives appointed and designated as visitors to the Military Academy at West Point, to the Naval Academy at Annapolis, and the regents and directors and consulting trustees to the various public institutions in the District of Columbia and appointed by the Speaker of the House, are not, nor are any of them, officers under the United States within the meaning of the Constitution.

So upon that ground, and upon that ground alone, the House of Representatives held that the commissioners authorized by the acts referred to were not officers of the United States. The Senate apparently reached a different conclusion.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I yield.

Mr. NORRIS. I feel like apologizing for interrupting the Senator, but I was not able to be here yesterday, and I did not hear the Senator's argument. It may be that the information I seek has therefore been given by the Senator, and if it has been, I hope the Senator will ignore my inquiry.

I have been very much interested to-day in the legal argument the Senator has been making. He has just finished a statement of the reasons upon which the House based its holding that in the cases mentioned the persons were not officers of the United States.

In the case to which the Senator has referred, which evidently the Senator debated yesterday, in which an argument was made by Senator Hoar before the Judiciary Committee, did they reach any different holding?

Mr. WALSH of Montana. Yes; they did.

Mr. NORRIS. Did they hold those persons to be officers whom the House had held were not officers?

Mr. WALSH of Montana. I stated a while ago this morning, and stated yesterday, that, so far as I have been able to discover, the Judiciary Committee, to which the matter was referred by the Senate, made no report. A diligent search has revealed none. It is disclosed that upon the resolution to refer, or before the Committee on the Judiciary, or perhaps before the Senate in executive session, Senator Hoar made an address, which is frequently referred to in subsequent parts of the RECORD, but a diligent search has not revealed a report of the address. The Senate, however, refused to confirm the nominations of the Members of the Senate and House, apparently persuaded by the argument of the Senator from Massachusetts.

Mr. NORRIS. In listening to the citations which the Senator has just given, it seems to me that we would be compelled

to distinguish between the kind of duties those persons performed and the ones which must be performed by the commissioners in the case at bar.

Mr. WALSH of Montana. That is the proposition for which I am contending; and not alone that, if I may say so to the Senator, but we must distinguish them also from appointments made by the President of commissioners to negotiate treaties. In the first place, the President has the undoubted power to appoint anyone whom he may see fit to appoint as his personal representative to negotiate treaties, a power reposed in him by the Constitution, and which it was not intended in every case, it least, that he should exercise personally. In a number of cases the President has seen fit to submit to the Senate for confirmation the names of the men designated by him for that duty. That practice prevailed quite generally prior to 1815. It then fell into disuse, but was again observed in the case of the appointment of commissioners to negotiate the treaty between this country and Great Britain following the Civil War.

Mr. NORRIS. As I understand it, the distinguishing feature in a case of that kind would be that said persons were not officers of the Government of the United States; they did not have any jurisdiction to perform any acts which would bind the Government or any of its agents, but they were, in fact, only agents making necessary investigations, which, before they could be effective or legal or binding on anybody, would require action on the part of the Senate, as well as the President, in the case of a treaty. In other words, it would be the same as the power of the House or the Senate to appoint Members from their own body to make the necessary investigation on which they expected to base legislation.

Mr. WALSH of Montana. Exactly; and they performed exactly the same functions as a committee of the House.

Mr. NORRIS. Yes; that was my idea.

Mr. ROBINSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Arkansas?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON. The Senator from Montana has, I think, conclusively established his position that the commissioners created under the act of Congress approved February 9, 1922, an act to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes, constitute offices.

With the permission of the Senator from Montana, I would like to supplement the authorities he has already cited with some others, which in my opinion strengthen the position he has taken.

The following doctrine is laid down in *State v. Hocker* (22 Southern, 721):

The term "office" implies a delegation of a portion of the sovereign power to, and a possession of it by, the person filling the office.

Further:

An office is where, for the time being, a portion of the sovereignty, legislative, executive, or judicial, attaches, to be exercised for the public benefit.

That was the expression of the court in *United States v. Lockwood* (1 Pinney, 359), a Wisconsin report.

Mechem, on Public Offices, section 4, lays down the following doctrine:

The most important characteristic which distinguishes an office from an employment or contract—

And I understand the question involved in this controversy is whether this is an office or a mere employment:

The most important characteristic which distinguishes an office from an employment or contract is that the creation of an office involves a delegation to the individual of some of the sovereign functions of government, to be exercised by him for the benefit of the public. * * * Unless the powers conferred are of this nature, the individual is not a public officer.

In *State v. Griswold* (46 Atlantic), which may have been cited by the Senator from Montana, an office is defined as "a position to which certain duties are attached, a post, the possession of which imposes certain duties upon the possessor, and confers upon him authority for the performance."

In a number of authorities it is held that "within the ordinary acceptance of the term, one who is engaged to render service in a particular transaction is not an 'officer.' That word implies continuity of service, and excludes those employed for a special and a single transaction," as, for instance, commissioners appointed by circuit courts.

I take it that is the principle which the Senator from Connecticut [Mr. BRANDEGEE] had in mind when he asked the Senator from Montana on yesterday a question concerning this subject; but the Senator from Montana, I believe, has already shown that that principle does not apply to this case.

In Second Spelling on Extraordinary Remedies the distinction is made perfectly clear, in my opinion. I quote:

There are three principal tests for determining whether one performing duties of a public nature is a public officer, in the sense of subjecting his incumbency or employment to a quo warranto proceeding: First, whether the sovereignty, either directly, as through legislative enactment or Executive appointment, or indirectly, as through a municipal charter, is the source of authority; second, whether the duties pertaining to the position are of a public character—that is, due to the community in its political capacity; third, whether the tenure is fixed and permanent for a definite period by law, unless for neglect of duty or malfeasance, or subject to termination at the will of others without assignment of cause.

Applying that test to this case, there can be no other conclusion reached than that these commissioners are officers, because it is clear that all three of these principles are embraced within definition of the powers and duties of the commissioners. The act expressly provides that they shall have power to adjust the foreign loans of the United States. It is provided by section 4 that "the authority granted by this act shall cease and determine at the end of three years from the date of the passage of this act." Every test laid down by Spelling in the section I have quoted as requisite to the existence of a public office is found in the statute creating these commissionerships. Clearly the duties of the commissioners are of a public nature, and the period of their service, their term of office, is fixed at three years.

It is regrettable that all Senators are not present to hear the argument of the Senator from Montana, because this subject is one of very great importance to the Senate and to the country.

The eligibility of the Senator from Utah [Mr. SMOOR] and the Representative from Ohio [Mr. BURTON] to sit upon this commission must be determined by the Senate, and if the well-established rules of law governing the question are applied, the conclusion must be reached that these commissioners are officers within the meaning of the Constitution, and that both the Senator from Utah and the Representative from Ohio are ineligible to serve, under the plain provisions of the Constitution.

Mr. WALSH of Montana. I thank the Senator from Arkansas for his contribution to the discussion, and for the citation of the authorities, which help in the solution of the problem before us.

Though the address of Senator Hoar on the resolution directing the inquiry by the Judiciary Committee touching the eligibility of Members of Congress appointed under the joint resolution authorizing the appointment of commissioners to investigate and report concerning legislation for the Hawaiian Islands has not been found, we have found a number of discussions referring to his address, and have a brief statement in connection with a later discussion of his views upon the subject, which I now submit for the consideration of the Senate.

I read from the RECORD, volume 33, part 4, Fifty-fifth Congress, first session, the proceedings of March 24, 1900, the matter under consideration being a resolution for the appointment of a commission by the President of the United States:

Mr. HALE. Mr. President, it has been difficult to find out just what is in the bill, owing to the confusion in the Chamber. I wish to ask the Senator who has it in charge if it contemplates the appointment of citizens, eminent citizens, outside of Members of the House and Senators?

Mr. GALLINGER. I will say that the purpose the committee had in view beyond question was the appointment of persons outside of Congress, and I am sure that the President would not for a moment consider the matter of appointing a Member of either branch of Congress on a commission of this kind.

Mr. HALE. That is the purpose of the committee?

Mr. GALLINGER. That is the purpose of the committee.

Mr. HOAR. Mr. President, I should like to say one thing, suggested by the inquiry and the answer, which I think it is proper to say here. I suppose I am warranted in saying that a majority of the Senate, certainly with substantial unanimity two important committees of the Senate of which I am a member—I think there is but one exception—think that the practice of appointing Members of this or the other House of Congress to such important public places by the President, whether with or without the advice and consent of the Senate, is one which on the whole is not a good one. A great many Members of the Senate think it is contrary to the Constitution of the United States. I think one Senator, the Senator from Georgia [Mr. BACON], said in my hearing somewhere, when it was proposed to the Senate to confirm such appointees on one occasion, that if the commissioners were officers they could not lawfully be appointed, and if they were not officers they could not lawfully be confirmed by the Senate. I thought that was a suggestion of great weight.

But the practice has grown up. It did not originate with the present President. The first examples of it in this administration were at a time when a particular diplomatic service was such that it seemed there was hardly another man in the United States so fit for the particular function as a very eminent Member of this body, who sits near me on my left. He was selected, and the public desire for that most valuable service caused the general principle to be lost sight of. So nobody, I suppose, wanted to do anything or to say anything which would seem to blame the President of the United States. Still less did anybody wish to do anything or to say anything which would seem to cast any reflection whatever on the Members of the Senate who had undertaken in important and difficult periods of our history these important and difficult and responsible duties.

But at the same time many people think it is unconstitutional, as I do. Many others think that it establishes a wrong relation between the Executive and the Senate to put it in the power of the Executive to select from this body Members for special public honors and distinctions, for the most attractive public employments, and in some cases it must be a serious embarrassment to Members of the Senate. For instance, if Senators who negotiate a treaty come back with it and it is laid before the Senate, how can any of their associates argue to their minds in debate here the wisdom of such a measure? They come pledged beforehand. Before their senatorial duty begins another duty has affected and influenced their minds.

I am sure, after the statement of the Senator from New Hampshire, that there is no purpose of continuing that practice. I think it would be better, at some time when there is nobody immediately concerned and interested—so that it could not be supposed to be doing anything to reflect on anyone—that Congress should pass a law or resolution expressing its disapprobation of that practice.

Mr. BACON. Mr. President—

Mr. GALLINGER. Will the Senator from Georgia permit me just one moment to offer an amendment?

Mr. BACON. Certainly.

Mr. GALLINGER. Mr. President, sympathizing with the view the Senator from Massachusetts holds as to men in public life being appointed on commissions, I desire to offer an amendment to the bill. I move to amend by inserting, after the word "persons," in line 3, the words: "No one of whom shall be a Member of either branch of Congress."

That would seem to meet that objection, certainly.

The PRESIDENT pro tempore. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. In line 3, after the word "persons," page 1, insert:

"No one of whom shall be a Member of either House of Congress."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. BACON. Mr. President, I am not entirely sure that that amendment is a proper one. The object sought to be accomplished is undoubtedly proper, and that is that no one who is a Member of either House of Congress shall, while a Member of Congress, perform the duties of one of these commissioners. But it is certainly entirely practicable to appoint a Member of Congress if he proposes to give up his seat in Congress for the purpose of accepting it.

The position ascribed by the Senator from Massachusetts to myself was not stated with exact accuracy, although it is very rare that that criticism can be made upon anything which is said by the Senator from Massachusetts. The position which I think is a correct one is not that a Member of Congress can not be appointed to the office, but that if a Member of Congress is appointed to any office his acceptance ipso facto vacates his seat either in the Senate or in the House.

Mr. HOAR. If the Senator will pardon me, my statement, I think, was that the Senator said if it were an office he could not hold it; but, of course, if he ceased to be a Member of Congress, he could fill it.

Mr. BACON. That he could not hold his position as a Congressman at the same time?

Mr. HOAR. Yes; that is what I meant to say; and if it were not an office the duty could not be put upon the Senate of confirming him.

Mr. BACON. Now, Mr. President, I am in entire sympathy with the object sought to be accomplished by this amendment. I think, however, there should be a change of phraseology, because it is certainly competent for the President, under the Constitution at least, to appoint a Member of the Senate or a Member of the House to any office, and it has frequently been done in the past, the understanding being, of course, that he surrenders his position as a Senator or as a Representative when he accepts it.

I suggest to the Senator from Massachusetts such a change of phraseology as would simply cover the point that no one should serve while a Member of Congress, because it is entirely competent for the President to appoint him and entirely competent for him to accept it; but if he accepts he vacates his office as a Member of the Senate or of the House.

Mr. GALLINGER. Will the Senator suggest phraseology that would suit him? Of course, it is competent for Congress to prohibit the appointment of Senators and Members of the House.

Mr. BACON. I do not think that ought to be done, because there might be a man eminently fitted for the position, and he might be willing to surrender his place in the Senate or in the House to accept it.

Mr. GALLINGER. Certainly. I shall be glad to accept an amendment to the amendment if the Senator will suggest it.

Mr. BACON. I have not drawn it. I am sure the Senator from New Hampshire, with his accustomed facility in such matters, will readily make the desired change.

Mr. HOAR. May I make a suggestion?

Mr. BACON. I have not quite finished, if the Senator will pardon me.

Mr. HOAR. May I make a suggestion before you go on, because I should like to have you give your opinion on it.

Mr. BACON. Certainly.

Mr. HOAR. I suggest the following:

"Provided, That no Member of either House of Congress shall hereafter serve under any appointment made by the executive department of the Government while holding his office as such Member."

So the matter was disposed of for that occasion, but the discussion was renewed a few years later in 1903 when Mr. Hoar again spoke at length upon the same subject.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. WALSH of Montana. I yield to the Senator from Nebraska.

Mr. NORRIS. On the record just read it seems the constitutional question was not raised. They conceded, it seemed to me, what was vital to their cause, and that is that a Member of Congress could accept the office if he would resign. Of course, the constitutional provision goes further than that.

Mr. WALSH of Montana. Oh, yes. The resolution provided for the creation of the commission, and, of course, the constitutional question was involved because the Members were taking pains that the resolution should be so framed as that if the President wanted to appoint a Member of Congress upon it he

would not be permitted to do so by the very terms of the resolution itself.

Mr. NORRIS. But under the terms of the constitutional provision the resignation of a Member of Congress would still leave him ineligible.

Mr. WALSH of Montana. The Senator is quite right about that as to an office created or the emoluments whereof had been increased during the term for which he was elected, but I take it that those Senators were considering the matter of the appointment of a Member of Congress to an office which was in existence before they came to the Senate.

Mr. ROBINSON. Mr. President, as I understand the Senator from Nebraska, he is making the practical point that neither the Senator from Utah nor the Representative from Ohio could qualify by resigning now and accepting the appointment as a member of the commission.

Mr. NORRIS. If it is an office, under the meaning of the Constitution, then the resignation of either one of them would not qualify him.

Mr. WALSH of Montana. That is quite true, but as in the case of former Senator Kenyon, the office of the United States circuit judge having been created before he was elected, he may resign his place in the Senate and accept that appointment.

Mr. NORRIS. That, of course, is an entirely different proposition.

Mr. WALSH of Montana. But even that practice was to some extent condemned by Senators in the discussion to which I am referring.

Mr. ROBINSON. Mr. President, will the Senator yield further to me?

Mr. WALSH of Montana. Certainly.

Mr. ROBINSON. I am compelled to leave the Chamber for a few moments on an important matter. I do not wish to divert the Senator from the line of argument he is now pursuing, but on yesterday the Senator from Connecticut [Mr. BRANDEGEE] asked the Senator from Montana a question which implied doubt in the mind of the Senator from Connecticut as to whether the commissionership created by the act we are discussing constitutes an office, and his doubt seemed to arise in part by reason of the fact that no salary is attached to the commissionership.

So far as my information goes, and I think the Senator from Montana stated yesterday that it was his opinion, the matter of salary is not essential to the creation of an office.

Mr. WALSH of Montana. I had intended to submit some authorities on that point.

Mr. ROBINSON. With the Senator's permission I wish to submit some now that I have before me.

Mr. WALSH of Montana. I shall be grateful to the Senator if he will do so.

Mr. ROBINSON. I quote from Words and Phrases, a standard authority:

"The oath, the salary, or fees are mere incidents, and they constitute no part of the office."

There are cited a number of cases to support that doctrine, including *Clarke v. Stanley* (66 N. C., 59); *State Prison of North Carolina v. Day* (32 S. E., 748, 46 L. R. A., 295). All of these are North Carolina cases, but there are other cases which sustain that doctrine, and none to the contrary. So the fact that no salary attaches to these commissionerships is not a material consideration in determining the question as to whether or not they in fact constitute offices within the meaning of the Constitution.

Mr. WALSH of Montana. I am obliged to the Senator.

Mr. FLETCHER. Mr. President, may I ask the Senator what became of the resolution to which he referred a few moments ago? Was the amendment adopted and was the resolution passed as amended?

Mr. WALSH of Montana. I assume so.

Mr. FLETCHER. And that question referred to a particular commission?

Mr. WALSH of Montana. Yes; it was not general.

The subject again engaged the attention of the Senate in the year 1903, on February 26 of that year, as shown by the CONGRESSIONAL RECORD, volume 36, part 3, Fifty-seventh Congress, second session, as follows:

Mr. HALE. * * * I want to call the attention of Senators, and especially of certain old Senators, to the attitude which the Senate has taken very clearly in reference to the practice, which the Senate reprobated, of selecting members of this body for appointment on commissions to negotiate treaties which are to be reported to the Senate.

The senior Senator from Massachusetts [Mr. Hoar] will very well remember that upon an occasion where the Senator from Illinois [Mr. Cullom] and the Senator from Alabama [Mr. Morgan] had been appointed upon an important commission, to be confirmed by the Senate, the Senate declined to confirm the nominees upon the ground that it would not further consent to the selection of members of this body to negotiate important treaties that were to be reported to the Senate.

Mr. MORGAN. Will the Senator allow me to inquire what reference he has made to me?

Mr. HALE. I think it was a commission that dealt with questions and subjects in Hawaii, where I think the Senators visited the islands and made a report. They had been appointed by the President, to be confirmed by the Senate; but so strong was the feeling in the Senate, upon the statement of the case and the ill effects of this practice, presented by the senior Senator from Massachusetts, that the Senate declined to confirm them, and they never were confirmed.

I need not say in that connection, Mr. President, the very high character of both the Senators named—Senator Cullom, of Illinois, and Senator Morgan, of Alabama—and the esteem in which they were both held by all Members of the body at that time without regard to politics, leaves our minds in no doubt that the objection was not at all personal in its nature.

Mr. Tillman offered to the resolution then under consideration an amendment, in substance, like that offered to the resolution referred to heretofore, providing that no Senator or Representative should be appointed upon the commission, and with reference to that Mr. Bacon spoke as follows:

Mr. President, this matter was quite carefully considered in a former Congress, and I think the judgment of the Senate has come to be practically unanimous upon the subject of the impropriety of the appointment of Senators and Representatives to any other position than that which relates strictly to their legislative duties. The senior Senator from Massachusetts [Mr. Hoar], the chairman of the Committee on the Judiciary, is present, and of course is best capacitated to speak upon what occurred in reference to the subject under a resolution introduced by himself and considered by the Judiciary Committee. So I shall not now undertake, as he is present, to recite what did occur and what was done in pursuance thereof; but if the Senator from Massachusetts will relate it, it will cast great light upon the attitude assumed by the Senate and especially by the Judiciary Committee in reference to this matter.

I only rose, Mr. President, for the purpose of particularly calling attention to the fact that, however correct the Senator from Ohio [Mr. Foraker] and the Senator from Rhode Island [Mr. Aldrich] may be as to the desirability upon certain occasions that Senators should serve upon any of these commissions, it is distinctly in opposition to the express policy, if not to the express command of the Constitution of the United States. The policy of the Constitution and the design of the Constitution is that no man occupying a seat in this Chamber or in the other House shall exercise any other function in the shape of an office under the Government. So far as it may be technically an office, that is distinctly and positively prohibited. The only possible escape from the prohibition is to say that a position on one of those commissions is not an office. But whether it is or is not technically an office, it is distinctly in contravention of the policy which is declared by this prohibition which I now read to the Senate. In Article I of the Constitution, in the second paragraph of section 6, there is this provision:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time."

Now—

"and no person holding any office under the United States shall be a Member of either House during his continuance in office."

I say, Mr. President, that the only escape from that as a distinct, direct prohibition is the technical position that a place on one of those commissions is not an office; but even if there is that escape from the technical prohibition, there is no escape from the broad, unambiguous expression of the policy of the Constitution, that no man holding a seat in this Chamber shall hold any other position under the Government.

Then, Mr. President, after some considerable discussion Mr. Hoar participated in the debate. I think that it will be universally conceded that on questions of this character the utterances of no man who ever sat in this body are entitled to a higher degree of respect and consideration than those of the distinguished Senator from Massachusetts. He expressed himself on the occasion referred to as follows:

Mr. HOAR. Mr. President, I have taken very great interest in the question raised by the proposed amendment of the Senator from South Carolina, and I hope he will take an opportunity, or that some other Senator will—if nobody else does I shall, if I can get one—to bring up this question of the appointment by the President of Senators and Representatives in the other House for important public functions under circumstances where it can be carefully and thoughtfully dealt with as we should deal with a proposed amendment to the Constitution, or as we should have dealt with it if we had been in the Constitutional Convention in the beginning.

It is evident that it can not be so dealt with to-day. There is no time for a full discussion. It comes up on a measure to which it is hardly germane after the statements of gentlemen who are likely to know what is expected, that there is not thought or probability—the Senator from Rhode Island [Mr. Aldrich] corrects me by saying "possibility"—of individuals being taken from either House of Congress for this commission. So I hope the matter will be brought up at some time when it is not entangled in the least by personal considerations in regard to our colleagues or gentlemen in the other House who may have been asked to do such service, and will be dealt with solely as a broad general principle for the future.

Mr. President, a great many years ago a President of the United States—I am not sure whether it was in President Hayes's time or Gen. Grant's or a little later—was called upon to make up a commission to go to Europe to deal with the silver question, and he appointed on that commission—if I may be permitted to say so—the one man in this country who was fitted for that duty. That was the Senator from Iowa [Mr. Allison], now chairman of the Committee on Appropriations. I took the liberty then of expressing my feeling of anxiety that that act might grow into a precedent and be the occasion of public complaint.

Later, in President McKinley's time, there were some eight or ten appointments made from this body of a like character, and they were, I suppose, appointments that the whole country regarded as most ad-

mirable for the public service. They were men who had studied the subjects with which they were to deal, men of great capacity, and that they were men of the highest quality of personal integrity it is unnecessary to say.

But I have no doubt it seemed to a large majority of the Senate, on reflection, that the practice had better not go further, and two measures were referred to the Committee on the Judiciary—one a general law, the other a resolve of the Senate. The committee carefully considered them. It happened that there were three members of the committee at that time who had been among those who had been selected for such functions. The committee almost unanimously agreed to a resolution disapproving of this practice. One or two of the members thought the President ought not to be restricted in his resources for that branch of the public service. However, the committee thought such a resolution might be construed into some discourtesy to the gentlemen who had acted in such places. One of the men who was then acting as a commissioner under such an appointment was one of the most zealous and emphatic in favor of the resolution. He said he had accepted the place hastily, and he agreed that the practice ought not to go further.

But the committee thought it was not best, under the circumstances, to report the matter at that time, and instructed me to call upon the President and tell him what had happened and say to him that the committee hoped the practice would not be continued. I suppose there is no indelicacy in my reporting what happened. President McKinley said he was aware of the objections; that he had come to feel them very strongly; and while he did not say in terms that he would not make another appointment of the same kind, he conveyed to me, and I am sure meant to convey to me, an assurance that it would not occur again. But he said it was impossible to understand how few people there were in this country who were out of the Senate and the House who were qualified for important diplomatic service of that kind; that we had to contend with the trained diplomats of Europe, men who had studied the subject all their lives. He went over some of the difficulties he had encountered in making selections of ministers abroad for some very important matters that were expected to be dealt with. Our people came from entirely other service and conditions. He might have added what is an additional strong consideration, that we have to deal with nations who can wait, while in general our political conditions and diplomatic condition are such that we can not wait.

The American people want to have a question settled and have it over. Great Britain says to us, "Well, if you do not come to my terms I will be here 50 years hence, and my minister of foreign relations very likely will be here 20 years hence, and we will wait. We are in no hurry."

But at the same time, in spite of all those considerations, it seems to me it is a violation of the sound principles of the Constitution as enunciated in the clause read by the Senator from Georgia [Mr. Bacon]. The Constitution says the President shall not have patronage enough at his command to give a Senator, during his senatorial term, a \$20 a year post office in his country seat, where perhaps he is the only man who resides there receiving letters. During the term for which a Senator is elected he can not be appointed to any place which has been created or the salary of which has been increased by sixpence during the whole six years.

So careful were the framers of the Constitution of executive influence and control. And yet if the practice is to go on the President may come into the Senate, pick out a half a dozen of our Members and send them to Europe, where they spend the summer in the most honorable positions on the face of the earth, meeting the society of foreign capitals, and then he can pay them out of the contingent fund at his disposal a sum three times greater than our salary. Now, does anybody suppose the framers of the Constitution would have approved of that? It is the question of the relation between the legislative power and the executive power. There were two things of which our fathers, when they framed the Constitution, were especially afraid. One was corruption in office—and that was provided for by impeachment—and the other an executive influence over legislation.

Mr. President, it seems to me at some convenient time we must have this matter out and have it settled so far as an act of Congress can settle it. At the same time I wish to say there is not, in my judgment, the smallest criticism to be made of the purity of purpose and patriotism of the gentlemen who in the past have been selected by the Executive for these various offices.

Take the late Senator from Minnesota, now unhappily withdrawn from the sphere of public service. It would be difficult for me to put into words an expression of higher esteem for the senatorial character as exemplified by any man with whom I have ever served than by that intelligent, brave, patriotic, and courteous man, so accomplished and delightful in every relation of life, a great citizen, a great soldier, a great Senator.

It is only when the President is forced to say, "The Senator I want to employ is the fittest man in the world for the service, and I can not find anybody else," that it will be done this year or has been done last year or will be done next year. But if the practice is once established it will be done as a matter of course. Senators can not accept an office, but they can do something which has ten times the power and the distinction and the compensation of an office, and a measure can be carried through, if we ever have an unscrupulous Executive, by the knowledge that Senators are to be appointed to discharge the functions. It seems to me that hardly a more dangerous practice can be conceived of than this one.

I hope the question as to what the Senate think on this subject or what they seem to think by their votes will not be determined on a mere amendment coming in at the close of a session, when we can have no extended debate upon it, and on a bill which is not especially germane and to which it practically has no relation.

In these eloquent words, Mr. President, Senator Hoar pointed out that the mere matter of salaries is a small consideration; and, of course, we all know—it has been disclosed here in the Senate recently—that to many men the salary that is attached to the position they hold is a matter of small consequence, it being revealed that at least \$200,000, or thereabouts, was spent to secure for a Senator a seat in this body. The dignity of the office, the honor which is attached to it, and similar considerations are often—it might perhaps be said in a majority of cases as to the higher offices, the Cabinet positions, for instance—valued very much more highly than the salary. Accordingly, Mr. President, the courts have held that the fact that no salary

is attached to a place is of no consequence. The Senator from Arkansas has called your attention to some of the decisions upon that point; and in the report of Speaker Henderson the case of In re Corliss, decided in Rhode Island, was referred to. That is so interesting, and the discussion is so logical, that I take the liberty of reading from it.

In that case, Mr. President, one George H. Corliss was chosen as an elector of President and Vice President of the United States in November, 1876, and when he was so chosen he was the commissioner from Rhode Island of the United States Centennial Commission. Thereupon the governor, acting under article 10, section 3, of the constitution of the State, which provides that "the judges of the supreme court shall give their written opinion upon any question of law whenever requested by the governor," addressed a communication to the supreme court asking for their official opinion as to whether Mr. Corliss, in view of the provision of the constitution, was an officer of the United States which disqualified him from election as an elector of President and Vice President. After reciting the provisions of the act, the supreme court said:

It is apparent from this statement, which is but partial, that the duties and functions of the commission were various, delicate, and important; that they could be successfully performed only by men of large experience and knowledge of affairs; and that they were not merely subordinate and provisional, but in the highest degree authoritative, discretionary, and final in their character. We think that persons performing such duties and exercising such functions, in pursuance of statutory direction and authority, are not to be regarded as mere employees, agents, or committeemen, but that they are, properly speaking, officers, and that the places which they hold are offices. It appears, moreover, that they were originally regarded as officers by Congress, for the act under which they were appointed declares, section 7, that "no compensation for services shall be paid to the commissioners or other officers, provided by this act, from the Treasury of the United States." The only other officers provided for were the "alternates" appointed to serve as commissioners when the commissioners were unable to attend.

We think, too, the office is an office "under the United States." It was created by act of Congress, and all its powers and duties were conferred and imposed by Congress. It was created, not for the service of any particular State or section but in the interest of all the States united. The commissioners were appointed under the act by the President, and were commissioned like other United States officers. There seems to be no room for doubt upon this point.

Is it an "office of trust or profit under the United States"? It is not an office of profit under the United States, for the commissioners are not entitled to any pay from the United States nor to any perquisite or emolument under any law of the United States. But we think it is an office of trust. It is true that originally the United States had no pecuniary interest in the exhibition. The commissioners, however, were to be intrusted with a large supervisory and regulative control of the property sent for exhibition; and from the time the Government gave its sanction to the exhibition, and especially after the President issued his proclamation, the honor and reputation of the United States were pledged for its proper management to its own citizens and to the foreign nations. From that time the honor and reputation of the United States were largely in the keeping of the commissioners; and in this view there was a very delicate and important trust imposed in them. It would be a narrow, and we think an improper interpretation, to hold that an office is an office of trust only when the officer has the handling of public money or property or the care and oversight of some pecuniary interest of the Government. But even if it were so, there came a time when the United States did become pecuniarily interested in the exhibition by the appropriation of a million and a half of dollars for it, to be repaid out of the profits if any should accrue; and when, also, valuable property belonging to the United States was exhibited on the exhibition grounds. We repeat that the office is, in our opinion, an office of trust.

Mr. President, I think the Senator from Arkansas [Mr. ROBINSON] correctly stated the necessary elements that make an office. The first question is, Is it created by law? Undoubtedly this commission was created by law, by an act of Congress. Second, is the officer or are the commissioners intrusted with a portion of the sovereign power of the Government, either to legislate, to enact law, to execute a law, or to construe a law? There can be no doubt that the commission is created for the purpose of executing this law.

Those are the essential features. The compensation may possibly help to characterize a position as one official in its character rather than a mere employment, or it may not. So, likewise, other features may enter or may not.

Just exactly what are essential features of an office was the subject of consideration in the case of Groves against Barden, reported in One hundred and sixty-ninth North Carolina, and also reported in Annotated Cases for 1917, volume D. In the opinion in that case the court said:

In determining whether a position is an office, place of trust or profit, or an employment the authorities, which are collected in the valuable note to Attorney General v. Tillinghast (17 Ann. Cas., 452), attach significance to the fact that an oath to support the Constitution is required, or that a bond for the faithful performance of duties must be executed, or that the duties are prescribed by law and not regulated by contract, or that the incumbent discharges independent duties and is not acting under the direction of others, or that the duties are continuing and permanent in their nature and are not occasional or intermittent, or that the term is fixed and continuing and not temporary, or that the position is named an office or an employment in the statute creating it; but in the absence of a constitutional provision these are only circumstances which are entitled to consideration and are not determinative or conclusive.

The editor of the note says: "It may be stated as a general rule, fairly deducible from the cases discussing this question, that a position is a public office when it is created by law, with duties cast upon the incumbent which involve an exercise of some portion of the sovereign power and in the performance of which the public is concerned and which also are continuing in their nature and not occasional or intermittent, while a public employment, on the other hand, is a position which lacks one or more of the foregoing elements."

In the note the essential grounds are stated as follows. I read from page 320:

CREATION OF POSITION.

To constitute an office it is essential that the position shall be created by the constitution or statutes of the sovereignty or that the sovereign power shall have delegated to an inferior body the right to create the position in question.

Citing a large number of cases.

POWERS AND DUTIES.

An indispensable element of a public office as distinguished from an employment is that the duties of the incumbent of an office shall involve an exercise of some portion of the sovereign power.

TENURE OF OFFICE.

In several recent decisions the presence of a definite tenure has been referred to as a circumstance tending to show that the position in question was an office, and in other decisions the absence of tenure has been considered with other circumstances in holding that the position was a mere employment.

Of course, here there is a definite tenure of three years.

OFFICIAL BOND.

The fact that a person occupying a position is or is not compelled to give a bond for the faithful performance of his duties does not seem to be an absolute criterion by which to distinguish between an office and an employment, but in several recent cases the presence or absence of a bond has been considered in connection with other circumstances.

OATH OF OFFICE.

The duty to take an oath of office is a strong circumstance in distinguishing between an office and an employee, and in a number of recent cases that circumstance is considered with others in determining the character of the position in question.

Citing cases.

COMPENSATION.

While the compensation of a public officer is generally fixed by law, the manner in which the compensation of a position is fixed is not an absolute test to determine whether the position is an office or an employment, but is merely a circumstance to be considered in connection with other matters in determining the question.

Reference is made in a number of these paragraphs to the view that the duties to be performed must be in a measure continuous, and not entirely intermittent. Just exactly what is meant by that is made clear in the case of United States against Germaine, reported in Ninety-ninth United States. That is the case to which reference has heretofore been made of the appointment of a surgeon to aid the Commissioner of Pensions in the discharge of his duties. The court says:

If we look to the nature of defendant's employment, we think it equally clear that he is not an officer. In Hartwell's case the court said the term embraces the ideas of tenure, duration, emoluments, and duties, and in that case it said the latter were continuing, and * * * permanent, not occasional or temporary. In the case before us the duties are not continuing and permanent, and they are occasional and intermittent. The surgeon is only to act when called on by the Commissioner of Pensions in some special case, as when some pensioner or claimant of a pension presents himself for examination. He may make 50 of these examinations in a year or none. He is required to keep no place of business for the public use. He gives no bond and takes no oath unless by some order of the Commissioner of Pensions of which we are not advised.

Mr. President, the discussions in the Senate to which I have adverted canvass at some length the propriety of appointments such as these as a matter of policy, and not as a matter of power; but the contention which I have advanced that these appointments are prohibited by the Constitution is supported by the powerful men who were in the Senate during the early portion of the present century, and particularly by Senator Bacon on the Democratic side and by Senator Hoar upon the Republican side.

The remarks of Senator Bacon seem to me particularly apt here; namely, that the appointments can be justified only by resorting to a technicality in the construction of the language of the Constitution. That they contravene the spirit of the Constitution, he said, can not be controverted; and to that view I think a candid consideration of the subject will force every reflecting mind.

These appointments which have come before us include, of course, the appointment of three members of the Cabinet. Those, of course, stand upon an entirely different footing. It is often argued that when one is appointed to a Federal office, particularly a very important Federal office, it is implied that it shall take his entire time, and that his appointment to any other office is impliedly forbidden in the Constitution. I make no such contention. I do not think there is any doubt about the eligibility of members of the Cabinet to the positions for which they have been nominated, and I make no contention here against their confirmation. The question upon which I

have addressed the Senate relates only to the Members of Congress who have been named upon this important commission.

If nothing else is to be said upon the resolution, Mr. President, I ask for a vote upon it.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution.

Mr. HARRISON and Mr. REED. Let it be stated.

The PRESIDENT pro tempore. The Secretary will report the resolution.

The Assistant Secretary read the resolution (S. Res. 244), submitted yesterday by Mr. WALSH of Montana, as follows:

Resolved, That the Committee on the Judiciary be, and it hereby is, directed to inquire into and report to the Senate, not later than Tuesday next (Feb. 28, 1922), touching the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the commission created by the act of Congress approved February 9, 1922, entitled "An act to create a commission authorized to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes," reference being made to section 6 of Article I of the Constitution of the United States, as follows:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time."

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

MARINE INSURANCE IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House to the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes, which were, on page 1, line 3, to strike out "Chapter" and insert "Title"; on page 3, line 16, to strike out "Chapter" and insert "Title"; on page 11, line 1, to strike out "Chapter" and insert "Title"; on page 12, line 6, to strike out "Chapter" and insert "Title"; on page 12, line 18, to strike out "Chapter" and insert "Title"; on page 21, line 20, to strike out "and"; on page 21, line 24, to strike out "and"; on page 21, after line 26, to insert:

SEC. 17. Nothing herein shall be construed so as to relieve any corporation organized or doing business under the provisions hereof from the payment of taxes on its income under the revenue laws of the United States.

On page 22, line 1, to strike out "Chapter" and insert "Title"; on page 22, line 3, to strike out "17" and insert "18"; on page 24, line 14, after "faith," to insert "in order to prevent losses and"; on page 24, line 17, to strike out "18" and insert "19"; on page 24, line 18, after "estate," to insert "only"; on page 24, line 19, to strike out "only"; on page 26, line 1, to strike out "Chapter" and insert "Title"; on page 26, line 2, to strike out "19" and insert "20"; on page 26, line 7, to strike out all after "company," down to and including "the" in line 13, and insert "The"; on page 27, line 5, to strike out all after "District," down to and including "office" in line 8; on page 28, line 10, to strike out "Chapter" and insert "Title"; on page 28, line 12, to strike out "20" and insert "21"; on page 29, line 5, to strike out "21" and insert "22"; on page 29, line 19, to strike out "Chapter" and insert "Title"; on page 29, line 21, to strike out "22" and insert "23"; on page 30, line 17, to strike out "23" and insert "24"; on page 32, line 9, to strike out "24" and insert "25"; on page 34, line 3, to strike out "25" and insert "26"; on page 34, line 10, to strike out "Chapter" and insert "Title"; on page 34, line 11, to strike out "26" and insert "27"; on page 35, line 17, to strike out "Chapter" and insert "Title"; on page 35, line 18, to strike out "27" and insert "28"; on page 36, line 1, to strike out "28" and insert "29"; on page 36, line 14, to strike out "Chapter" and insert "Title"; on page 36, line 16, to strike out "29" and insert "30"; on page 36, line 22, to strike out "Chapter" and insert "Title"; on page 36, line 24, to strike out "30" and insert "31"; and on page 37, after line 4, to insert:

SEC. 32. That the right to alter, amend, or repeal this act is hereby reserved.

Mr. JONES of Washington. The amendments are largely of a formal character, and those which are not are of no particular importance. Therefore I move that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. JONES of Washington. Mr. President, this is considered to be a very important bill, one especially important in connection with the merchant marine. I feel it is but just to say that while it is a Senate bill it was largely the product of the House Committee on the Merchant Marine and Fisheries, of which Representative GREENE of Massachusetts is chairman, and the result of investigations carried on by that committee.

TREATY WITH JAPAN.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The PRESIDENT pro tempore. The question is on agreeing to article 1.

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Asburst	Harrison	New	Simmons
Borah	Heflin	Newberry	Smith
Bursum	Johnson	Nicholson	Spencer
Cameron	Jones, N. Mex.	Norbeck	Stanfield
Capper	Jones, Wash.	Norris	Sterling
Caraway	Kellogg	Oddie	Swanson
Colt	Kendrick	Overman	Trammell
Culberson	Keyes	Page	Underwood
Cummins	King	Pepper	Wadsworth
Elkins	Ladd	Phipps	Walsh, Mass.
Ernst	Lodge	Pittman	Walsh, Mont.
Fletcher	McKellar	Polindexter	Warren
France	McKinley	Pomerene	Watson, Ga.
Gerry	McLean	Ransdell	Williams
Glass	McNary	Reed	Willis
Gooding	Moses	Sheppard	
Harris	Nelson	Shortridge	

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. PITTMAN. Mr. President, we now have under consideration the matter of the ratification of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean, lying north of the Equator, in particular the island of Yap, which was signed at Washington on February 11, 1922.

It is not my purpose at this time and in these remarks to discuss the policy upon which, in my opinion, will depend the advisability of ratifying or rejecting this treaty. I desire that this discussion shall determine definitely, if possible, the correct construction to be placed upon the various material paragraphs of the treaty and the effect the treaty will have upon the rights and privileges of the United States and its nationals in said islands, and particularly the island of Yap.

We should first determine what are our rights and privileges in these islands at the present time and then what rights and privileges we reserve in the event of the ratification of the pending treaty. All of these islands were possessed by the German Empire at the beginning of the World War. During that war these islands came into the possession of the United States and Japan through conquest of war. The principal allied and associated powers, which consisted of Great Britain, France, Italy, Japan, and the United States, took the grounds that these islands, being conquered territory, should become the property of and be held in common by such powers. This right was asserted by such powers prior to the execution and ratification of the treaty of peace with Germany, commonly known as the Versailles treaty. In that treaty it was provided, in article 119, that:

Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions.

There is no controversy over the fact that all of the islands described in the pending treaty come under the provisions of said article 119. There is some difference of opinion, however, between the United States and some of the allied powers as to whether or not the title of the allied and associated powers in and to such islands is dependent entirely upon such cession in article 119 of the Versailles treaty or whether it is deraigned through the conquest of such islands during the war.

The United States Government, through both the former and the present administration, has uniformly and firmly contended that this Government was in no way dependent upon the provisions of the Versailles treaty for its rights and privileges in said islands, and that the rights that it had obtained through conquest in a war against Germany could not be divested without its authority either through the League of Nations or the principal allied powers or otherwise.

On the other hand, it is contended that the sovereignty of the principal allied and associated powers over these islands is derived from the Versailles treaty and is subject to all of the

qualifications and limitations contained in the treaty. For instance, in the same treaty with said article 119 are provisions giving the League of Nations authority to grant mandates over conquered territory, including the islands described in the pending treaty. If, then, the sovereignty over these islands is dependent entirely upon the provisions of the Versailles treaty, then such sovereignty is accepted, subject to the power of the League of Nations to grant the mandate to Japan described in the pending treaty.

And that the pending treaty may be clearly understood, let me call attention to the fact that its chief purpose is to ratify with certain reservations a mandate that has already been granted to Japan through the action of Great Britain, France, and Italy, with the approval and confirmation of the Council of the League of Nations. The United States is not asked, as one of the co-owners of these islands, to grant an original mandate to the Empire of Japan, but it is requested to join in, approve, and adopt the existing mandate to Japan which the principal allied powers, without the concurrence of the United States, attempted to grant with the approval of the League of Nations.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. PITTMAN. Certainly.

Mr. KING. I was very much interested in the statement made a moment ago by the Senator as to the source of title which the allied and associated powers have for the territories renounced by Germany in the treaty. As I understood the treaty, it is contended by some that the title is deraigned through the treaty, while others might contend that it was obtained by conquest. I value so much the opinion of the Senator that I hope he will discuss the question a little more fully.

Mr. PITTMAN. I shall do so.

Mr. KING. It occurs to me, in view of the treaty and the various terms there respecting the disposition to be made of mandated territory, that it is very clear that the title is deraigned through the treaty or derived from the treaty and that all of the conditions of the treaty annexed to the grant Germany has a right to insist should be carried out, so that territory and peoples which she ceded away may not be treated as chattels but must be treated in conformation to the solemn obligations to which she was a party.

Mr. PITTMAN. With regard to the title, there is no doubt that Germany in the treaty has confirmed the title, and there is no doubt that those who accepted that treaty have also agreed to all the limitations or qualifications which are contained in the treaty. The position of the United States is a little different from that of the other powers who have accepted a confirmation of their title by accepting the treaty. It is necessary for us to consider our position somewhat differently by reason of the fact that the treaty which confirmed that conquest was not executed by us, and, while we have referred to it in a separate treaty of peace with Germany, we have expressly limited the effect of the treaty to those things which are beneficial to us, and have assumed none of the burdens.

Having briefly described the purpose of the pending treaty as I understand it, let us return to a consideration of the contentions as to the deraignment of title of the principal allied and associated powers in and to such islands.

On November 9, 1920, when this matter became of particular interest to our Government, the Secretary of State, on behalf of our Government, sent a note to the chargé d'affaires of our Government at Tokyo, requesting that the note be delivered to the Japanese foreign office. The note was as follows:

[Telegram.]

I.

The Secretary of State to the American chargé d'affaires at Tokyo. November 9, 1920. Copy left with Japanese foreign office, November 12, 1920.

During the recent sessions of the communications conference some question has arisen in regard to the disposition of the island of Yap by the supreme council. It has been contended that this island was included in the islands north of the Equator, which were offered by action of the supreme council of May 7, 1919, under mandate to Japan. It was the clear understanding of this Government that for reasons vitally affecting international communications, the supreme council, at the previous request of President Wilson, reserved for future consideration the final disposition of the island of Yap in the hope that some agreement might be reached by the allied and associated Governments to place the island under international control, and thus render it available as an international cable station. For this reason it is the understanding of the Government that the island of Yap was not included in the action of the supreme council on May 7, 1919.

In order to avoid misunderstanding on this point, you are instructed to read the foregoing to the minister of foreign affairs and to leave a copy with him.

This was done. That note was given general publication in April, 1921. That was in November, 1920, when our Government was protesting against the initial steps in the granting

of the very mandate which in the pending treaty we are asked to confirm.

From that note it might be concluded that the Government only objected to the other four powers acting without consideration of the United States, but further notes on the subject on behalf of our Government, both by former Secretary of State Bainbridge Colby and by the present Secretary of State, Mr. Hughes, throw great light upon the view of this Government with regard to its present rights in the island of Yap and the other islands under consideration. I am not going to read the entire communication, but ask leave to append it to my remarks.

Mr. PITTMAN. It is a communication by former Secretary of State Colby, on behalf of this Government, under date of February 21, 1921, and addressed to the President and members of the Council of the League of Nations.

Mr. LODGE. Mr. President, may I inquire of the Senator if that is the dispatch in which he speaks about Palestine and Mesopotamia also?

Mr. PITTMAN. I think he does refer to them.

Mr. LODGE. I am familiar with the dispatch.

Mr. PITTMAN. He starts out by saying:

Gentlemen, the Government of the United States has received information that the council of the League of Nations at its meeting which is to be held in Paris on this date (Feb. 21), proposes to consider at length the subject of mandates, including their terms, provisions, and allocation, and accordingly takes this opportunity to deliver to the council of the League of Nations a copy of its note addressed under date of November 20, 1920, to his excellency Lord Curzon of Kedleston, the British Secretary of State for Foreign Affairs, in which the views of the United States are quite fully set forth regarding the responsibility of mandatory powers.

Then he proceeds in the discussion of that matter and, among other things, said:

The United States has never given its consent to the inclusion of the island of Yap in any proposed mandate to Japan, but, on the other hand, at the time of the discussion of a mandate covering the former German islands in the Pacific north of the Equator, and in the course of said discussion President Wilson, acting on behalf of this Government, was particular to stipulate that the question of the disposition of the island of Yap should be reserved for future consideration.

Further on in the note it was stated:

The information was further conveyed that the reservations which had been previously made by this Government regarding the island of Yap were based on the view that the island of Yap necessarily constitutes an indispensable part of any scheme or practicable arrangement of cable communication in the Pacific, and that its free and unhampered use should not be limited or controlled by any one power.

Again, in the same instrument, the following statement was made:

As one of the principal allied and associated powers, the United States has an equal concern and an inseparable interest with the other allied and associated powers in the overseas possessions of Germany, and concededly an equal voice in their disposition, which, it is respectfully submitted, can not be undertaken or effectuated without its assent.

Later on—in fact at quite a recent date—the matter of the island of Yap was still a subject of dispute or differences between our Government and the allied powers. That dispute and those contentions arose over the action of the allied powers, consisting of Great Britain, France, Italy, and Japan in assuming, through the very mandate we are now asked to approve, to act with regard to the island of Yap in spite of the reservations made by our President in the matter, and in spite of the fact that we were admittedly a coowner, an equal owner, in this property with Great Britain, France, Italy, and Japan. So Mr. Hughes, the Secretary of State, on April 6, 1921, addressed a communication in behalf of this Government to Great Britain, France, Italy, and Japan. I ask to have this letter appended as a part of my remarks. It is all very interesting, but I do not care to take the time of the Senate to read it all.

I desire, however, Mr. President, to call the attention of the Senate to certain specific statements in the letter as bearing upon our present title to those islands. I am contending that until the pending Yap treaty is ratified we have an undivided one-fifth interest in the islands; that our sovereignty is equal to the sovereignty of any of the other powers; that we have just as much right of possession and action in that island as has Japan to-day. Let us see what Mr. Hughes has to say in this note, and, remember, I am just reading paragraphs from it:

It will not be questioned that the right to dispose of the overseas possessions of Germany was acquired only through the victory of the allied and associated powers, and it is also believed that there is no disposition on the part of the British Government to deny the participation of the United States in that victory. It would seem to follow necessarily—

Said Mr. Hughes—
that the right accruing to the allied and associated powers through the common victory is shared by the United States and there could be no valid or effective disposition of the overseas possessions of Germany, now under consideration, without the assent of the United States.

Now, mind you, he was referring to a protest against the very mandate which we are now asked to ratify and confirm.

Mr. REED. When was that statement made?

Mr. PITTMAN. That was April 6, 1921.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from Nevada yield to the Senator from New Mexico?

Mr. PITTMAN. I yield to the Senator.

Mr. JONES of New Mexico. I should like to inquire of the Senator if there is anyone who contends that the United States has not a fifth interest in those islands?

Mr. PITTMAN. There are some who contend that the United States has an equal interest in those islands, but that that equal sovereignty is limited by the covenant of the League of Nations. I am presenting both views of it; I am presenting the position held by this Government both during the former administration and the present administration, that our title is not dependent upon the treaty, but that our title is dependent upon the conquest of the territory from a foreign enemy; that the statement in the treaty under article 119 is nothing but an admission that it is conquered territory, and that we, not being members of the League of Nations, not being signatory to the treaty which contains article 119, are not bound by its terms. If, however, Germany sees fit to confirm this title, well and good.

Now, let us see what further Mr. Hughes has to say about it.

Mr. FRANCE. If the Senator from Nevada will yield to me, I should like to ask him a question before he leaves this particular portion of his address.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Maryland?

Mr. PITTMAN. I yield.

Mr. FRANCE. Does the Senator think that it was a very bold and reckless proposition for the United States to present to the great empires the claims of the United States to these territories, including this great imperial island of Yap, in recognition of our services in the war? Would it not have been more unselfish for us to have simply renounced all instead of announcing the doctrine that we were entitled to the island of Yap, and give all the territories acquired by conquest to our beloved allies, whom we are expected, if we favor these treaties, to love better than we love the American people themselves?

Mr. PITTMAN. I have stated in my opening remarks that it is not my purpose at this particular time to discuss the question of policy. I am trying first to present to the Senate the various contentions as I see them. The United States does not desire to retain any of the conquered territory. It does not desire to retain even the island of Yap. On the other hand, it does not wish any one of the other conquerors of this island to retain and exert absolute and separate sovereignty over it. President Wilson, when the matter first came up, stated the policy of this country. He stated that, in his opinion, the island of Yap should be reserved from all mandates and that it should not go under the control of any one power, but should be internationalized for the benefit of all powers. This contention has been maintained at all times and was maintained by the present administration upon the occasion of the last public word spoken on behalf of that administration with regard to the subject.

I will now continue to read from Secretary Hughes's note to the allied powers:

This Government must, therefore, point out that as the United States has never vested either the supreme council or the League of Nations with any authority to bind the United States or to act on its behalf there has been no opportunity for any decision which could be deemed to affect the rights of the United States. It may also be observed that the right accruing to the United States through the victory in which it has participated could not be regarded as in any way ceded or surrendered to Japan or to other nations, except by treaty, and that no such treaty has been made.

Further in the same note Mr. Hughes says—and I am only skipping here and there, as I intend later to append the entire note to my remarks:

As in the absence of any treaty with the United States relating to the matter, there was no decision on May 7, 1919—

That is the time they attempted to grant this very mandate which we are now asked to confirm—

binding the United States, it is deemed to be unnecessary again to examine the brief minutes of the meeting of the supreme council on that date. It may, however, be proper to say that the minutes of this meeting, although obviously without any finality, could not properly be construed without due regard to the other proceedings of the supreme council and without taking account of the reservations which President Wilson had already made in the previous meetings of the supreme council on April 21, April 30, and May 1, 1919.

The attitude of President Wilson is sufficiently shown by the following statement which he made to the Department of State on March 3, 1921—

Here follows the statement of President Wilson, as quoted in this same note of Mr. Hughes:

I beg to return the note received yesterday from the Japanese Government, which I have read, in relation to the proposed mandate covering the island of Yap.

My first intimation of a contention that the so-called decision of May 7, 1919, by the council of four assigned to Japan a mandate for the island of Yap was conveyed to me by Mr. Norman W. Davis in October last. I then informed him that I had never consented to the assignment of the island of Yap to Japan.

I had not previously given particular attention to the wording of the council minutes of May 7, 1919, which were only recently called to my attention. I had on several occasions prior to the date mentioned made specific reservations regarding the island of Yap and had taken the position that it should not be assigned under mandate to any one power, but should be internationalized for cable purposes.

Mr. Hughes is quoting this as the attitude of this Government at the time this mandate was first mentioned and as the attitude of this Government now, because we have never taken any action favorable to that mandate.

Mr. KING. And Mr. Hughes is quoting ex-President Wilson?

Mr. PITTMAN. He is quoting ex-President Wilson, and is undoubtedly quoting his statement with approval, it might be said, or at least in support of the argument that Mr. Hughes was then making to the other four powers.

Mr. REED. What was the date of President Wilson's statement?

Mr. PITTMAN. It was on the 3d of March, 1921, that the statement was made. Mr. Hughes goes on further to say:

In particular, as no treaty has ever been concluded with the United States relating to the island of Yap, and as no one has ever been authorized to cede or surrender the right or interest of the United States in the island, this Government must insist that it has not lost its right or interest as it existed prior to any action of the supreme council—

"As it existed," mind you—

or of the League of Nations, and can not recognize the allocation of the island or the validity of the mandate to Japan.

In this view this Government deems it to be unnecessary at this time to consider the terms of the so-called "C" mandates, or the discussion with respect thereto.

This Government, as has been clearly stated in previous communications, seeks no exclusive interest in the island of Yap and has no desire to secure any privileges without having similar privileges accorded to other powers, including, of course, Japan, and relying upon the sense of justice of the Government of Japan and of the Governments of the other allied and associated powers, this Government looks with confidence to a disposition of the matter whereby the just interests of all may be properly conserved.

It, therefore, may be safely asserted that it is the contention of this Government that the United States of America is a co-owner with Great Britain, France, Italy, and Japan in the islands to be affected by the pending treaty, with equal rights of sovereignty.

I state that whether we believed that its real interest in these islands comes from the conquest of war or whether we believe it is derived from the treaty with Germany known as the Versailles treaty, whether the title is absolute or whether it is limited, it is true that whatever is the title or sovereignty of Japan is also the title or sovereignty of the United States.

But it is said that Japan already has a mandate over these islands; that that mandate was given shortly after the war by Great Britain, France, and Italy to Japan. Our Government under the former administration denied the authority of these four to affect us by the execution of a mandate or by any other act of theirs in which the United States did not participate. Whether their action was based on the provisions of the Versailles treaty, or whether it was based on conquest, it is recognized by all of those powers that the United States has an equal sovereignty, and nobody but the United States can divest itself of that sovereignty.

The mandate which we are now asked to ratify and confirm has been the cause of all this correspondence; it has been the cause of all of the protests of this Government. Those protests were based not alone on the fact that we were not being considered in the matter, but they were based upon the fact that President Wilson thought that the island of Yap should not be controlled by any one power; that its strategic position in regard to electrical communications was of such vast importance to the United States and to the allied and associated powers that it should be in some way internationalized and kept under control by the five powers.

Mr. KING. May I interrupt the Senator?

Mr. PITTMAN. I yield to the Senator from Utah.

Mr. KING. I venture to call the Senator's attention to one aspect of this case, which has been suggested, perhaps, not on the floor of the Senate, but I have heard the suggestion made upon a number of occasions, namely, that the title to the territories which were renounced by Germany consisted of the Versailles treaty; that the grant was one of joint tenancy and not tenancy in common; that the United States, having refused to

ratify the Versailles treaty and to accept, as one of the joint tenants, whatever benefits came by reason of that treaty to the ceded German territory, lost its rights; that the other tenants succeeded to whatever interest the United States might have had, and took title to all of the territory which Germany ceded. That position is strengthened, it is contended, by the subsequent repeated declarations of the United States that we are not a party to the Versailles treaty; that we do not claim any territory from Germany; we never claimed any indemnity from Germany other than that which was mentioned in the Versailles treaty, and expressly by Executive statement and by legislative declaration disclaimed any desire to receive any territorial acquisition as the result of the war. There may be some serious question as to whether the Versailles treaty created a tenancy in common or a joint tenancy, and if the former there is something in the contention that we have no rights in Yap or in any of the renounced territories.

Mr. PITTMAN. Mr. President, the position of those who contend that our right was initiated by conquest and that the action of Germany was simply an admission of the conquest are in a much less embarrassing position, I admit, than those who contend that we derive our title from the Versailles treaty. I would not attempt to answer the Senator with regard to the deraignment of title through the Versailles treaty. It is too complicated. In fact, it is almost incomprehensible. We got no rights under a treaty to which we were not a party, as the Senator says. That may be true. It is very difficult to see, if the title depends on a contract, how we can assert our rights, unless it be under the theory that the allied powers who did enter into a contract with Germany did it partially for our benefit, or that we have accepted such cession in our separate treaty with Germany by reference to the Versailles treaty. Of course, that would involve the assertion of the power of the contracting parties to contract for the benefit of a third person not a party to the contract, or that the benefit of the Versailles treaty could be conferred upon the United States by its separate treaty. That may be one explanation. Another explanation of it may be that in our own separate treaty with Germany she has expressly given us all of the benefits that the allied powers received under the Versailles treaty, with none of the responsibilities or restrictions.

It satisfies me, though, to say that the correspondence of the former administration and the correspondence of the present administration clearly show that it is the contention of our Government and has always been its contention that we had equal sovereignty and equal rights and privileges in those islands with the allied and associated powers, and that in that condition of affairs there was nothing they could do to deprive us of those rights and privileges and sovereignty.

If this title does come under the Versailles treaty, then the Versailles treaty has expressly stated that the allocation of these mandates shall be in the hands of the allied and associated powers, and that includes the United States. It was not in the hands of the Allies alone. Even in the Versailles treaty we were mentioned as one of the parties essential to the determination of the allocation of those mandates. It may be contended by some that, by our refusal to execute the Versailles treaty, we abandoned the cession by Germany of the island of Yap to the United States and the allied powers. To sustain such a contention it would be necessary to find that such cession could not be made by Germany in a separate treaty with the United States, and that, therefore, the United States had lost all rights in the cession referred to in the Versailles treaty by failure to execute the Versailles treaty.

That was certainly not the theory of our Government when it executed the separate treaty of peace with Germany, because in that separate treaty it expressly accepts the cession of the German islands as set forth in the Versailles treaty. The allied and associated powers could not have taken such a position, because, under the Versailles treaty, Germany can not make a treaty that is in conflict with the Versailles treaty. If the United States had forfeited its right to the cession of these islands by not executing the Versailles treaty, then the attempted cession to the United States, together with the allied powers, of such islands would be in conflict with the Versailles treaty. The allied powers and all of the other signatory powers to the Versailles treaty have silently consented to the separate treaty of peace between the United States and Germany. There is no rule of international law relating to war or conquest that requires that all of the powers engaged on one side shall execute a joint treaty with the enemy. Each one of the powers could execute a separate treaty containing the same provisions, and the country last executing the separate treaty would not be deprived of any benefits by reason of the execution of a separate treaty by another power at an earlier date.

The United States and Japan were in possession of the island of Yap at the time of the conquest. The nationals of each of such countries were at that time operating electrical cables on the island and continued to maintain such possession after the conquest and even until the present time. From the time of conquest until the execution of the treaties they held it by virtue of conquest. After the execution of the separate treaty of peace by the United States, the United States held its possession under that treaty. There was no time limit set, nor could there be a time limit set wherein the United States or any other country could execute and negotiate a treaty of peace.

Therefore, I hold that no American citizen will contend that the United States, by executing a separate treaty of peace, has forfeited its rights to the German cession because it did not join in with other powers in another treaty of peace. Certainly this administration can not make any such contention, because it has represented to the citizens of the country that by the separate treaty of peace with Germany it obtained all of the benefits and advantages guaranteed to the other powers under the Versailles treaty.

It has protested up until almost the present time. It contended that it was invalid by reason of the lack of concurrence on the part of the United States. Certainly one of the powers thinks it is invalid, and that is Japan. If it is a valid grant, if the concurrence of the United States was unnecessary, then why is this treaty here at all to-day? Does Japan think that she has a mandate without the concurrence of the United States? If she did, would she be here seeking the special privileges that the ratification of this mandate gives her in those islands? Would she be here asking the United States to sign a contract divesting itself of all sovereignty in those islands? Yet that is what it does. That is what she asks. There is not any doubt whatever that the position taken by our administration now, and by the former administration then, has been practically admitted by the allied powers. Those powers—Great Britain, France, and Italy—are almost as anxious for the United States to affirm the mandate they made as Japan is, because they know that there is no answer to the contentions that have been presented by the former administration and the present administration, and they have not attempted to meet them except that they come here and ask us now to ratify a treaty that we have constantly protested against.

The United States, therefore, being an equal owner with Japan and the other principal allied powers in such islands, is not required by necessity or propriety to seek or to accept permission from Japan to exercise that sovereignty.

The United States Government does not have to obtain permission from Japan to land and operate her cables or to erect and operate electrical and aerial service on the island of Yap. It has an equal right with Japan to do these things by virtue of its equal sovereignty with Japan.

I hope that it may be kept in mind that I am not at present discussing the wisdom of approving this mandate to Japan, but only our rights in the premises and the purpose of the treaty. I shall probably discuss the question of policy later on.

Whilst there may be some grounds for contention as to the extent of sovereignty over these islands now possessed by the United States and the principal allied powers, there can be little doubt that, if this treaty be ratified, the absolute and exclusive sovereignty over these islands by Japan will be confirmed.

The mandate was granted under the terms and in accordance with the provisions of the Versailles treaty. Under the provisions of such treaty relating to mandates, three classes are established. The islands described in the mandate under consideration in the pending treaty fall within class (c), which are described as follows:

There are territories, such as Southwest Africa and certain of the South Pacific islands which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In article 2 of the mandate under consideration in the pending treaty it is provided:

The mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require.

This is undoubtedly a grant of exclusive sovereignty. The islands are made an integral part of Japan, subject to the laws of Japan. It is true that under the mandate Japan is required to look after the health and the morals of the people on

these islands, but this in no way contradicts the plain and absolute sovereign power granted to her over the islands.

And, again, in section 7 of article 4 of the pending treaty, that there may be no misunderstanding as to the exclusive sovereignty of Japan in the island of Yap, it is expressly provided as follows:

The Government of Japan will exercise its power of expropriation in the island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities can not otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the island shall not be subject to expropriation.

In reading the section hurriedly one might construe it to mean that the United States and Japan should between them arrange the land and property to be expropriated to be used by Japan as well as land to be used by the United States. Such is not the proper construction of the section. The language, "It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case," refers solely to the land to be expropriated in the island for the use of the United States. Under the section Japan has the use of all of the land of the island and the United States can have only the use of such land as Japan may agree that she may have in each particular case.

It has been contended by the proponents of the pending treaty that the nationals of the United States have equal rights in the island of Yap with the nationals of Japan. I do not believe that the treaty is subject to such construction. The mandate itself, which we are asked to ratify in the treaty, only guarantees privileges to missionaries.

Mr. WALSH of Montana. Mr. President, will the Senator suffer an interruption there?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Montana?

Mr. PITTMAN. I do.

Mr. WALSH of Montana. I want to get this matter clear in my mind, if I can.

I always had the idea that the mandate was conferred by the council of the League of Nations, but the treaty here recites that the mandate has been conferred by the four powers—the British Empire, France, Italy, and Japan. It says "pursuant to the treaty of Versailles," but that is not pursuant to the treaty of Versailles, because under the treaty of Versailles the mandate is to be conferred by the council of the league, which embraces representatives of other nations than these four; but I refer to this provision of article 22 of the League of Nations referring to mandates:

The degree of authority, control, or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council.

Has the council put out some kind of a document in which is set forth the degree of authority, control, or administration which is to be exercised by Japan in these islands?

Mr. PITTMAN. Not that I know of; no. I have no knowledge of it.

Mr. WALSH of Montana. Apparently, then, Japan exercises unlimited jurisdiction over these islands, except as that jurisdiction is restricted by the instrument referred to in the present treaty.

Mr. PITTMAN. I so construe it.

Mr. WALSH of Montana. I had an idea that the covenant of the League of Nations in that particular contemplated that something in the nature of an organic act, such as is customary in the case of territories, should be issued, fixing the character of the jurisdiction that was to be exercised by the mandatory, what powers it was to have, and so forth.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Mexico?

Mr. PITTMAN. I yield.

Mr. JONES of New Mexico. If I understood the Senator from Nevada a while ago, the statement was made that the mandate which was granted by these other powers, the council of the League of Nations, was absolute and complete, and conferred upon Japan the complete power and sovereignty of those islands, and gave to her the right to control so completely as to warrant imposing upon the island of Yap the laws of Japan. If I am in error about that I should like to be corrected.

Mr. PITTMAN. I think that is true. I have attempted to give the history of it. The four powers known as the principal allied powers executed this mandate, which speaks for itself; and subsequently, at the meeting of the council of the League of Nations, it was approved and was approved over the protest

of our Secretary of State, who was there the day they approved it. Evidently the Senator from Montana is astonished that the League of Nations has so little influence in mandates.

Mr. WALSH of Montana. Not alone that, but this document, made a part of the treaty now under consideration—which, as I take it, merely specifies certain limitations upon the power of Japan—can by no stretch of construction be said to comply with this provision of the covenant to the effect that the degree of authority, control, or administration to be exercised by the mandatory shall be explicitly defined in each case by the council.

If the Senator will pardon me, I can not think that anybody will contest the view now expressed by the Senator from Nevada, that the treaty which we are asked to approve does not grant to American citizens generally any rights whatever in Yap or any other of the vast number of islands over which we are entitled, as we contend, to exercise sovereignty to the extent of one-fifth. The rights conceded by this treaty are clearly only to permit missionaries to reside there and to prosecute their avocations, and to permit those interested in the operation of cables connected with the island to be there. That is the point I wanted to present to the Senator.

It was represented to me some time ago that the Empire of Japan, during all of these years, since the armistice, for that matter, has exercised the power of excluding anybody from these islands, and I wondered if the committee had any information upon that subject. For instance, I am told that American citizens are not permitted to go there freely for the purpose of carrying on commerce, but that they are obliged to get a license from the Empire of Japan.

Mr. JONES of New Mexico. If I may be permitted just this observation, the point I want to be clear about is this: If I understand it, the council has acted, under the provisions of the treaty of Versailles, by abrogating any further power over the island of Yap, and has surrendered all of its authority under the mandate provisions of the Versailles treaty to Japan, and in the exercise of that authority to control these mandates, has chosen to confer absolute authority upon Japan.

Mr. WALSH of Montana. That is what I wanted to know.

Mr. PITTMAN. I have been contending that all the time.

Mr. WALSH of Montana. I do not find that they have done so. They do not say that Japan shall be entitled to exercise full and unlimited power and authority over these islands "subject only to the following restrictions." They do not say so in this, at least, and I wanted to know if there was some other document under which Japan assumed to exercise this power.

Mr. PITTMAN. Mr. President, I do not believe there is any other such document. I think we have before us the only document that is involved. It is a mandate, and it speaks for itself. It was granted by four of the coowners, the cosovereigns, of the island of Yap. It has been approved, verbatim et literatim, by the council of the League of Nations, over our protest.

I have been arguing this proposition, first, as to our title. I think I have established that no matter how that title comes, we have an equal sovereignty with these other powers. I then turned to the effect of this mandate. I believe, and I am trying to express the belief, that this mandate having been granted, the island becomes an integral part of Japan, being subjected to the laws of Japan, and the treaty specially limiting the rights of nationals of other countries, constituting Japan an absolute sovereign over the island of Yap.

Mr. UNDERWOOD. Mr. President, I have been very much interested in the Senator's argument, and I do not want to interrupt; but the Senator from New Mexico raised the question of sovereignty. I do not think there is any doubt about the fact that Japan is exercising, and has the right to exercise, substantial sovereignty under the treaty of Versailles. That treaty, of course, is the source of her title. No matter what the four allied and associated powers may have done for themselves, in the end this mandatory was made by the council of the League of Nations, and it is under the covenant of the league that she holds the mandate, because there is no other power in the world which could grant her such a mandate. But under that clause in the treaty of Versailles referring to mandates for this particular kind of islands, in article 22 there are different classes of mandates to be established, but toward the end of that article it is stated: "There are territories, such as Southwest Africa and certain of the South Pacific Islands," and these islands just north of the Equator would fall under the words "such as."

Mr. PITTMAN. I will say to the Senator, so as not to have to draw the analogy, that since that time the League of Nations has directly stated that these islands come under class (c).

Mr. UNDERWOOD. That is my understanding. Article 22 continues:

Which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

What I wanted to call attention to was that under this particular kind of mandatory, which has been declared, these particular territories are put in this class, and they are to be administered under the laws of the mandatory as an integral portion of its territory; in other words, the sovereignty of the mandatory power is recognized, so that it is entirely within the covenant of the League of Nations that this is done.

Mr. PITTMAN. Mr. President, I am glad to have adduced this discussion, and I am very glad, so far, that those who have discussed this question of sovereignty concur with the position I was taking with regard to the matter. At least we have one matter settled, so far as the discussion has gone, and that is that if we ratify this treaty we will confirm the mandate whose validity we have heretofore denied, and in confirming that mandate we will confirm the absolute sovereignty of Japan over the island of Yap and the other islands.

Mr. WALSH of Montana. Mr. President, my understanding is, from the communications emanating from the office of the Secretary of State, to which the Senator has directed attention, that it objected to this mandate to Japan particularly because the mandate extended over the island of Yap, which the Department of State insisted should be internationalized. We have surrendered that claim, and what do we get in exchange for that surrender?

Mr. PITTMAN. That is just the subject I am coming to. As the Senator from Montana says, our protest was particularly directed toward the island of Yap, and it was based upon the theory that we had to participate in the control of that island by reason of the great importance of that place as a base for electrical communication. We all know that, and the condition has not changed a particle since the time we protested. The island is just as valuable to-day as a base for electrical communication as it was before, and every argument used before against the absolute sovereignty of Japan over that island is good now. Our former Secretary of State protested against this mandate on that ground, and our present Secretary of State, who was head of the American delegation in the Limitation of Armaments Conference, recently held, protested against it on that ground up until April, 1921.

It has been contended by the proponents of the pending treaty that the nationals of the United States have equal rights in the island of Yap with the nationals of Japan. I do not believe the treaty is subject to such a construction. The mandate itself which we are asked to ratify in this treaty only guarantees privileges to missionaries. No other class of people, other than the nationals of Japan, are authorized to enter into or travel or reside in the territory for the purpose of prosecuting their callings. The language used in the mandate is as follows:

The mandatory * * * shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling.

They have singled out missionaries, and they have singled out the calling of missionaries, and have expressly limited the right of entry to that class of people, and for that purpose only.

By article 2 of the pending treaty this privilege is extended to the missionaries of the United States, notwithstanding the fact that the United States is not a member of the League of Nations; but it is still limited to missionaries.

In article 3 the United States and its nationals are expressly given the same rights and privileges as the nationals of Japan as to one particular occupation. This is the article in the pending treaty, and not in the mandate. It is in the nature of a reservation to the mandate. It reads.

ARTICLE III.

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable, or any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

It will be observed that the right to enter is absolutely limited to "all that relates to the landing and operation" of cables. The mandate did not even go that far, but, as a consideration for agreeing to this mandate, we put this additional article in, that in addition to missionaries going on the island for the purpose of conducting their work, electricians may go on the island for the purpose of conducting their work.

But even in this same article, for the purpose of further restricting the United States and its nationals in the island of Yap, it is provided:

That so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with the other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

In other words, as long as Japan runs the aerial telegraph business of Yap, we have no right to do it, nor can our nationals do it.

Mr. JONES of New Mexico. Mr. President, is there anything in the treaty which determines who is to be the judge of the character of the radio service there, as to its sufficiency and efficiency; in other words, whether or not Japan is furnishing sufficient facilities of that character?

Mr. PITTMAN. The only precedent we have for that matter is that we have found it necessary, as a matter of courtesy and confidence, to allow nations like Japan to determine when conditions are such that they may remove from occupied territory.

Mr. BORAH. Mr. President, in view of the silence of the treaty upon the subject, would not the United States have the right to determine whether or not there had been compliance with it?

Mr. PITTMAN. I shall discuss that in a few moments. I have a memorandum of that. I am glad, however, that the Senator mentioned it.

Mr. KELLOGG. Mr. President—

Mr. PITTMAN. I yield to the Senator from Minnesota.

Mr. KELLOGG. Before leaving the subject of the rights of American nationals in the island of Yap I would like to call the Senator's attention to a provision of the treaty, the third subdivision of article 2, which provides that existing treaties between the United States and Japan shall be applicable to the mandated islands.

Mr. PITTMAN. I shall take that up in just a moment.

Mr. KELLOGG. Under that provision our treaty with Japan as to the rights of nationals would apply, would it not?

Mr. PITTMAN. I am not so sure about that, but I shall take that up right now. It would apply undoubtedly where it would not come in conflict with special provisions.

Mr. KELLOGG. The treaty of 1911 provides that—

The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other, to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

Does the Senator contend that that article and also article 2 of the same treaty apply to Yap?

Mr. PITTMAN. Of course, the Senator from Nevada does not deny that a treaty which exists does exist. I am glad the Senator has read it. In a few moments I shall discuss the very question he is asking, but I prefer to proceed without breaking the line along which I am moving. However, I shall answer that in just a few moments.

At the present time our sovereignty in the island of Yap is equal to that of Japan, and yet we propose to allow Japan to exclusively conduct radio telegraphic communications on the island. Is this a concession on the part of Japan to the United States or is it a surrender of our commercial opportunities to Japan?

Our press associations have long been complaining that they could not get adequate service through the electrical communications controlled by Japan. They have protested that our position on many matters was misunderstood, to the detriment of our country and its commerce, by reason of the character of such electrical news service. It is true that Japan contracts to conduct such service effectively and without discriminatory exactions or preferences; but if in our opinion she fails in this, then what action shall be taken and what will be the effect? Will we proceed to construct our own electrical communications? Could we accomplish this peacefully? In the event of a dispute over this question, who would settle the dispute? Would it be settled under the four-power pact by the four powers, Great Britain, France, Japan, and the United States? Would it require a unanimous vote to settle it? It is contended by the proponents of the pending treaty that it would require a unanimous vote. Is it reasonable to suppose that unanimity could be obtained in such a conference if unanimity had not been obtained between the United States and Japan with regard to the dispute? And if such unanimity was not obtained, then what would be the action of the United States? Would it

agree to the processes of settlement provided in the covenant of the League of Nations under the Versailles treaty? The proponents of this treaty would hardly contend that that would be the remedy, because to do so would be to admit that this mandate is subject to the control of a body in which we have no membership. And if it be held in the event of such a dispute that we have no recourse to such processes as provided in the League of Nations, then what remedy would we have? There is one thing that is evident, and that is that in the surrender of our rights under the pending treaty we are inviting a situation that, to say the least, may be very unfortunate.

In section (1) of article 4 there appears upon first glance to be granted to the nationals of the United States all the privileges and rights of the nationals of Japan, and yet a reference to the opening clause of that article discloses clearly that those rights and privileges relate solely to electrical communications. The opening clause to which I refer reads as follows:

In connection with the rights embraced by article 3, specific rights, privileges, and exemptions, in so far as they relate to electrical communications, shall be enjoyed in the island of Yap by the United States and its nationals in terms as follows.

Then follows, in section (1), the specific rights; but remember that these specific rights are only rights relating solely to electrical communications.

Let me call attention to this, that in the treaty in referring to article 3 it speaks of "specific rights, privileges, and exemptions," and yet we would have those some rights, privileges, and exemptions under the general treaty which the Senator from Minnesota has just read. The general treaty which the Senator has just read allows our nationals to enter for the purpose of business. It does not interfere with their conduct of business on the island. Why, then, was it necessary to specify that they had a right to go there for the specific purposes of conducting the cables? It did so specify. The United States thought it was necessary to specifically provide something in addition to what the general treaty provided.

It is, however, contended in reply to this argument that the pending treaty, in section 3 of article 2, makes applicable to these islands existing treaties between the United States and Japan. The existing treaties between the United States and Japan do not grant to American citizens the right to own land in the Japanese Empire.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. KELLOGG. Does the Senator demand greater rights for American citizens in Japan than we grant to them?

Mr. PITTMAN. No; but I demand equal rights in the island of Yap, which is not Japanese.

Mr. KELLOGG. But it is under this treaty.

Mr. PITTMAN. Yes; it is under this treaty, but we have not yet ratified the treaty.

Mr. KELLOGG. It will be ratified.

Mr. PITTMAN. Not by the argument which the Senator from Minnesota is now making.

The existing treaties between the United States and Japan do not grant to American citizens the right to own land in the Japanese Empire. These islands, including the island of Yap, by the pending treaty and the mandate therein set forth, are an integral part of the Empire of Japan and subject to the laws of Japan. Under the laws of Japan a citizen of the United States can not acquire and own land in the Japanese Empire.

Yet even this extension of existing treaties to these islands gives birth to a new cause for dispute. It may be contended by Japan that the privileges and rights of the United States and its nationals having been expressly and particularly stated in the pending treaty, any inference as to other rights and privileges are expressly excluded.

In other words, if, under existing treaties, the United States and its nationals have a right to carry on the aerial electrical radio business there, why specifically grant them that right in this contract? Remember that the treaty says that for the purpose of "settling all differences" with regard to this island they enter into this specific agreement. This specific agreement is clear. It is so clear that nobody under mandate except missionaries may enter there. Under the express terms that we have placed in it, it is expressly provided that our people may enter there for the purpose of the radio business and nothing else.

If it was not the intention of the contracting parties to limit it to these occupations, why was the provision ever put in here? Why did they not leave it to the general treaties which the Senator from Minnesota says are broad enough to allow our citizens to go there as they see fit? They must have had some intention in the matter and they could so contend later on. This is a common and accepted rule of construction of con-

tracts. But whether this construction be sought by Japan or not, the ownership of land is essential to the fullest enjoyment of economic and commercial opportunities, and this right is denied not only in the pending treaty but in every treaty with Japan.

But the Senator from Minnesota says we do not want to ask any more rights in Japan than we grant to her. Not at all; but nowhere in the treaty have we ever asked as many rights of Japan. We have given up our sovereignty to Japan, and the treaty shows what little we get back. If we ask for rights in Japan we could not ask for the right of ownership of property, because we reserve the right to deny the ownership of property to Japanese in this country. The great trouble is that the Senator is thinking about this island as Japanese property, when it is not. It is just as much American property as it is Japanese. Whenever the Senator gets to thinking of it in that light some of his arguments probably will be different.

The Senator from Massachusetts [Mr. Lodge], the leader of the majority in this body and the chairman of the Foreign Relations Committee, in reporting favorably this treaty on behalf of the Foreign Relations Committee, seems to have attempted to minimize the value to the United States of the island of Yap. We all realize that the island is of little value except as a base for electrical communications, but the importance of the island for this purpose was not underestimated by the distinguished chairman of the Foreign Relations Committee at the time that the Versailles treaty was pending before this body. At that time he declared that the uninterrupted maintenance of such electrical communications by the United States on the island of Yap was a matter of great importance.

The facts bearing upon the importance of this island as a base for electrical communications with the Philippine Islands, China, Japan, and the entire Far East were sought by and presented to the committee. We have been informed that, by reason of the depth of water and the conformation of the bottom of the ocean around other islands, few if any of them can be satisfactorily used for such a base. The island of Yap is admitted to be free from these obstructions to cable communication.

Now, admitting, for the sake of argument, that the United States Government suffers all of the disadvantages that I have suggested through the ratification of this treaty, the question still remains as to whether or not it is good policy to ratify the treaty. This determination depends in part, if not largely, upon the action that this body takes with regard to the several treaties that have been presented to the Senate through the labors and negotiations of the recent Conference for the Limitation of Armament. If the so-called naval treaty is to be ratified, then we will have by that act, in my opinion, abandoned our influence and our commerce in the Far East. Our greatest naval experts give it as their expert opinion that it would be impracticable, if not impossible, to operate our fleet in the waters of the Far East unless we had established there adequate coaling stations, supply, and repair bases.

We had some experience during the World War in the transportation of men and material across 3,000 miles of water. From that experience we are able to fairly accurately appraise the apparently insurmountable obstacles to the transportation of fuel and supplies and the maintenance of repairs several thousand miles away from the coast of the United States. Without these naval bases in the Far East our Navy is excluded from those waters.

In the so-called naval treaty, in article 19, we are prevented from establishing these effective bases by the following provision:

The United States, the British Empire, and Japan agree that the status quo at the time of the signing of the present treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder:

(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands.

We are prohibited by the so-called naval treaty, which is now before this body for consideration, from establishing bases in the Philippine Islands or Guam or in any of the islands which we possess in the Pacific waters of the Far East, either now owned or hereafter acquired, with the positive, certain knowledge that without the establishment of those bases our Navy is limited to the Pacific coast of the United States. I therefore say that the action we take in regard to the island of Yap depends to a large extent upon what action we take with regard to the so-called naval treaty.

Mr. President, we may aid in the peaceful settlement of disputes that arise in the Far East; we may be able through our economic and moral power to assist in some slight degree in

protecting the sovereignty of China, which we pledge ourselves to do in one of the conference treaties presented to this body; but when a nation undertakes solemn obligations to protect other Governments and nationalities against injustices and oppression it must be very uneasy, if not unhappy, by reason of such responsibility when its sole power is moral and economic.

The great desire for peace and to be freed of the burdens of militarism may even justify our abandonment of our influence beyond the borders of our own territory. As a self-supporting people, not dependent upon any other land for the necessities of life, it may be, in this particular era, the part of wisdom to surrender all sovereignty at any place that may be the cause for future disputes and future wars. These policies should be first determined, and then we could act intelligently with regard to the various interlocking treaties that are now before the Senate for action. These treaties, though separately executed and presented, are interdependent, and must relate to a common policy. I would prefer to see action upon the pending treaty deferred until we have determined our naval policy and our policy with regard to alliances affecting the Pacific and the Far East.

APPENDIX.

The full text of the American note to the council of the League of Nations in Paris was made public by Secretary Colby on February 24. It read as follows:

FEBRUARY 21, 1921.

To the president and members of the council of the League of Nations:

GENTLEMEN: The Government of the United States has received information that the council of the League of Nations at its meeting which is to be held in Paris on this date (February 12) proposes to consider at length the subject of mandates, including their terms, provisions, and allocation, and accordingly takes this opportunity to deliver to the council of the League of Nations a copy of its note addressed, under date of November 20, 1920, to His Excellency Lord Curzon of Kedleston, the British Secretary of State for Foreign Affairs, in which the views of the United States are quite fully set forth regarding the nature of the responsibilities of mandatory powers.

The attention of the council of the League of Nations is particularly invited to the request therein made on behalf of this Government that the draft mandate forms intended to be submitted to the League of Nations be communicated to this Government for its consideration before submission to the council of the league, in order that the council might thus have before it an expression of the opinion of the Government of the United States on the form of such mandates and a clear indication of the basis upon which the approval of this Government, which is essential to the validity of any determinations which may be reached, might be anticipated and received.

It was furthermore, stated in said note that the establishment of the mandate principle, a new principle in international relations, and one in which the public opinion of the world is taking special interest, would seem to require the frankest discussion from all pertinent points of view, and the opinion was expressed that suitable publicity should be given to the drafts of mandates which it is the intention to submit to the council, in order that the fullest opportunity might be afforded to consider their terms in relation to the obligations assumed by the mandatory powers and the respective interests of all Governments who deem themselves concerned or affected.

A copy of this note was transmitted to the Governments of France and Italy, requesting an interpretation by each Government of the provisions of the agreement between Great Britain, Italy, and France, signed at Sevres on August 10, 1920, relating to the creation of spheres of special interest in Anatolia, in the light of this Government's note to the British Government of November 20, 1920.

A reply has thus far been received only from the French Government, in which attention is directed to article 10 of the so-called Sevres treaty, which provides in favor of nationals of third powers for all economic purposes free access to the so-called zones of special interest.

THE PACIFIC MANDATE.

This Government is also in receipt of information that the council of the League of Nations at its meeting at Geneva on December 17 last approved, among other mandates, a mandate to Japan embracing "all the former German islands situated in the Pacific Ocean and lying north of the Equator." The text of this mandate to Japan, which was received by this Government, and which, according to available information, was approved by the council, contains the following statement:

"Whereas the principals of the allied and associated powers agreed that, in accordance with article 22, part 1 (covenant of the League of Nations) of the said treaty, a mandate should be conferred upon His Majesty the Emperor of Japan to administer the said islands and have proposed that the mandate should be formulated in the following terms," etc.

The Government of the United States takes this opportunity respectfully and in the most friendly spirit to submit to the president and members of the council of the league that the statement above quoted is incorrect and is not an accurate recital of the facts.

On the contrary, the United States, which is distinctly included in the very definite and constantly used descriptive phrase "the principal allied and associated powers," has not agreed to the terms or provisions of the mandate which is embodied in this text, nor has it agreed that a mandate should be conferred upon Japan covering all the former German islands situated in the Pacific Ocean and lying north of the Equator.

The United States has never given its consent to the inclusion of the island of Yap in any proposed mandate to Japan, but, on the other hand, at the time of the discussion of a mandate covering the former German islands in the Pacific north of the Equator, and in the course of said discussion, President Wilson, acting on behalf of this Government, was particular to stipulate that the question of the disposition of the island of Yap should be reserved for future consideration.

Subsequently, this Government was informed that certain of the principal allied and associated powers were under the impression that the reported decision of the supreme council, sometimes described as the

council of four, taken at its meeting on May 7, 1919, included or inserted the island of Yap in the proposed mandate to Japan.

This Government, in notes addressed to the Government of Great Britain, France, Italy, and Japan, has set forth at length its contention that Yap had, in fact, been excepted from this proposed mandate and was not to be included therein. Furthermore, by direction of President Wilson, the respective Governments above mentioned were informed that the Government of the United States could not concur in the reported decision of May 7, 1919, of the supreme council.

The information was further conveyed that the reservations which had previously been made by this Government regarding the island of Yap were based on the view that the island of Yap necessarily constitutes an indispensable part of any scheme or practicable arrangement of cable communication in the Pacific, and that its free and unhampered use should not be limited or controlled by any one power.

POSITION WAS MADE CLEAR.

While this Government has never assented to the inclusion of the island of Yap in the proposed mandate to Japan, it may be pointed out that even if one or more of the other principal allied and associated powers were under a misapprehension as to the inclusion of this island in the reported decision on May 7, 1919, nevertheless the notes above mentioned of the Government of the United States make clear the position of this Government in the matter.

At the time when the several notes were addressed to the respective Governments above mentioned a final agreement had not been reached as to the terms and allocation of mandates covering the former German islands in the Pacific.

Therefore the position taken in the matter by the President on behalf of this Government, and clearly set forth in the notes referred to, necessarily had the result of effectively withdrawing any suggestion or implication of assent, mistakenly imputed to this Government, long before December 17, 1920, the date of the council's meeting at Geneva.

As one of the principal allied and associated powers, the United States has an equal concern and an inseparable interest with the other principal allied and associated powers in the overseas possessions of Germany, and concededly an equal voice in their disposition, which it is respectfully submitted can not be undertaken or effectuated without its assent. The Government of the United States therefore respectfully states that it can not regard itself as bound by the terms and provisions of said mandate and desires to record its protest against the reported decision of December 17 last of the council of the League of Nations in relation thereto, and at the same time to request that the council, having obviously acted under a misapprehension of the facts, should reopen the question for the further consideration which the proper settlement of it clearly requires.

Accept, gentlemen, the assurance of my high consideration.

BAINBRIDGE COLBY,
Secretary of State.

[From Current History, New York Times, April, 1921, vol. 14, No. 1.]

The following is the text of the note sent to Great Britain April 6, 1921, by Secretary Hughes, which is similar to those forwarded to France, Japan, and Italy:

"With respect to the mandate to Japan, purporting to have been confirmed and defined in its terms by the supreme council of the League of Nations, of the German possessions in the Pacific Ocean lying north of the Equator, this Government deems it appropriate to state the fundamental basis of its representations and the principles which, in its view, are determinative.

"It will not be questioned that the right to dispose of the overseas possessions of Germany was acquired only through the victory of the allied and associated powers, and it is also believed that there is no disposition on the part of the British Government to deny the participation of the United States in that victory. It would seem to follow necessarily that the right accruing to the allied and associated powers through the common victory is shared by the United States, and there could be no valid or effective disposition of the overseas possessions of Germany now under consideration without the assent of the United States.

"[This Government must, therefore, point out that as the United States has never vested either the supreme council or the League of Nations with any authority to bind the United States or to act on its behalf, there has been no opportunity for any decision which could be deemed to affect the rights of the United States. It may also be observed that the right accruing to the United States through the victory in which it has participated could not be regarded as in any way ceded or surrendered to Japan or to other nations, except by treaty, and that no such treaty has been made.]

"The fact that the United States has not ratified the treaty of Versailles can not detract from rights which the United States has already acquired, and it is hardly necessary to suggest that a treaty to which the United States is not a party could not affect these rights. But it should be noted that the treaty of Versailles did not purport to secure to Japan or to any other nation any right in the overseas possessions of Germany, save as an equal right therein should be secured to the United States. On the contrary, article 119 of the treaty of Versailles provides:

"Germany renounces in favor of the principal allied and associated powers—

"in whose favor Germany renounced her rights and titles in the United States. Thus not only could the position of the Government of Japan derive no strength from the treaty of Versailles or from any discussions preliminary thereto, but the terms of that treaty confirm the position of the Government of the United States.

"Further, the draft convention relating to the mandate for the German concessions in the Pacific Ocean north of the Equator, which was subsequently proposed, proceeded in the same view, purporting, on behalf of the United States as one of the grantors, to confer the mandate upon Japan, thus recognizing the right and interest of the United States, and the fact that the proposed action could not be effective without the agreement of the United States as one of the principal allied and associated powers.

"As the United States did not enter into this convention or into any treaty relating to the subject, this Government is unable to understand upon what grounds it was thereafter attempted to confer the mandate without the agreement of the United States. It is manifest that the League of Nations was without any authority to bind the United States, and the confirmation of the mandate in question and the definition of its terms by the council of the League of Nations in December,

1920, can not be regarded as having efficacy with respect to the United States—

"All her rights and titles over her overseas possessions."

"It will not be questioned that one of the 'principal allied and associated powers'—

"It should be noted that this mandate not only recited article 119 of the treaty of Versailles, to the effect that 'Germany renounced in favor of the principal allied and associated powers all her rights over her overseas possessions, including therein the groups of islands in the Pacific Ocean lying north of the Equator,' but also recited that 'the principal allied and associated powers agreed that in accordance with article 22, part 1 (covenant of the League of Nations) of the said treaty a mandate should be conferred upon his Majesty the Emperor of Japan to administer the said islands, and have proposed that the mandate should be formulated,' as set forth. While this last-quoted recital, as has already been pointed out in previous communications by this Government, is inaccurate in its terms, inasmuch as the United States, as one of the principal and associated powers, had not so agreed and proposed, the recital again recognizes the necessity of the participation of the United States in order to make the proposed disposition effective.

"[As, in the absence of any treaty with the United States relating to the matter, there was no decision on May 7, 1919,] [binding the United States, it is deemed to be unnecessary again to examine the brief minutes of the meeting of the supreme council on that date. It may, however, be proper to say that the minutes of this meeting, although obviously without any finality, could not properly be construed without due regard to the other proceedings of the supreme council and without taking account of the reservations which President Wilson had already made in the previous meetings of the supreme council on April 21, April 30, and May 1, 1919.

"The attitude of President Wilson is sufficiently shown by the following statement which he made to the Department of State on March 3, 1921:]

"[I beg to return the note received yesterday from the Japanese Government, which I have read, in relation to the proposed mandate covering the island of Yap.

"My first information of a contention that the so-called decision of May 7, 1919, by the council of four assigned to Japan a mandate for the island of Yap, was conveyed to me by Mr. Norman W. Davis in October last. I then informed him that I had never consented to the assignment of the island of Yap to Japan.

"I had not previously given particular attention to the wording of the council minutes of May 7, 1919, which were only recently called to my attention. I had on several occasions prior to the date mentioned made specific reservations regarding the island of Yap and had taken the position that it should not be assigned under mandate to any one power, but should be internationalized for cable purposes.] I assumed that this position would be duly considered in connection with the settlement of the cable question and that it therefore was no longer a matter for consideration in connection with the peace negotiations. I never abandoned or modified this position in respect to the island of Yap, and I did not agree on May 7, 1919, or at any other time, that the island of Yap should be included in the assignment of mandates to Japan.

"As a matter of fact, all agreements arrived at regarding the assignment of mandates were conditional upon a subsequent agreement being reached as to the specific terms of the mandates, and further upon their acceptance by each of the principal allied and associated powers. The consent of the United States is essential both as to assignments of mandates and the terms and provisions of the mandates, after agreement as to their assignment or allocation.

"The consent of the United States, as you know, has never been given on either point as to the island of Yap."

"Apart from the expressed purpose of President Wilson in relation to the island of Yap, inasmuch as the proceedings of the supreme council on May 7, 1919, did not, and in the nature of things could not, have finality, this Government is unable to perceive any grounds for the contention that it was the duty of this Government to make immediate protest with respect to the so-called decision of May 7, 1919, and certainly it can not be said that an omission to do so operated as a cession of its rights. It may be added, however, that when the matter was brought to the attention of this Government in connection with conference on communications in October last this Government informed the Government of Japan and other Governments (by notes of November 9, 1920) that it was the understanding of this Government that the island of Yap was not included in the action of May 7, 1919. Its position was subsequently stated at length.

"It is a cause of regret to this Government that after and despite this protest there should have been any attempt to pass upon drafts of mandates purporting to deal with the Pacific Islands, including Yap, and that a mandate should have been approved, or attempted to be put into effect, which while purporting to be made in the name of the United States, was without the assent of the United States. This Government trusts that this action, which it must assume was taken under a misapprehension, will be reconsidered.

"[In particular, as no treaty has ever been concluded with the United States relating to the island of Yap, and as no one has ever been authorized to cede or surrender the right or interest of the United States in the island, this Government must insist that it has not lost its right or interest as it existed prior to any action of the supreme council] [or of the League of Nations, and can not recognize the allocation of the island or the validity of the mandate to Japan.

"In this view this Government deems it to be unnecessary at this time to consider the terms of the so-called 'C' mandates, or the discussion with respect thereto.

"This Government, as has been clearly stated in previous communications, seeks no exclusive interest in the island of Yap and has no desire to secure any privileges without having similar privileges accorded to other powers, including, of course, Japan, and relying upon the sense of justice of the Government of Japan and of the Governments of the other allied and associated powers, this Government looks with confidence to a disposition of the matter whereby the just interests of all may be properly conserved.]"

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. MOSES. Mr. President, in common with the great majority of the Members of this and the other branch of Congress I have been under a promise to support adjusted compensation legislation. I am rising here now in advance of the

measure's coming to us in order that those to whom such promise has been made may know that I can not go forward with it at the present time.

No one will undertake to minimize the country's obligation to the young men whom the long arm of the Government reached out and seized for military service in the World War. Neither will anyone undertake to rebuke the wholly proper feeling of resentment which these young men feel toward their associates of like age and physical strength who sought shelter in the essential occupations at home and who received the unduly swollen compensation which those occupations provided.

But, Mr. President, we must bear in mind the scriptural admonition that there is time for all things, and this is not the time for pressing legislation of this character. No plan thus far advanced for dealing with this subject can possibly be carried out without unwarranted dislocation of the impelling and unavoidable financial readjustment growing out of the existing debt of the war or without continuing for an indefinite period features of the existing taxation system which I regard as iniquitous, inquisitorial, and unjust.

With commendable moderation the authorized spokesmen for the organized bodies of World War veterans who have come before Congress have laid their first emphasis upon the care of the disabled, the widowed, and the orphaned rather than upon any special recognition for those who successfully withstood the difficulties and the dangers of war-time experience and who were permitted to return home in sound health.

No suggestion brought here for the succor of the needy, the sick and the bereft, who constitute our most sinister inheritance of the war, has fallen upon deaf ears. With cheerful alacrity and without regard to party designations, Senators and Representatives hastened to relieve the needs of those upon whom war had laid the heaviest burden. In all of these the question of expense was never raised. And the Republic, never ungrateful, through its Congress in the years of the war and those succeeding the armistice, including the appropriations already made for the fiscal year 1923, has set aside the unparalleled sum of \$1,852,000,000, all of which has been allocated for military and naval family allowances, for compensation for death and disability, for insurance, for vocational training, for hospital construction, for the care of patients, for the bringing home or segregating in France of the heroic bones of our dead. And it is especially noteworthy, Mr. President, that in the tabulation furnished me by the accomplished clerk of the Senate Committee on Appropriations, there is in this stupendous sum only \$53,000,000 specifically allowed for administrative expense, so that substantially 97 per cent of the total sum appropriated has gone directly to those whom we have sought to relieve.

This tabulation, in much detail, which I have in my hand, Mr. President, I ask to have incorporated in my remarks when they shall be printed.

The VICE PRESIDENT. Without objection, it is so ordered. The statement referred to is as follows:

Statement showing appropriations made for allowances and benefits on account of soldiers and sailors who participated in the World War, including appropriations made at the third session of the Sixty-sixth Congress and the first session of the Sixty-seventh Congress.

Purpose.	Fiscal year 1918.	Fiscal year 1919.	Fiscal year 1920.	Fiscal year 1921.	Fiscal year 1922.	Total.
Bureau of War Risk Insurance:						
Military and naval family allowances.....	\$141,000,000	\$70,000,000	\$87,615,000			\$298,615,000
Compensation for death and disability.....	12,150,000		135,000,000	\$125,000,000	\$125,000,000	397,150,000
Insurance.....	23,000,000					23,000,000
Administration expenses of the bureau.....	3,137,000	16,468,500	15,862,806	10,324,400	7,400,400	53,193,906
Total, Bureau of War Risk Insurance.....	179,287,000	86,468,500	238,477,806	135,324,400	132,400,400	771,968,906
Federal Board for Vocational Education, vocational rehabilitation.....		2,000,000	37,000,000	90,000,000	120,000,000	249,000,000
Public Health Service:						
Hospital construction.....			9,550,000	295,000	19,850,000	29,695,000
Care of patients.....		785,333	20,166,187	146,000,000	153,000,000	124,951,520
Total, Public Health Service.....		785,333	29,716,187	146,295,000	172,850,000	349,646,520
Total.....	179,287,000	89,253,833	305,193,993	271,619,400	330,250,400	1,175,605,426
Bonus allowance, act approved Feb. 4, 1919 (estimated).....						256,239,900
Bringing home, or segregating in France, remains of soldiers.....			8,451,000	21,549,000	1,000,000	31,000,000
Grand total.....						1,462,845,326

¹ Appropriation made directly to Bureau of War Risk Insurance.

NOTE.—To the grand total above indicated should be added the sum of \$300,000,000 in the items of the bill now in conference, and providing for the maintenance of the independent Government establishments, including the War Risk Insurance Bureau, etc.

Mr. MOSES. Mr. President, the so-called bonus bill, around which the storm of discussion now rages, is so curiously complex with its fivefold beneficiary features and is so complicated additionally by the difficulty of indicating with exactness the cash sums, either by installments or in grand total, which will be needed to carry out its provisions, that we may not estimate even with seeming accuracy the draft which it will make upon the Treasury. We know, however, that it will be great.

The President in his address to the Senate last July indicated his belief that the sum required would range from \$3,000,000,000 to \$5,000,000,000. These figures were produced upon the assumption that the cash adjustments should be made in one payment—a method which the President then favored by implication and which more recently in his letter to the chairman of the Ways and Means Committee of the House, has declared to be "a vastly better bestowal if we can await the day when we may safely undertake to pay at once in full, so that the award may be turned to real advantage."

Both in his address of last July and in his recent letter, the President pointed out the conditions which beset the Treasury and which involve the meeting within the next 16 months of more than \$6,000,000,000 of maturing national obligations. These conditions can not be changed by act of Congress, and it is unthinkable that we shall be able to reduce or even to readjust our tax burdens if we commit the Treasury to this additional obligation.

I have noted, Mr. President, the various expedients of taxation with which it has been sought to burden adjusted compensation legislation. I have noted also the engulfing wave of

protest which has arisen in every section of the country. And I have wondered at times, sir, whether there might not be in the public mind some confusion of thought as between the unpopularity of the taxation which has been proposed and the unpopularity of the measure itself.

There is but one form of taxation suggested for the purpose of carrying this proposal into effect which seems to me at all in keeping with the purposes of the proposal. The benefits of the proposed legislation, whether they are to be in cash, or in any of the other four proposals, will be spread throughout the States in proportion to their respective populations, because the selective draft law under which our armies of the World War were raised operated upon that basis. Therefore the payment of whatever obligations we shall take on should be in the same manner diffused among all the States in like proportion.

Mr. WATSON of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. MOSES. I do.

Mr. WATSON of Georgia. Does the Senator from New Hampshire see any resemblance between the propaganda now being conducted against the bonus and the propaganda that was conducted in favor of canceling the debt which Europe owes us?

Mr. MOSES. I am not personally familiar with either propaganda, and therefore I can not answer the Senator's question.

The sales tax which the President and the Secretary of the Treasury have proposed for the bearing of this obligation meets

the requirement which I have indicated. Under it every citizen of every State will pay his share—a share based upon his ability to pay, which to my mind is one of the surest indications of one's ability to pay. I have hitherto advocated such a tax as an integral feature of our fiscal system, but, Mr. President, I do not wish such a tax to be assessed as an additional burden upon the already too heavy load which our people are carrying, nor would I have it except as a means of relief from the "inequities and unjustifiable exasperations" which high authority has told me abound under the present system of taxation. I hope, Mr. President, that at some time not too far distant we shall again approach the question of tax revision and that we shall then devise a truly simplified and a really productive system of taxation in which the sales tax will have its proper place. That day, however, is not yet here, and we will have an unbalanced budget with an increasing demand for Federal appropriations. These, like the poor, will be always with us until we face the whole question with consistency and courage.

In the meantime, Mr. President, we have no right to attempt still further to destroy the financial equilibrium of the Nation, nor, in my opinion, has anyone the right to ask us to attempt it. I have not enumerated the stupendous sums already voted by Congress for the heroic youth who bore the Nation's burdens in the late war because I begrudge them or because I think any of them unnecessary. It so happens that my service here has run substantially from the date of the armistice, and I have voted with cheerful alacrity for all of the items making up the almost billion and a half of dollars which Congress has authorized for soldier's recognition. In addition I have voted for measures designed to ameliorate the condition of necessitous or disabled veterans of the Civil War and the War with Spain, for enlarged pensions to Civil War widows and to widows and orphans of the Spanish War. It is my hope, therefore, Mr. President, that my hesitation to vote for the legislation now proposed can not be attributed to any feeling of hostility or criticism for any soldier of the Republic. It is because I can not justify such a vote with the economic, industrial, and financial conditions which to-day exist in this country.

Mr. HEFLIN. Mr. President, I could not keep from thinking about the time these boys were fighting in France, when many of them were going through the city of Washington and looking upon the capital of their Nation for the last time. I remember then how the distinguished Senator from the State of New Hampshire [Mr. Moses] and all of us pointed with patriotic pride to and looked with great admiration upon these stalwart young men who had given up their all in the way of a profession, who had left all of their business pursuits, who had seen their little businesses practically wiped out, and went away thinking perhaps that they would never come back, and thousands of them never did return. I remember when we used to read the casualty lists, how we scanned them each morning. We were looking to see if any of our loved ones and friends had fallen in battle; and I remember how, as those lists grew, our hearts went out to these boys who stood on the firing line in France, going down to death each day; how men in this country of great wealth would say at the time their patriotism was aroused to the highest point: "I would give half I have to end that war in victory to-morrow and bring our boys back home."

We heard that. Senators heard it on every hand. Our people were keyed up to the very highest pitch, and there was not anything then that we would not have done for these dear boys who, 3,000 miles away, were giving their all for their country.

Mr. President, thousands of them fell on the fields of France. Thousands of them died of disease incident to war. Thousands of them are lame and halt for life. I saw one of them in the café in the House one day sitting at a table taking a meal with friends. I did not know that he was crippled. He was a cheerful, brave lad, laughing and talking with his friends; and when the meal was finished I saw the waiter bring in a little truck with low wheels, and I saw the friends of the soldier boy take him out of the chair and place him on the truck. Both of his legs were cut off at the thigh.

I have seen many of these boys at the Walter Reed Hospital. I have gone out there upon their invitation three or four times and have spoken to them. I have talked to fathers and mothers at home who lost sons in battle, and I have seen their sons return, and I have seen them in actual want in the land whose very life their valor had saved.

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. In connection with the Senator's remarks, which are so well timed, and which, I hope, will some day have influence upon the Congress and the country, I read this letter, which I received from one of these ex-service men:

Permit me to thank you for your courtesies to me while in Washington. While you and I disagree on some political points, yet my heart is with you in the hope that the citizenship of this country may know that "War is hell." My hearing is defective, my health impaired, I am in debt because I believed my country needed my services. I was just out of my second year in college when the crisis came. Why is it, sir, that those of us who really fought this fight and made the sacrifices are to-day considered as vagabonds and liars? My God! What has come over those thousands of people who cheered us as we went into that abyss of torture and sacrifice? I am loyal to my country; I draw no compensation because I can make my own way, yet I can't see why as an ex-service man I do not have equal social standing with the evader of duty.

Again thanking you for your favors, I am, sir,

Very sincerely, yours,

G. W. YARBOROUGH.

Of Roanoke, Ala., a professor in the schools there.

Mr. HEFLIN. I know him very well, Mr. President. He is a splendid young man.

Mr. President, I would rather have almost anything happen to me than to have these boys who went off to fight to save my country come back and stand before me and say that I had shown myself to be ungrateful to them; that I had denied them simple justice; that I was in position to demand for them fair treatment at the hands of the Government whose life they had saved and that I refused to serve them in that time; that they had offered to die for me and mine; and that I, in the time of peace, representing in the Senate of the United States the richest Government on the globe, refused to have that Government be just to them when sheer want stared them in the face.

Mr. President, I do not care what certain special high-brow interests think about my position. I am not seeking to please them. I am seeking to serve my country's highest and best interests and be just to the men who made my Government's existence at this hour possible. I know that I shall be criticized. I shall be criticized by the yelpers of Wall Street for the speech that I am making now. They do not want anybody in place and power to stand up and dare throw himself across their pathway. They want Senators to bow and smile and follow their dictates and keep their lips sealed unless they will stand up here and be their flunkies and mouthpieces.

Mr. President, it has come to a pitiful pass in a great Republic like ours when those who dare to stand here and plead for justice to the ex-service men are to be referred to as demagogues. Who is the demagogue—the man who asks for justice for men who went out in the open battle field and offered to lay down their lives, offered themselves where danger and death were raining all around? Who is the demagogue—the man who asks for justice to these boys or the man who is the subservient tool of special interests and stands up and cries out against those who want justice for these men?

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. I will ask the Senator from Alabama if the very men who are fighting the bonus are not the men who took off the ultrarich profiteers of the war period \$495,000,000 of taxes?

Mr. HEFLIN. Absolutely, Mr. President. My friend has reminded me of that; and, if my recollection serves me right, the Senator from New Hampshire who has just made his speech, and who has told us that conditions would not warrant fair treatment—that is the substance of it; that is the effect of his speech—to these boys at this time, was one of those who voted to take that tax off the profiteers of the country—profiteers who sat 3,000 miles from the battle front in perfect safety; profiteers who had the ocean rolling between them and the battle front; profiteers who took advantage of their country's distress and misfortune and fed upon its substance and made millions and hundreds of millions; and the Government under the reign of the Democratic Party laid taxes upon them, and we were collecting nearly half a billion dollars to help pay the war expenses, and I saw a Republican Senate strike down that tax and take it off of these men, the only men who profited by the war, and refuse to give a dollar of it to the men, the only men, who went to the battle front and spilled their blood and offered their lives to save the country.

Oh, Mr. President, I would that the whole American people could know what is going on down here!

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I shall be glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. Let me remind the Senator from Alabama that the very President who came here to kill the bonus bill came here and asked for \$500,000,000 for the railroads.

Mr. HEFLIN. Oh, Mr. President, whenever an outside power wants to get a finger in the pie the leaders of the Republican Party are Johnny on the spot. They are right on the job; but whenever you call for justice to the soldier boys or to somebody out amongst the mass of the people, that is too indefinite for

them. They want a concrete proposition. They want a proposition that can come back in the form of campaign funds to the Republican Party.

I want to serve notice on you now that if the ex-service men of this country have the courage that I think they have, that they have shown they have, they will smite you, as they should, at the polls this fall. How could he vote the Republican ticket when a Senator on the other side, from New Hampshire, gets up and reads an essay about the financial conditions of the country and how much of an obligation he feels to the soldier and how he wants to see him treated fairly, but the situation now will not justify it?

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. Just one moment. Suppose the soldier boys in France, when they saw those shells sweeping the battle plain, when they saw those field guns and machine guns mowing down everything in sight, when not a particle of vegetation could live on an open field, had stood back and said, "The conditions out there do not justify me in advancing"?

What would the writers of these essays think about that? If conditions over there like that were gone into by men who were willing to die for their Government, that Government ought to have the courage to tax the profiteers and collect some of the foreign debt, and the interest on it, and pay off this debt to the American soldiers.

Mr. WATSON of Georgia. Mr. President, it is a somewhat insignificant detail, but the Senator from New Hampshire was pledged to the bonus during his canvass for election to the Senate.

Mr. HEFLIN. Little by little we are bringing out important facts. Is not that an interesting disclosure, that the Senator from New Hampshire, when he was running for office, when he wanted to gather the votes all unto himself, was then bowing and smiling? Certainly he was in favor of a bonus, and he sent his kindest regards; but after he was elected, and had gotten himself a six-year term, he forgot the degrees by which he did ascend, and he prepared and read his essay.

Mr. ASHURST and Mr. CARAWAY rose.

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Alabama yield; and if so, to whom?

Mr. HEFLIN. I yield to the Senator from Arizona, as he rose first.

Mr. ASHURST. Mr. President, I desire to direct the attention of the Senator for a moment to an article from that bible of conservatism, the Boston Transcript, now and for some time past most ably edited by that brilliant young man, James P. Williams, jr. He edited a newspaper in Arizona a few years ago, and edited it with remarkable ability and vigor. He has for some time presided over the Boston Transcript, and one of his articles which recently appeared respecting the bonus was as follows:

The new administration has been very active since it entered into power in adjusting compensation with the war contractors, many of whom grew rich out of their contracts, and very few of whom suffered any loss. The new administration has not hesitated to seek from Congress adjusted compensation for the railroads, despite the fact that the railroad situation itself provided many instances of profiteering and inefficiency during the war period. This is not to find fault with the Government for adjusting compensation with the contractors or with the railroads. It is only to suggest that having made those adjustments it would seem that the time is at hand for the Government to make an adjustment of the compensation due its war-time defenders with the colors. Surely the men who served their country by fighting for its very existence, or by training so to fight, are entitled at least to the same consideration that has been paid so promptly and so generously to others who did not fight or train themselves to fight.

Mr. President, that is not from some demagogue, as they call us, out on the hustings looking for votes; that is an editorial by the brilliant editor of that great conservative journal, the Boston Transcript. That is the view of that editor, and in a previous paragraph he had pointed out that the Republican Party is bound in faith and in honor, so far as men could be bound, to pay this adjusted compensation, if that party were given power.

So the Senator from Alabama is quite right when he adverts to the fact that the Senator from New Hampshire [Mr. Moses] was for a bonus when he thought he could get votes by taking that position, and now, when the day has come to deliver on that promise, he conveniently finds excuses as to why he shall not vote for a bonus.

Mr. HEFLIN. I thank my good friend from Arizona for his very timely contribution.

Mr. ASHURST. Let me say, in conclusion, that the article by Mr. Williams, editor of the Boston Transcript, is one of the most luminous and penetrating articles that has been written on either side of the adjusted-compensation question during the whole controversy, and it will pay anybody in this country to reread the article at any time.

Mr. HEFLIN. I now yield to my friend, the Senator from Arkansas.

Mr. CARAWAY. May I suggest to the Senator from Alabama that he reread the speech which the President made at the Lincoln dinner the other day in this city, in which he said, in effect, that he thought primaries were a mistake, that he wanted a return to the old convention days. I presume that fore-shadows that the next nominee of the Republican Party will be selected by a convention. That being true, does not the Senator think that the Senator from New Hampshire is wise in not wanting the bonus paid out to the soldiers, if he can go down to Georgia and Alabama and buy niggers with the money for the convention, as he said he did in 1920?

Mr. HEFLIN. Mr. President, I can see what my good friend from Arkansas is driving at. He reminds us that the Republican President said that he wanted to do away with primaries, so that they can have a convention, where there would be just a few men to reach and control. If they keep up the sort of fight they have made on the bonus and ex-service men which they are carrying on now they will not have enough delegates to wad a shotgun in any convention in the country.

Since my friend from Arkansas has reminded me that the Senator from New Hampshire [Mr. Moses] served on a committee to look after the obtaining of Negro delegates in the South—

Mr. CARAWAY. I think he was the whole committee. He said they selected him because of his thrift, because he could buy more for the same money than anybody else.

Mr. HEFLIN. Anyway, they appointed him to look after the "brothers in black," as he would call them.

Mr. CARAWAY. Brothers in ebony.

Mr. HEFLIN. Ebony-hued. I heard that in a convention up in Chicago when the race was on between Col. Roosevelt and Mr. Taft they bought our Negroes so many times that it was a hard matter to keep the record straight, and that finally some of the Taft leaders gave the Negro leaders a thousand-dollar bill each to support their candidate, and they got to the point where they were afraid to trust them with the thousand, and they cut the thousand-dollar bill in two with scissors, the leader keeping one-half of it and the Negro delegate the other, and when he stood up in the convention and cast his vote he went back and got the other piece and pasted the pieces together, and the deal was finished. So it may well be that they want to get rid of the primary plan.

Mr. CARAWAY. They said so.

Mr. HEFLIN. With the record they are making here I would not blame them, because the folks back home, whose Government this is, are not going to vote to sustain the record you are making here. It is well for them to get to the convention plan, because the folks back home are not with them. I mean the masses.

I want to refer to a point suggested to my mind by what the Senator from Arizona [Mr. ASHURST] read. I remember when the war was over that men came to Congress and said, "I was working for the Government. You asked me to provide certain supplies. I was providing those supplies, and I have an accumulation of supplies on hand now. I have invested money in this plant which I have constructed, but the war is over and you tell me you do not want any more supplies. I will lose all the money I invested and I have still got this stuff on my hands. I claim that I have been injured by the Government so many thousand dollars, and I want my money," and you paid it to them. The soldier gave up his entire business and went off and offered his life for his country and lost his \$30 a month when the war ended.

The soldier who was in a business that paid him \$250 a month was plucked out of it and put on the battle front at \$30 a month, and he lost all between \$30 a month and \$250, or \$220 a month. He comes back and he does not ask you to give him the difference, but he asks for adjusted compensation, an amount which the Government will say he is entitled to, and you will not even give him a chance to have that done. How are you going to defend that before any judgment bar of honest people in this country? How are you going to defend it, Senators? I want to tell Senators now that this little reading of essays about the financial conditions will not work.

Somebody will ask you just what I asked you a little while ago. Suppose the soldier had said that when the German Army was advancing and sweeping everything before it with its implements of destruction. Suppose the soldier had said, "Conditions do not warrant me in going out there," and he had just kept backing off until Germany had gone into Paris and the Kaiser had cried, "On to America." What would you have done then?

Mr. CARAWAY. Paid an indemnity.

Mr. HEFLIN. Yes; you would have paid an indemnity, as my friend from Arkansas reminds me. The Kaiser, standing on the battle fields of France, looking into the distance with his field glasses, as his troops commenced to advance, said, "On to Paris and world dominion," and then again he said, "We will make the United States pay \$40,000,000,000 indemnity." These boys for whom we ask fair treatment saved every dollar of that indemnity, and now you do not want to give them adjusted compensation when you can pay it without taxing the American people.

Mr. WATSON of Georgia. Mr. President, let me remind my friend the Senator from Alabama that partly out of our money England is paying her soldiers a bonus of \$141, and partly out of our money France is paying her soldiers a bonus of more than \$200.

Mr. HEFLIN. France owes us money, Mr. President, which she could pay to-day. England owes us money which she could pay to-day. Yet we are permitting France and England to keep that money. We have not collected a dollar of interest on it, though the Republicans have had control of Congress for more than three years. Oh, Mr. President, we could collect that interest and some of the principal—a little of the principal—and pay this whole thing off, and not tax the American people one dollar. It is said that the dollars which they owe us belong to the American people. Yes; but you are going to give it to them. You do not intend to collect it. You are going to postpone the payment of the interest in order that Wall Street may collect her \$5,000,000,000, which has already been provided for. I discussed that some days ago. Now, they have a commission appointed with five Republicans on it, and not a Democrat on it to watch them. Mr. President, we are not represented on that commission.

I heard President Harding read a message here one day, and I understood him to say that the minority had a great work to do; that it was the duty of the minority to watch out and to have part in legislation; and that it had a great service to perform in the Government.

Mr. NORRIS. That is the reason he left them out—because they had too much to do.

Mr. HEFLIN. That may be so, Mr. President; but when it comes to appointing this commission he named five Republicans. Think of that, the President of a hundred million people, in a country where there are two great political parties, the Democratic and the Republican Parties, both entitled to be represented upon a commission like that, and the President names five members of his own party to take up the matter of settling an indebtedness of \$11,000,000,000 to the whole people of America—not to the Republican Party—with interest which has accrued for several years, making an indebtedness of between eleven and twelve billion dollars at this time.

Now, Mr. President, I did not expect to say more than a word or two. I want to keep the record straight. I want the boys in every State to know when they read the essay of my good friend from New Hampshire [Mr. MOSES] that there is some one here to speak a word for them and that several Senators disagree with the Senator from New Hampshire.

We can pay the adjusted compensation to the soldier boys by levying this tax upon the profiteers. We can get half a billion dollars of it in that way. We can collect the interest on the foreign debt and put that interest with the tax to which I have just referred and pay it all and not tax the American people one cent. But the propaganda is on. They are writing letters now to me and to every Senator and to Members of the House. They have concerted action now going on to beat down the idea of adjusted compensation for our soldiers. I do not know what the result will be. I do not suppose those boys will get anything until after there is a change in the political complexion of things at the Capitol and in the White House; but the signs of the times indicate an early and a sweeping change.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The PRESIDENT pro tempore. The question is on agreeing to the first article of the treaty with Japan.

Mr. REED. Mr. President, I hope there will be no effort made to force the treaty to a vote to-day. I have been away to some extent, but no one is to blame for that except myself. I think a treaty of this character requires very careful considera-

tion by the Senate. It has not yet received that consideration. I think the treaty ought to be laid aside to-day. I am not prepared to talk on it.

Mr. LODGE. Mr. President, this treaty is before the Senate and has been before it since Monday. I have no desire to press any Senator unduly, but I think it is very important to get the treaties disposed of, and I feel that it will be my duty to keep them before the Senate and try to get a vote as soon as I can after reasonable debate.

Mr. REED. I take it that the reply of the Senator from Massachusetts means that he proposes to insist on going on this afternoon with the treaty. I would like to have had an opportunity to give the treaty some intimate study. It has been reported out of the committee only a short time. It involves primarily the settlement of our rights in the Pacific Ocean, and it may seriously embarrass us for a century of time in the future.

We have gotten along so far in our history without this treaty and we could struggle along a few days more without suffering any disaster.

I know there are several Senators who expect to speak on the treaty, some of whom are not now present. In the face of the positive statement by the Senator from Massachusetts I of course can not proffer any further request, but I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Glass	New	Shortridge
Borah	Harrell	Newberry	Simmons
Brandegee	Harris	Norris	Smith
Bursum	Harrison	Oddie	Spencer
Cameron	Hefflin	Overman	Trammell
Capper	Jones, N. Mex.	Page	Underwood
Caraway	Jones, Wash.	Pepper	Walsh, Mass.
Cole	Kellogg	Phipps	Walsh, Mont.
Cummins	Kendrick	Pittman	Warren
Edge	Keyes	Poinceter	Watson, Ga.
Elkins	King	Pomerene	Williams
Fernald	Ladd	Ransdell	Willis
Fletcher	Lodge	Reed	
France	McKellar	Robinson	
Gerry	Nelson	Sheppard	

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], the Senator from Connecticut [Mr. McLEAN], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a hearing before the Committee on Finance.

The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. REED. Mr. President, events move rapidly in these days, so rapidly that the Senate is required to ratify almost without debate treaties that affect the entire jurisdiction of the Pacific, alliances with foreign powers, a surrender of national rights, and the abandonment of the most ancient and most sacred of our national policies. Overnight the situation changes; but I think of all the startling exhibitions of change to which the country and the world have been treated, the finest example is found in the address of our British ambassador to Great Britain.

America has produced two great Georges—George Washington, the father of his country, and George Harvey, the ambassador to the Court of St. James. I happened to be the only Democrat, if I remember correctly, who made a speech defending the appointment of Mr. Harvey. I withdraw the speech. I adorn myself with the sackcloth of repentance and I put the ashes of contrition upon my brow. Let it never be said hereafter that at least once in my life I have not humbly confessed my wrongs and asked forgiveness for my trespasses.

It is printed in the New York Evening World of February 21 last—and being so written down its verity can not be disputed—that Mr. Harvey said in London at the dinner of the Pilgrims' Society:

To my mind, my lords and gentlemen, the greatest achievement of the Washington conference was no achievement at all. It was revelation—the revelation of Great Britain to America and of America to Great Britain.

All of us here have acclaimed for years what we rejoiced to believe was the natural affinity, the increasing fraternity of our two peoples. To utter a misgiving about that was to pronounce oneself a heretic. If evidences were not wholly manifest at times, emotions were nevertheless felt to be sure and true. They were in the air. They enveloped beings with atmospheric attributes which inspired wistful conviction. I have believed this for years. I believe it now.

Mr. President, I dislike to interrupt the continuity of so lucid a dissertation as that, but I go back to call the attention of less trained minds than that of our diplomat to the language—

They were in the air; they enveloped beings with atmospheric attributes which inspired wistful conviction.

I was at a loss to understand that sentence until I remembered that it was made in the presence of British nobles, amidst British beauties, at a banquet table in London, beneath the union jack; and yet I was not entirely clear until I read a bit of poetry appearing on the same page of the newspaper and in juxtaposition to the speech of our ambassador. I think, perhaps, it will furnish an adequate understanding of the sentence I have just read. The poem is reprinted from the Morning Post; it is stated that Americans in London now sing it. I presume it was sung on the previous evening:

Sing a song of sixpence,
A bottle full of rye,
Four-and-twenty Yankees
Sitting parched and dry,
When the rye was opened
The Yanks began to sing,
"We won't go back to the U. S. A.;
God save the King!"

[Laughter.]

If that be not the true explanation of the sentence I have just read relating to "atmospheric attributes which inspired wistful conviction," then I am at a loss to furnish an adequate explanation.

But I read on. Our ambassador continues amidst the clinking of glasses and the music of laughter and the applause—

But we have to realize all things. Even the strongest feelings are matters of degree; human passions no less than human bodies are subject to influences of heat and cold—

When the rye was opened
The Yanks began to sing,
"We won't go back to the U. S. A.;
God save the King!"

Returning to Mr. Harvey's text:

Whereat at present I rejoice mightily in the belief that the invisible but impelling forces in the air, which have so long sustained us, Britons and Americans, have at last been supplemented and strengthened immeasurably by the discovery of a complete mutuality of interest, self-interest, if you like, upon the face of the earth. We stand now on solid ground.

We stand on solid ground, I take it, Mr. President, because we "rejoice mightily in the belief that the invisible and impelling forces in the air" have put us there.

That sentence requires something in the way of explanation beyond the inspiration which might have come, assuming that the doggerel I have read is a correct history, from mere rye. Something more inspiring and befuddling and bemuddling than rye had to be imbibed before a man could talk about the "invisible and impelling forces in the air" which have at last placed our feet "on solid ground."

The orator continues:

To each blessed country the other has been revealed in all its intelligence, fairness, and honor—

Might he not have added "sobriety"?—

and the sight in the eyes of God and man is good. Ask Mr. Balfour and his associates if, approaching the shores of America a second time, they would feel the slightest trepidation of mistrust or misgiving; ask Mr. Hughes and his associates if in like circumstances there would live in their minds the remotest suspicion of arrogance or narrowness or unworthy subtlety in the hearts of their visitors. As we say in the United States, sense your people, my Lord Chairman; simultaneously, if you can, find a way to sense mine.

Can you question for a moment the truly amazing enhancement of respect, regard, and trust each great controlling multitude has for the other since Mr. Balfour left us here on the night of October 31 to sail for America?

Now, I want to treat this coming sentence with seriousness:

Not liberty alone, not union alone, but "liberty and union, one and inseparable," was the most striking dictum of America's greatest Senator of America's greatest need, and such in fairly accurate parallel is the chief requirement of our two working and trading countries to-day.

Not liberty alone, not union alone, but "liberty and union, one and inseparable," are in fairly accurate parallel the chief requirement of Great Britain and the United States.

That is a fair paraphrase of the declaration of this official representative of the United States Government, who, if his sentiments were expressed in sobriety, does not represent either the spirit of the American Republic officially or the sense and judgment of the people of the United States.

A declaration of this kind can not be passed over lightly. It amounts to nothing less than advocacy of a doctrine which has been whispered about in this country for 20 years, that the United States and Great Britain ought to form part of one empire. It would be treasonable if it were not idiotic.

Not liberty alone, not union alone, but liberty and union, one and inseparable—

Was the sentiment expressed by Daniel Webster as to the American States; and, says George Harvey, American ambassador to the Court of St. James:

Such in fairly accurate parallel is the chief requirement of Great Britain and of the United States.

Mr. President, George Washington said:

It is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

George Harvey says:

I rejoice mightily in the belief that the invisible but impelling forces in the air, which have so long sustained us, Britons and Americans, have at last been supplemented and strengthened immeasurably by the discovery of a complete mutuality of interest, self-interest, if you like, upon the face of the earth.

No fair construction of that language is possible, except that he preaches the doctrine that these two nations are united in all of their interests—the complete antithesis of the doctrine taught by Washington.

In 1796 George Washington said:

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

But George Harvey says:

Not liberty alone, not union alone, but "liberty and union, one and inseparable," * * * in fairly accurate parallel is the chief requirement of our * * * two countries to-day.

Further on Mr. Harvey declares:

Not pleasing sentiment only, not stern reality only, but the two combined are requisite for that full understanding we have so long been seeking, which now seems attained through the demonstration of the simple fact that whatever benefits one English-speaking people must inevitably be helpful to the other. That is the lesson of the revelation of Washington.

Let us examine that choice bit of nonsense: "*Whatever benefits one English-speaking nation benefits the other. Whatever benefits Great Britain benefits us.*"

Were we united in spirit and interest when at the close of this war England reaffirmed her policy of blood and iron in Ireland?

Were we particularly and specially benefited when at the close of this war England again laid her hand upon the white throat of Persia and took over the suzerainty of that country?

Were we united in spirit and in interest with Great Britain when at the close of this war Egypt sought to send her representatives to the Versailles convention to ask of that tribunal, assembled in the name of humanity and of peace, justice for Egypt? Were we united in interest when those representatives were hurled into prison without warrant and without trial?

Does whatever benefits the British nation benefit us? Was that true when Great Britain seized the oil fields of Asia and exploited them for her own gain?

Were we united in spirit when only a few years ago the imperial war chariot of Great Britain rolled over the bloody corpses of two free Republics in South Africa?

Were we united in interest with Great Britain when, during the days of old Grover Cleveland—when, thank God, we had an American President—Great Britain proposed to invade Venezuela and to disregard the Monroe doctrine, when the British minister with contumely and scorn trampled that instrument under his feet and declared it to be a piece of American impudence?

Were we united in interest and in principle, sir, when during the Civil War England—not because she loved the South but because she hoped to divide this Republic and thus weaken her—opened her ports for the fitting out of piratical craft to prey upon American commerce, and was afterwards convicted and compelled to pay an indemnity?

Were we united in interest when England gave her sanction during the Civil War to a further invasion of the Monroe doctrine by assisting and aiding and abetting France in her invasion and seizure of Mexico?

Were we united in interest when, prior to the Civil War, we had, or thought we had, an opportunity to acquire Cuba, and England imposed her imperious will against us?

Were we united in interest when we contested over the Northwest Territory, and, because England was powerful and we were yet weak, we were compelled to yield to her a vast territory over which the Union Jack of England flies to-day, but over which the flag of the United States ought to float, and which ought to be peopled by citizens of this Republic?

Were we united in interest and in spirit with Great Britain when, just after the Revolutionary War had closed and we were yet a struggling nation, she invaded our rights upon the high seas, plundered our commerce, and impressed our seamen?

Were we united in interest with her when British redcoats were invading our soil?

When did this union of interest come? It is, of course, a doctrine that is extremely pleasing to Britishers, because Great Britain seizes everything within her reach, and, according to the doctrine of Harvey, whatever Britain seizes and takes to herself is equally for the benefit of the United States of America.

Mr. FRANCE. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED. I do.

Mr. FRANCE. I would suggest to the Senator that the apparent inconsistency is not an inconsistency at all, because there is a group of men, and of very important men, in this country who hold the view that if we acquiesce in Great Britain's enjoying the privileges of all of these territories and of trade with all of the nations of Europe to the exclusion of American interests and of American trade that policy will make Great Britain more able to meet her obligations to us.

They are perfectly logical in their contention, and some of the gentlemen who hold the view that the Mesopotamia oil fields should be given to Great Britain, that Russia, with her vast possibilities of development of trade, should be given to Great Britain, state that it will be to the interests of the United States to do that, for by so doing we will enable Great Britain to be in a stronger financial position to pay her obligations to us, some of which obligations, by the way, are in the strong boxes of the very gentlemen who hold those views.

Mr. REED. Mr. President, this doctrine of Mr. Harvey's has a background. There have been Tories in the United States ever since the days of Washington, just as there were Tories in the days of Washington. There are yet men in the United States who have never been satisfied with the idea of a free and independent Republic. There are parts of the United States where they have imitated the English dialect so long that when you are there you can not tell whether you are listening to Britishers or listening to people born under the American flag.

Let me read:

Let men say what they will, I will say that as surely as the sun in the heavens once shone upon Britain and America united, so surely is it one morning to rise, shine upon and greet again the reunited States of "the British-American union."

National patriotism or pride can not prove a serious obstacle in the way of reunion.

All party divisions sink into nothingness in my thoughts compared with the reunion of our race.

The reunited nation would be prompt to repel any assault upon the soil or the rights of any of its parts. Consider its defensive power. The new nation would dominate the world.

The first step will be taken in the great mission of the English-speaking race, for it will then be so powerful that our race will be the arbiters of the world. Whatever obstructs reunion, I oppose; whatever promotes reunion, I favor.

That was the declaration of Andrew Carnegie, made years ago, printed in a great American magazine, and it was followed shortly thereafter by the organization of the American Peace Society, of Washington, D. C., and other societies, some of which were financed out of the millions Carnegie had illegally made in the United States.

An international union was laid out. It had representatives in nearly every country of Europe. A part of its doctrine was that this union would work for international policies and that it would seek to control the actions of the respective Governments.

Those organizations are still in existence. The annual report of the Carnegie Endowment for International Peace, as contained in the Yearbook for 1917, page 145, contains a statement of the expenditure of thousands of dollars for international visits of representative men; for work through newspapers and periodicals; for courses in universities on international relations; and for assistance in governmental work. Some of the various publications sent out by these associations are "The Advocate of Peace," "The Message," "The World Court Magazine," and "The International Conciliation Monthly," and, in addition to those, a number of books advocating directly, or by indirection, the doctrine of internationalism.

English statesmen and English publicists have in the last few months frequently given expression to the idea that the United States and Great Britain are united in interest. The hint runs through them all that the day is coming when our

Government and the British Government must be one, and of course it will be the British Empire, with the United States as a very independent State.

Consistent with this kind of logic and with this same thought is the open and persistent advocacy of the United States canceling the indebtedness due to her from Great Britain and other countries. It is urged that we are part of the same great family, members of the same brotherhood; that we did not exactly do our share in the war anyway; and that we should not insist upon payment from Great Britain. If we will but graciously cancel the debt of \$5,000,000,000 owing to us from Great Britain, Great Britain will graciously cancel \$5,000,000,000 of debts due to her by France and Italy, and thus all the debts will be wiped out and nobody will be the poorer in Europe. Obviously the United States would be the only Nation to pay a single dollar of this indebtedness.

That propaganda, sirs, has been carried on by men in high places. It has been indorsed by one member of the American Cabinet, if he is correctly reported in the newspapers. It has been indorsed by a group of American bankers, and only recently, within the last 10 or 15 days, one of those bankers, in a carefully prepared article given to the press of the country, advocated the same policy. Of course, it would not do to insinuate that those bankers have European bonds and securities, and that if the United States, as the principal creditor, were to cancel its debts their securities would rise perhaps 100 per cent the moment the United States had canceled those debts.

All of these arguments are based upon the fundamental thought which you find in Mr. Harvey's speech, that the interest of the United States and the interest of England are identical, and that whatever benefits one benefits the other.

Go and tell that to an Englishman. He will agree with you that what will benefit one will benefit the other, provided Great Britain is the one which gets the direct benefit and the United States gets the indirect benefit.

These thoughts run through the treaties we are now making, and undoubtedly brother Harvey, through the mists and clouds which must have enveloped him on this historic evening, visualized the real spirit of the conferences recently held. He saw that America was about to yield her dominance in the Pacific Ocean; that she was about to confirm the titles of France and of Great Britain to substantially all of the islands of the Pacific Ocean; that she was to confirm by treaty the alleged title of Japan to two belts of islands which lie between our coast and the Philippines. Doubtless he observed that we were about to enter into a treaty by which we agreed to protect all of Japan against assault, and that our statesmen were so stupid and so little advised as to what was going on that when I charged upon the floor of the Senate that the term "insular possessions" would include all of Japan, the President the next morning denied it.

The same afternoon, after having been advised by somebody better informed than himself, the President admitted that the treaty did cover all of Japan, but said that made no difference anyway; if it did not cover it all, then the treaty was without fault, and if it did cover it all, then the treaty was equally without fault. Then, after this secret understanding and the President's had been exposed, a reservation, or an addendum, had to be made to the treaty, in which it is expressly stipulated that only certain islands shall be covered by the treaty.

Why were we making this treaty with Japan and this treaty with Great Britain with reference to the defense of the islands of the Pacific? We have two little groups of islands, perhaps three, in the Pacific. The other nations have all the rest of the islands.

The distinguished Senator from Massachusetts [Mr. Lodge] referred to them in a poetic quotation as: "Sprinkled isles, lily upon lily that o'erlace the sea," but if you lift up the lily pads you will find a Jap or Britisher under each of them. There they are by the thousands.

The United States is in possession of the Philippine group, which we not only gained in war, but paid for after the war, the Hawaiian Islands, Guam, and one or two other islands. All the rest of them are claimed by Great Britain or by Japan. And the title to them is confirmed by these treaties, I presume, upon the theory that we are not only united in interest with the British people, but united in interest with the Japanese people, and that whatever benefits either of them equally benefits us.

It is time to have an American President. It is time to have some American diplomats. It is time to have somebody at the Court of St. James who does not believe everything that benefits Great Britain equally benefits us. It is time to have some one there who knows what Washington knew, what Jefferson knew,

what Jackson knew, what Lincoln knew, what every man with common sense knows—that America must take care of her own affairs, and that American statesmen must stand guard over American interests.

This is not the first toady we have had over there. I dislike to speak about the dead. Let the dead speak for himself. I am reading from the war letters of Walter H. Page:

By George, it is a fine game!—

Runs one of his postscripts to Col. House—

This Government and ours are standing together all right, especially since the President has taken hold of our foreign relations himself.

Meanwhile I've got to be more or less at home. The prime minister dines with me, the foreign secretary, the archbishop, the colonial secretary—all the rest of 'em; the King talks very freely; Mr. Asquith tells me some of his troubles; Sir Edward has become a good personal friend; Lord Bryce warms up; the lord chancellor is chummy.

And so it goes.

Think of a representative of the greatest Nation on earth, with a few weeks' residence in Great Britain, feeling himself intensely flattered because he has been received into British society. Coming there with the majesty and power of a mighty people, clothed with their greatness, standing to represent their imperial place in the world, he is pleased as Punch that Lord Somebody is chummy and that the prime minister actually put his imperial legs under the same table with an humble American minister.

Upon what kind of food or drink do they nurture these ambassadors of ours? Imagine Daniel Webster in England tickled to death because some Englishman who could trace his ancestors back to a gentleman who held the stirrup for William the Conqueror had actually invited him to his house to dine. Think of old Hickory Jackson as America's minister to the Court of St. James being pleased beyond words that he had actually got chummy with Lord Tomnoddy.

But think, Mr. President, of an American minister who declares that whatever is to the interest of Great Britain is equally to the interest of the United States. Think of a man standing there to represent us and defend us, a great and sovereign people, telling the world that "not liberty alone, not union alone, but *liberty and union*" between Great Britain and the United States is a thing desired. Can any other construction be put upon that language by an honest man?

Of course, if we start making treaties on the principle that whatever benefits England or benefits Japan equally benefits the United States, there will be no trouble. All we have to do is to give them whatever they want. They will agree to the proposition provided we do that, but when we will want a little something they will immediately insist that whatever benefits the United States does not necessarily benefit them. Accordingly, we find that their theory is that whatever they have any pretext of title to they will hold and we must acknowledge that title and agree to defend it; that whatever we have any interest in we must yield to them and then agree to defend them in it. Such is the exact result of the Yap treaty.

You may try to disguise what is being done. You can fool the American people with these soft phrases and these disguises for a time, but through the disguise the keen intellect of the American people will ultimately penetrate. They will know that while you pretended to reserve every right of America in Yap, you yielded to Japan the one thing which embraced everything, to wit, the sovereignty of the island, and that we are not in a position of equality with Japan in that island. This is a fact which can be clearly demonstrated, if we would get the Japanese view by simply striking out the word "Japan" where it appears and writing "United States" in the treaty, and putting the word "Japan" where the name "United States" appears. Ask a Japanese statesman to yield the sovereignty of Yap to the United States and to take its rights from the United States, and you will very soon find out that we are not in a position of equality.

Moreover, though I had not intended to discuss this to-day, the island of Yap is of no practical or material use to Japan, except as its dominance by Japan interferes with the power of the United States. It is too far away from her coast. It does not constitute an important link in the chain of her possessions. Its importance to Japan consists in the fact that by wresting it from us she takes away from the United States a point of great military advantage to us.

Every naval authority agrees that while the island of Yap in and of itself would amount to but little, yet as a coaling station and as a point from which messages can be sent—an aerial telegraph point—it is of the utmost importance to the United States, because it is a halfway house for us between the Hawaiian Islands and the Philippine Islands. It is to deprive us of that necessary point of vantage that Japan has insisted

upon maintaining the sovereignty over that island. Now, what, I pray, does Japan's agreement amount to that we shall have full access to the island and that we shall have the right to send messages over a Japanese telegraph instrument in case of disturbance between Japan and the United States? The instant disturbance occurs she will, of course, because she is already in possession, exclude us from the benefits of a treaty of this kind. It is because Japanese statesmen, wiser than ours, keener than ours, know these facts that they have carefully stipulated for sovereignty over Yap.

But, of course, it is all right, provided we can agree to the Harvey doctrine that whatever benefits Great Britain equally benefits us. I suppose he would be perfectly willing, if he were at Tokyo, to make the same speech in the presence of the Mikado and the assembled beauties of the capital of Japan.

Mr. President, I say it is the duty of the American Congress to demand the recall of George Harvey. Let us send some red-blooded, 100 per cent American to the Court of St. James, some man who believes in America first, in America last, in America throughout; one who can put his legs under British mahogany and keep his head above British influence; somebody who can talk about the practical affairs of life and not about "beings with atmospheric attributes which inspire wistful conviction"; some one who knows that we have American interests, and that there may be mutuality of interest between two countries and, again, complete diversity of interest. Such a thing as complete mutuality is impossible and absurd. Let us send some one who believes in "liberty and union, one and inseparable," in the sense Daniel Webster employed it—liberty of the American States, union of the American States, with one heart and one soul, and that America; an America always desirous to be on good terms with the world, but an America for Americans.

It is not a pleasure to me to make these remarks about Mr. Harvey. I liked him when he lived here. I wish he would come back here and get rejuvenated. I think we ought to invite him back. I think we are spoiling a good man over there, if he has not been already spoiled. I would almost be willing to repeal the prohibitory law to get him back just now.

Senators will notice that in the course of his remarks he informed the British just what the American Senate was going to do; that we are going very promptly to approve all these treaties; and the brotherhood of man would then, of course, be established—the British lion would lie down and the American lamb could lie down also. It is not necessary to indicate, according to the old joke, what our relative positions would be under those circumstances.

Mr. President, there will come a day possibly in the history of the world when there will be great wars on the Pacific. All of us hope that day will never come, but all of us who have any sense know that it may come; and if ever an American fleet should be engaged in conflict with a Japanese fleet or with a British fleet in the waters of the Pacific, if the navies are anything like equally balanced, that navy which has a large number of bases where it can go for supplies, where it can rest for repairs under the guns of its own nation, will win the fight.

If the World War has demonstrated anything, it has conclusively proven that the mightiest navies afloat can not successfully attack land fortifications. It has also proven the fact that land fortifications to-day are sufficiently invincible when they consist of but little more than earthworks with guns most skillfully planted. If we concede the dominance of the great mass of islands in the Pacific Ocean to foreign powers instead of neutralizing them or taking them for ourselves, then, in the future, if we shall be engaged in a conflict, we shall find that our ships will be limited in their cruises and in their operations by being forced to return long distances to their bases for supplies. We shall find that in case of danger, where our vessels may be outnumbered, they must find their security by traveling hundreds or thousands of miles to a point of protection.

You will find at the same time, sir, that another nation with islands all about over which it has a mandate, and therefore a sovereignty, will be able to fortify those islands and to do it very quickly after a war starts; to place upon them supplies, particularly of fuel for their war fleets; and that a nation thus supplied with bases from which it can operate and where it can secure supplies will have an advantage which may be the determinant of any conflict. But we supinely yield the field of the Pacific and by this treaty confirm the title to those bases of supply of two nations, friendly of course to-day—and we hope they may always be friendly—but the only two nations on the earth that are to-day capable of doing us serious injury.

Read any book you please on naval strategy and you will ascertain that it is the base of supply which is the determining

factor if other matters are at all equal. Great Britain knows this; and so her statesmen for 150 or 200 years have been grabbing every outpost they could take, every foot of land they could secure by bargain and sale, by chicanery and treachery, by force and brutality. She holds to-day, and she will not willingly relinquish, the command of the Panama Canal upon the sea through a belt of islands absolutely of no use to her except as potential naval bases, which envelop our shores and menace our country. Beginning at the mainland south of the Gulf she controls a belt of islands that in a vast segment of a circle sweep around to the Florida coast, where they approach within 42 miles of our mainland. Farther north she holds the Bermudas. All of these islands are within striking distance of the United States by submarines; many of them are within striking distance, within two hours' time, by airplane. Some of these islands are already fortified.

France controls a few of the islands. Some of them have been avowedly fortified and some of them secretly fortified; but, whether belonging to one country or the other, each of them practically constitutes potentially a cannon pointed at the heart of the United States. Do you find Great Britain or France yielding any of these possessions to us in this day of brotherhood and amity? Are they saying to us, "Whatever benefits you benefits us, and accordingly these islands lying within your waters and within sight of your coast we will generously yield to you?" Are our American statesmen, as they meet about the council tables, demanding that there shall be any quid pro quo, or that when we relinquish control over islands in the Pacific, the title to which is as much ours as theirs, they shall relinquish the control over islands that envelop our front door and command the paths of our commerce across the sea? There was a day when as much would have been demanded, but the spirit expressed by Mr. Harvey is the spirit of this administration. It is, in my judgment, not the spirit of the American people.

I insist, Mr. President, that this treaty should be kept here under discussion until the Senate understands about it and until the people have an opportunity to inform themselves.

THE FOUR-POWER TREATY.

Mr. WATSON of Georgia. Mr. President, I should like to add a few words to what I said yesterday on the surrender of American independence. It was won upon the battle field; it should never be surrendered except upon the battle field. If it was worth years of struggle and the lives of thousands of brave men and the sacrifices of thousands of brave women, then, Mr. President, it is worth preservation; and I do not believe that any considerable percentage of the people of this country are willing that our independence should be surrendered by statesmen here in the Senate, and surrendered to the very country from whom we wrested it, and surrendered in part to the most perfidious nation on earth—Japan.

Why do we want to become an accomplice of Japan, and stain ourselves by condoning her criminal record? The crimes which she has committed against Korea still stir the indignation of all intelligent, right-thinking people. Those crimes have been utterly ruthless—crimes against a weak, unoffending people; crimes against schools as well as churches, American schools and American churches, as well as against Korean schools and Korean temples; crimes against China in Shantung and Manchuria; crimes against China in the 21 points, none of which has been withdrawn or canceled. Why should we make ourselves accomplices in the crimes of any nation?

Mr. President, you read in the papers yesterday, no doubt, that in Egypt the English proclaimed that no Egyptian shall bear arms, no Egyptian shall have arms in his dwelling, and that the British shall have the right to search every Egyptian home for arms, and that if that search is resisted, the Egyptian shall be slaughtered on his own threshold. The law, Mr. President, carries us back to the darkest days of feudalism, when the serf was not allowed to have arms.

Are we to be asked to become parties to crimes like those? Is that the way to save civilization? Is that the way to make the world safe for democracy?

Mr. President, we were told that America went into the war in the most unselfish spirit, that she would not share in the loot of the war. Now we are told repeatedly by the senior Senator from Massachusetts that we are entitled to one-fifth of the spoil. If any nation ever was pledged before the whole world and in honor bound not to take any material benefits from the victory, this Nation is bound. It was said by President Wilson, it was said by Congress, it was said by all the newspapers, it was repeatedly stated by the President while he was in France, while he was in Belgium, while he was in Italy, and while he was in England. Are we to dishonor the man who for eight years was the Chief Magistrate of the greatest country on

earth, the greatest Republic that history ever knew? Have we no regard for the pledged honor of this Republic?

President Wilson had a right to speak for the Government and for the people. What he said was indorsed by Congress and the people. The press was unanimous, the people were unanimous, that we were going in with clean hands, and we would come out with clean hands. Is it not so? And now we are asked to dishonor President Wilson, dishonor the Government, dishonor the pledges that were made and indorsed by the press and the people.

Mr. President, I think the Senate will hesitate a long while before it goes into a four-power treaty, a quadruple alliance, whose authors dispute what it means and to which they are already attaching reservations.

Mr. President, how can we bind Japan, Great Britain, and France by reservations? They would have to come here again in another conference. Their delegates would have to sign. The tree must lie where it fell. The contract was made, it was executed, it was delivered. We can not change it one jot or tittle. Reservations are idle.

Mr. President, let the American people understand that a few Senators here, forgetting the lessons of the last election, forgetting the snowstorm of ballots which covered President Wilson in defeat, are scorning their judgment, treating it with contempt, surrendering the independence whose monuments stare us in the face every time we look out of a window, virtually desecrating Washington's Monument—the highest monolith that ever stood to the memory of a man—desecrating the cemeteries in which the Revolutionary soldiers sleep under marble slabs; let the American people understand that that is what we are doing, and we will have another storm of ballots under which somebody else will lie in defeat.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. LODGE. Mr. President, I merely desire to put certain figures into the Record, because I think the Senator from Missouri [Mr. REED] has not stated them quite correctly.

The Senator referred to the great mass of the islands owned by Great Britain, and to ours as comparatively unimportant.

There are in the Philippine Islands over 3,000 islands, with over 1,600 names; but the area of the American islands in the Pacific is 126,352 square miles, with 10,627,791 population.

Outside of Australia—which is sometimes spoken of as a continent, which is rather large to be described as an island—outside of Australia, the islands of the British Empire are 99,908 square miles, with 1,170,595 people.

The islands of France are 8,588 square miles, with 79,000 people.

The mandated islands which go to Great Britain and her colonies, including German Samoa, are chiefly composed of Papua, New Guinea, and the Bismarck Archipelago, and, with German Samoa, they constitute 92,800 square miles of the mandated islands south of the Equator.

The Japanese mandated islands are 967 square miles, with 54,000 population. They include the Mariana, or Ladrone, Islands, with the exception of Guam; the Carolines and the Marshalls, with the exception of Nauru, a small island which happens to fall south of the Equator, and therefore goes to Great Britain under the mandates.

The Senator, in his very effective description of the island of Yap—and all his descriptions are effective—spoke of it as a halfway house between the United States and the Philippines. The island of Yap lies 700 miles from the northeastern end of Mindanao, which is one of our islands. From the United States to the Philippines is 7,100 miles, so that it is only about one-tenth of the way between the Philippines and the United States.

Mr. REED. Mr. President, will the Senator allow me to make a correction? The statement I made was that Yap was a sort of halfway house between the Hawaiian Islands and the Philippines.

Mr. LODGE. Between the Hawaiian Islands and the Philippines it is 5,000 miles, and 700 miles is not half way.

Mr. REED. Very well.

Mr. LODGE. I did not mean to misrepresent the Senator, but it is not a halfway house to the Philippines.

I am going to take just a few minutes, and then I will give way to the Senator from Maryland [Mr. FRANCE], who, I know, is ready to speak in regard to the island of Yap. I think I have already stated it.

Yap is one of the Caroline Islands, which, of course, we could have had after the war with Spain, but we rejected all the Spanish islands as worthless and undesirable to us and of no value, with the single exception of Guam, which is a very valuable strategic point. The island of Guam we kept. The island of Yap, which is about 15 miles long, has no value except as a telegraphic station. That was brought to President Wilson's attention at Paris. He made a proposition and discussed it at some length, his desire being to internationalize it for telegraphic purposes—a very sound proposition. He had supposed that after the representations he had made it would appear among the decisions of the "big four" or "big five," whichever it was that was making the treaty at that time; but when the decisions were finally put out, subsequently to May 7, somehow or other his representations with regard to Yap had been lost sight of.

We never owned Yap before the war; we never had a foot of land there; we never had a right there of any kind. The only right we have ever had in Yap is that which would come from our undivided fifth part of the overseas possessions of Germany, of which Yap was one. We have never had a cable line there. The cable which passes through Yap is the Dutch-German cable, and it connects with Guam.

All the German overseas possessions having been turned over to the five powers, of which we were one, Japan received a mandate over four-fifths, covering her fifth and those of the other three powers. What we desired in Yap were certain rights for cables and telegraphs, and those have been given to us under this treaty in the fullest extent. That is the whole story, as far as we are concerned.

As to talk about our hauling down the flag, or yielding independence, we never had the island under our flag; we never owned a foot of it; we never had any right there, as I have already said, of any kind except what we derived from the treaty of Versailles as one of the five powers to which the German overseas possessions were given. We insisted that we have an undivided fifth part; and there is some question about that.

Mr. REED. Did Japan have any rights in this island?

Mr. LODGE. She had an undivided fifth part, and the other three powers gave her their three-fifths, so that she had four undivided fifths when we made this treaty.

Mr. REED. But before the war Japan was in the same position in which we were, was she not?

Mr. LODGE. She had nothing. They were German islands. They came to us because they were German islands.

Mr. REED. And we engaged in the war along with the other powers. At the end of the war these islands became a part of the spoil of the war?

Mr. LODGE. They passed to the five allied and associated powers with all the rest of the German overseas possessions.

Mr. REED. President Wilson desired that the island of Yap should be neutralized. By some sort of means his request was passed over, and at the end we find Japan insisting upon maintaining her dominance there, do we not?

Mr. LODGE. No; Japan took the island through a mandate given her by the other three powers, and, with her own interest, that gave her control of four-fifths.

Mr. REED. That is to say, we call it a mandate, but Japan is in charge of the island?

Mr. LODGE. Those islands were given to her, just as those south of the Equator were given to Great Britain.

Mr. REED. Regardless of how the others were given, just so that it may be perfectly plain—and I do not think there is any difference between the Senator and me—Japan's flag will float over these islands?

Mr. LODGE. Yes; I presume it will. The mandate was given on December 17, 1919, I think, and I suppose Japan since then has taken possession of those small groups, and I assume her flag floats over them, replacing the German flag.

Mr. REED. So that Japan is in complete dominion now? Her title—

Mr. LODGE. Except, of course, there are limitations in the mandate.

Mr. REED. But Japan agrees that she will allow America certain rights there. Nevertheless, they are rights granted by her as a sovereign over the island to America as a Nation which has no sovereign rights.

Mr. LODGE. No; in this treaty we recognize Japan's mandate and in return receive—

Mr. REED. When we do that we waive whatever our one-fifth right of sovereignty and control was? We waive that?

Mr. LODGE. Yes; we waive it.

Mr. REED. It appears already, then, that in dealing with these brother nations of ours, although we went into the war

and did a thousand times as much as Japan, and although at the end of the war this island came equally to the five powers, all the others immediately, without our consent and without even advising us of their action, proceeded to assign their interests to Japan, although they knew that our President had insisted upon an entirely different policy—to wit, the policy of neutralization.

Mr. LODGE. Unfortunately that did not appear in the treaty. Our only claim, in my judgment, lies under the treaty to the undivided fifth part.

Mr. REED. Does not the Senator think that out of that performance we ought at least to learn the lesson that in dealing with these foreign nations we had better be a little careful what we are doing?

Mr. LODGE. I venture to think that we have been careful; but that is a point about which we would not probably agree.

The VICE PRESIDENT. The question is on agreeing to article 1 of the treaty.

Mr. REED. I hope the Senator from Massachusetts will not insist on a vote on this matter to-night.

Mr. LODGE. I should like to go on for a while. I understood that the Senator from Maryland [Mr. FRANCE] desired to speak.

Mr. JOHNSON. That was my understanding. I do not see him present, and I suggest the absence of a quorum.

Mr. LODGE. I think we can stay a while longer. It is not very late.

Mr. JOHNSON. It is 5 o'clock now, and I would wish, although I do not ask it, that we might take an adjournment or a recess now; but if the Senator from Massachusetts does not desire it, very well. Knowing that the Senator from Maryland desires to be heard—

Mr. FRANCE entered the Chamber.

Mr. LODGE. The Senator from Maryland is here now, and I assume that he desires to speak.

Mr. JOHNSON. I withdraw my suggestion of the absence of a quorum.

Mr. LODGE. I think we might remain a little longer. A great deal of the day has been taken up with other matters.

Mr. FRANCE. Mr. President, I do not care to go on this afternoon.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum, so we may get someone here who is going to speak.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Brandagee	Harrell	Nelson	Spencer
Bursum	Harris	New	Stanfield
Calder	Harrison	Norbeck	Sterling
Cameron	Heflin	Oddie	Sutherland
Capper	Johnson	Overman	Trammell
Caraway	Jones, Wash.	Page	Underwood
Colt	Kellogg	Pepper	Wadsworth
Curtis	Keyes	Phipps	Walsh, Mass.
Edge	King	Poin Dexter	Warren
Ernst	Ladd	Ransdell	Watson, Ga.
France	Lodge	Reed	Watson, Ind.
Gerry	McKinley	Sheppard	Weller
Glass	McNary	Shortridge	Williams
Gooding	Moses	Smith	Willis

The VICE PRESIDENT. Fifty-six Senators having answered to their names, there is a quorum present.

SECRETARY OF THE TREASURY MELLON.

Mr. WATSON of Georgia. Mr. President, it was reported in the newspapers of this city last March that President Harding, after delivering his inaugural address, came into the Senate Chamber and personally presented the names of his Cabinet officers, and personally requested that they be immediately confirmed. That statement carried in the newspapers was not denied.

In the April, 1921, issue of Current Opinion there appeared an editorial written by Dr. Frank Crane, evidently inspired by the Secretary of the Treasury, Mr. Mellon, who had been confirmed by the Senate on the 4th of March. In the editorial, which carries a picture of Mr. Mellon, probably furnished by himself, there is this statement:

The record of the personal activities of Secretary Mellon includes 4 banks, of 1 of which he recently resigned the presidency to enter the Cabinet, 4 insurance companies, 7 educational and philanthropic institutions, and 62 other corporations. Their products—oil, aluminum, railway cars, locomotives, steel, plate glass, radiators, carborundum, bolts and rivets, motor trucks, and one hundred other things—go all over the world.

Therefore, according to this very friendly editorial, which has never been challenged, Mr. Mellon is engaged not only in railway commerce, interstate commerce, but in ocean-going commerce. He resigned from 1 of his 4 banks, but no statement is made about the other 3, nor about his insurance companies, nor his 62 other corporations.

It is further stated:

Andrew W. Mellon is 68 years of age and constitutionally as sound as a dollar, partly because horseback riding has been his lifelong recreation. Recently he has fallen under the spell of golf, for which he is said to have a growing fondness. That a man of his age should be willing to assume the responsibilities of the Treasury Department is not so surprising when the magnitude of his business operations is borne in mind and in view of the fact also that both his parents lived to be 95 years old.

That looks like a statement derived from Mr. Mellon himself, or from some member of his family.

Now, Mr. President, I have called attention to section 243 of the Revised Statutes, a statute adopted at the first session of the First Congress, which organized the Treasury Department, and which provides:

No person appointed to the office of Secretary of the Treasury, or first comptroller, or first auditor, or Treasurer, or register, shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States.

My information is that Secretary Mellon owns a large block of Government bonds.

The law further provides that anyone holding office in violation of these provisions shall be deemed guilty of a high misdemeanor, shall pay a penalty of \$3,000, shall be removed from office, and forever thereafter be incapable of holding any office under the United States.

Anyone can see the wisdom of that law. The plain intent of it is that no man having the custody of the national funds shall be in position to enrich himself by the use of them, directly or indirectly; no man shall take advantage of that high office, either for himself or his friends; neither, directly nor indirectly, shall he deal in United States bonds or interstate commerce or foreign commerce. He shall not even own a vessel. The man who framed that law was wise as any who ever sat in Congress.

No Congress has ever repealed that law. An attempt was made to modify it at the instance of President Grant when his popularity was at its highest, and the proposition to change it was successfully opposed by Charles Sumner. President Grant was very anxious that A. T. Stewart, the merchant prince of New York, should be his Secretary of the Treasury. He nominated Mr. Stewart. The nomination came to the Senate. The Senate confirmed it. Nobody called attention to this law. However, in a few days the statute was brought to the attention of Mr. Stewart and the President. Congress refusing to repeal any part of it, Mr. Stewart resigned, to escape the penalty of the statute.

Now, Mr. President, a few days after I called attention to the statute there appeared in the newspapers a brief statement, purporting to come from Secretary Mellon, the substance of the statement being that he had resigned from his various corporations before accepting the office of Secretary of the Treasury. The Associated Press sent that message throughout the country, leaving me in the attitude of having made a statement that was untrue. The statement went further and said he had consulted lawyers, but the lawyers were not named.

I again call attention to this inspired editorial, which has never been denied, whose statements stand before the country unchallenged. Is it true, Mr. President, that one of the highest officers of the Government is disqualified to hold his position, and is in the attitude of breaking the law? If so, it is a very serious situation. It seems to me that the Secretary of the Treasury owes it to this body which confirmed him, and owes it to the President, who is said personally to have asked us to confirm him, to make a clear statement as to whether he is still the owner of that aluminum plant in North Carolina, the owner in part of various railroads, the producer and the seller of the various commodities which I have mentioned, taking the statement from the editorial to which I have referred, of products which go all over this country and all over the world.

At the President's request we confirmed him. Does he not owe it to the President, owe it to the Senate, and owe it to the country to make an explicit statement as to whether or not he has resigned from all his banks, all of his insurance companies, all of his oil works, aluminum works, railway car works, locomotive companies, steel companies, plate glass companies, and so on?

Mr. HEFLIN. Mr. President, will the Senator from Georgia yield to me?

Mr. WATSON of Georgia. Certainly.

Mr. HEFLIN. If the Secretary of the Treasury has resigned from those positions which he held and still holds his interest in those concerns, he would be covered just the same under that statute, would he not?

Mr. WATSON of Georgia. Most assuredly.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The VICE PRESIDENT. The question is on agreeing to the first article of the treaty.

Mr. LODGE. Mr. President, I believe I know of no one who wishes to speak on the treaty except the Senator from Maryland [Mr. FRANCE]. If he does not care to go on to-night, I shall not press him to do so.

Mr. FRANCE. I prefer not to go on to-night. I prefer that the Senate should take a recess, if agreeable to the Senate.

Mr. LODGE. I desire to oblige the Senator and therefore move that the Senate proceed to the consideration of executive business in secret executive session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business with closed doors. After eight minutes spent in executive session the doors were reopened.

STATUE OF EDMUND BURKE.

Mr. BRANDEGEE. As in legislative session, from the Committee on the Library, I report back favorably without amendment the joint resolution (S. J. Res. 165) authorizing the erection on public grounds, in the city of Washington, D. C., of a statue of Edmund Burke. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and is hereby, authorized and directed to select a suitable site and to grant permission to the Sulgrave Institution for the erection, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, Potomac Park, and the White House, of a monument to the memory of Edmund Burke, champion of American liberty: Provided, That the site chosen and the design of the memorial shall be approved by the Joint Library Committee of Congress, with the advice of the Commission of Fine Arts, and it shall be erected under the supervision of the Chief of Engineers, and that the United States shall be put to no expense in or by the erection of said monument.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 25, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24 (legislative day of February 23), 1922.

UNITED STATES MARSHAL.

Louis Buchwald, of West Virginia, to be United States marshal, northern district of West Virginia, vice Clarence E. Smith, resigned.

PROMOTIONS IN THE REGULAR ARMY.

MEDICAL CORPS.

To be captains.

First Lieut. Irwin Bradfield Smock, Medical Corps, from September 27, 1921.

First Lieut. Joseph Ignatius Martin, Medical Corps, from October 8, 1921.

DENTAL CORPS.

To be captain.

First Lieut. William Joseph Adlington, Dental Corps, from February 12, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

FIELD ARTILLERY.

Capt. Frank Leslie Thompson, Infantry, with rank from July 1, 1920.

POSTMASTERS.

ALASKA.

Jacob Otness to be postmaster at Petersburg, Alaska, in place of J. C. Allen, resigned.

CALIFORNIA.

Clarence Beekley to be postmaster at Santa Paula, Calif., in place of J. B. Laufman. Incumbent's commission expired January 24, 1922.

CONNECTICUT.

Helen O. Gatchell to be postmaster at Andover, Conn. Office became presidential January 1, 1921.

Samuel H. Kellogg to be postmaster at Colchester, Conn., in place of J. J. Sullivan. Incumbent's commission expired January 24, 1922.

Samuel E. Loudon to be postmaster at Riverside, Conn., in place of S. E. Loudon. Incumbent's commission expired January 24, 1922.

HAWAII.

John F. Rapozo to be postmaster at Kapaa, Hawaii. Office became presidential April 1, 1921.

INDIANA.

Cadmus C. Funk to be postmaster at English, Ind., in place of Guy Longest, resigned.

William H. Ammon to be postmaster at Swayzee, Ind., in place of E. R. Niccum. Incumbent's commission expired January 24, 1922.

IOWA.

John A. Baker to be postmaster at Buxton, Iowa, in place of A. E. Thomas. Incumbent's commission expired August 7, 1921.

Edgar A. Cupp to be postmaster at Corning, Iowa, in place of E. F. Gauthier. Incumbent's commission expired August 7, 1921.

William S. Weston to be postmaster at Webster City, Iowa, in place of D. H. Bauman. Incumbent's commission expired January 24, 1922.

KANSAS.

Mabel I. Driggs to be postmaster at Bern, Kans. Office became presidential April 1, 1921.

Howard S. Taylor to be postmaster at Savonburg, Kans. Office became presidential April 1, 1921.

LOUISIANA.

Harry R. Mock to be postmaster at Baskin, La. Office became presidential April 1, 1921.

Charles J. Slack to be postmaster at Maringouin, La. Office became presidential April 1, 1921.

Gladys H. Norris to be postmaster at Oak Ridge, La. Office became presidential April 1, 1921.

Henry A. Donaldson to be postmaster at Reserve, La. Office became presidential July 1, 1920.

Charles W. Hudgens to be postmaster at Slagle, La. Office became presidential April 1, 1921.

Sherman Cook to be postmaster at Alexandria, La., in place of Jonas Rosenthal. Incumbent's commission expired April 3, 1920.

MASSACHUSETTS.

Harry L. Claffin to be postmaster at Hubbardston, Mass. Office became presidential April 1, 1921.

Frances C. Hill to be postmaster at Templeton, Mass. Office became presidential October 1, 1920.

MICHIGAN.

Lydia A. McElhinney to be postmaster at Snover, Mich. Office became presidential January 1, 1921.

MINNESOTA.

Hazel W. Pike to be postmaster at Hewitt, Minn. Office became presidential April 1, 1920.

MISSISSIPPI.

Halbert M. Burch to be postmaster at State Line, Miss. Office became presidential October 1, 1920.

MONTANA.

Sidney Bennett to be postmaster at Scobey, Mont., in place of M. R. Burke, resigned.

NEBRASKA.

Frederick L. Valentine to be postmaster at Johnstown, Nebr. Office became presidential January 1, 1921.

NEW JERSEY.

Fannie H. Clayton to be postmaster at Seaside Park, N. J. Office became presidential January 1, 1921.

NEW YORK.

Norman S. Taylor to be postmaster at Clayville, N. Y., in place of N. S. Taylor. Incumbent's commission expired January 24, 1922.

Harry J. Goodfellow to be postmaster at Fayetteville, N. Y., in place of D. M. O'Brien. Incumbent's commission expired July 21, 1921.

NORTH CAROLINA.

Walter F. Justus to be postmaster at Flat Rock, N. C. Office became presidential January 1, 1921.

Hattie Speir to be postmaster at Winterville, N. C. Office became presidential April 1, 1920.

William J. Hardage to be postmaster at Waxhaw, N. C., in place of J. W. McCain, resigned.

OKLAHOMA.

Roy M. Muse to be postmaster at Elmore City, Okla. Office became presidential April 1, 1921.

PENNSYLVANIA.

Harry L. Warnick to be postmaster at Glen Riddle, Pa. Office became presidential April 1, 1921.

John K. Ellis to be postmaster at Jeddo, Pa. Office became presidential April 1, 1921.

Hattie A. Reynolds to be postmaster at Union Dale, Pa. Office became presidential April 1, 1921.

TENNESSEE.

Jasper D. Wright to be postmaster at Jamestown, Tenn. Office became presidential April 1, 1921.

Carlos C. Davis to be postmaster at Redboiling Springs, Tenn. Office became presidential July 1, 1920.

TEXAS.

John C. Gee to be postmaster at Call, Tex. Office became presidential July 1, 1920.

Dan W. Ryan to be postmaster at Point, Tex. Office became presidential January 1, 1921.

Leeander M. Gilbreath to be postmaster at Winnsboro, Tex., in place of S. D. Ray, removed.

UTAH.

Lionel L. Peterson to be postmaster at Fairview, Utah, in place of G. F. Olson, resigned.

VERMONT.

Clayton F. Bayley to be postmaster at Beebe Plain, Vt. Office became presidential January 1, 1922.

Milton B. Hoag to be postmaster at Grand Isle, Vt. Office became presidential January 1, 1921.

VIRGINIA.

Raymond D. Williams to be postmaster at Pembroke, Va. Office became presidential January 1, 1921.

WASHINGTON.

George L. Deu Pree to be postmaster at Marysville, Wash., in place of Mabel Murphy. Incumbent's commission expired July 15, 1920.

WEST VIRGINIA.

Ernest Johnson to be postmaster at McDowell, W. Va. Office became presidential July 1, 1921.

Finley Oakes to be postmaster at Worthington, W. Va. Office became presidential April 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24 (legislative day of February 23), 1922.

REGISTER OF THE LAND OFFICE.

Martin Jacobson to be register of the land office at Minot, N. Dak.

COAST AND GEODETIC SURVEY.

Walter George Fielder to be aid, with relative rank of ensign in the Navy.

PROMOTIONS IN THE ARMY.

William Arden Alfante to be lieutenant colonel, Infantry.
Daniel Andrew Nolan to be lieutenant colonel, Infantry.
William Proctor Hill to be lieutenant colonel, Veterinary Corps.

Garth Bly Haddock to be captain, Air Service.
Edmund Walton Hill to be captain, Air Service.
Benjamin Ransom McBride to be first lieutenant, Air Service.

POSTMASTERS.

ALABAMA.

Eugene D. Reynolds, jr., Centerville.
Minnette Y. Fritts, Dothan.
John A. Griffin, Helena.

John E. Hurst, Leeds.
Grover A. Bice, Thorsby.
Jacob A. Johnson, Vernon.

ALASKA.

Charles C. Whipple, Thane.

COLORADO.

Hal Parmeter, Byers.
William J. Jones, Erie.
Samuel B. Wasson, Grand Valley.
Orpha T. Brunner, Johnstown.
Clara A. Gillespie, Stoneham.
Anna C. Hanson, Strasburg.

GEORGIA.

James F. Dever, Rock Mart.

IDAHO.

Percy E. Ellis, Stites.

ILLINOIS.

William Fries, Alton.
Henry C. Norcross, Carlyle.
Harry Pensinger, Cerro Gordo.
Hamil E. Veach, Clayton.
Charles O. Anderson, Creal Springs.
Charles L. Smith, Cutler.
Edgar C. Seik, Grafton.
John R. McIntire, Grand Chain.
Ora C. Baier, Johnston City.
Lacey D. Irwin, Kane.
William E. Erfert, jr., Lansing.
James C. Moore, Maple Park.
Charles H. Pahlmann, Marine.
Delta C. Lowe, Mason City.
Charles T. Gard, Meredosia.
William A. Kelly, West Frankfort.
Eber E. Bassett, West McHenry.
Alger H. Simpson, West Union.

MICHIGAN.

George L. Olsson, Boyne Falls.
James E. Skidmore, Vestaburg.

NEBRASKA.

Bessie R. Adams, Palmer.

NEW YORK.

Paul Bailey, Amityville.
Horace B. Fromer, Hunter.
Wilfred D. Cheney, Newton Falls.
Harriett H. Paulsen, Wassaic.
Ahava Rathbun, Williamstown.

PENNSYLVANIA.

Claudia B. Aurand, Beaver Springs.
James D. Scott, Coatesville.
George C. Hughes, East Stroudsburg.
Dewey W. Sechler, Fairchance.
James Hewett, Pen Argyle.
Theodore E. Sweeney, Sewickley.
Mark Mumma, Steelton.

SOUTH DAKOTA.

John R. Todd, Bowdle.
Chris Wittmayer, Eureka.
Robert C. Van Horn, Kennebec.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 24, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O blessed Spirit Divine. With us may life always be sincere and directed by the pure motive and the true spirit. Lead us on in the growing consciousness that it is an eternal quantity and not a mean nor a transient thing. Always lift us to the higher plane and make us capable of the higher service. Come and give to the day its gladness, to the task its wisdom, and to every heart the note of contentment. Enable us to do right where others do wrong, to stand where others waver, and to remain steadfast where others succumb, and open the hidden door and touch, O touch the powers of the soul. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, the bill (H. R. 10329), the Department of the Interior appropriation bill, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 539. An act to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

S. 2897. An act to appropriate \$5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture.

The message also announced that the Vice President had appointed Mr. STERLING and Mr. McKELLAR members of the Joint Select Committee, on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 539. An act to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

S. 2897. An act to appropriate \$5,000,000 for the purchase of seed grain and of feed to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; to the Committee on Agriculture.

APPROPRIATIONS FOR DEPARTMENTS OF COMMERCE AND LABOR.

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10559), making appropriations for the Departments of Commerce and Labor.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CAMPBELL of Kansas in the chair.

The Clerk, proceeding with the reading of the bill, read as follows:

For rent of buildings in the District of Columbia, \$66,500.

Mr. BLACK. Mr. Chairman, yesterday afternoon just before adjournment I discussed for a short while Senate bill 1565, which passed the Senate on February 21 this week. That bill provides, as I pointed out yesterday, that all officers who served in the World War and who incurred a disability of not less than 30 per cent shall be upon their application placed on the retired list at a retired Army officer's pay.

Now, I have known for several months of the efforts to pass that kind of a bill—of the efforts to get it favorably reported—but I had no idea that it would ever be reported by a committee of either one of the Houses of Congress, much less passed by one of the bodies. Therefore I had never undertaken to address the House upon the subject. But inasmuch as it has now actually received the indorsement of one of the legislative bodies of the Government and has been referred to the Committee on Military Affairs of the House I think it is getting time that those who are opposed to this measure get busy and let the Committee on Military Affairs know of their opposition.

Just as my time expired yesterday afternoon I was getting to that place where I was undertaking to point out the discrimination which this bill would not only put into effect as between officers and enlisted men but would put into effect as between officers themselves.

Mr. MONDELL. Will the gentleman yield?

Mr. BLACK. I will.

Mr. MONDELL. Has the gentleman ever been able to understand why the Legion, composed in the main of men who served in the ranks, have not taken a position in opposition to a measure like this, which runs contrary to our practice and policy as a people since the beginning of the Government, and which is as unfair as a measure can possibly be? Of the boys who went out to serve their country some were fortunate enough to secure commissions and others served in the trenches in the ranks. I have not been able to understand why we have not heard from the men of the Legion.

Mr. BLACK. I have heard—I do not know whether it is true or not; I hope it is not—that some of the officers of the Legion

have expressed themselves in favor of this bill. If it is true, I am amazed that they would champion a bill of this sort. As the gentleman from Wyoming says, it would put into effect a principle which is contrary to the whole historic policy of the Nation. I will say, however, that I have received no communication from the American Legion in favor of the bill, and, in my judgment, those in my district who served as officers do not want it.

Let me give an illustration of what I mean. I have here a bill—H. R. 4097—which is a sample of many similar bills that have been introduced for years which seeks to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list" and pay them retired Army officers' pay. For 30 years Congress has refused to pass a bill of that sort upon the principle that it would violate our historic policy of equal compensation benefits for officers and privates. But now, to proceed further with my discussion of the Senate bill, I was about to point out, when the gentleman from Wyoming asked me his question, that an Army officer who has incurred a disability of 30 per cent would be placed on the retired list and given the same compensation as an officer who received a total disability and was placed upon the retired list. For example, we have here, we will say, two captains who were disabled in the World War. The disability of one of them has been rated at 30 per cent by the Veterans' Bureau and he is drawing \$30 per month for his injuries. The other is rated at total disability, perhaps an arm shot off and an eye out, and is drawing \$100 per month. Under this Senate bill both would be put on the retired Army officers' list and would be paid the same, \$150 per month. Where is the justice of that, I inquire? To the gentlemen who advocate that kind of a measure I would like to propound this question: We have a very large number of enlisted men who were privates in the war and who incurred a disability of 30 per cent. Are you willing to pay these men the same compensation under the war risk insurance act as you are willing to pay the men who have incurred a total disability of 100 per cent? Are you willing to do that? If you say no, as I am sure you must say no, then how are you going to justify your support of a bill that will place an Army officer upon the retired list who had incurred a disability of only 30 per cent and pay him the same retired officer's pay as you would pay an officer who has incurred a total disability of 100 per cent? Answer me that.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. LITTLE. Does the gentleman favor maintaining the retired list for the Regular Army and Navy officers?

Mr. BLACK. I shall answer that by saying to the gentleman that I would not perpetuate one class of favoritism and discrimination by adding to it another one of a more flagrant character.

Mr. LITTLE. Will the gentleman answer my question?

Mr. BLACK. I am going to answer the question. The gentleman must not get too impatient. Does the gentleman contend that Senate bill 1565 carries into effect the same provisions as the retired Army officers' act? It is not the same by a very long sight. What does the retired Army officers' act provide? It provides that an Army officer shall be retired upon his own application when he has served 40 years in the Army; it provides that he may be retired upon his own application when he has served 30 years in the Army; it provides that he shall be retired when he has reached the age of 64; and then it provides that he may be retired when a board, two-fifths of which, I believe, must be composed of medical officers, shall find that he is incapable of further service. That, in brief, is the retired Army officers' law.

Mr. LITTLE. Is the gentleman in favor of maintaining a retired Army officers' law?

Mr. BLACK. I had nothing to do with framing it. It was the law long before I ever came to Congress. I have not said that I am in favor of it.

Mr. LITTLE. Does the gentleman say that he is against it?

Mr. BLACK. I have pointed out the provisions of the retired Army officers' act and have shown that Senate bill 1565 is not the same as that act by a very great deal.

Mr. LITTLE. That has nothing to do with it. Is the gentleman in favor of maintaining—

Mr. BLACK. I do not yield to the gentleman any further when he says it has nothing to do with it. It has got something to do with it, as I have been endeavoring to point out. The gentleman has never heard me argue for a retired Army officers' list, either for officers of the Regular Army or officers of the Volunteer Army. What I have argued for is equality of compensation, payments for injuries received, both as to officers and

privates. That principle I have not varied from and I still emphatically maintain it.

By my attitude of opposition to this bill, I would not want anyone to infer that I am opposed to liberal compensation payments to those who were wounded or disabled in the World War, whether officers or privates. I do favor liberal treatment in such cases and have worked for and supported the necessary legislation to bring it about. I am glad to know that the United States has been open-hearted and generous in this respect, more so than any other nation, and in proof of what has actually been done let me quote some recent figures given by Col. Charles R. Forbes, Director of the United States Veterans' Bureau, in a statement to the Associated Press, February 25 last. He said:

A total of \$1,259,930,724 has been expended by the Government for its former service men. Up to the present time 1,418,912 claims have been made by veterans, divided as follows: 171,875 for insurance and 760,153 for death and disability compensation. Out of this number—

He added—

a total of 831,767 claims have been allowed by the bureau, while 472,170 have been disallowed. According to the medical division report, 28,687 veterans were undergoing hospitalization last December 31, and since the creation of the bureau 206,039 veterans have received hospital treatment, and 1,115,259 medical examinations have been given.

Other figures were cited in Mr. Forbes's statement illustrating the work of the Veterans' Bureau, but I will not prolong these remarks to give them now. Suffice it to say that the whole statement shows that a very large number of claims have been handled and a great amount of work done. Senator BOBAH, in an able and well-considered speech in the Senate a few days ago, stated it to be his estimate that the United States Government would spend \$75,000,000,000 at least in the future years to come before all the obligations to ex-service men are liquidated. By these figures he meant, of course, that such amounts would be expended during the lifetime of the veterans of the World War. On account of the fact that such expenditures will be spread out over a long period of years, the country will be able to take care of them all right. It is a big task, but the spirit of America is equal to it, and will perform it in no half-hearted manner. They made sacrifices for the Republic and the Republic must, if necessary, make sacrifices for them.

Let us do it in a spirit of equity and without discriminations such as Senate bill 1565 would put into effect.

The Clerk read the paragraph providing for contingent expenses, Department of Commerce.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent that the Clerk correct the spelling of the word "contingent" on line 23, page 3.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The Clerk read as follows:

For printing and binding for the Department of Commerce, including the Coast and Geodetic Survey and the Bureau of the Census, \$425,000: *Provided*, That an amount not to exceed \$2,000 of this allotment may be expended for salaries of persons detailed from the Government Printing Office for service as copy editors.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I notice in this appropriation that we have increased the amount for printing and binding by \$100,000. In most of these appropriations, especially for matters of this character, I have understood that it is the desire of the House and the policy of the House to cut them down rather than to enlarge them. What is the reason for this?

Mr. SHREVE. This increase grows out of the fact that the Census Bureau reverts now to a permanent status, or will on July 1, 1922. The three-year period for the taking of the decennial census has now elapsed, and we go back to the original basis, the same as in 1919.

Mr. SNELL. And the general report that they have put out in regard to crop estimates has not been taken out of this fund during the last three years?

Mr. SHREVE. No. During all of these three years all of the printing has been taken out of the general fund, so that it makes it necessary to reestablish this particular item.

Mr. SNELL. And this is the least possible amount for which they can carry it on?

Mr. SHREVE. Yes; that is the lowest sum we thought we could get along with.

The Clerk read as follows:

To further promote and develop the commerce of the United States with South and Central America, including the employment of experts and special agents in the District of Columbia and elsewhere, purchase of books of reference and periodicals, reports, traveling and subsistence expenses of officers and employees, and all other necessary incidental expenses not included in the foregoing, to be expended under the direction of the Secretary of Commerce, \$170,650: *Provided*, That not more

than two trade commissioners employed under this appropriation may be recalled from their foreign posts and assigned to duty in the Department of Commerce.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word. The lack of foreign markets for our surplus domestic products has been one of the serious problems of recent years. It has even been stated in the press that the delay in the final enactment of the proposed tariff legislation has been due largely to the effect that it might have upon this situation.

I notice that this paragraph proposes an appropriation which is intended to promote and develop further the commerce of the United States with South and Central America. That is a matter in which the people of my immediate section are and have been very much interested, and a number of honorary consuls have been appointed from some of those countries for the city in which I live. I note from the report that a total increase of \$742,020 was requested under this bureau, and that the committee recommends only \$304,902. I should like to know what part of this increase is to be devoted to the promotion and development of commerce between the United States and the countries of South and Central America, and, in so far as the committee may be able to give the information, along what lines these expenditures are contemplated. I make this inquiry for the purpose of getting some practical information that may be helpful to those who may wish to engage in trade with Central and South American countries.

Mr. SHREVE. Mr. Chairman, the principal increase is to cover the countries in South America, and for one trade commissioner in Stockholm and some clerks in London and Paris. The principal reduction, the things that we cut out, was more at home. The department wanted to create a number of bureaus in the various cities of the United States. It is a very meritorious proposition, but at the same time we felt that we would better confine ourselves to the real purpose of finding trade in foreign countries rather than building up the offices in the United States that would be in touch with the American manufacturers.

Mr. LANHAM. I think that is very commendable. The real purpose of the appropriation, then, is the promotion of trade of that character with South and Central America, and a part of this increase of \$304,000 will be devoted to that purpose?

Mr. SHREVE. Oh, absolutely; a very large sum. We are providing for a new office at Cuba, for instance. I explained yesterday quite in detail regarding the great desirability of having an office located perhaps in Habana for the reason that it is experimental ground for American shippers. The people from the Middle West, along down the Mississippi, desire this. It is an easy place to ship farm products. They are new in the business, and they must learn many things. This is not far away. The opening of this office in Cuba we believe is going to be of great assistance to all of the people desiring export trade.

Mr. LANHAM. The gentleman thinks that this general provision and this increase in the appropriation will give considerable relief to the agricultural classes of our people in providing a market for their surplus products of various kinds?

Mr. SHREVE. Certainly, that is one of the items we considered and for that very reason we put this office at Cuba, because it is a one-crop country, and they must buy a large portion of their agricultural products from some other country, and that place is the United States, and we felt that the encouragement of having an office down there would be of material interest and benefit to the farmers.

Mr. LANHAM. I notice that a total increase of \$742,000 was requested in view of the importance of the subject in general. Upon what did the committee predicate its action reducing that increase to \$304,900?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANHAM. I ask unanimous consent for two minutes additional.

The CHAIRMAN (Mr. MANN). The gentleman from Texas asks unanimous consent to proceed for five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. SHREVE. It is largely in the matter of cutting off home expansion.

Mr. LANHAM. The decrease was in the offices at home and not the foreign?

Mr. SHREVE. No. It was our idea if we could extend the service as far as we could abroad in every place we might pick up more trade for the United States. So we thought that the enlargement of these offices at home might wait. Our manufacturing industry has an organization of its own, boards of trade, chambers of commerce, and all those great organizations that are now occupied in seeking contact with the expansion of trade, and we felt it was better for us to spend the money in foreign countries rather than at home.

Mr. LANHAM. I think that is the better policy that the committee has adopted. I want to say in this regard that perhaps we have been neglecting somewhat this feature of our national life, one of vast importance, one which affects all the people, and especially those who have a surplus of agricultural products on their hands. I apprehend that many of the foreign countries have been more alert to the situation.

I recall that recently we passed an appropriation bill in this House of a million dollars for an American exhibit at the centennial exposition to be held at the city of Rio de Janeiro, in Brazil. I thought that was a very wise appropriation, by reason of the fact that the exposition is to open up the business of foreign trade and let us see the opportunities that exist in that regard. But I fear perhaps some of the European nations have been a little more alive to the situation than we have, and I am glad to see this additional activity, because I think there is in it a hopeful promise to the agricultural people of our country. It was my intention when I arose, if this decrease had been made in the activities of the foreign service, to offer an amendment that the amount be increased, but since the gentleman says it has been on account of the refusal to expand the offices at home, I think the committee acted very wisely.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I notice in each one of the paragraphs there is carried a provision that not more than four trade commissioners employed under this appropriation may be recalled from their foreign posts and assigned to duty in the Department of Commerce. I was wondering why, after the men had been educated over there and knew the conditions in the various countries, they would be called back home to work here in the department?

Mr. SHREVE. In answer to that, Mr. Chairman, I will say that it is very necessary to keep men in foreign countries closely in touch with the situation on this side. We will take a man representing a manufacturing plant, take one connected with the automobile industry. He must come back to this country and keep in contact with the business and the work of the people at home. There are experienced men connected with this department, but if a man stays in a foreign country too long he becomes sort of rusty and he loses touch with the United States, and he is often a great deal interested in the affairs of the country where he is doing service. We find it of very great advantage to bring them back to Washington, that they may go out and visit manufacturing plants and see the new things that have been made and they are going to make, and carry the information back to the other side. We find that is money very well spent.

Mr. SNELL. Do I understand from what the gentleman says that various of these attachés represent individual industries like the automobile industry?

Mr. SHREVE. We will come to that a little later on. It has been the ambition of the department to build up what is called the operating division; that is, to allow probably a lump-sum appropriation sufficient to take care of about a dozen of these. I think they already have something like eight or ten, in which they employ specialists, men who are thoroughly conversant with one line of industry, and those men are sent to foreign countries to look after that line of industry—take, for instance, the manufacturing of certain machines, cotton machinery—and they travel all over the country. They are men who are specialists in that one line, and that is where we have advantage over some other of the commercial attachés and men representing us in foreign countries, because those men know, and if there is a big contract to be let there will be an engineer on the job who knows that proposition.

If it is a railroad proposition, he has to be a railroad man; if it is something in the line of electric goods, they endeavor to have an electrical engineer whose business it is to look over the proposition. If it is something in which the United States might be interested, he immediately communicates all the information by cable to the Washington office, and the Washington office gets in touch with the electrical people in the United States. And by reason of this close point of contact we find we are able to materially benefit the business men of the Nation.

Mr. SNELL. To what extent do these attachés cooperate with the attachés of the State Department, or do they have anything to do with them?

Mr. SHREVE. They are in very close cooperation. At first there was a feeling in my mind that there was a duplication there—

Mr. SNELL. And that is what I thought.

Mr. SHREVE. And so I started out in the hearings to find if such duplication existed. But I was unable to find it. I find these men are all doing a very valuable work. But the men in the Consular Service have to devote a part of their time to taking care of the business of their office, while our trade commissioner is permitted to ramble around. He is keeping in

close touch with that Consular Service, and they are all working in harmony, and, I think, doing a splendid work.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words.

The House a few days ago—namely, February 17, 1922—passed the Department of Interior appropriation bill, H. R. 10329, and the Senate passed it yesterday, with several amendments. There is one amendment that relates to the reconstruction of a new building at an Indian school at Greenville, Calif., and in order that the House may have some little knowledge of the situation when it comes back for consideration of the Senate amendment, I ask unanimous consent to insert a short statement in the Record in regard to it.

The Senate amendment above referred to relates to the reconstruction of the school building at the Greenville Indian School, California. It provides for an appropriation of \$60,000. The amendment should be agreed to with an amendment by adding thereto the following: "To be immediately available." This would allow the funds to be used at once. The building could be started by May 1 and completed by September 1, 1922, and the school ready for opening for the fall term.

With the money already invested by the Government in the Greenville Indian School plant it would be nothing less than a crime to now abandon it. The school has been doing good work, achieving real results. The Indians have been benefited. It has relieved the health conditions—made it safer for both the Indians and the white people. The climatic conditions are ideal. The school is located at the most accessible point. It keeps the Indian children nearer their parents and homes; the Indians are all more contented. The school is in the heart of the "old home" of this tribe of Indians. It would be most unfortunate to send these Indian children away to school when they have one near their natural habitation, when the only thing required is to rebuild a school building destroyed by fire. The rest of the equipment is on hand. The State officials of California whose duty it is to look after such matters are unanimous in their request for the reconstruction of this school building. It may be safely said that the people of Plumas County are likewise a unit in their demand for this building, because of its real and imperative necessity, to the end that the Indian children might have proper educational advantages, and so forth.

Do not punish these poor, innocent Indian children and deprive them of proper local school facilities and schooling by reason of and on account of the fire of December 17, 1921, which destroyed "their school building."

The State superintendent of public instruction of California is taking a deep interest in this matter, as is shown by his letter of recent date, which letter is as follows:

STATE OF CALIFORNIA,
DEPARTMENT OF EDUCATION,
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
February 16, 1922.

Hon. JOHN E. RAKER,
House Office Building, Washington, D. C.

MY DEAR MR. RAKER: Undoubtedly your attention has been called to the situation growing out of the destruction of the main building of the Greenville Indian School, located in Plumas County of this State. For years this school has been maintained by the Federal Government, and 112 Indian children were domiciled at the institution at the time of the conflagration. The Government owns a large acreage here, upon which are situated many buildings. The only building that is lacking is the building which was burned. It seems that the authorities at Washington are desirous of abandoning the school at Greenville and placing most of the Indian children in the public schools of the State. The Indian agent at Greenville has written me urging that I encourage county superintendents to accept Indian children in the public schools and receive the Government stipend therefor.

In view of the fact that in recent years the Federal authorities have been developing the policy of turning the Indian children into the public schools, I wish to make protest through you against any such policy. First of all, the public-school authorities of the State of California do not wish to receive the children now being taken care of in the Indian schools. Such attitude is not based upon any feeling of race prejudice. The fact is that many of the Indian children are not welcome because of their physical condition. Moreover, many of them lack that background of social experience which would make them acceptable children in the public schools. This, however, is not the strongest point. It is unjust to the Indian children themselves to put them in school with the whites. With their lack of intellectual development and their lack of social background they are at a great disadvantage in the public schools and become discouraged. I therefore ask you to lend your influence to the passage of a bill appropriating a sufficient amount to rebuild the Greenville school and that you do what you can to discourage the tendency on the part of the Federal Government to throw back upon the public schools of the State the burden of caring for the Indian children of California. I do this in the interest not only of the white children enrolled in the public schools but also in the interest of the Indian children.

Thanking you, I am,
Very truly, yours,

WILL C. WOOD,
Superintendent of Public Instruction.

The Bureau of Children's Aid of California has likewise made personal investigation of the Greenville Indian School, and

Miss Amy D. Steinhart, chief, has made personal investigation and written to the honorable Commissioner of Indian Affairs. Her letter is as follows:

DEPARTMENT OF FINANCE, STATE OF CALIFORNIA,
BUREAU OF CHILDREN'S AID,
Sacramento, January 27, 1922.

Mr. CHARLES H. BURKE,
Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. BURKE: May I inform you briefly that the reason for a communication from us is that this department has the supervision of dependent children in the State of California, and for this reason has been greatly interested in the problem of the Indian child.

The recent burning of the Greenville School has greatly complicated the question of the care of Indian children. The State has never directed the admission to the school of any child that might be safely and happily left in the home of its parents, but conditions among the Indians in California are such that a great many of the homes are totally unfit for the proper supervision and safeguarding of growing children, many of them children of promise and responsiveness. Because of the return to relatives of a considerable group of Indian children, reports have come to us of the pitiable condition of affairs under which they are living at the present time. There is a general accord among those interested in Indian children that the supervision and education afforded by the Greenville School has reaped a harvest in a very distinct improvement in the care of its wards, and for this reason we are particularly concerned at the prospect of having all those opportunities lost by even a short stay at home.

Many of these children are at the age when they are extremely susceptible to influence, either good or bad, and the sudden transition from environment at Greenville is bound to produce a very unfavorable reaction. We are endeavoring to cooperate with local agencies to as great an extent as possible in order to relieve the most serious conditions, but sporadic and insufficient plans here and there do not in any means solve our problem. We can see but one truly effective solution, and that is the rebuilding of the Greenville plant. We wish you to realize that we have had a very practical experience in our work with Indians and that our intent is never to separate them from their families unnecessarily. Where the separation is inevitable we are entirely handicapped in our efforts unless institutional care is available.

Trusting that you may be instrumental in the formulation of a plan for this very needy group of children, I am,

Very sincerely,

AMY D. STEINHART, Chief.

We who personally know the facts regarding the Greenville Indian School most strongly urge the House conferees and the House to concur in the Senate amendment as to this school, with an amendment adding "to be immediately available."

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Mr. Chairman, I move to amend the paragraph on page 7, after line 23, by inserting:

Provided, That no part of this appropriation shall be expended for employees in Mexico.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. CONNALLY of Texas moves to amend, page 7, after line 23, by inserting:

Provided, That no part of this appropriation shall be expended for employees in Mexico.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, on yesterday I submitted some remarks with reference to the subject of the relations between the United States and the Republic of Mexico. I notice that in the pending bill it is proposed to expend \$170,000 for work in connection with stimulating trade and commerce with South and Central America. It seems, indeed, a very foolish policy for the United States Government, if it really desires to stimulate trade and commerce with the Republic just to the south of us, to abstain from recognizing that Government, and yet undertake a program of propaganda through commercial agencies seeking to encourage trade with the Republic of Mexico.

I want to call attention to the fact that our competitors have already, some of them, recognized the Republic of Mexico. Germany, that country which we charged with being on terms of intimacy with Mexico during the war; Germany, that great commercial country that sends her salesmen and her manufacturers' agents all over the world; Germany, that great industrial country that is now at work, long ago recognized the existing Government of Mexico. And is it any wonder that there arises in the heart of the Mexican the inclination to believe that Germany is a better friend of his country than the United States, which, though it lies right at his door and wants his trade and wants his dollars, is not just and fair enough to his country to recognize that it has the right, like all sovereign nations, to lay down the fundamental law for the guidance of his country and its interests? Japan, another rival of the United States in certain commercial pursuits, has long ago recognized the Government of Mexico. Is it any wonder that the Mexican sometimes pauses and wonders whether Japan is not, in truth and in fact, a better friend of his Government than the United States, that conditions diplomatic recognition purely upon one

question, and that is whether or not Mexico will or will not tax oil companies that are operating within that Republic?

Oh, but they say that is not the question involved in recognition. I say it is the question involved in recognition. The State Department says that it is a question of confiscation. I want to say in reply that not one oil well in Mexico has been confiscated during more than a year and a half of the existence of the present Government. But what has happened? The Mexican Government has undertaken to levy a tax on the production of oil wells in Mexico. And that, gentlemen, is the reason why the Republic of Mexico has not already been recognized by this Government.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. CONNALLY of Texas. I will.

Mr. JOHNSON of Mississippi. Are the oil wells you speak of owned by American capital or Mexican capital?

Mr. CONNALLY of Texas. My reply is that the oil wells are owned by American capital, or else the United States would not be intervening. I thank the gentleman for that suggestion. American interests, domiciled here in the United States and with their investments in oil wells in Mexico, are preventing the recognition by the United States of the Mexican Government at this time. How can America expect to gain the affection of the Republic of Mexico and its people, how may we expect to extend our trade and our commerce, when we are less generous with Mexico in our political dealings than other Governments of the world?

I hold in my hand a list of the Governments that have already long ago recognized Mexico. The Republics of South and Central America have recognized Mexico. Norway has recognized her; Holland has recognized her; and Italy, though 3,000 miles away—

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Italy, though she is 3,000 miles away, has recognized the Government of Mexico and is maintaining diplomatic relations with her. But the United States, that is more affected by the relations of its neighboring Republic than any other country in the world; the United States, whose peace and harmony and prosperity are more nearly affected than any other country in the world; the United States, because Mexico dared in the exercise of its sovereignty to tax oil production in Mexico, refuses to recognize the Government of that country.

Mr. MOORE of Virginia. What became of the resolution you introduced some weeks ago with reference to this subject, I will ask the gentleman from Texas?

Mr. CONNALLY of Texas. In reply to the gentleman from Virginia, I will say that I introduced a resolution about a month ago to investigate the alleged activities and propaganda conducted by the oil interests of the United States with reference to Mexico. That resolution is now pending before the Committee on Rules, where it will slumber peacefully. Of course, it will slumber there; of course, it will go to sleep there.

But if it were a resolution choking off debate and hammering through this House some legislation in favor of a special interest, such as a tariff bill or revenue measure, you would witness the Rules Committee rushing to the floor of this House and urging that the rule be adopted and immediately passed through this House. [Laughter.]

Now, again, Holland. The United States a short time ago was enough concerned with the oil question to take up with the Kingdom of Holland the question of whether or not the American oil interests should have equality of opportunity in the Dutch East Indies. Formal representations were made by the United States Government protesting to Holland that within the Dutch East Indies American interests did not have the same opportunities that the citizens of Holland and the citizens of other countries have. If the oil situation is of enough importance to require that action on the part of the State Department, is it any wonder that it is now so solicitous regarding the gentlemen who happen to own oil wells in the Republic of Mexico?

Gentlemen, we have in the last few days seen in the press many statements regarding uprisings and attempted revolutions in the Republic of Mexico. I do not know whether those stories were inspired by oil interests in order to discredit the present Government of Mexico or not. I do not know whether they were inspired, on the other hand, by interests who are favoring the present Government of Mexico. But I do know this, that it requires money to conduct a revolution; I know that it takes arms to conduct a revolution; and I know that those wild,

ragged bands that compose the revolutionary armies of Mexico have neither resources nor money, and if there are revolutions and uprisings along the Texas border the inspiration for those uprisings and revolutions is bound to come from some other source than the revolutionists themselves. It has been openly charged in the press of this country covering a long period of years that American oil interests were interested in fomenting dissension in the Republic of Mexico and were interested in a change in that Government.

My resolution simply proposes to authorize the Committee on Foreign Affairs—not a new committee, not a select committee—but simply to authorize that committee to conduct hearings to look into this question and ascertain its truth or falsity. I do not make it as a charge, because I do not know. But this House ought to know, and the country ought to know whether or not that is true.

The CHAIRMAN (Mr. MANN in the chair). The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CONNALLY of Texas. What is the wish of those gentlemen who oppose the recognition of the present Government of Mexico? What is their secret wish? I read from the Washington Post of the 18th of February an editorial. Now, the Washington Post is credited with occupying a very convenient place under the drippings of the sanctuary. [Laughter.] I do not say that it voices the view of the State Department or the view of any member of the administration, but at the same time here is what the Post says:

There is no desire or intention to interfere in Mexico's affairs—

How does the Post know, unless it pretends to speak by inspiration? Here is what it says:

There is no desire or intention to interfere in Mexico's affairs. Seemingly the fate of the Obregon régime will be like that of its predecessors. It will go down in violence caused by its own corruption. The Mexican people, through the only means at their disposal, will revolt, and notwithstanding their temporary anarchy they will at least put an end to their present tormentors and exploiters. The hope of Mexico's friends—

One of whom the Post is, of course—

is that out of the tumult will arise a Mexican of strong character who can weld the factions together and impose good order upon the country, and then make it permanent by dealing fairly with foreign nations and individuals.

The thought here is but the father to the wish. The Post but expresses in that editorial the wish of every interest in the country that is antagonistic to the government of Mexico—that is, that another revolution may be launched in Mexico—and the Post no doubt wants the United States to interpose its strong hand to prevent the exploitation of Mexico by selfish oil interests within the United States. [Applause.]

Mr. SHREVE. Mr. Chairman, in the hearings this question was asked of Mr. Julian Klein, the Director of the Bureau of Foreign and Domestic Commerce, concerning the necessity of a commissioner in Mexico City. I read from the hearings:

Mr. SHREVE. And you are asking for a new commissioner in Mexico City?

Mr. KLEIN. And a trade commissioner as well, because of the increased business in Mexico during the reconstruction now going on. As soon as the Mexican Government is recognized by this Government you will have a flood of inquiries from Mexico, and our present force is barely able to keep up with the current trend of business there now.

Mr. CONNALLY of Texas. I will ask the gentleman from Pennsylvania this question: Does not the evidence disclose that as long as Mexico is not recognized there is no use or occasion for this appropriation?

Mr. SHREVE. Absolutely not. We are doing business every day with Mexico. We hope that the day will come soon when we shall have the same friendly relations with Mexico as we have with our Canadian neighbors on the north.

We expect that that condition is going to obtain at some time. We can not exactly fix the date when the change will come. We have no idea, and the gentleman has no idea that conditions are going on forever as they are at present. They are getting better all the time. We are getting together down in Mexico. If we are left alone for a while, we will have this matter settled, and conditions will become satisfactory.

Mr. CONNALLY of Texas. Does not the gentleman think that diplomatic recognition would contribute to the upbuilding of trade and good relationship?

Mr. SHREVE. I believe the men who handle that question are better able to determine it than I am.

Mr. CONNALLY of Texas. I am not asking those gentlemen. I am asking the gentleman from Pennsylvania.

Mr. SHREVE. I am not prepared to say, because I am not informed.

Mr. CONNALLY of Texas. The gentleman is not prepared to say, yet he wants the Government to spend \$170,000 on a subject that he does not know about.

Mr. SHREVE. Absolutely. We are spending only a very small part of that sum in Mexico.

Mr. CONNALLY of Texas. I compliment the gentleman on his frankness, if not on his information.

Mr. SHREVE. I thank the gentleman from Texas.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question being taken, the amendment was rejected.

The Clerk read as follows:

To enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to the production, distribution, and marketing in so far as they relate to the important export industries of the United States, including personal services in the District of Columbia and elsewhere, and all necessary incidental expenses connected therewith, \$385,000.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the subcommittee whether or not this last paragraph provides for the work of the Division of Foodstuffs in the Bureau of Foreign and Domestic Commerce?

Mr. SHREVE. I will say to the gentleman that it does, but not in the way that the Department of Agriculture are studying that proposition. We are considering it here as a commercial proposition, as to where we may find a market for these things, where we may sell the agricultural products of the United States. We have nothing to do with the cultivation of crops, and we are not experimenting in foreign countries to see how we may raise crops.

Mr. STEENERSON. In the organic act which established the Department of Commerce the activities of the department were expressly limited to manufactures. As I am interested in the obtaining of information in regard to farm products, which are not manufactures, I had a conference with the Secretary of Commerce recently on this very point, and he advised me that the Division of Foodstuffs in his department was devoting its attention to farm products as well as manufactured food products, and that he thought subsequent legislation enabled the department to extend their activities so as to include farm products, such as wheat and all grains, and rice, and that it was the purpose of this division to gather complete statistics throughout the whole world, so as to enable those interested in raising wheat, for instance, to know the prospects for next season, or for the next few months, as to supply and demand and as to prices.

I am very glad to note that this service, which will extend throughout the whole world, obtaining information as to the supply and demand of farm products, is to be continued. From the reading of the item I could not tell whether it covered that particular work or not. It is a comparatively new work, and they have put in a new chief of that division, Mr. Montgomery, who is a very able man. I was very anxious to see that the work of that division was taken care of in this bill. As I understand, you have provided for it here.

Mr. SHREVE. Absolutely.

Mr. STEENERSON. I think it is of very great importance to the farmers of the United States; because, although the Department of Agriculture has a great many sources of information, and furnishes a good deal in the way of statistics, this Division of Foodstuffs in the Bureau of Foreign and Domestic Commerce is the only service that will obtain certain information that is of vital importance to the man who has grain or other farm products to sell; that is, information as to the supply and demand in foreign countries, and the crop prospects there.

Mr. WALSH. Will the gentleman yield?

Mr. STEENERSON. I yield to the gentleman from Massachusetts.

Mr. WALSH. Does the gentleman expect that this particular branch of Government activities will have very much to do if we continue to give away farm products at the rate of \$20,000,000 at one clip?

Mr. STEENERSON. The gentleman alludes to the appropriation of \$20,000,000 for the famine sufferers in Russia. The only fault I found with that appropriation was that it was made out of the profits of the Grain Corporation instead of out of the Treasury of the United States. In my estimation the profits of the Grain Corporation were really held by that corporation as a trustee, and should have been used to aid the wheat producers, out of whom this profit was made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas resumed the chair.

Mr. SHREVE. Mr. Chairman and gentlemen, I want to give just one illustration regarding the assistance that the Bureau of Foreign and Domestic Commerce is rendering the farmer. In the last year there was a very large overproduction of rice in California and the Southern States. By that I mean that there was much more rice raised in California and the Southern States than could be consumed in the United States. The rice growers of those districts were on the verge of bankruptcy, and something had to be done. The Bureau of Foreign and Domestic Commerce began to make investigations all over the world, and they found a place where there was a scarcity of rice. As a result the rice from southern California and from the Southern States was sent to this foreign country, and the price advanced a cent and a half or 2 cents, so that the secretary of the Rice Growers' Association wrote the Department of Foreign and Domestic Commerce a letter and said that the bureau had saved the rice growers from bankruptcy. I mention this as just one kind of work that is being done by that bureau.

Mr. MANN. Does not the gentleman think it would have been very much more valuable if we had taught the people of the United States the value of rice as a food than to try to raise it and ship it abroad?

Mr. SHREVE. Possibly there is something in the gentleman's suggestion.

Mr. STEENERSON. Will the gentleman from Pennsylvania yield?

Mr. SHREVE. Yes.

Mr. STEENERSON. After hearing all the testimony on this subject, does not the gentleman think that in view of the very low prices of the staple farm products, like wheat and corn, there is something wrong with the distribution in foreign countries? The demand seems to be there, and we supply a very large amount of these commodities to foreign countries, and yet they have been sold at a less price than it cost to produce them, and the farmers of the United States, like those who produce rice, are now facing bankruptcy. I have never in all my life heard so many complaints about the agricultural situation as just now, and still the statistics show that we have exported more bushels of wheat to foreign countries than ever before. Either there is a combination among the Governments of the world to depress the price of that staple commodity that is operating, or there must be some explanation made of why the commodities have to be exported and sold at ruinous prices.

Mr. SNELL. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. SNELL. Does the gentleman think this is the only product which is being sold at the present time at less than the cost of production?

Mr. STEENERSON. Mainly so.

Mr. SNELL. There are lots of things being sold to-day at less than it cost to produce them.

Mr. STEENERSON. I doubt that.

Mr. SNELL. I know that there are.

Mr. STEENERSON. It may be that there are some things produced at a high cost during the war that are being sold at less than the cost of production, but the manufacturers fix the prices on their products whereas the farmer must take what he can get.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE of Kansas. Mr. Chairman, I ask that the gentleman's time be extended three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WHITE of Kansas. I would like to say to the gentleman from Minnesota that it is fair to take notice of the change of conditions that are going forward at this time; that the prices of all farm products, including wheat, swine, live cattle, mutton, and wool are showing a very satisfactory improvement over what they have been in the past two months. I think it is proper that that fact should be stated.

Mr. STEENERSON. In reply to the gentleman from Kansas, I will say that the price of wheat has not reached the point where it is sufficient to pay the cost of production, even on an average crop.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the paragraph. I do this for the purpose of asking the chairman of the committee if the committee gave any serious consideration to the statement of the Secretary of Commerce found on page 9 in the hearings, to which I desire to call attention:

That necessity to know the economic and financial situation abroad goes even further, perhaps, than appears on the surface, because we have made loans from the United States Treasury to various Governments. Sixteen Governments, I believe, are indebted to our Treasury, and we need constant knowledge of the progress and development of those countries if our Government is to be properly advised in our relationship to that debt.

Will the chairman state whether that important subject was seriously considered and whether he believes these men who are less experienced than the commercial attachés would be called in by the commission appointed to refund the debt of the foreign Governments?

Mr. SHREVE. No; there is no conflict that I can see there. The situation is about like this. These men who are sent out by the department are experts in their line. They are business men, financiers, men who are able to take a look at the country in a general way and decide something about the prospect in the future of their ability to pay for the goods they buy and their ability to pay their debts. Recently one of these men was brought back from China to participate in the Disarmament Conference. They are regarded highly among the business men of the country.

Mr. WHITE of Kansas. The gentleman does not seem to understand my question, and possibly I did not make it clear. The Secretary of Commerce comes before your committee and inferentially suggests that these men may be a great help to the commissioners who were appointed and whose duty it is to refund the foreign debt.

Mr. SHREVE. That may be possible; I would not say that it was not. I am sure if the trade commission or the commercial attachés should get possession of information of great value to the commission they would communicate it to them. It would be on the same plan as the man who came from China to assist the Disarmament Conference. But they are not sent out for that purpose, but in a general way to look after the affairs of the United States in the country they represent.

Mr. WHITE of Kansas. I must say that it is a matter of surprise to me that the Secretary of Commerce so seriously presented a proposition of this kind, when on page 65 I find, according to the statement of Mr. Klein, that the salary of the trade commissioner is not so high and he is not so experienced in the business as the commercial attaché. All of this information could be secured from the commercial attachés.

Now, I want to be understood clearly, gentlemen, as favoring the trade commissioner. I do not understand thoroughly what function he may perform to differentiate him from the commercial attaché, and I should be pleased to understand it better. But I doubt very much, Mr. Chairman and gentlemen, that we get anything like the benefit from the trade commissioners that the Secretary of Commerce would have us believe from his statements in the hearings. I want to say if there is a country in the world that wants bread, that wants machinery, that wants meat, that wants clothing of any kind, they know where to get it. It is well understood that the International Harvester Co. and the great packing companies, the wheat exporters of this country, and the manufacturers make common knowledge and understanding of their business through modern systematized methods. These matters are regulated by laws that are inexorable, that can not be set aside. If we can cooperate through this department, I am for it, but I am not deeply impressed and have not been at any time with the fact that we are getting any very great benefit from any extension of trade resulting from the activities of our trade commissioners. I hope we may secure benefits, but I know how very natural it is for a man to go around to the farmer, to the merchant, to the banker, and to convince him in 15 minutes that he is in great need of something that he never before felt the need of in all his life.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Kansas. Yes.

Mr. CONNALLY of Texas. The gentleman is aware of the fact that the United States now has the bulk of the gold supply of the world. In view of that fact, now does the gentleman expect foreign countries to purchase American goods unless we refrain from building up additional tariff walls to keep their goods out? If they have no gold, how are they going to pay for American goods unless we take goods from them?

Mr. WHITE of Kansas. Mr. Chairman, the subject suggested by the gentleman is too comprehensive to be treated in a moment. I should like to answer, as he well knows. I have not now the time. All know my position on the tariff. It was clearly stated in a speech I made in this House, at more length than I usually indulge, something like a year ago.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WHITE of Kansas. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WHITE of Kansas. There are certain laws that operate—that have always operated. They are irrevocable, they are

inexorable. I doubt if there is any power in the United States artificially organized—that is known—that could have prevented hogs from advancing from 6.30 to 10.15 in the past two months. In Kansas City yesterday they were selling for 10.15 cents, and in Chicago for 10.65. I doubt if there is a man in the United States with the acumen, with the sagacity, to explain all the causes of this advance to the satisfaction of anybody or to the satisfaction of a very small minority of the people. Yet this law is operating. It may indicate that after the surplus sold by this Government to foreign Governments at a price incomparably lower than it cost this Government, or the cost of production, has been exhausted, notwithstanding the fact that the finances of Europe, as suggested by the gentleman from Texas [Mr. CONNALLY], are in a chaotic condition, yet now the people in the world are buying and, naturally, will buy the things they feel the greatest need of, and that they are doing it to-day. Those supplies being exhausted in foreign countries, and the surplus of the world being here, the peoples of the world are turning in this direction for their supplies. And we are pleased to note advances in the prices of all agricultural products which, if sustained, will go further than any other one thing to hasten the return of a general condition of prosperity.

The CHAIRMAN. The time of the gentleman from Kansas has again expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

BUREAU OF THE CENSUS.

Salaries: Director, \$6,000; 5 chief statisticians, at \$3,000 each; chief clerk, \$2,500; geographer, \$2,000; stenographer, \$1,500; 9 expert chiefs of divisions, at \$2,000 each; clerks—20 of class 4, 30 of class 3, 65 of class 2, 265 of class 1, 90 at \$1,000 each, 79 at \$900 each; skilled laborers—3, at \$900 each, 1, \$720; 3 messengers, at \$840 each; 5 assistant messengers, at \$720 each; 4 unskilled laborers, at \$720 each; 4 messenger boys, at \$480 each; in all, \$737,440.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I notice that this bureau has received the most liberal increases of any bureau whose appropriations are carried in this bill. I notice also from the hearings that there was \$1,600,000 of unexpended balance from last year. I want to know what the chairman has to say in regard to that?

Mr. SHREVE. Mr. Chairman, there was no appropriation made for this specifically during the decennial period, and for that reason it makes this item look large at the present time when, as a matter of fact, it is smaller. We have made reductions in the Census Bureau that amount to about \$400,000.

Mr. SNELL. Do I understand that there were no specific appropriations whatever made for the Census Bureau during the decennial period?

Mr. SHREVE. Not during the decennial period.

Mr. SNELL. And that accounts for all this increase?

Mr. SHREVE. It does. Apparently it is an increase, but it is not.

Mr. SEARS. Mr. Chairman, I rise in opposition to the pro forma amendment. I notice in the RECORD of yesterday, on page 3300, the gentleman from Kansas [Mr. WHITE], in colloquy with the gentleman from Pennsylvania [Mr. SHREVE], speaking of molasses as being one of the most common ingredients of stock food, said:

But at the same time I have observed that the gentleman's statement is corroborated by statements in the public press that at the present freight rate the molasses product is absolutely prohibitive. There is a great demand for this as stock food in the West and in my own State.

The reply of the chairman of this committee to that statement was:

I am very thankful to the gentleman for the definite information which he has given. I am inclined to think freight rates enter into the situation. It is a scientific problem that ought to be settled at this time and one that would seem to benefit the farmers.

I am wondering if my colleagues on the other side, who are in the majority, could give us any intimation as to the time when these freight rates will be reduced and when the farmers may receive some benefit?

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. SEARS. Yes.

Mr. STEVENSON. Did the gentleman notice in this morning's paper the statement that Mr. Warfield, the chairman of the securities committee of the railroad security holders, is applying now for a loan of \$100,000,000 for the railroads through the Interstate Commerce Commission, and does he think they could reduce freight rates as long as we have to loan them money?

Mr. SEARS. I saw that statement. I think the farmers will wait a long time before they get very much benefit. However, Mr. Chairman, my attitude upon the freight proposition is well known. I have fought for a reduction of freight rates, which are prohibitory, and I expect to touch upon that at a later

date. The point I wish to call attention to now is information which I have before me.

Reading from the live-stock report which I received yesterday, I notice that while the value of all farm animals was \$52,000,000 in 1920, in 1922 the value was only \$33,785,000. In 1922 the price of other cattle besides milch cows—that is, beef cattle, and so forth—was \$23.78 per head, while in 1920 the price of such cattle was \$43.21, notwithstanding the fact that there were more than 2,000,000 head of cattle less in 1922 than in 1920. This report given out by this bureau says that the price of cattle is \$16.10 a hundred. I have in my hand a paper from my home State, under date of February 21, giving the Chicago live-stock market report, which is as follows: For cattle, top heavy steers, \$9, or 9 cents a pound, while this bureau is quoting the same at 16.10 cents a pound.

I have always understood that the law of supply and demand regulates the price, but evidently when the farmer produces this law does not apply, because, as stated, there are 2,000,000 less cattle on the market to-day or in the country to-day than there were in 1920, and yet the producer is getting only \$23.78 for his cattle now, whereas in 1920 he got \$43.21. When you go into any place of business, because of prohibitory freight rates and other reasons, you pay almost the price of a cow for a good-sized steak.

If you buy three or four lamb chops, you pay for about a lamb, and it seems to me it is about time the people should wake up and get back to normalcy and let the wave of prosperity, which is being proclaimed through the country by the press daily, return to the people, instead of being a myth. When will the producer get at least a fair return for his labor?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHREVE. Mr. Chairman, I am unable to answer the gentleman, but perhaps I can give him some information which will be equally valuable. Here is a report from Mr. Robert F. Maddox, the President of the Atlanta National Bank and former president of the American Bankers' Association, the head of 23,000 national banks, and he says:

When the Federal Government has promoted foreign trade to its normal stage, the South will be one of the first sections of the country to emerge from the current business depression. Export business is one of the main factors upon which the South can base hope of its future prosperity.

I am very happy to say the South has grasped the situation properly and is making further strides in export than most any other part of the country.

Mr. JOHNSON of Mississippi. Will the gentleman yield right there? I desire to correct the gentleman.

Mr. SHREVE. In just a moment; I thank the gentleman for his suggestion. Now, we have something in the commodity division about packing. We propose to tell the manufacturers of the United States something about packing. Well, now, I found on a trip down South that the people down in the South-land knew all about packing. I was calling on the Gulf States Steel Works—I will say I was at a rotary club meeting and made a little address after the meeting, and I was invited out to see some of the principal manufacturers, one of which was the Gulf States Steel Works—and the manager asked me what I would like to see, and I said I would like to look at some of the work they were doing in the foreign trade. "Well," he said, "we will take you out to the barbed wire mill." He took me out there, and there he showed me bales of barbed wire rolled up on a large spool with elongated parts so that two men could pick up one of these spools and run away with them. "Now," he said, "a spool of barbed wire will occupy almost three times the cargo space of ordinary barbed wire that is used in this country. However, the people of South America want it in that way. We send it exactly in the same way that they want it."

He took me over to the nail mill and I saw them putting nails in bags. That was something new to me. I asked him why they did not use kegs for the nails. "Oh, well," he says, "the reason is that these nails are to be sent to South American ports and from there they are to be sent back into the interior of the country on pack horses or mule trains, and so they have to be packed in that way." Then I happened to think that a great many settle this proposition usually about the first time they make a failure. Now, I take it the situation is not so serious. There is a propaganda of a lot of people who set forth that we do not know how to pack our goods, but the truth is most of the time we are overpacking rather than underpacking. I know of a case where we had a foreign order to go to the people of South American countries of ribbons, and the South Americans wanting the ribbons suggested they be put in a hoghead. They put them in a hoghead instead of packing them in cartons and boxes, because when they got to

South America they levied tariff on the weight of the whole package and they would have had to pay a tariff on a lot of pasteboard boxes. We learned a lesson that time.

Mr. SEARS. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. SEARS. When the gentleman was stating in regard to our export trade I was thinking about when I sold a hog for \$8 which cost me \$16, and I would like to call the attention of my good friend to this fact, that you can keep the nails but you can not keep beef and cattle. You can just lay your nails aside awhile, but when you get to farm products, something that the people must have to live, that they have to have, they must be immediately disposed of.

Mr. SHREVE. I am not an expert on that line.

Mr. JOHNSON of Mississippi. If the gentleman will permit, why I desired to correct the gentleman was that he said there were 23,000 national banks; there are not that many in the United States.

Mr. SHREVE. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment is withdrawn.

The Clerk read as follows:

Tabulating machines: For constructing tabulating machines, and for experimental work in developing, improving, and constructing an integrating counter for use in statistical work, and repairs to such machinery and other mechanical appliances, including technical and mechanical service in connection therewith, whether performed in the District of Columbia or elsewhere, and purchase of necessary machinery and supplies, \$40,340.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee relative to the census of the manufacturing industries of the United States. I noticed in the hearings that they are from six months to a year late before we get them, and I wondered just how much real value was to be obtained from those statistics?

Mr. SHREVE. Replying to the gentleman from New York, I will say that was one thing the committee gave some thought to. We tried to ascertain just what the value of those statistics are. Most people seem to think they are ancient history, and we tried and will try further to find some way to reduce that great expense.

The law provides, however, that this census shall be taken, and until the legislative committee acts upon the subject and repeals the law or modifies it we can see nothing else to do than to go on with the work, which will cost us from now on about \$800,000.

Mr. SNELL. I thought some one said it cost about \$3,000,000.

Mr. SHREVE. The first cost is \$1,200,000, and they have finished up considerable work. They will spend \$800,000 more.

Mr. SNELL. As long as they are in trouble about the value received from this appropriation, would it not be all right for the committee to cut that appropriation right in two?

Mr. SHREVE. The Secretary came before us, and we entered into an agreement with him whereby he makes a cut of \$400,000, and in that cut it is contemplated a large portion may be saved in this very work. For instance, the census is collected by sending a questionnaire to the manufacturer. If he fills it out, well and good. If he does not do so an agent is sent to the plant to secure the information. Oftentimes the information is not available and oftentimes it is not reliable. I think the manufacturers of the United States are not aware of that fact, because I have received several telegrams asking us not to cut that item. The Secretary says that he might secure this information through the chambers of commerce throughout the country. For instance, he might place one man with the association in Philadelphia, whose business it would be to collect the information from that city and the surrounding towns. At least there is that objection made to the proposition, and we hope to make a reduction. However, we had to make that appropriation in order to cover other items as well.

Mr. SNELL. It is the promise of the committee unless there will be greater results from the service it will be reduced or cut out?

Mr. SHREVE. Yes.

Mr. SEARS. The gentleman said some of these reports were six months old. I have received reports over a year old.

Mr. SNELL. Six months to a year old.

Mr. SEARS. I can not understand the value they would be to us, because conditions may entirely change.

Mr. SNELL. The chairman of the committee does not think they are of much value.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Assistant inspectors, as authorized by law, for the following ports: New York, 34 at \$2,500 each; New Orleans, 6 at \$2,350 each; Baltimore, 8 at \$2,350 each; Providence, 4 at \$2,350 each; Boston, 6 at \$2,350 each; Philadelphia, 14 at \$2,350 each; San Francisco, 12 at

\$2,350 each; Buffalo, 6 at \$2,100 each; Cleveland, 6 at \$2,100 each; Milwaukee, 4 at \$2,100 each; Chicago, 4 at \$2,100 each; Grand Haven, 2 at \$2,100 each; Detroit, 4 at \$2,100 each; Norfolk, 8 at \$2,100 each; Seattle, 12 at \$2,100 each; Portland (Oreg.), 4 at \$2,100 each; Albany (N. Y.), 2 at \$2,100 each; Duluth, 2 at \$2,100 each; Portland (Me.), 2 at \$2,100 each; Los Angeles, 2 at \$2,100 each; Savannah, 2 at \$2,100 each; Toledo, 2 at \$2,100 each; Galveston, 2 at \$2,100 each; Mobile, 2 at \$2,100 each; 3 traveling inspectors, at \$3,000 each; in all, \$350,100.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman a question. The gentleman from New York [Mr. SNELL] a moment ago referred to statistics that are furnished by the Bureau of the Census on the question of manufacture. I rise to inquire concerning another series of figures in which I am greatly interested, namely, those that show the value of all the property of the United States. In the course of a little investigation I made, and the summaries of which I presented yesterday, I found these figures are likewise gathered about a year or two after the ordinary figures of the census are gathered. I am wondering if there is not something that can be done to secure these figures that relate to the value of all the property of the United States at the same time. Because, as everyone knows, by the time they are secured they are so far out of line with values that appear in the census tables that they almost lose their value for comparative purposes.

Mr. SHREVE. I will say to the gentleman, that the system I have described regarding the manufacturing census applies to almost all of the other various kinds of census. And that is the very condition that the Secretary is now endeavoring to cure. We want to bring the statistics up to the present, so that they may be of some value now, and not way in the future sometime. They are all working to that end, not only in the manufacturing census, but in the one the gentleman referred to.

Mr. KETCHAM. I am very glad to have that information, because these figures are of very great value, but their value is made much greater by comparison. That can only be made possible if they are produced at about the same time and under the same conditions as other figures are obtained.

I withdraw the pro forma amendment.

Mr. WALSH. Mr. Chairman, I rise in opposition to the pro forma amendment.

What is the reason for these cuts in assistant inspectors all along the line?

Mr. SHREVE. I will say that the reason for these cuts is as follows: It appears that there is no one filling those positions. Take the city of Boston, for instance, there is an authorization there for 10. There are only 6 men employed. And so we have taken them off the corps and we have done the same thing in all the cities of the United States. We are making quite a material reduction, for no other reason than that we were informed they were not employed. I will say, too, that it met with the approval of the men in charge of the bureau.

Mr. WALSH. Does the gentleman mean to say that there are four Federal positions in Boston that are not filled?

Mr. SHREVE. I was rather surprised at that myself; but, however, it seems to be the fact.

Mr. WALSH. It is probably because the Republican Members representing Boston could not find some Democrats to fill the positions and that the Republicans who had been mentioned would not be appointed. That is usually what happens under this particular department. The persons applying for appointment who happen to be Republicans are looked upon with a little suspicion.

Mr. GARNER. If I understand the chairman, he says that there were 10 employees allowed for the city of Boston, and that only 6 were doing the work. They all being Democrats, and being efficient, they can do the work of 10 Republicans.

Mr. WALSH. Well, the gentleman from Texas is assuming, of course, that the 10 gentlemen there are Democrats, and, if that is so, it may be that the kind of Democrats they have there can do the work of 10 of the kind of Republicans that are being appointed under this particular department, but not 10 real Republicans, men who are not of the fair-weather type, and who are Republicans when they are in the minority as well as when they are in the majority.

Now, I would like to ask the gentleman about the city of New York. Have they reduced the number there?

Mr. SHREVE. In reply to the question of the gentleman, they say that there are 40 men authorized in New York, and they are only employing 34; so we have made a reduction of 6 there.

Mr. WALSH. Where are we going to be in all these various ports in case there is that revival of shipping which the Shipping Board and the distinguished publicity agent of the chairman of that board are predicting, when we shall have ships running in and out of these ports loaded to the scuppers with

commodities bound to all the various ports of the world? Will we not be hampered by this drastic cut in assistant inspectors?

Mr. SHREVE. We certainly would be very seriously handicapped unless Congress were in session. If Congress were in session we might take care of the items in a deficiency bill.

Mr. WALSH. That is some hope.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

To enable the Commissioner of Navigation to secure uniformity in the admeasurement of vessels, including the employment of an adjuster of admeasurements at not to exceed \$2,260, purchase and exchange of admeasuring instruments, traveling and incidental expenses, \$3,760.

Mr. HICKS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. HICKS. I do so for the purpose of asking the chairman of the committee just what work is being done by the Commissioner of Navigation in regard to these admeasurements? Does that mean that we are getting into a uniform method of measuring ships for tonnage, or applying a new system of tonnage? What does it mean?

Mr. SHREVE. It is not a new system. We are simply carrying on the old system. The work is being done just as it has been done for a long time. We did not make any very careful analysis of it because it was the same as before.

Mr. HICKS. Have we not a uniform method?

Mr. SHREVE. It is the same method as was covered in this bill last year and the year before.

Mr. HICKS. That hardly answers my question, because the wording here would rather give one the impression that there are several systems of measurement in vogue, and that this proviso is put in the law so that the various systems should be made uniform. I was wondering what the system was at the present time.

Mr. SHREVE. They are endeavoring to work out a uniform system. The study is going on all the time. How nearly they have arrived at a final conclusion I do not know, but it is the purpose to arrive at a uniform system.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For purchase and repair of instruments for counting passengers, \$250.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. What kind of an instrument is this for counting passengers?

Mr. SHREVE. I will say that is connected largely with the excursion boats; for instance, the boats going up and down the Hudson, leaving New York City and going up to Bear Lake and Palisades Park. It is necessary under the law that the number of passengers shall be counted, and when there is a sufficient number, the number allowed by law, the officers refuse to permit any more to enter the ship. It is of very great importance to see that the ships are not overloaded. We found a little duplication in this service and in another service, and we took off \$5,000 because there was a duplication. It is necessary that these passengers be counted to prevent the overloading of the ships.

Mr. TILSON. Do they not use a little hand machine?

Mr. SHREVE. Yes.

Mr. TILSON. Such as the base ball umpire uses?

Mr. SHREVE. Yes.

Mr. WALSH. It is called the "comptometer."

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Commerce to employ, temporarily, such persons as may be necessary, of whom not more than two at any one time may be employed in the District of Columbia, to enforce the laws to prevent overcrowding of passenger and excursion vessels, and all necessary expenses in connection therewith, \$10,000.

Mr. HICKS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. HICKS. I do so for the purpose of asking our genial friend another question. This item authorizes the temporary employment of inspectors to prevent the overloading of steamboats and steamships. Nearly all this excursion work goes on in the summer time. What do these inspectors do in the winter-time? Are they employed only by the day, or month, or week, or how are they employed?

Mr. SHREVE. In reply to the gentleman from New York State, I will say that the men who do the work on excursion boats are employed for three or four or five months, and then they go out of the service of the Government. They are employed at the small salary of \$4 a day.

Mr. HICKS. This says "temporary employment."

Mr. SHREVE. Yes. That means they are temporarily employed for the purpose of counting the passengers during the summer season.

Mr. HICKS. Do we have regular employees in addition to the temporary employees?

Mr. SHREVE. Yes.

Mr. HICKS. What do they do at other times?

Mr. SHREVE. They do office work, and they have charge of a multitude of things that the Bureau of Navigation has to take care of.

Mr. HICKS. Then we have two classes, the regular employees, who do various sorts of work in addition to the inspection work, and the temporary employees, whose work lasts only a few months a year?

Mr. SHREVE. Yes; and as we do not find employment for the temporary men throughout the whole year, in order to save money to the Government we employ these men only during the excursion period.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Shipping commissioners: For salaries of shipping commissioners in amounts not exceeding the following: Baltimore, \$2,000; Boston, \$3,000; New Orleans, \$2,500; Newport News, \$1,500; New York, \$5,000; Norfolk, \$1,800; Philadelphia, \$2,400; Portland, Me., \$1,300; Seattle, \$3,500; Providence, \$1,800; Galveston, \$1,800; San Francisco, \$4,000; in all, \$30,600.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I notice that there have been two or three ports which heretofore have had shipping commissioners that have been dropped in this item; and glancing through the hearings I see that the department has dropped a number of shipping commissioners, because they had been found to have been violating the law by accepting gratuities. Is that the reason why these ports are deprived of these shipping commissioners?

Mr. SHREVE. I am very happy to inform the gentleman that that is not the case. I regret to say, however, that these ports were closed by reason of the fact that there was so little business there that it did not warrant the continuing of the shipping service.

Mr. WALSH. Now, with respect to the port of New Bedford, which in years past has had the honor of being probably the most important Atlantic port—

Mr. HICKS. What State is that in?

Mr. WALSH. In the country, and is to-day a very important commercial center—

Mr. HICKS. Is that in America?

Mr. WALSH. That port, New Bedford, Mass., according to the figures, has been up to the standard or a little beyond in the past year. Yet I notice that the shipping commissioner there has been dropped. What was the reason for that?

Mr. SHREVE. It is very unfortunate that this became necessary. I recognize the fact that New Bedford has long been one of our principal ports. Away back in the early days it was noted for the men who sailed from New Bedford. However, it seems that possibly the change from the sailing ship to the steamship has made some difference to the importance of that famous port. Mr. Tyrer, the shipping commissioner who came before our committee, said this:

We do not consider the work in New Bedford, Bath, Me.; Rockland, Me.; and Charleston, S. C., justifies support of a shipping commissioner's office. In fact, the work is not sufficient to pay a man under the present law. The shipping commissioner's clerks can not be paid any more than they could have earned if the old fee system had been in existence. The fee system was abolished in 1886, but we still keep a record of the work done in the shipping commissioners' offices, and the pay is based on the fees which would have been collected.

Mr. WALSH. Yet they shipped over a thousand men from there last year, and they state that the standard which they set for the maintenance of an office is 1,000 men. New Bedford went over that number last year, did it not?

Mr. SHREVE. Yes. I regret to say that the cost—

Mr. WALSH. New Bedford's cost was \$1.13 per man. What is the reason that the cost was so much higher there than at other ports? Is it because of the superior quality of the men that they invariably ship there?

Mr. SHREVE. Possibly that may be true, although the information that comes before the committee is that it is caused by lack of business.

Mr. WALSH. They had more men shipped there than from various other ports. Just the other day a ship sailed from New Bedford on a whaling voyage, with very appropriate ceremonies attending its departure from the port. Seriously, I should like to know if the gentleman has any information as to why the cost of this particular office there is so much higher than that of others?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I ask for five minutes additional.

The CHAIRMAN. The gentleman from Massachusetts asks an additional five minutes. Is there objection?

There was no objection.

Mr. SHREVE. I will say to the gentleman from Massachusetts that there is nothing in the record that would answer his question. The matter was thoroughly and carefully considered by the Director of the Budget, and these items were left out of the recommendations which came to the committee. It has been the fixed policy of the committee that we have not considered any items not recommended by the Bureau of the Budget; that we would not consider any items coming to us in any other way. It becomes necessary for us to adhere to that rule unless the House should take action to change our rules.

Mr. WALSH. The gentleman is satisfied with reference to this particular port that the business there does not warrant retaining and maintaining this office?

Mr. SHREVE. That was so stated in the hearings.

Mr. HICKS. Will the gentleman yield for a question?

Mr. WALSH. I yield to the gentleman from New York.

Mr. HICKS. Now that we have given New Bedford a proper burial and, I hope, have forgotten it for some time, I should like to ask the genial chairman of the subcommittee just what these commissioners do or fail to do. What are their functions?

Mr. WALSH. The gentleman certainly needs information after the statement he made preceding his question. [Laughter.]

Mr. SHREVE. The law provides that the general duties of the shipping commissioner shall be—

1. To afford facilities for engaging seamen by keeping a register of their names and character.
2. To superintend their engagement and discharge in the manner prescribed by law.
3. To provide means for securing the presence on board at the proper time of men who are engaged.
4. To facilitate the making of apprenticeships to the sea service.
5. To perform such other duties relating to the merchant seamen and merchant ships as are now or may hereafter be required by law.

Mr. HICKS. I thank the gentleman. The gentleman from New Bedford has told me that, but he is so inaccurate about many things that I wanted to get the information from the proper source in order to set my mind at rest. [Laughter.]

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For apparatus, machinery, tools, and appliances used in connection with buildings or work of the bureau, laboratory supplies, materials, and supplies used in the construction of apparatus, machinery, or other appliances, including their exchange; piping, wiring, and construction incident to the installation of apparatus, machinery, or appliances; furniture for laboratories and offices, cases for apparatus, \$75,000.

Mr. HICKS. Mr. Chairman, I move to strike out the last word. I presume when this item was before the committee for consideration there were a number of applications made by Dr. Stratton for increased salaries for certain of these experts?

Mr. SHREVE. The gentleman is correct.

Mr. HICKS. Did the committee take into consideration not only the work that they are doing but the demands that are made by outside concerns to secure the services of these experts?

Mr. SHREVE. I will say to the gentleman from New York that the committee did take these matters into consideration, and it is a matter of deep regret that we could not afford the Bureau of Standards the assistance that they require. I want to say to the gentleman, however, that the Committee on Appropriations is not a legislative committee, and we do not intend to initiate legislation concerning any of these matters, and we so told Dr. Stratton. I am pleased to say that the Bureau of Standards is now bringing in a bill which will cover all of these items, and I urgently request all of the legislative committees to take up these matters, because there are many things not only in this department but in other departments where there should be legislation. However, it is not our function to legislate, and we do not intend to do so.

Mr. HICKS. It seems to me that in many cases these men are underpaid, because they could get employment outside at much higher salaries and it is only their loyalty and interest

in their work that keeps them in the department. I want to say that I believe Dr. Stratton and those with him are performing a most magnificent service for the Government in the Bureau of Standards.

I know that if we have any great problems in aviation matters which we want to solve we take them to the Bureau of Standards, and in many cases they have solved them. They are doing a magnificent service, and I commend Dr. Stratton and all the employees with him, who are probably working at a low wage. [Applause.]

The Clerk read as follows:

To develop methods of testing and standardizing machines, motors, tools, measuring instruments, and other apparatus and devices used in mechanical, hydraulic, and aeronautic engineering; for the comparative study of types of apparatus and methods of operation, and for the establishment of standards of performance; for the accurate determination of fundamental physical constants involved in the proper execution of this work; and for the scientific experiments and investigations needed in solving the problems which may arise in connection therewith, especially in response to the requirements of aeronautics and aviation for information of a purely scientific nature, including personal services in the District of Columbia and in the field, \$15,000.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent to correct the spelling in line 17, page 19, of the word "personal."

The CHAIRMAN. Without objection, the correction will be made.

The Clerk read as follows:

For investigation and testing of railroad track scales, elevator scales, and other scales used in weighing commodities for interstate shipments and to secure equipment and assistance for testing the scales used by the Government in its transactions with the public, such as post office, navy yard, and customhouse scales, and for the purpose of cooperating with the State in securing uniformity in the weights and measures laws and in the methods of inspection, including personal services in the District of Columbia and in the field, \$40,000.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent to correct the spelling in line 13, page 22, where the word "State" should be "States."

The CHAIRMAN. Without objection, the correction will be made.

The Clerk read as follows:

For establishing new aids to navigation and for improvements to existing aids in Alaska, \$125,000.

Mr. DEAL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 27, line 4, after the figures "\$125,000," insert "for enlarging and improving the lighthouse depot at Portsmouth, Va., in the fifth lighthouse district, \$275,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DEAL. Mr. Chairman, on June 20, 1918, the President approved an authorization of \$275,000 for the improvement and enlargement of the lighthouse station at Portsmouth, Va. I will read from the report of the Commissioner of Lighthouses with reference to it:

No. 2. Depot for fifth lighthouse district: Enlarging and improving the lighthouse depot at Portsmouth, Va., in the fifth lighthouse district, or establishing a new depot, \$275,000.

(NOTE.—The act of June 20, 1918 (40 Stat., 607), authorized this work at \$275,000, but no appropriation was made therefor. The present lighthouse depot at Portsmouth, Va., is entirely inadequate to the needs of the fifth district, both in area and in water front. This depot is the principal supply station for the lighthouse work of Chesapeake Bay and the coast from Maryland to North Carolina, with the sounds and rivers. The increasing maritime and naval importance of the vicinity of Norfolk makes it urgent that a suitable depot be established promptly. It is the principal depot of one of the largest lighthouse districts and is the headquarters for six tenders and two light vessels during the greater part of the year. The aggregate length of these vessels is over 1,400 feet; the total wharf frontage is only 240 feet. The operation of tenders is much hampered by this limited frontage, the delay caused by waiting to discharge or receive cargo being estimated to cost the Lighthouse Service not less than \$35,000 a year. The very small area available for buoy storage necessitates much otherwise unnecessary handling of heavy buoys and appendages at a large cost of time and money. The available wharf frontage of this depot should be doubled and the area increased by several acres. This may be done by purchase of a new and larger site or by purchase of adjacent property. The present buildings are mainly antiquated wooden structures. They constitute a fire menace and should be replaced by modern fireproof buildings. While the detailed estimate given below shows a total estimated cost of \$400,000, in view of the possibility that a Government-owned site may be obtained, thus reducing the cost, appropriation is asked at this time for only the amount heretofore authorized by Congress.)

I will say that owing to the inadequacy of the wharf frontage that for a number of years the adjacent wharf property and lands were used by the Commissioner of Lighthouses. It was owned by private individuals, and they have received no compensation for the use of their property. In view of this, they have not felt that they were justified in keeping these docks in repair, and consequently they have deteriorated to such an extent that they are not serviceable for dockage, even for Government vessels. Therefore we are asking that this appropriation be made in order to take care of this property in the fifth naval district, covering, as it does, this large area

of territory, which is now a menace incident to the navigation of these waters.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. DICKINSON. Mr. Chairman, I want to call the committee's attention to the fact that this item, as far as we know, has not been investigated by the Budget, at least there is no report to the Committee on Appropriations covering a Budget estimate, and there has been no investigation by the committee covering the appropriation, and I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For establishing and improving aids to navigation and lights in Princess Bay dredged channel, Raritan Bay, Arthur Kills, South Amboy dredged channel, and Raritan River, N. Y. and N. J., \$100,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph, lines 16 to 19. I would like to ask the gentleman what authority is there for establishing aids to navigation in these new dredged channels?

Mr. DICKINSON. In the supplemental estimate filed by the Budget—I do not know whether the gentleman from Massachusetts has a copy of it—

Mr. WALSH. I have at my office but not here.

Mr. DICKINSON. The project contemplates an improvement of aids to navigation and lights in Princess Bay dredged channel; and as far as I know I am not certain that there is any specific provision in the Federal law for this improvement unless you can interpret the general law for aids to navigation broad enough to cover it.

Mr. WALSH. I think the gentleman will find that the general law can not be interpreted in that way. I do not recall the language, but it seems to imply here that these are new channels which have been opened up in these waters, and it is now sought to establish there aids to navigation and lights.

I think it would require some authorization from a legislative committee.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HICKS. Does the gentleman think, for instance, if we are going to put a light or a buoy somewhere where the demands of commerce warrant its being placed, that we have to get a special act of Congress authorizing that to be placed there?

Mr. WALSH. I did not say anything like that.

Mr. HICKS. I am asking for information. This channel has been dredged and commerce is ready to use it. Has not the bureau authority to put those lights there without having special authority from Congress so to do? It would seem to me that the organic law would cover a point like that. It would certainly cover it for one light or two lights, and why not for a series of lights?

Mr. WALSH. I do not think the organic law authorizes establishing new lights or new aid without authority.

Mr. DICKINSON. It is my understanding that the Army engineers have done a great deal of dredging in this river to facilitate marine transportation. If the authority which authorizes such dredging is not broad enough and does not include an improvement which seeks to perfect it by making it fit for navigation, then I think the point of order would be well taken against this provision. It was our thought that the authority authorizing this improvement would be broad enough to authorize the perfection of the improvement by making it safe for navigation.

Mr. MANN. Mr. Chairman, I hope the point of order will be withdrawn, because this, possibly, is a needed improvement. I think there is a bill now pending on the calendar providing for this improvement coming from the legislative committee. There is no question but that the point of order is well taken. The Committee on Appropriations has no jurisdiction to include in an appropriation bill items of this character which are not authorized by legislation. The practice has always been for the Committee on Interstate and Foreign Commerce to bring in legislative bills for improvements or additional aids to navigation contemplated by this item. I have no doubt, I will say to the gentleman from Massachusetts [Mr. WALSH], that all of the preceding items on this page of the pending bill were also subject to the point of order. One of them is in my district. I did not make the point of order against it, because I knew the value of it. They are all included in the legislative bill, I think, now pending. In fact, there are two legislative bills, each of them carrying these items. As long as the rest of them have gone in in this way, I am inclined to think it is economy to let this item go in the bill and thereby present a very good reason for the consideration of a legislative bill,

which has some very bad propositions in it, but which, however, will probably pass if it be considered.

Mr. APPLEBY. Mr. Chairman, I can explain to the gentleman from Massachusetts that this is not a new project. The Raritan Bay and other waters here mentioned have had dredged channels for many years, and have been used very extensively for day business for a long time. The object of this appropriation is to provide for the lighting of these channels for night water traffic. The Committee on the Budget thoroughly investigated the matter, and in order to be assured of the correctness of its position in recommending the appropriation, referred the item to the Bureau of Lighthouses of the Department of Commerce. This bureau, in turn, asked for a recommendation from the United States Coast Guard Service of the Treasury Department. Both the Bureau of Lighthouses and the Coast Guard Service, after investigation of the traffic and tonnage, reported that there was sufficient business to demand a 24-hour service, and recommended the establishment of these additional aids to navigation. In addition to other tonnage, these additional lights are badly needed to aid the many coal barges being towed out from Port Reading and South Amboy, which is the terminal of the Pennsylvania Railroad. There are large coal docks at these terminals; many industrial plants are located at Carteret, Roosevelt, and other points along the Arthur Kill. The Appropriations Committee, after reviewing these reports, decided that there was sufficient transportation at night to warrant lighting these waters. In passing I might say that Raritan Bay and Arthur Kill have a channel of 30-foot depth to accommodate very large vessels. That channel takes care of ocean-going steamers, as well as other deep-water craft.

The people at Perth Amboy and New Brunswick are very anxious that this item be included in this year's appropriation bill in order that these transportation facilities may be improved to meet the needs of traffic.

Mr. WALSH. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Massachusetts withdraws the point of order, and the Clerk will read.

Mr. SEARS. Mr. Chairman, further reserving the point of order, I would ask whether this appropriation was recommended by the department and also by Gen. Dawes.

Mr. DICKINSON. It was, in a supplemental estimate.

Mr. SEARS. I am not protesting, but I would like to know why it is that \$100,000 is given to these projects and only \$50,000 to the 1,200 or more miles of seacoast in Florida and Key West, and about four or five or six thousand miles of rivers. Could we by our genial smile reach the Director of the Budget or the committee?

Mr. DICKINSON. All that is recommended by the Budget to the committee is \$50,000.

Mr. SEARS. I am wondering why the director had his eyes northward instead of southward.

Mr. DICKINSON. The gentleman will have to interview the director on that rather than the committee.

Mr. SEARS. I hope the committee will take that into consideration the next time they meet. I withdraw the reservation of the point of order.

The Clerk read as follows:

Coast Pilot: For compilation of the Coast Pilot, including the employment of such pilots and nautical experts in the field and office as may be necessary for the same, \$5,600.

Mr. HICKS. Mr. Chairman, I move to strike out the last word, in order to ask about the publication known as the Coast Pilot. This item carries \$5,600. Is that the cost of the compilation of the book? I want to know about what the publication costs a year.

Mr. DICKINSON. We have not the total cost of the publication, but the publication is sold by the superintendent of the document room, and the proceeds therefrom are covered into the Treasury.

Mr. HICKS. Is that enough to take care of the amount that is distributed free to various Members of Congress? Is it a self-sustaining publication, including what is given to the Members of Congress?

Mr. DICKINSON. My understanding is that it is.

Mr. HICKS. And this is the total net amount it cost the Government—\$5,600 a year?

Mr. DICKINSON. Yes.

The Clerk read as follows:

Watchmen, firemen, messengers, and laborers: Three at \$880 each, 6 at \$840 each, 4 at \$820 each, 3 at \$720 each, 4 at \$700 each; plumber and steamfitter, \$1,200; plumbers and steamfitters—1 \$1,600, 1 \$1,200.

Mr. SHREVE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 33, line 4, strike out the language "plumbers and steamfitters—1 \$1,600, 1 \$1,200."

Mr. SHREVE. Mr. Chairman, these items were left in the bill through inadvertence. They were not estimated in the final totals.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Office expenses: For purchase of new instruments (except surveying instruments), including their exchange, materials, equipment, and supplies required in the instrument shop, carpenter shop, and drawing division; books, scientific and technical books, journals, books of reference, maps, charts, and subscriptions; copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; photolithographing charts and printing from stone and copper for immediate use; including the employment in the District of Columbia of such personal services other than clerical as may be necessary for the prompt preparation of charts, not to exceed \$7,000; stationery for office and field parties; transportation of instruments and supplies when not charged to party expenses; office wagon and horses or automobile truck; heating, lighting, and power; telephones, including operation of switchboard; telegrams, ice, and washing; office furniture, repairs, traveling expenses of officers and others employed in the office sent on special duty in the service of the office; miscellaneous expenses, contingencies of all kinds, and not exceeding \$4,000 for extra labor, \$100,000.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. On page 20 of the report of the committee I find a summary. I would like to ask my colleague, who has this bill in charge, if the estimate for 1923, \$29,638,687.75, was the estimate of the Director of the Budget, or was that the estimate of the head of the various bureaus?

Mr. SHREVE. It was the estimate of the Director of the Budget coming to us from the Budget.

Mr. SEARS. Can the gentleman give me the estimate requested by the various bureaus?

Mr. SHREVE. No; we have not that information.

Mr. SEARS. Then, Mr. Chairman, I find this bill carries, if I am correct, and if not correct I trust that the gentleman will correct me—the present bill carries an appropriation of \$22,288,188.25 more than the bill for last year, and yet you have reduced the estimate of the Director of the Budget \$4,308,603.75.

Mr. SHREVE. The difference comes in by reason of the appropriation of \$1,250,000 for the Maternity Bureau or the Women's Bureau, and also the additional appropriation for the Census Bureau.

Mr. SEARS. I was not objecting to that. I simply wanted to get it clear in my mind. Much has been said about Congress saving money for the people because we cut down estimates. We had hoped that when we got the Director of the Budget—and I voted for the Budget system—it would not be necessary to cut down these estimates very materially. I want to congratulate the committee on their economy, although this is not a saving. So far as I recall nearly all bureaus have estimated for more than we have given them ever since I have been in Congress, and perhaps will continue to do so, so the claim of a saving to the people because we cut down estimates is not a saving as a matter of fact except on paper.

Mr. SHREVE. But there would have been a saving if we had not been obliged to appropriate for the items to which I have referred.

Mr. SEARS. The committee saving would have been very nice, but if you had appropriated what the Director of the Budget requested, \$29,638,687.75, it would have been a material increase.

Mr. SHREVE. That is right.

Mr. SEARS. So we still have bureaus and the Director of the Budget asking for more than we believe they are entitled to.

Mr. DUNBAR. Will the gentleman yield?

Mr. SEARS. Yes.

Mr. DUNBAR. The gentleman said that ever since he had been in Congress the bureaus had made greater estimates than were appropriated by Congress. How long has the gentleman been in Congress?

Mr. SEARS. Oh, not long enough, I trust; only about seven years.

Mr. DUNBAR. The longer the gentleman continues to serve as Congressman the better equipped he will become, and I hope his constituents will have the good judgment to have him for many years more to continue a Member of this body. But I wish to say to the gentleman that from the year 1896 to 1916, a period of 20 years, the estimates made by the President and the heads of the departments were but 3 per cent in excess of the appropriations, and that previous to 1916 it was not the practice of Congress to reduce greatly the appropriations from the estimates made by the departments.

Mr. SEARS. But they were in excess?

Mr. DUNBAR. About 3 per cent, and that amount is practically nil.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

BUREAU OF FISHERIES.

Commissioner's office: Commissioner, \$6,000; deputy commissioner, \$3,500; assistants in charge of divisions—fish culture, \$2,700; inquiry respecting food fishes, \$2,700; fishery industries, \$2,500; assistants—1 in charge of office, \$2,500, 1 \$2,500, 1 \$2,400, 1 for developing fisheries and for saving and use of fishery products \$2,400, 1 \$2,220, 1 for fishery food laboratory \$2,000, 1 \$2,000, 1 \$1,800, 1 \$1,600, 2 at \$1,200 each; fish pathologist, \$2,500; architect and engineer, \$2,200; assistant architect, \$1,600; draftsman, \$1,200; accountant, \$2,100; librarian, \$1,500; superintendent of fish distribution, \$1,600; clerks—4 of class 4, 6 of class 3, 1 to commissioner, \$1,600, 7 of class 2, 12 of class 1, 2 at \$900 each (including 1 for Seattle office); statistical agents—1 \$1,600, 2 at \$1,400 each, 2 at \$1,000 each; local agents—1 at Boston \$600, 1 at Gloucester \$600, 1 at Seattle \$600; engineer, \$1,080; 3 firemen, at \$720 each; 2 watchmen, at \$720 each; 5 janitors and messengers, at \$720 each; janitress, \$480; messenger boy, \$360; 5 charwomen, at \$240 each; in all, \$114,840.

Mr. WALSH. Mr. Chairman, I make a point of order against the language in line 11, page 34, "commissioner, \$6,000," and I will state that the organic law, which has not been amended by any legislative act, provides a salary of \$5,000. This salary has been carried in various appropriation bills for a number of years at \$6,000. There is a vacancy in that office now. I believe the commissioner has resigned, and in view of that situation I think we might just as well have it understood that his successor is to get the salary that is allowed by law. I make the point of order against it.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that the salary of \$6,000 provided for is not authorized by law.

Mr. SHREVE. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. SHREVE. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 34, line 11, after the word "commissioner," insert "\$5,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Inquiry respecting food fishes: For inquiry into the causes of the decrease of food fishes in the waters of the United States, and for investigation and experiments in respect to the aquatic animals, plants, and waters, in the interests of fish culture and the fishery industries, including expenses of travel and preparation of reports, \$45,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I notice that with reference to this bureau that the appropriation for the propagation of food fishes and for the maintenance of vessels have been cut quite materially, but when it comes to the scientific inquiry, which employs a number of scientists employed during the summer season, you have not reduced their appropriation at all. Now, of course, the work of the propagation of food fishes is a very valuable work for various sections of the country. Its value has been proven. I do not know whether that can be said in reference to some of these increases that are being made for the scientific bureaus. I just wondered how it was that in slicing the item for inquiry respecting food fishes was not also reduced somewhat?

Mr. SHREVE. I will say to the gentleman we had a considerable talk with the director regarding this subject, and I will say it was the policy of the committee more particularly to get more fish in the creeks. We wanted to raise fish. We are not so much interested in the research work and we are not so much interested in the propagation of food fishes. We were not interested in teaching women how to cook fish, because we thought they already understand it. These items came to us recommended by the Bureau of the Budget, and we feel that there will be some large saving in this item during next year.

Mr. WALSH. Apparently there is not going to be any saving on this item because you have given the same amount they had last year. Yet you have cut these other items.

Mr. SHREVE. There were a number of reasons they assigned for that. However, upon more serious consideration I think they will not use all the money.

Mr. WALSH. If they are not going to use all the money, why not reduce the item?

Mr. SHREVE. The trouble is I would not know just how to reduce it. It means the elimination of some certain things, and at the present time I would not like to do it.

Mr. WALSH. I would say to the gentleman it would mean the elimination of the employment of some scientific gentlemen who conduct experiments and inquiries that have been made over and over again for the last 25 years. They have just about time to undertake this inquiry and bring it up to a point where previous investigators have brought it, when it is time for

them to quit and return to their school or college for the fall term. Now, if they are going to make any cut in this work, I think that that particular appropriation could be very well reduced, whereas the appropriation for the propagation of food fishes could be very well kept at the amount hitherto carried in the bill. I was wondering if the gentleman would have any objection, in view of the fact that they have reduced these other items, to reducing this by \$5,000?

Mr. SHREVE. We have already cut, I will say, under the current law, and we would rather this appropriation should stand for the present. It is not a very large item.

Mr. WALSH. You have not cut any on this item.

Mr. SHREVE. Not on this item, but \$25,000 under the current law.

Mr. WALSH. The sundry civil bill last year carried \$45,000 for inquiry respecting food fishes and for investigation and experiments in respect to aquatic animals and plants. That is the same amount.

Mr. SHREVE. I thought you were talking about the propagation part.

Mr. WALSH. No, sir. The propagation, as I stated, has been cut \$25,000, but the scientific inquiry, referred to on page 43, lines 3 to 8, has not been reduced at all, and I believe if you are going to get practical work in propagating and replenishing fish supplies you might cut the scientific work. A lot of men are just running around in circles at a lot of scientific institutions maintained by this department and they are not progressing with these inquiries to any extent at all. Now, a few of them are doing very valuable work, but if you are to cut down on the appropriation for replenishing the supply of fish and lobsters, shellfish, and other fish, I think it is only fair that you should also cut down on scientific work. It has been my observation that since the days when our distinguished colleague [Mr. BOWERS] was fish commissioner the work of this bureau has been diverted more along scientific inquiry and that the actual fish-hatching operations and replenishing of the supply of fish by these various hatcheries throughout the country has been sacrificed in order that a lot of scientific pamphlets and works might be compiled and distributed. And I would like to see, as long as we are reducing this bureau, that we make a cut in the scientific branch as well.

Mr. SHREVE. In reply to the gentleman I will say that we made a cut of \$5,000. The estimate for 1923 was \$50,000, and the appropriation for 1922 was \$45,000. And it seems to have run along at \$45,000 for a number of years. However, with the gentleman's knowledge of conditions of this department, if he feels we ought to make a slight cut we will consent to it.

Mr. WALSH. Mr. Chairman, I move to strike out "\$45,000" and insert "\$40,000."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 43, line 8, strike out "\$45,000" and insert "\$40,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent that the Clerk may be authorized to correct the totals.

The CHAIRMAN. Without objection, it is so ordered.

The Clerk will read.

The Clerk read as follows:

Expenses of advisory committee: For expenses of an advisory committee of not to exceed two members from the Atlantic coast, two members from the Pacific coast, and four members from the inland waters, Great Lakes, and Alaskan sections of the United States, to be designated from time to time by the Secretary of Commerce, to consist of men prominently identified with the various branches of the fishery industry, qualified in aquatic research, and experienced in fish culture, who shall visit the Bureau of Fisheries at such times as the Secretary of Commerce may deem necessary and report to the Secretary of Commerce on the condition and needs of the service, the members to serve without compensation, but to be paid the actual expenses incurred in attending the meetings, \$2,500.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph. What authority is there for carrying such an item as this?

Mr. SHREVE. Mr. Chairman, this item was first carried in the appropriation for the deficiency, approved June 16, 1921.

Mr. WALSH. Well, Mr. Chairman—

Mr. SHREVE. And they ask to have it continued.

Mr. WALSH. This is another one of those activities for which the present Secretary of Commerce is noted; that of having conferences or advisory committees or commissions, gatherings of people who get together and discuss and talk over matters, and issue a report and go home and forget all about it until some Government publication is printed, sometimes out

of the congressional printing fund, telling of the wonderful accomplishments of such meetings.

Now, I do not quite understand why it is necessary to have a few members from various coast and inland waters designated from time to time to visit the Bureau of Fisheries and report on the conditions and needs of the service. If the Secretary of Commerce and the men who are being paid a salary are not competent and qualified to tell what the service needs, then we ought to displace them. I will venture the assertion that they know as much about it as people who have never visited the bureau before, and who come down here with some ideas which, after they get here, will not be of any particular benefit. The fact that these members serve without compensation is no justification. I do not think there is any need now, while we are proceeding along the pathway back to normalcy, we hope, of continuing in this bureau this advisory committee. If we have it here, why not have it for the Lighthouse Bureau or the Coast and Geodetic Service, which we recently put in uniform, with commissioned officers, salaries, and retirement pay?

Mr. MANN. Will the gentleman yield?

Mr. WALSH. Yes, sir.

Mr. MANN. In view of the suggestion which has been made by somebody to the effect that the Commissioner of Fisheries does not know a great deal about the subject, does not the gentleman think it advisable to have the advisory committee come and inform him?

Mr. WALSH. Well, if we could be sure that we would get an advisory committee that would know something about it, that might be a good suggestion. But the chances are that this advisory committee will consist of two either near Democrats or real Democrats from the Pacific coast, and four almost Democrats or very nearly Democrats from the inland waters, the Great Lakes and Alaska, and two fair-weather Republicans or once-in-a-while Republicans from the Atlantic coast to tell the Commissioner of Fisheries how to run his bureau.

Now, I feel that the indications are, as the gentleman from Illinois [Mr. MANN] indicates, that there may be a new commissioner appointed. Strenuous efforts are being made by certain interests, I will say, to have a Commissioner of Fisheries appointed who will be subservient to the requirements of those interests, and I fear that if the person who will be responsible for recommending the appointment shall also be permitted to recommend the advisory commission, you might find the whole shooting match turned over to those people who are so interested in getting that appointment. I therefore feel constrained to make the point of order.

Mr. STAFFORD. Will the gentleman reserve it for a moment?

Mr. WALSH. I will reserve it in order to permit the distinguished member of the committee from Wisconsin to propound an inquiry, and attempt to answer.

Mr. STAFFORD. I accept the invitation following the last "and."

Mr. Chairman, the department in its activities calls together from time to time the heads of divisions and field officers, as in the Lighthouse Service, from year to year, to pass upon the needs of the service in the field. The National Government maintains a great number of fish-hatching stations throughout the country, supplementing in many instances those of the States. It is impossible for the Commissioner of Fisheries to be acquainted with the details concerning the activities of the various hatcheries throughout the country. Here is a small amount of \$2,500. The maximum payment to each of these persons would be only \$310, including car fare, which can not be considered a large expense, whereby the Commissioner of Fisheries would become acquainted officially with the actual conditions of the fish industry throughout the country.

I wish to propound this question to the gentleman: Whether he does not believe, when we are spending hundreds of thousands of dollars in the maintenance of fish hatcheries throughout the country, that the expenditure of \$2,500 should not be continued, when the Commissioner of Fisheries will be able to get the first-hand information, perhaps from men connected with State fish hatchery establishments, to determine the policy as to what should be done throughout the country?

In connection with this question, I recall a visit last summer to the United States fish hatchery at Lake Orchard, in the vicinity of Detroit. There was no activity at all there that could be seen in the propagation of fishes; certainly nothing in comparison with the activity of a State fish hatchery located 25 miles from my home city.

That fact certainly can be brought to the attention of the Commissioner of Fisheries. There is no field inspectional force now provided to acquaint the commissioner here of conditions in the field generally. Could not \$2,500 be well expended when we

are spending hundreds of thousands of dollars for the maintenance of these fish hatcheries under Government control?

Mr. WALSH. I dislike to delay the proceedings, but I find it particularly difficult to know where the gentleman's inquiry left off and his somewhat rambling observations began. [Laughter.] However, I will state that \$38,200 is carried in this bill for the Alaska service, and \$22,820 for employees at large, and adequate sums for assistants and station superintendents and scientific experts and fish culturists and various other field officers, and this item of \$2,500 is to call in a lot of men not connected with the Government, and just as likely as not they will be the heads of some fish-canning or fish-packing establishments who will come down here and tell the commissioner what he ought to do in Alaska with reference to the hatching of salmon up there, and how they should be canned and put upon the market.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. WALSH. While this is only \$2,500, it is true, nevertheless it will establish a precedent so that probably we shall have recommendations from another department that there shall be a committee of two or four or six or eight citizens to come to Washington to tell the head of the Children's Bureau how she should expend the \$1,240,000 for maternity welfare work, and we might want to spend \$2,500 to provide traveling expenses for people to suggest how the Bureau of Navigation or the Bureau of Standards should conduct its work. I make the point of order. I am not convinced by the appealing suggestions of the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Massachusetts makes a point of order. The Chair believes that it is conceded that there is no authorization for the item in question. The point of order is sustained. The item goes out. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECRETARY.

Salaries: Secretary of Labor, \$12,000; Assistant Secretary, \$5,000; chief clerk, \$3,000; disbursing clerk, \$3,000; private secretary to the Secretary, \$2,500; clerk to the Secretary, \$1,800; private secretary to the Assistant Secretary, \$2,100; chief of division of publications and supplies, \$2,500; appointment clerk, \$2,100; deputy disbursing clerk, \$2,100; assistant chief, division of publications and supplies, \$2,000; librarian, \$2,000; clerks—4 of class 4, 11 of class 3, 9 of class 2, 13 of class 1, 9 at \$1,000 each, 4 at \$900 each; 3 telephone switchboard operators, at \$720 each; 2 messengers, at \$840 each; 5 assistant messengers, at \$720 each; 5 messenger boys, at \$480 each; carpenter, \$1,200; engineer, \$1,100; 2 skilled laborers, at \$840 each; electrician, \$1,000; 3 firemen, at \$720 each; 11 laborers, at \$660 each (1 of whom, when necessary, shall assist and relieve the elevator conductor); Lieutenant of the watch, \$840; 6 watchmen, at \$720 each; 13 charwomen, at \$240 each; 3 elevator conductors, at \$720 each; in all, \$140,380.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. NEWTON of Minnesota. I would like to ask the chairman of the subcommittee a question in reference to the paragraph. There appears to be no provision for the Solicitor of the Department of Labor who, under the law, acts as Acting Secretary. I am wondering just where that position is carried. There is certainly a Solicitor of the Department of Labor who acts as the Acting Secretary in the absence of the Secretary.

Mr. SHREVE. I had a little talk this morning with the Secretary of Labor over some legislation that he desired in the appropriation bill. I explained to him very carefully that we could not legislate, and suggested that he take the matter up with the lawyers of his department, stating that I would be very glad to assist in the preparation of a bill in accordance with their recommendations. The Secretary informed me that they did not have a lawyer. I find in the Department of Labor, however, a solicitor and a law clerk and several subordinate clerks, and they are appropriated for under the Department of Justice.

Mr. NEWTON of Minnesota. That is what I can not understand. Under the new system under which we are supposed to be operating it was supposed that all appropriations for each department would come to the House in one bill, so that we would know what each department would cost.

Mr. SHREVE. I will say to the gentleman that that is the intention of the Budget law. But there are a few odds and ends that have not been picked up yet. It is a big proposition. It is something that is taxing the ingenuity of all the men who are interested, and we are bringing these things to a focus, and I think next year we will find this in our bill where it properly belongs.

Mr. NEWTON of Minnesota. I am glad to hear that, because it does seem to me that the law clerks and law officers who

spend all of their time in a department, and the solicitor who acts as Acting Secretary in the absence of the Secretary, that their salaries certainly should be charged up against the Department of Labor and not carried in the Department of Justice.

Mr. SHREVE. I think the gentleman is entirely correct.

Mr. STAFFORD. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. What authority has the gentleman for saying that the Solicitor for the Department of Labor acts for the Secretary of Labor in the absence of the Secretary from his office?

Mr. NEWTON of Minnesota. That is my understanding of the way the law reads, that the solicitor of the department shall be the Acting Secretary in the absence of the Secretary.

Mr. STAFFORD. I was under the impression and had been told by Assistant Secretaries of the departments that in the absence of the Secretary the Assistant Secretary was the Acting Secretary.

Mr. NEWTON of Minnesota. That has not been my experience, because under the previous administration I was down there on several different occasions, and talked with Mr. Abercrombie, who was the solicitor, and who signed documents as the Acting Secretary, while the Assistant Secretary was in the city and in the building.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Printing and binding: For printing and binding for Department of Labor, \$200,000.

Mr. SNELL. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry in reference to the appropriation for the printing and binding for the Department of Labor, \$200,000. I have looked over the hearings on this matter and it seems to me that the department did not make out a very strong case for continuation of the same amount this year that they had last year. As a general proposition, we are trying to decrease most of these appropriations, and it seemed to me that this was an item that could have been pared down a certain amount and still have met all the necessary requirements of the department.

Mr. SHREVE. I will say, in reply to the gentleman, that the estimate made by the Bureau of the Budget for printing and binding for the Department of Labor was \$250,000. That was the same amount that they had in 1921. For the year 1922 the appropriation was reduced to \$200,000, and we thought conditions were possibly about the same as during this fiscal year, so we allowed them the same amount of money.

I should like to add that the Department of Labor seems to be struggling along and doing as good work as it can on limited appropriations. There is need for another Assistant Secretary. The Secretary should be given another man who can do the same work that he is doing. There is a mountain of work piled up on his desk. All these deportation matters, all the appeals from Ellis Island, are stacked up, and it seems that nobody has authority to sign except the Secretary and the Assistant Secretary. There is a great deal of legislation that should be enacted in order to clear up this whole situation. Possibly when that is done we may take into consideration this question of printing; but they assured us that they needed the money, and, inasmuch as it was the same amount that they had in the last appropriation, we concluded to give it to them.

Mr. SNELL. I appreciate the fact that it is the same amount that they had last year; but when the policy of Congress has been, as far as possible, to decrease all these appropriations for printing and binding for the different departments, it seemed to me that they did not make out a very strong case, and that it would not have done any harm to have cut this appropriation a certain amount at this time.

Mr. SHREVE. They assured us that they had reached about the bottom level. There is a necessity for certain publications that they are sending out now. There is a feeling that there are better employment conditions just ahead of us. Manufacturers and laboring men are making use of these various activities, and they felt that it would be a great mistake to retard their work by limiting this appropriation at this time.

Mr. SNELL. On page 898 of the hearings there is a statement about a request for 10,000,000 dodgers to be spread about the country in connection with the child-welfare campaign. Is there any real necessity for that? Is there any real good coming from it?

Mr. SHREVE. I am unable to inform the gentleman. That is just simply a statement made in the hearings.

Mr. SNELL. I noticed that they did not make out very much of a case, and I was wondering if they could not get along if we cut out those things. The fact that they have had them is no reason for continuing them forever, when we are trying as a general proposition to cut down Government expenditures. Does not the gentleman think we could cut this item for printing and binding \$25,000 this year, and that it would have a beneficial effect on the general printing and binding proposition in the various departments?

Mr. HUTCHINSON. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman.

Mr. HUTCHINSON. I want to say that the receipts of the Department of Labor are about \$7,000,000, and as a business proposition I think it is a good thing to encourage them; that is, the amount of receipts turned over to the Treasury—about \$7,000,000.

Mr. SNELL. Has that anything to do with the printing and binding?

Mr. HUTCHINSON. Some of it; yes.

Mr. MANN. It is the Immigration Service that turns in that money.

Mr. SNELL. I do not see why we should spend any more money than is necessary just because the department is turning some money into the Treasury. That does not appeal to me from that standpoint.

Mr. SHREVE. We feel that we should appropriate a sufficient sum so that they can get along, so that it will not be necessary to come in with a deficiency. By referring back the gentleman will see that they had a deficiency of \$50,000, and we feel that we ought not to cripple the department.

Mr. SNELL. I agree with the gentleman that we ought not to cripple the department, but it does not seem to me that they made a very strong case before the committee in regard to the absolute necessity of having this amount of money. They refer to various pamphlets, but they do not show any real necessity for them. What would be the effect if we cut it down to \$175,000?

Mr. SHREVE. It might seriously cripple the department, and I should rather not do it. I feel that they are entitled to this amount, and it is the same amount that they had last year.

Mr. SNELL. But we are trying to decrease and cut down these appropriations, and this is a good place to begin.

Mr. SHREVE. The gentleman knows that oftentimes the hearings do not disclose the whole situation.

Mr. SNELL. I appreciate that, and that is why I am willing to yield to the chairman's judgment.

Mr. SHREVE. I really feel that it would be a serious mistake to interfere with the work of the Department of Labor. They are crippled enough now; they are in a serious condition; and I wish there was some way that we could relieve them under this appropriation bill. We can not increase salaries and we can not create new statutory provisions. Then, I think it would further embarrass them if we should cut down this appropriation, and I hope the gentleman will not press it.

Mr. SNELL. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Per diem in lieu of subsistence not exceeding \$4 of special agents, and employees, and for their transportation; experts and temporary assistance for field service outside of the District of Columbia, to be paid at the rate of not exceeding \$8 per day; temporary statistical clerks, stenographers, and typewriters in the District of Columbia, to be selected from civil-service registers and to be paid at the rate of not exceeding \$100 per month, the same person to be employed for not more than six consecutive months, the total expenditure for such temporary clerical assistance in the District of Columbia not to exceed \$60,000; traveling expenses of officers and employees, purchase of reports and materials for reports and bulletins of the Bureau of Labor Statistics, \$60,000.

Mr. LONDON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee what is the meaning of this prohibition contained in lines 17 and 18 that certain employees are not to be employed for more than six consecutive months?

Mr. DICKINSON. These are temporary employees taken into the service.

Mr. LONDON. But they have been in the service six months now?

Mr. DICKINSON. Oh, no; this is where they are employed under an authorization for six months. We have only the right to employ them six months, and by that time they get over the peak of the load.

Mr. LONDON. What are their duties; what do they do?

Mr. DICKINSON. It is in the matter of the compilation of statistics and getting out different data which the Labor Bureau collects.

Mr. LONDON. And they are employed at only certain periods of the year?

Mr. DICKINSON. Yes; during the peak periods of the year.

Mr. LONDON. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Regulating immigration: For enforcement of the laws regulating immigration of aliens into the United States, including the contract labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax and maintenance bills upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, \$3,300,000: *Provided*, That the purchase, exchange, use, maintenance, and operation of horse and motor vehicles required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia may be contracted for and the cost thereof paid from the appropriation for the enforcement of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than \$12,000 of the sum appropriated herein may be expended in the purchase and maintenance of such motor vehicles: *Provided further*, That the appropriation herein made for the enforcement of the immigration laws shall be available for carrying out the provisions of the act entitled "An act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes," approved October 16, 1918, and acts amendatory thereof.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word. In connection with this appropriation I would like to ask the chairman how it compares with the amount requested by the Immigration Service at the hearing before the committee.

Mr. SHREVE. I will say that the estimate was \$4,055,632.

Mr. NEWTON of Minnesota. Where were the substantial cuts made?

Mr. SHREVE. The bureau made the cut itself. They cut it to \$3,300,000. It is in the deportation service mainly, and at present the Chinese seamen are giving the bureau a great deal of trouble; they come in with a seaman's card, and they are entitled to 60 days, and after being here they shortly disappear. I do not think this is in excess of what it should be.

Mr. NEWTON of Minnesota. I feel certain of that. Is the gentleman of the opinion that the Immigration Bureau feels that with the extension of the 3 per cent law that this will properly care for their needs during this year?

Mr. SHREVE. I will quote from Mr. Husband at the hearing:

Mr. HUSBAND. I will explain why the estimates may be reduced. When these estimates were made it was impossible to forecast what immigration in 1923 would be, as the quota law expires on June 30. The present indications are that the laws will be continued along substantially the same lines. That being the case, it seemed unfair to come here and ask for money on any other basis.

Mr. NEWTON of Minnesota. That answers the question. But does the gentleman know whether the Department of Labor has made any request or recommendation to Congress for the repeal of the provision of the La Follette Seaman's Act, which makes it possible for the entry into the country of seamen who stay 60 days, and then, in some way, remain the rest of the time?

Mr. SHREVE. No; I think the Department of Labor has not considered that item, although there was much legislation that they wanted in this appropriation bill. There was so much that they are entitled to and that the committee wanted to give them, but we were powerless, our hands were tied, and we have recommended them to employ a lawyer to draft a bill and then come into the House with the bill taking care of these needs. I presume the matter that the gentleman mentions will come with it.

Mr. NEWTON of Minnesota. It is my understanding that the La Follette Seaman's Act was placed on the statute book largely through the instrumentality and backing of the Department of Labor. Now, we find the department in this situation: Some years back they proposed a law which at the present time is handicapping them in the enforcement of the immigration law, which is under their jurisdiction.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Chairman, it seems to me that the department charged with the enforcement of the immigration service ought to go before Congress, or a committee of Congress, and request a modification of this La Follette Seaman's Act. It certainly is a strange situation if we are to have a law on the statute books which permits 2,000 Chinese seamen every year to come into this country when we are spending thousands of dollars to keep them out.

The Clerk read as follows:

For traveling expenses and per diem in lieu of subsistence at not exceeding \$4 of officers, special agents, and other employees of the Children's Bureau; experts and temporary assistants, to be paid at a rate not exceeding \$6 a day, and interpreters to be paid at a rate not exceeding \$4 a day when actually employed; purchase of reports and material for the publications of the Children's Bureau, newspapers and clippings to enable the Children's Bureau to secure data regarding the progress of legislation affecting children and the activities of public and private organizations dealing with children, and for reprints from State, city, and private publications for distribution when said reprints can be procured more cheaply than they can be printed by the Government, \$85,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word to ask the committee a question. I notice in line 4, on page 54, a provision for newspapers and clippings to enable the Children's Bureau to secure data, and so forth. There does not seem to be any limitation upon the amount that might be expended there.

Mr. DICKINSON. Mr. Chairman, in reply to the inquiry I would say that under their estimate of 1922 they have spent \$850 for that item, and in view of the fact that we have allowed the same amount of appropriation for this year, the item will be the same amount for this year. To the committee it seemed that that was a reasonable amount for the collection of these data and clippings, and for that reason we have not put any limitation upon that.

Mr. FESS. I agree that if they are not spending more than that, that is very reasonable. I thought that was a blanket authority, and that it might be abused, but the past experience is that it has not been abused.

Mr. DICKINSON. It has not been abused.

Mr. MANN. Mr. Chairman, in view of the ability of my friend from Iowa to give the amount expended on particular items in this paragraph, I am going to ask him if he can give another. How much is expended, or has been, for the purchase of private prints or documents to circulate among the people?

Mr. DICKINSON. Here are two items which might be included in that. One is reprints, \$150, and periodicals, \$850. Those are the only items, it seems to me, that could possibly be included.

Mr. MANN. That would be the reprints.

Mr. DICKINSON. Yes.

Mr. MANN. That I am asking about.

The Clerk read as follows:

Promotion of the welfare and hygiene of maternity and infancy: For carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, \$1,240,000.

Mr. LAYTON. Mr. Chairman, I move to amend, on page 54, by striking out all of lines 11, 12, 13, 14, and 15, being the provisions for carrying out the so-called maternity act.

The CHAIRMAN. The gentleman from Delaware offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAYTON: Page 54, line 11, strike out all of lines 11, 12, 13, 14, and 15.

Mr. LAYTON. Mr. Chairman, I ask unanimous consent to extend my remarks by including therein an address by Gov. Nathan Miller, of New York, recently made before the New York Bar Association, together with certain extracts from newspapers published in Boston and New York City.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. LAYTON. Mr. Chairman, I am fully aware of the fact that the motion I have just made will not prevail. I do not delude myself with the belief that any word I may utter will break the bonds that bind this Ephraim to his idol.

My purpose is to call attention again in this most public way to my opposition to this measure and to protest as earnestly as I can against the iniquity of appropriating for a wholly unnecessary purpose more than a million and a half of dollars at a time when the whole country is crying out against the prostrating burden of taxation. I feel it my duty as a Republican, but equally as much as a citizen, to do all I can against this and all other appropriations growing solely out of socialistic purposes.

I ask you again to consider not alone your assault upon the Constitution, but your own security in the coming campaign.

The propaganda that induced you to vote for the maternity bill was not the call of the people. That propaganda was composed of those who were selfishly seeking a new bureau under the Government, openly socialistic in character, for the purpose of making possible innumerable places under the Government, accompanied by salaries, and club women inspired more by tender sentiment than by good hard sense and the realization of the effect of the bill upon the future of our country.

In my judgment you will find that not all of the women are for this measure, nor even a considerable part of them, when they have the opportunity, as they will have between this and November, to consult with their husbands, their fathers, and brothers. You will find that not all of the fine womanhood of America is in the women's club. As I have said before, while speaking upon this measure, the wife of America is a loyal, loving partner of her husband, and is equally interested in and concerned with his welfare. What he suffers she suffers. His burdens are her burdens. If he is borne down with hard and unnecessary taxation, she feels it, and knows that it will affect not only her husband and herself but her children also. This is true as well of the daughter, the sister, everywhere in the land. They are crying out with the same loud voice for relief from unnecessary burden as is the husband, the father, and the brother. When voting time comes watch out for the silent vote of both men and women who will condemn you for the one mission with which they clothed you, the one plain mandate with which they charged you—to reduce taxation by cutting out every penny of useless expenditure.

Already the passage of this bill is arousing the greatest apprehension throughout the country as an open and deadly attack upon constitutional rights. Ever since the bill was passed I have been in receipt of widespread commendation from all parts of the country for my attitude upon this measure. Thousands of copies of my speech have been asked for way beyond any means that I possess to supply them. These commendations have come from all sorts and conditions of men and women representing all sorts of associations and societies as well as of individuals of a high and low degree. But I will not take more time upon the subject. I have already spoken at length upon the matter on two separate occasions, in such a way to leave at least no doubt about my attitude upon it. But in order to emphasize what I have before said I ask unanimous consent to insert in the Record as a part of my remarks some excerpts taken from an address recently delivered before the State Bar Association of New York on this subject by the eminent governor of that State, Nathan L. Miller; and also excerpts from five editorials on the subject of bureaucracy taken, respectively, from the New York Tribune, January 16, 1922; the Boston Herald, January 21, 1922; and the New York Times, January 24, 1922; the Boston Herald, February 3, 1922; the Fall River News, February 18, 1922.

GOV. MILLER ATTACKS FEDERAL "WELFARE" PROGRAM—NEW YORK EXECUTIVE TELLS STATE BAR ASSOCIATION THAT SHEPPARD-TOWNER BABY ACT VIOLATES CONSTITUTION.

Another distinguished statesman has added the weight of his courage and leadership to the people's fight to maintain local self-government against bureaucratic despotism. Gov. Nathan L. Miller, of New York, in his speech January 21 to the New York State Bar Association, condemned the Sheppard-Towner baby act as a violation of the United States Constitution. He declared that the enumerated powers of Congress under the authority of article 1, section 8, "to pay the debts and provide for the common defense and general welfare of the United States," did not include the practice of medicine or midwifery. He said that Congress under the guise of "Federal aid" might seek to control education and gradually extend Federal supervision over every State activity, destroying local initiative, self-reliance, and capacity for self-government. His address, in part, follows:

"With the power to collect three-fourths of the Federal revenue from 10 States, as is now done," the governor said, "it requires no imagination to foresee the riot of extravagance into which the Federal Government will be plunged if Congress has the power to appropriate the public money for whatever it considers to be in the public interest."

"Our system of government is built upon the bedrock of local self-government. Whatever impairs the energy, the initiative, the effectiveness, if you please, of State and local government of purely State and local affairs tends to destroy the capacity of our people for self-government and to undermine our governmental structure."

The governor said he did not criticize the expansion of the Federal power in connection with the regulation of foreign and interstate commerce and did not challenge the power conferred by Congress upon the Interstate Commerce Commission to regulate intrastate rates, because he considered this method more effective. He also said that he had no quarrel with the virtual repeal of the constitutional provision relating to the laying of direct taxes only in proportion to the population because necessity might have compelled that course.

"Now," he continued, "a discovery appears to have been made by Congress of a new and hitherto undreamed of power to legislate on any subject which it deems to involve the general welfare, and under that interpretation it has recently passed the so-called Sheppard-Towner law 'to promote the welfare and hygiene of maternity and infancy.' Under that law the health department of every State may be brought under the supervision of a Federal department of health."

"Under the guise of extending Federal aid to education, it is next proposed to subject the educational systems of the States to similar Federal supervision, and if that tendency is not checked we may expect

the gradual extension of Federal supervision over every State activity, for the passion to regulate and the appetite for place and power will grow by what they feed on, and just as rapidly as we build up a bureaucratic system at Washington and accustom our people to lean on the Federal Government, just so rapidly shall we destroy local enterprise, local initiative, individual self-reliance, and our capacity for self-government."

"This extension of Federal power will be urged, as it has been begun for worthy objects, at the insistence of worthy people, and will result as similar efforts already tried have resulted—in the great waste of public funds and in the creation of expensive and well-nigh useless governmental agencies, both State and Federal."

"I have no quarrel with the object sought by the sponsors of the Sheppard-Towner bill. We passed an act in this State last winter empowering localities to provide prenatal and maternity care. That work can only be done effectively and economically by local agencies, public or private, and the will to do it, if it is to accomplish any good, must spring from local spirit and enterprise, which can not be created by a Federal bureau."

"It is to my mind a cause for misgiving that the exercise of such power appears to pass with little or no effective challenge, either within or without the Congress. The time has arrived to call a halt, to ask every patriotic citizen who loves our country and cherishes its institutions to take note of the goal to which the course upon which we have entered will inevitably lead."

Since Gov. Miller's speech a number of great newspapers have come out editorially against Federal encroachments. To those who, for more than a year, the fight for "home rule" and local self-government has been an uphill struggle against entrenched Federal bureaus, thoroughly organized propaganda in newspapers and magazines, and constant distortion or suppression of the facts and principles involved, Gov. Miller's revival of the greatest political issue in America to-day—the survival or destruction of individual and local rights—will be at once an encouragement and an inspiration to further effort.

[From the New York Tribune, Jan. 16.]

IMITATING RUSSIA.

That the United States is in danger of becoming another Russia of the czars through the multiplication and extension of governmental bureaus, with hordes of officials, is the opinion of Nicholas Murray Butler, president of Columbia University, contained in the annual report of that institution for 1921.

This view is expressed in discussing the proposed Federal standardization of education.

"One of the most noteworthy of recent developments in American life," said Dr. Butler, "is the zeal with which machinery is designed and built ostensibly to serve various public interests and undertakings, but in reality to control them. Perhaps in no other way is the decline of faith in liberty so clearly marked. An academic wit once defined good administration as 'the doing extremely well of that which should not be done at all.' If this clever phrase is to be applied to public administration, it would have to be altered so as to read, 'the doing ill of that which should not be done at all'; for public administration, administration by collective authority, is almost uniformly inefficient and for an obvious reason. In such case artificial choice takes the place of natural selection in the designation of agents, and since nature is wiser than man, particularly political man, efficiency at once declines."

DEFIANCE OF IDEALS.

"In the United States we are, in that defiance of all our proclaimed principles and ideals, building a series of bureaucracies that will put to shame the best efforts of the Government of the Czar of all Russias when in the heyday of its glory."

"We are surrounded by agents, special agents, inspectors, and spies, and the people are called upon to support through their taxes in harmful and un-American activities whole armies of individuals who should be engaged in productive industry. When anything appears to go wrong, or when any desirable movement seems to lag, a cry goes up for the creation of some new board or commission and for an appropriation of public funds to maintain it in reasonable comfort."

"An infinite number of blank forms must be filled out and an infinite number of records must be kept, classified, and audited at steadily mounting cost."

"For a long time the excellent limitations of the American form of Federal Government held these movements in check, so far as the National Government itself was concerned. When, however, the ingenious discovery was made that the National Government might aid the States to do what lay within their province but was denied to the National Government itself, the door was opened to a host of schemes. These have followed each other in rapid succession, all urged with a certain amount of plausibility and with an appeal to kindly sentiment, usually supported by vigorous propaganda and zealous paid agents."

TOO MANY PRECISE LAWS.

"So far as education is concerned, there has been overorganization for a long time past. Too many persons are engaged in supervising, in inspecting, and in recording the work of other persons. There is too much machinery, and in consequence a steady temptation to lay more stress upon the form of education than upon its content. Statistics displace scholarship. There are, in addition, too many laws and too precise laws, and not enough opportunity for those mistakes and failures, due to individual initiative and experiment, which are the foundation for great and lasting success."

"It is now proposed to bureaucratize and bring into uniformity the educational system of the whole United States, while making the most solemn assurance that nothing of the kind is intended. The glory and the successes of education in the United States are due to its freedom, to its unevenness, to its reflection of the needs and ambitions and capacities of local communities, and to its being kept in close and constant touch with the people themselves."

[From the Boston Herald, Jan. 21, 1922.]

STOP—LOOK—LISTEN!

The Massachusetts Legislature is asked to hurry through a bill accepting the terms of the Sheppard-Towner law entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes."

The legislature ought to go very slow in giving its adherence to that law. There are two distinct problems involved in this legislation.

The real question is not one with regard to the protection of maternity—that is a question which may very well be left with the mothers, the nurses, and the physicians of the Commonwealth. It is

ufficiently comprehensive in itself. Let the State of Massachusetts in its wisdom after full consideration and deliberation determine it, without regard to anything that Congress may have done.

But when it comes to the State of Massachusetts accepting the Sheppard-Towner bill in any form, then those who still believe in our constitutional form of government should stop and look and listen—for this is a question involving the very perpetuity of our American form of government. Whatever its merits may be as a measure for the bettering of citizenship, the bill as it stands finds its justification only in a strained construction of the general welfare clause of the Constitution contained in the first paragraph of section 8 of article 1—a paragraph which by every consideration of common sense relates solely to the purpose for which "Congress shall have power to lay and collect taxes, duties, imposts, and excises." The other powers of Congress as distinct from the powers reserved to the States are enumerated in following paragraphs, showing the plain intention of the constitutional convention and the States which accepted the Constitution to differentiate between these functions.

If the interpretation of the general welfare clause under which the Sheppard-Towner bill is assumed to be constitutional and by which alone it can be excused, then there is no legislation whatever which Congress does not have the power to enact without regard to the reserved rights of the States and without regard to the rights of individual citizens of the State. If such an interpretation is to be given to this clause, then it would not have been necessary to say anything whatever in the Constitution about the powers of Congress as differentiated from the powers reserved to the legislatures of the States. Congress would be a law unto itself, and whatever at any particular moment might be regarded by a majority in Congress as conducive to the general welfare would be permissible. It would not be necessary to go through the slow process of constitutional amendment in order to give the Federal Government additional power.

Under such an interpretation of the clause it is quite conceivable that Congress, in a burst of welfare enthusiasm, might enact a law determining how many times on Sunday every citizen of the United States should go to church. It might enact a law prohibiting football, baseball, or tennis in any State; could regulate the height of buildings or church spires in Boston or Great Barrington; prescribe what business is lawful or unlawful; what any man or woman shall eat, or wear; regulate dancing, music, and the theater. It might enact a law deciding how much rent a landlord could properly ask of his tenant, or whether a citizen who happened to have a town house and a country house should live in one or the other and turn the vacant house over to public use. We have gone so far along these lines now that it is almost impossible to conceive any length to which we may not be driven. If the tendency is to be stopped, it must be stopped now.

If the voice of Massachusetts is ever to be heard in opposition to this socialistic and paternalistic tendency, now is the time for her to speak, and she can speak effectively just now by a refusal to accept the Sheppard-Towner Act. The question of the constitutionality of this act is still to come before the Supreme Court. It will be argued there by able lawyers, who have a profound love for the American form of government, with its system of checks and balances and its preservation of the individuality of the States. Should Massachusetts, simply because the act has passed Congress under pressure, even though in emasculated form, accept the act as an accomplished thing without regard to its constitutionality—or unconstitutionality—and simply for the purpose of obtaining the small Government appropriation involved, enact legislation along the Federal lines, subjecting to Federal approval the regulations it must adopt, it will be a hard blow at the men and women who are trying to neutralize the insidious trend toward socialism which is now sedulously working through Russian and German bolshevistic channels—and there is plenty of evidence that the Sheppard-Towner bill, with its intimations of birth control, was inspired originally by Russian propaganda.

If every other State in the Union were to accept the Sheppard-Towner bill—and apparently New York and other States will repudiate it—then at least Massachusetts should stand out until after the constitutionality of the law shall have been tested in the Federal Supreme Court. There is no reason why she should blindly rush along with the crowd. Let us take time to think.

[Editorial from New York Times, Jan. 24, 1922.]

FEDERAL MIDWIFERY.

Gov. Miller can't find among the enumerated powers of Congress "to provide for the common defense and general welfare" the power to engage in the "practice of medicine or midwifery." The sociologists and Socialists, the sentimentalists, universal meddlers, and place hunters who forced the passage of the Sheppard-Towner law "to promote the welfare and hygiene of maternity and infancy" successfully maintained the highly modern and expensive theory that Congress has the power to legislate in regard to anything which a minority can persuade or bulldoze it into believing to involve the general welfare. Well, if the Constitution is illimitably elastic, let us look at some of the "benefits" that this particular application of its elasticity would confer upon the happy citizens of New York.

This law authorizes a total appropriation of \$1,480,000 for the current fiscal year and an appropriation of \$1,240,000 for each of the five years thereafter. So insistent is Congress on economy, Senator BORAH said, in his rude reactionary way, that "very little of the appropriation will get further than to take care of the additional officers and salaries which it will require." That is a bilious and unworthy view. Shall we reject the blessings proffered us? States that cooperate with the Federal Government in promoting the welfare and hygiene of maternity and infancy will get \$10,000 the first year and \$5,000 a year subsequently. An additional \$5,000 will be paid to States appropriating the same sum, and \$710,000 a year will be distributed among the States on the basis of population, provided the amounts thus allotted are "matched" by State appropriation.

The State of New York pays nearly 25 per cent of all the internal-revenue tax collected. If each of the 48 States accepts the invitation to cooperate with the Federal Government at \$10,000 a State, New York will have to pay something over \$117,000 of the \$480,000. Of the \$1,000,000 appropriated under the maternity bill New York will have to pay nearly \$245,000. That makes New York's bill something over \$362,000. But suppose that she tries to "match" appropriations with a benevolent paternal-maternal Government? Her Federal allotment on the basis of population would be \$75,000; but to get it she must "match" it with \$75,000 out of her own pocket. Add this to \$362,000 and you have the pleasing total of \$437,000.

Attractive scheme, isn't it? Bureaucrats must live and travel. What hospitals, what institutions, what new means and machinery for the care of infancy and maternity would the State get from the Federal "aid" that is to cost it so dear? Whatever work needs to be done will be and must be done in the sole, the cheapest, the most effectual way by local initiative and agency. The last legislature enacted a statute authorizing localities to furnish prenatal and maternity care. This State will be bled more than copiously by the Sheppard-Towner law. It should refuse Federal cooperation and the false and highly expensive "benefit" offered it.

[Editorial from Boston Herald, Feb. 3, 1922.]

IN A NUTSHELL.

Last Sunday's Herald carried an Associated Press dispatch from Niles, Ohio, giving a summary of the address of Frank O. Lowden, former governor of Illinois, which in hardly 200 words set forth more effectively than we have seen it anywhere else the situation which now confronts our Republic. Every one of his sentences means business. We venture to repeat some of them. The italics are his words; the roman our own.

Federal aid, generally speaking, is a bribe offered to State governments to surrender their own proper functions. See the maternity project now awaiting the attention of our own legislature.

There is scarce a domain in the field of government properly belonging to the municipality or the State which the Federal Government is not seeking to invade by the use of the specious phrase "Federal aid." Look at the huge road-building projects in which we, in Massachusetts, get back \$1 every time we pay \$4 or \$5 into the fund out of which this one comes.

The bureaus in Washington tasted the delights of power over fields which before had been exclusively occupied by the States. Propaganda, that new-found weapon of all causes, good and bad, was employed to perpetuate these new powers. What a wealth of truth in this statement. How the desk of every editor in the country is flooded with arguments in behalf of all public causes. How steadily such phrases as "reactionary," "capitalistic," "hard-hearted" are thrown at the lawmaker or editor who ventures to challenge any of the glib assertions.

If the number of public employees continues to increase as rapidly as it has in late years we will, within a reasonable time, witness the phenomenon of our population divided into two classes, those holding public office, a minority, and all others working to support the minority in office. From that condition to the soviet form of government is but a single step. We believe we are much nearer that division of the public than Gov. Lowden claims.

The local municipality should be required to provide its own revenue for its own needs and should not be given aid by the State. Likewise, the State should be compelled to provide its own funds for purely State needs. The Federal Government should appropriate only for those interests which are purely of national concern and clearly within the purposes for which the Federal Union was established. No more expensive phrases have been invented in recent years than "State aid and Federal aid." This is all fundamental in common sense. When are we likely to get it done? How should we put our shoulders to the wheel to bring that result to pass?

[Editorial from Fall River News, Feb. 18, 1922.]

THE SHEPPARD-TOWNER ACT.

We are nearing the time when Massachusetts is to decide whether our State shall accept the provisions of the Sheppard-Towner Maternity Act. The title of the act is misleading. It is "An act for the preservation of the welfare and hygiene of maternity and infancy, and for other purposes." It is the "other purposes" that are cared for. We have looked in vain in the act for any provision for the care of mothers and babies. It is the Children's Bureau and its paid employees that are to be taken care of. Section 12 of the act says:

"No portion of any moneys apportioned under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or equipment, or for the purchase or rental of any building or lands, nor shall any such money or moneys required to be appropriated by any State for the purposes and in accordance with the provisions of this act be used for the payment of any maternity or infancy pension, stipend, or gratuity."

The title is captivating but misleading. We challenge the women advocates of the bill to show how it provides for anything except the support of the Children's Bureau and its appointees and for traveling and office expenses.

Massachusetts has two or three times refused to enter upon this scheme. At its last session this very legislature refused to indorse the scheme. Why should it now go back on its repeated record? The Congress offers the appropriation as a bribe, provided any State will match the bribe with an equal sum.

Do our taxpayers realize how much it will cost us to get this and other Federal aid? There are 10 States which put up 73.96 per cent of the collections, by report of the Federal collector of internal revenue. The other 38 States pay the balance. But these 10 looted States, which pay three-quarters of the internal revenue, get only 34.9 per cent of the Federal aid—on condition that they match it, and spend it in the way a Federal board orders. That is, the taxpayers in these States pay \$2.12 in Federal taxes and another dollar to match it, to get hold of each "Federal" dollar. If these 10 States stay out of the Sheppard-Towner game they still lose \$597,700 in the Federal tax, but they save the remaining \$893,544 by refusing to accept and match the Federal aid.

This is not a bill in which men and women are on opposite sides. It is not men against women. There are many women against this measure and active in opposing it. It is not what it purports to be. It is intended to promote the welfare of the Children's Bureau. Socialists, salaried uplifters, paid welfare and social workers, who want Government jobs minding other people's business, want to swarm the country at the expense of the taxpayers to promote what they call "public welfare." Some of the childless social workers in Denver recently wanted a healthy mother of five children operated upon so she could bear no more children, because she did not run her home to suit these social workers. One can not be sure how far these workers will go when they get the authority. Let us protect our homes and our pocketbooks by keeping them out of our State. We do not know to what the provision of instruction in the hygiene of maternity and infancy through public-health nurses, consultation centers by "qualified lecturers," may lead. Sixty per cent of the appropriations for the Children's Bureau are now spent in salaries.

The real question is not one with regard to the protection of our children and their mothers. That is a question which may well be left with the mothers, the nurses, and the physicians of the Commonwealth. It is a question involving the very perpetuity of our American form of government. This Federal act, whose provisions we are asked to accept, finds its justification only in a strained construction of the "general welfare" clause of the Constitution. If the interpretation of this clause, which is supposed to warrant the Sheppard-Towner Act, is correct, then there is no legislation which Congress does not have the power to enact without regard to the reserved rights of the States and without regard to the rights of individual citizens of the States. If the voice of Massachusetts is ever to be heard in opposition to this socialistic and paternalistic tendency, now is the time for her to speak, and she can now speak effectively by refusing to accept the Sheppard-Towner Act. Massachusetts should stand out against it at least till its constitutionality has been affirmed by the United States Supreme Court. The Sterling-Towner bill comes next with its appropriation of a hundred millions, more or less. Now is the time to stop this "Federal aid" bribery of the States. Let this excessive Federal bureaucracy be stopped.

This whole thing has been traced back to Russian propaganda in this and other countries. It may be a part of the free family relations which the Russian soviet government holds. Children are for the State to rear and direct. Let us beware. The legislature should refuse to accept the Sheppard-Towner Act.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

For carrying out the provisions of the act entitled "An act to establish in the Department of Labor a bureau to be known as the Women's Bureau," approved June 5, 1920, including personal services in the District of Columbia and elsewhere, purchase of material for reports and educational exhibits, and traveling expenses, \$75,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding \$1,800 per annum except the following: One at \$5,000, 1 at \$3,500, and 3 at \$2,000 each.

Mr. OLIVER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. OLIVER: Page 54, line 26, after the word "and," strike out "3 at \$2,000 each" and insert in lieu thereof "1 at \$2,500 and 3 at \$2,240 each."

Mr. OLIVER. Mr. Chairman, I think the chairman of the subcommittee is to be congratulated on having followed lines of economy in the preparation of this bill. If there be ground for criticism, it is that we may not have allowed a sufficient amount for some of the important services provided for herein. I think a mistake was made in the limitation placed on the compensation for employees in the Women's Bureau, and the amendment which I offer seeks to correct this mistake. The amendment does not increase the total appropriation carried for the bureau, but permits a limited increase for four important positions in the bureau. The director of the bureau, in the hearings before the subcommittee, emphasized the importance of permitting a limited increase in compensation for these positions. The House will recall that the employees of this bureau do not draw the bonus. You will note that the amendment provides an increase only of \$240 each for three employees, this increase representing the amount of the bonus.

Mr. DUNBAR. Will the gentleman yield?

Mr. OLIVER. I will.

Mr. DUNBAR. The employees of the Department of Labor heretofore received no bonus?

Mr. OLIVER. I understand that some of the employees of the Department of Labor received a bonus, but this particular bureau of the department does not receive the bonus. This bureau was created in June, 1920, after the bonus legislation was passed, and this may account for the fact that they have been denied this additional temporary compensation.

Mr. CRANTON. If the gentleman will yield, is it not due to the fact they are paid out of a lump-sum appropriation, so up to the amount fixed by the limitation they might put the salary where they choose, whereas those on the statutory rolls would not be changed?

Mr. OLIVER. That is probably correct, and the limitation prevents it.

Mr. DICKINSON. I would like to make an inquiry, and that is whether or not the chief statistician of the Women's Bureau is one of the salaries the gentleman proposes to raise by this amendment?

Mr. OLIVER. I understand so.

Mr. DICKINSON. On page 49 of the bill, Bureau of Immigration, the chief statistician gets \$2,000. Why did not the gentleman ask the same increase there?

Mr. OLIVER. I will reply with a question to the gentleman, who was a member of the subcommittee, and who assisted in the preparation of this bill. Turn to page 53, which you have just adopted, and there for the Children's Bureau you direct the disbursement of \$80,000, part of which is to be expended in the District of Columbia. This \$80,000 is to be expended in paying the compensation of parties making investigations and gathering statistics for the Children's Bureau, and you have provided that eight positions may be paid salaries exceeding

\$2,000, and no limitation whatever is placed on what these eight salaries may be. Can the gentleman give me a satisfactory answer why in the expenditure of this \$80,000 for the work I have outlined you allow eight parties to draw exceeding \$2,000 without fixing any limit and limit the Women's Bureau to three who can not draw more than \$2,000?

Mr. DICKINSON. It is a change of existing law, and this committee is committed against such a policy, and the chief statistician of the Bureau of Immigration is undoubtedly one of the most important items in this bill.

Mr. OLIVER. This amendment involves no question of change in existing law, but simply a proper limited increase of pay by raising the limitation from \$2,000 to \$2,240. The statistician for the Women's Bureau was transferred from the Bureau of Labor, and the Bureau of Labor for some of its statisticians pays salaries in excess of \$2,500. The salary of the statistician for the Women's Bureau was first fixed at \$2,240, and this amount was paid until the last Congress adopted a limitation fixing it at not exceeding \$2,000. The statistician to whom the gentleman from Iowa refers had been getting \$2,240 before this limitation was placed in the bill, and no reason has been shown why the party holding that position should now be reduced to \$2,000.

The Director of the Women's Bureau, in a very informing statement before the subcommittee, strongly urged an increase for these positions, and I think has clearly shown that they are not paid salaries comparable to that paid for similar work in other bureaus. The holders of the positions, for which increases are asked, must be college graduates and specially trained in important industrial lines of work. The director called attention to the fact that the small compensation was not attracting to the service the most efficient help. She mentioned that a recent civil-service examination showed only two applications. Several of the efficient employees have resigned on account of the small pay.

Mr. BARBOUR. Will the gentleman yield?

Mr. OLIVER. I will.

Mr. BARBOUR. As I understand it, the gentleman's amendment does not increase the amount of the appropriation?

Mr. OLIVER. Not in the slightest, and I will say that there are many employees provided for in this bill, with salaries in excess of \$2,000, who are not performing the important and highly technical service that some of the employees of the Women's Bureau are. Certainly no good reason has been shown why the small increase in pay for these four important positions in the bureau should not be allowed. This bureau is engaged in carrying on most important work, and its activities are strongly indorsed by State officials, by Government bureaus, and by the several national women's organizations. The bureau can not, however, perform its work in the most efficient way, unless permitted to pay fair and just compensation to the trained, technical workers whom they require.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MADDEN. Mr. Chairman, I think I may safely say that no one has more regard for the women who are employed in this service than I have, but the Committee on Appropriations, with the accord of the House, has adopted the policy which has been carried out religiously without discrimination to any service connected with the Government to the effect that no salary will be raised in any appropriation reported to this House. No salary has been raised in connection with any activity of the Government. Now the gentleman from Alabama [Mr. OLIVER] proposes to increase the compensation by increasing the number that may be employed at a higher rate than is now being paid.

Mr. OLIVER. If the gentleman will permit an interruption, it does not increase the amount carried in the bill for this service.

Mr. MADDEN. I know that, but it increases the compensation, and it has been the rigid policy of the committee not to violate the law.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. I am not familiar with the facts at all except as presented on the floor by the gentleman from Alabama and the gentleman from Illinois, but the statement of the gentleman from Alabama would make it perfectly plain that there is a very pronounced discrimination as between employees performing substantially the same sort of service to the extent of the bonus.

Mr. MADDEN. What I wish to impress upon the committee is this, that so far as the Appropriation Committee is concerned it has not discriminated against anybody or for any-

body. We have lived within the law. The limitation placed on this appropriation was there when we took charge.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption right there?

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. That may be true, but the statement of the gentleman from Alabama [Mr. OLIVER] makes it perfectly clear that we ought to do away with a discrimination which did exist under the law.

Mr. MADDEN. Well, we have no discretion, as far as we are concerned, and we have exercised no discretion. We have lived rigidly within the rules of the House, and within the law, and we have made no attempt to discriminate either in favor of or against anybody. Now, the question arises: Do you want us to discriminate? Do you want to sustain us in our uniform practice of living within the law? That is the question that is before us. The reasons why we adopted the policy of not changing compensation was, first, that it would be legislation; second, it would be a violation of the rules; and, third, we have pending in the Senate, and which has already passed the House, a classification bill which proposes to remodel the salaries of all Government employees. We have done nothing more in this case than has been done in all cases. We believe we have done justice; we believe we ought to be sustained; we believe there ought not to be any discrimination for or against anybody. If these compensations are not just, let us apply the remedy in the only orderly way it can be applied, which is through pending legislation. Why, if we believed that no such legislation would be enacted, it is not unlikely that we might feel that we ought to increase the compensation some place, but we believe sincerely that the legislation will be enacted.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. And when enacted, it will apply equally to the case before the House and every other case. Now, what we do not want is for the House to say discrimination shall be practiced.

Mr. OLIVER. Will the gentleman yield for a moment?

Mr. MADDEN. Surely.

Mr. OLIVER. The gentleman has stated through the press that in the event the reclassification bill does not pass he will ask for a resolution extending the bonus for another year. So unless we do provide in the way in which I have suggested for these parties, and that reclassification bill does not pass, they would absolutely have no relief whatever.

Mr. MADDEN. We can include them.

Mr. OLIVER. And you are simply placing them on the same basis as the other employees.

Mr. MADDEN. We can include them with all others if there is to be a bonus. I hope it will not be necessary to have a bonus. I hope the end of the bonus has come. But if, perchance, it has not, and the legislation now pending does not pass, I am in favor of doing justice to everybody by giving them such compensation as they ought to have. But I ask, as the chairman of the Appropriations Committee, that the committee here sustain us in the effort we have made by working night and day to see that the rights of the taxpayers of the United States were properly conserved. That is all we ask. I think we are entitled to that much. We invite your confidence. We have nothing to cover up. We are frank in everything we do. We have tried to live within the law. I think the action of the House from time to time indicates that we have lived within it, and I hope the amendment of the gentleman from Alabama will not prevail.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent for three minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OLIVER. Mr. Chairman, I recognize that the distinguished gentleman from Illinois [Mr. MADDEN] has endeavored in the preparation of many of the appropriations bills to economize. He is not accurate, however, in his statement that the Appropriations Committee has uniformly refused to grant increases in compensation to Government employees. The Shipping Board appropriation recently passed by the House will suffice to show the error of the gentleman's statement. The gentleman from Illinois himself took the floor when the appro-

priation for the Shipping Board was before the House, and strongly urged the removal of the limits forbidding the payment of salaries in excess of \$11,000, and the House at the urgent insistence of the gentleman from Illinois enlarged the number of employees in the legal department of the Shipping Board who could be paid salaries in excess of \$11,000. In fact, it was stated that the removal of the limitation would involve increasing some of the salaries to as much as \$25,000. Certainly the gentleman from Illinois now remembers that fact, and I am sure the Members of the House do. It occurred only a few weeks ago. Am I then the first to violate what the gentleman from Illinois calls a rule of the Appropriations Committee relative to voting for increases in compensation? I am only asking for an increase for four important employees of the Women's Bureau, and fixing the increase at an amount equal to the bonus, to wit, \$240; yet the House, at the insistence of the gentleman from Illinois, took off a limitation in the pay of Shipping Board employees, which may result in an increased compensation of more than \$10,000 being paid to a single employee. We will do an injustice to the Women's Bureau, if the House now refuses to vote for this amendment, which permits a small increase to four employees, whom, the director of the bureau tells us, are efficient and can probably not be retained on the small pay provided.

You have actually demoted the statistician in the Women's Bureau, whom all admit is efficient, from a salary of \$2,240, which she formerly received in this bureau, to \$2,000. No bonus is allowed to any employee of this bureau, and I can but feel that the refusal to pass this amendment will be an injustice to the bureau.

It is but fair to the other members of the subcommittee to say that I do not believe they feel that by allowing this reasonable increase to four efficient employees we will do hurt to the Public Treasury.

Mr. MADDEN. Did not the gentleman himself, as a member of the Appropriations Committee, when this matter was passed upon, vote for the item in the bill?

Mr. OLIVER. I did not. The gentleman from Illinois [Mr. MADDEN] will recall that I was not present when the full committee acted on this bill. I was present when the committee first met, and mentioned to the chairman of the committee that I would have to be excused, since I wished to attend an important hearing before the House Military Affairs Committee. I excused myself after answering present.

Mr. MADDEN. I recall that.

Mr. OLIVER. I even stated to members of the subcommittee that I would probably offer an amendment asking for an increase for some of the employees of this bureau. The hearings will also disclose what my attitude was in reference to this limitation on the compensation of some of the employees of the bureau. Frankly, I feel that some information communicated to a member of the subcommittee in an unofficial way and which does not appear in the hearings and is really not relevant to the hearings and for which no official of the bureau was responsible may have misled some members of the subcommittee to refuse to grant the reasonable increase requested by the director of this bureau. Let me again add I was not present when the full committee passed on this bill, and I did not vote for the item now under consideration, and I am glad that the gentleman from Illinois now recalls that fact. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

Mr. OLIVER. Mr. Chairman, I ask permission to revise and extend my remarks.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I move to strike out the first word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the first word.

Mr. FESS. Mr. Chairman and gentlemen of the committee, I did not want to participate in the discussion of the limitation of salary question until this matter was finally settled. But I do want the attention of the committee, now that we have passed over these items of salaries, to call attention to the question of salaries in some other lines of activity.

In looking over this bill I note certain salaries as fixed by law, that for the Secretary of Labor, \$12,000; Assistant Secretary, \$5,000; chief clerk, \$3,000; and so on, in the Department

of Labor. Then in the Bureau of Immigration, Commissioner General, \$5,000; Assistant Commissioner General, who shall also act as chief clerk and actuary, \$3,500; in the Bureau of Naturalization, Commissioner, \$4,000; Deputy Commissioner, \$3,250, and so on. So much to indicate the scale of salary for this sort of professional and Government work.

I have no objection to the size of these salaries. I do not call attention to them for any such purpose. But I want to call your attention in a comparative way to the salaries given by the Government for such service and the salaries given by outside institutions. I wish to call attention to the remuneration of the trained college man for college work. I think that if we forget, and in our forgetfulness neglect a proper appreciation of the work done in our educational institutions, as suggested by the small salaries paid, our country is not going to find its best interests conserved. [Applause.]

My attention has been called at different times, for example, to a historic institution in Virginia, the second oldest college in America, established in 1693, as I remember, chartered as William and Mary College. It still bears that name. I looked over the catalogue and find that the salaries of the full professors are \$2,600; those of associate professors are \$2,200; the salaries of instructors only \$1,200. Yet that institution, members of the committee, has given to the country four of the signers of the Declaration of Independence, three of our Presidents—Jefferson, Monroe, and Tyler—our greatest Chief Justice, 13 Cabinet officers, 17 United States Senators from Virginia and 12 from other States, 3 out of the 4 Speakers of the National House coming from Virginia, 2 ministers to England and 4 to France and 12 to other countries. In addition to Chief Justice Marshall this college furnished three associate justices of the Supreme Court. In addition, this college furnished 16 Members of the Continental Congress, including its first President, Peyton Randolph, 21 members of Supreme Court of Appeals of Virginia, 49 Representatives in Congress from Virginia, 1 from Ohio, 4 from Kentucky, 1 each from Louisiana, Florida, North Carolina, and California.

It gave to the State 18 of her governors and governors to 7 other States. It supplied 3 governors to the State of Florida. It supplied the first Librarian of Congress, besides many leading commanders in the Revolution, War of 1812, War with Mexico, and the Civil War. It conferred degrees upon George Washington and Benjamin Franklin. Such in the past was the famous William and Mary College, an institution with a history and with traditions the richest, it seems to me, of any institution that I know anything about. The study of it is an intensely interesting one, and I have been very greatly charmed in the last few weeks in reading some of its achievements. In the college was established the first Greek letter fraternity, the Phi Beta Kappa. This is the mother fraternity and the great honor society of America's foremost educational institutions of higher learning.

It has often been said that the greatness of an institution can not be measured by either its pretentious plant or even its great endowment. Neither can the mere number of students properly fix its position. That is determined by the type of men it gives to the service of mankind. One of its greatest personalities was George Wythe, the teacher of Thomas Jefferson, John Marshall, and Henry Clay, all of whom had the great legal mind as a law preceptor.

Jefferson said of his great teacher:

I became acquainted with Mr. Wythe when he was about 35 years of age. He directed my studies in the law, led me into business, and continued until his death my most affectionate friend. No man ever left behind him a character more venerated than George Wythe. Of warm patriotism and devoted as he was to liberty and the natural and equal rights of man, he might truly be called the Cato of his country without the avarice of the Roman, for a more disinterested person never lived.

William and Mary's influence on technical education is among her greatest achievements. The first regular courses on physical science ever given in the United States were delivered in her halls. Among the noted scientists who were instructed at William and Mary was William Barton Rogers, who founded, in 1861, Massachusetts Institute of Technology.

As Virginians, we owe him tribute for his earlier services at William and Mary.

So said William Cabell Rives in an address at the University of Virginia, where Rogers once taught. After graduation from William and Mary, Rogers was professor at his alma mater.

"The spot where we first caught the inspiration of science" was the way the founder of Boston Tech described William and Mary to his brother Henry, regius professor at Glasgow University, himself a William and Mary graduate.

It was in the atmosphere of this town and college where the spirit of liberty was so fanned into a consuming flame that caught up all the country. Here was the famous Raleigh

Tavern, immortalized by the direction of such men as Patrick Henry, who frequently led the conversations which grew into heated debates. It was here while Jefferson was attending college he went to the crowded courthouse to hear, if possible, for the first time the prophet of the Revolution. Although he could not get closer than the door, he was so stirred that he left the crowd with the observation, "Gracious God, what an orator." Could some power repeat to-day the wonderful utterances and revive the uncontrolled feelings at various times heard and felt within the range of this historic seat of learning we would live over again the emotions which stirred the Colonies into final resistance in the war for American independence, which declaration of principles was written by a son of William and Mary. We would see anew the workings of a stupendous brain, which gave to the world her greatest modern judicial mind, which early in our national existence became the strong arm of nationality. In fact, a recital of the power and influence of this seat of learning would go far to write the growth and early development of the great Republic.

Unfortunately the college fell in the path of war in the great civil strife, and for years her halls were vacant. It appeared that this illustrious institution was to be remembered only "as once upon a time." However, she lived. It is said it was due to her soldier president, who saw to it that every October when she would enter upon the year's work would see that her morning bell would be rung. In 1886 Senator Hoar, of Massachusetts, said:

The stout-hearted old president still rings the morning bell and keeps the charter alive; and I want to salute him to-day from Harvard, and I should value it more than any public honor or private good fortune that could come to me if I might live to see that old historic college of Virginia endowed anew with liberal aid of the sons of Harvard.

In the following year the United States Commissioner of Education, Dr. Dawson, wrote to Col. Ewell:

I am inclined to believe with you that the time will come when your old institution will rise from its ashes, and renew, in the prosperity which seems to be awakening throughout the country, its usefulness in the future.

In the same year the Federal commissioner gave a very good statement of the college as to its past and the then present:

"The College of William and Mary, founded in 1693 by royal grant, and long supported by popular legislation in Virginia, has been suffered to decline almost to ruin since the Civil War, which destroyed the greater part of its property. The oldest college in the South, in fact the oldest in the country with the exception of Harvard University, has been left to decay while the latter institution with which William and Mary College used to share the annual income of the bequest by Robert Boyle, the English philosopher, has lately celebrated its two-hundred and fiftieth anniversary amidst general rejoicing, with the President of the United States and representatives of American and European Universities to do honor to the occasion. The old college at Williamsburg, which gave Washington his first degree as civil engineer, and to which he gave his last public service as chancellor, the college which trained in law and politics Thomas Jefferson, Gov. Randolph, Chief Justice Marshall, and nearly all of the Virginian statesmen of the Revolutionary and formative periods in our Federal history, has not now a single student. Its classic halls are closed and deserted. From a once flourishing faculty, which early and ably represented both history and political science with other liberal arts, only the president, who is also professor of mathematics and physics, now remains. At the opening day of every academic year in October, Dr. Ewell causes the chapel bell to be rung, reminding Williamsburg that the ancient college still lives. To friends of the higher education in all our States, this fact will echo as a note of warning against public neglect and legislative indifference toward higher institutions of learning."

Fortunately these dark days are over. New vigor and spirit are in control, and the old institution can boast of nearly fifteen hundred college students. Her great past has appealed to all devotees of our history. Her rich traditions are attracting men of influence in every activity of life. Only last year the historic institution was honored by the presence of the President of the United States, who spoke words of confidence for historic values as are produced at such historic locations.

Members of the committee, while I listened to the acrimonious debate on items of salaries for governmental administrators who help the already well-oiled machinery of government running, quite naturally my mind dwelt for a time on this institution, the seminary of ideas, the creator of ideals, the training ground of great forces for ours and future times, and I could not overlook the fact that these molders of a better civilization, the conservers of a better life, commanded less money than a mere clerk in the offices over which we are quarreling in this bill. I am not complaining of the salaries

we herein provide, but I am now warning the country that a different appraisal must be made of real values. Our country is both too wise and too important to overlook the real producer of worth-while values.

The CHAIRMAN. The time of the gentleman from Ohio has expired. Is there objection to his request to extend his remarks in the RECORD?

There was no objection.

Mr. FESS. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EMPLOYMENT SERVICE.

To enable the Secretary of Labor to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, to advance their opportunities for profitable employment by maintaining a national system of employment offices, and to coordinate the public employment offices throughout the country by furnishing and publishing information as to opportunities for employment and by maintaining a system for clearing labor between the several States, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; supplies and equipment, telegraph and telephone service, and printing and binding, \$225,000.

Total, Department of Labor, \$6,826,920.

Mr. LONDON rose.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. LONDON. I wanted to strike out the figures "\$225,000" on line 17 and offer an amendment. I move to strike out the figures "\$225,000" on line 17 of page 55 and substitute the figures "\$100,000,000." [Laughter.]

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

Mr. FESS. Why do you not make it a billion?

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 55, line 17, strike out the figures "\$225,000" and insert in lieu thereof the figures "\$100,000,000."

Mr. LONDON. Mr. Chairman and gentlemen of the committee, I know that you are all anxious to adjourn and I am not going to detain you very long. Appropriation bills are dry as dust and exceedingly uninteresting. But I find on the last page of this bill an element of humor. I do not know whether it is humor, irony, or sarcasm. Just let us read over the first few lines:

To enable the Secretary of Labor to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, to advance their opportunities for profitable employment—

The sum of \$225,000 is recommended—less than was carried in ordinary times, and this notwithstanding the fact that there are nearly 6,000,000 unemployed.

What are the Republican administrators thinking of? Are they deaf and blind? Do they not know what is going on? Can an appropriation which might have been sufficient 10 or 12 years ago be adequate to-day, in view of the emergency that confronts the country? They not only do not increase the appropriation for the purpose of improving working conditions and of advancing the opportunities for profitable employment but they actually diminish the appropriation asked by the Department of Labor.

When the law created the Department of Labor it intended to add a new pillar to the temple of American democracy, a new element of strength to the political structure. It was to be a Secretary of Labor who was to be the representative and the voice of the great working masses in the executive branch of the Government. What is to become of the Department of Labor?

The law which created the department is very clear as to the object and scope of that office. It was to foster, promote, and develop the welfare of the wage earners, to improve their working conditions, and to advance their opportunities for profitable employment that the department was to be called into being.

Mr. WALSH. Will the gentleman yield?

Mr. LONDON. I will.

Mr. WALSH. The gentleman will notice that all that is to be done—

by maintaining a national system of employment offices,

Mr. LONDON. I notice the attempt the Committee on Appropriations has made to mutilate the existing law. I have compared the language on page 55 of this bill with the language of the original statute. The language of the original law does not limit the means which the Secretary of Labor is to employ to the maintenance of public employment offices; but this committee, evidently appalled at the magnitude of the task and ashamed of the smallness of the appropriation, limited the powers of the Secretary of Labor to this small branch of the work, to the maintenance of a national system of employment offices, and even that work is curtailed if not destroyed.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. WALSH. Let the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be reported again by the Clerk.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 55, line 17, strike out the figures "\$225,000" and insert in lieu thereof the figures "\$100,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question being taken, on a division (demanded by Mr. LONDON) there were—ayes 3, noes 51.

Accordingly the amendment was rejected.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 10539) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SHREVE. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed. On motion of Mr. SHREVE, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPROPRIATIONS FOR THE INTERIOR DEPARTMENT.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Interior Department appropriation bill, H. R. 10239, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 10239, with Senate amendments, to disagree to the amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill (H. R. 10239) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. GARNER. Mr. Speaker, reserving the right to object, may I ask the gentleman whether or not he has consulted with the minority with reference to this request?

Mr. CRAMTON. I have consulted with my colleague, the gentleman from Oklahoma [Mr. CARTER], and it is entirely agreeable to him.

Mr. SNELL. Mr. Speaker, in view of the many increases carried in this bill, I believe it ought to go back to the committee for consideration. I object.

Mr. CRAMTON. Will the gentleman withhold his objection? I will say to the gentleman that the conferees are quite familiar with the increases and changes proposed, and I feel like saying this: That the gentleman from New York can not be any more strongly opposed to the great number of increases than am I or the other gentlemen who are likely to be conferees.

Mr. SNELL. I think for the present I will continue my objection.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 137. Joint resolution transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the Department of State;

S. 2810. An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States as amended and reenacted by an act approved the 22d day of August, 1914;

S. 2138. An act providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes;

S. 2072. An act to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes; and

S. 2774. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 7483. An act for the relief of Robert G. Whitfield;

H. R. 8924. An act to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920; and

H. R. 9060. An act to authorize the Secretary of War to lease a certain tract of land to the city of Leavenworth, in the State of Kansas.

ADJOURNMENT OVER.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Sunday next.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Sunday next. Is there objection?

There was no objection.

SPEAKER PRO TEMPORE FOR SUNDAY.

The SPEAKER. The Chair appoints as Speaker pro tempore to preside on Sunday the gentleman from Arkansas [Mr. TAYLOR].

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. COUGHLIN (at the request of Dr. DARROW), by unanimous consent, was given leave of absence on account of illness.

HOUSE BILL LAID ON THE TABLE.

The SPEAKER. The Senate bill regulating marine insurance in the District of Columbia having been passed, the bill H. R. 6775, identical with it, will, without objection, be laid on the table.

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p. m.) the House, under its previous order, adjourned until Sunday, February 26, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. VAILE: Committee on the Public Lands. H. R. 8675. A bill to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park; without amendment (Rept. No. 725). Referred to the House Calendar.

Mr. CHRISTOPHERSON: Committee on the Judiciary. S. 1010. An act to amend sections 5549 and 5550 of the Revised Statutes of the United States; without amendment (Rept. No. 726). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. DRIVER: Committee on the Public Lands. S. 2186. An act granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association; with an amendment (Rept. No. 723). Referred to the Committee of the Whole House.

Mr. VAILE: Committee on the Public Lands. H. R. 463. A bill granting a patent to Joseph Robicheau; with an amendment (Rept. No. 724). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4299) granting a pension to Mary A. Blair; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10113) granting a pension to Sarah Ann Rickels; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EVANS: A bill (H. R. 10594) for the purchase of a site and the erection of a public building at South Sioux City, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. FRENCH: A bill (H. R. 10595) to add certain lands to the St. Joe National Forest; to the Committee on the Public Lands.

By Mr. STEVENSON: A bill (H. R. 10596) to amend section 5 of the United States cotton futures act; to the Committee on Agriculture.

By Mr. MOORE of Illinois: A bill (H. R. 10597) for the purchase of the William Barnes collection of Lepidoptera; to the Committee on the Library.

By Mr. DENISON: A bill (H. R. 10598) to prevent the use of the United States mails and other agencies of interstate commerce for transporting or for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. DEAL: Joint resolution (H. J. Res. 276) for the relief of the citizens of Cradock, Va.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 10599) for the relief of George Pribish, jr.; to the Committee on Claims.

By Mr. HUDSPETH: A bill (H. R. 10600) granting a pension to Jeremiah A. Leeman; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 10601) granting an increase of pension to William Casteel; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 10602) granting a pension to J. G. Overbay; to the Committee on Pensions.

By Mr. LARSON of Minnesota: A bill (H. R. 10603) granting a pension to Charles F. Loerke; to the Committee on Pensions.

By Mr. McPHERSON: A bill (H. R. 10604) granting a pension to Lora Sims; to the Committee on Pensions.

Also, a bill (H. R. 10605) granting an increase of pension to Rebecca A. Boster; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 10606) granting a pension to Mary Jane Miller; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 10607) for the relief of John E. Barrow; to the Committee on Claims.

By Mr. SWING: A bill (H. R. 10608) granting a pension to Margaret Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10609) for the relief of Jens Nelson; to the Committee on Naval Affairs.

By Mr. ZIHLMAN: A bill (H. R. 10610) granting a pension to Lillie E. Tregó; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4272. By Mr. ANDREW of Massachusetts: Petition of Lester S. Wass Post, American Legion, of Gloucester, Mass., favoring the passage of the adjusted compensation bill; to the Committee on Ways and Means.

4273. By Mr. BRIGGS: Petition of the Galveston Clearing House Association, Galveston Commercial Association, and others, for passage of measure authorizing and granting to cotton factors paper rediscount privileges with Federal reserve banks; to the Committee on Banking and Currency.

4274. By Mr. FULLER: Petition of Charles Young and 41 other citizens of Rockford, Ill., asking for the early passage of the Fordney tariff bill; to the Committee on Ways and Means.

4275. By Mr. FUNK: Petition of the patients and personnel of United States Veterans' Hospital No. 53, Dwight, Ill., requesting support for the fivefold adjusted compensation bill (H. R. 1); to the Committee on Ways and Means.

4276. By Mr. GALLIVAN: Petition of the American Philatelic Society, presented by Mr. J. J. Prendergast, 23 Saxton Street, Dorchester, Mass., urging that House bill 9104 be amended by adding the words "now valid and legal for postage or revenue" at the end of the bill; to the Committee on the Judiciary.

4277. Also, resolution adopted by the Boston Municipal Council, Department of Massachusetts, United Spanish War Veterans, of Boston, Mass., James H. Moore, secretary, 41 City Hall, Boston, Mass., urging Congress to grant to veterans of the Spanish-American War the same bonus and other privileges that may be granted to veterans of the World War; to the Committee on Ways and Means.

4278. Also, petition of the Massachusetts Federation of Planning Boards and William Sumner Appleton, of Boston, Mass., urging passage of House bill 7452, a bill to establish the Roosevelt-Sequoia National Park in California; to the Committee on the Public Lands.

4279. By Mr. KING: Petition of Rebecca Parke Chapter, Daughters of the American Revolution, urging the passage of the Daughters of American Revolution old trails bill; to the Committee on Roads.

4280. By Mr. KISSEL: Petition of the Chamber of Commerce of the State of New York, opposing the bonus bill; to the Committee on Ways and Means.

4281. Also, petition of the Hon. J. Henry Walters, of New York City, N. Y., relative to taxation and the bonus bill; to the Committee on Ways and Means.

4282. Also, petition of the Metal Trades Council of Brooklyn, of Brooklyn, N. Y., urging the manufacture of Government necessities in its own industrial plants; to the Committee on Naval Affairs.

4283. Also, petition of the American Letter Co., of New York City, N. Y., opposing any renewal of war tax on first-class mail; to the Committee on Ways and Means.

4284. By Mr. A. P. NELSON: Resolution of the Wisconsin Packing Co., of Wausau, Wis., favoring the Great Lakes-St. Lawrence deep waterway; to the Committee on Interstate and Foreign Commerce.

4285. Also, resolution of the Association of Wisconsin Fairs, favoring the Great Lakes-St. Lawrence deep waterway; to the Committee on Interstate and Foreign Commerce.

4286. By Mr. PARK of Georgia: Petition of citizens of Savannah, Ga., protesting against the passage of House bill 4388; to the Committee on the District of Columbia.

4287. By Mr. PERKINS: Petition of Taylor, Stiles & Co., of Riegelsville, N. J., protesting against the principle of American valuation; to the Committee on Ways and Means.

4288. Also, petition of residents of Sussex County, N. J., in favor of the Voigt milk bill (H. R. 8086); to the Committee on Agriculture.

4289. By Mr. RAKER: Petition of the Sunset Trading & Land Co. and the Irvine & Muir Lumber Co., of Willits, Calif., and the National Adjusting Association and C. B. Hubbard, of Los Angeles, Calif., protesting against a renewal of the war tax on letter mail; also petition of the Corning Chamber of Commerce, of Corning, Calif., indorsing the soldiers' bonus; also petition of Roger L. Beals, of San Francisco, Calif., protesting against a soldiers' bonus; to the Committee on Ways and Means.

4290. Also, petition of the Department of California and Nevada, Veterans of Foreign Wars, of Modesto, Calif., indorsing House bill 8331 and urging its passage; also petition of Mrs. Charles D. Hirst, president of the Daily Food Alliance, of New York City, indorsing House bill 8086, prohibiting the shipment of "filled milk" in interstate commerce; to the Committee on Interstate and Foreign Commerce.

4291. By Mr. RIDDICK: Petition of farmers of Dutton, Wolf Point, Andes, Flaxville, Bowdoin, Seip, Vida, Avondale, and Kremlin, all in the State of Montana, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

4292. Also, petition of citizens of Redstone and Butte, Mont., urging the passage of the Towner-Sterling bill; to the Committee on Education.

4293. Also, petition of S. M. Peterson and other citizens of Montana, urging the early passage of the United States farm products marketing act (H. R. 9952); to the Committee on Agriculture.

4294. By Mr. SINCLAIR: Petition of 36 citizens of Turtle Lake, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price for farm products; to the Committee on Agriculture.

4295. Also, petition of the faculty of Fargo College, Fargo, N. Dak., protesting against the proposal to remove foreign books from the existing free list; to the Committee on Ways and Means.

4296. By Mr. SWING: Resolutions of Arrowhead Post, No. 254, American Legion, favoring the adjusted compensation bill; to the Committee on Ways and Means.

4297. Also, resolution of the Chamber of Commerce of Anaheim, Calif., indorsing the soldiers' bonus bill; to the Committee on Ways and Means.

4298. By Mr. VOLSTEAD: Resolution of the Kiwanis Club, of Anoka, Minn., urging the construction of a waterway for ocean-going vessels from the Great Lakes to the sea; to the Committee on Interstate and Foreign Commerce.

4299. Also, petition of 974 citizens of the seventh district of Minnesota, urging the revival of the United States Grain Corporation and the stabilization of the price of agricultural products; to the Committee on Agriculture.

4300. By Mr. YOUNG: Petition of B. H. Stoddard, of Courtenay, N. Dak., and eight others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4301. Also, petition of the North Dakota Society of Engineers, urging the construction of the Great Lakes-St. Lawrence deep waterway improvement; to the Committee on Interstate and Foreign Commerce.

4302. By Mr. ZIHLMAN: Petition of citizens of Hagerstown, Md., against the enactment of any law enforcing the observance of any religious institution or looking toward a union of church and State or of religion and civil government, and specifically petitioning Congress not to pass House bills 4388 and 9753, which aim to regulate Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

SENATE.

SATURDAY, February 25, 1922.

(Legislative day of Thursday, February 23, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Harris	Newberry	Simmons
Brandegee	Harrison	Nicholson	Smith
Bursum	Heflin	Norbeck	Spencer
Cameron	Johnson	Norris	Stanfield
Capper	Jones, Wash.	Oddie	Sterling
Caraway	Kellogg	Overman	Sutherland
Catt	Kendrick	Page	Trammell
Culberson	King	Phelps	Underwood
Cummins	Lodge	Pittman	Wadsworth
Edge	McKellar	Poindexter	Walsh, Mass.
Fletcher	McKinley	Pomerene	Walsh, Mont.
France	McNary	Rawson	Warren
Gerry	Moses	Robinson	Watson, Ga.
Glass	Myers	Sheppard	Weller
Gooding	Nelson	Shields	Williams
Harrell	New	Shortridge	Willis

Mr. JONES of Washington. I desire to announce that the Senator from Wisconsin [Mr. LENROOT] is absent on account of illness.

Mr. NORRIS. I wish to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of a death in his family.

Mr. SUTHERLAND. I desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], the Senator from Connecticut [Mr. MCLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are absent attending a hearing before the Committee on Finance.

The VICE PRESIDENT. Sixty-four Senators having answered to their names, there is a quorum present.

Mr. HARRISON obtained the floor.

Mr. CUMMINS. Will the Senator from Mississippi yield to me for a moment?

Mr. HARRISON. I yield to the Senator.

ADDITIONAL DISTRICT JUDGES.

Mr. CUMMINS. Mr. President, I desire to give notice that immediately after the disposition of the treaty with Japan, or sooner if there shall be an interruption in the consideration of that matter, I shall ask the Senate to take up and consider House bill 9103, which is commonly called the judges' bill. I give this notice because all Senators are interested in that measure, and many Senators are especially interested in it. I think it is due to them that they should have the information I have just given.

Mr. LODGE. Mr. President, I am very anxious to have the judges' bill disposed of, but I think the treaty with Japan, which is now before the Senate, has precedence; and I shall ask the Senate to remain in open executive session until that treaty is disposed of.

THE MUSCLE SHOALS PLANT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting an offer for the Muscle Shoals property, submitted by Frederick E. Engstrom, for suggested consideration in connection with investigations now being made relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE. Mr. President, pardon me for saying so, but this is being done as in legislative session. We took a recess in open executive session.

The VICE PRESIDENT. It is done as in legislative session.

DEFICIENCY ESTIMATE FOR PATENT OFFICE, 1922 (S. DOC. NO. 133).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting estimate of a deficiency appropriation for the Department of the Interior, fiscal year ending June 30, 1922, for salaries in the Patent Office in amount \$166,671.16, which, with accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ALTERNATIVE ESTIMATE FOR PATENT OFFICE, 1923 (S. DOC. NO. 134).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting an alternative estimate for the Department of the Interior, fiscal year ending June 30, 1923, for the Patent Office, in amount \$2,273,040, in lieu of the estimate submitted in the Budget for the fiscal year ending June 30, 1923, making a net increase of \$292,690, which, with accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

As in legislative session, a message from the House of Representatives, by Mr. Overhues, its enrolling clerk, announced that the House had passed a bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 2072. An act to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes;

S. 2138. An act providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes;

S. 2774. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920;

S. 2810. An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, as amended and reenacted by an act approved the 22d day of August, 1914; and

S. J. Res. 137. Joint resolution transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the possession of the Department of State.

PETITIONS AND MEMORIALS.

As in legislative session,

Mr. CAPPER presented a petition of sundry citizens of Edwards County, Kans., praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND presented petitions of sundry citizens of Detroit, Mich., praying for prompt acceptance of the proposals of Henry Ford relative to the Muscle Shoals project, which were referred to the Committee on Agriculture and Forestry.

Mr. LADD presented the petition of Ralph A. Moore and 35 others, of Turtle Lake, N. Dak., praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted at a meeting of the Minnesota and North Dakota Fire Underwriters' Association, at Fargo, N. Dak., favoring cooperation of the United States with Canada in the construction of the Great Lakes-St. Lawrence waterway project, which was referred to the Committee on Commerce.

Mr. SIMMONS presented a telegram in the nature of a petition from the Philadelphia Seed Co. (Inc.), of Philadelphia, Pa., praying for a reduction in the proposed duty on seeds as contained in the pending tariff bill, which was referred to the Committee on Finance.

He also (for himself and for Mr. OVERMAN) presented a memorial of the Ladies' Current Events Club, of Southern Pines, N. C., remonstrating against the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

Mr. COLT presented a resolution adopted by the Torino Social Club, of Quindnick, R. I., favoring the enactment of legislation declaring October 12 a legal holiday, to be known as Columbus Day, which was referred to the Committee on the Judiciary.

Mr. SHORTRIDGE presented a resolution adopted by the Twenty-seventh Annual Convention, Los Angeles Diocese of the Episcopal Church, at Los Angeles, Calif., indorsing the Conference on Limitation of Armament and favoring world peace, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the First Baptist Church of Pasadena, Calif., favoring prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was referred to the Committee on Foreign Relations.

He also presented petitions and sundry communications in the nature of petitions of Chapters of Daughters of the American Revolution of Willows, Red Bluff, Santa Cruz, Claremont, San Diego, and Needles; the Cosmos Club, of Ukiah; the Wha Nika Club, of Blue Lake; the Woman's Club of King City; the Women's Club of Walnut Creek; the Woman's Civic League of Pasadena; the History Club of Los Catos; the Pleasant Hill P. T. A., of Arcata, Humboldt County, all in the State of California, praying for the enactment of legislation creating a department of education, with its head in the President's Cabinet, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Grain Trade Association of San Francisco, Calif., favoring the enactment of legislation legalizing the manufacture and sale of light wines and beer, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Central Labor Council of Oakland and the Federated Trades and Labor Council of San Diego, favoring the recognition of the Government of Mexico, which were referred to the Committee on Foreign Relations.

He also presented a petition of Ventura County Branch of the American Association of University Women, of Santa Barbara, Calif., praying for the enactment of legislation to promote physical education in the United States, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the North Beach Evening High School Alumni Association, of San Francisco, Calif., favoring continuance of the publication *School Life*, the official organ of the United States Bureau of Education, which were referred to the Committee on Education and Labor.

He also presented a letter in the nature of a petition from the Modesto (Calif.) Chamber of Commerce, praying for the passage of the so-called fourfold adjusted compensation bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Church Federation of Riverside, Calif., protesting against the enactment of legislation to modify the so-called Volstead Act relative to the manufacture or sale of light wines and beer, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Yolo County Farm Bureau at its regular meeting held in Woodland, Calif., February 4, 1922, favoring the enactment of legislation to foster the needs and requirements of agriculture and allied industries, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Centerville (Calif.) Chamber of Commerce, favoring a higher protective tariff duty upon sugar than contained in the pending tariff bill, which was referred to the Committee on Finance.

REPORT OF COMMITTEE ON PENSIONS.

As in legislative session.

Mr. BURSUM, from the Committee on Pensions, to which was referred the bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 514) thereon.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 23, 1922, they presented to the President of the United States the enrolled bill (S. 621) to amend subdivisions (a) and (c) of section 206 of the transportation act, 1920.

BILL INTRODUCED.

As in legislative session.

Mr. SHEPPARD introduced a bill (S. 3197) to amend an act entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," approved November 23, 1921, which was read twice by its title and referred to the Committee on Finance.

PRESIDENTIAL APPROVAL.

As in legislative session.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on February 24, 1922, the President approved and signed the act (S. 621) to amend subdivisions (a) and (c) of section 206 of the transportation act, 1920.

HOUSE BILL REFERRED.

As in legislative session.

The bill (H. R. 10559) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMBASSADOR HARVEY'S PILGRIM DINNER SPEECH.

Mr. HARRISON. Mr. President, on yesterday the distinguished Senator from Missouri [Mr. REED] alluded to and elaborated upon certain excerpts from the speech of the American ambassador to the high court of St. James on last Monday night given in honor of Mr. Balfour. I shall not go over the ground traveled by the distinguished Senator from Missouri, nor shall I refer to those passages of the speech which he discussed on yesterday. I would feel abashed to discuss any question which had been discussed by the Senator from Missouri, because he always handles his subject completely and leaves nothing more to be said. There are, however, certain parts of the remarkable speech delivered by the illustrious ambassador representing this Government in London which should receive some consideration at the hands of this body.

I had hoped that some Senator on the other side of the aisle would rise in defense of the characterization given by the ambassador of the distinguished leader of the Republicans in this Chamber, the Senator from Massachusetts [Mr. LODGE], and of the characterization of the President of the United States. It has now been five or six days since that speech was delivered and none has seen fit to come to their defense. Consequently, as an "amicus curiæ," so to speak, I feel constrained to come to their defense.

Mr. President, we all know that our brilliant yet erratic ambassador at London is very much of an historian. He assumed that rôle the other night. We had been told by the press, and no doubt with authority, that the proposal made by the Secretary of State as the head of the American delegation at the recent Conference on the Limitation of Armament had been conceived by the President as he sailed the placid waters of the Potomac; that as the *Mayflower* lay serenely in one of the sequestered nooks of that beautiful stream he had penned it with his own hand, but we did not know until the ambassador made his speech on last Monday night that so far as the President was concerned there was another historic incident connected with the conference. Let me read to the Senate this remarkable contribution to the historical literature of the world. Mr. Harvey said:

I could not but recall the inception of the undertaking thus acclaimed. Some 300 years ago the original *Mayflower* bore the original Pilgrims to the new Plymouth across the turbulent Atlantic. Its arrival marked the beginning of a new era in the development of a great continent.

Then he says, as that historic incident arises before him, with a power of expression peculiarly his own, and an eloquence as soft and entrancing as summer breezes, that—

On a certain Saturday hardly seven months ago a modern *Mayflower* bore the Chief Magistrate of that new land down the broad Potomac to the open sea. In the morning he directed the anchoring of the yacht in a secluded cove, and disappeared below. Emerging later, he handed the captain a paper for the radio operator. Thereon, written in his own hand, was the announcement of his decision to call a conference at Washington, whose culmination fetches us together to-night.

And thus another chapter adorns our history. This great historian, however, does not tell us why the President sought this secluded nook, this sequestered cove in the Potomac; he does not tell us why the President left the activities of the political life of Washington and sought seclusion and retreat in the *Mayflower* upon the placid waters of the Potomac and there gave this message to the radio operator. It may be that sometime the President will make his contribution to the literature of the world, and will himself tell us just why it was that he sought the *Mayflower*, directed its course down the Potomac, and there gave to the world the message that the disarmament conference was to be held. We are entitled to this valuable information, and it is unfortunate that Ambassador Harvey did not add to the other valuable information contained in his remarkable speech this—what is destined to be a most valuable historic contribution. Why, sirs, we are entitled to know the exact spot in which the *Mayflower* anchored, that a monument might rise majestically above the smooth surface of the Potomac, so strong that its base may securely rest, and so stately that pilgrimages from every port of the world may come, that due observance be made to this historic spot.

However, Mr. President, not only did the ambassador assume the rôle of historian in that speech, but he enshrouded himself in the robes of Elijah and prophesied as to what would happen in the United States Senate. Unless it be the distinguished Senator from Massachusetts or the President of the United States, I doubt whether there are any other persons in the world who know just how the treaties which are soon to come before us are to be acted upon, when they will be acted upon, and when acted upon whether they will be ratified or rejected; but this modern Elijah apparently knows and makes this remarkable statement as to the disposition of those treaties:

When I say "assured," I speak from information the exactness of which is beyond question, that the ratification of those compacts—all of them—by the British Parliament is no more certain than their ratification by the Senate of the United States, and that much sooner than commonly anticipated.

I know not where he got his authority to make that statement, or whether or not it is correct. Let us hope, however, that it will prove more correct than the statement which he made at another dinner, in another remarkable speech some months ago, when he stated that "the United States entered the World War in order to save its own skin, and that we fought because we were afraid not to fight."

But, Mr. President, I pass from that. We all know the literary genius of this man, the facility of his pen, the imagery of his mind; but they sink into insignificance when we realize the knowing qualities of George Harvey as a diagnostician, a depicter of the characteristics of individuals. He stands above all others in discerning their peculiar qualities, their dominant characteristics, their outstanding features. The remarkable thing about him is that he has been in a peculiar position to know the characteristics, the qualities, and peculiarities of the men about whom he spoke on this night.

He discussed some very celebrated American characters. He paid high tribute to Mr. Balfour; he placed him on the highest crag of the highest peak; he put him among the stars and bedecked him with the brightest diadems; and yet when he comes to Elihu Root he does not go quite so far. He was afraid he

might hurt the sensibilities of his British audience, and so in speaking of Elihu Root he said:

The statesmen who finally inscribed their names on the various parchments as "citizens of the United States" included Elihu Root, whose place in public esteem there closely approximates—

"Closely approximates"; it does not reach that pinnacle which Mr. Balfour occupies, but "closely approximates"—that of Mr. Balfour as unique in experience and accomplishments.

Then he comes to OSCAR W. UNDERWOOD, the Democratic leader, and pays to Senator UNDERWOOD the highest compliment that is given to any one of them.

Those Senators who know the American ambassador will agree with me that in employing the language he did in characterizing the qualities of the Democratic leader he paid him, and evidently intended to do so, a higher compliment than he paid to any other person. Listen to it. He says:

OSCAR W. UNDERWOOD, a happy blend—

A blend—

of the fine spirit of the old South and the high spirit of the new.

When you understand the tastes and habits and characteristics of the American ambassador, you realize that when he said one of the representatives of the American delegation to the disarmament conference blended "the fine spirit of the old South with the high spirit of the new," he was paying him a great compliment, indeed. And when he said "blended" the "fine spirit" of the old South with the "high spirit" of the new, I doubt not that he inadvertently, or perhaps from force of expression, was thinking of the "fine spirits" of the old South with the "high spirits" of the new. Now, if the ambassador had transformed his language by speaking of Senator UNDERWOOD as "blending" the "high spirits" of the old South with the "fine spirits" of the new, then we might doubt the compliment; but, realizing the authority of the ambassador to speak in such circumstances, we must agree that the characterization of the Senator from Alabama by the ambassador is as complimentary as sincerity could dictate or phrases convey.

Then he proceeds to discuss the Republican leader [Mr. LODGE], and here is what he says about him:

HENRY CABOT LODGE, the nestor of the Senate, erudite in cloistral aloofness—

Whatever that means—"erudite in cloistral aloofness"—but dashing as a knight of old in political fray.

Erudite! We all know that the distinguished Senator from Massachusetts is erudite, learned, scholarly, facile in expression, eloquent in speech. Those of us who had the pleasure of listening to him when he presented to the disarmament conference the four-power pact shall never forget how eloquent he grew when he immortalized the words of Browning and referred to the—

Sprinkled isles.
Lily on lily that o'erlace the sea.

If there be one man in public life to-day who should be qualified by training and experience and study to write a treaty that is "hog tight and weatherproof," it is the distinguished Senator from Massachusetts.

I know not whether it is true that he was the dominating force that carved this four-power treaty and wrote its terms. It embraces about 20 lines; and this "erudite" gentleman already has consented with his colleagues and there has been submitted to the Senate another treaty, to explain what the four-power pact was, that is longer and includes more words than the original four-power pact; and if the papers correctly report what the Committee on Foreign Relations have done relative to the four-power pact, they have agreed at least on one reservation, and anticipate agreeing on another and perhaps more. So I am willing to assume that that expression of George Harvey as "erudite" in depicting the Senator from Massachusetts is very apt and true.

But Ambassador Harvey not only speaks of him as being "erudite"; he says he is "erudite in cloistral aloofness"—secluded, immured, desirous of closeting himself behind cells and doors and listening not or paying little attention to what is going on throughout the world, desirous to dwell by himself, to run the Republican Party in the Senate without the close association and cooperation of his fellow Senators. It may be that that expression came to George Harvey when he read of the achievements in the Senate during this Congress of the party with which he is now affiliated.

Mr. NORRIS. Mr. President—

Mr. HARRISON. I yield to the Senator from Nebraska.

Mr. NORRIS. Does not the Senator think that that expression came to the distinguished ambassador naturally, because just before that he had been speaking of a blend?

Mr. HARRISON. Probably so.

Mr. NORRIS. And at this banquet I presume he had stopped to partake of one of those blends that brought on this expression. [Laughter.]

Mr. HARRISON. It may be that he was still inspired by the "blend" of that "fine spirit of the old South with the high spirit of the new."

Mr. NORRIS. That is what he had been talking about.

Mr. HARRISON. Yes; it was in his mind, and he was inspired.

Mr. NORRIS. Yes; that brought on the inspiration. I understand that it usually does that.

Mr. HARRISON. I am glad that the Senator does not speak by the card; but perhaps, too, he had been reading about the policies of Senators here in the Senate, led by this Senator "erudite in cloistral aloofness"; and when he realized that that was a characteristic of the distinguished Senator from Massachusetts, he thought perhaps it was the best way to excuse the party now in power from its shortcomings.

I wonder what the populace up on Back Bay will think of that characterization of their Senator as "erudite in cloistral aloofness" by one who speaks with authority, and who ought to know better than all others. I wonder what the boys who gather in Maynard Hall will think of that expression?

Surely his friend, the ambassador, did not believe that he could "talk with crowds" and "keep his virtue," or "walk with kings" and retain "the common touch."

But Mr. Harvey does not count him always as "erudite in cloistral aloofness." He changes sometimes. He says:

But dashing as a knight of old in political fray.

And while for five years and nine months out of his term of office he may be "erudite in cloistral aloofness," when he sees arising over the horizon the rays of a political sun he becomes a "dashing knight of old" in that political fray. And so I presume now that he has removed himself from this "cloistral aloofness" since the campaign is coming on in Massachusetts, and he has become a "dashing knight" in that political fray.

I do not know why George Harvey applies to the Senator from Massachusetts the term "dashing knight." A "dashing knight" may mean much. It may be that he knew he was not a very militant knight, a very aggressive knight, a Spartan knight, but he was a dashing knight. Those of us who have seen him perform here are willing to concede that at times he is a "dashing knight." We recall how he dashed from one position to another on so many questions that have confronted the American Senate. We recall how upon one occasion he dashed to Union College and there poured forth his liquid fire of eloquence in behalf of an association of nations to preserve the peace of the world, and then we observed how dashing he became, when a treaty was presented here, in order to incorporate reservations; and then we observed how dashing he was at the convention in Chicago, when he incorporated his association of nations as a plank in the platform of his party and enunciated his principles as the spokesman in that convention. We have observed how dashing he was in this disarmament conference, how quick he was to discern, and how he dashed to the Senator from Nebraska, the Senator from Connecticut, the Senator from California, the Senator from Idaho, and those others who found fault with his handiwork embodied in the four-power pact; when they said, "We will fight you if you present it in that form," he dashed up to the White House and got the President to pen with his own hand, I presume, another treaty explaining about the mainland of Japan. So he is a "dashing knight."

Mr. WATSON of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. HARRISON. Yes; I yield.

Mr. WATSON of Georgia. I hope the Senator from Mississippi will not forget with what a fiery dash the Senator from Massachusetts went from one position to the other on the Colombian question.

Mr. HARRISON. Yes; and on every other question, I think, that we have discussed here. I do not recall any on which he has not dashed from one position to the other. "Dashing knight!" I have no doubt that when George Harvey employed those words he wanted to anoint the leader of the Republicans in this Chamber the new Don Quixote of this body.

I never heard of a Don Quixote without his Sancho Panza, and so I presume that the Sancho Panza of this episode is the ambassador at the high court of St. James; and so these two knights have charged together—yes; windmills and mirrors and sheep and geese and everything. I recall in that remarkable story that as Don Quixote astride his Rosinante and Sancho on his ass went through the woods in quest of more adventures, once Don Quixote got tired of Sancho's advice and thought he

was talking too much, and enjoined him to keep his mouth closed and remain silent. So let us hope, since this new title is to be applied to the Senator from Massachusetts, that he will send word overseas to his squire, the Sancho Panza of the diplomatic corps, and enjoin him to stop talking, and if he knows State secrets to keep them to himself.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. I yield to the Senator.

Mr. NORRIS. I want to remind the Senator that that will not stop Harvey from talking. You can not send word from a country where the eighteenth amendment is in force to a country that does not have any prohibitory law, and stop Harvey from talking. [Laughter.]

Mr. WATSON of Georgia. Mr. President—

Mr. HARRISON. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Let me suggest to the Senator from Mississippi that Don Quixote compounded a miraculous balsam, and Sancho Panza took a dose of it and vomited his insides out. [Laughter.]

Mr. HARRISON. Well, I hesitate to express the hope that this Sancho Panza will do likewise.

The worst characterization that was employed by the ambassador in his remarkable speech was that of the President of the United States. All others sink into insignificance compared with it. If there is a man in the United States who should know the President's true worth, his characteristics and habits and peculiarities, it is George Harvey; so hear what he says:

In one respect President Harding bears a striking resemblance to the elephant which symbolizes his political party—

President Harding bears a striking resemblance to the elephant which symbolizes his political party!

He tests with painstaking caution every plank in crossing a bridge, but when convinced of firm footing over he goes.

Ah, it took no strain upon the imagination for George Harvey to see his President as an elephant approaching the water's edge, and seeing beyond the waters the promised land of some election that was coming, and then he beheld across that water a bridge, with planks laid side by side, and then he observed Harding, the elephant, as he came to the bridge, stop as he saw certain signs on the planks.

I suppose that Harvey in his imagination saw the first plank the elephant was to step on. Perhaps it was the promise made to the people of a new tariff law, with the American valuation scheme included, and as soon as this elephant saw how dangerous it was, and heard the cries from every section of the country that it was rotten, this great massive individual of the animal kingdom threw back his ears and stalled. So that plank probably was removed, and they shot another one into its place, and that had printed on it, perhaps, the promise that was made to the soldier boys in the last campaign, telling them what a friend he would be to them; how he, by the force of his great personality, the influence he would wield, would give to them immediately the enactment of a law insuring them adjusted compensation.

So he began to feel this plank with his big toe, and he heard the cries from the chambers of commerce throughout the country, he heard the wails from the money interests of Wall Street, he heard the lamentations of the profiteers who had grown rich out of the war, and he became cautious, threw back his ears, and said, "That plank is rotten."

I can believe that in his imagination George Harvey could see the Senator from North Dakota [Mr. McCUMBER] and other Senators on the other side who had promised the boys adjusted compensation legislation going up to the elephant and saying, "Come on back. Let's walk over that plank. It is not rotten. It is a firm foundation. We promised them"; and he started again. But he heard the protests once more, and being a "cautious" elephant, he has contented himself by just standing still, feeling away, and painstakingly observing.

I might enumerate case after case where he has been cautious, afraid to step upon the plank for fear his great weight, as well as his political party, might go down with it.

But to term him an elephant! I had thought, after the avalanche of votes which smothered the Democratic Party in the last campaign, that Harding would not be an elephant, but that he would drive the elephant. I could in my mind's eye fancy a parade down Pennsylvania Avenue, the calliope playing, the clowns and the animals and everything there, and the elephant, bedecked in robes of velvet, with trimmings of golden tinsel, with a Turkish chariot, if you please, on his hairless and thick-skinned back; and I could see Harding there as the ringmaster, driving the elephant along amid the cheers and cries of those who wanted office and those who were holding office.

Yes, Mr. President, following that election we thought that your President—

Had hoped to ride
In pomp and pride
On that elephant down the street;
While the boys would cheer
As he drew near,
And the girls say, "Ain't he sweet?"

But Harvey says he resembles an elephant. Ah, Mr. President, let me read the definition of an elephant, and let us compare and analyze this peculiar characterization which Harvey has given to his President. The dictionary defines an elephant as follows:

ELEPHANT: There are two existing species and a number of extinct ones, among which is the mammoth. In a wider sense the term includes any member of the family Elephantidae. They are the largest existing land animals. The snout is prolonged into a muscular proboscis. * * * There are two incisors in the upper jaw * * * which develop into long tusks, which furnish most of the ivory of commerce. The feet are short and rounded and have five toes. The head is very large, chiefly owing to the amount of diplole tissue. * * * They may live for much more than a century.

Then there is a part of it which had better not be put into the RECORD. It continues:

This is the only species which is often tamed and trained, and is the one most commonly seen in shows.

I had better leave the next out. Then it continues:

The extinction of both species, unless far greater efforts are made to preserve them, is only a matter of time.

Let me read that latter fact again. Listen, you Senators on the other side:

The extinction of both species, unless far greater efforts are made to preserve them, is only a matter of time.

Mr. NORRIS. Mr. President, while the Senator is reading from the testimony in a disconnected way, will he not read the definition of the mule as well?

Mr. HARRISON. No; George Harvey did not apply that term to the President, although the President might have felt that he would have been more complimented if he had called him a mule rather than an elephant. I did not read all of the qualities of an elephant, but we know that the elephant never has been trained to do any trick except to go around in a circle. We know that the elephant can go backwards just as rapidly as he can forwards; that he is the wonder and merriment of children; that no show or menagerie would be complete without him; and there is one peculiar thing, too, about an elephant; it is the only animal in the fore part of whose head you can find "wood," and the only value which has ever been found about an elephant is his solid ivory.

So I resent this vile characterization of my President. I resent him being called an elephant. I have risen to-day as an American, out of the realm of partisanship, to plead with Americans not to believe it.

FEDERAL RESERVE BANK AT ATLANTA.

Mr. HEFLIN. Mr. President, I shall before I take my seat make a unanimous-consent request. Day before yesterday, when I discussed before the Senate a resolution which I offered touching the activities of Federal officials, who are officers of the Atlanta Federal Reserve Bank, and also the activities of the Federal Reserve Board in that connection, charging them with circulating a speech of one Senator made in this body attacking and criticizing the position of another Senator, the Senator from North Carolina [Mr. SIMMONS], interrupting me, made the suggestion that members of the Federal Reserve Board who had been writing to Members of Congress, seeking to influence them and cause them to desist from a certain course, should also be investigated.

That reminded me of a letter written some time ago by a member of the board, Mr. Platt, a Republican from the State of New York, to Congressman BRAND, of Georgia. Mr. BRAND had made a speech criticizing the deflation policy of the Federal Reserve Board, and condemning that policy very severely. Mr. Platt took him to task in a letter directed to Mr. BRAND. I read to the Senate two sentences from that letter:

I want to tell you that you are going to have these things quoted against you in time if you keep them up. You will find a reaction from all this talk in the not very distant future, before the next primaries come at any rate.

This statement is full of meaning and was intended to drive from his position on a public question a Member of Congress. Senators, are you going to refuse us the opportunity of investigating this matter? Are you going to say by your votes that you approve the political activities of Federal Reserve Board members and officials of Federal reserve banks?

I criticized the action of the Federal reserve bank in Atlanta in sending out the speech of one Senator, made in this body, defending the deflation policy of the Federal Reserve Board,

and criticizing the position of another Senator who has criticized and condemned that deflation policy.

Those officials are sending that speech not only into the State of Alabama but into the congressional district of Congressman BRAND of the State of Georgia. They are sending it to merchants, bankers, corporations, and other persons in the territory which that bank was intended to serve. We believe that that bank is paying for the printing of these speeches, that that bank is paying for the letter writing and the postage upon the letters which accompany that speech, and which request the recipient of the speech to write back and tell them how he felt about the deflation policy of the administration of the Federal reserve system during the period in question before he read the speech of the Senator from Virginia, and then to write and say how he feels about it now, since he has read the speech of the Senator from Virginia. They say, "We invite you to write us anything else in connection with this which you feel like writing."

Mr. President, I have taken the position that this banking system, established by the Congress to serve the American people in its business affairs, to be far removed and forever kept out of politics, has gone into politics and a member of the Federal Reserve Board wrote to a Member of Congress and told him that if he did not stop criticizing the board's administration of the law he was going to hear from it, that it would be quoted against him, and not only that but he was going to find that public sentiment will change and that before the primary takes place in which he is a candidate.

Could anything be more plain than that they intended to express the idea that they were going to use influence against him; that they were going to undertake injuriously to affect him; that they were undertaking to control his action in the Congress of the United States? You can not get anything else out of it, Mr. President, and if the Senate permits such a thing to go on it will fail in its duty and discredit itself before the eyes of the American people.

We have got it in our power to require these Government officials to keep that great banking system out of politics.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. The other day I mentioned to the Senator from Alabama an insolent letter about the commissioner of agriculture of the State of Idaho. I have the letter, or a quotation from it, now. It relates to the commissioner of agriculture of Idaho, whose name is Miles Cannon. The insolent letter was written by John U. Calkins, governor of the Federal Reserve Bank of San Francisco, and one sentence in that letter reads as follows:

If Mr. Cannon has no other qualifications than those indicated in his address, his usefulness as commissioner of agriculture of the State of Idaho appears to be doubtful.

Mr. Cannon's offense had been that he had made an address condemning the Federal Reserve Board and its deflation policy.

Mr. HEFLIN. The Senator from Georgia has furnished us additional proof of the political activities of Federal reserve bank officials. Here is a letter seeking to belittle and discredit the commissioner of agriculture—a State official if you please—of the great State of Idaho.

Mr. President, I wish to make this statement to the Senate to-day. If the bankers of the country knew that they could write to the Senate and to the House and give the information as to how they feel toward the administration of the Federal reserve system for the past 18 months or nearly two years, without the Federal Reserve Board knowing their names, it would be a revelation to Congress. I was speaking here a few days ago when the Senator from North Carolina [Mr. OVERMAN] rose and asked me why it is that the bankers of the country are afraid to say anything about this board and its deflation policy. I replied, "They are intimidated by the management of the system. They are afraid to come out and appear in an antagonistic attitude toward the board, fearing that they will be punished." As one of them wrote me, "They have so many ways in which they can hurt us and punish us, I do not want my name used."

Mr. President, is the Senate going to permit this mighty political octopus to spring up right here in the Capital of the Nation when both Houses of Congress are in session and the President sits within 100 yards of where it is reaching out its tentacles and wrapping them around the throat of the small bankers, farmers, and business men of the Republic, crushing out the spirit of independence and freedom of action

that a banker ought to have. Is that liberty? Is that justice in our Government?

Mr. President, the Federal Reserve Board in order to keep money from the farmer to hold his farm products off the market whispered the word down the line to the local banks to ask borrowers, "What do you want to do with the money you are asking us to lend you?" What sort of Government is this that our boys fought to save? If I want to borrow a thousand dollars to put over a business deal that I think is of advantage to me and mine and I am willing to back my judgment on it, if I have the proper collateral, why should I have to tell the banker what I want with that thousand dollars?

I want to tell of an instance I heard about. The story goes that a couple of young men from the State of Arkansas went to New York. They went to a certain bank and said they wanted to borrow \$25,000. They said they had certain collateral. The banker said, "What do you want to do with it?" The collateral was all right. They said, "Well, we do not like to tell what we want to do with it." "We can not let you have it unless you do." "There is a little speculation in it in a sense, but it is all right and proper. It is a matter that we do not want to get out. We might lose our chance to make the deal we have in mind." "Well, what is it? You must tell it to us." "We have an option on some coal lands that we believe will be worth millions of dollars, and if we can get \$25,000 now we can clinch the deal this week. We have this report on it and that report on it, and it is a fine proposition." They said, "We do not care to lend money on any such proposition as that." The two young men went out despondent and heavy hearted. The whole thing had gone up in smoke. But the bank officials bought the option on the coal land and made hundreds of thousands of dollars on the deal that they would never have known about but for the information forced out of men applying for a loan.

Is our banking system intended to be a club to beat men over the heads and intimidate them, or is it an instrumentality for good and one that will help and serve them? That is all I am fighting for.

Mr. NORRIS. Mr. President—

Mr. HEFLIN. I am glad to yield to my friend from Nebraska.

Mr. NORRIS. In a general way I am in sympathy with the Senator in what I think he is striving to do, but I do not want to let go unnoticed the idea that I think he is conveying now, which it seems to me he can not substantiate, and that is that a banker should not inquire as to the use of the money which the borrower expects to make if he gets it at the bank. Of course, in the case the Senator puts, if the bankers did what he says they did they ought to be put out of business; they ought to have their charter taken away from them. They themselves are doing something that no banker ought to do, if they are engaging in speculation.

But we have been contending, the Senator from Alabama, and I in my weak way, that the farmers of the country were deflated. When a farmer goes to the bank and asks for credit, how is the banker going to know what he expects to do with that money unless he asks? If a farmer went to the bank and undertook to borrow money for speculative purposes, the banker ought to turn him down. If he is borrowing money for the purpose of engaging in agriculture, buying stock, improving the land, getting fertilizer, or something of that kind, then there is that proposition involved.

It seems to me we can not assume that the bankers have no right to inquire what the borrower wants to do with the money.

Mr. HEFLIN. Mr. President, I did not intend to go nearly so far with my statement. I understand that where a bank is supplying farmers and merchants and business men generally with money, and money should be scarce and hard to get, then the banker might tell his customer, "We are not letting anybody have any money except for the purpose of making crops, or a merchant to carry on his business to supply the farmers," and so forth. That sort of business would be all right, and he might ask the man applying for loans about it, in order to keep the very thing the Senator from Nebraska had in mind from happening, the speculative fellows in New York and Chicago trying to get money that ought to go out into the country. I am not talking about cases of that kind. I would not object to their inquiring if those seeking a loan were trying to get money to speculate on the exchange, in stocks, or farm products.

But the case I mentioned was where two men went from their State to get money to put over a deal that sought to buy land and to develop a coal industry within the State, which was a legitimate business as contrasted with speculative deals that take place upon the exchange. I agree with the Senator from Nebraska along the line that the speculative interests ought not

to be permitted to have money that should go to the farming sections of the South and West, and I do not object to inquiry along the line suggested by him. I do object to the fellow who is in the speculative business holding up the man who comes from one of the States with good collateral and has a deal to put over that he wants to get in on, and telling the facts about it, and then have the banker turn him down and go and handle the deal for himself. That is crooked business.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. HEFLIN. I am glad to yield to the Senator from New Jersey.

Mr. EDGE. I was not in the Chamber when the Senator from Alabama was first recognized. I heard him mention yesterday that he intended to ask unanimous consent for the consideration of his resolution. May I ask the Senator if he has yet made the unanimous-consent request?

Mr. HEFLIN. No; but I am going to make it in a minute. I shall take only a little more time. I hope my friend from New Jersey has softened his heart and is not going to insist on the motion he made Thursday. I can not see how he can oppose an investigation of this subject, and I hope he will change his attitude upon this very important matter.

It ought to be the desire of every Senator, regardless of his political affiliation, to keep our great Federal reserve banking system out of politics.

Mr. EDGE. If I may answer that in a moment, it appears to me that the Senator's own argument—what I have heard of it in the last few minutes—would seem to make it all the more necessary for immediate action upon the part of the committee. He now introduces other evidence or information in connection with the necessity for an investigation. It would seem to me the Senator would be assisting his object in having a vote upon the pending motion referring the resolution to the Committee on Banking and Currency, to which committee it belongs, and let the committee at once take up the subject matter of the resolution.

The Senator from Nebraska [Mr. NORRIS] on yesterday, in expressing his views on a resolution providing for a visit to Muscle Shoals, stated to the Senate that the Committee on Agriculture and Forestry had instructed him to do that. The Committee on the Judiciary instructed a subcommittee to consider the dye industry and charges made concerning the activities of their representatives. In the same way the argument, it seems to me, becomes all the more cogent and emphatic that the Committee on Banking and Currency, to which this subject matter naturally belongs and by which it must be or should be considered, should have the resolution referred to them so that they can without delay take it up. I can say in advance, as to the Senator's suggestion about any softening of my heart, that I shall most certainly object to any unanimous consent that does not provide for a vote on the pending motion.

I might say, and I ask the Chair to inform me if I am in error, that we are now in open executive session and it would be absolutely impossible without unanimous consent to vote on the motion. Is not that the parliamentary situation?

The PRESIDING OFFICER. That is the situation.

Mr. HEFLIN. I will make the request in a moment. The difference between the situation suggested by the Senator from New Jersey and this is that the committee instructed the Senator from Nebraska [Mr. NORRIS], who is chairman of the Committee on Agriculture and Forestry, of which committee I am a member, to introduce that resolution and report it to the Senate and get it referred to the Committee to Audit and Control the Contingent Expenses of the Senate for action. That was done.

In this instance a Senator introduced a resolution on the floor and asked for its immediate consideration. That was objected to; and then he moved to refer it to the Committee to Audit and Control the Contingent Expenses of the Senate. That motion was defeated by one vote, the vote being 32 yeas and 33 nays. Then the Senator from New Jersey moved that the resolution be referred to the Committee on Banking and Currency, because he says it pertains to banking and currency business. Then I raised the objection, which is quite natural, that a member of that committee is the author of the speech that is being circulated which attacks me and my position, and I submitted to the Senate and to the country that the resolution, because of that situation, ought not to be referred to that committee. I do not believe there is a fair-minded man or woman in the Republic who will say, under the circumstances, that it should go to that committee.

Mr. NORRIS. Mr. President—

Mr. HEFLIN. If I had made a speech attacking the Senator from Virginia [Mr. GLASS] and my speech was being circulated in his State, and a resolution to investigate that matter should be introduced and it should be suggested that it go to a committee of which I am a member, I would not permit it to be done if I could help it, because it would not be fair to him.

I gladly yield to my friend from Nebraska.

Mr. NORRIS. I should like to say to the Senator from Alabama that I am in favor of his resolution, or, at least, I am in favor of an investigation. I have not heard his resolution read, but, as I understand, it provides for an investigation of the Federal reserve bank at Atlanta and its conduct, which has been brought to the attention of the Senate by the reading of certain letters. I think a full investigation should be made, and, of course, be made by an unbiased committee. I think the Senator from Alabama has shown reasons which are sufficient to warrant such an investigation. I myself am ready to vote for his resolution without referring it to any committee; but if the resolution must go to a committee, I think we will all agree that under our rules the Banking and Currency Committee is the proper committee to which the resolution should be referred.

I should not be willing to say in advance that the members of that committee would not treat the resolution with fairness and would not report it back to the Senate. There are some reasons, perhaps, which the Senator from Alabama has given why the resolution should not be referred to that committee, for we know in advance that certain members of the committee are probably opposed to the resolution. At the same time, no Senator who is a member of that committee has shown a disposition which seems to me to indicate that he would be so prejudiced against the resolution as to take any unfair action in reference to it. At any rate, the resolution must come back to the Senate, and the Senate must act upon it finally. I should be glad, therefore, to see the Senator from Alabama let the resolution be referred to the Committee on Banking and Currency; and I wish to say to the Senator that if the committee does not report the resolution back within a reasonable time—and I think two or three days would be a reasonable time in this case—I shall be ready to join with him to move to discharge the committee from the further consideration of the resolution, to bring it back to the Senate, and have it taken up at any time when it may receive consideration.

I desire to say further to the Senator that I think the letters which he has read have shown a condition of affairs which the Senate can not afford to let go unnoticed. Whether we are with the Senator or against him in his attack on the Federal Reserve Board is not involved; the question is away beyond that; and we owe it to ourselves to order, and I believe the Senate will order, the right kind of an investigation. If the committee does not do what is right in the consideration of the resolution, we shall have an opportunity in the Senate to make it right, and I believe we can make it right.

Mr. HEFLIN. There is much force in what has been said by my friend from Nebraska, but, for the reasons which I have previously stated, I do not want the resolution referred to the Committee on Banking and Currency.

Mr. NORRIS. If the Senator will permit me further, I desire to say that I was not in the Senate the other day when the vote was taken on his motion to refer the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate, but I think that motion was a proper one, because under the law the resolution must eventually go to that committee, and it would have been all right to have sent it there in the first instance. I should be glad to have the resolution sent to that committee, to have it reported back, and pass on it without sending it to the Committee on Banking and Currency; but, as the Senate has once voted against the motion to refer the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate, I do not really know whether it would be in order again to make the motion to send it to that committee, at least until after the motion to refer the resolution to the Committee on Banking and Currency should have been disposed of; but all Senators know that before any investigation can take place the Committee to Audit and Control the Contingent Expenses of the Senate must have an opportunity to pass on the resolution.

Mr. HEFLIN. That is true, Mr. President.

Mr. NORRIS. I am sorry the resolution was not referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Had I been present I should have voted with the Senator to refer the resolution to that committee.

Mr. HEFLIN. I followed the suggestion of the Senator from Iowa [Mr. CUMMINS], who was presiding at the time I brought up the resolution. He suggested that it should go to the Com-

mittee to Audit and Control the Contingent Expenses of the Senate. That is the reason I asked that it be referred to that committee. Then opposition to my suggestion was made by the Senator from New Jersey [Mr. EDGE] and other Senators on the other side of the Chamber who were opposed to it going to the Committee to Audit and Control the Contingent Expenses of the Senate, but who desired that it be referred to the Committee on Banking and Currency. I repeat I was merely following the suggestion of the Presiding Officer, who informed me that the reference to the Committee to Audit and Control the Contingent Expenses of the Senate was the proper and usual course. Senators on the other side of the Chamber now keep the resolution from taking the usual course and are fighting to have it referred to a committee of which the Senator whose speech was circulated is a member, and the chairman of which committee came over and congratulated that Senator on the day on which he made the speech. I am merely making this statement to show the interest which Senators who oppose my motion have in the matter.

The Senator from Connecticut [Mr. McLEAN], who is chairman of the Committee on Banking and Currency, in the beginning opposed the creation of the Federal reserve system, and now he and the Senator from Virginia [Mr. GLASS] are acting in full accord in defense of the deflation policy of the Federal Reserve Board. It is to the committee of which one of those Senators is the chairman and the other a member that it is now desired by them that my resolution shall be referred for eternal sleep.

Mr. NORRIS. I do not believe the Senate will let the Senator's resolution sleep eternally; but I should like to ask the Senator from Alabama to permit me to submit a parliamentary inquiry to the Chair. If the Senator does not object, I will submit to the Chair this proposition: Is it not necessary under the law that the resolution of the Senator from Alabama shall be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; and is it not the duty of the Presiding Officer to send it there without any motion being made? In other words, does not the law provide that the resolution shall go to that committee?

The PRESIDING OFFICER. The resolution would require the expenditure of money from the contingent fund of the Senate, and, consequently, under the rules of the Senate, and in accordance with the statute provided, it would have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BRANDEGEE. Mr. President, that inquiry was made the other day when the Senator from Alabama presented his resolution; and, while everybody agreed that the statute required that such a resolution must at some time be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, the question was whether when submitted the resolution should first go to the committee which had jurisdiction of the subject matter or to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. The Chair is of the opinion that such a matter is entirely in the control of the Senate. The resolution may be sent first to either committee.

Mr. BRANDEGEE. There is a motion pending, as I understand, to refer the resolution to the Committee on Banking and Currency.

The PRESIDING OFFICER. That motion is in order.

Mr. BRANDEGEE. I understand it is the pending motion.

Mr. MOSES. The motion can not be pending at this time.

Mr. BRANDEGEE. That motion was made by the Senator from New Jersey [Mr. EDGE].

Mr. HEFLIN. Such a motion was made; that is true.

Mr. MOSES. The motion will be pending when we take an adjournment and the matter comes up again in regular order, but not before then.

Mr. NORRIS. The Senate has adjourned in the meantime.

Mr. MOSES. The Senate has recessed.

The PRESIDING OFFICER. The motion is not before the Senate at this time, but when the resolution is taken up again the motion of the Senator from New Jersey will then be pending.

Mr. HEFLIN. What I mean is that the motion is still pending—that is, it is before the Senate and has not been voted upon.

Mr. NORRIS. The point is that the motion to refer the resolution to the Committee on Banking and Currency was made, as I understand—I was not here at the time—when the resolution was properly before the Senate. Of course, nobody contends that it can be taken up now except by unanimous consent, because we are in executive session, but when the Senate

resumes its legislative session, as it will at some time, I hope—

Mr. LODGE. I hope so.

Mr. NORRIS. Will this motion automatically come before the Senate?

Mr. LODGE. No.

Mr. NORRIS. Will it have to be made over again?

Mr. LODGE. Let me explain to the Senator. The motion of the Senator from Alabama was first made in due course and was voted down. Then the motion of the Senator from New Jersey was pending when the Senate went into executive session, and when we came out of executive session into legislative session we took up the unfinished business, and of course the resolution of the Senator from Alabama went to the table.

Mr. NORRIS. That is what I should think.

Mr. LODGE. It can not come up again until we have an adjournment, and then it will be reached again in regular order in connection with the routine morning business automatically; that is, the Senator from Alabama may call it up.

Mr. HEFLIN. Then I ask unanimous consent that we take a vote upon the motion of the Senator from New Jersey [Mr. EDGE] as in legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LODGE. Mr. President, if the Senator is ready to permit the resolution to go to the Committee on Banking and Currency, which was the pending motion when the Senate went into executive session, as that would give rise to no debate, I should not interpose any objection; but I can not consent to taking up any subject which will delay the consideration of the treaty now before the Senate, which on account of discussion on all sorts of questions has been very much delayed already. I should like to have the treaty discussed and voted upon.

Mr. HEFLIN. I am ready for a vote now, Mr. President. I do not want to occupy any more time on the resolution if we can have a vote now.

The PRESIDING OFFICER. The Chair does not understand whether the Senator from Massachusetts objects to the request for unanimous consent which the Senator from Alabama has made?

Mr. MOSES. I object, Mr. President.

The PRESIDING OFFICER. Objection is made.

Mr. HEFLIN. Mr. President, since the Senator from New Hampshire himself has objected, there is nothing else that I can do until Monday, and then I will ask that the resolution may be considered, and will continue to do so each day thereafter until we may have action upon it.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The PRESIDING OFFICER. The question is on agreeing to article 1 of the treaty with Japan.

Mr. KING. Mr. President, I was advised that the Senator from Maryland [Mr. FRANCE] desired to address the Senate on this matter before it went to a vote. I see the Senator from Maryland has come into the Chamber, and I rose only to occupy the floor until the Senator from Maryland should be able to be present.

Mr. FRANCE. Mr. President, I have not announced that I would speak at this time. I am not disposed to discuss the treaty if anyone else is prepared to go ahead, but if a vote is pending I shall be very glad to submit some observations upon the question.

The PRESIDING OFFICER. The question before the Senate is on agreeing to article 1 of the treaty.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fernald	Jones, Wash.	Nelson
Brandegee	Fletcher	Kellogg	New
Bursum	France	Kendrick	Newberry
Cameron	Frelinghuysen	Keyes	Nicholson
Capper	Glass	King	Norris
Coff	Gooding	Ladd	Overman
Curtis	Harrell	Lodge	Page
Dillingham	Harris	McKellar	Phipps
Edge	Harrison	McKinley	Poinexter
Elkins	Healin	McNary	Pomerene
Ernst	Johnson	Myers	Ransdell

Rawson
Sheppard
Shields
Shortridge
Smith

Smoat
Spencer
Sterling
Townsend
Trammell

Walsh, Mont.
Warren
Watson, Ga.
Watson, Ind.
Weller

Williams
Willis

The PRESIDING OFFICER. Sixty-one Senators have answered to their names, a quorum is present. The question is upon agreeing to article 1 of the pending treaty.

Mr. FRANCE. Mr. President, I was not anxious to discuss this treaty at this time, as I really have had very little opportunity to give the matter my study; but I am most unwilling to see such an important measure as this pass through the Senate with no debate whatever upon it to develop the real significance of the measure.

The ratification of this treaty involves a total change in the whole foreign policy of our Government as it has been established since the foundation of the Republic by the fathers. Not only does it involve an alteration in policy, but it involves a plain violation of the great fundamental doctrines of the Republic. Indeed, it involves taking a long step away from Americanism into a field where the perils are unknown and uncomputed.

The very brilliant and eloquent Senator from Georgia [Mr. WATSON] the other day called attention to the fact that Washington's Birthday had gone with no one to rise to pay reverence to that peerless statesman. He called attention to the fact that there seemed to be a disposition to abandon the policies of Washington; and on Tuesday and on Wednesday I served notice that this treaty should not be ratified with my consent on either of those days. I was resolved that if the time had come when the representatives of the Republican Party were ready to consign the great doctrines of the Father of their Country, wrapped in the winding sheet of oblivion, to a grave where they should lie with the bones and ashes of departed heresies, I would rise here and demand that at least three days should elapse after death before there should be interment. Sirs, if the Republican Party ratifies these treaties, it has to live up to the great traditions of the Republican Party.

It is not pleasant for any member of a party to rise and tell the truth when it shall be so distasteful in such a situation, but I say that I hold myself to be one of the most inconspicuous Members of this body; I have no pride of intellect; I have no boast that my services have had anything to distinguish them; but I have one privilege, sir, which every American has: I have the privilege of being able to rise and say that I, humble citizen of the Republic as I am, stand with Washington, stand with Hamilton, stand with Jefferson, stand with Lincoln; and, sir, I shall stand with those men rather than to stand with the men whose policies in this instance are an utter repudiation of all that those men taught.

The debate of yesterday disclosed some very important facts. The Senator from Nevada [Mr. PITTMAN] in a most able address called attention to the danger of ratifying this treaty without an examination of the other policies which necessarily must be linked with it. The great Senator from the State of Missouri [Mr. REED]—and I hope he is returned to the Senate—in his own incomparable way brought forward certain considerations. The Senator from Missouri was answered by the distinguished Senator from Massachusetts [Mr. LODGE], who objected to one part of the Senator's argument. He called the attention of the Senator from Missouri to the fact that the Senator from Missouri had said that Yap was a halfway house, and that as a matter of fact the geography of the Pacific Ocean would disclose the fact that Yap was not exactly halfway between the United States and the Philippines. Thus was the powerful argument of the Senator from Missouri answered; and when the Senator from Nevada [Mr. PITTMAN] called attention to the fact that these islands were not Japanese territory, as had been intimated by the Senator from Minnesota [Mr. KELLOGG], the reply of the distinguished member of the Committee on Foreign Relations, the Senator from Minnesota, to the statement of the Senator from Nevada that the territories were not yet Japanese territories was, "Well, if they are not they will be, because these treaties will be ratified."

That was a most remarkable statement. By what authority does the Senator from Minnesota rise in the Senate, before there has been any debate upon the treaties, and say that these treaties will be ratified? Have we ceased to be a Senate? Have we so far forgotten the great prerogatives of this body that we will permit without protest a Senator to rise here, when a great treaty has been brought in, the proponents of which have not even explained it, when there has been no debate whatever, and say that the treaty will be ratified? Who has polled the votes of the United States Senate on this treaty? Is it a party measure, and must it therefore pass?

I deny it. I deny that this treaty is in harmony with any principle either of Hamiltonian federalism or Jeffersonian democracy. Perhaps some of the interests of Minnesota are for the treaty.

This treaty, and all the treaties with it, while they may subserve the interests of a little, narrow group of international bankers in New York, are in violation of the interests of every business man, every farmer, every merchant, every manufacturer in the country.

I greatly admire the distinguished Senator from Massachusetts [Mr. LODGE]. I recognize his great services to the Republic, his great learning, his great knowledge of international relationships; and, feeling as I do toward him, I must confess that I was not greatly surprised when the Senator from Massachusetts submitted this treaty without any very enthusiastic defense of it. The Senator from Massachusetts is well able to discuss all of the problems involved in this treaty, but he did not do so.

What is the reason? I think I can show, before I am through, that even the great Senator from Massachusetts [Mr. LODGE], that the great Senator from Alabama [Mr. UNDERWOOD], and many other Senators who are proponents of this treaty, together with some of the highest officials of this Government, have been caught in a great international policy which was launched before they were fully aware of it and from which they have not been able to entirely escape because of the momentum which such a policy carries.

I feel that the time has come when it is important—indeed, indispensable—for us to consider certain very elemental and fundamental facts with reference to the American system of government and the difference between our system of government and all other systems, which make it impossible for us, even though we might wish to do so as a matter of international policy, to adopt this treaty and the other treaties which are an integral part of it.

What is patriotism? What do we mean when we say we are loyal and patriotic? Do we simply mean that we are loyal to the soil of America? Do we simply mean that we are grateful for all material benefits which have been conferred upon our country, and upon those who have been citizens of it, or do we mean something more than that? It seems to me that patriotism is something more than a mere affection of the soil of our country. American patriotism is the love of an idea, of an ideal, of what I believe to be a great world process and purpose; a love, if you please, for the idea and ideal of liberty, and a love for the process and purpose of liberation and for those peculiar institutions which insure to us the unspeakable blessings of liberty, those institutions by the example and through the instrumentality of which we believe, with the fathers, the unspeakable blessings of liberty are to be extended in widening and ever-widening circles, until they shall at last reach the most distant islands of the seas or the remotest shores where dwell the sons of men. That sounds like a generality, but I think I can prove before I have proceeded far by more specific statement that what I have said is not a generality.

When we entered the Great War, we were exposed to a peculiar danger. We were not exposed to the danger that we might be defeated, for we all know that this Republic is invincible; but we were exposed to the danger which should come after the close of the war, for this war, of course, was, in the last analysis, in the beginning but a conflict between great empires. Until we entered it it was nothing more than that. Empire joined bloody battle with empire for more extensive dominions in the world. But when we entered it it became something more than that. It became a struggle for the preservation of our ideal, an ideal which I shall shortly show you is absolutely different and distinctive from any other idea or ideal of government in all the world.

With the close of the war there arose the danger that, since we had joined in actual combat with the other empires, and, as our purposes had during that time been merged with their purposes, the purposes of victory, there was danger that when peace came there might be an effort made to submerge our American ideal of what a peace should be in the imperial ideas of what a peace should be.

Go back over the history of the world, and you will find that every war has been a war inaugurated by imperial ambition, and that every peace which has been made has been an imperial peace, every such peace containing within it the germs of a new conflict. There was very grave danger, indeed, that the great American idea might be submerged, when it came to the making of the peace, in the deep purposes of the empires, for the creation of a new status quo satisfactory to the empires.

That sounds very much like a generality, but it is not. Ever since the signing of the armistice there has been going on a

silent, grim, determined, unyielding conflict between two great systems and ideas of government, what I call the system of Europeanism, or imperialism, and what we all know as the system of Americanism. It was a question, after we achieved victory, whether Americanism or imperialism should prevail in the making of the peace, whether there should be new agreements in harmony with the principles of our Government, or whether there should be old agreements in the form of new alliances, between the empires for the preservation of the territories and of the spoils of war.

Should it be necessary now for anyone to arise in the Senate and explain principles of government so simple and so elemental that every American schoolboy should understand them? Should that be necessary? It should not be; but apparently it is. In order to explain the fatal error of this treaty, in order to show that it is out of harmony with our system, need I explain to Senators that the two systems of government prevailing in the world, the two systems which have prevailed since the writing of the Declaration of Independence, are absolutely, diametrically opposed, inconsistent, irreconcilable, as far removed from each other as sunrise is removed from sunset?

Of course, it is very important to understand the old European system, for it is the system which has drawn the map of the world. The old European system, which is the one under which practically all of the nations of Europe except two are now living, holds that the right of government or the right of kings is divine, and of course it follows from that that if the rights of governments and the rights of kings are of divine origin, the authority of government and the authority of kings over the subjects of that government are absolute, and it also follows that the authority or the sovereignty which one government may exercise over another is limited only by the military strength of the government desiring to exercise that sovereignty.

That philosophy of government leads us, of course, to the whole system of imperialism. Under that doctrine there is no reason why any nation should not assert its sovereignty over every other nation and over any and all the citizens of the other nations, if it has the power to do so. But the American system is the very opposite. It holds not that the right of government and that the right of kings is divine, but that men are endowed by their Creator with certain unalienable rights; that among those rights are life, liberty, and the pursuit of happiness; that to achieve these ends governments are instituted among men, deriving their just powers from the consent of the governed, and that constitutions of government are written, not to give to men these rights but to preserve to men these unalienable rights against invasion by their own or by any other government.

Now, unless we understand—and it is perfectly evident that many of the statesmen of our country do not understand this—the elementary principle that the whole system of imperialism is absolutely irreconcilable with the system of Americanism, we can not see the utter repudiation of all American doctrine which is involved in such schemes as this which has been proposed to us, and which, of course, were involved in the old League of Nations scheme.

President Wilson went to Paris, having enunciated before he went there certain great principles which were in harmony with the American philosophy of government, but when he actually reached Paris he was unable to maintain those principles and to secure their recognition in the great conference of empires in which he participated. The peace as represented by the Paris treaty was the same old kind of an imperial peace. They called it, of course, a League of Nations. Those who were opposed to it were asked whether they did not believe that international association and cooperation should take the place of war, and for a time they had almost persuaded many of the most intelligent of Americans, under the specious argument that it would bring us peace, that we should become part of what was nothing more or less than an imperial alliance.

The Republic of the United States was to be invited under the League of Nations—which, by the way, was favored by most of those who are the proponents of this treaty—to become and was to be a member of the alliance, of course, of all the great imperial powers of the world, Great Britain, Japan, France, and, to a less degree, Italy; France, of course, theoretically being a Republic but in reality being an imperial nation. We were asked to join that alliance, and they desired us to join in order that we might become one of the guarantors of the great territories of these empires, which lay in all parts of the world. They wanted our guaranty that what they had taken might be held.

Now, as I said the other day, these treaties present the old League of Nations in another form. What did they wish us to guarantee under the terms of the peace treaty? They wished us to guarantee the tentative arrangement made by Clemenceau, Lloyd-George, and Mr. Wilson on the 6th day of May, 1919, the arrangement as to the disposition of those great territories, covering a large part of the earth's surface, containing valuable resources. They wished us to guarantee the title to these territories to the powers among which these imperial dominions were to be divided.

I shall place in the Record as a part of my remarks the territories and their disposition as settled at that conference. Japan was to get the islands in the Pacific north of the Equator. Great Britain was to get the islands in the Pacific south of the Equator. France to a very small degree and Great Britain to a much larger degree were to get the territories in Africa, the extent of which I showed the other day by a map which hung upon the wall. They wished us to guarantee not only what they had taken as a result of this war, but also what they had taken as a result of all the other wars. As I said, the pending measure proposes to have us do in part what under the League of Nations we were asked to do in entirety. By this treaty we surrender to the Empire of Japan the islands in the Pacific which had been coveted as the result of the war and which were tentatively given to Japan under the agreements which were made in that informal conference by the three gentlemen of whom I have just spoken.

When we ratify the pending treaty we will guarantee to Japan the islands in the Pacific north of the Equator which the League of Nations gave her—indeed, which it was decided should be given to her before the League of Nations was ever signed by three men acting in their individual capacity; that is to say, acting individually, whether they represented each his own Government or in strictly individual capacity.

The questions which I desire to discuss to-day—and I shall be very happy if my observations shall be considered even worthy of notice by the proponents of the treaties—are as to whether, even if we wished to do so, we could transfer these islands to Japan or assent to Japan acquiring sovereignty over them. If we examine carefully the fundamental doctrines of our Government, and if we act in harmony with those doctrines, I maintain that it is impossible for us to alienate our share in the islands, even if we wished to do so. I will state in a moment the essence of my argument, which, it seems to me, is an unanswerable one, proving that we have no power, even if we wished to do so, to alienate these islands and pass them under the sovereignty of another Government.

The doctrine has been well established that, when the United States acquires territory all of the fundamental rights under the provisions of the Constitution of the United States extend to that territory and that every inhabitant of that territory becomes vested with the right to be protected in the enjoyment of those inalienable human rights guaranteed to every individual under the Constitution of the United States. That, of course, means that when, under the Paris treaty, certain territories were transferred in part to us we became obligated to hold them in trust in such a way that the inalienable rights of the inhabitants should be protected until the peoples should be fitted for liberation, or we were obliged to assume a passive attitude of neither affirming our sovereignty nor denying it, but of simply leaving the matter as it was, not questioning or acquiescing in the sovereignty of any other nation over them, but not asserting our own sovereignty. It is not incumbent upon this country to go out like a knight errant battling through the world until there should be realized to all the citizens of all the countries the inalienable rights of liberty which we believe belong to them, but it is also not for us to assent to the holding of these people, by an affirmative act, under the sway of empires which are denying to their subjects those rights.

I have said that there are certain fundamental principles in our Americanism which distinguish it from every other system and doctrine of government in the world. I wish to read some paragraphs from a most valuable work which expresses, in language much better than any language I could possibly use, the fundamental doctrine of this Americanism which makes it impossible for us to pass any people who have become our wards, under any circumstances, under the sovereignty of any empire or any other Government in the world.

As I have said, the essence of the American doctrine, the fundamental principles of the American system, are to be found in the Declaration of Independence. I am quoting from the book of the late Alpheus Henry Snow, one of our most distinguished writers on international law, the American philosophy

of government, some paragraphs which bear upon this statement. On page 40 of that book he said:

Taking the Declaration of Independence, therefore, as the exposition of the fundamental principles on which all American political theory is based, and to which all American policy must conform, let me state briefly the general meaning and purpose of this instrument, as I understand it.

Then he goes on to enunciate that these principles are, as I have indicated, the fundamental principles which teach that every man in the world at the time of his creation is vested with certain inalienable rights which belong to him as an individual, which rights can not be taken away from him by any Government without a violation of the fundamental principles of the laws of nature, of the laws which should govern nations, and of the divine law. Of course, from the doctrine of the inalienable rights of the individual there follows the doctrine of the universal right of free statehood. He says:

The conception of the universal right of free statehood is reached in the Declaration through a series of three propositions, each stated to be self-evident, and yet all forming a sequence. The basal proposition is that "all men are created equal." Rufus Choate and John James Ingalls have declared this proposition and the succeeding one that "all men are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness," to be glittering generalities. Abraham Lincoln, on the other hand, in his speech at Gettysburg, at the most solemn and stirring moment in the country's history, declared that the proposition that all men are created equal was the foundation idea of the Nation, to which it was dedicated by the fathers.

There are, it is to be believed, many who will be ready and willing to accept as the true statement, which every student of political history must admit to be true, that the philosophy of the American Revolution was a religious philosophy. It is indeed perhaps not too much to say that the period of the American Revolution was the period in which both political and religious thinking reached the highest point, and that there is no question of government which has since arisen which was not either solved by the revolutionary statesmen or put in the process of solution.

The essence of that (the American) philosophy was that man was essentially a spiritual being; that each man was the direct and immediate creature of a personal God, who was the first cause; that each man as such a spiritual creature was in direct and in immediate relationship with God as his creator; that between men, as spiritual creatures, there was no possibility of comparison by the human mind, the divine spark which is the soul being in essence incapable of measurement and containing possibilities of growth, and perhaps of deterioration, known only to God; that therefore all men as essentially spiritual beings were equal in the sight of all other men.

According to this theory, also, the glaring inequalities of physical strength, of intellectual power and cunning, and of material wealth, which are on a superficial view the determining facts of all social and political life, are merely unequal distributions of the common wealth, and each person is considered to hold and use his strength, his talents, and his property for the development of each and all as being essentially equal.

I do not wish to prolong my quotations beyond the point which is necessary in order that I may develop the idea so ably developed by this author, who is one of the most distinguished of our writers upon the American system.

The declaratory act of 1766 brought clearly into comparison the political system of America opposed to the political system of Europe. It was inevitable from that moment that the American system, based on the principles of the Reformation in their broadest sense and in their most universal application and briefly summed up in the proposition that "all men are created equal," must conquer, or be conquered by, the European system, based either on the principles of medievalism, summed up in the proposition that "all men are created unequal," or on a compromise between the principles of medievalism and the Reformation, summed up in the proposition that "some men are created equal and some unequal."

Again:

From the doctrine of equality arising from the common creation of all men by a personal Creator to whom all were equally related, it is declared by the declaration to follow as a "self-evident" truth that there are certain rights which are attached to all men by endowment of the Creator as being the correlative of the inalienable needs of all men, and which, inasmuch as they arise from the universal limitations which the Creator has imposed, are as unalienable as the needs themselves. These inalienable rights are declared to be the rights of life, liberty, and the pursuit of happiness.

Of course, the immediate question is as to the bearing of this fundamental doctrine on international relationships, which is the question which we have confronting us in the form of this treaty. Until this doctrine came into prominence in the relationships of nations to each other, nothing of course was considered except the rights of the nations over against one another. The question of the rights which existed between the nations was a question which was in the last analysis decided by war, but with the coming forward of this fundamental doctrine, which was enunciated with the founding of this Government, there arose a new and a better way of viewing all international questions, and it came to be that in every international question that arose not the question of the nations' rights only, and the rights of the peoples in the nations collectively, but the rights of the individuals themselves in each nation must be considered.

For a long time—

As Mr. Snow says in another portion of his work—

the people of each nation, ignorant of foreign affairs by reason of the difficulties of travel and communication, allowed the executive to control the foreign relations under the advice of a council, in the selection of which they had no voice, and representing privileged classes of persons who used the power of the nation as means to accomplish such ends as they thought desirable.

So long as this condition of things was general, the rights of nations occupied the attention of writers. The rights of man, the rights of peoples, and the rights of society in general were ignored, as were the responsibilities which necessarily accompany all rights. Each nation sought to aggrandize itself by conquering and pillaging others, and the only restraint on one nation trespassing upon another was that all of the so-called civilized nations were gradually forced, by the pressure of circumstances, to enter into the playing of a military game of forcible checks and balances called the "balance of power" or the "political equilibrium."

The principle of this game was very simple, though, like most other games, the rules for playing it were very intricate. When any nation, for the purpose of direct gain by pillage of its neighbors, or by despoilment of the natives of barbarous regions, or for the purpose of indirect gain by destroying its competitors in trade or opening up new trading points, desired to conquer adjacent or distant regions—thereby increasing its military and naval strength and paving the way for further expansion—the surrounding nations combined their military and naval strength by alliances until the proposed expansion was balanced and checked or until the opposing nations, or all the nations concerned, were "compensated" by partitioning between them some weak country which had been crushed in the course of the war.

So long as the people of each nation remained unenlightened and were without full power to express their ideas through representative institutions, the war game "of the balance of power" ruled international politics, and international disputes were disputes concerning the "rights of nations," and particularly on points of "national honor." The citizens of each nation had only partial and indefinite rights at home, and citizens of one nation had no rights in another nation or against a foreign Government.

As the people became more enlightened and obtained an increasing participation in their own government by representation and by compelling their governments to be responsible to them, there gradually arose in each nation a popular philosophy of government, in which the rights of individuals, of peoples, and of human society in general were distinguished from the rights of nations.

As I have indicated, if we are to adhere to this fundamental doctrine that all men are endowed by their Creator with certain inalienable rights, and if we are to adhere to the principles of the Constitution and to the doctrines enunciated under the Constitution—that all men who come under the sovereignty of the United States have extended to them the protection of their fundamental rights under the Constitution of the United States—it becomes apparent that there is an important constitutional question involved in this treaty.

Under the treaty of Paris we gained, of course, a one-fifth interest in these Pacific islands north of the Equator. We have already announced through the former Secretary of State, Mr. Colby, and through the present Secretary of State, Mr. Hughes, that we did acquire those rights, and that we consider that those rights still adhere to us, and that in no way have we renounced those rights by failing to participate in the League of Nations as a member. If this is true, it is also true that by the transference to the five allied and associated powers of these islands a certain amount of sovereignty, one-fifth of the sovereignty over these territories became vested in the United States, and that when that occurred every one of these Malays, every one of the men in the former British colonies in Africa, became vested with the rights which we, ourselves, have, so far at least as their fundamental and inalienable human rights are concerned.

MR. KING. Mr. President, may I suggest to the Senator an inquiry?

MR. FRANCE. Yes; I yield.

MR. KING. Concede the rightfulness of the Senator's position as a legal proposition, that there was a transference of an undivided one-fifth interest in and to the German colonies, and that by reason of that fact pro tanto those peoples were entitled to our constitutional guarantees. Suppose that Great Britain or France or Italy or Japan, each of them enjoying a like one-fifth interest, should have institutions entirely at variance with our own. Suppose that their institutions permitted slavery and denied the civil and political rights which our institutions guarantee. I am interested in knowing how there could be a reconciliation of those manifest conflicts between the various grantees of the sovereign title, carrying with it, of course, the control over the people.

MR. FRANCE. There can be no reconciliation. The Senator, with his very able mind, has pointed out again that the system of government of the United States and the systems of other countries are absolutely irreconcilable, because we lay down this doctrine of fundamental, inalienable human rights, and they do not. There is no other nation which does lay down that doctrine of inalienable human rights, and, therefore, as I

should have gone on to say, there is an irreconcilable difference between the systems; and I shall quote in a moment something which will express that in a very clear way.

Mr. FLETCHER. Mr. President, will the Senator yield to me for a question?

Mr. FRANCE. I yield to the Senator from Florida.

Mr. FLETCHER. The Senator has stated that under the Versailles treaty the United States acquired an undivided one-fifth interest in the island of Yap. I am unable to reach that sort of a conclusion. The document before us contains this language:

Considering that by article 119 of the treaty of Versailles, signed on June 28, 1919, Germany renounced in favor of the powers described in that treaty as the principal allied and associated powers, to wit, the United States of America, the British Empire, France, Italy, and Japan, all her rights and titles over her overseas possessions.

We have no more interest in the island of Yap under that clause than we have in the overseas possessions of Germany throughout the world. All her overseas possessions passed, in pursuance of that article, to the principal allied and associated powers; but, following that, the treaty provided in the covenant of the League of Nations that these overseas possessions were to be mandated in accordance with a plan and program mapped out by the council of the League of Nations. When the council of the League of Nations met the United States was not present and did not participate, and they proceeded to vest mandatory power as to these islands north of the Equator in Japan. Therefore, in pursuance of the article and in pursuance of the Versailles treaty and the covenant of the League of Nations, Japan now has complete mandatory power over these islands, and the United States has nothing except possibly what she had before and what she may have by reason of the articles expressing the mandatory powers of Japan, like all other nations have. We have no more rights there than any other nation has, it seems to me, under that situation. Now, this treaty proposes to recognize what we at present have not—that is, the rights set forth in the various articles, 1, 2, and so forth, of this proposed treaty. I can not see how the United States acquired an undivided one-fifth interest in the island of Yap under the Versailles treaty and the subsequent actions of the council of the League of Nations vesting the mandatory powers over that island in Japan.

Mr. FRANCE. If we have no rights whatever in these territories, will the Senator explain to me why we should be called upon to acquiesce in Japan's taking them? How do we become a party at interest in any way if the doctrine of the Senator is correct? What is the object of our being here debating this proposition, when I would much rather be debating the policies which look to the reconstruction of this country and the rehabilitation of business generally? Why should we be discussing this question if we are not a party in interest?

Mr. FLETCHER. We have this interest: We are seeking now to express precisely the interest which we desire there, in that we are by this convention having recognized as to the United States and the nationals of the United States all the provisions of articles 3, 4, and 5 "of the aforesaid mandate"—that is, the mandate of Japan. Japan recognizes that those articles apply to the United States and to the nationals of the United States, and we secure that recognition by this covenant. Further, it is agreed that—

Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the islands; it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control.

That she has under the mandate vested in her through the council of the League of Nations.

Further:

Vested American property rights in the mandated islands shall be respected and in no way impaired.

Existing treaties between the United States and Japan shall be applicable to the mandated islands.

Japan will address to the United States a duplicate of the annual report on the administration of the mandate to be made by Japan to the council of the League of Nations.

We have no right to that unless we provide some way whereby we may be entitled to a copy of that mandate report. Japan has to report annually, to the satisfaction of the council of the League of Nations, what she does in reference to those islands, under the mandate vested in her.

We also secure the following agreement by this covenant:

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited in the convention, unless such modification shall have been expressly assented to by the United States.

Without that covenant, Japan would simply make her report as to her administration of this island under the mandate to the council of the League of Nations. We are not a party to that. We have declined to participate in that, and so far as we are concerned that council might change the powers and authority of that mandate from time to time. We secure here a covenant that those mandatory powers shall not change or modify the mandate without our consent, as far as Japan is concerned.

Those are some of the things which we obtain under this treaty, to which, without this treaty, we have no right.

Mr. FRANCE. The Senator has made a very clear statement, and one which is very important. He has again indicated what, in my judgment, is perfectly true—that under the provisions of these treaties, which are now coming before us, we assume the obligations of the league without having any of the protections of the league. In other words, we yield our interest in these islands to Japan; and there has been yielded, of course, to the League of Nations the ultimate authority over these islands. Japan by a mere technicality, of course, holds these islands as a trustee for the league, and as a trustee Japan will report to the league as to the progress of these peoples in various ways; but we, not having membership in the league, will have no control whatever over Japan in the exercise of her authority as trustee over these islands.

Mr. FLETCHER. That seems to me to follow necessarily. One of the provisions in the articles of the mandate is a very important one:

ART. 4. The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

That Japan agrees to when she accepts this mandate; but she agrees to that with Great Britain, France, and Italy, and not with us. She has no contract at all with us to that effect; but under the treaty which is now before us she makes article 4 binding on her as to the United States, and, furthermore, she agrees that that article can not be modified hereafter by the council of the League of Nations without the consent of the United States. That seems to me to be a very important factor.

Mr. FRANCE. It is, I will say to the Senator; and the whole thing seems to me to be an impossible arrangement. Personally, although I was very much opposed to our participation in the League of Nations, I think it would be much more consistent for us to enter the League of Nations than to enter such an arrangement as this.

Mr. WATSON of Georgia. Mr. President, I wish the Senator would discuss this phase of it: The nations with whom we are going into a four-power treaty are members of the League of Nations, and we are not. What will be the relationship between the League of Nations and ourselves after we shall have ratified this four-power treaty?

Mr. FRANCE. If I answer that question briefly—and answering it briefly, I would also answer it somewhat imperfectly, and in barest outline—I would say that under the arrangement provided by these treaties we guarantee the territory of the members of the league, but they do not guarantee our territory; in other words, we assume the obligations of the league without any of the possible benefits. I wish neither the obligations nor the benefits. I do not want our boys to go to war to protect the rights of any other nation, nor do any Americans need to ask any other nation to come here and help us to protect our rights.

Mr. WATSON of Georgia. As I understand the Senator, he thinks we would become a guarantor for the league, or at least a part of it?

Mr. FRANCE. We become guarantors, it seems to me, so far as these territories are concerned. By assenting to Japan acquiring these islands, we do not, of course, guarantee in a general way the title to all the islands, but it seems to me we do guarantee in reality the title of Japan to these islands. Of course, it is useless to say that the language does not justify that interpretation. The nod of a king is a guaranty, and when the great Republic of the United States says to Japan, "These islands are yours; we assent," that is our guaranty, it seems to me.

Mr. FLETCHER. Mr. President, coming back to this question of our interest under the Versailles treaty, to which the Senator has referred, and which he seems to think is the basis for the claim we have to an undivided one-fifth interest in the island of Yap, I would ask the Senator if he holds that the United States has a one-fifth interest in all the overseas possessions formerly held by Germany? That would include possessions in Africa and all over the world.

Mr. FRANCE. I do so hold, I will say to the Senator. This is what occurred, if I might give it in outline: It was determined, even before the war ended, that Germany should be deprived of her colonies, provided the allied countries won a victory. I think that may be assumed. Negotiations went on for the writing of the covenant of the League of Nations, and it was agreed, in the provisions of the treaty of Versailles, that all of Germany's overseas possessions, the territories in Africa, the territories in the Pacific, and the cables should be transferred to the principal allied and associated powers. They should, of course, have said "except the United States," because they never intended that we should have any title to any of those territories; but out of courtesy they said, "to the principal allied and associated powers." But before the signing of the treaty, on the 6th day of May, 1919, Clemenceau, Lloyd-George, and President Wilson met and agreed as to how these territories should be distributed. They did not seem to be willing to have the treaty signed until there was a gentlemen's agreement as to the disposition of these colonies.

The treaty was signed, and automatically the title to these territories became vested in the five principal allied and associated powers, and our State Department, through the doctrine enunciated by Secretary Colby and Secretary Hughes, has announced that we still maintain that we have a right to our share in the overseas possessions of Germany. Of course, they had in mind the island of Yap when they enunciated that doctrine; they did not have in mind the African colonies, the other islands of the seas, and the cables. They had in mind only the island of Yap; but the same doctrine which applies to Yap applies to all of these possessions, and until we in some way renounce our right and title to a one-fifth interest in those territories such an interest will inhere in us, and we will have part sovereignty over the territory. We may not exercise it; we may not assert it, but we have it until we renounce it, and this treaty is the practical renunciation of it, so far as Yap and the islands of the Pacific north of the Equator are concerned.

Mr. FLETCHER. Was it not true that in the conference of which the Senator speaks, if there was such a conference, it was agreed that these overseas possessions of Germany should be mandated under the covenant of the League of Nations, and that the manner in which they were to be mandated should be determined by the council of the League of Nations?

Mr. FRANCE. That is true.

Mr. FLETCHER. The council proceeded to determine that, and we had no part in it, and we are not a party to the agreement and acquire no rights except such as might be recognized by further conventions or agreements. We took no part in the proceedings of the council, and we have no right to object to whatever mandatory power this council gave, and they determined to give Japan the mandate for these islands north of the Equator.

Mr. WATSON of Georgia. Mr. President, as a question of constitutional law, from what source do we, the Senate, derive authority to put this Government under the obligations of a guarantor of the foreign possessions of any other Government?

Mr. FRANCE. We have no power to do it. There is also no power inhering in this Government to pass any people under the sovereignty of any other nation.

Mr. FLETCHER. It is not claimed that this treaty does that in any way, I take it.

Mr. WATSON of Georgia. Of course I meant to be understood as referring to the four-power treaty. I regard this as just a thin edge of the wedge. I regard all of them as being part of the same general scheme. We can discuss but one until we get the others.

Mr. FRANCE. It seems to me quite clear that this treaty does do that. So far as we have rights, we confer them upon Japan. Of course, it was the theory of the league that these territories should be held in trust by the countries exercising mandatory power, but, as a matter of fact, as I indicated on yesterday, they are not being held in trust, for it would seem, from the fact that one of the nations has already ceded a certain portion of the territory, that it believes it holds the territory in fee simple.

I had omitted one quotation which has a bearing upon the question asked me by the Senator from Utah. The distinctive doctrines of this Government, as laid down in the Declaration of Independence and in the Constitution, are such that we are in conflict with the other nations, and it is very well expressed here:

The American philosophy of government also stands in the way of codification of international law. No American can consistently with his own fundamental beliefs subscribe to a code of international law which does not contain constitutional prohibitions forbidding to all peoples, nations, and governments certain forms of action dangerous to

or destructive of fundamental rights, and which does not make these constitutional prohibitions fundamental and supreme over all international and national law.

Again:

The United States is therefore at the present time in one sense a disturbing factor in the councils of the nations. Its disturbance is not of a physical kind, but of an intellectual and spiritual kind. It brings to the discussion of all international questions ideas of universal law or fundamental rights of the individual as a creative human being, of practical protection of these rights through constitutional prohibitions on all governments based on popular and national recognition of the fundamental law.

That shows very clearly that it is impossible for us to even join in a codification of international law which does not recognize these fundamental principles of our Government. So we could not join with any other nation* in administering a dependency jointly, unless that other nation were prepared to subscribe to the doctrine that every inhabitant of that country, jointly administered in that way, would be guaranteed his fundamental, unalienable rights which become vested in him when he comes under the protection of the Constitution of the United States.

What does that mean in a practical way? It means simply this, that all of these peoples who were transferred from the sovereignty of Germany under the League of Nations, all of the peoples in Africa, all of the peoples in the islands of the sea, when they learned that they had been transferred to the five principal allied and associated powers, of which the great Republic of the United States, holding these fundamental doctrines, was one, had a right to expect the inauguration of a system which would recognize their unalienable rights, and which would give to them the guaranties which they would have acquired if they had become subjects of the United States alone.

Mr. KING. Mr. President—

Mr. FRANCE. I yield to the Senator from Utah.

Mr. KING. I venture to suggest to the Senator, in view of the very splendid doctrine which, as I understand the author, is being enunciated and for which the Senator is contending, that as I understand the decision of the Supreme Court of the United States, wherein they have announced in substance that the Constitution does not follow the flag, and in view of the attitude which we take that we may govern conquered territories such as the Philippine Islands and remote possessions practically as we see fit, that the Senator may have to modify the position which he has taken. In Haiti and San Domingo we are exercising, I will not say unrestricted power, but certainly there has not been that due recognition of the principles of our form of Government in the administration of our foreign affairs—I mean with respect to islands and territories which have come to the United States—for which the Senator is so eloquently pleading.

Mr. FRANCE. I will say to the Senator that I am not familiar with the decision of the Supreme Court on that point, but it seems to me to be out of harmony with all the doctrines which I have enunciated and out of harmony with the doctrines which have been practically operative in reference to the Philippines.

I am glad the Senator brought that point up because it gives me opportunity to refer more particularly to that very question. I do not know to what decision the Senator refers, but, of course, it may be one which does not bear squarely on this question. All I can say with reference to a decision like that is that it is not a sound decision.

Mr. KING. I refer, of course, to the decision dealing with the Philippine Islands and decisions by the Supreme Court dealing with the tariff and cognate questions growing out of our occupation of Porto Rico.

Mr. FRANCE. I question the doctrine. Doctrines of the Supreme Court have been questioned before. These fundamental principles, undeniable, have been laid down with the utmost clarity, and I have sometimes been comforted with the great statement of Abraham Lincoln when he could not subscribe to a doctrine enunciated by the court—intellectually, of course, because it became the law of the land and he obeyed it; when he said—

Mr. WATSON of Georgia. Mr. President, may I refresh the Senator's memory? He will remember, I am sure, on further consideration, that Mr. Lincoln ignored the decision of the Supreme Court and would not obey it.

Mr. FRANCE. Well, Mr. Lincoln said:

The people of these United States are the rightful masters of both Congresses and courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution.

If anyone attempts to set up the doctrine that a people may become connected with this Republic without immediately coming into the enjoyment of the protection of the unalienable rights guaranteed to all the people under the dominion of this

Republic, he certainly is contending for an impossible position. It is untenable; it is unthinkable.

Indeed, our colonial policy—and it is the first great colonial policy ever formulated in recognition of this doctrine of unalienable rights—with reference to the Philippines distinctly recognizes that the Filipinos do become vested with the rights which others enjoy under our Constitution when they come under our sovereignty. I shall be very glad to read at this point, because it is very pertinent, the preamble to the statement of our policy toward the Philippines:

In all the forms of government administrative provisions which they are authorized to prescribe, the commission should bear in mind that the government which they are establishing is designed not for our Constitution or for the expression of our theoretical views but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government. At the same time the commission should bear in mind that the people of the islands should be made plainly to understand that there are certain great principles of government which have been made the basis of our governmental system which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have unfortunately been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of those great principles of liberty and law; and that those principles and that those rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws or procedures with which they are familiar.

In other words, this doctrine of fundamental unalienable rights superseded the Filipino law wherever that law was in conflict with these unalienable rights.

Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable principles:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense, or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press—

Why, the Filipinos even acquired, when they came under the dominion of the United States, freedom of speech, something that we have sometimes been denied, illegally.

That no law shall be passed abridging the freedom of speech or of the press or the rights of the people to peaceably assemble and petition the Government for a redress of grievances; that no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

Of course, it was quite a revolutionary step for a Government to announce, with the acquisition of a territory inhabited by subject peoples, that those peoples should be given all the protection of human rights enjoyed by the citizens of the Republic.

Now, what is the practical application of this doctrine? It is simply that with the transference of these peoples to the principal allied and associated powers we became to a certain extent a trustee for these peoples, and to a certain extent they became our wards, and the question is whether we have a right to transfer the wards of this Republic to the trusteeship of Japan. I wonder what the American people would really think of this treaty if they understood it. The people of the United States are a Christian people. In every little church all over the land there is a missionary society collecting funds for the cause of missions—collecting funds to extend the boundaries of Christian civilization. What will the people in those churches think, what will the people in those missionary societies think, when they learn that we have adopted a treaty which transfers about 47,000 helpless Malays in the Pacific islands to the trusteeship of Japan? They will read what the Japanese have done to the Koreans, and they will ask the men who vote for this treaty why they voted to transfer to the sovereignty of Japan these helpless people, in view of the history of the Japanese in Christian Korea.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. FRANCE. I yield to the Senator from Nebraska.

Mr. NORRIS. Of course, the Senator will have to admit that under the treaty of Versailles Japan at least has as much title to and as much share in these islands as we have.

Mr. FRANCE. I admit that. Yes; it is true, legally.

Mr. NORRIS. I am not questioning the Senator because I am disagreeing with him, but it seems to me that under the conditions prevailing and recognizing the fact, whether we want to or not, that from the source from which we get our title, whatever it is, Japan gets the same amount from the same source—

Mr. FRANCE. That is true.

Mr. NORRIS. Now, she gets in addition to that a sort of quitclaim deed from all the other persons who have any title, except ourselves, in the mandatory that they gave her; so in one sense she has four-fifths and we have one-fifth.

Suppose we make no treaty to do anything—and I concede, according to my idea, it is of very little importance whether we make one or not so far as these islands are concerned. I am sure I do not want the islands nor do I want my country to have them; but suppose we say we will not make any treaty, is it not just the same? What is the difference?

Mr. FRANCE. The difference is that if we make no treaty we have no responsibility, but if we make a treaty and transfer these people to Japanese sovereignty, we will be accountable to the American people for doing it.

Mr. NORRIS. Yes; but do we shift the responsibility if we do not make one?

Mr. FRANCE. Yes; we do.

Mr. NORRIS. Then, the rights that we have there amount to nothing, if we had any.

Mr. FRANCE. May I ask the Senator what he means by his question as to whether we shift responsibility?

Mr. NORRIS. The Senator says if we ratify this treaty we have assumed a responsibility. To my mind we have the same responsibility, whatever it may be, indefinite though it may be, whether we make the treaty or whether we do not. Then I would like to call the attention of the Senator to the fact—it may be a fiction only, but it is true as a matter of law—that Japan has no title except her undivided interest that she may get by the Versailles treaty. As a mandatory, which involves a sort of mortgage, she is getting the right to look after the islands and to take care of the people who live upon them. In theory, at least, it is intended to be for the benefit of the people who inhabit the islands; and she must report to the other nations every year. I take it that the council of the league, if the report were not satisfactory, could bestow that mandatory upon some other nation, if it could get some other nation to take it.

Mr. FRANCE. The Senator is perfectly correct in the position which he takes. In theory these subject peoples became the wards of the five principal allied powers, of which we were one, and responsibility for these wards was vested in those powers by the treaty of Versailles. As trustees they permitted the administration of the various territories by certain of the powers. The territories in Africa were given to the British to administer as trustees for the league; the territories in the Pacific, north of the Equator, were given to Japan, and those south of the Equator were given to Great Britain. In theory, under the doctrine which has been asserted by our two Secretaries of State—Secretary Colby and Secretary Hughes—those countries hold the territories under their mandatory power for us as well as for the nations in the league; but, as a matter of fact, we did not become a member of the league; as a Senate we have never assented to either Japan or to Great Britain taking those territories and administering them as trustees should administer them. We need neither assent to it nor need we question it; but when we do assent to the transference of these, in part our wards, to Japan, we become accountable to the people for whom we do that act; and I believe that we shall be held responsible.

Mr. NORRIS. I am inclined to agree with the Senator. I think we have some responsibility, and we can not shift it. I think, however, that we are improving the situation a little by agreeing to this treaty in comparison with what it would otherwise be; in other words, it is a little bit better, in my judgment, to have Japan as a mandatory of those islands than to have Japan owning them outright. I am inclined to think that there is a difference of substance there, although it may be that in time, as some people think, the mandatory is only going to be a shield for real ownership; but I am assuming that the nations are acting in good faith.

We were in the war; Japan was one of our allies; and while Japan did not do much, except to acquire some territory for herself, and then stop, at the same time we were her ally; we acquiesced in her actions; we went through with it; and when she came to the peace table Japan was as big as anybody, and a little more powerful than a good many other nations that had sacrificed a great deal more than she had. So, whether we like it or not, we were in a position where Japan had the same interest and the same rights that we had, and we could not take

them away from her, even if we had wished to do so, without going to war. We should have to fight the world in order to do it. Those rights, indefinite as they might be, whatever they were, she possessed by reason of the treaty and by reason of her being one of the Allies in the war. That being true, at some place she is going to assert her authority. Either these nations are going to get together and divide these islands and all the other captured territory of Germany and give each other deeds for them outright to govern them as they please or they are going to do as was done, give a mandatory to the various nations, which, I think, is an improvement over giving the islands outright. I believe the Senator from Maryland must agree to that?

Mr. FRANCE. Undoubtedly.

Mr. NORRIS. So that, no matter how anxious we might have been to protect any people from the rule of Japan, we were not in a position where we could prevent it. I think we ought to do the best we can, and it seems to me this is doing the best we can.

Mr. FRANCE. But the Senator from Nebraska knows that there is a vast difference between assenting to the sovereignty of an empire over an oppressed people and our denying it. When an empire exercises sovereignty over a people which is being exploited and oppressed, we may deplore that fact but it is not incumbent upon us to go to war in order to correct the condition; in fact, on the contrary, Washington in his Farewell Address practically counseled against that, but expressed the hope that other nations would be persuaded to the adoption of free institutions by the example of this country. He never advocated, however, going to war in order that we might spread the doctrine of this Government at the point of the sword; that was quite contrary to the spirit of Washington; but, I repeat, he did express the hope that in time all of the nations would be persuaded to the adoption of free institutions. It has been the policy of our Government since its foundation neither to assent to oppression nor to go to war to end it; and it seems to me that that should be the policy in this instance. Certain it is that those who vote to transfer these about 47,000 people to the dominion of a great empire will be held accountable by the people when they know what has been done. Whenever I have suggested to those interested in the problem of protecting the rights of backward peoples and in the cause of missionary endeavor the thought that these people were being transferred by our votes to the Empire of Japan, they have seemed to be very much impressed with the force of my argument that we have no right to do it.

Mr. NORRIS. I am impressed with that also, I will say to the Senator. I believe any thinking man who wants to protect these semicivilized races as much as possible from ill-treatment is impressed with it. At the same time it seems to me that we ought to be practical and take things as we find them and as they are, rather than as we should like to have them. I am not satisfied, but I do not know how I can at all better the situation.

It seems to me that when the Senator says that by our votes we are turning them over to Japan he ought also to say we are getting something even for them which they would not obtain if we did not by our votes approve this treaty. I may refer, for instance, to the provisions in the treaty in regard to the missionaries, and also those which require that Japan shall submit to us a copy of the report which she makes every year about these people and how she is treating them. In reality under the treaty she will have to report to us every year, for it is required that we shall have a copy of the report she sends to the council of the League of Nations. So there is a regulation thrown about the whole matter for the protection of these people that would not be thrown around them if we did not approve the treaty. Our missionaries might be excluded, and the Senator, I think, regardless of his religious belief, must know, as we all do, that the missionaries of the Christian churches do a great deal with these people, not altogether along merely religious lines but along the lines of civilization, and those missionaries are going to have a free field to carry on their good work.

Mr. FRANCE. I will say to the Senator that my argument would, I think, tend to disclose the fact that I most heartily believe in the work which is being carried on by missionaries; in fact, the missionary is the pioneer of civilization in every land; but it is a very sad fact to remember that the real effective work of the missionary is generally impeded by the Empire holding sovereignty over subject and backward peoples because—

Mr. NORRIS. I think that may be said of Japan.

Mr. FRANCE. Because missionary work is repugnant to all of the doctrines of imperialism, and here and there, where it

dares to do so, imperialism puts out its hand to crush the endeavors of the missionary.

Mr. NORRIS. Mr. President, I agree with the Senator entirely. From my study of the Korean question I found that cropping out everywhere; that it seemed the Christian missionary was especially selected by the despotic rulers of Japan for persecution and injury; but in this treaty there is a specific provision, which does not exist in the other cases, by which the missionaries of all Christian churches are guaranteed protection to go into these islands and do the pioneer work of civilization.

Mr. FRANCE. But I will say to the Senator that he is in error, in my judgment, in saying that this treaty gives the subject peoples in those islands any additional protection, because, as the Senator will recall when I refresh his memory—he has not perhaps been thinking about this particular aspect of it—the provisions of this treaty are substantially the same as those carried in the covenant of the League of Nations itself. The provisions of that instrument are such that the work of the missionaries will presumably be protected, regardless of any action on our part.

Mr. NORRIS. Those guaranties have only existed for a very short time. They had no application, for instance, to the treatment of missionaries in Korea by the Japanese Government.

Mr. FRANCE. No. They only apply to the peoples in the territories acquired as a result of the war.

Mr. NORRIS. Yes.

Mr. FRANCE. I will say on that point that very large groups of people in England were making a demand, at the time the peace conference was in session at Paris, for the application of the same principles which were announced with reference to mandated peoples to the peoples of all of the territories held by the Empires; in other words, many Englishmen realized the fact that the peoples in the mandated territories might be given greater privileges and more protection than those in the territories which were held by the Empires as the result of previous wars and acquisitions.

There is the practical question. I have tried to lay a foundation for the presentation of this more practical question by saying that we had no right to transfer to the sovereignty of an empire any peoples who had in any way become our wards, either in whole or in part, and, as the Senator from Georgia [Mr. Watson] has already indicated by one of his searching questions, we have no constitutional power to do so. We have no constitutional power to transfer from our sovereignty to any other sovereignty any people. We could not, in my judgment, sell the Philippine Islands to one of the empires without violating the fundamental principle of our Government. There are but two things we can do with the Philippine Islands. We can hold the Philippine Islands as a connected State, the peoples of which enjoy the privileges which we enjoy under our Constitution, or we can liberate them. We can do nothing else. We have no power to sell them without violation of the fundamental principles of our Government. In my judgment we can not sell any territory inhabited by a people subject to us without a violation of the very essence of our theory of government.

Mr. NORRIS. Mr. President, it seems to me that the Senator goes a little too far. I agree with him that I would not vote to do it. I do not think we ought to sell them, but our power to transfer them, I think, is a different proposition. The Senator assumes now, it seems to me, that when we take, as we have taken in the World War, and have coming over to us an undivided interest in a certain number of islands, we have therefore no power to transfer whatever rights we possess. The Senator ignores the principle that runs through all legal proceedings—that we must first accept them—and if they are given to us in fee simple our acceptance must be an acceptance in fee simple.

Mr. FRANCE. I will say to the Senator that we have already done that under the doctrine announced by our two Secretaries of State.

Mr. NORRIS. I do not think we have. For instance, we have never had possession of them, or anything of that kind.

Mr. FRANCE. But we have announced that we acquired title, and we have asserted that title.

Mr. NORRIS. Yes; that, I think, is all right; but, in my judgment, it is not an absolute title. Whether we ought to do it or not, I concede, is an entirely different proposition; but it does not seem to me there is any question but that we have the right to do it.

What I rose to do, however, if the Senator will permit me, was to read some of this treaty with regard to these missionaries. It seems to me it is so applicable here that, if the Senator will permit me, I will read just a sentence or two:

Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the islands.

I think that goes a little further than the mandate does.

Mr. FRANCE. I have not the language of the treaty of Paris before me, but I think that is substantially the language of the treaty of Paris.

Mr. LODGE. It gives an absolutely new right that is not in the mandate, and that is the right to build and open schools. I did not venture to correct the Senator, because I knew he was so familiar with it all.

Mr. FRANCE. That right, I think, is an additional right. Of course, if the Senator from Massachusetts states it, it is true, because he has been making a particular study of this question; but my impression, as the Senator from Nebraska read the language, was that it was substantially the language of the treaty, although I am very happy that schools can be opened; it is quite an important concession.

Mr. LODGE. The part about the schools is new and peculiar to our treaty. It also names our missionaries—American missionaries.

Mr. NORRIS. But even if it were the same, it is at least a concession favorable to the inhabitants of the island. That, I think, would have to be conceded by the Senator.

Mr. FRANCE. I should like to ask the Senator, now, this question: Does he subscribe to the doctrine for which I have been contending, that when the United States purchases islands, like the Virgin Islands, for instance, the peoples of those islands become vested by our mere acquirement of them with their constitutional right to the fundamental guaranties of the Constitution? I do not mean rights of suffrage, but I mean to the right to have their fundamental human rights protected by this Government.

Mr. NORRIS. I think the very way the Senator puts the question shows that he is even in doubt about the full proposition himself. They have not any right to that; the Senator does not claim that. He does not claim that they are citizens of the United States by the fact of our acquisition of the territory unless we make them so by legal procedure or by an act of Congress.

I concede that according to my view it would be wrong for us to dispose of them and pass them about from one to another. According to the principles of international law, however, as they have grown up, unless recent events have modified them, they can be transferred, and have been in a great many instances. I do not agree with the proposition that that is right. I agree with the Senator that no people ought to be transferred from one nationality to another without their consent.

Mr. FRANCE. I think the doctrine is very clear as I have already stated it, and I have supplemented my statement with quotations from an eminent authority, that when a people comes under the sovereignty of the United States the inalienable human rights of those people are then subject to protection by the United States; and not only does that seem to be the case as a matter of principle, but we have actually announced, so far as the Philippine Islands are concerned, that it is our doctrine and that we do hold that the peoples of the Philippine Islands, as I have already shown by quoting the preamble to the proclamation of our policy with reference to the Philippine Islands, did become vested with the right to have these inalienable rights of theirs protected by this Government when they come under our sovereignty.

Mr. NORRIS. Let me ask the Senator a question about the Philippine Islands. If the Senator's doctrine as I understand him to advocate it is true, how are we going to give the Philippines their independence?

Mr. FRANCE. We can do that; but, if the Senator will allow me to proceed, I will complete my question.

If that doctrine is true, that they do become vested with these rights, we have, then, no power to take away these rights from them. We can set them up as an individual, self-governing, sovereign State if we please, but we have no right to pass them under the sovereignty of an empire which would deny them those inalienable rights. That seems to me to be very apparent. Is not that true in the Senator's judgment?

Mr. NORRIS. I think technically we could do differently. The Senator is entirely right, in my judgment, as a moral proposition. I would not vote for, and I think we would disgrace our nationality, our flag, our Government, if Congress passed an act by which we would turn the Philippines, for instance, over to Japan or any other Government.

Mr. FRANCE. Yes. That is the principle for which I am contending, that we can not do it.

Mr. NORRIS. But I do not believe there is any doubt about the fact that we have the technical right to do it.

Mr. LODGE. There is no doubt whatever of the technical right, but we should not do it. There is nothing whatever in the Constitution about it.

Mr. FRANCE. There is nothing in the Constitution about it; but it would be repugnant to our whole theory of government to hold that these people may become a part of our Government, entitled to the protection of their inalienable rights under our Government, and then, after they have acquired the right to have these inalienable rights protected, we have a right to sell those rights away from them. It is an impossible doctrine, and yet that is exactly what we are doing in this case. We are doing that very thing. We are actually selling under the sovereignty of an empire peoples who technically have become in part our wards; and we are not only doing that, but we are passing them under the sovereignty of a non-Christian empire, which denies all of the fundamental doctrines which have been wrought into the Constitution of this country, which, as I have told you by quotation and by my own words as clearly as I could, are founded upon the principles of religion which the Japanese deny. I say, Senators, that it is a very serious thing for us to be ratifying a treaty which passes a people who have become in part our wards into the sovereignty and charge of an empire which denies not only the doctrine of unalienable rights but the great religious truths which underlie that doctrine.

Mr. President, I am not anxious to proceed further if the Senator from Massachusetts is willing to take a recess or adjourn.

Mr. LODGE. Mr. President, I am not anxious to stop. I should like to go on and get something done, and consider, if possible, the article which is now before us. I have no desire to hurry the Senator, but I think it is only fair that he should discuss the treaty, if he will not let us vote on it.

Mr. FRANCE. I will say to the Senator that I am very anxious to get something done—so anxious to get something done that I deplore the bringing of these treaties before the Senate when there are great, vital problems to be settled. I might refer, for example, to the coal miners of Maryland, some of whom are in desperate need, because they are out of work. They are out of work because the mines are closed down, because the industries are closed down. I should like something done with reference to looking after our foreign trade in the interest of our farmers and in the interest of our manufacturers. I have a number of measures which have been before the Foreign Relations Committee which I shall discuss shortly, and which I think might at least have been helpful in this direction. I should very much have preferred to have something helpful done instead of having these treaties come before the Senate; but they are here, and there is a disposition to press them, and I feel that they should not be ratified until these very important questions involved in them have at least been discussed by the committee members.

Mr. KING. Mr. President—

Mr. FRANCE. I was not unaware of the remark made by the Senator from Massachusetts to the effect that I knew all about these treaties. I do not. I am not a member of the committee. I should not have thought of questioning the judgment of the committee on these treaties if I had not almost in an instant perceived them to be, in my judgment, in clear violation of the fundamental principles which I am compelled as a Senator here to defend so long as I am a Senator.

I yield to the Senator from Utah.

Mr. KING. Mr. President, I will say frankly that I do not like this treaty any more than I like any of the treaties which have come from the Washington conference, one of which, at least, I shall probably vote against; but I want to get the view of the Senator on this aspect of this case:

The islands in the Pacific north of the Equator were mandated to Japan. The treaty of Versailles, as the Senator has stated, contained an article of renunciation of title upon the part of Germany, in behalf of the allied and associated powers, to her overseas possessions. I think I agree with the Senator from Nebraska, if I understood him correctly, that that renunciation of title was to nations to hold in trust, rather than to hold the title in fee simple, unrestricted and unrestrained, and that trust was determined by the provisions of the covenant of the League of Nations and such regulations as might be prescribed by the council pursuant to the authority therein contained.

The allied and associated nations, except the United States, ratified the treaty; we did not. They proceeded to regard the islands as subject to the trust, so Japan was awarded a mandate over those islands; and the other three nations—that is, Great Britain, France, and Italy—have recognized her mandate and

have participated in those acts which constitute her mandator.

What are we to do? It is a fait accompli. The islands now are in the possession of Japan. Her possession is recognized by the League of Nations, consisting of 51 nations; it is recognized by Great Britain, by France, and by Italy, and, of course, recognized by Japan. What shall we do? Shall we fight Japan? Shall we assert a title to the islands in hostility to the mandated rights of Japan, to say nothing of any possible rights which she may have by reason of the treaty other than the mandated rights? Shall we keep this sore open and assert that we have some sort of an inchoate title which we may assert at any time in the future; or shall we rather, in the interest of comity and good will, and to avoid any possible controversy, and in our own interest, because we get interests in the island of Yap, settle the controversy once and for all? What would the Senator do? If we reject this treaty, what substitute does the Senator offer? Has he anything better to suggest?

Mr. FRANCE. I will say, in answer to the Senator's question, that we gain nothing under this treaty. We had certain rights which we could continue to exercise in Yap until they were questioned by Japan, and they would not be questioned by Japan until Japan was prepared for war. We gain no rights under this treaty, which I can ascertain, which we did not enjoy before.

Mr. LODGE. We had no rights there, and exercised none of any kind.

Mr. FRANCE. Simply in the cable.

Mr. LODGE. We never had a cable there. There was the Dutch cable there. We had no cable there at all, and never had anything there of any kind, so far as I can discover.

Mr. FRANCE. It is true we had no cable on the island of Yap, but we had a cable on Guam.

Mr. LODGE. Guam was ours, and we have it.

Mr. FRANCE. The German cables, which we use and which are our only way of reaching the Orient, of course land upon the island of Yap.

Mr. LODGE. We have a cable of our own which runs from Guam, thence to the Philippines, thence to China, which is wholly in our own control, and gives us direct communication. The Dutch cable, as it is commonly called, runs to Mindanao, thence to Yap, thence to Guam, and thence to Shanghai, until it was transferred during the war; but we have never exercised any right of any kind over Yap, or had any privileges there of any sort whatever.

Mr. FRANCE. Of course, as the Senator well knows, we have asserted that we did have a right in Yap in the exchanges between the powers.

Mr. LODGE. We claimed that in all the overseas possessions of Germany we had an undivided one-fifth part, and the undivided fifth part of each of the other five powers has been transferred to Japan. Three of them have settled it with Japan, and Japan made it four. We are settling with Japan for the islands north of the Equator by this treaty, which is a recognition of our undivided fifth part. Those islands we could have had for the taking in 1898, and we deliberately refused to touch any of them except Guam. We deliberately returned them to Spain.

Mr. FRANCE. I do not think we wish to acquire full sovereignty over these islands, I will say to the Senator, but a refusal to acquire sovereignty and a recognition of the sovereignty of another nation are two quite separate and distinct things.

Mr. LODGE. We agreed to the sovereignty of Germany.

Mr. FRANCE. Yes; we did, just as we agreed, in a large measure, to the sovereignty of any empire over its territory as long as we did not question it.

Mr. LODGE. We recognized it formally, and corresponded with Germany in regard to certain rights we had there. I do not want to trouble the Senate by going over all that.

Mr. FRANCE. I am very glad to have the Senator contribute that point of information, because I did not know to what extent we had recognized the rights of the Germans in those islands.

Mr. LODGE. I stated it all here.

Mr. FRANCE. One of the purposes of this debate is to bring out points like those to which the Senator has referred. Does the Senator wish further to interrupt me? If so, I should be glad to yield.

Mr. LODGE. No. The correspondence went through Spain, and we received the assurances through Spain when she ceded the islands to Germany.

Mr. FRANCE. Mr. President, I will say that I have proceeded with the discussion of this subject hoping that it would arouse a certain amount of debate upon this most important question. I have no desire to unduly delay the consideration of these treaties, but I do ask that they shall be considered

fairly and with open minds by the Senate. I would like to have the difficulties which present themselves to my mind explained away, if they can be explained away. There is no reason why I should be in opposition to these treaties, if they are such treaties as I feel we should ratify. I have no personal interest in them whatever. I only wish to see a policy adopted which shall be in conformity with the great doctrines of our Government and with its fundamental principles. If I can stimulate a debate, I shall certainly be very happy.

Mr. LODGE. Mr. President, I have no desire to press the treaty unduly, or to press the Senator from Maryland or any other Senator. This treaty, which is an extremely simple one, has been considered by the Committee on Foreign Relations; it has been before the Senate, it has been read, statements have been made in regard to it, and all I desire is to be fair to other Senators, and not hold them here indefinitely over this treaty. I should like to get some agreement to vote upon it at some reasonable time. I know of only two Senators who desire to say anything about it, and they will have an opportunity, of course. They will speak briefly, and then allow us to vote. If the Senator from Maryland would allow us to vote at some time, of course I should be glad.

Mr. FRANCE. Mr. President, I have been able to give this treaty enough consideration to be fully persuaded that I shall vote against it, and my only desire was to present to the other Senators some of the difficulties which exist in my own mind with reference to the treaty. It was my thought that perhaps some explanation in defense of the treaty would be presented by its proponents.

Mr. LODGE. I thought I explained everything in it. I evidently have failed even to convey a slight idea of it to the Senator from Maryland, and I can not explain it any better than I have done. That is my misfortune, and not his fault, of course.

All I desire to do now is to get a vote on the treaty. If the Senator will allow us to have a vote some time on Monday, it will save a good deal of time. I do not desire to be unreasonable about it at all, but there are many other matters pressing for decision, and, unless I am greatly mistaken, nine-tenths of the Senators and more would like to dispose of this treaty one way or the other. I am not undertaking to say how they shall dispose of it.

Mr. WATSON of Georgia. Mr. President, I hope the Senator from Massachusetts will not insist upon proceeding to-night.

Mr. LODGE. I only want to dispose of as much of the debate as I can. I am perfectly willing, if I can get an agreement for a vote on Monday, to have the Senate adjourn or to take a recess at once.

Mr. WATSON of Georgia. I have not consulted with Senators on this side, and I have no authority to speak for anyone but myself. Therefore, Mr. President, I hardly know what to say to the Senator.

Mr. LODGE. We could ask for a time at which to vote.

Mr. BRANDEGEE. Would an agreement as to a time for a final vote on the treaty necessitate the calling of a quorum?

Mr. LODGE. The rule applies only to a bill or joint resolution.

Mr. BRANDEGEE. I know the rule provides that a quorum shall be called when an agreement is asked for a final vote on a bill or a joint resolution.

Mr. LODGE. It does not provide for treaties at all.

Mr. BRANDEGEE. So it will not be necessary to call for a quorum?

Mr. LODGE. It will not be necessary.

Mr. GERRY. I think we would have a quorum call.

Mr. LODGE. Of course, anyone is at liberty to call for a quorum if he chooses to do so.

Mr. GERRY. I think if such an agreement were offered it would be only proper to call for a quorum.

Mr. LODGE. I have no objection to any Senator calling for a quorum, but I do not want to have a quorum called and put Senators to the trouble of coming here if the Senator from Maryland is going to object anyway. In that case there is no use going through that form.

Mr. GERRY. Certainly not.

Mr. FRANCE. Certainly it would be useless to call Senators here to consider a treaty if they do not propose to consider it.

Mr. LODGE. I think other Senators can be trusted to make up their own minds about that. It seems to me that that is something which they can determine for themselves. If other Senators are willing to vote, why should not the Senator from Maryland permit them to vote?

Mr. FRANCE. It was my thought that the Senate should consider the treaty. So far there has been very little debate, except debate in opposition to the treaty. The Senator from

Missouri [Mr. REED] on yesterday made a most able argument; the Senator from Nevada [Mr. PITTMAN] made a most able argument; the Senator from Georgia [Mr. WATSON] has made several most able arguments against the treaty, and not one of those arguments has been met by the proponents of the treaty.

Mr. LODGE. I have explained it, and explained over and over again all the points of importance, because I thought it necessary. It seems to me the explanations in favor of the treaty have been made again and again. If the friends of the treaty are willing to let it go to a vote, it seems to me that is their affair.

Mr. FRANCE. The friends of the treaty would be very glad to have it go to a vote before the people of the country really understand the issues involved in the treaty. I think it very unwise.

Mr. LODGE. Of course, if the Senator declines to let Senators judge for themselves, and declines to allow them to vote, and proposes to delay it as much as possible, I have no choice. Under the rules of the Senate he can do that. All I can do is to keep the Senate in session as long hours as I can, until we reach a vote.

Mr. FRANCE. I feel quite certain, I will say to the Senator, that it will be impossible to get a unanimous consent agreement at this time to vote upon the treaty.

Mr. LODGE. That is what I supposed. That is the reason why I am not going to present the request.

Mr. FRANCE. But I am under the impression, if the Senator will permit the debate to proceed in the ordinary way, without attempting to force the treaty, that he can dispose of it.

Mr. LODGE. What does the Senator mean by suggesting that I am trying to force the treaty? I have no power to force the treaty. I have kept it before the Senate. I propose in the fulfillment of my duty to keep it before the Senate. I am not forcing it. I should be glad if the Senate could be relieved from the waste of time taken in needless debate and if Senators would be allowed to vote. That is all I ask.

I have not tried to stop anyone from speaking on the treaty. I do not propose to do so. I have not the power to do it. But I do propose, which is the only thing I can do, to keep the treaty before the Senate and try to get a vote, as I think I shall eventually.

Mr. FRANCE. Yes; I think there will ultimately be a vote upon the treaty.

Mr. LODGE. I believe so.

Mr. FRANCE. Of course, I think it might possibly be clear to the Senator what I intended to say when I referred to his forcing the treaty. Ordinarily when a treaty of this importance comes before the Senate it is upon the calendar for a reasonable time before it is taken up. The Senator is quite well aware of the fact that he hoped to press the treaty and have it ratified on Tuesday last, and then on Wednesday, and that it would have been ratified before this time if it had not been that some of us felt there should be some discussion of it.

Mr. LODGE. I should have been very glad if that could have been done. I had no power to force it because I knew the views of the Senator from Maryland. He had taken pains to tell me what his intentions were. So I had no hopes of doing it. I merely desire to do what is most convenient for the Senate. I do not care to keep the Senate here late hours and keep Senators up, as I shall be obliged to do next Monday. I shall ask the Senate then to sit in the evening and continue the discussion. I was in hopes that the Senator from Maryland might be willing to let us reach a vote, which I think is the desire of a great majority of the Senate; but if he is not willing to let us reach a vote, we will go on with the debate.

Mr. FRANCE. Mr. President, I will say that I had not contemplated discussing the treaty at all. I am not a member of the Foreign Relations Committee. I had expected that those who are much better qualified than I am to discuss it would discuss the treaty fully. I thought we would hear from several members of the Committee on Foreign Relations on the majority side, and that then there would be a counterdebate on the minority side, and that I might be able to form an opinion during the course of that debate as to how I should vote. I have no desire to participate in the debate on a treaty of this character if there can be a discussion by those whose function it is to discuss it.

Mr. LODGE. Senators can not regulate their debate to oblige the Senator from Maryland. If they do not desire to discuss the treaty, they are not bound to discuss it just to gratify him. Each Senator has the same right that he has to decide what he shall do. I can not undertake to get up a debate for that purpose.

Mr. FRANCE. I appreciate the implied expression of friendship on the part of the Senator. He implies that if he could arrange such a debate for my delectation he would do so.

Mr. LODGE. I should be delighted to do so, if it would shorten the time of debate and let the Senate come to a vote and do business.

Mr. FRANCE. I really did not wish to presume on my friendship for the Senator by asking him to arrange a debate for my amusement and interest. However, I do know, as a matter of fact, that quite a number of Senators desire to debate the question.

Mr. LODGE. What has prevented them?

Mr. FRANCE. They have not had time to prepare themselves for the debate. As a matter of fact, the Senator very well knows that I took the floor this afternoon—and I think it must be apparent to all—without having had an opportunity to properly prepare myself for a discussion of the great questions involved in the treaty. I did it merely as a matter of duty in order that other Senators might have an opportunity to prepare themselves for the debate which I am sure will ensue later on.

Mr. NORRIS. Mr. President, while I do not agree with the Senator from Maryland on the treaty, I do not want his statement to go unchallenged that his debate this afternoon has not been enlightening or entertaining and that he is just killing time with it. The Senator says he was not prepared. I do not believe anyone who listened to him would get that idea. I have listened to him, I think with a great deal of edification, and I know with a great deal of satisfaction, although I could not agree with the Senator. I think he has made a very important and illuminating address this afternoon. If the Senator was not prepared and is just killing time, I should like to hear him some time when he is prepared and is not killing time.

Mr. FRANCE. I will say to the Senator that his remarks prove how good it is to have a friend. As a matter of fact, there is very much more in the treaty than appears upon the surface. The whole question of the duties of an advanced nation toward a backward people is involved. The question of how the aboriginal people should be treated, whether they should be treated as wards and whether there should be international cooperation in protecting and advancing the welfare of aboriginal people, is involved. All those questions are involved in this treaty. I have not been able to discuss them, because I have not had an opportunity thoroughly to prepare myself for a discussion of all the questions involved in the treaty.

Personally it is a very great question as to whether or not all of the subject peoples in these territories that formerly belonged to Germany should be treated as international wards of the advanced nations. The question as to whether the policy of establishing mandates is a wise one is involved. There are very many questions involved which I have not been able to discuss.

Then, of course, there is the relationship of this treaty to the four-power treaty, and that is a very important matter. This treaty does not stand by itself. It is a part of a great international policy which is being inaugurated, a policy similar to that which would have been inaugurated by the League of Nations if we had participated in it, a policy which in my judgment has great issues involved in it even though they may not appear on the surface.

I presume the Senator from Massachusetts will be willing to adjourn at about 5 o'clock, the usual hour?

Mr. LODGE. When the Senator from Maryland gets through I shall be willing to take action.

Mr. FRANCE. Of course, it is needless to say that I would feel very much relieved if the Senate would take a recess now. I am quite persuaded that my good friends, the Senators who have done me the honor to remain here and upon whom I have inflicted myself this afternoon, would be very happy to be relieved, and we could all be happy together.

Mr. LODGE. Whether there is to be a recess a few minutes sooner or later, seems to me unimportant. I happen to be charged with a duty which I think I shall fulfill to the best of my ability. I have no desire to be unreasonable with the Senate at all. I am perfectly willing, in fact I have no choice. I only desire to give notice that I shall ask the Senate to sit on Monday evening, and I now give notice to that effect.

Mr. BRANDEGEE. Before the Senator moves a recess will he yield to me to make a report?

Mr. LODGE. Certainly.

STATUE OF GEN. E. KIRBY SMITH.

Mr. BRANDEGEE. As in legislative session, from the Committee on the Library I report back favorably with an amendment the concurrent resolution, H. Con. Res. 42, and I call the attention of the Senator from Florida [Mr. FLETCHER] to it.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the concurrent resolution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The amendment was, on line 3, to strike out the word "people" and insert the word "State," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be given to the State of Florida for the statue of Gen. E. Kirby Smith.

Resolved, That the statue be accepted in the name of the United States, to remain in the Statuary Hall in the Capitol of the Nation, and that a copy of these resolutions, suitably engrossed and duly authenticated, be forwarded to his excellency the governor of the State of Florida.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, before the adoption of the concurrent resolution I wish to submit a few remarks on the subject.

Gen. Edmund Kirby Smith was born at St. Augustine, Fla., May 16, 1824, and died at Sewanee, Tenn., March 28, 1893.

His father, Joseph Lee Smith, and mother, who before her marriage was Frances Marvin Kirby, came to Florida from Connecticut, where the father was a prominent lawyer, in 1821, having resigned as colonel of the Third United States Infantry in 1818. He had served as a commissioned officer, major and colonel, in the War of 1812. He was appointed judge of the United States District Court for Florida in 1823, and served in this position until 1837. From 1838 to 1845 he was a Delegate in Congress from the Territory of Florida.

Edmund Kirby Smith graduated from West Point Military Academy with honor in 1845—among the first appointees from Florida. He was given the brevet rank of second lieutenant of Infantry, and saw his first active service in the Mexican War, in which he was twice breveted for gallantry, first at Cerro Gordo and then at Contreras.

He was assistant professor of mathematics, following this war, at West Point Military Academy from 1849 to 1852.

In 1855 he attained the rank of captain and was assigned to the Second United States Cavalry, serving on the then frontier at Fort Atchison, Tex., and was wounded in an engagement with the Comanche Indians. The Legislature of Texas gave him a unanimous vote of thanks for his services and the conspicuous gallantry displayed in that battle.

Early in 1861 he was promoted to the rank of major, but when his native State of Florida withdrew from the Federal Union he resigned his commission.

He was appointed a lieutenant colonel of cavalry in the Confederate Army by President Jefferson Davis April 6, 1861.

In 1862 he was made a lieutenant general, and a full general, the highest rank in the Confederate Army, in 1864.

He was wounded at the first Battle of Manassas, or Bull Run, and was subsequently placed in command of the Department of East Tennessee, to wit, in 1862. He led the eastern wing in advance of the army under Gen. Bragg, which marched into Kentucky in the late summer and early fall of 1862. In August of that year the force under his command gained a signal victory over a much larger force of the Army at Richmond, Ky.

The Congress of the Confederate States on February 7, 1863, unanimously passed a resolution of thanks to Gen. Smith for his matchless display of skill and bravery in conducting his part of that campaign.

In 1863 he was placed in command of the Trans-Mississippi Department, covering Texas, a large portion of Louisiana, Arkansas, New Mexico, and the Indian Territory. He organized and disciplined a fighting force, provided and enforced a system of government over the country, established factories, machine shops, salt works, and other industries, and supplied his army with clothing, rations, and essential munitions of war.

The Legislature of Texas, May 24, 1864, adopted a joint resolution thanking him for victories gained in Louisiana and Arkansas.

His army was the last Confederate force to surrender.

In 1870 he accepted the chancellorship of the University of Nashville, and so continued until 1875.

He was tendered the chair of mathematics at Sewanee, the University of the South then, and held that position until called to take his place with the mighty hosts of heroes and sages who have gone before, March 28, 1893.

He married Cassie Selden, of Lynchburg, Va., whom he met while recovering from severe wounds he received in the first Battle of Manassas. She died at Sewanee, Tenn., in 1907, at the age of 69, having survived the general 14 years. Eleven children blessed their union, all of whom have proven the truth of the old saying that "blood counts," and all now are living but one, John Selden Kirby Smith, who died at the age of 45, leaving a widow and six children.

When the War between the States was over Gen. Kirby Smith, like Gen. Lee, devoted his great abilities, his superb talents, his

lofty example to that profession which is second only to the ministry, that of the teacher. The monetary remuneration was meager, but the work was noble and had its reward in the benefits to the youth of the land.

The act of Congress, to wit, section 1814 of the Revised Statutes, provides as follows:

Sec. 1814. Suitable structures and railings shall be erected in the old Hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Chief of Engineers in charge of public buildings and grounds. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration, and when so furnished the same shall be placed in the old Hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a National Statuary Hall for the purpose herein indicated.

In pursuance of this law the State of Florida has placed in the National Statuary Hall, in the United States Capitol, two statues, one, in 1914, of John Gorrie, M. D., inventor of the ice machine and mechanical refrigeration (see CONGRESSIONAL RECORD, February 6, 1914, concurrent resolution No. 32), and one of Gen. Edmund Kirby Smith, in 1918, mentioned in concurrent resolution No. 42, just reported; the first a memorial to a benefactor of mankind, a physician, and scientist, illustrated for distinguished civic services, and the second as Florida's memorial to her most distinguished soldier.

Both are the works of a citizen of Florida, Mr. C. A. Pillars, a sculptor student of Lorado Taft, whose genius and talent are shown by these statues, which, I believe, will be conceded to be unexcelled by any in that famous hall, one in marble and the other in bronze.

No action by Congress is necessary, but it is well and proper to recognize what has been done by the State, and to place of record the facts showing how the State has exercised her choice, and the manner in which she has availed herself of the privilege granted by Congress of perpetuating the memory of two of her distinguished sons, and thus being herself represented in National Statuary Hall.

Mr. President, I ask that the resolution be concurred in, and that the report of the House committee be printed in the RECORD.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida that the report of the House committee be printed in the RECORD? The Chair hears none, and it is so ordered.

The report referred to is as follows:

[House report No. 695. Sixty-seventh Congress, second session.]

STATUE OF GEN. E. KIRBY SMITH.

Mr. LUCE, from the Committee on the Library, submitted the following report to accompany House concurrent resolution 42.

The Committee on the Library, to which was referred the resolution (H. Con. Res. 42) thanking the people of Florida for the statue of Gen. E. Kirby Smith, having considered the same, report thereon with the recommendation that the same do pass.

Pursuant to section 1814 of the Revised Statutes of the United States providing for the erection of statues in the National Statuary Hall, United States Capitol, the State of Florida, in 1918, presented to the United States Government the statue of the late Gen. E. Kirby Smith, which was placed in National Statuary Hall, where it now stands.

The accompanying resolution of acceptance is within keeping of the policy heretofore established, by expressing officially the thanks of Congress to the State presenting such statue.

The VICE PRESIDENT. The question is on agreeing to the resolution of the House of Representatives as amended.

The resolution as amended was agreed to.

KOREAN APPEAL FOR INDEPENDENCE.

Mr. NORRIS. Mr. President, I ask that there be printed in the RECORD, in 8-point type, a communication addressed to the people of Korea by the Korean mission to the Conference on the Limitation of Armament which recently adjourned.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

KOREAN MISSION TO THE CONFERENCE ON LIMITATION OF ARMAMENT, Washington, D. C., February 20, 1922.

To the people of Korea:

The Korean mission to the Conference on Limitation of Armament respectfully submit for your consideration the following report of its efforts to direct the attention of that conference toward Korean affairs.

Realizing that the case of Korea presented a Far Eastern problem of the first magnitude, whose solution must precede or attend any lasting settlement of oriental affairs, and having in mind the initiation of the conference by the President of the United States, we deemed it proper to prepare and present a petition to the American delegation immediately after their appointment and in advance of the assembling of the conference.

Summarizing the outstanding features of Korea's annexation by Japan, reciting the covenants of Korea's treaties with the United States and other members of the conference, pledging their good offices to her in the event she should be unjustly dealt with, and invoking these covenants in her behalf, we respectfully requested the delegation to lay our petition before the conference for its formal consideration. Certain members of the delegation acknowledged its receipt, but did not otherwise manifest any concern.

When convinced that this initial effort was unavailing, the mission prepared a second and more elaborate application to the conference, praying for an audience and offering to submit the cause of Korea to its deliberate judgment. Copies of this application were delivered personally to the secretary of the conference, accompanied by a request for their distribution among the members. Whether this request was complied with the mission does not know. But its presentation was not acknowledged, and, as far as the mission is able to state, it was never considered.

Late in the sessions of the conference and after public announcement that its labors were approaching a close, the mission prepared a third and last request for recognition. Copies of this request were also personally delivered to the secretary, and by him sent, presumably by instruction, to the offices of the Secretary of State, where they now are, if they have not been otherwise disposed of. They were never delivered to the delegates.

In the meantime the mission had received a memorial direct from Korea, executed by duly elected representatives from each Province or district, and by authorized executives of 52 societies and guilds, petitioning the conference to give a hearing to this mission on behalf of Korea.

The original of this memorial was filed with the secretary general of the conference, together with 100 printed translations and facsimiles, but its receipt was never formally acknowledged.

The conference adjourned without hearing or heeding Korea. The results of its labors are embodied in six treaties which assume to rescue the eastern world from the contingencies of war. These we shall not review nor criticize, beyond the assertion that the conditions concededly making for war when the conference was called, and to remove which it was designed to accomplish, are as active and sinister when it was dissolved as they were when it was organized.

Japan is still in Manchuria and Mongolia. The only 16 of her 21 demands ever forced upon China remain undisturbed. Her armies still occupy Sakhalien and Siberia, and she still holds Korea in thralldom. All lines of communication in these regions are under her control. She has not wholly surrendered those of Shantung. The doors of eastern Asia may be open, but they are sentinelled by Japan, and none can enter within or pass without them save by her permission.

Immune from the restraints of a powerful and increasing American Navy, relieved from the probability of fortresses in the Pacific seas, buttressed by a four-power treaty, commanding every passage between the islands to the Asiatic mainland from Sakhalien in the north to Formosa in the south, Japan emerges from the conference far more powerful than when she entered it. She is the dominating power in Asia. There are none to question, much less to dispute, her supremacy. She is isolated from the other great powers by vast stretches of land and sea, and these have become her allies. The only limitation placed upon her expansive militarism is the mutual reduction of capital ships made obsolete by the airplane and the submarine. Korea is prostrate, and China is at her feet. Her methods of economic penetration, systematized by years of experience, may now be applied with impunity, and political control must inevitably follow. Henceforth, Japan means Asia; and Asia, under Japanese hegemony, may in time recall and repeat the career of Genghis Khan.

Against this prospect looms only the inertia of Korea, China, and Asiatic Russia. Korea has been overrun. She is in chains, but she is not conquered. Rebuffed by the nations whose covenants she holds, Korea will continue as best she can her struggle against Japanese domination. She is disarmed and physically helpless. But the soul of the nation survives and can not be subdued. Her thralldom, though complete, is not altogether discouraging. It is a constant reminder and a perpetual warning to China and to Siberia of the fate which is designed for them. It serves to keep alive their need for sleepless vigilance. And it may serve to distract the policy and shatter the ambition of the one surviving autocracy of the twentieth century.

The new state of mind which is said to underlie the treaties negotiated by the conference can not contribute to the cause of peace if it is not impartial. If designed to promote the welfare of the world by banishing war from its confines, it must recog-

nize and apply to all peoples the obvious attributes of national integrity and political independence. These can not be conceded to some races and denied to others. They can not be extended to China and withheld from Korea. The right of self-government is no more essential to China than to Korea. The former is far more formidable in population and in territory. The latter is, nevertheless, as distinctive and deserving. The new state of mind which goes with China but stops with Korea seems akin to the policy of disarmament which discards the battleship but retains the submarine. It may postpone but it can not avoid the catastrophe of war.

Korea is small in numbers, in resources, and in territory. Her Government was overthrown, her domains annexed, and her people enslaved by successive acts of aggression from 1905 to 1910. The beneficent covenants of the treaties just negotiated are not for her. Her political effacement has made her unclean. Her voice has been in Washington that of one crying in the wilderness.

Though depressed by the treatment she has received from the Washington conference, Korea does not despair. She will continue her struggle for restored nationality whatever sufferings she may endure, whatever vicissitudes she may encounter. Other subject peoples confronting equally dismal prospects have resisted oppression for centuries, yet never in vain.

Distinct in race, in language, in traditions, in religion, and in culture, Korea's effacement is impossible. Her people may be oppressed, their freedom denied, and their institutions flouted, but their nationalism will endure. To Japan she must ever be an element of disintegration, to Asia a nation determined to enjoy her own life in her own way, to live in peace and amity with her neighbors, pursuing her own ends without let or hindrance from other peoples. In her struggle for freedom long since begun and never to end until the goal is reached, Korea invokes the sympathy and the encouragement of the American people.

By direction of the Korean mission to the Conference on Limitation of Armament.

SYNGMAN RHEE,
Chairman.
PHILIP JAISOHN,
Vice Chairman.
HENRY CHUNG,
Secretary.
FRED A. DOLPH,
Counselor.
CHARLES S. THOMAS,
Special Counsel.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

RECESS.

Mr. LODGE. I move that the Senate take a recess until Monday next at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 17 minutes p. m.) the Senate took a recess until Monday, February 27, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SUNDAY, February 26, 1922.

The House met at 12 o'clock noon and was called to order by Mr. CHESTER W. TAYLOR of Arkansas as Speaker pro tempore.

Rev. Page Milburn, of Washington, D. C., offered the following prayer:

O God, who inhabiteth eternity and dwelleth in the hearts of the humble and contrite, hear our prayer. As we this day remember those who have lived among us and dedicated their lives to God and the people, may we be apprised of the wonderful fact that death doth not end all, that—

Beyond this vale of tears
There is a life above,
Unmeasured by the flight of years,
And all that life is love.

With this inspiration in our hearts may we be right, think right, and do right. Wilt Thou bless the President of the United States, both Houses of Congress, and all who are appointed to rule over us. Bless the people, and save us for His sake who gave himself for us. Amen.

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent that the reading of the Journal be postponed until to-morrow.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that the reading of the Journal be postponed until to-morrow. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE SAMUEL M. TAYLOR OF ARKANSAS.

The SPEAKER pro tempore. The Clerk will report the special order for the day.

The Clerk read as follows:

On motion of Mr. OLDFIELD, by unanimous consent, *Ordered*, That Sunday, Feb. 26, 1922, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. SAMUEL M. TAYLOR, late a Representative from the State of Arkansas.

Mr. OLDFIELD. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from Arkansas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 293.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. Samuel M. Taylor, late a Member of this House from the State of Arkansas.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. OLDFIELD. Mr. Speaker, it is well that we should pause long enough in this busy world to pay tribute to our beloved dead. We are met to-day to commemorate the life, character, and public services of our late colleague, the Hon. SAMUEL MITCHELL TAYLOR, a Member of Congress from the State of Arkansas.

Col. TAYLOR, as he was familiarly known to his colleagues here, was born in Itawamba County, Miss., on the 25th day of May, 1852. He was admitted to the bar in 1876, and practiced his profession for 10 years at Tupelo, Miss., and removed to Arkansas in 1887 and located at the city of Pine Bluff, where he lived until his death on the 13th of September, 1921. He is survived by his widow, two sons, and two daughters.

Mr. Speaker, I shall include in my remarks newspaper notices, editorials, resolutions of bar associations, poems, etc., which appeared in the newspapers of the district of Col. TAYLOR at the time of his death. These give an accurate picture of the high esteem in which he was held by those who knew him best. However, Mr. Speaker, I want to call attention to this fact, a fact which is rather unusual in the politics of our country. Col. TAYLOR was succeeded by his son, the Hon. Chester W. Taylor, who is doubly honored by being designated as Speaker pro tempore to preside over our deliberations on this day. I do not recall during my service here that any other Member has been so honored.

Soon after Col. TAYLOR moved from Tupelo, Miss., to that progressive and wide-awake city of Pine Bluff he was elected prosecuting attorney of his judicial circuit and served the people four years in this important office. He made an able and conscientious prosecuting officer and drew to him many devoted friends, who remained loyal to him to the day of his death. Mr. Speaker, I did not know Col. TAYLOR intimately until he came to Congress in 1913. However, I had met him on several different occasions and knew him by reputation well enough to know that he was one of the most successful lawyers in our State. It was my privilege to serve with him during his entire service in this House. Col. TAYLOR was not only an orator and an able statesman but an upright, Christian gentleman. He did not speak often on the floor, yet when he did he was given closest attention by those present, for Members had implicit faith in his sincerity and honesty of purpose. I dare say there was no more popular man in this House than Col. TAYLOR. While he was a partisan Democrat, yet he was not offensive in his partisanship. Some of his most intimate personal friends belonged to the opposite party. Being sincere and honest in his own convictions, he accorded sincerity and honesty of purpose to others. He was a genial, kindly man, always considerate of the feelings of others. I knew him well and intimately and never heard him utter an unkind word about anyone. If he could not speak well he did not speak at all. He was never too busy to be courteous. In addition to being able he was also courageous, an attribute not any too

prevalent in statesmen of the present generation. He not only knew what he sought to do in matters of legislation but he had the courage to do that which he felt was right and in the interest of the people.

Col. TAYLOR was ill several months but he persisted in attending to his duties as a Member of the House until a few weeks before his death. He came to the House when he should have been conserving his strength. He was thoroughly conscientious in every official act. He made the statement that he had never cast a vote while a member of Congress that would have been cast differently had every voter in his district been sitting in the galleries looking at him. In other words, his official life was an absolutely open book and he had no misgivings about a single vote he had cast. During his service here he remained at his post of duty in Washington while Congress was in session until he was stricken with fatal illness. Furthermore, he made his home in Washington during his entire service here within a stone's throw of the Capitol, and during his last illness he could see this great building from his window. After he became too ill to come to the floor of the House he kept up with what the House was doing and manifested great interest in the proceedings of the Congress.

He possessed the spirit of true southern chivalry and grace of the perfect gentleman, was gallant and forbearing, gentle and considerate.

He was a faithful public official and died in the service, but his memory will live in the hearts of the men and women who love the South and its noble traditions, for Col. TAYLOR typified the best in southern manhood.

He was a Mississippian by birth, but was loyal to his adopted State and in return received the love and confidence of a native-born son. The people attested their affection and appreciation of his faithfulness and ability by bestowing upon him the highest honors which were in the gift of the people.

He was a kind and devoted husband, an indulgent father, and a faithful friend, and in his last long illness and while for days he hovered between life and death he bore it all courageously and never complained. Forgetting his own suffering, his only thought was for the comfort and welfare of her whom he had chosen in youth as his life companion—the wife of his bosom, the mother of his children.

I realize, Mr. Speaker, I have paid a very poor tribute to our friend and colleague, with whom we have been recently so closely associated, but it is useless for me to descant upon his virtues. For a number of years he has passed in and out daily before you; his life has been an open book, and all who knew him will testify the world is better that he lived.

When I attended the funeral in his own home city and saw the great procession of neighbors, friends, and the grief-stricken populace which gathered to pay their last tribute of respect, I could but realize how dear he was to the hearts of his own home people, by which the old proverb was borne in upon my mind: "They loved him most who knew him best."

Mr. Speaker, we are powerless in death's mysterious presence.

While acting on the stage of life the grim reaper appeared and beckoned Col. TAYLOR to depart, and when he passed from this life those who knew him hoped for him that—

Somewhere the sun is shining,
Somewhere the angels wait,
Somewhere the clouds are drifted
Close to an open gate.

As a part of my remarks I insert the following tributes to our late colleague, written by those who knew him best:

[From the Pine Bluff Commercial.]

COL. TAYLOR'S PUBLIC CAREER LONG, USEFUL—PROMINENT IN PUBLIC LIFE MANY YEARS—SETTLED HERE IN 1887.

A biographical sketch of Congressman TAYLOR will show the record of a long and useful life during which he had rendered much public service and had been repeatedly honored by those with whom he dwelt.

SAMUEL MITCHELL TAYLOR was born in Itawamba County, Miss., on May 25, 1852, and was the fifth in order of birth of the 10 children of Col. Clark W. and Louise (Keyes) Taylor, the former having been a native of Georgia and the latter a native of Alabama. His father was a successful merchant and planter in Mississippi and commanded a regiment in the Confederate Army during the Civil War.

After receiving a liberal collegiate education, SAM TAYLOR began the study of law at Verona, Miss., and was admitted to the bar of Mississippi in 1876. His constant study and experience made of him one of the best-known attorneys of this State, and he had a profound knowledge of law and precedent. He began the practice of law at Tupelo, Miss., where he remained until 1886, having won high standing at the bar of his native State.

CAME HERE IN 1887.

He removed to Pine Bluff in 1887 to establish his home and practice his profession. Two years later he was elected prosecuting attorney of the eleventh judicial circuit and held that office with much credit to himself and State for four years. He was an able and resourceful lawyer, which enabled him to win many forensic victories, and his reputation as an orator caused him to be in demand on many public occasions at home and in other parts of the country.

[From the Pine Bluff Commercial, Sept. 16, 1921.]

TAYLOR FUNERAL MOST IMPOSING EVER HELD HERE—HUNDREDS MEET BODY ON ARRIVAL, FILL CHURCH TO OVERFLOWING—CONGRESS IS REPRESENTED—DELEGATION REPRESENTING GOVERNMENT CONSISTS OF TWO MEMBERS OF SENATE, 11 FROM HOUSE OF REPRESENTATIVES, AND FEDERAL JUDGE TRIEBER OF LITTLE ROCK.

Representatives of the National Government to-day united with Pine Bluff citizens in paying honor to the memory of Congressman SAM M. TAYLOR, who died at Washington last Tuesday morning, and the funeral was the most imposing ever held in this city.

The body of Congressman TAYLOR arrived here at 11:45 o'clock this morning on the Missouri Pacific train that was an hour late. In addition to members of the local bar and a committee from the chamber of commerce, the funeral party, which included members of the family of the deceased Congressman and a delegation of United States Senators and Congressmen from this and other States, was met at the station by several hundred local citizens. Members of the family and the congressional delegation arrived in a special Pullman.

Mr. TAYLOR was a firm believer in the principles of the Democratic Party and since his youth had been a valued factor in party councils. He was a delegate to the Democratic National Convention in 1896 at Chicago, where he represented Arkansas on the credentials committee. In the same year he was temporary chairman of the State Democratic Convention in this State and presidential elector at large. In 1910 he was chosen chairman of the State Democratic Convention without opposition. He was elected to succeed Joe T. Robinson as Congressman from this district when the latter resigned in January, 1913, to become governor of Arkansas. At the subsequent election he was elected to this office, which he held until the time of his death.

ACTIVE IN SCHOOL AFFAIRS.

Mr. TAYLOR became a member of the Pine Bluff school board in 1897 and served until he resigned in 1913 to leave for Washington. During the last 12 years of this time he was president of the board and one of the public schools of this city is named in his honor. He was a member of the First Baptist Church of this city, a member of the Masons, Odd Fellows, Knights of Pythias, Royal Arcanum, and Knights of Honor.

On October 1, 1879, Mr. TAYLOR was married to Miss Mary J. Bell, of Pine Bluff, who has been with him in Washington during his last illness. He also leaves two sons and two daughters. Daniel Taylor, the eldest, now lives in Chicago, where he is an attorney for the Rock Island Railway; Chester Taylor, the other son, has been private secretary to his father since he has been in Congress. Two daughters, Mrs. William Nichol and Mrs. H. B. Strange, live in this city, with a grandson, Taylor Roberts, and granddaughter, Beverly Strange. Samuel Taylor 2d, son of Chester Taylor, is another grandson.

For a number of years prior to his death Congressman TAYLOR was a law partner of Judge W. D. Jones, of this city, the firm's name being Taylor & Jones. Daniel Taylor was formerly a member of the firm but withdrew when he became attorney for the Rock Island.

The body was taken in charge by the H. I. Holderness Co. and taken to the First Baptist Church, where it lay in state until the hour of the funeral, at 3 o'clock, surrounded by a guard of honor composed of deacons of this church, of which the deceased was a member. The funeral was conducted by Dr. John H. Moore, pastor of the church, and the big auditorium was not large enough to accommodate the crowd of friends who sought to attend. The casket was almost hidden from view by the number of floral tributes sent by individuals and organizations as a tribute of the esteem in which the deceased was held in Pine Bluff and throughout the State and Nation.

CONGRESSIONAL DELEGATION.

Members of the congressional delegation were met at the Union Station by members of the local bar and the chamber of commerce, who accompanied them to the Hotel Pines, where at noon they were guests of the Civitan Club at their regular weekly luncheon. The members of this delegation included Senators McKellar of Tennessee and Caraway of Arkansas; Congressmen PARKS, WINGO, OLDFIELD, TILLMAN, JACOWAY, and DRIVER of Arkansas, ELLIOTT of Indiana, CAMPBELL and SHREVE of Pennsylvania, JOHNSON of Washington, SANDERS of Texas, and PADGETT of Tennessee; P. A. Malone, Acting Sergeant at Arms of the House of Representatives; and Judge Jacob Trieber, of the United States district court at Little Rock.

Members of the family who arrived this morning were Mrs. Taylor, widow of Congressman TAYLOR, and her son, Chester W. Taylor, who has been his father's secretary since he entered Congress, and Mr. and Mrs. Daniel Taylor, of Chicago.

At 2:30 o'clock this afternoon the committee from the chamber of commerce, composed of President T. J. Collier, Secretary W. D. Hearn, A. D. Foster, N. J. Gantt, and J. H. Means, met the honorary delegation of visitors and accompanied them to the First Baptist Church, where seats had been reserved. Following the impressive service, during which Dr. Moore paid a high tribute to the memory of the deceased, referring to his record as a member of the church, as a citizen of Pine Bluff, as a husband and father, and as a Representative of the National Government, the funeral cortege left for Bellwood Cemetery, where the body was laid to rest.

CONGRESSMEN LEAVE TO-DAY.

Members of the congressional delegation will leave this afternoon in their private car over the Missouri Pacific Railroad for Little Rock, and at the request of the Acting Sergeant at Arms of the House of Representatives, who is in charge of arrangements, the train that leaves here at 4:45 o'clock will be held until members of the party return from the cemetery.

The following pallbearers were selected:

Honorary—W. D. Jones, W. O. Taggart, A. W. Nunn, Dr. Z. Orto, Leo M. Andrews, Judge W. B. Sorrells, Judge John M. Elliott, C. H. Triplett, M. E. Bloom, Judge W. T. Woodriddle, John M. Gracie, E. A. Howell, W. F. Coleman, J. W. Crawford, Creed Caldwell, Ziba Bennitt, J. R. Core, Dr. J. S. Jenkins, Dr. Wm. Breathwit, Irving Reinberger, E. W. Freeman, Mayor Mack Hollis, W. D. Hearn, F. G. Bridges, S. C. Alexander, Dr. Junius Jordan, John B. Speers, and Chas. Owens.

Active—Jos. Nichol, Sam Vaulx, Haynes Gregory, Harry Hanf, H. B. Speers, Carter B. Murphy, Frank B. Tomlinson, and Will Rowell.

[From the Memphis Commercial-Appeal, Sept. 14, 1921.]

REPRESENTATIVE SAMUEL TAYLOR DIES IN WASHINGTON—SERVED SIXTH ARKANSAS DISTRICT SINCE 1912—BURIAL IN PINE BLUFF—PLEURISY AND PNEUMONIA CAUSED DEATH OF BELOVED CONGRESSMAN—WAS RANKING DEMOCRATIC MEMBER RIVERS-HARBORS COMMITTEE.

[By R. M. Gates.]

WASHINGTON, Sept. 13.—Pleurisy and pneumonia caused the death of Representative SAMUEL MITCHELL TAYLOR of Arkansas at 3:12 o'clock this morning at his apartments in the Congressional—almost within the shadow of the great Capitol. His wife and son, Chester, his private secretary, were present at the bedside. The remains, accompanied by committees representing the House and Senate, will leave Washington early to-morrow night for Pine Bluff, where the funeral will take place Friday.

Representative TAYLOR, who was elected to Congress from the Sixth Arkansas District in 1912 to fill out the unexpired term of Joseph T. Robinson, who had been elected governor of his State, was 69 years of age. He was born in Itawamba County, Mississippi, but removed to Pine Bluff in 1887, where he was shortly afterwards elected prosecuting attorney, which office he filled for three successive terms. Mr. TAYLOR's health began to fail about two years ago, but it was not until last spring that his decline occasioned any solicitude either on the part of his family or his intimate friends.

He was unable to take the oath of office upon the convening of the extra session of this Congress and was not sworn in until the latter part of May. From that time until he was attacked by the illness which was the direct cause of his death, his attendance on the sessions of the House was irregular. Throughout the decline of his health, however, he was courageously hopeful, never once saddening his friends in the House by a voluntary expression indicating mournful consciousness of a losing fight. He was made a member of the Committee on Rivers and Harbors in the first year of his service in the House, as his district was largely interested in legislation with which the committee dealt exclusively, and he died its ranking Democratic Member.

ALWAYS HEARD WITH RESPECT.

"SAM" TAYLOR, as he was known by his friends and colleagues, was a Democrat of the old school from which the South's leading public men of 50 years ago were graduated and later glorified by distinguished service. He seldom addressed the House, but when he had anything to say he was heard with respectful attention, because he never spoke except when he had a message to deliver.

Uniformly agreeable and courteous, "SAM" TAYLOR was beloved by his friends and admired by those whose acquaintance with him was less intimate. He had a geniality of manner, a kindness of expression, an unflinching sprightliness of spirit that made his presence as refreshing as salt air. No man ever engaged him in conversation either on business or for social intercourse without feeling better for the incident.

Besides his widow, Representative TAYLOR is survived by two sons, two daughters, and two grandchildren. The eldest son, Daniel, is general attorney for the Rock Island Railroad with headquarters in Chicago, and Chester W. Taylor, who has been his father's secretary while in Congress. The daughters are Mrs. William Nichol and Mrs. Hubert E. Strange, both of Pine Bluff.

To-day the Sergeant at Arms of the House appointed the following Members to attend the funeral: Representatives JACOWAY, TILLMAN, DRIVER, WINGO, PARKS, and OLDFIELD, all of Arkansas, and Representatives ELLIOTT of Indiana, CAMPBELL of Pennsylvania, JOHNSON of Washington, SHREVE of Pennsylvania, and PADGETT of Tennessee. Representatives JACOWAY, DRIVER, and TILLMAN are already in Arkansas. WINGO, OLDFIELD, and PARKS will leave here to-morrow night with the funeral party.

The committee appointed for the Senate by Vice President COOLIDGE includes Senators ROBINSON and CARAWAY of Arkansas, McKellar of Tennessee, HARRISON of Mississippi, HERVELD of Oklahoma, and SPENCER of Missouri. Senator ROBINSON is in Europe and Senator CARAWAY is at his home in Jonesboro, whither he went several days ago.

[From the Pine Bluff Commercial, Sept. 16, 1921.]

TRIBUTES PAID CONGRESSMAN BY COLLEAGUES—CONGRESSIONAL DELEGATION GUESTS AT CIVITAN MEMORIAL LUNCHEON—MR. TAYLOR IS LAUDED—WAS FAITHFUL MEMBER OF HOUSE, ALWAYS WORKING IN INTERESTS OF HIS DISTRICT AND NATION, LATE LAWMAKER'S ASSOCIATES IN CONGRESS DECLARE IN ADDRESSES.

Eloquent tributes to the life and deeds of Congressman SAM TAYLOR were paid to the deceased lawmaker at a memorial luncheon at the Pines this noon when the members of the congressional delegation, which accompanied the body home, were guests of the Civitan Club.

Dr. J. H. Moore, of the First Baptist Church, gave the invocation, and the visiting Congressmen were welcomed by the Rev. H. B. Trimble, who deplored the loss of Pine Bluff's distinguished citizen and member of the most august legislative body in the world, stating the loss of Congressman TAYLOR was keenly felt by every resident of his district. Mr. Trimble said he was delighted to have the colleagues of Col. TAYLOR help pay the last tribute of respect to the dead Congressman, but regretted the unfortunate circumstances which caused their visit.

Congressman PADGETT of Tennessee declared it was with a deep sense of regret and sorrow that he and his colleagues came to Pine Bluff on such a mission, that Mr. TAYLOR was well liked by his associates in the House, that he was a valuable Member of Congress who always had the welfare, stability, and interests of his district and the Nation at heart.

Congressman ELLIOTT of Indiana stated that he was sent to Washington four years ago, and that he had been at his hotel only 30 minutes when he became acquainted with Col. TAYLOR, and the friendship formed at that time had endured till Col. TAYLOR's death. Representative WINGO of Arkansas referred to Mr. TAYLOR as a man who always had the interests of his country at heart and who loved and served with unflinching loyalty the State from which he came. The speaker regretted the loss to Congress and to this district, and expressed the hope that the next Representative from this district would prove as capable and loyal a servant of his people as Mr. TAYLOR had been.

Representative SANDERS of Texas declared that after seeing the great concourse of people gathered at the station to do honor to a great statesman he was reminded of the Biblical passage, "Know ye then that there is this day a great man and prince fallen." The speaker

said he could hope for nothing better than to discharge his duties in a way that would bring him the love and respect which prevails for Mr. TAYLOR in his own district. Congressman SANDERS congratulated Arkansas on its congressional delegation, and stated there was no stronger group of men in Congress from any State.

G. O. P. SOLOON PRAISES HIM.

Congressman SHREVE of Pennsylvania related how he was the last man on the Republican side of the House to talk to Col. TAYLOR on his last day of service, telling of the friendship which had existed between them from the beginning of the Sixty-second Congress. He characterized Col. TAYLOR as a man who could see over, above, and beyond all the issues of any question, a loyal Democrat, proud of his party and of his State, a delightful man and a splendid Representative, keenly interested in every question, a man whose friendships were lasting.

Entering Congress at the same time as Col. TAYLOR and staying at the same hotel with him, Congressman JOHNSON of Washington told of the friendship formed between his four-year-old daughter and the local congressman, using this friendship to illustrate the gentle spirit and lovable qualities of Col. TAYLOR which so endeared him to his colleagues. The speaker told of his work on the Naturalization and Immigration Committee and declared "the South is the bulwark in the fight for protection of America for Americans." The protection of America for its own posterity was called the greatest problem of the day by the speaker.

SENATOR M'KELLAR SPEAKS.

Senator M'KELLAR of Tennessee stated Col. TAYLOR's life could well serve as an example to any young man in Arkansas or in America. Col. TAYLOR was referred to as a man of highest characteristics and ideals, having but one aim and purpose in life and that was to do his duty as he saw it.

Congressman CAMPBELL of Pennsylvania told of his fondness for Col. TAYLOR, formed through years of association with him, and of the benefit he had derived from the advice of Col. TAYLOR, whose broad views and cool head had been of unusual value in the trying days of the war.

The remarkable gentleness of spirit of Col. TAYLOR was warmly praised by Senator CARAWAY of Arkansas, who said in all his association with him he had never heard him utter an unkind word about anyone, always treating everyone with loving consideration, whether they were for him or against him. Col. TAYLOR's loyalty to his constituents was illustrated by the speaker, who quoted Col. TAYLOR as saying: "I always vote as though my constituents were in the room with me and could read my heart."

JUDGE TRIEBER SPEAKS.

Federal Judge Trieber thanked the gentlemen from the North for their kind words about the South. In discussing the love of its citizens for the South, Judge Trieber described Col. TAYLOR as a member of a class of which there are now too few, the old-fashioned Southern gentleman. Mr. TAYLOR's skill and eloquence as a lawyer were portrayed by the speaker in his memorial of his dead colleague.

Judge Trieber related many incidents in which Col. TAYLOR figured when touring the State with him during the campaign of 1896, and eulogized the Congressman's ability as a speaker, his clean methods in politics, and the high regard in which he was held by the people of the State.

Representative WINGO of Arkansas told of the high esteem in which Mr. TAYLOR was held by Representatives of all sections of the country, of the prominence he had already attained in Congress, his high ideals, and the love borne for him by his colleagues.

TELLS OF ILLNESS.

Congressman TAYLOR's bravery during the last days of his illness was related by Representative PARKS of Arkansas, who declared Col. TAYLOR died fighting for his country as surely as if he had fallen on the field of battle.

Congressman OLDFIELD of Arkansas added several intimate details of Col. TAYLOR's last illness, telling how his one desire was to return to his home at Pine Bluff. His growing prominence and influence in Congress was pointed out by the speaker, who referred to his work on the Rivers and Harbors Committee. The speaker declared that Col. TAYLOR was so well liked in Congress by members of both parties that he could get more favors from the Republicans than any Democrat in the House.

Col. TAYLOR's deep affection for his constituents was feelingly portrayed by Congressman JACOWAY, who quoted him as once remarking "There is not a man, woman, or child in all my district that I can not take by the hand and call my friend."

Congressman DRIVER told of the deep grief felt in common by all those who had known Col. TAYLOR, the high praise accorded him on every hand, and then said such commendations of love and respect were fitting tributes to a career like Mr. TAYLOR's.

NEGRO LEADER SYMPATHIZES.

Among the many messages of condolence which have been sent to members of Congressman TAYLOR's family, is one from John H. Young, one of the best-known Negroes of Pine Bluff and a leader among his race, as shown by the fact that for the past 33 years he has been supreme master of exchequer of the Negro Knights of Pythias. His letter to the Congressman's widow follows:

"MRS. SAMUEL TAYLOR.

"DEAR MADAM: You and yours have my deepest sympathy in the departure of your beloved husband from us. He was a friend to me and the race of which I form a part. He was ever ready to give a kind word and to advise even the humblest of us who sought counsel from him.

"The prayers of many go up for you and yours, that you may seek consolation in Him who knows and does all things well.

"Of your beloved husband it can be truly said that a friend to humanity has been called from labor to reward, and whatever any of us can do for you and yours we will willingly and gladly do.

"May each of you take comfort and realize that the Holy Writ says: 'Write, blessed are they who die in the Lord, for henceforth they rest from their labors and their works do follow them.'

"Yours, respectfully,

"JOHN H. YOUNG, Sr."

[From the Pine Bluff Commercial, Sept. 15, 1921.]

LOCAL BAR TO HAVE PART IN TAYLOR BURIAL—TO GO IN BODY TO MEET TRAIN ON WHICH REMAINS ARRIVE TO-MORROW.

At a meeting of the Jefferson County Bar Association at 11 o'clock this morning, held in the chancery court chamber with Chancellor John M. Elliott chairman and A. R. Cooper secretary, a committee composed of Judge W. D. Jones, Judge W. T. Woodbridge, and J. W. Crawford was named to prepare resolutions on the death of Congressman SAM M. TAYLOR of this city, to be presented to the Arkansas Supreme Court and the chancery and circuit courts of this district.

It was requested that all members of the bar meet the body and the members of the congressional committee upon their arrival in the city at 10.30 o'clock Friday morning and to attend the funeral that will be held from the First Baptist Church at 3 o'clock to-morrow afternoon.

Another committee was named to secure a floral emblem on behalf of the bar association.

A committee has also been named by the Chamber of Commerce to meet the members of the congressional delegation upon their arrival in the city to-morrow morning and to escort them to the hotel. This committee is composed of T. J. Collier, president; W. D. Hearn, secretary; N. J. Gantt, A. D. Foster, and J. H. Means. Secretary Hearn of the Chamber of Commerce yesterday sent a telegram of condolence to members of the family at Washington "from the people of this community through the Chamber of Commerce."

The funeral will be held at 3 o'clock to-morrow afternoon, as announced in The Commercial yesterday afternoon. Dr. John H. Moore, pastor of this church, will conduct the obsequies and it is expected that the funeral will be the most imposing ever held in this city. In addition to the list of pallbearers announced yesterday, the name of WILL ROWELL has been added to the list of active pallbearers.

Following are the resolutions adopted:

"Whereas Hon. SAMUEL MITCHELL TAYLOR has been called to his reward by Him who doeth all things well; and

"Whereas he was for many years a member of the bar of Jefferson County and of the State of Arkansas, where he shone with great brilliancy as a member of the bar, as a citizen, as a public servant, charged by his fellow citizens with the discharge of public duties; and

"Whereas it is but just and fitting that the members of his home bar should express their high appreciation of him as a lawyer, a public servant, a citizen, and a man above reproach in all things, as far as such appreciation may be expressed in language by us;

"Now, therefore, be it

Resolved by those who knew him best, That in the death of Hon. SAMUEL MITCHELL TAYLOR this bar has lost one of its greatest and most brilliant members; the city of Pine Bluff an honored citizen; the National Congress, in which he served, a faithful, honest, conscientious and efficient member; the people of the sixth congressional district, who loved to honor him, a servant whose place will be hard to fill; and the world a lovable, genial gentleman, of whom it could truthfully be said,

"His life was gentle, and the elements

"To mixed in him that nature might stand up

"And say to all the world, 'This was a man.'

"Be it further resolved, That a copy of this resolution be delivered by the secretary of this meeting to the widow and family."

[From the Pine Bluff Commercial.]

LINCOLN COURT HONORS MEMORY OF COL. TAYLOR—MEMORIAL SERVICE HELD, BAR ASSOCIATION ADOPTS RESOLUTIONS.

The Lincoln Circuit Court at Star City yesterday held memorial services in memory of Congressman TAYLOR. A few moments prior to the convening of court Judge Sorrells received a message that Col. TAYLOR had died. With many cases to be heard, this information was not imparted immediately to the bar. There were many attorneys of the district present, and when court reconvened at 1 o'clock Judge Sorrells announced the death of his friend, Mr. TAYLOR. He then asked if any member of the bar had anything to offer or say. At this time Judge E. J. Kerwin, a friend and admirer of Col. TAYLOR, introduced the resolutions, which were unanimously adopted by the bar, placed on record in the court and a copy sent to the family of Mr. TAYLOR. Attorney Arthur Johnson and other members of the bar from Jefferson County spoke in highest terms of the life and character of Col. TAYLOR.

The following is a copy of the resolution:

"Whereas it has pleased Almighty God, in His wisdom, to remove from our midst our honored and beloved Congressman, SAMUEL M. TAYLOR; and

"Whereas he was permitted to serve the people whom he loved and lived among, until in that service, which was always faithful, he reached the golden years of his well and honorably spent life; and

"Whereas his devotion to duty, to the Government of the United States, in the Halls of Congress at Washington, D. C.; to the State of Arkansas, to this congressional district, among which were the counties of Lincoln, Desha, and Jefferson, the people of which latter counties he served for many years as their prosecuting attorney, caused him to manifest his sincere appreciation and gratefulness in the honors bestowed upon him; even when ambition sang its sweetest song in the years when life was to him sweeter and sweeter, still he remained at his post of duty; and even at the last, when the veil that shuts out the light and the life of each and all was falling slowly, reminding him that the God he served and loved was calling, and with loved ones at home, yet his high conception of duty to those whom he served and loved, and who in turn loved him, was such as to cause him to live with hope, that bright star of every human breast and heart, and it was this hope that springs eternal, coupled with his belief in the God of each and all, that gave him strength to fight his last battle quietly and bravely, as he fought all of his battles during life.

"Col. TAYLOR, as he was familiarly called by his friends and many of his constituents, was the possessor of one of those pleasing and lovable dispositions that enriched his otherwise beautiful character. He came from the great State of Mississippi, the home of George, Waltham, and Lamar, when a young man. Arkansas was his State by adoption and of his own choosing; had he remained in Mississippi he might have become a John Sharp Williams. As a young lawyer it was early discerned in his career that a bright future was his, possessed as he was of those great virtues and qualities in one's life that go to make men great, kind, lovable, and charitable. He built a character that is the priceless gem of his life, and the greatest in-

heritage he leaves his family, wife, daughters, and sons, is the heritage of all the ages—a good name.

Out of the tree of life, ceaselessly and perseveringly, he cut day by day the deeds that made him that which he was, a noble, good man, a man whose citizenship is worthy of emulation by every aspiring young man in the State. He loved his country and his country's flag; for all that each star and stripe that Old Glory stood for, so did Col. TAYLOR. During the trying days preceding this country's entry into the World War and while it lasted his love for the success of the ideals of the United States represented by the American flag caused him to remain day and night at his post of duty. His life was one of the best because one of service—service to his God, to humanity, to his family, his constituency, and to his friends. His life was that of the Christian, and the principles received in early childhood were exemplified by him during all the years he served and lived. His home was ever his best beloved spot on earth and in fact and in truth his castle. It was to him the sweetest place of all, surrounded as he was by his devoted and loving wife, the companion of all his young and ambitious years, by his two daughters and two sons, one of whom is an honored member of the bar of this district.

"The bright stars and the jewels of his life, those immediate jewels that nestle in the heartstrings of every heart, were his children, and next to them his friends. Long a member of the bar of this district, four years the prosecuting attorney of the people of this circuit, eight years of service in Congress as the representative of the people, it is fitting and proper that we on this day mourn his death. We mourn because he was a good man, an exemplary citizen, honest and incorruptible as a public official, and a lawyer who faithfully discharged every duty to his client. He had the greatest respect for and in turn was held in esteem by the judges of the courts before whom he appeared. A real southern gentleman, a Christian, scholar, loving husband, and devoted father: Therefore, be it

Resolved by the members of the bar of the Eleventh Judicial District, of which Lincoln County constitutes one of the three counties in said district, That these resolutions be adopted this day as an expression of our love for him and his faithful service to the people whom he served, and that the waters of forgetfulness in time may not wash out either his good deeds or his memory from among us and those who may serve in the years to come.

"Be it resolved further, That these resolutions be spread upon the record of this honorable court; that a copy of same, under seal of this court, be furnished his beloved wife and children who survive him, and to whom we extend our condolences and assurances of deep and sincere sympathy, and that the press of this district be furnished a copy for publication.

"And, last, as our final tribute to our Congressman, brother lawyer, and friend, that the courts of this judicial district, presided over by the Hon. W. B. Sorrells, circuit judge, and life-long friend of Col. TAYLOR, adjourn out of respect to his memory on the day of his burial.

"May he forever rest in peace.

"E. J. KERWIN."

STATE OF ARKANSAS,
County of Lincoln.

I, W. A. Fish, clerk of the Lincoln circuit court, hereby certify that the foregoing resolutions were unanimously adopted by the Bar Association of Lincoln County, in open court, and that the same were spread in full upon the records of said court, on this the 13th day of September, 1921.

W. A. FISH,
Clerk of the Lincoln Circuit Court.

[From the Pine Bluff Graphic.]

A FRIEND TO ALL.

Resolutions on the death of Congressman TAYLOR were adopted at last night's meeting of the Central Trades Council and several speakers eulogized him. This action is further proof of the fact that the dead Congressman recognized no casts or class in society, but sought to serve all people to the best of his ability. How well he succeeded in this effort is shown in the expressions of sorrow that come from every source.

PINE BLUFF CENTRAL TRADES COUNCIL, AFFILIATED WITH ARKANSAS STATE FEDERATION OF LABOR, AMERICAN FEDERATION OF LABOR, PINE BLUFF, ARK.—A RESOLUTION.

Whereas God has removed from this world our friend, Congressman SAMUEL MITCHELL TAYLOR; and

Whereas in the death of this good man our country has lost an able statesman and leader, our city and county a beloved citizen; and

Whereas the life of Congressman TAYLOR has been filled to the brim with deeds that have endeared him to the hearts of all classes and creeds, and his kindly sympathy and interest were ever given to those in distress: Therefore be it

Resolved by the Pine Bluff Central Trades and Labor Council, representing 2,000 union men, That we extend the bereaved family our sympathy in their dark hour of their great sorrow, and that we mingle our prayers with those of others that Heaven may help and sustain them in their loss.

Respectfully, yours,

A. W. LEHRMANN,
W. S. BUSICK,
ROBT. MALY,
A. L. MAPIN,
M. F. MITCHELL,
Committee.

(Pine Bluff Commercial, Sept. 13, 1921.)

CONGRESSMAN TAYLOR.

The people of Pine Bluff are to-day in grief over the announcement that Congressman SAM M. TAYLOR died early to-day at Washington, D. C. It was recently reported that he had been seriously ill for several weeks, suffering from pleurisy and pneumonia, but his physicians announced that his condition was improved and the hope was held out that he would soon be able to return to his home in Pine Bluff. Instead of being able to return as usual from the scene of his labor as a Member of Congress to receive welcome and commendation from his friends at home, only his lifeless body will be brought back here to be buried, while the lovable SAM TAYLOR exists only in memory.

Although he was officially recognized as Representative from the sixth congressional district of Arkansas, and had held several high positions, he was known to his friends as SAM TAYLOR, denoting the affection for him from his friends, who were as numerous as his acquaintances. One of the public schools of this city is known as

the Sam Taylor School, as a recognition of the valuable services he gave to the school children and school patrons of this city during the 16 years that he was a member of the Pine Bluff school board, during the last 12 years as president of the board.

SAM TAYLOR was a member of an old and prominent Southern family and it may well be said of him that he was a worthy son of a noble sire. He had been a resident of Pine Bluff for 35 years, during which he became known as one of the leading members of the Arkansas bar, a man always active in behalf of his political party, interested in the welfare of his community and country, the head of a prominent family and a citizen and neighbor who was loved because of his integrity and his lovable character. In the death of SAM TAYLOR Pine Bluff has lost a valuable citizen and the sixth congressional district has lost an able Representative. His name will always occupy a prominent place in the list of the many prominent Pine Bluff citizens whose record of service to their fellow men are inscribed upon the tablets of love and memory.

[From the Hot Springs Sentinel Record.]

CONGRESSMAN TAYLOR DEAD.

Congressman SAM TAYLOR, of this district, has passed away, and with his passing goes one of the old school of public men in the South. He was genial, pleasing, friendly, and of the type who makes following and support without apparently endeavoring to do so. He was free of the demagogic trend too frequently found in present-day politics, and he was always zealous to the interests of friends and constituents.

His home was in Pine Bluff, and he was so beloved there that the question of substantial home indorsement for him was never raised. Ill in health in his last campaign, and unable to make the personal canvass that is expected, he came out victorious through the aggressiveness of beloved friends.

The death of Congressman TAYLOR will be deeply regretted over his district and over the State as well.

SAMUEL M. TAYLOR.

The body of the late Congressman SAMUEL M. TAYLOR, who died in Washington last Tuesday, will be buried this afternoon at Pine Bluff, where most of his life was spent.

The death of Mr. TAYLOR removed a kindly but forceful man, who had fought his way up to prominence. In his young manhood he had to contend against the numerous handicaps imposed on Southerners by the hatreds born of the Civil War. By close application and right living he pushed steadily ahead. He was honored often by the Democratic Party and he repaid the party by intelligent and earnest effort.

Mr. TAYLOR died in harness. His family and his friends may get satisfaction from the thought that he so acquitted himself as an officeholder that he owed nothing to the voters who elected him. He gave honest and efficient service and his reelections showed the voters' appreciation of such service.—Arkansas Gazette.

COL. SAM M. TAYLOR.

With the death of Col. SAMUEL M. TAYLOR, of Arkansas, the Democrats in Congress lose a member who had endeared himself to all his colleagues. There was no more genial soul than this modest man from the growing Southwest. He was a rare raconteur, a most companionable man, gentle in manner, kindly in disposition, generous in all his instincts, firm in his convictions, and singularly devoted to all the higher and nobler traditions of the South. It was worth something to hear him relate some of his earlier experiences in Mississippi and as a young lawyer in his adopted State. His anecdotes were racy of the soil; he was particularly happy in hitting off the Negro dialect and characteristics, and he was never more entertaining than when telling stories which he picked up at remote country inns or in corner stores. He will be greatly missed in the halls of Congress, in which he had been a familiar figure for nearly a decade.—Johnstown (Pa.) Democrat.

AN APPRECIATION.

(By Mrs. Max Eisenkramer.)

In presenting the following poem, to the memory of the late Congressman SAMUEL M. TAYLOR, the author says:

"I ask the privilege of penning in my humble way the virtues of our late Congressman, SAMUEL M. TAYLOR, as I knew him from childhood until his death.

"I base my inspiration on the bigness of the man, as demonstrated in a congratulatory handshake and expression of interest in my future success, when my work was placed among the relics of the University of Texas. Perhaps meeting him on my return from worship may have formed the setting, as it was then he quoted to me the following lines from 'Envy Not': 'Rejoice in all the honors which come to those you know. That you know them makes you, in a sense, a partner to their fame; that you rejoice with them brings you their friendship.'"

LIFE'S WINDOW.

In this life of many windows,
I see jewels rich and rare;
Come, I beg you, see them with me,
Human hearts, just here and there.
Oft 'tis not until the parting
Of a jewel, rich and rare
That we waken to its merit
Here and there and everywhere.

Let me take you to this window.
To one jewel, rich and rare,
Who on earth has lived to bless us,
And is now blessed over there.
Up and out at all times stood he,
In the laws of God and man,
And each deed stood as a blessing;
Emulate him, if you can.

Did the things that spell real manhood
Come into his daily life?
Yes, to him was sacred, duty,
Whether pleasant, or with strife.
Loyal was he to his country,
Loyal was he to his home,
And the slab that marks his burial,
Will prove this, in years to come.

Was he good and kind and gentle,
Was he patient, brave, and true?
Would to God these selfsame blessings
Were a gift from God to you.
Did he love his wife and children?
Here I tread on sacred ground—
With the same love in his bosom
That in every prince is found.

Oh, how humble! This a jewel,
That in him we, too, will find;
And the rich man and the lowly—
Side by him walked all mankind.
Do you doubt it? Then the school house
That in years will us remind
Of this patriotic spirit
Who sought democracy to bind.

And there is another window,
With a jewel, rich and rare;
Selfishness could never enter,
It was service everywhere,
To lend to all a helping hand,
Who strive a goal to reach,
"For your glory is my glory."
So the prophets and poets teach."

Then with eyes brimful of interest,
As their sparkle I could note,
From his soul there came the "Envy Not"
That from Worthington I quote.
And in my heart a feeling
For this great man arose.
As I saw in him the qualities
Of life—not meant for prose.

And I wondered not he filled this place,
A jewel for his land;
There, within the hall of Congress,
There, our statesman, glorious, grand,
It was just those noble qualities
Of deed and mind and heart,
That on earth leaves him immortal,
As the soul that did depart.

So in his house of many windows
You now see that jewel fine;
That jewel in the lives of all
Who have reached the heights sublime.
'Tis that great gem, religion,
The foundation of all good;
And through this he built his mansion,
Here with man, and there with God.

Back again, to life's first window,
To one jewel rich and rare;
Who on earth has lived to bless us,
Here and there and everywhere,
Up and out at all times stood he,
In the laws of God and man;
And each deed stood out a jewel,
Emulate him, if you can.

Mr. JACOWAY. Mr. Speaker, once again we are with sadness reminded of the uncertainty of life, and with the unerring and fatal accuracy of death. Some months since the gentle and generous spirit of Col. SAM TAYLOR took its flight. All that was mortal of one who had with a royal bearing grown to the fullness and perfection of manhood's estate dropped out of line and was a memory. In life he was "every inch a king." His was an existence that had paid rare dividends to the world in which he had lived and moved and had his being. All the days of his life he had entertained noble thoughts; he had performed good deeds and had carried out to a successful consummation various and varied policies and plans, which made the world know it was richer and happier in the knowledge that he had lived.

It is not for me, and I dare say the undertaking of anyone, on this occasion, to recite in detail the wonderful history of Col. SAM TAYLOR. Time and space and the knowledge of the poverty of my own vocabulary prevent me from doing so. That is the work of the just historian. No poor words of mine can add additional luster to the wondrous way in which he wrought, when as a young man, vital with the rich red blood of a superb manhood, he lived and loved and toiled, and left behind him good and big things undertaken and accomplished, and which stamped him with the hall mark of a potential benefactor in his day and generation. His achievements are securely chronicled and preserved in the archives of his Government that he patriotically loved, and which he so faithfully served, and in which he had a continuing and abiding faith. To-day as we pay tribute to his memory, and view the record that is his, it wrings unstinted praise from legions of friends and admirers; a proud and consoling living reality to those that he loved best, and who in turn loved him without limit. To them it is a rich, a priceless family heritage to which they can point with genuine pride, conscious in the happy and proud thought that the blood that coursed his veins was theirs in fee simple. Behind him he has left a world of beautiful memories which is the common inheritance of both friend and family.

The contests that Col. TAYLOR waged for political supremacy were unique, and easily fall in a class by themselves. While

he was vigorous in debate, and wielded a shining lance, he never sought an unjust advantage.

His wit in the combat, as gentle as light,
Ne'er carried a heartstain on its blade.

From every political contest he emerged with his own self-respect, stronger with those to whom he had appealed for support, and also living in the respect and admiration of those who opposed him. In these contests he erected high standards and from them he never varied. In his last race for Congress, in presenting his views to the voters of his district, he adopted as his slogan: "We have done that which is our duty to do."—Luke, 17th chapter, 10th verse. And again, in the same race, he broadly stated that he would adopt and be judged by Thomas Jefferson's standard as to the qualifications a candidate for office should possess:

Is he honest?
Is he competent?
Is he faithful?
Is he true to the Constitution?

With these as his guides and embodied into his political creed, he presented his cause to the people of his district and won by majorities that were overwhelming, carrying, as I think the record will disclose, all the counties of his district save one, and only losing this by a small margin, which was the home county of one of his opponents. It was his belief that the combined judgment of the people is seldom wrong, and that it is the exception when an erroneous verdict is rendered by them at the polls, feeling that when the people are in possession of all the facts and understand the issues involved that substantial justice will be meted out by them. He was the personification of courtesy in the hotly contested battles waged in the courts where he played so prominent and illustrious a part for over a quarter of a century. Among the strong votaries of the legal profession, he was one of its El Capitans, profoundly respected, and at the same time justly feared on account of his solid erudition in that profession he considered the foremost of all. That high course of action that guided him in the trial of causes characterized him as a political opponent.

At all times he sought to be absolutely fair. I quote his own language: "It has been a rule of my political life never to speak despairingly or disrespectfully of my opponents. If they be men of good moral character, the voters find it out. If they be otherwise, this the voters will also note before casting their ballots; and if my opponents or myself be unworthy to represent the people of our district in the Congress of our country, I simply lay before you these words:

'Be sure your sins will find you out.' (Numbers, 32-38.)

To me no higher or loftier gauge of battle could be thrown down. It serves as a true index to the character of the man. It is but another citation that his mind always traveled the high mountain ranges of thought, and was reflected in a course of conduct in life that made him loved and respected by his fellows. This trait of character was one of the compelling reasons on that beautiful autumn day in September when his body was lowered into the tomb that the rich and the poor, the high and the low, the white and the black, gathered at the church and the grave to pay their last respects and to him pay the homage of a king. In sorrow we left him in his long sleep resting under a veritable wilderness of flowers.

Mr. Speaker, the low sweet notes of taps have been sounded for our good friend and colleague, Col. SAM M. TAYLOR. The "Grim messenger with the inverted torch beckoned him to depart, and he was unafraid. In lowly submission he bowed his acquiescence and obedience to the mandate of the highest of all courts and responded to 'Nature's final decree in equity.' I know that when his dying eyes again visualized that which life had brought to him and how lavish it had been to him the sting of death was robbed to a minimum. He had achieved in honor that which falls to the lot of a limited few. By his side with a heart full of love, ministering to him, anticipating his every want was she the bride of his young manhood in the spring time of life—the mother of his children. She had been his inspiration throughout the days—his universe. He had seen his children grow to manhood and womanhood's estate. He saw with pride the first born one of the legal heads of a great trans-continental railroad system, two beautiful daughters who had established their homes, and by their brilliancy of intellect, charm of face and form, and womanly sweetness had taken their high places in that world decreed by God as woman's absolute dominion: The second son who had been a trinity to him as son, friend, and counselor, and who now worthily wears the mantle that fell upon him from his father's shoulders, had been an unfailing source of comfort and pride to him. The voices and love of grandchildren made happier and sweeter his

latter years. So when death came, and before him again he saw revolving on the kaleidoscope of life these beautiful colors and tints that were all made for him the grave was robbed of its victory.

Mr. Speaker, upon the tenderest heartstrings of his family a sorrow as heavy as a huge stone has been rolled and to-day they grieve. In conclusion may I say to them, mourn not: God lives and loves and rules, and in that Beautiful World of Somewhere he stands with white hands beckoning them to follow—You shall meet him in the morning.

Mr. WINGO. Mr. Speaker, I will not attempt to pay any extended formal tribute to the life and character of my departed colleague. I am content to leave that duty to the older Members. What I wish to do is to say a few words of simple tribute to a departed friend.

I do not know of any man among my acquaintance to whom I was drawn more strongly in a personal way than to Colonel TAYLOR. Somehow I never thought of him as the public official, as the active partisan, as a colleague in the House. I always thought of him as I first met him when a young man starting out in public life myself. At that time he had already achieved an enviable place at the bar of our State. He was already recognized as a very strong, potent force in his party. I was the beneficiary not only of his time and courtesy but of his wisdom and counsel. I think he was one of the kindest men I ever knew to those of us who belonged to the younger generation who went to him for counsel and advice. That was the thing that attracted me to him and made me think more of him as a friend than as one in a public position discharging public duties.

Another thought that comes to me about Colonel TAYLOR is that he was one of the few remaining of what I am afraid is a fast-disappearing type. That is what those in other parts of the Republic refer to as a typical old southern gentleman. He was typical of that school that I say I fear is fast disappearing. I wish there were more men of that character among those in public life to-day. Those of us who had the privilege of meeting with his neighbors readily understood the love and affection in which he was held, even by those who differed with him either in the courtroom or on the hustings in a political contest. There was in him that sense of justice, that high honor that was so characteristic that even his adversaries respected and admired him. These were the things that protected him against the shafts of jealousy and hate, because he was always honorable and fair. He loved his fellow men. He loved his country. He rendered great and distinguished service to both, and his country, his fellow men, and the circle of his immediate friends sustained a great loss when Colonel TAYLOR passed away.

Mr. TILLMAN. Mr. Speaker, in the county of Jefferson, at Pine Bluff, the city by the winding river, named as our State is named, we buried our late colleague and comrade, SAMUEL MITCHELL TAYLOR. The soft September sun shone bright over that typical far southern county site, as a legion of his friends followed his clay to its final resting place in beautiful Bellwood cemetery. In this great throng of people were heavy-hearted relatives, clergymen, Senators, Representatives, Federal and State judges, doctors, lawyers, planters, bankers, merchants, newsboys, and here and there men and women of color, all mourners. There never lived a more popular citizen. Lover, lawyer, statesman, old-time polite, courteous gentleman and friend of man was SAMUEL M. TAYLOR.

As a young man he was courtly, graceful and handsome. He was singularly persuasive with juries, and as a trial lawyer had few equals. His voice was as mellow and soft as the music of a guitar, and at a party convention or before 12 good men and true in the jury box he was all but invincible.

The years go swiftly by, and it was a long time ago when I first heard his eloquent tongue in forensic speech. It so happened that the young men and old from the four corners of our State were gathered in Little Rock to select an associate justice of the supreme court. The favorite of the old men for the honor was the late Judge Jordan E. Cravens, of Johnson County, the youngsters were for a brilliant young circuit judge from Monticello. At that time I was a callow fledgling of the law, and was there as a delegate, pushing with enthusiasm and vigor the candidacy of the young circuit judge aforementioned, who had been my college mate and boyhood friend. This young aspirant for high judicial preferment was placed in nomination by young SAM TAYLOR, of Pine Bluff, in one of the most charming, forceful, and effective convention speeches I ever heard. Our candidate was nominated, elected, and still graces the bench. As Judge Chas Coffin, one of the oldsters, said:

We went to the college campus to draft a tyro to invest with the judicial purple, heretofore supposed to be best fitted for older shoulders.

The years went by and the time came when there was a certain important will case pending in my court at Bentonville, the case of Phillips *vs.* Phillips, the parties litigant for a long time having lived in Jefferson County. The matter came on for trial. The ablest counsel in the State appeared for the contestants and contestee, SAM TAYLOR being of counsel for the contestants. The law was against him, the facts in favor of the contestee, and yet the 12 men composing the jury were so moved by his matchless appeal that they promptly returned a verdict for his clients.

The years sped on and I became a colleague of the one-time convention orator and advocate in the Congress of the United States.

Here he was known, respected, and loved by all his fellow Members. He was possessed of stainless honor. There was not enough gold in all the world to buy him or corrupt him.

For the last few years we could see that he was rapidly failing. He seemed, however, to be hopeful, even sanguine of recovery and further service, and yet he did not seem to fear to face the grizzly thing called death, but when he allowed his mind to dwell on the end that he knew would come sometime, his unfaltering trust in God and His revealed promises soothed and sustained him for the last great adventure which follows the flight of the spirit from the body.

As I think of his last days I recall the following lines:

I watched a sail until it dropped from sight
Over the rounding sea. A gleam of white,
A last far-flashed farewell, and, like a thought
Slipped out of mind, it vanished, and was not.

Yet to the helmsman standing at the wheel
Broad seas still stretched beneath the gliding keel.
Disaster? Change? He felt no slightest sign,
Nor dreamed he of that far horizon line.

So may it be, perchance, when down the tide
Our dear ones vanish. Peacefully they glide
On level seas, nor mark the unknown bound.
We call it death—to them 'tis life beyond.

The end came on September 13. He closed his eyes for the last time in this world and went to sleep in sight of the white-columned Capitol of the Nation, in which imposing structure he had for nine years served a proud constituency with immaculate fidelity.

My thought strays back again to the little mound in whose lush bosom we laid him to rest, the grave hidden under the rarest and richest of floral tributes I have ever seen.

Peace, and rest, and sleep, good friend.

Warm summer sun, shine kindly here;
Warm southern wind, blow softly here;
Green sod above, lie light, lie light.
Good night, dear heart; good night; good night.

Mr. DRIVER. Mr. Speaker, colleagues with more extensive association with Col. SAM M. TAYLOR have spoken of his distinguished service in this body and of his participation in important contemporaneous legislation. Unfortunately I was denied the pleasure of the association afforded them.

I became acquainted with Col. TAYLOR many years ago, but conditions were such that it continued a casual one until I assumed my duties here, at which time disease greatly weakened the physique of Col. TAYLOR, preventing his attendance upon the sessions and his appearance at his office, except at intervals. I was, however, aware of his reputation as a lawyer and statesman. Like many of the statesmen from my native State, Col. TAYLOR came to us from our sister State of Mississippi, the native home of Augustus H. Garland, of James K. Jones, of James P. Clarke, whom the citizens of Arkansas delighted to honor in honoring themselves. He brought to us the transcendent virtues, devotion to duty, and adherence to great principles characterizing the other great characters.

Col. TAYLOR won his spurs at the bar and launched his political career while a resident of his native State, and but matured himself in continuing his activities in newer and more favorable fields, and died in the knowledge of the fulfillment of his ambition.

He located in the beautiful city of Pine Bluff, Ark., the metropolis of the Arkansas River Valley, where he attained the leadership of his bar, serving faithfully and well as prosecuting attorney for three consecutive terms. In 1912, when the Hon. JOE T. ROBINSON, then representing the sixth district in Congress, resigned to enter upon his duties as governor, Col. TAYLOR was selected to fill the place, and brought to his duties that same devotion, experience, capacity, and energy so usefully employed in his professional and official life before.

He was honored by his party in being selected for and presiding over two State conventions with such fairness and impartiality that no stings were left to trouble the party in the

subsequent campaigns. When I reached Washington I became the guest of the hotel where Col. TAYLOR made his home for several years, and I recall no one name used with more affection. His friends there, without regard to party affiliations, are to be numbered by the guest list. I sought him out at every possible opportunity, and in the hours of association afforded me I learned why he was so loved. He was entirely unassuming and companionable, with a mind stored with a wealth of information, the product of hard study and experience gained in the practice of his profession, his labors here, and his contact with his fellow man; a man of strong convictions, but devoid of offensive partisanship and without malice. He was a manly man, as gentle as a woman, but courageous in his adherence to principles. Just such a man as he was portrayed by his colleagues to me. The character of man to counsel and advise. The type of man whose memory is cherished by communities, districts, State, and Nation, and whose family life is a benediction.

When the remains of Col. TAYLOR reached his home city of Pine Bluff the people were assembled from the city and surrounding country and without regard to race, creed, or political affiliation joined in a rare tribute of affection and esteem. He has crossed over the river and rests in the shade of the trees.

Mr. PARKS of Arkansas. Mr. Speaker, I desire to detain the Members for only a moment, for I can no more add to what has been said by my colleagues than we who are assembled here could add to the grandeur, the glory, and the greatness of the life that we come to commemorate. Those people who know us best are the ones whom we call our neighbors. The Members of this House who served with Col. TAYLOR for a number of years know him as a public official. That he was careful, conservative, industrious, and, above all, a loyal and a faithful public servant was not doubted by any man. When Col. TAYLOR died and was carried back to his home in Arkansas to be buried the pastor of the church to which he belonged, and one who knew him in private life, delivered an oration at his funeral. I desire to incorporate in my remarks the oration of the Rev. Dr. John H. Moore, and ask that it be printed in the RECORD. Dr. Moore expressed my idea and my feelings for our colleague far better than I can. It is a difficult matter to talk about those after death who have been our associates and our friends, and I feel that I could do our friend no greater honor than to reproduce the oration delivered by the pastor of his church that those of us here might know how he was loved by his associates at home. I therefore append this oration as a part of my remarks:

DEAR FELLOW CITIZENS: In the twenty-fifth chapter of Genesis, at the eighth verse, you will find my text for this occasion.

"Then Abraham died in a good old age, an old man, and full of years, and was gathered to his people."

Without burdening you with the processes, I wish to state that a comparison of this phrase "full of years" with the other instances where it occurs and a little deeper look into it reveals that it does not mean length of days. The same expression, "full of years," was used to describe the closing of the lives of Abraham, Isaac, Jehoida, and the patriarch Job. It means satisfied with years. One of these Old World nobles was a preacher; three of them were laymen. They were all men of God and men of affairs, distinct in their individualities, different in their capacities and faculties—varied in their expressions of life, yet all of them came to the same calm close. It means that these men were satisfied with life, having exhausted its possibilities and having reached a satisfactory climax. There was no more to strive for. They were not afraid to die; they did not seek death, but were ready and willing to go when called. The high ambition of youth pursued through stern years had been realized. They came to a tranquil close of a noble life. It is a picture of one sitting down to a table with the choicest food before him. He has now eaten to his fill and when called by his host to retire to another room he calmly pushes back his chair and goes.

This is satisfaction, not satiety. Many men have been burned out with life and some of them go unbidden into the unknown. I have known many old men to come down to the grave having put nothing worth while into life, and therefore received no satisfaction. Ambition and impulse has led them far astray and they looked backward with regret and remorse and forward with doubt and fear. But not so with Abraham and his type of men. My deep conviction is that the man in whose honor this memorial service is held belongs to the type described in this text. Such men have been inspired and guided by the noble ambition expressed by Oliver Wendell Holmes:

"Build thee more stately mansions,
O, my soul,
As the swift seasons roll,
Leave thy low-vaulted past,
Let each new temple, nobler than the last,
Shut thee from heaven with a dome more vast,
Till thou at length art free,
Leaving thine outgrown shell
By life's unresting sea."
Then Abraham died.

Death walks with impartial tread. It casts its grim shadow over the palace and the cottage. It has lately invaded high circles and embraced one beloved and honored by his family and by the people whom he represented in the most distinguished law-making body in the world.

It is a custom in America to bury distinguished men in the place where they have lived and are loved most. Washington was buried at Mount Vernon, Abraham Lincoln at Springfield, Ralph Waldo Emerson and Nathaniel Hawthorne are buried under the wind-swept pines of New England. The gentle, noble Washington Irving on the banks of the majestic Hudson. The immortal Henry Clay sleeps in the soil of his beloved Kentucky.

It is fitting, therefore, that Congressman SAM TAYLOR should be laid to rest in the city of Pine Bluff. It was here that he came with his young family more than a third of a century ago. It was here that he developed his ability as a lawyer and public servant and made for himself a reputation which will ever dignify his name. This was his home and the citizens of Pine Bluff and the sixth congressional district recognize with deep appreciation the distinguished escort of Senators and Congressmen. In thus honoring your comrade and friend you have honored yourselves, for it is the universal verdict of the high and low that—

"His life was gentle and the elements so mixed in him that nature might stand up and say to all the world, 'This was a man.'"

In fitting this stately text to this distinguished citizen I will first briefly outline—

1. HIS FULLNESS OF YEARS.

He was born almost three score and ten years ago in Mississippi of noble but not rich parents. His education from the standpoint of schools was negligible. He was one of those rare self-educated men. Endowed with a brilliant mind, a retentive memory, a love for nature and folks, he laid tribute upon every lofty influence which touched his life. Ambitious and determined, he tunneled the mountains, bridged the streams, and rode the storms which came between him and his goal. I happened to know from family sources that he made a living with one hand and studied with the other. Only those who have been educated under such adverse circumstances can appreciate fully what this means. To him these lines were full of meaning:

"Heights of great men reached and kept
Were not attained by sudden flight,
But they, while their companions slept,
Were toiling upward through the night."

In the study and practice of his profession, which for the most part was in our city, he early made a place for himself which he held unchallenged.

Having become a Christian rather early in life, he showed the world anew that a lawyer can and should be a Christian gentleman. He made the law of God the rule of his life and thus lifted himself above the vices which too often mar the ethics of men of his profession.

The resolutions of this bar and the bars of the sixth congressional district, the presence here of so many fine lawyers are an unimpeachable testimonial of their love and reverence for a lawyer who daily practiced the principle of fidelity to truth and honor.

Having aspired to sit in the Hall of Congress, he was five times honored with election to this position of sacred trust. And through all these years he was faithful and efficient and always true to the party to which he gave his lifelong allegiance.

When therefore he came to die he had reason to be satisfied with life from this standpoint. He could ask no more at the hands of his people. A man who has served his day and generation by the will of God can but come to a tranquil close of life.

With reverent hand I now draw aside the curtain of his family life. He loved his family devotedly. He gave his children all the education they wished. He was a good provider for them. He lived to see all of them mature, honorable, happy, and useful. He taught them the great principles of life and religion which had shaped his own course in life and which will always make his memory to them cherished and sacred. No greater heritage can a father leave his children. He was an affectionate and devoted husband to the wife who shared his trials and triumphs, who bore him his children, who companioned his last days, and whose heart most keenly feels and mourns his loss. She now traverses a solemn aisle of pain whose deepest shadows are accessible only to God.

But when a man has made a home and has provided advantages and citizenship for his family and lives to see them securely settled in life he can die with great satisfaction.

The complacent anticipation of death as described in Browning's noble words is in accord with my text:

Grow old along with me:
The best is yet to be,
The last of life, for which the first was made;
Our times are in His hand
Who saith, "A whole I planned,
Youth shows but half; trust God; see all, nor be afraid."

The other part of this text will now claim our attention for a few minutes. "He was gathered to his fathers."

A moment ago I lifted the curtain for a brief look into his earthly home. I shall now lift another curtain and let you look into his heavenly home.

I do not speak in vague terms of immortality. Mr. TAYLOR was a Christian. He was so esteemed by all who knew him. I think I can state his confession of faith in a few sentences. He believed in the inspiration of the Scriptures. He believed in the virgin birth, the Deity, the atonement, and the resurrection of Jesus Christ. He believed in the regeneration and reinvigoration of a human soul by the Holy Spirit of God. He believed in a definite futurity. He based his hope of eternal life on the fact that he put his trust in Jesus.

"He is gathered to his people." He is no stranger there. Let your imaginations people his heaven. His parents are there. Some brothers and sisters. Many of the friends of his youth who died years ago. Many of his comrades in the Senate of Mississippi. Some of his comrades in Congress who have preceded him. Add to this those in all the walks of life whom he knew and loved and served.

All men of his type of mind and calling think much of the great Bible characters. I dare say he will find a charm beyond words in meeting with Abraham, and Jacob, and Joseph, and Moses, and Joshua, and David, and Solomon, and all the great prophets and apostles. I am told by his children that he was a great reader of sermons. He read as a habit many great sermons to his children when they were young. He will look up some of those grand old preachers and tell them what their sermons meant to him. Then he will be in high clover when he meets up with that galaxy of Christian statesmen of England and America whose lives and deeds were his guiding stars in his public career.

Heaven is a real place where real persons are forever in the presence of the blessed God, and in the unbroken companionship of each other.

Men of the bar, let this occasion call your attention with deep solemnity to the fact that you, too, will close your law books for the last time, that you will prepare your last brief, that you will make your last plea in the courts of the world, and you yourselves will stand for final judgment before the Supreme Court of the Universe. The preparation Mr. TAYLOR made for this appearing was a transaction with the Lord Jesus Christ many years ago.

Dear sorrowing companion and children, he marked out the way to heaven for you. It will be no mysterious, meaningless, unknowable meeting. You shall know there even also as you have been known here.

"His day has come, not gone,
His sun is risen, not set,
His life is now beyond
The reach of death or change;
Not ended, but begun."

"God does not send us strange faces every year
When the soft winds blow o'er the pleasant places;
The same old forms look out from the same old faces
When the violet is here.

"It all comes back, odor, grace, and hue,
Each fond relation of the life repeated;
Nothing is lost, no looking for is cheated,
It is the violet we knew.

"So after death's winter, it shall be
God will not put strange sights to heavenly places;
The same old love will look out from the same sweet faces
And we shall cry, 'Beloved, I have thee.'"

And SAMUEL M. TAYLOR died, a man full of years, and was gathered to his people. And may his people and his friends be gathered unto him when they die.

Mr. SHREVE. Mr. Speaker, I would feel amiss as a Member of the American Congress if I did not express my appreciation of the distinguished gentleman, Col. TAYLOR, whose memory we are here to-day to perpetuate. It was my pleasure to meet Col. TAYLOR soon after I came to the Sixty-third Congress. I had spent some time in the southland and we had some things in common. As our acquaintance developed I found that as lawyers we had somewhat similar experiences. Col. TAYLOR had been the district attorney of his own county and I had had the same honor in my county, and out of the exchange of stories and experiences there developed a very strong friendship. I considered Col. TAYLOR one of the best friends that I had in Congress. He was particularly kind to me, coming as I did as a new Member, unacquainted with the rules and practices of this body. He assisted me greatly with his wise counsel and kindly advice, and was always ready to help a new Member. I think it is the experience of every Member of Congress as he looks back to those days when he first came that he can recall some commanding figures who stand out more prominently than all of the rest, perhaps for the very reason that they some time had rendered some service of value to the new Member. Col. TAYLOR was a good man. He had a great fund of experiences; he was a profound lawyer. He was a delightful conversationalist. He was fond of his friends, and he would never pass you by without that hearty "Good morning" so characteristic of the southern gentleman. I really had a very strong attachment for Col. TAYLOR, and it was my privilege to attend the funeral ceremonies in his home town. I thought as I stood in that beautiful church, filled to overflowing with people with tears in their eyes, sorrowing that they had lost a distinguished citizen, that Col. TAYLOR was not only loved in Congress but that he was loved among his own people.

Col. TAYLOR was always proud of his district and his city, but he could look beyond the confines of his own State out into the great Union. He was truly an American, an American statesman, and it was my very great pleasure to have had his friendship.

Mr. YATES. Mr. Speaker, in the winter of 1917-18 and the months that followed, when all of us were speaking in different parts of the country with reference to the war, the Liberty loan, and the Red Cross, I had the privilege of being assigned to Pine Bluff, Ark. I knew nothing about Pine Bluff. I knew nothing about Arkansas. I felt very far away from home; but at Pine Bluff I met Congressman TAYLOR, and, without multiplying words, it is sufficient to say that his cordiality and courtesy and hospitality were something beyond words, something which I can never forget. When, on the 4th day of March, 1919, I began my services in this Congress I found the room assigned to me to be the one immediately opposite Representative TAYLOR's room, and in the nearly 1,000 days that have elapsed since then it seems to me that I must have been in his room 1,000 times, as the temporary presiding officer of this body can testify.

And the result of it was an acquaintance which ripened into an affection, and I became obligated to him for myriads of favors, large and small. I do not wish this hour to pass without just a word of tribute from me to his memory. He was good, kind, generous, and able, and I mourn his death as a dear friend.

Mr. ELLIOTT. Mr. Speaker, it was my pleasure to know the Hon. SAMUEL M. TAYLOR of Arkansas during the last four years of his life only, but during that time I was on intimate terms with him and came to know him and value him as a true friend, citizen, and statesman.

During the time I knew him he was broken in health and of course was not the man whom his constituents knew in the days when he was in his prime and rendering to them the great services which they appreciated and which caused him to be chosen as their representative in the Congress.

When I came to Congress in July, 1917, war had been declared, and the atmosphere around Washington was charged with patriotic fervor, Americanism had taken a new lease of life and the chief topic discussed was the great war which we had just entered. By chance I put up at the hotel where Mr. TAYLOR was stopping. We became acquainted on that day and immediately formed a friendship which lasted during the remainder of his life.

We had many conversations upon all topics, and I found him to be at all times what we have come to term a true Southern gentleman of the old school. He was well educated and had a thorough knowledge of the law, his chosen profession, and had a keen grasp on all public questions pending in Congress. His advice was freely sought by his colleagues, and graciously given, and it will be many long years before the name of Hon. SAMUEL M. TAYLOR is forgotten in the legislative halls of the Congress.

His home life was ideal. He had a splendid wife, two sons, and two daughters, as well as several grandchildren. He often referred, in conversations I had with him, to the various members of his family, all of whom were very dear to him. He had one son who was an officer in the Army of the United States in the World War, and upon many occasions he referred with pride to him and his work for his country. And when the son came back from the war he made a special effort to have me meet him and get acquainted with him.

The world has not produced as many men of the type of Mr. TAYLOR as we would like, but it is a real pleasure to me to know that I was permitted to know him and that we were friends. It has been a source of gratification to me to know that the people of Mr. TAYLOR's district so appreciated his services to the people and the sterling worth of the Taylor family that they elected his son, Chester W. Taylor, to succeed him in the national House of Representatives.

Mr. LOWREY. Mr. Speaker and gentlemen of the House, my personal acquaintance with SAMUEL M. TAYLOR was somewhat limited. I come, however, from the State in which he was born, in which he was educated, and in which he grew to manhood. I come from the same section of that State as he did. It has been my pleasure to know his connections intimately. I was in Little Rock just at the time he was first elected to Congress. I talked with men on the supreme bench and with several of the State officials, and I found something of the very high esteem in which he was held by men of that rank; but I had known SAM TAYLOR better from those who had known him from boyhood.

There is a story in connection with his boyhood days that is worth telling anywhere. Those were the days of reconstruction in the South, when everything in his section of the country was in dilapidation and ruin. Yet there was much of the spirit of the old South in his community. There were many people whose financial fortunes were ruined, but who were recognized as people not only of character but of culture and of intellectuality. There was a country preacher in the community who was a man of learning, of very high character, of attainments, who undertook to exercise something of leadership in shaping the tone of things in the community in those distressful times. For instance, he led the young men in the organization of a literary society and in the organization of a Shakespeare society, and he led in the matter of securing as teachers in the community men of real learning and ability, who would inspire the boys and young men to high ideals and worthy ambitions. The result was that in that immediate community, Verona, Miss., was maintained one of the very best schools in the State in those days of poverty and distress, and from it there came a group of men who have marked that community and distinguished it as I have not known any other small community to be.

It is almost startling to enumerate the men who came out of the locality in which SAM TAYLOR was reared. Among them has been a president of the largest girls' college in the State, a president of the State university, a State superintendent of education, a superintendent of city schools in the largest city in the State, and about four professors in leading colleges of the State, and a president of a prominent Virginia college. So

much for educational lines. From that community came also a man who served long and most efficiently on the railroad commission of the State, another who served long on the board of penitentiary management of the State, a president of the Mobile & Ohio Railroad, a general attorney of the Mobile & Ohio Railroad, a traffic manager of the Southern Railway, the leading banker for years of the State of Florida, a speaker of the house of representatives of the State, a leading State official of the State of Texas, and two Members of this House, one of them, the well-known humorist, Congressman Private John Allen, besides other men useful and successful in business, in the ministry, etc. I knew practically all those men personally—the Allens, the Brices, the Russells, the Leavells, the Clarks, the Mabrys, and the Kincannons, and last but not least, the Taylors. SAM TAYLOR grew up as a member of that group of men of whom there were so many to become distinguished in professional, business, and political life.

In a life of nearly 60 years I have never known a community that turned out such a coterie of able and successful men. I have talked with them about SAM TAYLOR, and they looked upon him as a man worthy of every man's friendship, worthy of every man's honor. They believed in him to the core. They believed in him as a man of large ability and true patriotism, and they were proud of him as a member of their group. I met him only occasionally, but I heard many things from those who knew him best, and I found that they believed in him also as a man of great loyalty—loyalty to his friends, loyalty to his country, loyalty to his native State and to his adopted State, and loyalty to eternal principle. They also believed in him as a Christian without hypocrisy, a man without guile, of high ideals and principles, a cheerful but humble servant of God, a friend of all humanity. In thinking of him I am reminded of Leigh Hunt's lines:

Abou Ben Adhem, may his tribe increase,
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich and like a lily in bloom.
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold,
And to the presence in his room he said,
What writest thou? The vision raised its head,
And with a look made all of sweet accord,
Answered, The names of those who love the Lord.
And is mine one? said Abou. Nay, not so,
Replied the angel. Abou spoke more low,
But cheerily still, and said, I pray thee, then,
Write me as one who loves his fellow men.
The angel wrote and vanished. The next night
It came again, with a great wakening light,
And showed the names whom love of God had bless'd,
And lo! Ben Adhem's name led all the rest.

So I think of SAM TAYLOR as a man who genuinely loved his fellow men, who believed in his fellow men, who had absolute confidence in them; and so they believed in him. He was a man who loved, honored, and served God, his Maker, who realized his obligation to righteousness and truth, and stood fearlessly for the right things.

Mr. RANKIN. Mr. Speaker, some one has said that death is the most fascinating adventure of human existence. Especially may that be true of one who has the Christian faith, as did our late beloved, lamented SAMUEL M. TAYLOR. To him death was but the glorious transition to another world, and he faced it as calmly and serenely as the star of heaven meets the glowing of the morn.

His life was an inspiration to those who cherish friendship or prize the virtues of godly men.

Although Col. TAYLOR and I were born and reared in the same community, I never knew him until I became a Member of this House, owing to the fact that he was many years older than myself and moved away before my time. But during the short period I served with him I learned to read his noble character through the window of his heart, which always stood wide open for the inspection of the world.

He came from one of Mississippi's most worthy and distinguished families, and he carried the high ideals of their traditions throughout his long and useful career. He never stooped to little things, but spurned the idea of infidelity or deceit and stood before the world as the unselfish champion of human rights. His political, like his religious, faith was founded upon basic principles which he never deigned to compromise, and his fidelity to his friends was as constant as a living faith.

In the quiet of the cloakroom I have gone with him back across the reminiscent years and seen him live again his boyhood days among the scenes and among the people we both knew and loved, and I have often noted his unfeigned interest in the fortunes of those friends, many of whom have passed to the great beyond. He told me of his religious experiences, his conversion to the Christian faith, and what a consolation it had

been to him through the trying years of his eventful life. He loved to talk of old Hopewell Church, back in Itawamba County, where he first heard the Gospel preached, during the stormy days of reconstruction. He talked of his experience as a struggling young lawyer in the town of Verona, in those days which Senator Bob Taylor, of Tennessee, used to call the "Happy long ago."

He believed in the future and looked forward to the coming of a grander day. He believed in his Government, in peace and in war, and pledged his all to its maintenance and support. He believed in his fellow man, applauded the merits of the righteous, and spread over the shortcomings of those who erred the broad mantle of Christian charity. He believed in God, and

So lived that when the summons came to join
The innumerable caravan, which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
He went not like the quarry slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approached his grave,
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

THE LATE REPRESENTATIVE WILLIAM E. MASON.

Mr. MANN took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. KING, by unanimous consent, *Ordered*, That Sunday, February 26, 1922, be set apart for addresses on the life, character, and public services of Hon. WILLIAM E. MASON, late a Representative from the State of Illinois.

Mr. KING. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

House Resolution 294.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. WILLIAM E. MASON, late a member of this House from the State of Illinois.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. COCKRAN. Mr. Speaker, I shall not attempt a general eulogy on the life and character of WILLIAM E. MASON, though I believe that, excepting the distinguished gentleman from Illinois, who, alas! is soon to leave the House, I am the only Member who served in the Fiftieth Congress with him. But others have been more continuously associated with him and to them I leave the task of doing fuller justice to the services that he rendered and the qualities that he possessed.

For my part, I want to pay him tribute in the one aspect which to my mind was the most attractive, as it was the most impressive, and the most valuable feature of his entire public career.

WILLIAM E. MASON was always the champion of the weaker in every controversy, always the one eager to help the under dog. I think it can be said of him, as of no other Member in either House, that during the whole of his public career no wrong was ever attempted to be perpetrated by a Government, in any part of the world, that MASON's heart did not throb with sympathy for the oppressed, and with a fiery eloquence all his own he denounced the oppression and encouraged resistance to it. To him an act of tyranny by a Government was a profanation of the earth, of the world, created by a merciful God to be the dwelling place of free men. To him it was always apparent, and always present that there never was but one circumstance under which in the whole course of existence the earth became articulate. No violence to itself has ever sufficed to make it break the majestic silence which it has maintained since its creation. The footsteps of myriads pass over its surface without awakening resistance. The plowshare might furrow it without provoking any other result than the abundant harvest which blessed the labors of the husbandman. Its entrails might be torn by the pickax without any other result than the ores yielded by its bosom to reinforce the productive powers of man. Once, and once only does it find a voice, and that is when the blood of God's creatures stains its face. Wherever human blood is spilt as a result of oppression or wrong, there the earth calls aloud to heaven for vengeance upon the slayer. And the man through whom that call finds expression becomes the instrument of the Divine purpose to avenge the crime—and by avenging it prevent or at least discourage its repetition.

It is in that character that I think those who knew him best love to look upon Mr. MASON; it is in that character that, in my

judgment, his fame will be most enduring and brilliant. Now that he has gone, I feel—I think we must all feel—that the earth is richer for holding within her bosom that body which when living was the force that made the call for vengeance upon the shedder of innocent blood—the blood of patriots—re-echo in these halls, and everywhere throughout the world. And the indignation awakened throughout the world over oppressions perpetrated by any part of it has been the most powerful agency ever established for promotion of justice and freedom. If, as most of us, I think, believe, death is but liberation of the soul from the body in which it has been imprisoned, then the spirit of Mason, no longer trammelled, confined, or limited by restraints of space or time or matter, is now surveying, with joy beyond the power of us mortals to understand, in widely separated parts of the world—in the Philippines, in South Africa, in Ireland—where blood was shed in defense of national existence, the cause that he championed already victorious or moving rapidly and irresistibly to victory complete and decisive. And it must be for all of us here an inspiring memory that one of our members has contributed so largely to the spread of liberty and battled so triumphantly for the vindication of justice wherever war has been waged for freedom in any part of the world during the 30 years or more of his service in this House and the other House of Congress.

Mr. KING. Mr. Speaker, "When that the poor have cried, Caesar hath wept."

On the morning of the 16th of June, A. D. 1921, Hon. WILLIAM ERNEST MASON, a Member of this House and a Representative at Large from Illinois, departed this life in his apartments at Congress Hall Hotel in this city at the age of 70 years, 11 months, and 11 days.

The mournful news spread rapidly upon Capitol Hill and through the halls of the House Office Building and about the purviews of the Capitol itself and quiet emotion held gentle sway when BILLY MASON died. The flags on the Government buildings seemed automatically to reach half-mast and when the House of Representatives met at noon, the Hon. JOSEPH G. CANNON of Illinois, and patriarch of Congress, rose in his seat and announced the sad event.

Immediately the House adjourned.

WILLIAM E. MASON was a son of Lewis J. and Nancy (Winslow) Mason, his father a wagon maker and a pioneer of the West, locating at Bentonsport, Iowa, in 1858. There were 14 children in the family, in addition to two others adopted by the kindly couple, and even after the elder Mason became a furniture merchant and hotel proprietor, the family was in none too prosperous circumstances.

WILLIAM E. MASON was born in Franklinville, Cattaraugus County, N. Y., July 7, 1850, and was thrown upon his own resources at the age of 15 years by the death of his father, having been educated in the public schools and Birmingham College, where he pursued a two years' course. From 1866 to 1870 he taught school, during the last two years of that time at Des Moines, Iowa, and during this period he completed his classical studies and took up the study of the law. Finally he entered the office of Thomas J. Withrow, an eminent corporation lawyer, who soon afterwards became general solicitor of the Chicago, Rock Island & Pacific Railroad Co., with headquarters at Chicago.

When his preceptor entered upon his railroad duties, Mr. Mason accompanied him to Chicago in order to complete his legal preparation under his able guidance, and thus was formed a lifelong connection with the metropolis. After another year with Mr. Withrow, he entered the office of John N. Jewett, remaining for several years with this noted Chicago lawyer. In 1872, shortly after attaining his majority, Mr. Mason was admitted to the Illinois bar, practicing independently until 1877, when he formed a partnership with M. R. M. Wallace.

A later professional association was as senior member of the firm of Mason, Ennis & Bates, and from 1898 until his death he was in partnership with his son, Lewis F., as Mason & Mason, the firm possessing extensive and influential legal connections.

In 1879, and before he arrived at the age of 30 years, he was elected as a State representative in the Illinois General Assembly and in 1881 was chosen State Senator. After serving four years in that capacity he was elected to the Fiftieth Congress of the United States and then reelected to the Fifty-first Congress.

At the close of this Congressional term for a period of six years he devoted himself assiduously to his profession in Chicago and during this time he was deeply interested in the affairs of the World's Columbian Exposition, playing a leading part in locating it in Chicago, and in the formation of plans for its inauguration.

In 1897 the State of Illinois returned him to Washington as United States Senator. From 1903 until 1917, Mr. Mason was again in private life but all the while remained active in the councils of the Republican Party and appearing on the ticket as an elector and in its national conventions as a delegate. In 1916 he was elected to the Sixty-fifth, and afterwards reelected to the Sixty-sixth and Sixty-seventh Congresses.

Briefly, the foregoing events mark the life course of our lamented colleague, WILLIAM E. MASON.

No one better than Marc Antony ever knew how to play on the human heartstrings of the masses. He produced there not only the most varied emotions, but united and molded them into energy and activity. In his oration over the dead body of Caesar he did not invite in the first instance the attention of his hearers to the great deeds which Caesar had performed for the Empire or to the captives and ransoms which Caesar had won for Rome, or that Caesar had thrice put away the kingly crown, nor did Antony at once exhibit Caesar's mantle to the crowd "first worn when he returned from overcoming the Nervii," or yet the cuts in it. Nor did he even attempt to read Caesar's generous will in behalf of the people until he had first obtained the eager sympathy of his hearers by showing that Caesar, whatever his faults, was their friend—the outstanding fact in his favor was, however, that "when that the poor have cried, Caesar hath wept."

It was Caesar's efforts to alleviate the condition of the masses that they remembered with gratitude after his death, rather than his armies, his conquests and his empires.

After all, what greater encomiums can be pronounced at the bier of a public man than to have it said he was a friend of the poor and unfortunate, a man of most modest fortune, yet the sun of no day dropped into the West without some gentle or encouraging word said or kind deed done by our dead friend, and who is there who can deny the thought that when on that beautiful June morning his transcending soul passed noiselessly through the gates into the everlasting foyer his name was not, by the Recording Angel, already inscribed in Abou Ben Adhem's eternal column of those who loved their fellow men.

Speak of beauty in nature or in an art, and "BILLY" MASON became at once an eager listener and keen participator, and the sound of a pure musical note awoke in him the song of his own soul which in his younger days revealed itself in the clearest of tenor tones.

Free from hypocrisy, clean of cant and detesting false pretenses, and having at a very early day in his life armed himself with the good sword of truth, he fought black error throughout his career in every hideous shape in which he found it—a brave and fearless man who surrendered it alone to death.

The law is a jealous mistress. This ancient statement has had its truth tested upon multitudinous occasions. While the law demands for itself constant attention and worship, nevertheless frequently grants her indulgence and permits an occasional glance by her suitor toward her less staid sister—the Goddess of Politics—not covering, however, any great period of time.

WILLIAM E. MASON was one of those who successfully wooed both sisters without arousing the jealousy of either. He was a natural lawyer and a natural politician in the higher sense. While acting in one capacity or the other he was able to give the matter in hand his undivided attention, reinforced by his strong mentality, and producing a high, honorable, and effective representation of his client or the people. So the law ratified in him this double fealty which she condemned in others.

A review of Mr. Mason's history as a lawyer demonstrates that he was not only a great advocate but a great exponent of the common law which Sir Edward Coke said was "reason itself." He was a great case lawyer as well and could draw with ease from his memory innumerable citations without resort to the digest.

One of his famous cases of great public interest in which his legal ability was fairly tested grew out of the World's Fair at Chicago. For several months prior to its opening the public was considerably agitated over the Sunday question. Several cases were brought to the United States court of The People versus the World's Columbian Exposition to restrain the management from keeping open on Sunday. In May an action had been brought by Mr. Mason, attorney for Charles Clingman, against the exposition to restrain the defendants from closing the gates on Sunday. The suit was brought both in the capacity of a stockholder of the exposition company and as a taxpayer of the city of Chicago. On May 29 the case came before Judge Stein, of the Superior Court, who granted the injunction on the contention advanced by Mr. MASON that Jackson Park had been dedicated by an act of the legislature (1869) to be held, managed, and enjoyed as a public park, for the recreation

and the health of the public, and "to be open to all persons forever." He held that this act had not been invalidated by any of the legislation in reference to the exposition and, indeed, that it was beyond the power of the legislature to dispense with it. Afterward, finding that the Sunday attendance did not make the opening profitable, the exposition managers voted to close, and were individually fined by Judge Stein for contempt of court, and, on appeal to the Superior Court, the injunction was sustained, and the fair was kept open thereafter on Sundays.

From the very beginning of his legal career he drew the admiration of the bar and of the people and on sheer merit he secured a certain place in his chosen profession which he held until the close of his life. As a lawyer he was indeed "diligent in his business and he stood before kings."

Above all things Mr. MASON was a lover of his family and his home. For him the earth furnished no other equal attraction. Once he showed me a picture of this wonderful family consisting of himself and that good and true companion, who had shared with him in the profits and losses of life, his wife, Edith Mason, together with sons, daughters, daughter-in-law, and grandchildren, all together numbering 24 persons. He spoke enthusiastically and tenderly of his family in a perfect gem of eloquence and recited to me the wonderful charades and other games they used to play. Is it any wonder that as he stood in this place on January 19, 1919, and eulogized our dead colleague, John A. Sterling, on a similar occasion, in a burst of feeling he said:

Of course, Mr. Speaker, we do not agree with Col. Ingersoll that "Life is a barren vale between the cold and barren peaks of two eternities." Of course, every man who has had one friend, who has had one woman to love him, and children to caress him, does not agree with Col. Ingersoll that "Life is a barren plane," but a plane with barren spots; but the oasis comes whenever we meet a friend and find an opportunity to be of use and service.

His popularity in Illinois was unequalled. A simple announcement that he would speak at a certain place brought out the city dweller and the rural citizen with equal eagerness in great crowds to hear him. He was a favorite speaker in Chicago and on many occasions he has filled that city's great Coliseum to overflowing.

All this was due to the faith the people had in him as much as to his ability as a speaker. They knew, to use a slang phrase, that he "lived on the level," that his life was an open book, and that above all he was a consistent follower in his every-day life of that great principle which, though uttered nearly 2,000 years ago in a voice so gentle and sweet, has yet sounded down through the ages like a clarion note to the consciences of mankind, "Whatsoever ye would that men should do to you, do ye even so to them."

With many others it was my good fortune to hold his personal friendship and so to enjoy his fund of anecdotes, always given to embellish an argument or drive home a point, together with the words of wisdom always dropping from his lips and to enjoy and bask in the sunshine of his smile—bright in memory today. Strong, forceful, and courageous in a fray, yet conciliation and kindness itself in the everyday work of life, BILLY MASON never injured mankind nor hurt a dumb animal for, as I believe, he supplemented the observance of the Golden Rule with a deep-set, beautiful conviction, which no doubt greatly aided him in speeding over life's trail, as were expressed by Coleridge in his *Ancient Mariner*, that:

He prayeth best who loveth best
All things, both great and small,
For the dear God who loveth us
He made and loveth all.

One of Senator MASON's great qualities and one which endeared him to his associates and which won him friends and admirers wherever he was known, was his gift of eloquence, his power as an orator. It has been said of him, "He commanded all departments of forensic art, yet he was so natural in manner, so simple in delivery, so expert in shading and emphasis, so persuasive and convincing, that his audiences were conscious only of compelling leadership of thought, of uninterrupted communion with a splendid mind through the medium of faultless speech."

Early manhood found Mason a worshipper, as it were, of the spirit of Abraham Lincoln, and a strong exponent of his principles. No doubt this emulation existed throughout his entire career and strengthened and supplemented his efforts in rendering aid to the masses, to the poor, to the submerged and the inarticulate. He believed that the good of the people was the highest law. He abhorred tyranny in all forms. He did not uphold either the divine right of kings or any other human being or groups of human beings to exercise, directly or

indirectly, a divine right to rule a people. He agreed with Rumbald when he said:

I never could believe that Providence had sent a few men into the world ready booted and spurred to ride and millions ready saddled and bridled to be ridden.

As a legislator, MASON upheld all measures of interest to the people at large. He was a strong advocate of the rural free delivery bill and championed all bills favoring the rights of labor and curbing their antagonists. He was one of the first to stand out boldly for the freeing of Cuba, and his efforts at that period of his career are written in the imperishable records of his country.

Had he been a citizen of the Roman Republic he would have been an associate and colleague of the Gracchii. In the age of chivalry his undying devotion to the weak and the unfortunate would have made him a rival in their affections with Cid the Campeador of Valencia.

BILLY MASON was a staunch patriot. He loved his country, and there was no rock upon its hillsides, no wave that kissed its shores, no blade of grass upon its prairies, for which he would not have yielded his heart's "ruddiest drops." He believed in the Declaration of Independence as written by the forefathers. The Constitution was as fixed for him as the North Star is to the mariner. He sang the Star Spangled Banner without the dotting of an i or the crossing of a t. He rose in protest at the exhibition of any tendency to modify our Revolutionary history or weaken our Revolutionary ideals. A typical American, he believed that Nathan Hale was a patriot and that he uttered those memorable words, "I regret that I have but one life to lose for my country," and he never for a moment doubted that Ticonderoga was captured by Ethan Allen in the name of the Great Jehovah and the Continental Congress.

Mr. MASON's colleagues here knew him perhaps better than most people, and it is by them that the sincerity of his purpose, the warmth of his feelings, the staunchness of his moral stand, and the unflinching strength of his friendships are appreciated at their true valuation. Viewed from any angle, WILLIAM E. MASON was one of the outstanding figures of his day, a man who held the public attention to an age when most men seek quietude of retirement, a man of strong character and personality.

Mr. Speaker, our friend and colleague is gone, his eloquent voice is stilled forever. No more shall it ring out in behalf of liberty. No more shall it plead "trumpet-tongued" against man's inhumanity to man. The lowly have lost their advocate, but they bear his name engraven upon their hearts. He received the only reward with which a public servant can be content—the inner consciousness which tells him that he has done his work well.

Can we not think in the closing scene "when unto his dying eyes the casement slowly grew a glimmering square" this great and tender-hearted tribune of the people, as the morning sun, symbolic of renewity, touched with gold the great dome of the near-by Capitol, heard the receding voices of his friends the populace saying,

He has fought a good fight,
He has finished his course,
He has kept the faith.

Mr. RODENBERG. Mr. Speaker,

I do not know
Where falls the seed that I have tried to sow
With greatest care;
But I shall know
The meaning of each waiting hour below,
Sometime, somewhere!

The career of no man whom I have ever known was a finer exemplification of sincere, unselfish, and devoted service to his fellow man than that of WILLIAM E. MASON. There was none so quick as he to respond to every call of human suffering. His soul was filled with a deep and abiding sympathy for all mankind. He was always the fearless champion of truth and justice, and his brave heart never faltered in the defense of the right as God gave him to see the right. Instinctively, he rebelled against every form of wrong and oppression. The cry of distress, the appeal of the helpless and the unfortunate, thrilled his soul like a bugle call and kindled into life all of the passionate fires of a matchless eloquence. He pleaded humanity's cause at all times and under all circumstances. Undeterred by criticism and unaffected by the temporary loss of popularity, he steadfastly adhered to a course that was dictated by a conscience responsive to a finely developed sense of righteousness.

BILLY MASON was never guilty of an unjust, an unkind, or an ungenerous act. He was the enemy of none and the friend of all. There was nothing vindictive in his nature. He was free

of all malice and was ever ready to cover with the mantle of charity the frailties and shortcomings of his fellow man. I never knew a gentler or a kindlier soul. The warmth of his genial personality dispelled the mists of gloom and radiated sunshine and good cheer wherever he went.

Mr. Speaker, Illinois has added many names to the roll of distinguished American statesmen, but none of her great sons who have left their impress on the pages of her inspiring history had a stronger hold on the affections of the people than BILLY MASON. He was easily the most popular campaign speaker in the State of Illinois. Brilliant in repartee, logical in argument, unflinching in his good humor and endowed with a wonderful gift of expression, his eloquent voice always aroused his audience to the highest pitch of enthusiasm. He possessed an originality that was as captivating as it was unique. There were times when he was not in full harmony with the majority sentiment of his party associates and at such times he pleaded his cause with an earnestness that always commanded universal respect and with a complete disregard for the effect upon his own political fortunes. And yet, when these differences of opinion arose, those who disagreed with him never treasured the slightest resentment against BILLY MASON. They gave him full credit for honesty and sincerity of purpose and admired the courage and fearlessness with which he defended his position. They knew that whatever mistakes he made, they were of the head and not of the heart.

It is yet too early to measure the compelling influence of his life upon his day and generation. We do know, however, that none played better his part in the great drama of human affairs, and that in reviewing his career we can draw an inspiration for patriotic effort, recalling the words of Philip James Bailey:

We live in deeds, not years; in thoughts, not breaths; in feelings, not in figures on a dial.

Mr. FULLER. Mr. Speaker—

The SPEAKER pro tempore (Mr. MANN). The gentleman from Illinois is recognized.

Mr. FULLER. Mr. Speaker, it was a sad day to me when the flags on this Capitol were lowered to half-mast for the death of my friend for almost a lifetime, the Hon. WILLIAM E. MASON.

Abou Ben Adhem, may his tribe increase,
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich and like a lily in bloom,
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold,
And to the presence in the room he said,
"What writest thou?" The vision raised its head,
And with a look made all of sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the angel, Abou spoke more low,
But cheerily still, and said, "I pray thee, then,
Write me as one that loves his fellow men."
The angel wrote and vanished. The next night
It came again, with a great wakening light,
And showed the names whom love of God had bless'd,
And lo! Ben Adhem's name led all the rest.

And so I can truthfully say of our departed friend and colleague that he was "one who loved his fellow men," and more than that, that he was beloved by his fellow men. I am not overstating the fact that when I say that he had as many warm personal friends as any other man in all the State of Illinois. I knew him for all the years of his public life and for more than 40 years enjoyed his personal friendship; he was my friend and I was his friend. I first met him when the Legislature of Illinois first convened in January, 1879, both of us having been elected to the thirty-first general assembly of the State at the preceding November election. We became warm friends from that time and so continued to the day of his death. I think I served with him in a legislative capacity in the Legislature of Illinois and in the Congress of the United States for more years than any other man, and I knew him as well as one man could know another. Mr. MASON was a great campaigner and his services were in demand in every political campaign in Illinois for near half a century. He was always eloquent and convincing. He had a wonderful command of language and of apt illustrations, which, coupled with a ready wit, always captivated his audiences. And the beauty of it all was that he was sincere, believed in his party, and was always its enthusiastic advocate. I have campaigned with him many times, and his addresses were always as interesting to me as to his audience, for he never made the same speech twice. He always had something new to say, or a different way of stating the same proposition, or a new argument in support of his contention. He was always eloquent, always earnest, always convincing.

In the Thirty-fourth General Assembly of Illinois we staged in that State the most spectacular and long-drawn-out contest

for the election of a United States Senator that ever occurred in all the history of the country. At that time the senate of the State consisted of 51 members and the house of 153. The senate had a Republican majority of 1 and the house a Democratic majority of 1, so that the joint assembly, charged with the election of a United States Senator, was a tie, having a membership of 102 Republicans and 102 Democrats. One of the leading members of the State senate was Senator WILLIAM E. MASON. Gen. John A. Logan was a candidate for reelection to the United States Senate and was enthusiastically supported by the Republican members, and especially so by Senator MASON, who regarded him as the ideal of a man, a soldier, and a statesman. The balloting for Senator began, and each day was without result until a Democratic member died, and in due time another Democrat was elected as his successor. Then a Republican member died and again the matter dragged along until another Republican was elected as his successor. Then another Democratic member died, and, hailing from a district in which every precinct was Democratic, no one seemed to doubt that he would also be succeeded by another Democrat.

It was not generally known that there was to be any Republican candidate, but the day before the special election to fill the vacancy numerous cattle buyers and sewing-machine agents might have been observed riding around the district, and strangely, if carefully noticed, it might have been observed that they called only on Republicans. So it just happened that next day when the ballots were counted it was found that a Republican had been elected in that overwhelmingly Democratic district, and so after a four months' contest, in which many exciting incidents occurred, Gen. Logan received the necessary 103 votes in the joint assembly and was duly elected. Throughout all that contest Senator MASON was one of the most active and vigilant supporters of Gen. Logan, and I think was quite as much pleased over his election as Gen. Logan himself. After the contest was over the 103 whose votes had finally resulted in Gen. Logan's election formed an organization and planned to meet once a year to renew the friendships formed during that session and for a general social time. For several years they did so meet. At the last meeting Senator MASON was chosen president of the 103, and year after year tried to get the survivors together for the regular annual meeting, but it was possible to secure the attendance of only a very few, so many had died or moved away, and so it was finally necessary to give up entirely all hope of getting any considerable number together, much to the regret of Senator MASON. And now after the lapse of 37 years I think there are less than a dozen of all the 103 living on this earth. The great majority have gone to meet their leader, Gen. Logan, on that other unknown shore, and there it may be that Senator MASON may be able to get a very full attendance if he should call a meeting of the 103 over there.

Of all the men who at one time or another served with Senator MASON and myself in the Legislature of Illinois in the years gone by, I can but note that only a very few are alive to-day. And here in this House, those of us who have been here for a number of years can but note the absence of many of our former colleagues when the knowledge comes home to us that they have passed over, their life's work done, and that we shall know them no more on earth. But we shall know them, we shall meet them sometime, somewhere. It often happens here that one of our colleagues dies and the flags on this Capitol are placed at half-mast, but soon those same flags float again as high as before, and the world goes on and on just the same.

Our colleague, BILLY MASON, has gone, but he has only gone on before, just a little while before; and in just a little while we shall meet him over there, genial, kindly BILLY MASON, friend of all mankind, and we shall grasp his hand and see that friendly smile which so often greeted us here, but now—

How strange it seems, with so much gone
Of life and love to still live on.

Look where we may, the wide earth o'er,
Those lighted faces smile no more.

Yet love will dream, and faith will trust
(Since He who knows our need is just),
That somehow, somewhere, meet we must.
Alas, for him who never sees
The stars shine through his cypress trees,
Who, hopeless, lays his dead away,
Nor looks to see the breaking day
Across the mournful marbles play,
Who hath not learned in hours of faith,
The truth to flesh and sense unknown,
That life is ever lord of death,
And love can never lose its own.

Mr. KNUTSON. Mr. Speaker, WILLIAM E. MASON was not cast in an ordinary mold. Mentally and intellectually he towered far above the ordinary mortal. Well do I remember our first meeting. I had come to Washington to attend the extraordinary session of Congress which convened in April, 1917, and found the air filled with talk of war and carnage, destruction and desolation. The fateful day when the die was to be cast came, and never shall I forget the wonderful debates held upon the resolution to declare war. It was such a scene as will linger in my memory so long as life remains. Of those who spoke upon the resolution none were more fearless, none more eloquent, none more patriotic and sincere, than Mr. MASON. I can see him now, standing in the well of the House four-square to the world, pleading, in a plaintive way, for peace. His were the words of a prophet, but they fell on deaf ears, for every man present had made up his mind how he would vote, although the roll had not yet been called on the resolution which committed this great and glorious country to participation in the world struggle. I then became deeply attached to Mr. MASON and I am happy in the knowledge that this attachment continued to grow until my friend was called to a greater and nobler life. Mr. MASON had a heart that embraced all mankind. Any cause of suffering or distress won his sympathy and active support and once he became committed to a cause did not lay down his arms until it had triumphed. In his passing the Nation lost a true and tried legislator, the State of Illinois a grand and upright son, his family a true and loving father, and we who are here to-day a wise counsellor and friend. His passing has created a void that can not be filled. Uncle BILLY, we miss you. Peace unto your ashes.

How shall words our grief abate?
Call him noble; call him great;
Say that faith, now gaunt and grim,
Once was fair because of him;
Say that goodness, round his way,
Made one everlasting day;
Say that beauty's heavenly flame
Bourgeoned wheresoe'er he came;
Say that all life's common ways
Were made glorious in his gaze;

Say he gave us, hour by hour,
Hope and patience, grace and power;
Say his spirit was so true
That it made us noble, too.
What is this but to declare
Life's bereavement, Love's despair?
What is this but just to say
All we loved is torn away?
O my comrade, O my friend,
If this parting be the end,
Yet I hold my life divine
To have known a soul like thine!

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I shall not invade those sacred and intimate precincts of Senator MASON's family and home life. I knew him for a period of only four years prior to his death. My association with him was made more intimate by the fact that we were members of the same committee in this House.

Two outstanding characteristics of the man left their impress upon me. One was his gentle and friendly qualities, and the other was his political courage. I remember when he first returned to this House in the Sixty-fifth Congress. By accident our hotel rooms adjoined. Along in the still hours of the night on one occasion, at 3 or 4 o'clock in the morning, I was aroused by sounds of distress coming from his chamber. I had not at that time formed his personal acquaintance, having had a mere introduction to him in the lobby of the hotel; but responding to the most common impulses of humanity I went to his room and found him ill. Of course, I rendered such slight and unskilled services as I could. His first thought then was of his wife and his family, who were in their home in Chicago. But simple and commonplace as my ministrations were, he reminded me of them, on almost every meeting during the four years that followed, by some reference, some exaggerated estimate of the services I had rendered him on that occasion.

I remember when a boy, before I came to voting age, I read of Mr. MASON while he was in the Senate of the United States. I remember the fierce contest that raged within his own party over his separation from the predominating opinion of the Republican Party on the question of the Philippines and on the questions that grew out of the Spanish-American War. I remember with what admiration I viewed his course during that struggle. Perhaps I have a wrong estimate, but I remember that as a result perhaps of his divergence from the controlling view of his party he lost his seat in the upper House of Congress. I then admired his course. So when I found him

here I was prepared somewhat for the exhibitions of political courage which he displayed in this body.

Political courage is quickened by no stirring martial music; no fluttering banners beckon. Few are the comrades by your side to give you something of their enthusiasm and of the fervor that moves men on to conflict. Political courage looks out upon no prospect of glory at the end, but it looks down a dark, cold, and forbidding avenue. But I believe Senator MASON possessed that rare quality of political courage that dared to face a vote or dared to choose a pathway that might perhaps end in defeat or despair.

Whether in attack or in defense he always unsheathed a valiant blade—a blade hammered out in the foundries of logic and common sense, tempered and sharpened in the fiery forges of sarcasm and ridicule, and yet so curved and pointed and polished by the grace and skill of the orator as to make it a thing of magic when wielded by that master of mind and emotion.

I journeyed with the committee that carried to his home in Chicago all that was mortal of our colleague and laid him in the bosom of Mother Earth. I saw a great concourse of citizens of Illinois come to pay him the last earthly tribute. They came not because he possessed power, because at the gates of death he had abdicated his power. They came not because he possessed wealth, because what little he had had fallen from his hands. But that great multitude of those who knew him came and in sorrow stood by his bier because they loved him.

On the return journey I had the privilege of reading a little book that Senator MASON had written. Perhaps all of you are familiar with it. It was entitled "John, the Unafraid." It told the story of an humble citizen who had promulgated a simple faith unmingled with creed and had worked the regeneration of the whole community in which he lived through his humble, godlike walk among his fellow men and by his unselfish life of service and trusting faith in God without cant, and heedless of dissension and schism that sometimes mar the religious life of nations and people.

I remember that that little volume closed with these words:

No matter how dark the night, there is a light still burning in the window, and the door of the Church of the Brotherhood is never locked.

I believe that when death came to BILLY MASON, no matter how dark that night, no matter how dreary that pathway, I believe he saw the light that was still burning in the window, and I know that for him the door of the Church of the Brotherhood was not locked.

Mr. WHEELER. Mr. Speaker, when Mr. MASON left us I felt that not only had the Nation lost a most valuable statesman, the people of Illinois a most conscientious Representative, and Chicago a most honored citizen, but that I personally had sustained an irreparable loss.

For 40 years I have known Mr. MASON intimately. I have watched his political career through all of its interesting and varied phases and know how faithfully and conscientiously he has served his city, State, and Nation in all those years. I have observed, too, how untiring he was in his efforts to help the oppressed and unfortunate, whether they were in his own immediate vicinity or far across the sea; whether the oppressed and unfortunate consisted of a nation or merely some obscure unknown individual. And I am certain that even those who did not agree with him in his policies must have been deeply impressed by the earnestness of purpose, the deep and sincere love for humanity, and the unselfish, untiring, self-forgetful bigness of the man.

I have known him, too, in his family and social life, and have seen the nobility and beauty of character which are truly an inspiration to all who knew him intimately as I did.

His love for and understanding of little children was one of his most beautiful characteristics. It was not an unusual sight to see him surrounded by children and young people, all listening with profound interest to his stories, or blending their young voices with his in song.

As a friend, he was devoted and loyal. Always ready with a word of cheer and a sunny smile in times of stress, or a word of wise counsel and advice in times of doubt and confusion. A man who inspired love and confidence in all who were associated with him.

And so, to-day, I think of him with love and veneration, and with gratitude in my heart that it was my privilege to have the friendship of a man who so beautifully exemplified in the most complete and unlimited degree the character of a true patriot and a noble Christian gentleman.

Mr. FAIRCHILD. Mr. Speaker, I have not come here to make a speech. I have no prepared address. I have come here only by my presence and with a word to pay my tribute to one whom I knew and loved for many years.

I met WILLIAM E. MASON first back in 1897, when he came to the Senate as I was leaving the House. He had been in Congress before and I had known of him, but my personal acquaintance with him dated from that time. Later in this Congress we served together on the Foreign Affairs Committee, and then I came to know more of him. The one thing that everyone knew of WILLIAM E. MASON, no matter what may have been the subject under discussion, no matter what may have been the situation at the time, was his love of humanity. You speak of his independence. That very independence for which he was noted was based upon his love of his fellow man. Such was the underlying keynote that went through all his life, and I wish particularly to pay tribute to him because of his love for his fellow man. When he died, not only Irish freedom, but freedom wherever oppression existed, lost a friend. They say he has gone forever. Ah, no. He has departed, but he still lives.

He has outsoared the shadows of the night,
Envy and calumny and grief and pain,
And that unrest which men miscall delight
Can touch him not, and torture not again.
From the contagion of the world's slow stain
He is immune and now can never mourn;
And yet he lives, for memories of his good deeds
Are our companions in this world forlorn.

Mr. CHINDBLOM. Mr. Speaker, I deem it a privilege to add my expression of regard and affection for my late colleague and good friend, the Hon. WILLIAM ERNEST MASON. While he was, at the time of his demise, a Member at large from Illinois and for many years lived in another congressional district, his original home in Illinois was at Waukegan, in Lake County, in the district which it is now my honor to represent, and his mortal remains were entombed, as I was privileged to witness, in the family burial lot in Oakwood Cemetery in the city of Waukegan on June 20, 1921.

I first became well acquainted with our late colleague in the memorable political campaign of 1896. In that year he lent his great energy and influence first to the nomination and later to the election of William McKinley as President of the United States. Mr. Mason was then in his prime. He had served as a Representative in the Fiftieth and Fifty-first Congresses from March 4, 1887, to March 3, 1891, representing the old third district, when only 4 of the 21 Representatives from Illinois resided in Chicago as against 11 out of 27 at the time of Mr. Mason's death. His services in the 1896 campaign were fittingly rewarded by his election to the United States Senate by the legislature in 1897.

No higher recognition of Mr. Mason's ability as a campaign orator could have been given him than his selection by his party to engage in joint debate with the standard bearer of the Democracy in 1896, the matchless platform speaker, then also in the vigor of his youth, William Jennings Bryan. I well remember Mr. Mason's discussion of the issues of the tariff and the free coinage of silver. We spoke together at some places in Illinois. On one occasion that summer, at Princeton, at meetings arranged by the Swedish-American Republican League of Illinois, then recently organized, Mr. Mason spoke between five and six hours during the afternoon and evening. His speeches seemed never to tire either himself or his audiences. What a magnificent voice he had! What fluency of speech; what wealth of information; what delightful humor; what moving pathos and sentiment; what keen invective and satire; how stirring his appeal! Through all his speeches, also, there rang a clear silvery tone of love of home and country. His mere recital of "Home Sweet Home" brought tears to his audience. His patriotic references to the flag and to the Republic brought repeated cheers from his listeners. His colleagues in this House and in the Senate saw many flashes of his wit and eloquence, but his true greatness as an orator was best displayed among the masses of the people, when he roamed at will on the wide range of human interest and emotion.

His kindness was proverbial. He would rather suffer imposition than refuse a possibly worthy case his help. He was the life of every group or gathering in which he might be found. An interesting conversationalist on any subject, his fund of stories and anecdotes out of his own experience and out of the common source seemed inexhaustible. He was highly musical, not in a technical but in a natural sense. He sang well, understood and appreciated music thoroughly, and possessed the rare gift known to musicians as "perfect pitch." In March of last year he and some members of his family joined in a trip to

Panama. During the moon-lit nights on the Atlantic he constantly entertained groups of friends with reminiscences and stories and frequently his melodious voice was heard "rocking on the billows of the deep."

Four years representing a district in the national House of Representatives, six years representing his State in the national Senate, and a little over four years more in this body as a Member at large from Illinois (in the Sixty-fifth, Sixty-sixth, and Sixty-seventh Congresses) mark his congressional career. He also served in the House of Representatives and in the Senate of the Legislature of Illinois. His profession was that of lawyer, which he practiced in the city of Chicago from his admission to the bar in 1872 until his death, with the necessary interruptions for public service.

Mr. MASON's death brought sorrow not only to his family and close relatives and friends and to the membership of this House, but to thousands, many thousands, who loved him and admired him. Few men in our country have reached as large a number of our citizens through public speech as did he. He gave his full part to the constructive, legislative work of the bodies in which he served. He was faithful to his trust, industrious, and effective. He spread sunshine and pleasure wherever he went. A widow, children, and grandchildren mourn him as a loving husband and affectionate father and grandparent. His State and his country mourn him as a faithful and patriotic public servant. He forewent wealth and luxury for public service and for the pleasurable society of family and friends. Do not such achievements measure a successful life? Assuredly they do! He lives best who loves best and serves best the persons and things intrusted to his care!

Mr. FISH. Mr. Speaker, there are few men who have served in the House of Representatives in recent years who have equaled, and none have surpassed, WILLIAM E. MASON for political fearlessness, ability, and for masterful oratory, which were his outstanding characteristics. There has been no Member of the House in all its long history who ever equaled WILLIAM E. MASON for his fearless devotion to the cause of oppressed people. He was in season and out of season ready to lend a helping hand to the man or woman who was in misfortune. Of all the poor people who went to him in distress none went away empty handed, and for all he had a welcome and a word of cheer. He was in truth the champion of the oppressed and the unfortunate.

The most conspicuous feature of his long political career was his fight against imperialism in opposition to the views of President McKinley, the leader of his party.

Undaunted by all kinds of political pressure, he courageously attacked, along with Senator HOAR of Massachusetts and Speaker REED, the policy of his party to retain the Philippines. Although defeated in his object and driven out of the Senate because of his valiant and unceasing efforts to give liberty to small nations, he never compromised with what he understood to be a grievous wrong.

Viewing the situation in the light of to-day it might have saved this country from many of its present difficulties if his advice had been followed when he opposed the imperial policy of the United States. Although he failed in freeing the Philippines he was successful in helping to secure the independence of Cuba.

Throughout his entire political life he was never subservient to the dictations of the interests or of the subsidized press.

He was absolutely fearless in his record of votes, and in all his public utterances. He had the fearlessness that came from absolute honesty. He could not be intimidated by the press that has ceased to discharge the function for which it was established—the impartial dissemination of news and has become a mere circular to preserve the interests that support its advertising columns.

We, of New York State, are honored by having presented to the Nation WILLIAM E. MASON, and proudly claim a right to share with Illinois his achievements and his eminent career in public life. We are also indebted to him for helping to pass, by his eloquent remarks, the joint resolution to locate the Grant Memorial Tomb on Riverside Drive, which is to-day one of the historical points of interest in New York City.

It was my privilege to serve with him on the Committee on Foreign Affairs, and to observe how much he contributed his great talent and experience to the final wording of the Peace Resolution with the Central Powers. Unhappily, he was too ill to appear in the House, but with his usual courage, even though lying on his death bed, he wrote a strong letter advocating the immediate passage of the peace resolution, which was read with great interest by the Members of Congress.

He was a powerful orator, possessed a strong sense of humor, and often indulged in light and congenial wit, but when aroused, woe to the antagonist against whom he directed his sledgehammer blows. He was big hearted, natural, and lived in simple estate, loved by his large family and many friends. He exemplified in his life the golden rule, "Do unto others as ye would that they do unto you," thus making and retaining as friends all whom he met. Of him it could truly be said:

His life was gentle, and the elements
So mixed in him, that Nature might stand up
And say to all the world, "This was a man."

Mr. YATES. Mr. Speaker, I have three things here which I wish to insert as a part of my remarks.

The SPEAKER pro tempore. Without objection consent will be granted.

There was no objection.

Mr. YATES. Mr. Speaker, there is a little old Persian poem in which an inquirer says:

Traveler by the camel's side,
Thou hast wandered far and wide,
Tell me, on what fabled strand
Hast thou found the fairest land?

And the old, experienced globe traveler replies:

Where thy friends and loved ones stand,
There thou hast the fairest land.

I spent yesterday in a fair land, a land that was fair, for I spent it in the Congressional Library, reading the many words of a friend of mine, WILLIAM E. MASON.

It occurred to me that probably every man in the present delegation from Illinois in this House of Representatives would at this hour say many things descriptive of Mr. Mason; they would, one or another of them, speak of his oratory; his ability as a campaign speaker; his popularity, greater than any other campaigner in Illinois; his stage presence; his wit and humor on the platform; his capacity to take care of himself by repartee when heckled either on the political platform or here; his willingness to catch a train and go to any town or hamlet or crossroads in the State or county when duty called or a friend was in trouble; of his untiring travels over this old town, trying to help somebody at the departments; of his inability to say "No" when anybody at all asked him for an endorsement; and of his beautiful family life and devotion to the dear ones at home—and of their loving, touching, undying devotion to him.

It seemed to me that it would be a good thing if I, for a change, should attempt something different. And so I betook me to where all his congressional and senatorial words are embalmed and preserved forever. (To my great regret, I could not find a shorthand report of his various speeches in the Illinois Legislature, nor could I find that he had handed any manuscript to the daily newspapers—indeed, I think he never did that—and accordingly his banquet speeches remain unpublished in the public prints.)

After a whole day reading the outbursts of love of country, love of liberty, love of humanity, love of fairness, and love of the eternal right, I decided that it would take two or three weeks of any man's time to glean, to garner, to winnow, and thresh out from the many, many columns and pages of the RECORD a collection of his sayings, a compilation of paragraphs, which would do justice to the man or to me. So I abandoned that.

But I found enough. I found enough to prove him, as I always knew him to be, full of love of country, and all the other loves which I have enumerated, and in addition full of love for the downtrodden and oppressed of the world, which made him think always of America, as I think of it, as the heir of the ages, the child of the centuries, the beacon light of liberty, and the last hope of humanity. It was this love for the downtrodden, this unfaltering determination to be "for the under dog," that actuated and animated and dominated his whole official life and caused him to fight fearlessly and "at the drop of the hat" for the black man, for a free ballot and a fair count, for the tortured Cuban, and for the Irishman.

It is not well to multiply instances or examples. Accordingly I quote from only one of his more important speeches, May 18, 1897.

I quote with interest and pride and with a throb in my heart and a catch in my throat some passages from this speech in the Senate delivered May 18, 1897, by Senator MASON. The subject under consideration was Senate joint resolution 26, resolved, etc., that a condition of public war exists between the Government of Spain and a government proclaimed * * * maintained * * * by the people of Cuba, and that the United States of America shall maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Mr. MASON said in part:

Day after day the papers have been full of the announcement that this country was at last to speak, and that the barbarities inflicted by the Spaniard on the Cuban were to have some rebuke, at least in the Senate of the United States. The rules of the Senate, to which we all bow with such graceful dignity, have permitted this gentlemanly filibuster to continue until there is to-day no guaranty that the voice of the people will be heard here, or that there is to be any protest from the American people either in the legislature or by the Executive against the sale of girls, the murder of children, and the barbarities that the Spaniard calls "war."

When Senator MASON was elected to the Senate a number of newspapers said that they regretted it because they believed that he was the ideal Congressman and ought to be kept in the House all the rest of his life; that he would not enjoy it so much in the Senate; and I believe myself that he was of that type of man who would rejoice more in being on this floor than on the other.

Years and years ago one who had served 22 years in the public service said to me that the ideal public service for an American is on the floor of the American House of Representatives. Above everything else in the world I think WILLIAM E. MASON was a commoner and that he really would have had a happier life if he could have had an uninterrupted experience here.

I am not going to dwell long on international law. Every student of international law knows that it is made by force and that there is no barbarity of all the past that did not find its precedent in international law. International law is as flexible as time, as changeable as everything else on the earth.

I am not studied much in the use of language.

Ah, but he was a master of words!

He said:

I am not studied much in the use of language.

I am here to say as a Republican, I am here to carry out the pledges of my party in convention assembled, that there is no question before the American people so much demanded by the hearts of the intelligent Christian people of this country as the demand made upon us here and now that we shall lift our voices in defense of liberty in the Island of Cuba.

A majority of us favor the measure but the majority can not control.

I am here neither to praise nor to criticize the President. It is enough for me to know that in the utmost exciting political campaign this country has ever seen, amidst the heat of battle and the dust and noise, William McKinley's name, his splendid character, his beautiful life, was like a pillar of fire by night that led us to the greatest victory that we have known in modern times, for an honest currency and for protection to the industries of the country. I do not and I shall not criticize him for the delay. I trust his judgment even though I may differ with him. I reserve the right to express my opinion and to cast my vote upon this question when the hour shall come. Eight hundred starving Americans upon the Island of Cuba!

The native-born Cuban, up to some two years ago, could not teach school in his own bailiwick, and has never been permitted to hold any office of honor or trust. Some of their children came to our schools. They heard the music of Yankee Doodle and they took back to the insurgent father and mother the story of Bunker Hill, and they have begun to demand their right—their right to govern themselves.

Let me say to you, Mr. President, whether we shall sit silent on and on; whether we shall continue in this dignified body to be silent when all the people ask us to speak; whether the United States shall do its duty or not, under the Providence of God, Cuba shall be free. There shall be no slave on the continent where our flag floats. (Demonstrations and applause in the galleries.)

It is common sense that we are after. It is the common sense that our friends on the other side seek to avoid. I want it understood here and now, as I present this petition.

He was always praying for freedom for somebody! Oh, how we all remember how, day after day, week in and week out, he presented and finally urged, in ringing tones, his resolution freeing Ireland!

As I present this petition from the merchants and the business men of these great cities that it finds echo in every hamlet among the people where I live.

You, my hearers of 1922, may rest assured that WILLIAM E. MASON knew well the hamlets of Illinois. From his first campaigning in Illinois, say, 1881, to his last in 1921—40 years—he knew not only the crowded cities where great throngs cheered him on, but also he knew "the hamlets"—and they knew him!

No man in Illinois got off more freight trains and local trains at 1 or 2 or 3 o'clock in the morning, at more junctions, at more crossroads, at more tank towns than WILLIAM E. MASON—always cheerful in the face of delay or disappointment, always gladly and cordially welcomed by the hamlet.

During the political campaign just closed I felt the pulse of thousands of people.

That is just exactly what he did; he knew how to do it.

He continues:

There are no Senate rules among the people. In Illinois if they do not like what you say they say so, and if they do let you know it. In Illinois, from Cairo to Dunleith, 400 miles of the best State in the Union, the plain people there, as well as the merchants, in response to the proposition that the Cubans should be free, agreed with one acclaim whenever it was mentioned; and, while to-day the people are waiting with bated breath, and financial affairs are based on our action on the tariff, when you get at the deep undertone of the conscience of the Christian people of this country, they say, "Let us have freedom in Cuba. Let the Spaniard go back to his own land and let us have no slaves upon our continent."

In those days it is said that he did not think enough of President William McKinley. In my humble judgment William McKinley never would have been nominated for President of the United States had it not been for the terrific fight put up in the State of Illinois, and I have always believed that one of the cardinal decisions in that fight was back in 1896 in the Springfield district, and next to that in the Jacksonville district. I can recall now a convention in 1896 in the city of Jacksonville, Ill.—and some others here remember it—when everything was absolutely trembling in the balance. WILLIAM E. MASON came there and took the floor, and in a speech of unexampled eloquence and lofty aspirations he wrought upon that convention until they rose and the very building rocked with cheers for William McKinley. I think it was the deciding point in the nomination of McKinley.

Passing on to the conclusion of this one speech of his, which I have taken the time to quote, he said:

"You can call jingo as long as you like. You may define jingo as long as you please. Patrick Henry was a jingoist according to the definition of the gentleman. Every man who would rather fight than buy peace at the dishonor of his wife or his child has been called a jingo from the days of early republics until now."

"In convention * * * at St. Louis * * * my distinguished friend, the Senator from Massachusetts, Mr. LODGE, was on the committee to draw up the resolution, and when it was read, reciprocity shook the rafters, protection set everybody to work with feet and hands, but when we spoke the broad deep tone of liberty, when we said we remembered Valley Forge, and, by the eternal freedom there won, by everything dear to Americans, the party was committed to the independence of Cuba."

The hall and the rafters rang and the people all over the whole United States said, "Thank God! Amen and Amen!"

I hold my commission, Mr. President, from no set of men. I got my seat from no boss. I hold my place, your equal politically, through the machinations or dictations of no machine. By the Eternal Power I hold my commission from the people. I promised the people I would speak, but, if I have been too long silent, I shall answer to my people, and to my people alone.

I refrain from reading a thousand other paragraphs, all showing love of liberty. I wish I could have time to read all, because what I want to do is to tell what he says, not what I think.

Referring for a moment to his record, I call your attention to the brief biography, doubtless approved by himself, appearing in the Congressional Directory, Sixty-sixth Congress, page 21. This is all there is of it:

WILLIAM E. MASON, Republican, of Chicago; lawyer; born July 7, 1850; married Edith White, of Des Moines, Iowa, June 11, 1873; 40 years in law practice in Chicago; has served in both branches of the Illinois Legislature and in both branches of Congress; elected, 1916, to the Sixty-fifth Congress at large; in 1918 to the Sixty-sixth Congress, and in 1920 to the Sixty-seventh Congress.

His biography in the Blue Book of Illinois is a little more extended:

WILLIAM E. MASON, Republican, Chicago; member of the Chicago bar for 40 years; was born in the State of New York, but spent most of his early life in Iowa, where he married Miss Edith White, of Des Moines. Has served in the upper and lower branches of the Legislature of Illinois, and was one of those who elected Logan to the Senate; served two terms as a Member of the United States House of Representatives and one as Senator, and at present is congressman at large from Illinois. While in the United States Senate was instrumental in having the rural free delivery bill passed; also made the first report of the postal savings bank law, while chairman of the Post Office and Post Roads Committee.

In conclusion, by unanimous consent, I insert in the RECORD, as a part of my remarks, pages 125, 126, 127, and 128 of the book written by him entitled "John, the Unafraid," as follows:

Not many days thereafter John came home to Martha, sick with a fever, and for many days laid on a bed of pain and suffering. In his delirium he spoke often to his brothers, calling them by name, and urging them on to continued service.

On the seventh day he came out of his wanderings and found Martha at his side, holding his hand. Feeble of body, but strong and clear of mind, he spoke to Martha, saying: "How long have I been sick?" And she, weeping for joy, said: "Be silent, John dear, you have been wandering in your mind for seven days; now you will soon be well." And John answered her: "Yes, I am nearly well now."

"I understand my pain is gone, because my poor body has surrendered its fight for longer life. How kind the Father is to give me this painless time to speak good-bye to you, my love. My voice seems weak, but my spirit sees clearly all the past, and is rapt in expectancy of the future."

"If this is the end, and there is no life beyond, I salute the Everlasting Good and am thankful for what I have had. Remember, Martha,

I doubt not. Neither am I afraid. I go to a friendly city. The Master is there."

"Tell my dear minister that Brother Lewis will pay the next month's rent for Sarah and her children."

"Has there been any sickness in the Brotherhood?" And Martha said: "Not an unkind word has been spoken." And John said: "Truly the Kingdom of Heaven is at hand."

"Has the sickness of fear left them all?" "Yes," answered Mary, "they have forgotten fear in caring for each other."

"Have we paid our neighbors that which we owe, and is there sufficient to provide for you?"

And Martha said: "Yes, all is well."

Then John said: "There was some unfinished work on my bench," and Martha told him that his brother Mark had finished the work and delivered it on the day promised.

"And my shop; the bench, the tools, and all?" and Martha said: "All are in order, dear one, as you would have them." And John said: "How kind you all are."

It was the hour of sunset and Martha lifted his head and turned him so he could see the western sky. "How beautiful," said John; "see, Martha, the sun is setting, but it will rise again. This is my faith; it will rise again."

And so John the Unafraid was prepared to go out from this life, not in fear but in faith, with open arms and smiling face, as one who goeth out to welcome the coming of his most beloved.

Upon the streets and within the house many gathered, waiting news from John the Unafraid. While at his bedside Martha his wife, and the wife of the Master's cobbler, kept in silent prayer the watches of the night.

And when the morning came, Martha said: "He still lives, and his breathing is as natural as that of a sleeping child."

And so John the Unafraid came out of the Valley of the Shadow, and when strong to speak, said: "I thought ere this to have solved the mysteries of Death; I must labor still with the greater mysteries of Life."

The Church of the Brotherhood goes on. Come ye powerful of all the earth, kings and rulers; come ye commanders of armies and navies; come ye captains of wealth and industry; and come ye sick children of the Father, ye brothers of the Master, for you are needed in this Church. You need not withdraw from your church, but serve more where you are. One kind word to a suffering brother, even the least of them, puts you in full communion. No tribute of pew rent is demanded, and no creed must be acknowledged. Promise only to serve the Good, as you understand it. The Brotherhood is weak in theology, but strong in religion. Forgetting wealth in the search for values, turning our backs on the shadows and facing the substance, putting behind us the tinsels of display, looking forward to the things worth while. Would you know the way to this church? Speak kindly to the next brother you meet; and if he be not sick, he will point you the way. No matter how dark the night, there is a light still burning in the window, and the door of The Church of the Brotherhood is never locked.

Mr. GRAHAM of Illinois. Mr. Speaker, human life is a strange and wonderful experience. We are as meteors in the sky. Out of the darkness we come, fanned into brilliancy by the life-giving atmosphere through which we move; we flash, for an instant, across the firmament; after that, the void and enshrouding silence. We are as ships that put out from port upon an unknown sea; sometimes the blue arch of heaven stretches peacefully above us and the sun is shining, the sea is placid, and mind and body cry aloud exulting in the joy of life; then storms and waves assail us, and in the fury of the tempest we realize the weakness of our strength and the poverty of our resources. But always we think that tomorrow—yea, always to-morrow—there will be pleasant lands along our lea and fortune, and hope, and ambition beckon us on. And then, when we come to port, the voyage ends.

Sometimes we make our voyage solitary and alone. Sometimes we only hail another as he passes. Sometimes we sail, side by side, day upon day, and year upon year, through foul weather and fair, with another voyager. With these friendly voyagers we fight the storms together and revel in the sunshine, and enjoy a mutual interchange of counsel and precept. The effect of these contacts upon our life's journey is incalculable. They influence and oftentimes change the courses of our journeys and the final destination at which we arrive.

In such a way it has been my privilege to meet our colleague, whose life and virtues we memorialize to-day. It was not my fortune to be an intimate friend of WILLIAM E. MASON, although, from the commencing of the special session of Congress in April, 1917, when a state of war with Germany was declared, until his death, I was in almost constant contact with him and grew to know him very well. While my personal acquaintance with him dated from 1917, I had known him and known of him from my boyhood, as all Illinoisans of my generation have. As a boy I heard my elders, in the stores and on the streets, and in the heated political campaigns of those days, speak of him. They never called him WILLIAM E. MASON—it was "BILLY" MASON. And so it was from the moment of his entrance into political life until his death. As a representative in Congress, as United States Senator, as a Representative at large in Congress, he was not some pedestaled, intangible celebrity; to the people of Illinois he was something tangible, something real, somebody they knew about, plain "BILLY" MASON. Too many public men, from constant exercise of official power, assume to travel upon a superior plane; they get away from the soil from which they sprung. WILLIAM E. MASON never did that.

We humans do not know a great deal about one another. Within the shell of the body the individual being dwells. Through the windows of the body the soul within looks out and we see it dimly as we pass. Its visible expression comes from the spoken word, the kindly eye, the activities of the body. There is a radiant energy that emanates from this secret dweller in the temple of the body that has its effect upon all who come within its influence. With some the force is negative or repelling; with others it is commanding and persuasive and impelling.

With such a persuasive personality was our late colleague gifted. There was no man in our State who ever had it to a greater extent. His public career illustrates that. His views on public questions were always distinct and certain and always freely expressed. He took part gladly in political discussion, contests, and debate. He made firm friends and equally vigorous enemies. There was no halfway ground with him—he was a partisan and admitted it. He did not always meet the views of his constituents while in public office. But always, when a candidate for office, and his enemies were arranging for his political obsequies, the results would record a victory for him by the vote of the people.

This hold upon the people of Illinois was remarkable. I remember that during the Sixty-fifth Congress Mr. MASON voted on certain measures before the Congress in a way thought to be extremely unpopular in many parts of the State. In the next election, in a State-wide race for Congressman at large, he led all the rest, both in primary and in election. During the last national administration, Mr. MASON was usually out of harmony with the national leadership, and frequently expressed himself upon the floor of the House in pointed and direct language. Irrespective of the subject, whenever it was known that he was to speak, Democrats and Republicans alike flocked to their seats and gave him respectful and careful attention.

He was a power on the political platform. No other man of the State, and I believe of the country, could sway an audience on a political subject as he could. He possessed a fund of wit and humor and sarcasm and invective, a power of logical reasoning and lucid expression, and, above all, a magnetic, radiant personality that few men have equaled and none excelled.

The name of WILLIAM E. MASON is safely written in the history of Illinois. It will be a long time before the people of our State have forgotten him. In these simple ceremonies which have been called to mark his passing, I tender my few words of tribute to his memory. He has crossed over the river and rests under the shade of the trees. After the smiles and the tears, after the joys and the sorrows, after the noise and tumult, old friend and colleague, rest well.

Mr. WILLIAMS assumed the chair as Speaker pro tempore.

Mr. MANN. Mr. Speaker, we called him BILLY MASON because we loved him. The people called him BILLY MASON because they loved him. He appealed to the people. He never endeavored to build up a personal political organization. He appealed to the minds, to the reason, to the hearts of the people. All will remember his physical appearance. He had a very large head, filled with the finest of grey matter, but although his head was large and brainy, the outstanding feature of BILLY MASON was his heart. His heart was bigger than his body. His great aim in life was to help somebody who needed help. It was not confined to those in distress abroad. He felt the kindly touch of those close to him, those at home, but everywhere, anywhere, his heart throbbed and thrilled with emotion for the distressed and oppressed in any clime and in any land.

He was a wonderful campaigner! I never heard his equal in making a campaign speech. He not only entertained an audience, but he reasoned with them. I think no one in the country has ever made such an appealing speech upon that common, trite, and intricate subject, the tariff, as MASON used to make on the stump. He reasoned with the people until they agreed with him, and always his heart was so that he was in touch with their sympathy. We shall miss him, we do miss him, from the halls of the House. He was no man's servant, except as he was the servant of the people. He did what he thought was right and he had the courage of his convictions. With a voice that was enticing, with the great brain that he had, with the great heart that he had, and with the nerve to do what he thought was right, it is no wonder that his equal does not exist as a campaign speaker.

His family relations were so touching, so loving that I hesitate to enter into that sacred place, but his widow and his children will always know that he occupied the highest place in the esteem and in the love of all Members of this House who knew him so well, and I may say of all the people who admired him so much.

Mr. MANN resumed the chair as Speaker pro tempore.

Mr. KING. Mr. Speaker, I ask unanimous consent that all Members may have 10 legislative days within which to extend their remarks in the RECORD on these resolutions.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that all Members have 10 legislative days within which to extend their remarks on the resolutions which were agreed to in the House to-day. Is there objection? There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, on many occasions I have listened to tributes paid to deceased Members of this House, but I wish to say that on no occasion have I been more impressed with their eloquence and their sincerity, and from my acquaintance with our deceased colleague I feel that he is worthy of them all.

May I ask the indulgence of the House for a few moments to pay a slight tribute to the memory of our distinguished friend and colleague, Hon. WILLIAM E. MASON.

Prior to his death he resided for upward of 50 years in Chicago, which, although not adjacent, is in close proximity to the district in Michigan which I have the honor to represent. He was well known throughout my district, the State of Michigan, and was not without a national reputation, having seen much of public life, and having served in both branches of the State Legislature of Illinois and with distinction in both branches of the Congress of the United States. I first met him when at a political meeting in the city of Jackson, Mich., during the presidential campaign of McKinley and Bryan in the fall of 1896, when the issue was 16 to 1. I do not think I am in error in saying he favored the election of Maj. McKinley and to that event he contributed his full share. Mr. MASON was an ardent campaigner, a fluent speaker, a skillful, logical, and forceful debater, and a strong partisan. His forensic ability was well recognized, and while he expressed himself in most pleasing language, permeated with wit and humor, his strong arguments carried such weight and conviction as to impress all with the soundness of his proposition. He served his State as United States Senator from March 4, 1897, to March 3, 1903. In 1917 he was elected as Representative at large to the Sixty-fifth Congress from the great State of Illinois. He was also elected to the Sixty-sixth and reelected to the Sixty-seventh Congress, and served until the time of his death, June 16, 1921. As United States Senator he strongly advocated Cuban independence. We all remember with what ardor he pleaded for the freedom of Ireland. His anxiety for this people is being clarified now, although he passed to his reward before its consummation. He would have rejoiced to know of its promise and assurance, although the goal has not been reached.

From a primer written by him, entitled "A Political Text Book and Voters' Guide," Mr. MASON enumerates on the front page that he was the author of the Pure Food Laws; father of Rural Free Delivery and Parcel Post; first to report for Postal Savings Banks; active and practical friend to U. S. soldiers and their families always; and that he voted for suffrage in 1897 and ever since. He was an ardent advocate of the soldiers' bonus and proposed the issue of a \$500 bond to be called the Honor Service Bond. In speaking for it in the House of Representatives on the 2d day of December, 1919, among other things, he stated:

I am free to say that I have no pride of opinion and am willing to vote for any of the half dozen bills which have been introduced by my colleagues upon this subject.

Mr. MASON was a patriot and lover of the Constitution, always zealous of its strict observance. In one of his latest speeches delivered in Congress April 23, 1920, he stated:

This Nation has no right to expect that it will always have wise and humane rulers, sincerely attached to the principles of the Constitution. Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln.

In his speech for a "United Country," of August 27, 1919, he quotes Gen. Pershing as saying:

It is the consciousness that the soldier has behind him an undivided Nation which enables him, whatever his rank, to face his task with courage.

And then he himself adds:

See what our soldier boys are doing. The world's history has never recorded greater military skill and bravery than is being written day by day on the western front.

He lost no opportunity of demanding that our troops be withdrawn from Russian soil. It was a violation of the Constitution, to his mind, to send or keep them there. And it is denying credit to no one in stating that his efforts to bring home the American troops sent to Russia was most potent in their removal.

Mr. MASON was well educated and taught school in early life. He was of a pleasing disposition and had a large fund of current

information which he always imparted interspersed and enlivened by apt and pithy stories. Knowing him as I did, I am sure he would like to have said of him the story described by Michigan's young philosopher-poet, Edgar Guest, when he says:

But I would like to have my story told
By smiling friends with whom I've shared the way
Who, thinking of me, nod their heads and say
His heart was warm when other hearts were cold.

Now, Mr. Speaker, I ask unanimous consent to address the House for two minutes on the subject of a young soldier who lost his life in the destruction of the dirigible, the *Roma*, a few days ago.

The SPEAKER pro tempore (Mr. MANN). The gentleman from Michigan asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. SMITH of Michigan. I have asked for these few minutes to speak of the tragic death of Sergt. Virgil Hoffman, one of the 34 persons who lost their lives when the great dirigible airship *Roma* exploded and descended to the earth in flames from a height of 1,000 feet at Langley Aviation Field near Hampton Roads, Va., on Tuesday the 25th day of February, 1922. The *Roma* was America's largest airship. It was equipped with six Liberty motors and to test which it was making a trial flight.

Sergt. Hoffman was a prominent and highly respected young man, whose home was at Eaton Rapids, Mich., in the district I now have the honor to represent and distant only 10 miles from my home town of Charlotte. He enlisted at the age of 18 in the World War, when he was just entering upon a life of promise. He saw active service overseas, then in the army of occupation, and continued in the United States Air Service until the fateful day when he came to his untimely death. He was a brave soldier. He loved his country. He gave his life and made the supreme sacrifice for it. He represented that spirit of bravery and intrepidity that distinguishes the American soldier under every trial. And now that he has gone to the home of his Great Commander our love and adoration follow him. We commend him for his gallantry. We revere his memory and extol his service and true worth. He will live for all time in the hearts of his countrymen.

Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a short eulogy and biography printed in the Eaton Rapids Journal, a paper published in Sergt. Hoffman's home town.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The article referred to is as follows:

SERGEANT VIRGIL HOFFMAN, VICTIM OF "ROMA" CATASTROPHE AT
LANGLEY FIELD.

Sergeant Virgil Hoffman, chief rigger of the monster dirigible which the United States bought from Italy and was burned on an experimental flight last Tuesday afternoon, was a victim of the awful tragedy in which the lives of 34 men were snuffed out near Hampton Roads, Va., and the funeral will be held at the Methodist Church in this city next Sunday afternoon with full military honors.

Virgil was born in this city February 2, 1900, and was a product of the local schools, always active in athletics and a prime favorite with his mates. After leaving school he went to Battle Creek and worked with his brother as an apprentice electrician; but on the 20th of February, 1918, just after passing his 18th birthday, he enlisted in the Army and was sent to Columbus for training. He landed at Brest August 1, 1918, and served with the A. E. F. till the armistice was signed, when he was transferred to the army of occupation and saw service on the Rhine for a period of 11 months.

He was permitted to return home for a period of several weeks during the fall of 1920, but returned to camp in time to be detailed to the crew of six men that were sent to Italy last year after the monster airship, leaving New York in October and returning the following May, assisting in again erecting the machine and accompanying the craft on its trip to Washington, D. C., at the opening of the disarmament conference.

His untimely death is an awful shock to his mother, Mrs. John Hyatt, and the family and friends who thought so much of him. He had planned to visit his mother last Christmas, after an absence of over two years, but was disappointed in obtaining a furlough, and had frequently written her expressing his regret.

The other members of the immediate family are his two brothers, Earl, of Battle Creek, and Howard, of Wooster, Ohio, and the little sister Grace, who lives with her mother.

Mr. FESS. Mr. Speaker, my acquaintance with BILLY MASON began with his entrance into the membership of this House on the occasion of his last service here. However, I had known him by reputation for a great many years as a remarkable political figure, and that reputation was not altogether acceptable, as is usually the case when newspapers talk about a man as a jingo. So quite naturally when I learned to know him here I was attracted to the very splendid qualities that were so remarkably displayed in his activities as a Member of the House.

I think that from the standpoint of effective oratory I have never heard his equal speaking to the membership on the floor

of the House to say nothing about the large masses of people that he would address in the heat of a campaign. I noticed that he never feared to take the unpopular side of an issue. He never flinched under criticism so far as I could see, whether the criticism was expressed or whether it was merely inferred by the attitude of Members on either side of the aisle.

One of the most remarkable incidents in my memory of him was when he came to the well of the House to reply to some charge that had been made against him, when I do not know how much of the sympathy of the House was with him up to the time of the beginning of his speech. I never heard anyone speak in this chamber who produced the wonderful impression that he produced on that occasion. More than one of the Members found their eyes so suffused that they were not able to look at the speaker because of his tremendous power in the presentation of an issue that at the time seemed in certain quarters to be unpopular.

I have often referred to Mr. MASON as having qualities that are very unusual from the standpoint of a public speaker. The more I knew him the better I loved him, and as is always the case where you gain your viewpoint of a man from the public press, you are so much concerned to know him intimately, because, like any other great leader, as one of our colleagues mentioned, he made both friends and enemies, friends who were held to him by hooks of steel, and enemies, not personal but political, who were as strongly opposed.

So I have felt that it is not only my duty, but my great pleasure as well to pay this brief tribute to Mr. MASON as one who deserves the best from his colleagues, because he was certainly worthy of all the good things that might be said about him. He is one of the figures among us that is an outstanding example of the value of fearless exposition and even fearless advocacy in times of storm, and a man who would never flinch under adverse criticism. If we have one lesson that is needed to-day, it seems to me that element of courage is very much in demand, even at this present moment.

I want to add my voice to the tributes to this great man, for there is nothing that stirs my heart more than expressions of admiration for a life that is worth while.

Mr. GABALDON. Mr. Speaker, I am glad to have the honor of speaking a few words, not only to express my personal feelings but also on behalf of the more than 10,000,000 inhabitants of the Philippine Islands, on the life and character of WILLIAM E. MASON, late Congressman at Large from the State of Illinois.

The name of WILLIAM E. MASON was well known and well beloved in those far-off islands of the Orient sea. For he was one of the very first Americans to raise his voice in the United States for Philippine independence.

Mr. MASON was a Member of the United States Senate in 1899 when the question of recognizing the independence of the Philippines was before the country. Although a member of the Republican Party, which was standing out against independence, Senator MASON entered the lists on the other side of the question. He opposed the raising of the American flag in the Philippines against the wishes of the inhabitants there with heart, body, and soul.

The CONGRESSIONAL RECORD covering those days in which the decision hung in the balance shows that WILLIAM E. MASON spoke as one inspired. And who can say that he was not inspired by a higher power, a power that bestows its choicest gifts of oratory and eloquence upon those who are pleading for human liberty?

I had a long discussion of those momentous days in the life of the Philippines with Congressman MASON only a few months before he died. Never will I forget the fire of patriotism that burned in his eyes as he related the story of his fight in the Senate nearly a quarter of a century previously against American sovereignty in the Philippines.

SEÑOR GABALDON—

He said—

I lost my seat in the United States Senate as the result of breaking with President McKinley over the question of the United States governing the people of the Philippines against their will. I remained at the bottom of the political ladder for many, many long years before I could again be elected to public office. But listen; never for one single moment, one single second, have I regretted my action. I would take exactly the same attitude were I to live through the whole campaign again.

It was almost the same sentiment he had expressed at the close of his great speech in the Senate. Let the CONGRESSIONAL RECORD of 1899 recall those words to our memory:

I am for the independence of the people of the Philippine Islands as I am for the independence of the people of Cuba. I am bound by a solemn promise made in this Chamber. Senators may haggle and say it is not nominated in the bond; but it is an implied promise more sacred to an honorable gentleman than though it were written in blood.

I have an idea that Filipino homes are sacred, that their children are beloved, that they love their soil, and that they have their songs:

that the father has his prayer, that they have a hearthstone of some kind, and that the mother has a lullaby for her babe.

If in my effort to-day I can get one American to think a little more of the rights of man, if I can add one comfort or one hope to the poorest, blackest, meanest and lowest of God's creatures in the Philippine Islands, I shall be satisfied and more than paid for my effort.

I am done. I am not well done. I have been advised by those whom I think most of as friends to await events. But the events that I saw coming in early August are here. I could wait no longer. Some have been kind enough to say that my seat was in danger.

Why, I have seen the boys come home sick, and I have seen their graves; and I have seen so much of sacrifice in this cause that, as much as I love the association and the seat as Senator among you, I would give it as cheerfully as I would a crust, if my people want it, regretting only that I have so little to give in this cause.

I had hoped for some power of language that the old masters were said to have who stood within this forum in the past. I have almost prayed for some magnetic power that I could turn the tide for the liberty of these people, for some magnetic power that I could draw you so close that I could write in living letters upon your hearts the word "Liberty." Not liberty for your family as I prescribe it, not liberty for me or my children by your dictation, not Austrian liberty for Hungary, not Spanish liberty for Cuba, not English liberty for the United States, and not American liberty for the Philippines, but universal liberty—universal liberty for which our fathers died.

Mr. Speaker, 20 years after this speech was made in the Senate WILLIAM E. MASON was still working for the independence of the people of the Philippine Islands. Is it any wonder that in his death we feel we have lost a friend? On June 13, 1919, Mr. MASON presented the following bill in this House Chamber in which we are now gathered:

Whereas all just powers of the government are derived from the consent of the governed; and

Whereas the people of the Philippine Islands, including all classes and all political parties, are petitioning the United States to grant them a free and independent government; and

Whereas the right (if any) to govern them was acquired by the United States in the War with Spain and by conquest of the Philippine people; and

Whereas President McKinley in his first letter of instruction to the peace commissioners instructed them not to enter into any agreement which would mean perpetual sovereignty of the United States over the Philippine people; and

Whereas the American people through their Congress declared repeatedly that they would not take territory as a result of the War with Spain and repeatedly stated that as soon as the people of the Philippine Islands were able to establish a stable government that would protect life and property, that the people of the United States would grant them independence; and

Whereas more than 20 years ago President McKinley stated that the Philippine Islands are not ours to exploit, but "to train in the science of self-government"; and to deny them self-government now would practically be an admission that the United States had failed in training them "in the science of self-government"; and

Whereas President Roosevelt said more than 10 years ago that he hoped the time would arrive when the Filipinos "can decide for themselves whether it is well for them to become independent"; and

Whereas it is now known by the American people that a stable government has been established in the Philippines; and

Whereas the American people have made untold sacrifices in the late war in the interest of self-determination, and to further refuse independence to the Philippines is not only an abandonment of the promises made at the time we took possession of the Philippine Islands, but is a violation of our highest ideals: Therefore

Be it enacted, etc., That the people of the Philippine Islands are hereby declared to be free and independent, and the Congress of the United States hereby recognizes the Philippine republic as prayed for in their memorial and requests the President of the United States to negotiate and submit to the Senate of the United States such political and commercial treaties as may be necessary to secure for the people of the Philippine Islands self-determination and a free and independent government.

Mr. Speaker, I can say nothing that will add to the glory of the memory of this patriot. His spoken words, preserved in the CONGRESSIONAL RECORD, will be his everlasting monument. But not only that—his memory will abide forever in the hearts of the Filipino people, whose cause he served so nobly.

Mr. MADDEN. Mr. Speaker, it was my very great privilege to know my deceased colleague, WILLIAM E. MASON, from his young manhood, and to admire him as a man and a citizen.

Illinois was proud of him; proud of his eloquence; proud of his untiring energy, of his devotion to his party; proud of the sacrifices he made to promote the well-being of the Nation. He was one of the most versatile men I ever knew; he swayed audiences by his eloquence as no other man could. His service to the public was unselfish. He was zealous in the promotion of whatever appealed to his conscience as just. He was sympathetic; his sympathies went out to those who needed sympathy. He was a lover of liberty in its best sense. He believed in the humble citizen; his life was devoted to the promotion of his cause. He had no sympathy for the aristocrat. He was a democrat himself in everything but politics. His political faith was best exemplified by his constant advocacy of the Republican cause. He was companionable and filled with loving kindness. His heart went out to suffering humanity everywhere. He was a legislator of distinction, both as a Member of the Senate and the House. The people of his State, high and low, knew WILLIAM E. MASON and loved him. His name was the signal for enthusiasm at any meeting before which he might appear.

The announcement that he was to speak always brought a great concourse of people together. He was full of wit and humor, quick at repartee, and he had a knowledge and experience which enabled him to speak on any subject. He was an orator of the first class. He was untiring and never-ending in his work. He was in demand as a speaker everywhere throughout the Nation. His jovial disposition made everybody his friend. He had the courage to express his views upon any subject. He was the delight of the House on every occasion that he appeared before it. Everybody listened to him with attention, and what he said was responded to with rapturous applause.

I regret that he has passed from us, but he has left a record of service that fills us all with pride. His name will be remembered by the people of Illinois; his memory will be revered as one who in his life spoke his mind; advocated the cause of justice; dealt with things as he found them; treated subjects on their merit; and displayed an interest in the cause of humanity that will continue to bear fruit in the years to come. Men like WILLIAM E. MASON never die. Their words and work live after they have passed away and are emulated by those who follow.

Mr. CANNON. Mr. Speaker, the gentleman from New York [Mr. COCKRAN] recalled that he and I are the only Members of this House who were here when Mr. MASON came as a Member of the Fiftieth Congress. That was the beginning of Mr. MASON's national reputation, though he had been a popular and effective public speaker and legislator in Illinois for several years before he was elected to the House.

But I recall more vividly the Fifty-first Congress and BILLY MASON's activities in the House at that time. I believe the gentleman from Ohio [Mr. BURTON] and I are the only Members of this House who were also Members of that House of the Fifty-first Congress when Mr. MASON made a reputation as a forceful and versatile debater and became one of the most popular speakers on this floor.

The Republican Party had come into control of the legislative and executive departments of the Government after quite a season of activity as a minority party. Thomas B. Reed was Speaker, and the first session of that Congress was a stormy as well as a very busy one, with filibusters, counting a quorum, consideration and passage of the Federal election bill and the McKinley Tariff Act.

Mr. MASON was in his element, for he loved political storms as he loved domestic tranquillity, and in all the legislative and parliamentary contests he took an active and effective part. He used jest as well as argument, had a fund of stories that he aptly applied to confuse his opponents and arouse enthusiasm in the galleries until he became one of the most popular debaters in the House. He was BILLY MASON to everybody—the Members of the House, the newspaper men, the public here and throughout the country, for he was one of the most-quoted men in public life because of his quaint and apt illustrations and his fun. He was not always in harmony with the Speaker and the majority side of the House, and he did not hesitate to level his darts at his party associates when his convictions differed from theirs. But through it all he was BILLY MASON to both sides of the House and to the country. He was often criticized, as all of us were in that Congress, but criticism never disturbed him. It was just another opportunity and inspiration for more fun and more stubborn contention. He was one of the most effective filibusters in that House, which was celebrated for filibusters, and he would smile and laugh as he irritated those whom he opposed until we would laugh with him, for his fun was infectious.

He and I and the majority of us on this side of the House went down to defeat in the election of 1890, which followed the enactment of the McKinley Tariff Act, and while many mourned and complained BILLY MASON laughed and made fun of himself as well as of others; and after the election, Speaker Reed, who had campaigned in MASON's district and mine, remarked that he had gained the impression that he had been a three-ring circus out in Illinois, and BILLY retorted that it had ended just that way, with nothing but sawdust remaining.

In the Senate he was BILLY MASON, as he had been in the House, and he did a good deal to upset the dignified serenity of that body when he filibustered and made fun to more effectively carry his point and support his convictions, whether they were in harmony with his party or opposed. Then, after many years, he returned to the House, and we found him the same jovial, smiling, and popular Member, the same ready and effective debater, still holding tenaciously to his convictions. As the gentleman from New York [Mr. COCKRAN] has said, BILLY MASON was always for the under dog. He was built that way, and was the most popular and effective campaign speaker we had in Illinois through many years. He was intensely human,

and the people responded to his human efforts and instincts. He is mourned by the Members of this House, and he is most mourned in Illinois, where the people loved as well as honored him.

Mr. DAVILA. Mr. Speaker, no tribute to the public life of WILLIAM E. MASON would be complete did it not contain an expression of the affection in which his memory will always be held by the people of Porto Rico.

We who live beyond the seas knew better than those residing nearer to his home the great qualities of his heart, his love for human liberty and the hatred of oppression in any form, which were the outstanding traits of his sterling character.

We had gained that knowledge of the man in our appeals to him for help in securing more liberal laws under the American flag, and be it said to his eternal credit we never appealed to him in vain.

Mr. MASON knew our problems. He was a Member of the other House when the original organic act was passed, and as aid to the smaller peoples of the earth was one of his principal aims in life he made a study of our needs, and never ceased to feel an interest in our affairs.

He was a Member of this body when I first came here in the Sixty-fifth Congress, and was one of the first Members from whom I received assistance in broadening our laws and thus increasing the opportunities of the Porto Rican people. The record of his able and active assistance is preserved in the records of this House. It will always be cherished by the people of that little island, who esteemed him no less than the people of his own beloved Illinois.

I never knew a more devoted champion of human rights. His heart went out to every people whom he felt suffered from oppression. I have seen this House kindle with enthusiasm as it felt the spell of his eloquence, whether discussing affairs in Ireland or the extension of American citizenship and more liberal laws to the island of Porto Rico.

I have often thought that if there was one man conspicuous in American public life to-day of whom it might be said that "the world was his country, and to do good was his religion," that man was WILLIAM E. MASON, of Illinois.

Peace to his ashes.

Mr. GORMAN. Mr. Speaker—

But have I now seen death?
Is this the way
I must return to native dust?
O sight of terror, foul and ugly to behold!
Horrid to think, how horrible to feel!

Thus did Adam, in *Paradise Lost*, receive his first vision of death.

Akin were the feelings of the saddened friends of WILLIAM E. MASON, when first they learned of his demise. The fresh pangs poignant from the loss of our dear brother swelled in resentment within our bosoms as we visualized the lethal blow of Death, the Destroyer.

What a Moloch is death, we remonstrated, that he should cut down the rugged oak, under whose protecting branches all the oppressed of mankind found shelter.

To remove from our circle a giant brain, functioning with iridescent splendor, and to choke up the crimson current of sympathy and love within a heart as big as the mundane sphere itself were a tragedy "horrid to think, how horrible to feel."

BILLY MASON went over the top. His death was a national calamity. Summoned to the footstool of the Prince of Peace, the pen fell from his limped hand the very instant it was tracing, in bold characters, a theme upon the resolution of peace. His mammoth intellect closed its cells of treasured lore and quickened thought as the masterpiece of international good will was receiving its commission to posterity.

Oh, how yearningly did he look forward to the hour when his clarion voice would warble forth another lay upon concord in the human family.

With what abiding hope and blithe consciousness did he reckon the nearing day when the well of the House would impound the triumphant ayes declaratory of peace with our late foes!

As he measured the intervening time, he jealously weighed each crowding thought, even as the goldsmith balances the tiny atoms in the scales. The finger moved and the finger wrote. On and on it wrote. It expounded the golden rule of international amity and universal brotherhood. It wrote—but ere it finished the huge heart of the master burst. It reached the limit of expanding love for fellow man. The human container could no longer hold the spiritual essence.

BILLY MASON died as he had lived. His last act was the prolongation of his first. His whole existence was hallowed

with the love of God and man, and consecrated with helpfulness of those in distress and cheer for those struggling out of despair. Ever dedicated to the cause of human freedom he struck off the shackles of unmerciful dominion wherever he found them. He was the Nemesis of despots and the palladium of the tyrannized.

To have known him was to love him. He was the truest exemplar of Nazarene teachings I have had the privilege of knowing. He was fundamentally right always because he was elementally Christlike. The decalogue meant more to him than a tablet of granite. They were God-given precepts which he ever exemplified in his daily life of contact.

When momentous questions arrested his cogitation, never did he render a decision calculated to square with popular approbation. He sought his Maker for his counselor and not his electorate. He was right with his God when oftentimes he was wrong with his constituents. He never espoused a cause on account of expediency, but ever championed truth even against the raging storm of public disapproval.

He said suzerainty over the Philippines must go, and his party said he must go. He went; but back again he came when popular judgment emerged from its drunken clamor. Anon and again he risked political oblivion for his views, when he could have had votes for his acquiescence.

How happy would he be to-day if he were standing as are we, upon the narrow margin of existence, looking over the seas where humanity has had its new birth of freedom in the Emerald Isle. He pleaded the cause of Irish liberty when other statesmen either held their craven breath or stammered out their opposition.

His soul is now with MacSwiney's, blended into the eternal sun, effulgent upon the countryside of old Erin, and Celts everywhere acclaim him as their own. With not a single drop of the blood of Ireland, of Cuba, of South Africa, of India, of the Philippines, coursing his veins, he yet enshrined their respective struggles for freedom in his courageous heart, and would have dipped them in his life's blood, if need be, to aid their victory.

It is gay to dance with the victors, but give me the man who will suffer with the vanquished.

Such a man was WILLIAM E. MASON, bold and kind, defiant and loving, strong and tender, fearless and merciful. A man's man was he. He ennobled the crust of this earth the while he tarried here. He now enriches it as he sleeps beneath the turf which wraps his clay.

I knew him and, thank God, I am the better that I did.

Mr. SMITH of Idaho. Mr. Speaker, it was my good fortune to know Senator MASON intimately during the last 35 years, and also to know many of those holding high places in the Government service, and I can truly say that none of them excelled him in manly virtues, statesmanship, or devotion to his country.

I had the honor to serve with Mr. MASON as a fellow Member of this body for six years, during which time he was like a father to me. I went to him as freely as I would go to my own father for counsel and advice, and his death was a deep personal loss to me. He took keen enjoyment in being helpful to others, and it was a particular pleasure to him to see his friends get along well. The willingness to assist those who asked his help and advice was one of his strongest characteristics, and there are few men who ever helped carry the hopes and ambitions of more people. Strong personal attachments drew to and about him hosts of ardent admirers. He was devoted to his family, kind and obliging to his friends, and generous to all. The precepts of the lowly Nazarene as expressed in the Sermon on the Mount constituted his rule of conduct toward his fellows. He believed in the brotherhood of man, and used his talents in public and private life for the betterment and uplift of humanity.

The work he performed in this body and in the Senate, as well as upon the platform in nearly every State in the Union during the last 40 years for his State and Nation, reflects great credit upon his ability as a statesman and student of public questions.

He was one of the best informed men on the problems confronting the country, and he amazed his hearers by his readiness and force in debate. There was never a more zealous, more indefatigable, or more laborious Member of Congress than Senator MASON, and he has contributed greatly to the progress and development of the country which he loved so well.

As a member of the congressional party I journeyed to his home in the great city of Chicago to attend the funeral of this remarkable man, and I was surprised to observe that the streets were crowded with admiring and sympathetic friends; and while we, his colleagues, loved and admired him, there are thou-

sands of his neighbors and friends who feel this bereavement more keenly, and upon whom the blow has fallen with crushing weight.

On occasions such as this we are vividly reminded of the shortness and uncertainty of human life, and of the words of Lincoln's favorite poem:

Oh, why should the spirit of mortal be proud?
Like a fast-fleeting meteor, a fast-flying cloud,
A flash of the lightning, a break of the wave,
He passed from life to his rest in the grave.
The leaves of the oak and the willow shall fade,
Be scattered around and together be laid;
And the young and the old, and the low and the high
Shall molder to dust and together shall lie.

So the multitude goes, like the flower or the weed
That withers away to let others succeed:
So the multitude comes, even those we behold,
To repeat every tale that has often been told.

'Tis the wink of an eye, 'tis the draft of a breath,
From the blossom of health to the paleness of death,
From the gilded saloon to the bier and the shroud:
Oh, why should the spirit of mortal be proud?

Of the many beautiful encomiums, written and spoken of this distinguished man, the most beautiful, most touching, and most expressive was that of his personal friend and devoted admirer, David C. Bangs, of Oak Park, Ill., as follows:

A TRIBUTE TO LOVABLE "BILLY" MASON.

In poverty and affluence, in storm and sunshine, in joy and sorrow, he was the same unaffected, simple-hearted man. His life ran like a thread of gold through 40 years of remarkable political history.

He assumed nothing but duty; he pretended to nothing but integrity; boasted of nothing but the deeds of those who love our country and our flag.

"Native and to the manner born," polished, natural, void of affectation, he aped no foreign styles, discarded all the tinsels of life, never presumed anything upon the high positions to which the people had elevated him; was ever accessible to all and continued throughout his wonderful career the same transparent childish simplicity that characterized him when, a little lad 6 years old, he began his public career singing political songs.

He loved the beautiful in art and nature. He loved the flowers, the trees, the running brooks—all things beautiful, pure, and good—but most of all, he loved the little children. I have seen him break away from pressing legislative duties, walk through the corridors of the Capitol clasping the hand of a little boy, the child of a poor widow, intent upon getting him a position. This was only one of many similar deeds that crowded into his busy life. It was ever a joy to him just to be kind, just to be good to all.

He was a crusader for righteousness. His armor and his lance were in the thick of every battle against oppression; an intrepid fighter for liberty, in any form, in any worthy cause, for a nation or an individual.

"This brave and tender man, in every storm of life, was oak and rock, but in the sunshine he was vine and flower."

In material goods he was poor. In intellectual gifts and rugged honesty, in deeds of loving kindness, he was rich. He knew the joy of giving—the magic of kind deeds. His "love was as boundless as the sea"; the more he gave the more he had.

"The morning sun shone with softened luster on his closing eyes. Its evening beams played lightly on his brow, calm in the dignity of death. His passing was as gentle as an infant's sleep. * * * a long, lingering twilight, melting into the softest shade. He is indissolubly contained in the memory and affections of his countrymen. The weary head reposes now upon the lap of Mother Earth. The stranger guest no longer lingers at his hospitable home. He is not there; he whose classical taste and various conversation lent a charm to every leisure hour; whose bland manners and social simplicity made every welcome doubly dear; whose political sagacity read the fate and interests of nations as with a second sight, and scented the first breath of tyranny in the passing gale, whose love of liberty was inflexible, universal, supreme; whose devotion to his country never faltered in the worst and never wearied in the best of times."

Once he wrote a little book—"John, the Unafraid." Unconsciously he portrayed himself—lovable "Billy" Mason.

Upon the grave of "John, the Unafraid," we place the perfumed flowers of gratitude and love.

Tears suffuse our eyes. Speech can not contain the depth of grief that surges o'er our saddened hearts.

"John, the Unafraid," thou art no more. We shall not see thy smiling face again; nor note thy gentle mien, the joyous twinkle of thine eyes, hear the cadence of that kindly voice; nor e'er again behold and love thee in the living pulsing flesh.

Gentle, noble, generous, kindly genius, "John, the Unafraid," Thou wert indeed a man. "We shall not look upon his like again."

"His last breath committed his soul to God and his offspring to his country."

"Calmly he looked on either life, and here saw nothing to regret, or there to fear;

From nature's temp'rate feast rose satisfy'd,
Thank'd Heaven that he had lived, and that he died."

"God's finger touched him and he slept."

Mr. SHAW. Mr. Speaker, "the survival of the fittest" presupposes the existence of the unfit. Whenever the unfit have been given a chance it has proven many times that they in turn survive.

In plant life is it true, as everywhere else, that the fittest survive. The strongest take from the soil the sustenance that means life to the weak and the weak perish. But if the frail plant be given tender care, supplied by some outside agency with the sources of growth and life, it pushes up in renewed strength and unfolds into vigorous maturity.

So it is with human beings. Some are doomed to be disregarded, set aside, dwarfed, trodden under the heel of the stronger, oppressed. Too often these unfortunate ones reach imploring hands in vain to some one higher up, who, if he so willed, could not only lend them hope and courage but such substantial aid as would enable them to take their place at last among the fittest of the earth.

Do we really find many, when the truth is all told, who have that love for their fellow man, that pity for struggling, yearning humanity that makes them so sensitive to the cry of despair that they can not, that they do not, turn aside with deaf ears? Do we find many who devote the very best there is in them to the aid and the uplifting of these unhappy ones?

The man whom we eulogize to-day was such a man. No worthy one appealed to him in vain. If it was humanly within the power of Mr. Mason to help where help was needed, he gave the best he had in the championship of their cause. Whether a nation or an individual, mattered not to him. The humblest petitioner reached his big heart just as appealingly as the greatest. He was absolutely unafraid of censure and blame, if through his influence happiness might come into the life of some despairing soul.

He was a fearless thinker, and he had enemies, as what fearless thinker has not. He never hesitated for what he considered right and just. It would scarcely be the hope of a great man to live his life without bitter adversaries. Political recognition and aggrandizement were dear to him as to every man in public life, but he fearlessly jeopardized his seat among the rulers to lend his aid to the defenseless.

If there ever was a more effective and convincing speaker than Billy Mason I never heard him. Everyone who knew him was familiar with his delightful humor, wit, and his unflinching cheer.

But the outstanding characteristic about Mr. Mason was his tenderness, his gentleness, and his love for his family and for his friends. It was impossible to come in contact with him without feeling the warmth of his friendship. He brought out the very best side of everyone he met. To my mind that is one of the essentials to greatness of character. His buoyant spirit dominated every gathering of which he was a part.

We called him "Billy" Mason. That was our response to his tenderness. It did not detract from the dignity of his great soul. It expressed the love with which we walked beside him a little while.

One Sunday evening not long before he died he sang in a clear, appealing voice some of the old familiar songs we all love. It was a revelation to those who had never heard him sing.

My office being across the corridor from the one occupied by Mr. Mason furnishes opportunity for knowledge of many little instances of his kindness to people. Just the other day a colored boy came into my office with pitiful distress in his voice and manner because the man who had befriended him was gone. Life seemed hopeless and empty to the lad without the encouragement and help of his old friend.

I remember with great pleasure the almost daily chats I had with Mr. Mason in the mornings before office hours. He was usually at his office early, and he was always concerned for some one whom he was helping. It was his life.

We of Illinois have always known Billy Mason. He honored us in his life, and we honored him living, and we honor him dead.

He has gone where—

Only the Master shall praise us, and only the Master shall blame;
And no one shall work for money, and no one shall work for fame,
But each for the joy of working, and each, in his separate star,
Shall draw the thing as he sees it for the God of things as they are.

Mr. KING. Mr. Speaker, I desire to submit herewith the tribute of Hon. Ernest Lundeen, formerly a Member of Congress from Minnesota, to the memory of Hon. William E. Mason.

The remarks are as follows:

We who remain remember the Senator. We can not forget our brilliant leader of the World War days. He spoke the eloquence of truth. His courage inspired. Time after time he took the floor to battle down the foes of our beloved America, but while many applauded, tear dimmed and convinced, their votes went elsewhere. If our boys died in frozen Russia, Mason rose to demand their immediate return to homeland. If conscription for foreign service periled, he voted and spoke a mighty no. If European entanglements threatened, he rose to denounce war to settle the real estate title to Europe. If liberty and independence of speech and assembly were threatened, then he rose a champion. And so it went all through those difficult, awful days. Years before that he was on the firing line ever faithful to his trust. He battled to the last, and where did he fail? Was he not a mighty warrior? The Halls of Congress still ring with his wonder speeches. Little men could not understand—small men could not see, but he understood and he saw. He understood the American people, and he saw to it that their interests were protected by his voice and vote. I owe him much more than

I can tell. He was a father to me in Congress. I loved him, and I wish to leave these few words to voice something from my heart.

We need more Senator MASONs—big hearted, courageous, lion hearted, broad minded, lovers of the America of Washington and Lincoln.

The traditions under which our country prospered and grew great, the foreign policy of Washington, Jefferson, and Monroe, dear to his heart, he rose daily to defend. Cheerful, eloquent, tireless, big hearted, brainy BILLY MASON. I love his memory, and I commend his speeches and his works to the careful study and meditation of my countrymen for he fought the fight of a good man.

ERNEST LUNDEEN,
Former Member Sixty-fifth Congress.

Mr. SABATH. Mr. Speaker, we meet to-day to pay tribute to our departed colleague, WILLIAM E. MASON, whom I knew intimately and well for over 30 years.

BILLY MASON, as he was popularly known among his friends, was a kindly, generous, and courageous man, never hesitating to do what he believed was right. His life has been filled to the brim with deeds and acts that have endeared him to the hearts of all classes and creeds. His helping hand and sympathy were ever for the weak and oppressed, and his record in this House as a champion for the independence and freedom of small nations will ever serve as a monument to his sincere, earnest, and untiring efforts to those liberty-loving peoples that sought to throw off the shackles of tyranny and oppression.

During his service on the Committee on Foreign Affairs, and especially during the last two sessions in which he served, no member of that committee worked more zealously and conscientiously to enact reconstructive legislation than he. No one except a member of that committee can realize or appreciate his courageous and valiant fight for the adoption of the Irish resolution. He led the fight of his party on this measure and, though some of the members of the majority were opposed to the purposes of the resolution, party lines were swept aside and with the cooperation of some of the minority the resolution was reported to the House and passed. This was practically BILLY MASON's last legislative action in behalf of oppressed peoples. Shortly thereafter he was taken ill. He recovered sufficiently to attend the sessions of the House and then came a relapse. He was removed to his hotel, in the shadow of the Capitol, and after a lingering illness on the 16th of June, 1921, he passed to the great beyond. Five months after his passing away came the partial fulfillment of what he advocated—the preliminary steps to the creation of the Irish Free State.

No greater tribute to a man was paid by the citizenry of Chicago than when the congressional funeral delegation arrived with the body of our colleague. A vast multitude lined the streets, with bent and bared heads, in heartfelt sympathy and feeling, in the realization that they had lost a friend.

I pay this tribute to BILLY MASON by reason of the fact that he stood close at all times to the people, and was in deed and truth a true representative of those who intrusted him with their commission. He served them, his State, and his country well; a life full spent, with duty done, he has earned his rest of sweet repose.

ADJOURNMENT.

The SPEAKER pro tempore. If no other Member desires to address the House, the exercises of the day are concluded, and in accordance with the resolutions heretofore passed, the House stands adjourned until 12 o'clock noon to-morrow.

Accordingly (at 3 o'clock and 4 minutes p. m.) the House adjourned until Monday, February 27, 1922, at 12 o'clock noon.

SENATE.

MONDAY, February 27, 1922.

(Legislative day of Thursday, February 23, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. UNDERWOOD obtained the floor.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKinley	Rawson
Borah	Glass	McNary	Robinson
Brandegee	Gooding	Moses	Sheppard
Broussard	Hale	Nelson	Shields
Bursum	Harrell	New	Simmons
Cameron	Harris	Newberry	Smith
Capper	Harrison	Nicholson	Spencer
Caraway	Hedlin	Norbeck	Swanson
Colt	Johnson	Norris	Townsend
Culberson	Jones, Wash.	Oddie	Trammell
Cummins	Kellogg	Overman	Underwood
Curtis	Kendrick	Page	Wadsworth
Edge	Keyes	Pepper	Warren
Ernst	Ladd	Phipps	Watson, Ga.
Fernald	Lenroot	Pittman	Weller
Fletcher	Lodge	Poindestexter	Willis
France	McCormick	Pomerene	
Frelinghuysen	McKellar	Ransdell	

Mr. CURTIS. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. MCLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Indiana [Mr. WATSON], and the Senator from West Virginia [Mr. SUTHERLAND] are detained at a hearing before the Committee on Finance.

The VICE PRESIDENT. Seventy Senators having answered to their names, a quorum is present.

Mr. UNDERWOOD. Mr. President, I understand the Senator from Maine [Mr. FERNALD] desires to have something inserted in the RECORD. I yield to him for that purpose.

BIRTHDAY OF HENRY W. LONGFELLOW.

Mr. FERNALD. Mr. President, two of the greatest Americans who ever lived were born in the month of February. We have already observed and paid tribute to one in the Chamber, and in thousands of places all over the country we paid tribute to the other. A third was born 115 years ago to-day, one of the most beloved poets in America. I ask that a letter written by the president of the International Longfellow Society, of Portland, Me., and a poem written by Longfellow, known as The Arsenal at Springfield, be printed in the RECORD.

There being no objection, the letter and the poem were ordered to be printed in the RECORD, as follows:

THE INTERNATIONAL LONGFELLOW SOCIETY,
LONGFELLOW BIRTHPLACE,
Portland, Me., February 22, 1922.

HON. BERT M. FERNALD,
United States Senate, Washington, D. C.

DEAR SENATOR FERNALD: Three of the greatest Americans were born in February. Washington and Lincoln have been honored this month in a thousand places. February 27 is the anniversary of the birth of the world's best-loved poet, our own Longfellow.

The noble old mansion in which he was born has been dedicated with impressive ceremony by the governor of Maine and a distinguished assembly as an international Longfellow memorial. It is being preserved for this and future generations by the International Longfellow Society with the assistance of more than a thousand women's clubs representing every State in the Union.

The Longfellow University has been founded for the promotion of world peace, Christian civilization, and brotherhood inspired by the splendid philosophy of the poet in The Arsenal at Springfield:

"Were half the power that fills the world with terror,
Were half the wealth bestowed on camps and courts,
Given to redeem the human mind from error,
There were no need of arsenals nor forts."

And the divine command: "Thou shalt love thy neighbor as thyself."
No nobler peace poem was ever written than The Arsenal at Springfield. What could now be more appropriate than the reading of it into the CONGRESSIONAL RECORD on the poet's birthday, February 27, and also the printing in the RECORD the Longfellow University Bible College invitation to join the college, without fees or dues of any kind, anyone, anywhere, regardless of age, sex, race, or religion.

Sincerely, yours,

ARTHUR C. JACKSON, President.

THE ARSENAL AT SPRINGFIELD. (Longfellow.)

This is the arsenal. From floor to ceiling,
Like a huge organ, rise the burnished arms;
But from their silent pipes no anthem pealing
Startles the villages with strange alarms.

Ah! what a sound will rise, how wild and dreary,
When the death angel touches those swift keys!
What loud lament and dismal Miserere
Will mingle with their awful symphonies!

I hear even now the infinite fierce chorus,
The cries of agony, the endless groan,
Which, through the ages that have gone before us,
In long reverberations reach our own.

On helm and harness rings the Saxon hammer,
Through Cimbric forest roars the Norseman's song,
And loud, amid the universal clamor,
O'er distant deserts sounds the Tartar gong.

I hear the Florentine, who from his palace
Wheels out his battle bell with dreadful din,
And Aztec priests upon their teocallis
Beat the wild war drums made of serpent's skin;

The tumult of each sacked and burning village;
The shout that every prayer for mercy drowns;
The soldiers' revels in the midst of pillage;
The wail of famine in beleaguered towns;

The bursting shell, the gateway wrenched asunder,
The rattling musketry, the clashing blade;
And ever and anon, in tones of thunder,
The diapason of the cannonade.

Is it, O man, with such discordant noises,
With such accursed instruments as these,
Thou drownest Nature's sweet and kindly voices
And jarrest the celestial harmonies?

Were half the power that fills the world with terror,
Were half the wealth bestowed on camps and courts,
Given to redeem the human mind from error,
There were no need of arsenals nor forts:

The warrior's name would be a name abhorred!
And every nation, that should lift again
Its hand against a brother, on its forehead
Would wear forevermore the curse of Cain!

Down the dark future, through long generations,
The echoing sounds grow fainter and then cease;
And like a bell, with solemn, sweet vibrations,
I hear once more the voice of Christ say, "Peace"!

Peace! and no longer from its brazen portals
The blast of war's great organ shakes the skies!
But beautiful as songs of the immortals,
The holy melodies of love arise.

DEATH OF CAPT. DALE MABRY.

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD a brief tribute printed in the Ocala (Fla.) Evening Star with reference to a very gallant Florida officer who lost his life when the *Roma* went down. He illustrated the highest type of an American officer.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The horror of the wreck of the *Roma* is brought close to the people of Florida by the death of Capt. Dale Mabry, of Tampa, second in command of the ill-fated craft. He belonged to a well-known and honored Florida family. Capt. Mabry was 30 years old and unmarried. He was born at Tallahassee, the son of the late Judge Milton H. Mabry. He was educated in the public schools of this State and graduated from Marion Military School, Marion, Ala. Capt. Mabry left his business in Tampa to enter the second officers' training camp at Fort Oglethorpe, Ga., in August, 1917. Just before completing his training there he went to Atlanta and took the examination for the Air Service and was commissioned a lieutenant. He was sent to France in December, 1917, and remained there in active service until the armistice. He was promoted to captain, commanding the Tenth Balloon Company. He made a fine record for efficiency, and after he returned to the States, in 1919, he entered the Regular Army as captain. Capt. Mabry was sent to Rome last summer as one of the company of flyers to bring the *Roma* to this country, the United States having purchased the giant dirigible from Italy. He was on the *Roma* when it made its first trial flight.

INTERMENT OF SOLDIER DEAD.

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the Acting Quartermaster General of the Army, transmitting lists of American soldier dead returned from overseas to be reinterred in the Arlington National Cemetery Thursday, March 2, 1922, at 2.30 p. m., which, with the accompanying lists, was ordered to lie on the table for the information of Senators.

FEDERAL FARM LAND BANK LOANS (S. DOC. NO. 137).

The VICE PRESIDENT laid before the Senate a communication from the Federal Farm Loan Board, signed by Charles E. Lobdell, farm loan commissioner, transmitting certain information in response to Senate resolution 222, agreed to January 20, 1922, requesting the Federal Farm Loan Board to furnish the Senate information as to certain alleged commissions or fees unlawfully charged and the number and amount of applications by States for loans, which, with the accompanying papers, was referred to the Committee on Banking and Currency and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, transmitting, pursuant to law, a list of miscellaneous papers and documents on the files of the Bureau of Naturalization which are not needed in the conduct of business, and having no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. STERLING and Mr. McKELLAR members of the committee on the part of the Senate and directed that the Secretary notify the House of Representatives thereof.

BONUS TO EX-SERVICE MEN.

Mr. WADSWORTH. I ask unanimous consent to have printed in the RECORD a report of the committee on national affairs of the National Republican Club relative to the soldiers' bonus.

There being no objection, the report was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

NATIONAL REPUBLICAN CLUB (INC.)
54-56 West Fortieth Street, New York City.

REPORT OF THE COMMITTEE ON NATIONAL AFFAIRS ON SOLDIERS' BONUS.

The within report was presented to a regular meeting of the National Republican Club (Inc.), held February 21, 1922, and duly adopted.

OSCAR W. EHRHORN,

Recording Secretary.

COMMITTEE ON NATIONAL AFFAIRS OF THE NATIONAL REPUBLICAN CLUB.
REPORT OF COMMITTEE ON SOLDIERS' BONUS.

The committee on national affairs submit the following report and recommendations:

At the stated monthly meeting of the club held on January 17, 1922, the following resolution introduced by Col. Newbold Morris and seconded by Capt. Henry W. Goddard was referred to the committee on national affairs:

"Resolved, That the National Republican Club be opposed to the grant of a Federal bonus to any former soldier who can not show a wound."

The committee on national affairs, having given full consideration to this resolution at a meeting held on January 27, report it back with the recommendation that it be adopted in the following form:

"Resolved, That the National Republican Club be opposed to the grant of a Federal bonus to any former soldier who can not show a wound or who was not disabled in the service."

The committee are of opinion that the far-reaching principles and grave economic issues involved in the proposal for a Federal soldiers' bonus are not clearly understood. This proposal has nothing to do with the care of the wounded, the disabled, or the dependent. It is merely a proposal to grant, out of the Treasury of the United States, in one form or another, what is called adjusted compensation. This means increased pay to all who served in the military or naval forces of the United States between April 5, 1917, and November 12, 1918, except those who were dishonorably discharged, or were discharged on account of alienage, or were conscientious objectors, and this notwithstanding the fact that the pay of those in the military and naval forces of the United States was doubled at the outbreak of the war and that extra allowances for foreign service were also made.

The Secretary of the Treasury, in a letter addressed to the chairman of the Committee on Ways and Means of the House of Representatives under date of January 24, 1922, makes it plain that the total cost of the proposed bonus would be about \$3,330,000,000, of which at least \$850,000,000 would fall in the first two years of its operation. The Secretary adds that the maximum cost might reach \$5,250,000,000. These huge estimates take no account of expense of administration or the possible cost of vocational training aid, farm or home aid, or of Federal land aid to veterans who might elect such benefits. Moreover, the expenditures involved would be in addition to the sums already appropriated, chiefly for relief to disabled veterans, which now amount to \$450,000,000 annually and constitute the largest single item in the Federal Budget with the exception of the interest on the public debt.

The Federal Government maintains numerous and admirably equipped hospitals for the care of sick and disabled veterans. The Federal Government is now spending large sums at rates ranging from \$25 to \$135 a month, for compensation to soldiers who are in those hospitals. In every northern State except Maine and Utah, comfortable soldiers' homes have been established, toward the maintenance of which the United States Government contributes \$120 per year per inmate. The National Government itself maintains 10 splendidly equipped soldiers' homes, scattered over the country from Maine to California and from Wisconsin to Tennessee, where every honorably discharged soldier, be he Regular, Volunteer, or drafted man, who has served in any war in which the United States has taken part, is eligible for membership when unable by reason of accident, illness, or old age to maintain himself. At each of these national soldiers' homes there is provision for music, theater, library, club rooms, amusement halls, and billiard tables, as well as for hospital care and religious instruction. A member of one of these soldiers' homes finds all his needs met by the Government. He is clothed. He is given wholesome food. He is housed in clean, well ventilated barracks equipped with every modern convenience. At his death he is given a military funeral and a volley is fired over his grave. The United States Government erects a marble headstone, on which is inscribed his name, his regiment, and his State.

There is, therefore, involved in the proposed soldiers' bonus no question of the Nation fulfilling its obligations to its disabled veterans. That obligation is, as the Secretary of the Treasury pointed out, continuing and paramount, and the expenditures therefor will be very heavy for years to come. Moreover, a sum estimated at more than \$550,000,000 has already been provided in bonus and other legislation for the benefit of ex-service men by the several States.

A Federal soldiers' bonus, on the other hand, is an attempt to appraise patriotic service in terms of dollars and cents, with the certain result of demoralizing the public spirit of the Nation by distributing hundreds of millions, even thousands of millions, of dollars as a gratuity. If the money were at hand with which to make this distribution, the proposal would be highly objectionable on grounds of public policy. It would entirely overlook the fact that it is the primary duty of the citizen, particularly in a self-governing Republic, to defend the State without expectation of compensation of any kind, and that in organized society there are duties owed by the citizen to the State, as well as benefits which flow from the State to the citizen. When, however, the money for such purpose must be raised by imposing new taxes at a time when the business, the labor, and the agriculture of the country are staggering under their tax burdens, it is unthinkable that steps should be taken that might well result in increase of unemployment, in still greater depression of agriculture, and in indefinitely postponing the revival of business, while the great army of taxpayers are compelled to provide the huge sums that would be needed for this unwise purpose.

As party politics, such action spells suicide; as public policy, it is madness.

This same question has been raised once before in recent American history, although in far smaller proportions. In February, 1875, the Congress passed a bill "to equalize the bounties of soldiers who served in the late War for the Union," and President Grant, a Republican and a former Commander in Chief of the Army of the United States, vetoed the bill in a message bearing date March 3, 1875, in words which rang throughout the country. President Grant objected to this bill because it appropriated from the Treasury a large sum of money at a time when the revenue was insufficient for current wants; because the issue of bonds authorized by the bill would seriously embarrass the refunding operations then progressing; and because, in his judgment, it would result more in a measure for the relief of claim agents and middlemen who would intervene to collect or discount the bounties granted by it. "The passage of this bill at this time," wrote President Grant, "is inconsistent with the measure of economy now demanded by the necessities of the country." These patriotic words are applicable with tenfold force to-day.

The committee believe that the National Republican Club should take the strongest possible ground on this subject and should strike a note of leadership that will be heard throughout the United States. The committee believe that the club should make an appeal to Republican Senators and Members of Congress not to be misled by the clamor of individuals and organizations which may have a personal interest in the proposed action, but to view this question in the light of the financial and economic conditions that have been pointed out by the Secretary of the Treasury, and to act solely from the viewpoint of the highest public interest. Moreover, Republican Senators and Members of Congress should be urged to put before the enrolled voters of the country a clear and simple statement of what this adjusted compensation or soldiers' bonus would mean to our public finances and to the burdens which the taxpayer must bear. In the light of this information they should then ascertain exactly how great is the demand for this action on the part of Republican voters, and how far it comes from those not in sympathy with the Republican Party, who would be only too glad to have that party assume responsibility for increased taxation and prolonged business depression.

In this connection the committee believe that it is opportune to press for an inquiry as to the detailed expenditure of the sums now appropriated by the Congress for the relief of disabled veterans. If there is faulty administration, it should be discovered and stopped. If there is waste, it should be discovered and stopped. If there is lack of sympathy and an excess of red tape, that should be discovered and stopped. The disabled veteran is entitled to the fullest benefit from the expenditure of every dollar that is appropriated on his behalf. If the amounts already appropriated for the purpose of doing all that can be done for the disabled veteran are not sufficient, then that fact should be made plain, for the people will certainly approve the appropriation of whatever sums may be shown to be needed for this purpose.

The committee therefore recommend the adoption of the following resolution:

"Resolved, That the National Republican Club urge a speedy inquiry under the authority of the House of Representatives into the expenditure of the sums now appropriated in aid of disabled veterans, to the end that the country may be assured that the veterans are receiving the fullest possible benefit from the appropriations made in their behalf."

February 21, 1922.

Respectfully,

NICHOLAS MURRAY BUTLER,

Chairman.

JULES BACHE.

JAMES G. BLAINE, Jr.

CORNELIUS N. BLISS, Jr.

THOMAS C. DESMOND.

FRANK E. EWING.

WILLIAM W. HOFFIN.

JOSEPH LEVENSON.

SAMUEL McCUNE LINDSAY.

STUART McNAMARA.

NEWBOLD MORRIS.

J. VAN VECHTEN OLCOTT.

HENRY W. TAFT.

PETER ZUCKER.

PRESENT AND FUTURE OF THE WORLD'S GOLD COIN.

Mr. JONES of Washington. Mr. President, I have an article by Chester T. Kennan, of Spokane, on the question of the present and future of the world's gold coin. I move that it be referred to the Committee on Printing, with a view to having it printed as a Senate document.

The motion was agreed to.

AMENDMENT TO THE RULES—DEBATE ON APPROPRIATION BILLS.

Mr. JONES of Washington. Mr. President, out of order I desire to give notice of an amendment to the rules and to the provision for amending the rules that is now on the calendar. I ask that it may be read.

The VICE PRESIDENT. Without objection, it will be read.

The Assistant Secretary read as follows:

I hereby give notice of my intention to propose the following amendment to Rule XVI of the Standing Rules of the Senate and to Senate resolution 213 now on the Senate Calendar and proposing to amend said rule:

Amend Rule XVI by adding the following paragraph:

"5. When an appropriation bill is under consideration by the Senate debate shall be confined to the bill, unless otherwise ordered by unanimous consent. A point of order that a Senator is not speaking to the bill shall be decided by the Presiding Officer and an appeal from his decision shall be decided without debate."

PETITIONS AND MEMORIALS.

As in legislative session,

The VICE PRESIDENT laid before the Senate a resolution adopted at a mass meeting held in Symphony Hall, Boston, Mass., February 24, 1922, favoring prompt ratification, without change or reservation, of the treaties prepared by the Conference on Limitation of Armament, which, with the accompanying papers, was referred to the Committee on Foreign Relations, and it was ordered to be printed in the RECORD, as follows:

[Telegram.]

Boston, February 25, 1922.

PRESIDENT OF THE SENATE,

United States Senate, Washington, D. C.:

Important mass meeting held last night in Symphony Hall, Boston, under auspices nonpartisan committee representing every walk in life to urge ratification of Washington conference treaties without reservations. Gov. Cox presided. Speakers were Mrs. Charles Sumner Bird, member of the advisory committee to the American delegation; John F. Moors, State chairman of the Woodrow Wilson Foundation; Walter L. Collins, former president Boston City Council; J. Weston Allen, attorney general of Massachusetts; John Jackson Walsh, State senator and Democratic candidate for governor in 1920; Municipal Judge Michael J. Murray; and A. Lawrence Lowell, president of Harvard University and of the League to Enforce Peace and chairman of executive committee of World Peace Foundation. All speakers agreed upon the vital importance and epoch-making character of the treaties, and urged prompt ratification without reservations.

The following resolution was unanimously adopted:

"We petition the Senate of the United States to ratify promptly, without change or reservation, the treaties of the Washington conference."

EDWARD CUMMINGS,

For the Committee, World Peace Foundation.

Mr. LODGE presented a resolution of the House of Representatives of the Legislature of Massachusetts, which was referred to the Committee on Naval Affairs, as follows:

THE COMMONWEALTH OF MASSACHUSETTS.

Whereas the Navy Department contemplates converting into aircraft carriers two of the six cruisers on which work has been suspended; and

Whereas the battle cruiser *Lexington*, under construction at the Fore River plant of the Bethlehem Shipbuilding Corporation at Quincy, was 36 per cent completed when work was suspended; and

Whereas work of this nature would furnish employment for thousands of Massachusetts residents, especially in Boston and vicinity: Therefore be it

Ordered, That the House of Representatives of Massachusetts strongly urges that said cruiser *Lexington* be converted into an aircraft carrier and that construction on said cruiser be resumed without delay; and be it further

Ordered, That copies of this order be sent by the secretary of the Commonwealth to the Secretary of the Navy and to the Senators and Representatives in Congress from New England.

In house of representatives, adopted February 24, 1922.

A true copy.

Attest:

F. W. COOK,

Secretary of the Commonwealth.

Mr. LODGE presented a resolution adopted by the city council of Lowell, Mass., favoring the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

Mr. WARREN presented a resolution adopted by the Lions Club, of Sheridan, Wyo., favoring imposition in the pending tariff bill of an adequate tariff duty on sugar for the protection of the beet-sugar industry, which was referred to the Committee on Finance.

Mr. WILLIS presented a resolution of the students and faculty of Manchester College, of North Manchester, Ind., favoring ratification of the treaties prepared by the Conference on Limitation of Armament, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted by the Downs Chamber of Commerce, of Downs, Kans., favoring the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by Parsons Camp, No. 23, Sons of Veterans, United States of America, of Parsons, Kans., favoring the passage of the so-called Morgan bill providing increased pensions for veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

Mr. ROBINSON presented a petition of members of the Cosmos Club, of Forrest City, Ark., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Okfuskee County (Okla.) Bar Association, protesting against the enactment of legislation to validate deeds executed by members of the Five Civilized Tribes, etc., which was referred to the Committee on the Judiciary.

Mr. BALL presented a memorial of sundry citizens of Washington, D. C., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. LADD presented a resolution adopted by members of the Williams Community Club, of Williams Township, Nelson County, at Mapes, N. Dak., favoring the passage of Senate bill 2604, the so-called Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by members of the Williams Community Club, of Williams Township, Nelson

County, at Mapes, N. Dak., favoring the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Conrad Berg and 27 others, of Columbus and vicinity; E. C. Thompson and 18 others, of Alamo; Thorvald Marstin and 15 others, of Watford City; John Birnbaum and 7 others, of Hankinson; William Shoenhut, of Belden, and 41 others, of Belden and vicinity; Isaac Veer and 4 others, of Langdon; and H. F. Overby and 19 others, of Tolna and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

AMENDMENT OF DEPARTMENT OF JUSTICE APPROPRIATION BILL.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the amendment submitted by himself proposing to appropriate \$5,000 for salary of the chief clerk of the Court of Claims, intended to be proposed by him to the Departments of State and Justice appropriation bill, reported it with amendments, submitted a report (No. 515) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

As in legislative session,

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 23, 1922, they presented to the President of the United States enrolled bills of the following titles:

S. 29. An act authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms and conditions with respect to improvements to be made on the present target range as may be prescribed by the Secretary of War, or in lieu of such improvements to be made on the present target range the Secretary of War may accept a conveyance to the United States of such other lands to be designated by the Secretary of War as may be deemed suitable for a target range in exchange for such overflow lands; that to facilitate the acquisition of the necessary additional lands the Secretary of War is authorized to condemn land necessary and suitable for target-range purposes, such condemnation to be at the expense of said Lloyd E. Gandy, grantee, his heirs and assigns;

S. 52. An act for the relief of the Stevens Institute of Technology, of Hoboken, N. J.;

S. 160. An act for the relief of Kristina Furbak;

S. 561. An act to grant citizens of Washington and Kane Counties, Utah, the right to cut timber in the State of Arizona for agricultural, mining, and other domestic purposes;

S. 901. An act for the payment of certain money to Albert H. Reynolds;

S. 982. An act for the relief of Louisa Frow;

S. 1247. An act for the relief of Frank Carpenter;

S. 1951. An act for the relief of John Hickson, jr.; and

S. 2736. An act providing for the conveyance of certain unused military reservations in the State of Massachusetts to the city of Salem and the town of Marblehead.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 25, 1922, they presented to the President of the United States enrolled bills and a joint resolution of the following titles:

S. 2072. An act to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes;

S. 2138. An act providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes;

S. 2774. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920;

S. 2810. An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, as amended and reenacted by an act approved the 22d day of August, 1914; and

S. J. Res. 137. Joint resolution transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the possession of the Department of State.

BILLS AND JOINT RESOLUTION INTRODUCED.

As in legislative session, bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 3198) to provide for weekly pay days for postal employees; to the Committee on Post Offices and Post Roads.

By Mr. FRELINGHUYSEN:

A bill (S. 3200) to provide for bringing suits against the United States upon claims arising from the suspension, modification, and cancellation of war contracts by the United States Shipping Board Emergency Fleet Corporation; to the Committee on Commerce.

By Mr. ASHURST:

A bill (S. 3201) granting a pension to Walter L. Hammond; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3202) for the relief of Dr. C. LeRoy Brock; to the Committee on Claims.

By Mr. BALL (by request):

A bill (S. 3203) for the relief of William A. Forrest, administrator of the estate of John W. Forrest, deceased; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3204) to authorize the Secretary of Agriculture to establish and recommend approved trading rules and business practices for handlers of and dealers in farm products, to provide for a system of adjustment of disputes, and for other purposes; and

A bill (S. 3205) to authorize the Secretary of Agriculture to establish for farm products uniform standards of classification, an inspection service, and a market news service, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MOSES:

A bill (S. 3206) granting a pension to Emma F. Carter;

A bill (S. 3207) granting a pension to Ellen Burt Slayton; and

A bill (S. 3208) granting a pension to Sarah Hardy; to the Committee on Pensions.

By Mr. CURTIS:

A joint resolution (S. J. Res. 168) in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions and the District of Columbia in the World War; to the Committee on the Library.

TRANSFER OF TARIFF COMMISSION TO DEPARTMENT OF COMMERCE.

Mr. FRELINGHUYSEN introduced a bill (S. 3199) to transfer the functions of the United States Tariff Commission to the Department of Commerce, to enlarge the duties of the commission, and for other purposes, which was read twice by its title.

Mr. FRELINGHUYSEN. In connection with the bill just introduced I ask that the following telegram be read at the desk.

There being no objection, the reading clerk read the telegram, as follows:

TRENTON, N. J., February 24, 1922.

Senator J. S. FRELINGHUYSEN,
1013 Sixteenth Street NW., Washington, D. C.:

At a regular meeting of the board of trustees of the Manufacturers' Association of New Jersey, which has a membership numbering over 2,000 manufacturing concerns engaged in diversified classes of production, among which are textiles spinning, pottery, silk, leather, sugar, metals, machinery, foodstuffs, hardware, and bleaching, a proposal for the development of a tariff of specified duties to be scientifically based on American conversion costs was presented and exhaustively discussed, and a resolution was unanimously adopted approving of the proposal and directing the executive committee of the board to take steps when, and as deemed advisable, to disseminate information in respect of, and to support, and further the adoption on the proposal, and its successful operation we urge you to give most careful consideration to the proposal and tender you all assistance in our power in creating a tariff of specific duties based on American conversion costs.

MANUFACTURERS' ASSOCIATION OF NEW JERSEY,
By J. PHILIP BIRD, President.

The VICE PRESIDENT. The bill and the telegram will be referred to the Committee on Finance.

ADDITIONAL DISTRICT JUDGES.

As in legislative session,

Mr. HARRISON submitted an amendment intended to be proposed by him to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States; to provide for annual conferences of certain judges of United States courts; to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE.

As in legislative session,

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 1312) to amend the charter of the Potomac Insurance Co. of the District of Columbia.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON, Mr. ANDERSON, and Mr. GALLIVAN were appointed managers of the conference on the part of the House.

The message further announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMTON, Mr. FRENCH, and Mr. CARTER were appointed managers of the conference on the part of the House.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. UNDERWOOD. Mr. President, I desire to address myself very briefly this morning to the subject of the pending treaty. The consideration of the pending treaty depends entirely upon the viewpoint from which it is approached. In the debate so far as it has gone there has been a very great divergence of opinion as to what is in the treaty and what is not; as to whether we are getting anything out of the treaty or are giving anything up. My own viewpoint does not accord with the expressions in reference to the matter of most of those who have debated the treaty. I am, therefore, going to take the time of the Senate for a few moments to place in the RECORD my own opinion.

I am heartily in favor of the ratification of the treaty. So far as I am concerned, all I see in the treaty is that Japan yields to this Government the right to establish a cable station on the island of Yap, and to establish radio stations in the future if it shall desire so to do. I know there is somewhat more language than that in the treaty, but I think the language is supplemental to what has already been done.

As has been said heretofore, there is really not anything in the mandated islands that have been given to Japan which we want outside of the cable station at Yap, because everybody knows that some twenty-odd years ago, at the conclusion of the Spanish-American War, when we took the Philippine Islands from Spain, we could have included in our demand the islands which have been mandated to Japan, and we could have gotten them. They are really, however, of so little interest commercially or otherwise that, after the close of the Spanish-American War, and following our failure to demand them, Spain sold them to Germany for the small sum of \$4,000,000.

As I understand, the islands have no commercial value; they have a scattered population, and are practically unable to establish anything except a very primitive local government. Very few of the islands have harbors of any value whatever. The only reason we are involved in the situation at all is that at the close of the Great War we acquired one of the German cables. Our end of it had to land on the island of Yap in order that at some time in the future we may extend the cable into China. Where it now rests, the cable is of no value; there is no business on Yap. It brings us in contact with no part of the world; it is not of any real service to the Navy; because the radio stations at other points could reach a naval vessel that was in the neighborhood of Yap; but if we acquire a cable station at Yap we can extend the present cable into China. Then it will be of real and great commercial value to the people of the United States.

Why do I say that is all which is involved in the pending treaty, when it embodies language that goes considerably further? I say so because, in my judgment, what is carried in the remainder of the treaty is already foreclosed. If we do not ratify the treaty there will be no change of status whatever from the effect which will follow if we do ratify the treaty. If that is the case, and the ratification of the treaty will not change the status at all from what it would be if we rejected the treaty, then as to the supplemental provisions I am right in the statement that they really are not of any importance and that the only meaning phrase of the treaty is the concession of the island for cable purposes.

Mr. BORAH. May I ask the Senator a question?

Mr. UNDERWOOD. Yes.

Mr. BORAH. I was absent from the Chamber when the Senator began his speech, and I do not know whether or not he has covered the matter to which I wish to refer; but I desire to say there is one provision of the treaty in which I am interested, and that is as to what will be the effect of the treaty with reference to transferring or yielding up our undivided one-fifth interest?

Mr. UNDERWOOD. We have not any undivided one-fifth interest, if the Senator will allow me. The Senator understands this is not a treaty made by the conference which recently met at Washington, as to the action of which I am somewhat bound.

Mr. BORAH. I understand that.

Mr. UNDERWOOD. This is a treaty which was made by the State Department, and I am in no way connected with it, except as a Senator of the United States whose vote must be cast in its ratification. Therefore, I feel perfectly free to say, although I am heartily in favor of the treaty, that I entirely differ from the Secretary of State as to the terms upon which the treaty was negotiated, for I contend that there is no undivided one-fifth interest; there can not be. I am sure the Senator from Idaho will agree with me that sovereignty is sovereignty, that it can not be divided; that there can not be a divided one-fifth interest in sovereignty. It is an impossible term; it is not only impossible in thought, in theory, in understanding, but it would be impossible to carry it out. Sovereignty is the supreme essence of government, and no two separate governments can function over the same territory at the same time, except they do so with armed forces in the field, each claiming the right to control.

Mr. BORAH. Mr. President, may I ask the Senator another question?

Mr. UNDERWOOD. Certainly.

Mr. BORAH. Assuming, for the sake of the argument, that we had an undivided one-fifth interest, what has become of it?

Mr. UNDERWOOD. I can not assume that, because we never had it.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. UNDERWOOD. Yes.

Mr. ROBINSON. Does the Senator take the position that the United States by virtue of the victory which she assisted in achieving during the late war acquired no interest whatever in the German islands north of the Equator?

Mr. UNDERWOOD. No; I do not take that position; I say that we acquired no undivided one-fifth interest.

Mr. ROBINSON. I should like to have the Senator define for us what interest she did acquire. I presume he intends to do so.

Mr. UNDERWOOD. I am coming to that; I desire to take that question up. First, however, let me say that it has been contended by some that Japan acquired an interest in these islands by reason of the fact that she took them from Germany by force of arms, and that as she subsequently became one of our allies we acquired an interest through Japan. There certainly is nothing in that contention, for two reasons: Japan conquered the islands—if we can use that word properly—because after she sunk the German Fleet in the Pacific Ocean opposite the coast of Chile and took Shantung there was no more fighting about the matter; she merely ran her gunboats in front of these islands and sent a row boat ashore and put up her flag. She took possession of them long before we entered the Great War. When she took possession of those islands she was not an ally of ours, and, therefore, if any title is claimed by reason of force of arms we have no right to the islands at all. But Japan did not get her title to the islands by conquest, because the only way conquest can give title is by taking possession and maintaining it for an indefinite time against those who might rightfully claim it and against the world until it becomes recognized by international law or by the other nations as an existing fact. That has never occurred so far as Japan is concerned.

More than that, Japan recognizes that she has no title that she acquired by force of arms because she is one of the signatory powers to the treaty of Versailles and took her title from Germany, if she had any title or claim. Now, part 4, article 18—

Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. UNDERWOOD. Certainly.

Mr. POMERENE. Adverting to the question raised by the Senator from Idaho [Mr. BORAH], it is the opinion of the Senator from Alabama, I understand, that there can be no undivided sovereignty?

Mr. UNDERWOOD. Certainly.

Mr. POMERENE. That all of the island possessions and other possessions of Germany outside of Europe were ceded under the treaty of Versailles to the five principal allied and

associated powers. Whether it is proper to speak of it as the sovereignty or not is neither here nor there, but we were given, as one of the five principal allied and associated powers, whatever interest Germany had.

Mr. UNDERWOOD. I am coming to that point.

Mr. POMERENE. Let me finish the question. Whatever that interest was, whether it was an interest of sovereignty, a proprietary interest, or what not, that undivided one-fifth interest seems to remain with us; at least President Wilson and the State Department now take that position. What has become of that under the so-called Yap treaty that is before us now?

Mr. UNDERWOOD. Mr. President, if the Senator will allow me, I was just coming to that; but I can not answer him directly, because I have got to lay my premise first or I can not make the argument. Of course, so far as the question of sovereignty is concerned, I do not suppose there is a Senator in the Chamber who will contend for a moment that sovereignty can be divided. Some may contend that the one-fifth interest meant title to the islands. If it is sovereign title it can not be divided. If it was title of ownership of land it would be an outrageous construction, because the land of those islands did not belong to Germany. It belonged to the people of the islands. Their towns, their farms, their fishing smacks, the individual property there belonged to the individuals who lived upon the islands. All that Germany had was the sovereign right of government that she acquired from Spain; and to say that we took an interest in the property would be unconscionable.

I think what we did take is very clear, and if my friends will be patient with me for a minute I shall try to show what, in my judgment, we took; but I shall have to read what is in the treaty before I can make my statement.

Part IV, article 118, reads as follows:

In territory outside her European frontiers as fixed by the present treaty Germany renounces all rights, titles, and privileges whatever in or over territory which belonged to her or to her allies, and all rights, titles, and privileges, whatever their origin, which she held as against the allied and associated powers.

Then, in article 119, immediately following, it is said:

Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions.

Whatever she gave to the allied and associated powers she gave to them all, and whatever she gave related to her entire overseas possessions, not merely to these mandated islands that went to Japan. It related to her possessions south of the Equator in the Pacific; it related to her possessions in the Near East; it related to all her possessions around the world.

I am free to say that if you read that clause alone it looks as if Germany had intended to convey a joint sovereignty of some kind over her overseas possessions—a proposition, of course, very impossible of execution. Every lawyer knows, however, that in construing a treaty you must make the words conform to their simple and ordinary meaning, and that you can not take one clause of a treaty and read it by itself, but you must make the various clauses of the treaty so coordinate that they all mean something.

What I have read you in articles 118 and 119 is not the only thing in the treaty of Versailles relating to this question. The League of Nations was a very material part of the treaty of Versailles and is the living entity of the treaty of Versailles in very much the larger number of countries in the world; and article 22 of the covenant of the League of Nations reads as follows:

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in this covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be intrusted to advanced nations who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility and who are willing to accept it, and that this tutelage should be exercised by them as mandatories on behalf of the league.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory.

Other peoples, especially those of central Africa—

And, in passing, let me ask where these other peoples in central Africa came from into this mandatory. The only place in central Africa where the League of Nations acquired any mandatory rights was from German title, named here.

Other peoples, especially those of central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the league.

Then it goes on to say this:

There are territories, such as southwest Africa—

German possessions—

and certain of the South Pacific Islands—

German possessions—

which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned, in the interests of the indigenous population.

Then it goes on to say, skipping a paragraph:

The degree of authority, control, or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council.

Here is your contract. The treaty of Versailles conveys the title. I do not think anybody can deny that the title, whatever it is, that Japan has to these particular islands came through the treaty of Versailles; but that same treaty in the league provisions not only recognizes that mandatories shall be established but directly refers to this territory that has been yielded. What does it say that it was conveying? Does it say that it was conveying sovereignty? No. Does it say, with that in mind, that it was conveying the land to be exploited and divided into five parts? No. Here is what it says. In the first paragraph it says:

There should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this covenant.

Can there be any doubt in the world, unless you reject this language of the League of Nations entirely from the treaty, that when Germany conveyed this title to the allied and associated powers she conveyed the title to them as trustees, and trustees alone, for a specific purpose?

Mr. PITTMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Nevada?

Mr. UNDERWOOD. I yield.

Mr. PITTMAN. I think it is proper to call the attention of the Senator to the language that he used on Friday, in an interruption of my remarks at that time. At that time he quoted the paragraph—

Mr. UNDERWOOD. Which I have just read.

Mr. PITTMAN. Yes; defining the mandates under class C; and then, at that time, he said this:

What I wanted to call attention to was that under this particular kind of mandatory which has been declared these particular territories are put in this class, and they are to be administered under the laws of the mandatory as an integral portion of its territory; in other words, the sovereignty of the mandatory power is recognized, so that it is entirely within the covenant of the League of Nations that this is done.

Mr. UNDERWOOD. Undoubtedly. I am not saying anything in contravention of that now. I am merely tracing the title. There are some of these mandatory territories where the sovereignty does not go; but in this particular case the right of government, which is sovereignty, undoubtedly goes to Japan under the mandate, not independently of the mandate, but under the terms of the mandate as I read them the other day, and the Senator from Nevada agreed with me that the sovereignty did go under this mandate.

What I contend is that the five allied and associated powers received the territory of the overseas possessions of Germany, not for themselves but as a trust to administer for the benefit of the people who live within the ceded territory.

Mr. PITTMAN. Mr. President, what does the Senator understand by the express language in that character of mandates, that the mandated territory shall become an integral part of the territory of the mandatory?

Mr. UNDERWOOD. I understand that as to some of these mandated territories those who negotiated the treaty of Versailles expected that the people of such territories could set up governments of their own, and that all they needed the mandatory to do was to hold out a protecting arm and keep off outside interference. That applied to some of the mandatories, for instance, Armenia; but in reference to others they contemplated that the condition of the inhabitants was such that they could not set up an independent government, and in such cases they authorized the mandatory to govern them as a part of its

own territory, which, of course, carried sovereignty, because government and sovereignty are synonymous terms.

Of course, that sovereignty is limited to this extent, that the mandatory acts under the League of Nations, derives its powers from the League of Nations, and is subject to the control of the League of Nations; but I say that if you take this treaty of Versailles, carrying the title to these islands, and reconcile the clauses in the covenant of the League of Nations which relate to them with the grant of title by Germany you can reach but one conclusion. I am not talking about what Germany intended, because she was told to sign on the dotted line, but you can reach only the conclusion that in the grant the men who made the treaty intended that this conveyance should be a conveyance of a trust, and the allied and associated powers were merely to act as trustees in the administration of this trust.

I think that statement is in entire accord with the position which Mr. Wilson took in reference to this matter when he came back. As far as I know, he has never claimed that we got an undivided fifth interest in anything except the right to be a trustee.

Mr. PITTMAN. Mr. President, I do not think the Senator wants to misrepresent the position of the former President.

Mr. UNDERWOOD. I do not.

Mr. PITTMAN. While the Senator may be correct in stating that Mr. Wilson never claimed the one-fifth interest, I would like to read the language of the ex-President, which is very brief, if the Senator has no objection, because I think we should be very careful in a matter of that kind.

Mr. UNDERWOOD. I have no objection.

Mr. PITTMAN. I am reading from the note of Mr. Hughes of April 21, 1921, in which Mr. Hughes quoted the language of former President Wilson. Mr. Hughes said in that note:

The attitude of President Wilson is sufficiently shown by the following statement which he made to the Department of State on March 3, 1921.

Mind you, this is a statement by Secretary Hughes in a note to the four powers who attempted to allocate this mandate.

Mr. UNDERWOOD. Of course, I do not agree with Secretary Hughes's position, as I stated in the beginning of my remarks.

Mr. PITTMAN. I am now quoting from Secretary Hughes's note to the four powers with regard to the attitude of President Wilson, and Secretary Hughes is now quoting President Wilson's language:

I beg to return the note received yesterday from the Japanese Government, which I have read, in relation to the proposed mandate covering the island of Yap.

My first information of a contention that the so-called decision of May 7, 1919, by the council of four assigned to Japan a mandate for the island of Yap, was conveyed to me by Mr. Norman W. Davis in October last. I then informed him that I had never consented to the assignment of the island of Yap to Japan.

I had not previously given particular attention to the wording of the council minutes of May 7, 1919, which were only recently called to my attention. I had on several occasions prior to the date mentioned made specific reservations regarding the island of Yap and had taken the position that it should not be assigned under mandate to any one power, but should be internationalized for cable purposes. I assumed that this position would be duly considered in connection with the settlement of the cable question and that it therefore was no longer a matter for consideration in connection with the peace negotiations. I never abandoned or modified this position in respect to the island of Yap, and I did not agree on May 7, 1919, or at any other time, that the island of Yap should be included in the assignment of mandates to Japan.

As a matter of fact, all agreements arrived at regarding the assignment of mandates were conditioned upon a subsequent agreement being reached as to the specific terms of the mandates, and further upon their acceptance by each of the principal allied and associated powers. The consent of the United States is essential both as to assignments of mandates and the terms and provisions of the mandates, after agreement as to their assignment or allocation.

The consent of the United States, as you know, has never been given on either point as to the island of Yap.

Mr. UNDERWOOD. That is entirely in line with the argument I am making. I stated that President Wilson had never claimed we got an undivided one-fifth interest, or any interest of that kind.

Mr. PITTMAN. He does claim, does he not, that we have whatever interest, whatever rights, the allied and associated powers have?

Mr. UNDERWOOD. He claims in that letter that they could not exercise this mandate; but I will refer to that in a moment, if the Senator will allow me.

The whole letter of the former President sustains just what I have been saying, that the title which came out of Germany came into these powers so that they might establish mandates for their Governments as a sacred trust, as the treaty of Versailles denominates it, a sacred trust for the administration of these Governments for these people.

This document does not say that there shall be only one mandatory to a particular territory. Although Mr. Wilson

did not want to take the responsibility, probably, of having a mandatory established for the United States in the island of Yap, although the control of the island was very important to the commercial interests of the United States, he had stated all along that he desired that the island should be internationalized; that is, that the rights there should belong to all of the powers in the League of Nations, and each should have equal rights for cable purposes, and, of course, that is the only value the island has. It is worthless for any other purpose.

I contend that the President of the United States who signed the treaty of Versailles never contended that we had an undivided fifth interest in anything. His very letter shows that his only claim was that it was through the mandates under the League of Nations that the power or control over these islands should be passed.

If the Senator from Nevada [Mr. PITTMAN], the junior Senator from North Carolina [Mr. OVERMAN], the senior Senator from Arkansas [Mr. ROBINSON], the senior Senator from North Carolina [Mr. SIMMONS], all sitting here in front of me, and myself are appointed trustees to administer a peace of property, a sacred trust, and I kick myself out; I say I will not administer it, that I will not go in, and the other four trustees qualify, I do not see how anybody can say or contend for a moment that the other four trustees can not administer the property. That is my position.

Mr. PITTMAN. Mr. President, President Wilson denies that they refused to accept the trust as a mandate over Yap. He denies that they ever considered the terms of the mandate. He alleges that it was expressly excluded for future consideration. Unless the ex-President's word is accepted in that matter, we must get other evidence.

Mr. ROBINSON. It was also expressly stated in the notes to which the Senator from Nevada has referred that the terms of the mandate should have been submitted to the United States before the mandate was authorized, and it appears this was never done.

Mr. UNDERWOOD. Of course, I do not put the interpretation on the ex-President's letter which my friend from Nevada does; but that is not really material in this case.

The governing thing in this case is the treaty of Versailles. It is not the understanding which any of the signatories to the treaty might have had, because they foreclosed their understanding when they signed the treaty, and it was the last thing they did. The day after the treaty was signed the President of the United States took his ship and came home.

Mr. PITTMAN. Let me ask a question there. I think there is a great deal of strength in the Senator's contention that the authority now existing over this island is derived from the treaties with Germany.

Mr. UNDERWOOD. Surely.

Mr. PITTMAN. Does the Senator contend that it can only be derived through one treaty, the Versailles treaty, and that nothing is derived through the separate treaty with Germany?

Mr. UNDERWOOD. So far as I can see, there is nothing in the separate treaty with Germany which fixes our status as a trustee. Of course, if I am wrong about this, there is no argument. The whole thing turns on one question, whether I am right that what we got when we were named one of the allied and associated powers was a trusteeship. If that was what we got, of course the late treaty with Germany does not affect it at all. If we did not get a trusteeship; if we got either a division of sovereignty or a division of a piece of land, then it can be affected by other things. I am not arguing that point. If I am wrong about our getting only a trusteeship, then I concede the argument of the other gentlemen; but I contend that there can not be any doubt about the proposition that all we did get was a trusteeship—nothing more or less than the right to act under a sacred trust for the benefit of the people of the territory ceded by Germany.

Mr. PITTMAN. Can any other power divest us of that sacred trust if we have been granted it?

Mr. UNDERWOOD. No; but we divested ourselves of it.

Mr. PITTMAN. We did not sign the Versailles treaty.

Mr. UNDERWOOD. We divested ourselves of it in the only way a trustee does divest himself of it. We by our own action refused to administer the trust. That divested us of it.

Mr. PITTMAN. Does not that depend on the language of the treaty itself?

Mr. UNDERWOOD. I do not mean to say that we can not go back in the trust.

Mr. PITTMAN. But I want to know whether we did divest ourselves. Has the Senator looked at article 118? He has read article 119.

Mr. UNDERWOOD. I read article 118. I read them both.

Mr. PITTMAN. In the separate treaty with Germany which we ratified this language is used, and I wish to call attention to it. This is article 1 of the separate treaty with Germany:

Germany undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations, or advantages specified in the aforesaid joint resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the treaty of Versailles which the United States shall fully enjoy notwithstanding the fact that such treaty has not been ratified by the United States.

Then article 2 refers expressly to part 4, in which articles 118 and 119 are found, as being articles which are for the benefit of the United States. Is it the position of the Senator from Alabama that we could not accept the benefits of the Versailles treaty in such a manner?

Mr. UNDERWOOD. No; not that we could not accept it, but that we have not accepted it. There is a difference between "we could not accept" and "we have not accepted." As I understand the Senator, he is contending that we got some division of sovereignty or some division of land, of property, of territory. If he is right about that, I do not contend at all that the late German treaty did not secure those rights. My contention is that we do neither, that what was conveyed to us under the Versailles treaty was a sacred trust to administer this territory for the benefit of the inhabitants of it, and the only thing that could convey the right of our interest in that trust was our acting, and when we refused to act we had no rights in it.

I do not mean to deny now that if the Government of the United States chose to ask for admission to the League of Nations and became a member of the council of the League of Nations it could not come back and again exercise a trust. It could do that. The trust still exists. But as long as we refuse to administer the trust and stay out of it, we are no part of it.

Mr. PITTMAN. What does the Senator think of this situation? Under article 118, which he has read, it is agreed that the direction with regard to former German property shall be in the allied and associated powers. Of course we are one of them. Article 119, which the Senator has read, says that Germany renounces in favor of the principal allied and associated powers all rights, and so forth, in her overseas possessions. Waiving the proposition that that conveys title to a part of the territory, what I am getting at is this: The council of the League of Nations, which rendered this mandate on the approval of the four powers, gets its sole authority from the treaty.

Mr. UNDERWOOD. Undoubtedly.

Mr. PITTMAN. The treaty not only grants the League of Nations the right to grant these mandates, but limits it upon the direction or the allocation of the allied and associated powers, and we are one of the allied and associated powers. The Senator may answer that, and I want to know if he does so answer it, by saying we forfeited our rights to designate this allocation by not joining the League of Nations or ratifying the Versailles treaty.

Mr. UNDERWOOD. I thought I had made myself clear. I distinctly say that from my standpoint we had nothing to do with it. I read those two clauses, and said if we take those two clauses, 118 and 119, alone as the only thing by which to determine the question, it would look as if Germany had ceded something—it is difficult to determine what, but some specific title of something—to the allied and associated powers for them to have and to hold as nations. I conceded that.

Mr. PITTMAN. Suppose we had ratified the Versailles treaty, then what would be our position?

Mr. UNDERWOOD. But I said all the time that according to my construction we can not construe the power of cession from articles 118 and 119 alone, but we have to take the intent of the parties by determining all that was in the treaty of Versailles, and a part of that treaty was the League of Nations, which expressly, in so many terms, stated that they were going to exercise a mandate over the territory that was ceded, and saying that it should be exercised as a sacred trust. How could we define that the grant of this power was intrusted to these nations, rather than in fact granted by the language of this article?

Mr. PITTMAN. I will waive that question. What I am trying to get at is this: At the time we refused to ratify the treaty, suppose we had in fact ratified the Versailles treaty, would then sections 118 and 119 come into force and effect for our benefit?

Mr. UNDERWOOD. Except as trustee.

Mr. PITTMAN. Would they come into effect for our benefit?

Mr. UNDERWOOD. Does the Senator mean that we are to be benefited by being a trustee?

Mr. PITTMAN. Would we have had as much right to say with regard to these islands as France, England, or Japan?

Mr. UNDERWOOD. We would have a right to sit in the council of the League of Nations and determine on how the mandates should be administered.

Mr. PITTMAN. As a matter of fact, the four powers referred to ignored the United States and attempted to allocate this to Japan before we had ever acted on the Versailles treaty.

Mr. UNDERWOOD. That may have been bad faith on their part.

Mr. PITTMAN. If it is bad faith, are we going to affirm that bad faith?

Mr. UNDERWOOD. I am not saying that they did or did not ignore the United States. I know that before the League of Nations was created there was a secret agreement between some of those powers that Japan should have the islands belonging to Germany north of the Equator in the Pacific Ocean; but rather than look at that as bad faith on their part I am inclined to construe the proposition as though the agreement had been made before we went into the war, and I am inclined to believe that when they signed the Versailles treaty with us they waived their former agreement and accepted the mandates here, because the first agreement did not contemplate a mandate. It contemplated actual possession, under which, if carried out, Japan would have had the entire sovereignty. If she holds as a sovereign now, it is as a sovereign mandate; but, of course, that sovereign mandate can be taken away from her by the League of Nations. However, if the understanding to which my friend from Nevada refers had been carried out, she would have held the sovereignty without dispute.

Mr. PITTMAN. We were invited into the supreme council with all the responsibilities of the supreme council. That council consisted of representatives of the United States, Great Britain, France, Italy, and Japan. Does the Senator doubt that in the supreme council, when they were discussing these very mandated islands, the President of the United States obtained an exception with regard to Yap?

Mr. UNDERWOOD. He was not in the supreme council, of course. The supreme council was not organized until long after Mr. Wilson came home.

Mr. PITTMAN. The five powers were represented when he was there.

Mr. UNDERWOOD. I mean the council of the league.

Mr. PITTMAN. I am not talking of the council of the league; I am talking about the supreme council representing the allied and associated powers.

Mr. UNDERWOOD. Oh, no.

Mr. PITTMAN. That is where the Yap thing was done. Does the Senator doubt that the President of the United States, when they were discussing those mandates with regard to islands north of the Equator in the Pacific, at that time expressly reserved the island of Yap for future consideration and action?

Mr. UNDERWOOD. No; I do not doubt that at all.

Mr. PITTMAN. Then, has not there been a violation of the trust and confidence that we had a right to have in those four powers when they proceed immediately afterwards to do something they had agreed with our country not to do?

Mr. UNDERWOOD. The Senator may not have as high an opinion of them as otherwise, but they had no power in the supreme war council.

Mr. PITTMAN. Did they not have the power of recommendation?

Mr. UNDERWOOD. No. According to the terms of their own agreement that they signed, and which is on the Senator's desk before him now, it was the council of the League of Nations that controlled this matter.

Mr. PITTMAN. But the council of the League of Nations recognized the fact that the allied and associated powers were granted the right under article 118 to allocate the mandates, and that the council would subsequently determine the terms.

Mr. UNDERWOOD. No; the council of the League of Nations did not recognize that.

Mr. PITTMAN. It is recognized in express terms in the treaty with Austria.

Mr. UNDERWOOD. It was not the council of the League of Nations that recognized it; it was the signatory powers who signed the treaty at the peace table who wrote it in the treaty. The council of the League of Nations was an entirely subsequent matter. I do not doubt for a minute, I know it is a fact, that the then President of the United States, Mr. Wilson, expected to have the island of Yap set apart under this mandate as an international island for the use of all the powers in the treaty. I have not a doubt about that. But when the hour came for us to make our claim that the island of Yap should

be internationalized, we were not there. We made no claim. It had gone to the wreckage.

Mr. PITTMAN. Great Britain, as I remember, ratified the treaty first. Suppose the day after she had ratified the treaty with Germany, or the minute the league was created, and before France had an opportunity to ratify the treaty, Great Britain had run in there, without France and the United States having representation on the council of the league, and had allocated all of the conquered territory, and then said to us that we were not there and had forfeited our rights. In other words, to take the position of the Senator, as I see it, he has to hold that if we did not ratify the treaty just as fast as the 30 or 40 other nations did, those nations, before we had time to ratify it, could have cut us out of consideration.

Mr. UNDERWOOD. No; I do not agree to that at all, and it was not done in this case.

Mr. PITTMAN. It was done before we acted on the Versailles treaty.

Mr. UNDERWOOD. I think the Senator is mistaken about that.

Mr. PITTMAN. The Senator has the dates before him. It was done December 17, 1920.

Mr. UNDERWOOD. The vote in the Senate on the ratification of the treaty took place in November, 1919. The final vote in the Senate, when, instead of rejecting the treaty in so many words by a vote of the Senate, we sent it back to the President of the United States, which was a rejection, took place somewhere in the early months, January, February, or March, of 1920, and this allocation occurred in the fall of that year. So we had rejected the treaty. We rejected it by returning it to the White House.

Mr. PITTMAN. There was no rejection of the treaty, so far as France, Great Britain, Japan, and Germany were concerned, until this Government had acted one way or the other, and notified those powers. Now, this Government never notified those powers of anything until we ratified a separate treaty of peace with Germany, and when we did ratify that treaty we adopted all the benefits of the Versailles treaty.

Mr. UNDERWOOD. I do not think my friend is right about that. I think we could reject the treaty by action of the Senate, and that the powers who were dealing with us would not have to wait an indefinite period, until we had sent them an official communication, to find out what we had done.

I think when the Senate of the United States—

Mr. JOHNSON. Mr. President—

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Alabama yield to the Senator from California?

Mr. UNDERWOOD. I shall do so in just one moment. I think when the Senate of the United States, as a part of the treaty-making power of the United States, rejects a treaty that those who are dealing with us can take knowledge of the fact without waiting for the information to come through official channels.

Mr. JOHNSON. I merely wish to inquire if the Senator from Alabama has the dates of the various decisions which have been made respecting the mandated islands?

Mr. UNDERWOOD. The mandate in reference to Yap, as set out in the memorandum of Secretary Hughes, as read by the Senator from Nevada [Mr. PITTMAN] a moment ago, was some time in the fall of 1920.

Mr. ROBINSON. The final decision was in December, 1920. That was by the league council.

Mr. JOHNSON. May 17, 1919, I think, was the first allocation.

Mr. ROBINSON. That was the first allocation or proposal of the supreme council.

Mr. JOHNSON. Then there was a subsequent allocation. The allocation of May 17, 1919, as the Senator from Nevada stated, was prior to any action by us upon the treaty.

Mr. ROBINSON. That is true. The final decision by the league council was made on December 17, 1920, but the first action respecting the matter was in May, 1919, by the council of four, usually called the supreme council.

Mr. PITTMAN. It was on May 19, 1919.

Mr. UNDERWOOD. I do not remember the date when the Versailles treaty was sent back to the White House, but I think it was before the date in 1920 to which reference has been made, although I am not sure. My recollection, however, is that it was some time in February or March.

Mr. ASHURST. The Versailles treaty was finally rejected on the 19th of March, 1920. I do not think it was sent to the White House that night, but it was sent early the next morning.

Mr. UNDERWOOD. That is what I thought. I am not here, however, to argue that question; it is immaterial, in my judgment. I say that when we sent the treaty back to the White

House it was a rejection of it, and the other nations had a right to take into consideration the fact that the treaty had been rejected. If they were acting as trustees they had a perfectly legitimate right to go on and administer the trust. So far as I know they made no attempt to do so until after the Senate had sent the treaty back to the White House; and that is the material question.

Mr. FLETCHER. Mr. President, I desire to suggest to the Senator that the Senate had that matter before it for some six months, and it could not expect the world to stand still while we were discussing here for an indefinite time the question of ratifying the treaty. They had a right to make a guess, and they made a very good guess that we were not going to ratify it.

Mr. PITTMAN. Is it assumed here that the supreme council of the war powers when they were considering the allocation of those islands were acting without any authority?

Mr. UNDERWOOD. No; they were acting under the authority of the League of Nations.

Mr. PITTMAN. When the League of Nations appointed five trustees, one of whom was the United States, and the other four powers recognized the United States as one of the trustees, one of the allied and associated powers, is it fair and just, because it did not sign a specific treaty, to say that it shall not participate or be considered in the distribution of conquered territory?

Mr. UNDERWOOD. If the Senator looks at the proposition, as I said before, from the standpoint that this territory was conquered and was to be distributed between the five powers, of course that is a different question. I am not consenting to that at all.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. UNDERWOOD. I yield.

Mr. ROBINSON. If I understand the Senator correctly, in the beginning of his statement he asserted the proposition that sovereignty by its nature is single.

Mr. UNDERWOOD. It is not divisible, though it may sometimes be exercised by two Governments.

Mr. ROBINSON. May it be exercised by more than one Government concurrently?

Mr. UNDERWOOD. Yes, I think it could, if the process could be arranged.

Mr. ROBINSON. Then, if that is the case, why is not the position of the Senator from Massachusetts correct, that the United States, by virtue of conquest or otherwise, took an undivided one-fifth interest in these islands and became entitled to participate in the exercise of the sovereignty over the islands?

Mr. UNDERWOOD. It is contended that there is an undivided one-fifth interest, but I say there can not be an undivided one-fifth interest in sovereignty; there can not be a division of sovereignty; sovereignty is a concrete fact that must exist as it is. That, however, is not the material question.

Mr. ROBINSON. I think I understand the Senator. May I ask him a further question to illustrate the thought that is in my mind?

Mr. UNDERWOOD. Certainly.

Mr. ROBINSON. To whom did the sovereignty over these islands pass from the German Government, and when and by virtue of what act did it pass?

Mr. UNDERWOOD. I think the sovereignty passed over from the German Government by the treaty of Versailles to the allied and associated powers as trustees to administer the trust as mandates according to the terms of the League of Nations. That is all, I contend. If I am wrong about that, if the League of Nations did not have anything to do with it, if we were not a trustee, then all my argument is mere idle talk; but if I am right about it, that it did pass to the allied and associated powers to administer under the League of Nations, and then we refused to do our part and to administer the trust, I say we are estopped from having anything further to say about the administration of the trust.

Mr. ROBINSON. Of course, if the title passed by act of conquest so that Germany could not control the sovereignty thereafter, all the parties to the conquest would have an interest in the territory conquered, and no parties to any subsequent agreement less than the whole number could deprive of such interest any one of those to whom such rights passed.

Mr. UNDERWOOD. Unless the agreement so provided—and of course the agreement could do that—and that is what I am contending for.

Mr. ROBINSON. But the United States was not a party to that agreement.

Mr. UNDERWOOD. No; but title passed under that agreement.

Mr. ROBINSON. Wait a moment. No; the title had already passed by conquest. The United States and the other allied and associated powers had acquired these islands by conquest. No agreement between some of the conquerors could deprive the United States of such rights as she acquired by conquest, whatever they may be, and it does not become necessary for the purpose of my argument to define those rights.

Mr. UNDERWOOD. In the first place, the argument of my friend from Arkansas, if he will allow me to conclude, is purely theoretical. We have no rights over these islands by conquest, because we never conquered them. If the assumption is based on the right of conquest, Japan conquered them and the title had passed out of Germany before we ever became an associated power. We had nothing to do with them if the title came from that source. The only way that we became involved in the title at all was by reason of becoming an associated power. We never had a gunboat in front of the islands or a marine on their shores. The only way that we became recognized in any way was through the treaty of Versailles, and that is the only title that we could make any claim to. What I am contending is that the title, whatever it is, came to us as trustee, and we declined to act. Now—

Mr. ROBINSON. Just a moment. The Senator's contention would inevitably lead to the conclusion that the United States neither acquired any title nor any interest in the islands because she never became a party to the instrument by which the title was conveyed, and there is no privity between her and the party conveying title. So the Senator's conclusion must be, if his argument be followed to its logical end, that the United States never acquired any right, title, or interest in these islands for the reason that she did not participate in their conquest, and for the further reason, as asserted by the Senator from Alabama, that the only way in which the title was conveyed was through the treaty of Versailles, to which the United States refused to become a party.

Mr. UNDERWOOD. Certainly; I did not raise any question about that. The Senator is clearly right about it. I am sure he is right as a lawyer about it, and I will illustrate to him—

Mr. ROBINSON. I wish to say that I do not agree to that conclusion.

Mr. UNDERWOOD. I will illustrate my view of it.

Mr. ROBINSON. If the Senator will permit me for a moment, I am not stating my conclusions; I am stating what I understand to be the Senator's conclusions.

Mr. UNDERWOOD. Then the Senator is right in drawing that conclusion as mine. If I own a piece of land in Washington and leave a will conveying it to the Senator from South Carolina [Mr. SMITH] and the Senator from Arkansas [Mr. ROBINSON], as trustees, to administer for my heirs, and the Senator from Arkansas declines to have anything to do with the trust, and the Senator from South Carolina [Mr. SMITH] qualifies as trustee, there is no doubt in my mind that the Senator from Arkansas takes no title whatever. I say the same principle applies in this matter. My contention is that under the treaty of Versailles Germany ceded her overseas possessions to the allied and associated powers as trustees; any man who reads the treaty, in my judgment, can come to no other conclusion than that it was ceded to them as trustees. If we decline to administer the trust, then we take no part in it. We had a right to decline to administer the trust, and the Government of our country did decline to administer it, and therefore we had no more rights in the matter, but those who did administer the trust selected Japan as a mandatory and conveyed such title to her as a mandatory has. There can be no question about that. We did not function in the matter because we declined to function. I am not going into the argument as to whether we ought to have functioned or we ought not to have functioned; that is water that has gone over the wheel, and there is no use going into past history about it.

The real thing that is to be considered is that we did not function; we declined to act; and those who had the power to act gave this mandate to Japan. If they did—and there is no doubt that they did—Japan is in possession; she is recognized by those powers that are in the League of Nations; she is recognized by the council of the League of Nations; she gets her title in that way and she will hold it in that way. There is no way that we could take it away from her except by going to war with the world, because it is the League of Nations which is holding this title; Japan is only the mandatory, the agent, of the League of Nations. If we should attempt to take it away from Japan, we would be taking it away from the sacred trust in which it was reposed, taking it away from the nations that belong to the League of Nations, and we would have the world

to fight. Everybody knows that we are not going to fight the world over the isle of Yap.

Mr. NORRIS. May I interrupt the Senator?

Mr. UNDERWOOD. Yes.

Mr. NORRIS. If that be true, this question has arisen in my mind: Assuming that the title is really in the League of Nations and that Japan is only an agent to carry it out in the way of a mandate—

Mr. UNDERWOOD. An agent exercising some sovereignty temporarily.

Mr. NORRIS. Yes; but she is acting for the League of Nations.

Mr. UNDERWOOD. Yes.

Mr. NORRIS. Then how can Japan, being only an agent, give any sovereignty or any other rights to the United States? Ought not the treaty, then, to be made with the persons who hold the real title, rather than with the trustee?

Mr. UNDERWOOD. That may or may not be true. The trustee holds the title and the trustee is in possession, and what we want is possession. More than that, there are two practical questions involved here. We are theorizing. This whole debate about the Yap treaty has consisted of theories about our giving up something. What I contend is that we had nothing to give up. They are theorizing about the proposition that we are confirming the title, when we had no title to confirm. It has already been confirmed in Japan by the trustees that possessed the title.

Mr. PITTMAN. Mr. President—

Mr. UNDERWOOD. Just a minute and I will yield. The practical proposition is that Japan is in possession of the mandated islands north of the Equator and that when this treaty is made she will give us the right to a cable landing.

Mr. NORRIS. Which she has not any authority to do.

Mr. UNDERWOOD. She might not have the authority to surrender sovereignty, but she is acting as a sovereign mandatory, and she has a right to give us permission to buy land.

Mr. NORRIS. I should like to say to the Senator, if he will permit me, that I do not regard the treaty as of very great importance. I would not take all these islands, including Yap, if they would give them to me, and I think everybody is going to acquiesce in the treaty. There is no objection on the part of the people; but if we wanted to be real technical, I do not believe that Japan has any authority to grant us any of the rights that she has granted in this treaty. I suppose that those who do have the authority are going to acquiesce in it; and, if they do, whatever title there is will probably be good.

Mr. UNDERWOOD. Of course, somebody has to exercise the authority. Japan is exercising sovereignty and has the right to say, "You can build a railroad; you can put in docks and wharves," and she certainly can say, "You can land a cable." I agree with the Senator, however; I do not think there is anything very material here except a cable landing.

Mr. PITTMAN. Mr. President—

Mr. UNDERWOOD. I yield to the Senator from Nevada.

Mr. PITTMAN. Let me call attention to a few dates. I want the attention also of the Senator from Nebraska.

On May 1, 1919, the supreme council was in session. The minutes of the council show that. At that meeting, under the provisions of article 118 of the Versailles treaty, the representatives of the allied and associated powers were in session for the purpose of allocating the mandates. The question of the allocation of the German islands north of the Equator was then under consideration. The minutes of that meeting disclose the fact that the President of the United States was not opposed to the allocation of those islands to Japan under a mandate, with the exception of the island of Yap; and, according to those minutes, it was then agreed, on May 1, 1919, that for the time being the island of Yap should be excluded from those mandates.

On May 19 following the minutes of the supreme council disclose the fact that the islands formerly owned by Germany north of the Equator were allocated to Japan under a mandate, subject to the action of the council.

It is evident from the correspondence with the allied powers that on May 19 they either simply forgot to exclude the island of Yap or the minutes fail to show it; but, in any event, it is evident that a mutual mistake was made on the 19th of May, two weeks following the exclusion of the island of Yap. Great Britain and France do not deny that; but they have answered our Government and simply said to us, as you will see from the notes, that they are sorry that a misunderstanding took place, and that we should now look to Japan to correct it.

There is one thing that is a fact, and that is that the United States was recognized at that time as having a right to participate in the allocation of those mandates. There is no doubt of that. It was recognized by the other powers.

Let us say, for instance, that the President did agree that the island of Yap should go with the other islands in the mandate. As the President himself says, at that time the terms of the mandate were not disclosed; and this country, if it was recognized as having the authority to join in the allocation of the mandate, certainly had the implied authority to join in the terms of the mandate. It was understood in May with regard to all of these German islands that while they were going to be allocated to Japan, the particular terms of the mandate should be considered later, and that the United States should be a participant in that consideration; but it was not a participant in that consideration. It knew nothing about the terms of the mandate until the Council of the League of Nations had ratified it; and from that time on the former administration and the present administration have protested that that mandate could not exist without the United States concurring in its terms. Japan knows that that mandate is not worth the paper it is written on, or Japan would not be here to-day seeking to have us ratify it.

We should grant a mandate to Japan. It should be a trust; but the terms of that trust should be agreed to by the United States, and they never have been agreed to. If, however, we agree to this treaty, then we agree to the terms of the mandate that both administrations have protested against since the very time it was first published.

Mr. UNDERWOOD. Mr. President, I am glad to have my friend make his statement, but I do not think it affects this situation one particle—not a particle—because the treaty of Versailles was signed on the 28th day of June, 1919, and while I have no doubt at all that the conversations and memoranda to which the Senator is referring are all true, they were merely the preliminary understandings in the process of making a treaty. The Senator knows as well as I do that, although those preliminary notes might be used in the interpretation of the treaty, they could not be used in contravention of the treaty; and although at the time he refers to, in May of 1919, the allied and associated powers were probably considering putting the mandates of this territory into the treaty of Versailles as a direct treaty provision, subsequently they provided for a mandate under a League of Nations; so that anything that occurred before the 20th day of June does not affect the situation a particle.

There is no dispute about Mr. Wilson's position. I know it. I agree with the Senator. Mr. Wilson wanted this island internationalized, and that is the only thing he cared about or anybody else cared about. There is nothing to the proposition. He wanted it internationalized to protect our own people. I do not care anything about the reasons that are given in this treaty as to why the Secretary of State had approached the subject. I admit that he has approached the consideration of the subject from a different standpoint than I do; but he has secured from Japan the identical thing that President Wilson contended we were entitled to have. What do we care about the mandates of the other islands? We once refused the title to them. They are not important to us. We would not take the burden now if it were offered to us, either the direct sovereignty or the mandatory rights over them.

Mr. PITTMAN. Have we the right to erect aerial transmission lines on the island of Yap under this treaty?

Mr. UNDERWOOD. So I understand.

Mr. PITTMAN. The treaty does not so read. It expressly states that we shall not do so so long as Japan conducts a radio station there, and she has one there now.

Mr. UNDERWOOD. That is a side question, not of any very great moment, but I will tell the Senator what my viewpoint is about it. I do not regard it as of moment, and I will tell the Senator why. We are given the right to establish radio telegraph stations on the island of Yap whenever we think the Japanese Government is not giving us adequate service. As there is no limitation on the term "adequate service," of course we have the right to determine that ourselves, and nobody else has. As I say, however, it is utterly unimportant, and I will explain to the Senator in a moment why it is.

What we wanted was a cable station. That is important, because we must have a landing place to start on with that cable to China, and that is of real commercial value. I suppose they put in the treaty the right about a cable station on the island of Yap because we were preserving our rights. We have a cable station now in China, within a few hundred miles of this island of Yap. We have radio stations on the Pacific coast that throw their radio messages clear across the Pacific. We do not have to relay them. It would be an utterly useless waste of money for the Government of the United States to build a radio station on the island of Yap, because there is no commerce to be

gotten there. I do not remember the number of people living there, but it is only a few hundred.

Mr. KING. Eight thousand.

Mr. UNDERWOOD. Eight thousand. They are ignorant people, poor people, without any commerce; certainly not the class of people to send radio messages. The only purpose in the world that a radio station could accomplish there would be to notify our naval vessels, all of which can be done from the radio station in China right now.

Mr. PITTMAN. Then why does Japan expressly prohibit us from building a radio station there as long as she is maintaining one?

Mr. UNDERWOOD. I do not construe the treaty in that way. My friend from Nevada puts upon it a different construction from mine. My construction is that we have the right to build a radio station, but we say to Japan that we will not do it as long as she gives us satisfactory service.

Mr. PITTMAN. This is the language:

Provided, however, That so long as the Government of Japan shall maintain on the island of Yap an adequate radio-telegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radio-telegraphic stations on the island by the United States or its nationals shall be suspended.

Mr. UNDERWOOD. In other words, we say that, but who is to determine it? The United States is, of course.

Mr. PITTMAN. What would be the result if there were a protest against the Japanese communications with the Orient, as there have been for several months, and we should start to build on that island? Would it not be a source of trouble from the very beginning?

Mr. UNDERWOOD. No; I have not a doubt in the world that Japan construes that treaty as all treaties are construed. The determination of the event is not fixed in the treaty. When it is for the right or benefit of one of the parties, the parties to it determine it. As they grant us the right to erect a radio station, we would have the perfect right to determine when that event should take place. There is no doubt in my mind about that. I realize that the Senator does not agree with me about it.

Mr. PITTMAN. Does not the Senator think these things should be definite and that where there is a probable cause of dispute somebody should be designated to settle that dispute and determine it?

Mr. UNDERWOOD. I think the best way, in this case of the building of a radio station, is to leave it as it is—that is, that the United States Government determine it for itself. But it is not important. It evidently was put in there to retain a right. It is absolutely unimportant.

Mr. PITTMAN. If we want to land additional cables on that island, how are we to get a landing site?

Mr. UNDERWOOD. As I understand this treaty, we are entitled, if the treaty means anything at all, to land our cables, to acquire a site even by condemnation, and the Japanese Government agrees to recognize that power. It is to have the entire control and possession of the territory, but we are to decide where our cables are landed and where we carry on our operations, without let or hindrance from anybody.

Mr. PITTMAN. I read it very much as the Senator does, with this exception. Japan is not required to use her power of expropriation to get us the landing sites, except as "shall be arranged between the two Governments according to the requirements of each case." If Japan disagrees with us with regard to the decision we make as to where the cables shall be landed, then she is not under obligation to use the power of condemnation.

Mr. OVERMAN. In what position will we be if we do not ratify this treaty? If we had to make another treaty with Japan, Japan being in possession, in what position would we be?

Mr. UNDERWOOD. That is what I was coming to. I was about to complete my argument. There is nothing in what I have to say about this treaty, unless I am right about the matter, that these German overseas possessions were conveyed to the allied and associated powers as trustees, and that under that trusteeship the only powers who accepted the trusteeship, acting under it, gave the mandate to Japan, who has been in possession since she took them away from Germany. We are not going to war to oust her. We do not confirm her title by signing this treaty, because she already has a title we are not going to interfere with, and do not want to. I have not a doubt in the world that if somebody tried to force us to take these little islands which dot the Pacific, and govern them, we would refuse to do it.

As my friend from Nevada said, Mr. Wilson, when President of the United States, indicated his desire that this island of Yap should be internationalized, so that we could use it for the

landing of a cable which we owned. The other powers expressed their regret that they had overlooked that wish, but said, "We have already mandated these islands to Japan, and you must go to Japan to get what you want."

Our Government, through the Secretary of State, went to the Government of Japan, and Japan grants us all we ask and all we need with reference to the landing of this cable. There is nothing else in the treaty, in my judgment.

If we reject the treaty, we will have a loose cable out in the Pacific. I believe its end is still on the island of Yap, but I think it could be ordered off if we do not ratify this treaty, and we certainly would not have any right to connect it up with a cable connecting with China, as we want to do. We certainly have no right in the world to do that, unless we ratify this treaty.

Mr. PITTMAN. We have a right to build from China to Yap, have we not?

Mr. UNDERWOOD. We have no rights except under this treaty.

Mr. PITTMAN. Of course, if the Senator is going to put us in the position of a suppliant to Japan, then everything he says is true. I have read all the arguments I could find in favor of Japan, but I have never heard the argument the Senator is making to-day, that Japan owns this island and that we have to beg her for some rights. Let me read what the former President of the United States said, through his Secretary of State, in regard to that, because the Senator has been agreeing with the former President so far. President Wilson, through his Secretary of State, on February 21, 1921, in his address to the Council of the League of Nations, said:

While this Government has never assented to the inclusion of the island of Yap in the proposed mandate to Japan, it may be pointed out that even if one or more of the other principal allied and associated powers were under a misapprehension as to the inclusion of this island in the reported decision on May 7, 1919, nevertheless the notes above mentioned of the Government of the United States make clear the position of this Government in the matter.

At the time when the several notes were addressed to the respective Governments above mentioned a final agreement had not been reached as to the terms and allocation of mandates covering the former German islands in the Pacific.

Therefore the position taken in the matter by the President on behalf of this Government, and clearly set forth in the notes referred to, necessarily had the result of effectively withdrawing any suggestion or implication of asset, mistakenly imputed to this Government, long before December 17, 1920, the date of the council's meeting at Geneva.

As one of the principal allied and associated powers, the United States has an equal concern and an inseparable interest with the other principal allied and associated powers in the overseas possessions of Germany, and concededly an equal voice in their disposition, which it is respectfully submitted can not be undertaken or effectuated without its assent. The Government of the United States therefore respectfully states that it can not regard itself as bound by the terms and provisions of said mandate and desires to record its protest against the reported decision of December 17 last of the Council of the League of Nations in relation thereto, and at the same time to request that the council, having obviously acted under a misapprehension of the facts, should reopen the question for the further consideration which the proper settlement of it clearly requires.

Mr. UNDERWOOD. From what is the Senator reading?

Mr. PITTMAN. I am reading from Mr. Colby's note to the Council of the League of Nations under date of February 21, 1921, setting forth the position of the President of the United States. In the face of that position, taken by our former administration and by the President of the party to which the Senator then belonged and now belongs, the Senator stands upon the floor of the Senate and says, "All that I see is that Japan yields the United States certain rights."

Mr. UNDERWOOD. That is all I do see, and I do not think there is any doubt about it. The Senator says I am putting the United States in the position of going and begging this from Japan. Did we beg anything from Great Britain when we asked certain concessions in the northern Atlantic in the way of rights to our fishermen to get bait and supplies, which were granted by treaty rights, and which we insisted on for many years? Do other powers, when they want certain commercial concessions in the United States, beg for them? No; they ask for them, and they get them as a matter of comity between nations. Mr. Colby is entitled to his viewpoint, but it was only Mr. Colby's viewpoint.

Mr. PITTMAN. Was it not the President's viewpoint, too?

Mr. UNDERWOOD. I do not know whether it was the President's viewpoint or not. That is something about which I am not informed.

Mr. PITTMAN. He certainly said that it was.

Mr. UNDERWOOD. He had to make that statement, as he was speaking as the head of the Government. It was Colby's viewpoint. I say that any man who looks at this treaty can come to but one conclusion, in my judgment, if he takes the ordinary rules of interpretation, and that is that the title passed according to the terms of the treaty, not on what somebody said on the inside or the outside, but according to the terms.

The title to these German possessions was conveyed as a sacred trust, to be administered by the League of Nations, and under that administration the title has been conveyed to Japan, and the declaration of this treaty does not strengthen or weaken the title of Japan one bit. We give Japan nothing; and that is susceptible of proof. If we decline to ratify this treaty, will Japan still continue to exercise the mandate over these islands or not?

Mr. PITTMAN. That is exactly the question. There is only one thing I see in the whole argument, and that is fear, nothing but fear. You are afraid not to accept what Japan offers for fear you could not get more unless you had trouble. That is the whole argument.

Mr. UNDERWOOD. Of course, I know my friend comes from Nevada, and the idea on the Pacific coast has always been that there was danger from Japan, and I am not critical of that. Probably, if I lived there, I would have the same apprehension; but that is a purely local viewpoint. The balance of the people of the United States have not been apprehensive we were going to war with Japan all the time, and that anything we did would involve us in hostilities with Japan. I regret that this treaty should be considered from that standpoint, because if it is considered from that standpoint by all Senators they will reject it, of course.

Mr. PITTMAN. Mr. President, by remaining silent I do not want the Senator to think I am committed to the proposition that I am arguing this question as I do because of fear of the Japanese Government or by reason of prejudice against the Japanese people. I do not think there is anything in my argument so far which has indicated that. There is only one thing we are afraid of in regard to the Japanese people, and that is we are afraid they think we are afraid. We are afraid also to have any contract between the two peoples that is not extremely definite, because of the inability of the Japanese people sometimes to understand agreements unless they are very definite.

Mr. UNDERWOOD. Of course, I think all international agreements should be very definite. If they are not, they are likely to cause trouble.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. I yield.

Mr. SIMMONS. A little while ago the Senator had reached a point in his argument which I think is probably the most important question connected with this whole matter; that is, as to what we are to get from Japan under this treaty. The Senator said that the treaty granted us everything we wanted, everything we had asked for, everything that it was valuable for us to have in connection with the island of Yap, namely, the right to establish there radio stations.

Mr. UNDERWOOD. The main right is the right of cable communication.

Mr. SIMMONS. Well, cable communication and radiotelegraphic stations. The Senator is correct in his statement that the treaty grants that right in express terms, but the treaty then proceeds to qualify that grant. It imposes limitations upon that grant. It imposes conditions in the nature of a defeasance. Unless those conditions occur the right to erect a radio station would not exist under the treaty.

Mr. UNDERWOOD. I suppose the Senator was not in the Chamber when I was discussing that question with the Senator from Nevada.

Mr. SIMMONS. Yes; I was here, and that is the reason why I am asking the Senator the question. I am making these preliminary statements in order to make my position clear. I am apprehensive that the condition of defeasance provided in the treaty is so broad and so obscure that it may practically render the grant of the right nugatory and of no value. The Senator has read the condition, but I want to read it to make my question clear. After granting the United States this right there follows this proviso:

Provided, however, That so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraph station co-operating effectively * * * the right to establish a radiotelegraphic station on the island by the United States or its nationals shall be suspended.

Now, the Senator knows very well that a remedy without a means of enforcement is no remedy at all. A right without a means of enforcement is no right at all. The Senator says that the United States under this proviso has the sole and exclusive right, if I understand him, to determine the question whether Japan is maintaining an adequate radiotelegraph station. If the Senator is right about that, then, of course, there is nothing in what I am saying; but is the Senator right about that?

If the language used had been "so long as the Government of Japan shall maintain on the island of Yap a satisfactory radiotelegraph station," then undoubtedly the United States would have been the sole judge as to whether that station afforded adequate facilities; but where it uses the words "so long as Japan shall maintain an adequate radiotelegraphic station," I think it leaves it very doubtful as to whether the United States would have the right to determine, according to its own judgment, the question whether the station maintained by Japan was adequate or not.

Mr. UNDERWOOD. Is the Senator ready for me to answer his question?

Mr. SIMMONS. If it had been intended that the United States should settle this question for itself, it seems to me it ought to have stated it. It would have been very easy for it to have been stated or to have been made clear by using the word "satisfactory"; but it does not use the word "satisfactory"; it uses the word "adequate" referring to the radiotelegraphic station. Who is to determine whether it is adequate or not? The Senator says the United States. I hope he is correct. I am inclined to think he is not correct. If the Senator is correct, then who is to decide that question? Japan and the United States in conference? If that is the way of deciding it, then there must be mutual assent that the radiotelegraph station is inadequate.

Can it be said that it is the five powers who are to determine it? It can not be the five powers, because they have nothing to do with the treaty. This is a treaty exclusively between Japan and the United States. It seems to me that the Senator, while he has expressed himself with great positiveness about this matter, ought probably to look more closely into that question, because it is a very important question as to whether Japan and the United States must jointly agree that it is inadequate, or whether the United States may determine that it is inadequate, or whether Japan may itself determine that it is inadequate.

Mr. UNDERWOOD. I shall be glad to answer the Senator's question, though I do not like to interrupt him.

Mr. SIMMONS. I have not interrupted the Senator in any captious spirit. I am really troubled about it.

Mr. UNDERWOOD. I understand.

Mr. SIMMONS. I am really troubled about it. I think it is a very serious question. I was a little disappointed when the Senator dismissed it a little while ago simply by the ipse dixit of his own reference to it.

Mr. UNDERWOOD. I am glad to yield to the Senator. I have held the floor much longer than I intended or wanted to hold it, because I have yielded to my brother Senators so frequently. I wish to conclude now, as I desire to yield the floor, but I am glad to make my answer to the Senator on this question.

In the first place, as I said, I wish the Senator to understand that I do not regard the radio provision as of any real value, as we have a radio station in China, we have one in Hawaii, and we have one in the Pacific.

Mr. SIMMONS. Pardon me; if this is of no value, then what is there in the treaty that is of any value?

Mr. UNDERWOOD. It is the cable landing which is of great commercial value. I do not regard this of any real value, but that is not an answer to the Senator's question.

If I understand the English language, I think this clause answers itself very clearly. It reads:

Provided, however, That so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

When it says "adequate," does it mean adequate for China, Great Britain, or France? Certainly not. When the question is whether it is adequate or not, and the suspension of our building a station depends on the adequacy of the service, it could not possibly mean adequacy of service to the five powers. Could it mean adequacy of service to Japan? No. It can not mean Japan, because Japan will regulate the question of adequacy of her own service to herself. When it uses the term "adequacy of service," it can not mean anything else but adequacy of service to the nationals and Government of the United States.

Mr. SIMMONS. Undoubtedly.

Mr. UNDERWOOD. Then, if it is adequacy of service to the people of the United States or to our Government, how could Japan determine whether we were getting adequate service? How could she know whether we were getting adequate service? There would be no way in which Japan could ascertain whether we were getting—

Mr. SIMMONS. But suppose that—

Mr. UNDERWOOD. Will the Senator please allow me to answer his argument?

Mr. SIMMONS. I shall be glad to do so, of course.

Mr. UNDERWOOD. How could Japan know we were not getting adequate service unless we notified her? Therefore, the determination whether the service is adequate or not, according to the terms of the treaty, must rest within the United States. It leaves us, when we say the service is not adequate, to take action ourselves. It seems to me it is just as clear and just as plain as human language can make it.

Mr. SIMMONS. Undoubtedly the word "adequacy" there refers to adequate service to the United States. There can be no question about it. Undoubtedly the Senator is right that the United States would be the party that would make complaint, but when the United States makes the complaint that the service is not adequate Japan may answer, "You are mistaken, the service is adequate." Who is to settle that question?

Mr. UNDERWOOD. Oh, well, of course, Japan first agreed with us that if the service is not adequate we can build our own station, so all we have to do is to go and build a station according to contract, and that ends it unless Japan repudiates her contract, and that I do not assume she will do.

Mr. SIMMONS. Japan provides that we shall not build these stations if the service is adequate—

Mr. UNDERWOOD. Oh, no.

Mr. SIMMONS. The right to build is suspended.

Mr. UNDERWOOD. Oh, no.

Mr. SIMMONS. Oh, the Senator is mistaken.

Mr. UNDERWOOD. Japan does not provide it. We have agreed, and that is what makes it so clear. We have been granted the right, and we agree that we will suspend our right as long as we get adequate service.

Mr. SIMMONS. No; Japan has granted us a right. Japan has conferred upon us a right, and we recognize Japan's right to control the matter.

Mr. UNDERWOOD. Oh, no.

Mr. SIMMONS. Yes. The treaty recognizes Japan's right to control the matter because we are accepting a favor from Japan with reference to this. In other words, we are accepting at the hands of Japan the right, first, to build the radiotelegraphic station. Japan, who grants us that right, attaches a condition to it, and the condition is that as long as she furnishes us adequate facilities and does not discriminate, the right she has granted is suspended. Japan certainly has as much right to determine whether she has complied with her promise as we have to determine whether she has failed to comply with her promise. In that condition of things there must be some authority or tribunal outside of these two disputants to determine as to which is right about it, whether Japan has complied with her promise to give us adequate service, or whether she has failed to comply with her promise to give us adequate service.

Mr. UNDERWOOD. I do not agree. If the Senator will allow me to conclude, I shall be glad to yield the floor to him.

Mr. SIMMONS. I will not interrupt the Senator any further.

Mr. UNDERWOOD. If I make a contract with the Senator to sell him a barrel of apples and he has to carry them off I think he has a right to come and get them from my store or place of business whenever he gets ready. He has the determination as to when he will come and get the apples, and not myself.

Japan agrees here to grant us a right. We agree to suspend the right as long as a certain thing takes place—that is, the granting of adequate service. It is as clear to my mind as the sound of a bell that when the right has been granted and we agree to the suspension the control of the suspension is not in the hands of Japan but with us. We have a right to exercise and enforce our right whenever we determine that we are not getting adequate service. Although I had nothing to do with the making of this treaty, I have no doubt that that is the full understanding of those who negotiated it. However, I do not regard the radio proposition as of any importance whatever except as a mere claim of right, because our radio sparks jump around the world, and, in my judgment, it would be a waste of money for us to erect a radio station on Yap when we have one in China, a few hundred miles away. If we are going to erect a radio station in that neighborhood we had better put it on our own soil in the Philippines.

The single thing in this treaty which is of any value is the right to control a landing for a cable which belongs to us. If we reject the treaty we lose that right, and if we ratify the treaty we secure that right. In my judgment, that is all there is in the treaty.

Mr. JOHNSON obtained the floor.

Mr. NEW. I suggest the absence of a quorum.

Mr. JOHNSON. I ask the Senator to not make that suggestion. I desire to proceed.

Mr. NEW. Very well.

Mr. FRANCE. Mr. President, I understood the Senator from Indiana did suggest the absence of a quorum.

Mr. JOHNSON. Pardon me. I do not yield.

Mr. President, I do not propose to indulge in any extended answer to the very interesting and rather bizarre argument that has been presented by the Senator from Alabama. It is rather too late, in my opinion, sir, at this time to repudiate the action of two administrations and two Secretaries of State. Not only is it too late to repudiate what two administrations have done, but, after all, the source of the title or the source of the rights of either Japan or our country is exactly the same. The source of Japan's rights is no better, no higher, than is ours. Both arise from the same circumstances; and a realization of that fact will demonstrate very readily the vice of the argument that has been indulged in by the Senator from Alabama.

I am glad, Mr. President, that we may discuss this little treaty without being subjected to the epithets or the stinging adjectives that come to us from some of the advocates of peace and disarmament. We are permitted in the case of this treaty, I assume, because it is no part of the work of the disarmament conference, because it is wholly unconnected with what was done by our representatives there, to proceed with its discussion in the usual and orderly fashion, without being subjected to what we shall be subjected to, doubtless, in the future when we come to discuss the new quadruple alliance. I am glad that it is announced by the leader upon the Republican side and by the leader upon the Democratic side as well that this treaty had naught to do with the disarmament conference; that our delegates did not in any degree negotiate it; that it is, indeed, apart from the work which recently has been done in the city of Washington and is substantially unconnected with it.

The treaty, perhaps, Mr. President, is inconsequential. I do not care much for the island of Yap, and I presume that there are very few others in our country who care much for that particular isle. The treaty is inconsequential in nearly every aspect to me, but it has one aspect of importance, and because it has that one aspect of importance, and because it is the prelude, it is the dismal prologue to what will come to us within a very few days, I want, in the interest of historical accuracy, of intellectual clarity, perhaps of intellectual honesty, to review the facts.

It is important to us, Mr. President, because this treaty is the initial bluff and the first surrender, and, being the initial bluff and the first surrender, though it be inconsequential, and though we might in our generosity and the consciousness of the rectitude of our intentions and our strength pass it by, yet we ought to know just exactly what it portends and just exactly what the facts are that lead up to it.

It is useless here to discuss sources of title, whether arising from the treaty of Versailles or arising out of the action of the council of four during their activities just prior to the ratification of the treaty of Versailles. It is useless for us to divide a hair twixt the north and the northwest side in talking of what the rights are, or were, under any of the decisions that were rendered either by the council of four, by the League of Nations, or under the Versailles treaty.

Japan acquired these islands, Mr. President—and the ugly truth must be faced—because Japan made secret agreements for the spoil of the Pacific Ocean just before we entered the great World War. Without those secret agreements which then were made and which the nations that were parties to the war believed it was their duty to carry out, there would not be any dispute to-day here over the isle of Yap or over any of the mandated islands of the Pacific Ocean. So let us dismiss the attenuated technicality as to whether or not we have one source of title and Japan another; whether Japan has a superior right and we an inferior right; whether, indeed, from the council of four or whether from the League of Nations a mandate in behalf of civilization has been accorded. All that may be of one kind or the other; but the ugly fact faces us, nevertheless, that Japan gets the island of Yap and Japan gets the other mandated isles in the Pacific Ocean, not because of a legitimate title, or of a legitimate determination, but she gets those islands because of a stealthy piece of duplicity in the matter of secret agreements that were entered into just prior to the time when we became a party to the war.

You recall, Mr. President, that just before we went into the World War these secret agreements were made; you recall that Japan had been a party to the war for some years prior to that time. You remember that along in the early part of 1917 Japan addressed communications to the other nations with which she was allied, and you recall the replies that were made to Japan's

request. You remember that this occurred just prior to our entry into the war, and when it was known the world over that it was more than likely—indeed, quite practically certain—that we were about to enter into the war. You recall, Mr. President, the peculiar wording of the communications which passed between Japan and Great Britain in relation to the isles of the Pacific. Oh, yes, Mr. President, Japan founds her title upon the holy League of Nations; Japan has her rights under the supreme council of the four powers, she asserts. Oh, yes, Mr. President, she insists that she derives from this concert that was in behalf of the fatherhood of God and the brotherhood of man her title to the isles of the Pacific; but, after all, her real title, the real reason that she was given the isles in the Pacific, rests upon the agreements made in secrecy in 1917, and the agreements then entered into in secrecy were concealed from the Secretary of State of the United States and from the President of the United States and from the United States Government.

There is no chapter in history, Mr. President, that has to me such elements of tragedy and of humor as well as the secret dealing and those secret bargains, and in order that our record may show it, let me read the last communications which passed between the British Embassy on the one hand and the Japanese Government on the other. There is a naiveness about it that may cause a smile while arousing our indignation. The British ambassador, after the approaches had first been made by the Japanese, wrote to the Japanese minister of foreign affairs on February 16, 1917, as follows:

With reference to the subject of our conversation of the 27th ultimo, when your excellency informed me of the desire of the Imperial Government to receive an assurance that on the occasion of a peace conference of His Britannic Majesty's Government will support the claims of Japan in regard to the disposal of Germany's rights in Shantung and possessions in the islands north of the Equator, I have the honor, under instructions received from His Britannic Majesty's principal secretary of state for foreign affairs, to communicate to you the following message from His Britannic Majesty's Government:

"His Britannic Majesty's Government accede with pleasure to the request of the Japanese Government for an assurance that they will support Japan's claims in regard to the disposal of Germany's right in Shantung and possessions in the islands north of the Equator on the occasion of the peace conference, it being understood that the Japanese Government will in the eventual peace settlement treat in the same spirit Great Britain's claims to the German islands south of the Equator."

Then, on the 21st of February, 1917; the Japanese Government replied to this communication. This was sent a month and a half prior to our entry into the war. Obvious it was that we were going to become a part of this world conflict. Japan had been in the war for two and a half years. Our interest, we have recently been told repeatedly, lies in the Pacific Ocean; Japan's interest, we have recently been told again and again, lies in the Pacific Ocean; and just as we are about to become a part of the World War upon the side of Japan and Great Britain and France, Japan, France, Great Britain, and Italy arranged, Mr. President, for the disposition of the spoils situated in the Pacific Ocean that shall be derived from the war.

They dispose of it in these charming notes. Japan says in substance to Britain: "We trust that when the peace settlement comes you will agree with us that we shall have the islands north of the Equator." Britain in substance replies: "Why, certainly; we are delighted to accede to the request of Japan, of course Japan acceding to our request for the islands south of the Equator." Just after that, Mr. President, we saw here upon the dais, at the very chair that you, sir, occupy, the representative of Great Britain, the representative of Japan, the representative of France, the representative of Italy. We listened to their eloquent words. We learned how they were fighting this war just as we were, without hope of territory, without the desire to subjugate peoples, wishing only to preserve the world safe for democracy, and to aid in civilization's great struggle, all of them telling us then of their views just as we were stating ours, and not one of them, sir, saying to our President or our Secretary of State that already they had divided up the peoples of the earth and every particle of spoil and booty which might come out of the war.

Mr. President, it is well for us to remind ourselves of these things at this time. It is well that we should not forget them, because we are asked to do some things now upon the theory that we should never have a thought except that which may be given to us, and that the independent judgment which the Senate under the Constitution should exercise should be yielded without information, for that is denied us; without knowledge, for we have not it; but that it all shall be yielded to a superior wisdom and a superior judgment.

A man fooled once, Mr. President, may not blame himself; but if he be fooled a second time, under like circumstances, the blame entirely rests with him.

I am not speaking with undue suspicion to-day. I am not speaking with the desire of harrowing up the sacred feelings that some of our colleagues insist are theirs, and that we lack.

I am not speaking to-day, Mr. President, with the design of arousing prejudices, or even voicing prejudices of my own. I am speaking from the historical standpoint of what has occurred in the past, because from what has occurred in the past we may better know what to do in the present, and we may determine in a measure what we ought to do in the future.

Of course, it will be useless for anyone, in recalling what has happened, to insist that he does it with a desire that there may be adequate information for present or for future action. I realize, Mr. President, the penalty that a man pays to-day in this body, or in any political party, for independence. I realize to-day that in this body it is almost an impossibility for one to stand his ground for what he believes to be right without meeting with that sort of condemnation, with those epithets and those adjectives with which we have become familiar in the past, and that now are again being heaped upon individuals who hold views honestly varying from the views of those who may be in power.

Mr. President, I recall these historical incidents so that we may understand, and so that we may not forget what has happened in the past in dealing with what may happen in the next few days in this body.

Japan, therefore, I repeat, received these islands, not because Japan had a right to the islands, but because secretly the spoil in the Pacific was agreed upon by the various belligerents in the war. I pass, Mr. President, the various notes that were part of the negotiations with the other countries. It is unnecessary to deal with them; but the character of the negotiations, the actuating motives, are demonstrated by the two notes I have read, passing between Great Britain and Japan.

There is the genesis of the isles of the Pacific so far as Japan's rights or title may be concerned.

What are these islands? We have heard to-day, we heard from the leader upon the Republican side that they are of no consequence and of no importance. We have heard it stated that we abandoned them when we had an opportunity of taking them; that we do not care for them now, and that neither to us nor to any other nation do they possess any consequence at all. That may be so; I do not deny it; but I recall, Mr. President, that when we were before the President of the United States discussing the League of Nations there was one all-important subject upon which the leader on the Republican side interrogated Mr. Wilson, and that one all-important subject was the island of Yap. If my memory serves me correctly, sir, in all the world controversies that then existed, with all the matters of supreme consequence then impending, there was just one concerning which the leader upon the Republican side asked the President, and that was the island of Yap.

Unimportant these islands may be. They were of sufficient importance, Mr. President, to have the Empire of Japan secretly dicker for them just before we entered into the war. They may be all that the Senator from Alabama describes, or all that the Senator from Massachusetts said; they may be of such a character that we do not want to deal with them at all; but they were of sufficient value economically, they were of sufficient importance from the military standpoint for Japan to make them the basis of the secret agreements, and for England to exchange them for the islands south of the Equator; and they were of sufficient importance and sufficient consequence to have all of the allied powers stealthily conceal from us that they had bargained regarding them.

Mr. President, these islands consist of three groups—the Caroline Islands, the Marshall Islands, the Ladrões. I realize that our distinguished leader says "Ladrões," but I do not know exactly the authority for that pronunciation. The Caroline Islands have an area of about 560 square miles. My information is derived from the encyclopedias, and, of course, I assume it to be correct. They embrace 525 islands or islets. Their population is about 55,000. Their commerce formerly, of course, was mostly in the hands of the German Jaluit Co., which had stations on every important island.

In 1885 the German flag was raised over Yap. The dispute was submitted to the Pope as arbitrator. There must be some importance somewhere to these islands. As I shall show you later, two administrations deemed that some importance attached to them. In 1885 the Germans hoisted the German flag over Yap and the dispute following with Spain, the Pope was selected as arbitrator. He decided in favor of Spain, reserving special trade privileges to Germany. In 1899 Germany purchased for \$3,300,000 the Caroline and the Pelew Islands, and all of the Ladrões but Guam.

The Marshall Islands have an area of about 154 square miles. Copra is the only commercial product. These islands were in possession of Germany from 1885 until the World War. The population in 1913 was estimated at 16,000.

The Ladrões consist of a group of 16 islands north of the Carolines, 1,500 miles east of the Philippines. Their area is about 250 square miles. They produce rice, sugar, maize, indigo, coffee, and tobacco. Their chief inhabitants, singularly enough, are settlers from Mexico and the Philippines, too. All except Guam were sold to Germany in 1899. Their estimated population is 15,000. Mr. President, these are the islands that are affected by this treaty. This treaty is a misnomer. This is not a treaty relating to Yap. This is a treaty confirming the Japanese title, under the secret agreements, to the isles of the Pacific north of the Equator. That is what this treaty is. Later I shall come to this boon that it is said we receive; but, sirs, in the first analysis of this treaty, bear in mind that under article 1 we confirm Japan in whatever title or rights, if you will—call it by whatever name you wish—we confirm Japan in whatever rights or title she may have in the islands north of the Equator that were accorded under the various mandates. That is article 1 of the treaty. Read it:

Subject to the provisions of the present convention, the United States consents to the administration by Japan, pursuant to the aforesaid mandate, of all the former German islands in the Pacific Ocean lying north of the Equator.

You say that we do not want them, and that we do not care for them, and that they are of no importance and of no value. They are a condition precedent, even in this so-called Yap treaty, to according us a right for a station for cables upon the island of Yap.

Yesterday there was a very illuminating part of the story of Ray Stannard Baker in the New York Times. It dealt, singularly enough at this particular period, with secret treaties. It was very interesting, because it showed what secret treaties were, and it showed, too, what all of us were familiar with, what President Wilson's position had been regarding secret treaties.

So that Senators may understand something of what these secret agreements were, I want to read just one extract relating to Serbia, and the secret treaty which dealt with that country. Serbia was our ally during the war, and therefore I present this portion of the particular article. Said the writer:

It would be impossible, for example, to understand the situation under which such small nations as Serbia and Rumania came into the conference, and the attitude, the duplicities of the great powers toward them, without knowing fully of the existence of the secret treaty with Rumania and of the manner in which it had been concealed even from Serbia, an ally then fighting to the limit of its ability against the Central Empires, and whose interests were directly affected by that treaty. Consider this colloquy, exhibiting one of the most shameless acts of the entire war, which took place in council of 10 soon after the conference opened (secret minutes, Jan. 31, 1919).

I pause, Mr. President, to suggest to the Senate that when the treaty of Versailles was under consideration request was made for all of the information concerning that treaty, and all of the minutes in relation to the activities of the various representatives assembled at Versailles. It seems to me I recall that we were denied the minutes, or perhaps it was said that there were no minutes of the meetings of the representatives of the powers. At any rate, the information was denied. I read with some astonishment now that a distinguished journalist is publishing what he designates the secret minutes of the proceedings of the meeting of the representatives of the powers who were assembled in France during the making of the treaty.

I recall, Mr. President, that the other day we asked for information concerning the four-power treaty. I recall that the information was denied us, and somewhat testily I was told that treaties could not be made by having a stenographer ever at the elbows of the negotiators, and that it would be an impossibility for negotiators ever to reach a conclusion if what they did was made a matter of record and kept for future consideration. Yet, Mr. President, we find 900 pages of the minutes of the meetings when the treaties were negotiated which are now being submitted to us, and we find the care with which we are told, and with which an anxious and an expectant posterity may read, the peculiar things which were said concerning those treaties.

We see in these minutes that carefully it has been preserved that Mr. So-and-so has said that the sentiments of the right honorable gentlemen do him infinite credit, and are a tribute to the lofty purposes which actuate his noble country. We can read that in the minutes, carefully preserved. We can read Mr. Root's words that there was an old nursery rhyme "leg after leg the dog went to Dover," and we and those who follow us can regale ourselves with gems like these in relation to unimportant treaties meticulously preserved by minutes, and not a single, solitary thing, unfortunately, has been preserved by minutes or written record of the four-power treaty, at least nothing that we can have.

I am sure there can not happen again such a singular instance as we observe in the publication of the serial of Mr. Baker, and that there never will be a time in the future when somebody again will reach into the strong box and publish the secret minutes of what transpired relating to the four-power treaty. That was possible in relation to the proceedings at Versailles, perhaps, but it is not possible in relation to any of the proceedings which recently transpired in Washington.

I follow now with the dialogue concerning which I read the instruction:

M. Vesnitch (the Serbian delegate) had heard with regret that the Rumanian delegation based their country's claim in part on the secret treaty of 1916. When this treaty was being negotiated, Serbia was fighting on the side of the Allies, without asking for any assurances, in the firm belief that after the war settlement would be made on the principles of justice, on the principles of the self-determination of nationalities, and in accordance with the promises of the Allies.

M. Clemenceau said that he was not aware that the treaty of 1916 had been secret.

M. Vesnitch replied that not only had the treaty never been published but that as a representative of a power fighting with the Allies, he had several times asked here in the ministry for foreign affairs to know the terms of the treaty. He had been told that the contents of the treaty could not be divulged.

M. Bratiano (the Rumanian delegate) stated that the discussion of the claims of Rumania had been begun in London in 1916, and had then been transferred to Petrograd as a place where examination of eastern questions could be more conveniently carried on, especially in regard to Serbia.

M. Pichon (the French minister of foreign affairs) then read the last paragraph of the treaty, which required the maintenance of its secrecy to the end of the war.

I am reading this merely in illustration of the fact not alone that there was this mode of disposition on the other side of the water, but that Senators may, in corroboration, have it in mind, in connection with what was done in the Pacific by Japan and her allies.

The President, Mr. Wilson, took a very firm position concerning these secret treaties. He said—

he did not know and did not feel at liberty to ask whether France and Great Britain considered the treaty (the secret treaty of London) as consistent with the principles on which the peace treaty was being based. He was at liberty to say, however, that he himself did not. To discuss the matter on the basis of the pact of London would be to adopt as a basis a secret treaty. Yet he would be bound to say to the world that we were establishing a new order in which secret treaties were precluded. * * * The pact of London was inconsistent with the general principles of the settlement. He knew perfectly well that the pact of London had been entered into in quite different circumstances, and he did not wish to criticize what had been done. But to suggest that the decision should be taken on the basis of the treaty of London would draw the United States of America into an impossible situation.

Again, he declared upon a different occasion:

As the United States of America are not bound by any of the (secret) treaties in question they are quite ready to approve a settlement on a basis of facts.

Our associates in the war conceived that they were bound by the secret treaties, and because of that conception upon their part, they gave life, indeed, to the secret treaties regarding the Pacific, and yielded to Japan, first, in the council of four, and subsequently in the later proceedings, what they termed the mandate over these islands.

Japan has stood her ground ever since. Japan has stood upon her secret agreements, first, and the awards which were made, which really followed the secret agreements, after the war had been concluded. Japan has insisted that she was entitled to the islands in the Pacific. But what has been our position during that period?

As I said in the beginning, we derived our title from the same source from which Japan derived her title. She had no more right to the islands in the Pacific than the United States had to the islands in the Pacific. Each possessed, from exactly the same source and by reason of the same set of circumstances, certain rights—call it title, if you will—to those islands which Germany had north of the Equator. Neither had a paramount or a superior right over the other, and no council of four, no League of Nations, no treaty to which we were not a party, no gathering or association which did not deal with us, could, of course, dispose of our right or our title or affect that which belonged to us, and it was that position which was taken, first by a Democratic administration, and subsequently even more forcefully by a Republican administration.

I shall not read the various communications upon the subject which demonstrate the position of our Government. I ask, however, that I may insert in the RECORD the various communications, first, by the Democratic Secretary of State, and secondly, the letter of Secretary Hughes in April, 1921, upon the same subject.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The full text of the American note to the council of the League of Nations in Paris was made public by Secretary Colby on February 24. It read as follows:

FEBRUARY 21, 1921.

To the president and members of the council of the League of Nations:

GENTLEMEN: The Government of the United States has received information that the council of the League of Nations at its meeting which is to be held in Paris on this date (February 12) proposes to consider at length the subject of mandates, including their terms, provisions, and allocation, and accordingly takes this opportunity to deliver to the council of the League of Nations a copy of its note addressed, under date of November 20, 1920, to His Excellency Lord Curzon of Kedleston, the British Secretary of State for Foreign Affairs, in which the views of the United States are quite fully set forth regarding the nature of the responsibilities of mandatory powers.

The attention of the council of the League of Nations is particularly invited to the request therein made on behalf of this Government that the draft mandate forms intended to be submitted to the League of Nations be communicated to this Government for its consideration before submission to the council of the league, in order that the council might thus have before it an expression of the opinion of the Government of the United States on the form of such mandates and a clear indication of the basis upon which the approval of this Government, which is essential to the validity of any determinations which may be reached, might be anticipated and received.

It was, furthermore, stated in said note that the establishment of the mandate principle, a new principle in international relations, and one in which the public opinion of the world is taking special interest, would seem to require the frankest discussion from all pertinent points of view, and the opinion was expressed that suitable publicity should be given to the drafts of mandates which it is the intention to submit to the council, in order that the fullest opportunity might be afforded to consider their terms in relation to the obligations assumed by the mandatory powers and the respective interests of all Governments who deem themselves concerned or affected.

A copy of this note was transmitted to the Governments of France and Italy, requesting an interpretation by each Government of the provisions of the agreement between Great Britain, Italy, and France, signed at Sevres on August 10, 1920, relating to the creation of spheres of special interest in Anatolia, in the light of this Government's note to the British Government of November 20, 1920.

A reply has thus far been received only from the French Government, in which attention is directed to article 10 of the so-called Sevres treaty, which provides in favor of nationals of third powers for all economic purposes free access to the so-called zones of special interest.

THE PACIFIC MANDATE.

This Government is also in receipt of information that the council of the League of Nations at its meeting at Geneva on December 17 last approved, among other mandates, a mandate to Japan embracing "all the former German islands situated in the Pacific Ocean and lying north of the Equator." The text of this mandate to Japan, which was received by this Government, and which, according to available information, was approved by the council, contains the following statement:

"Whereas the principals of the allied and associated powers agreed that, in accordance with article 22, part 1 (covenant of the League of Nations) of the said treaty, a mandate should be conferred upon His Majesty the Emperor of Japan to administer the said islands and have proposed that the mandate should be formulated in the following terms," etc.

The Government of the United States takes this opportunity respectfully and in the most friendly spirit to submit to the president and members of the council of the league that the statement above quoted is incorrect and is not an accurate recital of the facts.

On the contrary, the United States, which is distinctly included in the very definite and constantly used descriptive phrase "the principal allied and associated powers," has not agreed to the terms or provisions of the mandate which is embodied in this text, nor has it agreed that a mandate should be conferred upon Japan covering all the former German islands situated in the Pacific Ocean and lying north of the Equator.

The United States has never given its consent to the inclusion of the island of Yap in any proposed mandate to Japan, but, on the other hand, at the time of the discussion of a mandate covering the former German islands in the Pacific north of the Equator, and in the course of said discussion, President Wilson, acting on behalf of this Government, was particular to stipulate that the question of the disposition of the island of Yap should be reserved for future consideration.

Subsequently this Government was informed that certain of the principal allied and associated powers were under the impression that the reported decision of the supreme council, sometimes described as the council of four, taken at its meeting on May 7, 1919, included or inserted the island of Yap in the proposed mandate to Japan.

This Government, in notes addressed to the Government of Great Britain, France, Italy, and Japan, has set forth at length its contention that Yap had, in fact, been excepted from this proposed mandate and was not to be included therein. Furthermore, by direction of President Wilson, the respective Governments above mentioned were informed that the Government of the United States could not concur in the reported decision of May 7, 1919, of the supreme council.

The information was further conveyed that the reservations which had previously been made by this Government regarding the island of Yap were based on the view that the island of Yap necessarily constitutes an indispensable part of any scheme or practicable arrangement of cable communication in the Pacific, and that its free and unhampered use should not be limited or controlled by any one power.

POSITION WAS MADE CLEAR.

While this Government has never assented to the inclusion of the island of Yap in the proposed mandate to Japan, it may be pointed out that even if one or more of the other principal allied and associated powers were under a misapprehension as to the inclusion of this island in the reported decision on May 7, 1919, nevertheless the notes above mentioned of the Government of the United States make clear the position of this Government in the matter.

At the time when the several notes were addressed to the respective Governments above mentioned a final agreement had not been reached as to the terms and allocation of mandates covering the former German islands in the Pacific.

Therefore the position taken in the matter by the President on behalf of this Government, and clearly set forth in the notes referred to, necessarily had the result of effectively withdrawing any suggestion or impli-

cation of assent, mistakenly imputed to this Government, long before December 17, 1920, the date of the council's meeting at Geneva.

As one of the principal allied and associated powers, the United States has an equal concern and an inseparable interest with the other principal allied and associated powers in the overseas possessions of Germany, and concededly an equal voice in their disposition, which it is respectfully submitted can not be undertaken or effectuated without its assent. The Government of the United States therefore respectfully states that it can not regard itself as bound by the terms and provisions of said mandate and desires to record its protest against the reported decision of December 17 last of the Council of the League of Nations in relation thereto, and at the same time to request that the council, having obviously acted under a misapprehension of the facts, should reopen the question for the further consideration which the proper settlement of it clearly requires.

Accept, gentlemen, the assurance of my high consideration.

BAINBRIDGE COLBY,
Secretary of State.

[From Current History, New York Times, April, 1921, vol. 14, No. 1.]

The following is the text of the note sent to Great Britain April 6, 1921, by Secretary Hughes, which is similar to those forwarded to France, Japan, and Italy:

"With respect to the mandate to Japan, purporting to have been confirmed and defined in its terms by the supreme council of the League of Nations, of the German possessions in the Pacific Ocean lying north of the Equator, this Government deems it appropriate to state the fundamental basis of its representations and the principles which, in its view, are determinative.

"It will not be questioned that the right to dispose of the overseas possessions of Germany was acquired only through the victory of the allied and associated powers, and it is also believed that there is no disposition on the part of the British Government to deny the participation of the United States in that victory. It would seem to follow necessarily that the right accruing to the allied and associated powers through the common victory is shared by the United States, and there could be no valid or effective disposition of the overseas possessions of Germany now under consideration without the assent of the United States.

"[This Government must, therefore, point out that as the United States has never vested either the supreme council or the League of Nations with any authority to bind the United States or to act on its behalf, there has been no opportunity for any decision which could be deemed to affect the rights of the United States. It may also be observed that the right accruing to the United States through the victory in which it has participated could not be regarded as in any way ceded or surrendered to Japan or to other nations, except by treaty, and that no such treaty has been made.]

"The fact that the United States has not ratified the treaty of Versailles can not detract from rights which the United States has already acquired, and it is hardly necessary to suggest that a treaty to which the United States is not a party could not affect these rights. But it should be noted that the treaty of Versailles did not purport to secure to Japan or to any other nation any right in the overseas possessions of Germany, save as an equal right therein should be secured to the United States. On the contrary, article 119 of the treaty of Versailles provides:

"Germany renounces in favor of the principal allied and associated powers—

"in whose favor Germany renounced her rights and titles in the United States. Thus not only could the position of the Government of Japan derive no strength from the treaty of Versailles or from any discussions preliminary thereto, but the terms of that treaty confirm the position of the Government of the United States.

"Further, the draft convention relating to the mandate for the German concessions in the Pacific Ocean north of the Equator, which was subsequently proposed, proceeded in the same view, purporting, on behalf of the United States as one of the grantors, to confer the mandate upon Japan, thus recognizing the right and interest of the United States, and the fact that the proposed action could not be effective without the agreement of the United States as one of the principal allied and associated powers.

"As the United States did not enter into this convention or into any treaty relating to the subject, this Government is unable to understand upon what grounds it was thereafter attempted to confer the mandate without the agreement of the United States. It is manifest that the League of Nations was without any authority to bind the United States, and the confirmation of the mandate in question and the definition of its terms by the council of the League of Nations in December, 1920, can not be regarded as having efficacy with respect to the United States—

"all her rights and titles over her overseas possessions."

"It will not be questioned that one of the 'principal allied and associated powers'—

"It should be noted that this mandate not only recited article 119 of the treaty of Versailles, to the effect that 'Germany renounced in favor of the principal allied and associated powers all her rights over her overseas possessions, including therein the groups of islands in the Pacific Ocean lying north of the Equator,' but also recited that 'the principal allied and associated powers agreed that in accordance with article 22, part 1 (covenant of the League of Nations), of the said treaty a mandate should be conferred upon His Majesty the Emperor of Japan to administer the said islands, and have proposed that the mandate should be formulated,' as set forth. While this last-quoted recital, as has already been pointed out in previous communications by this Government, is inaccurate in its terms, inasmuch as the United States, as one of the principal and associated powers, had not so agreed and proposed, the recital again recognizes the necessity of the participation of the United States in order to make the proposed disposition effective.

"[As, in the absence of any treaty with the United States relating to the matter, there was no decision on May 7, 1919,] [binding the United States, it is deemed to be unnecessary again to examine the brief minutes of the meeting of the supreme council on that date. It may, however, be proper to say that the minutes of this meeting, although obviously without any finality, could not properly be construed without due regard to the other proceedings of the supreme council and without taking account of the reservations which President Wilson had already made in the previous meetings of the supreme council on April 21, April 30, and May 1, 1919.

"The attitude of President Wilson is sufficiently shown by the following statement which he made to the Department of State on March 3, 1921:]

"I beg to return the note received yesterday from the Japanese Government, which I have read, in relation to the proposed mandate covering the island of Yap.

"My first information of a contention that the so-called decision of May 7, 1919, by the council of four assigned to Japan a mandate for the island of Yap, was conveyed to me by Mr. Norman W. Davis in October last. I then informed him that I had never consented to the assignment of the island of Yap to Japan.

"I had not previously given particular attention to the wording of the council minutes of May 7, 1919, which were only recently called to my attention. I had on several occasions prior to the date mentioned made specific reservations regarding the island of Yap and had taken the position that it should not be assigned under mandate to any one power, but should be internationalized for cable purposes. I assumed that this position would be duly considered in connection with the settlement of the cable question, and that it therefore was no longer a matter for consideration in connection with the peace negotiations. I never abandoned or modified this position in respect to the island of Yap, and I did not agree on May 7, 1919, or at any other time, that the island of Yap should be included in the assignment of mandates to Japan.

"As a matter of fact, all agreements arrived at regarding the assignment of mandates were conditional upon a subsequent agreement being reached as to the specific terms of the mandates, and further upon their acceptance by each of the principal allied and associated powers. The consent of the United States is essential both as to assignments of mandates and the terms and provisions of the mandates, after agreement as to their assignment or allocation.

"The consent of the United States, as you know, has never been given on either point as to the island of Yap."

"Apart from the expressed purpose of President Wilson in relation to the island of Yap, inasmuch as the proceedings of the supreme council on May 7, 1919, did not, and in the nature of things could not, have finality, this Government is unable to perceive any grounds for the contention that it was the duty of this Government to make immediate protest with respect to the so-called decision of May 7, 1919, and certainly it can not be said that an omission to do so operated as a cession of its rights. It may be added, however, that when the matter was brought to the attention of this Government in connection with conference on communications in October last this Government informed the Government of Japan and other Governments (by notes of November 9, 1920) that it was the understanding of this Government that the island of Yap was not included in the action of May 7, 1919. Its position was subsequently stated at length.

"It is a cause of regret to this Government that after and despite this protest there should have been any attempt to pass upon drafts of mandates purporting to deal with the Pacific islands, including Yap, and that a mandate should have been approved, or attempted to be put into effect, which while purporting to be made in the name of the United States was without the assent of the United States. This Government trusts that this action, which it must assume was taken under a misapprehension, will be reconsidered.

"[In particular, as no treaty has ever been concluded with the United States relating to the island of Yap, and as no one has ever been authorized to cede or surrender the right or interest of the United States in the island, this Government must insist that it has not lost its right or interest as it existed prior to any action of the supreme council] [or of the League of Nations, and can not recognize the allocation of the island or the validity of the mandate to Japan.

"In this view this Government deems it to be unnecessary at this time to consider the terms of the so-called 'C' mandates, or the discussion with respect thereto.

"This Government, as has been clearly stated in previous communications, seeks no exclusive interest in the island of Yap and has no desire to secure any privileges without having similar privileges accorded to other powers, including, of course, Japan, and relying upon the sense of justice of the Government of Japan and of the Governments of the other allied and associated powers, this Government looks with confidence to a disposition of the matter whereby the just interests of all may be properly conserved."

Mr. JOHNSON. In the last communication our rights are clearly and very succinctly set forth. The demand is made that those rights shall be respected. During these two or three years, Mr. President, this question has been one between Japan on the one hand and our country upon the other. It has been one not alone in which President Wilson desired to internationalize Yap but has been one in which the Foreign Relations Committee of the United States Senate, under a Democratic administration and under a Republican administration, too, desired to internationalize the island of Yap.

I recall, and the members of the Foreign Relations Committee of the Senate should recall, that in December, 1920, there came before us Mr. Norman H. Davis, who related what was occurring in the conference then being held upon communications. He related to us the importance of Yap. Our friends say it is of no importance. Mr. Davis, Senators will recall, said then that it was almost a necessary part of the cable communication of the United States. He told how the storms affected Guam; how it was impossible to depend upon connected cable facilities at Guam, but how at Yap those storms were not of the like character, and that our communications might be continued uninterrupted from Yap.

Where does the cable run which lands at Yap? One would think, from what has been said on this floor, that it was a Japanese cable. Not so. The only cable which has come to Yap is substantially an American cable by operation. I may not state the name accurately, but it is a cable operated by the Pacific Commercial Telegraph Co., a company American in character. Whence goes the cable from Yap? To Japan? Not a

bit of it. The cable goes in one direction from Yap to the Philippines and in the other to Shanghai, in China.

If I am in error I ask that I may be corrected, but there is no cable from Yap to Japan at all, and the cable that has been subsisting upon that island is a Pacific company cable, is it not?

Mr. KELLOGG. Mr. President—

Mr. JOHNSON. I am very glad to yield to be corrected.

Mr. KELLOGG. I think the Senator is mistaken in that. The cable that goes to the island of Yap is the Dutch-German cable—

Mr. JOHNSON. That is true.

Mr. KELLOGG. Running from the island of Yap to Guam, with a branch running to the southwest, and running north to Shanghai. It was not the Pacific Cable Co.'s cable at all, and the American company does not own any line to Yap. That was operated as a German line when the war broke out.

Mr. JOHNSON. That is true; it was operated as a German line when the war broke out. I was under the impression the Pacific company had acquired some interest there. I may be in error.

Mr. KELLOGG. The Pacific company had a contract of some kind to operate it. I do not know what the contract was.

Mr. JOHNSON. Perhaps I confused the operating contract of the Pacific company with the cable itself. That may be so. At any rate, it was connected. The cable, at any rate, bear in mind, runs to Yap from Guam. That is correct, is it not?

Mr. KELLOGG. Yes.

Mr. JOHNSON. It runs from Guam to Yap, from Yap to the Philippines, from Yap then north to Shanghai. That is correct, is it not?

Mr. KELLOGG. That is correct.

Mr. JOHNSON. That is the cable which has been there in the past, and the right to maintain that cable we are receiving now as a great boon from Japan.

Mr. President, for the last two years, until the present, the dispute has continued—the dispute on the one hand by the American Government, on the other hand by the Japanese Government. The five allied and associated powers were in the city of Washington a few days ago. The five allied and associated powers could then have determined just exactly what ought to be done with Yap, with its cable facilities, and with the islands north of the Equator in the Pacific. When there was all over the world the feeling of good will and desire to do what was just and right and what would inure to our benefit in the hereafter, then there was ample opportunity, with the five allied and associated powers here to determine just exactly what might be done with the islands of the Pacific, with Yap, and with our cable communications thereon.

We enter into a contract, however, with Japan which our friends say is beneficial, a contract by which we accept a moiety of a right that is ours. I do not say we ought not to enter into it. They say to us it is the best we can do, and they ask us, "Do you want to go to war about Yap?" Why, of course we do not want to go to war about Yap. I would not go to war for many, many Yaps. That is not the question. Mr. President, that is the same argument that was made concerning Shantung. Do you not recall that the President of the United States and every advocate of the League of Nations, when we were opposing the settlement of Shantung, went up and down the country saying, "What is your alternative? Are you going to have war with Japan over Shantung?" We answered then as we answer now, "Of course we are not; but you do not need to yield a right, you do not need to give away a principle, in order to stand your ground and in order to endeavor to do your best to obtain what is right and to see the triumph of that principle."

Because I disagree with some things which have been done by the conference which has met here in Washington I would not have you believe that I disagree with very, very many. I recognize that there has been very great accomplishment by that conference. I glory in much it has done. I am delighted that in the matter of Shantung so very, very much has been wrought. But, Mr. President, because I recognize its virtues, because, indeed, I stand ready to give the full meed of praise to its accomplishments, I can not shut my eyes to that which I believe is wrong, nor can I waive the independent judgment that it is mine to exercise upon this floor in regard to any particular part of the work of the conference.

Mr. President, we used to have our controversy over Shantung, in which, even more eloquently than has been asked concerning Yap, the query was put, "What would you do, and would you go to war?"

Of course, it is obvious the answer that should be made in either instance. "Take what you can get," said one gentleman to me recently. Not so! Upon what theory? What self-respecting nation, insisting, as we have insisted, upon our rights in regard to Yap and the isles in the North Pacific, shall go hat in hand and beg as a matter of grace from Japan that we be permitted to have a cable station on the island of Yap?

I am not ready, sir, to pay the price by turning over 100,000 souls or less in the mandated islands in the Pacific for a cable station on the island of Yap. I would not go to war over them or over the failure to get that station, either, but we may with self-respect insist firmly upon the rights that are ours without getting into any undue or undignified wrangle and without having any war at all with any power on the face of the earth.

Mr. President, these islands are of little consequence, perhaps. How we have forgotten! They have peoples upon them. In dealing with the spoil of war how easy it is to forget that in that spoil of war there is not only territory but there are peoples. Oh, yes, peoples not as good as we, peoples who do not stand as we do, who do not believe as we do, whose looks are different and whose color and complexion may vary from ours. But after all, Mr. President, there are peoples—fifty, sixty, seventy, eighty, or a hundred thousand, as the case may be—upon those islands.

I am not ready, with the lesson of Korea before me, to turn over fifty, sixty, seventy, eighty, or a hundred thousand human beings to the rule of Japan.

My friend from Alabama [Mr. UNDERWOOD] thinks that is a western prejudice. He is wrong! He is wrong! He speaks as if it were a local problem alone out there in the State from which I come. Ah, Mr. President, that is no local problem. Long since it has developed from being a mere local problem into a national problem. That problem, which confronts us away out upon the western frontier of our civilization, will have to be solved in the Congress of the United States finally, and solved as a national problem.

Mr. UNDERWOOD. Mr. President, the Senator has probably misinterpreted my position without understanding it. I am not advocating the allocation of these islands to Japan as a mandatory. I say that according to the treaty of Versailles they have been made the mandatory, and so far as our Government is concerned when we refused to take our seat at the table of the League of Nations we lost our opportunity to control the situation. That was the only time we had a right to speak, the only time we could speak. I am not contending that something should have been done, but my argument is that we have foreclosed our Government by its own action from its opportunity to protect the situation.

Mr. JOHNSON. Of course I have, in common with my fellows, the greatest respect for the opinions of the distinguished Senator from Alabama. I am sorry, indeed, that the Democratic administration disagreed with his view. I am very glad that a Republican administration disagreed with them, because until the enunciation of that view to-day there has not been a single solitary individual who has been a part of this controversy or this dispute who has ever suggested it. Mr. Hughes takes the position that is impregnably logical when he says that no League of Nations to which we are not a party can deal with our rights. I can not understand how a lawyer can insist that an extra judicial gathering of individuals, without the consent of another apart from them, may take that other's rights and property and deal with them as they see fit.

Mr. Hughes, Mr. Colby, Mr. Lansing I think, President Wilson I know, and the present administration all took the attitude that neither a council of which we were not a party nor a league of which we were not a member could take our property, our rights, inchoate or otherwise as you may put them, and deal with them at all. Of necessity that must be so; otherwise we would give to the power that may have possession for the instant the right to do just as it sees fit with what is ours without our knowledge or consent. You give them jurisdiction to take yours and do with it as they may desire when in fact they have no jurisdiction over you.

Mr. President, I referred a moment ago to Mr. Norman Davis coming before the Foreign Relations Committee and his testimony then given on the importance of Yap. The Foreign Relations Committee at that time was in thorough accord with Mr. Davis. On December 10, 1920, the Foreign Relations Committee united in a letter to Mr. Davis for use in the communications conference that then was being held. What was the position then of the Democratic Secretary of State, the Democratic

President, and the Republican Foreign Relations Committee? Here it is, expressed by the chairman of the committee:

DECEMBER 10, 1920.

HON. NORMAN H. DAVIS,
Acting Secretary of State.

MY DEAR MR. SECRETARY: Having considered carefully the information you have given the Committee on Foreign Relations of the Senate relative to the status of the negotiations concerning the disposition of the ex-German cables, and the position taken by the American delegation in reference thereto, I desire to inform you that the opinion of the committee is that the United States should firmly and as a minimum insist upon the restoration of the direct cable service it enjoyed prior to the war, with an equitable and logical distribution of ownership and operation; that the island of Yap should be internationalized for the purpose of cable communications, and that if an interruption of the present conference is desired, this Government should not consent to the continued operation of the cables as at present existing except under an arrangement equitably providing for the interests of the United States therein.

Very truly, yours,

That was our position December 10, 1920. We have never altered it since until now, and that is why I said in the beginning of my remarks that this treaty's importance comes not from its intrinsic or its extrinsic value. This treaty's importance comes because it is the initial bluff and the first surrender.

Now, Mr. President, I have spoken as I have upon this treaty because I believe it is a prelude of what may follow. It is my purpose in the future, wherever I can, to explain as best I may be able the four-power treaty which soon will be before the Senate. I shall endeavor in the future, sir, to show its origin. I want to attempt indeed to construe and interpret its terms. I wish, sir, if I may be able, to point out the possibilities that are contained within it.

I desire, if the opportunity shall be mine, to show how it departs from that which has been ours in the past and enters upon a new, perilous, and untried path. All this I desire to do, sir, not because I am the one who should do it—and I trust that there may be somebody else in this body who will attempt it and who will do it, too—but because I feel that upon this body rests finally the exposition of that sort of thing which is coming to us under the four-power treaty, and upon this body rests the duty and the obligation to inform the American people.

I understand very well, Mr. President, all that this entails and all that it means; but in this body, upon a subject as to which we are given common jurisdiction, in respect to treaties in international affairs, we ought to be willing to go forward as best we can, seeing the light as God gives us to see that light, and, without fear and without favor, to go on to the end, wherever that end may lead.

Mr. President, it is because of these facts in view of the important matters that are coming before us soon that I have spoken at all upon this treaty with respect to Yap.

This is the first time that the United States of America has recognized the duplicity of secret agreements dealing with territories and peoples. This is the first occasion when it has been proposed that we stamp with our approval the bargains that were made before we entered into the World War and that were stealthily withheld from our Government, bargains in relation to peoples who were helpless, and their territory. This is the first submission to the gesture, the face that has been made by the island empire across the Pacific, at us. Mr. President, this is the time when we are called upon first to indorse what it did in secrecy and to yield to its bluff or to stand upon our ground and insist upon our rights; and, insisting upon them, I do not mean to do so otherwise than diplomatically of course, for the importance of the subject merits no more.

I ask that the Senate in the initial step, therefore—not because it will mean much in the end, but because it is the initial step—decline to follow by putting our approval upon Japan's secret bargains.

Mr. KING. Will the Senator permit an inquiry?

Mr. JOHNSON. Yes, sir.

Mr. KING. If the Senate should ratify this treaty, could it be considered as a confession that Japan holds these islands under a title which is indefeasible, a sovereign title, not subject to the duty of a trustee such as is contemplated by the provisions of the League of Nations? May I ask one other question, in order that I may not interrupt again? If it be conceded that Japan's title is unaffected by the trusteeship created by the League of Nations, and that the allied and associated powers, excluding the United States, may dispose of the ceded Provinces of Germany as they see fit, does it not seem to the Senator that France, Great Britain, Japan, and Italy might parcel out Mesopotamia and all the renounced German Provinces, entirely ignoring the trusteeship duties prescribed by the League of Nations?

Mr. JOHNSON. Certainly, Mr. President; mandates do not vastly appeal to me. The mandate, for instance, which is given

to Japan over the little isle of Yap is substantial sovereignty. We recognize the fact, because, Senators will please observe, the concluding clause reads:

(7) The Government of Japan will exercise its power of expropriation in the island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities can not otherwise be obtained.

Mr. BORAH. Mr. President, may I make a suggestion to the Senator from Utah [Mr. KING] in regard to the proposition of mandates?

Mr. KING. Certainly.

Mr. BORAH. Mandates were provided for in the treaty of Versailles for a very commendable purpose. They were designed to protect dependent peoples from exploitation. In other words, the American delegation seems to have discovered after they reached Versailles that there were a number of secret treaties which had disposed of a vast amount of territory, and that those secret treaties could not be wholly disregarded; that is to say, the nations which had made secret treaties were not willing wholly to disregard them. So the mandate theory was adopted for the purpose of administering that territory. It so happened that those who were given mandates acquired the same territory that they had been given by the secret treaties, except in one or two instances where the situation became a little mixed. For instance, with reference to some of the oil lands in Mesopotamia, under the secret treaties France was to have had Mosul, but in the distribution which took place at Versailles Mosul, for some reason or other, got into the possession of Great Britain.

Mr. KING. Will the Senator let me interrupt him right there?

Mr. BORAH. Yes.

Mr. KING. I think it is fair to state, although I do not know the facts, that the contention was made by Great Britain that concessions had been made to Britishers anterior to the treaty with respect to certain oil lands in Mosul, and that the interests of Great Britain were merely those to which title had been acquired anterior to the war.

Mr. BORAH. What I was going to say was that when France and Great Britain came to settle their differences they did not go to the League of Nations nor did they go to the Versailles treaty, but they went back to the original secret treaties and readjusted their holdings according to those secret treaties; in other words, they recognized the claim of France to Mosul because it had been provided for in the secret treaty. Then Great Britain agreed to give France 25 per cent of the oil produced from the Mesopotamian fields to satisfy her demands for what she had lost in regard to Mosul.

Now the question arises by what authority did Great Britain undertake to dispose of 25 per cent of the oil lands for Mesopotamia? She certainly could not dispose of the property of her wards, the people of Mesopotamia, under any mandate theory or any power which was given her by reason of any mandatory. She was to administer that territory for a specific purpose—to wit, for the benefit of those people—to preserve it in order that afterwards they might enjoy it; but she disposes of it and transfers it or agrees to transfer it to another nation. Why? Because they both recognize their authority or their title as running back to the original secret treaty. That, in my judgment, Mr. President, has been the guide of these nations throughout in regard to these mandates. While the mandates have been imposed upon them and while they for public purposes recognize the mandate, for all practical purposes they go back to the very terms of the secret treaties.

Mr. KING. Mr. President, just a word apropos of the suggestions made by the Senator from Idaho. As I view the matter in the light of the discussion, the safe and proper course for the United States, in dealing with the renounced German territories, would be to regard the Versailles treaty as a living and vital instrument at least so far as it relates to the title of the territories ceded by Germany. As I understand the treaty of Versailles, Germany's overseas colonies were transferred to the principal allied and associated powers. Germany's rights and titles were, by the treaty, conveyed to the principal allied and associated powers, but the transfer did not confer unlimited and unrestricted authority to the so-called grantees to do with the territory and peoples residing therein as they saw fit.

Article 22 of Part I of the Versailles treaty specifically declares that because of the conditions existing in the territories referred to there should be applied the principle that the well-being and development of such peoples "form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in this covenant." The article further declares that "the character of the mandate" should differ according to the stage of the development of the people, the geographic situation of the territory, its economic conditions, and other similar circumstances. And speaking of the islands in the

Pacific, it is declared that the transfer is subject to the safeguards mentioned in article 22 and to the interests of the "indigenous population." The mandatory is also required to render an annual report to the council of the league with reference to the territory "committed" to its charge; also, the degree of authority or control or administration to be exercised by the mandatory, where not agreed upon by the members of the league, shall be explicitly defined in each case by the council. These provisions taken together clearly mean that no matter where the naked or strictly legal title rests the territory and the people are to be controlled by a mandatory whose powers and authority are to be defined by the council, but keeping in mind always the "interests of such inhabitants" and their moral and material welfare.

If this treaty means that we recognize in Japan a complete and unrestricted sovereign power over the islands north of the Equator formerly belonging to Germany, then we concede a title not granted or conferred by the Versailles treaty and which, in my opinion, Japan does not possess. If Japan, Great Britain, France, and Italy could enter into valid and binding agreements respecting German territory which was subsequently ceded by Germany to the principal allied and associated powers, and pursuant thereto claimed or declared title—unrestricted, indefeasible, and unlimited—in whichever of the nations the balance might agree should have such title, then the treaty of Versailles is meaningless in so far as it deals with the question of the overseas possessions renounced by Germany.

I deny that the German possessions, title to which was renounced, may be bartered or disposed of by one or all of the great powers just named as they may see fit and subject to no limitations or restrictions whatever, no matter what the provisions of any treaty, secret or open, that may have been entered into between Great Britain, Japan, France, or Italy, respecting territory which might be ceded by Germany as the result of the war. I contend that any such treaties, in so far as they contravene the Versailles treaty and the provisions of the League of Nations, are void. If the powers just named may divide the islands of the Pacific which were ceded by Germany and give to the nations obtaining them absolute and unqualified sovereign power and authority, then the same course may be taken by these nations with respect to all other possessions renounced by Germany. Under this view the German possessions in South Africa could be transferred to any one of these nations and such transferee could do with the people and with the territory as it pleased. The limitations of the Versailles treaty and the trusteeship established by the league would be of no avail. The theory that the inhabitants of these German territories should have "tutelage" exercised in their behalf, or over them by mandatories of the league, would be disregarded and the whole spirit of the treaty, in so far as it relates to the territories and their inhabitants renounced by Germany, would be destroyed.

I insist that Great Britain holds territory in Asia Minor, as does France, as a mandatory of the league. These nations must observe the letter and the spirit of article 22, to which I have referred. Such nations are trustees and must exercise the trust in a humane and in a proper and legal manner and conformable to the terms of the trust. If we concede that Japan may take the islands referred to in the pending treaty and regard them as territory belonging to Japan and freed from the trusts prescribed by the Versailles treaty, then to be consistent we must concede to Great Britain, France, and Italy the same rights, authority, and power, unrestricted and unrestrained with respect to lands and peoples over which they are now exercising control.

Is it the position of the proponents of this treaty that Japan has obtained complete sovereign rights over the islands north of the Equator which formerly belonged to Germany, and that the League of Nations may not call her to account for the manner in which she treats the inhabitants of such islands? Is it contended that Germany has no right to appeal to the league in behalf of peoples who formerly were under her flag? While it is true Germany renounced title to her overseas possessions, it is likewise true that in the same instrument by which such title was renounced provision was made for the treatment to be accorded to the inhabitants of such renounced territory, and then was defined the character of the title under which the nation or nations exercising governmental and administrative authority should hold and exercise the same.

It seems to me that a reservation should be adopted, if the treaty is to be ratified in its present form, to the effect that in ratifying it the United States does so with the understanding that Japan's control over the islands in question is limited and is such as is derived from the Versailles treaty, that she holds the islands as a mandatory, not as a sovereign with unre-

stricted power, and must render an account to the League of Nations of her stewardship or trusteeship with respect to such islands and their inhabitants.

LEGISLATIVE APPROPRIATIONS.

Mr. WARREN. Mr. President, I ask permission to take from the desk, as in legislative session, the appropriation bills that are here awaiting the appointment of conferees.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request of the House of Representatives for a conference be granted, and that the Presiding Officer appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. CURTIS, and Mr. JONES of New Mexico conferees on the part of the Senate.

INTERIOR DEPARTMENT APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the prayer of the House for a conference be granted, and that the Presiding Officer appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN conferees on the part of the Senate.

TREATY AND PROTOCOL BETWEEN THE UNITED STATES AND HAITI (S. DOCS. NOS. 135 AND 136).

Mr. POMERENE. Mr. President, I have before me a copy of the treaty between the United States and Haiti signed at Port au Prince on September 16, 1915, and also the protocol between the United States and Haiti signed at Port au Prince on October 3, 1919. I am advised that the prints of this treaty and protocol have been exhausted; and I therefore ask unanimous consent of the Senate, as in legislative session, that reprints be ordered.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Ohio? If not, it is so ordered.

ACQUISITION OF REAL ESTATE BY THE WAR DEPARTMENT.

Mr. NEW. Mr. President, as in legislative session, I present the conference report on H. R. 7158, and move concurrence by the Senate in it.

The PRESIDING OFFICER. Without objection, the report will be read.

The reading clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 7158, an act to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the figure "3" and insert in lieu thereof the figure "4"; and the Senate agree to the same.

HARRY S. NEW,
SELDEN P. SPENCER,
H. L. MYERS,

Managers on the part of the Senate.

JOHN C. MCKENZIE,
FRANK L. GREENE,
W. J. FIELDS,

Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report? If not, the question is on agreeing to it.

Mr. HEFLIN. Mr. President, is that some matter that is sought to be acted upon as in legislative session?

The PRESIDING OFFICER. The request has been made and granted that it may be so considered.

Mr. LODGE. Mr. President—

Mr. HEFLIN. Mr. President, I have a motion that I want to make regarding a resolution that is pending. If the Senator from Massachusetts will permit me to do that and to have the Senate go into legislative session and take up that matter and consider it; I should like to have that done. The Senator from New Jersey [Mr. EDGE] has made a motion regarding the resolution to which I refer.

Mr. LODGE. Mr. President, I shall be glad to oblige the Senator. I shall be glad to have the conference report taken up by unanimous consent, but I can not consent to it if it is going to lead to debate. I think it is my duty to keep the treaty before the Senate.

Mr. NEW. Mr. President, I think the situation is this: Unanimous consent was granted for the consideration of this conference report.

Mr. HEFLIN. While that was pending I addressed the Chair. I have no objection, however, to having the conference report agreed to.

Mr. NEW. I think there will be no objection. I simply ask the Senate to vote concurrence in the report.

Mr. LODGE. If there is to be no debate, I have no objection to taking it up.

The PRESIDING OFFICER. The Chair is under the impression that he inquired whether or not there was objection, and, no objection being heard by the Chair, the order was that the report might now be considered as in legislative session. What is the motion of the Senator from Indiana?

Mr. NEW. I move concurrence by the Senate in the report of the conferees.

The PRESIDING OFFICER. It is moved that the Senate agree to the conference report.

The motion was agreed to.

FEDERAL RESERVE BANK AT ATLANTA.

Mr. HEFLIN. Mr. President, I think I shall not make my motion at this time. The Senator from Massachusetts wishes to go along with his treaty, and I will wait until to-morrow morning to make the motion.

Mr. EDGE. Mr. President, may I suggest to the Senator from Alabama, if he desires to expedite action upon the resolution—which I assume he does, naturally—he request its reference to the Committee on Banking and Currency, so that they can officially consider it?

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I shall be glad to yield to the Senator from Arkansas.

Mr. ROBINSON. As a counter suggestion, may I bring to the attention of my friend the Senator from New Jersey the fact that the Senator from Alabama, when he prepared this resolution, consulted a very high authority in the Senate as to the proper course to take with reference to having it committed to a committee; that he pursued the unofficial advice of the President pro tempore of the Senate and asked that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate? During an experience of some eight years in the Senate I have never known an instance where permission was refused to make such a reference. The law and the practice of the Senate require that all resolutions which contemplate an expenditure from the contingent fund of the Senate shall be referred to that committee. The Senator from Alabama, pursuing the course that is usual here, made that request, and it was denied him.

Before the resolution can be acted upon by the Senate finally it is necessary that it be considered by the Committee to Audit and Control the Contingent Expenses of the Senate. It is true that after that committee has reported any Senator may move to have the resolution referred to another committee of the Senate for consideration upon its merits; but the usual course has been first to refer such resolutions to the Committee to Audit and Control the Contingent Expenses of the Senate. The Senator from Alabama sought to take that course.

I suggest to the Senator from New Jersey that the controversy respecting this subject can be relieved by his consenting to the reference that is usually made in such cases, namely, to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. EDGE. Mr. President—

Mr. ROBINSON. Just a moment. When that committee has reported, then the Senator, if he desires to do so, may move to have the resolution referred to the Committee on Banking and Currency, or to any other appropriate committee of the Senate. In this connection I think I ought to say that, considering the character of the resolution, there is no reason why it should go particularly to the Committee on Banking and Currency. It might go to any one of a number of committees, since it involves the investigation of an alleged expenditure of trust funds for a quasi political purpose by a Government banking institution.

I ask unanimous consent that the resolution of the Senator from Alabama may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. EDGE. Mr. President, the Senate has already passed upon that question. It was debated for three or four hours of session recently, and the Senate voted against referring the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate. The question has already been decided by the Senate.

Mr. ROBINSON. Will the Senator pardon an interruption?

Mr. EDGE. Just a moment. I think I may say, in very brief reply to the Senator from Arkansas in regard to the question of precedent, as to whether a resolution shall be referred first to that committee or first to this committee that would naturally consider the subject matter, that it has been done both ways. The Chair, upon being asked for his opinion at the time, stated very positively that the Senate could make either order, and in their judgment they voted against it. The situation now before the Senate, therefore, is the simple one that a motion is pending to refer the resolution to the Committee on Banking and Currency. My suggestion to the Senator from Alabama, the other question having already been decided, is that if he wishes to expedite the consideration of his resolution it should go to the committee which has charge of this subject, namely, the Committee on Banking and Currency.

Mr. HEFLIN. It depends altogether on what the Senator means by expediting it. If he means expediting my resolution on the way to its final rest in the Committee on Banking and Currency, then, of course, he is using the right term.

Mr. EDGE. Of course, the Senator is entitled to his judgment, as far as that is concerned, but I insist that the Committee on Banking and Currency should first consider the resolution.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from Arkansas.

Mr. LODGE. I ask that the request for unanimous consent be put.

Mr. ROBINSON. Just a moment; I should like to make a further statement regarding it. The Senator from Alabama has the floor, and has yielded to me for that purpose.

The Senator from New Jersey has the habit of stating his opinion as an absolute finality. It is true that the Senate, after somewhat prolonged discussion, voted by a majority of one—33 to 32—not to refer this resolution to the Committee to Audit and Control the Contingent Expenses of the Senate. Every Senator knows that it must be referred to that committee. It may or it may not be necessary, after that committee has considered the matter, to refer it to another committee. If the Committee to Audit and Control the Contingent Expenses of the Senate should report the resolution adversely, then in all probability the debate which is inevitable if the Senator from New Jersey persists in his attitude and insists upon his motion would be avoided.

The Senator from New Jersey has stated that the Senate has the power to refer the resolution to the Committee on Banking and Currency first rather than to the Committee to Audit and Control the Contingent Expenses of the Senate. Of course, the Senate has absolute authority over the matter. The Senate can refuse to refer it to the Committee to Audit and Control the Contingent Expenses of the Senate and thereby prevent the passage of the resolution or the consideration of the resolution by the Senate. Since the statutes require that such resolutions shall be considered by the Committee to Audit and Control the Contingent Expenses of the Senate, what reasonable objection can the Senator from New Jersey or any other Senator urge to the reference of this resolution which the statutes require? By referring it to the Committee to Audit and Control the Contingent Expenses of the Senate we can escape the very prolonged debate which is certain to result if the Senator from New Jersey insists upon his motion, which is out of the usual course of procedure in the Senate, to refer it first to the Committee on Banking and Currency.

There has already been quite a prolonged debate upon the subject, but there will be a very much longer debate if the Senator from New Jersey objects to the request for the usual

reference and urges an unusual course in connection with this matter. Why not let the resolution take the course which resolutions of its character usually take?

With the approval of the Senator from Alabama, I ask unanimous consent that the resolution offered by him be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. EDGE. To that I object.

The PRESIDING OFFICER. There is objection.

Mr. LODGE. I call for the regular order.

The PRESIDING OFFICER. The regular order is the consideration of the treaty with Japan in open executive session.

THE FOUR-POWER TREATY.

Mr. ROBINSON. Mr. President, I ask leave to have printed two reservations to the so-called four-power treaty. I ask that they may be read at the desk and printed, and that they lie on the table.

The PRESIDING OFFICER. If there is no objection, the request will be granted, and the Secretary will read.

The reading clerk read as follows:

Reservations intended to be proposed to the four-power treaty by Mr. ROBINSON:

"The United States understands that each of the high contracting parties will refrain from entering into any secret treaty, agreement, or understanding with any other power or powers during the life of this treaty."

"The United States understands that each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment."

The PRESIDING OFFICER. What is the request or desire of the Senator from Arkansas in regard to the reservations just proposed by him?

Mr. ROBINSON. I ask that they be printed and lie on the table. I have no objection to their reference to the Committee on Foreign Relations.

Mr. LODGE. There is no need of referring them.

Mr. ROBINSON. The treaty having been reported, the appropriate action is to direct that they lie on the table. That was my request.

The PRESIDING OFFICER. The proposed reservations will lie on the table and be printed.

Mr. POMERENE. I offer the reservation to the four-power treaty, which I send to the desk, as a substitute for the one which was reported by the committee, and ask that it be printed and lie on the table.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. MOSES. Has any reservation been reported by the committee?

The PRESIDING OFFICER. The Chair is not advised.

Mr. MOSES. The treaty itself has not been reported; I will say to the Senator from Ohio.

Mr. POMERENE. I assumed that it had been reported. In any event, there is no reason why this reservation should be referred to the committee.

Mr. LODGE. None in the world. It can be printed and lie on the table.

Mr. POMERENE. That was my understanding.

The PRESIDING OFFICER. The reservation will be received as suggested, be printed, and lie on the table.

The reservation was ordered to be printed in the Record, as follows:

It is, however, understood that any adjustment provided for under article 1 hereof, and any understanding contemplated under article 2, in order to be binding upon the United States shall be ratified and executed in accordance with the constitutional methods of the United States.

PERSONAL EXPLANATION—THE FOUR-POWER TREATY.

Mr. GLASS. Mr. President, being a newspaper publisher myself, I very rarely take notice of the mistakes which are ordinarily and inevitably made with respect to public matters, because I readily understand how easy it is to make mistakes in the rush and hurry of a daily paper's routine; but there appeared yesterday in the Washington Herald a statement to this effect:

Senators GLASS and ROBINSON, Democrats, are considering the advisability of attempting to organize Democratic opposition and hold the 29 in line. GLASS has recently had a talk with Woodrow Wilson and is said to have brought back word that the former President remained firm in his decision not to fight the treaty openly. Wilson opposed it, however, GLASS was reported by Democrats to have told them.

Mr. President, that is the purest invention that ever appeared in a public print. I have seen former President Wilson but for a moment in perhaps three months. I called at his home on his birthday to offer my congratulations. He has never opened his lips to me on the subject of any one of these treaties, nor have I sought in any way, directly or indirectly, to ascertain his view of any one of them. I do not know what his view is, and he does not know what my view is. I imagine that he does not greatly care what my view is, if I may be said to know myself what is my view. I have wanted to hear the discussion and to take my position in accordance with my best judgment. It is shameful for a newspaper deliberately to print a falsehood of that nature upon so important a question as that to which the Senate is now addressing itself.

Mr. ROBINSON. Mr. President, I had heard of the press report which has just been quoted by the Senator from Virginia [Mr. GLASS], and characterized by him as without any foundation whatever, but I had not seen it. Inasmuch as my name is coupled with that of the Senator from Virginia in an alleged undertaking on the part of the Senator from Virginia and myself to organize political opposition in the Senate to the four-power treaty, I deem it appropriate to say that no such proposal has ever been discussed between us, and that there is no foundation whatever for the statement, so far as my knowledge or information goes.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The PRESIDING OFFICER. The question is on agreeing to article 1 of the treaty, which the Secretary will read.

The reading clerk read the article, as follows:

Subject to the provisions of the present convention, the United States consents to the administration by Japan, pursuant to the aforesaid mandate, of all the former German islands in the Pacific Ocean lying north of the Equator.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harrell	McNary	Robinson
Borah	Harris	Moses	Sheppard
Broussard	Harrison	Nelson	Shortridge
Bursum	Heflin	New	Simmons
Cameron	Johnson	Newberry	Smith
Capper	Jones, N. Mex.	Nicholson	Swanson
Caraway	Jones, Wash.	Norbeck	Townsend
Coff	Kellogg	Norris	Trammell
Edge	Kendrick	Oddie	Underwood
Elkins	Keyes	Page	Wadsworth
Ernst	King	Pepper	Warren
Fernald	Ladd	Phipps	Watson, Ga.
Fletcher	Lenroot	Pittman	Weller
France	Lodge	Polindexter	Will's
Gerry	McCormick	Pomerene	
Glass	McKellar	Ransdell	
Hale	McKinley	Rawson	

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. A quorum is present.

Mr. ROBINSON. Mr. President, many Senators feel that consideration of the treaty now before the Senate might with propriety be postponed until other treaties which are the result of the Washington conference, particularly the four-power treaty, shall have been disposed of. The discussion of the treaty has proceeded for some days. I do not believe any Senator will controvert the statement that while it is no part of the work or result of the Washington conference proper, yet the Yap treaty is, in some respects at least, inseparably connected with or intimately related to the program contemplated in the Washington conference.

I concur in the statement that has been made by other Senators that this treaty of itself is not of paramount importance. It seems relatively unimportant, yet, in my opinion, as implied by the Senator from California [Mr. JOHNSON], it represents a distinct and emphatic diplomatic victory for the Empire of Japan.

The nature of the title under which the former German islands in the North Pacific Ocean are held by Japan has, for the first time during the debate, been the subject matter of serious dispute. The Senator from Massachusetts [Mr. LODGE], in presenting the treaty to the Senate, stated that the United States had unquestionably acquired title to an undivided one-fifth interest in the islands, and, indeed, as I understood him,

in all the former German overseas territory which Germany in fact renounced to the allied and associated powers. In making that statement the Senator from Massachusetts adopted the viewpoint of President Wilson's administration as clearly defined in the note of February, 1921, signed by Secretary Colby and transmitted to the League of Nations council. This position on the part of the United States Government was subsequently unqualifiedly approved and reiterated by the present Secretary of State, Mr. Hughes, acting for the present Republican administration.

I do not believe it would be fruitful of any material results to discuss at any great length the nature and source of the title by which these islands are now held. I can not agree with my friend, the Senator from Alabama [Mr. UNDERWOOD], if it was his intention to say this, that the practical effect of the mandatory and the confirmation of the same in this treaty is to intrust the Empire of Japan with control of these islands and the administration of the affairs of the people on them under the direction and supervision of the League of Nations. A careful study of the history of the subject and of the terms of the treaty warrant, I believe, the conclusion that we are giving to Japan what in practical effect will amount to an absolute title to the islands and the power to govern them at will.

It does seem to me that the weight of the argument is in favor of the conclusion asserted by Secretary Hughes in his note of April, 1921, when he reaffirmed the position taken by former President Wilson. It will be recalled that Mr. Wilson, recognizing the importance of the island of Yap as a relay center for cable communication with the Orient, had insisted before the supreme council that the island be withheld from any mandatory in contemplation and that it be internationalized—that is, put under the control of agencies fairly representing all the allied and associated powers—so that the instrumentalities for communication with the Orient, which were then and may hereafter become available, might be used for the practical benefit of all the nations which might seek to use them or which might be entitled to use them.

I make the proposition now, with no offense to any person or to any people, that to confirm this mandate, leaving Japan in the unqualified control of the island of Yap, with unlimited powers of sovereignty over that island, and necessarily with the power to supervise and control the manner in which these agencies or instrumentalities of communication may be used, will result in no practical benefit to the United States.

If Senators imagine that American merchants can secure or place orders to the trade in China, Russia, Siberia, or any other part of the Orient through the instrumentality of a cable controlled as this must be by Japanese power and Japanese influences, they are wasting their time. I understand that the express terms of the treaty forbid censorship of messages sent by the nationals of the United States through these cables, but I know that whenever it becomes essential to the interests of Japan to censor or prevent the transmission of American cable messages, the censorship must occur and the messages will not be transmitted. I realize that is a plain statement, but mark my words, within the next few years the question may become acute.

Considering this treaty and its relationship to other proposed treaties, we are giving the Empire of Japan absolute and unlimited domination of the Orient.

Mr. LODGE. Mr. President—

Mr. ROBINSON. I yield to the Senator from Massachusetts.

Mr. LODGE. Did I understand the Senator to say we had no American cable to Japan?

Mr. ROBINSON. No; I said nothing about an American cable. I said that in so far as Senators may imagine that the use of any cable which this treaty gives us the right to employ will be beneficial to the trade of the United States is concerned, they are making a grave mistake.

Mr. LODGE. The only cable of course, as the Senator knows and as he said in fact, that passes through Yap is the German-Netherlands cable, which runs from Yap to Mindanao, thence to China and thence to Guam. We have a direct American cable that runs from Hawaii to Guam, from Guam to Manila, and from Manila to China.

Mr. ROBINSON. Certainly, and I am asserting the proposition, and I believe if Senators will follow me closely they will conclude the statement is correct, that we are getting nothing of substantial interest or benefit to the people or the commerce of the people of the United States by the terms of this treaty. Our contemplated arrangement not to further fortify territory in the Pacific Ocean and not to establish naval bases coupled with this treaty will strongly tend to give Japan control of the Orient. Our naval vessels can not go to those waters without coaling stations are provided.

It may be that rather than prolong the controversy the United States should agree to this arrangement. It is a difficult question. It is interrelated with other more important questions. I am not ready to concede the proposition of the Senator from Alabama [Mr. UNDERWOOD] that this arrangement, by which we confirm Japan in the exercise of its sovereignty over the Caroline Islands, is a great humane enterprise in the interest and for the benefit of civilization. I do not believe that Japan so regards it, neither do I believe that the other nations, France, Italy, and Great Britain, so regard it.

Considering the language of the Versailles treaty under which this mandate was created, considering it as a whole, the conclusion seems to me irresistible, and I implied from the statement of the Senator from Massachusetts that such was his conclusion, that Japan already has what may be termed, although the statement is not strictly accurate in a legal sense, a four-fifths right in these islands and unquestionably by this treaty we are giving up to Japan whatever we may have there. If we have nothing, there is no occasion for our entering into it, for the cable concession is of little value.

The Senator from Alabama [Mr. UNDERWOOD] said that, in his opinion, this treaty would not affect anything; that it would not change the status at all; that, without regard to this treaty, Japan will go on controlling these islands indefinitely and governing them absolutely as an integral part of her territory; and that the only difference between letting the matter take that course and ratifying the treaty will be that under the treaty the United States would have cable rights on the island of Yap, whereas if she does not agree to the treaty she will be denied those rights. I have already said that, in my opinion, any cable rights that we may acquire under this treaty will not prove of practical benefit to American commerce.

The United States at the close of the World War had an interest as one of the conquerors in all the territory that was conquered from Germany. It may be that under the rules of international law the particular nation which took possession of enemy territory acquired exclusive rights by conquest in that particular territory, but the policy has been pursued by the Allies since the signing of the armistice of recognizing all German territory surrendered as the joint property of the allied and associated powers; that is, of the four allied powers and of the United States. For the most part this principle was recognized by the various powers, although Japan never seemed to have recognized that the United States had any right or any interest in the island of Yap. If the United States wants to use Yap as a base for cable communications with the Orient, the correct plan would be the Wilson plan, the plan that Secretary Hughes approved, to internationalize the island. Of course I recognize that the term "internationalize" is more or less indefinite; but, considering the status of political and commercial affairs between this Nation and Japan, considering the course of conduct that Japan has pursued toward China and Siberia, and the policy of aggression that she long ago initiated when she first woke from the sleep of centuries and began to feel her strength, the policy of commanding and dominating the spheres of influence into which she entered, I have not the slightest doubt that it would be better for the United States to wash her hands of these islands and to give Japan unlimited rights there rather than to sow deeply the seeds of controversy which may arise hereafter to confuse us. In this respect this treaty may prove of the utmost importance.

Mr. ASHURST. Mr. President, will the Senator from Arkansas yield at that point?

Mr. ROBINSON. I take pleasure in yielding.

Mr. ASHURST. Along that very line the Senator from Arkansas will not forget that one of the blackest pages in history was written by Japan respecting Korea. Chosen (Korea) was an independent sovereign nation for 4,215 years; in 1882 she made a treaty of amity and commerce with the United States, which was recognized by Japan, by which she was recognized as an independent power, and the claims of China to Korea were distinctly rejected and disapproved. In the Chino-Japanese War in 1895 the Japanese felt that it was necessary for them to penetrate China through Chosen, or Korea. Japan distinctly agreed on her honor, so far as faith and honor and treaties could bind a nation, that as soon as the war was over she would withdraw from Chosen, or Korea, but with damnable treachery, with unspeakable duplicity, within a few years thereafter she seized Korea and holds it and its 20,000,000 people by a firm hand; she spat upon her treaties, connived at the murder of the Korean Queen, and now expects us to take her word and believe her promises.

Mr. ROBINSON. I have already said that one reason which makes me loath to support the pending treaty is the fact that I do not believe any practical benefit will come through it to

the United States, and that controversies may arise by reason of the treaty. There is another proposal that I think worthy of consideration in this connection. The claim of the United States to the right to be consulted in connection with the disposition of these islands, and particularly the island of Yap, was brought to the attention of the supreme council by former President Wilson, and that claim was totally ignored. Repeated requests were made that the terms of the proposed mandate be submitted to the United States before final action, which was a reasonable request, if it be conceded that the United States had any interest in the controversy, but all of those requests were ignored.

The Senator from California [Mr. JOHNSON] has asserted that this course, in utter disregard of any rights of the United States, or any claim of the United States, was taken by the supreme council and the league because it was necessary to consummate secret treaties, which were entered into in 1916 and 1917, before the United States became a party to the World War.

But, Mr. President, the United States had the right to have its request in this matter considered. It had not claimed, as the result of the victory to which her services had so greatly contributed, any reward; our Government had renounced all substantial indemnity; the Chief Executive had said that for the convenience of our commerce we wanted the instrumentalities of communication on the island of Yap so arranged and controlled that all nations seeking business in the Orient might have equal rights and equal opportunities. That proposal could not have been repugnant to the sense of justice of any fair mind, but it was discarded and disregarded. The United States was informed by France, Italy, and Great Britain, substantially, that a mistake had been made, and that, having already made the mistake, they were powerless to remedy it, and that the United States must go to Japan to secure any right or concession in the matter. That is exactly what we do in accepting this treaty. We abandon a valid claim of right for a humiliating concession.

Our blood and our resources contributed to the wresting from Germany of this territory. She recognized that fact, and all of the Allies recognized that fact, when in the treaty of Versailles Germany renounced not to them alone but to the United States and to them her overseas possessions. We wanted no territory; we wanted no foreign dominion. The one thing we did want was an opportunity to carry on trade with the Orient, an opportunity to vitalize and make mean something the policy of the open door with China. In practical results that is denied us by the terms of this treaty. Having a right equal to Japan in the first instance, a right to dictate terms to Japan with as much confidence as she might suggest terms to us, we have been placed in the pitiable attitude of approaching Japan for a concession, and accepting at her hands under her terms the right to build a cable and to send messages by cable to those in the Orient who trade with our nationals.

So long as American commerce does not compete with Japanese commerce no conflict need be feared as the outcome of this treaty, but the first day that Japan realizes that American goods are supplying the demands of the Orient in preference to Japanese goods, that day will witness the beginning of a distressing controversy growing out of this treaty and its construction.

It is said that during the war when nationals of Holland sent cablegrams to the United States offering orders for merchandise they were intercepted by a power friendly to the United States and that before the delivery of the cablegrams in the United States English merchants had visited Holland and offered their goods to the proposed purchasers.

Does anyone here think that Japan, with the power to control this subject, will encourage or promote the commerce of the United States in the Orient? Does anyone here feel that our commerce would be able to compete with that of Japan if we were compelled to rely for communication on the Yap cable?

If the Senator from Alabama is correct, if it be true that this treaty accomplishes nothing except to give the United States the consent of Japan to land and operate a cable at Yap, then it accomplishes nothing of benefit to the United States.

Mr. WATSON of Georgia. Mr. President—

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. It seems that this cable company is a private corporation, and it is urged as a reason why we should ratify this treaty that it is to be extended into China. The Senator knows the relationship just now between China and Japan. I should like to have him, if he will, address himself to this proposition: Is there not some danger that Japan, with her wonderful diplomacy, of which we have had such an illustration here at the recent conference, would secure control of that privately owned cable?

Mr. ROBINSON. Not only is that true, Mr. President, but through the control of that cable Japan would dominate Chinese commerce and prevent Americans from engaging successfully in Chinese commerce. The Senator from Georgia has expressed the very point I had in mind—that instead of this proving helpful to us, whenever our business becomes competitive with that of Japan in China we shall get no benefit from this cable or any other instrumentality of communication that Japan has the power to control, so that we are doing a useless thing as well as a thing that may prove dangerous in the end.

I have not the slightest prejudice against Japan or the people of Japan. Every student of history must be amazed at the progress which the Japanese have made during the last three-quarters of a century. We have seen them swarm out of their little island, cross the seas, and seize control of empires. Take the map of Europe and of Asia. Compare the area of the Japanese Empire at the beginning of its advancement with its present area. Take into consideration the foreign territory stretching over thousands of miles that she now controls.

Think of the ingenuity that her people have displayed, and then tell me where she ever turned back for a single day's march the measured tread and steady advance of her millions moving to the dismemberment of empires and to the domination of trade and commerce wherever she desired.

I have not the slightest disposition to see my country involved in controversy or in conflict with Japan; but I have no disposition, sir, to aid her or give encouragement to her in her advance against other peoples. I have no radical prejudice against the brown man, the Japanese; but, God knows, I have no disposition to aid the yellow race or any other race to overcome the men and the nationalities of the Caucasian race. By these treaties we are making Japan's dominance supreme throughout the Orient. By these treaties—and I refer particularly now to the four-power treaty—we are tying our hands and beating back our forces while Japan advances through Siberia, Manchuria, Korea, and other portions of the Orient.

Oh, no! The armament conference treaties are parts of a program by which Japan will become supreme in the Orient. I would not put my country at war to stop Japan's advances; but, on the other hand, I am not in haste to facilitate an arrangement which means her intrenchment in power over territory which in justice belongs to other friendly peoples.

The VICE PRESIDENT. The question is on agreeing to the first article of the treaty.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	Moses	Reed
Brandeggee	Harris	Nelson	Robinson
Broussard	Hedlin	New	Sheppard
Bursum	Jones, N. Mex.	Newberry	Shortridge
Cameron	Jones, Wash.	Norbeck	Simmons
Capper	Kellogg	Norris	Smith
Caraway	Kendrick	Oddie	Sterling
Colt	Keyes	Overman	Swanson
Curtis	King	Page	Townsend
Ernst	Ladd	Pepper	Underwood
Fernald	Lenroot	Philpotts	Wadsworth
Fletcher	Lodge	Pittman	Warren
France	McKellar	Poindestler	Watson, Ga.
Gerry	McKinley	Ransdell	Weller
Gooding	McNary	Rawson	Willis

Mr. JONES of Washington. I desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from Vermont [Mr. DILLINGHAM], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from West Virginia [Mr. SUTHERLAND] are detained from the Senate in attendance upon the Committee on Finance.

The VICE PRESIDENT. Sixty Senators having answered to their names, a quorum is present. The question is on agreeing to the first article of the treaty.

Mr. REED addressed the Senate. After having spoken some time,

Mr. ROBINSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Cameron	Cummins	France
Ball	Capper	Curtis	Frelinghuysen
Brandeggee	Caraway	Elkins	Gerry
Broussard	Colt	Ernst	Glass

Gooding	McKellar	Pepper	Swanson
Hale	McKinley	Phipps	Townsend
Harris	McLean	Pittman	Underwood
Harrison	McNary	Pomerene	Wadsworth
Heflin	Moses	Rawson	Warren
Jones, Wash.	Nelson	Reed	Watson, Ga.
Kellogg	New	Robinson	Watson, Ind.
Keyes	Newberry	Sheppard	Weller
King	Nicholson	Shortridge	Willis
Lenroot	Oddie	Smith	
Lodge	Overman	Sterling	
McCumber	Page	Sutherland	

Mr. McNARY. I wish to announce the absence of the Senator from Utah [Mr. SMOOT], the Senator from Nebraska [Mr. NORRIS], the Senator from North Dakota [Mr. LADD], the Senator from Oregon [Mr. STANFIELD], the Senator from South Dakota [Mr. NORBECK], the Senator from New Mexico [Mr. BURSUM], and the Senator from Montana [Mr. MYERS] on account of official business connected with the Public Lands Committee.

Mr. ROBINSON. I have been requested to announce that the Senator from North Carolina [Mr. SIMMONS], who lives in the country some distance from the city, has been compelled to go to his home, and is unable to be in attendance upon the Senate at this time.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present.

Mr. REED. Mr. President, I was reading—

Mr. SWANSON. Mr. President, would the Senator from Missouri prefer continuing his remarks to-morrow?

Mr. REED. I certainly should.

Mr. SWANSON. I hope the Senator from Massachusetts will not insist upon holding the Senate in session later to-night.

Mr. LODGE. Mr. President, if I can get no agreement for a vote in a reasonable time, I must ask either for a vote now or that the discussion shall continue.

Mr. SWANSON. If the Senator will yield to me, I should like to move that we take a recess until 12 o'clock to-morrow.

Mr. LODGE. The Senator can make that motion, of course. I hope the motion will be defeated.

The PRESIDING OFFICER. Does the Senator make that motion?

Mr. SWANSON. If I am permitted to do so, I move that the Senate take a recess until 12 o'clock to-morrow.

The PRESIDING OFFICER. The Senator from Virginia moves that the Senate take a recess until 12 o'clock to-morrow.

Mr. HARRISON and Mr. REED called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER], which I transfer to the senior Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL], I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW], and vote "nay."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Louisiana [Mr. RANDELL]; and

The Senator from Illinois [Mr. McCORMICK] with the Senator from Wyoming [Mr. KENDRICK].

Mr. KELLOGG (after having voted in the negative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not being able to obtain a transfer, I withdraw my vote.

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the junior Senator from Massachusetts [Mr. WALSH], and vote. I vote "yea."

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH], which I transfer to the junior Senator from Missouri [Mr. SPENCER], and vote "nay."

Mr. WATSON of Indiana (after having voted in the negative). I have voted, but I discover that my pair, the senior Senator from Mississippi [Mr. WILLIAMS], is not in his seat. Therefore I transfer my pair to the Senator from South Dakota [Mr. NORBECK], and permit my vote to stand.

Mr. HALE (after having voted in the negative). I have a pair with the senior Senator from Tennessee [Mr. SHIELDS].

Not being able to obtain a transfer, I am compelled to withdraw my vote.

Mr. COLT (after having voted in the negative). I have a pair with the junior Senator from Florida [Mr. TRAMMELL]. In his absence I withdraw my vote.

Mr. BALL (after having voted in the negative). I have a standing pair with the senior Senator from Florida [Mr. FLETCHER]. Not being able to obtain a transfer, I withdraw my vote.

Mr. McCUMBER. I desire to ascertain whether the junior Senator from Utah [Mr. KING] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. McCUMBER. I have a general pair with that Senator and I will withhold my vote.

Mr. ERNST (after having voted in the negative). I have a general pair with my colleague [Mr. STANLEY], and in his absence I am compelled to withdraw my vote.

Mr. JONES of New Mexico. I have a pair with the senior Senator from Maine [Mr. FERNALD]. I transfer my pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. KENDRICK (after having voted in the affirmative). Has the senior Senator from Illinois [Mr. McCORMICK] voted?

The PRESIDING OFFICER. He has not voted.

Mr. KENDRICK. I have a general pair with that Senator and I withdraw my vote.

The result was announced—yeas 23, nays 40, as follows:

YEAS—23.

Ashurst	Harris	Overman	Smith
Broussard	Harrison	Pittman	Swanson
Caraway	Heflin	Pomerene	Underwood
France	Jones, N. Mex.	Reed	Walsh, Mont.
Gerry	McKellar	Robinson	Watson, Ga.
Glass	Myers	Sheppard	

NAYS—40.

Brandeggee	Jones, Wash.	New	Smoot
Bursum	Keyes	Newberry	Stanfield
Cameron	Ladd	Nicholson	Sterling
Capper	Lenroot	Oddie	Sutherland
Cummins	Lodge	Page	Townsend
Curtis	McKinley	Pepper	Wadsworth
Elkins	McLean	Phipps	Warren
Frelinghuysen	McNary	Polindexter	Watson, Ind.
Gooding	Moses	Rawson	Weller
Harrell	Nelson	Shortridge	Willis

NOT VOTING—33.

Ball	Edge	King	Simmons
Borah	Ernst	La Follette	Spencer
Calder	Fernald	McCormick	Stanley
Colt	Fletcher	McCumber	Trammell
Crow	Hale	Norbeck	Walsh, Mass.
Culberson	Hitchcock	Norris	Williams
Dial	Johnson	Owen	
Dillingham	Kellogg	Ransdell	
du Pont	Kendrick	Shields	

So the Senate refused to take a recess.

Mr. TOWNSEND. Mr. President, I think it is very evident that every effort is going to be made to prevent the transaction of business on the part of the Senate, and it is probably impossible to amend the rules of the Senate so that a majority can legislate. There are, however, certain rules of the Senate which, if enforced, can possibly expedite its business. One of those rules is that no Senator shall speak more than twice on any measure during the same day. Another rule is that no Senator shall yield to another Senator except for a question.

The Senate can remain in recess. We can enforce those rules of the Senate, and I propose for one to try to enforce them. I dislike very much to do so, because no one hesitates more than I to do anything which seems to be contrary to the legitimate wishes of a Senator, but we sit here day after day and day after day waiting to get a vote on some matter which has been up for discussion for a long time and yet no result is reached. We try to have night sessions, and we are told that Senators who wish to talk are weary and do not want us to remain here any longer, and all kinds of tactics are employed to prevent action on the part of the Senate. It seems to me it is a gross misuse of senatorial courtesy. We have a rule of the Senate which says—

Mr. ROBINSON. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ROBINSON. I invoke the rule to which the Senator from Michigan has just referred, that the Senator from Missouri has no right to yield to the Senator from Michigan to make a speech, and that the Senator from Michigan is not asking the Senator from Missouri a question.

Mr. TOWNSEND. The Senator from Missouri has not the floor.

The PRESIDING OFFICER. The Senator from Missouri yielded the floor for a motion to take a recess, and did not ask for recognition when the result was announced.

Mr. REED. I thought the Senator from Michigan had risen to make some suggestion with reference to an adjournment, and that is the reason why I did not. I did not understand that he was going to make a speech.

Mr. ROBINSON. If the Senator from Missouri has forfeited the floor, my point of order does not apply. I understood that he was claiming the floor.

Mr. REED. I had the floor.

Mr. TOWNSEND. I do not yield.

The PRESIDING OFFICER. The Senator from Michigan declines to yield.

Mr. REED. There is a question of order pending. Let me state the situation. I had the floor when a Senator rose and suggested the absence of a quorum. Immediately after the announcement of the result of that quorum call, before I had any opportunity to resume the floor, the Senator from Virginia [Mr. SWANSON] made a motion to take a recess. As soon as that motion was disposed of, and when I was rising to my feet, the Senator from Michigan rose, and from his opening sentence I thought he was going to make a suggestion about an adjournment. Whatever advantage there may be in it, if the Senator wants to stand upon it, he may have it, but I assure him it will not be a very great one.

Mr. ROBINSON. Mr. President—

Mr. TOWNSEND. I decline to yield.

Mr. ROBINSON. I desire to speak on the point of order.

Mr. TOWNSEND. I shall have to yield to the Senator for that purpose if the Chair desires to hear the Senator.

Mr. ROBINSON. I merely wish to say that I thought the entire Senate understood that the Senator from Missouri had not concluded his address, and that he expected to continue the discussion of the subject before the Senate. Of course, if the Chair holds that the Senator from Missouri failed to resume the floor, that he abandoned it, my point of order is not well taken.

The PRESIDING OFFICER. The Chair understood the Senator from Virginia [Mr. SWANSON] to state that if the Senator from Missouri would yield to him to make a motion to take a recess, he would make the motion. The motion to take a recess was made. The Chair looked toward the Senator from Missouri when the result was announced, and he did not rise. The Senator from Michigan did rise and address the Chair, so the Chair recognized him. That was all the Chair had to do.

Mr. REED. Let me state that when the suggestion of the absence of a quorum was made and the roll was called, I rose to my feet. The RECORD will not show that, but it is a fact. The Senator from Virginia then asked me if I desired to proceed to-night. I said I would prefer not to proceed, and thereupon he made a motion to take a recess. After that vote was taken I was rising to my feet when the Senator from Michigan [Mr. TOWNSEND] took the floor, and, as I have stated, from his opening remark I thought he was going to make a suggestion that it was better to adjourn. He then proceeded with his speech. I kept my feet, and I did not protest out of politeness. Of course, if anyone desires to take advantage of my act of courtesy, he is perfectly welcome to whatever advantage he may get.

The PRESIDING OFFICER. Under the circumstances, the Chair feels that he must overrule the point of order. The Senator from Michigan has the floor.

Mr. TOWNSEND. Mr. President, just a word in reference to the statement of the Senator from Missouri. It is very clear to everybody, it seems to me, that the Senator from Missouri yielded the floor for the Senator from Virginia to make the motion to take a recess. That motion was made. I did not rise precipitously. No one had taken the floor and I rose and started the suggestion I am about to make now.

I stated that we have one rule of the Senate which is known as a motion to lay on the table. When a majority of the Senate desire that some measure which is brought up either for delay or for what the majority may regard as an improper motive, a motion may be made to lay it on the table, the idea being that the Senate desires not to debate that question. That no longer accomplishes its purpose, however, in the Senate, because when a matter is tabled those who wish to speak upon it continue to discuss it just the same as though the motion had not been made and carried.

Now, we are charged with not being courteous, or probably will be, if we insist upon enforcing the rules of the Senate. But I repeat that there is no way to do business in the Senate under the rules unamended except by enforcing the few rules we do have.

I shall not be invidious in reference to the matter; I do not want to be; but I am going to insist, so far as it lies within my power, when I am on the floor, that the rules of the Senate

which provide that no Senator shall speak more than twice on the same day and that he shall not yield to another Senator except for a question shall be enforced. Then I hope the majority of the Senate will continue in recess until we can dispose of the measures which come before the Senate. I think this is the least that the majority of the Senate can do. I trust that we shall be able at least to make some progress along this line.

I would not feel so deeply about this subject if all the Senators who discuss measures simply discussed the one before the Senate, but I propose that it shall be shown to the Senate how much time is occupied by Senators in discussing matters that are not before the Senate at all, how much time is occupied by a few individual Senators, and about how much it costs the country to hear their discussions or to have their discussions printed in the CONGRESSIONAL RECORD.

I have made this statement at the first opportunity I have had to-day, because I have felt it was proper to make it at this time. I shall insist, I repeat, that these two rules of the Senate shall be enforced, and if the majority are as desirous of expediting the business of the Senate, even to a small extent, we shall succeed.

Mr. REED resumed his speech. After having spoken for some time,

Mr. HARRISON. Will the Senator yield?

Mr. REED. I yield.

Mr. HARRISON. The Senator is going into a very interesting discussion of a proposition touching this treaty. Would he not prefer to go on to-morrow? We have been here since 12 o'clock, and all the discussion to-day has been confined to this treaty. Would not the Senator prefer to go on to-morrow?

Mr. REED. Very much, and I have said so. I had expected to address the Senate upon this treaty, limiting myself absolutely to it. I have been unable to get some data I wanted, and I would not have taken the floor except that we were told we were to be forced to a vote to-night. Under those circumstances I am compelled to speak. I would make a very much shorter speech if I had a longer time in which to prepare it. I have no desire to keep the Senate here, but at the same time I have no disposition to be "bullied."

Mr. HARRISON. May I ask, if the Senator from Missouri will yield, will not the Senator from Massachusetts consent to a recess until to-morrow? There are very few speeches more to be made on this question, I understand. We shall get to a vote at a reasonable time.

Mr. LODGE. I am willing to make an agreement to vote or to vote now, but I do not wish to take a recess.

Mr. HARRISON. If we are going to proceed to discuss an important proposition at this time, such as the Senator from Missouri is discussing, we certainly ought to have more than five of the opposition Senators in their seats. So I suggest the absence of a quorum.

Mr. LODGE. I make the point of order that that is out of order, because no business has intervened since the last quorum call.

The PRESIDING OFFICER. The point of order is sustained.

Mr. HARRISON. I move that the Senate now take a recess until 12 o'clock to-morrow.

Mr. REED. I can not yield for that purpose if the rule is to be invoked and I should lose the floor, for I am told that if the Senate be in recess I can not resume it.

Mr. LODGE. The rule will certainly be invoked.

Mr. REED. It will not be the only time it will be invoked.

Mr. LODGE. I trust not. It has been invoked a great deal in the past. If the Senator from Missouri yields so that the Senator from Mississippi can make a motion, of course he loses the floor.

Mr. REED. I wish to make a parliamentary inquiry, Mr. President. Suppose I, having the floor, make the motion while I am on the floor, will I thereby yield the floor?

The PRESIDING OFFICER. That would be the ruling of the Chair, if the Senator yielded the floor for the purpose of making the motion.

Mr. REED. I would yield the floor, although I have the floor?

The PRESIDING OFFICER. Yes; the Senator would yield the floor to make the motion. That would be the ruling of the Chair.

Mr. REED. You will have some difficulty in finding precedents to sustain that ruling.

Mr. LODGE. The Senator would lose the floor while the vote was being taken.

Mr. HARRISON. So the Senator from Massachusetts makes a point of order against my point of order that there is not a quorum present?

Mr. LODGE. I did make the point of order that the point of no quorum could not be made, because no business had intervened since the last quorum call.

Mr. HARRISON. Will not the Senator allow me to appeal to him to get more Members of the majority here, so that they can listen to the discussion and be able to vote intelligently on the question?

Mr. LODGE. There is no use in that. They would be brought in here and go out within five minutes. A filibuster is only attractive to those who are carrying it on.

Mr. REED. It is not a filibuster. I have not said one word to-day except on the pending treaty, save when I was interrupted by the Senator from Michigan, who proceeded to interject into my discussion a totally foreign matter, and I have just got through replying to that.

Mr. CARAWAY. Mr. President, will the Senator from Missouri yield to me?

Mr. REED. I yield for any purpose that I can without losing the floor.

Mr. CARAWAY. I wanted to ask the Senator a question. If the treaty which the Senator is discussing is, as the Senator from Massachusetts says, the assertion of a right and we have a one-fifth undivided interest in the island of Yap, when did it become a rule of this Nation to beg for what belongs to the Nation? If we have a one-fifth undivided interest in Yap and can not be divested of it by the act of other people without assenting to it ourselves, why is it necessary to have a treaty to exercise our right over the island of Yap?

Mr. REED. There is clearly no necessity of a treaty to exercise a right which we have.

Mr. CARAWAY. If the Senator from Massachusetts is right, and we have a one-fifth undivided interest, an absolute right to it, then why do we have to beg for the right to exercise any dominion over what belongs to us? When did it become the policy of this Nation to beg for the right to exercise sovereignty over what belongs to the United States?

Mr. REED. I can not answer that.

Mr. CARAWAY. And if we do not own it—and I do not think we do—if we ratify the treaty because we admit we have no right to it, then we have no right to anything which came to the allied and associated powers by the war, have we?

Mr. REED. I think not.

Mr. CARAWAY. One or the other of those things is absolutely true. I am curious to know under what theory we are asked to ratify this treaty if we must beg for the privilege of exercising the right, or if we have no right at all. Under which theory are we asked to ratify the treaty?

Mr. HARRISON. Mr. President, will the Senator from Missouri permit me?

Mr. REED. I will yield for any purpose which does not take me off the floor.

Mr. HARRISON. I understand, and I do not want to take the Senator off the floor. May I ask the Senator from Massachusetts, with the consent of the Senator from Missouri, if the Senator from Massachusetts would not agree and could we not get a unanimous-consent agreement that at a certain time, say Wednesday, day after to-morrow, the speeches on the treaty shall be limited—fixing a limit for the speeches? And then we will get to a vote.

Mr. LODGE. I will agree to a time to take a vote—that is, within a reasonable space—or I shall try to sit here as steadily as I can in order to get a vote. It is tiresome and disagreeable, I know, and I dislike it as much as anybody, but we can not get on with the business which I want to get disposed of unless we can make some agreement to vote.

Mr. HARRISON. What suggestion has the Senator to make?

Mr. LODGE. I am waiting for a suggestion from those who are asking for time. I am ready to vote now.

Mr. HARRISON. I thought I had made a very reasonable suggestion. Let us agree that beginning Wednesday at 12 o'clock speeches shall be limited to one hour.

Mr. LODGE. No; I want an agreement to vote.

Mr. HARRISON. Then what would the Senator suggest about that?

Mr. LODGE. I shall be glad to consider any offer the other side desires to make.

Mr. HARRISON. What would the Senator suggest about voting at a certain time on Thursday?

Mr. LODGE. I should not wish to make an agreement for a time later than Wednesday.

Mr. HARRISON. Then the suggestion of the Senator is that we shall agree to vote about Wednesday, at 5 o'clock?

Mr. LODGE. I am making no suggestion.

Mr. HARRISON. I was in hopes the Senator would.

Mr. LODGE. I am waiting for a suggestion from my ever-ready friend from Mississippi.

Mr. HARRISON. I made a suggestion and the Senator did not accept it.

Mr. LODGE. No; I will not accept any suggestion that does not fix a time to take a vote. But did the Senator suggest a vote at 5 o'clock Wednesday, without further debate?

Mr. HARRISON. Yes.

Mr. LODGE. I would like to have it reduced to writing, in correct form as the Secretary would prepare it, that we vote on the treaty and all reservations and amendments pending or to be offered and that all debate shall cease and the vote be taken not later than 5 o'clock on Wednesday next.

Mr. REED. Mr. President—

The VICE PRESIDENT. The Senator from Missouri has the floor.

Mr. HARRISON. Did the Senator from Massachusetts offer some suggestion?

Mr. LODGE. I just want it written down; that is all.

The ASSISTANT SECRETARY. Proposed unanimous-consent agreement—

The VICE PRESIDENT. Just a moment. Is it understood that the Senator from Missouri does not yield the floor?

Mr. LODGE. I am perfectly ready to say that we will not invoke the rule if we can reach an agreement.

Mr. REED. I will take a chance on colloquies of this kind being carried on amongst gentlemen without anybody taking advantage of it.

The VICE PRESIDENT. Who is the Chair to understand is proposing the unanimous-consent agreement?

Mr. REED. I think the Senator from Massachusetts is having one written out.

Mr. LODGE. At the suggestion of the Senator from Mississippi, I propose the unanimous-consent agreement.

Mr. HARRISON. The suggestion I made was to vote on Thursday, but that after 12 o'clock on Wednesday the speeches shall be limited.

Mr. LODGE. I must ask for a time to vote. These limitations of debate are pretty indefinite.

Mr. HARRISON. Let the proposed unanimous-consent agreement be read.

The VICE PRESIDENT. It will be read.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the Calendar Day of Wednesday, March 1, 1922, the Senate will proceed to vote, without further debate, upon any amendment or reservation that may be pending or any amendment or reservation that may be offered and upon the resolution of ratification presented by the Committee on Foreign Relations to Executive R, a treaty between the United States and Japan—

And so forth.

Mr. HARRISON. Of course, under the rule we would have to call a quorum. So I suggest the absence of a quorum.

The VICE PRESIDENT. That is not necessary.

Mr. LODGE. It is not necessary under the rule to call for a quorum. The rule applies only to unanimous-consent agreements with reference to votes on bills and joint resolutions.

Mr. HARRISON. Under the circumstances everyone ought to be here.

Mr. LODGE. Very well; I will not make any point of order about a call for a quorum. Let the roll be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McNary	Shortridge
Brandegge	Harreld	Moses	Smith
Broussard	Harris	Myers	Stanfield
Bursum	Harrison	New	Sterling
Cameron	Heflin	Newberry	Sutherland
Capper	Johnson	Nicholson	Townsend
Caraway	Jones, Wash.	Norbeck	Wadsworth
Colt	Kellogg	Oddie	Warren
Curtis	Keyes	Overman	Watson, Ga.
Elkins	King	Page	Watson, Ind.
Ernst	Leafoot	Phipps	Weller
Fernald	Lodge	Pittman	Willis
Fletcher	McKellar	Rawson	
France	McKinley	Reed	
Gerry	McLean	Sheppard	

The VICE PRESIDENT. Fifty-seven Senators have answered to their names. A quorum is present. The question is on agreeing to the request for unanimous consent. The Secretary will state the proposed unanimous-consent agreement.

The ASSISTANT SECRETARY. It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the calendar day of Wednesday, March 1, 1922, the Senate will proceed to vote without further debate upon any amendment or reservation that may be pending, any amendment or reservation that may be

offered, and upon the resolution of ratification reported by the Committee on Foreign Relations to Executive R, a treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The VICE PRESIDENT. Is there objection to entering into the proposed unanimous-consent agreement?

Mr. REED. Mr. President, I am not willing that the debate on the pending treaty shall be cut off on Wednesday without the right of any Senator thereafter to discuss an amendment or reservation. I have for a long time been protesting against that sort of agreement. We did have a form of agreement worked out here that was reasonably satisfactory. It was an agreement which would have limited the debate and permitted, after a certain time, a discussion of amendments or reservations for a very limited period. Such an agreement in the past has resulted in promptly reaching a vote on the pending matter.

I shall not object to that sort of an agreement, if the Senator from Massachusetts will modify his request so that on Wednesday the debate shall be limited, no Senator to be permitted to speak more than 30 minutes on the treaty or reservations or amendments after that time.

Mr. LODGE. After 5 o'clock?

SEVERAL SENATORS. After 2 o'clock.

Mr. REED. No; after 5 o'clock on Wednesday, and that we shall vote not later than 2 o'clock on Thursday.

Mr. LODGE. Mr. President, I have gone to the limit, I think, in extending the time to 5 o'clock on Wednesday. If the Senator from Missouri objects to that, I am afraid we shall have to go right on.

Mr. HARRISON. Will the Senator from Missouri yield to me?

Mr. REED. I yield.

Mr. HARRISON. I understood the Senator from Massachusetts a moment ago to have an open heart and mind with respect to suggestions to limit the debate to some time on Thursday. I thought the Senator, perhaps, would accept the suggestion made by the Senator from Missouri. The Senator from Missouri only suggested that after 5 o'clock on Wednesday the time of debate by any Senator be limited to 30 minutes on any reservation or amendment, and that a vote be taken not later than 2 o'clock, say, on Thursday. Such an agreement as that would fix a definite time to vote on the treaty.

Mr. LODGE. I do not see any reason for carrying it over until Thursday. There are no reservations pending, no amendment is pending, and, as I understand, no amendment will be offered. I do not think there are enough votes here to defeat the treaty in that way.

Mr. HARRISON. It may be that we can get a vote earlier.

Mr. LODGE. I am perfectly willing, say, after 2 o'clock on Wednesday, to limit the time for discussion on reservations or amendments, and then to vote at 5 o'clock. That is all I want to get—a vote on the treaty at 5 o'clock.

Mr. HARRISON. Will not the Senator modify his request for unanimous consent as has been indicated?

Mr. LODGE. I shall not object to extending the time to 6 o'clock, if that will make the Senator feel any better.

Mr. HARRISON. No; I am merely trying to help to secure an agreement on some proposition. We can, I think, agree to take a final vote on this matter at 2 o'clock on Thursday.

Mr. WATSON of Indiana. Mr. President, I trust the Senator from Massachusetts will agree to that proposition. I understand the difficulties that attend the situation, but, after all, the more talk the worse the situation of Senators on the other side will be; so I trust the Senator will permit the debate to run on until Thursday.

Mr. LODGE. What was the proposition?

Mr. HARRISON. I had hoped the Senator would modify his request so that a vote shall be taken at not later than 2 o'clock on Thursday, and that after, say 4 o'clock or 5 o'clock on Wednesday, no Senator shall speak longer than 30 minutes on any amendment or reservation.

Mr. LODGE. Mr. President, at the suggestion of the Senator from Indiana [Mr. WATSON] and the Senator from Kansas [Mr. CURTIS], I will accept that proposition, asking only that if at any time—because I intend to keep the treaty steadily before the Senate—no Senator cares to discuss it, then it may be in order to speak on the next treaty which will come before the Senate.

Mr. HARRISON. The Senator is not endeavoring to incorporate that suggestion into the agreement?

Mr. LODGE. No; I do not ask to incorporate that suggestion in the agreement.

Mr. WATSON of Indiana. Does not the proposed agreement in express terms state that a vote shall be taken not later than 2 o'clock on Thursday?

Mr. LODGE. Yes.

Mr. WATSON of Indiana. So that if debate shall be closed prior to that hour the vote may be taken earlier. Is not that correct?

Mr. HARRISON. That was the suggestion, as I understood the Senator from Missouri.

Mr. WATSON of Indiana. Of course, if the Senator from Missouri has any objection, that could not be done.

Mr. LODGE. We shall secure a final vote at 2 o'clock on Thursday.

Mr. PITTMAN. As I understand, under the proposed agreement a definite hour is fixed to vote on Thursday, is it not?

Mr. LODGE. At not later than 2 o'clock on Thursday.

Mr. WATSON of Indiana. At not later than 2 o'clock.

Mr. SMITH. May I suggest that it would be better to fix a definite time?

Mr. LODGE. A time has been fixed, at not later than 2 o'clock on Thursday.

Mr. SMITH. Under the terms of the proposed agreement it would be possible to vote before that—

Mr. LODGE. That is perfectly safe.

Mr. SMITH. And if that be so, some Senators might be absent at the time of the vote, whereas if there were a definite hour fixed for a vote they would all be here.

Mr. LODGE. I repeat, there is a definite time fixed at 2 o'clock.

Mr. WATSON of Indiana. At not later than 2 o'clock. The Senator knows very well that if this arrangement can be made, the vote in all probability will not come before the hour fixed.

Mr. LODGE. If there is any time not occupied, we may discuss the four-power treaty.

Mr. HARRISON. Question!

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement as modified? The Chair hears none, and the agreement as modified is entered into.

Mr. REED. As I understand, then, the vote is to be taken on Thursday?

The VICE PRESIDENT. On Thursday at not later than 2 o'clock.

Mr. HARRISON. Let us have the agreement read. Some Senators say "at 2 o'clock" and some say "not later than 2 o'clock."

Mr. LODGE. Not later than 2 o'clock.

The VICE PRESIDENT. The agreement provides for a vote at not later than 2 o'clock.

Mr. HARRISON. Very well.

The agreement was reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 2 o'clock p. m., on the calendar day of Thursday, March 2, 1922, the Senate will proceed to vote, without further debate, upon any amendment or reservation that may be pending, any amendment or reservation that may be offered, and upon the resolution of ratification of Executive R, "A treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean, lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922," and that after the hour of 5 o'clock on the calendar day of Wednesday, March 1, no Senator shall speak more than once or longer than 30 minutes upon the treaty, or more than once or longer than 30 minutes upon any reservation that may be offered thereto.

TREATIES AGREED ON BY WASHINGTON CONFERENCE.

Mr. LODGE. I desire to report favorably from the Committee on Foreign Relations the six treaties agreed to by the recent Washington conference and ask that they may go to the calendar.

The VICE PRESIDENT. The treaties will be received.

THE FOUR-POWER TREATY.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the treaty with the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean, reported the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington, December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

The VICE PRESIDENT. The resolution will be placed on the Executive Calendar.

AGREEMENT SUPPLEMENTARY TO THE FOUR-POWER TREATY.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the agreement between the United States, the British Empire, France, and Japan, supplementary to the treaty between the same four powers relating to their insular possessions and insular dominions, reported the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive O, Sixty-seventh Congress, second session, an agreement between the United States, the British Empire, France, and Japan, supplementary to the treaty between the same four powers relating to their insular possessions and insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan, signed at Washington February 6, 1922.

The VICE PRESIDENT. The resolution will be placed on the Executive Calendar.

THE FIVE-POWER TREATY.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the treaty with the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament, reported the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament, concluded at Washington February 6, 1922.

The VICE PRESIDENT. The resolution will be placed on the Executive Calendar.

TREATY ON SUBMARINES AND NOXIOUS GASES.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the treaty with the British Empire, France, Italy, and Japan, relating to the use of submarines and noxious gases in warfare, reported the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive M, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, Italy, and Japan relating to the use of submarines and noxious gases in warfare, concluded at Washington February 6, 1922.

The VICE PRESIDENT. The resolution will be placed on the Executive Calendar.

CHINESE CUSTOMS TARIFF TREATY.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the treaty with Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, relating to the Chinese customs tariff, reported the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive Q, Sixty-seventh Congress, second session, a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, relating to the Chinese customs tariff, concluded at Washington February 6, 1922.

The VICE PRESIDENT. The resolution will be placed on the Executive Calendar.

TREATY CONCERNING CHINESE PRINCIPLES AND POLICIES.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the treaty with Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, relating to principles and policies to be followed in matters concerning China, reported the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive P, Sixty-seventh Congress, second session, a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, relating to principles and policies to be followed in matters concerning China, concluded at Washington February 6, 1922.

The VICE PRESIDENT. The resolution will be placed on the Executive Calendar.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The VICE PRESIDENT. The question is on agreeing to the first article of the treaty with Japan.

RECESS.

Mr. LODGE. Mr. President, unless some Senator wishes to continue now, I will make a motion that the Senate take a recess until to-morrow at 11 o'clock.

Mr. HARRISON. I suggest that the Senator make it 12 o'clock.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts that the Senate take a recess until 11 o'clock to-morrow.

Mr. HARRISON. Will not the Senator make it 12 o'clock? There are several important committees which will meet to-morrow.

Mr. LODGE. The Senator from Mississippi is always so appealing that I will modify my motion and move that the Senate take a recess until 12 o'clock to-morrow. I always agree to his suggestions.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and (at 7 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, February 28, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, February 27, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord reigneth; He is clothed with majesty; His world is established; it can not be moved and naught can shake His sure repose. Thy works are manifold and in wisdom Thou hast made them all and Thy glory shall endure forever. Clothe Thyself with silence as with a holy garment. Be known as very near and not far away. Be Thou a help not only to our senses, but to our deepest intuitions. Thus enable us to give the open proof of an intelligent and conscientious study of all problems. Show us the acceptable method, the wise way, and the divine order and out of the cloud that hides Thy face, be not silent unto us. Through Christ our Lord. Amen.

The Journal of the proceedings of Friday, February 24, 1922, and of Sunday, February 26, 1922, was read and approved.

INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10329, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, has the gentleman conferred with the gentleman from Oklahoma [Mr. CARTER]?

Mr. CRAMTON. Yes, I have; and this is entirely agreeable to him.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, does the gentleman know whether there are any radical amendments in the way of unusual appropriations which have been placed on this bill?

Mr. CRAMTON. The bill is about three and a half million dollars larger than when it left the House. I am frank to say to the gentleman that my own feelings, and I think they are the feelings of the conferees, as well, I understand, as of the House, are that the bill should not be increased by any such amount as that.

Mr. BLANTON. Is the gentleman going to give us an opportunity to vote on the three and a half million dollars extra which has been placed on the bill?

Mr. CRAMTON. That covers a great number of items. I am in hope that in conference the increases may be largely eliminated.

Mr. BLANTON. The new proposed \$40,000,000 water system and power system has not been placed on the bill, has it?

Mr. CRAMTON. No.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. CRAMTON, Mr. FRENCH, and Mr. CARTER.

EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by Attorney General Daugherty at the banquet of the American Bar Association conference, held in this city last week.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD I include an address of the Attorney General, Hon. H. M. Daugherty, at the banquet of the conference of the American Bar Association, February 24, 1922.

The address is as follows:

ADDRESS OF THE ATTORNEY GENERAL, HON. H. M. DAUGHERTY, AT THE BANQUET OF THE CONFERENCE OF THE AMERICAN BAR ASSOCIATION, FEBRUARY 24, 1922.

THE AMERICAN BAR.

"Mr. President, Members of the American Bar Association and of the State Bar Associations.

"GENTLEMEN: I congratulate myself that I have the privilege of meeting with you here to-night as brother lawyers. The pressure of official duties gives me little opportunity for speech making, and I therefore do not seek occasions to make public addresses these days. However, I thank you for this invitation and for this opportunity, feeling full well that the inspiring support that you will give will be ample compensation for any message that I may bring to you.

"I have always held the legal profession in the highest esteem, and now, after having had the experience of nearly one year as Attorney General of the United States, I can say that I am prouder than ever not only of the law as a profession but of the American lawyer.

"The American lawyer, his ideals, and his conception of service, as well as his character and equipment, both intellectual and moral, are of paramount importance to every man who loves his country and cherishes its welfare. The very nature of constitutional government makes the mission of the lawyer one of fundamental importance. In a government of law and order the lawyer must occupy a commanding position. His relation to the State brings to him the call of public service. His relation to clients, in the private affairs of life, demand of him intellectual and moral qualities of the highest kind. Hence, it is altogether fitting that you should gather here, to the end that the standards of the American lawyer may be elevated to as high a point as possible. Your work is intensely unselfish and patriotic. You have come here, without pay and without expense to the public or to clients, and have taken common council together in this conference from all parts of our country, from your distant homes, not for benefit to yourselves, not to devise ways and means by which you yourselves can profit, but you have generously and unselfishly given of your time and of your thought and of yourselves to considering those things which make for the honor and efficiency of our profession. Your object is to establish a standard of our profession. Your object is to establish a standard so that the lawyer may be capable of responding to every call which his high position demands of him. This is, indeed, a serious and important work.

"I have at times been doubtful whether the American lawyer to-day is doing as much in the way of public service as the lawyers of an earlier day. This may be because we see only the outstanding figures of our profession of a former day.

"When I think of the fathers who framed the Constitution and of the splendid part of Hamilton, of Madison, of James Wilson, of Edmund Randolph, and others of that glorious group of young lawyers who drank deep at the fountain of human liberty and, with united mind, gave the world a new conception of a constitutional government founded upon law and order, strong and forceful, and yet with individual liberty protected, I see before me for all time the vision and the ideal and the conception of public service that should be held up to every young lawyer. In earlier times, because the very nature and foundation of his profession made him more capable than others to do so, the lawyer embraced the privilege of speaking, of seeking opportunity to inform the people of their Government, instructing and educating them, and impressing them with the necessity of each doing his part to sustain the stability of the Government and to preserve an unshaken faith in it. To the lawyer of the past we are indebted almost entirely for this accomplishment.

"Great as was the opportunity of the past, the service of the lawyer to his country, though less conspicuous and more humble, is equally imperative to-day. The needs of the hour are calling him to the support of his country, in defending her institutions, in inculcating faith among the people in these institutions, and in combating heresy and unsound notions of government that seek to undermine and destroy the work that the fathers and those who succeeded them have transmitted to us.

"The enemies of law and order are more active than ever before in sowing the poisons of lawlessness and unsound and experimental theories of government. These agencies have a small portion of the American press, and likewise their orators, scattering and propagating their vicious theories of government and casting unjustifiable reflections on men holding public

office, with the intent to undermine the confidence of the people in them. These forces must be met and combated.

"In a democracy where practically there is universal suffrage, it is important that every citizen be imbued with sound and wholesome notions of government. On whom is it more fitting to call in the performance of this public service than upon the members of the American bar?

"In almost a year that I have served as Attorney General I have not called upon a single lawyer to render service to the Government, with or without pay, who has refused to do so. Their help to the Department of Justice has been marvelous and most highly appreciated. No man can succeed as Attorney General of the United States without both the assistance and the confidence of the American lawyer. That is why I say, whenever I speak to a body of lawyers, that I consider every reputable lawyer in the United States a part of the Department of Justice. During the past year I have had hearings, conferences, contact, and dealings with probably 1,000 lawyers, and I am happy to say, to their credit and for the widest publicity possible, that I have not yet found one of these lawyers untrustworthy, regardless of his interest in the cause or the nature of his employment.

"If the State requires such high and important service of the legal profession, the lawyer who meets these requirements must be possessed of that intellectual and moral equipment that makes him efficient in performing these duties. In no calling are courage and fidelity more essential than in the legal profession. We admire brilliancy, but, by comparison, we discount brilliancy while we hold integrity at a premium. It is a matter of public concern to the State that the lawyer be absolutely trustworthy, both as to his moral character and his intellectual ability. Clients must trust him and are frequently at his mercy. He must be trustworthy in his relations to private litigants, but, far more, he must be trustworthy in his ability to answer the call of his country in performing his part in molding wholesome and sound public sentiment.

"In these days when the exactions of business and commerce and industrial life are calling for so much of a lawyer's time and energy, there is great danger that he may forget the first requisite of his high and noble calling—that is, his duty to the State in inculcating sound notions and in educating the people and in forming correct public opinion, to the end that constitutional government may be preserved and its blessings disseminated among the people. The lawyer's first public service, as a class, does not consist in holding office, but in educating the people to sound and wholesome notions of government.

"The American lawyer, the educator, the clergy, and the press everywhere are the agencies for the dissemination of sound principles of government and for educating the people to resist all efforts to undermine our system of government, and to foment revolution against its true, tried, and trustworthy Constitution and traditions. Because of its ability to reach the people, the greatest educational facility in this or any other country is a sound and truthful press. Constitutional government rests on the intelligence of the people. Since the foundation of our Government, through the vicissitudes of storm and sunshine, to the present hour, a patriotic press has rendered most invaluable service to our country.

"The educational service that I have dwelt upon is especially important not only because of the nature of republican government under universal suffrage but because under the hospitable policy of our Government those born under other flags have come to our shores and participated in the freedom and liberty and resources of our country, and it is necessary that such people should be educated in our system of government and impressed with the benefits of that system. The education of all persons of this class is a prime necessity, and this call to public service is especially incumbent upon the lawyer.

"From the American bar comes its judiciary. The wise selection of judges must, in great measure, depend upon the bar. Politics is and should be purely incidental to the selection of the judiciary. Character, reinforced by a trained intellect and learning, fortified by moral uprightness and courage, and sustained by a clear vision of the serious responsibility of the judicial office, is a requisite that every judge should possess who sits in judgment in our country. I believe that this Government will stand as indestructible as our mighty hills and majestic mountains, and that there shall continue to flow from it benefits for our people as copious as the waters of our streams and rivers. I do not believe that any branch of our Government shall fail, but to the judiciary, more than to anything else, must we look for the preservation and perpetuation of our Government. A wise and courageous judiciary, resting on the confidence of the people, will save it from disintegration, revolution, and destruction.

"Speaking to you intimately, I do not know what the history of the Department of Justice as now constituted will be, but I can assure you that its greatest ambition is to be helpful in installing a judiciary which will be a credit to America and American institutions and to the profession of which we are all proud to belong. As an evidence of sincerity in this regard, I am proud to call attention to the standard established by the Chief Executive in the selection of that eminent statesman and sound jurist, ex-President Taft, as Chief Justice of the greatest court in the world.

"Therefore, since the American bar must furnish the judges for our judicial system, both State and national, and since from its ranks must come that vast concourse of young lawyers in the future who shall be the educative influence to mold public opinion in sound notions of government, it is of deep and grave concern to our Republic that the ranks of the American bar shall be recruited with young men who not only have the moral character that shall make them trustworthy in handling a client's cause but shall have that moral and intellectual endowment that shall make them able to respond to every call of their country."

Mr. GARNER. Mr. Speaker, in that connection I ask unanimous consent to insert in the RECORD an address delivered by the gentleman from Tennessee [Mr. GARRETT] at Topeka, Kans. The SPEAKER. Is there objection?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9981) making appropriations for the Executive and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is the gentleman going to give the House an opportunity to vote on the \$25,000 proposition, an initial proposition, looking to the construction of a bridge from here to Arlington?

Mr. WOOD of Indiana. I would say to the gentleman from Texas that if the House desires to vote upon the proposition, it will have an opportunity to do so.

Mr. BLANTON. That is a \$10,000,000 proposition.

Mr. WOOD of Indiana. Oh, no; it is a \$25,000 proposition.

Mr. BLANTON. But that \$25,000 is just for a preliminary survey to expend \$10,000,000 later on in building a bridge.

Mr. WOOD of Indiana. The gentleman is entirely mistaken with reference to the possibility of this appropriation. The purpose of this appropriation is to make the investigation and find out the very thing that the gentleman is talking about.

Mr. BLANTON. The gentleman understands that if that report is favorable, then we will be pledged in a way to expend the \$10,000,000 for the bridge.

Mr. WOOD of Indiana. I do not understand that we will be obliged to do any such thing. As far as the appropriation the gentleman fears is concerned, that will have to take care of itself when it comes.

Mr. BLANTON. There is one other matter I want to inquire about: An amendment has been placed on the bill at the other end of the Capitol providing that the President of the United States may use any part, in his discretion, of the \$25,000 set apart now every year for railroad expenses in public entertainment. Is the gentleman going to give us an opportunity to vote on that matter in the House?

Mr. WOOD of Indiana. The House will have an opportunity to vote on that, as it will on all these other matters. I expect there will be some bigger problems than that \$25,000 matter in this conference.

Mr. BLANTON. There will not be any problem that is bigger in principle to the American people than that concerning the \$25,000 for public entertainment.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. GARNER. Has the gentleman talked with the gentleman from Virginia [Mr. HARRISON]?

Mr. WOOD of Indiana. I spoke to Mr. HARRISON; yes.

The SPEAKER. Is there objection?

Mr. DALLINGER. Mr. Speaker, reserving the right to object, can the gentleman tell us whether the conferees are going to insist upon the House position in regard to the amendment providing that articles which can be produced or repaired cheaper in navy yards and arsenals shall be so produced and repaired?

I understand in the Senate a substitute for it was adopted which does not carry out the wishes of the House in any respect or in a very slight respect.

Mr. WOOD of Indiana. I have always understood it to be the duty of the conferees to maintain and insist upon the position maintained by the House, and I do not think there will be any exception as far as this is concerned.

Mr. HULL. Will the gentleman agree to bring this back? It is a very important amendment and I think it is a reasonable request.

Mr. WOOD of Indiana. I will agree with the gentleman that it is a very important amendment. I believe that the gentlemen who are the proponents of this amendment will now agree that the amendment carried and passed by the House would have been impossible; but, so far as I am one of the conferees, I will be glad to see that the wishes of the House are maintained and, if not, I will bring it back to the House.

Mr. GARRETT of Tennessee. I hope the gentleman will defer his request for a little while. I know the gentleman from Tennessee [Mr. BYRNS]—

Mr. WOOD of Indiana. I will be glad to do so.

Mr. GARRETT of Tennessee. Mr. BYRNS of Tennessee spoke to me about some matter connected with this bill, which is not clear to me at this moment, and if the gentleman will defer his request—

Mr. GARNER. There were two amendments put in the House bill by Mr. BYRNS of Tennessee, General Accounting Office and Shipping Board, and they refer to the limitation of salaries, as I recall it.

Mr. WOOD of Indiana. Put back in the House bill.

Mr. GARNER. Now, it does seem to me we ought to have some assurance about those amendments before the bill goes to conference, knowing the conferees are not in sympathy with the views of the House, and for that reason Mr. BYRNS of Tennessee wanted an opportunity to talk with the gentleman about the matter before it went to conference.

Mr. WOOD of Indiana. I will be glad to defer it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke.

The message also announced that the Senate had concurred in the following concurrent resolution of the House of Representatives:

House concurrent resolution 42.

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be given to the State of Florida for the statue of Gen. E. Kirby Smith.

Resolved, That the statue be accepted in the name of the United States, to remain in the Statuary Hall in the Capitol of the Nation, and that a copy of these resolutions, suitably engrossed and duly authenticated, be forwarded to his excellency the governor of the State of Florida.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2265. An act to regulate marine insurance in the District of Columbia, and for other purposes.

LEGISLATIVE APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent for the Clerk to read what I send to the Clerk's desk.

The Clerk read as follows:

Mr. CANNON asks unanimous consent to take from the Speaker's table the bill (H. R. 10267) making appropriations for the legislative branch for the fiscal year ending June 30, 1923, with Senate amendments, to disagree to the Senate amendments and request a conference.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk announced the following conferees: Mr. CANNON, Mr. ANDERSON, and Mr. GALLIVAN.

EXTENSION OF REMARKS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a decision from the United States District Court at Boise, Idaho, with reference to the right of the Reclamation Service to condemn land for a proposed new town site.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. BULWINKLE. Mr. Speaker, upon request of the gentleman from North Carolina [Mr. LYON], I desire to ask unanimous consent to insert in the RECORD a letter from Mr. Frederick E. Engsthrum with reference to a proposed contract for the purchase and the lease of Muscle Shoals.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. MONDELL. Mr. Speaker, the Committee on Military Affairs is now considering this subject and is reviewing the entire subject and is receiving from day to day proposals relative to Muscle Shoals. These proposals have not been printed in the RECORD. Why does the gentleman deem it important at this time to put one particular one in the RECORD?

Mr. BULWINKLE. I am only doing it at the request of my colleague from North Carolina, who is absent.

Mr. MONDELL. Will the gentleman withhold his request to-day? I do not know I shall object.

Mr. BULWINKLE. I will withhold it.

TRANSFER OF BILL FROM HOUSE TO UNION CALENDAR.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that the bill (H. R. 3164) be transferred from the House Calendar to the Union Calendar.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 3164) supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes" (Public, No. 215, 66th Cong.), approved May 22, 1920.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that this bill be referred to the Union Calendar. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I assume that is where it belongs, on the Union Calendar.

Mr. LEHLBACH. That is the purpose of requesting the transfer.

Mr. GARRETT of Tennessee. It does not carry a charge on the Treasury?

The SPEAKER. The Chair did not see it on its face.

Mr. LEHLBACH. Of course, it is within the judgment of the Chair, but somebody might raise the point, if the bill came up for consideration. The fact is that it provides in certain instances for reinstatement of employees heretofore separated from the service. If those employees are reinstated, of course, they will be paid salaries that they are not now being paid. The inference is and the practical result will be that those who supplanted them will be dropped from the service, but this does not expressly appear in the bill, and consequently on the face of the bill it may apparently involve the expenditure of money.

The SPEAKER. Is there objection to the transfer. [After a pause.] The Chair hears none.

CALENDAR WEDNESDAY BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday may be in order instead on Tuesday.

The SPEAKER. The gentleman asks unanimous consent that the business regularly in order on Calendar Wednesday be in order to-morrow instead. Is there objection?

Mr. MANN. Mr. Speaker, the request is to set aside next Calendar Wednesday and have the business in order to-morrow?

Mr. MONDELL. That was my request.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. There will be only one Calendar Wednesday this week?

Mr. MONDELL. That is all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

POTOMAC INSURANCE CO.

The SPEAKER. This is District of Columbia day, and the gentleman from Pennsylvania [Mr. FOCHT] is recognized.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to consider the bill S. 1312 in the House as in the Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to take up in the House as in the Committee of the Whole a bill which the Clerk will report.

Mr. BLANTON. Is that the pawnbrokers' bill?

Mr. FOCHT. No.

Mr. BLANTON. What bill is it?

Mr. WALSH. Let the Clerk report it.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 1312) to amend the charter of the Potomac Insurance Co. of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman that this bill be considered in the House as in the Committee of the Whole? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1312) to amend the charter of the Potomac Insurance Co. of the District of Columbia.

Be it enacted, etc., That the act entitled "An act to incorporate a fire insurance company in Georgetown, in the District of Columbia," approved the 2d of March, 1831, and the act entitled "An act to amend the charter of the Potomac Fire Insurance Co. of Georgetown," approved the 3d of March, 1837, and the act entitled "An act to renew and continue in force the charter of the Potomac Insurance Co. of Georgetown, D. C.," approved the 25th of March, 1870, and the act entitled "An act to change the name of the Potomac Insurance Co. of Georgetown, and for other purposes," approved the 10th day of March, 1900, be, and the same are hereby, amended so as to grant to the Potomac Insurance Co. of the District of Columbia, in addition to the powers, privileges, and immunities granted to the said company in and by its original act of incorporation, as amended, full power and authority to make insurances against lightning, windstorm, tornado, cyclones, earthquake, hail, frost, or snow, civil riot and commotion, and by explosion, whether fire ensues or not (except upon steam boilers and pipes, flywheels, engines, and machinery connected therewith or operated thereby, against explosion and accident, and except against loss or damage to life or property resulting therefrom, and except against loss of use and occupancy caused thereby); and also against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires, and of water pipes, and against accidental injury to such sprinklers, pumps, or other apparatus; also insurance upon automobiles, whether stationary or being operated under their own power, which shall include all or any of the hazards of fire, explosion, transportation, collision, loss by legal liability for damage to or resulting from the maintenance and use of automobiles, and loss by burglary or theft, or both, but shall not include loss by reason of bodily injury to the person; and to effect reinsurances of any risks taken by it; and the said company shall have full power and authority to make and effect any and all of the above-described insurances and reinsurances.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act at any time.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MILLSPAUGH, a motion to reconsider the vote by which the bill was passed was laid on the table.

POLICEMEN'S AND FIREMEN'S RELIEF FUND.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent that the bill H. R. 7850 be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that there be considered in the House as in the Committee of the Whole a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7850) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes.

Mr. WALSH. Well, Mr. Speaker, I do not think it ought to be taken up in this way.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. FOCHT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7850, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7850, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7850) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes.

Be it enacted, etc., That on and after the passage of this act all retired and pensioned policemen of the District of Columbia who were retired or pensioned in accordance with laws enacted prior to December 5, 1919, shall be entitled to the same rating and benefits and receive pensions equal in amount to the pensions now being granted or that may be hereafter granted to policemen retired or pensioned since the passage of the act of December 5, 1919, and all retired and pensioned firemen of the District of Columbia who were retired or pensioned in accordance with laws enacted prior to January 24, 1920, shall be entitled to the same rating and benefits and receive pensions equal in amount to the pensions now being granted, or that may be hereafter granted to firemen retired or pensioned since the passage of the act of January 24, 1920, and all such retired and pensioned policemen and firemen shall also be entitled to all pension benefits resulting from any and all increase in pay that may hereafter be granted by Congress to the policemen and firemen of the District of Columbia.

SEC. 2. That all acts and parts of acts to the extent that they are inconsistent with this act are hereby repealed.

Mr. FOCHT. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. ZIEHLMAN].

Mr. ZIHLMAN. Mr. Chairman, this bill, as the title indicates, is to equalize the rate of pension paid to retired policemen and firemen in the District of Columbia. In 1916 Congress passed a law providing that all firemen and policemen injured in the course of their duty and all firemen and policemen who had reached the age of 60 years and served not less than 25 years and no longer fitted for active service should be retired and receive a rate of pension equivalent to 50 per cent of the salary they were receiving at the time of their retirement. Provision was made for a fund, to be known as the policemen and firemen's retirement fund, and 1½ per cent was deducted from the salary of policemen and firemen in the District and set aside in this fund. It was also provided that all fines levied against members of the two departments should be likewise put into this fund, and Congress annually appropriates a sum sufficient to make up the difference in the amount contributed by the members of the two departments and the amount of assessments and fines received. In 1919 Congress passed a law increasing the salary paid to firemen and policemen in the District, so that the members who have been retired since 1919 receive a higher rate of pension than those retired previous to that time. Your committee felt that the men who had been retired prior to 1919 had rendered the same degree of service to the District as those retired since and were entitled to the same rate of pension.

Mr. WALSH. What committee reported that 1919 bill?

Mr. ZIHLMAN. That was an amendment to the appropriation bill, chapter 443, of the acts of 1916, first session. It was a very long amendment to one of the appropriation bills—the District of Columbia appropriation bill.

Mr. WALSH. Was it put on in the Senate or in the House?

Mr. ZIHLMAN. I could not say as to that.

Mr. SNELL. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. SNELL. How much is the difference in the retired pay under the new act and the old one?

Mr. ZIHLMAN. The majority of the men who were retired under the old act receive from \$45 to \$50 a month. Those retired since the increase receive, most of them, according to their grade, of course, about \$69 a month.

Mr. SNELL. An increase of about 50 per cent?

Mr. ZIHLMAN. An increase from \$50 to \$69 in many cases and in some cases an increase from \$45 to \$69.

Mr. SNELL. What will be the cost?

Mr. ZIHLMAN. The total cost to the District, according to the District auditors, will be approximately \$41,000 per year; but I will state to the gentleman that this sum will yearly grow less, because many of the old pensioners are dying off; the men are aged, and some of them have been seriously injured in performing their duties; and this should gradually grow less.

Mr. SNELL. What was the reason these men were not taken care of when the bill was passed in 1919?

Mr. ZIHLMAN. The act of 1919, so far as I know, made no allusion to the question of the retirement pay because the act of 1916 provided that they should receive 50 per cent of their salary at the time of their retirement.

Mr. SNELL. As I understand, this is to take care of the ones that were retired previous to that law?

Mr. ZIHLMAN. To put them on an equal basis.

Mr. SNELL. Why were they not all put on an equal basis at the time the law was passed?

Mr. ZIHLMAN. They were put on an equal basis at the time the law was passed, but since that Congress has granted an increase in the basic pay of the firemen and policemen, and they receive more at the time of their retirement because of that increase than the men who were retired previous to the passage of the increased salaries bill.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. The gentleman spoke of this bill costing the District \$41,000 a year.

Mr. ZIHLMAN. I mean the District and the Federal Government jointly.

Mr. BLANTON. How much will it cost the Federal Government—that is, the whole people of the United States?

Mr. ZIHLMAN. I will say to the gentleman from Texas that that is entirely dependent on the will of Congress. The House has determined this year that the District shall pay 60 per cent and the Federal Government 40 per cent. Next year they may say 70 per cent and 30 per cent.

Mr. BLANTON. In that connection, may I ask the distinguished gentleman from Maryland whether it is a fact that the commissioners are insisting now on doing away with that 60-40 plan and have pending such a proposition before the

District Committee to do away with that plan and go back to the old 50-50 basis?

Mr. ZIHLMAN. I never heard of such a bill. There is a bill pending before the committee of which the gentleman is a member abolishing the present ratio plan, but it is no such bill as the gentleman speaks of. It goes to the other extreme.

Mr. BLANTON. Can the gentleman tell us how many policemen there are now?

Mr. ZIHLMAN. Four hundred and twenty-six policemen and—

Mr. BLANTON. I mean how many are on the pension roll?

Mr. ZIHLMAN. Three hundred and seven on the pension roll.

Mr. BLANTON. How many are there that are not on the pension roll?

Mr. ZIHLMAN. I would not want to give the gentleman any figures.

Mr. BLANTON. Out of which we draw these retired officers after they have reached the age of 60?

Mr. ZIHLMAN. It is the total number of policemen on the roll.

Mr. BLANTON. Can you give that?

Mr. ZIHLMAN. Not the actual number, no; I could not give you accurate information on that.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman.

Mr. MANN. Are the police now under any circumstances retired on their own application? If so, for what?

Mr. ZIHLMAN. The act provides for a board of examiners who shall examine an applicant who may apply for retirement and who pass upon his physical fitness to perform the duties of the department to which he is assigned; and in many cases, I will say to the gentleman, the application is refused, because the examining board determines that the man is capable physically of performing the duties and refuses the application. I know of quite a number of such cases personally.

Mr. MANN. Everybody wants to get on the retired list, then?

Mr. ZIHLMAN. No.

Mr. MANN. What proportion of the police force of the District is now on the retired list?

Mr. ZIHLMAN. Well, there are 307 pensioners on the roll, and I will state to the gentleman that many of those are women and children, who are also provided for in the policemen and firemen's retirement act.

Mr. MANN. How many policemen are now on the retired roll?

Mr. ZIHLMAN. Three hundred and seven, including the women and children. I have the actual figures here.

Mr. MANN. The gentleman is not quite accurate, I think. Three hundred and seven on the police roll; how many of those are former policemen?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. ZIHLMAN. Mr. Chairman, may I ask the gentleman from Pennsylvania [Mr. FOCHT] for 10 additional minutes?

Mr. FOCHT. Mr. Chairman, I yield to the gentleman 10 additional minutes.

Mr. ZIHLMAN. I will give the gentleman those figures. There are 146 retired members of the police department on the pension roll at the present time, and 161 widows and orphans, who would not be affected by the provisions of this bill.

Mr. MANN. They would not be affected?

Mr. ZIHLMAN. Not as I understand the bill, I will say to the gentleman.

Mr. MANN. Well, that is an important matter to know. Of course the bill says "all retired policemen."

Mr. ZIHLMAN. "Policemen and firemen"; it says nothing about widows and children.

Mr. MANN. The women and children are not very well organized.

Mr. SNELL. I think it is very important to know whether it does affect widows and orphans.

Mr. ZIHLMAN. I want to say, in answer to that interrogation, that the members of the police and fire departments are not active in pushing this bill, because it is not important to the present members of those departments. Capt. Mitchell, who died a few weeks ago, was extremely active in presenting this bill before the committee and in getting action upon it.

Mr. MANN. I suppose my friend from Maryland would not deny that the men now on the retired list have been fairly active in regard to this legislation?

Mr. ZIHLMAN. Not more than two members of the force on the retired roll have ever spoken to me, but Capt. Mitchell, whom many of you knew, who died a few weeks ago, was extremely active in behalf of this bill.

Mr. MANN. Did the committee have hearings on this bill?

Mr. ZIHLMAN. Yes. They had a hearing.

Mr. MANN. Who advocated the passage of the bill before the subcommittee, may I ask, in a general way?

Mr. ZIHLMAN. The retired members and Capt. Mitchell, who was not on the pension roll. And I also took the matter up with the District Commissioner, Capt. Oyster, who has charge of the firemen and policemen.

Mr. SNELL. Mr. Chairman, will the gentleman yield for another question, please?

Mr. ZIHLMAN. Yes.

Mr. SNELL. Under the present law what effect does it have on the widows and orphans of a retired man? Do they receive a pension?

Mr. ZIHLMAN. They receive a very small pension.

Mr. SNELL. What is that pension?

Mr. ZIHLMAN. It varies. It is in the discretion of the board of examiners. In some cases it is \$4 a month and in other cases \$12; but the commissioners were authorized to pay up to as high as \$35 per month to widows, and to each child under 16 years of age not exceeding \$10 per month, but in no case shall the amount paid to any family exceed \$50 per month.

Mr. SNELL. What pension does the widow of a policeman draw?

Mr. ZIHLMAN. In most cases it is around \$12 per month.

Mr. SNELL. How much does the widow of a policeman under the old law draw?

Mr. ZIHLMAN. This act does not affect the status of widows and orphans who are receiving pensions. It applies only to firemen and policemen.

Mr. SNELL. This bill says they "shall be entitled to the same rating and benefits and receive pensions equal in amount to the pensions now being granted or that may be hereafter granted," and so forth.

Mr. ZIHLMAN. But before that it says "firemen and policemen."

Mr. SNELL. Under the first act widows of policemen and firemen would draw \$12 a month?

Mr. ZIHLMAN. Yes; according to the allowance of the board.

Mr. SNELL. Was it not based on the original pension received by the widow's husband? Did not that have something to do with it?

Mr. ZIHLMAN. I will state to the gentleman that in my investigation of the act I found that originally they were pensioned from a fund created by a percentage of the salaries of the members of the force and from fines collected from members of the force and from some other class of police fines. This fund was often exhausted, and there were times when for months these widows did not receive anything. Then when the fund was replenished they did receive the allowance granted them.

Mr. SNELL. Does not the gentleman expect that under this act the widows of retired members of the force will receive increased compensation over what they have previously received?

Mr. ZIHLMAN. Not unless Congress amends the act so as to include them.

Mr. SNELL. Is it not intended to include them under the present wording of this bill?

Mr. ZIHLMAN. I think not.

Mr. SNELL. Does not the gentleman know? I think we ought to know about it.

Mr. ZIHLMAN. I am not a lawyer, but that is my judgment.

Mr. SNELL. I think some one should tell us.

Mr. MANN. Tell what?

Mr. SNELL. Whether the widows of former members of the force are included and their pensions increased under this act?

Mr. ZIHLMAN. No.

Mr. MANN. I can not answer that question, but I can tell the gentleman that if this act passes it will not be long until they are included in some other act.

Mr. FOCHT. I hope that is true.

Mr. SNELL. I want to get some information from the gentleman from Maryland as to what this act does.

Mr. ZIHLMAN. I tried to make it clear that it applies to retired policemen and firemen.

Mr. SNELL. Does it not also apply to their widows?

Mr. ZIHLMAN. No.

Mr. MANN. Is one and one-half per cent of the salaries of policemen and firemen deducted from their pay as a contribution toward the retirement fund?

Mr. ZIHLMAN. Yes; it goes into the retirement fund.

Mr. MANN. One and a half per cent?

Mr. ZIHLMAN. Yes. Mr. Chairman, I yield back the remainder of my time.

Mr. BLANTON. Mr. Chairman, I want to register my protest again against the unequal and unfair proportion of the expenses of this big city of 437,000 people, many of whom have no connection whatever with this Government except to make all the money out of it that they can, that is borne annually by the whole people of the United States.

Mr. FOCHT. The gentleman from Texas asked me a question a while ago. I wish to say that a bill in regard to the division of cost of running the District government is over from the Senate, but not in the proportion of 60 to 40. They assess the property of the District what they think it ought to be assessed, as in any other city, and the Government pays the balance. That bill is over from the Senate, but it has not been considered by the District Committee.

Mr. BLANTON. I do not want that in my remarks right now.

Mr. FOCHT. The gentleman may strike it out if he wants to. He asked me for information, and I have given it.

Mr. BLANTON. I will discuss that with the gentleman a little later.

A few months ago I called attention to a few of the projects which the commercial side of the life of the District of Columbia had in mind to put over on the people of the United States if they could. For instance, there were three certain tracts of land which syndicates here had acquired and which they were trying to unload upon the District of Columbia at enormous profits, and I warned the House then that unless we were careful those tracts of land would be purchased and the whole people of the United States called upon to pay at least 40 per cent of their cost. If my colleague has been reading the papers lately he will have noticed that at the other end of the Capitol within the last two weeks three certain bills have been passed for the purchase of these three parks to which I have referred, unloading the land on the people, and the Government will have to pay. I am in favor of parks. I think we ought to have them, but I am not in favor of men banding themselves together in syndicates for the purpose of unloading land on the Government.

I called attention to the fact that there was a movement on foot to take up bodily the Botanical Garden down here at the foot of Capitol Hill and move it out 4 or 5 miles into the country, where nobody could find it, so that people who have land out there can unload it on the Government. With the Botanical Garden now situated here in the heart of the city, right at the head of Pennsylvania Avenue, adjacent to the Peace Monument, tourists who come here to visit the Capitol get the benefit of the Botanical Garden. They go through it and see it and enjoy it; but if you move it out where it is contemplated to move it no one will ever find it, not even a Member of Congress. He will not know how to take his constituents out there if they come here.

Mr. SNYDER. Where is it contemplated to move it?

Mr. BLANTON. About 5 miles from here.

Mr. KING. Is not that one of the plans of the Fine Arts Commission? Are they not among the chief advocates of that idea?

Mr. BLANTON. I am sure that the gentleman from Illinois [Mr. KING] is so level-headed on every other proposition that they have not won him over yet to the proposition of moving the Botanical Garden out somewhere where somebody has some land and where the Botanical Garden will be lost. I am sure the gentleman is not in favor of that, but if he does not watch out he will be called upon here within the next few weeks to vote upon just such a measure, because already three such measures have been passed providing for the purchase of other similar lands that are being unloaded on the Government.

I called attention in the same connection several months ago to the fact that they were arranging then to build another \$10,000,000 bridge across the Potomac. They won over President Harding and they won over the main power here in the House, the main one that it was necessary to win over [Mr. MANN], and they have a preliminary appropriation in the very bill that the gentleman from Indiana [Mr. Wood] sent to conference to-day, an initial appropriation of \$25,000 in the independent offices appropriation bill; and when that \$25,000 is spent you are going to have to spend the other \$10,000,000 in a very short time to build that bridge. It is an unnecessary bridge. Your constituents are going to have to pay the great bulk of it—your constituents and mine—and I am not in favor of it.

Mr. MANN. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Illinois.

Mr. MANN. I take it the gentleman does not contend that if we appropriate the \$25,000, that appropriation will authorize the construction of a bridge without further action of Congress?

Mr. BLANTON. Oh, no.

Mr. KING. It is the opening wedge.

Mr. BLANTON. But it will come just as a matter of course, as the gentleman from Illinois knows.

Mr. MANN. The gentleman says the bridge will cost \$10,000,000. Does not my friend think, in view of the agitation, that it might be desirable to ascertain what would be the cost of such a bridge?

Mr. BLANTON. If a bridge is not necessary in the first place, and if it ought not to be built, and if the people's \$10,000,000 necessary to build it ought not to be spent, I am not willing to waste \$25,000 in an initial experiment to find out about it. The gentleman from Illinois used to be that way himself when he first came here, but unfortunately in his declining days now he takes things easy, and now in a few days when the sunshine comes he will be out in his garden—

Mr. MANN. That is right, and the first correct statement the gentleman has made. [Laughter.]

Mr. BLANTON. He is forgetting about the problems of the people concerning which he used to exercise himself much in the long ago. I am still concerned about them. I have not been here so long that I have forgotten the people.

Mr. MANN. And the people have not forgotten the gentleman; they can not.

Mr. BLANTON. If I have kept them from forgetting me I have been following in the footsteps of the distinguished leader on the other side of the aisle, because his people have never forgotten him, and that is proper.

Now, I want to call attention to this fact. If you read the Washington newspapers you have noticed that they are filled with whole page advertisements that they carry daily and every Sunday, paid for largely by the Government's money that is spent here in Washington because the merchants get it from the people who get it out of the Treasury. Count up the page advertisements and you can see why they are concerned in having as much money spent in Washington as they can induce Congress to appropriate. Read the papers during the last few weeks and you will see the move on foot to have increased appropriations for paving new streets way out in the suburbs where the rich contractors have lately put up whole lines of new dwellings that they hope to sell to people at \$15,000 and \$20,000 apiece on long time. They are expecting your constituents and mine to spend at least 40 per cent of the District's cost of paving these streets out in the suburbs.

I am not willing for my people to do it. The streets of Washington ought to be paved and the alleys ought to be paved and the sidewalks ought to be paved, and in most of it they are, but Washington people ought to pay for it. Whenever the people in my home city get their streets and alleys and sidewalks paved they pay for it themselves, and do not ask your people in Illinois or Pennsylvania or New York or Massachusetts to pay a part of it. Yet the 437,000 people in Washington for every improvement they make want the whole people of the United States to bear some proportion of the burden. Right now they are carrying on this propaganda to spend \$40,000,000 on a power plant because a syndicate has gone out on the river at Great Falls and bought all the land for a mere song, and now want to unload it on the Government of the United States at an enormous profit. I want to say that it behooves us to keep our eyes open on these propositions.

Mr. SNELL. Will the gentleman yield for a question in relation to the Great Falls project?

Mr. BLANTON. I will.

Mr. SNELL. Would the gentleman vote to give a franchise to a private corporation to bring that power into the city and distribute it?

Mr. BLANTON. I am not in favor of the Government of the United States engaging in any such private business.

Mr. SNELL. That is not the question I asked the gentleman. I would like a chance to bring it in individually, and I will furnish the money.

Mr. BLANTON. If the gentleman would furnish sufficient money and make a proper proposition, so far as I am concerned I would be one Member to vote to authorize him to do it rather than have the people of the United States spend their money for something that does not benefit them at all. The chief engineer who reported on the proposition showed us conclusively that ultimately, if we carry on the project, we are going to be called upon to spend \$40,000,000. How will that benefit the people of New York or the rest of the United States? Why, when they find out the cost of the lights, when they find out all the cost of maintaining the policemen and the

hundreds of firemen who ought to be paid out of the pockets of the people of this District, when they find out that the people of the United States Government are paying 40 per cent of their salaries, when they find out that the people are paying 40 per cent of the expense of hundreds of thousands of lights up and down the streets in the residential sections of the city, when they find out that the whole people of the United States are paying 40 per cent of all the expenses of collecting the ashes behind your back yards, and the trash and the garbage from your residences, something that the city should pay for, your constituents and mine are paying 40 per cent of—when they find out all these things they are going to ask you to stop it.

Mr. SNELL. Will the gentleman yield for a question?

Mr. BLANTON. Yes.

Mr. SNELL. Would it not be fair for the gentleman to state that they are paying this 40 per cent of the expenses in lieu of taxes on Government property, and that that is the whole crux of the situation?

Mr. BLANTON. Does the gentleman know what the city of New York would do? Does the gentleman know what the people in the gentleman's State would do?

If Congress would vote this Capitol from the District of Columbia to the city of New York, the city of New York would furnish sufficient ground and rebuild the buildings for every department of Government. They would be glad to do it. Chicago would be glad to do it.

Mr. MANN. Not on your life.

Mr. BLANTON. Any other city in the United States would be glad to have the Nation's Capitol there. The capital of my State is the city of Austin. The people of the State of Texas are not called upon to build and maintain all of the school buildings there in the city of Austin just because it is the capital of the State. They are not called upon to pay 40 per cent of the cost of hiring all of the teachers for the Austin children to go to school. They are not called upon to help pave all of the streets and alleys and sidewalks in Austin. They are not called upon to light that city or to furnish water to the people of that city. When the city of Austin wanted to build a dam across the Colorado River and furnish power and a water system for the city of Austin, the capital of Texas, the people of Austin raised the money and spent it themselves. They did not call on the rest of the people of Texas to do it. Every building in the city of Washington that belongs to this Government is a splendid, valuable asset to this city. It is a great improvement to the city. Every single building, every parkway, is enjoyed daily by the people of Washington.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MANN. Do I understand the gentleman to say that the people of the city of Austin built the State capitol in Texas?

Mr. BLANTON. Oh, no; not the State capitol. I said that the people of the city of Austin put a dam across the Colorado River and furnished their own power and light and water. Of course they did not build the capitol, but they enjoy the capitol. They are just like the people of the city of Washington, who enjoy this Capitol, just as the people of Washington enjoy every other building that the Government of the United States has placed in this beautiful city.

And taxes? What are they called upon to pay? One dollar seventy-five cents is the total tax rate. I guarantee that there is not a single Member of Congress here from a city with as many as 10,000 people in it where the tax rate does not exceed \$1.75. If there is one here, let him speak up and let me know where the city is where the tax rate is as low as \$1.75 a hundred. The tax rate in every city in the State of Texas for city taxes alone where the population is 10,000 or more people is as much as \$1.75, and in addition to that the people have to pay their school tax, their county tax, their State tax, and other taxes to keep up their government.

In addition to all that they are called upon to pay 40 per cent of all of the expenses of this District, and I say that it is not right. My water bill here for last year for my family in the residence I rent cost me \$7.20 for the whole year, without any restrictions on the amount of water that I am supposed to use, so far as I know, because I never heard of any. We use as much water as we want to. It is fine water, the most healthful water in the United States, and \$7.20 paid for a family for a whole year. I pay that small sum because the whole people of the United States are paying the balance of the expense of it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MANN. Is not the water system here self-supporting?

Mr. BLANTON. Oh, yes; it is self-supporting, because the gentleman from Illinois knows that the conduit was built by the Government of the United States, and every dollar that went

into it came out of the Public Treasury, and it is the Government of the United States that owns that conduit to-day. That is why the water system is self-sustaining.

Mr. MANN. And the Government gets its water through that conduit.

Mr. BLANTON. Oh, yes; and about 437,000 people in this great city get their water, and a family like mine has to pay just \$7.20 a year, when in my home city in the summer months, with lawns to be sprinkled, I have paid as high as \$25 a month for the water privilege.

Mr. MANN. That shows how extravagantly managed the gentleman's city is.

Mr. BLANTON. Oh, yes; but it suits us; it suits the people who live in it.

Mr. MANN. The \$7.20 that the gentleman paid here pays all of the expenses of delivering that water to the gentleman, and if they would establish an economical management in his home town they could get the same amount of water for the same price.

Mr. BLANTON. That is the first time that I ever saw the distinguished gentleman from Illinois try to camouflage.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a moment. The reason the people in my home city have to pay so much more for their water than we do here in Washington is that they have to pay every dollar of the expense out of their own pockets. That is the reason; but if when they built their original water system they had no intent to pay for it themselves, but could have come to Washington and dug filthy hands down into the Public Treasury of the United States and taken every dollar of the necessary expense of building their own conduit with somebody else's money, then they would not have to pay any more in Abilene, Tex., than we do in Washington.

Mr. MANN. I am sure the gentleman does not mean that his constituents in his home town have filthy hands.

Mr. BLANTON. No; I do not. That is the construction that the gentleman from Illinois is trying to place upon my remarks.

Mr. MANN. Oh, no; that is what the gentleman said, and just what his remarks indicate.

Mr. BLANTON. My remarks indicated this, that if my home people had elected to build their water system out of the Treasury of the United States, and had come here and taken the whole people's money out of that Treasury for their own private use, their hands would have been filthy; but, fortunately, thank God, they are not that kind of people. They pay for what they get. Here in Washington people get it out of the Public Treasury. Here in Washington they think it is all right to get all out of the Treasury that they can. They are after the people's Treasury all of the time, and I am getting tired of it, for one Member of Congress.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ANDREWS of Nebraska. How much does the Federal Government now pay for the water used in the Capitol and the office buildings throughout the District of Columbia?

Mr. BLANTON. If it paid one cent, every Member of us would be a fool for permitting it, because it is our own. We built the conduit, we own the conduit, we own the water, and why should we pay for it?

The gentleman may have been down at some of these banquets that the business committee have been giving so frequently here of late.

Mr. LEHLBACH. If the gentleman will yield, why should we charge other people for the surplus of our water more than it cost to get it to them?

Mr. BLANTON. I am not complaining about—

Mr. LEHLBACH. The gentleman has been complaining for half an hour about it.

Mr. BLANTON. I am complaining about this. If the gentleman watched the newspapers he could see every day, "Oh, we must build this new water plant." "Why should not the Government pay for what water it uses in its buildings?" That comes from the papers in Washington, and that is why I am taking this time; I want them to remember that the water belongs to the United States Government. Talk about paying for it! It is a ridiculous proposition.

Mr. BURTNESS. Will the gentleman now yield?

Mr. BLANTON. I will.

Mr. BURTNESS. I was interested in the gentleman's statement in reference to paving. I understood the gentleman to say that the country as a whole pays 40 per cent of the paving of the city of Washington. Is that correct?

Mr. BLANTON. Forty per cent of every single dollar we appropriate for paving. For every dollar that comes out of

the Treasury the people of the United States now pay 40 per cent, and they used to pay 50.

Mr. BURTNESS. But is not part of the cost of pavement assessed against the abutting property?

Mr. BLANTON. One-third to each property owner.

Mr. ZIHLMAN. Fifty per cent.

Mr. BURTNESS. What I wanted to get information on was the fact. If a reasonable percentage is not assessed against the abutting property it is an outrage.

Mr. BLANTON. Take, for instance, a street. I just use this for illustration. Say the street is 60 feet wide. If I understand the proposition correctly there is 20 feet that the Government paves out of the Treasury in the center. There is 20 feet on each side of that that the abutting property owner paves under what is known as the Borland law. They did not have to pay a cent until the Borland law was passed, and that is one great monument that distinguished gentleman from Missouri will have to his memory, that he got that law passed which makes the abutting property owner pay a little percentage of the cost of the pavement on these streets and alleys. The newspapers of Washington right now daily are calling for the repeal of that law, and you gentlemen if you read the papers will note that propaganda every day, "We must repeal the Borland law. We must stop the property owners from paying a proportion of the paving expense." Such propaganda appears every day.

Mr. BURTNESS. If I understand the gentleman correctly, now the abutting property owners pay two-thirds the cost of paving?

Mr. BLANTON. Say the gentleman owned a lot on a street; he will pay one-third of that paving.

Mr. BURTNESS. And the property on the other side pays one-third?

Mr. BLANTON. And the Government pays the other.

Mr. BURTNESS. And on that one-third the people of the United States pay 40 per cent. That is considerably different from the impression that I gathered from the gentleman's statement that the people of the United States pay 40 per cent of the total cost of paving, and I was rather shocked.

Mr. BLANTON. Let me unshock the gentleman. If the gentleman's city where he lives should have 40 per cent of the expense of carrying on the municipal government paid out of the Treasury of the United States they would be the happiest people in the world. There would be no limit to the expenditure for their public improvements. Why, the paving is the least expensive part, and yet it is quite expensive when you count it up, paid out of the Treasury of the United States, and the least expensive item the people of the country have to pay in regard to the system here in the District of Columbia. Take the teachers here in these schools that take care of sixty to seventy-five thousand school children. Forty per cent of all their salaries is paid by the whole people of the United States. Take these magnificent school buildings. Take this fine Central High School building, that cost a million and a half dollars, and which is the finest of its kind in the United States. It has to-day 600 more students than the whole of Princeton University has, and yet 50 per cent of the entire cost of that building was paid by the whole people of the United States, and 40 per cent of its maintenance now is paid, as well as 40 per cent of the other school buildings in this city. I have taken the time of the House to enter my protest against it. I want to see the finest schools here, as I do everywhere else in the United States, but the people ought to pay for it themselves, the people who live here.

Mr. MANN. Mr. Chairman, I have heard two speeches in favor of this bill now pending, one from the gentleman from Maryland [Mr. ZIHLMAN], who discussed the bill, and the other from the gentleman from Texas [Mr. BLANTON], who carefully avoided expressing any adverse opinion concerning the bill, and therefore, I take it, is ardently for the bill. I take it that the gentleman from Texas wants the Government to pay out of the Public Treasury at least 40 per cent of the \$40,000 annually as a pure gift to some man not now in the Government service, because he expressed no opposition to the service. He expressed great opposition to paying any money toward the school-teachers or toward the construction of pavements that the Government uses, and not the slightest opposition to the payment of 40 per cent of \$40,000 a year to this man and others now on the retired list, who render no service of any kind whatever either to the Government, the people, or anybody else. And the gentleman from Texas [Mr. BLANTON] does not now rise to say that he is opposed to the expenditure of that.

Mr. BLANTON. I am opposed to it.

Mr. MANN. I am glad I have gotten the rise out of the gentleman. [Laughter.] He occupied the floor for more than half an hour in discussing the bill, and never expressed an adverse

opinion to it. I am glad now, although the gentleman has not yet stated even whether he will vote against the bill. Will he?

Mr. BLANTON. I expect to do so, but I was discussing \$40,000,000 propositions, and the gentleman is discussing a \$40,000 one.

Mr. MANN. I am discussing the proposition before the House, not a proposition in the clouds. The gentleman from Texas was discussing an imagination. And while he is one of the most industrious Members of this House, and I think he is a valuable Member, he has more imagination about legislative propositions than anybody else I have ever seen. I do not know what the \$40,000,000 proposition is. Perhaps that is because I do not assiduously read the newspapers or get my opinions from the newspapers, as does my distinguished friend from Texas.

Mr. BLANTON. While the gentleman does not read the newspapers, he does read reports of engineers, and there is about a 500 or 600 page report from an engineer here showing a \$40,000,000 power proposition which came near being foisted on this Government in the dying hours of the last Congress.

Mr. MANN. I do not think it came anywhere near being foisted on the Government.

Now, I would like to discuss this bill for a few minutes, if I may. I wish I felt at liberty to use the time of the House in answering all the suggested complaints of the gentleman from Texas, but it would occupy all my time to answer those I want to answer, and he and I frequently agree.

Now, what is this proposition before the House? Suppose when the salaries of Members of Congress were \$5,000 a year we had provided for a pension or retirement fund with the provision that while a Member was in Congress a certain amount should be taken from his salary to go into the retirement fund, and yet when he went out of Congress he should receive from the retirement fund a certain proportion of the \$5,000 a year, and then when we increased the salary to \$7,500 a year, the ex-Members of Congress who were on the retirement roll, placed there when the salary was \$5,000 a year, had wanted their retirement fund increased in the same proportion to \$7,500 a year as it was before to \$5,000 a year, how ridiculous it would be. And yet that is the precise proposition now before the House.

The policemen and the firemen eagerly went on the retired force. Most of them went on on their own application, at half the salary they were then receiving. Most of them went into some other business. They had a fixed amount coming to them from the retired fund, and with their other business they were able to do fairly well. They contributed $1\frac{1}{2}$ per cent of the salary they were getting before they went on the retired list, and that is all they contributed. When we raised the salary the men remaining on the force contributed $1\frac{1}{2}$ per cent of the new salary—the increased salary—but the men on the retired force never contributed anything toward that increase of pension that they now want. We pay these men on the retired force now more than we pay the veterans of the war as pensions. Why should we give them a voluntary bonus now and pay them more, with no agreement to do it, than we pay the old veteran of the Civil War? What is the justice in it? Of course, all over the world, everywhere, if there are two men, and one man getting more than the other, the other wants as much as the other fellow is getting. Everybody feels that way. But these men on the retired force were retired under the law which they were eager to have. Why on earth should we increase their pay? What is the justice of it? There is some justice in the claim for a so-called adjusted compensation or bonus for the ex-service men of the recent war, although I am not very strongly in favor of the proposition at this time, but there is no justice in this proposition—no adjusted compensation, but just a pure gift. Because John Smith has been given \$50 a month and you choose to give John Jones \$60 a month, there is no reason why you are obliged to raise John Smith's gift by \$10 a month—not the slightest.

Of course, I know how these things come. These men have an organization and they work through that organization to get legislation. I do not know about this particular case, but in the past these people have had an organization to which they contributed money for lobbying purposes. I have no complaint of that. They have a right to have somebody represent them. But think of the selfishness of this proposition. They want their pay increased. They do not care a whirl in the other place about the widows and the children of the men who have died in the service. They do not say anything in their bill or this bill about increasing the pay of the widows who may need it or the minor children who may need it, but they want to put their hands into the Treasury and take out additional pay for themselves only. I think we ought to defeat it. [Applause.]

Mr. SNELL. Will the gentleman yield for one question?

Mr. MANN. Yes.

Mr. SNELL. Have the proponents of this bill offered any argument why it should be passed at this time?

Mr. MANN. The principal argument that I heard on the subject was from my genial friend from Texas, who did not mention it. [Laughter.]

Mr. JOHNSON of Kentucky. Mr. Chairman, for the benefit of those who do not know the history of this and similar legislation, I shall ask their indulgence for a few minutes, at least, in order that they may know just what has been done in the past respecting such legislation.

The police force of the District was for a good many years without any particular title beyond that of "police force." Some years ago the title was changed to the "Metropolitan police force." After that had been in existence for some time there was a lot of unclaimed stolen property that found its way into the hands of the property agent of the District of Columbia and there was no provision for disposing of it. Then Congress passed a law giving that unclaimed property to the police pension fund. By and by another act was passed giving to that fund the proceeds derived from all of the dog licenses, amounting to about \$20,000 a year. A few years later all of the fines of the police court, amounting to thousands of dollars a year, were given to the fund. After the payment of all those amounts to the police pension fund, the commissioners, gradually letting men out of the police department and putting them on the pension list, found those sums not sufficient to meet the demands made on that fund. Then, year after year, Congress appropriated various sums of money to make up the balance; or, in other words, to pay in full all the pensions which the Commissioners of the District of Columbia allowed, until finally that plan was done away with and now Congress appropriates directly for the support of this fund.

I, like the gentleman from Illinois [Mr. MANN], can not see the justice in going behind the present Metropolitan police, in going back to the Civil War, perhaps, and paying them a pension when no pension was ever allowed them at that time, and when they never contributed a cent toward the present fund. Again, like the gentleman from Illinois, I can not see the reason or the justice in taking part of the fund created, in part, under the plan where $1\frac{1}{2}$ per cent of the police funds was taken and set apart for their own pension fund, and going back away yonder, no man knows how long, and giving it to the men who contributed not a cent or a farthing toward it.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. STAFFORD. The gentleman had long experience as chairman of the Committee on the District of Columbia. Can the gentleman inform the committee as to the average age of retirement of the members of the police force and fire force of the city?

Mr. JOHNSON of Kentucky. I do not know the average age of retirement, but a few years ago I had the Commissioners of the District of Columbia furnish me with the names and post-office addresses and the then present occupation of all the policemen who had been placed upon the pension list. I did not know that this matter was coming up to-day, else I would have brought that report over here and given the House the benefit of it. But I recall quite well that upon that list there were men retired early in life because of ailments acquired while in the service. If a man acquired any sort of disease while in the service, it has been construed that he acquired that disease in line of duty. Upon the list of those who were retired were set opposite their names the reasons for which they were retired. One could read between the lines that men had been retired as the result of venereal disease and put upon the pension list.

The only thing that is necessary for an ex-policeman to be put on the pension list is that he shall have been retired from the police force, and no matter for what reason he may have been retired he may go on the list.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I do.

Mr. SNELL. How much are we appropriating each year to that pension fund? How much is contributed by the Government?

Mr. JOHNSON of Kentucky. The gentleman will bear in mind that I am no longer on the Committee on the District of Columbia and I have not the figures.

Mr. SNELL. I did not know but that the gentleman would have the figures.

Mr. JOHNSON of Kentucky. No.

Mr. SNELL. Do they still receive the police fines and the dog taxes?

Mr. JOHNSON of Kentucky. No. That goes into the Treasury now, and Congress just appropriates a sufficient amount to pay the pensions.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I will be very glad to yield.

Mr. EVANS. Is it not a fact that the funds go into the District treasury and not into the Federal Treasury?

Mr. JOHNSON of Kentucky. Yes; that is true.

Some years ago the commissioners exercised some discretion as to the amount of pension each of the pensioners should receive. One pensioner in the fire department received only \$1 a year—or a dollar a month; I forget which. He was in the fire department only a little while, and got out of the department and commenced to impose upon the Government in the Anacostia lands. He was reputed to be rich and they put his pension at a dollar a month and other pensions at \$100 a month.

I said a few moments ago that a few years ago the commissioners furnished me with a list of the post-office addresses and present occupations of these pensioners. They were scattered all over the United States. Some of them were practicing professions and some of them were engaged in various trades and occupations, and we know to-day, in the District of Columbia, some of the pensioned policemen and firemen are among the very large real estate owners; that some of them have large incomes. Some are rich men, and yet, without discrimination as between the rich and the poor, the taxpayers of the country are called upon to go down into their pockets and pay a pension to men far richer than themselves for having rendered a service on account of which they were fully paid at the time they rendered the service.

Mr. BLACK. Mr. Chairman, I do not know that I can add anything to the force of the objections which have been stated to this bill by the gentleman from Illinois [Mr. MANN] and the gentleman from Kentucky [Mr. JOHNSON], but there is one feature of the matter which has not yet been mentioned to which I think the House might well direct its attention at this time. As both of the gentlemen who have just spoken have said, the present retirement law of the District of Columbia requires that the policemen and firemen shall contribute to the retirement fund $1\frac{1}{2}$ per cent of their monthly salaries, and are eligible for retirement upon reaching a certain age or after incurring certain disabilities at a rate of not greater than 50 per cent of the salary which they are drawing at the time of their retirement.

Now, the House will recall that in 1920 we passed an act for the retirement of all employees in the classified civil service. I did not vote for the bill, because I am not an advocate of a civil pension list. What are the provisions of that retirement act? Among other things, they are that the civil-service employee shall contribute $2\frac{1}{2}$ per cent of the salary that he is drawing while in actual service toward maintaining this retirement fund and the Government contributes the balance. It was estimated by expert actuaries that this plan would cause the Government to contribute about 65 per cent to the payment of the retirement fund and the $2\frac{1}{2}$ per cent which the employees were to contribute would amount to about 35 per cent. How are the retirement benefits to these civil-service employees to be paid? Upon what basis? The payments are divided into different classifications. I will not take the time of the House to read all of the classes, because one of them will illustrate the rule of all of them. The bill provides, for example, that Class A shall include all employees to whom this act applies who shall have served the United States for a total period of 30 years or more. The annuities to a retired employee in this class shall equal 60 per cent of such employee's average annual basic pay or compensation from the United States for the 10 years next preceding the date on which he or she was retired, provided that in no case shall the annuity in this class exceed \$720 per annum or be less than \$360 per annum.

Thus we see that the rule is that the retired employee shall be paid upon the basis of 60 per cent of his annual salary for the last 10 years. Suppose we pass this pending bill. It will be a precedent for other similar demands. If a reclassification bill is passed increasing the salaries of Government employees, I doubt not that immediately a demand will be made that we amend the civil-service employees' retirement bill so that every man who has been retired will be given a percentage, not of the salary that he was drawing at the time he was retired but a percentage of the new salary that may be fixed in the reclassification bill if it is passed by Congress. If we start out to travel that kind of a road, it will be an endless process, and every time that Congress in its judgment should see fit to increase salaries of any particular class of employees there would be a demand on the part of these retired employees for the amendment of the law so that their retirement pay should be increased.

I think it is getting to be high time that some attention be paid to the taxpayers of this country, and I wonder when Con-

gress is going to pass a bill to establish a home for the aged and infirm taxpayer, or to retire him on some pay; because in my judgment he is getting very feeble and decrepit at the present time. He has too many on his back already. We should not load him down with any more. I hope the gentleman from Illinois [Mr. MANN] will offer a motion to strike out the enacting clause of this bill, and I think we can get the necessary votes to put his motion through.

The Government of the United States is not breaking any contract with these policemen and firemen, when Congress shall refuse to increase their retirement pay. During the war we issued five different series of Liberty bonds. Some of the bonds went below par, all of them, I believe, went below par at first, one time or the other, and we had people all over the country arguing with a certain degree of plausibility that the Government of the United States ought to step in and by some kind of process keep all the bonds at par. The Government of the United States could not do that. It meets all the obligations that it owes to any Liberty bond holder when it pays him the interest that is due at every installment period and pays that bond at maturity. [Applause.] In a similar way the Government of the United States and the District of Columbia will discharge every obligation that it owes to these retired policemen and firemen when it pays them the compensation it agreed to pay them upon their retirement. I am willing to do that. Although I did not support any of this civil-service retirement legislation, it is now a contract on the part of the Government, and I am willing at any time to vote for the appropriations that are necessary to make it good; but we have discharged all the equity that we owe when we fulfill our contracts. I am not willing to enlarge and extend them at the expense of the taxpayer.

I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. What I want to say will take only a few minutes. I intended to mention before, but having failed to do so then, I wish now to enlarge a little bit upon the suggestion made by the gentleman from Illinois [Mr. MANN] as to another feature of the case. It is possible—because we have had precedents for it in the past—that a lobbyist has undertaken either for a fee certain or a contingent one to procure this legislation for those who were retired without pensions. I say there are precedents for it. Several years ago a certain class of policemen wanted to get some legislation enacted, and a local attorney, perhaps without an office, made a contract with them whereby he would lobby with the Members of Congress for the bill that he persuaded them they ought to have; and I now have over in my office receipts for \$6,000 that these policemen paid to this lobbyist before it was discovered that he himself had started the scheme to get this money out of Congress. When the plan was uncovered, the lobbyist was disappointed and became so indignant and insulting about it that he even attacked me personally, and I had to defend myself from his attack. Since we have had that kind of thing we do not know but what this is one of the same character. I hope it is not necessary for me to say that no Member advocating this bill knows of any such thing, because if he did he would not support it; but still I say it is possible that behind this bill there is no more than the activity of one man seeking to get for these discharged policemen this pension money, and that then he is to get part of it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That on and after the passage of this act all retired and pensioned policemen of the District of Columbia who were retired or pensioned in accordance with laws enacted prior to December 5, 1919, shall be entitled to the same rating and benefits and receive pensions equal in amount to the pensions now being granted or that may be hereafter granted to policemen retired or pensioned since the passage of the act of December 5, 1919, and all retired and pensioned firemen of the District of Columbia who were retired or pensioned in accordance with laws enacted prior to January 24, 1920, shall be entitled to the same rating and benefits and receive pensions equal in amount to the pensions now being granted or that may be hereafter granted to firemen retired or pensioned since the passage of the act of January 24, 1920, and all such retired and pensioned policemen and firemen shall also be entitled to all pension benefits resulting from any and all increase in pay that may hereafter be granted by Congress to the policemen and firemen of the District of Columbia.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause of the bill.

Mr. GILBERT. Mr. Chairman and gentlemen of the committee, I rise in opposition to the motion of the gentleman from Illinois. I am reluctant to oppose the motion after the remarks of my colleague, Mr. JOHNSON of Kentucky, who has served so well, so diligently, and so successfully as chairman of the Committee on the District of Columbia, but after con-

sidering his remarks and after considering the remarks of the distinguished gentleman from Illinois [Mr. MANN] and the gentleman from Texas [Mr. BLACK], I am at a loss to apply to this bill.

This bill does nothing, as I understand it, except to equalize these pensions. The whole system of granting pensions to civil-service employees may be wrong. The application of that system in the past in the District of Columbia, as pointed out by my colleague from Kentucky [Mr. JOHNSON], may have been seriously abused. But what have we before us? We have before us the question, Shall we make fish of one and fowl of another? It may be that those in the past should not have any pension at all, and it may be that those being retired now should have no pensions, and yet I can not see the wisdom of taking one now retired, a younger man, better able to meet the contests of outside life, and paying him a pension, and denying the same man, the one who has grown old in the service and is now retired, and whose capacity to make a living is much less than those being now retired.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. GILBERT. I will.

Mr. JOHNSON of Kentucky. My colleague seems to see no difference between those already on the pension list and those for whom it is provided to be placed on the pension list. Those who are on the pension list now have for years and years contributed out of their salaries every month toward the creation and establishment of a pension fund, while those who will be put on the pension list by this act have never contributed a farthing.

Mr. GILBERT. I am not absolutely certain, but I think the gentleman from Kentucky is wrong in that statement. To this extent the argument has been made and is unanswerable. I understand they have paid 1½ per cent to a certain fund based on a certain salary, and they have paid more than they used to pay in proportion when they had a smaller salary. And as far as it goes that is an unanswerable argument, but that amounts to a very small sum. The District taxpayers and the country are paying the larger part of this fund. It might be well if it could be done to equalize it. Like a life insurance company, where a misstatement of age is made, you find out later that the age is misstated, but it does not void the policy, they simply equalize on the amount that they should have paid. It may be that they should be to some extent penalized by not having paid so much. But after all we are confronted with this proposition in the bill, and this is the only proposition. Shall we say to these old men who are now past all usefulness that you shall receive a smaller amount than the younger man, and that the younger man shall receive the greater amount? It is no answer to say that it will cost the District so much money. If it does, let us cure it by general legislation and revise them all. But let us not give to those that hath and take away from those that hath not. I see no reason why they should not be equalized.

Mr. FOCHT. Mr. Chairman, just a word in regard to the so-called lobbyist with reference to this legislation. The gentleman from Kentucky states that one visited the Committee on the District of Columbia while he was chairman. I want to say that while I have not been chairman very long, I have not seen a policeman about the place, and neither have I had anyone importune me in regard to the bill. But I see an attempt made here to prejudice the House and to carry a prejudiced sentiment along against the bill because of the present methods of taxation. It so happens, gentlemen, that we are now paying on a basis of 60-40—the Government paying 40 per cent and the District 60 per cent to run the municipal affairs of the United States reservation. Now, if you are not satisfied with that, then we will have, if you shall care to vote for it, an opportunity to raise the money by another system. It is suggested and proposed in a bill, S. 205, this plan, that they first assess private property of the District of Columbia on a valuation that would be equivalent to what you might assess property in your own home town or city, and then the Government to pay the balance.

My answer to that has been that in my own mind, without an opportunity of having the bill considered before the committee, I am certain that if you are going to do it on that basis the people of the District here are going to pay on the basis of the District assessment, and without going into any details or referring to it in any obnoxious way, when you take the local assessor's valuation, whether he would be prejudiced or could be influenced or not, I am afraid, my friends, if you ever adopt that system that instead of paying only 40 per cent the Government might pay 80 per cent and the residents of the District 20 per cent. On the other hand, I do hope that the gentlemen who so constantly inveigh against the city of Washington and the District as though this was a District that belonged to a few profiteering shopkeepers, former saloon keepers, and real estate grabbers, will cease, for that is not the way to look at the Dis-

trict of Columbia. It is the center and seat of government of the whole United States.

I walk these streets feeling that I own as much of this town as any man that lives in it, and I hope I am as proud of it as they are, and that some day they may change the practice of making victims of Members of Congress. Of course, when your wife comes home and says she paid \$20 for a pair of shoes worth \$5, you think that things are higher here than in other parts of the United States. But this is the point—men are overlooking the fact that the value of the property belonging to the United States Government is worth more in acreage and Government buildings than all the private property, while the Government property is as much in need of fire and police protection as any other. Hence, it is up to the Government either to help pay its share or admit that it is incapable of doing so.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. All time has expired.

Mr. FOCHT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOCHT. Just briefly in regard to this water question. In the first place this is the most unique city in the world. There is none like it anywhere, so far as the government of the District is concerned. We can not treat this just as we would Wichita, Louisville, Harrisburg, Boston, Philadelphia, New York, or any place else. We made this District and we control it, and we ought to control it, and we ought to have patience about it. So far as the water proposition is concerned, of course, we pay much more for our water at home for the reason that the water companies at home have been capitalized with private capital and built by private capital and so conducted.

The District of Columbia put in these waterworks and in return gets the water for the whole District, so far as the Government is concerned, for nothing, and we pay the lowest rates possibly in the United States. In our own States at home, if the utilities commissions should give the water companies more than they ought to have, might I not say that they are guilty of favoritism? The statement was made here by the gentleman from Illinois [Mr. MANN], who cleaned up the question most beautifully, that it is the best evidence in the world that the affairs of the District of Columbia—at least in one instance—are better conducted than they are back home, if you can get water here for \$7.20 and have to pay something like \$50 at home, as I do.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. KINDRED. Is it not a fact that the conditions of the water supply of the District at the present time are a menace to public health and should receive the prompt attention of the Congress?

Mr. FOCHT. Emphatically so. We should follow the example of Boston and New York and prepare 20 years ahead. We should remove every habitation from the watershed and prepare to have this city grow three hundred or five hundred thousand more in population, and we should do it now.

Mr. LINTHICUM. Does the gentleman know that no park system is provided to protect the watershed from which they propose to get additional water up here at Great Falls?

Mr. FOCHT. Then they better not have the water if that is so. The watershed ought not to have any habitations upon it at all. Contaminated water is worse than none at all.

In regard to this firemen's bill, in my own State of Pennsylvania we concede and yield nothing to anyone in our paternalistic tendencies and practices, with a budget of \$100,000,000, all of it going back to the people for the public school system for free schoolbooks, firemen's relief, and every conceivable kind of public charity. There we have a fund in every crossroads town where they have a fire company, and that money is raised by a levy on the insurance companies. I do not see any provision here that compels the insurance companies to come across with a part of this fund, and this should be done. But, even so, let us not forget that while we may oppose a civil pension list, we can not overlook the fact that the principle has been established everywhere, and everywhere accepted, that we stand for pensions for the man who offers his life in hazard—that is, the soldier, the fireman, and the policeman—and have even gone so far as to include the school-teachers.

The principle having been established that we are going to take care of them, how is it going to be possible to adjust any differences any more than you can adjust the difference in exchange between this country and foreign countries, the condition that existed 20 years ago and the condition that exists now. It now costs 50 per cent more to live than it did, and the money

that they contributed—1½ per cent—was equivalent to double that to-day. This whole matter is predicated on the principle of taking care of these people, the firemen and the policemen, who sacrifice their opportunities in business careers elsewhere to protect you and me, and we have said as an inducement that we would take care of them. Now, then, let us stop quibbling; let us act without prejudice, and do it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Chairman, I am in favor of the motion of the gentleman from Illinois [Mr. MANN] to strike out the enacting clause. I have always been opposed to civil pensions and wish I had the time to go into the subject. This is a new phase of civil pensions, and there is more back of it than many of the Members realize. In every city where they have a fire and a police department there are petitions to the various local legislative branches, city and State, by the old members of the police and fire departments to put them on the same plane as men who now occupy those positions, exactly the same proposition that is presented to us here. They think if they can get this through in Washington they can go back to your State and to my State and say that Washington has set an example and that it should be followed at home.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLACK. And if Congress sets this precedent will it not be a precedent for all of the civil-service employees of the Government to come to the Committee on Reform in the Civil Service every time a salary increase is made and demand that their retirement pay be proportionately increased?

Mr. UNDERHILL. Absolutely so. My honored chairman spoke about the firemen and the policemen and what they gave up to public service. They gave up nothing to public service. If you choose the trade of a blacksmith, and somebody else chooses the career of a policeman, and some one else prefers that of a bookkeeper, and some one that of a fireman, we all choose our own line of endeavor. The fireman and the policeman are not coerced into being a fireman and a policeman any more than the blacksmith or bookkeeper is into being a blacksmith or bookkeeper. The public employee goes along, and at the end of a certain length of service says that his brother who chose some other trade or profession must continue to labor and be taxed in order to pay him a pension after he gets through. That is discrimination, and it is a disgrace to the United States. Unless you are going the whole distance and establish old-age pensions as one of the fundamental laws, you have got to stop this civil-pension list where it is now and not go any further. I think my honored chairman would be terribly exercised if a bill should be introduced and referred to his committee establishing old-age pensions by the Government.

Mr. FOCHT. Oh, I beg the gentleman's pardon. I am very much in favor of one. I have a bill on the calendar now, and I hope it may be passed. That is a principle that has been established in countries that are supposed to be much inferior to us intellectually and humanitarily.

Mr. UNDERHILL. Well, I certainly am astonished. It is the first time since I have served on the committee that I have found him anything but conservative, but in this instance he seems to have gone the whole distance and is willing to accept old-age pensions.

Mr. GILBERT. If the gentleman will permit, I agree with the gentleman thoroughly in his principle, but this bill simply does this. It pays one man at 60 years more than a man at 80 years who has done the same thing.

Mr. UNDERHILL. That makes little or no difference. The man at 60 years of age when he retired retired voluntarily and accepted the pension at that time. He was employed where he had his pay regularly, and surely ought to have saved a little money just the same as a blacksmith or a bookkeeper has to.

Mr. WOODS of Virginia. If the gentleman will permit, are not old-age pensions based upon the needs of the body pensioned?

Mr. UNDERHILL. No. I think most pensions are based upon politics, where an organization has the influence to get through a pension.

Mr. WOODS of Virginia. The theory is to take care of the faithful servant who is in need. Are not his needs increased because of the high cost of living, and ought not the old men to have more because—

Mr. UNDERHILL. I do not agree with the gentleman. I do not think any civil employee is any more entitled to a pension than a man who works in the shop, mill, or factory.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the motion of the gentleman from Illinois to strike out the enacting clause.

The question was taken, and the chairman announced the ayes appeared to have it.

On a division (demanded by Mr. FOCHT) there were—ayes 58, noes 24.

So the motion was agreed to.

Mr. MANN. Mr. Speaker, I move that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 7850, had directed him to report the same back with the recommendation that the enacting clause be stricken out.

Mr. MANN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is, Will the House agree to the recommendation of the Committee of the Whole House on the state of the Union that the enacting clause be stricken out?

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. FOCHT) there were—ayes 58, noes 18.

Mr. NOLAN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from California makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—ayes 174, noes 124, answered "present" 2, not voting 130, as follows:

YEAS—174.

Ackerman	Davis, Tenn.	Kline, Pa.	Sears
Andrew, Mass.	Deal	Kraus	Shaw
Anthony	Dempsey	Kunz	Shelton
Appleby	Denison	Lanham	Sinnott
Arentz	Dickinson	Layton	Sisson
Aswell	Dominick	Lazaro	Slemp
Bankhead	Doughton	Lehlbach	Snell
Beedy	Driver	Longworth	Snyder
Begg	Dunbar	Lowrey	Sproul
Bird	Dunn	Luce	Stafford
Black	Evans	McArthur	Steagall
Blakeney	Faust	McClintic	Stedman
Bland, Va.	Fess	McDuffie	Steenerson
Blanton	Fordney	McFadden	Stoll
Bond	Freeman	McKenzie	Strong, Kans.
Bowling	Fulmer	McLaughlin, Mich.	Summers, Wash.
Box	Funk	McPherson	Summers, Tex.
Brand	Garner	McSwain	Swank
Briggs	Garrett, Tenn.	Magee	Sweet
Brooks, Ill.	Graham, Ill.	Mann	Taylor, Ark.
Buchanan	Green, Iowa	Martin	Taylor, N. J.
Bulwinkle	Griest	Merritt	Temple
Burdick	Hadley	Michaelson	Thomas
Burroughs	Hardy, Tex.	Michener	Thompson
Burness	Harrison	Mills	Tillman
Byrnes, S. C.	Hayden	Moore, Ill.	Tilson
Byrns, Tenn.	Hersey	Moore, Ind.	Timberlake
Cannon	Hickey	Norton	Treadway
Cantrill	Hicks	Oldfield	Tyson
Carter	Hoch	Paige	Underhill
Christopherson	Hogan	Parker, N. Y.	Vestal
Clarke, N. Y.	Hooker	Parks, Ark.	Volstead
Clouse	Huddleston	Pou	Walsh
Cole, Iowa	Hudspeth	Purnell	Ward, N. Y.
Collier	Jacoway	Quin	Wason
Collins	Jeffers, Nebr.	Radcliffe	White, Kans.
Connally, Tex.	Jeffers, Ala.	Rankin	Williams
Connell	Johnson, Ky.	Rayburn	Williamson
Connolly, Pa.	Jones, Pa.	Reece	Wilson
Copley	Jones, Tex.	Reed, N. Y.	Wood, Ind.
Coughlin	Kearns	Robison	Woodyard
Cramton	Kendall	Rouse	Young
Crisp	Ketcham	Sanders, Ind.	
Dale	Kincheloe	Scott, Tenn.	

NAYS—124.

Anderson	Cooper, Wis.	Free	Himes
Andrews, Nebr.	Crago	French	Hukriede
Barbour	Cullen	Fuller	Hull
Barkley	Curry	Gahn	Johnson, S. Dak.
Beck	Dallinger	Gallivan	Keller
Boies	Darrow	Gerner	Kelly, Pa.
Brown, Wis.	Dowell	Gilbert	Kindred
Burke	Dupré	Glynn	King
Burton	Dyer	Goodykoontz	Kissel
Cable	Elliott	Gorman	Klecza
Campbell, Kans.	Fairchild	Greene, Mass.	Knutson
Campbell, Pa.	Fairfield	Hammer	Kopp
Chalmers	Fenn	Hardy, Colo.	Lampert
Clague	Fisher	Hawes	Larsen, Ga.
Cole, Ohio	Fitzgerald	Hawley	Leatherwood
Colton	Focht	Hays	Lee, Ga.
Cooper, Ohio	Foster	Herrick	Lineberger

Linthicum
Little
Logan
Luhning
McCormick
MacGregor
Maloney
Mapes
Mead
Millsbaugh
Montague
Moore, Ohio
Moore, Va.
Morgan

Morin
Mott
Mudd
Murphy
Nelson, A. P.
Nelson, J. M.
Newton, Mo.
Nolan
O'Connor
Padgett
Park, Ga.
Patterson, Mo.
Raker
Ransley

Reed, W. Va.
Rhodes
Ricketts
Roach
Rosenbloom
Sanders, Tex.
Sandlin
Schall
Scott, Mich.
Shreve
Sinclair
Smith, Idaho
Smith, Mich.
Smithwick

Stephens
Swing
Ten Eyck
Tinchner
Tinkham
Upshaw
Vaile
Vinson
Voigt
Watson
Wheeler
Woodruff
Woods, Va.
Zihlman

ANSWERED "PRESENT"—2.

Humphreys Johnson, Miss.

NOT VOTING—130.

Almon
Anson
Atkeson
Bacharach
Bell
Benham
Bixler
Bland, Ind.
Bowers
Brennan
Brinson
Britten
Brooks, Pa.
Brown Tenn.
Butler
Carew
Chandler, N. Y.
Chandler, Okla.
Chindblom
Clark, Fla.
Classon
Cockran
Codd
Crowther
Davis, Minn.
Drane
Drewry
Echols
Edmonds
Ellis
Favrot
Fields
Fish

Frear
Frothingham
Garrett, Tex.
Gensman
Goldsborough
Gould
Graham, Pa.
Greene, Vt.
Griffin
Haugen
Hill
Houghton
Husted
Hutchinson
Ireland
James
Johnson, Wash.
Kahn
Kelley, Mich.
Kennedy
Kiess
Kinkaid
Kirkpatrick
Kitchen
Kline, N. Y.
Knight
Kreider
Langley
Lankford
Larson, Minn.
Lawrence
Lea, Calif.
Lee, N. Y.

London
Lyon
McLaughlin, Nebr.
McLaughlin, Pa.
Madden
Mansfield
Miller
Mondell
Montoya
Newton, Minn.
O'Brien
Ogden
Oliver
Olpp
Osborne
Overstreet
Parker, N. J.
Parrish
Patterson, N. J.
Perkins
Perlman
Petersen
Porter
Pringle
Rainey, Ala.
Rainey, Ill.
Ramseyer
Reavis
Reber
Riddick
Riordan
Robertson
Rodenberg

Rogers
Rose
Rossdale
Rucker
Ryan
Sabath
Sanders, N. Y.
Siegel
Speaks
Stevenson
Stiness
Strong, Pa.
Sullivan
Tague
Taylor, Colo.
Taylor, Tenn.
Towner
Vare
Volk
Walters
Ward, N. C.
Weaver
Webster
White, Me.
Wingo
Winslow
Wise
Wright
Wurzbach
Wyant
Yates

On motion of Mr. MANN, a motion to reconsider the vote by which the enacting clause was stricken out was laid on the table.

EXTENDING ARMY APPROPRIATION ACT.

Mr. McKENZIE. Mr. Speaker, I desire to submit a conference report on the bill (H. R. 7158) for printing under the rules.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion and the acquisition of real estate in certain cases and making additional appropriations therefor.

The SPEAKER. Ordered printed under the rule.

CERTAIN TITLES ON TABLETS AND OTHER MEMORIALS.

Mr. CAMPBELL of Pennsylvania. Mr. Speaker, I ask that the bill (H. R. 5013) be taken from the Speaker's table and move to concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 5013. An act to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials.

The Senate amendment was read.

Mr. MANN. Mr. Speaker, I reserve a point of order.

Mr. CAMPBELL of Pennsylvania. The bill was passed by unanimous vote in the House either in April or June. The Senate amends it by using the word "inscribe" in their amendment instead of "use," the word which is in the House bill.

Mr. WALSH. Why did they have to strike out all after the enacting clause in order to do that?

Mr. MANN. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

EXTENSION OF REMARKS.

Mr. CAMPBELL of Pennsylvania. Mr. Speaker, I ask unanimous consent to place in the RECORD a resolution adopted by the Hilltop Memorial Post 438, of the American Legion, of Knoxville, Pa., in regard to a meeting that was held by the Chamber of Commerce of Pittsburgh with reference to the bonus.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. WALSH. Mr. Speaker, the resolution ought to be dropped in the basket. I object.

MEDICAL SOCIETY OF DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent for the consideration of the bill S. 1591 in the House as in the Committee of the Whole.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 1591) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved June 7, 1838, as amended.

Mr. GARRETT of Tennessee. Is that on the Private Calendar?

Mr. WALSH. Yes; it is.

Mr. GARRETT of Tennessee. It is not in order to call it up to-day at all.

The SPEAKER. The Chair thinks it is in order.

Mr. MANN. Oh, yes; it is in order.

Mr. GARRETT of Tennessee. Is this District day?

The SPEAKER. Yes. The Committee on the District of Columbia has the right to call up private bills.

Mr. BLANTON. I object to the unanimous-consent request, Mr. Speaker.

The SPEAKER. The gentleman from Texas objects.

Mr. FOCHT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of the bill.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole for the consideration of the bill S. 1591.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House, with Mr. McARTHUR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 1591) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved June 7, 1838, as amended.

So the motion to strike out the enacting clause was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. ELLIS with Mr. HUMPHREYS.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. RODENBERG with Mr. BELL.

Mr. REBER with Mr. O'BRIEN.

Mr. KIESS with Mr. TAGUE.

Mr. LAWRENCE with Mr. GARRETT of Texas.

Mr. MONDELL with Mr. ALMON.

Mr. CHANDLER of Oklahoma with Mr. WRIGHT.

Mr. GRAHAM of Pennsylvania with Mr. PARRISH.

Mr. TAYLOR of Tennessee with Mr. SABATH.

Mr. HUTCHINSON with Mr. FIELDS.

Mr. BACHARACH with Mr. KITCHIN.

Mr. PATTERSON of New Jersey with Mr. WARD of North Carolina.

Mr. KNIGHT with Mr. CAREW.

Mr. FROTHINGHAM with Mr. FAVROT.

Mr. OGDEN with Mr. LEA of California.

Mr. BUTLER with Mr. OLIVER.

Mr. JOHNSON of Washington with Mr. RIORDAN.

Mr. ATKESON with Mr. WINGO.

Mr. BLAND of Indiana with Mr. SULLIVAN.

Mr. IRELAND with Mr. COCKRAN.

Mr. BIXLER with Mr. GRIFFIN.

Mr. CHINDBLUM with Mr. LYON.

Mr. KIRKPATRICK with Mr. STEVENSON.

Mr. SPEAKS with Mr. DRANE.

Mr. KENNEDY with Mr. RUCKER.

Mr. HILL with Mr. OVERSTREET.

Mr. PERLMAN with Mr. DREWRY.

Miss ROBERTSON with Mr. BRINSON.

Mr. VARE with Mr. RAINEY of Illinois.

Mr. BRENNAN with Mr. LANGFORD.

Mr. CODD with Mr. LONDON.

Mr. OLPP with Mr. GOLDSBOROUGH.

Mr. STRONG of Pennsylvania with Mr. MANSFIELD.

Mr. ROSSDALE with Mr. WISE.

Mr. OSBORNE with Mr. TAYLOR of Colorado.

Mr. WINSLOW with Mr. RAINEY of Alabama.

Mr. KAHN with Mr. WEAVER.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

Mr. FOCHT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. WALSH. I object.

The CHAIRMAN. The gentleman from Massachusetts objects. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1591) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, as amended.

Be it enacted, etc., That the act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838 (6 Stat. L., p. 741), as amended, be, and the same hereby is, amended so as to read as follows:

"That Drs. George Wythe Cook, William Gerry Morgan, John B. Nichols, William P. Carr, E. Y. Davidson, Philip S. Roy, A. L. Staveland, Henry C. Macatee, E. G. Seibert, J. Russell Verbruyck, Jr., A. W. Boswell, Charles S. White, J. A. Gannon, D. S. Lamb, and Virgil B. Jackson, and such other persons as they may associate with themselves, and their successors, be, and they hereby are, constituted a body corporate of the District of Columbia, for the purpose of promoting and disseminating medical and surgical knowledge, and for no other purpose.

"SEC. 2. That the Medical Society of the District of Columbia be, and it is hereby, empowered to own, mortgage, and convey such property as may be necessary for its purposes, and to make such rules and regulations as it may require, and which may not be repugnant to the Constitution or laws of the United States.

"SEC. 3. That Congress may at any time alter, amend, or annul this act of incorporation of said society."

Mr. FOCHT. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. MILLSPAUGH].

Mr. MILLSPAUGH. Mr. Chairman, this bill has for its purpose the amending of the charter of the Medical Society of the District of Columbia for the purpose of enabling them to own property in their own name. It seems to be the case that this society, which was organized, I believe, in 1838, or about that time, up until 1896 had the power to license practitioners in medicine. But in 1896 a general act was passed which took from them that power, and after that time this society kept up its functioning as an organization of medical men for the promotion of the proper tenets of the practice of medicine. There were two organizations after 1896—the Medical Society of the District of Columbia and the Medical Association of the District of Columbia. About six or seven years ago a bill was introduced for the purpose of amalgamating these two associations or societies, which for some reason failed to pass. But the time being opportune, the organizations did amalgamate under the title of the Medical Society of the District of Columbia. They have been carrying on their work as a medical society simply as an organization, more, I assume, in the form of a social organization than anything else, and for the purpose of furthering the interests of the medical profession.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MILLSPAUGH. I will.

Mr. GARRETT of Tennessee. Is there any reason why these gentlemen can not do under the general law of the District all that they are seeking to do here?

Mr. MILLSPAUGH. They can not.

Mr. GARRETT of Tennessee. Why?

Mr. MILLSPAUGH. Because they are forbidden, as I understand it, by the law of the District from doing so. They can proceed in the manner in which they have been proceeding, but they have decided to erect a building—in fact, it is almost completed, and the title is held by trustee—and they simply want their charter amended so that they can transfer the title to these people of the Medical Society of the District rather than have it held in trusteeship.

Mr. GARRETT of Tennessee. The District has a general incorporation law.

Mr. WALSH. They can not charter under it.

Mr. GARRETT of Tennessee. I do not know whether they can do this particular thing or not.

Mr. KINDRED. I will say in reply to the question of the gentleman from Tennessee [Mr. GARRETT] that under the present laws of the District of Columbia authorizing the incorporation of organizations of medical societies, there is a limitation on the amount of property which they shall own, and this limit in the case of the Medical Society of the District of Columbia is at present exceeded, because they have constructed a fine, new, and costly building.

Mr. WALSH. Will the gentleman yield?

Mr. MILLSPAUGH. Yes.

Mr. WALSH. Has the gentleman examined the original charter of this society?

Mr. MILLSPAUGH. I have not.

Mr. WALSH. Does the gentleman know whether these people want to substitute this charter, with two brief sections, for the charter which they got in 1838, which covers four or five pages of the statutes?

Mr. MILLSPAUGH. I can not say.

Mr. WALSH. That will be the effect of this bill, will it not? Mr. MILLSPAUGH. I assume it would be. That is my thought in the matter, at least.

Mr. WALSH. Did the committee have hearings on this bill?

Mr. MILLSPAUGH. A very nominal one, I should call it.

Mr. WALSH. It is a matter, I think, concerning which the committee might have propounded some interesting inquiries. I will say that this matter was before the Committee on the Judiciary at one time; on two occasions, I think.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. MILLSPAUGH] has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. How much time does the gentleman from Pennsylvania yield?

Mr. FOCHT. As much as may be necessary. I also want to yield time to other gentlemen, though.

Mr. GARRETT of Tennessee. May I ask the gentleman as to the meaning of the language in lines 5 and 6, on page 2, "for the purpose of promoting and disseminating medical and surgical knowledge"?

Mr. MILLSPAUGH. In lines 3 and 4 the gentleman means, does he not?

Mr. GARRETT of Tennessee. In the print I have the language I refer to is in lines 5 and 6. Is it the purpose of this society to establish a school?

Mr. MILLSPAUGH. That is not the purpose as expressed to me at all.

Mr. GARRETT of Tennessee. Of course, they could do so.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. KINDRED. May I suggest to the gentleman from Tennessee that one of the most legitimate functions of a medical society is to hold discussions on all medical subjects and allied subjects and to disseminate in all proper and ethical ways—in particular in the case of this society—medical and surgical knowledge by monthly and weekly meetings or clinics and the discussion of cases and scientific subjects?

Mr. GARRETT of Tennessee. I understand that. But is it the purpose to establish a school in the District of Columbia or merely for the exchange of such information as they may obtain among their own members?

Mr. KINDRED. Yes; and to disseminate it to the public in regard to the transmission of disease, in regard to sanitary measures and public health measures, which so much concern the public. That is the proper function of a medical society.

Mr. GARRETT of Tennessee. I do not question its being proper. I hope the gentleman does not understand that I am assuming that the gentlemen named herein are intending to do anything improper. But if there is to be a school organized it ought not to be organized by any special act of Congress.

Mr. MILLSPAUGH. I do not think that is the intention.

Mr. FOCHT. Mr. Chairman, in regard to this bill and the question propounded a moment ago as to the extent of the hearings, I would say that the judgment of the members of the committee rested largely upon the opinion of the gentleman from New York, Dr. KINDRED, who spoke to us about it. I believe he is a member of this association or some similar association, and I therefore yield 10 minutes to the gentleman from New York for some further enlightenment on the subject.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. KINDRED. Mr. Chairman and gentlemen of the committee, I think the provisions of this short bill are sufficiently simple and clear. I understand that the provisions of the bill are absolutely limited to incorporating certain gentlemen of the medical profession as incorporators of the Medical Society of the District of Columbia, for two main clear purposes, namely, for the purpose of disseminating and promoting medical and surgical science in all proper ways, in all the usual ways by which and through which medical associations of this kind would naturally and conveniently disseminate and promote such knowledge, particularly with reference to educating the public in all matters pertaining to public health and sanitary science, and particularly with reference to the prevention of disease.

Mr. LITTLE. Mr. Chairman, will the gentleman yield for a question?

Mr. KINDRED. Gladly.

Mr. LITTLE. Could they establish a college under this legislation?

Mr. KINDRED. Not being a lawyer or a specialist in the interpretation of the technical language of the act, I can not

say as to whether they could, even with any strained interpretation of the words of the act; but I believe it would take a strained interpretation to say that they intended to establish, or would establish, a medical college.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield for a question?

Mr. KINDRED. Gladly.

Mr. CLOUSE. In the light of the language used in section 1, "for promoting and disseminating medical and surgical knowledge," how can they do this unless they do establish a college?

Mr. KINDRED. I would suggest to the gentleman from Tennessee what I thought had already been brought out, that the usual functions and activities of a medical society, such as this, are to have monthly, weekly, or even semiweekly meetings, to which all the members of the society are invited, and to hold scientific discussions—we will say in this particular case, to illustrate my meaning, on the subject of an epidemic which might be prevailing at the time of its discussion.

Mr. CLOUSE. Will the gentleman indulge me for another question?

Mr. KINDRED. Certainly.

Mr. CLOUSE. Of course, I can understand why a body of medical physicians might consolidate, but why the necessity of incorporating that concern and why the necessity of giving them the power to own and mortgage property and acquire title and sell real estate in the District of Columbia if it is not to establish a medical school?

Mr. KINDRED. I am glad indeed to answer the very proper question of the gentleman. The medical associations and other great associations—I am not standing here as the advocate of any particular or specific medical association, or any particular theory of medicine, or any particular school of therapeutics—but speaking in the interest of the medical profession at large and all branches of the profession, I want to say to you gentlemen that medical science in all of its branches is so vast at the present time that it requires a proper place of meeting, equipped for demonstration, so that cases can be studied clinically, where eye diseases are brought to the attention of medical associations for a proper clinical study of diseases of the eye, and where cases of cancer are brought to the attention of the medical association for the proper clinical study of cancer, and where clinics are brought to actual notice in a proper building and with properly equipped conditions, so that physicians can study the cases themselves in connection with their didactic and technical study of the case; and so it requires a properly equipped society building, such as that of the New York Academy of Medicine, which has, in one of the congested and valuable districts of the city of New York, a splendidly equipped building, so that all the phases of the science of medicine can be studied by the specialists and scientific men who have to get their information through such a channel; and so the medical societies of the country are now tending toward the building of larger medical society buildings, thoroughly equipping the buildings with all of the facilities for the thorough study of the various aspects of a broad profession.

As to the particular and special functions which these incorporators are to perform, I need not tell the gentlemen who have asked questions on this matter, because they as lawyers know better than I that it is necessary for the medical society of the District of Columbia to be incorporated, so that it may own legally this property, which its members at so much self-sacrifice to themselves have contributed, so that the corporation may, if necessary, mortgage the property for its future development and future usefulness. It is the same function that any other body of incorporators may perform when they hold property for the benefit of the incorporation.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. KINDRED. I yield to the gentleman from Indiana.

Mr. SANDERS of Indiana. There is at present a corporation bearing this name, is there not, the Medical Society of the District of Columbia?

Mr. KINDRED. Under the incorporation of 1838; yes.

Mr. SANDERS of Indiana. Does that corporation as it now exists represent the successors of the men named in that act of incorporation?

Mr. KINDRED. I think it does not, for the reason that there has been an amalgamation of two societies, as has been pointed out by the gentleman who presented the bill here, and that amalgamation is probably not represented by the old act of incorporation.

Mr. SANDERS of Indiana. Does the corporation as it is now organized have legal title to any real estate?

Mr. KINDRED. There is valuable real estate which is held in trust, very inconveniently, in a very cumbersome way, which

real estate and other property should be held by incorporators, just as the property of any other incorporation should be held.

Mr. SANDERS of Indiana. If they are not the successors of the people named in the original charter, I do not see how they could pass title.

Mr. KINDRED. The present property is not held in the name of either one of these societies. It is held in the name of trustees for the benefit of the amalgamated society.

Mr. SANDERS of Indiana. The equitable title is in the amalgamated association?

Mr. KINDRED. I understand it is in the trustees.

Mr. SANDERS of Indiana. That is, the legal title is in the trustees?

Mr. KINDRED. Yes.

Mr. SANDERS of Indiana. For the benefit of the amalgamated association?

Mr. KINDRED. Yes.

Mr. SANDERS of Indiana. Will this new association represent the amalgamated association?

Mr. KINDRED. Entirely so.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. KINDRED. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. As I understand, the medical society which was incorporated in 1838 had authority under its act of incorporation to license persons to practice medicine?

Mr. KINDRED. Yes; but that does not obtain now.

Mr. GARRETT of Tennessee. That was repealed by the act of 1896?

Mr. KINDRED. Yes.

Mr. GARRETT of Tennessee. Will this bill revive that right?

Mr. KINDRED. It has no reference to it. There are only two propositions here, namely, first, the dissemination of medical and surgical knowledge; and, secondly, to enable the incorporation to hold property.

Mr. JONES of Texas. Will the gentleman yield?

Mr. KINDRED. Yes.

Mr. JONES of Texas. Referring again to the question first raised by the gentleman from Tennessee [Mr. GARRETT], under section 599 of the corporation laws of the District of Columbia any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of the District, who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, and so forth, may make, sign, acknowledge, and form a corporation. Included in this general law are corporations organized for educational purposes. In this special charter which you are granting you name purposes that are purely educational in their nature.

Mr. KINDRED. If the gentleman from Texas will read the language there, he will find that there is a limitation on the amount of property which such association may hold under the existing act.

Mr. JONES of Texas. It says that they may take, receive, hold, and convey real and personal estate necessary for the purposes of the society as stated in their certificate. That seems to me to cover not only the purposes that are sought to be accomplished by the special charter, but also to cover the real estate and personal property that may be necessary for the carrying out of the specific purposes for which the gentleman says this society is organized.

Mr. KINDRED. I will say to the gentleman from Texas that I have been informed by able lawyers, who have given study to this particular act under which these bodies are incorporated in the District, that there is a limitation—

Mr. BLANTON. If the gentleman will permit me, the limitation is that the income from the property they own must not exceed \$6,000 a year.

Mr. KINDRED. I think the gentleman is right in that interpretation.

Mr. JONES of Texas. The limitation on the income of their property is \$25,000 a year.

Mr. KINDRED. I think it is \$6,000 now.

Mr. BLANTON. It is \$6,000 now.

Mr. JONES of Texas. It has been changed, has it?

Mr. KINDRED. Yes. Now, I will say in conclusion that I happen to know personally several of the gentlemen whose names are mentioned in this act as the incorporators. They are humanitarians, physicians of the highest standing, and with the best possible purposes in their desire to hold for the benefit of the whole medical profession of the District this valuable property which they at sacrifice to themselves have erected as a monument to humanity and medical science.

Mr. BLANTON. Will the gentleman yield?

Mr. KINDRED. Certainly.

Mr. BLANTON. There are three recognized branches of medicine, are there not?

Mr. KINDRED. That is true, if the gentleman will name them; I think it is true.

Mr. BLANTON. The allopath, osteopath, and homeopath.

Mr. KINDRED. Those are three of the well-known branches.

Mr. BLANTON. When we incorporate these particular gentlemen into a medical society of the District of Columbia, will it exclude any of the branches I have named?

Mr. KINDRED. When you form an association to do a certain thing and name the incorporators, you do not bring in any incorporators adverse to it.

Mr. BLANTON. Are these particular gentlemen allied with any particular branch to the exclusion of any other branch?

Mr. KINDRED. I understand that they are, of course, regular physicians.

Mr. BLANTON. This embraces all of them?

Mr. KINDRED. It does not.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Chairman, I ask to be recognized in opposition to the bill.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. BLANTON. I will yield five minutes more to the gentleman from New York in order that I may ask him some questions. The gentleman recognizes these three branches that I have named?

Mr. KINDRED. There is another well-known branch, known as the eclectic.

Mr. BLANTON. How many of these branches are represented in this society?

Mr. KINDRED. This particular act of incorporation includes members of the so-called regular profession only.

Mr. BLANTON. The allopaths?

Mr. KINDRED. Yes; if you are pleased to call them allopaths.

Mr. BLANTON. But it does not include the eclectic?

Mr. KINDRED. No.

Mr. BLANTON. Nor the osteopaths?

Mr. KINDRED. No.

Mr. BLANTON. Nor the homeopaths?

Mr. KINDRED. No.

Mr. BLANTON. I am not holding a brief for any of these branches which the gentleman designates as not of the regular branch, but does the gentleman think it is fair, with the great number of citizens who believe in the other three branches—does he think it is fair to them to give this particular branch which I patronize when I am sick—I patronize the regular branch myself—

Mr. KINDRED. And the gentleman shows his good judgment.

Mr. BLANTON. Does the gentleman think it is fair to all the others to incorporate these gentlemen as the Medical Society of the District of Columbia?

Mr. KINDRED. I think it is eminently fair and just that any branch of any profession or society may ask for an act of incorporation and hold property which it pays for.

Mr. BLANTON. If that was the only purpose—

Mr. KINDRED. Only one other purpose.

Mr. BLANTON. I know, if that is not the only purpose, why should not the other purpose be stated in the bill?

Mr. KINDRED. Let me answer the question by asking another. Does the gentleman from Texas think it is unfair to the whole of the regular profession to teach its own tenets and doctrines?

Mr. BLANTON. Not at all, if it is not to the exclusion of other branches to teach their tenets.

Mr. KINDRED. There is nothing here to the exclusion of any other medical branch.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. KINDRED. Yes.

Mr. GARRETT of Tennessee. Certainly it is not unfair to permit these people to teach their own tenets, but is it right that the Congress of the United States should be called upon to do them a special favor by granting a special charter in order that they may do it?

Mr. KINDRED. Let me suggest to the gentleman from Tennessee that the Congress of the United States has granted many acts of incorporation like this.

Mr. GARRETT of Tennessee. We have granted special acts of incorporation, but not like this.

Mr. BLANTON. Now, I want to ask the gentleman a question which I intended to but did not ask. Suppose this bill was to give the homeopaths of the city the right to organize themselves into a corporation called the Medical Society of the Dis-

trict of Columbia—not a particular homeopathic society but a medical society—

Mr. KINDRED. If the gentleman will modify the question and ask if I think it is right in principle for the so-called homeopaths of the District of Columbia to form themselves into a corporation like this, I will say yes, designating it as the Homeopathic Society.

Mr. BLANTON. The gentleman has read them out of the medical society.

Mr. KINDRED. I have chosen the right, personally, to join this society, and this gives others the same privilege under the law.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BLANTON. I yield to the gentleman three minutes more.

Mr. WALSH. Will the gentleman yield?

Mr. KINDRED. Yes.

Mr. WALSH. Does the gentleman from New York know whether the original charter, which I understand has never been surrendered, contains any provision with relation to holding property by this corporation?

Mr. KINDRED. I believe the trouble is that the limitation already referred to under the general law applies here.

Mr. WALSH. No.

Mr. KINDRED. I do not believe the original charter gives them the right to do what they want to do here.

Mr. CLOUSE. I have before me the original act of July 7, 1838.

Mr. KINDRED. What is the caption of that act?

Mr. CLOUSE. "An act to revive, with amendments, an act to incorporate the medical society of the District of Columbia." It limits them in their right to acquire and hold property exceeding \$6,000.

Mr. BLANTON. Oh, that is the income.

Mr. CLOUSE. To hold or possess property, real, personal, or mixed, exceeding in total value the sum of \$6,000 per annum. That is correct. I do not recall, nor do I know, whether this act has been amended, but by section 3 this medical society was authorized to appoint from the members of the profession five persons who should pass upon the qualifications of all those applying for a license to practice in the District.

Mr. KINDRED. The gentleman must understand that that provision has since been repealed.

Mr. CLOUSE. I did not understand that.

Mr. KINDRED. That provision has been repealed.

Mr. CLOUSE. I see that the act of 1896 repealed the major portion of that.

Mr. KINDRED. It repealed that particular provision.

Mr. CLOUSE. Do they still have the power and authority to pass on qualifications?

Mr. KINDRED. No; they do not. That feature has been repealed.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. KINDRED. Yes.

Mr. REED of West Virginia. Following the line of thought of my colleague from Texas [Mr. BLANTON], would the gentleman be in favor of Congress granting this recognition, this prestige, or whatever it amounts to, to these newer methods of healing, these other organizations that minister to the health of mankind? Would the gentleman say that they should be given this prestige?

Mr. KINDRED. I am very glad to answer the gentleman's question.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BLANTON. Mr. Chairman, I yield the gentleman two minutes more.

Mr. KINDRED. The fundamental consideration in licensing any man or woman to put out his or her sign to treat diseases of the mind or of the body, which implies that the particular person is authorized or qualified to treat any disease of the mind or body, is that the authority must be properly safeguarded, on this principle.

I have no objection to the osteopath practicing his profession. I will frequently cooperate with him in many conditions of chronic disease, where there is no infection and no acute or dangerous inflammatory conditions and no contagion, and will turn over to him some cases which require simple rubbing and manipulation or manipulation and massage, but it is a dangerous thing to the public of this country to have such a man or woman calling himself or herself anything that would give him or her authority to be consulted legally in any medical case, to be called in without the training necessary to make a diagnosis. That is the principle on which I object to the suggestion of the

gentleman; and, therefore, the homoeopath, the allopath, the eclectic, and all who have studied all branches of medicine insist that a man or woman shall be trained in all the branches of medicine—atomy, physiology, therapeutics, surgery, and laboratory methods—and then he or she may practice drugless therapy, physiotherapy, psychotherapeutic healing, healing by mysticism, or any other fool thing; but they must be prepared to know when they see diphtheria; they must not treat an appendix full of pus, that is ready to burst, by manipulation and kill the patient; they must not treat a child dying of diphtheria by manipulation; they must not treat a case of typhoid fever, in which there may be rupture of the small intestine, by manipulation or rubbing. That is the principle on which I insist that we shall be careful in licensing people who shall be allowed to practice any form of medicine.

Mr. BLANTON. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Chairman, perhaps the discussion that I am about to make would better come under the five-minute rule, but I want to find out if I can what has become of the organization that was formed under the act of July 7, 1838, and I would like to make that inquiry of the gentleman in charge of the bill.

Mr. REED of West Virginia. Had that corporation an age limit?

Mr. SANDERS of Indiana. No. The act of July 7, 1838, which this bill seeks to revive—whatever that means—

Mr. JONES of Texas. Inasmuch as it is purely a revival, why, in the gentleman's judgment, could they not be incorporated under the general act?

Mr. SANDERS of Indiana. I have not studied the general act to know whether it covers it or not.

Mr. JONES of Texas. While there are limitations as to the amount of property that may be owned under the act of 1838, yet it seems that there is no limitation in the general act on the amount of property they may own for the purposes for which they are incorporated. They are allowed \$25,000 a year annual income from properties other than those used in connection with the purposes for which they are incorporated.

Mr. SANDERS of Indiana. Does the gentleman from Texas think the general act of incorporation would have the effect of repealing the specific charter of 1838?

Mr. JONES of Texas. I take it that that, according to the way this act is worded, would have become obsolete. Then if they wanted a new organization, which they are trying to get under this act, they could reorganize under the general act, and when corporations can organize under the general act it seems to me that they should do so without asking for special incorporation. The purposes stated in general are, among others, for benevolence, charitable, educational, and so forth.

Mr. SANDERS of Indiana. Of course if that act repeals this special act, then that might present one situation, but if this special act is in existence, and there is an incorporation under it bearing this particular name for this particular function, that might exclude the organization under the general act. I want to find out what the state of facts is.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. GARRETT of Tennessee. I find this statement in the letter of Dr. Cook, which is published as a part of the report, the letter being dated December 19, 1919:

By the enactment of 1896 of the medical practice act for the District of Columbia a larger part of the charter of the Medical Society of the District of Columbia, which had formerly licensed practitioners of medicine in this District, was repealed.

Mr. SANDERS of Indiana. That is true.

Mr. GARRETT of Tennessee. I do not know what that act was. We do not have that act before us.

Mr. SANDERS of Indiana. I looked up that act, and that act does repeal that part of this charter.

Mr. MANN. The act referred to was an act providing for the appointment of a commission, or whatever the title was, in the District of Columbia to license the practice of medicine. That repeals the provision in the original or amended charter which authorizes this society to license the practice of medicine, so this incorporation no longer has that authority.

Mr. GARRETT of Tennessee. I understand that, but I wondered—it says "the larger part of the charter of the Medical Society of the District of Columbia."

Mr. MANN. That larger part was the act that covered a page or so in the statute. I looked it up.

Mr. GARRETT of Tennessee. Did it cover anything except authority to issue licenses?

Mr. MANN. It did not, as I understand it.

Mr. CLOUSE. What volume?

Mr. SANDERS of Indiana. Sixth Statutes at Large, page 741. Can the gentleman from New York tell what is to become of the individuals and their successors who formed this corporation under the act of 1838?

Mr. KINDRED. I would say to the gentleman that these two societies, as I have clearly understood, amalgamated, and they found that after their amalgamation they needed a new charter in order to perform their proper functions.

Mr. SANDERS of Indiana. When did this purported amalgamation occur?

Mr. KINDRED. It is mentioned in the report.

Mr. BLANTON. Seven years ago.

Mr. KINDRED. Seven years ago.

Mr. SANDERS of Indiana. Well, this corporation, as organized back in 1838, was organized to consist of a board of individuals and their successors, whom they might elect. Now, the corporation exists, or else it does not exist.

Mr. KINDRED. Does not the gentleman believe this repeals any prior rights under that charter?

Mr. SANDERS of Indiana. It is an entire repeal.

Mr. KINDRED. That is what we are endeavoring to do.

Mr. SANDERS of Indiana. This measure substitutes the proposed bill for the other bill, commencing after the enacting clause—

Mr. CRAMTON. If the gentleman will yield, the report of the committee, which is before us, contains a statement of G. Wythe Cook, who assumes to speak for the Medical Society of the District of Columbia.

Mr. SANDERS of Indiana. Yes.

Mr. CRAMTON. As to his authority to speak for them, there is no evidence before the House, but he assumes to speak for them; therefore it is to be assumed the Medical Society of the District of Columbia still exists, and, of course, it is plain if it does exist, that it will not exist as the old medical society after this new one is incorporated, because this would repeal the old authority.

Mr. SANDERS of Indiana. If these individuals named here are the legitimate successors of the individuals named by the former organization, I think it might be.

Mr. CRAMTON. But there is no evidence before us that they are. They may be a body of volunteers who represent no one but themselves.

Mr. MANN. I do not know that this will throw any light on the matter, but my understanding is that the Medical Society continues to exist under its original charter subject to the amendment passed taking away from them the authority to examine or license for the practice of medicine. I understand also that there is an association or society in the District of Columbia called the Medical Association, or some such name as that; that the two of them agreed to come together for the purpose of headquarters at least and desire now to have this bill passed, naming members of both of these societies as direct representatives under this bill, in order that they may own property or build a building and have headquarters. I do not understand that there is anything else to it.

Mr. KINDRED. Absolutely.

Mr. SANDERS of Indiana. Well, the original charter, so far as duration of the corporation is concerned, provided:

Are hereby declared to be a community, corporation, a body politic, forever, or until Congress shall by law direct its charter to cease and determine.

Now, that corporation has acquired this real estate, or this equitable title to real estate, and the question that occurs to me is whether that organization is still in existence or whether we are creating an entirely new thing.

Mr. MANN. Oh, we are not creating an entirely new thing, as I understand.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SANDERS of Indiana. May I have three more minutes?

Mr. BLANTON. I yield the gentleman three additional minutes.

Mr. MANN. Under the law originally passed we can change the charter, or where they have already agreed on both sides for the two organizations to pool their issues and their property, and this proposes to let that be done, and by change of the charter we can give them that authority. The Medical Society will still own the property of the old medical society, and I suppose it will also own the property of the Medical Association if this bill passes.

Mr. KINDRED. In reply to the suggestion made by the gentleman from Michigan [Mr. CRAMTON] as to whether the gentlemen are really representatives of the Medical Society of the District of Columbia as they purport to be, I want to repeat

again that I know most of the men personally whose names are named as incorporators, and I know that they are as purporting to be, representatives of the Medical Society of the District of Columbia.

Mr. SANDERS of Indiana. Now, the suggestion I wanted to make is that if the situation is as described by the gentleman from New York, if the old organization is still in existence and they want to form a new organization, I think the present bill has omitted a great many provisions of the original charter that ought to be in it.

Mr. CLOUSE. Will the gentleman yield?

Mr. SANDERS of Indiana. Pardon me. I am using the time of the gentleman from Texas, and I want to make the point plain.

For instance, the name of the corporation is omitted from the first section; it might be implied in the second. The first part of the act says the old act "is hereby amended to read as follows." That strikes everything out of the old law, and we have to depend entirely on this bill for a charter, and this bill does not contain the elements usually contained in a charter for a corporation; it does not contain the elements the old charter contains; it does not provide for any officers. For instance, the old bill, in section 2, provided for president, two vice presidents, corresponding secretary, and treasurer. It would be difficult to tell under this law who would have the power to convey or the power to act. The old law provided for the manner of choosing successors. There is nothing here of that kind. The old law provided that they were empowered to make by-laws and rules and regulations. The present law just provides for rules and regulations.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. SANDERS of Indiana. Just half a minute. The old law contains many sections which are usual and customary in creating a corporation. We wipe out the entire law, and then in three sections attempt to create the corporation.

Mr. BLANTON. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, it is not a question of good character of the individuals who are named in this bill as incorporators. I have no doubt of their good character. It is not a question of their good faith or their good intentions. But it is a question of what the Congress should do when it comes to a matter of granting a special act of incorporation to a particular set of individuals for a particular purpose.

I am not familiar with the act of 1838. I do not know what powers were conferred other than it has been brought out here that the power was conferred on the medical society to license practitioners. In other words, I take it that that was created at that time as some sort of a District agency. There was conferred upon it the power to exercise those functions usually exercised by government in the matter of licensing persons to practice medicine. Let me add, it is not a question, either, of a particular school of medicine that is here involved. I care nothing whatever about that. That which ought to be of interest to us is what this charter proposes to do. In lines 5 and 6, on page 2, these words occur:

For the purpose of promoting and disseminating medical and surgical knowledge.

Now, it is not a question of what the present incorporators intended to do under this act; it is a question of what they may do and their successors may do. A half century from now, after these gentlemen have all passed away, whatever intention they may have now, a medical school can be established here or can acquire property as vast as it can possibly acquire in the District of Columbia, and it shall have the power of disposal of it in the way that is fixed in the bill.

As a matter of fact, I am absolutely opposed to the granting of any of these special charters unless it be for some strictly governmental purpose. I did not oppose the granting of the charter to the Red Cross; the granting of a charter to those institutions that perform governmental functions; but an institution which proposes to run a private business ought to incorporate under the general incorporation laws of the District. If those laws are not sufficiently broad they ought to be amended and the parties ought not to have to come to Congress for any special act.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLSAUGH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. McARTHUR, Chairman of the Committee of the Whole House, reported that that committee had had under

consideration the bill S. 1591 and had come to no resolution thereon.

Mr. MILLSAUGH. Mr. Speaker, I ask unanimous consent that this bill be recommitted to the Committee on the District of Columbia, in order that it may have the attention of the committee and be more properly drawn.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be recommitted to the Committee on the District of Columbia. Is there objection? [After a pause.] The Chair hears none.

Mr. KINDRED. Mr. Speaker, is it in order to ask unanimous consent to extend my remarks in the RECORD on the subject which we have just had under consideration?

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. HILL. Mr. Speaker, I want to ask unanimous consent to extend my remarks in the RECORD by printing a letter to the Ways and Means Committee on five ways of paying the bonus and certain expressions in reference to it.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD on the matter referred to. Is there objection?

Mr. WALSH. Mr. Speaker, I do not think we ought to indulge in that practice. If the gentleman wants to bring it to the attention of the Ways and Means Committee, of course he knows how to do it, but I do not think we ought to fill the RECORD up with arguments for or against this legislation at this time. Therefore I object.

CALL OF THE HOUSE.

Mr. FOCHT. Mr. Speaker—

Mr. BLANTON. Mr. Speaker, I make the point of order that we have no quorum.

The SPEAKER. The gentleman from Texas makes the point that there is no quorum present. The Chair will count. [After counting.] Fifty-eight Members are present, not a quorum.

Mr. FOCHT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Anderson	Fields	Larson, Minn.	Riordan
Ansorge	Fish	Lawrence	Robertson
Atkeson	Fisher	Layton	Rosenberg
Bacharach	Freeman	Lee, Calif.	Rogers
Bell	French	Lee, Ga.	Rose
Benham	Frothingham	Lee, N. Y.	Rosenbloom
Bixler	Funk	London	Rossdale
Blakeney	Garrett, Tex.	Lyon	Rucker
Bland, Ind.	Goldborough	McDuffie	Ryan
Bowers	Goodykoontz	McKenzie	Sabath
Brinson	Gould	McLaughlin, Nebr.	Sanders, N. Y.
Britten	Graham, Pa.	McLaughlin, Pa.	Siegel
Brooks, Pa.	Greene, Mass.	Mansfield	Smithwick
Brown, Tenn.	Greene, Vt.	Michaelson	Snyder
Burke	Griffin	Mondell	Speaks
Butler	Hadley	Moore, Ill.	Stiness
Campbell, Kans.	Haugen	Newton, Minn.	Strong, Pa.
Cantrill	Hays	Newton, Mo.	Sullivan
Chandler, N. Y.	Hogan	Nolan	Tague
Chandler, Okla.	Houghton	O'Brien	Taylor, Colo.
Clark, Fla.	Hull	Ogden	Tincher
Claason	Humphreys	Oldfield	Towner
Cockran	Husted	Oliver	Upshaw
Codd	Hutchinson	Olpp	Vare
Connell	Ireland	Osborne	Vestal
Connolly, Pa.	James	Park, Ga.	Voigt
Copley	Jeffers, Nebr.	Parker, N. J.	Volk
Crisp	Jeffers, Ala.	Parker, N. Y.	Voistead
Crowther	Johnson, Wash.	Parks, Ark.	Walters
Dale	Kahn	Parrish	Ward, N. C.
Davis, Minn.	Kelley, Mich.	Patterson, N. J.	Watson
Dempsey	Kennedy	Perkins	Weaver
Drane	Kiess	Perlman	White, Me.
Drewry	Kirkpatrick	Petersen	Williams
Dunn	Kitchin	Porter	Wingo
Dupré	Klecza	Rainey, Ala.	Wise
Echols	Kline, N. Y.	Rainey, Ill.	Wood, Ind.
Edmonds	Knight	Ramseyer	Wright
Ellis	Kopp	Rayburn	Wurzbach
Evans	Kreider	Reavis	Wyant
Faust	Langley	Reber	Yates
Favrot	Lankford	Riddick	

The SPEAKER. Two hundred and sixty-three Members have answered to their names. A quorum is present.

Mr. FOCHT. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. FOCHT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6309, known as the pawnbroker's bill; and in that connection I would like to

inquire of any who might be opposed to the measure as to the disposition of time.

Mr. BLANTON. Under the rules of the House I would be entitled to a division of the time.

Mr. FOCHT. As a member of the committee?

Mr. BLANTON. As a member of the committee.

Mr. FOCHT. How much time would the gentleman suggest?

Mr. BLANTON. Thirty minutes to a side.

Mr. FOCHT. That is satisfactory to me.

Mr. STAFFORD. Mr. Speaker, this bill brings up memories of the famous Michael Martin Mulhall investigation, when we had before us, a committee headed by the gentleman from Tennessee [Mr. GARRETT], an aggregation of local pawnbrokers for investigation. I think some considerable time should be allowed to the opposition to this bill. I hardly think half an hour would be sufficient time to those who devoted months and months in the summer time nine years ago to the consideration of that subject who might wish to be heard on this measure.

Mr. FOCHT. How much does the gentleman from Tennessee suggest?

Mr. GARRETT of Tennessee. I think there should be at least two hours to a side.

Mr. BLANTON. Would the gentleman be willing to defer this matter to the next District day?

Mr. FOCHT. I suggest that we at least proceed to read the bill, and get that far.

Mr. BLANTON. I suggest an hour to a side.

Mr. FOCHT. That would be satisfactory to me.

Mr. Speaker, there is but one point involved in the entire bill. Inasmuch as the thought is not to proceed with the consideration of the bill to a conclusion to-day, I suggest that we make a beginning, and I hope we may be able to read the bill and then when we bring it up two weeks from now we may fix the time.

The SPEAKER. The gentleman moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6309. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6309, known as the pawnbrokers' bill, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6309, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6309) to regulate pawnbrokers and their business in the District of Columbia.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the following is hereby enacted and declared to be from the date of approval of this act the law governing pawnbrokers and their business in the District of Columbia, to the exclusion of and substitution for all preceding laws enacted respecting the same:

SEC. 2. That in the interpretation and construction of this act the following shall be observed, namely:

First. Words importing the singular number shall be held to include the plural, and vice versa, except where such construction would be unreasonable.

Second. Words importing the masculine gender shall be held to include all genders, except where such construction would be absurd or unreasonable.

Third. The word "person" shall be held to include and to apply to firms, partnerships, and corporations, unless such construction would be unreasonable.

SEC. 3. That any person who lends money on the deposit or pledge of personal property, other than written or printed evidences of indebtedness, is hereby declared and defined to be a pawnbroker.

SEC. 4. That no person shall be a pawnbroker in the District of Columbia without first having received a license so to be in accordance with the provisions of this act.

SEC. 5. That the Commissioners of the District of Columbia may, from time to time, grant licenses to such persons, citizens of the United States, as shall produce to them satisfactory evidence of good character, to be a pawnbroker, which license shall designate the place or building at or in which such person may do business, and no person shall do said business at or in any other place or building, except by the written permission of the said commissioners.

SEC. 6. That every person receiving such license shall pay therefor the sum of \$500, and every such license shall expire one year from the date thereof. The license may be renewed by the commissioners from year to year on payment of the said sum for each year and upon performance of and compliance with the other conditions and provisions of this act.

SEC. 7. That every person receiving such license shall, at the time of receiving the same and before the same shall be operative, enter, with two sufficient sureties, into a joint and several bond of the District of Columbia in the penal sum of \$5,000, conditioned for the due observance of the provisions of this act, and all and any of the acts of the Congress of the United States as shall or may be in force respecting pawnbrokers and their business at any time during the continuance of

such license; and any person who shall or may be aggrieved by the misconduct of any pawnbroker and who shall have recovered judgment against such pawnbroker may, after the return unsatisfied, either in whole or in part, of any execution issued upon such judgment, maintain an action in his own name upon the bond of said pawnbroker in any court having jurisdiction of the amount claimed.

SEC. 8. That every pawnbroker shall keep a book in which shall be legibly written, at the time each loan is made, an accurate description of the goods, article, or thing pawned or pledged, the value thereof, the time of pledging the same, and the name and residence of the person pawning or pledging the said goods, article, or thing, together with a particular description of such person, including race, complexion, color of eyes and hair, height, and general appearance.

SEC. 9. That the said book shall at all reasonable times be open to the inspection of the Commissioners of the District of Columbia, or any officer in the District of Columbia so authorized by the said commissioners.

SEC. 10. That every pawnbroker shall, at the time of the making of each loan, deliver to the person pawning or pledging any goods, article, or thing a memorandum or ticket containing the substance of the entry required to be made by him in his book, as aforesaid; and no charge shall be made or received by any pawnbroker for any such entry, memorandum, or ticket. Such memoranda or tickets shall be consecutively numbered; and upon the back of each such memorandum or ticket shall be printed in English the following: "If interest and charges on this loan in excess of the rate of 3 per cent per month up to and including \$35 or of the rate of 2 per cent per month over \$35 thereof be charged, asked, or received, this loan is void and of no effect; and the pawnbroker cannot be made to pay back the money loaned, or any interest thereon, or any charges or any part thereof, and the pawnbroker in such instances shall lose all right to the possession of the goods, article, or thing pawned, and shall surrender the same to the borrower or pawnbroker upon demand therefor and presentation of ticket or memorandum."

The pawnbroker shall not incur any penalty imposed by this act, or by other law relative to usury or to pawnbrokers or their business, unless the pawnbroker, at the time of making payment on a loan of \$35 or less, then and there call the attention of the pawnbroker to the fact that he (the pawnbroker) owes the pawnbroker other sums which, when added to the indebtedness on which he is then making payment, amount to more than \$35 and submits tickets showing such to be the fact; in which case a rate of 3 per cent a month may be charged up to \$35, or the aggregate of such loans, and a rate of 2 per cent a month on all in excess of \$35.

Not only shall the above language be printed on the tickets; but, in addition, that language shall be, and hereby is, made and declared to be law.

SEC. 11. That every pawnbroker shall make a daily statement of his transactions, describing the goods or pledges received, with a description of the person, together with his address, from whom the goods or pledges were received, to the major and superintendent of police or to the officer whom he may designate to receive the said report, before 12 o'clock noon of the following day.

SEC. 12. That no pawnbroker shall dispose of any pawn or pledge, except by surrendering it to the owner or pledger or his order until after the expiration of one year from the date of the loan, or of any payment made on account thereof; and the pledger may redeem the article at any time within the year by paying the amount of the loan and legal interest thereon. All sales by any pawnbroker of articles pledged with him shall be made at public auction by a duly licensed auctioneer.

SEC. 13. That notice of every sale shall be published at least six days immediately previous thereto in one of the daily newspapers of general circulation printed in the District of Columbia; and such notice shall specify the time and place at which such sale is to take place, the name of the auctioneer by whom the same is to be made, and a general description of the class of articles to be sold; and the pledger may, at any time prior to the sale, pay or tender to the pawnbroker the amount of the debt and interest thereon to date of tender or payment, together with the cost of advertising the sale, not exceeding 25 cents.

SEC. 14. That the surplus money, if any, arising from any such sale after deducting the amount of the loans, the interest then due on the same, and the expenses of the advertisement shall be paid over by the pawnbroker to the person who would be entitled to redeem the pledge in case no such sale had taken place.

SEC. 15. That no pawnbroker shall make any loan on the separate or divided part or parts of any one article or thing which shall have been offered entirely or collectively to him by way of pawn or pledge.

SEC. 16. That no pawnbroker shall sell or keep for sale any merchandise or secondhand article or thing except such as may have been pawned to him and sold at public auction to the highest bidder as aforesaid. Any article sold to a pawnbroker with the understanding that it is to be purchased from him by the seller thereof, or by any person acting for such purchaser, shall be deemed to be pawned within the meaning of this act.

SEC. 17. That no pawnbroker shall receive any pledge, pawn article, or thing whatever knowingly from any person of unsound mind, or from any person whom the major and superintendent of police, or one whom he may designate, shall in writing certify to be of unsound mind, or shall in writing certify that such person neglects all lawful business, or that he is squandering his earnings or wasting his estate, or that he is likely to bring himself or family to want, or to render himself and family a public charge, or that he is suspected of thievery.

SEC. 18. That no pawnbroker shall deface, obliterate, melt, separate, or break into parts any article or thing received by him in pawn, or in any manner do, or cause or suffer to be done by others, anything which may destroy or tend to destroy or impair the identity of such article.

SEC. 19. That a pawnbroker may lawfully charge upon the total indebtedness of any person to him a rate of interest not to exceed 3 per cent per month up to and including the \$35, and 2 per cent per month on such total indebtedness over \$35 and no more, subject, however, to the provisions of section 10 hereof. Interest on any loan shall not be payable in advance, and shall be computed on unpaid balances only, at simple interest; and no pawnbroker shall charge any examination fee or make any charge whatsoever in excess of the interest, the auctioneer's commission, and advertisement cost provided for by this act. Nothing herein contained shall prevent the pawnbroker from charging and collecting at least one month's interest on each loan.

SEC. 20. That no business shall be transacted by a pawnbroker on the first day of the week, commonly called Sunday.

SEC. 21. That any pawnbroker who shall violate or neglect or refuse to comply with any of the provisions of this act or other laws on

the subject shall for every such offense, upon conviction before a court of competent jurisdiction, pay a fine of \$500 or be sentenced to six months imprisonment, or both, at the discretion of the court. Upon conviction hereafter of any pawnbroker under the provisions of this or any other act his license shall be revoked by the said Commissioners of the District of Columbia, and a new license shall not be granted to him for the period of one year from the date of such revocation: *Provided*, That in case of appeal to the courts the license shall not be revoked until after such conviction shall be finally affirmed.

SEC. 22. That in addition to the advertisement of sale in a newspaper it shall be the duty of every pawnbroker to send a letter to the pawnor at least three weeks before a sale, calling his attention to the fact that his loan is due, and that his pledge will be sold if the loan is not paid or satisfactorily arranged. The said letter shall be sent to the pawnor in the name given by him at the time of the making of the loan and to his last known place of address, and all letters returned by the Post Office Department undelivered shall be kept for three years as evidence.

SEC. 23. That in addition to the bond above mentioned every such pawnbroker before entering business as aforesaid shall be required to take out a policy or policies of insurance against loss by fire or theft sufficient in amount to cover the fair market value of all articles left with him in pledge as security for loans, which said policy or policies of insurance shall be filed with the Commissioners of the District of Columbia and made payable to them as trustees and shall be held for the protection of any and all persons whose property pledged with said pawnbroker as aforesaid may be stolen or destroyed by fire.

SEC. 24. That no person, being a pawnbroker or the employee of a pawnbroker, shall make any loan or advance, or permit to be made any loan or advance, to any minor under the age of 16 years; or in any manner to receive, directly or indirectly, any goods, chattels, wares, or merchandise from any such minor under the age of 16 years, in pledge for loans made or to be made to such minor or to any other person.

SEC. 25. That no person shall act as an intermediary between any pawnbroker or the employee of a pawnbroker to effect any loan the benefit of which shall accrue to any minor under the age of 16 years.

SEC. 26. That any person violating any of the provisions of sections 24 and 25 shall be subject to a fine of not less than \$50 nor more than \$100 for each offense, to be collected by process of summary conviction before any magistrate or justice of the peace as like fines and penalties are now by law collected; or in case of nonpayment of such fine within 48 hours, to undergo an imprisonment for a period not exceeding five days.

SEC. 27. That it shall be unlawful for any person, firm, or corporation, being in possession of goods and chattels of any description belonging to another, either as storage or warehouseman, pawnbroker, secondhand dealer, or junk dealer, to conceal from any marshal or deputy marshal intrusted with the execution of any writ, any such goods or chattels, with intent to prevent any such goods or chattels from being taken or levied upon under any such writ.

SEC. 28. That the refusal to disclose or point out to any such marshal or deputy marshal the whereabouts of any such goods or chattels shall be evidence of the intent to conceal such goods and chattels.

SEC. 29. That any keeper, owner, proprietor, or any person in charge of any such storage or warehouse, pawnshop, secondhand store, or junk shop, who shall violate, neglect, fail, or refuse to comply with all of the provisions of sections 27 and 28, or any of them, shall be guilty of a misdemeanor and upon conviction before any court of competent jurisdiction be fined not exceeding \$500 or undergo an imprisonment of not more than one year, or both, at the discretion of the court.

SEC. 30. That part payments on loans must be accepted, provided interest to date be tendered or paid and allowances therefor made on credits.

SEC. 31. That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7158) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. JONES of New Mexico as the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. STERLING and Mr. MCKELLAR members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Bureau of Naturalization, Department of Labor.

PAWNBROKERS' BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized.

Mr. FOCHT. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. HILL].

The CHAIRMAN. The gentleman from Maryland is recognized for 10 minutes.

Mr. HILL. Mr. Chairman and gentlemen of the committee, on Friday, January 30, 1922, I appeared before the Committee on Ways and Means to advocate the passage of a bill to provide adjusted compensation for veterans of the World War and to suggest a method of raising the money necessary for this purpose.

A number of questions were asked me at that time by the various members of the committee in reference to the various forms proposed by H. R. 1 for the payment of such adjusted compensation, but since I was appearing especially to urge a method, rather than a form, of payment I did not go into the optional plans fully. In view of the questions asked me by the committee, I feel that I should make the following supplemental statement, which I do herewith, after consultation with ex-service men in my district:

Section 3 of H. R. 1 gives the five following optional plans:

1. To receive adjusted service pay;
2. To receive adjusted service certificate;
3. To receive vocational-training aid;
4. To receive farm or home aid; and
5. To receive land-settlement aid.

I desire to suggest the advisability of omitting from the proposed bill all forms of payment except No. 1, adjusted service pay, popularly known as the "cash bonus."

It has been estimated by Army, Navy, and Marine Corps authorities that if all the ex-service men eligible for adjusted compensation should take cash, that the bonus would cost the Government \$1,510,870,748.

It has been estimated by the same authorities that should the ex-service men in the Army take 50 per cent cash, 20 per cent certificates, 5 per cent vocational training, 12½ per cent farm or home aid, and 12½ per cent land settlement, this would cost the American people \$2,227,105,116 for the Army alone.

If the Navy and Marine Corps should take 75 per cent cash, 10 per cent certificates, 2 per cent vocational training, 6½ per cent farm or home aid, and 6½ per cent land settlement, this would cost for the Navy \$263,694,437.75 and for the Marine Corps \$38,877,592.67, making a total of \$2,529,677,146.42.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. HILL. Yes.

Mr. SNELL. Is this proposition which the gentleman is presenting one that would be satisfactory to the Legion men?

Mr. HILL. It is satisfactory to Legion men in my district whom I have consulted. I do not attempt to speak for the Legion, although I am a member.

Mr. SNELL. Several other spokesmen for the Legion on the floor of the House have given us to understand that they do not care for the cash bonus, but prefer the adjusted compensation and vocational education.

Mr. HILL. I do not think any one ex-service man can speak for all the other ex-service men. I do not think that is possible.

Mr. SNELL. But the gentleman's idea is that the ex-service men prefer the cash bonus?

Mr. HILL. Yes. I thought it fair to make this statement. I feel that the men want the bonus in cash.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a question?

Mr. HILL. Yes.

Mr. BANKHEAD. How many ex-service men did the gentleman consult in his district?

Mr. HILL. I consulted the membership of certain posts, speaking to about 140 individual men, who knew the opinions of other ex-service men.

Mr. BANKHEAD. How many ex-service men are there in the gentleman's district?

Mr. HILL. Roughly speaking, in the State there are about 60,000. In my district I think there are from about 4,500 to 10,000.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. LINEBERGER. The gentleman stated that there are about 4,500 ex-service men in his district. The average in the country is 11,000 per district. The gentleman must at least have the average number. Dividing approximately 4,500,000

men by 435 Members gives us practically 11,000 ex-service men in each congressional district.

Mr. HILL. That seems to be reasonable, because I know that in the State of Maryland there are about 60,000 ex-service men and six congressional districts, and that would make 10,000 to a district. But out of the total number of ex-service men we were actually able to get the names of only about 4,500 or 4,600. I am offering this suggestion as my own view, not as the spokesman of ex-service men any more than that I am myself an ex-service man, and I represent a good many of them.

The cost of all plans except that of actual cash payments is entirely problematical and range from the above guessed-at estimate of two and a half billion dollars to various sums ranging around \$5,000,000,000.

The adoption of all except an actual cash payment will lead to enormous administrative expenses entailed upon the National Government for a long period of years, increasing the dangers of bureaucracy as well as adding enormous additional expenses.

The only reason for paying the soldier bonus is to partially adjust compensation received by ex-service people in comparison with industrial workers during the war. The so-called bonus has its only logical and fair foundation upon the basis of a debt owed. It is not a gratuity, nor is it a form of pension; it should be treated frankly as a debt and paid in cash, which is the only certain way for the Government and the cheapest way for the Government.

Mr. GARNER. Will the gentleman yield?

Mr. HILL. I yield to the gentleman from Texas.

Mr. GARNER. The President of the United States in his communication to the gentleman from Michigan [Mr. FORNEY] calls the bonus a gratuity. Three different times in that letter he says it is purely a gratuity. Does the gentleman differ with the President with reference to that?

Mr. HILL. I have not seen that letter, but I regard the bonus as purely and solely a debt and not a gratuity.

Mr. BLANTON. Will the gentleman yield?

Mr. HILL. Yes.

Mr. BLANTON. If we were paying four and a half million men in the service during the war \$33 a month, and at the same time letting their brothers at home who were not in the trenches of France receive \$300 a month, why is not the bonus a debt?

Mr. HILL. I agree with my colleague that it is a debt, and that is the only ground upon which I am for it.

Mr. GARNER. Then if the difference between \$33 a month and \$300 a month is a debt, why does the gentleman propose to make a partial payment of only \$1 a day, or \$30 a month during that time? Why does he not propose to pay the soldiers the full amount that we owe them?

Mr. HILL. I will say to my colleague that that is a very pertinent question, and I consider the amount provided in the bill which formerly passed the House as a fair compromise of the debt since we always try to compromise debts when we can not afford to pay them in full.

Mr. GARNER. I never heard of the United States trying to compromise a debt that it owed anyone. I always understood that it paid 100 cents on the dollar.

Mr. HILL. In a great many cases the United States has compromised debts through the law officers of the Government, and has paid them on a compromise basis.

Mr. GARNER. Not under authority of Congress though.

Mr. HILL. I will say that I always supposed that the law officers of the Government who made compromises acted under the authority of Congress.

Mr. WALSH. Will the gentleman yield?

Mr. HILL. I yield to the gentleman from Massachusetts.

Mr. WALSH. What is that debt for?

Mr. HILL. This debt arises out of the difference between the amount paid to volunteer and drafted men for services rendered, and the amount received by men in civil life who were doing precisely the same kind of work under a great deal more favorable circumstances.

Mr. WALSH. Were there any men in civil life who were fighting?

Mr. HILL. May I add this explanation? In the Twentieth Division, which had its headquarters at Anniston, Ala., I personally saw enlisted men doing carpenter work at soldiers' pay on one side of the road, and civilians from Anniston, Ala., doing similar carpenter work on similar Government buildings on the other side of the road. The soldiers were receiving soldier pay and the civilians received from \$8 to \$12 a day. Furthermore, I saw drafted men and volunteer men in France breaking stone, mending French roads, doing laborer work, unloading freight cars, doing all sorts of work at soldiers' pay, when the best accommodations for sleeping that could be given

them were lofts in stables. These men were receiving their soldier pay, while their brothers at home were being paid anywhere from \$5 a day up.

Mr. MANN. Will the gentleman yield?

Mr. HILL. Yes.

Mr. MANN. Does the gentleman think civilians were paid any too much?

Mr. HILL. Yes; I do. My judgment is that the civilians should have been drafted and given less pay.

Mr. MANN. If that is the case, then if the compensation of the soldiers is adjusted, should not these civilians pay part of the cost?

Mr. HILL. Yes; I should think so.

Mr. MANN. On what basis has it ever been proposed that they should?

Mr. HILL. On the basis which I have always advocated, a tax on light wines and beer. [Laughter.]

Mr. MANN. No; that is not a basis. That is just wild imagination.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. FOCHT. I yield to the gentleman five minutes more.

Mr. HILL. I will say to my colleague that I have in my pocket a resolution adopted by the American Federation of Labor which would seem to indicate that there is a very strong sentiment for such a payment basis, and I ask unanimous consent, Mr. Chairman, to incorporate that resolution in my remarks.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the manner indicated by him. Is there objection?

There was no objection.

The document referred to is as follows:

After a thorough consideration of the question of national prohibition as provided for in the Volstead Act, the executive council of the American Federation of Labor adopted the following declaration, which is in conformity with the declaration adopted by the American Federation of Labor convention in Denver:

To the American people:

The American Federation of Labor, as the spokesman of the unorganized as well as the organized toilers, having in mind the interest and the welfare of our people, decided by unanimous vote in its convention held in Denver, in June, 1921, that the Volstead Enforcement Act must be modified so as to promote the manufacture and sale of beer and light wines.

Before this decision was reached the executive council of the American Federation of Labor had caused to be made an exhaustive investigation of the effects of the Volstead Act. It was shown by this investigation that there had been:

1. A general disregard of the law among all classes of people, including those who made the law.
2. Creation of thousands of moonshiners among both country and city dwellers.
3. The creation of an army of bootleggers.
4. An amazing increase in the traffic in poisons and deadly concoctions and drugs.
5. An increased rate of insanity, blindness, and crime among the users of these concoctions and drugs.
6. Increase in unemployment due to loss of employment by workers in 45 industries directly or indirectly connected with the manufacture of liquors.
7. Increase in taxes to city, State, and National Governments amounting to approximately \$1,000,000,000 per year.

Having in mind these results of the extreme interpretation of the prohibition amendment contained in the Volstead Act, as well as the enormous expense of the attempt to enforce that unenforceable legislation, it is our conclusion that the act is an improper interpretation of the prohibition amendment; that it is a social and a moral failure; and that it is a dangerous breeder of discontent and of contempt for all law.

Something of the economic effect of the Volstead law may be seen by considering the fact that in 1918, according to Government statistics, \$110,000,000 worth of farm products were consumed by breweries, and that the transportation of these products to the manufacturer and thence to the consumer necessitated the use of 133,666 railroad cars. In addition to this, breweries in operation in 1918 consumed 50,000 carloads of coal. It must be obvious that the total economic effect of the destruction of this industry is tremendous.

The American Federation of Labor always has been the advocate of law and order and always has endeavored to create conditions which would make possible the highest type of citizenship.

We do not protest against the eighteenth amendment to the Constitution which now is a part of the fundamental law of the land. We do not protest against the principle established by the eighteenth amendment. It is our contention that the eighteenth amendment under a reasonable and proper legislative interpretation would be beneficial to our country and would have the support of the great majority of our people.

The eighteenth amendment, however, under the present drastic and unreasonable legislative interpretation has a destructive and deteriorating effect and influence in every direction.

We seek no violation of the eighteenth amendment, but, on the contrary, we declare for a reasonable interpretation of that amendment in order that the law may be enforceable and enforced, and in order that the people of our country may not suffer from an unjust and fanatical interpretation of the Constitution.

We urge therefore that all citizens in every walk of life demand from their Representatives and Senators in Washington immediate relief from the unwarranted restriction contained in the Volstead Act; and we likewise suggest to the citizenship of our country the wisdom and

advisability of bearing in mind the attitude toward this issue of office-holders and aspirants to office in coming elections in order that there may be restored to the people the lawful use of wholesome beer and light wines, which, under the provisions of the eighteenth amendment, can and should be rightfully declared as nonintoxicating beverages.

EXECUTIVE COUNCIL AMERICAN FEDERATION OF LABOR.

Mr. BLANTON. Will the gentleman yield?

Mr. HILL. I yield with pleasure to the gentleman from Texas.

Mr. BLANTON. I wonder if the gentleman remembers when those carpenters down in Alabama had been exempted from the draft in order that in industry they might earn from \$300 to \$500 a month during the war, that when they stopped work and the distinguished Senator from Colorado, Mr. Thomas, introduced an amendment, following Gen. Crowder's recommendation, that when they stopped work they would have to fight, and he attempted to pass the work-or-fight proposition, does the gentleman remember that it was the same organization, the resolution of which he has just had inserted in the Record, that defeated the Thomas work-or-fight amendment and let those men stay in idleness when they had been exempted from the draft in order to earn \$300 a month? And as a result 670,000 18-year-old boys had to be drafted. Does the gentleman remember that?

Mr. HILL. I will say to my colleague that even before the carpenter work at Camp McClellan was finished I had left and was not in the United States.

Mr. BLANTON. You could not pay much attention to a resolution coming from an organization like that.

Mr. HILL. Except that it was in accordance with my own views.

Mr. LONGWORTH. Will the gentleman yield?

Mr. HILL. I will, with pleasure.

Mr. LONGWORTH. I am interested in the gentleman's estimate because I think it is worthy of consideration as coming from him because he is an ex-service man and because he has discussed it with his colleagues. I understand the gentleman thinks that a large majority of the men would choose the cash bonus.

Mr. HILL. I do.

Mr. LONGWORTH. Has the gentleman an estimate of the percentage of the number who would take the cash bonus?

Mr. HILL. I would say that I have made no tabulation, I have not been able to, but I have received through quite authentic sources within the past two weeks reports from my district to the effect that not more than 5 per cent of ex-service men in Baltimore city would select forms of compensation other than the cash bonus. I asked for an inquiry to be made. They are not interested in the deferred payments.

Mr. LONGWORTH. The gentleman is aware no doubt that the officials, both of the Legion and of the Veterans of Foreign Wars and others, all place the estimate of those that will take the cash bonus as less than 50 per cent; in fact, some went as low as 20 per cent. In the report of the Senate committee on the so-called McCumber bill the estimate was made that 80 per cent would take the alternatives. The gentleman disagrees with that?

Mr. HILL. I do.

Mr. LONGWORTH. And the gentleman thinks that 95 per cent would take the cash bonus?

Mr. HILL. I do; and I might say that in the great cities it will get closer to 100 per cent who would take the cash bonus.

Mr. LONGWORTH. And the gentleman thinks that we ought to be prepared at once to pay the total amount of the cash bonus—a billion and a half?

Mr. HILL. I do; in installments as proposed by H. R. 1.

The Ways and Means Committee allowed me an opportunity to appear before it and discuss this bonus. I was asked questions about the five propositions, but I had been so absorbed in finding a method to pay the bonus that I had not considered the five forms. But I have informed myself on them and I have come to the conclusion that there is only one ground to pay the bonus, and that is as a debt. If it is not a debt, we ought not to pay it; and if it is a debt, the American people ought to pay it and get rid of it.

Mr. CRAMTON. Will the gentleman yield?

Mr. HILL. Yes.

Mr. CRAMTON. The gentleman is a pronounced advocate of one of the methods of paying a bonus.

Mr. HILL. I am. In connection with the above cash cost of the bonus, \$1,510,870,748, I again desire to call your attention to the fact that this bonus can be immediately paid by a tax on nonintoxicating wines and beers, and that a tax of 20 cents a gallon on 2.75 per cent beer, admitted to be nonintoxicating, will raise over \$400,000,000 a year and pay the above cash bonus in a maximum of four years.

I am for the immediate payment of the bonus, and take the liberty of suggesting the above for your consideration. We owe this money to the ex-service people, and they ought to have it.

Mr. BLANTON. Mr. Chairman, I ask to be recognized in opposition to the bill.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 1 hour. The gentleman from Maryland has used 15 minutes.

Mr. FOCHT rose.

Mr. CONNALLY of Texas. I would like to ask the gentleman from Pennsylvania a question. Has the usual motion been made to strike out the enacting clause? [Laughter.]

Mr. FOCHT. Of the bonus bill or the beer bill? [Laughter.]

Mr. Chairman, during the period that we are marking time, assuming that the membership ought to be familiar with the object of prolonging this session beyond the point of completing the reading of the bill, I would like to refer to a question that has been raised here this afternoon which pertains particularly to the District of Columbia and, I might add, to all who come to the Capital, and that is the question of an adequate water supply. I can not comprehend what can actuate any citizen of the District or any Member of the Senate or House in opposing the early consideration, and seriously, with a view of promptly making provision for a number of years ahead as well as for immediate water consumption. I may speak from the standpoint of hygiene, and we take it for granted that every man in this civilized time has daily use for a bathtub. When we look back over the wide sweep of history and find that Pliny speaks of pistons and cylinders for pumping water and also we read of Roman baths, and even down in Mexico the first thing they were discovered to have were conduits running up to the mountains for their own water supply. Strange, is it not, that the last thing we thought of in our civilization was to have an adequate water supply in our homes? Now, when we have this great luxury I can not understand why there is anyone so far behind the times, so unfair to his own body, inside and out, as to oppose an adequate water supply. It marks the high point of civilization and is only following the Divine word of the Master to keep clean, while common prudence should warn us to be ready for conflagrations.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6309) to regulate pawnbrokers in the District of Columbia, and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. SPEAKS, indefinitely, on account of illness.

Mr. LEA of California, temporarily, on account of sickness.

Miss ROBERTSON, for 10 days, on account of important business.

Mr. BELL, for two weeks, on account of important business.

Mr. DREWRY, indefinitely, on account of sickness.

Mr. APPELBY, for three days, on account of important business.

PRINTING OF ADDRESS IN EIGHT-POINT TYPE.

Mr. TILSON. Mr. Speaker, this morning I secured permission of the House to print in the Record an address delivered by the Attorney General. I ask unanimous consent that it may be printed in the usual 8-point type.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ADJOURNMENT.

Mr. FOCHT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 28, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

551. A letter from the Secretary of War, transmitting the offer of Frederick E. Engstrom for the Muscle Shoals properties (H. Doc. No. 193); to the Committee on Military Affairs and ordered to be printed.

552. A communication from the President of the United States, transmitting communications from the Secretary of the Navy and the Director of the Budget requesting an amendment to the wording under the appropriation "Gunnery and engi-

neering exercises," as it appears on page 313 of the alternative Budget for 1923 (H. Doc. No. 194); to the Committee on Appropriations and ordered to be printed.

553. A letter from the Secretary of the Navy, transmitting list of useless papers in the files of navy yards, naval stations, etc., with request for authority to dispose of same; to the Committee on Disposition of Useless Executive Papers.

554. A letter from the Assistant Secretary of Labor, transmitting a list of useless papers in the Bureau of Naturalization with request for authority to dispose of same; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. BUTLER: Committee on Naval Affairs. H. J. Res. 274. A joint resolution authorizing the commissioning in the Marine Corps of midshipmen under certain conditions; without amendment (Rept. No. 738). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORES of Indiana: Joint Select Committee on the Disposition of Useless Executive Papers. Report No. 739. A report on useless papers in the United States Civil Service Commission. Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. EDMONDS: Committee on Claims. S. 157. An act for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.; without amendment (Rept. No. 727). Referred to the Committee of the Whole House.

Mr. ROSE: Committee on Claims. S. 1814. An act for the relief of the owner of the steam lighter *Cornelia*; with an amendment (Rept. No. 728). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Claims. H. R. 10179. A bill for the relief of Americus Enfield; without amendment (Rept. No. 729). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 5918. A bill for the relief of the Michigan Boulevard Building Co.; with an amendment (Rept. No. 730). Referred to the Committee of the Whole House.

Mr. COLE: Committee on Claims. H. R. 2694. A bill for the relief of Seth J. Harris, Jimmie Lou Martin, Mary Holloman, and William Henry Coleman; with amendments (Rept. No. 731). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. S. 2323. An act for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased; without amendment (Rept. No. 732). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 3034. A bill for the relief of Lizzie Askell; with amendments (Rept. No. 733). Referred to the Committee of the Whole House.

Mr. ROSE: Committee on Claims. S. 1817. An act for the relief of the owners of the schooner *Horatio G. Foss*; with an amendment (Rept. No. 734). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Claims. H. R. 8073. A bill for the relief of the Kineo Trust Co.; with an amendment (Rept. No. 735). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.; without amendment (Rept. No. 736). Referred to the Committee of the Whole House.

Mr. ROSE: Committee on Claims. H. R. 4619. A bill for the relief of the Link-Belt Co., of Philadelphia, Pa.; with an amendment (Rept. No. 737). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SINNOTT: A bill (H. R. 10611) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat., 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes; to the Committee on Indian Affairs.

By Mr. CRAMTON: A bill (H. R. 10612) to authorize the deposit of certain funds in the Treasury of the United States to

the credit of Navajo Tribe of Indians and to make same available for expenditure for the benefit of said Indians; to the Committee on Indian Affairs.

By Mr. LARSEN of Georgia: A bill (H. R. 10613) to extend provisions of the War Finance Corporation act so as to continue operations until July 1, 1923; to the Committee on Banking and Currency.

By Mr. SMITH of Idaho: A bill (H. R. 10614) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States; to the Committee on Irrigation of Arid Lands.

By Mr. THOMPSON: A bill (H. R. 10615) to provide for the further investigation of a proposed waterway to connect the Ohio River with Lake Erie and Lake Michigan; to the Committee on Appropriations.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 10616) amending an act to codify, revise, and amend the penal laws of the United States; to the Committee on the Judiciary.

By Mr. BEEDY: A bill (H. R. 10617) authorizing the Secretary of War to transfer and convey to the town of Kittery, Me., all right and title now vested in the United States to a certain portion of land included in Government reservation known as Fort McClary, in said town of Kittery; to the Committee on Military Affairs.

By Mr. FAIRCHILD: A bill (H. R. 10618) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved by the President July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. HARDY of Colorado: A bill (H. R. 10619) to authorize the Secretary of the Interior to accept completion of Carey segregation No. 11 and to issue patent therefor; to the Committee on the Public Lands.

By Mr. DYER: A bill (H. R. 10620) requiring printing of records done under supervision of clerks of United States courts to be let annually upon competitive bids; to the Committee on the Judiciary.

By Mr. NEWTON of Minnesota: A bill (H. R. 10621) granting the consent of Congress to the Northern Pacific Railway Co., a corporation, to construct, maintain, and operate a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG of Kansas: A bill (H. R. 10622) providing for the loan, issue, or sale of Army and Navy equipment to the Boy Scouts of America; to the Committee on Military Affairs.

By Mr. CABLE: A bill (H. R. 10623) to provide for the transportation of immigrants in vessels of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. PORTER: A bill (H. R. 10624) to establish the United States section of the Inter-American High Commission, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCOTT of Michigan: A bill (H. R. 10625) to increase the limit of cost of the post-office building to be erected at Cheboygan, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. BECK: A bill (H. R. 10626) to rebuild the assembly hall of the Indian school near Tomah, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. SUMMERS of Washington: A bill (H. R. 10627) to authorize the Secretary of Agriculture to establish for farm products uniform standards of classification, an inspection service, and a market news service, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 10628) to authorize the Secretary of Agriculture to establish and recommend approved trading rules and business practices for handlers of and dealers in farm products, to provide for a system of adjustment of disputes, and for other purposes; to the Committee on Agriculture.

By Mr. VESTAL: Joint resolution (H. J. Res. 277) authorizing the President of the United States to present an appropriate medal to each member of the Conference on the Limitation of Armament; to the Committee on Coinage, Weights, and Measures.

By Mr. BRENNAN: Joint resolution (H. J. Res. 278) providing for the installation and operation of radiotelephone transmitting apparatus for the purpose of transmitting the proceedings and debates of the Senate and the House of Representatives, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAGUE: Memorial of the Legislature of the Commonwealth of Massachusetts, asking for the conversion of the

cruiser *Lexington* into an aircraft carrier; to the Committee on Naval Affairs.

By Mr. TINKHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, asking for the conversion of the cruiser *Lexington* into an aircraft carrier; to the Committee on Naval Affairs.

By Mr. FROTHINGHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, asking for the conversion of the cruiser *Lexington* into an aircraft carrier; to the Committee on Naval Affairs.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, asking for the conversion of the cruiser *Lexington* into an aircraft carrier; to the Committee on Naval Affairs.

By Mr. ANDREW of Massachusetts: Memorial of the Legislature of the Commonwealth of Massachusetts, asking for the conversion of the cruiser *Lexington* into an aircraft carrier; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 10629) granting an increase of pension to James Shoemaker; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 10630) granting a pension to Walter W. Brunn; to the Committee on Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 10631) granting a pension to Melissa A. Becker; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 10632) granting an increase of pension to Peter J. Shindler; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 10633) for the relief of Alfred E. Means; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 10634) granting a pension to Catherine W. Durst; to the Committee on Invalid Pensions.

By Mr. KUNZ: A bill (H. R. 10635) for the relief of Stanley Syniewski; to the Committee on Claims.

By Mr. OGDEN: A bill (H. R. 10636) granting an increase of pension to Amelia Skinner; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 10637) granting a pension to Virginia L. Church; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 10638) granting a pension to Charles E. Leonard; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 10639) granting an increase of pension to William F. Nickols; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 10640) granting an increase of pension to George M. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10641) granting a pension to Sarah T. Hendrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10642) granting a pension to John W. Thomson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4303. By the SPEAKER (by request): Resolution adopted by the Richard J. Harden Camp, No. 2, Department of the District of Columbia, United Spanish War Veterans, urging Congress to make applicable to the veterans of the Spanish War period the provisions of the Langley hospitalization bill; to the Committee on Public Buildings and Grounds.

4304. Also (by request), resolution adopted by the board of supervisors of the city and county of San Francisco, urging the passage of Senate bill 3031; to the Committee on Agriculture.

4305. By Mr. ANSORGE: Petition of 69 citizens of New York City, urging legislation for adequate hospitalization for sick and wounded ex-soldiers and sailors; to the Committee on Public Buildings and Grounds.

4306. Also, petition of Public School No. 46, of Manhattan, N. Y., urging legislation for hospitalization of disabled ex-service men; to the Committee on Public Buildings and Grounds.

4307. By Mr. CAMPBELL of Pennsylvania: Resolution adopted by the Hill Top Memorial Post, No. 438, American Legion, of Knoxville, Pa., relative to remarks made by the Pittsburgh Chamber of Commerce, which are declared to be un-American; to the Committee on Ways and Means.

4308. By Mr. CURRY: Petition of the California Fish and Game Commission, by Hon. F. M. Newbert, president, protesting against features of House bill 5823; to the Committee on Interstate and Foreign Commerce.

4309. Also, petition of C. E. Nichols, chairman of Sierra Nevada Division, No. 195, Order of Railway Conductors, of Sacramento, Calif., favoring enactment of House bill 1, providing for payment of adjusted compensation to veterans of the World War and opposing the inclusion of a sales tax provision; to the Committee on Ways and Means.

4310. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing the passage of House bill 10058, amending the Federal farm loan act; to the Committee on Banking and Currency.

4311. By Mr. DAVIS of Tennessee: Telegram from Mrs. John M. Kenny, president of the League of Women Voters of Tennessee, urging the acceptance of the Muscle Shoals offer; to the Committee on Military Affairs.

4312. By Mr. EDMONDS: Petition of the Philadelphia Board of Trade, requesting that action on House joint resolution 262 be withheld; to the Committee on Interstate and Foreign Commerce.

4313. By Mr. FENN: Memorial of Loggia Vittorio Emanuele III, Stella D'Italia 522, of New Britain, Conn., requesting that October 12 be made a national holiday and defined as Columbus Day; to the Committee on the Judiciary.

4314. Also, memorial of the Steuben Society of America, of Hartford, Conn., opposing any plan of naval disarmament which would leave the United States weaker in any respect than the navy of any other country; to the Committee on Naval Affairs.

4315. By Mr. FULLER: Petition of Walter Farwell, ex-captain of the One hundred and eighth Engineers, United States Army, opposing the bonus bill; to the Committee on Ways and Means.

4316. Also, petition of Howard Leonard, president of the Illinois Agricultural Association; E. E. Stevenson, president of the La Salle County Farm Bureau; J. C. Kline, Boone County Farm Bureau; and T. Fred Cummings, of Morris, all of Illinois, protesting against any sales tax; to the Committee on Ways and Means.

4317. Also, petition of Mid-Nation Post, No. 309, American Legion, favoring the passage of the adjusted compensation bill; to the Committee on Ways and Means.

4318. Also, petition of World War veterans, favoring the bonus bill, opposing a sales tax, and favoring a retroactive tax on war profits; to the Committee on Ways and Means.

4319. By Mr. GALLIVAN: Petition of Mechanics' Apron & Towel Supply Co., of Roxbury, Mass., protesting against duty on soya-bean oil, coconut oil, cottonseed oil, tallow, whale oil, and other foreign vegetable, animal, and fish oils used in the manufacture of soap and soap preparations; to the Committee on Ways and Means.

4320. Also, petition of the Welch Grape Juice Co., of Boston, Mass., recommending the passage of House bill 9908, the purpose of which is to amend section 206 of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

4321. Also, petition of the New England Fish Exchange, of Boston, Mass., protesting against the transfer of the United States Bureau of Fisheries from the Department of Commerce to the Department of Agriculture; to the Committee on Agriculture.

4322. By Mr. KELLEY of Michigan: Petition of Charles E. Swartout and 50 other residents of Ingham County, Mich., opposing the passage of House bill 4388; to the Committee on the District of Columbia.

4323. By Mr. KISSEL: Petition of Frederick E. Engstrom, of Washington, D. C., relative to his Muscle Shoals offer; to the Committee on Military Affairs.

4324. Also, petition of the Buick Motor Co., of New York City, N. Y., opposing proposed taxes on automobiles and gasoline for the purpose of paying soldier bonus; to the Committee on Ways and Means.

4325. Also, petition of the Amalgamated Metal Workers of America, of New York City, urging the passage of bills providing ways and means for the Federal Government to manufacture all equipment used in the various Government departments; to the Committee on Naval Affairs.

4326. Also, petition of F. Black, of Maspeth, N. Y., urging the passage of House bill 10246; to the Committee on Reform in the Civil Service.

4327. Also, petition of the Women's Republican Association of New York, of New York City, urging the passage of the tariff bill; to the Committee on Ways and Means.

4328. By Mr. KREIDER: Petition of residents of Harrisburg, Pa., protesting against the passage of House bills 4388 and 9753; to the Committee on the District of Columbia.

4329. By Mr. LEHLBACH: Petition of the Plainfield Radio Association and other radio clubs of New Jersey whose members have suffered grievous wrong in that there has been, and continues to be, denied to them privileges granted to others, and

their freedom of speech is abridged in favor of large corporations seeking to extend a commercial monopoly; to the Committee on the Merchant Marine and Fisheries.

4330. By Mr. MACGREGOR: Resolution adopted by the board of supervisors of Erie County, in the city and county hall, Buffalo, opposing the United States entering into any arrangement with the Dominion of Canada for carrying forward the St. Lawrence ship canal and power project; to the Committee on Interstate and Foreign Commerce.

4331. By Mr. RAKER: Petition of Harold W. Roberts Post, No. 466, Veterans of Foreign Wars, of San Francisco, Calif., urging that the present retired enlisted men of the Army, Navy, and Marine Corps should share proportionately in any increase in compensation provided for the active list of those services; to the Committee on Military Affairs.

4332. Also, petition of the California Academy of Sciences, of Golden Gate Park, San Francisco, Calif., indorsing Senate bill 3031 and urging its support; to the Committee on Agriculture.

4333. Also, petition of Harry J. Reidsma, of Los Angeles, Calif., protesting against a renewal of the war tax on letter mail; to the Committee on Ways and Means.

4334. Also, petition of W. H. Walker, president of the California Farm Bureau Federation, of Berkeley, Calif., protesting against the sales tax in any way for whatever purpose it may be used; also petition of the Citrus Soap Co., of San Diego, Calif., against the bonus bill; also petition of the Globe Grain & Milling Co., of Los Angeles, Calif., protesting against a renewal of the war tax on letter mail; also petition of the California Real Estate Association, of Los Angeles, Calif., protesting against a tax on realty transfers; also petition of the A. C. Rulofson Co., of San Francisco, Calif., against a soldiers' bonus; to the Committee on Ways and Means.

4335. By Mr. TINKHAM: Resolution adopted by the faculty of the College of Liberal Arts of Boston University, protesting against the proposed increases in duty upon scientific instruments and books in foreign languages; to the Committee on Ways and Means.

4336. Also, petition of John L. Whiting and other residents of Boston, Mass., urging the immediate enactment of the tariff bill based upon American valuations; to the Committee on Ways and Means.

4337. Also, resolutions adopted at a mass meeting in the historic Old South Meeting House, of Boston, Mass., urging the Senate to ratify the treaties adopted by the Washington conference and upon Congress the drastic reduction of the Army and Navy appropriations as evidence of our sincerity and as the best proof of the success of the conference; to the Committee on Appropriations.

4338. By Mr. WOODYARD: Memorial of the Parkersburg Board of Commerce, of Parkersburg, W. Va., favoring House bill 1, known as the World War adjustment compensation bill; to the Committee on Ways and Means.

SENATE.

TUESDAY, February 28, 1922.

(Legislative day of Thursday, February 23, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. NELSON. Mr. President, as in legislative session, I wish to make a request of the Senate.

On the 23d day of February the Senate passed a resolution, introduced by the Senator from Montana [Mr. WALSH], requiring the Judiciary Committee to inquire into the eligibility of Senator SMOOT and Representative BURTON to become members of the World War Foreign Debt Commission. The resolution was passed late in the day on the 23d, it was referred to the Committee on the Judiciary, and reached that committee on the 24th. The chairman of the committee immediately appointed a subcommittee of five members. The subcommittee has held meetings, but has been unable to come to a conclusion. Under the terms of the resolution we were to report to the Senate to-day. I ask unanimous consent that the time for the committee to report may be extended for 10 days.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

JOINT MEETING OF THE TWO HOUSES.

Mr. LODGE submitted a concurrent resolution (S. Con. Res. 19), which was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives at 12 o'clock and 30 minutes p. m. to-day for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

AMENDMENT TO THE RULES—DEBATE ON APPROPRIATION BILLS.

Mr. JONES of Washington. Mr. President, as in legislative session and pursuant to the notice I gave yesterday, I desire to submit a resolution, and I ask that it may be read and lie on the table.

The resolution (S. Res. 245) was read and ordered to lie on the table, as follows:

Resolved, That Rule XVI of the Standing Rules of the Senate be, and it is hereby, amended by adding at the end thereof the following paragraph:

5. When an appropriation bill is under consideration by the Senate debate shall be confined to the bill, unless otherwise ordered by unanimous consent. A point of order that a Senator is not speaking to the bill shall be decided by the Presiding Officer and an appeal from his decision shall be decided without debate.

TREATMENT OF EX-SERVICE MEN.

Mr. WARREN. Mr. President, as in legislative session I ask consent to have printed in the RECORD an article from last Sunday's issue of the Washington Post relative to the treatment of veterans of the World War by the Government. I ask that it be printed in 8-point type, in order that the figures in the article may show more plainly. It contains some very valuable information.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post of Feb. 26, 1922.]

FORBES SAYS YANKS FARE BEST OF ALL—UNITED STATES MORE LIBERAL TO VETERANS THAN OTHER NATIONS, ASSERTS BUREAU HEAD—HAS SPENT \$1,259,930.724—NUMBER OF CLAIMS ALLOWED NOW TOTALS 831,767—104,579 RECEIVING VOCATIONAL TRAINING.

(By the Associated Press.)

CHICAGO, February 25.

The United States Government has been more liberal and has provided far greater benefits than any other nation for its former soldiers, Col. Charles R. Forbes, Director of the United States Veterans' Bureau, declared to-day in a statement reviewing the work of this bureau. A total of \$1,259,930,724.99 has been expended by the Government for its former service population, he declared.

"During the time that the Bureau of War Risk Insurance and the Rehabilitation Division of the Federal Board for Vocational Education were in operation and during the five months of existence of the present United States Veterans' Bureau," the statement said, "1,418,912 claims have been made by veterans, divided as follows: 486,884 for vocational training, 171,875 for insurance, and 760,153 for death and disability compensation."

TOTAL OF 831,767 CLAIMS ALLOWED.

Out of this number, he added, a total of 831,767 claims had been allowed by the bureau, while 472,170 had been disallowed. On December 31, 1921, he said, there were 114,975 claims waiting final adjudication. During 1921, 66,637 veterans reinstated their term insurance and 3,677 reinstated their converted policies, making a total of 70,314. During the same period 76,172 converted their war-time insurance, making a total of 339,167 veterans who still have term policies, with 259,730 having converted insurance policies, a grand total of 598,897 who are still carrying their Government insurance.

Since the bureau started operations, Col. Forbes said, \$281,756,392.69 has been paid in insurance claims—\$278,239,146.93 for death and disability on term policies and \$3,517,345.45 on converted policies for death and disability claims. During the year the Government received \$47,442,993 in premiums and \$993,697 was set aside for insurance dividends.

VOCATIONAL TRAINING FOR 304,579.

At the close of the year there were 104,579 veterans receiving vocational education, the bureau reported. Of this number 93,914 were in section 2 training, which carried maintenance pay ranging from \$80 to \$170 a month, in addition to the tuition, books, supplies, and equipment, and 10,644 veterans were undergoing vocational training in section 3 training, which provides tuition, books, supplies, etc., but no maintenance pay. Since the Government undertook the rehabilitation work, it was reported, 119,881 men and women have been placed in section 2 training and 17,187 in section 3.

According to the medical division report, 28,687 veterans were undergoing hospitalization last December 31, 11,646 being in tubercular hospitals, 8,272 in neuropsychiatric and mental institutions, and 8,769 in general hospitals. Since the creation of the bureau, it was said, 206,039 veterans have received hospital treatment and 1,115,259 medical examinations.

As in legislative session,

SUPPLEMENTAL ESTIMATE FOR MILITIA, DISTRICT OF COLUMBIA
(S. DOC. NO. 139).

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1923, for militia, District of Columbia, in amount \$4,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MAIL CONTRACT WITH COPPER RIVER & NORTHWESTERN RAILWAY CO.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General transmitting, pursuant to law, a report of the special contract entered into by the Post Office Department with the Copper River & Northwestern Railway Co. for carrying the mails between Cordova and Kennecott, Alaska, which was referred to the Committee on Post Offices and Post Roads.

MAIL CONTRACT WITH PACIFIC & ARCTIC RAILWAY & NAVIGATION CO.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General transmitting, pursuant to law, a report of the special contract entered into between the Post Office Department and the Pacific & Arctic Railway & Navigation Co. for carrying the mails between Skagway and White Pass, Alaska, which was referred to the Committee on Post Offices and Post Roads.

MAIL CONTRACT WITH ALASKAN ENGINEERING COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General transmitting, pursuant to law, a report of the special contract entered into between the Post Office Department and the Alaskan Engineering Commission for carrying the mails on the Government railroad as far as the trains may be operated during the winter season between Seward and Fairbanks, Alaska, which was referred to the Committee on Post Offices and Post Roads.

PETITIONS AND MEMORIALS.

As in legislative session,

Mr. SWANSON presented a memorial of sundry citizens of Norfolk, Va., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. HARRIS presented a letter in the nature of a petition of the St. Simons Island (Ga.) Board of Trade, praying for acceptance of the proposals of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a memorial of sundry citizens of Anderson County, Kans., remonstrating against the passage of the so-called Fordney tariff bill, which was referred to the Committee on Finance.

Mr. KING presented a telegram, in the nature of a memorial, from F. C. Schiramm, president of the Salt Lake City (Utah) Commercial Club and Chamber of Commerce, representing 1,600 members, remonstrating against the enactment of any general bonus legislation for ex-service men, but favoring rehabilitation and assistance to those disabled in the World War, which was referred to the Committee on Finance.

He also presented the petition of Dr. Joseph Hughes and sundry other citizens of Spanish Fork, Utah, praying for the construction of the post-office building at Spanish Fork, Utah, for which it is stated an appropriation of \$50,000 was made nearly 13 years ago, which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

As in legislative session,

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 2599) for the relief of the receiver of the Gulf, Florida & Alabama Railway Co., reported it without amendment and submitted a report (No. 516) thereon.

Mr. POINDEXTER, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 2558) for the relief of Richard P. McCullough (Rept. No. 517); and

A bill (H. R. 7870) for the relief of I. C. Johnson, jr. (Rept. No. 518).

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 8815) to amend the act of March 1, 1921 (41 Stat., p. 1202), entitled "An act to authorize certain homestead

settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries" (Rept. No. 519); and

A bill (H. R. 8832) to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent (Rept. No. 520).

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10185) authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes, reported it without amendment and submitted a report (No. 521) thereon.

BILLS INTRODUCED.

As in legislative session, bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KELLOGG:

A bill (S. 3209) granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota; to the Committee on Commerce.

A bill (S. 3210) granting a pension to Catherine Carroll; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 3211) for the relief of the estate of W. L. Dunham; and

A bill (S. 3212) for the relief of the estate of Jacob L. Green; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 3213) for the relief of Margaret Richards (with accompanying papers); to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 3214) making an appropriation to provide for the establishment and maintenance of a forest experiment station in the Lake States; to the Committee on Agriculture and Forestry.

By Mr. NEWBERRY:

A bill (S. 3215) to increase the limit of cost of the post-office building to be erected at Cheboygan, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. SMOOT:

A bill (S. 3216) granting a pension to Margaret May Merrill Fisher; to the Committee on Pensions.

CALL OF THE ROLL.

Mr. LODGE. Mr. President, I make the point of no quorum. The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McNary	Robinson
Borah	Hale	Moses	Sheppard
Brandeggee	Harris	Myers	Shields
Broussard	Harrison	Nelson	Smith
Bursum	Heflin	New	Spencer
Cameron	Hitchcock	Newberry	Sutherland
Capper	Johnson	Nicholson	Swanson
Colt	Jones, N. Mex.	Norbeck	Townsend
Culberson	Jones, Wash.	Norris	Wadsworth
Cummins	Kellogg	Oddie	Warren
Edge	Kendrick	Overman	Watson, Ga.
Elkins	Ladd	Pittman	Weller
Ernst	Lenroot	Poinexter	Williams
Fernald	Lodge	Pomerene	Willis
Fletcher	McCormick	Ransdell	
France	McKellar	Rawson	
Geary	McKinley	Reed	

Mr. FLETCHER. I desire to state that my colleague [Mr. TRAMMELL] is absent on account of serious illness in his family. I ask that this announcement may stand for the day.

Mr. NORRIS. I wish to announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] on account of a death in his family.

The PRESIDENT pro tempore. Sixty-five Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE.

As in legislative session,

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a concurrent resolution (H. Con. Res. 48) providing for a joint meeting to-day of the two Houses in the Hall of the House of Representatives, in which it requested the concurrence of the Senate.

The message also announced that the House agreed to the amendment of the Senate to the bill (H. R. 5013) to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes, and it was subsequently signed by the Vice President.

JOINT MEETING OF THE TWO HOUSES.

Mr. LODGE. I ask the Chair to lay before the Senate the concurrent resolution just received from the House.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Assistant Secretary read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 28th day of February, 1922, at 12.30 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. LODGE. I move that the Senate concur in the resolution of the House.

The concurrent resolution was considered by unanimous consent and agreed to.

RECESS.

Mr. LODGE. Mr. President, in order to carry out the concurrent resolution from the House which has just been adopted, I move that the Senate stand in recess for one hour, to enable the Senate to proceed to the Hall of the House of Representatives.

The motion was agreed to; and (at 12 o'clock and 17 minutes p. m.) the Senate took a recess for one hour.

The Senate, preceded by the Sergeant at Arms, the President pro tempore, and the Assistant Secretary, proceeded to the Hall of the House of Representatives.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The address of the President of the United States this day delivered at a joint meeting of the two Houses of Congress is as follows:

The PRESIDENT. Members of the Congress, when addressing the Congress last December I reported to you the failure of the Executive to carry out the intent of certain features of the merchant marine act of 1920, notably the provision for the notice of cancellation of all commercial treaties which hindered our grant of discriminating duties on imports brought to our shores in American ships. There was no doubt about the high purpose of Congress to apply this proven practice to the upbuilding of our merchant marine. It had proven most effective in the earlier days of American shipping; it had, at various times, demonstrated its effectiveness in the upbuilding of commercial shipping for other nations.

The success of the earlier practice for this Republic came at a time when we had few treaties, when our commerce was little developed. Its superseding by reciprocity in shipping regulations, and the adoption of other methods of upbuilding merchant marines, through various forms of Government aid, and the century of negotiation of commercial treaties, all combined to develop a situation which should lead to endless embarrassment if we denounced our treaties. We should not only be quite alone in supporting a policy long since superseded through the growing intimacy of international relationships, but we should invite the disturbance of those cordial commercial relations which are the first requisite to the expansion of our commerce abroad.

Contemplating the readiness of Congress to grant a decreased duty on imports brought to our shores in American bottoms, and facing the embarrassments incident to readjustment of all treaty arrangements, it seemed desirable to find a way of applying suitable aid to our shipping, which the Congress clearly intended, and at the same time avoid the embarrassment of our trade relations abroad.

The recommendation of to-day is based wholly on this commendable intent of Congress. The proposed aid of the Government to its merchant marine is to have its chief source in the duties collected on imports. Instead of applying the discriminating duty to the specific cargo and thus encouraging only the inbound shipment, I propose that we shall collect all import duties, without discrimination as between American and foreign bottoms, and apply the heretofore proposed reduction to create a fund for the Government's aid to our merchant marine. By such a program we shall encourage not alone the carrying of inbound cargoes subject to our tariffs but we shall strengthen American ships in the carrying of that greater inbound tonnage on which no duties are levied, and, more important than these,

we shall equip our merchant marine to serve our outbound commerce, which is the measure of our eminence in foreign trade.

It is interesting to note, in connection with the heretofore proposed plan of discriminating tariffs on imports, carried to our shores in American bottoms, that the total value of all dutiable imports for 1920, in all vessels, was \$1,985,865,000, while the cargoes admitted free of duty, on which no discrimination was possible, were valued at \$3,115,958,000. The actual tonnage comparison is even more significant from the viewpoint of cargo carrying, because the dutiable cargoes measured, in round numbers, 10,000,000 tons and the nondutiable cargoes were 25,000,000 tons. The larger employment, by two and a half times, was in nondutiable shipments.

Continued trade must be reciprocal. We can not long maintain sales where we do not buy. In the promotion of these exchanges we should have as much concern for the promotion of sales as for the facilitation of our purchases. There is not a record in all history of long-maintained eminence in export trade, except as the exporting nations developed their own carrying capacity.

No story of national development is more fascinating or so full of romance as that of developing capacity for the exchanges of commerce. Expanding civilization may be traced over the avenues of exchanging cargoes. No matter how materialistic it may sound, nations have developed for themselves and have influenced the world almost precisely as they have promoted their commerce. We need not refer to the armed conflicts which have been incident thereto. When commerce has been destroyed fading glories have attended.

It will avail nothing to attempt even the briefest résumé of our own efforts to reestablish that American importance in commerce carrying on the high seas which was recorded in the earlier days of the Republic. The aspiration is nation wide. The conflict between two schools of political thought heretofore has defeated all efforts to employ the governmental aid which other nations found advantageous while we held aloof, and the terms "subsidy" and "subvention" were made more or less hateful to the American public. But the nation-wide desire to restore our merchant marine has outlived all defeats and every costly failure.

Eight years ago the aspiration found expression in a movement to have the Government sponsor an enterprise in which individual genius seemingly had failed. It would be difficult correctly to appraise the policy, because the World War put an end to all normal activities. Before we were involved our shipyards were suddenly turned to feverish and costly activities by the call of the allied powers for shipping, without which they could not hope to survive. American energies were applied to construction for others, as we had never dreamed of doing for ourselves. When we were later engaged we trebled and quadrupled the output on our own account. Allied resources were called upon to build to meet the destruction by submarine warfare, and ships were so essential that material for them was given priority over arms and munitions. There was the call for ships, and ships, and yet more ships, and we enlarged old yards and established new ones, without counting the cost. We build madly, extravagantly, impractically, and yet miraculously, but we met a pressing need and performed a great service.

A people indifferent to the vital necessity of a merchant marine to the national defense ungrudgingly expended at five times the cost of normal construction and appropriated billions where millions had been denied before. We acquired vast tonnage. Some of it, much of it, is suited to the peace service of expanded commerce. Some of it, much of it, may be charged to the errors and extravagances of war-time anxiety and haste. The war program and that completion of contracts which followed because such a course seemed best to those then charged with responsibility gave us something more than 12,000,000 gross tonnage, not counting the folly of the wood construction, at a total outlay of approximately three and one-half billions of dollars.

We thus became possessed of the vehicles of a great merchant marine. Not all of it was practical for use in the transoceanic trades; little of it was built for the speed which gives the coveted class to outstanding service. But here was vast tonnage for cargo service; and the Government, in the exceptional call of commerce which immediately followed the war, sought the establishment of shipping lines in every direction calculated to enhance our foreign trade and further cement our friendly relations.

The movement lacked in most cases that inherent essential to success which is found in individual initiative. It was rather a Government experiment, where lines were established in high hope and little assurance, because the Public Treasury was to

bear the burden. There was the mere suggestion of private enterprise, inasmuch as allocations and charters were made under which private management was to share in profits and private interests were paid to make the experiment, though the Government was to bear all the losses. I forbear the detailed recital. The misadventure was so unfortunate that when the present administration came into responsibility the losses were approximately \$16,000,000 a month, and to the cost of failure was added the humiliation of ships libeled in foreign ports.

In spite of all the later losses in operation, however, it is quite beyond question that our abundance of American tonnage was mainly responsible for our ability to share in the good fortunes of world trade during the two years immediately following the war. In all probability the losses we have sustained in our shipping activities were fully compensated to the American people in the saving of ocean freights in that period.

To-day we are possessed of vast tonnage, large and very costly experience, and the conviction of failure. It is fair to say that a mistaken policy was made more difficult by the unparalleled slump in shipping which came late in 1920 and prevailed throughout the year so recently closed. It was the inevitable reflex of the readjustments which follow a great war, and there were heavy losses in operations which had to be met by long-established and heretofore successful shipping lines, and ships built at top war costs took the slump in prices below the normal levels of peace.

But we have our ships, the second largest tonnage in the world, and we have the aspiration, ay, let me say, the determination, to establish a merchant marine commensurate with our commercial importance. Our problem is to turn the ships and our experience and aspirations into the effective development of an ocean-going shipping service, without which there can be no assurance of maintained commercial eminence, without which any future conflict at arms will send us building again, wildly and extravagantly, when the proper concern for this necessary agency of commerce in peace will be our guaranty of defense in case that peace is disturbed.

Out of the story of the making of great merchant marines and out of our own experience we ought to find the practical solution. Happily we are less provincial than we once were, happily we have come to know how inseparable are our varied interests. Nobody pretends any longer that shipping is a matter of concern only to the ports involved. Commerce on the seas is quite as vital to the great interior as it is to our coast territory, east, south, or west. Shipping is no more a sectional interest than is agriculture or manufacturing. No one of them can be prospered alone.

We have had a new manifestation of this broadened vision in the enthusiasm of the great Middle West for the proposed Great Lakes-St. Lawrence waterway, by which it is intended to connect the Great Lakes ports with the marts of the world. There is far-seeing vision in the proposal, and this great and commendable enterprise, deserving your favorable consideration, is inseparable from a great merchant marine.

What, then, is our problem? I bring to you the suggestions which have resulted from a comprehensive study which are recommended to me by every member of the United States Shipping Board. It is a program of direct and indirect aid to shipping to be conducted by private enterprise. It is proposed to apply generally the benefits which it was designed to derive from discriminating duties to all ships engaged in foreign commerce, with such limitation on remuneration as will challenge every charge of promoting special interests at public cost.

In lieu of discriminating duties on imports brought to us in American bottoms it is proposed to take 10 per cent of all duties collected on imports brought to us in American or foreign bottoms, and create therefrom a merchant marine fund. To this fund shall be added the tonnage charges, taxes, and fees imposed on vessels entering the ports of continental United States; also such sums as are payable to American vessels by the Post Office Department for the transportation by water of foreign mails, parcel posts excepted.

Out of this fund shall be paid the direct aid in the development and maintenance of an American merchant marine. The compensation shall be based on one-half of 1 cent for each gross ton of any vessel, regardless of speed, for each 100 miles traveled. When the speed is 13 knots or over, but less than 14, two-tenths of a cent on each gross ton shall be added; for 14 knots, three-tenths of a cent; for 15 knots, four-tenths of a cent; for 16 knots, five-tenths; for 17 knots, seven-tenths; for 18 knots, nine-tenths; for 19 knots, eleven-tenths; for 20 knots, thirteen-tenths shall be added to the basic rate. For 23 knots the maximum is reached at 2.6 cents for each gross ton per 100 miles traveled.

I will not attempt the details of requirements, or limitations, save to say that all vessels thus remunerated shall carry the United States mails, except parcel post, free of cost, and that all such remuneration must end whenever the owner of any vessel or vessels shall have derived a net operating income in excess of 10 per cent per annum upon his actual investment, and thereafter the owner shall pay 50 per cent of such excess earnings to the merchant marine fund, until the full amount of subsidy previously received is returned to its source. In other words, it is proposed to encourage the shipping in foreign trade until the enterprise may earn 10 per cent on actual investment, whereupon the direct aid extended is to cease and the amount advanced is to be returned out of a division with the Government of profits in excess of that 10 per cent. The provision makes impossible the enrichment of any special interest at public expense, puts an end to the Government assumption of all losses, and leaves to private enterprise the prospective profits of successful management.

The cost of such a program probably will reach fifteen millions the first year, estimated on the largest possibilities of the present fleet. With larger reimbursement to high-speed vessels and the enlargement of the merchant marine to a capacity comparable with our commerce the total outlay may reach the limits of thirty millions, but it is confidently believed that the scale may in due time thereafter be turned, until the larger reimbursements are restored to the Treasury. Even if we accept the extreme possibility—that we shall expend the maximum and no return will ever be made, which is to confess our inability to establish an American merchant marine—the expenditure would be vastly preferable to the present unfortunate situation, with our dependence on our competitors for the delivery of our products. Moreover, the cost for the entire year would be little more than the deficit heretofore encountered in two months during the experiment of the Government sponsoring the lines and guaranteeing the cost of their operation.

The proposed plan will supersede all postal subventions, postal compensations, and extra compensations, excepting parcel-post freights, all of which combined are fast growing to approximately five millions annually. It will ultimately take the Government out of a business which has been, and is now, excessively costly and wasteful and involving a loss in excess of the highest subsidy proposed. It will bring to shipping again that individual initiative which is the very soul of successful enterprise. It should enable the Government to liquidate its vast fleet to the highest possible advantage.

The making of a successful American merchant marine, which must face the stiffest possible competition by the fleets of the maritime nations, requires something more than the direct aid to which I have alluded. The direct aid proposed, even though it ultimately runs to \$30,000,000 annually, is insufficient alone to offset the advantages of competing fleets. There are more than wage costs and working conditions and the higher costs of rationing, which no considerable American sentiment will consent to have lowered to competing standards.

The men who sail the seas under our flag must be permitted to stand erect in the fullness of American opportunity. There is the higher cost of construction, the larger investment, the higher cost of insurance outlay, even though the rate is the same. There are higher interest charges. Our problems in shipping are very much the same as are those of our industries ashore, and we should be as zealous in promoting the one as we are in protecting the other. We may and must aid indirectly as well as directly.

We need a favoring spirit, an awakened American pride, and an avowed American determination that we shall become, in the main, the carriers of our own commerce, in spite of all competition and all discouragements. With direct and indirect aid I bring to you a definite program. Those who oppose it ought, in all fairness, to propose an acceptable alternative. There can be no dispute about the end at which we are aiming.

Of the indirect aids there are many, practically all without draft upon the Public Treasury, and yet all highly helpful in promoting American shipping.

It is a simple thing—seemingly it ought not require the action of Congress—but American officials traveling on Government missions at Government expense ought to travel on American ships, assuming that they afford suitable accommodations. If they do not afford the requisite accommodation on the main routes of world travel, the argument that we should upbuild is strongly emphasized.

I think we should discontinue, so far as practical, the transport services in the Army and Navy, and make our merchant and passenger ships the agents of service in peace as well as war.

We should make insurance available at no greater cost than is afforded the ships under competing flags, and we can and will make effective the spirit of section 28 of the Jones Act of 1920, providing for preferential rail and steamship rates on through shipments on American vessels. American railways must be brought into cooperation with American steamship lines. It is not in accord with either security or sound business practice to have our railways furthering the interests of foreign shipping lines, when the concord of American activities makes for common American good fortune.

Contemplating the competition to be met, there ought to be an amendment to the interstate commerce act which will permit railway systems to own and operate steamship lines engaged in other than coastwise trade. There is measureless advantage in the longer shipments where rail and water transportation are coordinated, not alone in the service, but in the solicitation of cargoes which ever attends an expanding commerce.

We may further extend our long-established protection to our coastwise trade, which is quite in harmony with the policy of most maritime powers. There is authority now to include the Philippines in our coastwise trade, and we need only the establishment of proper facilities to justify the inclusion of our commerce with the islands in our coastwise provisions. The freedom of our continental markets is well worth such a favoring policy to American ships, whenever the facilities are suited to meet all requirements.

Other indirect aids will be found in the requirement that immigration shall join wherever it is found to be practical in aiding the merchant marine of our flag under which citizenship is to be sought, and in the establishment of the merchant-marine naval reserve. The remission of a proportion of income taxes is wholly compatible when the shipping enterprise is of direct Government concern, provided that such remission is applied to the cost of new ship construction.

Congress has already provided for a loan fund to encourage construction. It might well be made applicable to some special requirements in reconditioning.

It is also worth our consideration that, in view of suspended naval construction, the continued building of merchant ships is the one guaranty of a maintained shipbuilding industry, without which no nation may hope to hold a high place in the world of commerce or be assured of adequate defense.

A very effective indirect aid, a substitute for a discriminating duty which shall inure to the benefit of the American shipping will be found in the proposed deduction on incomes, amounting to 5 per cent of the freight paid on cargoes carried in American bottoms. The benefits can have no geographical restrictions, and it offers its advantages to American exporters as well as those who engage in import trade.

Our existing ships should be sold at prices prevailing in the world market. I am not unmindful of the hesitancy to sacrifice the values to current price levels. We constructed at the top cost of war when necessity impelled, when the building resources of many nations were drawn upon to the limit to meet a great emergency. If there had come no depression, a return to approximate normal cost would have been inevitable. But the great slump in shipping has sent tonnage prices to the other extreme, not for America alone, but throughout the world.

If we held our ships to await the recovery we should only make more difficult our response to beckoning opportunity. One of the outstanding barriers to general readjustment is the tendency to await more favorable price conditions. In the widest view, the Nation will ultimately profit by selling now. We may end our losses in an enterprise for which we are not equipped, and which no other Government has successfully undertaken, and the low prices at which we must sell to-day will make a lower actual investment with which we deal in promoting permanent service.

If I were not deeply concerned with the upbuilding of our merchant marine, I should nevertheless strongly urge Congress to facilitate the disposal of the vast tonnage acquired or constructed in the Great War emergency. The experiment we have made has been very costly. Much has been learned, to be sure, but the outstanding lesson is that the Government can not profitably manage our merchant shipping. The most fortunate changes in the personnel of management would still leave us struggling with a policy fundamentally wrong and practically impossible.

Having failed at such enormous cost, I bring you the proposal which contemplates the return to individual initiative and private enterprise, aided to a conservative success, wherein we are safeguarded against the promotion of private greed, and do not discourage the hope of profitable investment, which underlies all successful endeavor.

We have voiced our concern for the good fortunes of agriculture, and it is right that we should. We have long proclaimed our interest in manufacturing, which is thoroughly sound, and helped to make us what we are. In the evolution of railway transportation we have revealed the vital relationship of our rail transportation to both agriculture and commerce. We have been expending for many years large sums for deepened channels and better harbors and improved inland waterways, and much of it has found abundant return in enlarged commerce. But we have ignored our merchant marine. The World War revealed our weakness, our unpreparedness for defense in war, our unreadiness for self-reliance in peace.

It would seem as though transpiring events were combining to admonish us not to fail now to reassert ourselves. In the romantic days of wooden hulls and whitened sails and the sturdiest men of the sea we outsailed the world, and carried our own cargoes, revealed our flag to the marts of the world.

Up to the World War we were a debtor nation. Our obligations were held largely by the maritime powers. Apart from the advantages in carrying our commerce, they sought our shipments for the balances due to them. There is a different condition now. They are concerned with shipments to us, but not so interested in our shipments to them. It is our high purpose to continue our exchanges, both buying and selling, but we shall be surer of our selling, notably our foodstuffs, if we maintain facilities for their transportation.

Contemporaneous with the awakening we have the proposal to carry our ocean-going facilities to the great "unsalted seas," which shall place the farms of the upper Mississippi Valley on a market way to the marts of the Old World. We should fail to adjust our vision to the possibilities if we halted in making for American eminence on the ocean highways now awaiting our return.

We have recently joined the great naval powers in a program which not only puts an end to costly competition in naval armament and reduces the naval forces of the world, but adds to the confidence in maintained peace. The relativity of strength among the powers would be wholly one of disappointing theory if ours is to be a merchant marine inadequate for the future. I do not care to stress it as a means of defense. The war and our enforced outlay have already stressed that point.

The merchant marine is universally recognized as the second line of naval defense. It is indispensable in the time of great national emergency. It is commendable to upbuild and maintain, because it is the highest agency of peace and amity, and bears no threat and incites no suspicion. And yet it is a supreme assurance, without which we should be unmindful of our safety and unheeding of our need to continued growth and maintained influence.

I am thinking of the merchant marine of peace. Commerce is inseparable from progress and attainment. Commerce and its handmaidens have wrought the greater intimacy among nations, which calls for understandings and guaranties of peace. However we work it out, whatever our adjustments are to promote international trade, it is inevitable that the hundred millions here, outstanding in genius and unrivaled in industry and incalculable in their resources, must be conspicuous in the world's exchanges. We can not hope to compete unless we carry, and our concord and our influence are sure to be measured by that unfailing standard which is found in a nation's merchant marine.

The Senate having returned to its Chamber at the expiration of the recess (at 1 o'clock and 17 minutes p. m.), it reassembled, and the Vice President took the chair.

THE MERCHANT MARINE.

Mr. JONES of Washington. As in legislative session, I ask unanimous consent to introduce a bill and that it may be referred to the Committee on Commerce.

The bill (S. 3217) to amend and supplement the merchant marine act, 1920, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

RAILROAD RATES ON SUGAR.

Mr. SMOOT. Mr. President, as in legislative session, I send to the desk a Senate resolution, which I ask may be read; and then I shall ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution for the information of the Senate.

The resolution (S. Res. 246) was read, as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby is, requested to transmit to the Senate the transcript of testimony before the commission in the matter of application No. 8835 filed by R. H. Countiss, agent, in behalf of transcontinental carriers for authority to continue to charge rates on sugar from Pacific coast terminals and other western points to Chicago, Ill., under relief from the provisions of the fourth section previously authorized, now pending before the commission.

Mr. SMOOT. I ask for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PHIPPS. As in legislative session, from the Committee on Appropriations I report back favorably with amendments the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District, for the fiscal year ending June 30, 1923, and for other purposes, and I submit a report (No. 522) thereon. I wish to give notice that at the earliest opportunity I shall call up the bill for consideration.

PRESIDENTIAL APPROVALS.

As in legislative session,

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 25, 1922:

S. 29. An act authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms and conditions with respect to improvements to be made on the present target range as may be prescribed by the Secretary of War, or in lieu of such improvements to be made on the present target range the Secretary of War may accept a conveyance to the United States of such other lands to be designated by the Secretary of War as may be deemed suitable for a target range in exchange for such overflow lands; that to facilitate the acquisition of the necessary additional lands the Secretary of War is authorized to condemn land necessary and suitable for target-range purposes, such condemnation to be at the expense of said Lloyd E. Gandy, grantee, his heirs and assigns;

S. 160. An act for the relief of Kristina Furjak; and

S. 2736. An act providing for the conveyance of certain unused military reservations in the State of Massachusetts to the city of Salem and the town of Marblehead.

On February 27, 1922:

S. 52. An act for the relief of the Stevens Institute of Technology, of Hoboken, N. J.;

S. 561. An act to grant citizens of Washington and Kane Counties, Utah, the right to cut timber in the State of Arizona for agricultural, mining, and other domestic purposes;

S. 901. An act for the payment of certain money to Albert H. Reynolds; and

S. 2810. An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, as amended and reenacted by an act approved the 22d day of August, 1914.

WILLEM VAN DOORN (S. DOC. NO. 138).

As in legislative session,

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of the Navy to permit Mr. Willem van Doorn, a subject of the Netherlands, to receive instruction at the United States Naval Academy at Annapolis at the expense of the Government of the Netherlands.

The Acting Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of the Netherlands and that it would follow established precedents.

WARREN G. HARDING.

THE WHITE HOUSE, February 28, 1922.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The VICE PRESIDENT. The question is on agreeing to article 1 of the treaty.

The article was agreed to, as follows:

ARTICLE I.

Subject to the provisions of the present convention, the United States consents to the administration by Japan, pursuant to the aforesaid mandate, of all the former German islands in the Pacific Ocean, lying north of the Equator.

The VICE PRESIDENT. The next article of the treaty will be read.

The Assistant Secretary read as follows:

ARTICLE II.

The United States and its nationals shall receive all the benefits of the engagements of Japan defined in articles 3, 4, and 5 of the aforesaid mandate, notwithstanding the fact that the United States is not a member of the League of Nations.

It is further agreed between the high contracting parties as follows: (1) Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the islands; it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control.

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired;

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands;

(4) Japan will address to the United States a duplicate of the annual report on the administration of the mandate to be made by Japan to the Council of the League of Nations;

(5) Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited in the convention, unless such modification shall have been expressly assented to by the United States.

The VICE PRESIDENT. The question is on agreeing to the article of the treaty just read.

Mr. FRANCE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Robinson
Borah	Harris	McKinley	Sheppard
Brandegge	Heflin	McNary	Simmons
Broussard	Hitchcock	Moses	Smith
Cameron	Johnson	New	Smoot
Capper	Jones, N. Mex.	Newberry	Spencer
Colt	Jones, Wash.	Nicholson	Stanfield
Culberson	Kellogg	Norris	Sutherland
Cummins	Kendrick	Oddie	Swanson
Curtis	Keyes	Phipps	Townsend
Edge	King	Pittman	Walsh, Mont.
Fernald	Ladd	Poin Dexter	Watson, Ga.
Fletcher	Lenroot	Pomerene	Williams
France	Lodge	Rawson	Willis
Gerry	McCormick	Reed	

Mr. NORRIS. I wish to announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] on account of a death in his family.

The PRESIDING OFFICER (Mr. LADD in the chair). Fifty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to article 2.

Mr. PITTMAN. Mr. President, I send forward a proposed amendment to article 2.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nevada will be stated.

The ASSISTANT SECRETARY. At the end of section 3 of article 2 it is proposed to strike out the semicolon and to insert a comma and the following words:

and the rights and privileges therein guaranteed to the respective nationals therein referred to shall not be limited or abridged by any of the provisions of this treaty.

So that if amended the section will read:

3. Existing treaties between the United States and Japan shall be applicable to the mandated islands, and the rights and privileges therein guaranteed to the respective nationals therein referred to shall not be limited or abridged by any of the provisions of this treaty.

Mr. PITTMAN. Mr. President, this amendment is offered for the purpose of verifying the intent of section 3 of article 2. It will be remembered that at the time I was discussing this matter on Friday the junior Senator from Minnesota [Mr. KELLOGG] interrupted and took issue with the position which I was then maintaining that this treaty limits the rights of nationals of the United States in the island of Yap. The Senator from Minnesota at that time called particular attention to the fact that section 3 of article 2 extends the present treaties between the United States and Japan to the mandated islands, and he read into the RECORD that portion of the existing treaty of 1911 which provides that our nationals in Japanese territory shall be granted the same rights as Japanese nationals, with the exception, probably, of the ownership of property. I called the attention of the Senate at that time to the fact that under the general rule of the construction of contracts where the privileges of one of the contracting parties are expressly set forth and ob-

viously in the nature of a limitation there are excluded any general privileges or rights that might be inferred from other instruments. That view was opposed to a certain extent by the distinguished Senator from Minnesota.

If the Senator from Minnesota is correct, if it is intended to preserve the rights of our nationals to engage in business in the mandated islands under the same terms as they are entitled to engage in business in the mainland of Japan, it seems to me that it is proper to say so. There are now too many indefinite matters in this treaty. It is stated that the very purpose of the treaty is to settle all differences between the United States and Japan in regard to these mandated islands. Undoubtedly there is a difference of opinion, and a very reasonable difference of opinion, as to whether or not our rights are limited by the pending treaty or whether they are as broad as is provided in the general treaty of 1911.

In the pending treaty only missionaries and electricians have the right to prosecute their business in the island of Yap, and there is no provision that any of our nationals may enter for any purpose into the other mandated islands. If the proponents of this treaty are intending to induce the Senate of the United States to ratify it on the theory that section 3 of article 2 extends to our nationals all the rights of previous treaties, including the treaty of 1911, they should make that clear, and the way to make it clear is to say it. Therefore I have offered the amendment, which simply adds to the existing section the following:

And the rights and privileges therein guaranteed to the respective nationals therein referred to shall not be limited or abridged by any of the provisions of this treaty.

The only proponents of this bill who have spoken with regard to it contend that section 3 does guarantee to us that right; but under the general rule of construction to which I have referred, Japan can very readily say: "Under his specific treaty we have repealed the inferential rights of other treaties, and have limited your right to enter those islands to missionaries and electricians."

It seems perfectly clear that this amendment should be adopted by the Senate.

Mr. WALSH of Montana. Mr. President, I desire to ask the Senator if I correctly understand his position.

Article 1 of the treaty of 1911 reads as follows:

The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

As I understand the Senator, if that were incorporated in the present treaty it would be really a reaffirmation of it; but inasmuch as the treaty especially permits missionaries and electricians to go on the island for the purpose of transacting their business or vocation, it might be contended that they were the only Americans who were entitled so to occupy the island.

Mr. PITTMAN. That is my view of it, and that is the object of this amendment.

Mr. WALSH of Montana. If that is the case, what significance could be given to subdivision (3) of article 2, namely, that "existing treaties between the United States and Japan shall be applicable to the mandated islands"?

Mr. PITTMAN. I think they might be considered applicable in every respect where they were not expressly contradicted by the special terms of this treaty.

Mr. WALSH of Montana. That makes the position of the Senator from Nevada quite clear; and if the Senator from Massachusetts [Mr. LODGE] will give me his attention, I should like to address to him as well as to the Senator from Nevada a question concerning the treaty.

Mr. President, I have listened with some degree of interest to the discussion of the question as to what is the nature of our rights in the mandated islands and particularly in the island of Yap, and just exactly what rights we have; but that matter is not influential with me in the determination of what I shall do with reference to the ratification of this treaty. What I should like to know as a guide to my own action—and I should like to ask the Senator from Massachusetts about this first, and then to have the view of the Senator from Nevada—is, just exactly what it is that we get under this treaty. What advantage accrues to the Government of the United States or to its nationals that would induce us to approve the treaty; and, on the other hand, what different situation would we be in if we disapproved the treaty? In other words, I want to know what practical gain we have by ratifying, and what we lose by neglecting to ratify.

Apparently the question turns upon cables and cable rights. Apparently from this treaty we would have the right to go upon the island for the purpose of establishing a cable only in case the provision made by the Japanese Government should not be adequate.

Mr. LODGE. That applies only to radio.

Mr. WALSH of Montana. I am speaking about radio.

Mr. LODGE. I thought the Senator was including cables.

Mr. WALSH of Montana. Let us take even the case of cables.

Mr. LODGE. The cable rights seem to me to be absolute.

Mr. WALSH of Montana. The cable rights are referred to in the first paragraph of article 3, and then the radio rights in the second paragraph.

Mr. LODGE. Yes.

Mr. WALSH of Montana. Just exactly what do we get under this treaty that we would not have or could not assert if we did not ratify it?

Mr. LODGE. If we left it as it is now, we should have nothing at all.

Mr. WALSH of Montana. Why not?

Mr. LODGE. Unless we should use force, we should have nothing at all.

Mr. WALSH of Montana. We would be entitled to an undivided one-fifth interest in the island, would we not?

Mr. LODGE. If we did not have this treaty, how would the Senator propose to enforce the right?

Mr. WALSH of Montana. I would not know how to enforce this right, either.

Mr. LODGE. But this is an agreement, and we have reason to suppose—there is no reason not to suppose—that Japan will keep an agreement that she has just signed. We have a treaty right here. We have no treaty rights under the other condition—none whatever.

Mr. WALSH of Montana. That part is all right. What I want to know is this: Just exactly of what value is the right granted in the first paragraph of article 3, which reads:

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

We have exactly the same right that any other nation has, and on a footing of entire equality with Japan.

Mr. LODGE. Not only that but article 4, of course, contains a much more specific statement as to those rights:

In connection with the rights embraced by article 3, specific rights, privileges, and exemptions, in so far as they relate to electrical communications, shall be enjoyed in the island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

(2) Nationals of the United States shall not be obliged to obtain any permit or license in order to be entitled to land and operate cables on the island or to establish radiotelegraphic service, subject to the provisions of article 3, or to enjoy any of the rights and privileges embraced by this article and by article 3.

It gives us the right to go on the island of Yap and establish cables in any way we please and whenever we feel like it.

Mr. WALSH of Montana. Just exactly what advantage is there in that?

Mr. LODGE. That is the whole question that has existed in regard to Yap. It has no other value to us.

Mr. WALSH of Montana. That is what I wanted to know.

Mr. LODGE. The only value suggested about it by President Wilson or that ever has been suggested by anybody is its value for an interchange of electrical communication as a cable station. President Wilson's suggestion was that it be internationalized for that purpose. All we have ever wanted in Yap was such use as we might want to make of it for cable purposes. That is fully given in this treaty.

Mr. WALSH of Montana. Yes; but let us take the thing in a practical way.

Mr. LODGE. I try to be practical. If we do not have this treaty, we get nothing, of course.

Mr. WALSH of Montana. What I wanted to know is what value there is in that to us? Japan actually occupies the island. We have no right to do so. If we should get into a war with Japan, of course they would seize everything on the island, and there would be no value to us in that event. Now let us take a case of peace. In times of peace we would have no difficulty, as a matter of course, about communicating. Suppose that Japan should get into war with some other power—say with China or with Russia. She is in war now with China,

and this cable runs from here to China. Would we enjoy free and uninterrupted communication with China over this cable?

Mr. LODGE. I suppose if it were an enemy's cable it would be seized by the attacking power, as always is done.

Mr. WALSH of Montana. Exactly. It would be immediately seized by the attacking power.

Mr. LODGE. How does the Senator propose to avoid that? By making no agreement?

Mr. WALSH of Montana. What I want to try to find out is of what value this is to us.

Mr. LODGE. I think the value of it is that it gives us the right, if we are so disposed, to lay cables to Yap and from there to other points, which we now have not got. Also, if the radiotelegraphic service of Japan is not satisfactory, we can establish a radiotelegraphic system there. We probably never should want to do that, because we have Guam within 300 miles.

Mr. WALSH of Montana. But the situation is that it would be valueless to us if we should get into a war with Japan or if Japan should get into a war with any other power.

Mr. LODGE. I do not think the treaty was made with a view to protecting our rights in war, because now we have no right there at all, unless we choose to assert it by force.

Mr. WALSH of Montana. So that really this is only for the use of cables in time of peace?

Mr. LODGE. Practically, that would be it. In time of war an enemy cable can, of course, be cut by the opponent, and I do not suppose these cables would differ from any other cables. Our own cables could be cut, I suppose, if we were at war.

Mr. WALSH of Montana. I am merely trying to run it down to the actual value of the treaty.

Mr. LODGE. If Japan were at war, and her enemy were able to cut the cables owned by Japan, I suppose she would do it. I do not suppose she would cut neutral cables. We never cut neutral cables in the Spanish War.

Mr. WALSH of Montana. Let me inquire of the Senator, then: Suppose that we had no interest at all in this matter; that Japan were the absolute owner of the island of Yap, and had been from all time. We freely accord to foreign nationals the right to land cables on our territory, do we not?

Mr. LODGE. We do if we choose under law.

Mr. WALSH of Montana. We never have refused, have we?

Mr. LODGE. We have made some pretty strong restrictions in a bill we passed this year.

Mr. WALSH of Montana. We had a little trouble down in Florida, I remember.

Mr. LODGE. Yes. We passed a law about that. Of course, nobody can land now without our assent.

Mr. WALSH of Montana. But I mean that we do not ordinarily withhold our assent; neither, as I understand, does any other country. Every country is desirous of extending as far as possible its means of communication, and it is very glad if a foreign power or foreign nationals establish those means of communication. I never heard of a nation refusing to permit another nation to land a cable, but I inquire of the Senator whether that is quite common?

Mr. LODGE. I do not know. That is a question covering the whole world, which I can not answer. Rights to land cables have been refused, I think.

Mr. WALSH of Montana. Then suppose that this island were within the absolute and unrestricted jurisdiction of Japan, part of Japan's territory, the same as her main islands. Is it reasonably to be assumed that Japan would forbid us the opportunity to land a cable on the island of Yap?

Mr. LODGE. I really can not tell. I think it is a good deal better if she makes an agreement with us that she will allow us to land as we please. It is one thing to land under a permission and it is another thing to have the right to land without permission and lay any cables that we choose.

Mr. WALSH of Montana. We might want to run a cable from here to Africa. Doubtless we shall at some time. Bermuda is on the way; it would be a very convenient way station. The Senator has not any apprehension that Great Britain would refuse to permit us to land a cable on one of the islands of Bermuda?

Mr. LODGE. I think she probably would.

Mr. WALSH of Montana. Does the Senator think it would be advisable to make a treaty with Great Britain to assure us of that right?

Mr. LODGE. We have to make an agreement every time we land a cable anywhere in a foreign country.

Mr. WALSH of Montana. Of course; but we do not take the precaution to make a treaty with a foreign country in advance assuring us of the right. If that were the case, we would have

treaties with nations all over the world giving to us the right to land cables.

Mr. LODGE. We make this treaty so that the right to land a cable there shall be a treaty right. It was thought important enough by President Wilson, and it was thought important enough by this administration, to settle this outstanding question.

Mr. WALSH of Montana. I was trying to find out how really important the question is which will be settled by this treaty; that is all.

Mr. LODGE. We have no cable at Yap. We never have had one there. The question arose because our naval general board thought it important that we should have the right to a cable landing at Yap for strategical purposes. The cable there now is the German-Dutch cable, which passes into the control of the five allied and associated powers, but the cables have not yet been distributed. That cable goes to Guam and thence to Shanghai, but it starts in the island of Sumatra, or Borneo, I think, and comes to Mindanao; thence to Yap; thence to Guam; and thence to Shanghai. During the war that cable was seized by Japan, and its terminus changed, as I understand it, to Tokyo. That is the only existing cable on Yap. That cable has a certain commercial value to us in the sense that we have a great deal of trade with the Dutch islands, and they communicate directly with this country by relaying to Guam.

We made this question about Yap. President Wilson made it first, because it was thought to be a place which might be of great value for international cable exchanges, and that, with a view to the future, we ought to have a treaty agreement in regard to it. As I said, President Wilson's plan was to internationalize it, which I think was an excellent scheme. For that we have substituted a special treaty, giving us the rights for any cables we may desire, and I think it is a right of some value. This treaty will settle that question and also settle the question in regard to the mandated islands.

Mr. WALSH of Montana. My question was simply to enable me to appraise the value.

Mr. LODGE. It is a future value entirely.

Mr. WALSH of Montana. I will say to the Senator that my disposition would be to vote in favor of the treaty, but I am trying to find out just what we would get.

Mr. LODGE. I have tried to state to the Senator frankly what I believe is in the treaty. What we get is a specific right to lay cables to Yap.

Mr. WALSH of Montana. The Senator has referred to the provisions of article 4, but I am quite in error if those are not already covered by the provisions of section 3 of article 2. I should think that under the existing treaty with Japan, to which reference has been made—

Mr. LODGE. I do not think existing treaties with Japan give us any right to lay cables.

Mr. WALSH of Montana. No; but if we did lay a cable, as provided in article 3, we should be entitled, under the treaty of 1911, it seems to me, to all the rights granted to us by article 4 of this treaty.

Mr. LODGE. As to the landing of cables, of course if any foreign country desires to come here and lay a cable it has to get permission from our Government to do it.

Mr. WALSH of Montana. Certainly.

Mr. LODGE. Under this treaty we do not have to get permission from Japan to lay a cable to Yap if we desire to lay one. I think that is the sum and substance of it.

Mr. WALSH of Montana. I would be very glad to hear from the Senator from Nevada [Mr. PITTMAN] in relation to this matter.

Mr. LODGE. I have not gone into the question of the mandated islands, with which the first part of this treaty is concerned. I understood that the Senator wanted to know just what we got by our agreement with regard to the island of Yap. I have confined myself to that. Of course, the first two articles deal entirely with the mandated islands generally.

Mr. WALSH of Montana. As to those, does the Senator think we get anything in the other mandated islands by the treaty?

Mr. LODGE. We get certain agreements which are in the general mandates given by the other powers to Japan. We get the advantage of those, whatever they may be.

Mr. WALSH of Montana. I could not quite understand that. It seemed to me that certainly under section 1 of article 2 we get nothing we would not have without that, because article 5 of the mandate provides that—

Subject to the provisions of any local law for the maintenance of public order and public morals, the mandatory shall insure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling.

Mr. LODGE. One moment. It provides as the Senator has read, but in our provision we have added the right "to acquire and possess property, to erect religious buildings, and to open schools throughout the island," which we thought of some importance. That does not occur in the general mandate. On the representations of our missionaries we thought that of some importance.

Mr. WALSH of Montana. Does not the Senator regard that as really implied in the general provision for "freedom of conscience and the free exercise of all forms of worship"?

Mr. LODGE. I do not think "freedom of conscience" necessarily implies the right to acquire property.

Mr. WALSH of Montana. I would think that the provision of our Constitution, insuring the free exercise of all forms of worship, would forbid the execution of any law which denied to any particular sect an opportunity to acquire property for purposes of worship.

Mr. LODGE. Our missionaries thought it of importance, Secretary Hughes thought it of importance, and it seems to me not without value, in addition to what the other mandate says to add that they could acquire and possess property, erect religious buildings, and open schools throughout the islands. I think it would be drawing a pretty broad inference from the simple provision guaranteeing freedom of conscience to say that it covered what we have provided. I think it is better not to leave it to inference.

Mr. WALSH of Montana. I rather think the other members of the League of Nations would insist that under article 5 they had all of these rights, and that the United States should not have any more, and that it was not intended that they should have.

Mr. LODGE. It was thought desirable to add it as our special right. We first made a provision about vested American property rights, and then included a provision extending the existing treaties between the United States and Japan to the mandated islands.

Mr. WALSH of Montana. Of course, the Senator would regard that as a settled principle of international law in any case, would he not?

Mr. LODGE. As to vested American property rights?

Mr. WALSH of Montana. It reads:

Vested American property rights in the mandated islands shall be respected and in no way impaired.

Mr. LODGE. I should regard it so, but I think there is no harm in having it specifically stated.

Mr. WALSH of Montana. No; but it is implied, really, in the family of nations, is it not, that every nation must respect property rights which are vested?

Mr. LODGE. I think so; but I think it is better not to rest on an implication.

Mr. WALSH of Montana. The third section reads:

Existing treaties between the United States and Japan shall be applicable to the mandated islands.

Would not the Senator regard that as necessarily following?

Mr. LODGE. No; I do not think it follows at all that they would be extended to the mandated islands. I think that required a specific provision, and I regard it as of importance.

Mr. WALSH of Montana. The Senator may be right about that; but I would not think there could be any doubt about it.

Mr. LODGE. I would rather have these things stated specifically, than to have them arguable points.

Mr. WALSH of Montana. Yes; that is always wise. Of course, sections 4 and 5 confer no real powers or rights.

Mr. LODGE. No. Section 5 is simply protective, providing that no modification in the original mandate shall be made without our assent.

Mr. WALSH of Montana. And section 4 provides that a report shall be made.

Mr. LODGE. That is simply to secure us the report which they are bound to make to the other powers.

Mr. WALSH of Montana. That would be made public any way in the League of Nations.

Mr. LODGE. It would be made public. They are required to make that report to the other givers of the mandate.

Mr. WALSH of Montana. They are required to make it to the council of the league, and, of course, the council of the league would make it public, and we would have it in that way.

Mr. LODGE. Undoubtedly; I suppose we should have it if it were made public; but the last section, of course, has nothing to do with the league. It is simply for our protection, providing that they can not modify the treaty.

Mr. PITTMAN. Mr. President, I think I have said all I desire to say about this amendment, particularly to those who are present.

Mr. LODGE. The Senator is referring to the small size of his audience. If he desires to say anything more to me or to the Senator from Missouri, we shall be delighted to hear it.

Mr. PITTMAN. The two Senators on the Republican side are so familiar with this subject that I doubt if I could change their views.

Mr. LODGE. I will say, in connection with the Senator's amendment, that it does not seem to me to be necessary. I am not convinced by his argument in regard to it. The simple clause about the extension of the treaty covers everything, and the amendment, of course, would make further negotiation necessary. I hope it will not be adopted; but I shall not take further time.

Mr. REED. Does the Senator yield the floor?

Mr. LODGE. Certainly, I yield.

Mr. REED. I move that the Senate adjourn.

Mr. LODGE. I object to that motion, and I make the point of no quorum.

Mr. REED. The Senator can not object to a motion of that kind. It is not to be objected to, and is not debatable. I insist on my motion.

Mr. LODGE. Very well, then I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a general pair with the junior Senator from New York [Mr. CALDER] which I transfer to the junior Senator from Massachusetts [Mr. WALSH] and vote "nay."

Mr. PHIPPS (when his name was called). I have a pair with the Senator from South Carolina [Mr. DIAL]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. WILLIAMS (when his name was called). Has the Senator from Indiana [Mr. WATSON] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. WILLIAMS. Then I have no right to vote, because I have a pair with that Senator and I do not know how he would vote.

The roll call was concluded.

Mr. EDGE. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Oklahoma [Mr. HARRELD] and vote "nay."

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Idaho [Mr. GOODING] and vote "nay."

Mr. DILLINGHAM. May I inquire if the Senator from Virginia [Mr. GLASS] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. DILLINGHAM. I transfer my pair with that Senator to my colleague [Mr. PAGE] and vote "nay."

Mr. COLT. I transfer my pair with the junior Senator from Florida [Mr. TRAMMELL] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. STERLING (after having voted in the negative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Utah [Mr. SMOOT] and allow my vote to stand.

Mr. WALSH of Montana (after having voted in the negative). I inquire if the Senator from New Jersey [Mr. FREELINGHUYSEN] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. WALSH of Montana. I have voted but, having a pair with that Senator, I withdraw my vote.

Mr. MCKELLAR (after having voted in the negative). May I inquire if the junior Senator from Indiana [Mr. NEW] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. MCKELLAR. I have a general pair with the junior Senator from Indiana, but I am informed that he would vote as I have voted; so I will allow my vote to stand.

Mr. NORRIS. I wish to announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] on account of a death in his family.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Louisiana [Mr. RANDELL];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Utah [Mr. KING]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 6, nays 51, as follows:

YEAS—6.			
Caraway	Pittman	Robinson	Simmons
France	Reed		
NAYS—51.			
Ball	Hale	McKellar	Shortridge
Brandeggee	Harris	McKinley	Spencer
Cameron	Heflin	McNary	Sterling
Capper	Hitchcock	Moses	Sutherland
Colt	Johnson	Nelson	Swanson
Culberson	Jones, N. Mex.	Newberry	Townsend
Cummins	Jones, Wash.	Nicholson	Underwood
Curtis	Kellogg	Norris	Wadsworth
Dillingham	Keyes	Overman	Warren
Edge	Ladd	Phipps	Watson, Ga.
Elkins	Lenroot	Polindexter	Weller
Fernald	Lodge	Rawson	Willis
Fletcher	McCormick	Sheppard	
NOT VOTING—39.			
Ashurst	Gerry	Myers	Smith
Borah	Glass	New	Smoot
Broussard	Gooding	Norbeck	Stanfield
Bursum	Harrell	Oddie	Stanley
Calder	Harrison	Owen	Trammell
Crow	Kendrick	Page	Walsh, Mass.
Dial	King	Pepper	Walsh, Mont.
du Pont	La Follette	Pomerene	Watson, Ind.
Ernst	McCumber	Ransdell	Williams
Frelinghuysen	McLean	Shields	

So the Senate refused to adjourn.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. PITTMAN. Mr. President, the amendment which I have offered is to section 3 of article 2. The section now reads:

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands.

My amendment proposes to add to that section the following:

And the rights and privileges therein guaranteed to the respective nationals therein referred to shall not be limited or abridged by any of the provisions of this treaty.

The reason for that is simply that under the general treaty with Japan of 1911 our nationals have free access to Japanese territory with the right to carry on all kinds of business in that territory. Under the treaty now before us only those of our nationals engaged solely in the electrical and missionary business are allowed to enter the island of Yap to engage in business. The question is, if we ratify this treaty, does it limit the entry into the island of Yap of our nationals engaged in other than the electrical business and as missionaries? If it does not, then why should this special limitation have been included in articles 3 and 4? If it does not intend to limit the general treaty of 1911, then why do we have any special provision with regard to the island of Yap?

No doubt in article 3 and article 4 of the pending treaty our nationals are limited with regard to entry into the island of Yap and engaging in business there. The limitation with regard to the island of Yap in the pending treaty was admitted by the Senator from Minnesota [Mr. KELLOGG] a few days ago. The Senator from Massachusetts [Mr. LODGE] himself called attention to the fact that our rights were enlarged by section 3 by extending the general treaty of 1911 to the mandated islands.

There is no doubt that section 3 does extend the existing treaties to all of the mandated islands except the island of Yap, but with regard to the island of Yap there are special limitations placed upon our nationals. I desire to clarify that. If their contention is right, if there are no special limitations with regard to our nationals in the island of Yap, then the amendment which I propose makes it clear. In other words, article 3 says in relation to the landing of cables that our citizens shall have equal rights. Article 4 says, in so far as they relate to electrical communications, our citizens shall have certain rights.

The general treaty of 1911 provides for reciprocal rights of nationals of Japan and the United States, and those rights are extended to the mandated islands except as to special limitations on the island of Yap.

Section 3, if my proposed amendment is agreed to, will read as follows:

Existing treaties between the United States and Japan shall be applicable to the mandated islands, and the rights and privileges therein guaranteed to the respective nationals therein referred to shall not be limited or abridged by any of the provisions of this treaty.

Unless it is the intention of the treaty to limit and abridge the existing rights of our nationals in Japanese territory, then there can be no harm in stating that this treaty shall not be construed to limit or abridge those rights.

I believe this is all I care to say on the subject at this time.

Mr. BORAH. Mr. President, I desire to make some brief observations in regard to the treaty, not so much for the purpose of announcing what my vote shall be, because I have not

yet decided how I shall vote, as I have not been able to satisfy myself as to what the treaty means.

I had always understood that it was an undisputed proposition that, by virtue of being associated with the other powers in the war, we acquired an undivided one-fifth interest, or an undivided interest, in these islands and the other German possessions which were taken over by virtue of the war. That that contention was sustained by the previous administration and by this administration. If I could construe the pending treaty into a quitclaim deed, as it were, to our interest in those islands, I would unhesitatingly vote for it.

I do not want an undivided fifth interest along with any other power or powers in these islands or in any other territory. I can not imagine a more entangling alliance than for the United States to own an undivided one-fifth interest in all of the German possessions which were taken over after the World War.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. BORAH. I yield.

Mr. LODGE. The Senator's statement, of course, is entirely correct from my point of view in regard to the undivided fifth part, but the first article of the pending treaty was made in acknowledgment of our contention. That is what brings it about. We have contended that the title of Japan to the islands north of the Equator or the title of Great Britain to the islands south of the Equator could not be perfected without our assent. Article 1 gives that assent, so far as the mandated islands are concerned. That makes the title of the mandatory, so far as the title of the mandatory goes, with its limitations, complete, because we are the fifth party.

Mr. BORAH. Precisely; it gives our consent "pursuant to the aforesaid mandate, of all the former German islands in the Pacific Ocean lying north of the Equator."

Mr. LODGE. Yes.

Mr. BORAH. But do I understand that the Senator from Massachusetts construes this treaty to be a relinquishment of our undivided one-fifth interest in those islands?

Mr. LODGE. It is, so far as the mandate goes.

Mr. BORAH. Yes; so far as the mandate goes; but the mandate does not necessarily run counter to the question of ultimate title.

Mr. LODGE. No. I have previously made that point here, and I thought that Senators did not generally agree with me about it; but I do not think that the mandate which Japan has received from the other four powers is a title of complete sovereignty, because it is limited in various directions. Whatever may be reserved, however, of sovereignty, of course, remains ungranted by us.

Mr. BORAH. I should regard it as a menace—

Mr. LODGE. I do not think anything remains of any value.

Mr. BORAH. No; I do not think anything remains of any value, or ever did exist, so far as value is concerned.

Mr. LODGE. The only value consists in the limitations put upon the sovereignty of the mandatory.

Mr. BORAH. I had understood, Mr. President, from the discussion in the committee and from the contention of Senators on the floor that while we recognized the mandate of Japan, nevertheless we retained our interest in the islands, that the pending treaty was not designed as a surrender or quitclaim, as it were, or a relinquishment of our interest in the islands, as an ultimate and conclusive proposition.

As I said a moment ago, if I could construe the pending treaty into a relinquishment of our interest I would vote for it, although there are some other provisions in it which seem to me to be objectionable; but I would regard that as of so much moment and of so much consideration that I would support the treaty. I think, Mr. President, we are becoming very seriously involved with reference to these possessions, and that we shall become more so if we do not take a decided and determined step toward getting out entirely.

Mr. WALSH of Montana. Mr. President—

Mr. BORAH. I yield to the Senator.

Mr. WALSH of Montana. Will the Senator from Idaho explain to us why he thinks that this is not a substantial quitclaim of our interests? There is no limitation to the mandate in point of time; the mandate is given forever. Japan is given control over the islands forever by the mandate. Doubtless a mandate may be recalled by the power which gave it, namely, the League of Nations, but Japan would have a voice in such a determination, would she not? Accordingly, Japan would hold the mandate as long as she desired to do so.

Mr. ROBINSON. If the Senator from Idaho will permit me, I desire to say that the mandate by the express provision of the

Versailles treaty may be changed at any time if the organization in control of it sees fit to change it.

Mr. WALSH of Montana. Yes; but will not Japan have a voice in that?

Mr. ROBINSON. Certainly.

Mr. WALSH of Montana. And, of course, she may put a veto on it at any time. The decision would have to be unanimous on the part of the council, would it not?

Mr. ROBINSON. Yes; but the mandate could be changed.

Mr. WALSH of Montana. It could be changed by the action of the council of the League of Nations, of course, if Japan voted in that way.

Mr. ROBINSON. Yes; and if the other members of the League of Nations did so.

Mr. WALSH of Montana. Of course. So Japan will retain the control of those islands—

Mr. ROBINSON. As long as she desires.

Mr. WALSH of Montana. As long as Japan wants to control them.

Mr. ROBINSON. Certainly; I think that is true.

Mr. WALSH of Montana. Then, is not this really a quitclaim to Japan?

Mr. BORAH. Mr. President, I thought so, and I so contended in the committee; and I had greatly hoped that that would be the construction placed upon it; but we are advised that that is not the construction which is placed upon it by the Secretary of State; that there is no attempt here to do other than to permit Japan to administer the islands under the mandate; that in case the mandate should be changed, or in case Japan should fail to administer the trust according to the terms of the mandate, the reversion would carry back to us our undivided one-fifth interest.

Mr. President, that is precisely what I do not desire to see. I should like the United States by treaty to quitclaim its interest in all these islands and German possessions and get out. I can not see any difference between joining the League of Nations and taking part in all international affairs by a treaty and becoming the owner of an undivided interest and tenant in common with the other four powers in these several possessions in all the various portions of the earth.

Suppose we had an undivided one-fifth interest in an island in the Mediterranean, say, or some territory along the Black Sea, or an undivided one-fifth interest which we were administering in Mesopotamia or Syria, and then in these islands in the Pacific, it would need no other act to involve us in an entangling alliance; we would be in such an alliance and we would have to stay there.

Mr. President, eight years ago I voted to give the Filipinos their independence. I regret deeply, in the first place, that it ever was our misfortune to acquire the Philippines; and I regret deeply, in the second place, that we did not pass the bill giving them their independence. I do not want by any connivance of mine to extend our position in that respect at all.

Mr. FRANCE. Mr. President—

Mr. BORAH. I yield.

Mr. FRANCE. I should like to ask the Senator from Idaho, who on many occasions has given evidence of his love for liberty and the principles which underlie our Government, if he does not feel that, if we should continue to hold our one-fifth interest in the various former German colonies, we might be able to inaugurate an international policy, in cooperation with the other nations, looking ultimately to the fitting of these backward peoples for the enjoyment of all the privileges of civilization and finally for the enjoyment of the advantages of self-government and liberty?

Mr. BORAH. Mr. President, I can understand the position of the Senator from Maryland, and I appreciate his logic. Provided we were the sole owners of the Yap Island and of the other islands we might administer them in a way which would be helpful to their peoples, but I do not think that by being the owner of an undivided one-fifth interest we can do anything except quarrel with our cotenants as to how to do it. Mr. President, if you will turn back to about, I think, the thirteenth chapter of Genesis, you will find that the first controversy that ever took place on the earth with reference to property was when Abraham and Lot had a quarrel over their cotenancy. I have never known farmers or anyone else to be able to get along when they had an undivided interest in a piece of property. If we are the owner of an undivided interest in these islands with Japan, Great Britain, France, and Italy, it can be imagined what kind of a government the natives will have administered by those five powers.

Mr. WALSH of Montana. Mr. President—

Mr. BORAH. I will yield in just a moment. Furthermore, Mr. President, I think there has sprung up in this day and age

the idea that some superior nation ought to take upon itself the obligation and the duty of administering to all the dependent peoples of the world. I have observed that that idea takes root particularly where vast wealth or natural resources are discovered to be in the possession of the dependent people. I have observed, for instance, how France has been administering to the dependent people of Syria; I have observed how Great Britain is administering to the dependent people of Mesopotamia.

They are administering to them by depriving them of their natural wealth; they are administering to them by taking from them that which God gave them, which belongs to them exclusively. You will find, Mr. President, whenever a dependent people are discovered to be in the possession of vast natural resources that immediately some great nation feels a benevolent desire to go in there and lift them up to the common level of civilization and give them a better form of government. I do not believe in that doctrine at all. I think each people have in a measure got to work out their own salvation. I do not think that democracy and free government are things that you can bestow upon a people out of hand and overnight. Furthermore, we have a great many people at home right now who need all the beneficent administration that we can give them.

I have no doubt, Mr. President, that the greatest service which this Government can render to humanity and the greatest service we can render to the cause of civilization is to demonstrate successfully the fact that we have here a republican government and that it can be adapted to the growing industrial conditions which now confront the world.

I now yield to the Senator from Montana.

Mr. WALSH of Montana. I merely desired to observe that we tried the scheme of government by two or three nations jointly in the case of the Samoan Islands.

Mr. BORAH. Yes.

Mr. WALSH of Montana. And we were obliged to abandon it as impossible.

Mr. BORAH. Yes; and if the Samoans could vote, I should like to have a referendum upon the question and ascertain how much of a success they thought the experiment.

Mr. KING. Mr. President, if the Senator will pardon me, I might challenge his attention to the experiment in the case of the government of Constantinople since the war. It has been a complete failure. The Allies are failing to give a proper government to Constantinople, and apparently there are evidences of feuds, schisms, quarrels, and contentions which threaten the peace of the people and the stability of the municipal government.

Mr. BORAH. I have always thought, Mr. President, that when we took the Philippines we repealed the Declaration of Independence, and now we are about to disregard the teachings of Washington in order to protect those islands. If it were not for the Philippines we would not be troubled at this time with the consideration of the four-power treaty. The dominating reason why it is proposed to impose it upon us is because it is thought that the Philippines are so liable to attack that we must have a treaty in order to insure the peace of the Pacific. Thus, step by step, after we have entered upon this course of imperialism, we are compelled to adopt all the methods and customs and practices of imperialists.

For that reason, as I say, if I could construe this treaty into an absolute surrender and an absolute release of our interest in the German possessions, I should be delighted to vote for it and regard it as a most remarkable triumph for this administration; but when I come to read the treaty I am sincerely at a loss to know just exactly what it means.

The first article says:

Subject to the provisions of the present convention, the United States consents to the administration by Japan, pursuant to the aforesaid mandate, of all the former German islands in the Pacific Ocean, lying north of the Equator.

We might remain the owner of an undivided one-fifth interest and yet consent to the mandate. In my judgment, that does not affect the title or the relinquishment of our title at all. If the trust should ever disappear, be withdrawn by the League of Nations, or Japan should consent to its withdrawal, I do not see why we would not be in the same position that we are before we ratify this treaty with reference to this undivided one-fifth interest.

Again, it says:

The United States and its nationals shall receive all the benefits of the engagements of Japan defined in articles 3, 4, and 5 of the aforesaid mandate, notwithstanding the fact that the United States is not a member of the League of Nations.

That seems again to regard Japan as the owner of this island, instead of being a cotenant. Being a cotenant, we would enjoy all the rights of our cotenancy and all the rights of our co-

partners. If we were relying upon that, we would not need any treaty to protect our nationals, because we would have precisely the same right that our cotenant would have. So we seem, by contracting for the rights of our nationals, to have given up our cotenancy, and to have surrendered it to Japan.

It is further agreed between the high contracting parties as follows:

(1) Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the islands; it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control.

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired.

I do not know that that adds anything. I should assume that that would be true in all civilized countries, and I do not understand that a treaty makes it any more secure. However, there is no harm in that.

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands.

(4) Japan will address to the United States a duplicate of the annual report on the administration of the mandate to be made by Japan to the council of the League of Nations.

Japan is going to report to the United States and going to report to the League of Nations. The League of Nations is supposed to have some power to supervise and to advise with reference to the execution of the mandate; and I assume that the object in having Japan report to the United States is that the United States may express its approval or disapproval as to the method and manner of carrying out the mandate—a thing which I certainly would not want. I take it that when we ask for a report upon the property and its administration, we are still claiming to have an interest in it, and still desirous of exercising something in the nature of a supervisory power over the mandatory power. I do not understand why this should be in there otherwise.

Then the treaty says, in article 3:

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation.

There is another clause which seems to give up the cotenancy entirely, which seems to give up the undivided one-fifth interest, because if we are a cotenant we have the same rights there that Japan has, who is a cotenant. It would not be necessary, between tenants in common, to agree that each one should have access to a particular part of the common holding. One has the same right as the other; but this would seem to indicate that we have turned over the mandate to Japan to be executed, provided we are given an opportunity to look over the reports, and possibly to supervise the execution. The last thing that I should want this Government to engage in would be the overseeing of how Japan administers her Government to her subjects. It is a matter about which we never could agree. It is said that we are making the four-power treaty to avoid doing that very thing. I am not criticizing Japan. She is a very great nation and a very great people, but she is quite a different people and has quite a different civilization and quite a different conception of government from that which we have; and I can not imagine anything which is more calculated to give rise to misunderstandings than for the United States, if it does it in good faith, to undertake to supervise and censor the acts of Japan in administering the mandate or her Government over her subjects.

Mr. WATSON of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield.

Mr. WATSON of Georgia. Does the Senator see, in subsection (5) of article 2, any prospect of a difference between this country on the one hand and the League of Nations on the other as to some change that might be made in the terms of the mandate?

Mr. BORAH (reading):

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited in the convention, unless such modification shall have been expressly assented to by the United States.

Perhaps the inference which the Senator suggests by his question is a logical one.

Mr. WATSON of Georgia. It is conceded, I think, that the League of Nations might want to modify the terms of the mandate, and Japan being a member of the League of Nations, the situation certainly would become very complicated if the league saw proper to make such a modification.

Mr. BORAH. As I said upon yesterday, the mandatory system was invented for the purpose of avoiding the full effect of

the secret treaties which were made in 1915, 1916, and 1917. When the American delegates arrived in Paris they found that everything had been disposed of so far as these possessions were concerned. Japan had secured her proportion, and the different nations had entered into secret agreements and divided up these possessions. Now, as I am informed—and there is an exceedingly interesting article in the last Sunday's New York Times, by Mr. Baker, upon these secret treaties and the effect which they wrought upon the entire Versailles conference—as I understand from the discussion there and from other discussions, the American delegation was unable fully to avoid the effect of the secret treaties. The Governments which had entered into those treaties were not willing to surrender them, so Gen. Smuts and ex-President Wilson conceived the idea of a mandatory system by which they would administer to these people under a mandate rather than acknowledge the secret treaties. As I said, however, the fact also remains that the mandates corresponded to the secret treaties. It so happened that Japan got the mandate over the same islands that she had the secret treaties for, and so with reference to France and England; and as a matter of fact they all go back now to their secret treaties for the real source of title. I have no doubt at all but that Japan regards her source of title as running down to the secret treaties rather than to this mandate, but for social purposes it is called a mandate.

Nationals of the United States shall have the unrestricted right to reside in the island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

There is another clause which I have construed as a surrender of the cotenancy.

Subdivision (4) of article 4 says:

Nationals of the United States shall have complete freedom of entry and exit in the island for their persons and property.

That undoubtedly would be true if we were cotenants without any treaty.

The Government of Japan will exercise its power of expropriation in the island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities can not otherwise be obtained.

So I say, Mr. President, that the construction which I originally put upon this treaty is sustained in some of these clauses, it seems to me. On the other hand, it is provided in another clause that we shall have the right to use this cable station so long as Japan maintains it, and then there is a clause which seems to indicate, if she fails to maintain it, that it reverts to us. I will read that:

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication: *Provided, however,* That so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

That is a clear recognition, it seems to me, of the fact that in case Japan fails to perform her duty we go back to enjoy our rights as a cotenant, as a part owner.

Mr. KELLOGG. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. Yes.

Mr. KELLOGG. Does not the Senator think that is rather a recognition of our right to establish a radio station granted us under the first provision of that section?

Mr. BORAH. That construction is admissible; I concede that; but I should like to ask the able lawyer from Minnesota whether he construes this treaty as a surrender, a relinquishment, a quitclaim, as it were, of our undivided one-fifth interest in the island?

Mr. KELLOGG. Whether it is or not, so long as this mandate lasts it would seem to me as though it had practically the same effect, because the mandate provides, in article 2, that—

The mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Empire of Japan.

I do not know what greater right than that could be granted. So long as this mandate is in force, it would seem as though Japan's dominion was absolute over the island.

Mr. BORAH. Her dominion is through the mandate, but the Senator perhaps did not understand my question. Does the Senator regard the establishment of the mandate by our consent as wiping out our undivided one-fifth interest?

Mr. KELLOGG. I do not know whether it does or not.

Mr. BORAH. That is the trouble with me.

Mr. KELLOGG. In the first place, I do not know whether we ever had a one-fifth interest, unless we sought to take it under the grant of Germany in the Versailles treaty. I do not think it is material whether it is wiped out or not.

Mr. BORAH. Our undivided one-fifth interest arose not by reason of the German treaty or by the Versailles treaty but because we were associated with our allies in the war. It came to us as a part of the spoils of victory, and we did not get it by reason of the German treaty or by reason of the Versailles treaty. We were not a party to the Versailles treaty until after we ratified the German treaty.

Mr. KELLOGG. That raises a further question as to what acquisition of territory by conquest is, whether it means that a nation must actually take possession of the territory taken in war in order to complete its title. It does not seem to me that it is very material in connection with this.

Mr. BORAH. The Senator regards it as immaterial, and I regard it as material; but the Senator and I are agreed upon one thing, that neither of us can tell what this treaty means.

Mr. KELLOGG. I understood, however, that if this treaty provided for an actual relinquishment of any interest we have, the Senator would have no objection to the treaty and would vote for it.

Mr. BORAH. I did not say I would not have any objection to it, but I said I would vote for it, although there are other clauses in it which I do not like; but I would consider the advantage and benefit of getting out so great that I would forego my objection to the other.

Mr. KELLOGG. Does not the Senator think that under article 2 of this mandate Japan has absolute dominion over the island?

Mr. BORAH. Yes; she has dominion for mandate purposes and reports to the United States.

Mr. KELLOGG. What can we do under the report?

Mr. BORAH. I do not know what we can do, and therefore I do not know why it is coming back to us. I assume, Mr. President, that it is sent back to us for some reason. It is sent to the League of Nations for the purpose of having the League of Nations oversee and censor the acts of Japan and the other mandatory powers. I assume it is sent back to us for some such reason.

Mr. President, having the view of the Senator from Minnesota as to what this means with reference to the surrendering of the one-fifth interest, I think I shall conclude.

Mr. LENROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I yield.

Mr. LENROOT. I am interested in the Senator's statement that our one-fifth interest arose through conquest and not through either our own treaty with Germany or the treaty of Versailles. What is the basis for the Senator's belief that our one-fifth interest—just a one-fifth interest—comes through conquest?

Mr. BORAH. Perhaps I should say our common interest with the five allied and associated powers.

Mr. LENROOT. There were other powers associated in the war, and if it is purely through conquest, they surely would have an interest as well as ourselves.

Mr. BORAH. Perhaps so, but it is an undivided interest, whatever it is, large or small.

Mr. LENROOT. Yes; that might be.

Mr. BORAH. Perhaps it would have been better had I said simply an undivided interest; but I say the undivided one-fifth interest because we have always looked upon the allied and associated powers as consisting of those five nations, and they seem to have been the ones which claimed the spoils. Anyway, the argument which I made is quite as relevant, even if it is less than a one-fifth interest, and I hope it is.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. ASHURST. I ask for the yeas and nays on that.

Mr. KELLOGG. I would like to have the amendment stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. In article 2, page 4, after the word "islands" and before the semicolon in subdivision (3), insert the following words:

And the rights and privileges therein guaranteed to the respective nations therein referred to shall not be limited or abridged by any of the provisions of this treaty.

Mr. OVERMAN. The Senator who offered the amendment is not in the Chamber, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. KELLOGG. I had sent to the desk for the amendment. I wanted to make some remarks on it.

The VICE PRESIDENT. The Senator from North Carolina suggests the absence of a quorum, and the roll will be called.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	Moses	Sheppard
Borah	Harris	Nelson	Shortridge
Brandeggee	Harrison	Newberry	Smith
Cameron	Heflin	Nicholson	Spencer
Capper	Hitchcock	Norbeck	Sterling
Colt	Jones, Wash.	Norris	Swanson
Culberson	Kellogg	Oddie	Townsend
Cummins	Kendrick	Overman	Underwood
Edge	Keyes	Phipps	Wadsworth
Elkins	Ladd	Pittman	Watson, Ga.
Ernst	Lenroot	Polindexter	Weller
Fernald	Lodge	Pomerene	Willis
Fletcher	McCormick	Rawson	
France	McKellar	Reed	
Glass	McNary	Robinson	

Mr. JONES of Washington. I desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Connecticut [Mr. McLEAN], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from West Virginia [Mr. SUTHERLAND] are detained in attendance on the Finance Committee.

Mr. NORRIS. I wish to announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] on account of a death in his family.

The VICE PRESIDENT. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. KELLOGG. Mr. President, I simply wish to read the amendment, so that the Senate may understand it, as some Senators may have been absent when it was reported from the desk. The amendment is as follows:

At the end of section 3, article 2, substitute at the end of the section, before the semicolon, the following words:

And the rights and privileges therein guaranteed to the respective nations therein referred to shall not be limited or abridged by any of the provisions of this treaty.

So that it would read as follows:

Existing treaties between the United States and Japan shall be applicable to the mandated islands and the rights and privileges therein guaranteed to the respective nations therein referred to shall not be limited or abridged by any of the provisions of this treaty.

That is an amendment to the treaty, and of course it would make it necessary to send the treaty back for further negotiation, and I hope the Senate will vote it down.

Mr. PITTMAN. Mr. President, I am glad the Senator has made only the one objection, that the treaty would have to be sent back for negotiation. I do not conceive that there is any difference between a reservation and an amendment, except that a reservation reserves the right of one power, while an amendment changes the treaty with regard to all the powers.

In cases where there are numerous powers involved, the objection that it is an amendment is well taken, but it does not have to be sent back for negotiation, any more than the four-power treaty, which has had a reservation attached to it by the committee, which was voted out of the committee, has to be sent back for renegotiation. A reservation is not binding unless it is accepted by the other powers. An amendment is not binding unless it is accepted by the other powers.

Mr. LENROOT. Mr. President, does not the Senator concede that the rule with reference to an amendment is entirely different from that relating to a reservation? An amendment must be expressly and specifically acted upon by the other powers, while a reservation may be accepted in silence.

Mr. PITTMAN. No; the Senator from Nevada would not admit that he knew so little about the law of contracts as to ever concede such an absurd proposition.

Mr. LENROOT. Many international lawyers seem to differ with the Senator from Nevada.

Mr. PITTMAN. I do not know how many international lawyers the Senator constitutes himself; but I have answered the question.

We are dealing with one nation, Japan, and while we are dealing very hastily with Japan, and while we have demonstrated a great deal of fear with regard to Japan; while practically all of the arguments so far have been based upon fear that we would lose even this little hand-out which Japan is giving out of what we already own, it seems to me that if this is a meritorious amendment, the objection that it will require further consideration by Japan is a very slight objection. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before with regard to my pair and its transfer, I vote "nay."

Mr. EDGE (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Oklahoma [Mr. HARRELD] and vote "nay."

Mr. HALE (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "nay."

Mr. HARRIS (when his name was called). I have a general pair with the junior Senator from New York [Mr. CALDER], which I transfer to the junior Senator from Massachusetts [Mr. WALSH], and vote "yea."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of a death in his family.

Mr. PHIPPS (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. DIAL] to the senior Senator from Pennsylvania [Mr. CROW], and vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. In his absence I am obliged to withhold my vote. If at liberty to vote I would vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON], who is absent, and I therefore withhold by vote. If I were at liberty to vote I would vote "nay."

The roll call was concluded.

Mr. KELLOGG. I have a general pair with the Senator from North Carolina [Mr. SIMMONS]. I inquire if he has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. KELLOGG. I am unable at this time to obtain a transfer, and therefore withhold my vote. If permitted to vote, I would vote "nay."

Mr. EDGE (after having voted in the negative). The transfer which I made a moment ago of my pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Oklahoma [Mr. HARRELD] I am compelled to withdraw, as the junior Senator from Oklahoma has entered the Chamber. Inasmuch, however, as my general pair, the senior Senator from Oklahoma [Mr. OWEN], has announced, as I understand it, that he is favorable to the ratification of the treaty, I feel that my vote should stand unless there is some question to the contrary.

Mr. KELLOGG. I transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the senior Senator from Indiana [Mr. WATSON] and vote "nay."

Mr. WILLIAMS. Since I made the announcement a moment ago, I am authoritatively informed that if the senior Senator from Indiana [Mr. WATSON] were present he would vote "nay." That being the way I desire to vote, I consider myself at liberty to vote. I vote "nay."

Mr. HALE (after having voted in the negative). Since announcing the transfer of my pair, the Senator to whom I transferred it has entered the Chamber. I therefore transfer my pair with the Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Vermont [Mr. PAGE] and allow my vote to stand.

Mr. McKELLAR. Has the senior Senator from Indiana [Mr. NEW] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. McKELLAR. In his absence I am compelled to withhold my vote. If permitted to vote, I would vote "yea."

Mr. ERNST. I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the junior Senator from New Mexico [Mr. BURSUM] and vote "nay."

Mr. McKELLAR. I find that I can transfer my pair with the senior Senator from Indiana [Mr. NEW] to the senior Senator from Oklahoma [Mr. OWEN], which I do, and vote. I vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Louisiana [Mr. RANDELL] and that the Senator from Illinois [Mr. McCORMICK] is paired with the Senator from Arkansas [Mr. CARAWAY].

The result was announced—yeas 23, nays 50, as follows:

YEAS—23.

Ashurst	Glass	Kendrick	Robinson
Borah	Harris	King	Sheppard
Culberson	Harrison	McKellar	Smith
Fletcher	Heflin	Overman	Swanson
France	Hitchcock	Pittman	Watson, Ga.
Gerry	Jones, N. Mex.	Reed	

NAYS—50.

Ball	Hale	Myers	Spencer
Brandagee	Harrell	Nelson	Stanfield
Cameron	Jones, Wash.	Newberry	Sterling
Capper	Kellogg	Nicholson	Sutherland
Colt	Keyes	Norbeck	Townsend
Cummins	Ladd	Norris	Underwood
Curtis	Lenroot	Oddie	Wadsworth
Dillingham	Lodge	Phipps	Warren
Edge	McCormick	Poindexter	Weller
Elkins	McCumber	Pomerene	Williams
Ernst	McLean	Rawson	Willis
Fernald	McNary	Shortridge	
Gooding	Moses	Smoot	

NOT VOTING—23.

Broussard	du Pont	Owen	Stanley
Bursum	Frelinghuysen	Page	Trammell
Calder	Johnson	Pepper	Walsh, Mass.
Caraway	La Follette	Ransdell	Walsh, Mont.
Crow	McKinley	Shields	Watson, Ind.
Dial	New	Simmons	

So Mr. PITTMAN's amendment was rejected.

Mr. FRANCE. Mr. President, I desire to offer an amendment, which I am sure will receive the support of a large majority of the Senate.

The VICE PRESIDENT. The amendment will be reported. The ASSISTANT SECRETARY. Add at the end of the article, changing the last punctuation mark to a comma, the following:

And the manufacture and sale of intoxicating beverages shall be prohibited in the islands over which a mandate is conferred upon His Majesty the Emperor of Japan.

Mr. FRANCE. Mr. President, I called attention the other day to the fact that under the provisions of the Constitution of the United States and the doctrines which have been enunciated by those who revere and uphold the Constitution—men, I may say in passing, who do that regardless of the effect which the doctrines which they enunciate may have upon their own political fortunes—that when we acquire territory there is extended automatically to all of the inhabitants of that territory so acquired the right to have their inalienable rights protected, as the inalienable rights of all the people of the United States are protected under the provisions of the Constitution.

I have called attention to the fact that under the treaty of Versailles and under the doctrines clearly announced by Secretary Colby and by Secretary Hughes we did acquire title in part and part sovereignty over these islands. Therefore, there was extended to the peoples inhabiting these islands the right to expect the protection of their inalienable rights. The Senator from Minnesota has already said, in substance, that it is immaterial what the treaty means, for he informed us the other day that it would be ratified. However, I wish to appeal to those who are here now who have been such ardent advocates of prohibition, and ask them whether they now wish to transfer under the sovereignty of His Majesty, the Emperor of Japan, these helpless peoples who under the provisions of the treaty of Versailles, under the doctrines enunciated by two Secretaries of State of this Republic, and under the provisions of our Constitution are entitled to have their inalienable rights protected, which rights we are now selling away from them. I ask those Senators whether they are willing to sell those rights away without protecting those helpless peoples against the liquor traffic, which has destroyed so many of the aboriginal people?

Mr. President, if the Senate is not interested in this subject, I shall move that the Senate adjourn, and I do so move.

The VICE PRESIDENT. The Senator from Maryland moves that the Senate do now adjourn. The question is on that motion.

Mr. FRANCE. I am willing to withdraw the motion if Senators are willing to pay attention to the amendment which I have offered. I do not intend to occupy much time.

The VICE PRESIDENT. The Chair understands that the Senator from Maryland withdraws the motion to adjourn. The Senator from Maryland will proceed.

Mr. FRANCE. I want those Senators who have been consistently voting for prohibition year in and year out for the protection of the people of the United States, as they believe, to go on record before the people of their States as to whether they will transfer to the sovereignty of a foreign power these helpless peoples without protecting them from the injury which may be wrought upon them by an unregulated liquor traffic in the islands.

I shall not go into this subject extensively, though I might well do so. Personally, I voted against the eighteenth amendment because I thought it was a violation of all of the great principles of liberty which are enunciated in the Constitution; but I have always been a believer in the protection of the aboriginal peoples who have become the wards of the great ad-

vanced nations from the destructive influence of the liquor traffic. I wish squarely to put up to the Senate and to those Senators who are responsible for the adoption of the eighteenth amendment whether they dare go before the Christian peoples of their States and say: "We have transferred these helpless people to become the wards of a great non-Christian empire, and we voted to do so without having a guaranty that they will be protected not only against the insidious influences of pagan doctrine but against the destructive influences which follow the unregulated liquor traffic in the islands and in the places inhabited by aboriginal peoples."

Mr. President, I want a yea-and-nay vote upon this amendment so that we may again test the question whether certain of the Senators here really believe in the cause of temperance not only for America but also for the helpless peoples who have become the wards of America. I challenge them now, if they come from temperance States, to vote this amendment down and then to go home and explain to the Christian people of their States how they have been able to transfer these helpless peoples to a non-Christian power without protecting them against the insidious influences of the liquor traffic, which has been carried on by the greed of the white man, to the destruction of so many innocent, ignorant, and backward peoples who did not know the dangers which confronted them in the use of strong drink.

I now ask whether or not the Senate will adopt this amendment. I call for the yeas and nays.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland, on which he demands the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. Mr. President, I only wish to say a word. The amendment proposed by the Senator from Maryland is wholly unnecessary. Under the terms of the mandate "the supply of intoxicating spirits and beverages to the natives shall be prohibited," and that prohibition is made a part of the treaty in the first clause of article 2.

Mr. FRANCE. Mr. President, in reply to that statement I will say that the two things are not the same at all. Preventing the manufacture and sale of alcoholic beverages throughout the islands is quite a different proposition.

Mr. LODGE. The treaty is much broader than that. It includes every form of supply.

Mr. FRANCE. I knew the provision which the Senator from Massachusetts refers to was in the treaty, but I felt that my amendment would make it more explicit [Laughter.] Mr. President, I was myself forced to smile by the Senator from New York, who knows very well that we have been unable to get many important measures through this body without having to face this issue.

Personally, I believe that if we desire to care for our own we should also desire to care for those who are our wards. I feel very strongly that the amendment which I have offered should be adopted.

Mr. REED. Mr. President, I wish to suggest to the Senator from Maryland before he sits down that he ought to add to his amendment a provision prohibiting the exportation of liquor from the islands.

Mr. FRANCE. And to the islands from any other country.

Mr. REED. I think the Senator had better modify his amendment in that way.

Mr. FRANCE. I accept the modification. [Laughter.]

Mr. REED. Now, Mr. President, we may have all the fun we want to about this matter, but the Senator from Massachusetts is in error. It is seldom he is in error, but he is in error when he states that the proposition contained in the amendment proposed by the Senator from Maryland is already embodied in the treaty. It is not there at all.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a moment?

Mr. REED. Yes.

Mr. ROBINSON. As I understand, the provision in the treaty merely forbids the sale of liquor to the natives?

Mr. REED. Certainly.

Mr. ROBINSON. It has no relation to prohibition generally in any of the mandated islands?

Mr. FRANCE. None whatever.

Mr. REED. It has nothing to do with the manufacture of liquor. Now, let us see how funny it is. If it was put in the treaty as the Senator from Massachusetts says it was, it certainly could not be funny; nothing that was written down in this treaty could possibly be the subject of humor; it is a sacred, holy thing; it is something that we are required to accept without dotting an "i" or stroking a "t." The Senator says that this very amendment is in the treaty. If so, it can

not be funny, and why should Senators laugh about it? It is, however, not in the treaty, as I shall show in a moment; in fact, the Senator from Arkansas [Mr. ROBINSON] has already laid his finger on the point; but there is enough in the treaty to show that it was regarded as a proper subject for treaty consideration. That is in the treaty now. Let us see:

ART. 3. The mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration. The mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic signed on September 10, 1919, or in any convention amending same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

That does not prohibit a Jap from making liquor for himself; it does not prohibit a Jap from making it for any person who lives in the island; it does not prohibit its manufacture for sale and shipment to the United States or for sale and shipment to the world. It simply proposes to deprive the native population of liquor, but at the same time leaves the manufacture and sale for everybody else free and open and unrestricted.

Mr. WATSON of Georgia. Mr. President—

Mr. REED. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I ask the Senator, suppose Japanese nationals should violate that provision of the treaty and the Japanese Government should refuse to interfere to enforce it, what would we do about it?

Mr. REED. We would do exactly as we would with reference to any other violation; we would have a Washington conference and yield to Japan. [Laughter.]

Mr. FRANCE. Mr. President—

Mr. REED. I yield to the Senator from Maryland.

Mr. FRANCE. I call attention to the fact that it has been the doctrine of those who were so anxious to write a prohibition statute into the Constitution of the United States that the cause of temperance could not successfully be promoted by any system of local option. They held the theory that unless the traffic were abolished altogether liquor would move inevitably from the sections where it could be manufactured into the sections where its sale was prohibited. That was a problem with which we were confronted, of course, in the old days when there was no universal prohibition in the country, as there is now. It is upon that theory that this amendment is offered, upon the theory that if liquors are manufactured and sold in the islands they will ultimately reach the natives, and, as a matter of fact, that is what always happens.

I will say in further explanation of the amendment and of the seriousness with which it is offered that I have for some years been deeply interested in the question of the care for and the elevation of the backward peoples of countries which have come under the dominion of more advanced nations. I have read much as to the destructive influence of the liquor traffic upon primitive peoples. I offer this amendment feeling that all of the Senators here who really believe in the cause of temperance are morally bound before they turn these peoples over to His Majesty the Emperor of Japan to give them this additional protection, and I trust that before any of those Senators who have been so devoted to the cause of prohibition in this country vote against this amendment they will at least explain why they do so in terms which may be understood by the Christian and temperance people of their own States.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maryland [Mr. FRANCE].

Mr. REED. Mr. President, I had the floor, and I am still trying to hold it. I suggest an amendment to the Senator. I have interlined it, and I want to see if it is satisfactory to him. The amendment as amended would read:

And the manufacture and sale, exportation and importation of intoxicating beverages shall be prohibited in the islands over which a mandate is conferred upon His Majesty the Emperor of Japan.

Is that satisfactory?

Mr. FRANCE. I accept the amendment of the Senator.

Mr. REED. Mr. President, it might seem an anomaly to attach conditions of this character to mandated territory, because the theory of a mandate is that we are taking unenlightened people and putting them under the guardianship of highly enlightened and intelligent and moral people; but it seems we have not sufficient confidence in the morals or the enlightenment or the humanity of some of the countries that are to hold these mandates to render it unnecessary for us to regulate their conduct. Accordingly, it has already been written, and we are here ratifying and confirming it, that Japan shall not make slaves of these people, except when she wants to. This is carefully preserved, in my judgment, since the treaty recites that no forced labor shall be permitted, except for essential

public works and services. In other words, at any time Japan wants to build any public works or have any public service performed—which might mean the carrying of the mail, whatsoever she deemed fit to call public service—she shall not make slaves; all she can do is to compel these people to do it, and then she must pay them. How much she shall pay them, of course, is for Japan to determine. There is not any labor equalization board sitting over there to fix wages; and you can trust Japan to carry out this provision in a truly Japanese way. When she wants to build anything the natives will build it. Nevertheless, the reservation, such as it is, is found in this document. It is then provided that—

The mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic signed on September 10, 1919, or in any convention amending same.

Put in plain language, that means Japan will see to it that the natives do not have any arms. Japan will have an unarmed native population, and we bind her to do that, and then she shall not enslave them in any other way than simply to compel them to come out and work in the building of public works and the performance of public services. Then we boldly enter the field of regulating the liquor traffic:

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

We do not trust that to Japan. We say Japan at least shall not supply them with intoxicating liquors or beverages. I have been looking to see whether the treaty says anything about opium. I think I am correct in saying that there is no prohibition against Japan furnishing the natives with opium. The Senator from Massachusetts perhaps can enlighten me on that point.

Mr. LODGE. The opium traffic is controlled by other treaties.

Mr. REED. It is not in this one?

Mr. LODGE. It is not in this one; no. All the treaties are not in this one—only some.

Mr. REED. Yes; a good deal more than ought to be. The opium traffic is controlled by other treaties. I submit that there is no treaty that will prohibit the sale of opium on these islands, and the Senator from Massachusetts, who seems to be losing his patience and his usual good humor, does not point out a treaty of that kind.

Why be humorous about a proposition made by the Senator from Maryland that simply proposes to say, in addition to the words of the treaty, that the supply of intoxicating spirits and beverages to the natives is prohibited, and that the manufacture and sale is prohibited to everybody within the islands?

Here is territory of which we own one-fifth. We are about to give it up, to execute a quitclaim deed, to remove from these natives the protection of the American flag and American Government and American civilization, in so far as that could be exercised when we have only a part ownership, and to turn this native population over to Japan, a nation but a few years ago so barbarous that we had to send our Navy into her waters and cannonade her ports in order to make her observe the ordinary rules of civilized nations. So that all this amendment proposes is to make effective the thing that is already in the treaty. As suggested by the Senator from Virginia [Mr. GLASS], is not the amendment in accordance with the higher doctrine which we have been lately preaching? Does it not agree with the theory that the United States is under an obligation to protect weak and innocent and ignorant people everywhere? Is it not in accordance with the spirit of those gentlemen who have proposed to regulate the morals and the habits of the American citizen that they should also regulate the habits and morals of these benighted creatures? Why should they not insist that Japan should do her full duty in carrying out the high and glorious enterprises upon which we have embarked in our own country?

Mr. President, I think that we can not treat this matter lightly. Some of these islands lie very close to the Philippines. Why should we not insist that liquor should not be manufactured upon the islands lying contiguous to the Philippines and shipped into the Philippine Islands to pollute and destroy the population we are doing so much to uplift and to educate? We are spending millions of dollars in the Philippines, and we say that we are doing it in order to advance them to a point in civilization and culture and learning whereupon they will be able to establish a free government for themselves. That has been the theory at least of those upon this side of the Chamber, whatever may have been the view of those upon the other side. Why should we not rescue all of these islands that, like lilies, overspread the sea, and inculcate temperance and sobriety there? Why should we open them to the manufacture and sale of intoxicating liquor when we have banished it from our own

soil? Why should we not extend the law so that some Japanese reformer might exercise his genius in these islands?

It appears to me that moral questions have no geographical lines. They are universal in their application. What is right is right, in whatsoever part of the globe it may be. If it is the proper thing to protect the American mainland from the curse of strong drink it ought to be proper to extend it to the islands of the sea.

It seems to me, Mr. President, that if it is proper to deny the use of strong drink to this native population, it ought to be also proper to deny it to those who are to rule over the native population. The ruling class ought to be kept sober, along with the class that are ruled over and controlled.

Think of the picture that will be presented here—a perfectly sober native population, denied either the inspiration or the solace of drink, being bossed by a Japanese who is loaded to the guards, and who has lost his sense of equity and justice because his conscience and his intellect have been submerged in alcoholic beverages.

Think of the Japanese Government possibly establishing a great distillery as a public work and then compelling the native population by forced labor to toil in that distillery, with the accumulated thirst of the years, to be in no manner slaked or mitigated. Of course, a distillery run by the Japanese Government for the purpose of making rum to ship to the California coast would be a public work, employment therein would be a public service, and forced labor could be exacted under the very terms of this treaty.

I am appealing now particularly for the California coast. Consider the situation, if Japan should start in to manufacture strong drinks in these islands, and then should undertake to land them in California, with Japanese agents aboard, bringing them in under the Japanese flag. Does anybody suppose that the present administration for a moment would dare to protest, that they would think for an instant of asserting that Japan could not bring in her liquors? We have not had enough nerve in the last 12 years to even tell Japan that we would not admit her citizens.

We had one-seventh interest in these islands. They were ours as much as they were Japan's; but Japan came in and said, "We are going to take them all." Thereupon we held a convention in Washington, and Japan said, "We are going to keep them all." And the Senate of the United States, without even a roll call, is about to vote that Japan shall keep them all? We antic before Japan with a truckling we have never exhibited toward any other nation on earth. I venture to say there is not enough real courage in the hearts of the prohibitionists on the other side of the Chamber to stand true to their doctrine and establish the great principle of prohibition in the islands of the Pacific Ocean.

Some way will be found to dodge the issue. Some one will rise and say it would be necessary, if we should adopt this amendment, to send the treaty back to a further conference. The representatives of Japan are still in this country. We could get them together in a few hours. We executed a treaty here, the so-called four-power pact, which embraced all of Japan in its protective clauses, and when that was exposed another treaty was immediately made to change it. We can change this in a few hours. Why not, if we are going to protect the native population, also protect the Japs who are to boss the native population?

Mr. President, I believe a roll call has been ordered on this amendment?

The VICE PRESIDENT. A roll call has been ordered.

Mr. REED. I am content, if we get a record vote.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Maryland [Mr. FRANCE].

The reading clerk proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER], and in his absence withhold my vote.

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained on account of a death in his family.

Mr. PHIPPS (when his name was called). Transferring my pair with the junior Senator from South Carolina [Mr. DIAL] to the senior Senator from Pennsylvania [Mr. CROW], I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Indiana [Mr. WATSON], but I am informed that if he were present he would vote "nay." So I feel at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Illinois [Mr. MCKINLEY] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Utah [Mr. KING].

Mr. EDGE. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Indiana [Mr. WATSON] and vote "nay."

Mr. HALE. Making the same announcement as before, I vote "nay."

Mr. COLT. Making the same announcement that I made on the last vote, I vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. MYERS (after having voted in the negative). Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with the senior Senator from Connecticut [Mr. McLEAN], which I transfer to the junior Senator from Massachusetts [Mr. WALSH] and allow my vote to stand.

Mr. WALSH of Montana. I have a general pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN] and in his absence refrain from voting.

Mr. ERNST (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY], but understanding that he would vote as I have done, I allow my vote to stand.

Mr. SUTHERLAND. I desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], and the Senator from Connecticut [Mr. McLEAN] are detained on business of the Senate.

The result was announced—yeas 11, nays 52, as follows:

YEAS—11.

Ashurst	Heflin	Reed	Smith
France	Kendrick	Robinson	Swanson
Harrison	Pittman	Sheppard	

NAYS—52.

Ball	Fletcher	McKellar	Rawson
Brandegge	Gerry	McNary	Shortridge
Broussard	Gooding	Moses	Spencer
Bursum	Hale	Myers	Stanfield
Cameron	Harrell	Nelson	Sterling
Capper	Jones, N. Mex.	New	Sutherland
Colt	Jones, Wash.	Newberry	Townsend
Cummins	Kellogg	Nicholson	Underwood
Curtis	Keyes	Norris	Wadsworth
Edge	Ladd	Oddie	Warren
Elkins	Lenroot	Phipps	Weller
Ernst	Lodge	Polindexter	Williams
Fernald	McCormick	Pomerene	Willis

NOT VOTING—33.

Borah	Glass	Norbeck	Stanley
Calder	Harris	Overman	Trammell
Caraway	Hitchcock	Owen	Walsh, Mass.
Crow	Johnson	Page	Walsh, Mont.
Culberson	King	Pepper	Watson, Ga.
Dial	La Follette	Ransdell	Watson, Ind.
Dillingham	McCumber	Shields	
du Pont	McKinley	Simmons	
Frelinghuysen	McLean	Smoot	

So Mr. FRANCE's amendment was rejected.

Mr. REED resumed and concluded the speech begun by him yesterday. The entire speech is as follows:

Monday, February 27, 1922.

Mr. REED. Mr. President, of course the Presiding Officer has no option except to do exactly what he is doing, and if there is no one prepared to speak on this treaty, to lay the treaty before the Senate and call for a vote. I regret exceedingly the inattention which seems to be given to these treaties, and I regret equally the effort to drive them through and force a vote. I appreciate the situation. It is a reproduction of the situation we had a couple of years ago, when an effort was made to drive through a treaty without adequate debate, and without an opportunity afforded the country to understand what was within its four corners.

Every man who has a gold brick to sell knows he must make a quick bargain if he wishes to sell it at all. In the ordinary and natural course of affairs, these several treaties should have all been laid before the Senate at the same time, and all considered together, for they are inextricably woven together, and each of them affects the application of the other.

The island of Yap treaty is brought forward, and Senators are inclined to treat it as somewhat inconsequential, but those who have studied it well understand its importance, and well understand, to use a very old expression, that it is the camel's

nose under the tent. It can not be properly considered, it can not be properly understood, unless we take a general view of the whole situation in the Pacific, and when we have taken a general view of the situation in the Pacific we, of necessity, have taken a general view of the whole world.

No great international question can be limited by the red lines of a map, by the boundaries of a country, or by the waters of any sea. Its settlement invariably affects the settlement of many other questions. The Yap treaty is not confined to the island of Yap in its application and in its effect. The treaties with reference to the fortifications of Guam and other points in the Pacific can not be considered alone. The limitation of armaments treaty does not stand by itself. The Chinese treaty is not limited to China in its application. These treaties are each parts of an entire scheme, and they involve the control of the Pacific Ocean and the islands in that ocean directly, but they involve also the control of the land fronting upon the Pacific Ocean. They involve the dominance of Japan in the Pacific. They involve possible war between the United States and Russia, and, in a broader aspect, they involve our relations with the entire world, and no amount of chicanery, no amount of haste, and no amount of propaganda will in the ultimate succeed in hiding the facts regarding these treaties.

Which one of us has had the opportunity to study them in their broad and sweeping effects? What light has been shed upon them by the Committee on Foreign Relations? What statesman has risen here to give us a statement of the effect of these treaties upon our relations with the world? The whole question has been one of haste, haste, haste.

I well remember when the distinguished chairman of the Committee on Foreign Relations [Mr. LODGE] stood with some of the rest of us, with backs to the wall, fighting for time in order that questions might be understood. To-day we find a complete reversal, and the chairman of that committee is fighting to-day for many of the essentials he gallantly contended against for nearly 18 months in the Senate of the United States.

This treaty should not be forced upon Congress at this time. It should be allowed to remain here for study and for consideration. There is not a man in this body qualified to pass on this Yap treaty until he has studied the naval balances of these nations; until he has studied the relative strength of the fleets; until he has learned the strategic importance of this island and of other islands in the Pacific. What naval expert was called before the committee to testify? What man who has given his life to the study of these questions was brought there to enlighten the committee, and what light has the committee given to the Senate? The sole thing the committee has done has been to report the treaty. The distinguished leader on the other side, the senior Senator from Massachusetts [Mr. LODGE], whom I highly esteem as a man, has done nothing but stand here and crack the whip and declare that we must move forward, whether we are ready to do so or not.

I want time to study these questions. Other Senators ought to have time. These matters may involve the destiny of this country in a very material way for the next century. They certainly involve questions of the gravest character. We talk about these matters as though they were of slight consequence. The dominance of the Pacific Ocean may be said to be the dominance of the world. We are not dealing with trivial matters. We are not dealing with amateurs in diplomacy or novices in war.

We are dealing directly with the two great military powers of the earth, with the two great conquering nations of the world, with one nation whose fleet dominates the waters and whose flag floats over nearly one-third of the habitable earth, a country that has never relinquished a foot of ground unless compelled to do so by force or interest; a country that has us flanked upon our eastern coast by islands which may be termed island fortresses, where with slight expense she can run her ships under the guns of improvised forts, from which she can in two hours' time and less assail our mainland from the southern tip of Florida to the northern extremity of the Bermudas. Upon our north she holds a vast group of islands and of protected waters where her ships can ride in safety and be within an hour's striking distance of the coast of Maine and within a very few hours of Boston and New York.

She holds a dominion to our north greater in extent than the territory of the United States itself. She commands islands upon the west of our coast, and harbors within which her ships can lie in safety. She could, in case of a conflict, beyond all question, in my opinion, move her troops at will through Mexico to attack the mainland of our country. She holds a belt of islands, as I have said, commanding the eastern end of the Panama Canal. She is talking to us of brotherhood, of fra-

ternity, of mutual love, and respect, but we could not induce Great Britain to lower her flag in any of these islands by any argument save it were bottomed upon interest or compelled by force.

We are dealing with Japan, a nation composed of men of different color, who have demonstrated ability to fight and ability to organize fights, with a ruthless and conscienceless appetite for plunder, for power, and for dominion. Her conduct in the last 25 years has been a succession of acts of broken faith and of national perfidy. She has demonstrated that she does not regard a treaty even as a scrap of paper. She regards it as an artifice to be employed to deceive others and as a means by which she can conceal her own purposes of attack, of ravishment and despoliation. She proceeds with a secrecy impossible in the United States. Twice within the memory of boys who are yet not old enough to vote she has broken her plighted faith and struck like an assassin in the dark.

Within the last five years she has given evidence of such cunning, such statesmanship of a selfish variety, such rapacity as ought to place every man, charged with a duty to his country, upon notice and upon his guard.

We entered the war with an implied if not express understanding that France and England and Japan would make no peace and make no terms until the enemy was prostrate, and thereafter no nation would make terms to the detriment of another, but there would be a common agreement or each should make its separate agreement, and none would lay down its sword until each nation had been satisfied.

These powers knew our President had inveighed against secret agreements, private understandings, covert plottings, and that whatever was to be done should be done in the open at the end of the conflict. Yet, in a deceit that was unpardonable, with a trickery that was abominable, with a secrecy that was impenetrable, they met and agreed to divide among themselves the dominion of the world, for that is exactly what it means—a large part of the world at least.

Then they sent their representatives over to this country. They came to this body. They appealed to us in the name of world democracy and the rights of man, in the holy name of justice and international equity. They said to us in substance and effect, "The situation is desperate. Send us relief at once. If you are not prepared to send vast bodies of men, at least send us a few regiments in order that their appearance upon European soil may hearten our people and let them know by this evidence that the Americans are coming."

Within a few days we placed our advance regiments upon transports. Within a few days more the tread of America's legion was heard in the capitals of England and of France. A thrill of hope went through the hearts of the listening multitudes and a cheer broke along the great battle line, "The Americans are coming."

They called on us for aid and still more aid. We voted \$10,000,000,000 for their benefit. The clerk in the store, the washerwoman bending above her suds, the farmer toiling in his field, the mechanic sweating at the furnace, the banker behind his desk, the widow in her cottage—all of them brought forth their store of savings, and all of them laid it upon the altar of their country. All of them contributed because we were going to make the world safe for democracy and fight one great battle for justice, for honesty, for fair dealing, one great battle to do away with secret diplomacy, one great battle to tear asunder the curtain that had hidden the conspiracies of the past, and to compel all nations kindred in tongue to frankly state their case and their purpose to the world.

While these matters were going on this secret agreement existed. While we were acting upon the presumption I have just outlined these nations were preparing to execute the terms of that secret agreement, and not once did they suggest to the President of the United States or to his advisers, "There is an agreement binding upon us of which you have not been advised."

President Wilson made one great mistake. It was a mistake that honorable men too often make. He believed others were as honorable as he, that the statesmen of the world, like himself, meant what they said; but, in the toils of diplomacy, he was in the same situation that a highly educated gentleman finds himself, assuming that others are intelligent and honorable as he, namely, in a position to be cheated and defrauded.

It is time for plain speech and, so far as I am concerned, I intend to indulge in plain speech. I said that while our troops were crossing the ocean, while they were building railroads to the front, while they were erecting mighty warehouses in which the food for themselves and for the French and British Armies could be stored, while we were loading vessels to the water line with American wheat and American flour, while our people were eating brans, shorts, and middlings in order that we might send

white flour abroad, these gentlemen were engaged in carrying out the terms of the secret agreement.

The first thing the allied powers did was to attack the outposts of Germany in the Pacific and to take them. That might have been done for military purposes, but it is a singular thing that Japan took possession, in the main, of the very parts of the German possessions which she was to hold under that secret agreement. She seized islands and fortresses and the waters which commanded Shantung, which had been assigned to her in the secret plottings of those diplomats. Great Britain seized those parts of Africa which she afterwards held. The war went on. Japan was to have all the islands in the Pacific north of the Equator; England was to have all the islands in the Pacific south of the Equator. We did not know anything about that deal; we were not advised with reference to it.

We sent, in round numbers, 2,500,000 men to Europe. We were massing in our camps nearly three millions more. We had turned every blast furnace and every factory and every industry in the United States to the one great task of making munitions and creating war supplies. We left 75,000 dead in France; we filled our land with cripples, maimed, and blind. We expended directly, first and last, approximately forty thousand million dollars; we expended indirectly probably not less than \$100,000,000,000. That was our part of the task.

We were in no danger of invasion; we were in no danger of attack. An assertion of that kind is the idlest thing that ever fell from human lips. England and France, however, were not only in danger but in the greatest danger, not only of attack but of overwhelming defeat. They saw fit under these circumstances to deal with Japan. And what did Japan contribute to the war? How many men did she lose? How many dollars did she expend? How many ships of Japan went to the bottom? In comparison with our own losses they were inconsequential.

At the end of the war, what are we told. We are told that we must relinquish to Japan the dominion of the islands north of the Equator in the Pacific Ocean, because there was a secret agreement, because we were not privy to it, because we were tricked. And we are now asked to ratify and confirm forever that trick. That which we ought to resent and repudiate it is now proposed we shall accept humbly and ratify expeditiously.

A moment ago I was discussing the question of double-dealing, and the instance which I have now cited is an instance where we were ourselves abused, where our confidence was mistreated, and our legitimate rights were invaded, for we have a great and permanent interest in the control of the Pacific Ocean. If we ever yield it, the curse of the people of America will fall on those men who have surrendered it.

With whom are we dealing? We are dealing with Japan. Who is gaining by this treaty we are now considering? Japan. What are we sacrificing by this treaty and the other treaties connected with it? I unhesitatingly say we are sacrificing the Philippine Islands, our interest in the Pacific, and we are sacrificing all chance ever to defend the Philippine Islands, as I shall prove by the highest authority. I challenge the Foreign Relations Committee now to hold public meetings and call before it the great military and naval experts of the United States and take their testimony in public.

In discussing the question of attacks upon the United States or upon Guam or upon the Philippines, Mr. Bywater, who is an associate of the Institute of Naval Architects, has this to say:

If naval power were measured by battleships alone the American people would have little cause for anxiety as to their future in the Pacific. When the programs now in hand on both sides of that ocean are completed the United States will have about twice as many capital ships as Japan.

This was written before the proposal for reduction of armaments.

But, as we have seen, many other factors must be taken into consideration. In the event of war with Japan the United States would at once be called upon to decide whether its distant insular possessions were to be defended or abandoned. In the latter case the strategical problem would be reduced to a simple form, and the United States Navy would be entirely adequate to fulfill the duties which would then devolve upon it. But if the passive surrender of the Philippines and Guam were held to be incompatible with the interest and prestige of the Nation, a very different situation would arise; and since neither the history nor the traditions of the American people lead us to suppose that they would tolerate so monstrous a humiliation, it is safe to assume that the retention of the islands at all costs would be determined upon as a matter of course. That decision would necessitate the dispatch of large naval and military forces to the threatened territory across many thousands of miles of ocean. Whether the American fleet could straightway proceed to the war zone would depend on what was meanwhile taking place in the Philippines and at Guam, but more especially at the latter point. If war broke out before anything had been done to convert Guam into a strong place of arms, it might, and probably would, fall into enemy hands in the first few weeks of the war, for it would pay the Japanese to devote all their efforts to capturing this island before attempting any move against the Philippines. With Guam in their possession, they could take the Philippines at their leisure, in the certainty that no one could interfere with them.

(A motion to recess was made and defeated.)

Mr. TOWNSEND addressed the Senate. After having spoken some time,

Mr. REED. Mr. President, we have just had a charming example of that virtue which consists of a lecture of other people for not talking to the question while the orator himself has talked about something entirely foreign to the question. The question under consideration is the Yap treaty. It has not been discussed in the last few minutes because the Senator from Michigan, who has not been here, I think, for about a week, saw fit to deliver a lecture to the rest of the Senate, which not only was foreign to the issue, but was foreign to that degree of courtesy which the Senator usually extends.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. WATSON of Georgia. Does the Senator from Missouri believe that we have spent an unreasonable length of time debating this change of our national policy in behalf of one private corporation?

Mr. REED. I have said already that I thought we were not taking sufficient time for proper consideration.

The Senator from Michigan states that he will put into the Record the number of hours consumed by Senators in making speeches, and how much it costs the country to have those speeches made. I hope he will do that. But I beg to suggest it will not cover the case, because frequently, however badly time may be wasted in making speeches, I have known it to be much worse employed by casting votes. It so happens that a few votes such as we had the other day may do a country a good deal more harm than a thousand speeches, whether they are to the question at issue or whether they are not.

I have heard a good many men complain about speeches in the Senate, but I say that I have very seldom heard a speech in the Senate that did not convey some information to the country and did not throw light upon some question which the Senate then had immediately under consideration, or which it was soon to have under consideration. The truth of the matter is there are men who never learn anything except by word of mouth. Even then it is sometimes very difficult to keep them in their seats long enough to tell it to them, and they always have a cloture rule ready. I have never seen one of those gentlemen yet who has been very greatly distinguished before the country as a public servant of unusual ability or unusual patriotism. Generally he appears in the attitude of a gentleman with a soured stomach and disordered liver, and that sometimes is impressed on his countenance as well as expressed in his language.

I have never known a question of importance in the Senate to be defeated by a talk, by a filibuster, when the question has been brought forward long enough in advance to permit of reasonable debate.

Now, the trouble with the lack of doing business in the Senate during this session is not a superabundance of talk; it is an almost complete lack of ideas on the part of the managers of business on the other side of the Chamber. They run for a while in one direction and then they reverse themselves and run back. Like a patrolman walking his beat, they never get anywhere except on that particular beat, although possibly it affords them interesting occupation.

There are several ways of wasting time, you know. One is to talk so much that the Senator from Michigan is disturbed and troubled by it. The other is to start in to pass a bill, keep it before the Senate for about two weeks, and then run away from the bill, or recommit it—put it in cold storage. We were told the first thing to happen at this session would be the enactment of a bonus bill. If you were right on that measure, what a blessed thing the talk was for you. You brought in the bonus bill and it was to be galloped through the Senate with the spirited gait of John Gilpin's mare.

If it had not been debated, it is fair to assume that one of two things would have occurred. It would have passed before the Secretary of the Treasury discovered that it was going to bankrupt the country. So you ought to get down on your knees and thank us folks over here for talking about it long enough for you on the other side of the Chamber to get your ideas organized.

The other theory is that we on this side cast so much light on the proposition that we convinced you that if passed by Democratic support it would be a very sad thing for you next election. Hence you ran away from it again or ran away with it.

Whatever you do over there, do not charge us with wasting time on the bonus bill. That was the first child that was to be born here this session. It was to be brought forth decked with flowers. It was to be a baby that you could dandle in

your arms on every political platform and show all the soldiers. "Behold, we are the wet nurse of this interesting infant. We are your benefactors. We have looked after you." But somebody got in communication with the Secretary of the Treasury, and the Secretary of the Treasury got in contact with the chairman of the Ways and Means Committee of the House. Then he got in contact with the Finance Committee in the Senate, or at least the Republican members of it.

There was consternation, and you took several days while you were milling around here like a lot of longhorns in a snowstorm. At the end of that time you said you could not stand up before the people of the country unless somebody would brace you, and you brought the President over here and you had him assume the burden.

After two or three weeks of discussion you took this bill back to the committee and you put it on ice. The coldest refrigerator in all the world is the cold-storage room of the Finance Committee of the Senate. There it rests. We are not to blame because you wasted all that time; we could not help it. If you had just moved forward we would have helped to pass that bill; you would have had it out of the way. Now you have got it in the ice chest and you have solemnly sworn by the most high gods that you will bring it out again. When you do you will consume more time. In the meantime you are speculating how you can give the soldier what he wants and at the same time allow the excess-profits gentleman to retain what he wants. You have been wasting 11 months of time on that problem, and you are still discussing it in the other House.

You were going to levy a sales tax because, having taken the tax off excess profits, you had to get the money from some place, and you concluded you would get it from all the people, including the soldiers. They and their fathers and their mothers would pay most of the tax, and you would give each of them a part of it. Now, do not charge us with wasting time on that. Some people may filibuster, in the opinion of the Senator from Michigan, by making speeches, but that is the filibustering of the artful dodger, who pretends he is going to do something and then does not do it.

The next thing you were pledged to do just as soon as you got through the soldiers' bonus was to wipe out all the iniquities of the Underwood tariff law. You were to give us a tariff bill immediately that would restore prosperity to the country, that would open all the markets of the world to American goods and close all the markets of America to foreign goods, whereby we could carry on a glorious trade, consisting of the other fellow buying our goods and we refusing to deal in his.

You were pledged at the same time, by the same process, to restore the merchant marine; to make our shipping a great paying venture by sending our boats loaded with American goods and bringing them back empty. And the merchant marine would wax prosperous and rich. We had hearings on the tariff bill for two months, for three months, for four months, and, I think, finally for five or six months. The hearings ran through the golden days of the springtime, through the hot days of summer, through the sizzling hours of the dog days; the frosts fell; the winter blasts swept down upon us; and still the bill was incubating; still the committee were meeting on it.

Then the Republican members of the Finance Committee withdrew in secret to a spot where no wicked Democrats might disturb the peaceful course of their lucubrations, and there they have been meeting ever since. No one is there to filibuster, and I do not know what they are doing. The only intimation I have as to the course of their deliberations is that I heard one of them remark one day in language which was forceful but quite unparliamentary that they were trying to do the impossible; but what that impossible was I did not know. Now, do not blame us with wasting that time; do not charge that up to any speech any wasteful Democrat made here.

Then you were going to pass a revenue bill. After very long consideration in the committee you brought the revenue bill from committee. Of course, if there had been a cloture rule in force you might have jammed the bill through. But as it came forth it would not stand the light of discussion; it would not stand the test of reason; it could not endure exposure before the public. At last the gorge rose in the iron stomachs in some of your own party; 15 or 20 of them banded together and said they would not tolerate a bill which proposed to reduce the taxes upon men with incomes above \$50,000 a year while keeping the taxes substantially where they were on small incomes; that no matter how you loved the millionaires and how much they had contributed there were some men in your party who were not bound to the chariot wheels of the great interests, and these Senators rebelled. There was more discussion, very distasteful discussion, I doubt not, to the Senator from Michigan, distasteful to every standpatter on the other

side of the Chamber. The question was whether you could carry out your scheme to relieve the profiteers of their burdens and increase the taxes upon those whose gains were meager and whose incomes were small. That took some time. If you had cloture, you would not have had any difficulty about it. You could have jammed it through and left the country in ignorance of the facts.

A part of your scheme was to keep the tax on railroad tickets—a tax paid by every man and woman who traveled and not by the railroads at all. The bill as it first came to the Senate retained half of the existing tax. But Senators who were in rebellion on your side of the Chamber protested against that and you were forced to remove that tax in order to pass your bill.

You proposed to take \$90,000,000 of taxes off corporation stocks, a tax that amounts to nothing to the small corporation, but mounts into the millions as to some of the very large corporations. The solid vote on this side of the Chamber, aided by the rebels on your side, stopped that performance. The mistake made by the rebels on your side was that they made a trade and compromised a fight which together we could have won completely. Whatever was achieved was the result of debate, and that debate was worth more than all the time the Senator from Michigan has spent since he was an infant—

Mewling and puking in the nurse's arms.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

Mr. WADSWORTH. Mr. President—

Mr. HARRISON. I move that the Senate adjourn.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I do not yield. The Senator from Mississippi rises in his right to suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi has made a motion to adjourn.

Mr. HARRISON. I suggest the absence of a quorum. That was what I meant to do.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum.

Mr. WADSWORTH. Mr. President, I was about to make a parliamentary inquiry in that connection.

Mr. REED. Again, you told us you were going to restore prosperity to the country immediately by taking care of the railroads. You promised to turn over \$500,000,000 to them. They would pay their dividends and their interest, the wheels of commerce would begin to move, the farmer would begin to get rich, cattle would begin to get fat, pigs would grow rapidly, sheep would rise on the market, and mutton would go down on the table, and there would be a general era of perfect prosperity, and that the boom would be so great that it would really be a little dangerous.

Why did you not bring in your \$500,000,000 bill and try to pass it? Because there was no cloture in the Senate. If you could have brought it in as a committee measure, allowed no time for debate, and forced it to a vote, I have not any doubt that the same gentleman who wants to abolish freedom of speech in the Senate would abolish the right of roll call and have a viva voce vote wherever the Constitution of the United States did not otherwise provide.

How much time did you waste, nights and days, sweating over the proposition of how you could put through that \$500,000,000 bill for the railroads without being exposed on the Senate floor? I warrant you spent more energy and more nerve force on that than you did listening to anybody's speeches on this side, bad as some of them may have been—and I am speaking now particularly of my own. I will tell you why you did not put your \$500,000,000 bill through—because you knew that in unlimited debate it would be torn to pieces and your scheme exposed. You consumed some time on it, though. There have been some other bills put through here that ought to have been discussed more than they were. Although you could not give the soldier any adjusted compensation you could put through bills making good to contractors all they said they had lost. There was time to pass bills to care for sugar kings who claimed they had been authorized to make contracts by people who had no authority so to authorize them.

I am getting just a little bit weary of being lectured every time the Senator from Michigan loses his temper. When you kill freedom of speech in the United States Senate you will have issued a license to every buccaneer and scoundrel who hopes to accomplish his dishonest purposes through dark-lantern methods. Of course, it is not proper to refer to the House of Representatives, and I do not refer to it at all; but there is a body that I know of that has been regularly proceeding under authority of special rules, adopted from time to time,

so drawn that bills can not be amended on the floor. They have all kinds of cloture; and I have not observed that the character of legislation that has been ground out in the mythical and hypothetical body I am now discussing is of any higher character than the business that is transacted by this body that is composed of men who want to make speeches and of men who do not want to listen to them.

This is, in fact, the only public, open forum in the world.

What is the complaint now? That four or five treaties which reverse the ancient policies of our country can not be jammed down the throats of the Senate without some protest and some exposure.

What are these treaties, and how was this work done?

One of them was so drawn that I ventured to charge upon the floor of the Senate that it included in its protective clauses all of Japan. Thereupon the President of the United States promptly came forward to defend this treaty from the frightful aspersion that had been cast upon it, and by his declaration to purge it of the infamy charged; and he very promptly said that it did not include all of Japan, but included only outlying islands.

Then somebody better informed than himself, closer to the secret councils, the records of which have not been produced for the Senate, made a trip to the White House, or, as they say over in New York, "got him on the wire," and told him he was all wrong—that the treaty did include all of Japan. A little open discussion there would have been a good thing.

Mr. CARAWAY. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I do.

Mr. CARAWAY. Is the Senator now talking about the same President who, when he denied us any information about the particulars of the negotiation of the four-power pact, assured us that it contained no secret agreement?

Mr. REED. I assume he is the same President. He is the only one we have.

Mr. CARAWAY. Saying that he had as much information about one as he had about the other?

Mr. REED. I think so. That same afternoon, before the chickens went to roost, he announced it was true that it did embrace all of Japan; but that which had been in the morning a slander against the treaty—a misconception and misconstruction—now became a virtue. He said it did not make any difference if it did include all of Japan. In the morning he repudiated it as a slander upon the treaty—though that was not his exact language, because he never uses violent language—but in the evening he accepted that which he had denominated a slander either as of no consequence or as an added virtue.

Mr. President, after that reversal of form and of substance and of declaration, we find that it became necessary to do something. The chip had been lifted up, and the bug had been exposed. There were rumblings heard all the way from the forks of the creek clear down to the great centers of learning and wisdom and patriotism, even unto Wall Street. Something had to be done. They were forced to limit their own treaty, even before the ink was dry, merely because of a discussion. They had to define it and limit it, so that it would not include all of Japan; although, according to the statements I have, they had secretly agreed it should, and although the President in his second declaration said it did. So, on the 6th day of February this language was written in as a reservation or addendum:

The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa, and the Pescadores, and the islands under the mandate of Japan.

In other words, they said it shall not include the mainland of Japan. Hence, before the treaty had been discussed more than twice, its authors were driven from the ground they had chosen for themselves.

If we had had cloture of the right sort, there might never have been a word said about it on the Senate floor, for the gag might have been applied, and the Senator from Michigan [Mr. TOWNSEND] would have gone home with his digestion as sweet as though he had swallowed an ounce of saleratus, and probably he would have been good natured for two or three days.

There was no time for discussion, and yet the Committee on Foreign Relations, as soon as they find there is some light being thrown upon these treaties, is meeting to discuss reservations. What is a reservation, Mr. President? It is a solemn admission that the thing agreed upon originally will not do, that you bungled the business, that you had to amend your own work and do it over; that, if I may be permitted to use the expression,

you fumbled the ball; that you either did not know what you were doing, or that you thought better of it afterwards.

Really, however, the true cause is that you got out of the atmosphere in which you were writing and thinking. An interchange of ideas is a good thing for every man who thinks. It is only the man who can not think who objects to an interchange of thought. So that you stand here confessing, by your own acts and your own written words, that the thing you drew would not do, and that it has to be amended and changed, so that you can make it tolerable even to yourselves. So we have reservations.

Discussion is not a bad thing, even if it breaks the dinner engagements of legislative Hotspurs who are determined to put a bill through in one night.

Mr. President, I say that the decent thing to have done with these treaties was to have laid them before the Senate, and not brought them up for discussion until 30 or 40 days had elapsed; until they could have been discussed by the country; until they could have been understood by the people, and with these treaties I venture to remark there should have been laid down the expert opinions of the heads of our Navy and of our Army with reference to every proposition involved. We should have been told exactly what the effect of these treaties is or may be upon our national defense. We have not been told.

Tuesday, February 28, 1922.

Mr. REED. Mr. President, I should like for a very few minutes to state what I believe to be a fundamental objection to the treaty. There are two views with reference to our future in the Pacific. One is that we shall, for an indefinite period of time at least, keep the Philippines, that we shall endeavor to maintain a trade with the East, and that we shall continue to hold a very large interest in the Pacific Ocean. The other is that we shall abandon the Philippines, that we shall accept whatever we may be able to obtain in the way of trade in the Far East, and make no effort toward its material extension. The treaties which we are now considering will settle, whether we intend it or not, our future policy.

I have the authorities upon my desk, but I shall not take the time to read them now. They are to the effect that Japan could take the Philippine Islands in 36 hours as the islands are now fortified; that she could take Guam, as now fortified, within three or four days' time; and that Japan, having taken Guam and the Philippines, and being placed in possession of the Marshall and the Caroline Islands by these treaties, we could never recover the Philippine Islands unless it were at the end of a very prolonged war, when we had constructed a Navy out of all proportion to that of Japan, and even then our success would be doubtful.

There is a very simple reason lying at the basis. The modern warship can not travel from the United States to the Philippine Islands, fight a battle, and return without coaling. There is some question whether many of them could make that round trip without coaling. If Japan were in possession of the Philippines and we were to go there to oust her, unless we had a great coaling station fortified so that it could be protected, our vessels would be helpless and could only turn around and come back, if, indeed, they had the fuel to get back. With Guam in our possession and properly fortified we could use it as a base where our ships could be recoaled and protected, and from that point we could attack the Philippines and successfully take them if they had been taken from us by Japan. But the treaties, as I understand them, provide that we shall not further fortify Guam or any of our possessions in the Pacific, except perhaps the Hawaiian Islands.

If we make these several treaties, we will have this situation. The Philippines can be taken at almost any moment by Japan. Guam can be taken by Japan. Having accomplished this end, the Japanese Government, resting with her ships under the protection of her guns, can defy us for practically an indefinite period, if not for all time.

The pending treaty ratifies the provisions of the Versailles arrangement by which all of the islands north of the Equator in the Pacific were to be mandated to Japan. It gives to Japan two great groups of islands lying between the Philippines and Hawaii—the Caroline and the Marshall Islands. It brings her from 2,000 to 3,000 miles nearer Hawaii than she was previously. It places her in the situation that her vessels could reach Hawaii and attack that country almost, if not quite as quickly, as vessels from the United States could reach those islands. It establishes the dominance of Japan in the North Pacific Ocean. It gives to that Empire a power she has never before possessed.

It is true that it is proposed that we shall enter into a treaty by which Japan will agree that she will not do certain things, but what do those treaties amount to?

Mr. WALSH of Montana. Mr. President—

Mr. REED. I yield to the Senator from Montana.

Mr. WALSH of Montana. The Senator says these treaties bring Japan 2,000 miles nearer the Hawaiian Islands.

Mr. REED. Yes.

Mr. WALSH of Montana. Just what does the Senator mean by that?

Mr. REED. I mean by that that she is given dominance of the Marshall Islands and the Caroline Islands.

Mr. WALSH of Montana. But the Senator pointed out that we could not go across the ocean and do anything, even with our superior fleet, because we would have no bases there. Doubtless that is correct. As I understand it, Japan is forbidden to establish any naval or military bases in the mandated islands, so that she would be without a base there, and her only base would be on the mainland or the islands adjacent thereto. Therefore how is Japan brought 2,000 miles nearer to the Hawaiian Islands?

Mr. REED. If the Senator will examine the map which I have on my desk, I shall be glad to point out. Here [indicating] are the Hawaiian Islands.

Mr. WALSH of Montana. I understand perfectly well that the mandated islands are a distance of 1,500 or 2,000 miles from Japan, but, speaking from a military point of view, unless Japan is permitted to establish military or naval bases there, how do they help her? That is to say, how do they bring her, in a military or naval point of view, 2,000 miles nearer Hawaii?

Mr. REED. I shall be glad to answer that question. It is a fair question and I am going to answer it in a moment.

Mr. WALSH of Montana. I should dislike to agree to anything that would effectuate that purpose.

Mr. REED. Before the war these islands were in the possession of Germany. Everyone who knows the careful study that Germany made of her foreign situation understands that Germany was not taking property that was of no use. These islands have a use not only in times of peace but a tremendous value in time of war. We have a one-fifth interest in them; that is, we did have before the Washington conference. Holding that one-fifth interest, we could insist upon our rights in these islands and we could at least have insisted—and this is what I think should have been done—upon the policy advocated by the President, as I understand, that all of the islands should be neutralized or internationalized.

We are not doing that. We are consenting to the mandate. That mandate means that the flag of Japan will float over these islands, that Japanese officers will be in control of the islands, and that whatsoever rights we have will be those stipulated in the treaty. It is true now that the several treaties taken together provide that Japan shall not fortify the islands. But suppose we get into a difficulty with Japan. The instant that occurs Japan of course will fortify the islands. It seems to me to take any other position is to deny the lessons of all history and particularly the lessons regarding Japanese history.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. Certainly.

Mr. WALSH of Montana. Of course Japan would then be in violation of the treaty.

Mr. REED. When two nations go to war all treaties are gone.

Mr. WALSH of Montana. Would we not have exactly the same opportunity then to proceed to fortify that Japan would have; and likewise if Japan, in violation of the treaty, began to fortify one of these islands, would we not be equally entitled to begin to fortify Guam?

Mr. REED. The Senator's inquiry is proper. I will get to that point and try to answer it in a consecutive way.

Japan will be in possession. We will not be in possession. Japan's officers and Japan's flag will be there. Now, let me consider it from the standpoint from which great naval authorities have considered it, and we must consider it in connection with Japanese history.

I read from the work of Mr. Bywater:

It is reasonable to infer from their conduct on previous occasions that the Japanese would act with swiftness and energy once a rupture had become inevitable. In 1894 the Japanese naval squadron began hostilities against China a week in advance of the formal declaration of war, and the famous torpedo attack on Port Arthur in February, 1904, took place only a few hours after the Japanese Government had signified its resolve to terminate the negotiations with Russia. Once the Japanese had determined to take up arms, they would carry on their preparations behind an impenetrable veil of secrecy.

Long before the World War came to make us familiar with the meaning of a military censorship, Japan had brought the suppression of war news to a fine art. During both the Sino-Japanese and Russo-Japanese campaigns not a word of news leaked out of Japan which did not carry the official censor's imprimatur. Although the Russians maintained an

army of agents in Japan to keep them informed of naval and military movements they received no trustworthy intelligence from these sources. The Japanese fleet concentrated at Sasebo had left that port for its war base at Mokpo, on the southwest coast of Korea, without a soul outside of Japan being any the wiser. Subsequent movements of the navy and army throughout the war were shrouded in the same secrecy. Divisions were assembled at the points of embarkation, transported across the Sea of Japan, and had reached the front before it was known that they were under orders to leave.

I think that it may be worth while calling attention to further remarks of this author. He is now discussing the very thing that will happen in the event we do not fortify Guam and if we yield these possessions to Japan.

If the hypothetical conflict we are now discoursing began in 1922 the Japanese Navy would dispose of 7 dreadnaughts, 4 battle cruisers, a large number of older armored ships, 12 fast, light cruisers, more than 100 destroyers, and about 60 seagoing submarines. This force could not hope to fight a successful action with the entire American battle fleet, which would have more than twice as many heavy ships and destroyers; but it would be quite strong enough to overpower and annihilate the American cruiser squadron stationed at Manila and to cover the landing of expeditionary forces in the Philippines and at Guam. The broadside fire of the seven dreadnaughts alone would be more than sufficient to sweep away the feeble defenses at Manila and Guam. Mine fields and any other obstructions which might be laid down in the fairways could be quickly removed by the sweepers and auxiliaries accompanying the Japanese fleet. By requisitioning the passenger and larger cargo steamers in Japanese ports at any average moment, tonnage for the transporting of 100,000 troops, with artillery and train, could be provided at the shortest notice.

The transport section of the Tokyo war office has made the most detailed arrangements for the transportation overseas of large military contingents. It has been estimated by competent military observers that a division could be landed on any coast within 1,500 miles of Japan in 14 days from the date of mobilization. Embarkation and landing exercises have been frequently carried out in connection with military maneuvers during the past 10 years, and the operation is, therefore, one with which the Japanese army is familiar.

It is desirable at this point to review very briefly the strength and organization of the imperial army, whose prowess in the war of 1904-5 against Russia earned it the right to be considered one of the finest and most formidable instruments of war in existence. Its rapid growth after the Chinese War of 1894-5 is shown from the following tables compiled by Marshal Prince Yamagata:

	Marshals and generals.	Other officers.	Noncommissioned officers.	Men.	Total.
Before Chinese War.....	36	4,235	8,770	65,241	78,482
Before Russian War.....	94	8,480	11,865	132,348	152,787
After Russian War.....	125	14,388	24,066	211,396	249,975

In the 1919-20 session of the (Japanese) Diet the war minister, Gen. Tanaka, on being pressed to disclose the peace strength of the army at that date, gave the following figures: Officers, 16,045; noncommissioned officers, 28,369; privates, 228,317; a total of 272,731. Like the sister service, however, the army has not by any means reached the maximum standard of strength to which the Government is determined that it shall ultimately attain. Their program calls for an establishment of 41 army corps, with a total of 1,000,000 bayonets, with corresponding additions to the artillery and other branches. It is hoped to have by 1930 not less than 740,000 troops in the first line, 780,000 in the second line, and 3,850,000 in the reserve.

This is not an abnormal figure in relation to the Japanese population, but whether the national finances will ever permit to be realized is open to doubt.

The Prussian Army is the master pattern on which Japan's military system has been fashioned, and the broad principles of organization and training laid down by Gen. Meckel, the Prussian officer who was appointed military adviser to the Japanese Government in 1885, have never been departed from. Beginning in 1918, however, a number of important reforms were introduced to embody the teachings of modern warfare. The army is to be entirely remodeled, and the process, according to Gen. Tanaka, will not be completed before 1936, though it is believed that this period will in fact be greatly abbreviated.

There follows a description of the details of the Japanese new arrangement which I ask to insert in the Record.

THE PRESIDING OFFICER. In the absence of objection it is so ordered.

The matter referred to is as follows:

One of the first changes to be approved was the constitution of each division on a three-regiment basis and the abolition of the brigade. An army corps will in future comprise 2 divisions, or 6 regiments. This arrangement will shortly result in an establishment of 32 divisions, or 6 army corps, exclusive of the guards' division. The program embraces also large additions to the cavalry, commissariat, engineering, railway, signaling, and aviation corps; and the creation of heavy and light tank corps. A certain Japanese general officer is credited with the remark that, however great the expense involved by this ambitious scheme may be, it will be a cheap price to pay for securing the tranquillity and undisturbed prosperity of the Far East. "Had England," he declared, "possessed 20 divisions on a peace footing, or—what amounts to the same thing—had Germany expanded her army into one of formidable strength, the world's catastrophe might have been avoided. Such preparedness would have sufficed to deter resort to arms." A Japanese infantry regiment contains four battalions, each of 600 men; a cavalry regiment four squadrons of 100 sabers each; a field artillery regiment has six 4-gun batteries, or a total of 24 guns; while an engineers' battalion consists of three companies, each 300 strong. In accordance with the lessons of the World War, very substantial additions are being made to the artillery, especially the heavier types, including field howitzers of 4.6-inch, 6-inch, 8-inch, 11-inch, and 12-inch caliber, and high-velocity guns for long-range bombardment. The extension of the machine-gun service began in 1917 and is proceeding at the rate of 10 new batteries per year. By

1927, perhaps before that date, every infantry regiment will have its own machine-gun section, equivalent to a strength of 15 guns to a battalion. Besides the heavy and light tanks mentioned above, armored cars and motor-transport vehicles are being added to the Army as rapidly as funds permit. A liberal bounty is now paid to manufacturers and owners who build their cars to war office specification and hold them at the Government's disposal in time of emergency.

Conscription, which applies to all males in good physical condition between the ages of 17 and 40, has been in force since 1873. Recruits, however, are not taken until they reach their twentieth year. After serving two years in the infantry, or three years in the cavalry, artillery, or other branches, they pass into the reserve for a period of five years, during which they must undergo 120 days' training with the colors. They are then transferred to the second line, in which they remain for 10 years, being called up for two 60-day periods of training. On passing out of the second line they enter the territorial or home-defense army for 32 months. This system, it will be seen, provides for a huge reserve of trained man power. Discipline in the Japanese Army tends to be draconic; and, although soldiering is very popular with the nation as a whole, the severity with which the rank and file are treated leads to many cases of desertion, a crime which has lately shown an increase.

MR. REED. The author adds:

It may be accepted as certain that by 1922 the peace strength of the Japanese Army will be not less than 300,000 of all ranks, with a first line reserve of 250,000 and a second line of 1,150,000 men. Since it is most unlikely that the fact of mobilization would be publicly announced, a formal declaration of hostilities would probably find at least 1,000,000 troops under arms, ready to start for any destination overseas. The transport problem would present no difficulty whatever. Thanks to the impulse given by the war, the Japanese mercantile marine has increased by leaps and bounds and since 1914, the increment amounting to approximately 1,300,000 tons. Before the war Japan occupied the sixth place among the maritime countries of the world; to-day she occupies the third place, and in spite of the slump which has recently set in she is still hard at work on the production of tonnage, her output for 1920 alone reaching 400,000 tons. The national merchant fleet now totals well over 3,000,000 tons.

MR. OVERMAN. Mr. President, in the address delivered this afternoon by the President of the United States he referred to the second line of defense. We have agreed in one of the treaties now before us to stop building ships and to scrap some of our ships. The President suggested a subsidy to build more merchant ships, for the purpose, I presume, of providing a second line of defense as well as for the purposes of promoting our overseas commerce. I will ask the Senator how many ships Japan has as a second line of defense?

MR. REED. I shall answer that practically a little later on.

The system of State subsidies has encouraged the building of many large and fast steamers for the services maintained by such well-known firms as the Nippon Yusen Kaisha, which operates lines to Europe, America, Australia, and India.

Then follows the names of other companies which I will not take the time to read.

Every vessel registered in Japan of more than 1,500 tons and 14 knots speed is on the books of the Army Transport Section as a potential troopship. The efficiency of this organization was demonstrated in the war with Russia, and it has been greatly developed since that time. We may, therefore, assume that a Japanese expeditionary force of 50,000 men could be placed on board a fleet of transports, possessing an average speed of 15 knots, within a few days from the issue of the mobilization order. If the embarkation took place at the southern ports of Japan the voyage to the Philippines would occupy less than five days; or if Guam were the objective, that island, distant only 1,360 miles from Yokohama, could be reached in four days.

The presence of a strong American fleet in the western area of the Pacific would, of course, deter Japan from undertaking military expeditions of this kind. On the other hand, her conduct in previous wars justifies the supposition that she would take good care to open the campaign at her selected moment, which would certainly not coincide with the visit of a formidable American naval squadron to the western Pacific. The cruiser squadron at present based on Manila could offer no serious opposition to the Japanese battle fleet, and unless the ships sought safety in flight—which would be impossible if Japanese battle cruisers were near at hand—their destruction would be inevitable. In view of the overwhelming strategic importance of Guam this island will doubtless be the first Japanese objective. The reduction of its feeble defenses would be a simple matter for the heavy ships, and, once the mine fields had been cleared out and the batteries silenced, the landing would proceed with the utmost celerity. The sanguinary fighting around Port Arthur in 1904 taught us that Japanese troops will cheerfully sacrifice themselves in hecatombs when the order goes forth to take an enemy position at all costs. Thus the resistance which the small garrison of marines would be able to offer could not stem for long the tidal wave of invasion. If the expeditionary force reached Guam at dawn, the Japanese might count on having firmly established themselves on the island before nightfall.

A simultaneous attack on the Philippines and Guam would place no abnormal strain on Japanese naval, military, or shipping resources. In the case of the Philippines expedition, the landing itself would doubtless be made at one or more points where there were no seaward defenses. The complete subjugation of the islands would not be attempted at once; it would suffice if the principal harbors were seized, garrisoned, and hastily fortified, an operation for which two weeks would be a liberal time allowance.

I call the attention of the Senate to that statement.

The conclusion is that within a fortnight after the beginning of hostilities the United States would find herself bereft of her insular possessions in the Western Pacific, and consequently without a single base for naval operations in those waters. Those who demur to what may seem a somewhat startling statement are invited to examine the premises on which it rests, and to judge for themselves whether any other inference can be drawn therefrom.

With Guam and the Philippines in enemy hands, the problem confronting the United States would become well-nigh insolvable. Here it

may be interpolated that Japanese strategists, who have discussed in an academic way the possibilities of such a war as that we are now considering, have satisfied themselves that at this stage the United States would negotiate for peace, realizing the impossibility of retrieving the situation. In their case the wish is probably father to the thought. Whatever view the American Government might take, it is scarcely conceivable that public opinion in the United States would tolerate a passive acceptance of the accomplished fact and own defeat at the very outset of the struggle. It is far more likely that a vociferous demand for action of some sort would arise strong enough to compel the Government to bow to the popular will. If so, several courses would be open to the American naval command, but whether any of them would lead to the desired goal is doubtful. They might assemble the whole of their effective battle fleet at Hawaii and improvise an advanced base at Wake Island, whence they could either demonstrate off the Japanese coast or make a bold attempt to recapture Guam.

The former alternative might, or might not, bring about an action with the main Japanese fleet, though it is hardly to be expected that the Japanese would needlessly hazard the tremendous advantage they had won. Moreover, a stay of any length in Japanese waters would expose the American fleet to intensive submarine attack, the perils of which would be aggravated by the necessity of steaming at moderate speed in order to economize fuel. If the fleet were to cruise at high speeds, its coal and oil would soon be exhausted, and it would be compelled to return to Wake Island for fresh supplies, since the operation of coaling or oiling at sea would be attended with too much risk for submarine-infested waters. Wake Island, however, would afford no secure refuge for a large fleet. Not only are its anchorage facilities limited but it is situated only a few hundred miles north of the Marshall Islands, which would probably become the rendezvous of Japanese submarines. In these circumstances heavy losses would be almost inevitable; nor must it be forgotten that serious damage from torpedo, mine, or other cause would be equivalent to a total loss, in view of the absence of docks and repairing plant. Any attempt to tow a damaged ship from Wake to Honolulu, a distance of 2,010 miles, would be hopeless if enemy submarines were about. For the same reason a fleet action fought in the western Pacific would be a most perilous adventure for the Americans, who, being without a proper base, could reckon with certainty on losing every disabled ship.

There is more to the same effect. I call attention to this statement:

Failing authentic data it is impossible to say whether either fleet has a marked superiority in gunnery. All that can be said with confidence is that the shooting on both sides would be excellent, since both navies devote ceaseless attention to the gunnery branch. Japanese officers affirm, however, that battle practice in their navy has been developed by methods more scientific and effective than those in vogue in the American service. Be this as it may, it is a fact that the Japanese Navy, as early as 1915, was using fire-control instruments, which were not introduced into the American Navy until 1917 or later.

The Americans would be sorely handicapped by their want of fast cruisers and aircraft carriers, and would suffer a further disadvantage by reason of their inferior speed. It is most improbable that the action would be fought to a finish, for the Japanese could gain nothing by exposing themselves to the crushing preponderance of the American broadsides. They would be more likely to use their superior speed as a means of breaking off the action when it suited them, leaving their destroyers, submarines, and torpedo planes to harass the enemy and administer the coup de grace to his disabled ships. For the Americans any result short of a complete and overwhelming victory would be tantamount to defeat, for the reasons already propounded; and the Japanese could be trusted to employ tactics which would rule out the chance of such a decisive issue to the encounter.

And so forth.

Mr. President, I am aware that I am talking to a Senate weary of this question, most of which have retired to the cloak-rooms to engage in the profounder discussion of matters that are considered there. Nevertheless, I commend the attention of those who patiently remain to this lesson which comes out of what I have just read. As the matter stands to-day, without any treaty, we have the unlimited right to fortify the Philippines; we have the unlimited right to fortify Guam; we have the unlimited right to fortify Wake Island. With these points fortified we can defend the Philippines. With these unlimited rights standing as they are now we can, if we want to, preserve our control in the Philippine Islands. We can, moreover, preserve and protect our merchant ships by impregnable bases; and in the event of war with Japan, using the island of Guam as our advance point, we can recede our ships at Guam, we can repair them under the guns of our fortresses, and we can move from that point to the protection of the Philippines, and from the Philippines we can attack Japan itself. If we sign this treaty and the other treaties, we can do none of those things. To treat this as a light and inconsequential question is not the part of statesmen or of men who think for their country.

There are two views, and I am not quarreling with those who differ from me; but that this is a question of the greatest gravity will not be doubted by any man except one who is ignorant of the question.

Now I am going to answer the question of my friend from Montana [Mr. WALSH]. He asks what difference it makes whether Japan holds the mandate over these islands or whether she does not hold the mandate.

I want to reduce that question to a practical application. I am going to assume that Japan will do to us what she did to Korea, what she did to China, what she did to Russia—namely, to attack at the time best suiting her purposes and without giving us any notice.

Why, Mr. President, in the case of the Russian War, Russian statesmen and Japanese statesmen were sitting together at a

table apparently as friendly as was the mutual admiration society recently dissolved at Washington. While they were sitting there Japan was mobilizing her fleet to strike, and when she had her fleet all in position she withdrew from the conference, and I think it was within five hours after that that the battle was on in the Pacific. If these islands were neutralized, then the moment Japan proceeded to land a single soldier on any of them we would have notice that something of a menacing character was transpiring; but if these islands are under the Japanese flag and Japanese protection she can, according to the authority I have just read, establish fortifications of importance in two weeks' time. She has complete control of all the governmental machinery, of the telegraph, of means of communication, and she could, in a case such as I am speaking of, land a vessel or two at each of the important islands she desired to fortify, take one or two batteries of cannon from those vessels which she would carry over, plant them in advantageous positions, command the ports of everyone of those islands, and it could be done before the United States dreamed of what was going on. It could be done so secretly and so thoroughly that we would find that there might be a hundred places where Japanese vessels, if pursued by our fleet, could take refuge beneath guns, not of forts—for it is no longer necessary to build forts—but beneath guns that have been planted back of earthworks, secreted in forests, hidden behind rocks, just as the Turks at the Dardanelles with a few cannon taken from aboard vessels of war, and I think principally from one German vessel, were able within a few days' time to plant those cannon in positions so that they commanded the Dardanelles.

So in this instance these islands could be rendered impregnable, and having been placed in that condition, would constitute the points of protection for the Japanese fleet, and with the Marshall Islands, granted under this mandate, and the Caroline Islands and the other islands placed under the mandate of Japan, Japan will be moved to a point practically as close to the Hawaiian Islands as is the coast of America itself.

There is already in the Hawaiian Islands a population which, I think, is nearly three-fifths Japanese. How many of them are soldiers of Japan I can not answer, but that there are enough to constitute a great nucleus of strength, if not an overwhelming force, is not doubted by those who have studied the situation.

If, therefore, we ratify these treaties we yield to Japan an advantage in case of war which will probably render her impregnable against any attack we can make and which will give her places so near the Hawaiian Islands that she can seriously menace them and probably take them.

To deal with this question as a light or trivial question is not in keeping with the interests of this country. I make no complaint of Senators absenting themselves from this Chamber when I speak, but they have absented themselves during the entire consideration of this treaty. They are paying no attention to this public business. Many of them do not know the simple A, B, C's of the proposition which I have presented, not because they are lacking in intelligence but because they are lacking in interest.

No information has been furnished to the public by the Committee on Foreign Relations with reference to this important matter. It is brought forward with the idea that if it is pushed through it can be proclaimed to our people as a great achievement of this administration. Unfortunately its evils will not be appreciated or its dangers known, probably, until it is too late to repair the injury done.

When we vote for this treaty, we should at the same time vote to abandon the Philippines, because we can not defend the Philippines. If I am answered that we are protected by a treaty, I answer that no treaty has ever protected any nation. Whenever a nation gets ready to break her faith, and desires to go to war, she of course finds occasion immediately to disregard a treaty.

There was a treaty between several nations for the inviolability of Belgium. It amounted to nothing when a nation got ready to invade Belgium. There were treaties protecting commerce upon the seas. They amounted to nothing when both England and Germany saw fit to invade the provisions of those treaties and of international law.

There was a treaty between the United States and Prussia, afterwards made applicable to Germany, which bound Germany, in case of war between it and any other country, to permit our commerce to go unmolested, and to treat our nationals even in the event of war practically the same as when we were at peace, and we were bound in the same way. Yet when the war came on we seized German property in the United States, and Germany seized American property in Germany.

When nations go to war treaties cease to exist. Therefore, there is no protection in this treaty, any more than there is in

any treaty between two countries that they will remain at peace and have regard for each other's rights. The ordinary treaty, such as we have always had, is not changed in its character, its effect, or its importance, by anything which has happened here in the city of Washington, unless the view is taken that some of these treaties have united several powers, and that the other powers will insist upon the enforcement of the treaties, and that with their ships and their men they will enforce those treaties.

If that is the case, then we will be left to rely, in this instance, upon France and England taking our view and coming to our assistance to compel Japan to keep the peace with us.

If those be the terms of this treaty, then bear in mind that it has another aspect. If its powers can be invoked and if the united forces of the other parties to the treaty can be brought forward to sustain us in any controversy we may have with Japan, by the same reasoning those powers and forces can be united with Japan against us in the event the other powers decide that Japan is right and we are wrong. If that be the construction, then we will be submitting the vital interests of the United States, by treaty, to the arbitrament of three foreign nations, and at least two of those foreign nations are closely united in interests and have been bound together—aye, all three have been bound together—by secret treaties in the past, and those treaties may well still remain.

We therefore come to this position, that we are by this treaty ratifying and confirming the title of Japan to that vast group of islands lying in the north Pacific, which, in my opinion, will nearly double her influence and her power and which will enable her from some of them to attack Russia and to drag us into a war with Russia; but that is a question I want to discuss at a different time and as a separate proposition. It is enough now to know that we are about to ratify the title of Japan to islands which practically control and dominate the waters of the Pacific, particularly those parts of the waters which are contiguous to the coast of Asia.

Yet Senators who stood on this floor and inveighed against these very policies, Senators who protested that these questions should not be submitted to a general council of the nations of the world, are now supinely yielding control to the only country in the world with which it is believed by most people we have any reason to expect trouble.

There is no use in more than stating a question of this kind. I repeat, I make no complaint because I talk to empty benches. That could be attributed to personal reasons—personal incapacity on my part to state the case interestingly—but no matter who rises to discuss these treaties the same situation exists. We are confronted by an indifference that is appalling—by a total lack of interest—and I unhesitatingly say by an almost total lack of knowledge.

My own view is that these treaties should have been brought before the Foreign Relations Committee, and that before they ever were reported out the best naval experts should have been called there at public hearings, and the best military experts also called, and that their testimony should have been given, so that the people of this country might have understood the issue that is being presented. That has not been done. It is a question of rushing these treaties through to conclusion, getting them over with, and then going to the country and saying, "We did some wonderful things." I regret the situation more than I can express in words. I regret this determined attitude to force them through.

Mr. President, that is all I want to say on this particular treaty, except that it seems to me that if mooted questions arise, many of them will be referred to the League of Nations for settlement, the very thing which the distinguished Senator who leads the fight for these treaties protested against for 18 months.

This mandate, it is recited, is pursuant to the treaty of Versailles giving authority "to administer the groups of former German islands in the Pacific Ocean lying north of the Equator, in accordance with the following provisions," and they are then recited. It is recited in the treaty that—

Considering that the United States did not ratify the treaty of Versailles and did not participate in the agreement respecting the aforesaid mandate:

Desiring to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid islands, and in particular the island of Yap, have resolved to conclude a convention for that purpose, and to that end have named as their plenipotentiaries—

Then followed the articles of the treaty. It is my judgment that the combination of the preamble and the recitation with the articles leaves the case so that the very tribunals which the distinguished Senator from Massachusetts [Mr. Lodge] denounced will have the ultimate decision of important questions here.

We may ratify the treaty—I presume it will be ratified—we may ratify the others, but I hope that no one who supports them will be found on the platform declaring that he did the country a great service in preventing us from entering entangling alliances and that an American treaty has been proclaimed.

The VICE PRESIDENT. The question is on agreeing to article 2 of the treaty.

Mr. LODGE. Mr. President, if the Senator from Missouri has concluded and no other Senator desires to take the floor at this time—

Mr. PITTMAN. Mr. President—

Mr. LODGE. I yield to the Senator from Nevada.

Mr. PITTMAN. I ask leave to present an amendment which I intend to offer later on. I ask that it may be printed and lie on the table.

The VICE PRESIDENT. Without objection it is so ordered. Mr. PITTMAN's amendment is, at the end of the third article, to change the period to a colon and to add the following proviso:

Provided further, That the United States shall be the exclusive judge as to whether the Government of Japan has maintained radiotelegraphic communication on the island of Yap as required in the foregoing proviso.

Mr. WATSON of Georgia. Mr. President—

Mr. LODGE. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I merely wish to obtain recognition so that I may have the right to the floor to-morrow, if the Senator will yield for that purpose.

Mr. LODGE. Certainly.

Mr. WATSON of Georgia. I expect to address the Senate to-morrow.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in secret session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business with closed doors. After eight minutes spent in secret executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 13 minutes p. m.) the Senate in open executive session took a recess until to-morrow, Wednesday, March 1, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 28 (legislative day of February 23), 1922.

RECEIVER OF PUBLIC MONEYS.

William H. H. Heckman, of California, to be receiver of public moneys at Eureka, Calif., vice Gratton D. Little, term expired.

POSTMASTERS.

ALABAMA.

Nell L. Brady to be postmaster at Searles, Ala. Office became presidential April 1, 1921.

Florrie Vinson to be postmaster at Louisville, Ala. Office became presidential July 1, 1920.

Clarence E. Combs to be postmaster at Fairfax, Ala. Office became presidential January 1, 1921.

William P. Tartt to be postmaster at Livingston, Ala., in place of W. P. Tartt. Incumbent's commission expired January 24, 1922.

James A. Anderson to be postmaster at University, Ala., in place of J. A. Anderson. Incumbent's commission expired January 24, 1922.

Benjamin C. Gibson to be postmaster at Tuskegee, Ala., in place of B. C. Gibson. Incumbent's commission expired January 24, 1922.

George C. Adams to be postmaster at Ragland, Ala., in place of W. T. Morris. Incumbent's commission expired January 24, 1922.

Robert A. Luck to be postmaster at Oneonta, Ala., in place of L. Q. Box, resigned.

Frederick W. McCormack to be postmaster at Leighton, Ala., in place of F. W. McCormack. Incumbent's commission expired December 20, 1920.

John B. Daughtry to be postmaster at Hartford, Ala., in place of H. I. Goff. Incumbent's commission expired January 24, 1922.

ARIZONA.

Charles F. Mater to be postmaster at Morenci, Ariz., in place of J. J. Rascoe, jr. Incumbent's commission expired January 24, 1922.

Lola B. Tomlinson to be postmaster at Bowie, Ariz., in place of L. B. Tomlinson. Incumbent's commission expired January 24, 1922.

ARKANSAS.

James F. Rieves to be postmaster at Marion, Ark., in place of J. F. Rieves. Incumbent's commission expired January 24, 1922.

Edward L. Hamilton to be postmaster at McCrory, Ark., in place of W. B. Kyle. Incumbent's commission expired January 24, 1922.

Benjamin W. Allen to be postmaster at Hamburg, Ark., in place of W. O. Bartlett. Incumbent's commission expired January 24, 1922.

John Q. Skipper to be postmaster at Morrilton, Ark., in place of A. J. Stephens, resigned.

Henry R. Osterholt to be postmaster at Jerome, Ark. Office became presidential January 1, 1921.

CALIFORNIA.

Clifford M. Moon to be postmaster at Victorville, Calif., in place of Margaret Messick, resigned.

Samuel F. Ellison to be postmaster at Vacaville, Calif., in place of S. E. Stitt. Incumbent's commission expired January 24, 1922.

George L. Baker to be postmaster at Monrovia, Calif., in place of Frank Zimmerman. Incumbent's commission expired January 24, 1922.

Charles Osborne to be postmaster at Lankershim, Calif., in place of Charles Osborne. Incumbent's commission expired January 24, 1922.

Charles G. Heiser to be postmaster at Jackson, Calif., in place of W. K. McFarland. Incumbent's commission expired January 24, 1922.

Vada M. Slye to be postmaster at Cucamonga, Calif., in place of E. W. Shumaker, removed.

James F. Van Matre to be postmaster at Downey, Calif., in place of E. M. Steel. Incumbent's commission expired January 24, 1922.

Christian F. Richter to be postmaster at Auburn, Calif., in place of M. F. Shepard, resigned.

Roy E. Copeland to be postmaster at San Jacinto, Calif., in place of E. T. Tanner. Incumbent's commission expired July 21, 1921.

Charles H. Silva to be postmaster at Newcastle, Calif., in place of F. F. Wrenn. Incumbent's commission expired January 24, 1922.

Margaret G. Kerwin to be postmaster at Dorris, Calif., in place of William Fox, removed.

COLORADO.

Daniel Vigil to be postmaster at Saguache, Colo., in place of J. W. Berry. Incumbent's commission expired January 24, 1922.

Edgar B. Wicks to be postmaster at Pueblo, Colo., in place of S. S. Bellesfield. Incumbent's commission expired January 24, 1922.

Orlando M. White to be postmaster at Matheson, Colo. Office became presidential April 1, 1921.

CONNECTICUT.

Willis C. Chidsey to be postmaster at Avon, Conn. Office became presidential July 1, 1921.

Giles P. Lecreiner to be postmaster at Moodus, Conn., in place of W. J. Thomas. Incumbent's commission expired January 24, 1922.

DELAWARE.

William H. Rogers to be postmaster at Frederica, Del. Office became presidential January 1, 1921.

Gertrude West to be postmaster at Dagsboro, Del. Office became presidential July 1, 1921.

FLORIDA.

Maggie M. Folsom to be postmaster at Port Tampa City, Fla. Office became presidential October 1, 1921.

Alvin J. Durrance to be postmaster at Frostproof, Fla. Office became presidential April 1, 1920.

Calvin W. Campbell to be postmaster at West Palm Beach, Fla., in place of L. M. T. Clarke, removed.

Cornelia Higgins to be postmaster at Warrington, Fla., in place of Cornelia Higgins. Incumbent's commission expired January 31, 1922.

Louis C. Lynch to be postmaster at Gainesville, Fla., in place of J. F. McKinstry, resigned.

Charles L. Beugnot to be postmaster at Sebastian, Fla. Office became presidential July 1, 1921.

GEORGIA.

Sara B. Fox to be postmaster at Harlem, Ga., in place of A. C. McCord, resigned.

Nicholas Oglesby to be postmaster at Elberton, Ga., in place of L. C. Brown, removed.

Wilson S. Williams to be postmaster at Woodbury, Ga., in place of B. T. Baker. Incumbent's commission expired August 7, 1921.

Clarence G. Hardigree to be postmaster at Watkinsville, Ga. Office became presidential October 1, 1920.

IDAHO.

Dott R. Adams to be postmaster at Rathdrum, Idaho, in place of F. H. Bradbury. Incumbent's commission expired January 24, 1922.

Charles H. Gelbach to be postmaster at Kooskia, Idaho, in place of C. H. Gelbach. Incumbent's commission expired January 24, 1922.

ILLINOIS.

Charles De Keuster to be postmaster at South Pekin, Ill. Office became presidential January 1, 1921.

John R. Fornof to be postmaster at Streator, Ill., in place of Fred LeRoy, resigned.

Arthur L. Johnson to be postmaster at Rockford, Ill., in place of W. H. Hefferan, removed.

Fred W. Diefenbach to be postmaster at Herscher, Ill., in place of T. C. Sayers. Incumbent's commission expired January 18, 1921.

Frank B. Courtwright to be postmaster at Sheridan, Ill., in place of M. L. Abbott. Incumbent's commission expired July 25, 1920.

Charles Koenig to be postmaster at Brookfield, Ill., in place of Charles Koenig. Incumbent's commission expired January 31, 1921.

Harry W. Corpe to be postmaster at Colfax, Ill., in place of James Fielding. Incumbent's commission expired July 7, 1920.

INDIANA.

Lever E. Binns to be postmaster at New Richmond, Ind. Office became presidential January 1, 1921.

Cecil R. Sparks to be postmaster at Fulton, Ind. Office became presidential April 1, 1921.

Jacob W. Mintzer to be postmaster at Ashley, Ind. Office became presidential January 1, 1921.

John N. Brown to be postmaster at Ladoga, Ind., in place of A. C. Ronk, resigned.

Robert P. White to be postmaster at Sullivan, Ind., in place of W. E. Aydelotte. Incumbent's commission expired July 21, 1921.

Edna Bishop to be postmaster at Depauw, Ind. Office became presidential July 1, 1921.

IOWA.

Edith J. De Long to be postmaster at Truro, Iowa. Office became presidential April 1, 1921.

Edith H. Ashby to be postmaster at Wellsburg, Iowa, in place of E. W. Neessen. Incumbent's commission expired March 16, 1921.

Leonard G. Kelley to be postmaster at Wall Lake, Iowa, in place of John McGloin, deceased.

Bruce E. Harlow to be postmaster at Onawa, Iowa, in place of Ben Jensen. Incumbent's commission expired January 24, 1922.

William R. Weaver to be postmaster at Lewis, Iowa, in place of Milton Funk. Incumbent's commission expired January 24, 1922.

George McNeish, jr., to be postmaster at Kanawha, Iowa, in place of Henry Africa. Incumbent's commission expired January 24, 1922.

George E. Gates to be postmaster at Edgewood, Iowa, in place of J. W. Forward. Incumbent's commission expired August 20, 1920.

Henry C. Ficke to be postmaster at Wheatland, Iowa, in place of F. W. Buxton. Incumbent's commission expired January 24, 1922.

Wayne C. Ellis to be postmaster at Rippey, Iowa, in place of G. W. Crandell. Incumbent's commission expired January 24, 1922.

Harley S. Rittenhouse to be postmaster at Monona, Iowa, in place of H. C. Fox. Incumbent's commission expired January 24, 1922.

David T. Spence to be postmaster at Earlham, Iowa, in place of W. H. Dudley. Incumbent's commission expired January 24, 1922.

Andrew F. Parker to be postmaster at Redding, Iowa. Office became presidential October 1, 1921.

John Harden to be postmaster at Linden, Iowa. Office became presidential April 1, 1921.

Leonidas L. Greenwalt to be postmaster at Hastings, Iowa. Office became presidential October 1, 1920.

KANSAS.

Jessie I. Cramer to be postmaster at Galva, Kans. Office became presidential January 1, 1922.

Harry E. Hawkins to be postmaster at Centerville, Kans. Office became presidential April 1, 1921.

Charles R. Fisher to be postmaster at Fort Scott, Kans., in place of Martin Miller. Incumbent's commission expired July 23, 1921.

Reuben H. Funk to be postmaster at Durham, Kans. Office became presidential October 1, 1921.

Achilles A. Stiers to be postmaster at Uniontown, Kans. Office became presidential April 1, 1921.

KENTUCKY.

Frederick W. Fravert to be postmaster at St. Matthews, Ky. Office became presidential October 1, 1920.

Robbie M. Ray to be postmaster at Columbus, Ky. Office became presidential January 1, 1921.

John P. Perkins to be postmaster at Albany, Ky. Office became presidential April 1, 1921.

H. Greene Hicks to be postmaster at Olive Hill, Ky., in place of D. B. Fields. Incumbent's commission expired July 21, 1921.

LOUISIANA.

Dorothy J. Fetzter to be postmaster at South Mansfield, La. Office became presidential July 1, 1920.

Maria G. Arcoin to be postmaster at Plattenville, La. Office became presidential April 1, 1921.

Kate P. McDonnell to be postmaster at Pelican, La. Office became presidential July 1, 1921.

Leonard L. Thompson to be postmaster at Montgomery, La. Office became presidential January 1, 1921.

Lewis A. Wood to be postmaster at Ponchatoula, La., in place of L. A. Wood. Incumbent's commission expired September 5, 1920.

James W. Campbell to be postmaster at Morganza, La. Office became presidential July 1, 1921.

MAINE.

Theresa M. Tozier to be postmaster at Patten, Me., in place of S. L. Westcott. Incumbent's commission expired January 24, 1922.

Harold S. Chase to be postmaster at Limestone, Me., in place of I. E. Hatch. Incumbent's commission expired January 24, 1922.

MARYLAND.

Morris L. Rouzer to be postmaster at Thurmont, Md., in place of J. C. Gernand. Incumbent's commission expired January 24, 1922.

Mary W. Stewart to be postmaster at Oxford, Md., in place of M. W. Stewart. Incumbent's commission expired January 24, 1922.

MASSACHUSETTS.

Annie B. Ellis to be postmaster at Sheffield, Mass., in place of J. G. Cassidy. Incumbent's commission expired January 24, 1922.

Neil R. Mahoney to be postmaster at North Billerica, Mass., in place of N. R. Mahoney. Incumbent's commission expired January 24, 1922.

Harlan S. Cummings to be postmaster at Lynn, Mass., in place of E. S. Higgins. Incumbent's commission expired January 24, 1922.

Hazen M. Emery to be postmaster at Merrimac, Mass., in place of M. B. Crane. Incumbent's commission expired January 24, 1922.

Henry K. Bearce to be postmaster at Harwich, Mass., in place of H. K. Bearce. Incumbent's commission expired January 24, 1922.

Mary A. Fallon to be postmaster at West Stockbridge, Mass. Office became presidential April 1, 1921.

MICHIGAN.

William M. Hovey to be postmaster at Rosebush, Mich. Office became presidential October 1, 1920.

Jay B. Deutsch to be postmaster at Big Bay, Mich. Office became presidential April 1, 1921.

Millie R. Gordon to be postmaster at Hopkins, Mich., in place of Thomas Gilligan. Incumbent's commission expired January 24, 1922.

Willard L. Claver to be postmaster at Zeeland, Mich., in place of Berend Kamps. Incumbent's commission expired July 21, 1921.

Floyd P. Fox to be postmaster at Williamsburg, Mich. Office became presidential January 1, 1922.

McKinley A. Watson to be postmaster at Alto, Mich. Office became presidential January 1, 1921.

MINNESOTA.

William J. Colgan to be postmaster at Rosemount, Minn. Office became presidential April 1, 1921.

Margaret A. Dickens to be postmaster at Marble, Minn. Office became presidential July 1, 1920.

MISSISSIPPI.

George C. Gunn to be postmaster at A. and M. College (late Agricultural College), Miss., in place of G. C. Gunn. Incumbent's commission expired June 1, 1920.

Benjamin C. Feigler to be postmaster at Philipp, Miss., in place of E. L. Sibley, resigned.

James H. Spence to be postmaster at Grenada, Miss., in place of J. T. Talbert, resigned.

Benjamin H. Chatham to be postmaster at Montrose, Miss. Office became presidential April 1, 1921.

Victor B. Garroway to be postmaster at Bassfield, Miss. Office became presidential April 1, 1921.

MISSOURI.

Guy Ridings to be postmaster at Middletown, Mo. Office became presidential October 1, 1921.

Herold D. Condray to be postmaster at Ellsinore, Mo. Office became presidential January 1, 1921.

Walter C. Haferkamp to be postmaster at Augusta, Mo. Office became presidential April 1, 1921.

George W. Davies to be postmaster at Osceola, Mo., in place of W. L. Cox. Incumbent's commission expired July 25, 1921.

John M. Atkinson, jr., to be postmaster at Eldorado Springs, Mo., in place of J. S. Smith, deceased.

Arthur Rice to be postmaster at Alton, Mo., in place of H. R. Culp. Incumbent's commission expired July 25, 1921.

Gustav C. Rau to be postmaster at Pacific, Mo., in place of L. R. Dougherty. Incumbent's commission expired January 24, 1922.

Louis Alt to be postmaster at St. Louis, Mo., in place of C. M. Selph. Incumbent's commission expired January 17, 1922.

Albert W. Selway to be postmaster at Williamstown, Mo. Office became presidential October 1, 1921.

MONTANA.

John W. Cornwell to be postmaster at Lodgegrass, Mont. Office became presidential October 1, 1921.

Margaret M. Colligan to be postmaster at Walkerville, Mont., in place of A. M. Lloyd, removed.

NEBRASKA.

Anders P. Peterson to be postmaster at Lindsay, Nebr., in place of W. J. Ramaekers, resigned.

Edward H. Anson to be postmaster at Creston, Nebr. Office became presidential October 1, 1920.

NEW JERSEY.

W. Burtis Havens to be postmaster at Toms River, N. J., in place of D. C. Brewer. Incumbent's commission expired January 24, 1922.

Ralph G. Collins to be postmaster at Barnegat, N. J., in place of L. H. Mathews. Incumbent's commission expired January 24, 1922.

NEW MEXICO.

Ana Tudor to be postmaster at East Vaughn, N. Mex. Office became presidential April 1, 1921.

NEW YORK.

Charles L. Huggins to be postmaster at Lewistown, N. Y., in place of J. J. Daley. Incumbent's commission expired January 24, 1922.

Earl A. Wheeler to be postmaster at East Randolph, N. Y. Office became presidential April 1, 1921.

John B. Mullan to be postmaster at Rochester, N. Y., in place of G. C. Staud, resigned.

David C. Gilmour to be postmaster at Morristown, N. Y., in place of J. V. Crawford, deceased.

Melvin A. Marble to be postmaster at Clayton, N. Y., in place of W. D. De Laney, deceased.

Darwin A. Sanders to be postmaster at Keene Valley, N. Y., in place of E. M. Crawford. Incumbent's commission expired January 24, 1922.

Lena M. Johnson to be postmaster at Interlaken, N. Y., in place of Arthur Rappleye. Incumbent's commission expired January 24, 1922.

John D. Davies to be postmaster at Camden, N. Y., in place of B. A. Curtiss. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Jenks Terry to be postmaster at Hamlet, N. C., in place of R. B. Terry. Incumbent's commission expired July 21, 1921.

Wiley C. Ellis to be postmaster at Garysburg, N. C. Office became presidential April 1, 1921.

NORTH DAKOTA.

M. Evelyn Peavy to be postmaster at Egeland, N. Dak. Office became presidential January 1, 1921.

Ira L. Walla to be postmaster at Arnegard, N. Dak. Office became presidential October 1, 1920.

Olaf J. Bjella to be postmaster at Epping, N. Dak. Office became presidential April 1, 1921.

OHIO.

James W. Rush to be postmaster at Sardis, Ohio, in place of G. M. Towle. Incumbent's commission expired March 16, 1921.

William S. Burcher to be postmaster at Beallsville, Ohio, in place of C. O. Polen. Incumbent's commission expired March 16, 1921.

William F. Laferre to be postmaster at Lewisville, Ohio. Office became presidential July 1, 1921.

Rosa M. Birch to be postmaster at McConnelsville, Ohio, in place of E. A. Taylor, resigned.

Joseph C. Gill to be postmaster at McArthur, Ohio, in place of F. V. Lantz. Incumbent's commission expired July 21, 1921.

Oscar A. Tisher to be postmaster at Hannibal, Ohio. Office became presidential April 1, 1921.

OKLAHOMA.

William J. Krebs to be postmaster at Kaw, Okla., in place of F. B. Hutchison, resigned.

Thomas H. W. McDowell to be postmaster at Blackwell, Okla., in place of G. M. Carson. Incumbent's commission expired September 6, 1920.

Dallas M. Rose to be postmaster at Davis, Okla., in place of W. F. Parker. Incumbent's commission expired July 28, 1921.

Claude Callaway to be postmaster at Tupelo, Okla. Office became presidential July 1, 1920.

Leo C. Sharp to be postmaster at Antlers, Okla., in place of J. M. Ennis. Incumbent's commission expired July 23, 1921.

Marshal H. Whaley to be postmaster at Morrison, Okla. Office became presidential October 1, 1920.

Etta B. Henderson to be postmaster at Wayne, Okla. Office became presidential April 1, 1921.

William C. Cooley to be postmaster at Cashion, Okla. Office became presidential April 1, 1920.

PENNSYLVANIA.

Harry P. Medland to be postmaster at Waymart, Pa., in place of J. J. Moylan. Incumbent's commission expired January 19, 1921.

James E. Collins to be postmaster at Connellsville, Pa., in place of W. D. McGinnis, resigned.

Harry N. Beazell to be postmaster at Belle Vernon, Pa., in place of R. W. Lange. Incumbent's commission expired August 7, 1921.

Charles B. Lengel to be postmaster at Newmanstown, Pa. Office became presidential April 1, 1921.

Henry N. Hoff to be postmaster at Mount Wolf, Pa. Office became presidential January 1, 1921.

Gertrude Klinefelter to be postmaster at Jonestown, Pa. Office became presidential July 1, 1921.

Althea D. A. Busch to be postmaster at Fairview, Pa. Office became presidential July 1, 1921.

Robert B. McCaa to be postmaster at Gallitzin, Pa., in place of A. J. Sweeny, resigned.

Katherine A. White to be postmaster at Mildred, Pa. Office became presidential January 1, 1921.

Clara S. Lewis to be postmaster at Wysox, Pa. Office became presidential July 1, 1921.

Joseph H. Dalton to be postmaster at Upland, Pa. Office became presidential January 1, 1921.

George N. Turner to be postmaster at Toughkenamon, Pa. Office became presidential April 1, 1921.

Howard S. Madelra to be postmaster at Shoemakersville, Pa. Office became presidential July 1, 1921.

Samuel W. Hodgson to be postmaster at Cochranville, Pa. Office became presidential January 1, 1921.

PORTO RICO.

Leonor de Lucca to be postmaster at Guayanilla, P. R. Office became presidential January 1, 1922.

Cesar Rosy to be postmaster at Ciales, P. R. Office became presidential January 1, 1921.

J. V. Berrios to be postmaster at Carolina, P. R. Office became presidential October 1, 1921.

Pedro M. Rivera to be postmaster at Barceloneta, P. R. Office became presidential October 1, 1921.

RHODE ISLAND.

Charles J. Baron to be postmaster at Centerdale, R. I., in place of C. J. Baron. Incumbent's commission expired February 14, 1922.

Alberta V. Wilson to be postmaster at Anthony, R. I. Office became presidential October 1, 1920.

SOUTH CAROLINA.

John M. Collins to be postmaster at Ware Shoals, S. C., in place of J. L. Young, resigned.

Louis Stockley to be postmaster at Kingstree, S. C., in place of Louis Stockley. Incumbent's commission expired August 10, 1921.

Robert A. Deason to be postmaster at Barnwell, S. C., in place of R. A. Deason. Incumbent's commission expired January 19, 1921.

Delma B. Liddell to be postmaster at Lowndesville, S. C. Office became presidential April 1, 1921.

SOUTH DAKOTA.

Minnie C. Lumbard to be postmaster at Wolsey, S. Dak., in place of D. C. Campbell, resigned.

Melville C. Burnham to be postmaster at Murdo, S. Dak., in place of A. J. Johnson, resigned.

Frank W. Farrington to be postmaster at New Effington, S. Dak. Office became presidential July 1, 1920.

Gottlieb J. Walth to be postmaster at Hosmer, S. Dak. Office became presidential January 1, 1921.

William A. Hodson to be postmaster at Cresbard, S. Dak., in place of W. A. Hodson. Incumbent's commission expired July 21, 1921.

TENNESSEE.

Thomas J. Welch to be postmaster at Soddy, Tenn., in place of L. M. Roberts. Incumbent's commission expired January 13, 1921.

John A. Wilson to be postmaster at Sharon, Tenn., in place of R. D. Hunt. Incumbent's commission expired July 25, 1921.

William F. Campbell to be postmaster at Decatur, Tenn. Office became presidential April 1, 1921.

Will S. Hambright to be postmaster at Charleston, Tenn. Office became presidential January 1, 1920.

TEXAS.

Ada Rodgers to be postmaster at Miami, Tex., in place of Ada Rodgers, resigned.

Henry C. Duerling to be postmaster at Lubbock, Tex., in place of S. P. Robbins. Incumbent's commission expired July 21, 1921.

Emil Gold to be postmaster at Kerrville, Tex., in place of W. G. Carpenter. Incumbent's commission expired July 21, 1921.

William F. Erp to be postmaster at Karnes City, Tex., in place of C. C. Leas. Incumbent's commission expired July 21, 1921.

Marshall Callaway to be postmaster at Howe, Tex., in place of J. B. Phillips. Incumbent's commission expired July 21, 1921.

Edgar M. Campbell to be postmaster at Frankston, Tex., in place of S. M. Gardner. Incumbent's commission expired July 21, 1921.

Arthur H. Johnson to be postmaster at Eastland, Tex., in place of Henry Van Geem. Incumbent's commission expired July 21, 1921.

Thomas G. Price to be postmaster at Brownfield, Tex., in place of W. G. Hardin, resigned.

Oscar Hunt to be postmaster at Canyon, Tex., in place of Cyrus Eakman, removed.

Maggie Exum to be postmaster at Shamrock, Tex., in place of J. A. Hilburn, resigned.

Edward F. Glaze to be postmaster at Goliad, Tex., in place of J. A. White. Incumbent's commission expired July 21, 1921.

Benjamin F. Robey to be postmaster at Coleman, Tex., in place of B. H. Pittman, resigned.

Mary E. Holtzclaw to be postmaster at Tatum, Tex. Office became presidential January 1, 1921.

Ora L. Griggs to be postmaster at Sanatorium, Tex. Office became presidential October 1, 1920.

Adolph H. Firnhaber to be postmaster at Kingsville, Tex., in place of M. J. Kivlin. Incumbent's commission expired July 21, 1921.

Lee Brown to be postmaster at Blanco, Tex. Office became presidential January 1, 1921.

George F. Bates to be postmaster at Lyons, Tex. Office became presidential January 1, 1921.

John H. Sharbutt to be postmaster at Lueders, Tex. Office became presidential October 1, 1920.

Ora L. Young to be postmaster at Jakehamon, Tex. Office became presidential July 1, 1921.

Napoleon B. Warner to be postmaster at Bells, Tex. Office became presidential April 1, 1920.

Dibrel G. Melton to be postmaster at Allen, Tex. Office became presidential July 1, 1920.

UTAH.

James M. Whitesides to be postmaster at Layton, Utah, in place of J. A. Sill. Incumbent's commission expired March 16, 1921.

Archibald Stuart to be postmaster at Bingham Canyon, Utah, in place of C. L. Countryman, removed.

VERMONT.

Arthur G. Hinman to be postmaster at Middlebury, Vt., in place of A. T. Calhoun. Incumbent's commission expired July 21, 1921.

Otto R. Bennett to be postmaster at Manchester, Vt., in place of R. J. Orvis. Incumbent's commission expired August 10, 1921.

Burton L. Hard to be postmaster at Arlington, Vt., in place of P. H. Thompson. Incumbent's commission expired August 6, 1921.

VIRGINIA.

John M. Anderson to be postmaster at Nathalie, Va. Office became presidential April 1, 1921.

WASHINGTON.

Austin I. Dickinson to be postmaster at Riverside, Wash., in place of Vanira Chamberlin, resigned.

Katherine A. King to be postmaster at Carbonado, Wash. Office became presidential April 1, 1921.

WEST VIRGINIA.

Archie N. Cook to be postmaster at Cameron, W. Va., in place of D. W. McConaughy. Incumbent's commission expired July 21, 1921.

Thomas H. Hurt to be postmaster at Hemphill, W. Va. Office became presidential July 1, 1921.

WISCONSIN.

Milton R. Stanley to be postmaster at Shawano, Wis., in place of C. F. Dillelt. Incumbent's commission expired January 24, 1922.

Claire A. Lynn to be postmaster at Mount Hope, Wis. Office became presidential July 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 28 (legislative day of February 23), 1922.

MEMBERS OF WORLD WAR FOREIGN DEBT COMMISSION.

Charles E. Hughes.
Herbert C. Hoover.

COLLECTOR OF CUSTOMS.

A. Lincoln Acker to be collector of customs, customs collection district No. 11, with headquarters at Philadelphia, Pa.

UNITED STATES MARSHAL.

Louis Buchwald to be United States marshal, northern district of West Virginia.

POSTMASTERS.

CALIFORNIA.

Miriam I. Paine, Mariposa.

DELAWARE.

W. Bateman Cullen, Clayton.
Joseph C. Hutchison, Townsend.

FLORIDA.

Newell B. Hull, Starke.

INDIANA.

Verton Nowels, Rensselaer.

IOWA.

Gabriel Pederson, Waterville.
John L. Addington, Webb.

KANSAS.

Vaclav Sajner, Bison.

KENTUCKY.

Margaret Bondurant, Lynch Mines.

MAINE.

Ethel M. McAllister, Andover.
Fred O. Goldwaite, Biddeford Pool.
Harold L. Haskell, Lee.
Charles A. Robinson, Portland.

MARYLAND.

Lorenzo D. Thrasher, Deer Park.
Bertha E. Huplet, Germantown.
Helen M. Bishop, Monkton.
Jacob C. Stiffler, Parkton.

MASSACHUSETTS.

Harriett L. Corbin, East Brookfield.
Harriet E. Hotchkiss, Harding.
Arthur J. Fairgrieve, Tewksbury.

MINNESOTA.

Clarence D. Maxey, Backus.
Edward L. Barstow, Barnum.
William Pennar, Laporte.
Edward M. La Fond, Little Falls.
Joseph Groebner, Wabasso.

MISSISSIPPI.

Winnifred L. McMain, Avera.
Reese R. Hathorn, Columbia.
Noah B. Scales, Crawford.
Annie Laws, Hickory Flat.
Cecil W. Tinnin, Isola.
Marcus B. Stroud, Louise.
Ruth Seale, Lyon.
Walter W. Weldy, McLain.
Allie B. Terry, New Augusta.
Lula M. T. Rutledge, Newhebron.
Henry A. Moore, Oxford.
Louisa J. Megehee, Picayune.
Robert R. Smith, Poplarville.
James C. Reddoch, Quitman.
Ruby W. Bacon, Schlater.
Harry Howe, Shelby.
Irvin F. Brownlee, Sledge.
Alfred L. King, Vance.
William J. Stephens, Webb.

MISSOURI.

David M. Williams, Bevier.
James P. Scott, Kahoka.
Morris W. Ledbetter, Marble Hill.
Thomas G. Buxton, Seneca.

NEVADA.

Theodore B. Voog, Ruth.

OHIO.

Robert D. Weedy, Shawnee.
John F. McQueen, Wellsville.
George D. Seymour, Windham.

OREGON.

Frank L. Laughrige, Condon.
Logan E. Anderson, Cove.
Lizzie M. Perkins, Gardiner.
Richard E. Tozier, Helix.

PENNSYLVANIA.

Glenn S. Rowe, Betula.
Ethel O. Lakin, Grassflat.
Delma Byham, Guys Mills.
Edwin L. Whitson, Lancaster.

TENNESSEE.

Robert O. Bell, Chapel Hill.
Rex E. Stribling, Clifton.
Charles F. Perkins, Jacksboro.
Harry M. Aycock, Kerrville.
Delma H. Brock, Leoma.
John G. Taylor, Mason.
Harriet L. Lappin, Mont Eagle.
Solon L. Robinson, Pikeville.
Fannie J. Latta, Somerville.
Myrtle Rodgers, White Bluffs.

TEXAS.

Carl S. Guin, Ballinger.
J. S. Zweifel, Caddo.
John Shields, Glen Rose.
Elroy L. McCord, Katy.
William H. Everitt, North Pleasanton.
J. L. Andrews, Olden.
Elena L. King, Presidio.
Peter J. Sherman, Whitney.

WEST VIRGINIA.

George H. Brackland, Gauley Bridge.
Rosa H. Brown, Institute.
Charles T. Kelly, Terra Alta.

WYOMING.

Owen T. Gebhart, Basin.
Frank N. Stuart, Parkerton.

WITHDRAWAL.

*Executive nomination withdrawn from the Senate February 28
(legislative day of February 23), 1922.*

POSTMASTER.

George Finlay to be postmaster at Carolina, Porto Rico.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 28, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Spera Montgomery, D. D., offered the following prayer:

O Spirit of the living God, Thou art the eternal source of all things good. Freely Thou dost bestow and only most gratefully may we accept. O come with us to-day and manifest Thy gracious favor and be our way, our truth, and life. Furnish us with the highest possible motive for self-improvement and inspire us to go on to the limit of all our powers in obedience to the urgent call of our country. All through our earthly lives be our rest in toil, our ease in pain, and always like an untold gladness about our hearthstones. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

JOINT MEETING OF THE TWO HOUSES OF CONGRESS.

Mr. MONDELL. Mr. Speaker, I present a resolution and ask its immediate consideration.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 48.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 28th day of February, 1922, at 12.30 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

APPROPRIATION FOR THE EXECUTIVE AND SUNDRY INDEPENDENT BUREAUS, ETC.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9981) with Senate amendments, that the Senate amendments be disagreed to and a conference requested, and the conferees on behalf of the House be appointed.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table for immediate consideration (H. R. 9981), which the Clerk will report by title.

The Clerk read as follows:

H. R. 9981. An act making appropriations for the Executive, and for sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Is there objection?

Mr. BYRNS of Tennessee. Mr. Speaker, reserving the right to object, there are three amendments which were placed on the bill by the Senate, one of them relating to the office of the Comptroller General placing an appropriation of nearly two and one-half million dollars at the disposal of the Comptroller General in a lump sum. The gentleman knows that the House by a decisive vote placed that office on a statutory basis, and I would like very much to have the gentleman consent to bring that amendment back and give the House an opportunity to again vote on it, provided the Senate conferees refuse to yield.

Mr. WOOD of Indiana. That will be done.

Mr. BYRNS of Tennessee. Now, another amendment is an amendment relating to the Shipping Board. Gentlemen will re-

member by action of the House it was provided that not more than six employees of the Shipping Board should be paid a sum exceeding \$11,000 per annum. The Senate amendment, as I gather it, provides for raising that number to 13. I would like to ask the gentleman if he will agree to bring that back so as to give the House an opportunity to pass upon it if the Senate conferees refuse to yield?

Mr. WOOD of Indiana. Yes; I will agree to do that.

Mr. BYRNS of Tennessee. Now, there is one other Senate amendment; I really think it is subject to a point of order in the House; and that is the provision in the bill which was stricken out in the House providing that the Shipping Board may use certain sums collected from the sales of materials, plants, and so forth, not exceeding \$55,000,000. I think possibly the conferees would have no right under the rules of the House to agree to that proposition, but if they have that right I think the House ought to have an opportunity to vote on it.

Mr. WOOD of Indiana. I will say to the gentleman from Tennessee that I am perfectly willing that should be brought back, and I think perhaps we may be able to convince even him it will be well to leave that in.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk reported the conferees, as follows:

Mr. WOOD of Indiana, Mr. WASON, and Mr. HARRISON.

CALENDAR WEDNESDAY.

The SPEAKER. The business in order to-day is the business of Calendar Wednesday. The Clerk will call the roll of committees.

When the Clerk called the Committee on Civil Service Reform—

RETIREMENT OF EMPLOYEES IN CLASSIFIED SERVICE.

Mr. LEHLBACH. Mr. Speaker, I call up the bill (H. R. 3164).

The SPEAKER. That bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3164), with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3164, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 3164) supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes" (Public, No. 215, 66th Cong.), approved May 22, 1920.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. WALSH. Mr. Chairman, it is only a very short bill, and I think it should be read.

The CHAIRMAN. Objection is heard.

The Clerk read as follows:

Be it enacted, etc., That in carrying out the provisions of the act to which this act is a supplement, the words in section 6 thereof "all employees to whom this act applies" shall be construed to mean employees who have reached retirement age after a length of service sufficient to entitle them to an annuity.

All employees who have been heretofore separated from the service without annuity under authority of section 6 of said act shall be immediately reinstated in their former positions.

Such periods of separation shall be included in any computations of length of service to determine any annuities to which such reinstated employees may become entitled.

Sec. 2. That in carrying out the provisions in section 6 of the act to which this act is a supplement, dealing with the continuation of an employee in the civil service for a term not exceeding two years, whenever an employee eligible for retirement shall make application for such continuation in the civil service, it shall be the duty of the head of the department, branch, or independent office of the Government in which he or she is employed to secure from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government shall as of course certify to the United States Civil Service Commission that by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States the continuance of such employee would be advantageous to the public service.

Any employee who has heretofore been retired under the provisions of section 6 of the act to which this act is a supplement, notwithstanding his or her application for continuance in the civil service under the provisions of said section, shall have the right within 90 days after the approval of this act to submit to the United States Civil Service Commission evidence in writing of his or her efficiency at the time of retirement. The United States Civil Service Commission shall thereupon summarily hear and determine the facts under such rules and regula-

tions as it may prescribe. If such employee shall be found to have been efficient and competent during the two years next preceding his or her retirement, such employee shall be immediately reinstated in his or her former position, and shall continue therein as if such employee had been certified for such continuance in the first instance.

Mr. LEHLBACH. Mr. Chairman, this bill is to clarify and to provide for the details of administration of the civil service retirement act in certain particulars. It does not in any way alter the basic terms of the act or amend it in any particular, but in two points it makes clear the intent of Congress when it passed the original law and directs its application in the administration of the act.

Section 1 of the retirement act reads as follows:

That beginning at the expiration of 90 days next following the passage of this act, all employees in the classified civil service of the United States who have on that date, or shall have on any date thereafter, reached the age of 70 years and rendered at least 15 years of service computed as prescribed in section 3 of this act, shall be eligible for retirement on an annuity as provided in section 2 hereof.

Section 2 of the act prescribes the manner of computing the annuity. Section 3 provides for the manner of computing the length of service under the terms of the act, and so on. Section 6 provides:

That all employees to whom this act applies shall, upon expiration of 90 days next succeeding its passage, if of retirement age, or thereafter on arriving at retirement age as defined in section 1 hereof, be automatically separated from the service.

Now, we again refer to section 1. It says:

That all persons who shall have reached the age of 70 years and rendered at least 15 years of service computed as prescribed in section 3 of this act, shall be eligible for retirement on an annuity.

Now, the Comptroller of the Treasury, and I make no criticism of his ruling, has ruled, notwithstanding the reference to section 1 thereof, that the words in section 6 "that all employees to whom this act applies" shall mean all those employees in the classes to whom this retirement act applies who shall have reached the age of 70, or 65, or 62 in certain particular classes, and that they shall be automatically separated, whether they have served 15 years in the service or not, or whether they shall be entitled under the terms of this act to an annuity or not. This was manifestly not the intention of the framers and not the intention of Congress when it passed this act. It was not the intention to procure the dismissal from the service of any employee. Adequate opportunity for dismissing employees for cause exists, and is not in any way lessened by the retirement law, but this section of the law provides for the dismissal, without annuity, from the service of employees against whom no fault is found, under the construction placed upon it by the Comptroller of the Treasury.

Mr. LANHAM. Will the gentleman yield?

Mr. LEHLBACH. For a question.

Mr. LANHAM. As I recall section 6 of this act, there were two—

Mr. LEHLBACH. Will the gentleman withhold his question until a little later?

Mr. LANHAM. Yes.

Mr. LEHLBACH. Mr. Chairman, I reserve the balance of my time, and I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3164, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had concurred in the following resolution.

House concurrent resolution 48.

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 28th day of February, 1922, at 12.30 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

JOINT MEETING OF SENATE AND HOUSE.

At 12 o'clock and 25 minutes p. m. the members of the President's Cabinet entered the Hall and took seats at the left of the Speaker's rostrum.

At 12 o'clock and 26 minutes p. m. the Doorkeeper announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The VICE PRESIDENT took the chair at the right of the Speaker, and the Members of the Senate took the seats reserved for them.

The SPEAKER. The Speaker appoints as a committee on the part of the House to wait upon the President and conduct him to the Hall the gentleman from Wyoming [Mr. MONDELL], the gentleman from Massachusetts [Mr. GREENE], the gentleman from Michigan [Mr. SCOTT], the gentleman from Tennessee [Mr. GARRETT], and the gentleman from Texas [Mr. HARDY].

The VICE PRESIDENT. The Vice President appoints on the part of the Senate the Senator from Massachusetts [Mr. LODGE], the Senator from Washington [Mr. JONES], the Senator from Minnesota [Mr. NELSON], the Senator from Nebraska [Mr. HITCHCOCK], and the Senator from Florida [Mr. FLETCHER].

At 12.30 o'clock p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House, was announced by the Doorkeeper, and stood at the Clerk's desk, amid applause on the floor and in the galleries.

The SPEAKER. Gentlemen of the Senate and of the House, the President of the United States. [Applause.]

ADDRESS OF THE PRESIDENT.

The PRESIDENT. Mr. Speaker, Vice President, and Members of the Congress, when addressing the Congress last December I reported to you the failure of the Executive to carry out the intent of certain features of the merchant marine act of 1920, notably the provision for the notice of cancellation of all commercial treaties which hindered our grant of discriminating duties on imports brought to our shores in American ships. There was no doubt about the high purpose of Congress to apply this proven practice to the upbuilding of our merchant marine. It had proven most effective in the earlier days of American shipping; it had, at various times, demonstrated its effectiveness in the upbuilding of commercial shipping for other nations.

The success of the earlier practice for this Republic came at a time when we had few treaties, when our commerce was little developed. Its superseding by reciprocity in shipping regulations, and the adoption of other methods of upbuilding merchant marines, through various forms of Government aid, and the century of negotiation of commercial treaties, all combined to develop a situation which should lead to endless embarrassment if we denounced our treaties. We should not only be quite alone in supporting a policy long since superseded through the growing intimacy of international relationships, but we should invite the disturbance of those cordial commercial relations which are the first requisite to the expansion of our commerce abroad.

Contemplating the readiness of Congress to grant a decreased duty on imports brought to our shores in American bottoms, and facing the embarrassments incident to readjustment of all treaty arrangements, it seemed desirable to find a way of applying suitable aid to our shipping, which the Congress clearly intended, and at the same time avoid the embarrassment of our trade relationships abroad.

The recommendation of to-day is based wholly on this commendable intent of Congress. The proposed aid of the Government to its merchant marine is to have its chief source in the duties collected on imports. Instead of applying the discriminating duty to the specific cargo, and thus encouraging only the inbound shipment, I propose that we shall collect all import duties, without discrimination as between American and foreign bottoms, and apply the heretofore proposed reduction to create a fund for the Government's aid to our merchant marine. By such a program we shall encourage not alone the carrying of inbound cargoes subject to our tariffs, but we shall strengthen American ships in the carrying of that greater inbound tonnage on which no duties are levied, and, more important than these, we shall equip our merchant marine to serve our outbound commerce, which is the measure of our eminence in foreign trade.

It is interesting to note, in connection with the heretofore proposed plan of discriminating tariffs on imports, carried to our shores in American bottoms, that the total value of all dutiable imports for 1920, in all vessels, was \$1,985,865,000, while the cargoes admitted free of duty, on which no discrimination was possible, were valued at \$3,115,958,000. The actual tonnage comparison is even more significant from the viewpoint of cargo carrying, because the dutiable cargoes measured, in round numbers, 10,000,000 tons, and the nondutiable cargoes were 25,000,000 tons. The larger employment, by two and a half times, was in nondutiable shipments.

Continued trade must be reciprocal. We can not long maintain sales where we do not buy. In the promotion of these exchanges we should have as much concern for the promotion of sales as for the facilitation of our purchases. There is not

a record in all history of long-maintained eminence in export trade, except as the exporting nations developed their own carrying capacity.

No story of national development is more fascinating or so full of romance as that of developing capacity for the exchanges of commerce. Expanding civilization may be traced over the avenues of exchanging cargoes. No matter how materialistic it may sound, nations have developed for themselves and have influenced the world almost precisely as they have promoted their commerce. We need not refer to the armed conflicts which have been incident thereto. When commerce has been destroyed fading glories have attended.

It will avail nothing to attempt even the briefest résumé of our own efforts to reestablish that American importance in commerce carrying on the high seas which was recorded in the earlier days of the Republic. The aspiration is nation wide. The conflict between two schools of political thought heretofore has defeated all efforts to employ the governmental aid which other nations found advantageous while we held aloof, and the term "subsidy" and "subvention" were made more or less hateful to the American public. But the nation-wide desire to restore our merchant marine has outlived all defeats and every costly failure.

Eight years ago the aspiration found expression in a movement to have the Government sponsor an enterprise in which individual genius seemingly had failed. It would be difficult correctly to appraise the policy, because the World War put an end to all normal activities. Before we were involved our shipyards were suddenly turned to feverish and costly activities by the call of the allied powers for shipping, without which they could not hope to survive. American energies were applied to construction for others, as we had never dreamed of doing for ourselves. When we were later engaged we trebled and quadrupled the output on our own account. Allied resources were called upon to build to meet the destruction by submarine warfare, and ships were so essential that material for them was given priority over arms and munitions. There was the call for ships, and ships, and yet more ships, and we enlarged old yards and established new ones without counting the cost. We build madly, extravagantly, impractically, and yet miraculously, but we met a pressing need and performed a great service.

A people indifferent to the vital necessity of a merchant marine to the national defense ungrudgingly expended at five times the cost of normal construction and appropriated billions where millions had been denied before. We acquired vast tonnage. Some of it, much of it, is suited to the peace service of expanded commerce. Some of it, much of it, may be charged to the errors and extravagances of war-time anxiety and haste. The war program, and that completion of contracts which followed because such a course seemed best to those then charged with responsibility, gave us something more than 12,000,000 gross tonnage, not counting the folly of the wood construction, at a total outlay of approximately three and one-half billions of dollars.

We thus became possessed of the vehicles of a great merchant marine. Not all of it was practical for use in the transoceanic trades; little of it was built for the speed which gives the coveted class to outstanding service. But here was vast tonnage for cargo service; and the Government, in the exceptional call of commerce which immediately followed the war, sought the establishment of shipping lines in every direction calculated to enhance our foreign trade and further cement our friendly relations.

The movement lacked in most cases that inherent essential to success which is found in individual initiative. It was rather a Government experiment, where lines were established in high hope and little assurance, because the Public Treasury was to bear the burden. There was the mere suggestion of private enterprise, inasmuch as allocations and charters were made under which private management was to share in profits and private interests were paid to make the experiment, though the Government was to bear all the losses. I forbear the detailed recital. The misadventure was so unfortunate that when the present administration came into responsibility the losses were approximately \$16,000,000 a month, and to the cost of failure was added the humiliation of ships libeled in foreign ports.

In spite of all the later losses in operation, however, it is quite beyond question that our abundance of American tonnage was mainly responsible for our ability to share in the good fortunes of world trade during the two years immediately following the war. In all probability the losses we have sustained in our shipping activities were fully compensated to the American people in the saving of ocean freights in that period.

To-day we are possessed of vast tonnage, large and very costly experience, and the conviction of failure. It is fair to say that a mistaken policy was made more difficult by the unparalleled slump in shipping which came late in 1920 and prevailed throughout the year so recently closed. It was the inevitable reflex of the readjustments which follow a great war, and there were heavy losses in operations which had to be met by long-established and heretofore successful shipping lines, and ships built at top war costs took the slump in prices below the normal levels of peace.

But we have our ships, the second largest tonnage in the world, and we have the aspiration, aye, let me say, the determination, to establish a merchant marine commensurate with our commercial importance. [Applause.] Our problem is to turn the ships and our experience and aspirations into the effective development of an ocean-going shipping service, without which there can be no assurance of maintained commercial eminence, without which any future conflict at arms will send us building again, wildly and extravagantly, when the proper concern for this necessary agency of commerce in peace will be our guaranty of defense in case that peace is disturbed.

Out of the story of the making of great merchant marines and out of our own experience we ought to find the practical solution. Happily we are less provincial than we once were, happily we have come to know how inseparable are our varied interests. Nobody pretends any longer that shipping is a matter of concern only to the ports involved. Commerce on the seas is quite as vital to the great interior as it is to our coast territory, east, south, or west. Shipping is no more a sectional interest than is agriculture or manufacturing. No one of them can be prospered alone.

We have had a new manifestation of this broadened vision in the enthusiasm of the great Middle West for the proposed Great Lakes-St. Lawrence waterway, by which it is intended to connect the Great Lakes ports with the marts of the world. There is farseeing vision in the proposal [applause], and this great and commendable enterprise, deserving your favorable consideration, is inseparable from a great merchant marine.

What, then, is our problem? I bring to you the suggestions which have resulted from a comprehensive study which are recommended to me by every member of the United States Shipping Board. It is a program of direct and indirect aid to shipping to be conducted by private enterprise. It is proposed to apply generally the benefits which it was designed to derive from discriminating duties to all ships engaged in foreign commerce, with such limitation on remuneration as will challenge every charge of promoting special interests at public cost.

In lieu of discriminating duties on imports brought to us in American bottoms it is proposed to take 10 per cent of all duties collected on imports brought to us in American or foreign bottoms, and create therefrom a merchant marine fund. To this fund shall be added the tonnage charges, taxes, and fees imposed on vessels entering the ports of continental United States; also such sums as are payable to American vessels by the Post Office Department for the transportation by water of foreign mails, parcel posts excepted.

Out of this fund shall be paid the direct aid in the development and maintenance of an American merchant marine. The compensation shall be based on one-half of 1 cent for each gross ton of any vessel, regardless of speed, for each 100 miles traveled. When the speed is 13 knots or over, but less than 14, two-tenths of a cent on each gross ton shall be added; for 14 knots, three-tenths of a cent; for 15 knots, four-tenths of a cent; for 16 knots, five-tenths; for 17 knots, seven-tenths; for 18 knots, nine-tenths; for 19 knots, eleven-tenths; for 20 knots, thirteen-tenths shall be added to the basic rate. For 23 knots the maximum is reached at 2.6 cents for each gross ton per 100 miles traveled.

I will not attempt the details of requirements or limitations, save to say that all vessels thus remunerated shall carry the United States mails, except parcel post, free of cost, and that all such remuneration must end whenever the owner of any vessel or vessels shall have derived a net operating income in excess of 10 per cent per annum upon his actual investment, and thereafter the owner shall pay 50 per cent of such excess earnings to the merchant marine fund, until the full amount of subsidy previously received is returned to its source. In other words, it is proposed to encourage the shipping in foreign trade until the enterprise may earn 10 per cent on actual investment, whereupon the direct aid extended is to cease and the amount advanced is to be returned out of a division with the Government of profits in excess of that 10 per cent. The provision makes impossible the enrichment of any special interest at public expense, puts an end to the Government assumption of all

losses, and leaves to private enterprise the prospective profits of successful management.

The cost of such a program probably will reach fifteen millions the first year, estimated on the largest possibilities of the present fleet. With larger reimbursement to high-speed vessels and the enlargement of the merchant marine to a capacity comparable with our commerce the total outlay may reach the limits of thirty millions, but it is confidently believed that the scale may in due time thereafter be turned, until the large reimbursements are restored to the Treasury. Even if we accept the extreme possibility—that we shall expend the maximum and no return will ever be made, which is to confess our inability to establish an American merchant marine—the expenditure would be vastly preferable to the present unfortunate situation, with our dependence on our competitors for the delivery of our products. Moreover, the cost for the entire year would be little more than the deficit heretofore encountered in two months during the experiment of the Government sponsoring the lines and guaranteeing the cost of their operation.

The proposed plan will supersede all postal subventions, postal compensations, and extra compensations, excepting parcel-post freights, all of which combined are fast growing to approximately five millions annually. It will ultimately take the Government out of a business which has been, and is now, excessively costly and wasteful and involving a loss in excess of the highest subsidy proposed. It will bring to shipping again that individual initiative which is the very soul of successful enterprise. It should enable the Government to liquidate its vast fleet to the highest possible advantage.

The making of a successful American merchant marine, which must face the stiffest possible competition by the fleets of the maritime nations, requires something more than the direct aid to which I have alluded. The direct aid proposed, even though it ultimately runs to \$30,000,000 annually, is insufficient alone to offset the advantages of competing fleets. There are more than wage costs and working conditions and the higher costs of rationing, which no considerable American sentiment will consent to have lowered to competing standards.

The men who sail the seas under our flag must be permitted to stand erect in the fullness of American opportunity. There is the higher cost of construction, the larger investment, the higher cost of insurance outlay, even though the rate is the same. There are higher interest charges. Our problems in shipping are very much the same as are those of our industries ashore, and we should be as zealous in promoting the one as we are in protecting the other. We may and must aid indirectly as well as directly.

We need a favoring spirit, an awakened American pride, and an avowed American determination that we shall become, in the main, the carriers of our own commerce, in spite of all competition and all discouragements. With direct and indirect aid I bring to you a definite program. Those who oppose it ought, in all fairness, to propose an acceptable alternative. There can be no dispute about the end at which we are aiming.

Of the indirect aids there are many, practically all without draft upon the Public Treasury, and yet all highly helpful in promoting American shipping.

It is a simple thing—seemingly it ought not require the action of Congress—but American officials traveling on Government missions at Government expense ought to travel on American ships [applause], assuming that they afford suitable accommodations. If they do not afford the requisite accommodation on the main routes of world travel, the argument that we should upbuild is strongly emphasized.

I think we should discontinue, so far as practical, the transport services in the Army and Navy, and make our merchant and passenger ships the agents of service in peace as well as war.

We should make insurance available at no greater cost than is afforded the ships under competing flags, and we can and will make effective the spirit of section 28 of the Jones Act of 1920, providing for preferential rail and steamship rates on through shipments on American vessels. American railways must be brought into cooperation with American steamship lines. It is not in accord with either security or sound business practice to have our railways furthering the interests of foreign shipping lines, when the concord of American activities makes for common American good fortune. [Applause.]

Contemplating the competition to be met, there ought to be an amendment to the interstate commerce act which will permit railway systems to own and operate steamship lines engaged in other than coastwise trade. [Applause.] There is a measureless advantage in the longer shipments where rail and water transportation are coordinated, not alone in the service,

but in the solicitation of cargoes which ever attends an expanding commerce.

We may further extend our long-established protection to our coastwise trade, which is quite in harmony with the policy of most maritime powers. There is authority now to include the Philippines in our coastwise trade, and we need only the establishment of proper facilities to justify the inclusion of our commerce with the islands in our coastwise provisions. The freedom of our continental markets is well worth such a favoring policy to American ships, whenever the facilities are suited to meet all requirements.

Other indirect aids will be found in the requirement that immigration shall join wherever it is found to be practical in aiding the merchant marine of our flag under which citizenship is to be sought [applause], and in the establishment of the merchant marine naval reserve. The remission of a proportion of income taxes is wholly compatible when the shipping enterprise is of direct Government concern, provided that such remission is applied to the cost of new ship construction.

Congress has already provided for a loan fund to encourage construction. It might well be made applicable to some special requirements in reconditioning.

It is also worth our consideration that, in view of suspended naval construction, the continued building of merchant ships is the one guaranty of a maintained shipbuilding industry, without which no nation may hope to hold a high place in the world of commerce or be assured of adequate defense.

A very effective indirect aid, a substitute for a discriminating duty which shall inure to the benefit of the American shipper, will be found in the proposed deduction on incomes, amounting to 5 per cent of the freight paid on cargoes carried in American bottoms. The benefits can have no geographical restrictions, and it offers its advantages to American exporters as well as those who engage in import trade.

Our existing ships should be sold at prices prevailing in the world market. I am not unmindful of the hesitancy to sacrifice the values to current price levels. We constructed at the top cost of war when necessity impelled, when the building resources of many nations were drawn upon to the limit to meet a great emergency. If there had come no depression, a return to approximate normal cost would have been inevitable. But the great slump in shipping has sent tonnage prices to the other extreme, not for America alone, but throughout the world.

If we held our ships to await the recovery we should only make more difficult our response to beckoning opportunity. One of the outstanding barriers to general readjustment is the tendency to await more favorable price conditions. In the widest view, the Nation will ultimately profit by selling now. We may end our losses in an enterprise for which we are not equipped, and which no other Government has successfully undertaken, and the low prices at which we must sell to-day will make a lower actual investment with which we deal in promoting permanent service.

If I were not deeply concerned with the upbuilding of our merchant marine I should nevertheless strongly urge Congress to facilitate the disposal of the vast tonnage acquired or constructed in the Great War emergency. The experiment we have made has been very costly. Much has been learned, to be sure, but the outstanding lesson is that the Government can not profitably manage our merchant shipping. The most fortunate changes in the personnel of management would still leave us struggling with a policy fundamentally wrong and practically impossible. [Applause.]

Having failed at such enormous cost, I bring you the proposal which contemplates the return to individual initiative and private enterprise, aided to a conservative success, wherein we are safeguarded against the promotion of private greed, and do not discourage the hope of profitable investment, which underlies all successful endeavor.

We have voiced our concern for the good fortunes of agriculture, and it is right that we should. We have long proclaimed our interest in manufacturing, which is thoroughly sound, and helped to make us what we are. In the evolution of railway transportation we have revealed the vital relationship of our rail transportation to both agriculture and commerce. We have been expending for many years large sums for deepened channels and better harbors and improved inland waterways, and much of it has found abundant return in enlarged commerce. But we have ignored our merchant marine. The World War revealed our weakness, our unpreparedness for defense in war, our unreadiness for self-reliance in peace.

It would seem as though transpiring events were combining to admonish us not to fail now to reassert ourselves. In the

romantic days of wooden hulls and whitened sails and the sturdiest men of the sea we outsailed the world, and carried our own cargoes, revealed our flag to the marts of the world.

Up to the World War we were a debtor nation. Our obligations were held largely by the maritime powers. Apart from the advantages in carrying our commerce, they sought our shipments for the balances due to them. There is a different condition now. They are concerned with shipments to us, but not so interested in our shipments to them. It is our high purpose to continue our exchanges, both buying and selling, but we shall be surer of our selling, notably our foodstuffs, if we maintain facilities for their transportation.

Contemporaneous with the awakening, we have the proposal to carry our ocean-going facilities to the great "unsalted seas," which shall place the farms of the upper Mississippi Valley on a market way to the marts of the Old World. We should fail to adjust our vision to the possibilities if we halted in making for American eminence on the ocean highways now awaiting our return.

We have recently joined the great naval powers in a program which not only puts an end to costly competition in naval armament and reduces the naval forces of the world, but adds to the confidence in maintained peace. The relativity of strength among the powers would be wholly one of disappointing theory if ours is to be a merchant marine inadequate for the future. I do not care to stress it as a means of defense. The war and our enforced outlay have already stressed that point.

The merchant marine is universally recognized as the second line of naval defense. It is indispensable in the time of great national emergency. It is commendable to upbuild and maintain, because it is the highest agency of peace and amity, and bears no threat and incites no suspicion. And yet it is a supreme assurance, without which we should be unmindful of our safety and unheeding of our need to continued growth and maintained influence.

I am thinking of the merchant marine of peace. Commerce is inseparable from progress and attainment. Commerce and its handmaidens have wrought the greater intimacy among nations, which calls for understandings and guaranties of peace. However we work it out, whatever our adjustments are to promote international trade, it is inevitable that the hundred millions here, outstanding in genius and unrivaled in industry and incalculable in their resources, must be conspicuous in the world's exchanges. We can not hope to compete unless we carry, and our concord and our influence are sure to be measured by that unfailing standard which is found in a nation's merchant marine. [Great applause.]

At 1 o'clock and 10 minutes p. m. the President and the members of the Cabinet retired from the Hall of the House.

Thereupon the Vice President and the Members of the Senate returned to their Chamber.

The SPEAKER. The joint session of the two Houses is now adjourned.

REFERENCE OF THE PRESIDENT'S MESSAGE.

Mr. MONDELL. Mr. Speaker, I move that the President's message just read be referred to the Committee on Merchant Marine and Fisheries and ordered printed.

The SPEAKER. The gentleman from Wyoming moves that the President's message be referred to the Committee on the Merchant Marine and Fisheries and ordered printed. The question is on agreeing to that motion.

The motion was agreed to.

RETIREMENT OF EMPLOYEES IN THE CLASSIFIED CIVIL SERVICE.

Mr. LEHLBACH. Mr. Speaker, I move that the House again resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3164.

The SPEAKER. The gentleman from New Jersey moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3164. This is Calendar Wednesday, and the House automatically resolves itself into Committee of the Whole House on the state of the Union. The gentleman from Iowa will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3164, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 3164, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 3164) supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes" (Public, No. 215, 66th Cong.), approved May 22, 1920.

Mr. LEHLBACH. Mr. Chairman, I will just briefly make a résumé of what I said before the committee rose a short time ago with regard to the purpose of this bill, which is not intended to alter the provisions of the retirement law, but to clarify them in certain aspects, and to direct the manner of their administration.

As I said before, section 1 of the retirement law reads that "All employees in the classified civil service of the United States who * * * shall have reached the age of 70 years and rendered at least 15 years of service * * * shall be eligible for retirement on an annuity." That is section 1 of the act, and then it provides the classes to whom this act shall apply, and various sections provide the amount of annuity, and so forth.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield for a question right there?

Mr. LEHLBACH. I yield.

Mr. CLOUSE. I was just wondering whether this provision of the act referred to would embrace a clerk who had served 14 years and had arrived at the age of 62, where he was automatically retired, although he was physically able to perform his duties and had made his application to continue?

Mr. LEHLBACH. Yes. I was about to explain that section 6 of the act says that "all employees to whom this act shall apply shall, on reaching the retirement age as provided in section 1 of the retirement law, be automatically severed from the service." But section 1 of the retirement act, as I just read a moment ago, deals with all employees who have reached the age of 70 or 65 or 62 years, as the case may be, and rendered at least 15 years of service. Now, the Comptroller of the Treasury in a ruling construed the words in section 6 "to whom this act shall apply" to mean not those employees who had reached retirement age after 15 years' service, but construed it to mean all those who have reached retirement age, regardless of the length of service, which was not the intention of Congress when it wrote those words in the law.

Mr. CLOUSE. That is the point I was trying to get to, the ruling of the comptroller to the effect that when a civil-service employee reached the age of 62, for example, one who is employed in the rural mail service, notwithstanding his physical condition or his desire to continue in the service, was automatically retired, and, although he had served only 14 years, he could not be reinstated. Does that take care of that kind of a case?

Mr. LEHLBACH. It does.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. LANHAM. As I recall section 6 of the retirement act, it provided for two different periods of two years each, and if the employee reached the retirement age, if found physically able, he might, under certain circumstances, continue his employment. It seems the legislative intent in that regard was arbitrarily disregarded in the administration of the law.

Mr. LEHLBACH. That is true.

Mr. LANHAM. This bill, very properly, I think, provides for the reinstatement of those who were retired against the legislative intent. As to the man who now returns to work upon reinstatement, if this bill is enacted into law, will his two years begin to run from the time of his reinstatement or from the time of his retirement?

Mr. LEHLBACH. So far as computing his length of service is concerned, the time during which he was separated from the service will be counted in; but so far as compensation or anything of that sort is concerned, he will not be entitled to it.

Mr. LANHAM. He was entitled under the original act to remain for two years if physically able and efficient and upon proper certification thereof. If he is reinstated, should he not have the privilege of remaining two years after the time of his reinstatement?

Mr. LEHLBACH. He would be continued as from the time when his application should have been favorably considered. He will have the privilege of having his application favorably considered at the end of two years.

Mr. MANN. I understood when the bill was enacted that it required separation from the service when a man reached the highest age—72, or 64—unless he was retained for a two-year period. I understand the gentleman to say that that was not the intent of Congress?

Mr. LEHLBACH. I think it was not the intent of Congress, so far as I understand it and so far as I understood it at the time, that a person who simply reached the age fixed for retirement, but who was not by reason of length of service eligible for the annuity thereunder, should be affected by it.

Mr. MANN. Yes; I know all that; but—

Mr. LEHLBACH. I do not say that the construction of the comptroller is not justifiable by the language of the act. I am not criticizing him.

Mr. MANN. That is a moot question. Certainly there was nothing said on the floor of the House when that bill was before us to indicate that a man was not to be retired at the age of 70 because he had not been in the service long enough to get an annuity. I am sure of that.

Mr. LEHLBACH. I will say to the gentleman from Illinois that nothing was said on the floor here, nor was the suggestion made that this bill was to provide an additional method of separating people from the service except for retirement on an annuity.

Mr. MANN. Oh, yes; it was expressly stated, and that was one of the arguments in favor of the bill, that arbitrarily a man should be separated from the service when he reached the age of 70 unless he showed that he was efficient. The department did not have to show that he was inefficient. That was one of the purposes of the bill, to get rid of the older people in the service without any reflection upon them. However, I have no desire to insist.

Mr. LEHLBACH. In the vast majority of cases that would be absolutely so, because the maximum age limit for appointment to the great majority of jobs under the civil service is 45 years of age. Therefore, when a man reaches 60 he will have had 15 years of service, unless he entered the civil service in violation of the rule.

Mr. MANN. I believe when you make a mistake it is wise to acknowledge it without trying to say it is the fault of some one else. Now, I should like to ask the gentleman this question: These people who are reinstated, who have been out for a year or two, and who have the time that they were out counted, in order to give them the period of service to entitle them to retirement, do they contribute anything for the time they were out?

Mr. LEHLBACH. No; but they draw no salaries either for that time.

Mr. MANN. They draw no salaries, but they draw an annuity based upon contributions from the salaries of others. They will be in the Government service.

Mr. LEHLBACH. Yes; the years of separation will count in the period which is the basis for computation of the annuity.

Mr. MANN. But they make no contribution during that time.

Mr. LEHLBACH. They contribute no percentage of their salaries because they drew no salaries during the time they were separated from the service.

Mr. MANN. They could pay a percentage by having it deducted from the annuity. Suppose a man had been out 10 years, and should be, as you say, "immediately reinstated." I do not know what that means.

Mr. LEHLBACH. The reinstatement provision is entirely retroactive. It stops as soon as this bill becomes a law, because the bill does two things. It prevents such separations in the future and reinstates those who have been separated in the past. So as there will be no more such separations in the future, the reinstatement is entirely retroactive and can not go back further than August, 1920.

Mr. MANN. I wish to ask about section 2 of the bill. Supposing a man in the Postal Service has reached the age of retirement and he is separated from the service, notwithstanding his application to be retained. Under this he can be reinstated and go back to the position he held?

Mr. LEHLBACH. Yes.

Mr. MANN. That means necessarily to fire somebody else out.

Mr. LEHLBACH. To put somebody else back where he was before. If he was in the service in a lesser capacity he goes back there.

Mr. MANN. Suppose the superintendent of a postal station goes out of the service and somebody else is promoted to be superintendent of that postal station. Under this bill the man who has been promoted is kicked back. There can not be two superintendents of one station.

Mr. LEHLBACH. No.

Mr. MANN. And the man who has been out goes back in. Is that correct?

Mr. LEHLBACH. That is correct. That point was considered, and it was thought that where there are two people, one of whom must be inconvenienced by reason of a mistake, the one who suffered under the mistake is not the one to be inconvenienced, but the man who profited by the mistake is the one to be inconvenienced.

Mr. MANN. This provision requires that the Civil Service Commission shall summarily hear and determine the facts where an application for reinstatement is made. Does that mean that the applicant has to come to Washington?

Mr. LEHLBACH. No; no more than when the Civil Service Commission is authorized to hold an examination do the persons taking the examination have to come to Washington.

Mr. MANN. Oh, well, ordinarily a man takes a written examination. This is a requirement that the Civil Service Commission shall summarily hear the application.

Mr. LEHLBACH. They can hear it by depositions or otherwise.

Mr. MANN. Has this provision had the construction of the Civil Service Commission?

Mr. LEHLBACH. I do not know how the Civil Service Commission will construe a law that is not yet enacted.

Mr. MANN. It is sometimes possible to obtain that information, and I merely inquired to know whether the committee had obtained it. Otherwise, of course, I am just as good a judge of what it means as my friend from New Jersey is.

Mr. LEHLBACH. There is no question about that.

Mr. MANN. And he is as good a judge as I am. Nobody will know just what it means unless it has been construed.

Mr. LEHLBACH. The intent of the language in stating that they may summarily hear and determine, under such rules and regulations as they may prescribe, was to make it so broad that the Civil Service Commission should be unhampered. It was intended that they might do it in any way they desired, and with as little formality as they desired.

Mr. SNELL. Will the gentleman yield for a question?

Mr. LEHLBACH. I will.

Mr. SNELL. How does this affect a man who was separated from the service on his own application, but who after he had been out a while decided that he would rather go back in?

Mr. LEHLBACH. It does not affect him at all.

Mr. MANN. Such a man can not get back?

Mr. LEHLBACH. Oh, no; not at all. While, theoretically, a man might have been appointed on his sixty-ninth birthday and separated from the service on his seventieth birthday and not have had the 15 years' service, yet as a practical matter those people who were separated at the age of 70, and postal employees and mechanics who were separated at the age of 65, and in the Railway Mail Service at 62, were people in the main who lacked possibly a month, or six months or so, of the prescribed minimum of 15 years which would entitle them to an annuity. That follows from the limitations of the maximum ages under which men can be appointed to the civil service. The cases that were brought before the committee when they gave the bill consideration were cases where people within one or three or six months of the minimum limit for annuity were separated from the service under the construction of the Comptroller of the Treasury, which, I will say to my friend from Illinois, as far as I am concerned I am willing to admit was a proper construction. I am not trying to put the blame on the comptroller; the fault was in drafting the bill and not in the construing of it by the comptroller; but it was not the intention of those who secured the passage of the measure at the time it passed.

Mr. SNELL. And that is one of the reasons why it is necessary to pass this measure?

Mr. LEHLBACH. Yes.

Mr. MANN. Was it the intention of the committee that a man might go into the service at the age of 69 and serve 14 years?

Mr. LEHLBACH. It was not.

Mr. MANN. That is what this bill does.

Mr. LEHLBACH. The committee had some knowledge of the rules and regulations of the Civil Service Commission, and knew that they had to be passed upon by the civil service and could not get into the service over the age of 45.

Mr. MANN. Oh, lots of men have got appointed to a Government job and then covered into the classified service.

Mr. LEHLBACH. They ought not to.

Mr. MANN. I do not say that they ought to, but they have.

Mr. LEHLBACH. If these men are anywhere near the age of retirement after a service of one or two years and they reach the age and are no longer efficient, there is nothing in this act nor in the original retirement law that will continue them. All this does is to prevent a compulsory dismissal, and in the instance which the gentleman from Illinois points out the dismissal should take place, not by reason of the retirement law but on general principles.

Mr. MANN. If the gentleman will pardon me, I am in favor of the bill, but when it comes to the dismissal of men for inefficiency on account of old age, what is the use? We carried for years a provision in the law, applying to all departments in Washington, requiring a dismissal of any superannuated employee of the Government, and there never was one separated

from the service on that account, although all of the departments were reporting that they were overburdened with superannuated employees.

Mr. LEHLBACH. Even the man appointed after the age of 60 and becoming superannuated after he has given years to the service, it would entitle him to some consideration.

Mr. SNELL. Does this make it absolutely compulsory to dismiss persons after they have reached the age of retirement?

Mr. LEHLBACH. Unless certified by the head of the department that they are efficient and competent, and then they may continue for two years.

Mr. SNELL. But they can do that under the old law.

Mr. LEHLBACH. Yes; this does not change that; this only makes clear what was the intention of Congress—that when men are able to work they ought not to be compulsorily retired.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. SUMMERS of Washington. How many employees will this measure apply to?

Mr. LEHLBACH. I have not the number; but as far as section 1 is concerned it will not affect probably more than 100 employees. They were in almost every instance under this strict construction separated without giving them an opportunity to round out the 15 years.

Mr. SUMMERS of Washington. Under all the provisions of the bill there are not more than 100 involved?

Mr. LEHLBACH. Under section 1; and that is all I have been discussing so far.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. NEWTON of Minnesota. In the colloquy with the gentleman from New York in relation to compulsory retirement, as I understand it, as the law was passed by Congress there was no provision for compulsory retirement if the employee was physically and mentally able to carry on his duties in an efficient manner.

Mr. LEHLBACH. There was no intention of that sort, but by a perversion of the terms of the law there was a compulsory retirement injected into it.

Mr. NEWTON of Minnesota. That was true of the Postmaster General.

Mr. LEHLBACH. And it was true of some other departments. Let me read from the testimony that came in under another matter. This statement was given by a supervisor in one of the ordnance plants in a navy yard in this country.

He says with regard to the retirement at the age of 65—and that is the age at which mechanics are retired. He says:

I will give a case of this at the plant. An officer in charge wanted to be just. He was just. I will give the officer credit for that. He was just. At that plant he allowed nobody to continue. It was justice to everybody at that plant.

That is the way this fat-head officer reasoned. He did not want to tell those who were inefficient that they must get out and allow the efficient to stay; so he said they must all get out.

Mr. NEWTON of Minnesota. That is what the Postmaster General did.

Mr. LEHLBACH. He did. The statement goes on:

There was a man there, a wagon builder. It is hard to find them these days. This man has been back in the woods. He reached 65 last May, and had to retire. He had been only four years with the Government, but they could not find a man to take his place. They had a carpenter on that work, and he did the work, but he was not a wagon builder, and was not satisfactory. The superintendent said: "Old man Woodman is the best man I have got and the only man who knows that class of work."

Yet that man was retired, and we want to stop that sort of nonsense by this bill.

Mr. NEWTON of Minnesota. Do I understand that by this measure automatic or compulsory retirements will be done away with?

Mr. LEHLBACH. Section 6 of the original law provides that persons who make application for continuance in the active service, if they are found to be competent and efficient, may be so certified by the head of the department, and, with the approval of the Civil Service Commission be continued for a term not exceeding two years, and at the end of two years he or she may be by similar approval and certification continued for an additional term not exceeding two years, and so on.

Mr. NEWTON of Minnesota. That was done by some of the department chiefs, but it was not done by the Postmaster General and one or two other heads of the executive departments.

Mr. LEHLBACH. Section 2 of the act under consideration provides that where such employee shall make application for continuance in the civil service it shall be the duty of the head of the department, branch, or independent office of the

Government in which he or she is employed to secure from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicants and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicants.

It further provides that should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department shall, of course, certify to the United States Civil Service Commission that he or she is efficient. That was the intention of the act, but inasmuch as people have willfully or ignorantly disobeyed the law we have to supplement it by the passage of this act to show them how to apply it.

Mr. NEWTON of Minnesota. I agree with the gentleman that the construction by the Postmaster General in cases under my own observation, in my own city, was a perversion of the terms of the act, and men were retired who were perfectly able to continue in the service, to give the Government the very best of service, who are now out on pension, when they ought to be working for the Government and drawing no pension money whatsoever.

Mr. LEHLBACH. Section 2 further provides in this connection as follows:

An employee who has heretofore been retired under the provisions of section 6 of the act to which this act is a supplement, notwithstanding his or her application for continuance in the civil service under the provisions of said section, shall have the right within 90 days after the approval of this act to submit to the United States Civil Service Commission evidence in writing of his or her efficiency at the time of retirement.

"Evidence in writing" means some sort of a statement or the efficiency ratings during the two years before retirement. It does not mean their own opinion; it does not mean that everybody that has gone out shall bother the Civil Service Commission for reinstatement. It means those who in writing can submit a prima facie case, and if they are found to be efficient and competent and should have been retained they will be reinstated.

Mr. NEWTON of Minnesota. What is going to be the situation in reference to the additional employees who had previously been substitutes, but who have been added to the regular roll, and who will find themselves displaced by this action?

Mr. LEHLBACH. As I said in answer to the same question put by the gentleman from Illinois [Mr. MANN], of course, in only exceptional instances will it mean separation from the service for the new people. They will be absorbed in their department in some way or another, but if it should come to the extreme case which the gentleman suggests, the committee took this position, that where through wrongful act there are two who will be, by reason of its rectification, inconvenienced, the one to bear the inconvenience is the one who profited by the wrongful act and not the one who suffered because of it.

Mr. NEWTON of Minnesota. Almost a year and a half has passed since the act took effect.

Mr. LEHLBACH. It took effect, August 22, 1920.

Mr. NEWTON of Minnesota. Here is a man of retirement age, of 70 years, and a year and a half have elapsed and his physical condition may have changed, his mental condition may have changed. He may not be able to go back into his work and be as efficient. Yet his efficiency records, his showing, made at the time of retirement would indicate that he should continue. In what way has the committee protected the Government in that situation?

Mr. LEHLBACH. The basic act provides that notwithstanding the extension of the service, if in fact they do become inefficient by reason of age or for other cause, certificate or no certificate, they may be retired.

Mr. NEWTON of Minnesota. Does not the gentleman think some sort of provision should be made here to meet that situation, and if a person is given reinstatement for the reasons indicated, there should be some kind of a showing of his continued physical good health?

Mr. LEHLBACH. It was not deemed necessary to put that in the act for the reason, in the first place, if a person is no longer capable at the present time of doing work, it would be folly for him to make application for reinstatement on the basis that a year and a half ago he was capable of doing the work. Furthermore, the basic act, retirement law, provides that where a person is continued for a space of two years on such a certificate if during that period he becomes inefficient, he can be retired nevertheless, so that if he is as a matter of justice reinstated, he would be immediately retired.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BLACK. Just to interrupt there. I rather think there is some force in what the gentleman from Minnesota says. I presume that the gentleman was referring to the reinstatement under section 1, was he not?

Mr. NEWTON of Minnesota. I am referring to reinstatement in cases where there has been compulsory retirement on reaching the age limit.

Mr. LEHLBACH. Notwithstanding the application for an efficiency certificate.

Mr. BLACK. While we are on that point, let me call the attention of the Chairman to the same thought that I had in mind. I was not present in the committee when this bill was reported out, because I was busy in another committee. I am in favor of the general idea of the bill. This section 1 gives the right of automatic reinstatement to all that class of employees who have been retired because of reaching the age, who are not entitled to annuity pay. I think they ought to be reinstated, provided they are physically able to perform the duties, but if in the passage of time that has taken place they have become incapacitated to perform these duties, I do not think they should be reinstated.

Mr. LEHLBACH. If the gentleman will permit, section 7 provides various things, and there is a semicolon, and the last five lines in section 7 of the retirement law itself applies to the entire act, and reads as follows:

But nothing contained in this act shall be construed to prevent the compulsory retirement of such employee when in the judgment of the head of the department, branch, or independent office in which he or she is employed such retirement would promote the best interests of the service.

Mr. BLACK. That is true, but we will automatically reinstate all of these employees and we will not give the head of the department any discretion in the matter at all, but I am perfectly willing that we pass this particular section because of the situation that exists, but I do have an opinion in the matter that it ought to be amended so that he or she must be able to show that he or she is physically qualified for performing the duties.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. FAIRFIELD. I want to ask the gentleman from Texas a question. In the case of a man who served 14 years and 9 months and was summarily dismissed, though there was abundant evidence that he was in good physical condition and perfectly able to continue in the duties of the office, that summary dismissal cuts him out of the annuity. The gentleman does not think that even if he were to-day physically able and would be reinstated so that the period of time which had elapsed and during which he might have the 15-year period could be attained, the gentleman is not opposed—

Mr. BLACK. No; I did not have those cases in mind.

Mr. FAIRFIELD. I have a number of cases of that kind in my district, men who have served up to within a year's time, some of them within a month or two months' time, who were summarily dismissed; no recognition, a manifest injustice to those men.

Mr. ELLIOTT. I would like to ask the gentleman from New Jersey a question. In my district, the city of Richmond, Ind., is a railway mail terminus. On the Pennsylvania line running from there to Chicago there was a man who had been running for years as a railway mail clerk on said route, and one of the most expert there was on that line. He was in good health and in possession of all his faculties, and was arbitrarily dismissed by Postmaster General Burleson under the retirement law. The man did not want to be dismissed, but wanted to keep on with his work. As soon as he was discharged from the service he went out on a farm, shucked corn, and did all kinds of hard work, such as is usually done there, because he said that he did not want to lay down and quit. Now, the other day this man was in my office, and if I am not mistaken he went over to explain the matter to the gentleman from New Jersey.

Mr. LEHLBACH. I saw him.

Mr. ELLIOTT. As I understand this bill, it is designed to take care of that kind of a man if he is able to work and wants to get back into the service?

Mr. LEHLBACH. The bill provides he shall lay evidence in writing before the Civil Service Commission that he was in fact efficient and competent at the time he was summarily retired, and if upon hearing the case the Civil Service Commission determines that he was competent and is still competent to do the work he goes back.

Mr. KETCHAM. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. KETCHAM. Do the provisions of this bill cover cases of rural mail carriers who have been subject to the interpretation—

Mr. LEHLBACH. Yes.

Mr. KETCHAM (continuing). The same as described by the gentleman who just preceded me?

Mr. LEHLBACH. Yes.

Mr. KETCHAM. They may be reinstated upon a proper showing?

Mr. LEHLBACH. Yes. A very large number of cases which are sought to be corrected were in the Post Office Department, but there were cases in other departments also.

Mr. Chairman, I reserve the remainder of my time.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. LEHLBACH. I will.

Mr. DOWELL. Assuming that he was in proper condition to perform the work at the time of his retirement and is not at the present time, he then would not be returned to his place? Is that correct?

Mr. LEHLBACH. Technically he might be entitled to return to his place, but if in fact he could not do the work he would come under the provisions of section 7 of the retirement law which I read, which says in no case shall he be retained on the roll if he is no longer able to do the work.

Mr. DOWELL. As I understand, if two years ago he was able to perform this work and was retired, but at the present time he is not able to perform his work, he would be reinstated to the point of being retired at the present time under the same terms as though he had served to the time when he was disabled?

Mr. NEWTON of Minnesota. Will the gentleman yield right there? Suppose a man was forced out of the service after serving 14 years and 9 months. He would not be entitled to the annuity. Now, he gets reinstated, and immediately upon reinstatement it is ascertained that he is not able to go ahead with his duties. Now, he is again forced out of the service, this time because of his condition. Does he get his annuity?

Mr. LEHLBACH. Sure, because the time he was separated counts.

Mr. NEWTON of Minnesota. So the time that he was actually forced out of the service would be to his credit?

Mr. LEHLBACH. I may read to the gentleman this provision:

Such periods of separation shall be included in any computations of length of service to determine any annuities to which such reinstated employees may become entitled.

Mr. NEWTON of Minnesota. The latter part of section 1?

Mr. LEHLBACH. Yes. That was all thought of.

Mr. BLACK. Mr. Chairman, I was not present in the Committee on Reform in the Civil Service at the time this bill was considered, on account of having other committee work to do with the Banking and Currency Committee at that time, but I think the bill in the main carries out the purpose of the original retirement act. I was not a supporter of the act to retire Government employees and pay them an annuity. I am not now an advocate of the idea. But, nevertheless, I am willing and anxious to assist in the correct administration of the law after it has been passed.

Now, there are two sections in this bill, and each of them deals with a different situation. Section 1 deals with that class of employees who have reached the retirement age, but have not been in the service a sufficient length of time to entitle them to receive an annuity at the time of retirement. It seems that a certain number of employees have been retired, have been deprived of their employment, and have not only lost their position, with its salary, but also have received no annuity. I dare say that a certain number of these employees, at least, were entirely competent to continue efficiently the performance of their duties, and therefore I think in such cases it is but an act of justice that they should be restored to their former positions. And that is the purpose of section 1. Though, I do believe, and I suggest this for the consideration of the House, as well as the chairman of the committee, that a proviso should be added on page 2, after the words "positions," on line 2:

Provided, That no such employee shall be restored to active duty in a department unless he is physically able to discharge the duties of the position in which he was serving at the time he was retired.

Mr. LEHLBACH. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. LEHLBACH. The difficulty with that is that there is no distinction known among employees on the rolls of those on active and passive duty. And to preclude, as this might preclude, the reinstatement at all of a man who was retired in 1920, and who at this time may not be efficient and competent,

would be to lose to him the ability, in a few months, which would be counted in under the last paragraph of section 1, to get the annuity to which he would be entitled.

Mr. BLACK. I understand the apparent injustice which the gentleman has in mind to protect, and it was not to that particular class of cases that I expected to direct my amendment.

Mr. LEHLBACH. I will suggest to the gentleman this, as possibly it will meet his views and will also take care of the situation which he says I have in mind:

But that no person so reinstated shall continue upon the rolls unless he is able to physically perform the duties of the position.

That would take care of your proposition.

Mr. BLACK. That would do it all right, and so far as I am concerned I am quite willing to accept it. I am quite sure that some of these employees who have been retired are no longer competent to render active service, and for that reason I do not think they should be put back into the departments.

Mr. CLOUSE. Will the gentleman yield for a question?

Mr. BLACK. Yes.

Mr. CLOUSE. The last three lines of section 2, on page 3, provide that under certain conditions these men who have been previously retired shall be reinstated to their former positions. I was just wondering what will become of the men who now hold such positions. For instance, a man might have come to Washington and passed a civil-service examination, and purchased himself a small home, in the hope that he would be continued in the service. Now he gives up the position and will have to leave everything in Washington behind him. How would that take care of that class of men?

Mr. BLACK. There is no way to do it that I know of, if we pass this bill. The gentleman from New Jersey [Mr. LEHLBACH] answered that argument by saying if Congress determines to do what seems justice to these employees who have been retired without an opportunity to show that they are still efficient, the department in which they are reinstated would have, of course, to provide the positions so as to let them back, and that would involve the discharge of the employees who had taken their places. At least in some cases.

Mr. CLOUSE. The last employee is also an innocent man, because he took the position in good faith.

Mr. LEHLBACH. Just a word, if I may trespass on the gentleman's time. The situation which the gentleman from Tennessee states is, of course, theoretically possible, but the great number of people who are in the service now supplanting those who have been dropped will be absorbed in some other way.

Mr. BLACK. Then another thing I will suggest right at this point. I suggest that there will be a good many cases where these employees will not care to come back into the service. For instance, the only one that I know of in my congressional district who will be affected by this legislation was a rural carrier, who, while he had reached the age of 65, was a very vigorous, energetic, healthy man, and he had not been in the service a sufficient length of time to give him annuity pay, but was retired under the order of the Post Office Department. I saw him some time ago when I was in Texas, and I called his attention to this pending bill. He said, "Well, I was very sorry to leave the service at the time I left it, but since then I have gone into other employment and will not seek reinstatement, even though the opportunity is offered." Undoubtedly there will be other cases of that sort.

That brings me to section 2 of the bill. I think it was clearly the intent of Congress to give every efficient, healthy, energetic employee an opportunity to stay in the service even though he had reached the retirement age, provided he could prove his efficiency, and the Post Office Department—I am not criticizing it, although I did differ with their view of the matter—took the view that whenever a rural carrier reached the age of 65 or a railway mail clerk reached the age of 62 or a postal clerk reached the age of 70 he should be automatically separated from the service. Now, I do not take that view of the matter. I opposed the retirement law originally upon the theory that a real workman, a man of energy, a man of thrift, wants to work, and I do not want to deprive a man of the opportunity so long as he is able to "carry on."

That was one of the reasons why I originally opposed the retirement law. Automatically separating a man from the service without giving him an opportunity to show that he is able to discharge the duties of his position is not fair and is liable to work great injustice. Therefore I favor section 2 of this bill. But I think section 1 should be protected in the manner that I have indicated, and if the gentleman from New Jersey will offer an amendment I am very sure the House will be glad to accept it.

Mr. NEWTON of Minnesota. Should not the same provision accompany the last paragraph of section 2?

Mr. BLACK. I do not think it would be so necessary in that section, because section 2 does not provide automatic reinstatement. A man's efficiency and all that has to be investigated, and the burden will be upon him to show that he is efficient.

Mr. NEWTON of Minnesota. I can not agree as to that.

Mr. BLACK. The gentleman may take the view that the language of the bill makes his reinstatement rest entirely upon his past record.

Mr. NEWTON of Minnesota. If it should be found that he is efficient and competent, and so forth, such employee shall be immediately reinstated.

Mr. BLACK. I will be frank to say that it might be well to put the amendment I have suggested in both places.

Mr. LEHLBACH. It is already in the law. Let me read the proviso. Section 7 of the retirement law contains this proviso:

Provided, however, That in the case of an employee who is to be continued in the civil service of the United States beyond the retirement age as provided in section 6 hereof, he or she may make application for retirement at any time within such period of continuance in the service; but nothing contained in this act shall be construed to prevent the compulsory retirement of such employee when in the judgment of the head of the department, branch, or independent office in which he or she is employed such retirement would promote the best interests of the service.

Mr. NEWTON of Minnesota. I know; but the gentleman is talking about getting rid of a man after you reinstate him. My point is that you ought not to reinstate him unless his physical condition is such that he can perform his work.

Mr. BLACK. I think that suggestion is sound. We are not providing that these applications for reinstatement shall be filed with the department that originally retired these employees, but with the Civil Service Commission, and the commission is the authority which is to order the reinstatement, and I think the employee ought to be compelled to show as a prerequisite that he is physically able to engage in active employment.

Mr. MANN. Suppose that he does not want to go back to work. Is he to be required to?

Mr. BLACK. We are discussing section 2 at this time. The gentleman is now referring to section 1.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. COUGHLIN. How long a time will such an individual have to determine whether or not he will go back?

Mr. BLACK. I believe 90 days is provided in the bill.

Mr. Chairman I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New Jersey desire to use any of his time?

Mr. LEHLBACH. No.

The CHAIRMAN. Does the gentleman from Texas desire to use any of his time?

Mr. BLACK. I do not know of any who desire time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in carrying out the provisions of the act to which this act is a supplement, the words in section 6 thereof "all employees to whom this act applies" shall be construed to mean employees who have reached retirement age after a length of service sufficient to entitle them to an annuity.

All employees who have been heretofore separated from the service without annuity under authority of section 6 of said act shall be immediately reinstated in their former positions.

Such periods of separation shall be included in any computations of length of service to determine any annuities to which such reinstated employees may become entitled.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 1, line 3, insert after the word "act" the following: "Entitled 'An act for the retirement of employees in the classified service, and for other purposes,' approved May 22, 1920."

Mr. MANN. I should have made that "classified civil service."

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANN: Amend page 1, line 3, by inserting after the word "act" the following: "Entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920."

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on his amendment?

Mr. MANN. No.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 2, line 2, after the word "positions," insert: "Provided, That after such reinstatement if any such employee is not able to perform his work in an efficient manner he or she shall be immediately separated from the service."

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard on his amendment?

Mr. LEHLBACH. This amendment is in accordance with the suggestion of the gentleman from Texas [Mr. BLACK], a member of the committee, and I think it meets with his approval.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield there for a question?

Mr. LEHLBACH. Yes.

Mr. CLOUSE. Would not that amendment have this effect: Suppose the employee is physically unable to resume his former position. What provision in this act is there that would grant him the benefits of the annuity?

Mr. LEHLBACH. The last paragraph in the first section. If he should have been separated in June, 1920, and been out and reinstated and then separated from the service because of his inefficiency, such separation should be included in the computation of the length of his service so as to give him the annuity. That would include the year and a half during which time he was out, to make up the 15 years requirement.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. SANDERS of Indiana. I would like to inquire of the gentleman from New Jersey if it is the intention to have the employee reinstated by the terms of the act "immediately," or is it the intention to allow the person employing him to have the opportunity to reinstate him. When does it apply?

Mr. LEHLBACH. That might be in the middle of a month. People are employed every day in the week.

Mr. SANDERS of Indiana. He might be in California at the time. This says "immediately" under the terms of the act.

Mr. MANN. "Immediately" is a term somewhat indefinite. It may be to-day or two years from now.

Mr. SANDERS of Indiana. Would anything further have to be done after the passage of this act?

Mr. MANN. Of course, he would have to be reinstated by order. This is a permission and a direction.

Mr. SANDERS of Indiana. I think it is permissive.

Mr. DOWELL. In determining the question of his reinstatement will they take into consideration his physical condition at the present time, or will it be under the same terms as those under which he originally entered the service?

Mr. MANN. This is a direction to reinstate him in his former job.

Mr. DOWELL. Provided—

Mr. MANN. There is no "provided" about it. The "provided" is after he is reinstated, that if he is inefficient he may be dismissed. There is no "provided" about his reinstatement. Of course, I do not think they could reinstate a man who would not take the job.

Mr. DOWELL. The Civil Service Commission have no opinion about his reinstatement?

Mr. MANN. They have nothing to do with it.

Mr. DOWELL. All they have to do is with his retention in the service?

Mr. LEHLBACH. No; they have nothing to do with that.

Mr. MANN. The Civil Service Commission have nothing to do with it except that if he should be discharged on the ground that he was inefficient and he should claim that it was for political reasons, they would have an investigation.

Mr. LEHLBACH. Just the same as in any other case.

Mr. DOWELL. Just the same as in the case of the separation from the service of any civil-service employee?

Mr. MANN. Yes; excepting us. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 2. That in carrying out the provisions in section 6 of the act to which this act is a supplement, dealing with the continuation of an employee in the civil service for a term not exceeding two years, whenever an employee eligible for retirement shall make application for such continuation in the civil service it shall be the duty of the head of the department, branch, or independent office of the Government in which he or she is employed to secure from the immediate superior in the service of such applicant all efficiency ratings and other information

on file respecting the character of the work of such applicant and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government shall as of course certify to the United States Civil Service Commission that by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States the continuance of such employee would be advantageous to the public service.

Any employee who has heretofore been retired under the provisions of section 6 of the act to which this act is a supplement, notwithstanding his or her application for continuance in the civil service under the provisions of said section, shall have the right within 90 days after the approval of this act to submit to the United States Civil Service Commission evidence in writing of his or her efficiency at the time of retirement. The United States Civil Service Commission shall thereupon summarily hear and determine the facts under such rules and regulations as it may prescribe. If such employee shall be found to have been efficient and competent during the two years next preceding his or her retirement, such employee shall be immediately reinstated in his or her former position and shall continue therein as if such employee had been certified for such continuance in the first instance.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 3, line 15, after the word "retirement," insert the words "and is now efficient and competent."

The CHAIRMAN. Does the gentleman from New Jersey desire to discuss his amendment?

Mr. LEHLBACH. No. The provision will read:

If such employee shall be found to have been efficient and competent during the two years next preceding his or her retirement and is now efficient and competent, such employee shall be immediately reinstated.

Mr. MANN. Will the gentleman yield?

Mr. LEHLBACH. I yield to the gentleman from Illinois.

Mr. MANN. What the gentleman desires to do is to provide that if he is competent and efficient at the time of reinstatement he shall be reinstated; but the word "now" in a bill means at the time of the passage of the act.

Mr. LEHLBACH. I will change the word "now" to "then."

The CHAIRMAN. The Clerk will report the gentleman's amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 3, line 15, after the word "retirement," insert the words "and is then efficient and competent."

Mr. HUMPHREYS. Mr. Chairman, I want to ask the chairman of the committee a question. I want to know if that would cover this sort of a case, in which I happen to be interested. Under the original law under which these employees were retired when they arrived at the age of 65—

Mr. LEHLBACH. Employees of the Postal Service and mechanics; yes.

Mr. HUMPHREYS. That law provided that if application were made by a person who had arrived at that age, within 60 days after the passage of the act, he might be continued for two years longer, as I recall, if he was physically fit. Well, of course not a great many people of the United States knew within 60 days after the law was passed that there was such a law. Certainly there were a great many who did not know it. The particular rural letter carrier whom I have in mind received his first information of the passage of the law on the fifty-ninth day after it was passed. That was the first information the postmaster had that any such law had passed. One of these printed forms sent out by the Postmaster General's office reached the postmaster 59 days after the passage of the act. He immediately notified this rural letter carrier, who as soon as he could undertook to make his application, but the 60 days got by before he could do it, and I think he made his application on the sixty-first or sixty-second day. He had been in the service 14 years. There was no question of his physical fitness to continue on the job. He was dropped. Of course he did not get his application in within the 60 days. He was physically fit according to the certification of the postmaster and of the people on the route, and I know that fact of my own personal knowledge, but he was dropped. He did not get in his application within the 60 days, and he had been on the rolls 14 years.

Mr. MANN. He could get back under the first section of this act.

Mr. HUMPHREYS. He could not get back under the law as it has been heretofore. That, of course, was an injustice.

Mr. LEHLBACH. He would get back under the first section, whether he had made such an application or not.

Mr. HUMPHREYS. That is what I want to know. I hope he will get back.

Mr. BLACK. I would like to suggest this to the gentleman from New Jersey. If his amendment is adopted the section as amended will read:

If such employee shall be found to have been efficient and competent during the two years next preceding his or her retirement and is then competent—

And so on. I am not sure that the interpretation of the word "then" would be very clear, and I am wondering whether it would not be better to say "and is at the time of the hearing of his application for reinstatement efficient and competent."

Mr. LEHLBACH. I will accept that as an amendment to the amendment.

Mr. DOWELL. Should it not be at the time of his making application?

Mr. LEHLBACH. No; at the time of the hearing. That is when the order is to be entered.

Mr. DOWELL. That might be indefinite. His application will show the date.

Mr. LEHLBACH. Supposing he was all right at the time of the application but was not all right at the time of the hearing?

Mr. BLACK. I offer my amendment as a substitute.

The CHAIRMAN. The gentleman from Texas offers a substitute which the clerk will report.

The Clerk read as follows:

Substitute offered by Mr. BLACK for the amendment offered by Mr. LEHLBACH: After the word "retirement" in line 15, page 3, insert the following language: "And is at the time of the hearing of his application for reinstatement efficient and competent."

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. May I inquire of the gentleman from Texas if the examination should go beyond the date of the application—in other words, when the application is submitted would the civil service hold him up until they had written to find out whether he is in a proper condition or not? Should not this refer to the date when he makes his application, for that is the time the evidence is submitted?

Mr. BLACK. I think there may be some force in the gentleman's suggestion.

Mr. DOWELL. In other words, there is no way to definitely ascertain what the condition may be after he submits the final evidence.

Mr. LEHLBACH. On the other hand, you might say that at the date of the application the Civil Service Commission has no knowledge of the present physical condition, but at the time of the hearing they can ascertain it.

Mr. DOWELL. The Civil Service Commission would assume that he is in proper condition if he makes a showing at a certain date.

Mr. MANN. I think the gentleman from Iowa has in his mind what occurred to me, and that is whether the Civil Service Commission being ready to reinstate a man would have to send out a messenger or a wire to find out whether he is in proper condition.

Mr. BLACK. I am willing to substitute the words "filing application for reinstatement." Mr. Chairman, I ask that my amendment be modified so as to strike out the word "hearing" and insert "filing," so that it will read "and is at the time of the filing of his application for reinstatement efficient and competent."

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his substitute; is there objection?

There was no objection.

Mr. HUMPHREYS. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Texas a question. I want to understand this: An employee is discharged from the service, although he is efficient and competent he was arbitrarily dropped under the proceedings of section 6. He is competent to discharge the duties of the position which he held at the time. Now, this bill as it is drawn seeks to rectify that wrong. If, as a matter of fact, he was efficient when arbitrarily dropped, he can establish that fact and be reinstated. The gentleman's amendment is going to change that altogether. He may have been entirely efficient and no objection to him when he was arbitrarily dropped. He has been off two years, and you do not intend to right the wrong if that was the theory.

Mr. LEHLBACH. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. LEHLBACH. I think I know what the gentleman has in his mind. This amendment of the gentleman from Texas modifying my amendment applies only to those who were refused a two-year certificate; it does not apply to those who lacked a year or so of the minimum of 15 years. They will be reinstated without any question as to their present status.

Mr. BLACK. May I add that section 2 refers only to those employees who have been retired with an annuity and drawing

an annuity. Therefore I think if they come into the service they should show that they are efficient and competent.

The CHAIRMAN. The question is on the substitute.

Mr. BLACK. Mr. Chairman, we want to get this correct, and the gentleman from Illinois suggests that my amendment be modified again so that it will read "and is at the time of the making of his application efficient and competent." I move to strike out the word "filing" and substituting the words "making his application."

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his substitute as indicated. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Texas [Mr. BLACK] for the amendment offered by the gentleman from New Jersey [Mr. LEHLBACH].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. LEHLBACH. Mr. Chairman, I offer a new amendment as a new section.

The Clerk read as follows:

At the end of the bill insert a new section as follows:

"Sec. 3. That any employee entitled to the benefits of the act to which this act is a supplement, who, prior to the passage of this act, has been continued in the service without the approval of the Civil Service Commission as provided in section 6 thereof, or, who has been reemployed in the civil service subsequent to retirement, shall be entitled to credit for such subsequent service and to receive salary, pay, or compensation therefor at the regular rates, but shall not be entitled to annuity covering the same time; and this act shall operate as a direction to the Commissioner of Pensions to remove suspension of annuity in all such cases, and shall be warrant for the proper fiscal officer of the Government to make payment or adjustment of salary, pay, or compensation earned by such employee."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LEHLBACH. Mr. Chairman, when the retirement law went into effect and the employees were retired thereunder, some of them by refusal of certificates for continuation in the service and some who were retired without any protest on their part, it was found that in certain instances their services were desirable, either when the work piled up in the department or offices in which they had previously been employed, or because of lack of experienced substitutes. So, in some instances these people were continued after the age of retirement was reached, and in other instances they were reemployed. After this state of affairs had continued for a while, a ruling by the Treasury was made that it was illegal to continue in the service those who under the terms of the retirement law were to be separated under section 6, and that it was equally illegal to reemploy them, and notwithstanding the fact that they had actually performed the work for which they were reemployed or continued in employment, they could not be paid the salaries.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. MANN. Did we not pass the Merrill Moores bill?

Mr. LEHLBACH. We passed it in the House, but it was not passed in the Senate. That was in the last Congress. At this session of Congress we passed a rider on the postal appropriation bill, or on some postal bill, taking care of such employees in the Postal Service, but that left everyone else in the civil service high and dry, and this is to take care of the rest.

Mr. MANN. This carries out the provisions of the Merrill Moores bill?

Mr. LEHLBACH. Yes.

Mr. MANN. I withdraw the point of order.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BLACK. I remember at the time we had the Merrill Moores amendment under consideration I opposed it for the reason that the language as I construed it would entitle the employee to both his salary pay and his annuity pay. The language which has been read from the desk in the gentleman's amendment makes it quite clear that there is to be no annuity pay as long as the man draws the salary.

Mr. LEHLBACH. That is explicitly provided for.

Mr. BLACK. I am wondering what the purpose of the latter part of the language of the amendment is, which provides that the right of the Commissioner of the Bureau of Pensions to continue to pay annuity shall not be suspended.

Mr. LEHLBACH. The Treasury further ruled that if a man had received the wages, for which he worked, and which the Treasury said were illegally paid to him, because he had no right to be employed, that that money should be recovered back to the Treasury by suspending the payments of the annuities to which he was entitled until the illegal payments have been made up.

Mr. BLACK. And the gentleman is quite clear in his own mind that the language is so safeguarded that there will be no possibility for these employees to draw salary and annuity at the same time?

Mr. LEHLBACH. Absolutely. It is so explicitly stated in the act.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. NOLAN. I rise to ask the chairman of the Committee on Reform in the Civil Service if his committee has given any consideration to cases of men in the unclassified service and whether any effort is being made to bring them within the provisions of this retirement law.

Mr. LEHLBACH. There have been suggestions made to the Committee on Reform in the Civil Service that the act be amended so as to embrace classes of employees other than those originally in the act. The original retirement law provides that the President by Executive order may extend the provisions of the act to any or all classes of employees to whom he may deem it expedient. It seems to us as a committee that the proper procedure for the classes of employees who seek to be covered under this law is to make out a case to the Executive and not seek to have the law amended.

Mr. NOLAN. In line with that suggestion, I think the matter has been called to the attention of the President; but it seems to me that a committee in this House, sitting in session considering amendments to the retirement law, ought to themselves try to correct any errors or abuses in the original act and take care of a large number of the deserving cases where men have worked for 30 or 35 years in the mechanical establishments and in the customs service, who now find themselves, because they were not included in this act in the first place, about to be singled out of all of the Federal employees and not given the benefits of retirement. The Civil Service Commission has a number of cases before it where men had to go out, and they have called it to the attention of the President. He has had it under consideration for something like 90 days.

I know that because at a recent visit to the White House the subject was brought up and the President wanted to know the opinions of people about it. It seems to me that the committee, regardless of the fact that the President has that authority, ought to give consideration where there is a large number of cases of men about to be put out without any retirement pay at all, and when you are amending the original act it seems to me the committee could very well give consideration to these very meritorious instances.

Mr. LEHLBACH. We are not amending the act, in the first place. We are passing an act here directing how certain provisions shall be construed and how certain provisions in the act shall be administered. We are leaving the body of the act intact. We are not changing a comma or a syllable in the retirement law in this bill that we are passing this afternoon. It is much more difficult to get the action of both houses of Congress than to have the President act. There were bills introduced to take care of certain classes of laborers in public buildings. It was found on examination of the proposed bill that it would work to the detriment of the administration of the civil service in lines that were never considered by the introducers of the bill, but which were called to our attention by the Civil Service Commission, and it was by reason of these difficulties that arose from time to time when attempting to consider that subject that it was deemed to be a matter to be dealt with by the Executive under the particular powers granted in the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

Mr. LEHLBACH. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3164, supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LEHLBACH. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. LEHLBACH, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Has the Committee on Reform in the Civil Service any further bills?

Mr. LEHLBACH. It has no further bills which it desires to call up at the present time.

The SPEAKER. The Clerk will continue the call of committees.

When the Committee on Election of President, Vice President, and Representatives in Congress was called,

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent that this committee be passed, to be called after the next committee on the list that has business, because of the absence of the author of the resolution under consideration.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the committee be passed now and may be called next after the committee that has the next business. Is there objection?

Mr. WALSH. Well, Mr. Speaker, I do not think we ought to single out this committee for that kind of treatment when we have gone through Calendar Wednesday call with other committees losing their chance by not being ready. I think committees that are about to be reached under the Calendar Wednesday call ought to be ready to have something to present or to take their chances when they are reached again on the regular call. I do not think we should make an exception of this committee, and I object.

The SPEAKER. Objection is heard.

Mr. ANDREWS of Nebraska. Then, if there is objection, the committee may proceed.

The SPEAKER. The gentleman from Nebraska.

Mr. ANDREWS of Nebraska. I call up House joint resolution 252.

The SPEAKER. The gentleman from Nebraska calls up the House joint resolution which the Clerk will report by title.

The Clerk read as follows:

Joint resolution (H. J. Res. 252) proposing an amendment to the Constitution of the United States.

Mr. WALSH. Mr. Speaker, I make the point of order there is no quorum present. If we are going to have a constitutional amendment discussed, we ought to have some people here to know what it is about.

The SPEAKER. The gentleman from Massachusetts makes the point of order there is no quorum present. It is quite clear there is no quorum present.

Mr. MANN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Edmonds	Longworth	Robertson
Anderson	Ellis	Luce	Rodenberg
Ansorge	Favrot	Lyon	Rogers
Anthony	Fields	McArthur	Rose
Appleby	Fish	McKenzie	Rosenbloom
Aswell	Fisher	McSwain	Rossdale
Bell	Fordney	MacGregor	Ryan
Bixler	Frear	Madden	Sabath
Blakeney	Goodykoontz	Mansfield	Sanders, N. Y.
Boies	Gould	Martin	Shreve
Bond	Greene, Vt.	Merritt	Siegel
Bowers	Griffin	Moores, Ind.	Slemp
Brinson	Hadley	Mott	Smith, Mich.
Britten	Hardy, Colo.	Mudd	Speaks
Brooks, Pa.	Hawley	Nelson, J. M.	Stedman
Brown, Tenn.	Hill	Newton, Mo.	Stiness
Bulwinkle	Hogan	O'Brien	Strong, Pa.
Cannon	Houghton	O'Connor	Sullivan
Chandler, N. Y.	Hutchinson	Ogden	Sweet
Chandler, Okla.	Ireland	Olpp	Tague
Clark, Fla.	Kahn	Palge	Taylor, Colo.
Classon	Kendall	Parker, N. J.	Tillman
Cockran	Kless	Parrish	Timberlake
Codd	Kincheloe	Patterson, Mo.	Treadway
Collier	King	Patterson, N. J.	Vare
Copley	Kirkpatrick	Perkins	Vestal
Crago	Kitchin	Porter	Walters
Cramton	Kreider	Pou	Ward, N. C.
Crowther	Kunz	Rainey, Ala.	Watson
Deal	Lampert	Rainey, Ill.	Weaver
Dickinson	Langley	Ransley	White, Me.
Doughton	Lankford	Rayburn	Wilson
Drane	Larson, Minn.	Reavis	Wingo
Drewry	Lea, Calif.	Reber	Winslow
Dunn	Lee, N. Y.	Rhodes	Wise
Echols	Linthicum	Riordan	Wright

The SPEAKER. On this roll call 287 Members answered to their names, a quorum.

Mr. WALSH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. WALSH. Has the gentleman from Nebraska called this resolution up by authority of the Committee on Election of President, Vice President, and Representatives in Congress?

The SPEAKER. The Chair assumes he has.

Mr. WALSH. The gentleman did not so state.

Mr. BROOKS of Illinois. Mr. Speaker—

Mr. ANDREWS of Nebraska. Mr. Speaker, the committee directed the report to be brought in its call and I was acting with that understanding.

Mr. BROOKS of Illinois. Mr. Speaker, I ask unanimous consent, since the author of this resolution is not here, to refer it to the Committee on Election of President, Vice President, and Representatives in Congress.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be referred back to the committee. Is there objection?

Mr. ANDREWS of Nebraska. Mr. Speaker, in view of the absence of the author of the resolution, who was very desirous that he should be present when the resolution was called up, I ask unanimous consent to pass as indicated a few moments ago. I shall offer no objection to the unanimous-consent request presented by my colleague, the gentleman from Illinois [Mr. Brooks], a member of the committee. In the absence of any other objection I would consent.

The SPEAKER. Is there objection?

Mr. STEVENSON. Mr. Speaker, reserving the right to object, it seems to me that this constitutional amendment is something that should be considered by the Judiciary Committee. I do not know what the custom of the House has been, but certainly it is a very unusual proceeding for a legislative body to pass a constitutional amendment that has not been at least considered by the Committee on the Judiciary.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 28, 1922:

H. R. 1318. An act granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes;

H. R. 1459. An act for the relief of Charles R. Powell;

H. R. 2865. An act authorizing the Secretary of the Interior to sell and patent to J. D. Calhoun, of Lincoln Parish, La., certain lands; and

H. R. 7290. An act to confirm private land claim of the widow and heirs of Joseph Etier.

On January 30, 1922:

H. R. 1460. An act for the relief of the William Gordon Corporation;

H. R. 6262. An act to add certain lands to Mount McKinley National Park, Alaska; and

H. R. 9050. An act granting the consent of Congress to the Pamunkey Ferry Co. to construct a bridge across the Pamunkey River in Virginia.

On January 31, 1922:

H. R. 4598. An act to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii; and

H. R. 7601. An act to amend an act incorporating Prospect Hill Cemetery, and for other purposes.

On February 2, 1922:

H. R. 7600. An act authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes; and

H. R. 6119. An act to authorize the coinage of a Grant memorial gold dollar and a Grant memorial silver half dollar in commemoration of the centenary of the birth of Gen. Ulysses S. Grant, late President of the United States.

On February 9, 1922:

H. R. 8762. An act to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes.

On February 17, 1922:

H. R. 1733. An act for the relief of W. R. Grace & Co.; and

H. R. 9724. An act making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

On February 18, 1922:

H. R. 2373. An act to authorize association of producers of agricultural products;

H. R. 1268. An act for the relief of the Six Minute Ferry Co., of Vallejo, Calif.;

H. R. 2144. An act for the relief of the owners of the schooner *Charlotte W. Miller*;

H. R. 6622. An act for the relief of Gaetano Davide Olivari fu Fortunato;

H. R. 7077. An act to increase the force and salaries in the Patent Office, and for other purposes; and

H. R. 6437. An act for the relief of the Cleveland Trinidad Paving Co., of Cleveland, Ohio.

On February 21, 1922:

H. R. 5597. An act granting an increase of pension to N. May Jernegan;

H. R. 1362. An act for the relief of M. Fine & Sons;

H. R. 1372. An act for the relief of M. Fettel House Wrecking Co.;

H. R. 1721. An act to authorize the refund of a part of the purchase price of Camp Mills to the Buffalo Housewrecking & Salvage Co.;

H. R. 9931. An act to extend the time for completing the construction of a bridge across the Delaware River;

H. R. 3249. An act for the relief of certain employees of the Bureau of Lighthouses; and

H. R. 8217. An act to authorize the payment of \$872.96 to the Government of Italy for the relief of the heirs and assigns of N. Ferro.

On February 24, 1922:

H. R. 1370. An act for the relief of Col. Herbert Deakyne, Corps of Engineers, United States Army.

On February 25, 1922:

H. R. 9386. An act to grant the consent of Congress to the Whiteville Lumber Co. to construct a bridge across the Waccamaw River at or near Pireway Ferry, county of Columbus, N. C.;

H. R. 10009. An act to authorize the State of Alabama through its highway department to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama;

H. R. 5659. An act for the relief of Ellen M. Willey, widow of Owen S. Willey;

H. R. 7483. An act for the relief of Robert G. Whitfield;

H. R. 8818. An act granting the consent of Congress to the city of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River, in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania;

H. R. 8924. An act to amend the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920; and

H. R. 9060. An act to authorize the Secretary of War to lease a certain tract of land to the city of Leavenworth, in the State of Kansas.

CONSTRUCTION CHARGES ON FEDERAL IRRIGATION PROJECTS.

Mr. KINKAID (when the Committee on Irrigation of Arid Lands was called). Mr. Speaker, I am authorized by the Committee on Irrigation of Arid Lands to call up for consideration the bill H. R. 9606.

The SPEAKER. The gentleman from Nebraska calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9606) to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges on reclamation projects, units of reclamation projects, or in individual cases, for not exceeding three years, and for other purposes.

The SPEAKER. This bill is on the Union Calendar.

Accordingly, the House automatically resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9606, with Mr. Hicks in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9606, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9606) to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges on reclamation projects, units of reclamation projects, or in individual cases, for not exceeding three years, and for other purposes.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MANN. Mr. Chairman, the bill is short, and I think it should be read.

The CHAIRMAN. The Clerk will read the bill.
The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, after due investigation, to extend the time for payments of all construction, operation, and maintenance charges falling due and payable on December 1 of the years 1921, 1922, and 1923, upon Government reclamation projects, units of such projects, or in individual cases, to water-right applicants or entrymen who are in arrears for more than one calendar year for the payment of any charge for construction, operation, and maintenance, notwithstanding the provisions of section 6 of the act of August 13, 1914 (38 Stats. L. p. 686): Provided, That no penalties shall accrue upon such payments so extended during the period of time such payments may be extended hereunder.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert:

"That where an individual water user or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the act of June 17, 1902 (32 Stats., p. 388), or any act amendatory thereof or supplementary thereto, is unable to pay any construction charge due and payable in the year 1922 or prior thereto, the Secretary of the Interior is hereby authorized, in his discretion, to extend the date of payment of any such charge for a period not to exceed one year from December 31, 1922: *Provided*, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior by a detailed verified statement of his assets and liabilities, an actual inability to make payment at the time the application is made and an apparent ability to meet the deferred charge when the extension expires; also in cases where water for irrigation is available, that the applicant is a landowner or entryman whose land against which the charge has accrued is being actually cultivated: *Provided further*, That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary: *And provided further*, That each charge so extended shall draw interest at the rate of 6 per cent per annum from its due date in lieu of any penalty that may now be provided by law, but in case such charge is not paid at the end of such extension period, any penalty that would have been applicable save for such extension, shall attach from the date the charge was originally due the same as if no extension had been granted.

"SEC. 2. That the Secretary of the Interior is hereby authorized in his discretion after due investigation, to furnish irrigation water on Federal irrigation projects during the irrigation season of 1922 to landowners or entrymen who are in arrears for more than one calendar year in the payment of any operation and maintenance or construction charge, notwithstanding the provisions of section 6 of the act of August 13, 1914 (38 Stats., p. 686): *Provided*, That nothing in this section shall be construed to relieve any beneficiary hereunder from payments due or penalties thereon required by said act: *Provided further*, That the relief provided by this section shall be extended only to a landowner or entryman whose land against which the charges have accrued is actually being cultivated."

Mr. KINKAID. Mr. Chairman and gentlemen of the committee, relief is asked by way of an extension of time to make installment payments on construction charges by water users, due to the Government under Government reclamation projects. It also asks, further, for relief from the payment of the current expenses known as operation and maintenance charges, or, abbreviated, known as O. and M. charges.

The provisions of the bill are very conservative considering the character of the relief sought. Demand has been made on a number of projects for an extension of time for three years, and this bill so provides. Other bills ask for an extension of time for three years, and a bill in the Senate asks for an extension of time for three years. But this bill was referred to the Secretary of the Interior for his advice. The Secretary, I should say, having returned from a several weeks' tour over the irrigation States of the West, took this bill for consideration after he had become advised, in many instances, by personal inspection of projects, and incidentally meeting many representing other projects which he did not visit. After a very careful consideration the Secretary of the Interior wrote a letter to our committee recommending the amendment which has been read to you. The amendment restricts the relief to one year's time. There is but one year's extension allowed in the amendment which the committee will ask the House to adopt.

Now, the bill does not provide for blanket relief for irrigation projects as a whole, or for each project, but provides for relief in individual cases, relief for the owner of one farm unit singly, and the bill requires that application be made singly by the individual water user and owner of the farm unit. He is required to make an inventory, as it were, of his assets, also of his liabilities, and disclose fully his inability to make payment of operation charges at this time, and in addition thereto he is required to show that it is probable, with the resources which he possesses, at the end of one year, when the extended time expires, to then meet his obligations promptly.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. KINKAID. I yield.

Mr. GARRETT of Tennessee. I wanted to ask the gentleman, although he may be coming to it, about the meaning of the language in the second proviso. I am reading, beginning at the top of page 3:

That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users.

The gentleman has spoken of the individual water users. What is the meaning of a legalized "group" of water users?

Mr. KINKAID. I will say to the gentleman that the word "group" was given very careful attention by all the friends of irrigation, and the friends of irrigation who wished to be conservative, because they wished to preserve in its fullest integrity the national irrigation law, to the end that its popularity may not be diminished, but that reclamation may be advanced and extended. For that reason great care was taken not to so provide that relief would be granted to any individual where he was not entitled to it, but as to some of the projects, the legal relation of the project to the Government is such that the Government is not permitted to deal with the individual water user direct, but must deal with the project as a whole, and then leave it to the project itself to deal with the individual water user. Therefore the word "group" was provided to cover such cases as that, and another case or two, without going into details. But even in those cases of a group, where they construe the relations to be such as to permit granting relief to a group, they will nevertheless require that it be proven that inability of a large percentage of those composing the group actually exists, and then if relief be granted in the discretion of the Secretary of the Interior, that percentage of inability only will be granted an extension of time, and in no case will a group be given consideration except it is a legal group, as construed by the Secretary of the Interior.

Mr. GARRETT of Tennessee. May I ask the gentleman, further, if the word "group" is in the present reclamation law? Has it a well-defined and well-accepted meaning?

Mr. KINKAID. No. And for that reason it was given a great deal of attention by the committee and by the legal advisers of the Reclamation Service and by the friends of irrigation. However, the hearings show expressly that the word "group" is to be applied where there was a contract back of it, like a project in Arizona, where the relation is such that they must deal with the project as a whole, as a corporation, as it were, having many stockholders, and then the project will itself deal with the individual stockholder. But relief will only be granted to the extent of the percentage of inability shown to exist by the showing of the condition of a sufficient number of individual water users. There is only a small percentage of delinquencies on all the projects, considered as a whole. At the same time, if it is only two or three of the very small and newest projects whose delinquencies are comparatively high, their delinquencies aggregate a small amount.

The CHAIRMAN. The gentleman has consumed 10 minutes. He wanted to be notified.

Mr. KINKAID. I will yield to myself another five minutes.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. KINKAID. I yield for a question.

Mr. SNELL. Have we ever passed legislation like this before?

Mr. KINKAID. Not as conservative as this; but relief legislation has been passed before. This is the most conservative of any of the relief bills that have come before Congress where water users have asked for relief.

Mr. SNELL. There have been several of a similar nature, have there not?

Mr. KINKAID. Yes; there have been two or three instances. One was last year, approved May 20, 1921, I believe, where the delinquent water users were allowed to receive water. Without this legislation they would have been unable to irrigate and grow their crops last year.

Mr. SNELL. In some cases outside of those instances they have been granted water even if they were delinquent in their payments?

Mr. KINKAID. Perhaps it has been done sometimes, but never by authority of law.

Mr. SNELL. But it has been done?

Mr. KINKAID. I do not know for certain that it has.

Mr. SNELL. I understood from the department down here that there were considerable delinquents on all these projects, and that the money had come in much more slowly than they had expected to receive it; and still, I suppose, they were furnishing water all the time.

Mr. KINKAID. I do not know of any case, except that possibly there might be one out of a hundred sometimes who would

get water even if he were delinquent. They may have been indulgent in some cases.

Mr. SNELL. On some of these projects up to June 30, 1921, only about 50 per cent for the year before had been paid. I was wondering how they would get water. That was the last report.

Mr. KINKAID. Pardon me; there has never been such a delinquency. According to the report, that has not been the case. The delinquents amounted to only, say, 15 per cent in 1918, and 14 per cent in 1919, and a higher per cent in 1920, and a little higher in 1921. Some of them went up almost to 40 per cent.

Mr. SNELL. The one Mr. Davis, the Director of the Reclamation Service, sent me for 1921 ran up to over 40 per cent; in fact, to nearly 50 per cent.

Mr. KINKAID. It was thirty-nine and some hundredths. That is the extreme. It is now lower. I have figured out or approximated as nearly as I can the percentages of present delinquencies. Of course, I could only approximate the rates. The figures show less than 25 per cent delinquency on both construction and operation and maintenance charges.

Mr. SNELL. How many projects will this apply to?

Mr. KINKAID. It will apply to all who need relief.

Mr. SNELL. I know that; but what percentage of them?

Mr. KINKAID. Oh, it will apply to something like one-half, I should say.

Mr. SNELL. Not over half?

Mr. KINKAID. Not over half, and a small fraction of each of those projects.

Mr. SNELL. What is the actual necessity of doing that at this time?

Mr. KINKAID. The actual necessity is to save the particular individuals who would otherwise go to the wall, and not raise crops this year. They would forfeit their rights, too.

Mr. SNELL. This is practically the same as if a man who could not pay his income tax could get an extension.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. KINKAID. Yes.

Mr. ARENTZ. It is the same thing as the situation where a man owes something to a bank and he can not meet his obligation, and he goes to the banker and gets a 30-day extension. He is in a position to pay that back in 30 days. In this case these water users can get a crop.

Mr. SNELL. This is special legislation for the benefit of a lot of fellows on farms. There are a lot of other fellows who would like to get an extension on their income tax for next year. If you are going to do it with one, why not do it with all?

Mr. KINKAID. The Secretary of the Interior compares the situation in his letter to that of the farmers of Iowa, one of the richest States of the Union, and their dealings with their tenants, and suggests that it would be wise business management and economy for both the landlords of the Iowa farms and the tenants to give the tenants time to raise another crop and square up with the cash rent that they could not pay for the previous year.

Mr. SNELL. Is this the exact bill that the Secretary of the Interior sent up with his letter or report?

Mr. KINKAID. It is the exact bill.

Mr. SNELL. It is?

Mr. KINKAID. Yes, sir; it is the exact bill.

Mr. LITTLE. Mr. Chairman, permit me to suggest that there is a mighty big difference between a man paying an income tax and a farmer having water rights and desiring to get that water and without any income at all. A man paying an income tax can get along somehow, but the man without water can not plant a crop and can not get anything to eat, and his family will starve to death.

Mr. SNELL. If they have this water right they will raise a crop?

Mr. LITTLE. Yes; if they get water.

Mr. SNELL. How much better off will they be next year?

Mr. LITTLE. They will raise another crop.

Mr. SNELL. And then you will give them another extension?

Mr. ROACH. They did not get anything for last year's work.

Mr. SNELL. Last year they got a big price. This is for water for 1920.

Mr. GARRETT of Tennessee and Mr. LONDON rose.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. KINKAID. I will yield first to the gentleman from New York [Mr. LONDON].

Mr. GARRETT of Tennessee. I understand the crop made last year was not worth anything under this administration. [Laughter.]

Mr. SNELL. I did not say anything about that.

Mr. LONDON. Speaking of legalized groups, or legally organized groups, the State of New York is not interested in the irrigation of arid lands, but it is interested in the irrigation of arid throats. [Laughter.] I would like to understand the construction of the term "legally organized groups." In some instances does the Government charge a particular sum to an individual user of water and in other cases the Government deals with a collective body?

Mr. KINKAID. Yes. That is the distinction.

Mr. LONDON. In other words, in one case they deal with the neighbors using the water and then they deal with the others as a collective body?

Mr. KINKAID. Yes.

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HAYDEN. Mr. Chairman, I ask to be recognized for the other hour.

The CHAIRMAN. The gentleman from Arizona.

Mr. HAYDEN. I shall not use all the time, because I am anxious that this bill shall pass the House to-day. The bill should pass, because in this case the United States happens to be the creditor, standing in the same relation as the banks which have loaned money to individuals engaged in agricultural pursuits in various parts of the United States. The same depression in prices has seriously affected the farmers under the United States reclamation projects just as farmers elsewhere in America have suffered from like causes. The reclamation project farmers have grown magnificent crops, but there has been no market, and for that reason they are at present unable to meet their financial obligations to the Government.

The bill first provides that relief may be extended to individual water users where after careful investigation the Secretary of the Interior is satisfied that they are unable to pay the charges assessed against them. On a majority of the Federal reclamation projects there exists a contractual relation between each water user and the Government whereby the individual water user promises to pay the sums due for construction and operation and maintenance year by year.

On seven of the projects the water users' association or irrigation district has entered into a contract with the United States whereby the association or district, as the case may be, has promised to pay the total amount due for construction. This legally organized body acts for all of the water users of the project and the Government has no individual contracts with them. It is therefore necessary for the bill to provide, as it does, that where organized groups exist, where as a matter of fact the Federal Government does not deal with individuals but with groups, that relief may be extended in whole or in part to any such group. It was explained to the Committee on Irrigation of Arid Lands that the policy of the Secretary of the Interior would be to require the same individual showing from the members of a group, whether it be an irrigation district or a water users' association, as to their ability to pay.

For example, if there is \$200,000 due the United States from a project organized in this manner, and it is ascertained by the Secretary that one half the water users are able to pay and the other half could not, then the Secretary of the Interior would say to the water users' association or irrigation district, "I will require you to pay one-half of the total sum that you owe to the United States, or \$100,000." It will then be the duty of the association or district to collect from those of its members who are able to pay the amount necessary to satisfy the demand made by the Secretary. I make this explanation for the benefit of gentlemen who seem to be confused as to the meaning of the term "legally organized group of water users" as it appears in this bill.

Mr. LONDON. Will the gentleman from Arizona yield for a question?

Mr. HAYDEN. I yield to the gentleman from New York.

Mr. LONDON. In this case where the Government deals with the association, will the law provide that the association shall be held liable for the indebtedness of the individual members?

Mr. HAYDEN. This bill in no way changes existing law, which authorizes the Secretary of the Interior to enter into contracts with irrigation districts or water users' associations; that is, with groups of water users in their organized capacity. An irrigation district is a municipal corporation, and there is

no way under the law, when a contract exists between the Secretary of the Interior and such a district, by which the Secretary can distinguish between the members of the group thus organized. But he can require individual showings to be made, and on that basis ascertain the ability of any particular group to pay. He can then insist that a lump sum shall be paid and that the officers of the organized group collect the money from those able to pay and turn it over to the United States.

Mr. LONDON. What I want to know is whether there is collective responsibility on the part of the association to the National Government?

Mr. HAYDEN. There is, and in my opinion the Federal Government has better security on every project where that condition exists. It is better to have the joint and several promise to pay of all the water users than it is to have individual obligations by contracts with each water user, because some of them may fail to pay and cause a loss to the Government.

In conclusion, let me say that by this bill we are seeking to do nothing more in the way of relief for the water users on the Federal reclamation projects than has been previously extended to other classes of our citizens. Congress has relieved the owners of mining claims by extending the time for doing annual assessment work. An act has been passed extending the time for the payment of grazing fees on the national forests. Through the revival of the War Finance Corporation credit has been extended to many lines of industry. In all of these cases it is expected that with improved business conditions each person benefited will ultimately do all that is required of him and fully discharge his obligations. And so it is in this instance, where the Secretary of the Interior is merely given discretion to extend the time for the payment of reclamation charges that can not now be collected.

I reserve the remainder of my time.

Mr. KINKAID. Mr. Chairman, unless there is some one who wishes to be heard in opposition to the bill, I will ask the Clerk to read the bill.

Mr. MANN. I should like to have some time.

Mr. HAYDEN. I will yield to the gentleman from Illinois such time as he may require. How much time does the gentleman desire?

Mr. MANN. I do not know how much I desire to start with. I want to get some information. I notice by the report of the Secretary of the Interior on this bill that the maintenance charges of the irrigation projects are \$2,500,000 a year and that the amount estimated to be received for the next fiscal year in the way of payments for maintenance charges is \$1,850,000; in other words, that \$650,000 will be expended by the Government for the operation of irrigation projects, which it is not expected to get back.

Mr. MONDELL. Where does the gentleman get that?

Mr. MANN. Do gentlemen think that is a correct statement?

Mr. HAYDEN. I do not understand that there is one dollar to be appropriated out of the reclamation fund for operation and maintenance that it is not expected will be returned. It may not be repaid this year in cases where water users are unable to pay, but the charge remains a lien against the land and must ultimately be paid in full.

Mr. KINKAID. As I understand it, the clause to which the gentleman from Illinois refers simply means that they would break about even if the payments were made. Nothing is to be lost and no liability is released by any provision of the bill, and all of it is required to be paid within one year, with interest at 6 per cent, and with interest at 12 per cent if not paid promptly at the expiration of the time limit.

Mr. MANN. Last year the cost of operations, which is, under the law, supposed to be paid wholly by the users of water, was \$2,500,000. Of that we recovered \$1,850,000, a loss up to date, as far as the Treasury is concerned, of \$650,000.

Mr. MONDELL. Just where does the gentleman from Illinois get those figures?

Mr. MANN. On pages 3 and 4 in the report on this bill from the letter of the Secretary of the Interior. The Secretary says that the construction charges last year were \$1,380,000. I do not know how much the construction charges of all the Government projects would amount to, some gentleman probably can inform me.

Mr. MONDELL. The sum of \$1,850,000 carried in the table at the foot of page 3 is an estimate of receipts—of receipts, I assume—

Mr. MANN. The gentleman is mistaken; it is not an estimate of receipts, it is a statement of the receipts for last year. The Secretary says "Allowing for these two items, last year's receipts as a basis for forecast, they are as follows." As I read

it, it is a statement of what was collected last year, although I do not think it is very important.

Mr. MONDELL. I did not understand it so; I understood it to be a forecast, although it is true that there was quite a delinquency at the beginning of this year in the matter of maintenance charges.

Mr. MANN. How much have we spent for irrigation to date—\$100,000,000?

Mr. KINKAID. One hundred and thirty million dollars.

Mr. MANN. And we got back 1 per cent of it last year.

Mr. SMITH of Idaho. One million three hundred and eighty thousand dollars on construction charges were paid.

Mr. MANN. That is 1 per cent.

Mr. SMITH of Idaho. In addition, there was \$1,000,000 paid last year on money borrowed from the Government. Two millions have been paid back, including the million that was paid last year on the \$20,000,000 loan.

Mr. MANN. The gentleman is better informed than I am; I am taking the statement of the Secretary of the Interior, who, I suppose, is reasonably well informed.

Mr. SMITH of Idaho. If the gentleman will look on page 3 of the report, he will see that the last item represents the payment on loan of \$1,000,000.

Mr. MANN. I supposed that was interest. The gentleman says that was principal and not interest?

Mr. SMITH of Idaho. That was principal.

Mr. SNELL. Where does it show the receipt of interest?

Mr. MANN. It does not show it. However, that has nothing to do with the repayment for the construction charges. Here we have spent \$130,000,000 that the law provides shall be repaid in installments. I suppose we have passed some recent laws postponing the payments. Whenever any of these items come due the people do not want to pay them and we extend the time. And I do not say that we ought not to.

Personally I am in favor of the passage of this bill, but there is the impression, and the gentlemen from irrigation districts know it better than I do, whether they admit it or not—there is an impression on the part of the large number of the people settled in the irrigation districts that they never will be expected to pay the bill back to the Government.

Mr. SMITH of Idaho. The gentleman will admit that these good people have been disappointed in that expectation. With the exception of the extension of one year ago provided in the resolution of last May, no relief has been afforded.

Mr. MANN. I will not admit it, they are not paying it back. Here is \$130,000,000 expended with the agreement to pay it back, and only 1 per cent of it was paid back last year.

Mr. ARENTZ. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ARENTZ. The gentleman will recognize that there are a number of projects under construction which are not completed and the payments do not begin until the project is completed. For that reason only \$1,380,000 has been paid, but that does not represent the amount that will be paid back. The \$1,380,000 paid back represents the payments due on projects that are completed. The \$130,000,000 will be paid back. I have lived in irrigation districts for a great number of years, and this is the first time that I ever heard that the people are expecting that these payments will not be made.

Mr. MANN. But they do not pay them.

Mr. ARENTZ. Everyone expects to make the payments. We are not a bunch of mendicants, we are going to pay the money due to the Government.

Mr. MANN. I have heard that statement in the Hall of the House before, but on the other hand I know a good many people out there are claiming to their Members of Congress that they ought not to be required to pay the money back.

Mr. SNYDER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SNYDER. The gentleman from Illinois is absolutely correct in his statement. About a year ago we had this same trouble about an irrigation scheme in the Indian Service. We passed an act to force the users of water to at least agree to pay for the water and the maintenance of operation for what they had had and for the future, if they got any more water. What was the result of that? The scheme has not been in operation a year and they are here now asking for a limitation of that language so that they need not pay. We found that 75 per cent of the users of water never expected to pay and do not expect to pay it now. So I think the gentleman from Illinois is absolutely right.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SUMMERS of Washington. I would like to say that I represent a district in which there is a considerable number of

irrigation projects, and I never have heard it mentioned by any man on an Indian project or a white man's project that they did not expect to pay.

Mr. KINKAID rose.

Mr. MANN. I will be very glad to yield to all of the other Members representing irrigation districts to make the same statement.

Mr. KINKAID. I want to add my testimonial. I have never learned of more than one water user who thought the liability of water users to the Government should be discharged and that they should go free. I know of just one instance.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HAYDEN. Mr. Chairman, I yield five minutes additional to the gentleman.

Mr. MANN. I want to call this fact to the attention of gentlemen representing irrigation States: There is a fund set apart for irrigation purposes. That comes from the sale of public lands, and so forth. When the money is expended for irrigation purposes, for construction charges, and is paid back, it goes back into that fund and can be used over again. When the original irrigation law was passed it was expected that these irrigation projects settled upon by people raising large crops upon them would be able to pay back the money into the fund, which would go to help finance some other irrigation project. The fact is that the men who have gotten their irrigation projects are hogs. They have kept the money; they do not refund it. There are many places in the West which ought to be irrigated. The men who have the money and who have their irrigation projects now are living upon the land, owning valuable land, and they ought to pay back the construction charges in order that that money may be used in some other irrigation project to help settle other people upon the land. We hear in all of these reports the statement made that here is a piece of land worth nothing as it stands and if we put water upon it it will be worth \$100 or \$150 or \$200 an acre in producing crops.

Mr. SNYDER. Some of it is worth \$1,000 an acre.

Mr. MANN. And yet these people say when they get upon this valuable land that they can not pay any portion or not much of the original construction charges, although the time of payment has been stretched out over a long period of years. If the land is worth what they say it is, and if they have any intention of repaying the money, they ought to help pay it back as it comes due. Land out in my State for farming purposes is worth from \$100 to \$500 and \$600 an acre—not because the men who have it claim it is worth that, but because the men who live upon it raise crops which make it that valuable.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GRAHAM of Illinois. Does the gentleman know how much has been paid back altogether of this \$130,000,000 of construction charges?

Mr. MANN. I do not recall.

Mr. MONDELL. A little over \$10,000,000.

Mr. GRAHAM of Illinois. In how many years?

Mr. MONDELL. A little of \$10,000,000 of construction charges.

Mr. GRAHAM of Illinois. How many years?

Mr. MONDELL. During the period the work has been going on.

Mr. GRAHAM of Illinois. What is that period?

Mr. SMITH of Idaho. The first project was finished about 10 years ago. The money that is being paid back comes from projects that have been finished. Only a few of the 26 projects have been finished.

Mr. MANN. Oh, let us be fair about it. We extended the time for the repayment of those charges some years ago, at a rate of interest which I think was 2 per cent, and people do not like to pay back money which draws only 2 per cent interest, if they can help it.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. HAYDEN. Mr. Chairman, I yield five minutes additional.

Mr. KINKAID. There was no interest imposed when we extended the time for 20 years. The gentleman from Illinois did propose that interest should be paid.

Mr. MANN. Oh, it was done without interest? Well, I guess I tried to have it draw at least 2 per cent. I probably thought they ought to be able to pay 2 per cent, but the gentlemen from these States who say they want it paid back defeated my proposition in order to get it paid back rapidly, I suppose.

Mr. SMITH of Idaho. Mr. Chairman, the gentleman from Illinois referred to the value of land in his State, ranging from two to four hundred per acre, and I assume that he thinks the farmers out there are prosperous at the present time. I had a letter a short time ago from a friend who owns 400 acres of land within 100 miles of Chicago. He said that he could not sell his crops this year for enough to pay the expense of managing his farm.

Mr. MANN. There are lots of people who say that; but the men who do the work are able to do it just the same, there or elsewhere. I hope you gentlemen will try to have this money paid back, because if you do not we will soon be met with a request to loan you more money for irrigation projects. You got \$20,000,000 in addition to the original fund. You have not paid back much, if any, of it as yet, and I do not know whether you intend to do it or not.

Mr. SUMMERS of Washington. But the gentleman must remember that the \$20,000,000 was not to be repaid until after the lapse of 10 years, at which time it was to be repaid at the rate of \$1,000,000 per annum. It is being so repaid. Two million dollars has been repaid, and that is all that has fallen due. That is all we can do.

Mr. MANN. That is not all you can do by a long shot. You can pay back the construction charges and use that money over again in constructing new irrigation projects.

Mr. SUMMERS of Washington. That is not what we were discussing. I say that we are meeting the terms of the contract.

Mr. MANN. Nobody said anything against that.

Mr. SUMMERS of Washington. I thought the gentleman said that little or nothing was being paid.

Mr. MANN. Little or nothing of the original charges are being paid. The \$20,000,000 is taken out of a fund which, fortunately, you have not any control over under the law. If you had, we would postpone that.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. ARENTZ. I suggest that Congress change the law so that the irrigation districts may bond themselves, sell the bonds, and make the district accountable to the bondholders rather than to the Government. If you would do that you will cut out all that sort of thing.

Mr. MANN. Well, they can do that now.

Mr. ARENTZ. They can not under the present law.

Mr. MANN. They did it so long and they failed so many times, and they have lost their courage. There were many projects all over the country under the Carey Act and under other acts where bonds were issued which they have not paid.

Mr. ARENTZ. I think that matter could be safeguarded.

Mr. MANN. Well, I do not know; if you can safeguard it you can get all the money you want.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KINKAID. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I want to thank the gentleman from Illinois [Mr. MANN] for his emphasis on the importance of repayment to the Government of irrigation costs, if the work is to go on. I am glad the gentleman from Illinois has assumed that the water users will meet the payments. Those of us who have been here from the beginning of this Federal irrigation development have repeatedly assured the Congress and the country that the money expended in reclamation development would in the main be repaid. There have been some disappointments in that regard, but in the main the people, except where conditions are very extraordinary and unusual, have lived up to our expectations and have met their obligations. There have been expended on reclamation projects up to this time in construction costs \$128,000,000 in round figures. Of that there has been repaid of construction charges \$10,677,250.

Mr. SNYDER. Will the gentleman yield?

Mr. MONDELL. In just a moment—and up to last fall there was a comparatively small proportion of construction charges due and unpaid.

Mr. SNYDER. The gentleman does not mean that includes \$25,000,000 that we have spent to be reimbursed on Indian projects?

Mr. MONDELL. I am not speaking of Indian projects.

Mr. SNYDER. We have spent that much in addition to this, none of which has been returned.

Mr. MONDELL. Well, of course, that is another story and a very long one, and one that I have not time to go into now.

Mr. SNELL. Will the gentleman yield for a question?

Mr. MONDELL. In just a moment. Up to the recent past the construction charges have in the main been paid when due,

and ten and a half million in all have been already repaid to the Treasury.

Now I will yield to the gentleman.

Mr. SNELL. The gentleman does not agree with the director of the reclamation project when he says they have come up to expectation in paying, because when I was trying to get some definite information of what the projects had paid and what projects had not, he said that the return from those projects had been very disappointing to the department.

Mr. MONDELL. Recently, that is what I said.

Mr. SNELL. But he did not put the word "recently" in. I asked for the whole period of the reclamation projects and asked for definite information.

Mr. MONDELL. The gentleman will have no trouble in getting definite information if he will go to the records of the Reclamation Service, because they are full and complete.

Mr. SNELL. He gave me the information, but he said it was very disappointing, and the gentleman from Wyoming said it was up to expectations.

Mr. MONDELL. There are some projects on which unforeseen difficulties, unfavorable conditions that were not anticipated, have been encountered and where the payments have been slow; two or three of the projects where it has been necessary to adjust the contracts in an effort to improve conditions and begin over again. On one project in my State up to last fall all but about 2 per cent of the construction charges due had been paid, a repayment of a little over half a million dollars out of a total expenditure of approximately \$6,000,000.

There is one project in Colorado where no construction payments have been made up to this time. That is due to the fact that when the time came, when the construction costs were to be fixed and determined under the law and when payments would be due, a former Secretary of the Interior had some doubts as to the validity of the contract that had been entered into, and in the face of threats on the part of a small minority of the water users he extended, on questionable authority in my opinion, for five years the payment of the construction charges and made a new contract with the water users. My understanding is that the present Secretary has recently issued or will very soon issue a statement of construction charges on that project and the repayments will begin. It has been an unhappy thing for the entire reclamation policy that it was necessary—if it was necessary—to relieve the people on that very considerable project of their construction charge repayments for this period.

Just now we are passing through a very trying period of agricultural conditions in this country. The cost of production advanced very rapidly during the war period and following the war, and then suddenly all farm products fell, in some cases below prewar prices and below the cost of production, leaving the farmers of the country in a very trying situation, confronted with a very serious condition of their affairs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have five minutes more.

Mr. KINKAID. I yield five minutes more to the gentleman.

Mr. MONDELL. The people on these projects were particularly embarrassed, because as pioneers in a new country they had been called upon to make very considerable investments for improvements, for the smoothing and leveling of their lands, the extension of their laterals, the irrigation of their fields. They have not only suffered from all the losses that have come to the farmer generally but have had in addition to that difficulties which always confront the pioneer, whether he be on irrigated or unirrigated land. For these reasons it is proposed to give the Secretary of the Interior authority to extend for one year the payments now due or to become due within the year. This extension is not altogether satisfactory to some of the people on some of the projects. They think there should be a longer extension. I want to say to the gentlemen here who are disposed to question even this measure of relief that they owe a vote of thanks to the men who come from the sections where these enterprises are being carried on because of the fact that, in the face of a very insistent demand from many of their people that a more liberal provision be made than is contained in this bill, they have united in their agreement that this is as much as should be asked at this time, and that in the long run it will be better for the people on the projects, certainly better for others to whom we hope to extend the benefits of irrigation, to limit the request for extensions of payments to those provided for in this bill. It is true that, judging from the expressions we have heard, no further extension would be approved.

Mr. CARTER. Will the gentleman yield?

Mr. MONDELL. In just a moment.

No general or blanket extension is granted. Provision is made that the settlers must make it very clear to the Secretary and to his agents that they are unable to meet their payments and that it is essential that this relief should be granted. There is no question but what this relief must be granted or some of the people on all of the projects or most of the projects will lose their homes and the investments they have made. We believe that there are some people on all of the projects that can pay, and we believe just as much as you do that those who can pay should pay. It is better for them in the long run that they should pay. It is certainly better for their neighbors, who hope for extension of irrigation development, that they should pay, and it is in keeping with the pledge that the West has made under this law.

Mr. CARTER. Will the gentleman yield now?

Mr. MONDELL. I yield.

Mr. CARTER. These payments are to be made annually, are they not?

Mr. MONDELL. Yes.

Mr. CARTER. That makes it become due at the same time the next annual payment is to become due. What is to become of the next annual payment? Is the settler expected to pay both these amounts at the same time?

Mr. MONDELL. It may be that on some of the projects it will be necessary to follow this relief with further relief in some cases.

These people will we hope be more prosperous another year than they have been the last year or two. We hope that those engaged in agriculture the country over will be more prosperous, and we anticipate a condition under which most of them will be able to meet their payments. But if we shall find at the end of the period fixed by this bill further relief is needed, the matter will of course be presented to the committee and to the Congress. I am of the opinion that it will be necessary to have a readjustment of costs and payments on many of the projects in order to reduce excessive costs and bring about a plan of payments that can be met even in unfavorable years. That is something that must be provided for in the early future.

Mr. DUNBAR. What are the principal products of Wyoming?

Mr. MONDELL. You mean on its irrigation projects?

Mr. DUNBAR. I mean of their soil.

Mr. MONDELL. Grass, alfalfa, sugar beets, potatoes, wheat, corn, rye—

Mr. DUNBAR. Will the gentleman please tell us the value of the agricultural products of the State?

Mr. MONDELL. I have not the figures at hand per acre; they are more than the value per acre of the products of many other States.

The CHAIRMAN. The Clerk will read the bill.

The Clerk proceeded with and concluded the reading of the bill.

Also, the committee amendment was read.

Mr. WILLIAMSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Dakota is recognized.

Mr. WILLIAMSON. The only trouble with this bill, as I see it, is that it does not go far enough in extending relief. Upon the irrigation project in my district this year the operation and maintenance charges and construction charges were approximately \$6 per acre, while the total value of the crops amount to only about \$11 per acre on the average. This is the gross value without deducting any part of the expense of producing the crops. It is very apparent that it is absolutely impossible for the people upon this project to pay the operation and maintenance charges, much less the construction charges, under present conditions.

Mr. SNELL. Will the gentleman yield?

Mr. WILLIAMSON. Yes, sir.

Mr. SNELL. What is the crop there?

Mr. WILLIAMSON. They raise alfalfa mostly, and some potatoes, corn, wheat, and barley. They also raise hogs, cattle, and a few sheep. There has been no market, practically, for the alfalfa. Four or five dollars a ton was the most that could be obtained for it during the last year. There has been little local demand, and prohibitive freight rates have made it impossible to ship to outside markets. Personally, I think the bill should provide for an extension for a period of at least three years, in the discretion of the Secretary of the Interior, so as to give these people an opportunity to work out and pay up.

I do not think there is any question but that this project will pay out in the end. There is a movement on foot now to go into the beet-sugar industry and to raise sugar beets, which will greatly increase the value of the crop per acre. Dairying is also being encouraged, and once established is bound to greatly improve conditions.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. MANN. What do they raise on these irrigated projects?

Mr. WILLIAMSON. On these irrigated projects in the United States they raise mostly alfalfa, sugar beets, hay, potatoes, and corn. At any rate, these are the principal crops on irrigated land out there in my State.

Mr. MANN. How much alfalfa to the acre is produced on an irrigated project?

Mr. WILLIAMSON. It will run all the way from 1½ to 2 tons an acre on the average on the Belle Fourche project.

Mr. MANN. Only that on an irrigated project? We raise many times that much on land that is not irrigated at all. What is the use of irrigating land if you can not do better than that?

Mr. WILLIAMSON. It takes a good many years to get it established.

Mr. MANN. Not if you have alfalfa.

Mr. WILLIAMSON. I am not speaking of other projects except our own. Some fields are producing 4 or 5 tons per acre and some almost nothing. Some are practically drowned out by reason of seep water.

Mr. MANN. You cut the alfalfa three times a year, do you?

Mr. WILLIAMSON. Twice a year; seldom three times.

Mr. MANN. You certainly ought to cut alfalfa and produce three crops a year. I have raised alfalfa. I suspect the gentleman has not.

Mr. WILLIAMSON. However, I shall not offer an amendment granting a period of three years in which to make payments at this time, because I realize that such an amendment would not meet with the favor of the committee and would be defeated in this House. But the bill is too limited in its scope. I think that this bill should provide for a spread over a series of years, so as to give the men on each project a fair opportunity to work out and pay the assessments. They can not do it in one year.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. WALSH. What is the reason for this small yield? Is it because the irrigation project is defective, or is not completed, or because the soil is not adapted to the crop that they are trying to raise, or because the men do not work hard enough? What is the reason why there should be such a sparse crop on the land?

Mr. WILLIAMSON. The main reason lies in the seep water and lack of drainage. There must be drainage to make it a success. Where there is seep water in the ground which rises to the surface, the alkali comes up, and it will take some time to take the alkali out of the soil and get it in condition. This is local in character, however. Last year, in addition, a considerable area was hurt by the hail, and as a consequence the crop was small. The soil is good and the people on the project as a whole hard working and intelligent.

Mr. LITTLE. You are speaking of the average?

Mr. WILLIAMSON. Average yield of crop; yes.

Mr. SNYDER. Mr. Chairman, irrigation in spots, where I have seen it, is very good. Large crops can be raised by irrigation where there is plenty of water and the weather helps. But many of these projects are located in sections where they are of a very doubtful character.

But this proposition of extending aid as desired here is a very bad precedent. In the Indian Service there are a great many irrigation projects. Some of them, very few of them, are reasonably satisfactory. Many of them ought never to have been constructed at all, and some of them, in addition to that, are of a doubtful nature.

But we have one, a prize project, known as "the Wahpeton," up in the district represented by the gentleman from Washington [Mr. SUMMERS], which has been a great success. It has been pointed out as the one which is the object lesson, the champion, the exemplar that we should examine for our information in regard to expending large amounts of money on other projects. But, lo and behold! on account of the period and area of extension, they are here now from that wonderful project asking us to reduce the amount that they are to pay annually per acre, which is \$5, to \$2.50, and they base their request on the assertion that the alfalfa crop was poor, or something else. There is not any more reason, to my mind, why an extension should be granted up there than there would

be on any other business that has been properly conducted that had run into a temporarily serious period. They should be forced to carry their load the same as does everybody else.

Take this proposition: We are fixing a period of extension, and we are going to make fish of one and fowl of another. There are some projects which are able to pay. As to these, they can not pay.

What chance has the man who is raising the same crop, who is forced to pay, in competition with the fellow who has the same facilities, but is not forced to pay his taxes or his rental? Out in the oil country we have a situation which is very similar to this. In Oklahoma, in the Osage country and on the property of all restricted Indians, there is a production tax of 3 per cent. There has recently been a court decision to the effect that you can not tax the oil which comes from the land of a restricted Indian; but up in the Osage country where leases have been made, where an agreement has been made to pay, those men must continue to pay, while the other fellows will be able to get their oil without paying this 3 per cent. There are many small operators in the Osage country who produce oil who do not make a profit of 3 per cent upon the oil that they produce. Now, in this irrigation matter, we are entering into a condition practically similar to that. We are going to have producers on each of these projects, some of whom are forced to pay and the others not forced to pay, or having their payments extended from year to year.

Mr. HAYDEN. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. HAYDEN. Those who are compelled to pay are those who have made a financial statement, such as a bank requires from a borrower, which statement shows that they can pay. If the statement shows that they can not pay, they will be given an extension of time, the same as a bank would give it.

Mr. SNYDER. It is building up another special class and giving them special consideration. I do not say that I shall vote against this bill, because I am a kind-hearted old fellow, and where a man really thinks he ought to have some assistance I believe, perhaps, we ought to give it to him. Nevertheless I do not think it is good policy. I do not think we ought to continue to do this sort of thing. I think when we go to the expense of setting up an irrigation system and putting the water on the land when a man takes the property and starts to operate it he ought to know what his charges are going to be, and he ought to put himself in the position to pay them, the same as anybody else.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent to correct the spelling of the word "foregoing," on page 3, line 5.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The gentleman from Arizona has the only time remaining.

Mr. HAYDEN. I ask for a vote.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

On motion of Mr. KINKAID the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9606) to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges on reclamation projects, units of reclamation projects, or in individual cases, for not exceeding three years, and for other purposes, had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title was amended so as to read: "An act to authorize the Secretary of the Interior to extend the time for the payment of charges due on reclamation projects, and for other purposes."

On motion of Mr. KINKAID, a motion to reconsider the vote by which the bill was passed was laid on the table.

WILLEM VAN DOORN.

The SPEAKER laid before the House the following message from the President:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State inclosing a draft of a joint resolution authorizing the

Secretary of the Navy to permit Mr. Willem van Doorn, a subject of the Netherlands, to receive instruction at the United States Naval Academy at Annapolis at the expense of the Government of the Netherlands.

The Acting Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of the Netherlands and that it would follow established precedents.

WARREN G. HARDING.

THE WHITE HOUSE, February 28, 1922.

The message, with the accompanying document, was referred to the Committee on Naval Affairs.

ADJOURNMENT.

Mr. MONDELL. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until Wednesday, March 1, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

555. A letter from the Postmaster General, transmitting report on the special contract of compensation to be paid to railroad companies for the transportation of mails in Alaska; to the Committee on the Post Office and Post Roads.

556. A letter from the Secretary of the Interior, transmitting report of the Director of the Reclamation Service, as provided for in the act approved May 18, 1920 (41 Stat., 600), authorizing and directing the Secretary of the Interior to have studies made of Imperial Valley, Calif., and related subjects with respect to irrigation from the Colorado River; to the Committee on Irrigation of Arid Lands.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. WALSH: Committee on the Judiciary. H. R. 10429. A bill authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts; without amendment (Rept. No. 742). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROACH: Committee on Indian Affairs. H. R. 6512. A bill for the relief of and purchase of lands for certain of the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes; with amendments (Rept. No. 743). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWEET: Committee on Interstate and Foreign Commerce. H. R. 6043. A bill to amend paragraph entitled "First" and "Second" of section 19a of the interstate commerce act, as amended; with amendments (Rept. No. 744). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land; without amendment (Rept. No. 745). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. KNUTSON: Committee on Pensions. H. R. 10643. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 741). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KNUTSON: A bill (H. R. 10643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House and ordered to be printed.

By Mr. GREENE of Massachusetts: A bill (H. R. 10644) to amend and supplement the merchant marine act, 1920, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. McCLINTIC: A bill (H. R. 10645) authorizing the Federal Trade Commission to require reports from persons, partnerships, or corporations who offer for sale stocks, bonds, and securities; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Ohio: A bill (H. R. 10646) to amend an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: A bill (H. R. 10647) to authorize the conversion of battle cruisers into airplane carriers; to the Committee on Naval Affairs.

By Mr. CLARK of Florida: A bill (H. R. 10648) providing for the conveyance to the city of Fernandina, in the State of Florida, of Fort Clinch Military Reservation for public use; to the Committee on Military Affairs.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring having the work of converting the cruiser *Lexington* into an aircraft carrier done in Massachusetts; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 10649) granting an increase of pension to James G. Fouse; to the Committee on Invalid Pensions.

By Mr. COLE of Iowa: A bill (H. R. 10650) granting a pension to Ida M. Benson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10651) granting a pension to George Hull, alias John Buchanan; to the Committee on Invalid Pensions.

By Mr. GILLET: A bill (H. R. 10652) for the relief of Alfred J. Legare; to the Committee on Claims.

By Mr. GOULD: A bill (H. R. 10653) authorizing the Secretary of War to make an examination and survey of Great Sodus Bay Harbor, Wayne County, N. Y.; to the Committee on Rivers and Harbors.

By Mr. HOUGHTON: A bill (H. R. 10654) granting a pension to Mary Miller; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 10655) granting a pension to Clara J. Hicks; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 10656) granting an increase of pension to Martha J. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10657) granting an increase of pension to Helen G. Sydenham; to the Committee on Pensions.

Also, a bill (H. R. 10658) granting an increase of pension to Leslie Higgins; to the Committee on Pensions.

By Mr. RHODES: A bill (H. R. 10659) granting an increase of pension to Mary Sansoucie; to the Committee on Invalid Pensions.

By Mr. ROACH: A bill (H. R. 10660) granting a pension to Alonzo S. Newell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10661) granting a pension to Mahala Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10662) granting an increase of pension to Alexander Heatherly; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4339. By the SPEAKER (by request): Resolution adopted by the Federation of Women's Church Societies of the town of Belmont, Mass., urging a reduction in Army and Navy appropriations; to the Committee on Appropriations.

4340. By Mr. COPLEY: Petition of William C. Bettenhausen and others, of Illinois, urging the collection of the allied debt and the payment of a bonus to the ex-service men; to the Committee on Ways and Means.

4341. By Mr. CULLEN: Resolution by the port development commission of Baltimore, Md., on the proposed development of

canals between the Great Lakes and the St. Lawrence River, opposing the St. Lawrence project; to the Committee on Interstate and Foreign Commerce.

4342. Also, resolution of Allegheny Lodge, No. 339, Benevolent and Protective Order of Elks, urging the manufacture and sale of light wines and beer; to the Committee on the Judiciary.

4343. By Mr. FULLER: Petition of F. E. Longmire, farm adviser, Grundy County, and Earl Price, farm adviser, Kendall County, Ill., protesting against any form of sales tax; to the Committee on Ways and Means.

4344. Also, petition of C. B. Chadwick, president of the Bankers' Supply Co., favoring the enactment of a bill permitting the use of C. O. D. postage permits; to the Committee on the Post Office and Post Roads.

4345. Also, resolutions of Local Lodge, No. 650, of the International Association of Machinists, of Streator, Ill., favoring modification of the prohibition law to permit manufacture and sale of light wines and beer; to the Committee on the Judiciary.

4346. By Mr. GALLIVAN: Petition of the House of Representatives of the Commonwealth of Massachusetts, urging that the U. S. S. *Lexington*, now under construction at the Fore River plant of the Bethlehem Shipbuilding Corporation, be converted into an aircraft carrier, and that the construction on said cruiser be resumed without delay; to the Committee on Naval Affairs.

4347. Also, petition of Harvard University, of Cambridge, Mass., and the College of Liberal Arts of Boston University, Boston, Mass., protesting against proposed increases in duty on scientific instruments and books in foreign languages; to the Committee on Ways and Means.

4348. By Mr. GREENE of Massachusetts: Petition of A. B. Cummings and others of Attleboro, Mass., urging the passage of an adequate tariff law based upon American valuations; to the Committee on Ways and Means.

4349. By Mr. KAHN: Resolution by Vallejo Lodge, No. 252, International Association of Machinists, urging that all Government work be done in Government plants wherever possible; to the Committee on Appropriations.

4350. By Mr. KELLY of Pennsylvania: Petition of McKeesport Council, Junior Order of American Mechanics, favoring the passage of the Sterling-Towner bill; to the Committee on Education.

4351. Also, resolution of Hill Top Memorial Post, American Legion, favoring the passage of the adjusted-compensation bill; to the Committee on Ways and Means.

4352. Also, resolutions of women graduates of the University of Pittsburgh, favoring women representatives in the diplomatic service; to the Committee on Foreign Affairs.

4353. By Mr. KISSEL: Petition of Harold J. Hotton, of Brooklyn, N. Y., opposing proposed tax on dealings in securities; to the Committee on Ways and Means.

4354. Also, petition of the Fighting Fourteenth Infantry, Post No. 546, Veterans of Foreign Wars, Brooklyn, N. Y., urging the early passage of the adjusted-compensation bill; to the Committee on Ways and Means.

4355. Also, petition of S. B. Lynd, of New York City, N. Y., opposing the passage of a bonus bill; to the Committee on Ways and Means.

4356. Also, petition of F. E. Idell, Esq., of New York City, N. Y., opposing the passage of a bonus bill at the present time; to the Committee on Ways and Means.

4357. Also, petition of the State commissioner of highways, Albany, N. Y., opposing a Federal tax on gasoline; to the Committee on Ways and Means.

4358. By Mr. PERKINS: Petition of Radio Clubs of New Jersey, setting forth certain grievances in the matter of radio rights; to the Committee on the Merchant Marine and Fisheries.

4359. By Mr. RIDDICK: Petition of farmers of Valley County, Mont., indorsing House bill 9952; to the Committee on Agriculture.

4360. Also, petition of citizens of Whitefish, Mont., indorsing the Towner-Sterling bill; to the Committee on Education.

4361. Also, petition of citizens of Scobey, Mont., indorsing the Towner-Sterling bill; to the Committee on Education.

4362. By Mr. WARD of North Carolina: Petition of the North Carolina Farmers' Bureau, protesting against any proposal to place a general sales or turnover tax on the common people of the United States for the purpose of raising revenue necessary to pay the proposed soldier bonus; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, March 1, 1922.

(Legislative day of Thursday, February 23, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

IRRIGATION OF IMPERIAL VALLEY, CALIF.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of studies made of the Imperial Valley, Calif., and related subjects with respect to irrigation from the Colorado River, with the recommendations of the Secretary relative thereto, which, with the accompanying papers and documents, will be referred to the Committee on Irrigation and Reclamation.

PETITIONS AND MEMORIALS.

As in legislative session.

The VICE PRESIDENT laid before the Senate resolutions adopted by the Tri-State Association of Credit Men at El Paso, Tex., February 22, 1922, favoring the appointment of a commission to adjust pending questions between the United States and Mexico, which were referred to the Committee on Foreign Relations.

Mr. LODGE presented a telegram in the nature of a petition from Hon. Percival P. Baxter, governor of Maine, praying for the prompt ratification without reservations of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. ODDIE presented resolutions adopted by the Nevada State Sheep Commission, of Reno, Nev., favoring inclusion in the proposed reclassification of the Federal civil service of the field service of the executive branch of the Government, which were referred to the Committee on Civil Service.

Mr. POMERENE presented a resolution adopted by the Italian-American Citizens Club, of Stark County, Ohio, favoring the making of October 12 a legal holiday to be known as Columbus Day, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a petition of Jewell Post, No. 72, American Legion, of Jewell City, Kans., praying for the enactment of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

Mr. LADD presented the petition of J. E. Backlin and 14 others of Oakes, N. Dak., praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. FLETCHER presented a petition of sundry citizens of St. Augustine, Fla., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution adopted by officers of the Ohio Federation of Women's Clubs, favoring ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented a petition of sundry employees of the Guernseyware Co., of Cambridge, Ohio, praying for the prompt passage of an adequate tariff law based upon American valuations, which was referred to the Committee on Finance.

Mr. McLEAN presented a resolution adopted at a meeting of the Fairfield County Organization, the American Legion, Connecticut Department, of Bridgeport, Conn., favoring the prompt passage of the so-called fourfold soldiers' adjusted compensation bill, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Connecticut Chamber of Commerce at Hartford, Conn., protesting against the proposed transfer of the Forest Service from the Department of Agriculture to another department and against proposed water-power development in certain national parks, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the New England Association of Marketing Officials, of Storrs, Conn., protesting against the proposed transfer of the Bureau of Markets and Crop Estimates from the Department of Agriculture to the Department of Commerce, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of members of Mount Aetna Commandery, No. 473, the Knights of Malta, of Hartford, Conn., favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by members of McSwiney Council, American Association for the Recognition of the Irish Republic, of Bridgeport, Conn., protesting against the continued detention of political prisoners by the Government of the United States, which was referred to the Committee on the Judiciary.

He also presented the petition of Dr. Isaac W. Reed, pastor of the Grace Baptist Church, of Waterbury, Conn., praying for the passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented petitions of 609 employees of the American Pin Co., 170 employees of the Patent Button Co., 29 employees of the American Fastener Co., and 11 employees of the Princely Pearl Novelty Co., all of Waterbury, Conn., praying for the prompt passage of the so-called Fordney tariff bill with the American valuation plan included therein, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

As in legislative session,

Mr. POMERENE, from the Committee on the District of Columbia, to which was referred the bill (S. 2919) to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, reported it with an amendment in the nature of a substitute, and submitted a report (No. 523) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 3170) regulating corporations doing a banking business in the District of Columbia, reported it without amendment, and submitted a report (No. 524) thereon.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9597) to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, reported it with an amendment.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 257) to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York, reported it without amendment.

BILLS INTRODUCED.

As in legislative session, bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 3218) granting an increase of pension to Augusta Barlow Greene; to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 3219) granting an increase of pension to Mary J. Forbes; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3220) to amend section 2 of the United States warehouse act, approved August 11, 1916; to the Committee on Agriculture and Forestry.

By Mr. SHIELDS:

A bill (S. 3221) granting a pension to S. S. Fair (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3222) for the extension of Rittenhouse Street, in the District of Columbia; to the Committee on the District of Columbia.

AMENDMENT OF DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate \$150,000 for the enforcement of the laws regulating immigration of aliens into the United States, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1922 intended to be proposed by him to the second deficiency appropriation bill for 1922, which was referred to the Committee on Appropriations and ordered to be printed.

PROTECTION OF MIGRATORY BIRDS.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them, which was ordered to lie on the table and to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed acts and a joint resolution of the following titles:

On February 28, 1922:

S. 1247. An act for the relief of Frank Carpenter; and

S. J. Res. 137. Joint resolution transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the possession of the Department of State.

On March 1, 1922:

S. 2072. An act to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes;

S. 2138. An act providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes; and

S. 2774. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

LEGISLATIVE APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. As in legislative session, I submit the conference report on House bill 10267, the legislative appropriation bill, and ask for its present consideration.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10267) "making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 20, 21, 22, 25, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 12, 13, 16, 18, 23, and 27 and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out line 7 of the matter inserted by said amendment and insert in lieu thereof the following: "\$3,500"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$35,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$9,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$92,985"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 5, 6, and 28.

F. E. WARREN,
CHARLES CURTIS,
A. A. JONES,

Managers on the part of the Senate.

J. G. CANNON,
SYDNEY ANDERSON,
JAMES A. GALLIVAN,

Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. WARREN. I move that the Senate further insist upon the amendments in disagreement, and that the conferees on the part of the Senate at the further conference be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. JONES of New Mexico conferees on the part of the Senate at the further conference.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harreld	Myers	Simmons
Brandegee	Harris	Nelson	Smith
Bursum	Harrison	New	Spencer
Cameron	Heflin	Newberry	Stanfield
Capper	Hitchcock	Nicholson	Sterling
Caraway	Johnson	Norbeck	Swanson
Colt	Jones, Wash.	Oddie	Townsend
Culberson	Kellogg	Overman	Underwood
Cummins	Kendrick	Page	Wadsworth
Dial	King	Phipps	Walsh, Mass.
Edge	Ladd	Pittman	Walsh, Mont.
Ernst	Lenroot	Poin Dexter	Warren
Fernald	Lodge	Pomerene	Watson, Ga.
Fletcher	McCormick	Rawson	Weller
France	McKellar	Reed	Williams
Gerry	McKinley	Robinson	Willis
Gooding	McNary	Sheppard	
Hale	Moses	Shields	

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from Indiana [Mr. WATSON] are detained at a hearing before the Committee on Finance.

I was also requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of a death in his family.

The VICE PRESIDENT. Seventy Senators having answered to their names, there is a quorum present.

Mr. POINDEXTER. Mr. President, may I inquire what is the pending question?

The VICE PRESIDENT. The question is on agreeing to article 2.

Mr. POINDEXTER. I ask for a vote on the question.

Article 2 was agreed to.

The VICE PRESIDENT. The question is on agreeing to article 3, which will be read.

The reading clerk read as follows:

ARTICLE III.

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

Mr. PITTMAN. Mr. President, I submit the following amendment and ask that it be read.

The VICE PRESIDENT. The Secretary will report the amendment.

The READING CLERK. On page 4, at the end of article 3, after the word "suspended" and before the period, insert a colon and the following proviso:

Provided further, That the United States shall be the exclusive judge as to whether the Government of Japan has maintained radiotelegraphic communication on the island of Yap as required in the foregoing proviso.

Mr. PITTMAN. Mr. President, I believe that but few Senators heard the reading of the amendment. I doubt if there is any prospect of the adoption of the amendment, no matter how necessary it may be. I am presenting it, however, because if the terms of the treaty mean anything it is well to consider them. I am proposing to amend the article of the treaty that provides that the United States Government shall not erect any aerial telegraph station on the island of Yap so long as the Japanese Government maintains a satisfactory station there. I am not now even objecting to that provision; it may be all right to let the nationals of Japan or Japan operate the aerial electrical systems on the island of Yap; but our Government has deemed it of sufficient importance to us and to our nationals to require that Japan shall efficiently operate those aerial systems. Our Government has also considered it of sufficient importance to provide that we shall build there our own aerial system when Japan fails properly to conduct its system.

Now, the pertinent question which arises is who is to determine those facts? It is undoubtedly the intention of the Secretary of State, who negotiated this treaty, that our right or the

right of our nationals to build an aerial station there shall only be suspended so long as Japan efficiently conducts its aerial system connecting with other systems, and without discrimination or preference. There is, however, no provision in the treaty with regard to who shall determine when Japan ceases so to conduct her radio system; there is no provision in the treaty for determining when Japan shall discriminate against our nationals in the operation of that system.

This question came up in the debate the other day, and let me quote what the distinguished Senator from Alabama [Mr. UNDERWOOD], who is a strong proponent of this treaty, had to say on the subject. On the 27th day of February I asked the Senator from Alabama this question when he was discussing this matter:

What would be the result if there were a protest against the Japanese communications with the Orient, as they have been for several months, and we should start to build on that island? Would it not be a source of trouble from the very beginning?

Mr. UNDERWOOD. No; I have not a doubt in the world that Japan construes that treaty as all treaties are construed. The determination of the event is not fixed in the treaty. When it is for the right or benefit of one of the parties, the parties to it determine it. As they grant us the right to erect a radio station, we would have the perfect right to determine when that event should take place. There is no doubt in my mind about that. I realize that the Senator does not agree with me about it.

Mr. PITTMAN. Does not the Senator think these things should be definite and that where there is a probable cause of dispute somebody should be designated to settle that dispute and determine it?

Mr. UNDERWOOD. I think the best way, in this case of the building of a radio station, is to leave it as it is—that is, that the United States Government determine it for itself. But it is not important. It evidently was put in there to retain a right. It is absolutely unimportant.

Mr. UNDERWOOD. Will the Senator yield to me for a moment?

Mr. PITTMAN. I will.

Mr. UNDERWOOD. I merely wish to pursue the idea. The Senator is correct with reference to the statement I made; but later on in the debate the Senator from North Carolina [Mr. SIMMONS] asked me a question similar to that which the Senator from Nevada has propounded. The treaty provides that we shall not build a radio station so long as Japan furnishes adequate service, using the word "adequate." As I stated to the Senator from North Carolina several days ago in reference to the matter of which the Senator from Nevada now speaks, to my mind there can not be any doubt about the situation, when the treaty provides that when adequate service is not rendered we may build a station, because when the framers of the treaty use the words "adequate service" they do not mean adequate service to the nationals of other countries; they do not mean adequate service to Japan; but they mean adequate service to the United States Government and its nationals. Japan can not possibly determine when we have adequate service; she would have no knowledge as to that. The only way she could know when we had adequate service would be when we ourselves determined it. The finding of the fact as to whether adequate service is furnished can only be ascertained by one nation or its nationals, namely, those to whom adequate service is to be furnished, and the question, therefore, must be determined by the United States and its nationals and by no one else.

If I felt there was the slightest doubt about the United States having the right to determine when adequate service is rendered, if I had any doubt about the United States itself making that determination, I should vote for the Senator's amendment; but as I have not a particle of doubt as to that, as I think the treaty is perfectly clear, I do not think it is necessary to adopt the amendment.

Mr. WATSON of Georgia. Will the Senator from Nevada allow me to ask the Senator from Alabama a question?

Mr. PITTMAN. Certainly.

Mr. WATSON of Georgia. I should like to ask the Senator from Alabama this question: The words "adequate remuneration" are used in one of the clauses of the treaty. To what standard of pay, in the Senator's mind, could that language be applied?

Mr. UNDERWOOD. Mr. President, I do not think those sections are at all material. I was talking about a radio station. I think all there is in this treaty is the consent of Japan to allow us to establish a cable line and a radio station. The other grants in the treaty are grants made by Japan of her own free will. In my judgment, as I said the other day, we had no rights left after we refused to take our seat at the table in Paris. The Senator probably does not agree with me, as others do not, but to my mind the only thing we acquired by the treaty of Versailles was the right to act as a trustee, and when we declined to take our seat at the table as a trustee further proceedings necessarily interested us no more. The

other trustees went on and acted, and any concessions that Japan makes to us is merely a gratuity.

Mr. WATSON of Georgia. But, Mr. President, with the permission of the Senator from Nevada, there are incorporated in the treaty other provisions, for instance, the prohibition clause, of which we talked yesterday.

Mr. UNDERWOOD. I say they are gratuities. We should not look a gift horse in the mouth.

Mr. WATSON of Georgia. All Europe is torn with strike questions and wage questions now, and this treaty will simply carry those disputes to the Orient.

Mr. UNDERWOOD. What I mean is that we get that much because Japan is willing to give it. She is under no compulsion to give anything.

Mr. WATSON of Georgia. Are we to be put in the position of taking gratuities from Japan?

Mr. UNDERWOOD. All we get under this treaty, in my judgment, is a gift, just as we received a gift from Canada, as I said the other day, when she conceded to our fishermen the right to get bait in Canadian waters. We have repeatedly granted similar gratuities to other nations. There is no moral reflection on a man or on a nation in a proper spirit and in a friendly way taking a release from some one else.

I do not think for a moment that we had any claim on Japan to make concessions in this matter when we refused to take our seat at the table in Paris after we had refused to ratify the treaty of Versailles. Of course, that is only my viewpoint. To Senators who look at the matter from a different viewpoint, as I am sure the Senator from Georgia does, these questions may mean a very different thing; but, if I am right about it, that we yielded up our rights when we refused to sit at the table, then what we get out of it comes in a very different way.

Mr. PITTMAN. Mr. President—

Mr. SIMMONS. Mr. President, may I ask the Senator from Alabama a question?

Mr. PITTMAN. I hope the debate will not depart from the amendment.

Mr. SIMMONS. I simply wish to ask the Senator from Alabama a question.

Mr. PITTMAN. Very well, but I desire to keep the amendment in the foreground. I yield to the Senator, however.

Mr. SIMMONS. The question I wished to ask the Senator from Alabama is this: If I contract with the Senator for adequate service of any character whatsoever, and subsequently I bring an action against the Senator on the ground that I failed to get adequate service, does the Senator think that I alone have the right to determine the question of whether the service is adequate or not adequate?

Mr. UNDERWOOD. I see the point of the Senator's question, but the proposition which he suggests is very different from that contained in this treaty. This is not like a contract that you shall furnish me with adequate service, but it is that I shall have permission to do a certain thing on the happening of an event, and the happening of the event is when adequate service is not furnished. That is a very different thing from a contract such as the Senator suggests.

Mr. REED. Who is to determine that?

Mr. UNDERWOOD. Of course, nobody can determine whether I have adequate service except myself; nobody possibly can come to that understanding. It is for me to withhold my hand until that event happens.

Mr. REED. Then, it follows that the amendment offered by the Senator from Nevada ought to be accepted.

Mr. UNDERWOOD. It follows just the other way. If we have in this treaty the right to dispose of this proposition ourselves, as we undoubtedly have, I differ with my friend from Nevada—and I do not wish to say this so emphatically as to indicate that I have not full respect for his judgment in the matter—for to my mind there never was a plainer proposition ever written than that, when it is provided in this treaty we shall have the right to erect a radio station if we do not get adequate service; we and we alone are to determine when that adequate service is rendered.

Mr. ROBINSON. Mr. President, if the Senator from Nevada will yield, if it is perfectly clear to the mind of the Senator from Alabama that the treaty means exactly what it would mean if the amendment proposed by the Senator from Nevada were inserted, what can be the objection of the Senator to adopting it if it is not clear to the minds of other Senators, as it is perfectly evident that it is not clear?

Mr. UNDERWOOD. The only difficulty about that is that it is an amendment, and if adopted will have to go back to Japan. Of course, in determining these questions each Senator has got to decide for himself what is meant.

Mr. ROBINSON. Certainly.

Mr. UNDERWOOD. And there is no reason for sending this treaty back to Japan if we are of the opinion that there can be but one interpretation of it.

Mr. ROBINSON. Mr. President, will the Senator from Nevada yield for a brief statement?

Mr. PITTMAN. I yield.

Mr. ROBINSON. While I have no authority to bind the Senator from Nevada, I apprehend the Senator from Nevada would not object to putting his amendment in the form of a reservation.

With all due respect to the Senator from Alabama—and I have very great respect for any opinion which the Senator expresses—I can not agree with him that it is perfectly clear who shall determine this question of fact. The provision is that the right is granted the United States to construct and operate means of radiotelegraphic communication. There is, however, a provision that this right shall be suspended—not "may," but "shall"—so long as Japan furnishes adequate facilities, and there is a definition in the provision of the treaty as to what shall constitute adequate facilities: First, "co-operating effectively with the cables"; second, "and with other radio stations on ships or on shore"; third, "without discriminatory exactions"; and, fourth, "or preferences," so that the treaty itself carries a clear definition of what shall constitute adequate service.

Suppose the United States should claim that Japan was intercepting her messages, that Japan was refusing to render radiotelegraphic service to her ships, or that she was giving preferential treatment to Great Britain or France or the nationals of Great Britain or France over those of the United States; and suppose Japan should, as she undoubtedly would, deny that she was violating this provision of the treaty; what would be the remedy of the United States?

Mr. UNDERWOOD. To build a radio station.

Mr. ROBINSON. But suppose Japan should prevent her or deny her the right to build a radio station?

Mr. WILLIAMS. That would be a casus belli.

Mr. ROBINSON. Why, certainly it would be a casus belli; but who would want to go to war about a question of that sort? Why not make it so clear in the treaty that Japan could not deny the claim of the United States?

Mr. WILLIAMS. If we made it clear in the treaty it would still be denied, and still be a casus belli.

Mr. ROBINSON. The Senator says it is clear. I say it is not clear.

Mr. HITCHCOCK. Mr. President, will the Senator permit me to ask him a question?

Mr. PITTMAN. Yes.

Mr. HITCHCOCK. These Senators have agreed among themselves that it would be a cause for war if the United States should assert its right to build a station, notwithstanding the opposition of Japan.

Mr. WILLIAMS. I beg the Senator's pardon—and if Japan were to deny it.

Mr. HITCHCOCK. Now I want to ask the Senator from Nevada this question: Suppose we ratify the four-power treaty. Under the terms of the four-power treaty we enter into an agreement that if any differences arise which diplomacy is unable to settle regarding the rights of the four nations in any of these islands, that question shall be submitted to a conference of the four powers. Would we not be compelled, under that provision in the four-power treaty, to submit this question for adjustment at a conference between the United States, Japan, Great Britain, and France?

Mr. ROBINSON. Does the Senator ask me that question? Undoubtedly we would. If we ratify the four-power treaty, all Pacific questions must be referred to a conference of the four powers for adjustment.

Mr. REED. Mr. President, may I ask the Senator a question?

Mr. PITTMAN. I must decline to yield further, until I have answered some questions put to me—

The VICE PRESIDENT. The Senator from Nevada has the floor, and declines to yield further.

Mr. PITTMAN. I would have answered the question of the Senator from Nebraska, but the Senator from Arkansas has answered it for me, and I am much obliged to him.

Mr. ROBINSON. I beg the pardon of the Senator from Nevada. I asked the Senator from Nebraska whether he was asking me that question.

Mr. PITTMAN. It is all right, as long as it relates to this amendment.

Mr. REED. Will the Senator permit me to ask him a question on that very matter, to get his opinion? If this question

came to a settlement by conference, how would the conference decide—by unanimous vote, or by a majority vote?

Mr. PITTMAN. Mr. President, there is a subject of great argument, if the four-power treaty is adopted, as to what disputes go to the four powers and what disputes go to the international court of justice. I assume that that is going to be debated extensively very soon. I think the statements made by the Senator from Arkansas and the Senator from North Carolina and by other Senators clearly show that unless the position taken by the Senator from Alabama is made clear in this treaty there will be trouble.

I have no doubt that it is the purpose of this Government, in negotiating this treaty, to take the position that the Senator from Alabama has taken; but the language of this treaty can not be so construed. I will read the proviso. It says:

Provided, however, That so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, co-operating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

That is the language of the treaty. It is very probable, if under that proviso we should charge Japan with discriminating in favor of her own nationals, that she would deny it. There is not any doubt in my mind that if we attempted forcibly to build a radio station on that island in the face of that denial it would be a casus belli, as the Senator from Mississippi [Mr. WILLIAMS] has stated; but if the treaty says in addition to that:

Provided further, That the United States shall be the exclusive judge as to whether the Government of Japan has maintained radio telegraphic communication on the island of Yap as required in the foregoing proviso.

Then when the United States decided that question exclusively, Japan having agreed to it, there would be no question that we could proceed to build our own radio stations there without opposition.

I still contend just exactly as the Senator from Arkansas did. If it is the intention of this treaty that the United States shall determine this question for itself exclusively, and the language now existing in the treaty is not clear that the United States has that right, then there can be no harm in so stating. Of course those of the Senate who do not believe that the United States has the right that the Senator from Alabama contends for, and do not believe that the United States should have that right, would naturally vote against the proposed amendment that I am offering.

The question arises as to whether or not there are objections to it in the form of an amendment. I know that some objections have been made. The only objection made yesterday against the amendment I offered, preserving the rights of our nationals in these islands under former Japanese-American treaties, was made on the ground that it was an amendment and not a reservation.

While I do not see any distinction between an amendment and a reservation as far as this treaty is concerned, I have prepared all of these things in the form of reservations to be subsequently offered, if that will satisfy the minds of any of the Senators, and I have them on my desk; but I do not see the distinction between the amendment and the reservation. I did see the distinction between an amendment and a reservation in the Versailles treaty, because an amendment to the Versailles treaty would have changed the very text as affecting forty or fifty nations, while a reservation only would have changed the text as affecting us; but where there are only two parties to a treaty, as there are here, just as though it had been a treaty between the United States and Germany, if Japan agrees to the modification of the language of the treaty, it does not affect anyone except Japan and the United States. It affects Japan just as much if the text of the treaty is changed by a reservation at the end which is made a part of the treaty as if it is made in the middle of the contract as an amendment to the treaty. If the language is changed, either by reservation or by amendment, Japan has a right to say what that change means, and whether she agrees to it. You can not make any change in a written contract, I do not care how the change is made, unless a mutuality of minds is brought to bear on it.

What constitutes a ratification of the change is another question that I do not care to go into, because it is immaterial, whether you ratify it formally or informally, by consent or by silence, whether it is open, or whether it is by an estoppel. That is not the question. The question is that there is no distinction between the effect of certain language whether it is called an amendment or called a reservation, whether it is put in the middle of a contract or at the end of a contract, and the same formalities with regard to the consent to the change are absolutely essential. Therefore, I have offered this as an

amendment, because it is in more direct contact with the thing that I am trying to explain. I take this proviso, which provides that we shall not erect a radio station on that island so long as Japan gives adequate service and does not discriminate, and just simply says: "Provided further, That when in the judgment of the United States Japan is not furnishing that adequate service, this right shall not be suspended any longer."

It seems the proper place to put it; but if the Senate disagrees with me as to the method of doing it, it is immaterial to me. I wanted a vote on this method first, because I think it is more intelligent to put it in direct contact with the article itself; but if it is voted down that way I am going to offer this amendment in the form of a reservation, and I am going to offer the other amendment that was defeated the other day in the form of a reservation, and allow those Senators who think that this treaty should be made more definite, allow those Senators who think that it does not guarantee the rights and privileges that the Senator from Alabama thinks it does, to vote for language—either the language I have suggested or some other language—that will make it clear as between Japan and the United States as to just exactly what the rights of the United States are, because unless there is a distinct understanding as to what the rights of the United States are in this matter we have every reason to look for a dispute, and if this treaty has any benefit whatever it is for the purpose of forever settling any dispute with regard to these islands. That is exactly what we state in it.

What is the rush, what is the hurry, to have this treaty jammed through? There are not numerous nations involved in it. The parties who negotiated this treaty are in Washington to-day, or will be in a few days. If the Senator from Alabama is correct in this matter, if this is such a general form of construction of a treaty, it is not to be assumed that the Japanese Government will hesitate a moment to say to their agents here, "Certainly; agree to that." It is a very simple matter. But even if it should result in a delay of 30 days, it is a matter which may settle or may bring on disputes with Japan of sufficient importance to justify even that delay.

We are dealing with the rights of our nationals in foreign countries. Most nations think the rights of their nationals in foreign countries are important matters, but I am sorry to say that it has been charged throughout the world, it has been charged in publications and in speeches, that the rights of the nationals of the United States are less protected in foreign countries than the rights of the nationals of even the smallest nations. It is a well-known fact that missionaries of all of the other great countries of the world, carrying religion into foreign countries, have greater protection than the missionaries of the United States. Great Britain protects her nationals everywhere, and her nationals are respected by reason of that. Time and time again our nationals have had to appeal to the British representatives in foreign countries to protect them, because of the supine policy of our own Government, as expressed through its foreign representatives, with regard to the protection of the life and liberty of our nationals.

This whole question involves the rights of our nationals in foreign countries—commercial rights, religious rights, freedom of travel, and all those questions—and yet when such a dispute arises with regard to the construction of language, as has arisen here to-day, when several Senators disagree with the construction of one Senator, to say that we shall stand on the construction of that one Senator, when the whole thing can be remedied by just reasserting in plain language what he now asserts it does mean, seems to me to be inexcusable.

I offer this amendment. If it is voted down, I intend at the proper time to offer a reservation, and that reservation will read as follows:

The United States reserves to itself exclusively the right to decide at any time whether the Government of Japan has maintained or is maintaining on the island of Yap an adequate radiotelegraphic station co-operating effectively with the cables and with other radio stations on ships or on shore, and whether such cable service is being conducted without discriminatory exactions or preferences and in accord with the proviso set forth in article 3.

I shall offer that as a reservation if this amendment is defeated; but it does seem to me that there is no more trouble over consenting to an amendment to an article than there is in consenting to a reservation to an article, and the context will be plainer if it is put in as an amendment, so that it may always stand out as a part of the article itself. That is the better plan to follow; but I am not at all captious about my plan.

Mr. LODGE. Mr. President, I desire to say merely a single word. Article 3 provides that—

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing

and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication.

That is, a substantive right is conferred to establish radiotelegraphic communication; but a proviso is made that that right shall not be exercised while Japan maintains an adequate radiotelegraphic station cooperating effectively with the cables and with other radio stations, without discriminatory exactions or preferences. It seems to me perfectly clear that a substantive right is only to be suspended under certain conditions, and necessarily the party affected, the United States, is the party to judge. It does not appear to me that there is the slightest doubt about it at all, and I see no reason for opening up the treaty for further negotiations, which would be done either by a reservation or an amendment; it would not make any difference. I see no reason for doing that. It would only delay the treaty, lead to a repetition of the long debate we have had on it here; other equally astute amendments would be offered, and we would get nowhere.

The other objection is not a legal objection or a legal interpretation, but the plain fact is that this is a right to radiotelegraphic communication which the United States probably would never exercise; there would be no need of it. She has never sought hitherto to have a radiotelegraphic station there, and the whole thing is put in out of an abundance of caution. We have three radio stations in the Philippines—at Tavidas, Olongapo, and Los Baños. That is 700 miles away. If we need another radio station, and desire to establish another one, of which there seems to be no likelihood, we have our own island of Guam, a very much better position than the island of Yap.

It seems to me it would be a mistake to reopen this treaty for further negotiation on a point which seems to be wholly needless, whether rightly or wrongly, to those who have been dealing with it, and I personally hope that no amendment of this kind will be made, either by direct amendment or by reservation.

Mr. WATSON of Georgia. Mr. President, I would like to ask the Senator from Massachusetts a question. When the Senator says that "we" have a station on Guam and several stations in the Philippines, does he mean the Government or a private corporation?

Mr. LODGE. I mean the Government or its nationals. The treaty provides for both. There is no private company concerned in it, and no private company in its senses would think of putting a station there.

Mr. WATSON of Georgia. Does the Senator mean that the Government has a cable at Yap?

Mr. LODGE. No; the only cable from Yap to Guam is the German-Netherlands cable.

Mr. EDGE. Mr. President, as has already been admitted, I think on both sides of the Chamber, the adoption of this amendment would mean the reopening of the negotiations. Speaking very briefly, I do not feel that the question which has been raised will warrant that delay, or whatever difficulty it may entail.

Try as hard as I can, I have been unable to find it possible to develop very much excitement or fear of possible damaging results in connection with this treaty from any viewpoint.

One group in the Senate seems to feel that it is unwise to ratify the treaty because by so doing they contend we will give up a one-fifth interest in the former German possessions in the Pacific, and for that reason they oppose ratification, because they feel that we should retain that one-fifth interest for whatever influence it might bring to this country.

For an entirely opposite reason, another group apparently oppose ratification, contending we do not give up the one-fifth interest, and therefore may in some way be brought into alliances with other countries who have possessions in the Pacific, entangling or otherwise.

There seems to be still another group who oppose ratification because our country is not receiving sufficient benefits from the treaty, and because the little advantage of having rights on the island of Yap is not of sufficient importance to warrant the ratification of the treaty.

While thoroughly appreciating our responsibilities and prerogatives in connection with the treaty-making powers, I have about reached the conclusion, Mr. President, that the time has almost arrived when the country will be entirely safe if the Senate accept the judgment of a distinguished Secretary of State, who, in this particular case, had the rather unusual cooperation and help of three other distinguished Americans, the four delegates representing the United States in the recent Conference on the Limitation of Armaments.

While I thoroughly appreciate that the negotiation of a treaty is a matter entirely within the jurisdiction, as far as

its initiation is concerned, of the President, through the Secretary of State—and I assume this treaty was so negotiated—still, I repeat, that in this particular instance the Secretary of State was associated for 10 weeks, in connection with the settlement of various far eastern problems, with three other distinguished citizens of the country, and this particular treaty, as all others, I understand, met their unanimous approval.

I do not believe, whether we ratify this treaty or do not ratify the treaty, that it will have any particular influence on the daily life, the domestic life, of the citizens of this country. Frankly, I do not consider it of extreme importance.

True, it has been more or less discussed and apparently has been an unsettled question since the Versailles treaty was negotiated, and perhaps it is well—and I believe it is—to settle and dispose of it at this time; but I do not believe it requires reservations, amendments, or reinterpretations, or the consumption of the time which is taken to discuss the dire possibilities of a misunderstanding if we enter into this treaty with Japan.

I sometimes think that we in the Senate are perhaps a little too jealous of our prerogatives, and when I say that I do not want to be misunderstood.

I appreciate the responsibility we have in considering the ratification of treaties, the concurrent responsibility or whatever it may be termed, but I feel very positive that the country to-day would be very much better satisfied if, after proper and ordinary consideration of the possibility of misunderstanding, the Senate would record its judgment on a treaty of this character rather than through amendment or reservation, making it necessary to send it to Japan or, through the representatives of Japan in this country, to reinterpret or to definitely state just what it seems to me plain language already makes perfectly clear.

Perhaps it is apart from the question—in fact, I know it is—but I have been impressed with the fact that we have so many domestic problems in the country to-day the solution of which are of so much direct importance to the people of the country, and there is no comparison between that necessity and a proper solution, and what might be termed the interpretation of some of the sections of a treaty giving us the simple privilege of erecting a radio pole or installing radio machinery on the island of Yap. I repeat, while I recognize our responsibility and that we must not consider lightly even a treaty that is relatively unimportant, still the country is demanding action, and properly so, on many domestic questions which are of importance to the peace, happiness, and prosperity of the people of the country, and we should not waste what I consider an unnecessary length of time in the consideration of technical points in connection with the right to erect telegraph poles on the island of Yap.

It forms almost a libel on American statesmanship that we can not trust or have so little confidence in the judgment of our representatives and apparently believe it necessary to rewrite and reinterpret their efforts.

Mr. WATSON of Georgia. Mr. President, in one of the private letters of Abraham Lincoln, written to a friend of his in Illinois, occurs the statement:

I have been listening to a speech of Alexander H. Stephens, of Georgia, and it brought the tears to my old eyes.

Mr. Stephens lived within a few miles of my own home. At his feet I reverently knelt and learned the doctrines of Jeffersonian Democracy. To Mr. Stephens, Mr. Lincoln wrote on November 30, 1860, just after the secession convention had adjourned. That convention was held at the old capital, Milledgeville, and in that convention Mr. Stephens made a heroic fight against Robert Toombs, against secession, and Mr. Lincoln asked for a copy of the speech. Had I been there, Mr. President, I would have spoken with Mr. Stephens and against Mr. Toombs, because I hold the Andrew Jackson doctrine, that division of the Union necessarily means subdivision, and again division, and again division, until the Union would be resolved into its original elements.

Had Mr. Stephens been heeded there would have been no four years of civil war, with wounds scarcely yet healed. Had Mr. Stephens been heeded at the Hampton Roads conference, where President Lincoln met him and told him, "Write the word 'Union' at the top of the page and you can write the other terms to suit yourself"—had Mr. Stephens been given the authority to do just that, he would have done just that, and the Southern States would have rejoined the Union without the years of sorrow which we call the reconstruction period.

But, Mr. President, while these two great men had the same thought as to the necessity of a continuous Union, because they knew that if the States divided into separate units there would be a fertile field for foreign intrigue, they never dreamed that the Union itself would become a victim of foreign intrigue, as it has now become.

In the treaty with reference to the island of Yap, there are numerous causes for future war—the question as to whether or not Japan pays adequate wages, gives adequate service, confines the military to police duty, maintains law and order. What are the standards? How will we measure wages in the Pacific islands? We can not measure them here. They are the source of strikes in this country, in England, in France, in Germany, throughout the world except in soviet Russia, so far as the West is concerned. What is your scale of wages? What are your hours of work? There are no standards agreed on. Necessarily the door is open to disputes. Who is to settle the disputes? Are we to be flouted by Japan in open violations of the treaty or are we to send expeditionary forces to have the treaty respected?

Article 1 of the treaty says that we consent to Japan's absorption of the islands that used to belong to Germany. By that act we ratify the secret treaty of which we were ignorant when we entered the war. Is there any Senator here who will say that we would have entered the war, if we had known of this secret treaty for the division of the spoils? Would we have conscripted our young men, the flower of American manhood, and sent them 3,000 miles away from home to die for Japan, to march and suffer and perish for the aggrandizement of Japan? I do not believe there is a Senator here who would say that we would have done that, had we known of the secret treaty between Great Britain and Japan. We were lured into it without knowledge of those secret compacts. The men who deceived us then may be deceiving us now. How do we know? If they kept their secrets from us then, they may be keeping some away from us now. How do we know?

Mr. President, as I have said, I learned my democracy at the feet of the man who loved Abraham Lincoln and was loved by him. He used to recite, in the other House, the preamble to the Constitution of the United States. It may not be amiss for me to read it now. It was written by men who had won their spurs on fields of battle and won their laurels in fields of literature. One ranked high in the fields of science and art. America has never produced stronger and loftier, more intellectual men. Here is what they said:

We, the people—

And of course they meant to insert the names of the States of Georgia, Virginia, New York, Massachusetts, and the others, but they did not know which seven would ratify the Constitution and put it into operation. Therefore, they left the names of the States a blank, a fact which Mr. Webster did not state in the great debate, and which Mr. Calhoun did not dig up, but a fact nevertheless.

We, the people of the United States in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty—

To whom? To ourselves and our posterity—

do ordain and establish the Constitution of the United States.

No visionary altruism, no taking care of the universe, but a government for ourselves and our posterity. There are the limits of our authority.

Mr. President, I contend that we Senators have no right under the supreme law to give our consent to Japan's spoiliations in the Pacific Ocean. We are exceeding our constitutional authority. We are embarking upon uncharted seas. We are jeopardizing our future, surrendering a part of our independence.

With whom are we going into partnership? If we, as individuals, were approached with the offer of a copartnership, we would make some inquiry into the character and the reputation of those who were seeking to have us become their partners. What is the character of Japan? A blacker one is not borne by any nation. In 1902 she pledged her faith, by a formal treaty, to respect the independence of Korea. In 1907 she repeated that pledge in a formal treaty. What did she do? She murdered the Queen of Korea in her palace and then atrociously reduced the country to subjection. She is holding it now, after a record that reeks with human bloodshed by herself in Korean homes and Korean streets.

By going into partnership with her, by taking her bloody hand in ours, we become morally an accomplice, in part at least, for crimes she has committed in Korea. We become accessories after the fact, and the American conscience will rise up against us and it will be felt in the election that is soon to come. In a few months all who have upheld the treaty will have to face the people whose rights we have in part surrendered without having authority to do so.

Time and again Japan has, by formal, solemn treaty, every bit as sanctimonious as this which she signed here in Washington, pledged herself to respect the integrity of China. At the very time we were straining every nerve, financial and physical, to

save England and France in the great World War, Japan, without shedding one drop of her precious blood in Europe, was absorbing the territories of China. Manchuria is an empire in itself, so is Mongolia; and while the gallant North Carolina and South Carolina and Georgia and Alabama and Arkansas regiments were fighting in France, Japan was simply absorbing the unarmed and helpless Chinese. Now we are asked to become accessories after the fact. Have we no sense of national honor? Is there no such thing as a national conscience?

Mr. President, in reading over this treaty on yesterday I could not help but think of the few short months ago when American soldiers were standing on the outer rim of the Arctic circle, reddening the snows of Siberia with their lifeblood. For what? To protect a railroad. Owned by whom? By the international bankers, of course. Think of it! Could Francis Marion or the heroic Cleveland or the gallant Sevier or the invincible Andrew Jackson or the still greater heroes of the Revolutionary War have thought, when they struggled for years and years to establish American independence, that we would be sending our southern boys and our northern and western and eastern boys to the Arctic circle, to march over the ice, to starve, and to die in the interest of an internationally owned railway in Siberia?

In this treaty there crops up an international cable company. That is what this treaty means; it does not mean anything else, either. If Senators desire to deceive themselves about it now, they may go ahead and do so, but that is what it means. The fact can hardly be concealed in the bungling, vague verbiage of the treaty, that it is all to get a right of way for an international cable company. We are asked to prostitute our power as Senators and as a Government to get a right of way for an international cable company owned, no doubt, by J. P. Morgan & Co., by Kuhn, Loeb & Co., by the Rothschilds, and the other great confederated international banks.

Mr. President, I feel more disheartened than I have felt at any time since I have been here in Washington. There is so much indifference that the apathy is chilling. The Senate is asked to go blindfolded into a treaty that has in it at least a dozen possibilities of war, and to surrender, almost without a word of protest, the unfettered independence for which your fathers and mine fought and bled. I know that speech is unavailing, but I can not allow this departure from our historic national policy without a word of protest, although I know that word is futile.

The system of mandates is in itself pregnant with unborn wars. Need I remind Senators that the recent World War was the direct result of a mandate. At the Berlin congress, in 1878, the great powers found themselves unable to solve the problem of the Balkan Peninsula. Mankind has not yet found how to solve it. It is a country where the remains of tribes, ebbing and flowing across the Bosphorus, from west to east and from east to west, left their remnants; there is no predominating race in that narrow passway between the east and west. The Berlin congress gave to Austria a mandate over Bosnia and Herzegovina. There was an editor in the State of Georgia—a New Englander by the name of Finch—who wrote editorial after editorial for the Atlanta Constitution, pointing out the certainty that that mandate would sometime lead to a European convulsion. His warnings were laughed aside. They left a deep impression upon my own mind, and when the war rose out of that very mandate I thought of the prophecies of this obscure editor, whose name is unknown to fame.

Senators will remember that Austria bided her time, and when a great war was raging between Greece and Turkey, involving Bulgaria and to some extent involving Serbia, she took advantage of the embarrassments of the greater Governments and the exhaustion of Russia, in consequence of the war with Japan, and she seized those wards of hers, and did it under circumstances of the greatest brutality. Then, after having swallowed these two smaller nations, she hungered for Serbia, which was a Greek Catholic country, having over 2,000,000 Greek Catholics and about 10,000 Roman Catholics.

Austria forced old King Peter to sign a concordat in June, 1914—mark the date—by which the old King was made to promise that the Greek Catholics of Serbia should pay the salaries of certain Roman Catholic dignitaries and should give almost complete control of education and of the press to the Roman Catholics. The Greek Catholics were naturally inflamed, and when the Austrian archduke, Ferdinand, the heir to the Austrian throne and believed to be the author of these measures, came on a triumphal progress into Bosnia a fanatical youth shot him and killed him, just as the Prince of Wales, now journeying in India, was shot at last week. Austria demanded of Serbia certain concessions which would have meant the loss of her independence. The King offered to concede

everything demanded of him except that Austrian officers should come into Serbia and establish courts to try Serbian subjects—an unprecedented demand—one of the very demands that King George III made of our country, arousing our country to rebellion against the Crown. The old King offered to submit the whole question to The Hague Peace Tribunal. The offer was rejected. Then Austria launched her armies against Serbia, having been assured of the support of the Kaiser. The most pathetic telegrams of that era were those of the Czar urging his kinsman, the Kaiser, to stay the hand of war. Senators who have not forgotten that correspondence will remember with melancholy those telegrams when they also remember the horrible fate that afterwards befell the Czar and his family. The Kaiser, perhaps, was unable to resist his military clique, and he went into the war, not against Serbia but against France.

Russia had her revolution and withdrew her 4,000,000 men after having forced the Kaiser to detach from the onward march to Paris some of his best divisions to protect east Prussia. That detachment of the crack divisions of the German Army was, perhaps, what saved Paris. Russia fell out when the revolution occurred, and then we got in. The rest we know.

Mr. President, while we were single-minded and single-hearted in that great conflict, England and Japan had secretly conspired to rob the world. This treaty, so far as I can see it, puts us in the attitude of indorsing everything that Japan has done, including the ravishment of Shantung. Who knows whether she will give up Shantung? Who knows that she will get out of Siberia? Who knows that she will get out of Manchuria or Mongolia?

Mr. President, the Japanese believe in the divinity of their Emperor. To them he is a god. To them his powers are divine, and their ideal is the absolute control of the East, and we are helping them get that control.

The time was when no American knew of the Philippines. We got along splendidly for a hundred years without knowing anything about them. The time was when we knew nothing about the Hawaiian Islands. For a hundred years we got along splendidly without them. In acquiring the Hawaiian Islands we condoned an act of criminality against a weak, inoffensive, independent people. I protested against it then, and I have not changed my attitude about it. It was a crime, and we had no provocation to commit it; and a commissioner from my State, Mr. Blount, with whom I served in the other House, condemned that outrage and asked our Government to make atonement by liberating those people and restoring the Queen to her hereditary throne. Read her story of that some day and it will melt your heart.

In the Philippines, what did we do? In Oscar Browning's History of Modern Times he states that Admiral Dewey and President McKinley came to an agreement with Aguinaldo, who was leading a revolt against Spain, just as we had revolted against Great Britain, and in that agreement they pledged themselves to the independence of those islands if Aguinaldo and his forces would help us in the fight with Spain. Of course, President McKinley had no authority to make that agreement without the consent of the Senate, but Aguinaldo did not know it. Admiral Dewey had no such authority, but the Filipinos did not know it. We took their help, we conquered the Spaniards, and then we turned upon our allies and conquered them. It was a shame. Gen. Wood was sent down there to find that they were not fit for independence, and of course he found what he was sent to find. You send a doctor to find poison in a body, and he will find it every time. It is a fat office for Gen. Wood; it is a fat office for hundreds of other American carpetbaggers who are down there feasting on the substance of those people. We have promised, time and again, to give them independence. Why not keep our word and do it? Is it any of our business what becomes of them afterwards? I do not think it is. Our supreme law says that we made this Government for ourselves, and we swore to support that Constitution. Why not keep our oaths?

This Government was not made for the Filipinos, for the Hawaiians, for the Chinese, or for the Japs. This Government was made for us, and if it can administer our affairs to the satisfaction of our people it will be doing all that its founders ever expected it to do.

Mr. KING. We are not succeeding so very well now in handling our domestic affairs.

Mr. WATSON of Georgia. Indeed we are not.

Mr. President, it is saddening to think that we are now going back into the European system from which our ancestors fled. Why did they come here? What was the motive that impelled them to risk the dangers of the ocean in those days when the vessels were mere little tubs, at the mercy of every wind and wave? What impelled them to risk conflict with the savage,

with the wilderness, with the diseases incident to a new land? What motive impelled those forefathers of ours who settled Massachusetts and who settled Jamestown? In the *Mayflower* compact, written while the little vessel was still tossing up and down on the waves, you will find absolute democracy. In the proceedings of the very first legislature that met at Jamestown you will find the planting of the trees of civil liberty—trial by jury, manhood suffrage, representative government, free press. There is the nucleus; there is the germ.

What had our forefathers fled from? In England the King proceeded upon the idea that the land and the people were his; that he could tax them without limit; that he could drive them into foreign wars to fight out his private quarrels. No parliament voted for a declaration of war. There was no referendum to a people.

Thousands and thousands of men went abroad to fight out personal quarrels with the dynasty. The death of the soldier on French fields or Flanders fields threw weeds around the English widow and to the lips of English children brought the wail of the fatherless. Press gangs were out at every seaport to seize returning sailors from merchant ships and press them into the King's navy. One instance is recorded where a bridegroom, coming out of the church with his bride, was seized, rushed on a battleship, and he never again—never, never—saw the bride to whom he had plighted his faith at the altar.

There were 223 offenses punished by death. Think of it—223! To shoot at a rabbit, death. To put an ax to a sapling in a nobleman's park, death. To steal any article of personal property worth a dollar and a half, death. To steal anything from a bleach field, death. To write your name on Westminster Bridge, death. To put a mask on your face on a public highway, death. To imagine the King's death, capital punishment!

There was a tavern keeper whose place was called "The Crown." A baby boy was born to him in the reign of King Edward III, and he, with unthinking joviality, said to his friends next morning, "An heir was born to the Crown last night," meaning, of course, his inn, his tavern. Some busybody, some spy, some toady, somebody wanting the smile of a king, carried the word of it to Edward III, and that man paid with his life for his jest. Thirty thousand men owned nearly all the land in Scotland and in England. The burdens of tenure became unendurable. There was no freedom of speech, none of press, and none of worship. Our forefathers shook the dust of England from their feet and came to this country to have all of those civil liberties, and to be sure of it they wrote them down even before they put their feet on the soil of the New World, never dreaming that their representatives would allow any of those jewels in the diadem of civil liberty to be lost.

How was it in France, because, you know, the Huguenots came over and settled in North and South Carolina. How was it in France? The King's confessor told him that all the property in France belonged to him; that he could tax it without limit; and he did so.

Five-eighths of all that the peasant could raise on his land went in taxes, and there was nothing he could carry to market without paying duty after duty in leaving one zone and going into another's. His grain had to be ground at the lord's mill, and the lord took toll of it. His grapes had to be pressed at his lord's wine press, and the lord took toll of it. His labor was at the command of his lord, especially in the making of roads. If the lord's lady fell sick and was nervous and sleepless at night, and there was a marsh near the castle where the frogs croaked, the peasant could be commandeered to go out and beat the bullrushes, the tall grasses around the marsh, and still the frogs, so that my lady in the castle could sleep. The king could imprison any man or any woman by his mere word, and there was no habeas corpus that could bring the prisoner out for trial.

There was a case of an Englishman, incarcerated in the Bastille for 30 years, and nobody ever could tell who put him in there, and for what offense. Think of it! Thirty years taken out of a man's life, at the mere whim of somebody who disliked him! There was a poet who wrote a couplet about one of the king's mistresses that she did not like, and she had him put in jail for 14 years. As a special favor to his friend, the king would sign in blank these lettres de cachet, and your enemy could fill in your name, and the law did the rest.

Mr. KING. And Voltaire was arrested under the lettres de cachet and imprisoned in the Bastille.

Mr. WATSON of Georgia. That is true. The heroic pioneers of the Carolinas, where heroism has always blazed brightly, and always will, I am sure, as it will on our side of the river, came to this country to escape all that. The question is now, Are we drifting back into it? Our fathers founded a government to be as different from the European Governments as possible. Is

it not true? Now we are trying to imitate. We are becoming the national ape, the international donkey, driven by international bankers. Is it not so?

Mr. President, in 1920 there was but one great, overshadowing issue—the League of Nations. None are so blind as those who will not see; none are so deaf as those who will not hear. Our people said, in a voice that was heard around the world, as the patriot's musket was in the old days of Lexington, that they meant to maintain the independence which their forefathers had won. Are we doing that? By a majority of seven million they said it; but it does not impress our friends on the other side. They have forgotten it.

They say an elephant has a long memory and a mule a short one. The situation is reversed. It is the elephant who has forgotten and it is the mule who remembers. Do not let our friends on the other side deceive themselves for one minute; the people who voted in November, 1920, are going to vote again in November, 1922. They have not forgotten why they voted against President Wilson in 1920. Some of the proud heads on the other side are going to lie low. Some of the Hotspurs on the other side are going to be like Percy's—they will grow cold.

There is nothing more dangerous in politics than a big majority. You have more people to satisfy. You have more people to please. The more you have to please the less likely you are to please them. You have 7,000,000 people to please besides your usual number, and I do not believe you have pleased them.

Senators on the other side will not debate this treaty. They are afraid. They can not meet our debaters. We could answer them by reading the speeches they made in 1920. I would like to see my good friend, the senior Senator from Massachusetts [Mr. LODGE] try to debate the treaty. I would like to have the Secretary read from the desk some of those fine speeches he made against the League of Nations. It certainly would be interesting and instructive. They are a good deal better than any speeches he has made about this treaty. I see I do not attract his attention. Perhaps it embarrasses him to listen to me, and therefore he is retiring. He, at least, knows when he gets disgusted, and he is now plainly disgusted. I do not blame him.

Mr. CARAWAY. Mr. President, would there be very much greater divergence between those speeches than there was between those he made in 1915 and 1916 and those he made in 1920?

Mr. WATSON of Georgia. Not the least bit. There never was a man who denounced the Colombian treaty in more violent terms and nobody who advocated it more earnestly afterwards. As a political acrobat he is well trained. He can go through a hoop and turn somersaults as he does so. My friend the junior Senator from Washington [Mr. POINDEXTER] is almost as much of an expert.

Mr. CARAWAY. Especially in the Newberry case.

Mr. HEFLIN. Does the Senator from Georgia observe that there is only one Republican on the other side of the aisle present, the Senator from Washington [Mr. POINDEXTER]?

Mr. WATSON of Georgia. Yes, Mr. President, I observe that.

Mr. CARAWAY. Why does the Senator call attention to that? The Senator from Washington will be out in a minute. Give him time.

Mr. WATSON of Georgia. I thought perhaps we could get a rise out of him. We have not been able to get any of them into the ring. They will not fight. If we treat Japan as they are treating us, Japan will never get any fight out of us. She can just walk off with us.

Mr. President, I merely rose to voice a protest. If we could prolong this debate until the people knew what the Republicans are doing, this treaty would not be ratified. Senators would hear from them. Now, we are hurrying to have the United States Government acquire a right of way for an international cable company. We provide in this treaty that Japan shall exercise her right of eminent domain to get land for that company. No wonder Senators on the other side can not talk about it. No wonder they evade debate.

FEDERAL RESERVE BANK AT ATLANTA.

Mr. HEFLIN. Mr. President, I have listened to my good friend from Georgia [Mr. WATSON] speak about the old days when 30,000 people owned four-fifths of all the land in Scotland and England. I have had a great deal to say recently as to how thousands of farmers in the United States have lost their farms under the deflation policy carried on by the Federal Reserve Board. I have brought to the attention of the Senate the activity of that board in politics, and of the Federal reserve bank at Atlanta in distributing a speech made in the Senate by the junior Senator from Virginia [Mr. GLASS], assailing my position

and that of other Senators upon the deflation policy of the Federal Reserve Board.

I hold in my hand a copy of that speech sent out by the Federal Reserve Bank of Atlanta. I also have a copy of it, which, it is said, was sent out by the New York Federal Reserve Bank of New York. The gentleman who wrote me about this speech said that he thought all of the Federal reserve banks were distributing that speech.

I brought to the attention of the Senate the fact that the Federal Reserve Bank of Atlanta was circulating a speech of the Senator from Virginia [Mr. GLASS], and that that speech had assailed my position, as I said before, and that of other Senators and Representatives who had taken the same stand I had taken, and I said it was wrong for this governmental institution, conducted by Government officials, to take the speech of one Senator, in which he criticized another Senator and the position of that Senator, and distribute that speech.

As I said before, the officials of this bank wrote a letter with that speech calling upon the local banker to read that speech, calling upon him to write them the impression that he had about the subject before he read the speech, and calling upon him to write them his opinion after he read the speech.

Those letters were sent out by the bank, the postage being paid by the bank, so that the bank was guilty of using the funds of the bank, a Government institution, presided over and conducted by Federal Government officials, to go into politics, using the power of the bank to carry on a political propaganda.

I want to read what the Republican platform said in 1912 about the banking system. It contained this language:

This is the sentence I wish to read:

In attaining these ends the independence of individual banks, whether organized under national or State charters, must be carefully protected, and our banking and currency system must be safeguarded from any possibility of domination by sectional, financial, or political interests.

The Democratic platform said, that same year:

We believe the people of the country will be largely freed from panics and consequent unemployment and business depression by such a systematic revision of our banking laws as will render temporary relief in localities where such relief is needed, with protection from control or domination by what is known as the Money Trust.

Banks exist for the accommodation of the public, and not for the control of business. All legislation on the subject of banking and currency should have for its purpose the securing of these accommodations on terms of absolute security to the public and of complete protection from the misuse of the power that wealth gives to those who possess it.

Now I read from the Progressive Party's platform of the same year:

The control should be lodged with the Government and should be protected from domination or manipulation by Wall Street or any special interests.

Mr. President, all three of these parties, at the time the Federal reserve act was about to be enacted into law, expressed themselves as favoring an institution free from political manipulation. The Republican Party said that it should be kept free from the domination of political interests. The Democratic Party said it should be kept free from the misuse of this power and manipulation by the Money Trust. The Progressive Party said that it should be kept free from the domination of Wall Street.

The cry of the hour was for a banking system which would be free from political manipulation, a system which would serve the business needs of the country, which would assist the people in all sections of the country, regardless of politics, to carry on their business.

For a long time this Federal reserve banking system did that thing, but it got into politics and has been guilty of the things I have mentioned.

I want to read in this connection what President Wilson said as the candidate of the Democratic Party in 1912. He said:

It is the mere truth to say that the financial resources of the country are not at the command of those who do not submit to the direction and domination of small groups of capitalists who wish to keep the economic development of the country under their own eye and guidance. The great monopoly in this country is the monopoly of big credits. So long as that exists, our old variety of freedom and individual energy of development are out of the question. A great industrial nation is controlled by its system of credit. Our system of credit is privately concentrated. The growth of the Nation, therefore, and all our activities are in the hands of a few men. An invisible empire has been set up above the forms of democracy. We have been dreading all along the time when the combined power of high finance would be greater than the power of the Government. Have we come to the time when the President of the United States, or any man who wishes to be President, must doff his cap in the presence of this high finance and say, "You are our inevitable master, but we will see how we can make the best of it." We have restricted credit and control of development and we have come to be one of the worst ruled, one of the most completely controlled and dominated Governments in the world.

That was the language of the man who was elected President in 1912. He continues:

No longer a Government of free opinion; no longer a Government by conviction and the vote of the majority, but a Government by the opinion and duress of a small group of dominant men.

Mr. President, the great Federal reserve banking system was born out of a desire of the American people to set up an institution upon a hill far removed from the canon of special interests, far removed from the dictates of partisan politics, to serve and bless and benefit the whole American people. We brought such a banking system into being, and for nearly seven years that banking system worked in admirable fashion. That banking system met the requirement of every locality in the country. Whenever money was scarce in the North or West it went to the rescue and supplied it. Whenever money was scarce in the South it went to the rescue and supplied it. But in the spring of 1920 the deflation policy was born, born in the resolution introduced by the Senator from Illinois [Mr. McCORMICK] in this Chamber, then in the advisory council of the Federal Reserve Board, and then in the board itself, and the wheels of this mighty engine of destruction started upon their way.

Mr. President, I have shown that this Money Trust, this Wall Street crowd, criticized in some way by all three of the parties in 1912, have again wormed their way into control, and they literally dominate the Federal Reserve Board to-day and have control of the Federal reserve banking system through that board.

I have dared to say that upon the floor of the Senate, and this system, under its board's direction, is circulating literature which replies to the speeches that I have made and is writing letters on that subject to the local banker, asking him how he feels upon the subject, calling upon him for an opinion; and yet these party platforms demanded that the individual bankers should be free and independent. Here is this bank in Atlanta seeking to influence the local banker who must come to it for accommodation in cash and credit.

Is that right? Is that fair? Is it just to the American people? Whose Government is this? In whose interest was this system created? Was it intended to be an instrument of torture in the hands of Wall Street or the Money Trust to smite the American people, to punish them, to rob them? That was not my intention when I helped to create it, but it has been perverted from the ends of its institution and is now working exactly as Wall Street would have it work.

Let me read to you a statement from the New York Wall Street Journal of February 25, 1922:

BROAD STREET GOSSIP.

While W. P. G. Harding, governor of the Federal Reserve Board, has won, by his masterful handling of the system during and after the war, many banking friends who hope to see him reappointed in August, when his term expires, advices reaching Wall Street are that a new man may be appointed to that important post.

Who is it congratulating Mr. Harding? Who is it that praises his administration of the Federal reserve system? It is the section of the United States that fed and fattened upon the substance of 100,000,000 people and made billions of dollars out of the deflation policy carried on by Gov. Harding and his board. That is who it is.

Mr. President, in my speech which was printed in the CONGRESSIONAL RECORD to-day following the proceedings of the House I said that Gov. Strong, of the New York Federal Reserve Bank, had become the dominating power behind the Federal Reserve Board and that he was really the ruling power. Let me read further from the Wall Street Journal:

John R. Mitchell, the newest member of the Federal Reserve Board, is mentioned as a likely candidate for the office.

What office? The office of governor of the Federal Reserve Board, the office Gov. Harding now holds and has maladministered.

What further does the Wall Street Journal say?

Mr. Mitchell is a Republican. If politics count for anything, he may be chosen. Incidentally, he was in New York recently conferring with Benjamin Strong, governor of the New York Federal Reserve Bank.

Oh, Mr. President, the American people must wake up. They must know what is going on here. The governor of the New York Federal Reserve Bank, who, as I have said, is the dominating spirit, the controlling personality of this board, is conferred with by the man who is suggested as the successor of Gov. Harding. The man who is suggested by the Wall Street Journal as the possible successor of Gov. Harding is conferring with the kingmaker, Gov. Strong, no doubt getting in his good graces and seeking favor with him who manipulates and controls this mighty system that was intended to spread benefits and blessings throughout the Nation. I do not know Mr. Mitchell. He may be a very clever gentleman.

Mr. President, I made a motion here a few days ago in connection with the introduction of a resolution to investigate the activities of the Federal Reserve Bank of Atlanta in sending out this speech at the expense of a bank of the Government. I sought to have that resolution referred to the Committee to Audit and Control the Contingent Expenses of the Senate. By a majority of one that motion was defeated, and the money power triumphed, and that one vote was cast by Mr. NEWBERRY, of Michigan, the sale of whose seat was confirmed in this body a few days ago.

Mr. President, I objected to referring my resolution to the Committee on Banking and Currency. I sought in the resolution to have a select committee of five appointed from the body of the Senate to pass upon the question involved in the resolution. I had a motive in that, and I had a right to have it because of the situation that existed. The Senator from Virginia [Mr. GLASS] is a member of the Committee on Banking and Currency and it is his speech that is at the bottom of the investigation referred to in my resolution. He is a member of the Committee on Banking and Currency, and the chairman of that committee, the Senator from Connecticut [Mr. McLEAN], congratulated the Senator from Virginia upon his speech assailing my position and me personally, and now the Republican Senate seeks to refer my resolution to that committee for consideration. I do not want it to go to that committee. It is not fair to me to send it to that committee. It is not fair to the millions of American people who have a right to have their banking system kept out of politics.

Mr. President, what is the first thing that happens in a courthouse when a case comes up to be tried where only local interests are involved between two or three or more individuals? When a juror appears to be selected to try the case the judge will ask him, "Have you any fixed opinion in this matter? Is there anything that would bias your judgment or your verdict? Are you related in any way to either party to this case? Have you expressed an opinion that would show that you would be biased?" When he says he has the judge will say, "Stand aside. You are not competent to sit as a juror in this case." They do that in civil cases as well as criminal cases.

Mr. President, I saw a judge who had practiced law in my town and who was elected to the bench. Cases came on to be tried before him in which he had been counsel. He called another lawyer to the bench and said, "I ask you to act as special judge, because I have been interested in this case; I have gone into the facts; in fact, I made an argument in the case at the other trial, and therefore I am not competent to sit. I want you, an unbiased man, to sit in judgment on the case." Here, however, in the Senate a fight has been going on to this hour, lasting for nearly a week now, to refer my resolution to investigate the activities of the officers of the Federal Reserve Bank of Atlanta in distributing a speech of a member of the Banking and Currency Committee, a speech which they had no business to distribute, using their power to carry on a political propaganda, and from the other side of the Chamber the insistence is made that the resolution must go to the Committee on Banking and Currency.

Mr. President, I do not know how Senators feel about this point. There is not a man or woman in this Republic who is honest and fair-minded who, knowing the facts, would say that it is right to refer my resolution to the Committee on Banking and Currency under existing circumstances. I am a member of the Committee on Agriculture and Forestry; I am a party to this controversy, and I would not have the resolution referred to a committee of which I am a member. If a motion were made to do so, I should rise in my place and say: "I am a member of that committee; I am a party to this controversy; I do not think the resolution ought to be referred to that committee, and I hope my friends will not insist on it." That is what I would say. It occurs to me, however, that Senators on the other side wish to have the resolution placed in the hands of a committee which is unfriendly to the very thing which I am trying to have done. Senators, that ought not to be the case. Some of these officers admit that they have written the letter which I have read to the Senate, that they are mailing it out to the banks, and not only to the banks but to the business men, to the merchants, and to the farmers. The editorial of the Atlanta Journal stated that they had sent it to farmers. Now, it is desired to investigate that matter.

It is stated in my resolution:

Whereas the Senate would regard with keen disapproval the attempt on the part of any one of the Federal reserve banks to use its power to influence or coerce politically any banker or anyone else in his district; and

Whereas Congress, in creating the Federal reserve banking system, desired and intended that it should, at all times, be kept free from political activities—

And so on. I have previously read the resolution, and it is printed in the RECORD in two or three places. Why is it that Senators will not consent that the matter which is involved in the resolution shall be acted upon in the open Senate and let the Presiding Officer appoint a committee on the subject? I do not think, in the light of the debate, that the Presiding Officer would place any Senator on the committee who is a member of the Committee on Banking and Currency, or, at least, not more than one, for this matter affects vitally the very life of this Nation.

The Money Trust does not want this investigation to be made. The Money Trust at first tried to kill the Federal reserve system; but now it has swallowed up the Federal Reserve Board and it is now operating just as the Money Trust wants it to operate. So, Mr. President, I ask unanimous consent that the Senate, as in legislative session, may consider the pending motion before the Senate, which is the motion made by the Senator from New Jersey [Mr. EDGE], to refer my resolution to the Committee on Banking and Currency.

The VICE PRESIDENT. The Senator from Alabama asks unanimous consent to consider, as in legislative session, the motion of the Senator from New Jersey to refer the resolution indicated by the Senator from Alabama to the Committee on Banking and Currency. Is there objection?

Mr. MOSES. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. HEFLIN. Mr. President, that makes two or three times the Senator from New Hampshire has objected to the consideration of this important resolution. I do not suppose he wishes it considered at all. He is fast getting himself into the class of those about whom I have been talking. If he prefers to get into that company and stay in it, I can not help it.

Mr. WATSON of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. The action of the Senator from New Hampshire [Mr. MOSES] is additional evidence that the friends of the policies of the Federal Reserve Board are afraid to debate. It will not be long before the whole country knows it, and the country does not admire men who are afraid to fight.

Mr. HEFLIN. That is all I have to say for the present, Mr. President. Under the objection that comes from the other side I can not have my resolution considered now.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada [Mr. PITTMAN].

Mr. MOSES. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McCormick	Sheppard
Ball	Gooding	McKinley	Shields
Borah	Hale	McNary	Simmons
Brandeggee	Harrell	Moses	Smith
Broussard	Harris	Nelson	Spencer
Bursum	Hefflin	New	Stanfield
Calder	Hitchcock	Newberry	Sutherland
Cameron	Johnson	Norbeck	Swanson
Capper	Jones, N. Mex.	Norris	Townsend
Caraway	Jones, Wash.	Oddie	Underwood
Colt	Kellogg	Overman	Wadsworth
Culberson	Kendrick	Page	Walsh, Mass.
Dial	Keyes	Pittman	Warren
Edge	King	Poindexter	Watson, Ga.
Ernst	Ladd	Rawson	Willis
Fernald	Lenroot	Reed	
France	Lodge	Robinson	

Mr. JONES of Washington. I desire to announce that the following Senators are detained from the Senate on account of attendance on the Committee on Finance:

The Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Indiana [Mr. WATSON], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], and the Senator from Vermont [Mr. DILLINGHAM].

The VICE PRESIDENT. Sixty-six Senators having answered to their names, a quorum of the Senate is present. The question is upon agreeing to the amendment of the Senator from Nevada.

Mr. REED. Mr. President, article 3 of the treaty provides that—

The United States and its nationals shall have free access to the island of Yap * * *

The second clause of the article further provides that—

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication: *Provided, however,* That so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

Plainly the right of the United States to enter upon the island of Yap and to establish radiotelegraphic stations on that island can not accrue until Japan has failed to maintain a service of the character specified.

There is, therefore, a question to decide, a question of fact, namely: Has Japan maintained service of a particular character? That being the case, if Japan were to say that she had maintained that character of service, and the United States were to declare that she had not maintained that character of service, the question could only be decided in one of two ways—that is, by the United States and Japan agreeing upon some third party to decide the dispute, or by the United States entering upon the island and proceeding to erect stations suitable for itself. In that event the United States would decide a disputed question of fact to suit itself.

I desire to employ no language that will seemingly be impolite toward others who may have spoken; but to assert that in any disputed question of fact between two people or two nations either one of the parties has the right to decide it for himself is to assert the absurd. Of course, we could decide it for ourselves by entering upon the island with armed force, upon a territory the sovereignty of which we are conceding to Japan, and we could remain there as long as we were able to do so by armed force; but every international question could be decided in that way, and the very purpose of treaties is to prevent that sort of decision. In the whole realm of international disputes there will not be found one precedent to sustain the doctrine that when a question of fact must be decided as a condition precedent to the existence of a right, one of the parties to the controversy has the right to decide that question to suit itself. No such precedent has been cited, and no such precedent can be cited from any work on international law or from any work on common law as to disputes between individuals. If we intend to reserve the right to decide this question for ourselves, we must so specify by apt and explicit language in the treaty itself.

I repeat that to say otherwise is to say that which is absurd. But, Mr. President, if the construction contended for is correct, then Japan can not complain if we write that construction specifically into the instrument; and those who stand here charged with the duty of protecting the United States clearly, if that be their construction, ought to be willing to place the construction in plain language upon the face of the instrument. It is not the construction which will be placed upon this treaty by Japan. It is not the construction which will be placed upon it by international lawyers. It is not the construction which will be placed upon it by the world. If, therefore, we propose to reserve these rights, we must do it in a specific statement, and make that statement a part of the instrument itself. The amendment offered by the Senator from Nevada proposes to do that, and it ought to be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. KELLOGG. I call for the yeas and nays.

Mr. NORRIS. I ask that the amendment be again stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 4, at the end of article 3, after the word "suspended" and before the period, it is proposed to insert a colon and the following proviso:

Provided further, That the United States shall be the exclusive judge as to whether the Government of Japan has maintained radiotelegraphic communication on the island of Yap as required in the foregoing proviso.

The VICE PRESIDENT. On this question the Senator from Minnesota demands the yeas and nays. Is the demand supported?

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). I transfer my pair with the junior Senator from Florida [Mr. TRAMMELL] to the junior Senator from Pennsylvania [Mr. PEPPER], and will vote. I vote "nay."

Mr. EDGE (when his name was called). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Pennsylvania [Mr. CROW], and will vote. I vote "nay."

The roll call was concluded.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is absent on account of serious illness in his family. I ask that this announcement may stand for the day.

Mr. ERNST. I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. In his absence I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. FERNALD (after having voted in the negative). May I inquire whether the senior Senator from New Mexico [Mr. JONES] has voted?

The VICE PRESIDENT. He has not voted.

Mr. FERNALD. I have a pair with that Senator, and in his absence, I will have to withdraw my vote, being unable to get a transfer.

Mr. HALE (after having voted in the negative). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Oregon [Mr. STANFIELD], and allow my vote to stand.

The result was announced—yeas 29, nays 54, as follows:

YEAS—29.

Ashurst	Glass	McKellar	Smith
Borah	Harris	Norris	Swanson
Broussard	Harrison	Overman	Walsh, Mass.
Caraway	Heflin	Pittman	Walsh, Mont.
Culberson	Hitchcock	Reed	Watson, Ga.
Fletcher	Johnson	Robinson	
France	Kendrick	Sheppard	
Gerry	King	Simmons	

NAYS—54.

Ball	Gooding	Moses	Smoot
Brandegee	Hale	Myers	Spencer
Bursum	Harrell	Nelson	Sterling
Calder	Jones, Wash.	New	Sutherland
Cameron	Kellogg	Newberry	Townsend
Capper	Keyes	Nicholson	Underwood
Colt	Ladd	Norbeck	Wadsworth
Cummins	Lenroot	Oddie	Warren
Curtis	Lodge	Page	Watson, Ind.
Dial	McCormick	Philpps	Weller
Dillingham	McCumber	Poindexter	Williams
Edge	McKinley	Pomerene	Willis
Elkins	McLean	Rawson	
Frelinghuysen	McNary	Shortridge	

NOT VOTING—13.

Crow	Jones, N. Mex.	Ransdell	Trammell
du Pont	La Follette	Shields	
Ernst	Owen	Stanfield	
Fernald	Pepper	Stanley	

So Mr. PITTMAN'S amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to article 3, which the Secretary will read.

The article was read as follows:

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, co-operating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Although I have a general pair with the junior Senator from Florida [Mr. TRAMMELL] I am at liberty to vote, and I vote "yea."

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I have been informed that were he present he would vote for the treaties as they are now pending in the Senate. So I feel at liberty to vote without considering a transfer, and I vote "yea."

Mr. ERNST. I am advised that my pair, the senior Senator from Kentucky [Mr. STANLEY], would vote as I shall vote, and therefore I will vote. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Louisiana [Mr. RANSDELL].

I also desire to announce that the Senator from Delaware [Mr. DU PONT] and the Senator from Pennsylvania [Mr. CROW] would vote "yea" on this article.

Mr. HALE (after having voted in the affirmative). I transfer my pair with the senior Senator from Tennessee [Mr.

SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW], and allow my vote to stand.

The result was announced—yeas 66, nays 21, as follows:

YEAS—66.

Ball	Frelinghuysen	McNary	Smith
Brandegee	Gooding	Moses	Smoot
Broussard	Hale	Myers	Spencer
Bursum	Harrell	Nelson	Stanfield
Calder	Johnson	New	Sterling
Cameron	Jones, N. Mex.	Newberry	Sutherland
Capper	Jones, Wash.	Nicholson	Townsend
Colt	Kellogg	Norbeck	Underwood
Cummins	Kendrick	Norris	Wadsworth
Curtis	Keyes	Oddie	Walsh, Mont.
Dial	Ladd	Page	Warren
Dillingham	Lenroot	Pepper	Watson, Ind.
Edge	Lodge	Philpps	Weller
Elkins	McCormick	Poindexter	Williams
Ernst	McCumber	Pomerene	Willis
Fernald	McKinley	Rawson	
Fletcher	McLean	Shortridge	

NAYS—21.

Ashurst	Harris	Overman	Swanson
Caraway	Harrison	Pittman	Walsh, Mass.
Culberson	Heflin	Reed	Watson, Ga.
France	Hitchcock	Robinson	
Gerry	King	Sheppard	
Glass	McKellar	Simmons	

NOT VOTING—9.

Borah	La Follette	Ransdell	Stanley
Crow	Owen	Shields	Trammell
du Pont			

So article 3 was agreed to.

Article 4 was read and agreed to, as follows:

ARTICLE IV.

In connection with the rights embraced by Article III, specific rights, privileges, and exemptions in so far as they relate to electrical communications, shall be enjoyed in the island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the island and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

(2) Nationals of the United States shall not be obliged to obtain any permit or license in order to be entitled to land and operate cables on the island, or to establish radio-telegraphic service, subject to the provisions of Article III, or to enjoy any of the rights and privileges embraced by this article and by Article III.

(3) No censorship or supervision shall be exercised over cable or radio messages or operations.

(4) Nationals of the United States shall have complete freedom of entry and exit in the island for their persons and property.

(5) No taxes, port, harbor, or landing charges, or exactions of any nature whatsoever, shall be levied either with respect to the operation of cables or radio stations, or with respect to property, persons, or vessels.

(6) No discriminatory police regulations shall be enforced.

(7) The Government of Japan will exercise its power of expropriation in the island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities can not otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the island shall not be subject to expropriation.

Article 5 was read and agreed to, as follows:

ARTICLE V.

The present convention shall be ratified by the high contracting parties in accordance with their respective constitutions. The ratifications of this convention shall be exchanged in Washington as soon as practicable, and it shall take effect on the date of the exchange of the ratifications.

In witness whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at the city of Washington this 11th day of February, 1922.

The preamble was read and agreed to, as follows:

THE UNITED STATES OF AMERICA AND JAPAN.

Considering that by article 119 of the treaty of Versailles, signed on June 28, 1919, Germany renounced in favor of the powers described in that treaty as the principal allied and associated powers, to wit, the United States of America, the British Empire, France, Italy, and Japan, all her rights and titles over her overseas possessions;

Considering that the benefits accruing to the United States under the aforesaid article 119 of the treaty of Versailles were confirmed by the treaty between the United States and Germany, signed on August 25, 1921, to restore friendly relations between the two nations;

Considering that the said four powers—to wit, the British Empire, France, Italy, and Japan—have agreed to confer upon His Majesty the Emperor of Japan a mandate, pursuant to the treaty of Versailles, to administer the groups of the former German islands in the Pacific Ocean lying north of the Equator, in accordance with the following provisions:

"ARTICLE 1. The islands over which a mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

"ART. 2. The mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require. The mandatory shall promote to the

utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

"ART. 3. The mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration. The mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic signed on September 10, 1919, or in any convention amending same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

"ART. 4. The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

"ART. 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the mandatory shall insure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling.

"ART. 6. The mandatory shall make to the council of the League of Nations an annual report to the satisfaction of the council, containing full information with regard to the territory and indicating the measures taken to carry out the obligations assumed under articles 2, 3, 4, and 5.

"ART. 7. The consent of the council of the League of Nations is required for any modification of the terms of the present mandate. The mandatory agrees that if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by article 14 of the covenant of the League of Nations";

Considering that the United States did not ratify the treaty of Versailles and did not participate in the agreement respecting the aforesaid mandate:

Desiring to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid islands, and in particular the island of Yap, have resolved to conclude a convention for that purpose and to that end have named as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the Emperor of Japan: Baron Kijuro Shidehara, His Majesty's ambassador extraordinary and plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

The VICE PRESIDENT. Without objection, the resolution of ratification will be read.

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. PITTMAN. Is it in order now to present a proposed reservation?

The VICE PRESIDENT. The regular order would be to read the resolution, and then to have reservations presented.

Mr. LODGE. Let the resolution be read.

The resolution of ratification reported from the Committee on Foreign Relations was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive R, Sixty-seventh Congress, second session, a treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. PITTMAN. I offer the reservation which I send to the desk.

The VICE PRESIDENT. The Secretary will report the reservation.

The ASSISTANT SECRETARY. Add, at the end of the resolution, the following words:

The United States reserves to itself exclusively the right to decide at any time whether the Government of Japan has maintained or is maintaining on the island of Yap an adequate radiotelegraphic station cooperating effectively with the cables and with the other radio stations on ships and on shore, and whether said cable service is being conducted without discriminatory exactions or preferences and in accord with the proviso set forth in article 3.

Mr. PITTMAN. Mr. President, this reservation embodies the same proposition as the amendment which was offered by me and defeated. It is intended, I think, as the words indicate, to make clear the meaning of the proviso in article 3, where it is provided that the rights of the United States and its nationals shall be suspended during the time the Japanese Government or its nationals satisfactorily—I am not using the exact language—furnish an aerial radio system. I offer the reservation for the purpose of making it emphatic and certain that the privileges asserted under that proviso by the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. UNDERWOOD]—that is, the privilege to determine ourselves when the service of the Japanese is not adequate. I do not know of any objection they have made to this provision except that on the former occasion it was offered as an amendment. I offer it now as a reservation, as an expression of our understanding of the proviso.

Mr. LODGE. Mr. President, I hope the reservation will be rejected.

Mr. PITTMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. EDGE (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. HALE (when his name was called). Making the same announcement as that heretofore made with reference to my pair and its transfer, I vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 30, nays 56, as follows:

YEAS—30.

Ashurst	Glass	King	Simmons
Borah	Harris	McKellar	Smith
Broussard	Harrison	Norris	Swanson
Caraway	Heflin	Overman	Walsh, Mass.
Culberson	Hitchcock	Pittman	Walsh, Mont.
Fletcher	Johnson	Reed	Watson, Ga.
France	Jones, N. Mex.	Robinson	
Gerry	Kendrick	Sheppard	

NAYS—56.

Ball	Frelinghuysen	Moses	Shortridge
Brandagee	Gooding	Myers	Smoot
Bursum	Hale	Nelson	Spencer
Calder	Jones, Wash.	New	Stanfield
Cameron	Kellogg	Newberry	Sterling
Capper	Keyes	Nicholson	Sutherland
Colt	Ladd	Norbeck	Townsend
Cummins	Lenroot	Oddie	Underwood
Curtis	Lodge	Page	Wadsworth
Dial	McCormick	Pepper	Warren
Dillingham	McCumber	Phipps	Watson, Ind.
Edge	McKinley	Poinexter	Weller
Elkins	McLean	Pomerene	Williams
Fernald	McNary	Rawson	Wihlis

NOT VOTING—10.

Crow	Harrell	Ransdell	Trammell.
du Pont	La Follette	Shields	
Ernst	Owen	Stanley	

So Mr. PITTMAN's reservation to the resolution of ratification was rejected.

Mr. PITTMAN. Mr. President, I present the following reservation to the resolution of ratification.

The VICE PRESIDENT. The proposed reservation will be stated.

The ASSISTANT SECRETARY. At the end of the resolution add the following:

The United States so understands and construes section 3 of article 2 to mean that all the rights and privileges guaranteed to citizens of the United States in territory controlled by the Japanese Empire, and particularly by the commercial treaty between said Governments entered into in the year 1911 anno Domini, extend to all of the mandated islands herein described, and particularly the island of Yap, and that the said rights and privileges so guaranteed are not to be considered as limited or abridged by any of the provisions of this treaty.

Mr. PITTMAN. Mr. President, the same provision was offered yesterday by me in the form of an amendment to section 3 of article 2, the objection then made to it being that it was an amendment and not a reservation, and that as an amendment it would require further negotiation. Section 3, to which the reservation refers, reads as follows:

Existing treaties between the United States and Japan shall be applicable to the mandated islands.

Those treaties have been read into the Record by the Senator from Minnesota [Mr. KELLOGG]. They extend to American citizens' rights in Japan equal to the rights of the nationals of Japan in the United States, with the exception probably of the ownership of property. The question is whether or not the special references to rights of American citizens with regard to Yap in this treaty limit the rights guaranteed in the general treaties to which I have referred.

The reservation simply says that the United States understands that the general rights and privileges granted United States citizens under the treaty between Japan and the United States of 1911 extend to these mandated islands and are not limited by any special expressions in the existing treaty.

The VICE PRESIDENT. The question is on agreeing to the reservation offered by the Senator from Nevada.

Mr. PITTMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. EDGE (when his name was called). I make the same announcement that I made before as to my pair and its transfer, and I vote "nay."

Mr. HALE (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 29, nays 58, as follows:

YEAS—29.

Ashurst	Harrison	McKellar	Smith
Caraway	Heflin	Myers	Swanson
Culberson	Hitchcock	Overman	Walsh, Mass.
Fletcher	Johnson	Pittman	Walsh, Mont.
France	Jones, N. Mex.	Reed	Watson, Ga.
Gerry	Kendrick	Robinson	
Glass	King	Sheppard	
Harris	Ladd	Simmons	

NAYS—58.

Ball	Fernald	Moses	Shortridge
Borah	Frelinghuysen	Nelson	Smoot
Brandeggee	Gooding	New	Spencer
Broussard	Hale	Newberry	Stanfield
Bursum	Harrell	Nicholson	Sterling
Calder	Jones, Wash.	Norbeck	Sutherland
Cameron	Kellogg	Norris	Townsend
Capper	Keyes	Oddie	Underwood
Colt	Lenroot	Page	Wadsworth
Cummins	Lodge	Pepper	Warren
Curtis	McCormick	Phelps	Watson, Ind.
Dial	McCumber	Poin Dexter	Williams
Dillingham	McKinley	Pomerene	Willis
Edge	McLean	Ransdell	
Elkins	McNary	Rawson	

NOT VOTING—9.

Crow	La Follette	Shields	Trammell
du Pont	Owen	Stanley	Weller
Ernst			

So Mr. PITTMAN's reservation to the resolution of ratification was rejected.

Mr. PITTMAN. I offer the reservation which I send to the desk.

The VICE PRESIDENT. The reservation proposed by the Senator from Nevada will be stated.

The ASSISTANT SECRETARY. It is proposed to add at the end of the resolution of ratification the following words:

The United States understands and construes section 2 of article 2 to mean that "Vested American property rights" includes leases, licenses, franchises, and other rights obtained by the United States or its nationals from the former Imperial German Empire during the period of time that said Empire was exerting sovereignty over said islands.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on agreeing to the reservation proposed by the Senator from Nevada.

The reservation was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification.

Mr. KING. Mr. President, a parliamentary inquiry. Has the treaty been disposed of now except the final vote on ratification?

The VICE PRESIDENT. It has been.

Mr. KING. I offer the reservation which I send to the desk.

The VICE PRESIDENT. The reservation will be stated.

The ASSISTANT SECRETARY. At the end of the resolution of ratification it is proposed to add the following:

That the United States understands and construes said treaty to mean that Japan holds the islands referred to therein under and pursuant to the terms of the treaty of Versailles, including the covenant of the League of Nations; and the United States in the ratification of this treaty does not concede, but upon the contrary denies, that Japan holds said islands as a sovereign nation with an unqualified, absolute, and indefeasible title, and declares that in dealing with said islands and in its relations to them and to their inhabitants, Japan occupies the position of a trustee as defined and determined in said Versailles treaty and the provisions of the covenant of the League of Nations.

The VICE PRESIDENT. The question is on agreeing to the reservation proposed by the Senator from Utah.

The reservation was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification.

Mr. LODGE. Mr. President, is the treaty still being considered as in Committee of the Whole? I may be mistaken, but the rule of the Senate provides:

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration—

That action has been taken—

after which it may be read a second time and considered as in Committee of the Whole.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Has the Chair made the announcement that the treaty has passed from the Committee of the Whole into the Senate?

The VICE PRESIDENT. The Chair has not done so.

Mr. BRANDEGEE. Well, what is the situation? Is the treaty still in the Committee of the Whole and open to reservation or is it in the Senate and open to reservation, or is it not?

Mr. LODGE. The rule is that after the treaty reaches the Senate it has passed beyond the stage of amendment.

Mr. BRANDEGEE. I have asked two questions. The first is, is the treaty still in the Committee of the Whole? If not, is it in the Senate? Then, if it is in the Senate, is it open to further reservation? Where is the treaty—in the Committee of the Whole or in the Senate?

The VICE PRESIDENT. The Chair will say to the Senator from Massachusetts that treaties have been considered sometimes in one way and sometimes in the other. In the opinion of the Chair, the treaty should be considered as in Committee of the Whole, and the Chair so rules.

Mr. BRANDEGEE. I had assumed that the treaty had been up to this time considered as in Committee of the Whole, and it passes to the Senate, as I understand, whenever the Chair says, "If there is no further reservation, the treaty will be reported to the Senate."

The VICE PRESIDENT. Without objection, the treaty will be reported to the Senate.

The treaty was reported to the Senate.

The VICE PRESIDENT. The treaty is in the Senate and open to amendment.

Mr. LODGE. I beg pardon of the Chair, but I desire further to call attention to the rule, which provides:

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determines otherwise, at which stage no amendment shall be received, unless by unanimous consent.

The VICE PRESIDENT. If no amendment is proposed, the question is on agreeing to the resolution of ratification.

Mr. PITTMAN. I ask for the yeas and nays, Mr. President. The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). As previously stated, I have a general pair with the junior Senator from Florida [Mr. TRAMMELL], who, I understand, if present, would vote as I am about to vote on this question. Therefore I feel at liberty to vote, and vote "yea."

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN], but on this question the Senator from Oklahoma, as I am informed, would vote as I am about to vote. Therefore I am at liberty to vote, and vote "yea."

Mr. ERNST (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY], but on this question I am permitted to vote, and vote "yea."

Mr. HALE (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. SHIELDS]. I transfer that pair to the senior Senator from Oklahoma [Mr. OWEN] and the junior Senator from Florida [Mr. TRAMMELL], both of whom, if present, would vote "yea." I vote "yea."

The roll call was concluded.

Mr. FLETCHER. I desire to announce that, as heretofore stated, my colleague [Mr. TRAMMELL] is absent on account of illness in his family. If present, he would vote "yea."

Mr. LODGE. I desire to announce that the Senator from Delaware [Mr. DU PONT] and the Senator from Pennsylvania [Mr. CROW], both of whom are necessarily absent from the Senate, if present, would vote "yea."

The yeas and nays resulted—yeas 67, nays 22, as follows:

YEAS—67.

Ball	Frelinghuysen	McNary	Shortridge
Brandeggee	Gooding	Moses	Smith
Broussard	Hale	Myers	Smoot
Bursum	Harrell	Nelson	Spencer
Calder	Hitchcock	New	Stanfield
Cameron	Jones, N. Mex.	Newberry	Sterling
Capper	Jones, Wash.	Nicholson	Sutherland
Colt	Kellogg	Norbeck	Townsend
Cummins	Kendrick	Norris	Underwood
Curtis	Keyes	Oddie	Wadsworth
Dial	Ladd	Page	Walsh, Mont.
Dillingham	Lenroot	Pepper	Warren
Edge	Lodge	Phelps	Watson, Ind.
Elkins	McCormick	Poin Dexter	Weller
Ernst	McCumber	Pomerene	Williams
Fernald	McKinley	Ransdell	Willis
Fletcher	McLean	Rawson	

NAYS—22.

Ashurst
Barah
Culberson
France
Gerry

Glass
Harris
Harrison
Heflin
Johnson
King

McKellar
Overman
Pittman
Reed
Robinson
Sheppard

Simmons
Swanson
Walsh, Mass.
Watson, Ga.

NOT VOTING—7.

Crow
du Pont

La Follette
Owen

Shields
Stanley

Trammell

The VICE PRESIDENT. On the question of agreeing to the resolution of ratification the yeas are 67 and the nays are 22. Two-thirds of the Senators present having voted in the affirmative, the resolution is agreed to, and the Senate advises and consents to the ratification of the treaty.

The treaty as ratified is as follows:

THE UNITED STATES OF AMERICA AND JAPAN.

Considering that by article 119 of the treaty of Versailles, signed on June 28, 1919, Germany renounced in favor of the powers described in that treaty as the principal allied and associated powers, to wit, the United States of America, the British Empire, France, Italy, and Japan, all her rights and titles over her overseas possessions;

Considering that the benefits accruing to the United States under the aforesaid article 119 of the treaty of Versailles were confirmed by the treaty between the United States and Germany, signed on August 25, 1921, to restore friendly relations between the two nations;

Considering that the said four powers, to wit, the British Empire, France, Italy, and Japan, have agreed to confer upon His Majesty the Emperor of Japan a mandate, pursuant to the treaty of Versailles, to administer the groups of the former German islands in the Pacific Ocean lying north of the Equator in accordance with the following provisions:

"ARTICLE I. The islands over which a mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

"ART. 2. The mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require. The mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

"ART. 3. The mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration. The mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic signed on September 10, 1919, or in any convention amending same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

"ART. 4. The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

"ART. 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the mandatory shall insure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling.

"ART. 6. The mandatory shall make to the council of the League of Nations an annual report to the satisfaction of the council, containing full information with regard to the territory and indicating the measures taken to carry out the obligations assumed under articles 2, 3, 4, and 5.

"ART. 7. The consent of the council of the League of Nations is required for any modification of the terms of the present mandate. The mandatory agrees that if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the permanent court of international justice provided for by article 14 of the covenant of the League of Nations";

Considering that the United States did not ratify the treaty of Versailles and did not participate in the agreement respecting the aforesaid mandate;

Desiring to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid islands, and in particular the island of Yap,

have resolved to conclude a convention for that purpose and to that end have named as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the Emperor of Japan: Baron Kijuro Shidehara, His Majesty's ambassador extraordinary and plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

Subject to the provisions of the present convention, the United States consents to the administration by Japan, pursuant to the aforesaid mandate, of all the former German islands in the Pacific Ocean lying north of the Equator.

ARTICLE II.

The United States and its nationals shall receive all the benefits of the engagements of Japan defined in articles 3, 4, and 5 of the aforesaid mandate, notwithstanding the fact that the United States is not a member of the League of Nations.

It is further agreed between the high contracting parties as follows:

(1) Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the islands, it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control.

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired;

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands;

(4) Japan will address to the United States a duplicate of the annual report on the administration of the mandate to be made by Japan to the council of the League of Nations.

(5) Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited in the convention, unless such modification shall have been expressly assented to by the United States.

ARTICLE III.

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

ARTICLE IV.

In connection with the rights embraced by article 3, specific rights, privileges, and exemptions, in so far as they relate to electrical communications, shall be enjoyed in the island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

(2) Nationals of the United States shall not be obliged to obtain any permit or license in order to be entitled to land and operate cables on the island, or to establish radiotelegraphic service, subject to the provisions of article 3, or to enjoy any of the rights and privileges embraced by this article and by article 3.

(3) No censorship or supervision shall be exercised over cable or radio messages or operations.

(4) Nationals of the United States shall have complete freedom of entry and exit in the island for their persons and property.

(5) No taxes, port, harbor, or landing charges or exactions of any nature whatsoever shall be levied either with respect to the operation of cables or radio stations or with respect to property, persons, or vessels.

(6) No discriminatory police regulations shall be enforced.

(7) The Government of Japan will exercise its power of expropriation in the island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities can not otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the island shall not be subject to expropriation.

ARTICLE V.

The present convention shall be ratified by the high contracting parties in accordance with their respective constitutions. The ratifications of this convention shall be exchanged in Washington as soon as practicable, and it shall take effect on the date of the exchange of the ratifications.

In witness whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at the city of Washington, this 11th day of February, 1922.

CHARLES EVANS HUGHES.
K. SHIDEHARA.

IN EXECUTIVE SESSION,
Senate of the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive R. Sixty-seventh Congress, second session, a treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean, lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

THE FOUR-POWER TREATY.

Mr. LODGE. Mr. President, I now call up the four-power treaty relating to Pacific possessions, and ask that it be read.

The Senate, as in Committee of the Whole, and in open executive session, proceeded to consider the treaty, which was read, as follows:

EXECUTIVE N.

TREATY SUBMITTED BY THE PRESIDENT OF THE UNITED STATES BETWEEN THE UNITED STATES, THE BRITISH EMPIRE, FRANCE, AND JAPAN, RELATING TO THEIR INSULAR POSSESSIONS AND THEIR INSULAR DOMINIONS IN THE PACIFIC.

The United States of America, the British Empire, France, and Japan.

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and, insular dominions in the region of the Pacific Ocean.

Have determined to conclude a treaty of this effect and have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Henry Cabot Lodge, Oscar W. Underwood, and Elihu Root, citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India: The Right Hon. Arthur James Balfour O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

And—

For the Dominion of Canada: The Right Hon. Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: The Hon. George Foster Pearce, Minister of Defense;

For the Dominion of New Zealand: Sir John William Salmond, K. C., judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Valingman Sankaranarayana Srinivasa Sastri, member of the Indian Council of State;

The President of the French Republic: Mr. René Viviani, deputy, former president of the Council of Ministers; Mr. Albert Sarraut, deputy, Minister of the Colonies; Mr. Jules J. Jusserand, ambassador extraordinary and plenipotentiary to the

United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, minister for the navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, his ambassador extraordinary and plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun; Prince Iyesato Tokugawa, Junii, a member of the First Class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, vice minister for foreign affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated their full powers, found in good and due form, have agreed as follows:

I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

III.

This treaty shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

IV.

This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the signatory powers a certified copy of the proces-verbal of the deposit of ratifications.

The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 13th day of December, 1921.

	CHARLES EVANS HUGHES.	[L. S.]
	HENRY CABOT LODGE.	[L. S.]
	OSCAR W. UNDERWOOD.	[L. S.]
	ELIHU ROOT.	[L. S.]
	ARTHUR JAMES BALFOUR.	[L. S.]
	LEE OF FAREHAM.	[L. S.]
	A. C. GEDDES.	[L. S.]
[L. S.]	R. L. BORDEN.	
[L. S.]	G. F. PEARCE.	
[L. S.]	JOHN W. SALMOND.	
[L. S.]	ARTHUR JAMES BALFOUR.	
[L. S.]	V S SRINIVASA SASTRI.	
[L. S.]	RENÉ VIVIANI.	
[L. S.]	A. SARRAUT.	
[L. S.]	JUSSERAND.	
[L. S.]	T. KATO.	
[L. S.]	K. SHIDEHARA.	
[L. S.]	TOKUGAWA IYESATO.	
[L. S.]	M. HANIHARA.	

In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:

1. That the treaty shall apply to the mandated islands in the Pacific Ocean: *Provided, however,* That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers respectively in relation to the mandated islands.

2. That the controversies to which the second paragraph of Article I refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

Washington, D. C., December 13, 1921.

CHARLES EVANS HUGHES.	ARTHUR JAMES BALFOUR.
HENRY CABOT LODGE.	V S SRINIVASA SASTRI.
OSCAR W. UNDERWOOD.	RENÉ VIVIANI.
ELIHU ROOT.	A. SARRAUT.
ARTHUR JAMES BALFOUR.	JUSSERAND.
LEE OF FAREHAM.	T. KATO.
A. C. GEDDES.	K. SHIDEHARA.
R. L. BORDEN.	TOKUGAWA IYESATO.
G. F. PEARCE.	M. HANIHARA.
JOHN W. SALMOND.	

The ASSISTANT SECRETARY. The Committee on Foreign Relations reports the following resolution of ratification:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington, December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:

"The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense."

Mr. UNDERWOOD. Mr. President, I ask the Senator from Massachusetts whether he intends to consider at the same time the second treaty that was made?

Mr. LODGE. Of course, it is part of the same transaction.

Mr. UNDERWOOD. I suppose it would have to be considered in connection with it by unanimous consent; but I suggest if unanimous consent can be obtained that we consider both treaties now.

Mr. LODGE. I ask unanimous consent for the reading of the supplementary treaty, so that that may be before the Senate at the same time.

The VICE PRESIDENT. Is there objection?

Mr. REED. Let it be read before consent is given.

The VICE PRESIDENT. The request was for unanimous consent that it be read.

Mr. REED. I understood the request was that it be considered. I have no objection to its being read, of course.

Mr. UNDERWOOD. Of course, I have no doubt the Senator from Massachusetts meant that it should be considered along with this treaty. It would require two votes, of course.

Mr. LODGE. Of course. It is a separate proposition. I did not expect the Senate to vote upon them together.

Mr. UNDERWOOD. The first treaty had the homeland of Japan in it. The second treaty merely leaves it out—that is all—and the same question is involved in both.

Mr. REED. I simply asked that it be read before the consent was requested in order that we might know absolutely what was before us.

The VICE PRESIDENT. The supplementary treaty will be read for the information of the Senate.

The Assistant Secretary read as follows:

EXECUTIVE O.

FOUR POWERS SUPPLEMENTARY AGREEMENT—AGREEMENT SUBMITTED BY THE PRESIDENT OF THE UNITED STATES BETWEEN THE UNITED STATES, THE BRITISH EMPIRE, FRANCE, AND JAPAN, SUPPLEMENTARY TO THE TREATY BETWEEN THE SAME FOUR POWERS RELATING TO THEIR INSULAR POSSESSIONS AND THEIR INSULAR DOMINIONS, AND DEFINING THE APPLICATION OF THE TERM "INSULAR POSSESSIONS AND INSULAR DOMINIONS" AS RELATING TO JAPAN.

The United States of America, the British Empire, France, and Japan have, through their respective plenipotentiaries, agreed upon the following stipulations supplementary to the quadruple treaty signed at Washington on December 13, 1921:

The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa and the Pescadores, and the islands under the mandate of Japan.

The present agreement shall have the same force and effect as the said treaty to which it is supplementary.

The provisions of article 4 of the aforesaid treaty of December 13, 1921, relating to ratification shall be applicable to the present agreement, which in French and English shall remain deposited in the archives of the Government of the United States,

and duly certified copies thereof shall be transmitted by that Government to each of the other contracting powers.

In faith whereof the respective plenipotentiaries have signed the present agreement.

Done at the city of Washington the 6th day of February, 1922.

	CHARLES EVANS HUGHES.	[L. s.]
	HENRY CABOT LODGE.	[L. s.]
	OSCAR W. UNDERWOOD.	[L. s.]
[L. s.]	ELIHU ROOT.	
[L. s.]	ARTHUR JAMES BALFOUR.	
[L. s.]	LEE OF FAREHAM.	
[L. s.]	A. C. GEDDES.	
[L. s.]	R. L. BORDEN.	
[L. s.]	G. F. PEARCE.	
[L. s.]	JOHN W. SALMOND.	
[L. s.]	ARTHUR JAMES BALFOUR.	
[L. s.]	V. S. SRINIVASA SASTRI.	
	A. SARRAUT.	[L. s.]
	JUSSERAND.	[L. s.]
	T. KATO.	[L. s.]
	K. SHIDEHARA.	[L. s.]
	M. HANIHARA.	[L. s.]

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The treaty is before the Senate as in Committee of the Whole, and the question is on agreeing to article 1.

Mr. REED. No, Mr. President; the Senator from Massachusetts made a request, which has not been acted upon, that the two treaties be considered together.

Mr. LODGE. Technically, of course, we can not consider two treaties at once. I was only desirous to have them read, so that they might both be before the Senate at the same time for consideration.

Mr. REED. I had understood the request to be that they should be considered at the same time, but of course separate votes would have to be taken. I have no objection to that course.

Mr. LODGE. I did not mean that they should be voted on, of course, at the same time, but that they might be considered together.

Mr. REED. I have no objection to that.

Mr. LODGE. Mr. President, I am perfectly ready and very glad to go on with this treaty at once; but unless some Senator desires to discuss it now I shall ask that an opportunity may be given the Senator from Kansas [Mr. CURTIS] to present a proposed change in the rules which ought to be made on account of the new rules of the House in regard to appropriations and the different distribution of appropriation bills.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. I do.

Mr. KING. If that is done, may it be understood that this treaty will not be taken up until to-morrow?

Mr. LODGE. Certainly. It was my plan not to take it up until to-morrow; but I shall be glad if the matter of the consideration of appropriation bills, which ought to be considered at once, and is made necessary by the Budget and the changes it involves, can be disposed of. I yield for that purpose. I should not care to yield for anything else.

Mr. REED. Mr. President, has notice been given of the proposed change?

Mr. CURTIS. Notice was given; the report was made; notice was given that it would be taken up, and Senators on the other side have been advised about it through their committees, and I think they are ready to go on with it.

Mr. CUMMINS. Mr. President, I gave notice some days ago that upon the conclusion of the consideration by the Senate of the treaty that has just been disposed of I should ask the Senate to consider what is commonly known as the judges' bill, providing for the appointment of a number of additional district judges. I recognize, however, that it is highly important that the rule proposed by the Senator from Kansas be acted upon, in order that appropriation bills may proceed with some knowledge and certainty with respect to the composition of the committees which shall consider them.

As far as I am concerned, I am inclined to yield the position I hoped I might occupy to the Senator from Kansas with his rule, for I think that is more imperative; but I renew my notice that I intend to bring forward this measure at the first moment it is possible for me to do so.

Mr. FLETCHER. Does the Senator propose to ask the Senate to go on with his measure to-morrow, or will we go on with the treaty to-morrow?

Mr. LODGE. I expect to ask the Senate to go on with the treaty to-morrow. I shall move to go into open executive session to-morrow.

Mr. FLETCHER. If we go on with the resolution referred to by the Senator from Kansas we will have to proceed to the consideration of legislative business, because we are now in executive session.

Mr. LODGE. Yes; we will have to proceed to the consideration of legislative business.

Mr. CURTIS. I move that the Senate resume legislative session with a view to considering the resolution from the Committee on Rules.

The motion was agreed to.

Mr. CUMMINS. Will the Senator from Kansas yield to me for a moment?

Mr. CURTIS. I yield to the Senator from Iowa.

OPINIONS UNDER THE TRANSPORTATION ACT, 1920 (S. DOC. NO. 140).

Mr. CUMMINS. Mr. President, on Monday last, February 27, 1922, the Supreme Court announced two opinions (Nos. 206 and 283, October term, 1921) in cases arising under the transportation act of 1920, construing certain paragraphs or sections of that act. There are a great many applications for copies of these opinions, and I ask unanimous consent that these two opinions be printed as a public document in large type.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

ADDRESS BY THE VICE PRESIDENT.

Mr. SPENCER. Mr. President, on the 22d of February the Vice President delivered an address before Johns Hopkins University. I ask unanimous consent that the address may be printed in the RECORD in 8-point type.

There being no objection, the address was ordered to be printed in the RECORD.

At Johns Hopkins University, Baltimore, Md., Wednesday, February 22, 1922, Vice President CALVIN COOLIDGE spoke as follows:

"This is a day which destiny has dedicated to a larger freedom. It takes us back to the early eighteenth century. That period was marked as one of preparation rather than attainment. Both before it and after it the manifest course of history touched a higher crest. Marlborough, the victor of Blenheim, had just departed from the scene. George II, who, with his grandson George III, was destined to reign over the British Empire for almost 100 years, had just come to the throne. Men were still living whose fathers might have known Shakespeare and Milton, might have followed Cromwell at Marston Moor and Dunbar, or might have seen the *Mayflower* as she carried her passengers forth upon a journey which they have not yet completed, and men were living whose sons were to stand at Concord Bridge; were to write the Declaration of Independence and adopt the American Constitution; were to take part in the French Revolution and behold the triumphs of Napoleon end at Waterloo; and finally were to see that century which this day began in 1732 close in 1832 with the parliamentary reform bill. It was to be a century of most remarkable achievements, and if its beginning was not heralded by brilliant events, it held one significant fact. Robert Walpole was prime minister. George II might reign, but he ruled. He was the first of the great commoners, a forerunner of Pitts and Gladstones in the Old World, and in the new of plain men who would rise to even greater eminence. In the Colonies legislative assemblies chosen by popular vote were slowly gaining in their claim of independence. While the people had not yet come to the full exercise of their liberties, they had reached the power to administer, and would soon be seeking the power to control their Governments.

"It was during this century that the true purpose of America began to be revealed. As we behold it, our patience ought to be increased, our faith strengthened, and our belief in human progress reaffirmed. Whatever this might require is more than supplied as we contemplate the birth of George Washington, with all that it has come to mean.

"Nations do not come into existence without a purpose. The world soon casts aside organizations which do not minister to its welfare. As we examine the course of known history, as we trace the progress of the race, as we see the problems of existence which had been met and solved by past civilization, and then as we learn of the discovery of a new continent and come to know the cause of its early settlement and mark the spirit of its institutions, there is disclosed to us the meaning and the purpose of our own Nation. In the fullness of time America was called into being under the most favoring circumstances to

work out the problem of a more perfect relationship among mankind, that government and society might be brought into harmony with reason and with conscience. The great events and the great men of our country are those who have made the largest contribution to this purpose. The method by which men have always advanced this cause, the only method by which they ever can advance it, is through service and sacrifice. There can be no great people who are not willing to dedicate themselves to this high purpose.

"It was this spirit in the Pilgrim and the Puritan which has drawn to them the admiration of three centuries. For all of them the comfort of the most highly civilized society at home was open, for many of them the enjoyment of wealth and place, reaching up to the splendor of the court; all these were cast aside that they might leave tyranny behind and found a free State amid the hardships of the wilderness where that which they believed and which they held sacred might have broader scope. Nor was it of themselves even then that they thought most. Believing in piety, they formed their church. Believing in freedom and equality, they did not scruple to pay the price for their maintenance. 'Every township,' their early law decreed, 'after the Lord hath increased them to the number of 50 householders shall appoint one to teach all children to write and read; and when any town shall increase to the number of a hundred families they shall set up a grammar school.' To such a people liberty was a birthright and independence could not be long denied.

"But there was that in the experience of colonial life which brought those who crossed the sea from a somewhat different motive to the same conclusion when they considered their rights were in danger. There had been bred in the English through the centuries which disappear from view in their old German home a genius for local self-government and an intolerance of foreign interference. If the Pilgrims had landed with a miniature but none the less complete charter of democracy in the Mayflower compact, the early settlers of Virginia, landing with a royal charter, were none the less determined to maintain their rights. They early established a free government under an assembly, now one of the oldest legislative bodies in the world which has been in continual session.

"It is not my purpose to trace in detail the well-known course which led up to the American Revolution. A misguided ministry, under a despotic King, secured from a servile Parliament the passage of laws regulating and imposing stamp taxes on the commerce of the Colonies. There was never any objection to granting such supplies as were requested, however large, but there was every objection to the imposition of any unlawful tax, however small. But a Government which openly flouted public opinion at home was likely to pay even less attention to public opinion in the Colonies. These acts were recognized, however, as a direct challenge to the rights of the subjects of the realm everywhere. The Assembly of Virginia led in declaring such taxes unconstitutional and Massachusetts followed. The great Pitt supported their opposition in Parliament. 'Sir, I rejoice,' he said, 'that America has resisted. Three millions of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest.' He saw that it was not merely the freedom of the Colonies but the freedom of all the realm which was in danger.

"Although these taxes were modified under the stress of fear and open rebellion, the right to their imposition was declared and reasserted in a vexatious tax on tea. When this was resisted a fatuous and tyrannical King resorted to repression by force. 'The colonists must either triumph or submit,' he declared. They did not submit. They answered force with force. They would live free or, in resisting usurpation, they would die.

"What began in the assertion of constitutional rights ended in the assertion of national sovereignty. If the right of local self-government, if the dearest of all privileges which Englishmen held as their heritage, that of paying no taxes which they themselves had not imposed, could not be guaranteed them under the ancient kingdom, the time had come for them to establish a new nation. This they proceeded to do, concluding the great declaration with these impressive words: 'We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States.'

"That which has raised this declaration to the dignity which it holds among the people of the earth is the genius of George Washington. He did not create the American spirit, but he

organized it, he led it, he translated it from solemn declaration into effective action. The words of the delegates were impressive in Congress because they were supported by the Army of Washington in the field. It was some 15 months from that morning when patriot blood stained Lexington Green to the day when the Liberty Bell first rang in Philadelphia. Some 15 months away lay Saratoga, a purely American victory, which has been marked as one of a few decisive battles in all history. It was not in high-sounding phrase or in the voting of resolutions that the Revolution was made or won, but in the service and sacrifice of the people in their homes and, above all, of the Army in the field.

"It was not the declaration but the Army which resisted tyranny, which, breaking the power of the King to impose his unlawful will upon the people of the Colonies, broke his power to impose an unlawful will upon the people of the realm, and which, preserving the ancient freedom of Englishmen in America, preserved the ancient freedom of Englishmen at home. That army was George Washington. Under him the Americans made a sacrifice for liberty which was not local; it was universal. That sacrifice resisted then, and has ever since been successfully resisting despotism everywhere. America in its beginnings was doing the work of the world.

"True greatness can not rest merely on a negative. The fame of Washington would be very great if it ended at Yorktown, but both in what he refrained from doing and in what he did after that great event, his fame increases beyond that of a great soldier, which is shared by many, into that of a great statesman, which is shared by few, and rises to the height of a great patriot, which is shared by no one. Washington was first of all an American. He did not refuse the help of foreigners. When, some three years after the conflict began, France made common cause against England, he accepted their assistance gladly and always with the deepest sense of appreciation. But he declared that if the cause were to be won it must be won by Americans relying on themselves. It was this truly American view which not only saved the Revolution but, after its conclusion, saved what it had won. Washington was a nationalist. That principle lay at the foundation of all his statesmanship. Through the long responsibility of the war he came to know, as no one else could know, the weakness to resist evil of 13 separate colonies and the power to do good of a united nation. It was the intellectual force of Hamilton which produced the plans and poured forth the arguments, but it was the character of Washington which secured the adoption of the American Constitution. Where Caesar and Napoleon failed, where even Cromwell faltered, Washington alone prevailed. He wished the people of his country to be great, but great in their own right. He resisted the proposal that he should be set up to rule them. He adopted the proposal that they should be organized to rule themselves. He carried these principles through to the end. Later, when some of his countrymen insisted on adhering to the cause of France, while others insisted on adhering to the cause of England, he insisted on adhering to the cause of America and with patience and greatness, which were sublime, himself bore the resulting abuse of his country for his country's good.

"He was a practical man. If he engaged himself little in proclamation, he engaged himself much in action. To him the Revolution meant an Army in the field able to win victories. Knowing where that would lead, he made no haste to claim independence. He made an independent Nation. He established a Republic under the Constitution, and through two terms as President made its Government a reality, with strength enough to preserve order, with honesty enough to meet its financial obligations, and with character enough to win the respect of the world. From henceforth all men, from the most absolute monarch to the most abject subject, were to reckon with what Americans had done and what their country had come to mean.

"Under Washington, nationality became an accomplished fact. There were those who resisted it then, there were those who would resist it later through the promulgation of resolutions and finally by force of arms. There were those at home, not confined to any one section, and there were enemies of republican institutions abroad who, for their own selfish reasons, were willing to see the great experiment of self-government fail. But it was not to fail. It was not to diminish. It was to succeed. It was to increase. It was to become all free. We are not to criticize the fathers because they did not abolish slavery. Progress goes forward step by step. They took their step and in the pathway of humanity it has a measurement of great length. If they could not acknowledge universal freedom, they declared principles and they adopted institutions which by their very maintenance would establish universal freedom. But it was not only the fact but the method which is of importance to

us now. There had to be an atonement for slavery. The great evil of its existence had to be resisted by the great sacrifice which was made both by the South and the North for its abolition. It was out of that sacrifice that there came a new birth of freedom hallowed by the memory of Lincoln. Out of it all there came a most unexpected demonstration of the great strength of free institutions and the power of an awakened conscience in determining the lot of mankind.

"It is this same force which sometimes works for a long period silently, with a still, small voice, and again goes forth as an army with banners which, for a century now, has shielded the western hemisphere from the menace of Old World aggressions, giving Mexico to the Mexicans and the opportunity for freedom to the islands of the seas.

"Our country had proceeded through the course of its history not unmindful of the obligations due to foreign nations, not undesirous of promoting the friendly rivalry of commercial intercourse. It had been not only the merchandise, but the word of America which has gone forth into all the world. The name of Washington was known and cherished in all lands and among all peoples, and his country came to be looked upon as Lincoln saw it, the last best hope of the world. From it there went out a missionary spirit carrying the promise of general enlightenment, for wherever the American missionary has gone he has carried not only the story of the gospel, but with it the power to establish schools and build hospitals. They ministered to the body, to the intellect, and to the soul. By bearing witness to the truth they supported the cause of freedom. The power of America became a great organizing force wherever it went, but it did not seek foreign conquests and shrank almost from assuming the government of those dependencies which the doing of duty has entrusted to its care. Serene in its power, in the doing of justice to all, free from all foreign alliances, having nothing to gain from war, foremost in its organized efforts to promote the peace of the world, it expected and feared no possible aggression.

"But unconsciously, almost unwillingly, that nation which had been established by Washington and made free under Lincoln had become a world power. The setting of its own house in order, great as that accomplishment had been, might give it the power to meet its obligations; it could not give it the power to avoid them. When a military despotism which held in its grasp a great people threatened to destroy the free Governments of Europe, when America at last came to realize the issue, the soul of her people was bound to respond. When the leader of the American Expeditionary Forces reached France, I do not know whether, as he stood before the tomb of that great Frenchman who had first befriended our country, he said, 'Lafayette, we are here,' but the event makes the report a reality. From the day when the prow of the *Mayflower* touched the shores of Massachusetts Bay, wherever any power has sought to substitute the rule of force for the rule of conscience in the affairs of mankind, the soul of America has stood beside the champions of freedom, proclaiming 'we are here.' That spirit of service and sacrifice by which they had saved themselves in the eighteenth and nineteenth centuries called them forth in the twentieth century to cast the deciding weight of their sword into the balance of liberty.

"The trial by battle has been decisive. It was as decisive as Yorktown. A stricken and impoverished world has since been struggling to organize and adopt into permanent institutions the results of that victory. Foremost among the desires of all peoples has been the wish to secure new guaranties of peace. No one doubts that the delegates to the Paris conference were inspired by that noble ideal. Amid all the contending elements they failed to propose a plan which harmonized with the spirit of America. Everyone knows that the American soul longed to establish a condition which held the promise of a permanent peace, but its ideal was for a peace not imposed by the major forces of the world from without but maintained by the moral power of the world from within. It saw in the covenant of the league, whether intended or not, a diminution of its independence and in its provisions the final sanction not of conscience but of force. It was the American conception that nations, like men, should be free by coming unto a knowledge of the truth, by living in obedience to the law. That was the larger meaning of the war. To translate that meaning into a resolution, to draft it into an agreement, to adopt it as an ordinance, to establish it as one of the fundamental institutions of mankind for the guidance of the society of free nations, was a world desire which has tested the statesmanship of civilization.

"It was in part in response to this desire that the Washington conference was called. Men had reached the conclusion that one of the methods of securing peace was by making the

necessary sacrifices and performing the necessary services to remove some of the causes of war. It is this which appears to be in harmony with the greater purpose of America. It was not merely the voice of one man or one party or one administration, but the true voice of America which proposed at the opening session of the conference the scrapping of 30 of its capital ships, aggregating nearly 850,000 tons, of which 15 were new ships under construction on which there had already been spent nearly \$350,000,000, and that for a period of 10 years the capital ships of this Nation be limited to 18 in number of a displacement of 500,000 tons. It was the same voice which limited the use of submarines and forbade the use of poison gas, which circumscribed the menace of further fortifications in the Pacific, secured justice for China and equal opportunities for participation in her trade and development, and which finally removed the danger of the English-Japanese treaty, which relied on the sanction of force, and proposed in its place the four-power treaty, which rests on the sanction of justice.

"The great strength of this treaty is its simplicity. It does not undertake to establish any artificial relationship. It recognizes the natural relationship between nations. It does not make any new law; it acknowledges the binding force of an eternal law. It is an agreement to respect mutual rights, and whenever those rights are endangered to resort to mutual consultation. This has sanction to which all force is subject:

"Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone; if he shall hear thee, thou hast gained thy brother.

"But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established.

"And if he shall neglect to hear them, tell it unto the church; but if he neglect to hear the church, let him be unto thee as an heathen man and a publican."

"That rests on the Rock of Ages.

"Unto America there has been granted possession of great power, which carries with it great obligations. Our domestic burdens are great, but the resources with which they can be met are greater still. We did not suddenly become a great people in 1917 or relinquish our greatness in 1918. The greatness was there, created through long years of endeavor. The occasion revealed its existence. The meaning of America is not to be found in a life without toil. Freedom is not only bought with a great price, it is maintained by unremitting effort. The successful conduct of our economic life is not easy. It can not be made easy. The burdens of existence, the weight of civilization can not be taken from the people. There is no way to establish a better relationship among the people of this Nation save through each making great sacrifice. But nowhere does duty done and sacrifice made hold the promise of larger success. The final solution of these problems will not be found in the interposition of government in all the affairs of the people, but rather in following the wisdom of Washington, who refused to exercise authority over the people that the people might exercise authority over themselves. It is not in the laying on of force but in the development of the public conscience that salvation lies.

"America stands ready to bear its share of the burdens of the world, but it can not live the life of other peoples, it can not remove from them the necessity of working out their own destiny. It recognizes their independence and the right to establish their own form of government, but America will join no nation in destroying what it believes ought to be preserved or in profaning what it believes ought to be held sacred. We are at peace with all peoples. We do not deny our duty to continue the making of sacrifices for the welfare of the world. It is not alone for their sakes but for our own sake that we should pursue that course. We have adopted toward the world the policy of Washington, not of repression, not of dictation, not of coercion, not of imperialism, but a policy of cooperation, relieving distress, of forbearance, of helpfulness, of sympathy, of forgiveness, a policy which is first of all American, but a policy above all of faith in the sanction of the universal conscience of mankind.

"That sanction is eternal. In it alone is the promise of a larger freedom."

CONSIDERATION OF APPROPRIATION BILLS.

Mr. CURTIS. I move that the Senate proceed to the consideration of Senate resolution 213, to amend the Standing Rules of the Senate so that all general appropriation bills shall be referred to the Committee on Appropriations.

Mr. HARRISON. That is the resolution to which the Senator has been referring?

Mr. CURTIS. It is.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	France	McKinley	Rawson
Ball	Gerry	McNary	Reed
Borah	Gooding	Moses	Robinson
Brandegee	Hale	Myers	Sheppard
Broussard	Harrell	Nelson	Shields
Bursum	Harris	New	Shortridge
Calder	Harrison	Newberry	Smith
Cameron	Heflin	Norbeck	Spencer
Capper	Jones, N. Mex.	Norris	Stanfield
Caraway	Jones, Wash.	Oddie	Sterling
Colt	Kellogg	Overman	Townsend
Cummins	Kendrick	Page	Underwood
Curtis	King	Pepper	Wadsworth
Dial	Ladd	Phipps	Walsh, Mass.
Edge	Lenroot	Pittman	Warren
Ernst	Lodge	Poindexter	Watson, Ga.
Fernald	McCormick	Pomerene	Weller
Fletcher	McKellar	Ransdell	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

The Senator from Kansas moves that the Senate as in legislative session proceed to the consideration of Senate resolution 213.

Mr. REED. Mr. President, I take it that nobody intends to shove this resolution through in that sort of way. I thought the chairman of the committee would probably say something about it.

Mr. CURTIS. I intended to do so, and was on my feet seeking recognition.

The PRESIDING OFFICER. The Chair was just putting the motion which the Senator from Kansas made, that the Senate proceed to the consideration of the resolution.

Mr. REED. I thought the motion put was on the passage of the resolution.

Mr. CURTIS. Oh, no.

The motion was agreed to; and the Senate proceeded to consider Senate resolution 213, to amend the Standing Rules of the Senate so that all appropriation bills shall be referred to the Committee on Appropriations, which had been reported from the Committee on Rules with amendments.

Mr. CURTIS. Mr. President, this resolution was offered by the chairman of the Committee on Appropriations and referred to the Committee on Rules, and after very careful consideration the Committee on Rules reported it back to the Senate with a recommendation that it pass with amendments.

Heretofore, and before the adoption of the Budget plan, there were 12 appropriation bills, 5 of which went to the Committee on Appropriations of the Senate, the other 7 being distributed among the various committees—the Committee on Agriculture and Forestry, the Committee on Naval Affairs, the Committee on Military Affairs, and so on. After the Budget plan was adopted the rules of the House were amended, and all appropriation bills went to one committee, and that committee changed the titles of the appropriation bills, which it is important for all Senators to understand.

With those changes of titles, under the existing rules of the Senate, when those appropriation bills come to the Senate, there being 12 of them now, 8 will go to the Committee on Appropriations, and 4 will go to other committees—1 to the Committee on Agriculture and Forestry, 1 to the Committee on Post Offices and Post Roads, 1 to the Committee on Naval Affairs, and 1 to the Committee on Military Affairs. After careful consideration your committee believes that the adoption of the Budget system and the change in the rules of the House make it advisable to send all appropriation bills to one committee of the Senate.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. CURTIS. In just a moment. The committee realized that there would be some opposition to that proposal, believing that if it were done there would be an impression that the Appropriations Committee would want to take possession of the legislation of the Senate. Your Committee on Rules, in providing amendments, has tried to avoid that, and after I answer the Senator from Ohio I will explain it.

Mr. POMERENE. The Senator from Kansas has just made the statement that the Budget law, and the change in the rules of the House, necessitated, in his judgment, a change in the reference of these various appropriation bills in the Senate. My attention was challenged by the statement that the change

in the rules of the House in part necessitated that change here. Why is that?

Mr. CURTIS. Because under the rules of the House, as I stated a moment ago, all appropriation bills go to the Committee on Appropriations. Heretofore there has been in the House and in the Senate a sundry civil appropriation bill, perhaps the largest appropriation bill of them all, which went to the Committee on Appropriations. Under the new rule there is no longer a sundry civil appropriation bill. The items formerly carried in that bill are distributed among the various appropriation measures. There is one committee handling those matters in the House, and they do not in any way get them mixed or let them interfere. In the Senate the items which used to go to the Appropriations Committee now go to the Committee on Post Offices and Post Roads, the Committee on Agriculture and Forestry, the Committee on Military Affairs, and the Committee on Naval Affairs.

Then there was the legislative appropriation bill, which has been done away with by the change of rules, and all the items in that bill have been distributed among other bills.

Now, in order that the committees which have heretofore had jurisdiction over appropriation bills might be represented the Committee on Rules have provided in an amendment that the chairman of the Committee on Agriculture and Forestry, for instance, and two other members of that committee shall be ex officio members of the Committee on Appropriations and that those two members shall be selected by the chairman of the Committee on Agriculture and Forestry. The same is true with reference to the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on Post Offices and Post Roads.

Then there were two other appropriation bills, one of which, the rivers and harbors bill, went to the Committee on Commerce and the other of which, the Diplomatic appropriation bill, went to the Committee on Foreign Relations, both of which have under the new plan of the House been swallowed up, one in the bill known as the appropriation bill for the Department of State and the other in the Army appropriation bill. Under the rule the Diplomatic appropriation bill will now go back to the Committee on Appropriations while the rivers and harbors appropriation bill will go to the Committee on Military Affairs.

The Committee on Rules, in order that those two committees might have representation, provide that the chairman of the Committee on Commerce and two members of that committee shall be ex officio members of the Committee on Appropriations, to serve when items having to do with rivers and harbors are being considered, and that the chairman of the Committee on Foreign Relations and two members of that committee shall be ex officio members of the Committee on Appropriations, and serve while items pertaining to foreign relations are being considered. In that way the Committee on Rules have given to the various committees representation on the Committee on Appropriations.

Under the subcommittee plan the chairman and the two committee members selected by him and other members of that committee now on the Committee on Appropriations will, no doubt, have almost complete, if not complete, charge of the appropriations for their respective committees, but the appropriations will all come through the one great committee, which will handle the bills on the Senate side, the same as the bills are now handled on the House side by the one committee.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. CURTIS. Certainly.

Mr. REED. I do not mean to interrupt the general plan of the statement of the Senator from Kansas.

Mr. CURTIS. I am just presenting the facts, and it does not interfere with me to be interrupted.

Mr. REED. In the case of the Committee on Agriculture and Forestry, all it will have to say about agricultural appropriations—and I am using it merely to illustrate—will be what it can say through the chairman of the committee and the two members sitting temporarily as members of the Committee on Appropriations.

Mr. CURTIS. They will be present all the time the bill is up for consideration in the Committee on Appropriations.

Mr. REED. They will sit while that bill is up for consideration.

Mr. CURTIS. Under the rules, if followed, it is likely that the chairman of the Committee on Agriculture and Forestry would be appointed chairman of the subcommittee of the Com-

mittee on Appropriations, and he would probably have charge of the bill upon the floor of the Senate and also in conference.

Mr. REED. It would be entirely possible, then, under the proposed arrangement for nobody, except from one political party, to be present as representative of the other committees which are permitted to act in this way.

Mr. CURTIS. Oh, no. Of the three selected it is presumed that two will be from the majority party and one from the minority party.

Mr. REED. There is nothing of that kind provided for.

Mr. CURTIS. That is not necessary, of course.

Mr. REED. Then that means that the majority party will have two to one, a two-thirds representation, all the time on all of these committees?

Mr. CURTIS. No; in the make-up of a subcommittee by the chairman the minority is always recognized, just as it undoubtedly will be in this case. I simply referred to the fact that they would be selected from Senators who had served upon the committee from which the bill was taken.

Mr. REED. Let me follow that a minute and see if we understand each other. Let me take the Committee on Agriculture and Forestry for illustration. The chairman of the Committee on Agriculture and Forestry is, of course, at the present time a Republican, and he would select two men to serve with him. Let us say that he selected one Democrat and one Republican. Then there would be a two-thirds representation for the dominant party upon the subcommittee serving on the Appropriations Committee.

That would be true as to all the other committees when they would be represented, so that the dominant party by this process takes over a two-thirds vote on every one of these questions instead of retaining the kind of vote which it has had in the past, when it has been generally apportioned to the numerical strength of the two sides.

Mr. CURTIS. That is not the case. In the case of the Appropriations Committee, the chairman of the committee appoints a subcommittee of not less than five, as Senators here will verify, and sometimes a subcommittee of seven. If it is composed of five members, there are three Republicans and two Democrats. If there are seven members appointed on the subcommittee, there are four Republicans and three Democrats.

Mr. OVERMAN. That is the universal rule.

Mr. CURTIS. It has been the practice always, no matter which party might be in power.

Mr. REED. I do not make myself clear, or else I do not understand the question. The Appropriations Committee is meeting. They come to consider the Agricultural appropriation bill. It is referred to a subcommittee of five members of the Appropriations Committee. Thereupon the Committee on Agriculture and Forestry is permitted to send over three Senators. They send over the chairman and two other Senators. The chairman is a Republican, and one of the other Senators is a Republican. In so far as the Committee on Agriculture and Forestry is represented, there is a two-thirds representation for the dominant party, and that will be true as to every other committee that comes in to be represented. It does away with the old rule that the representation shall be apportioned to the membership. I can not see how we escape that.

Mr. CURTIS. Of course, if it should turn out that only three members of the committee should come from the Committee on Agriculture and Forestry, they could have no further representation, but in the selection of the balance of the committee there would be one Democrat and one Republican added from the Committee on Appropriations to work with the subcommittee. That would still give a ratio of three to two.

In most of the committees there are members on the Appropriations Committee who are also members of the other committees, and no doubt those Senators would be selected. I can not say; I am not chairman of the Committee on Appropriations, but I know how anxious the chairman is to get Senators on the subcommittee who understand the bills, and I feel confident that that is what he would do.

Mr. REED. I understand the answer to the question which I rose to ask when I interrupted the Senator.

Mr. CURTIS. There is another point, and I want Senators to remember this, because it is of vital importance.

Mr. POMERENE. Mr. President, before the Senator goes to that will he yield to me?

Mr. CURTIS. Certainly.

Mr. POMERENE. I assume, as I read the provision, for instance, if a question of agriculture is up that the three members of the Committee on Agriculture and Forestry who would be ex officio members of the general Appropriations Committee

would have the right to vote in the committee on all matters relating to that particular department?

Mr. CURTIS. Oh, certainly; on the entire appropriation bill. Knowing the chairman of the Committee on Appropriations as I do know him, I can say that it is more than likely that he would place at the head of the subcommittee the chairman of the committee having the subject matter in charge, so that the chairman of the committee, being the chairman of the subcommittee having the bill under consideration, would have charge of that bill upon the floor of the Senate and in conference.

Mr. POMERENE. I have forgotten the number, but I think there are 17 members of the Committee on Appropriations now.

Mr. WARREN. There are 16 members of the Appropriations Committee, 10 of whom are Republicans and 6 are Democrats.

Mr. POMERENE. I am not going into that question. There are 16 members now, so that it would take a majority of the committee of 19 to report out a bill.

Mr. CURTIS. I know what is in the minds of most Senators and how they feel in reference to one committee taking charge of all bills of this kind. They are fearful that the committee will take unto itself the responsibility for reporting out all legislation. The Committee on Rules carefully considered that matter. I desire to call attention to the amendment which we propose.

Mr. NORRIS. Mr. President, will the Senator speak a little louder? Owing to confusion in the Chamber it is impossible to hear what he is saying.

Mr. CURTIS. I said that one of the reasons why Senators oppose these bills going to the one committee is that they are afraid that committee will take unto itself the responsibility of originating legislation and trying to rob the committees which now have jurisdiction, we will say, of agricultural questions, post-office questions, Army questions, or Navy questions of the right to originate legislation.

The Committee on Rules thought that was an important subject and one that ought to be taken care of. I wish to call the attention of the Senate to the amendment we propose, which, in my judgment, will eliminate all that danger. The amendment reads:

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation, and if an appropriation bill is reported to the Senate containing new or general legislation, a point of order may be made against the bill—

Not against the item, but against the bill—

and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

That, in my judgment, will prevent the Committee on Appropriations from reporting out any new or general legislation.

Mr. NORRIS. Mr. President—

Mr. CURTIS. I yield to the Senator from Nebraska.

Mr. NORRIS. I agree with the Senator that that would have that effect, but I am going to ask the Senator a question that arises in my mind as to a point which seems still to be a danger. Suppose the appropriations bill were a House bill, as appropriation bills always are, and the bill as it came from the House contained matter of general legislation.

Mr. CURTIS. Over that I think the Senate would have no jurisdiction.

Mr. NORRIS. Then suppose it went to the Committee on Appropriations and that committee reported the bill back to the Senate with the general legislation in it. Would a point of order then lie against the bill?

Mr. CURTIS. I do not think so. I think it would apply only to new matter put on in the Senate.

Mr. NORRIS. All the Senator means, then, is that this particular provision applies only to legislative provisions put into the bill by the Committee on Appropriations of the Senate?

Mr. CURTIS. I think so. That would be my offhand judgment.

Mr. LENROOT. Mr. President—

Mr. CURTIS. I yield to the Senator from Wisconsin.

Mr. LENROOT. It is true, under the House rules and under the present House practice, that no legislation is permitted on any appropriation bill in the House.

Mr. CURTIS. That is the rule of the House, and a point of order can be made against any such legislation there.

Mr. NORRIS. I understand that is the rule, but still, notwithstanding that, there might be a case where an appropriation bill might come over with legislation in it just the same.

Mr. CURTIS. Sometimes it is necessary to put legislation in an appropriation bill, and the proposed amendment, while it would prevent the committee from reporting a new item in the bill, it would not prevent them from offering upon the floor of the Senate an amendment which did include new or general

legislation. However, then the Members on the floor would have their attention called to it, and they could make a point of order against it and defeat it in that way, if they desired to do so. If it was a matter which the committee felt should go into the bill, of course they would let it stay in, but such a provision as is here proposed would put the committee upon their guard, and would cause the committee, in my judgment, to eliminate new or general legislation from appropriation bills and leave the question of preparing and reporting legislation to the various committees which now have charge of it. I think the amendment will do more to protect the interests of the committees than anything which has been brought before the Senate in a long time.

Mr. MOSES. Mr. President—

Mr. CURTIS. I yield to the Senator from New Hampshire.

Mr. MOSES. I would like to ask the Senator from Kansas about the practical working of the proposal. There are certain committees of the Senate whose legislation is substantially inseparable from an appropriation. That is particularly true of the Committee on Military Affairs and the Committee on Post Offices and Post Roads, both of which will be affected by the rule—

Mr. FRANCE. And the Committee on Naval Affairs.

Mr. MOSES. And the Committee on Naval Affairs. I thank the Senator from Maryland for the suggestion. Under the present practice each of these committees may introduce legislation carrying an appropriation, and the whole matter may be settled by one piece of legislation. Under the proposal advanced by the Senator from Kansas, the committee originating the legislation will bring it in, and it will be passed through both branches of Congress. Then a separate process must be had through the Appropriations Committees of the two Houses in order to get the money to carry it out. Is not that the fact?

Mr. CURTIS. I think it is not the fact, for under the rules of the Senate, as under the rules of the House, it was never intended that a line of legislation should be written in that way. It was the intention of both bodies when the rules were formulated that the Committee on Appropriations should give its attention wholly to appropriations, and that legislation should originate in the committees which had charge of the various subjects.

Mr. MOSES. I point out to the Senator that with the development of the governmental functions legislation inseparable from appropriations has become involved.

Mr. CURTIS. I think there is not one case in a hundred where legislation is inseparable from appropriations. I do not think there is one question in a hundred, if committees will follow the rule, but what they can take care of any legislation that is needed, and if it does become so important that it must be attached to an appropriation bill, I know the Senate well enough to believe that if the chairman of the committee should announce that fact and that the legislation is needed, there would be no trouble in getting it through the Senate, or the House either, for that matter.

Mr. MOSES. There is no trouble now under those circumstances when legislation is brought in carrying with it appropriations, but I can cite the Senator from Kansas to a measure now under consideration by a committee of this body in practically every item of which is embodied legislation wrapped up with an appropriation, which legislation to be made effective requires an appropriation. I refer to the Post Office appropriation bill, with which a subcommittee, of which I am a member, is now wrestling.

Mr. LENROOT and Mr. NORRIS addressed the Chair.

Mr. CURTIS. I will first yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to suggest to the Senator from New Hampshire that if there be such a bill every piece of legislation which it contains is subject to a point of order and is subject to be stricken from the bill under the present rules.

Mr. MOSES. That may be true, but a Senator favoring such legislation has an immediate remedy by making an appeal from the decision of the Chair.

Mr. CURTIS. Now I yield to the Senator from Nebraska.

Mr. NORRIS. I agree with the Senator that, at least in theory—and I want to see the theory carried out; I think we ought to adopt some rule in regard to the matter—the duty of the Appropriations Committee ought to be confined entirely to appropriations and legislative jurisdiction should be entirely taken away from it. That is now the theory; but everybody knows that, as the Senator from New Hampshire has stated, half the legislation which we get through on some subjects is passed on appropriation bills, until it has come to be understood that if one wishes to be sure to get certain legislation passed it is

only necessary to have it placed on an appropriation bill. Nearly half of the legislation which has been passed for years has been tacked onto appropriation bills. It is all wrong and affords an opportunity for a great many jokers to creep into the laws. Theoretically, at least, it is vicious and ought to be stopped. This proposed amendment of the rules is a move to stop it. Since we have the Budget system I feel that it should be given a fair trial. Still I do not like this proposed rule.

I want to ask the Senator from Kansas why the committee feels it is necessary to constitute an appropriations committee the membership of which is going to vary so that when it has an agricultural bill before it it shall have three members on it who are not on the committee at any other time, and when the Post Office appropriation bill is pending those Senators who come from the Agricultural Committee are excluded and there shall be three members from the Post Office Committee substituted for them? Why add all the additional language which constitutes the bulk of the proposed rule? Why not stop and let the Committee on Appropriations remain as it is now and let the Committee on Appropriations handle the appropriation bills? I want to ask the Senator, has this language been added to secure votes of the members of the various other committees that under the present rules consider appropriation bills? Is it feared if some power is taken away from them that they will be against the proposed rule and will defeat it?

Mr. CURTIS. No, Mr. President. When the matter was first discussed the question of having the various committees which now have jurisdiction of appropriation measures represented on the Appropriations Committee was considered, as was also the question of enlarging the Appropriations Committee. The Committee on Rules, after careful consideration, came to the conclusion that it would be better to add three members from the various committees separately when the respective bills were considered than to increase the membership of the Committee on Appropriations, say, to 25 or 26.

Mr. NORRIS. Why increase the membership of the committee? Why not let the membership stand as it now is?

Mr. CURTIS. That, of course, could be done; but the other House has increased the membership of its Committee on Appropriations from 17 to 33.

Mr. NORRIS. The House did that by adding to its membership the members of other committees, as it is proposed to do in this case.

Mr. CURTIS. As was at first proposed; yes.

Mr. NORRIS. Does the Senator think that that was done to avoid opposition to the change in the rules?

Mr. CURTIS. I do not. There is a feeling, which has been expressed to me by other Senators, that as the members of the Committee on Post Offices and Post Roads, for instance, are familiar with the subjects which come under the jurisdiction of that committee, therefore, they ought to be represented on the Committee on Appropriations when considering the Post Office appropriation bill. The same statement, of course, applies to the Committee on Agriculture and Forestry, and also as to the Committee on Military Affairs and other committees in considering appropriations in which they are interested.

Mr. NORRIS. Very well. If that were the reason, then why in this proposed rule has the committee excluded members of the Committee on the District of Columbia? In the case of the District of Columbia appropriation bill, why not let the chairman and two members of the Committee on the District of Columbia sit with the Committee on Appropriations?

Mr. CURTIS. Because the District of Columbia appropriation bill has never heretofore been in the hands of the Committee on the District of Columbia.

Mr. NORRIS. Exactly; but this policy would only have to be followed for a little while, until the situation as to the other committees would be the same; one year will settle it all. Then it may be said that they have not handled the appropriation bills which at one time they considered, and, therefore, why should they be represented upon the Appropriations Committee?

Mr. CURTIS. Mr. President, to be frank with the Senator from Nebraska, I really think it would be better to leave the Committee on Appropriations just as it is.

Mr. NORRIS. Then let us so provide.

Mr. CURTIS. I think the experience which the Senate has had with the few bills—general appropriation bills—which have been reported out of the committee by the chairman of the Committee on Appropriations under the new practice and which have been passed by the Senate, has demonstrated the advisability of the change, because they have promptly come out of the committee and have gone through the Senate in a very short time.

Mr. NORRIS. I am not making any criticism, I want to say to the Senator, in any sense as an opponent of the proposed rule, but I am going to offer an amendment to it as soon as I can get the floor, to strike out that part of the rule which I think ought to be stricken out and to leave the membership of the committee just as it is, clothing it, however, with the additional authority, with the amendment of which the Senator has spoken and which I commend, to take away all of the legislative jurisdiction of the committee, and providing that if it bring in an appropriation bill that contains general legislation a point of order will send the whole bill back to the committee. If that shall be done, we shall have shorn the committee of the power in which now lurks the danger, and we shall confine it entirely to the consideration of appropriations.

Mr. CURTIS. Let me answer the Senator.

Mr. NORRIS. I happen myself to be one of the Members of the Senate who would sit on the Committee on Appropriations under this proposed rule, if there be any Senator who ought to be added to its membership in the manner proposed.

Mr. CURTIS. Let me say to the Senator that the committee very carefully considered the question whether the Committee on Appropriations should remain as it is now constituted, whether its membership should be increased or whether representation should be provided in the manner proposed, and the vote in the committee was almost unanimous for the proposed rule.

Mr. NORRIS. The Senator has just said that he himself favored retaining the present membership of the committee.

Mr. CURTIS. I say the committee was "almost unanimous."

Mr. NORRIS. The Senator agrees with me, as I understand.

Mr. CURTIS. I am going to stand with the committee, because I believe in standing with one's committee. I offered a resolution even before the new system was adopted to refer all appropriation bills to the Committee on Appropriations.

Mr. NORRIS. I want to ask the Senator another question. If he is opposed to this rule, as he says—

Mr. CURTIS. I am not opposed to it; I say I am going to stand by the committee.

Mr. NORRIS. I do not mean that, but that, though he is in favor of modifying the rule as I have suggested, he is going to vote for this proposal as it is, because, as he says, he is going to stand by the committee. Now, he proposes to make the Appropriations Committee so almighty big that it will take in most of the Senate, and if they have that spirit of loyalty to the committee which has always prevailed and which the Senator has just exhibited, will not the Committee on Appropriations be able to secure the passage of any legislation it may desire, because everybody will have to stand by the Appropriations Committee?

Mr. CURTIS. No; I do not think so.

Mr. POMERENE and Mr. LENROOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kansas yield; and if so, to whom?

Mr. CURTIS. I yield first to the Senator from Ohio, as he has been on his feet a long time and desires to ask me a question.

Mr. POMERENE. I want to see if I understand this proposed rule. There is an inhibition in the amendment against new or general legislation to which the Senator has referred and which has been the subject of discussion. Now, assuming that a bill comes over from the other House with new or general legislation which has already met the approval of the House, and it comes before the Appropriations Committee, does this rule make it the duty of the committee to strike out that new or general legislation?

Mr. CURTIS. I think not, because that is a matter which has been put in the bill by the House of Representatives, and over it we have no jurisdiction except to amend or change it as we please. That is a matter which they settle under their rules. They have a rule against new or general legislation, and if they allow such legislation upon an appropriation bill, it is a matter for them to consider.

Mr. POMERENE. I understand as to that, but the proposed rule prohibits all new or general legislation. It seems to me that it is just as offensive to have new legislation come from the House of Representatives through the committee as to have it originate with the committee.

Mr. CURTIS. Mr. President, I will say to the Senator—

Mr. ROBINSON. Mr. President, will the Senator from Kansas yield to me for a moment?

Mr. CURTIS. Certainly.

Mr. ROBINSON. The same rule which is proposed here with respect to new or general legislation applies now in the House of Representatives, except that a point of order in the House of

Representatives strikes out the item which is obnoxious to the rule, whereas a similar point of order under the proposed Senate rule would send the bill back to the committee.

Mr. POMERENE. But it would not send it back to the committee if it were new legislation which originated in the House.

Mr. ROBINSON. No; but it is exceedingly rare under the rules of the House, as stated by the Senator from Wisconsin, that new legislation is incorporated in an appropriation bill. The fact of the matter is that the rule is enforced rigidly there, and no new legislation is inserted unless an emergency exists and unanimous consent is given for its insertion.

Mr. LENROOT. Mr. President—

Mr. CURTIS. I yield to the Senator from Wisconsin.

Mr. LENROOT. First, with reference to the suggestion of the Senator from Nebraska that the committee would be so large as to take in the entire Senate, under this rule it could never consist of a greater number than 19 members upon any item of appropriation. That is true, is it not?

Mr. CURTIS. That is true.

Mr. LENROOT. With reference to the Appropriations Committee having complete jurisdiction without any additional members, I should like to suggest to the Senator from Kansas that, if this rule shall be adopted, the Committee on Appropriations will have to deal with appropriations that now go to six different committees.

Mr. CURTIS. It will have to deal with bills which used to go to seven different committees.

Mr. LENROOT. It will have to deal with bills which used to go to seven different committees, but which now go to six different committees in addition to the present jurisdiction of the Committee on Appropriations.

Mr. CURTIS. That is true.

Mr. LENROOT. I should like to ask the Senator from Kansas whether it would be feasible to create subcommittees from the present 16 members without making it very burdensome to the members of that committee to do the work?

Mr. CURTIS. Mr. President—

Mr. ROBINSON. Mr. President, will the Senator from Kansas yield to me for a moment?

Mr. CURTIS. I yield.

Mr. ROBINSON. The purpose of permitting the members of the various committees which at present report appropriation bills to sit ex officio as members of the Committee on Appropriations is to give that committee the advantage of the knowledge and experience which these members have acquired respecting the several subjects which have heretofore come within their jurisdiction. For instance, when the Agricultural appropriation bill is under consideration the chairman, one other Republican, and the ranking Democrat on that committee would be present with the Appropriations Committee or the subcommittee to advise and assist in the formulation of the appropriation bill, and it would be a very valuable service.

Mr. MOSES. Mr. President, may I interrupt the Senator?

Mr. ROBINSON. Certainly.

Mr. CURTIS. I yield to the Senator from New Hampshire.

Mr. MOSES. Let me say to the Senator from Arkansas and to the Senator from Kansas that the practical result of that proceeding will be that three rank outsiders will be educating the 16 regular members of the Committee on Appropriations. The Senator from Kansas has pointed out the great success attending the consideration of the appropriation bills thus far during this session. His statement is accurate; but, Mr. President, I wish to call attention to the fact that no one of the bills dealing with technical subjects has as yet been considered. Every bill reported thus far by the Committee on Appropriations during this session of Congress has had reference to matters which the Committee on Appropriations have heretofore handled. The Committee on Appropriations has not as yet considered one of the measures which involve the technical subjects which are wrapped up in appropriations.

It can not be said that the success of the present course has been so great in the House as to lead us to swallow it whole. We are now considering the Post Office appropriation bill, which, so far as most of its items are concerned, might just as well have been a piece of blank paper sent over here from the other House through the Committee on Appropriations of that body. It was first drawn by a subcommittee of the Appropriations Committee of the House, no one of whom ever served on the Committee on the Post Office and Post Roads or knew anything about the technique of the service, so that we have been compelled to take that bill from its enacting clause and go through it stage by stage and practically to rewrite it.

Mr. ROBINSON. Mr. President, with the permission of the Senator from Kansas—

Mr. CURTIS. I yield to the Senator.

Mr. ROBINSON. There is no doubt that this subject presents serious and important difficulties; but I want to bring to the attention of Senators what I think makes it necessary for the Senate to agree to this provision or something similar to it.

The House of Representatives in practice originates the appropriation bills, and it has revised the system of making appropriations, as stated by the Senator from Kansas in the beginning of his remarks. We no longer have a sundry civil bill or a legislative, executive, and judicial bill, and we will not have rivers and harbors bills nor pension bills, so that the items respecting these subjects will come to the Senate in new bills, so to speak. For instance, rivers and harbors items will come in the military affairs bill, and a large number of items that formerly came in the sundry civil bill will also come in the military affairs bill. If you do not make this arrangement, how will those various items be distributed when the bill reaches the Senate? How will you determine to what committee the bill shall be referred? You will have endless conflict and confusion; and if you say that you will segregate the items in the bill and send them to the same committees that now consider them, you can readily see that great confusion will arise and many delays will occur and legislation will be unduly hampered. I do not see how it is practicable, so long as the House pursues the course that it is pursuing, for the Senate to refuse to adopt some such amendment to its rules as the Senator from Kansas has proposed.

Mr. McKELLAR. Mr. President, how was it done last year? The House had that rule last year. How was it done? If it will cause so much confusion this year, why did it not cause confusion last year?

Mr. CURTIS. Because last year the bills were prepared exactly as they were the year before. There were 13 bills last year. This year they have all been changed and scrambled.

Mr. ROBINSON. The whole system has been revised.

Mr. McKELLAR. How does the Senator know that it may not be entirely revised again by the House? Why should we change our rules?

Mr. ROBINSON. In order to facilitate legislation. I do not think there is any likelihood of the House receding from its position. In 1865 the Appropriations Committee was created, and up until 1885, if my memory is correct, it had exclusive jurisdiction, as it now has, in the case of all appropriation bills. In 1920, however, the House went back to the old system and provided that all appropriation bills thereafter should be reported from the Appropriations Committee. During the present year, in order to make the system conform to budgetary plans, and for greater convenience in coordinating the appropriations, the entire system of bills in which these appropriations are embraced was revised, so that now, if we retain our rules as they now exist, the Military Affairs bill will have to be segregated into at least three different divisions and sent to three committees, namely, Military Affairs, Appropriations, and Rivers and Harbors. Senators can readily see that if we have three committees considering different parts of one bill, we may be indefinitely delayed in securing reports on the bill as a whole.

Mr. OVERMAN. How would we get conferees?

Mr. ROBINSON. Then, as suggested by the Senator from North Carolina, a very much greater difficulty and more extensive confusion will arise when the question of a conference is to be arranged for. The Senate will have had three committees considering one bill, and unquestionably when the Chair comes to appoint conferees the very greatest of difficulty and confusion will exist as to who shall go on the conference committee for the Senate. In the case that I used as an illustration a while ago, a compromise might be effected by putting on one conferee from the Military Affairs Committee, another from the Appropriations Committee, and another from the Rivers and Harbors Committee; but the difficulty of that would be that in practical effect it would be dividing the strength of the Senate on the items which the Senate might have inserted in the bill by way of amendment. It would weaken the force of the Senate conferees in their dealings with the House of Representatives.

I think the provision that gives these various committees representation on the Appropriations Committee is a beneficial one. When the Appropriations Committee is sitting for the consideration of items that are now embraced in the agricultural bill I should like to know that three members of the Agricultural Committee as it is now constituted, familiar with the work of the committee, familiar with the legislation of the committee and its history, will be there to assist and advise in the prepara-

tion of the bill. The same is true as to the Committee on Post Offices and Post Roads. The same is also true of the Committee on Military Affairs and the Committee on Rivers and Harbors. So I think that is a valuable and a useful provision, and I shall oppose any amendment striking it out.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ROBINSON. I have not the floor. I was speaking by the courtesy of the Senator from Kansas.

Mr. CURTIS. I yield.

Mr. McKELLAR. I just wish to call the attention of the Senator to the situation that we had last year. Under the House rules the conferees on the military appropriation bill were members of the Appropriations Committee. They are all perfectly splendid and very capable and able gentlemen, but they had never served on the Military Affairs Committee over there, and therefore were without such experience as it seems to me they ought to have had to serve on a conference committee dealing with military matters; and we had great difficulty in handling the bill because of their unfamiliarity with the general subject of military affairs, though of course not because of any lack of ability, for there were no abler men in the House.

Mr. CURTIS. Mr. President, I understand that the gentleman who had charge of the bill was a member of the Committee on Military Affairs—Mr. ANTHONY, of Kansas—but that is neither here nor there. I am going to detain the Senate only a minute longer. With the explanation I have made, together with what the Senator from Arkansas [Mr. ROBINSON] has so well said, I think all has been said on this subject that need be said, except this:

The Budget system, for which we worked for so many years, and which was favored on both sides of this Chamber, has come. I think it has come to stay, and I believe it is going to be a wonderful success. I think within a very few years we are all going to be glad that we adopted it; but in order to make it a success I think it necessary to send all these appropriation bills to one committee, and I therefore ask for the adoption of the resolution.

Mr. HARRISON obtained the floor.

Mr. FRANCE. Mr. President, I wish to ask the Senator from Kansas a question before he takes his seat.

Mr. CURTIS. If the Senator from Mississippi will yield, I shall be glad to answer it.

Mr. HARRISON. Oh, yes; I gladly yield.

Mr. FRANCE. I confess to great confusion as to the meaning of this proposed rule, and I desire to ask the Senator if he will explain somewhat more in detail how it would operate. Let me state a hypothetical case.

Suppose the Secretary of the Navy, as a result of the finding of these conferences, should recommend to the House an appropriation, we will say, taking an arbitrary figure of \$200,000,000, which, we will say, would support a navy of the strength allowed us by the other powers under this treaty; and suppose the House, if it should be in the frame of mind that it seems to be in at the present time, should reduce that appropriation to \$100,000,000, thus cutting the size of the Navy in half, and suppose the committee of the Senate should agree with the House in appropriating \$100,000,000. That bill then comes before the Senate; and it seems to me that under this rule the Senate would be prevented, even if much more than a majority of the Senate should so desire, from increasing the size of the Navy desired by the Secretary of the Navy.

Mr. CURTIS. No more so than they would be under the existing rule.

Mr. ROBINSON. Mr. President, if the Senator from Maryland will permit me, the size of the Navy is a matter of legislation, and would go to the Committee on Naval Affairs. After the Committee on Naval Affairs had reported this item fixing the size of the Navy and that had passed the House of Representatives, the duty would then devolve upon the Committee on Appropriations to make the appropriation. I do not think the matter which the Senator from Maryland has in mind would be materially affected by this amendment of the rules, because he refers to a matter of legislation, and that would still go to the Committee on Naval Affairs. The Committee on Appropriations can not legislate on any subject pertaining to naval affairs, military affairs, or rivers and harbors. It can only make appropriations after they have been authorized by these respective committees.

Mr. FRANCE. But take the question of new construction. All that is necessary in the way of legislation is to say, "For new construction, so many millions of dollars."

Mr. ROBINSON. Oh, no; the Senator is mistaken about that.

Mr. CURTIS. It must be authorized.

Mr. ROBINSON. Under the practice of both Houses now, an appropriation for new construction can not be made in a general appropriation bill until a law exists authorizing the construction.

Mr. FRANCE. Of course, the difficulty in my mind is due to the fact that I had not thoroughly considered the proposed rule; but it seemed to me that it did further impair the power of the Senate over the appropriations, and its authority to increase appropriations should an emergency arise.

Mr. CURTIS. Mr. President, I stated in my opening statement that all of that could be cured by the committee offering it on the floor and explaining the necessity for it, as is done now. In cases where a matter is subject to a point of order, Senators frequently waive the point because the explanation is enough to convince them that the appropriation is justified.

Mr. STERLING. Mr. President, I should like to ask the Senator from Kansas a question, if he will permit it.

Mr. CURTIS. If the Senator from Mississippi will yield.

Mr. HARRISON. I yield.

Mr. STERLING. Pardon me; I did not know that the Senator from Mississippi had the floor. I understood the Senator from Kansas to say that an appropriation bill might come from the House containing new or general legislation, and that the Senate Committee on Appropriations could report that new and general legislation, and it would not come within the provisions of this rule.

Mr. CURTIS. Because it originated in the House.

Mr. STERLING. It occurs to me that under the language of this proposed amendment it could not be reported. The language is:

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation.

Mr. CURTIS. Mr. President, we considered that very carefully, and we concluded that the Presiding Officer would hold that that applied only to matters put in in the Senate; that what originated in the House and passed there became subject to our consideration, and would not be subject to a point of order in the body where it did not originate.

Mr. STERLING. But under the very general language of the resolution it could not be reported, from whatever source the legislation came.

Mr. CURTIS. Mr. President, the existing rule prohibits any general legislation on an appropriation bill; but appropriation bills come here from the House with general legislation in them, and never has a point of order been made unless it was put in by the Senate committee.

Mr. STERLING. But this goes to the whole bill, and the bill could not be reported. I think the difficulty could be cured and the matter made perfectly plain by the use of two or three words.

Mr. CURTIS. Mr. President, I shall be very glad to have the Senator suggest the amendment when we reach that point, but not now when the Senator from Mississippi has the floor.

Mr. STERLING. Very well; I will do so later.

Mr. STANFIELD. As in open legislative session, I ask unanimous consent for the consideration of House bill 10185, authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes.

Mr. HARRISON. I yield for that purpose, but I do not want to lose the floor.

Mr. WADSWORTH. Should not the resolution of the Committee on Rules be temporarily laid aside if other business is to be taken up?

Mr. CURTIS. I do not want to have something else taken up. I want to go on with this resolution to-night.

Mr. HARRISON. I am perfectly willing to yield to the Senator from Oregon.

Mr. CURTIS. I hope the Senator will put off calling up his bill until to-morrow.

Mr. STANFIELD. Very well.

Mr. HARRISON. Mr. President, I am opposed to this proposed change in the rules, and I voted against it in the Committee on Rules. There has been a tendency lately to break the grip of the few men in the Senate who control all legislation which comes before the Senate. We heard much about that when there was a change of administration. Men who have served here for years and are on important committees become conferees, interlocking, and consequently, because of their length of service, and the important places they have obtained

on important committees, they control practically all the legislation, so far as its being reported out of the committee or being smothered in the committee is concerned.

Members of the Committee on Appropriations naturally welcome this proposed change in the rules. We know that the Senator from Wyoming [Mr. WARREN] is a modest individual, but if he were like most men he could become a giant in this body, an autocrat. As chairman of the Committee on Appropriations he could dominate everything. What place more powerful could you imagine? What position would carry greater power than the chairmanship of the Committee on Appropriations, with such power lodged in it as is proposed to be given by this change in the rules, to enable them to pass on all appropriation bills in the Senate?

So naturally the members of the Committee on Appropriations will vote for this proposed change. It enlarges their powers; it makes their influence greater. All appropriations for agriculture are to be taken from the Agricultural Committee and given over to the Senator from Wyoming, the Senator from Kansas, and the other members of the Appropriations Committee. I have been interested in agriculture, and when I came here sought membership on the Agricultural Committee because I believed, forsooth, that I could render my people greater service by being on that committee than on any other committee of the Senate, and do Senators believe that I would vote to disrobe myself from that authority and responsibility, and give it over to the Senator from Kansas and the Senator from Wyoming?

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. I yield.

Mr. NORRIS. I want to ask the Senator if he does not believe that if we did that, if we took away from the members of that committee all legislative jurisdiction and placed it within the power of any one Member of the Senate to block any legislation that was brought in, it would not compensate for the additional power that was given them by giving them jurisdiction of different items of appropriations? It would not give them any additional power, except that their field of operations would be larger. They could report on appropriations, for instance, for Agriculture or for the Army, whereas now they are deprived of jurisdiction over those two matters, but they would not have any power to report any item of legislation, and that is where the danger comes.

Mr. HARRISON. The Committee on Agriculture and Forestry has no right to have general legislation put on a general appropriation bill.

Mr. NORRIS. But the Senator knows we do, and that every other committee does, and that there is more legislation on these appropriation bills than in the other bills considered by the committee. We put through more appropriation on the Agricultural appropriation bills than the committee puts through outside of those bills.

Mr. HARRISON. Yes; that is true. This is giving too much power, as I said, to the Committee on Appropriations. Here is a list of the membership of the Committee on Appropriations. The Senator from Wyoming [Mr. WARREN] is chairman. He is also a member of the Committee on Military Affairs. It is proposed to take away from him and the Military Affairs Committee the authority to make appropriations for the defense of the country and lodge it in the Committee on Appropriations. Of course, that does not affect his standing, because he still will retain the power which he has as a member of the Committee on Military Affairs as well as of the Appropriations Committee.

The Senator from Washington [Mr. JONES] is chairman of the Committee on Commerce, the committee which now passes upon all river and harbor appropriations. But he is a member of the Appropriations Committee, and it would not affect him. He still would be a member of the Appropriations Committee and would have the same power that he had as a member of the Committee on Commerce, so far as river and harbor appropriations are concerned.

Where does the Senator from Tennessee [Mr. McKellar] come in? He might be on the Commerce Committee. I see before me the junior Senator from Wyoming [Mr. KENDRICK], who has been a great and valuable member of the Committee on Agriculture, who has fathered legislation there and fought for legislation for the agricultural interests of the country. Is he going to vote for a rule which will take that power away from him as a member of that committee and give it over to his colleague, the senior Senator from Wyoming, and the other members of the Appropriations Committee? Does he not believe that as a member of the Committee on Agriculture he can

better serve the agricultural interests by retaining the power in the Agricultural Committee rather than giving it over to the senior Senator from Wyoming [Mr. WARREN], the Senator from Kansas [Mr. CURTIS], and a few other members of the Appropriations Committee?

What answer can the Senator from Oregon [Mr. McNary], a valuable member of the Commerce Committee, who has rivers and harbors in his State, give when he votes to change a rule which would relieve him of the power he has now as a member of the Commerce Committee, and say that the Senator from Wyoming and the Senator from Kansas, as members of the Appropriations Committee, should have that power?

Mr. WARREN. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. HARRISON. I gladly yield.

Mr. WARREN. Of course, I appreciate the rhetoric of my genial friend—

Mr. HARRISON. I am stating facts now.

Mr. WARREN. No; not facts. I wish the Senator would hew a little closer to the line. What was formerly the river and harbor bill would now go to the Committee on Military Affairs, and the Senator to whom he alludes is not a member of that committee. The Senator, of course, is building up a very large bogey man to throw bricks at.

So far as the Senator from Wyoming is concerned, as chairman of that committee, he stated very distinctly, when he first brought the subject up, that he was only too ready to step aside for somebody who is more competent to take this up if anyone can take all of these bills and put them through in better shape. If the Senator thinks that the chairman of the committee and the members of the Committee on Appropriations are undertaking to take on a great deal more work, and have to tease the Senator from Mississippi to be allowed to do so, he ought to be thankful to them instead of wishing to scold them.

Mr. HARRISON. I hope the Senator will not take any offense personally at what I say. I love the Senator, and I realize what a valuable member of the Committee on Appropriations he is. I am talking against the proposed change. I just used individuals for illustration.

Mr. WARREN. The illustrations do not agree with the practice. I presume the Senator does not wish to misstate the facts.

Mr. HARRISON. The Senator says the river and harbor appropriation bill goes to the Military Affairs Committee.

Mr. WARREN. Yes.

Mr. HARRISON. The practice for a long time in this body, if I recall it correctly, has been that the Commerce Committee of the Senate has passed on the appropriations for rivers and harbors. Is not that right?

Mr. WARREN. The practice for some years was to send them to that committee, though it was not always so. They do not go there now, because they do not come to the Senate in the form of a river and harbor bill.

Mr. HARRISON. They went there last year, did they not?

Mr. WARREN. They will now come to the Senate as a part of the War Department appropriation bill, just as a great portion of the sundry civil bill, and of the fortifications bill, and of the legislative, executive, and judicial appropriation bill go to the Military Affairs Committee.

Mr. HARRISON. They should not go there. They should go to the Commerce Committee. They can go there.

Mr. WARREN. The Senator is speaking of something he either does not know about—

Mr. HARRISON. Why can we not split them up and send them to the various appropriate committees? Are the officers, clerks, and employees so incompetent that they can not look over a bill and dissect it and send the separate parts to the appropriate committees?

Mr. WARREN. What would it amount to?

Mr. HARRISON. I do not know what it would amount to.

Mr. WARREN. They have to be in shape to be considered.

Mr. LENROOT. Does the Senator from Mississippi contend that under the present rules of the Senate an appropriation bill can be split up and divided and sent to different committees?

Mr. HARRISON. Of course, we could send the various parts to the appropriate committees.

Mr. LENROOT. Who would make the report?

Mr. HARRISON. The committee which considers the proposition could make the report.

Mr. LENROOT. What right or jurisdiction is there to make two bills of one under the rules of the Senate?

Mr. HARRISON. If we are to change our rules—

Mr. LENROOT. Oh, well—

Mr. HARRISON. The Senator is proposing to change the rules so as to send all the bills to one committee. I would offer this suggestion, that as long as there is such a mess in the other body, the Senator and his colleagues should confer with the leaders of the House and should straighten the matter out so that they would not be in this mess, and it would be better, of course; but why can we not provide a change in the rules, so that when these bills come from the other House, even though they might deal with matters some of which should go to the Committee on Military Affairs and some to the Committee on Commerce and some to the Committee on Indian Affairs, the Secretary, or some one who could segregate them and send them to the appropriate committees, and let them make the reports on them?

Mr. LENROOT. Then what procedure would follow, according to the Senator's idea, from there on?

Mr. HARRISON. It would be reported and we would pass it.

Mr. ROBINSON. There would be three bills in the case which the Senator cited.

Mr. HARRISON. We could pass one, then the next one, and then the next one.

Mr. ROBINSON. Mr. President, there can not be three bills, and that is the difficulty. There is only one bill, and you could not enact it into law if you segregated the items into three bills by the action of the Clerk of the House of Representatives. The measure comes here as one bill, as a single instrument.

Mr. HARRISON. We could provide some rule which would effect the change all right. I have not any doubt about that; or a conference could be held with the Members of the House and some arrangement made about it. The fact about it is that certain men want to get control of all the appropriations, and this is the scheme that has been evolved to do it and to take away from the other committees the power they now have. I am not willing to consent to that, as one Member of the Senate, and it will be some time before this resolution is passed if I can prevent it.

Mr. MOSES. May I point out to the Senator from Mississippi that the procedure which he has indicated is perfectly simple. The Secretary, as he says, is quite competent to dissect these bills, and to send the appropriate items of each to their appropriate committee. The rules have to be changed in any event, and if they are to be changed, they may be changed as suggested by the Senator from Mississippi, so as to send the segregated items to the appropriate committees, with a time limit within which the committees shall report, and those reports having been brought into the Senate, the items, with the accompanying reports, can be brought together again under the title, and have one bill, to meet the objection raised by the Senator from Arkansas.

Mr. HARRISON. I do not think there is any doubt but that they can work out some plan along that line. The whole proposition is whether or not we want to take away from these committees the power they now have and put it in one committee, or leave it as it is.

Mr. LENROOT. I would like to ask the Senator how he would arrange the matter of conferees under the scheme he suggests?

Mr. HARRISON. I know we could arrange it, the same as you are arranging this now. The Senator knows that the House and the Senate leaders could get together on some policy about this legislation, and if the majority of the Senate and House should desire, you could take away this power that is lodged in the Appropriations Committee in the House, and which is sought to be lodged in the Appropriations Committee of the Senate.

Mr. LENROOT. Does the Senator think that agriculture has suffered by the House depriving the Committee on Agriculture there of the power of appropriation, and placing it in the Committee on Appropriations?

Mr. HARRISON. I do not know. I have not watched the system over there.

Mr. LENROOT. The Senator is familiar with the bills which have come from that committee.

Mr. MOSES. Agriculture has not suffered, because the Senate Committee on Agriculture has looked after those bills.

Mr. HARRISON. I do not know what the system is over there. I know they have created a big committee of about 36 members.

Mr. LENROOT. Have the agricultural bills which have come over to us in the past two years been disadvantageous to agriculture?

Mr. HARRISON. They have been increased in amount generally. We have increased the appropriations.

Mr. LENROOT. That has always been true, has it not? Does the Senator think that the plan of the House has worked any discrimination against agriculture?

Mr. HARRISON. I do not know whether it has or not.

Mr. LENROOT. The Senator ought to know, as a member of the Committee on Agriculture.

Mr. HARRISON. I know I am not going to consent to take that power away from the Agricultural Committee and give it to the Appropriations Committee. There are Senators who sought membership on the Committee on Agriculture, and who want to stay on the committee, who want to handle these matters. There are Senators who went by preference on the Commerce Committee, because they were interested in certain matters over which that committee had jurisdiction. The same thing is true of the Committee on Military Affairs. They have studied military problems for years. So the members of the Committee on Naval Affairs have become almost expert on naval subjects. Their study of those subjects now is to be held for naught. The power is to be taken away from them and given over to a committee which has not studied those propositions which the Naval Affairs Committee have studied, or those studied by the Committee on Military Affairs, or by any other committee.

Mr. LENROOT. Is not the Senator aware of the fact that the Committee on Agriculture, the Committee on Military Affairs, the Committee on Commerce, and various other committees having jurisdiction of various subjects can by legislation provide for every dollar of appropriation that they desire, and the Committee on Appropriations, if they do so provide, has no discretion except to make the appropriation?

Mr. HARRISON. They can pass general legislation, of course. You are not taking that power away from them, but you are taking away from them the handling of the general appropriation bills, which is now lodged with them.

Mr. LENROOT. If the Committee on Agriculture does recommend general legislation, directing that certain appropriations shall be made, it becomes the duty of the Committee on Appropriations to do whatever Congress directs shall be done, as suggested by the Committee on Agriculture.

Mr. HARRISON. Yes; they sometimes respond to it, and we could still do that.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. HARRISON. I yield.

Mr. FLETCHER. I fail to see the advantage up to this time in the changes made in the other body. It seems to me our old rules and our old practice in the Senate produced a much better result than would be brought about by this change. At the same time we are confronted with a practical situation. General appropriation bills, instead of coming as they formerly did from various committees, now come from one committee in the House, and they are referred here to committees which have the largest interest. For instance, the Army appropriation bill, which covers appropriations for rivers and harbors, would, unless the majority should decide otherwise, go to the Committee on Military Affairs, whereas formerly the bill came from the Rivers and Harbors Committee of the House and was referred to the Senate Committee on Commerce. The situation is changed by reason of the operation of the system over in the House.

I like the amendment to the rule very much better than I did the original resolution without the amendment. I think the amendment very much improves it. It distributes this power, to which the Senator from Mississippi refers, very largely to the other committees handling these important subjects. I would not like to see the resolution pass without the amendment, but with the amendment I think the situation will eventually work out perhaps where it will be in a measure satisfactory, especially since these bills are general appropriation bills, and that is the thing we are dealing with and that is what the rule is confined to. It seems to me, however, that we will have to make a change of section 2, Rule XVI, because that provides, in addition to section 1, which we are proposing to change, as follows:

In like manner amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce; also amendments to bills establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Post Offices and Post Roads.

Of course, we will not want that rule to stand without change if we change Rule XVI as proposed by the pending resolution. Section 2 will have to be amended so that amendments to the bills will go to the Committee on Appropriations instead of to the other committees as the rule now provides, to which I have just referred.

Mr. McKELLAR. Mr. President, will the Senator from Mississippi yield to me to ask the Senator from Florida a question?

Mr. HARRISON. Certainly.

Mr. McKELLAR. The Senator from Florida said he likes the amendment of the rule with the amendment offered by the Senate committee better than as originally framed. Does the Senator believe this rule could possibly have passed the Senate without that amendment? In other words, the substance of the amendment is simply to make 12 other Senators, 4 of whom are chairmen of committees, members of the Committee on Appropriations to a limited degree. Could it have been passed, or could it now be passed, without having the approval of the chairmen of those four committees?

Mr. FLETCHER. Of course, I have no information on that subject. What I would say would be the merest guess, as I have not any data upon which to form any opinion. I am not on the Committee on Rules, and I do not know what has influenced them in the matter. I presume very likely in discussing the proposed change they found that the other committees want to be represented on the Committee on Appropriations in considering the subjects which heretofore have gone to those other committees, and this is a way of giving them that representation. I do not know whether it strengthens the proposition or not. I think it improves it very much. In my judgment, it was a very wise thing to do. I can not say it was done to get votes for the proposed change, because I have no information.

Mr. McKELLAR. May I ask the Senator another question, with the consent of the Senator from Mississippi?

Mr. HARRISON. I yield.

Mr. McKELLAR. I will ask the Senator from Florida if he had been chairman of the Committee on Commerce, as he has been previously for a long time, and a very able one, too, would he have voted to centralize this power in the Committee on Appropriations unless he had been put on the committee in the way that has now been suggested?

Mr. FLETCHER. I say frankly to the Senator that it would not have made a particle of difference to me in my vote on the matter whether I had been on the committee or not. It is a question of what is the wisest and best thing to do in the situation in which we find ourselves. So far as I am individually concerned, it does not cut any figure one way or the other, and it would not have influenced my vote one way or the other.

Mr. McKELLAR. Then, as I understand the Senator, he thinks all of the power over all appropriations to be made by the Senate ought to be centralized in one appropriations committee? That is the result of what the Senator has just said, and I want to be certain I am right about it.

Mr. FLETCHER. I just said that I think the rule as it is worded was a wise rule originally and is a wise rule now, and the practice as heretofore was a better practice, but I can not have my own way about the matter. I like the Senate rules as they are. I like the way the committees have the work divided up among them. I think that is the better way.

Mr. McKELLAR. Why the proposed change, then?

Mr. FLETCHER. Because we have to change some way, somehow. The bills are coming here now, not as they used to come but differently under the new House rules. The general appropriation bills now come from one House committee instead of from various committees of the House. We can not help that. We can not control that. I do not like it. I am frank to say I do not like it. It may be that I am a little slow about making changes and am rather conservative in a way, but I think the old system works the best and I would like to see that continue.

But we can not control that new situation at all, and inasmuch as the bills, as I say, could not in any practical way be divided up among the various committees we have to meet conditions in a practical sort of way here. It seems to me that this is about the best plan that has been suggested, because it gives representation actually and expressly to the various committees handling these important subjects.

Mr. ROBINSON. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. Certainly.

Mr. ROBINSON. In connection with the statement just made by the Senator from Florida, if this amendment to the rules be not adopted, when the river and harbor bill reaches the Senate it will be referred to the Committee on Military Affairs.

Mr. FLETCHER. Of course if there is any legislation in the river and harbor bill when they send it over from the House, it will go to the Committee on Commerce.

Mr. ROBINSON. Certainly; but I am speaking of the river and harbor appropriation bill or the item of appropriations for

river and harbors. It would go to the Committee on Military Affairs, and I think it would be infinitely better to have those items considered by the Appropriations Committee than by the Committee on Military Affairs, although I am a member of the Committee on Military Affairs and I am not a member of the Committee on Appropriations. I recognize the fact that the Committee on Appropriations then can coordinate the appropriations, and the confusion I spoke of a moment ago with reference to conferences would be avoided.

Now, with respect to the question which some one asked as to whether this amendment was devised for the purpose of securing votes, I think it appropriate to say that when it was first brought to my attention in the Committee on Rules I felt the same repugnance the Senator from Mississippi now expresses about reposing in one large powerful committee of the Senate the duty of making all appropriations; but after a careful study of the subject I reached the conclusion that the various new bills, as they are now organized by the House of Representatives, can not be efficiently handled in any other way, and it was at my suggestion that the Committee on Commerce was given representation on the Committee on Appropriations when the item of rivers and harbors was being considered.

I certainly had no thought of procuring votes for the resolution, because I care nothing about what becomes of the resolution except from the standpoint of what I conceive to be my duty to promote efficiency in the handling of appropriation bills. I think the Committee on Commerce should be given representation on the Committee on Appropriations when that committee is considering items relative to rivers and harbors. I think that is a better system than referring the river and harbor items to the Committee on Military Affairs, which will occur unless some other rule be adopted.

Mr. McKELLAR. The Senator is aware that the Chief of Engineers of the Interior Department, from which the items for rivers and harbors come, is an Army officer, the other engineers are Army officers, and it might well come under that head. I think it rather a remarkable thing that it does not come under that head.

Mr. ROBINSON. Certainly, and that is the reason why the river and harbor appropriations were placed in the Military appropriations bill; but, as a matter of fact, the Military Affairs Committee has never taken jurisdiction of legislation concerning construction work on rivers and harbors.

Mr. McKELLAR. Does the Senator know any good reason why it should not do so? It comes directly from Army officers, and the reports come directly from them.

Mr. ROBINSON. I do not think that is so directly related to the War Department as to bring it necessarily within the jurisdiction of the Committee on Military Affairs. I would prefer to see the jurisdiction vested in the Appropriations Committee, where other appropriations have uniformly gone.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

Mr. CURTIS. I hope the Senator will not do that.

Mr. McKELLAR. I withhold it for the moment.

Mr. CURTIS. The Senator from Mississippi advises me that it is impossible for him to get through to-night, and if he will yield the floor I will ask that the resolution be temporarily laid aside and then move that the Senate proceed to the consideration of executive business with closed doors. I ask unanimous consent that the resolution be temporarily laid aside.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent that the resolution be temporarily laid aside. Without objection, it is so ordered.

THE MUSCLE SHOALS PLANT.

Mr. McKELLAR. I ask unanimous consent to have printed in the RECORD in regular 8-point type an article by Mr. M. B. Morton entitled "The Muscle Shoals a national project." Mr. Morton is one of the best and ablest men of Tennessee; he is thoroughly familiar with the subject; and I wish to call the special attention of the Senate to this splendid article. I think it is one of the clearest and best presentations of the matter that has been made during its pendency and that it will be of great value to Members of the Senate in reaching their conclusions on the subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Nashville Banner, Nashville, Tenn., Feb. 21, 1922.]

MUSCLE SHOALS A NATIONAL PROJECT.

(By M. B. Morton.)

What is Muscle Shoals? It is a long stretch of rapids in the Tennessee River where it sweeps westward through northern Alabama before it turns northwest to join the Ohio, a short

distance above the point where the latter river empties into the Mississippi. The shoals gets its name from the bivalves—mussels—which are found there in great abundance. They are the same mussels that produce the wonderful fresh-water pearls which Tiffany buys from the southern pearl hunters. They are the same mussels whose shells furnish the material from which many of the buttons we wear on our clothing are made. Of course, the name should be, and was as long as we old-fashioned southerners had our way about it, Mussel Shoals. But along came a great multitude of ignoramuses and called it Muscle Shoals, and then the Government adopted the spelling of the ignoramuses and tried to make the excuse that "muscle" was the correct spelling, because at this point the river spreads out and resembles the muscle in a man's arm. However, the spelling does not resemble the corrugations in a man's brain—but let that pass, and Muscle Shoals let it be.

I believe that it is not unfair to state that the people at large desire that Ford be given a chance to realize on his vision. I know this is true of the people in the vicinity of Muscle Shoals.

But now that question has become a political one; it is being claimed by some that the project is local to the South, and this brings us to the main proposition:

What does the development of Muscle Shoals mean?

It means that the Muscle Shoals of the Tennessee River will, by a system of great dams, be navigable, and that commerce can float from East Tennessee to the Gulf of Mexico. This is in a measure local.

The Muscle Shoals comprise many miles of the Tennessee River. They have since first known by white men presented an insuperable barrier to successful navigation, though above them are hundreds of miles of navigable river extending far up through the East Tennessee valley almost to the Virginia line. In the years gone by the Government has spent millions trying to make the shoals navigable, but so far the problem is unsolved.

The present Muscle Shoals project, for which Henry Ford and others are now making bids, is located at the lower or western end of the rapids. It is well known that this series of great dams and factories was started by the United States Government during the World War primarily for extracting nitrogen from the atmosphere for making explosives to be used by our Armies in Europe. Approximately \$100,000,000 were expended, and when the war ended work on the project was suspended.

Henry Ford had a vision and made the Government a proposition to take over the work, utilize at least part of the power for making nitrates and the rest of it for equipping factories of various kinds that would furnish employment for 1,000,000 men. I know recently some of the writers have cut the figures to 500,000, but either is sufficient, and Ford himself said Muscle Shoals could be made to furnish 1,000,000 horsepower, and that his experience proved that one horsepower meant employment for one man.

After Ford made his proposition several others were made to the Government, and no doubt others are still in incubation.

The vista opened up by Ford's vision was so great that the Government officials could not take it in, and now the whole question goes before the Congress and into politics.

It means that great factories will be built along the Muscle Shoals; that inestimable electric power may be furnished for various purposes within a radius of hundreds of miles. This again is in a measure local.

It means it will be demonstrated beyond peradventure whether nitrates for fertilizing the soil can be there produced from the air at a figure low enough for purchase and use by the farmers of this Nation. Ford believes this can be done; and Edison, the greatest authority, says it can be done. This is not local but country-wide and world-wide.

Most of our commercial nitrates for fertilizer purposes come from the Chile nitrate deposits. These must necessarily soon be exhausted. Then we must depend for our commercial supply on nitrates produced from the air by water power in Europe or discover some other source; and in case of war we might find ourselves helpless.

Nitrates could easily be shipped from Muscle Shoals to every part of the country. They could be given water transportation throughout the great Mississippi Valley and our entire coast line, the plant being situated on a river navigable to the Ohio. And while a great deal of commercial fertilizer, including nitrates, is used in the South, the fact remains that the farmer can secure more cheaply nitrogen for the soil from leguminous crops, such as peas or clover, than from any other source. The

South produces many legumes in abundance, and is not nearly so dependent on commercial fertilizers for nitrogen as many other sections, where legumes do not grow abundantly or do not grow at all.

The development of Muscle Shoals in accordance with Ford's plan means the producing of an enormous power from water now going to waste; and this means an enormous saving of coal, which we are now mining and using with feverish activity, apparently totally oblivious to the fact that our coal mines will soon be exhausted.

Muscle Shoals is one of the greatest water powers in the world, and if Ford can make "his dream come true," it means that hundreds and thousands of water powers in this country and throughout the world now going to waste will be utilized.

It means a saving in fuel beyond the capacity of the human mind to grasp.

It means the beginning on a large scale of the conservation of the natural resources of the world.

No; the Muscle Shoals project is not local.

MALHEUR NATIONAL FOREST.

Mr. McNARY. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 10185) authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes. The bill passed the House a few days ago, and involves an exchange of property in the Malheur National Forest, in Oregon. It is exclusively an Oregon measure, reported favorably by the Committee on Public Lands.

Mr. CURTIS. May I ask if that is the bill which the Senator's colleague desired to call up?

Mr. McNARY. It is the bill my colleague desired to get up.

Mr. JONES of Washington. Mr. President, I wish to ask the Senator from Oregon when the Committee on Public Lands had a meeting? I have been trying to find out about a meeting of the Committee on Public Lands in order to get one or two bills similar to this reported from that committee.

Mr. McNARY. The committee had a meeting day before yesterday at 5 o'clock, at which there were 14 members present. This is the first measure that was brought up, and it was reported unanimously. It went to the calendar yesterday.

Mr. JONES of Washington. I have no objection to the bill; but, as I said, I have a bill just like it that passed the House and has been pending for some time. I have been trying to find out when a meeting of the committee would be held.

Mr. NORRIS. If the Senator will permit me, the chairman of the Committee on Public Lands, as the Senator knows, has been very busily engaged with other matters.

Mr. JONES of Washington. I understand that.

Mr. NORRIS. There were some very urgent bills to be considered, and we had a meeting yesterday afternoon at 5.15, when a quorum was secured. I have no doubt that if the Senator had received notice he would have been there and the bills in which he is interested would have been reported and would now be on the calendar.

Mr. JONES of Washington. If I had known of the meeting I myself would have been there.

Mr. NORRIS. It was unfortunate that the meeting was held at an unseemly and unusual hour, but it was about the only time when a meeting could be held.

Mr. JONES of Washington. I would attend a meeting of that kind to-night, so far as that is concerned. I will see the chairman of the committee and ascertain if I can not arrange to be notified when a meeting is going to be held. I understood, however, that Wednesday was the regular meeting day of the committee.

Mr. NORRIS. We have not held a meeting for seven weeks on the regular meeting day.

Mr. JONES of Washington. I spoke to the chairman of the committee some days ago about this matter. I am glad the Senator from Oregon secured action on his bill; but I wanted to know how it was done, so that I might arrange to secure action on the bills in which I am interested.

Mr. McNARY. I will say to the Senator that I "was on the job."

Mr. JONES of Washington. I think the Senator's colleague is a member of the Committee on Public Lands, and that is how he came to secure action.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10185) authorizing

the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands in private ownership within the exterior boundaries of the Malheur National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national-forest purposes, and, in exchange therefor, may issue patent for an equal value of national-forest land in the State of Oregon; or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owners as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Malheur National Forest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7158) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and appointed Mr. Wood of Indiana, Mr. Wason, and Mr. Harrison managers of the conference on the part of the House.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 3164. An act supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes" (Public, No. 215, 66th Cong.), approved May 22, 1920; and

H. R. 9606. An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Vice President be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were each read twice by title and referred as indicated below:

H. R. 3164. An act supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes" (Public, No. 215, 66th Cong.), approved May 22, 1920; to the Committee on Civil Service.

H. R. 9606. An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate, as in legislative session, took a recess until to-morrow, Thursday, March 2, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 1 (legislative day of February 23), 1922.

DIRECTOR OF THE MINT.

F. E. Scobey, of Texas, to be Director of the Mint, vice Raymond T. Baker, whose term will expire March 19, 1922.

PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Clifford E. Waller to be surgeon in the United States Public Health Service, to rank as such from March 4, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Maj. Robert Henry Lee, Coast Artillery Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

First Lieut. Charles Rocheid Forrest, Air Service, with rank from July 1, 1920.

AIR SERVICE.

First Lieut. Ernest Wykeham Dichman, Corps of Engineers, with rank from December 4, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1 (legislative day of February 23), 1922.

POSTMASTERS.

CONNECTICUT.

Helen O. Gatchell, Andover.
Samuel H. Kellogg, Colchester.
Samuel E. Loudon, Riverside.

FLORIDA.

Jesse F. Warren, Apalachicola.
William H. Berkstresser, Hawthorn.
Vilma B. Rhodes, Oakland.
Edwin E. Williams, Passagrille.
Burdett Loomis, jr., Pierce.
Robert L. Waldron, Pompano.
Orrell W. Prevatt, Seville.

GEORGIA.

Benjamin M. Shive, Decatur.

ILLINOIS.

William B. Rasplica, Glen Carbon.
William E. Clark, Hillview.
Arthur J. Mollman, Millstadt.
Robert M. Farthing, Mount Vernon.
John L. Thomas, Pleasant Hill.
Isaac D. Gum, Pocahontas.

INDIANA.

Cadmus C. Funk, English.
William H. Ammon, Swayzee.

IOWA.

John A. Baker, Buxton.
Edgar A. Cupp, Corning.
William S. Weston, Webster City.

KENTUCKY.

Walter Robins, Brodhead.
Raymond C. Tipton, Corbin.
William I. Myers, Greenup.
Oscar W. Gaines, Oakland.
Lola B. Hollaway, Sedalia.

MICHIGAN.

Lydia A. McElhinney, Snover.

NEBRASKA.

Barbara B. Tweed, Bassett.
Frederick L. Valentine, Johnstown.

NEW JERSEY.

Fannie H. Clayton, Seaside Park.

NEW MEXICO.

Gertrude Warrender, Logan.

OKLAHOMA.

Roy M. Muse, Elmore City.

PENNSYLVANIA.

D. Thomas Lindley, Canton.
 Harry A. Bucher, Cashtown.
 George V. Glenn, East Butler.
 William C. Hunter, Meadville.

TENNESSEE.

Emmett V. Foster, Culleoka.

VIRGINIA.

Bascom N. Mustard, Bland.
 Harry Fulwiler, Buchanan.
 Adelaide E. Drewry, Capron.
 William F. Correll, Ettricks.
 Thaddeus Y. Price, Green Bay.
 Byrum P. Goad, Hillsville.
 Samuel McCrary, Ivanhoe.
 William W. Hurt, Max Meadows.
 Lemuel B. Wolfe, Mount Jackson.
 Byrd E. Carper, Newcastle.
 Robert E. Fugate, Nickelsville.
 Frank M. Phillips, Shenandoah.
 Frank J. Garland, Warsaw.
 Bruce L. Showalter, Weyers Cave.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 1, 1922.

The House met at 12 o'clock noon and was called to order by Hon. William Tyler Page, Clerk of the House, who read the following communication from the Speaker:

SPEAKER'S ROOM,
 HOUSE OF REPRESENTATIVES,
 Washington, D. C., March 1, 1922.

I hereby designate Hon. JOSEPH WALSH, of Massachusetts, to act as Speaker pro tempore to-day.

F. H. GILLET.

Mr. WALSH took the chair as Speaker pro tempore.

The Chaplain, Rev. James Spera Montgomery, D. D., offered the following prayer:

Our Father in heaven, we still find Thee in life's way. Impress us that this is our greatest possession. Grant us hearts that beat responsive to the directing, controlling power of the Lord of Hosts, and thus shall we maintain the sanctity of Thy law. Be unto us a sweet, subduing energy that lifts us beyond the clutch of weakness and supports us with a wise self-assertion. O let us be merciful by being just, sympathetic by being true, and loving by being honest. For our country's sake and for the welfare of human kind may our faith in God and man never falter nor fail. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEFICIENCY BILL.

Mr. MADDEN, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending July 30, 1922, and for prior years (Rept. No. 746), which was read the first and second time, and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNS of Tennessee reserved all points of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, had further insisted upon its amendments Nos. 5, 6, and 28, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of

the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. JONES of New Mexico as the conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

The Clerk read as follows:

House resolution 295.

Resolved, That upon the adoption of this resolution it shall be in order to consider, under the general rules of the House, H. J. Res. 263 (reported by the Committee on Military Affairs), S. J. Res. 125 (reported by the Committee on Military Affairs), S. 2492 (reported by the Committee on Military Affairs), H. R. 8475 (reported by the Committee on Military Affairs). The consideration of these bills not to interfere with conference reports, bills from the Committee on Ways and Means, bills from the Committee on Appropriations, or other privileged business.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution makes it in order for the Committee on Military Affairs to call up these several bills. They will be called up to-day if they can be disposed of to-day. Otherwise any bill not considered to-day would go over and take its chances on any day when the business of the House would justify it. All the bills were unanimously reported by the Committee on Military Affairs. As indicated in the titles, two of the bills have already passed the Senate. One of them relates to the purchase of the necessary ground for a burial place in France. The appropriation is already made, but in the application of the fund the War Department finds it necessary to make certain diversions of the fund for the purchase of land in France. There will be about 32,000 bodies to remain there, and it is desirable that their burial place be owned by the Government of the United States. One relates to fixing the price at which clothing may be sold to soldiers. Under the general law clothing can not be sold to soldiers except at the lowest price it was purchased by the War Department. The current price of this clothing is very much lower now than it was at the time it was purchased. This bill amends the general law so that the clothing may be sold on the basis fixed by the current price of the clothing at this time. Another bill relates to the statute of limitations with respect to deserters and those who failed to respond to the draft law. Another refers to the payment made to soldiers and noncommissioned officers during the war. The auditor allowed the payments at the time, but has since discovered, as he thinks, that the payments were erroneously made. This is to confirm the payments as originally made by the War Department to these noncommissioned officers and soldiers.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

EXTENDING ARMY APPROPRIATION ACT—CONFERENCE REPORT.

Mr. McKENZIE. Mr. Speaker, I call up the conference report on the bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion and the acquisition of real estate in certain cases and making additional appropriations therefor.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the figure "3" and insert in lieu thereof the figure "4"; and the Senate agree to the same.

JOHN C. MCKENZIE,
 FRANK L. GREENE,
 W. J. FIELDS,

Managers on the part of the House.

HARRY S. NEW,
 SEIDEN P. SPENCER,
 H. L. MYERS,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 7158, to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, submit the following statement in explanation of the effect of the action agreed upon by the committee of conference on the disagreeing votes of the two Houses on amendments of the Senate to the said bill:

On amendment No. 1: By this amendment a mandatory provision in the House bill directing the War Department to sell certain property to the Canton Co. of Baltimore, Md., for a specified price was stricken from the bill, and the House conferees not wishing to injuriously embarrass the War Department in the disposal of surplus property agreed to the Senate amendment.

On amendment No. 3: The House receded with an amendment changing the number of the section from "3" to "4," in order that the numbering of the sections might be correct. The House conferees agreed to the retention of this section in view of the following: In 1918 the War Department requisitioned 55 acres of land from the Norfolk Country Club. The land during the war was used in connection with the Norfolk Army supply base. Since that time the club has received no compensation for the use of its property. In 1921, 44 acres of the above tract were transferred to the Treasury Department for the use of the Public Health Service, and is now under the jurisdiction of that department. At about the same time the club recovered, through a revocable lease granted by the War Department, the use of a portion of its former golf course. At the present time the War Department does not need all of the land over which it now has jurisdiction; nor does the Treasury Department any longer need the area transferred to it. The War Department has entered into negotiations and feels confident of making a settlement under the terms of which the club will recover permanently a portion of the area formerly requisitioned, together with a cash payment, and the United States will receive title to that portion of the requisitioned area on which the railroad yard is constructed, and will be released from any payment for the use of the club's property and from all claims for damages. The amendment authorizes the retransfer from the Treasury Department to the War Department of the 44 acres referred to above and, further, authorizes the Secretary of War to make a settlement with the Country Club along the lines indicated. No increase in the appropriation for the Army supply base at Norfolk is requested. The amount of money involved, being comparatively small, can be taken care of by the \$190,000 carried in the first section of the bill.

JOHN C. MCKENZIE,
FRANK L. GREENE,
W. J. FIELDS,

Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. MCKENZIE, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

STATUS OF DESERTERS FROM THE MILITARY OR NAVAL SERVICE.

Mr. KAHN. Mr. Speaker, I call up the resolution (S. J. Res. 125) to continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law.

The Clerk read the resolution, as follows:

Resolved, etc., That none of the provisions contained in section 2 of the act of May 18, 1917 (40 Stats., p. 77), or in section 4 of the act of June 15, 1917 (40 Stats., p. 217), or in any other act or joint resolution of Congress, or in any proclamation heretofore issued by the President, or in any proclamation of peace that may hereafter be issued by the President, shall be construed as terminating the military or naval status of any person who, having been drafted or having voluntarily enlisted for the period of the emergency due to the World War in the military or naval service of the United States, or having been commissioned as an officer for the period of said emergency in the military or naval forces of the United States, thereafter deserted such military or naval service; or as terminating before the expiration of three years after the date of the President's proclamation of peace as required by section 4 of the act of June 15, 1917 (40 Stats., p. 217), exclusive of all periods of absence from the jurisdiction of the United States, the amenability to prosecution and trial of any person who willfully failed or refused to comply with any of the requirements of the act of May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," or of said act as amended, or with regulations promulgated by the President pursuant thereto.

Mr. KAHN. Mr. Speaker, the Secretary of War sent a very urgent message to the Committee on Military Affairs asking that this bill be passed as soon as possible, because the existing law expires on the 14th of March next. So that two weeks from to-day the present law goes out of existence. Under existing law, when men deserted from the Army of the United States they were liable under court-martial for trial. There are quite a number of cases of this kind. The War Department has not been able to try all the men who are charged with this offense, because the War Department has had since the close of the war a great many things to attend to that were necessary for the military service. These men who failed to report for duty on the conscription law were never in the Army of the United States, and therefore they could not be tried by court-martial; but they can be tried in the civil courts of the country. Under the law of May 18, 1917, which provides for the induction into our Army of men by conscription, the House put a provision to the effect that four months after the declaration of peace all the laws that were effective under that provision in the original act should be discontinued. This law contemplates simply the continuance of that period for three years longer.

There were many men who refused to answer the draft; many of them went away to Mexico, and they are in Mexico now. They do not dare to come back to this country.

Mr. WHEELER. Will the gentleman yield?

Mr. KAHN. But unless this law is passed, you will find them all coming back here after the 14th day of March.

Mr. WHEELER. The statute of limitation expires within a few months for these men who refused to answer the draft call?

Mr. KAHN. It expires on the 14th of March next.

Mr. WHEELER. The 14th of March next—a year from this March?

Mr. KAHN. No; two weeks from to-day.

Mr. WHEELER. The gentleman said March next.

Mr. KAHN. This is the 1st of March, and the 14th of March is the day when it expires.

Mr. RAMSEYER. Will the gentleman yield?

Mr. KAHN. I will.

Mr. RAMSEYER. Can the gentleman give me the number of draft evaders from the records of the War Department?

Mr. KAHN. No; I can not give that to the gentleman.

Mr. RAMSEYER. I understand something like 100,000 names have already been published in the Record, and there are about 30,000 more to be published.

Mr. KAHN. I understand that while there has been a publication of a great many names, it was found that the publication of many of them was erroneous.

Mr. RAMSEYER. Does the gentleman know how many of those draft evaders have already been apprehended and arrested for trial?

Mr. KAHN. I do not know, but I understand the number is very few.

Mr. RAMSEYER. Of the 130,000 names on the list as draft evaders, certainly not all of those have gone to Mexico or Canada, but are in this country.

Mr. KAHN. I understand that out of the whole number published, many of them were found to have been in this country right along and had reported themselves to the proper authorities; the War Department has kept records of where they were.

Mr. RAMSEYER. I know of several such cases myself.

Mr. WHEELER. Will the gentleman yield for another question?

Mr. KAHN. I will yield.

Mr. WHEELER. Those who are registered, are they considered as soldiers and subject to court-martial?

Mr. KAHN. They were when sworn into the service.

Mr. WHEELER. But they were registered.

Mr. KAHN. Unless they are in the military service itself they would not be subject to court-martial.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. KAHN. I will.

Mr. JOHNSON of South Dakota. The gentleman from Iowa asked the gentleman from California several questions as to the division of draft evaders who might be in the United States, or who might be abroad. Would it not be true that it would be absolutely impossible for the War Department to divide those men into the per cent of those abroad and those who were at home, because the average draft evader does not come back to the place of his original residence, and no information could be procured?

Mr. KAHN. That is very true.

Mr. BANKHEAD. Will the gentleman yield?

Mr. KAHN. I will.

Mr. BANKHEAD. Do I understand this measure is one that proposes an extension of time in which the War Department may take cognizance of deserters from the service, or is it intended to cover those who have evaded the draft and never were in the military service?

Mr. KAHN. That is one part of it, but during the war men were taken into the service, were sworn in, and then deserted. It is also desired to capture those men, if it is possible.

Mr. BANKHEAD. I want to call the gentleman's attention to this state of facts: Last fall I had a constituent in my county who had a son charged with evading the draft. He was anxious to surrender him and have him punished. I wrote the district attorney for the northern district of Alabama, suggesting this state of facts, and he replied that the statute of limitation expired and the man was not subject to any prosecution by the Department of Justice.

Mr. KAHN. Well, the attorney for the northern district of Alabama was evidently laboring under a mistaken idea as to what the law was. The law really expired four years after the 18th of May, 1917, plus four months.

Mr. BANKHEAD. Let me get this distinction clear in my mind, if the chairman pleases. If this bill is passed as to the men who were notified to report for service, but never, as a matter of fact, did report and who never were inducted into the military service, pure draft evaders, does the War Department have anything to do in this bill with the prosecution of those men or will it be the Department of Justice?

Mr. KAHN. The civil authorities.

Mr. BANKHEAD. That is my understanding.

Mr. MANN. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. MANN. The bill reads "or in any proclamation of peace that may hereafter be issued by the President." What does that refer to?

Mr. KAHN. That refers to the proclamation that the President made on the 21st day of November announcing that the war with Germany had come to a conclusion by the action of the Congress declaring peace.

Mr. MANN. Oh, no. The language of the resolution that refers to any proclamation heretofore issued by the President refers to that proclamation. I do not know when this resolution was introduced in the Senate. Of course, the resolution, when it refers to any proclamation heretofore issued by the President, would refer to the proclamation of peace already issued by the President. Now, what is meant by "any proclamation of peace that may hereafter be issued by the President"? Are we not at peace with the world?

Mr. KAHN. Absolutely.

Mr. MANN. That is probably superfluous language, at least. As I understand, the statute of limitations under the existing law would prevent the prosecution after the 14th of this month. Suppose the 14th of this month expired without this act being passed. Could we then go back and make an offense punishable again—an act for which the statute of limitations had expired?

Mr. KAHN. I do not think so.

Mr. MANN. Well, can we extend, then, the time for prosecution if we pass it before the statute of limitations expires?

Mr. KAHN. Let me call the gentleman's attention to the letter of the Secretary of War. The resolutions were sent up on October 18, 1921, which was prior to the time the war was declared ended. So I assume the letter was sent to the chairman of the Senate Committee on Military Affairs and also to the House Committee on Military Affairs on about October 18, 1921.

Mr. MANN. That language in the bill which reads, "or any proclamation of peace that may hereafter be issued by the President," really ought to be left out, though I do not know as it makes any difference.

Mr. KAHN. Of course, I do not know that it is important. The Secretary of War sent me a letter to the effect that it was very essential that this bill be passed before the 14th of March, and referred to the bill as it had been sent to the Senate and also to the House.

Mr. MANN. I understand. I have read the letter of the Secretary of War, and while I am not prepared to express any opinion upon the subject, the Secretary of War evidently assumes that if the 14th of March came and the statute of limitations became effective, Congress could not thereafter provide for prosecution of the offense. Now, if that is the case, can Congress by the extension of the time, providing a statute of limitations runs, practically make an offense now which does not exist? At the time the offense was committed the law pro-

vided the statute of limitations would prevent prosecution for the offense after a certain time.

Mr. KAHN. Four months.

Mr. MANN. And we propose to extend that time three years, or nearly three years.

Mr. KAHN. Practically three years after the four months' period.

Mr. MANN. Of course, I understand there is quite a distinction between creating a crime *ex post facto*, which we can not do under the Constitution, and fixing a statutory limit for prosecution.

Mr. LONDON. Will the gentleman yield? It seems to me that the question here is whether the Judge Advocate General is correct in his view that the offense of the draft evader is a continuing offense. The Judge Advocate General takes the view that the statute of limitations in the case of a draft evader begins to run only after the proclamation of peace has been issued.

Mr. KAHN. Four months after.

Mr. LONDON. I think the Judge Advocate General is mistaken. I do not believe it is a continuing offense; that the date of the offense was the date when the man should have presented himself and failed to do so, which was three and one-half or four years ago, and that in all these cases the statute of limitations has already expired, and the practical question that now presents itself is the question presented by the distinguished gentleman from Illinois [Mr. MANN], whether we can after the statute of limitations has expired continue the statute of limitations.

Mr. MANN. Continue the crime.

Mr. LONDON. Continue the crime. I do not believe we can.

Mr. KAHN. The Judge Advocate General is of the opinion that the law runs for the full time.

Mr. LONDON. Meaning the offense is a continuing offense?

Mr. KAHN. Oh, no. I mean he has held all the time that the law was in effect and will be in effect until the conclusion of four months after the President made his proclamation of peace. Now, I assume that the law officer of the War Department looked into that question thoroughly. Because, after all, the Members of the House ought to follow the advice given by the gentlemen who are in charge of the various bureaus of the department.

Mr. MANN. Perhaps we ought to follow it, but we are not bound to do so.

Mr. KAHN. We probably ought to follow it.

Mr. BANKHEAD. Will the gentleman yield further for a question?

Mr. KAHN. Yes.

Mr. BANKHEAD. I would like to ask the gentleman if this question was submitted to the Attorney General of the United States for an opinion as to whether or not it made the crime retroactive?

Mr. KAHN. I do not know whether the Attorney General passed upon this or not.

Mr. BANKHEAD. Does not the chairman think that in view of the fact that he assumes the cases of draft evaders will have to be prosecuted in the civil courts, it is most important to have the opinion of the Attorney General, especially in view of the fact that the district attorneys in the several States think these are barred by the statute of limitations?

Mr. KAHN. After all, I have a great deal of confidence in the Judge Advocate General of the Army. I have generally found him thoroughly correct and up to date on these questions.

Mr. BANKHEAD. I am not impugning the ability of the Judge Advocate General, but, inasmuch as it is a matter for the civil courts, it seems to me the Attorney General should have been consulted for a legal opinion on that phase of the bill.

Mr. KAHN. As far as that is concerned, the gentleman assumes that the Judge Advocate General did consult with the Attorney General, but he has no knowledge on the subject.

However, I want to say frankly that the Committee on Military Affairs, even though we have no further jurisdiction over appropriations, has as many meetings or more meetings at the present time, trying to get back to the prewar basis, than it had heretofore; so that every member of that committee is working day and night. We do the best we can under the circumstances.

Mr. BANKHEAD. The gentleman must not think that I am reflecting on his committee in any degree.

Mr. KAHN. I understand that. The gentleman himself has been before the committee day after day in recent weeks, and has seen with what earnestness and with what patience the members of that committee have been working.

Mr. LONDON. They have had so much work to do that they have not been on guard against error.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. JOHNSON of South Dakota. I judge from what the gentleman from New York [Mr. LONDON] said that he is of the opinion that there should be considered no continuing offense on the part of a man who failed to respond to the draft; that in the case of a man ordered to report who did not report there should be no continuing order for him to report during the war. As a matter of fact, most authorities hold that there was a continuing order and that the man violated the order each and every day that he did not report. I will call the attention of the gentleman to the fact that practically this same matter has been before the legal department of the Government—the office of the Attorney General—in the legal prosecution of several men who took money from the Government in war contracts, and that this House has already passed one continuing statute of limitations. Those opinions, which I do not happen to have before me now, have been rendered by the Attorney General, and they would answer very quickly the questions brought up by men who apparently are opposing the prosecution of these draft evaders and these deserters.

Mr. KAHN. I do not impugn the attitude of any Member of the House in that connection. Of course Members have the right, if they desire to, to take exception to any bill. But I want to say to the gentleman from New York [Mr. LONDON] that if many of his constituents have evaded the draft and he feels that they are absolutely safe even if this bill is passed, the best thing he can do for them is to vote for it.

Mr. MANN. There is no statute of limitations in the fixing of the time of four months from the date of the commission of the crime, but the statute of limitations is the fixing of the time after the proclamation of the President, so that it would not make any difference when the offense was committed. The statute of limitations does not run out until a certain time after the proclamation of the President, and that time has not yet expired.

Mr. KAHN. Yes. That is the law.

Mr. JOHNSON of South Dakota. If I remember correctly, this four months provision was put into the law some years ago by an amendment offered by the gentleman from Indiana, Mr. Cullop, and because of that four months amendment, which was adopted at that time, it is now necessary to make this extension. Is that correct?

Mr. KAHN. That is quite right.

Mr. JOHNSON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. JOHNSON of Mississippi. Some months ago the House, at the instance of the distinguished chairman, passed a resolution to investigate the escape of Bergdoll.

Mr. KAHN. That is not up at the present time. It has been investigated, but the chairman of the Committee on Military Affairs is not a member of that subcommittee. He understands that it is on the House calendar.

Mr. JOHNSON of Mississippi. The reason I ask the gentleman is that he is familiar with military affairs, and the country at large is very much more interested in the arrest and trial and conviction of this millionaire deserter than it is in the cases of these poor devils.

Mr. KAHN. Yes. I want to say that the committee had a very full hearing. They made a report, but the report has not come up.

Mr. McARTHUR. Mr. Speaker, I think I can answer the gentleman's question on that point.

Mr. KAHN. But I can not yield further as to that.

Mr. CHINDBLOM. As I understand both the bill and the report, the statute of limitations do not apply to them. As long as they have military status they are subject to prosecution by court martial, and the purpose of the bill is to extend their military status, not for three years, but indefinitely.

Mr. KAHN. No. The law itself provides that the time is three years, but the gentleman is correct, so far as the drafted men are concerned. But there were quite a number of men who were in the Army who deserted. Now, they come under court-martial.

Mr. CHINDBLOM. I understand.

Mr. KAHN. The draft men who were never in the Army are called up in the civil courts.

Mr. CHINDBLOM. I understand that. To them the extension of the statute of limitations will apply. But I want to

call the attention of the gentleman to this language in the letter of the Secretary of War. He says:

As I have pointed out in previous communications on the subject, desertion in time of war is an offense for the prosecution of which there is no period of limitation. By continuing the military status of these men they remain triable by court-martial for the offense of desertion in accordance with the spirit of the Articles of War.

Apparently he is of the opinion—

Mr. KAHN. During the war—

Mr. CHINDBLOM. He says, "Desertion in time of war is an offense for the prosecution of which there is no period of limitation." Then he goes on to say—

By continuing the military status of these men they remain triable by court-martial for the offense of desertion in accordance with the spirit of the Articles of War.

Mr. KAHN. Yes.

Mr. CHINDBLOM. Now, I want to ask if they will be subject to the period of limitation of three years? I think not.

Mr. KAHN. I do not understand it so.

Mr. MANN. They do not have a military status, because when peace was proclaimed all those men were dismissed from the Army and Navy.

Mr. CHINDBLOM. No. The dismissal did not take effect until four months after the proclamation, so that they are still in the Army. They still have military status, and the purpose of this bill, if I understand it correctly, is to extend that military status.

Mr. LONGWORTH. So that they can be tried by court-martial?

Mr. KAHN. Yes. They must be tried by court-martial.

Mr. LONGWORTH. That is the purpose of this bill?

Mr. KAHN. Yes.

Mr. LONGWORTH. And they could not be tried after the 14th of March unless this bill were passed?

Mr. KAHN. That is absolutely the case.

Mr. SISSON. I should like to ask the gentleman from California if it is his intention to move the previous question before surrendering the floor?

Mr. KAHN. It is.

Mr. SISSON. Then will the gentleman yield me five minutes?

Mr. KAHN. I will yield the gentleman five minutes; yes.

Mr. SISSON. Mr. Speaker, I can not attempt the discussion of a legal question in five minutes, but I want to call the attention of the committee to the fact that in all liberty-loving countries so far as I know and in every State in the Union where the common law prevails prosecutions for all misdemeanors are barred by the statute after a certain limitation of time has run. It is not the policy of an English-speaking people to be cruel. Mr. Lincoln set a splendid example for the people after the Civil War, even before the hostilities had actually ceased. This example of charity and mercy was opposed by all who hate mankind, by every man of cruelty, and by all who sought to show their patriotism by cowardly insisting on keeping military laws alive after the war was over, especially by every cheap politician and every cowardly demagogue. He issued a proclamation which quieted the country and settled all cases of this kind. Now, unless the American people have changed wondrously I do not believe that three or four years after the war is over they desire to have military courts-martial being held throughout the country. Nobody justifies desertion or failing to respond to a draft law; but I do not indorse petit larceny, and neither do you, and yet in every State in the Union there is a statute, which provides that unless you prosecute for petit larceny within a certain number of years—in my State it is two years—the statute runs against the prosecution; and in all States of this Union the statute runs against prosecutions for crime, with the exception of felonies. Now, the war has been over for three years. In my judgment, nothing would be more unpopular than the extension of this limit of time for these prosecutions. Our people do not want drumhead courts sitting in time of peace. Of course, there are two classes of these cases. One class is reported to the civil authorities and the other tried in Army courts. But the bill is really after the draft evader and seeks to keep alive a statute which would expire on its face three years after the war is over. This war law ought to expire. It will cost millions of dollars to run down these men, and God knows taxes are high enough now; let us not add this additional burden.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. SISSON. Yes; just for a question.

Mr. STEVENSON. This question bothers me. Where an offense has been committed and we have provided a certain limit

of time within which the prosecution must be begun and that time has expired or is about to expire, can we extend the time for prosecution and avoid the ex post facto provision of the Constitution?

Mr. SISSON. The gentleman from Illinois [Mr. MANN] raised that question a moment ago. If I represented a deserter I would without hesitation sue out a writ of habeas corpus and have that question tested. I do not believe that you can add to a crime after the crime has been committed; and when the criminal statute provides that if a certain crime is committed the prosecution shall be made within three years, the courts have no jurisdiction after the expiration of that time, and it is doubtful if Congress can extend the time. When we had real lawyers in Congress and when we had real lawyers on the bench I doubt extremely whether a bill like this would have been tolerated for one moment, because you must give a person accused of crime the benefit of all the doubts, not only in reference to facts but you must construe the law favorably to him. The question raised by the gentleman from Illinois [Mr. MANN] and by the gentleman from South Carolina [Mr. STEVENSON] presents to my mind a further reason why we ought not to vote to continue this matter. I do not believe it would be wise to have the Government prosecuting men and having lawsuits about this matter long after the war is over. It is too much like a cruel military despotism to me.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. I gather that the gentleman questions the advisability of extending this statute of limitations. Is that correct?

Mr. SISSON. I do not want the statute of limitations extended. I do not want this bill to pass.

Mr. JOHNSON of South Dakota. Would not the gentleman say this Congress would be in a rather peculiar position if it should continue to refuse to give adjusted compensation to the men who volunteered and fought and on the other hand should proceed to exempt from punishment those who evaded the draft and those who deserted after they were taken under the draft?

Mr. SISSON. The gentleman has set up a man of straw and then proceeds to knock him down. Nobody says we want to change the law. I want the law to remain as it was when we passed it. There were a considerable number of young men who for various and sundry reasons, not sufficient in law, failed to respond to the draft; but I do not believe that we are now justified in cruelly exacting the pound of flesh nearest the heart. The war is over and the three years of limitation are about to expire, and, as Grant said on one occasion, "Let us have peace. We have had enough of bloodshed."

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. GREENE of Vermont. Which is the more cruel, to punish the man who runs away and leaves his comrades to fight alone on the battle field, or to hold him guilty of his offense three years or even 16 years afterwards?

Mr. SISSON. This act applies not alone to men who deserted. It applies also to the men who failed to respond to the draft.

Mr. GREENE of Vermont. That is just as bad, and in some respects worse.

Mr. SISSON. I do not think so. I do not think a man has ever become subject to a military trial unless he has taken the oath as a part of the Army. But in many of these cases these men never got notice of their draft because they failed to receive the notice mailed to them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KAHN. I yield to the gentleman from Mississippi one minute more.

Mr. SISSON. I feel that this Congress can afford at this time to say, "We will let the law remain as we passed it." There is no good and sufficient reason why these prosecutions have not been had within the time prescribed by statute. It is the fault of the officers of the law. It is the fault of Congress.

I can discuss but one other question in the time remaining. If this prosecution is vigorously carried on you will find that the expense is going to run into many hundreds of thousands of dollars and perhaps into millions of dollars. We shall have to appropriate the money to conduct the prosecutions of these men, because we are having to appropriate money now for the prosecution of arrested deserters. In other words, if we attempt to make a network covering the entire country in order to hunt down these men, you are going to have a vast army of detectives and spies in time of peace going all over the country necessitating vast expenditure. You will not popularize the

Army and military rule by, in the name of patriotism, extending this statute.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, I am not unmindful of the fact that perhaps there is some force in the contention of the gentleman that this bill if enacted into law may be overturned by the courts of our country. That is a possibility; but that is not the question with which we are confronted this morning. We are confronted with the proposition of extending the time in order to enable the Government to prosecute the men who deserted from the ranks of our Army, or the men who failed to respond to the draft; in other words, draft dodgers. So far as I am personally concerned, I am not in favor of taking a position that in my judgment would be an insult to every man who wore the uniform of our country during the last war—to say that the soldier who deserted and left his comrades on the firing line should now be excused because it is three years after the war, or to say that the young man who lived in the same community from which went many of his neighbors into the service and served faithfully their country—that the young men who slipped away and cowardly dodged, who declared that they would not in the hour of the country's emergency yield their services to the land that protects them shall escape prosecution. I want to call the attention of my good friends in the House to the fact that four and a half million young men of the country submitted themselves to military law and jurisdiction to defend our country in the war, and these young men rightfully are looking toward the Congress of the United States, and for one I am not ready to condone the offense of desertion and draft dodging, because it is an insult in the face of those four and a half million men who did their duty. [Applause.]

I want to call attention, my friends, to the fact that it is a serious matter, that it is something we can not pass lightly by. The argument of the gentleman from Mississippi that it will cost a few dollars to prosecute these men has no weight with me. Great God, have we become so poor that we can not spend the money necessary to uphold the honor and the dignity of the men who fought our battles? [Applause.] I hope this bill will pass, and if the courts of our country construe it to be unconstitutional, that we can not extend a limitation of this character, well and good, but let the Congress of the United States do its duty at this time. [Applause.]

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the beautiful and patriotic speech made by my colleague [Mr. MCKENZIE] from Illinois made me wonder why the committee of which he is a very distinguished member constantly engages in the practice of reporting to this House bills to remove the charge of desertion of men who deserted during the Civil War in order that they may be placed on the pension rolls of the United States. That practice, I suppose, in view of my friend's position, will be changed, and hereafter instead of removing the charge of desertion the committee will bring in a bill authorizing the prosecution of these deserters "at a time when our Nation needed their aid."

Mr. MCKENZIE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MCKENZIE. I merely wish to say that in the bills we have reported it was the judgment of the committee that it was necessary to correct a mistake, and I hope the Committee on Military Affairs will never deny a man justice when he has a just case.

Mr. MANN. Oh, I have read the reports on the bills, and there is no pretense in most of them that the man did not desert. They say he is old and needs the money, and because he served, because he was inducted into the Army and did desert, they give him a pensionable status. I am not complaining about it.

Mr. KAHN. Will the gentleman yield?

Mr. MANN. I yield to the gentleman.

Mr. KAHN. Does the gentleman realize that the Committee on Military Affairs in investigating these desertion cases takes into consideration the fact that in almost every one of them the man served at least three full years in the military service, and that when he did desert it was at the end of the war, and in most cases the evidence before the committee is that many officers connived at the desertion?

Mr. MANN. I do not realize that fact, because I do not think it is a fact. Now, I am not criticizing the committee for reporting in behalf of the men who did serve in the Army. But here is the situation: Congress passed a law after we had engaged in the war providing for the draft and providing that

the man who evaded the draft should be subject to prosecution after a certain time following peace. I have no sympathy with draft evaders or deserters. I wish they had been punished if the circumstances were such that they were really guilty. But really I question the desirability or the propriety because some man wants revenge—like my friend from South Dakota—I question the propriety after the war is over of extending the time for the prosecution of these men, when, if you leave the law as it was enacted at the time of the war, they would be exempt from prosecution. I feel much more bitter toward those men in a time of war than I do when peace comes.

I feel much more bitter toward my enemy when I am fighting him than I do after we have quieted down. But this bill proposes to say that the Congress of the United States adds bitterness, as time goes on, after the conclusion of peace.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. RAYBURN. What I am interested in is whether or not the gentleman thinks Congress has the power to pass this?

Mr. MANN. I do not know. I raised that question.

Mr. RAYBURN. I might vote for the bill if I thought I was not violating the law by doing it.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. KAHN. Mr. Speaker, I yield five minutes to my colleague on the committee, the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, I realize that in the discussion of a technical legal point a layman is at a disadvantage. I would suggest, however, from that layman's viewpoint this question for the consideration of my colleagues who are learned in the law, to see what their judgment may be about it, and I present it only in the form in which it suggests itself to the average man who does not know all of the quirks and quiddities of the law, who is not familiar with the judicial and bench decisions as to the technical construction and the shadows of meanings that may lurk in ambiguous phrases, but is interested in the plain, common sense of a proposition as understood in the English language by people who have to read it and live by it.

I do not understand that extending the time during which you can punish a man for an offense is in any sense adding to his crime. I do not understand that extending the time in which the machinery of justice may be authorized to operate has any effect whatever upon the degree of the original offense. If a man broke the law, he broke the law. The proposition as to the time within which he can be punished is in the interest of the Government and not in the interest of the man—

Mr. LONDON. Oh, yes.

Mr. GREENE of Vermont. I am talking from the popular viewpoint—else we are setting out to say that you can commit an offense, and if you can keep out of the way for a certain length of time it will be no offense.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. RAYBURN. Will we by this law be extending the statute of limitations, or enacting a new statute of limitations, or merely writing our interpretation upon the law?

Mr. GREENE of Vermont. The question as to those finer technical legal aspects I can not answer.

Mr. RAYBURN. Here is what I mean: Is a deserter a deserter for only a day at the time of actually quitting the Army, or is he a deserter for the duration of the emergency, or is a draft evader an evader for a day, or an evader for the period of the emergency, and when should the statute of limitations begin to run—from the time the emergency closes or from the time he actually deserts or evades the law?

Mr. GREENE of Vermont. It seems to me that the cases that are brought into apposition here by comparison—that is, the civil cases—have scant analogy. An offense that may be committed against people in peace times, when the law is normally enforced, and when there is no jurisdiction except the civil law, is one thing. It is to be presumed, I dare say, in the interest of Government that cases may not be allowed to continue and drag in the courts overlong, and that where the offense is less than a felony it is not worth the time of the Government to be chasing the four corners of the earth to search out some man who stole a chicken, so that after a certain length of time the authorities have a right to drop the case. It seems to me that is in the interest of public policy.

I never realized before, and if I am mistaken it is time to be corrected, that the law was made with the intention of benefiting the criminal. This question of making a comparison with civil offenses hardly holds, because the questions that are in-

volved in this are altogether ones relating to the safety and the security of the Nation itself—not its mere machinery of justice; not the ordinary rights involved in the relationship of man to man or man to things, but the right of the Nation itself to be preserved by its own people.

When somebody runs away from that duty or fails in obedience to a summons to perform that duty, he is not guilty merely for the time of the emergency. He is guilty for all the rest of the time that he lives. He is a man who would not join with his neighbors in defending their common hearthstone, and it does not seem to me that any question of technicality as to the machinery of his punishment, or as to the details of the length of time within which that machinery may be invoked, have any relation whatever to the enormity of his offense.

We are up against a question of public policy, not one of merely trying to refine a refinement or of making a shadow cast a shadow, in the meanings of words. The question is whether we shall declare, as the Congress of the United States, that when a man has deserted no amount of lapse of time afterwards, if he can keep safely in hiding, will permit him to evade the consequence of his act. We have to look to the future; we have something else to think of except the possibility of action on that particular man.

I do not think my friend from Illinois [Mr. MANN], always tactful as he is, really meant to base the prosecution of this act upon the mean spirit of revenge. Governments are not conducted for revenge, but Governments ought not to be above their own self-respect, and when their own people will not defend their own hearthstones it is time that somebody made some provision to make a warning of those men, so that in the future the hearthstone may be reasonably safe.

The SPEAKER pro tempore. The time of the gentleman from Vermont has expired.

Mr. KAHN. Mr. Speaker, I yield three minutes more to the gentleman.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. CONNALLY of Texas. Is not this what this bill seeks to do? As I understand the situation, it is not a question of limitation, because the Government can now prosecute these people for three years after the proclamation of peace, but it is the fear that after the 14th of March of this year they will cease to be soldiers, and therefore can not be tried by military courts.

Mr. GREENE of Vermont. Certainly.

Mr. CONNALLY of Texas. If they are at this present moment within the military service, and the Judge Advocate General holds they are, is it not perfectly competent for Congress under its power to draft soldiers to continue them in the service, just as they did during the war, just as the Confederate States and the Union during the Civil War drafted soldiers already in the service for a continued service?

Mr. GREENE of Vermont. I suppose that supreme and ultimate power might be invoked.

Mr. CONNALLY of Texas. Is not that what the law does? It will continue them as military offenders.

Mr. GREENE of Vermont. It does continue them as military offenders.

Mr. CONNALLY of Texas. It does not change the statute of limitations?

Mr. MANN. Oh, there are two parts of the bill.

Mr. CONNALLY of Texas. Does it extend the statute of limitations?

Mr. MANN. It extends it expressly.

Mr. CONNALLY of Texas. Not as to deserters.

Mr. MANN. Not as to deserters.

Mr. CONNALLY of Texas. I am speaking about deserters, because that is what we have been discussing here.

I am only discussing the question of deserters, and I thank the gentleman from Illinois because he has made a very clear and, as usual, able argument.

Mr. STEVENSON. The Supreme Court of the United States says that any law which changes the status of a defendant to his disadvantage after the offense is committed is *ex post facto*. As I understand it, this changes the status of a fellow to his disadvantage.

Mr. GREENE of Vermont. I am suggesting to you, gentlemen, as a matter of public policy, not of course as a lawyer, that there is some virtue in the suggestion that peace-time administration is one thing and the question of preserving the Government in its hour of stress is another.

Mr. RAYBURN. I want to ask the gentleman from South Carolina how?

Mr. STEVENSON. If it does not change it to its disadvantage, what advantage does the Government get in passing it? I understand gentlemen here to say that if it was not passed these folks would escape, and if you fix it so that he can not escape, to be sure you are changing it to the disadvantage of the man.

Mr. GREENE of Vermont. It is a change to hold them to the original punishment.

Mr. STEVENSON. Hold them to the original punishment which could not be applied now because of the lapse of time.

Mr. GREENE of Vermont. Would the gentleman contend that the philosophy of this statute of limitations runs directly, specifically, and intentionally in the interest of the respondent? It runs in the interest of the Government, does it not?

Mr. STEVENSON. The Government put the statute there—

Mr. GREENE of Vermont. For its convenience.

Mr. STEVENSON. For the purpose of ending the confusion that arose out of an offense which can be kept alive for all time.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. KAHN. I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

The SPEAKER pro tempore. The Chair will advise the gentleman from California that he has five minutes of his hour remaining.

Mr. KAHN. I will yield those five minutes to the gentleman from Alabama.

Mr. GARRETT of Texas. Unless some gentleman moves the previous question, there could be another hour. Do I understand the gentleman is going to yield five minutes to the gentleman from Alabama?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from California be extended 10 minutes.

Mr. RAYBURN. Does that mean at the end of that time he is going to move the previous question?

Mr. MANN. The minority ought not to ask the gentleman in charge of a bill to yield control over his bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the time of the gentleman from California be extended 10 minutes. Is there objection?

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I think we ought to have more time.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from California be extended 20 minutes.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the time of the gentleman from California be extended 20 minutes beyond the hour. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen, there are two entirely distinct and separate propositions involved in this legislation, and I think it rather important before we vote on it to have a clear understanding of what is involved. I want to say in the beginning it is not my purpose to advocate the extension of any clemency whatever to a deserter or a draft evader, but there is a legal proposition involved in this Senate joint resolution that it is rather important that the Members of the House should consider before passing upon the proposition, so that they may vote upon this bill with their eyes open. Now, there is no question in my mind in reference to that feature of the bill dealing with actual desertion from the military service that this legislation would be germane, but when it comes to the question of extending the time for the prosecution of offenses punishable only in the civil courts, as this report says these draft-evader cases must be, then it presents a rather serious proposition; for the effect of this legislation, if passed, would be to extend the time in which prosecutions in the civil courts could be extended beyond the period of the statute now existing. Under that statute a prosecution is limited to three years after the offense is committed.

Mr. RAYBURN. Will the gentleman yield?

Mr. BANKHEAD. If the gentleman will excuse me, I am afraid I will not have the time, but I will try to yield in just a moment. Under the decision of the Attorney General's office—and that is the forum that will have to prosecute these cases in the event this legislation should pass—the Attorney General's office has taken the position, and takes it now, that Congress has no authority to pass a law extending the time of the statute of limitations.

I had occasion to inquire into that matter last fall in my district, as I stated a few moments ago, where the district

attorney advised me in the case of a draft evader who wanted to surrender and take his punishment that he could not be held by the courts because the period of limitation had expired, and only a few moments ago, in order to ascertain the present judgment of the Attorney General's office, I called them up—although I do not like to appear in Congress here as quoting opinions received over the telephone, I think probably it is a bad practice—but I called up the Assistant Attorney General, Mr. Crim, who has charge of these cases, and he said to me that it would be absolute folly, a mere waste of time of the Congress and for the department to undertake to pass this bill extending this limitation in respect to draft evaders. Now, there is the judicial situation, gentlemen, with which we are confronted.

Mr. RAYBURN. I want to vote for this bill extending the time, if allowed to do so under the law. When does the gentleman think the crime of being a draft evader ends? Does he think it happens only once?

Mr. BANKHEAD. I doubt if a crime can be committed more than once.

Mr. RAYBURN. There is just this about it. A man is a deserter, he is not a deserter for a day, but he is a deserter for all time.

Mr. BANKHEAD. Let me ask my friend this question: Could not he be indicted by the Federal grand jury for not obeying the order of the draft board the day after he failed or refused to obey the order to report for duty?

Mr. RAYBURN. Or any other day.

Mr. BANKHEAD. That is not the construction that is put upon it by the Attorney General's office. That may be an open question, but I thought it important to call the attention of the committee to the attitude of the Department of Justice on that phase of this resolution.

Mr. OLIVER. Will the gentleman yield?

Mr. BANKHEAD. I yield to my friend from Alabama.

Mr. OLIVER. Is not the evader also a military offender? In other words, did not the draft law of its own force draw him into the military service on the happening of a condition, and does the gentleman understand that his reporting alone constituted a military status for him?

Mr. BANKHEAD. That was the construction placed upon it by the Judge Advocate General during the war.

Mr. OLIVER. But surely the draft law was a war measure passed during the war for the purpose of prosecuting the war, and it occurs to me that the draft evader is just as much an offender against the military law as the deserter after he comes in. If that be true, then they are exactly on the same status.

Mr. BANKHEAD. The Secretary of War in his report says that this reference to draft evaders is an offense of which the civil courts alone have jurisdiction and not the military courts. And it was evidently on that basis that the Department of Justice has taken the attitude they have assumed on this question.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. FIELDS] such time as he may desire.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 20 minutes.

Mr. FIELDS. Mr. Speaker, before the debate closes I want to reply briefly to the criticism of the Committee on Military Affairs by the gentleman from Illinois [Mr. MANN] for reporting out bills to remove the charge of desertion or to give pensionable status to former soldiers charged with desertion.

Mr. MANN. Will the gentleman permit me to say that I certainly made no criticism of the Committee on Military Affairs on that account?

Mr. FIELDS. Well, then, Mr. Speaker, in justice to the committee and in justice to the soldiers to whom the committee sought to extend relief by these bills, I desire to submit a few observations. I would infer from the remarks of the gentleman from Illinois that he places in one and the same class the draft dodger, who at no time rendered military service of any character, and a soldier who rendered possibly three, four, or five years' military service, and who for some reason, possibly beyond his control, was charged with desertion.

To my mind there is a wide difference between the two cases. I recall that the Committee on Military Affairs reported out a bill some years ago extending relief to a man who had enlisted in the Army from the State of Ohio. He served some seven months, during which he was in several engagements, and was captured at the Battle of Richmond by the Confederate forces. He was kept in prison for seven months. He broke guard and got away. His organization was then in Texas, as I now recall, or some point in the far South.

It was a physical impossibility for him to return to his organization, and he enlisted in the first military organization that he could reach and served to the end of the war. He was charged with desertion. These facts were brought before the Military Committee of the House. An investigation of the records disclosed that he had enlisted; that he did serve until captured; that he was captured and placed in prison; that he did break guard; and that he joined another regiment and served until the end of the war. Now, the Military Committee looked upon the service and character of that man entirely differently from what it would look upon the conduct of the man who evaded military service by refusing to respond to the call to report to the draft board and be inducted into the service.

Mr. GENSMAN. Will the gentleman yield?

Mr. FIELDS. Not just at this moment.

There is another very large class of cases, charges of desertion, that have been considered by the Committee on Military Affairs. At the close of the Civil War, when peace was declared, or when Lee surrendered, a military organization was stationed here at Washington. The personnel of that organization was made up largely of men from West Virginia, Kentucky, and farther down the Ohio Valley. The organization was ordered to report to New York for muster out. Their officers said to them, as was later testified to by the officers, "The war is over, boys. You have fought a good fight. You are anxious to get home. Just go home. It will be all right. Instead of going to New York to muster out, go back to your homes, most of which are west of here." And instead of going to New York to be mustered out they did return to their homes. They had rendered most splendid military service. The thought of desertion had never once entered their minds. Yet under those peculiar circumstances they were charged with desertion, and many of them stand charged as deserters to-day. Many of them went to their graves with that charge against them. Ah, Mr. Speaker, there is a vast difference between the status of those men and the draft dodgers to whom this bill applies. Yet every time the committee has brought a bill to the floor of this House attempting to extend relief to some man who served his country, and who served it well, but who is charged with desertion, though the circumstances under which he was charged were, as previously stated, possibly beyond his control, the committee has been criticized for favoring deserters and attempting to extend unmerited benefits to them. And I felt, in justice to the committee, that I should submit these observations, in view of the remarks that have been submitted by the gentleman from Illinois [Mr. MANN].

And I want to go a little further. There are many men—old men—in the United States to-day suffering under the stigma of the charge of desertion, who served their country during the war, and some of them for the entire period of the war, against whose names, by some technicality, the charge of desertion has been entered. To my mind the most cruel thing that can happen to a citizen after having served his Government faithfully and well is for that Government to refuse to be liberal in removing the charge of desertion, if the proof shows that he was not responsible for it, and place him and his posterity under the criticism of the community in which he lives that always attaches to the charge of desertion. To my mind it is the most cruel thing that the Government or any agent of the Government could do. I have no sympathy with the draft dodger. I would enact this bill so as to preclude any chance of any draft dodger getting out by reason of the limitation on the time within which the Military Establishment may prosecute him. But I look at him, as I have said, in a way entirely different from the way in which I look at the man who did serve his country, who was wounded in battle, as many of these men were, and who is charged with desertion because of circumstances absolutely beyond their control. They are not in the same class, and it is unfair for any man on the floor of this House or elsewhere to take any position that attempts to put them in the same class.

Now, with regard to this bill, the department has been waging a campaign of prosecution against draft evaders. They can not all be apprehended in a day. The prosecutions can not all be completed at once. The department may have devoted a great deal of time to running down the draft dodger who is in hiding and who is hoping that some advantage may accrue to him by the limitation of the statute under which he is being prosecuted, and possibly the department may almost have its hand upon him. Shall all that work be lost by allowing the limitation to stand, or shall we extend it so that the Government may have more time in which to prosecute the draft dodger?

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Let me finish this thought, and then I will.

Another thought: The question has been raised as to whether this Congress has the constitutional power to enact this law. Why, the Congress fixed the date when this present law should expire. Would any man contend that in fixing that date Congress could not have fixed the date proposed in this resolution instead of the date that it did fix as the date on which this statute shall expire? If Congress had that power when the original law was enacted, it certainly has the power now to amend the law by substituting a later date instead of the former one.

Mr. STEVENSON. Mr. Speaker, now will the gentleman yield?

Mr. FIELDS. I yield.

Mr. STEVENSON. Suppose the punishment for murder was imprisonment for life. The legislature has the right to fix that limit, has it not, and if a man has committed a homicide and the legislature increases the penalty to death, does the gentleman think the legislature has the power to do that?

Mr. FIELDS. This does not increase the punishment.

Mr. STEVENSON. No. It has the right to fix any limitation, but having fixed one, and the defendant having committed the offense under that limitation, can it now go and make another limitation to the disadvantage of the defendant? I hold that it can not.

Mr. FIELDS. It does not deprive the draft dodger of any right. It does not change the character of his offense or the punishment or penalty.

Mr. STEVENSON. The gentleman said a minute ago that the Government was about to get its hand on a man, and the time expired. The Government can indict without having arrested, and from the time the indictment is found the statute does not run, and therefore when the Government indicts, whether it has got him or not, it can get him, even 10 years from now.

Take the case of Breese against United States, in North Carolina, where the indictment was found 12 years before the man was put to trial and convicted and sentenced.

Mr. FIELDS. Well, Mr. Speaker, being a layman, I am not familiar with the technical terms to which the gentleman refers and am unable to discuss that feature of the matter as ably as he discusses it. But I can see in this resolution no change in the crime of the draft dodger, and no change in the punishment to be inflicted upon him. The same punishment would be inflicted by an extension that would be inflicted if he were tried to-day.

Mr. STEVENSON. Does not this resolution take away the advantage he would have?

Mr. FIELDS. It does not deprive him of any right. It may deprive him of an advantage that he is about to enjoy by reason of a limitation of the statute to which he is not entitled.

Mr. STEVENSON. And it does work to his disadvantage, because it takes an advantage away from him, and that is the Supreme Court's definition of an ex post facto law.

Mr. FIELDS. Aside from the hairsplitting distinctions which are injected into the discussion, I think, Mr. Speaker, that the draft dodgers ought to be prosecuted, and in order to prosecute them this limitation should be extended.

Mr. STEVENSON. I agree thoroughly with the gentleman on that.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. SANDERS of Indiana. I want to say to the gentleman from Kentucky that so far as the question of limitation is concerned the law is stated in Twelfth Corpus Juris, page 1103, as follows:

A statute which purports to authorize the prosecution, trial, and punishment of a person for an offense previously committed, and as to which all prosecution, trial, and punishment were at the time of the passage of such statute already barred, according to preexisting statutes, is ex post facto.

And, of course, would be unconstitutional. I read further:

But it has been said that, in any case where a right to acquittal has not been absolutely acquired by the completion of the period of limitation, that period is subject to enlargement or repeal without being obnoxious to the constitutional prohibition against ex post facto laws.

Mr. STEVENSON. What court is that?

Mr. SANDERS of Indiana. That cites no United States Supreme Court decision, but it cites Missouri, New Jersey, Texas, and Pennsylvania decisions.

Mr. STEVENSON. As I understand it, in many of these cases it has already expired.

Mr. SANDERS of Indiana. The point I was going to make, if the gentleman will permit me, is that under all the decisions I have been able to find the rule seems to be that if the statute of limitations has expired you can not resurrect the offense and extend it. If it has not expired, you may enlarge it without violating the ex post facto prohibition of the Constitution.

Mr. FIELDS. Yes. That answers the objections to the bill that I have heard raised on my side of the Chamber, and I hope that those who have felt impelled to vote against the resolution because of those objections may now vote for it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. JOHNSON of Mississippi. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Mississippi makes the point of order that there is no quorum present. Mr. FIELDS. I did not yield the floor to the gentleman. Can he take me off my feet?

The SPEAKER pro tempore. It is the gentleman's right to make the point of no quorum present.

Mr. CHINDBLOM. How much time has the gentleman left?

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. FIELDS] has three minutes remaining. Evidently there is no quorum present.

Mr. KAHN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Almon	Foster	Linthicum	Rose
Ansoerge	Free	Lyon	Rosendale
Appleby	Goodykoontz	McLaughlin, Nebr.	Ryan
Bell	Gorman	MacGregor	Sabath
Bond	Gould	Mansfield	Sanders, N. Y.
Brinson	Graham, Pa.	Martin	Siegel
Britten	Hardy, Tex.	Mead	Slomp
Brooks, Pa.	Hawley	Mills	Smith, Mich.
Burton	Hays	Mott	Snell
Campbell, Kans.	Hicks	Mudd	Snyder
Cantrill	Hogan	Nelson, J. M.	Speaks
Chandler, N. Y.	Hooker	O'Brien	Steenerson
Chandler, Okla.	Houghton	Ogden	Stiness
Clarke, N. Y.	Husted	Osborne	Strong, Pa.
Classon	Hutchinson	Paige	Sweet
Codd	Ireland	Parker, N. J.	Taylor, Ark.
Connell	Jeffers, Nebr.	Parker, N. Y.	Taylor, Colo.
Cramton	Jeffers, Ala.	Parrish	Ten Eyck
Crowther	Johnson, Wash.	Patterson, N. J.	Tincher
Dempsey	Kelley, Mich.	Perlman	Vare
Draue	Ketcham	Petersen	Volgt
Drewry	Kiess	Porter	Ward, N. Y.
Dunn	Kitchin	Rainey, Ala.	Ward, N. C.
Dupré	Kline, N. Y.	Rainey, Ill.	Wilson
Echols	Kreider	Reavis	Winslow
Ellis	Langley	Reed, N. Y.	Wise
Fairchild	Lankford	Riddick	Wood, Ind.
Faust	Larson, Minn.	Riordan	Yates
Favrot	Lazaro	Robertson	
Fenn	Lee, Calif.	Rodenberg	
Fish	Lee, N. Y.	Rogers	

The SPEAKER pro tempore. On this call 309 Members have answered to their names. A quorum is present.

Mr. KAHN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. FIELDS] has three minutes remaining.

Mr. FIELDS. Mr. Speaker, when interrupted by the point of no quorum I was just about to say that the soldiers who rendered service in the World War feel that those who refused to render service, who refused to comply with the draft law, should be called to account before the law for their actions. Not only do the soldiers feel that way but their people feel that way, and every citizen of the country not directly in sympathy with the draft evaders feels that draft evaders should be punished for their failure to serve. It is further to enable the department to carry on its campaign of prosecution against draft evaders that the enactment of this joint resolution is sought, and I trust that it may pass. It should pass unanimously. Every Member of the House should vote for it, because I feel—I know—that there is no Member of the House who is in sympathy with the men who failed to respond to their country's call in the hour of need, and who are now, many of them, in hiding, some under assumed names, hoping that they may be able to continue in hiding until the limitation runs, when they may gain some advantage.

Mr. Speaker, I yield the floor.

The SPEAKER pro tempore. The gentleman yields back one minute.

Mr. KAHN. Mr. Speaker, I move the previous question on the passage of the joint resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The joint resolution was ordered to a third reading, and was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

Mr. SISSON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Mississippi demands the yeas and nays. All those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Thirteen Members, not a sufficient number.

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KAHN. I make the point of order that that is dilatory, because we have just had a roll call which disclosed the presence of a quorum.

The SPEAKER pro tempore. The Chair will state that we have voted on ordering the previous question and also upon the third reading since the quorum appeared, and the Chair thinks that the point of order is properly made. The Chair will count to ascertain if a quorum is present. [After counting.] Two hundred and two Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees. Those in favor of the passage of the joint resolution will, as their names are called, vote "yea," those opposed, "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 264, nays 20, answered "present" 5, not voting 140, as follows:

YEAS—264.

Ackerman	Dowell	Kissel	Ricketts
Almon	Driver	Klecza	Roach
Andrews, Nebr.	Dunbar	Kline, Pa.	Robison
Anthony	Edmonds	Knutson	Rosenbleom
Arentz	Elliott	Kopp	Rouse
Aswell	Evans	Kraus	Rucker
Atkeson	Fairfield.	Kreider	Sanders, Ind.
Bacharach	Eess	Kunz	Sanders, Tex.
Bankhead	Fields	Lampert	Sandlin
Barbour	Fisher	Lanham	Scott, Mich.
Beck	Fitzgerald	Layton	Scott, Tenn.
Beedy	Focht	Leatherwood	Shaw
Begg	Fordney	Lee, Ga.	Shelfton
Benham	Foster	Lehlbach	Sinclair
Bird	Freeman	Lineberger	Sinnott
Bixler	French	Luce	Smith, Idaho
Black	Frothingham	Luhning	Smith, Mich.
Blakeney	Fuller	McArthur	Stafford
Bland, Va.	Fulmer	McClintic	Stedman
Blanton	Funk	McDuffie	Stephens
Boies	Gahn	McFadden	Stevenson
Bowers	Gallivan	McKenzie	Stoll
Bowling	Garner	McLaughlin, Mich.	Strong, Kans.
Box	Garrett, Tenn.	McLaughlin, Pa.	Sullivan
Brand	Garrett, Tex.	McPherson	Summers, Wash.
Briggs	Gensman	McSwain	Summers, Tex.
Brooks, Ill.	Gerner	Maloney	Swank
Buchanan	Gilbert	Mapes	Swing
Bulwinkle	Glynn	Mead	Tague
Burdick	Goldsborough	Michener	Taylor, N. J.
Burke	Goodykoontz	Miller	Taylor, Tenn.
Burroughs	Graham, Ill.	Millsbaugh	Temple
Burness	Green, Iowa	Mondell	Thomas
Butler	Greene, Mass.	Montague	Thompson
Byrnes, S. C.	Greene, Vt.	Montoya	Tillman
Byrns, Tenn.	Griffin	Moore, Ill.	Tilson
Cable	Hadley	Moore, Ohio	Timberlake
Campbell, Pa.	Hardy, Colo.	Moore, Va.	Tinkham
Carew	Hardy, Tex.	Moores, Ind.	Towner
Carter	Harrison	Morgan	Treadway
Chalmers	Haugen	Morin	Tyson
Chindblom	Hayden	Murphy	Underhill
Christopherson	Hersey	Newton, Minn.	Upshaw
Clague	Hill	Newton, Mo.	Valle
Clouse	Himes	Nolan	Vestal
Cole, Iowa	Hoch	Norton	Vinson
Cole, Ohio	Hudspeth	O'Connor	Voigt
Collier	Hull	Oldfield	Walters
Colton	Husted	Oliver	Wason
Connally, Tex.	Jacoway	Olp	Watson
Connolly, Pa.	James	Overstreet	Weaver
Cooper, Ohio	Johnson, Ky.	Padgett	Webster
Copley	Johnson, S. Dak.	Paige	Wheeler
Coughlin	Jones, Pa.	Perkins	White, Kans.
Crago	Jones, Tex.	Pon	White, Me.
Crisp	Kahn	Pringley	Williams
Cullen	Kearns	Purcell	Williamson
Curry	Keller	Quin	Wingo
Dale	Kelly, Pa.	Radeliffe	Winslow
Dallinger	Kendall	Raker	Woods, Va.
Darrow	Kennedy	Ramseyer	Woodyard
Davis, Minn.	Ketcham	Ransley	Wright
Davis, Tenn.	Kincheloe	Rayburn	Wurzback
Deal	Kindred	Reece	Wyant
Denison	King	Reed, W. Va.	Young
Dickinson	Kirkpatrick	Rhodes	Zihman

NAYS—20.

Collins	Larsen, Ga.	Mann	Sears
Dominek	Little	Michaelson	Sisson
Doughton	Logan	Parks, Ark.	Steagall
Hammer	London	Rankin	Volk
Huddleston	Lowrey	Schall	Volstead

ANSWERED "PRESENT"—5.

Clark, Fla.	Cooper, Wis.	Herrick	Humphreys
Cockran			

NOT VOTING—140.

Anderson	Faust	Lazaro	Reed, N. Y.
Andrew, Mass.	Favrot	Lea, Calif.	Riddick
Angorge	Fenn	Lee, N. Y.	Riordan
Appleby	Fish	Linthicum	Robertson
Barkley	Frear	Longworth	Rodenberg
Bell	Free	Lyon	Rogers
Bland, Ind.	Gorman	McCormick	Rose
Bond	Gould	McLaughlin, Nebr.	Rossdale
Brennan	Graham, Pa.	MacGregor	Ryan
Brinson	Griest	Madden	Sabath
Britten	Hawes	Magee	Sanders, N. Y.
Brooks, Pa.	Hawley	Mansfield	Shreve
Brown, Tenn.	Hays	Martin	Siegel
Browne, Wis.	Hickey	Merritt	Slemp
Burton	Hicks	Mills	Smithwick
Campbell, Kans.	Hogan	Mott	Snell
Cannon	Hooker	Mudd	Snyder
Cantrill	Houghton	Nelson, A. P.	Speaks
Chandler, N. Y.	Hukriede	Nelson, J. M.	Sproul
Chandler, Okla.	Hutchinson	O'Brien	Steenerson
Clarke, N. Y.	Ireland	Ogden	Stiness
Classon	Jeffers, Nebr.	Osborne	Strong, Pa.
Codd	Jeffers, Ala.	Park, Ga.	Sweet
Connell	Johnson, Miss.	Parker, N. J.	Taylor, Ark.
Cramton	Johnson, Wash.	Parker, N. Y.	Taylor, Colo.
Crowther	Kelley, Mich.	Parrish	Ten Eyck
Dempsey	Kiess	Patterson, Mo.	Tincher
Drane	Kinkaid	Patterson, N. J.	Vare
Drewry	Kitchin	Pearlman	Ward, N. Y.
Dunn	Kline, N. Y.	Petersen	Ward, N. C.
Dupré	Knight	Porter	Wilson
Dyer	Langley	Rainey, Ala.	Wise
Echols	Lankford	Rainey, Ill.	Wood, Ind.
Ellis	Larson, Minn.	Reavis	Woodruff
Fairchild	Lawrence	Reber	Yates

So the resolution was agreed to.

The following pairs were announced:

Mr. ELLIS with Mr. HUMPHREYS.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. FAUST with Mr. O'BRIEN.

Mr. GORMAN with Mr. SMITHWICK.

Mr. CHANDLER of Oklahoma with Mr. WILSON.

Mr. BRENNAN with Mr. BELL.

Mr. PATTERSON of Missouri with Mr. FAVROT.

Mr. REBER with Mr. LEA of California.

Mr. KIESS with Mr. MARTIN.

Mr. MAGEE with Mr. RIORDAN.

Mr. OSBORNE with Mr. KITCHIN.

Mr. GRIEST with Mr. DRANE.

Mr. IRELAND with Mr. BARKLEY.

Mr. DUNN with Mr. TEN EYCK.

Mr. CAMERON with Mr. RAINEY of Illinois.

Mr. FREE with Mr. CANTRILL.

Mr. A. P. NELSON with Mr. HOOKER.

Mr. REED of New York with Mr. LAZARO.

Mr. HUKRIEDE with Mr. PARRISH.

Mr. SNELL with Mr. JEFFERS of Alabama.

Mr. BLAND of Indiana with Mr. HAWES.

Mr. HOGAN with Mr. DUPRÉ.

Mr. CONNELL with Mr. WISE.

Mr. SHREVE with Mr. TAYLOR of Arkansas.

Mr. SPEAKS with Mr. DREWRY.

Mr. GRAHAM of Pennsylvania with Mr. BRINSON.

Mr. HUTCHINSON with Mr. TAYLOR of Colorado.

Mr. PATTERSON of New Jersey with Mr. SABATH.

Mr. PORTER with Mr. RAINEY of Alabama.

Miss ROBERTSON with Mr. LANKFORD.

Mr. LAWRENCE with Mr. LINTHICUM.

Mr. VARE with Mr. PARK of Georgia.

Mr. WOODRUFF with Mr. WARD of North Carolina.

Mr. CODD with Mr. LYON.

Mr. APPLEBY with Mr. MANSFIELD.

Mr. MUDD with Mr. JOHNSON of Mississippi.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments disagreed to by the House of Representatives to the bill (H. R. 9981) making appropriations for the Executive and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, had agreed to the conference asked for by the House, and had appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS as conferees on the part of the Senate.

PURCHASE OF LAND FOR CEMETERIES IN EUROPE.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House joint resolution 263, au-

thorizing the purchase of land for cemeteries for American military dead in Europe, and the improvement thereof.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MCARTHUR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the joint resolution which the Clerk will report.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to expend not to exceed \$856,680 of the appropriation, "Disposition of remains of officers, soldiers, and civilian employees," in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, approved March 4, 1921, for purchase of such real estate as is necessary to establish suitable burial places in Europe for American military dead, and for suitable and necessary improvements thereon, of which not to exceed \$111,000 may be applied to the purchase of land as follows: Aisne-Marne, \$20,000; Suresnes, \$9,000; Somme, \$11,000; Brookwood, \$31,000; St. Mihiel, \$15,000; Oise-Aisne, \$20,000; Flanders Field, \$5,000; total, \$111,000.

Mr. KAHN. Mr. Chairman, this resolution makes no new appropriation, but it allows a part of the money which was appropriated in the last bill to be used for the purchase of land which is now used as a cemetery in France. After the war the United States began to send back to this country the remains of many of the soldiers, sailors, and marines who lost their lives abroad. There are now 32,000 Americans that remain on French, Belgian, and English soil. It is thought that they will be allowed to sleep their last sleep in those countries. The War Department believes that after the great struggle which we went through the American people would like to see this Government get possession of the areas in France near the big battle fields where these men are buried and take proper care of those cemeteries; so that when any American who feels inclined to visit the Republic of France will be able to go to these places where our soldiers lie at rest and feel that his fellow countrymen are being cared for by the country that they served so well and so faithfully.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. KAHN. I will.

Mr. SMITH of Michigan. I notice on page 2 that \$111,000 is set apart for the purchase of land; I presume near these battle fields. Has any investigation been made as to whether the lands can be purchased for this amount?

Mr. KAHN. I understand that these lands can be purchased for the amount set forth in the resolution.

Mr. SMITH of Michigan. That has been arranged for.

Mr. KAHN. Yes.

Mr. SMITH of Michigan. And the balance of the appropriation is to be used to fit up the grounds.

Mr. KAHN. Oh, most of the balance of the appropriation is to be expended in this country.

Mr. MANN. Mr. Chairman, if I may have the attention of the gentleman from California, I do not remember the amount of the appropriation in the sundry civil act, but this resolution authorizes \$111,000 out of the appropriation already made for the purchase of land and \$745,000 for the improvement in Europe of these cemeteries.

Just what the improvement is to be I do not know, but I suppose that includes inclosing the grounds, headstones, and various things of that sort.

Mr. KAHN. I have been at several of these cemeteries in Europe, the one at Suresnes, which is mentioned in the resolution here. It is just outside of the city of Paris. I think they have something like 3,000 graves there now. They are beautifully looked after. Various families among the people of France agreed among themselves to adopt for each family one grave to look after so long as there is anybody belonging to that family on earth. It is a beautiful thing to do. It is a remarkable sight to see dozens of families represented on those grounds by the children who were planting flowers on the grave of which their parents had become guardian. At one place in the north, Romagne, there were 27,000 graves dug at one time, but of course many of the bodies have been brought back to this country.

Mr. VESTAL. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. VESTAL. Can the gentleman give us any information as to whether we propose to keep and improve all of the cemeteries that we have in France, or are they to be combined into one or more large cemeteries? At Romagne, for instance, the cemetery is quite large.

Mr. KAHN. Twenty-seven thousand Americans were buried there.

Mr. VESTAL. While at Theicourt, the cemetery is very small. I am wondering whether those cemeteries are going to be combined into one cemetery in France.

Mr. KAHN. Of course, they will have to have more than one. The bill contemplates more than one, but they expect to have a good-sized cemetery at some point near where the battle was fought, and the bodies will be brought into those large cemeteries from the smaller ones in the neighborhood.

Mr. VESTAL. At Romagne we have a force of Americans who are keeping the cemetery in fine condition.

Mr. KAHN. Twenty-seven thousand were buried at Romagne at one time, but now all of the Americans who are buried over there number only 32,000, so that Romagne has been probably cut down to about 9,000 or 10,000 graves.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. TOWNER. I notice that in the appropriation originally made, it was not to exceed \$856,680 for, as was stated, the disposition of remains of officers, soldiers, and civilian employees. I presume a question might be raised as to whether that would include the purchase of real estate, and for that reason this act provides that it shall be so included. Then, beside that amount, \$111,000 is appropriated by specific amounts for certain named cemeteries.

Mr. KAHN. Yes.

Mr. TOWNER. With regard to the consolidation, I presume it would be impracticable to make a consolidation all in one or two cemeteries.

Mr. KAHN. It would be impracticable.

Mr. TOWNER. And for that reason these cemeteries are particularly named?

Mr. KAHN. Yes.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WILLIAMSON. My understanding is that the total appropriation in the beginning was \$856,680.

Mr. MANN. It was \$1,000,000.

Mr. WILLIAMSON. And that out of this appropriation have been used funds already to bring the bodies back from France, and the balance is to be used for the purpose of purchasing grounds and improving property over there.

Mr. KAHN. The gentleman from Illinois [Mr. MANN] who has looked at the law, finds that in the original bill \$1,000,000 was appropriated, of which \$856,000 is available for taking care of the bodies of certain officers and soldiers and civilian employees. Of that amount it was deemed advisable to segregate \$111,000 and use that for the purchase of the cemeteries, where these men are buried.

Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, soon after the war closed I introduced a measure looking to the creation of what was to be called the field of honor in Europe, thinking that it might be possible to collect all the bodies of our soldier dead and bring them into one field for rest. It was the idea to have it so arranged that some beautiful section of France might be chosen as a spot for that purpose. I was told that it would not be difficult to have such a concession of land made by the French Government, and I introduced that measure. The plan was to have an incorporation to establish a fund of not less than \$15,000,000, not to come out of the Treasury of the United States unless the Government so desired, and then have the grounds so arranged that the place of the burial of each soldier would be marked on a chart, which was to find a permanent place in some chapel to be erected out of the fund, so that when any American should go to France and go to this place he could go to the record and find where each boy was buried and what his service was, when and where he enlisted, the full record so far as his service was concerned and where he died.

The suggestion was very warmly accepted at first on the basis that if it were feasible it should be done, but some confusion about whether the Government should allow any association to contribute money for this purpose arose and it finally was dismissed and nothing further has been done. Probably it would not be feasible, but it seems to me that if we could have erected some sort of a field of honor of that kind somewhere in the most beautiful section of France, it would have been a very commendable tribute to our soldier dead and would be very far-reaching in its significance in respect to our thought about their sleeping in a foreign land. I presume there is no possibility of this at this stage. I gave up the effort some time ago, since my suggestion never got further than an interesting proposal.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, we have several times appropriated money designed to be expended in bringing the bodies of the soldier dead home from France. In 1921 we made an appropriation of \$1,000,000 for "the disposition of the remains of officers, soldiers, and civilian employees." It covered quite a number of items. The purpose of this resolution is to permit the use of \$111,000 of that million-dollar appropriation in the purchase of the land in seven cemeteries where the bodies of our soldier dead lie in France.

As I understand, the resolution also provides for the expenditure of a large sum of money out of the original appropriation for the purpose of improving these cemeteries. I am one of those who thought that while the parents of a deceased soldier who desired the body brought home should have that desire effectuated; but, after all, the most beautiful thing to do was to bury the bodies of the boys over there where they died and then forever keep that resting place in the most beautiful form which nature can give. There they passed away. We preserve some beautiful cemeteries in the United States where our soldiers fought and died in the past, and I think—at least it appeals to my heart—we ought to give these soldiers who died over there and their friends over here this resting place to be taken care of by a loving country forever in memory of their deeds and their loss, so that the people here may know that over there they are no more forgotten than they are forgotten here at home. [Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Chairman, I rise in opposition to the joint resolution before the committee. I think the committee ought to know some of the phases of the proposition that has been submitted that were brought to the attention of the Committee on Appropriations recently. This proposition was discussed both in the regular bill for the support of the Army and also was asked to be included as an item of the deficiency bill. One of the arguments which influenced the subcommittee in not including it in the deficiency bill was that the program contemplated by the War Department involves a total expenditure, of which this is a beginning, of several million dollars. It also involves what the committee thought would be more of a desecration of the graves of the American soldiers in France than anything else in that the men who are in most of the cemeteries in France to-day are buried in rows about 3 feet apart. We were advised by the War Department they thought 6 feet was a proper width between those graves, and they told us that with this money they proposed to disinter a majority of the bodies there and reinter them according to those specifications. Our committee thought the men should be permitted to rest still where they are in peace for a while at least.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. ANTHONY. I will.

Mr. McKENZIE. Are we to understand they are to use part of the \$110,000, or would they ask for other appropriations later?

Mr. ANTHONY. Our understanding is that they will ultimately ask for several million dollars, and in my opinion it will run to eight or ten million dollars, of which this is a beginning.

Mr. McKENZIE. That would be another feature but not connected with the appropriation for the purchase of land?

Mr. ANTHONY. No. There is only \$111,000 included for the purchase of land. To complete the plan and program, however, involves an immense expenditure of money, and we felt we would like to have a more complete and more ample program before us before we allowed close to a million dollars to start that work.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. FAIRFIELD. Is the land on which they are buried now the property of the United States Government?

Mr. ANTHONY. I do not know as to that. I am informed it is not. I understand the French Government has at all times stated that it is willing to give title or give the right to this Government to use the land for all time.

Mr. FAIRFIELD. That is without compensation?

Mr. ANTHONY. Without compensation.

Mr. FAIRFIELD. Then there is no real need of purchasing the land at this time?

Mr. ANTHONY. Yes; in order to round out certain tracts. They desire to purchase additional tracts. But I understand the French Government has given guaranties that it will provide adequate land for that purpose. That is our information.

Mr. FAIRFIELD. The gentleman's judgment is these additional tracts called for in this bill ought to be purchased at this time?

Mr. ANTHONY. I think at some time they should be purchased when we can agree on what is a proper program over there. Just at present we do not have detailed information and we do not have a comprehensive plan on which we could proceed, and it is going to cost a great many million dollars before they get through with it.

Mr. FAIRFIELD. In other words, we are voting just a little blindly at this time?

Mr. ANTHONY. In my opinion we are voting a little blindly now if we vote \$800,000 without knowing what the ultimate cost will be.

Mr. KAHN. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. KAHN. You have already voted the \$800,000; that is in the bill; but this \$111,000 that this bill contains takes in the matter of the purchase of the land only.

Mr. ANTHONY. I will say we found there was over \$5,000,000 yet unexpended and available of funds previously appropriated, which can, in my opinion, be used for this purpose; and it is our intention to put that money back into the Treasury until Congress has a chance to act definitely on a definite program. That money is now available for expenditure.

Mr. TOWNER. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. TOWNER. This bill provides only for the purchase of real estate, at least it makes no provision for anything else. There is nothing else, as I understand it. I would like to have the gentleman from Illinois call attention to it if it is not correct—

Mr. MANN. This bill authorizes \$111,000 for the purchase of real estate, and it authorizes the Secretary of War to expend \$856,680 for the purchase of real estate and for suitable and necessary improvements thereon. So we appropriate or authorize the use of \$111,000 for the purchase of the real estate and \$745,000 for the improvement of that real estate.

Mr. TOWNER. It includes here the purchase of real estate, as the gentleman will see on line 9, as well as the particular purchase of real estate as thereafter mentioned.

Mr. MANN. But that purchase is limited.

Mr. TOWNER. The last purchase is limited to the purchase of real estate.

Mr. MANN. The purchase as mentioned on line 9 is limited by the language commencing on line 1, page 2, which says:

Of which not to exceed \$111,000 may be used for the purchase of land, as follows.

That is the way I read it.

Mr. TOWNER. That is exactly my idea about it also. I have no doubt but the gentleman from Illinois is correct. But a part of this purchase money, of \$856,680, may be used for the purchase of real estate, besides the \$111,000 particularly mentioned, as I understand it.

Mr. MANN. The gentleman may be correct, though that is not my construction of it.

Mr. TOWNER. It states specifically here that it is for the purchase of such real estate as is necessary, and besides it is specifically mentioned that \$111,000 is to be used for the purchase of land, as follows, and particularly mentioning it in the item.

Mr. FAIRFIELD and Mr. KREIDER rose.

Mr. KAHN. I first yield to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Unless this bill passes, as I understand it, the appropriation which has been made is not available for this purpose.

Mr. KAHN. It is my understanding that it is not available for this purpose.

Mr. KREIDER. I would like to ask the gentleman, the chairman of the committee, whether all the soldiers that are buried in France and in Belgium are now buried at these five points enumerated in this bill?

Mr. KAHN. No; but they propose to bury them there if this bill goes through.

Mr. KREIDER. The gentleman knows, and so do I, as we were both over there at the same time, that they were buried in certain cemeteries. Does this bill cover those cemeteries?

Mr. KAHN. Not all of them. This is what happened: The department began to bring back to this country men who died and were buried in France. They have brought back a good many former soldiers, sailors, and marines. But there are still in France and in Belgium and in England 32,000 American dead.

Mr. KREIDER. Not now interred in these cemeteries?

Mr. KAHN. No. Some are interred in smaller cemeteries and some in larger. For instance, when I saw the gentleman over in France I think I went beyond the Hindenburg line. I saw the Chinese digging 27,000 graves; that many of our men were to be buried in that one cemetery alone. But subsequently, when the parents began to request that their loved ones be sent back to this country wherever they could be located, wherever the remains could be found, they were promptly sent back to this country. Now, we lost in war alone over there over 50,000 soldiers—50,350, I think. Those remains are buried near where they fell, sometimes in single graves, sometimes, as around Belleau Woods, a hundred in one little space.

Mr. KREIDER. Will the gentleman yield for another question?

Mr. KAHN. Yes.

Mr. KREIDER. Heretofore, as I understand it, it has been the privilege of the relatives or parents of those on the other side to have the bodies brought back?

Mr. KAHN. Yes.

Mr. KREIDER. If I read this bill correctly and I have the thought right, the bill that was first passed appropriated \$1,000,000 for this purpose?

Mr. KAHN. Yes.

Mr. KREIDER. Of which apparently about \$143,000 has been used. Now, then, we are specifying for what purpose this money may be used?

Mr. KAHN. Yes.

Mr. KREIDER. Under the terms of this bill we provide that \$111,000 may be used for the purchase of the real estate, and the difference between \$111,000 and \$856,680 can, under the terms of this bill, be used for suitable and necessary improvements thereon?

Mr. KAHN. That is it.

Mr. KREIDER. What I want to know is whether if the parents of these soldiers desire to have the bodies of their dead brought to this country—which I do not especially approve of, but yet I am willing to do whatever the parents of these soldier boys want done—I want to know if there are any funds available in order that they may continue to be brought back to this country at the expense of the Government?

Mr. KAHN. I think that the War Department has gone almost to the very bottom of those things. They announced very publicly, and it was known very generally in this country, that if anyone wanted the remains of the soldiers brought back to this country, by applying to the War Department the remains would be brought back.

Mr. KREIDER. I think that is true.

Mr. KAHN. But all of that has ceased now. They are not asking at this time that these boys be sent back here, and therefore the War Department has felt that this Government ought to have special burial places over there, so that any American visitors going over there can visit these cemeteries.

Mr. KREIDER. But you are not answering my question.

Mr. KAHN. What is your question?

Mr. KREIDER. My question is, if now, whether the War Department wants to or not and thinks the time has come when they should not be brought back, the parents of a boy think the time has come when he ought to be brought back, whether the War Department has the funds to do it and whether they will do it?

Mr. KAHN. I think they have the funds under this language:

Disposition of remains of officers, soldiers, and civilian employees.

Mr. KREIDER. I understand that, but if the War Department has expressed an opinion—

Mr. KAHN. They have not expressed any opinion, and that language at the head of a section in the original bill, in the appropriation bill, would take care of men that the gentlemen refers to.

Mr. KREIDER. But not after the passage of this bill.

Mr. KAHN. As long as that kind of language remains in an appropriation bill the money will be there to bring them back.

Mr. FESS. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. FESS. This \$856,680 is only a portion of the appropriation?

Mr. KAHN. Yes.

Mr. KREIDER. I beg your pardon. It was \$1,000,000 appropriated and \$145,000 has been spent. This is what is left out of the \$1,000,000?

Mr. KAHN. The gentleman is right about that.

Mr. KREIDER. And when you appropriate all that is left for the purchase of ground and the improvement thereof you

are liable to use every dollar of it. The only question I am interested in—and I want it to be clearly understood—is that the parent of the boy who has died in France and who desires the body to be brought back can be gratified by having the remains of his boy brought back.

Mr. KAHN. I think he can be brought back.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. KETCHAM. In line 12 of the resolution I notice this language:

Of which not to exceed \$111,000 may be applied to the purchase of land.

Mr. KAHN. Yes—

to the purchase of land as follows.

Then the places and amounts are given.

Mr. KETCHAM. In the letter of the Secretary of War I notice the same identical language. Is the chairman able to advise us as to whether or not the \$111,000 is to cover the entire purchase price, or whether that language can be so construed as to convey the idea that this is but a partial payment?

Mr. KAHN. No. I believe that it is in full payment for the rights of America to these various tracts of land.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Connecticut?

Mr. KAHN. I was going to make a little statement. Then I will yield.

Mr. TILSON. Let the gentleman make his statement first, and then I will follow.

Mr. KAHN. I was in France at the time our cemeteries were established there. They were very large tracts of land, most of them. We had thousands of former soldiers and ex-soldiers buried there. I saw in Romagne alone 27,000 buried; in Surmes there were 3,000 buried. In Thiencourt there were 6,000 buried, and in various other places throughout France large cemeteries have been established.

Now, when the War Department began to bring home the remains of these boys there were large numbers brought out of the cemeteries, which left big void spaces in many of them. For instance, the Romagne, which had 27,000 dead at one time, has been cut down, so that there are only about 9,000 there now, all told.

Now, the purpose of this law is to get absolute title to some of those places where the Americans are buried, and later on, of course, they will be beautified and the people of this country will be given every opportunity to visit these places and visit the graves of those in whom they are interested.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield further?

Mr. KAHN. Yes.

Mr. KETCHAM. In view of the gentleman's explanation, would he be willing to make this change in the language: "not to exceed \$111,000 may be used for the purchase of land" instead of "applied to"?

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman permit me there to offer a suggestion?

Mr. KAHN. Yes.

Mr. GREENE of Vermont. I think my friend from Michigan is needlessly troubled about that. The whole sum is applied by the terms of this bill generally to undistinguished purchases of land, with the reservation that \$111,000 is to be applied directly to the cemeteries that follow. The word "application" does not mean partial payment. It means that in the distribution of the amounts of money, wherever the rest may go, this goes to those places.

Mr. KETCHAM. In that event my amendment would not do any harm, would it?

Mr. GREENE of Vermont. It simply might delay the passage of the resolution through another House, requiring that it should come back here again. I know the gentleman does not intend to do that.

Mr. KETCHAM. No; I do not desire to do that.

Mr. GREENE of Vermont. There is money enough possibly to supply all of these requirements. The general provisions of the bill will supply that money to go there, and, whatever we do with the rest, the sum of \$111,000 is to be used in these particular instances.

Mr. KAHN. Mr. Chairman—

Mr. TILSON. Before the gentleman from California proceeds, will he allow me to say a word?

Mr. KAHN. Yes.

Mr. TILSON. We have already appropriated \$1,000,000 for the disposition of the remains of officers, soldiers, and civilian

employees. In this bill we propose to authorize the Secretary of War to expend not to exceed \$856,680 of this \$1,000,000 for the purchase of such real estate as is necessary to establish suitable burial places in Europe for American military dead. Is that correct?

Mr. KAHN. Yes. Of course, that simply repeats the language that is already in the appropriation.

Mr. TILSON. No; I think not.

Mr. KAHN. I think it is.

Mr. TILSON. I have searched through the section of the sundry civil bill to which the gentleman refers, and I can not find the language there. It seems to me the purpose of this resolution is to authorize the Secretary of War to purchase such real estate as is necessary to establish suitable burial places in Europe for American military dead and to make improvements thereon. Out of this \$856,680 he may expend not to exceed \$111,000 for certain specific real estate mentioned here; that is, a certain amount for each one of these specific cases?

Mr. KAHN. Yes.

Mr. TILSON. It seems to me that he is authorized to expend \$856,680 for the purchase of such real estate as is necessary, and so forth, and out of this amount he is authorized to expend not to exceed \$111,000 for these specific places. Is that the meaning of the bill?

Mr. KAHN. That is the new language of the bill. The other language is practically in the bill under the head of "Disposition of the remains of officers, soldiers, and civilian employees."

Mr. TILSON. I have that act referred to in the resolution before me, and I do not find the language there.

Mr. KAHN. The gentleman from Illinois [Mr. MANN] was looking at it a little while ago.

Mr. VESTAL. The gentleman is right. The language is not in there.

Mr. MANN. There is no provision in the original appropriation for the purchase of land.

Mr. TILSON. That was my impression and that is the way I read the law.

Mr. LOWREY. Will the gentleman from California yield for a question?

Mr. KAHN. Yes.

Mr. LOWREY. What was the meaning of the statement made a while ago that France had expressed a willingness to give the land for the burial of these boys? Does it mean simply that she allows us to purchase it from private individuals?

Mr. KAHN. Of course, I have heard a great many things about what this country or that country was willing to do or was not willing to do, but my own experience is that the pay that they demand is very welcome for anything they give us.

Mr. LOWREY. Then this appropriation is to buy land owned by private individuals?

Mr. KAHN. Yes.

Mr. LOWREY. On certain fields?

Mr. KAHN. Yes.

Mr. LOWREY. I just wanted to bring that fact out.

Mr. KAHN. We were involved in the greatest war that ever called for the soldiers of any country, and we came forward in a splendid manner. All told, our armies and our navies and the marines furnished very nearly 5,000,000 men. It was a terrific number of soldiers, sailors, and marines. Two million of them went over to Europe. A little over 50,000 were killed, and there were buried originally wherever they happened to fall. When I was over there I saw the original graves—one man buried here, another man buried 5 feet away, another man buried 10 feet away, and then probably three or four buried in a little space close together. Then our graves registration people went over there and they took up every one of those bodies buried in isolated graves and reinterred them in larger cemeteries. Around Belleau Wood I saw cemeteries that had as many as 100 dead, or 200, and occasionally I would see a cemetery that had as many as a thousand dead. In every one of those terrific battles through which our soldiers passed we had many dead. At the Meuse-Argonne fight we lost at least 20,000, who were all buried, nominally, up at Romagne, beyond the Hindenburg line. They arranged for 27,000 men to be buried in that cemetery. I do not know whether they were all recognizable. They had been stricken down on the battle field. A shell would come along and possibly knock off two or three heads, and it was hard to identify the bodies. But our forces did the best that could be done. I was hoping that this Government would be content to allow those men who died over there to rest there in peace forever. I was up at the little grave erected over the remains of Quentin Roosevelt. There was a family that had as much right to demand the return of their boy's body as any family in the country, but the ex-President

and his wife both agreed that the body was properly buried where it fell, and the grave is taken care of beautifully by the French people. It is an isolated grave. It is not surrounded by any other bodies.

A great many of the people who lost their loved ones in that war began to feel that they wanted them brought over to this country. They wanted them buried in the cemeteries near their own homes, so that they could visit the graves whenever they were inclined to do so, and the War Department yielded to that feeling.

Mr. REED of West Virginia. Will the gentleman yield for a question for explanation?

Mr. KAHN. Yes.

Mr. REED of West Virginia. After a great battle it is necessary to have a large area of ground to bury the dead. The Republic of France did not own any ground there. It belonged to private landowners—the farmers. How did they acquire the land in that emergency, and what title did they take to the land?

Mr. KAHN. Of course, these cemeteries were opened up on land that was not occupied by dwellings or buildings. It was farm land in some cases and vineyard land in other cases, and I imagine that the Republic of France took possession because the men fell just where this vacant land happened to lie.

Mr. REED of West Virginia. Does the gentleman suppose that the French Government has since paid the owners?

Mr. KAHN. I do not think so. I think the money is due for this land, and this bill allows the Government of the United States to make that payment. That is the situation as I view it; but there is a situation over there that singularly appeals to me. These boys were mostly born in the United States of America. They gave to their country in the hour of its stress the greatest thing that any man could give to his country under such circumstances. They gave their lives to the Republic. They were buried over there. Many relatives have not demanded that their loved ones be brought back to this country. They are going to sleep the everlasting sleep right over there in France, and I for one feel that this country, which they served so well and so faithfully in those days, can well afford to see that their last resting place is well cared for; that everything possible to be done by this country should be done in order to make their final sleeping place worthy of the land for whose welfare and rights they were willing to lay down their lives. [Applause.]

Mr. TILSON. Will the gentleman yield?

Mr. KAHN. I yield to the gentleman from Connecticut.

Mr. TILSON. I thoroughly agree with all that the gentleman has said, and I would like to ask him just how much it is intended under this authorization to pay for real estate? Is it just the \$111,000?

Mr. KAHN. That is all.

Mr. TILSON. The remainder of the language is to provide an authorization for such improvements as may be necessary. Is that the purpose?

Mr. KAHN. I take it that that is what it means.

Mr. TILSON. It seems to me that under the language of the resolution they might expend it all for the purchase of real estate; therefore I asked the gentleman what was the purpose of the committee?

Mr. KAHN. The purpose of the committee was to allow \$111,000 to be expended for the real estate referred to in the resolution.

The CHAIRMAN. The time of the gentleman from California has expired, and the Clerk will read.

The Clerk read the bill for amendment.

Mr. TILSON. There is a misspelled word in the third line of page 2; the word "Oisne" should be "Oise."

Mr. KAHN. It should read "Oise."

The CHAIRMAN. Without objection the correction will be made.

There was no objection.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the joint resolution be agreed to.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. McARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 263, authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof, and had directed him to report the same back with the recommendation that it do pass.

Mr. KAHN. Mr. Speaker, I move the previous question on the resolution to final passage.

The motion was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEGISLATIVE APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I submit a conference report on the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, for printing under the rule.

RELIEF OF CERTAIN ENLISTED MEN.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8475) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union with Mr. MAPES in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That all payments heretofore made in good faith to enlisted men while in active service by reason of anything contained in that portion of the proviso of section 4b of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, reading: "That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving during his current enlistment and while he holds his present grade," be, and the same hereby are, validated for all purposes, irrespective of whether such payments conform to decisions of the Comptroller of the Treasury or the General Accounting Office; and such payments shall be passed by the proper accounting officers of the United States to the credit of the disbursing officers making the same. Any sums of money which have been deducted from the pay of any enlisted man on account of any such payment validated by this act shall be refunded.

Mr. KAHN. Mr. Chairman, this bill was introduced at the request of the War Department on account of the peculiar situation that developed in the Military Establishment. About a year and a half ago a law was passed changing the pay of soldiers of the United States, especially the noncommissioned officers. The matter was submitted to the Comptroller of the Treasury. The comptroller made a decision and held that these noncommissioned officers were entitled to certain amounts. Thereupon the officers in the pay department of the Government began to expend the money accordingly. About three or four months afterwards the comptroller reviewed his own decision and concluded that he had been in error and that his first recommendation was not in accordance with the law. The War Department thereupon issued an order to these noncommissioned officers to repay the amount they had received above the original amount, and if they could not pay it all at once they could pay a certain amount of it at a time until they were again square or even with the Government.

It developed then that some of the noncommissioned officers had left the Army. Others made protestations to the effect that they were not able to pay these amounts, and there was such confusion in the matter that the War Department, after investigating the whole situation, decided that this bill ought to be introduced and to let bygones be bygones. In other words, some of the men had got an excess of money and can not pay it back, others had left the service, and others who were able to pay were wroth about being compelled to pay, because they claimed that it was a severe hardship on them.

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARNER. How much will it cost the Government to "let bygones be bygones"?

Mr. KAHN. I understand the amount is not very great.

Mr. GARNER. That term does not give me much information.

Mr. KAHN. The amount is not in the report.

Mr. GARNER. In other words, you are asking the House to pass a resolution taking money out of the Treasury without any information as to how much it will be. It seems to me that the committee at least ought to get sufficient information to tell

the House what the Government is going to lose by the passage of this resolution. You provide for the repayment of certain moneys and say it is not very great, but you can not give any information as to the amount. That is the kind of a report that is coming from the Military Affairs Committee.

Mr. KAHN. As I recall the matter, I think the highest amount that it could possibly carry would be \$75. That is, a noncommissioned officer was getting at the time the law was passed \$75 a month.

Mr. GARNER. There are quite a number of noncommissioned officers in the Army.

Mr. KAHN. I think it will not amount to much.

Mr. MANN. Oh, an enlisted man told me he was getting \$130 a month.

Mr. GARNER. That is just about the same kind of information that we have about the bill. It about represents the difference between 75 and 130.

Mr. KAHN. Seventy-five dollars a month was the pay that an enlisted man was to get. Now, I think the most that he can get is about \$97. That is the outside limit. I do not know how the man of whom the gentleman from Illinois [Mr. MANN] speaks gets \$130 a month.

Mr. MANN. Oh, that is about what these private enlisted men get who are detailed for service in the departments in Washington, with all of the extra allowances given them. They earn the money.

Mr. KAHN. Unless they are noncommissioned officers—

Mr. MANN. But this man I speak of is an enlisted man and not a noncommissioned officer.

Mr. KAHN. How he can possibly get a salary like \$130 a month I do not know.

Mr. GARNER. Mr. Chairman, I think the committee ought to congratulate the gentleman from California upon the information that he has from his committee touching this resolution. It is gratifying to know that the 21 members of that committee are so diligent in making inquiry as to the effect of legislation that they can not even estimate the amount of money that the resolution will carry.

Mr. GREENE of Vermont. Praise from Sir Hubert is praise, indeed, inasmuch as Sir Hubert is now up to his ears in an effort to find out how much the bonus will cost.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. KELLY of Pennsylvania. I have a case in point which I desire to ask the gentleman about. A noncommissioned officer left the Army, and he has been notified that he must refund certain money and has paid back a certain amount of it. He has written to me asking whether it is necessary for him to continue paying that back. What about it?

Mr. KAHN. If this bill becomes a law, he will not have to do it.

Mr. KELLY of Pennsylvania. He has already refunded a portion of it.

Mr. KAHN. That will be returned to him.

Mr. WILLIAMSON. Have the rulings of the comptroller become so settled that they are not likely to have difficulties like this arising in the future?

Mr. KAHN. Of course, the comptroller has been changing his mind always whenever he has gotten new light on a question. I do not want to be responsible for the rulings of any comptroller in the past or in the future.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. McSWAIN. As I understand the statement of the gentleman, the money has been paid out, the water has passed over the wheel.

Mr. KAHN. Yes; most of it.

Mr. McSWAIN. So that really the purpose of this bill is to give credit to these disbursing officers whose books do not exactly balance with the new ruling of the comptroller.

Mr. KAHN. Yes.

Mr. McSWAIN. So that it is not so much a bill as it says, to relieve the enlisted man of certain hardships, as it is to relieve the disbursing officer.

Mr. KAHN. Yes; the disbursing officer, of course, is charged with the payments, but the payments were made through no fault of his.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. LOWREY. I think my friend from South Carolina [Mr. McSWAIN] is not exactly accurate on that. I know a soldier now who has been utterly disabled for a year and a half or such a matter. He has a large amount of this kind charged

against him. The money was paid to him; paid to him in good faith and he accepted it in good faith. Now they have demanded that he pay that money back, and he is in no shape to do it. It works a hardship upon him. It was not his fault that he got the money and spent it.

Mr. McSWAIN. The point I make is that the water has already gone over the wheel.

Mr. LOWREY. I agree with my friend from Texas [Mr. GARNER] that we ought to know how much we are voting, but I do not believe these boys ought to be made to pay this money back, especially disabled boys.

Mr. KAHN. This is to relieve them.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. FESS. In the interest of keeping the record clear, the chairman of the committee used the term as I understood him "Comptroller General." The decision in this case was made by a comptroller prior to the appointment of the present Comptroller General. There has been no change of opinion on the part of the present Comptroller General, because he did not come to the office until the 1st of July, and these decisions were made before that time.

Mr. KAHN. That is correct. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk again reported the bill for amendment.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH, having resumed the chair as Speaker pro tempore, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8475, and had directed him to report the same back with the recommendation that it do pass.

Mr. KAHN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CLOTHING TO ENLISTED MEN.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2492, to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2492, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 2492, which the Clerk will report.

The Clerk read as follows:

An act (S. 2492) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921.

Be it enacted, etc., That the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921, be, and is hereby, amended to read as follows:

That the first paragraph under the heading "Clothing, camp, and garrison equipage," on page 15 of the law, be amended to read as follows:

"For cloth, woollens, materials, and for the purchase and manufacture of clothing for the Army, including enlisted men of the Enlisted Reserve Corps and retired enlisted men when ordered to active duty; for issue and for sale at a price to be determined and fixed by the Secretary of War; for payment of commutation of clothing due to warrant officers of the Mine Planters Service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries; for equipment and repair of equipment of dry-cleaning plants, salvage, and sorting storehouses, hat repairing shops, shoe repair shops, clothing repair shops, and garbage reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessities; for a suit of citizen's outer clothing, to cost not exceeding \$30, to be issued when necessary to each soldier discharged otherwise than honorably; to each enlisted man convicted by civil court for an offense resulting in con-

finement in a penitentiary or other civil prison; and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$12,000,000: *Provided*, That hereafter the settlement of clothing accounts of enlisted men, including charges for clothing drawn in excess of clothing allowance and payments of amounts due them when they draw less than their allowance, shall be made at such periods and under such regulations as may be prescribed by the Secretary of War."

The committee amendment was read, as follows:

Page 2, line 2, strike out the words "a price" and insert in lieu thereof "average current prices."

Mr. KAHN. Mr. Chairman, I yield such time to the gentleman from Kentucky [Mr. FIELDS] as may be required to explain the bill.

The CHAIRMAN. The gentleman from Kentucky is recognized for one hour.

Mr. FIELDS. Mr. Chairman, the bill under consideration provides for the making of a new schedule for materials allotted to soldiers and carried in Army post exchanges. The present schedule was fixed at a time when prices were very much higher than they are now. Therefore the present schedule is not at all in line with the present market and it puts the Government in this position: First, in making allotment to the soldier for the clothing that he draws from the Government they must charge him with a price, as I have said, much higher than the price of to-day's market in the goods carried by the commissary, for the goods carried by the commissaries cost much higher prices than current market prices. If this condition is not met by a new arrangement, of course, the people are not going to buy those goods. They would be left on the Government's hands. The Government has sold a lot of stuff as surplus and at a great deal lower prices than its post exchange prices upon those goods to-day, and in order to correct that situation the War Department has asked for this legislation which the committee has recommended and which I think should pass.

Mr. FESS. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. FESS. If the War Department can sell surplus goods to the jobber at prices lower than the cost price and they would not be able to sell to the soldier except at cost price, there is of necessity a discrimination against the soldier?

Mr. FIELDS. Yes; a discrimination that should be corrected and corrected as speedily as possible. Now I will yield to the gentleman from Vermont such time as he may desire to use.

Mr. MANN. Will the gentleman yield for a question?

Mr. FIELDS. Yes, sir.

Mr. MANN. I want to ask the gentleman from Kentucky the same question which the gentleman from Texas just propounded on another bill to the gentleman from California. How much will this cost the Government?

Mr. FIELDS. I do not see where it will cost the Government anything. It may save a great deal of money because, if these goods now in the hands of the Government are not disposed of, they will naturally become shopworn and deteriorate.

Mr. MANN. They are now being disposed of at the price the Government paid plus 10 per cent.

Mr. KAHN. Mr. Chairman—

Mr. MANN. Can anybody tell what that cost price is? I had supposed the gentleman from Kentucky would have the information right at hand.

Mr. FIELDS. I did not grasp the gentleman's question. It seems that the gentleman from Vermont did, and I was going to yield to him.

Mr. GREENE of Vermont. The letter of the Acting Secretary of War to the chairman of the Committee on Military Affairs, given in the report, tells how the price lists are made up.

In preparing price lists to govern the sale of clothing, the following procedure is used: The quantity of each article on hand at the time the last price list was issued is multiplied by the price then in force. The quantity of each article purchased since the publication of the last price list is multiplied by the cost per article. The sum of these two amounts divided by the total of the quantity of the articles on hand and purchased give the price for the new list.

Mr. MANN. Well, it is the cost price plus a certain percentage to cover expenses. How much is that extra percentage?

Mr. GREENE of Vermont. It is not fixed at a percentage.

Mr. MANN. Yes.

Mr. GREENE of Vermont. This letter explains the average struck by making this mathematical computation.

Mr. MANN. This is to get the cost price?

Mr. GREENE of Vermont. No; this is the price list governing the sale, and it says so in English.

Mr. MANN. This is all in regard to the cost price.

Mr. GREENE of Vermont. It says, "In preparing price lists to govern the sale of clothing, the following procedure is used." And by that they try to strike an average.

Mr. MANN. Certainly; they are trying to arrive at the cost price or the average, if they have got several lots of the same character, and to that they add a percentage to protect the Government for the expenses of attending to the business by these sale of stores, and so forth, and certainly I was sure that some member of the Committee on Military Affairs would know what that percentage is.

Mr. GREENE of Vermont. I think that obtains when they sell things outside of military supplies, but the gentleman will bear in mind that articles of clothing are issued to the soldier as the soldier's right, and he is charged a certain amount on the books, and, because he has a certain clothing allowance, until that allowance is reached he is entitled to draw at these prices. And there is no profit to be charged upon it, because he has a right to be clothed.

Mr. MANN. I think the gentleman is correct about that as to clothing for the enlisted men.

Mr. GREENE of Vermont. In the other supplies there is a profit.

Mr. MANN. This covers underclothing and everything of that kind.

Mr. GREENE of Vermont. If the gentleman will again permit, the new plan adopted by the Army is a reversion to the plan followed prior to the war, when the soldier was given a clothing allowance, and when he made incidental economies inside that allowance he had something coming back from the Government. He sometimes bought cloth and other things which by his own tailoring he made come within his own price. He still had at the end certain commutation he could draw out of his original clothing allowance. He did not therefore always draw all in kind. But that was suspended during the war, because, of course, the great consumption in uniforms during war times was such that the soldier ought not to have been held down to any particular price. Now that the war is over, they have gone back to the clothing-allowance system again.

Mr. KAHN. Mr. Chairman, several years ago I went over this matter of the commissary supplies and I found it very interesting. The gentleman from Illinois [Mr. MANN] is mistaken largely—and he seldom is mistaken—as to the sale of these commissary supplies. The Government does not charge a profit. It does not even charge for the transportation of the commodity that is intended for the soldier or for the officer. All that they pay is the invoice price of the commodity. So the commissary department is under very heavy expense on account of that law. I have often thought that it would be a good thing if there were a charge made for overhead expenditures. Surely the Government ought not to be called upon to pay these large amounts. I think the Government sales to these men through the commissary very reasonable. I think if the Government were to charge a small profit, so that there would not be a terrific deficit at the end of the year, it would be a very much wiser thing to do in handling this matter.

Mr. FIELDS. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. FIELDS. It has seemed to me in studying this proposition that it would be wise for the Government to entirely eliminate these commissaries, except on military posts and places where there is no market that the Army people can reach. What does the gentleman think about that?

Mr. KAHN. Of course, at one time in the history of the country we sent our soldiers to the frontier—

Mr. FIELDS. And it was absolutely necessary to provide for this.

Mr. KAHN. Absolutely so.

Mr. FIELDS. And we may have some isolated cases yet.

Mr. KAHN. A very few.

Mr. FIELDS. And it would be very necessary to supply them. But where supplies can be had in the general market, what does the gentleman think about it?

Mr. KAHN. I think the commissary stores should largely be closed up and that the men should be allowed to purchase their supplies with the other citizens of the Republic.

Mr. FIELDS. You say "allowed." They are not prevented from doing that now.

Mr. KAHN. No; but they get special benefits from going to the commissaries, I think.

Mr. FIELDS. Special benefits that other citizens do not get.

Mr. SMITH of Michigan. They dispose of these goods now, do they not?

Mr. KAHN. Of course, that is hard to say. The various officers were allowed to declare certain supplies surplus, and

then bids were called for for the sale of that surplus. Every few months lately, I understand, they have been announcing additional surplus.

Mr. SMITH of Michigan. And without this law?

Mr. KAHN. They do not need this law for supplying surplus. The consequence has been that private parties have bought large quantities of goods—

Mr. SMITH of Michigan. To their advantage.

Mr. KAHN (continuing). Of shoes, outer clothing and under-clothing, hats, socks, and are to-day able to sell them cheaper than the Army itself can sell them. That is the reason why the Army is asking for the passage of this bill.

Mr. SMITH of Michigan. And this will remedy that, will it?

Mr. KAHN. Yes, sir.

Mr. Chairman, I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, I only wanted to suggest this in connection with the colloquy which has just taken place. Of course, it was not intended to apply to the real purpose of this bill, because this bill does not relate to the general purposes of those post-exchange establishments, or anything of that kind, in the usual sense. This bill is based upon the fact that the soldier has a right to get his clothing from the Government anyway, and the question is how much you are going to charge him for it on the clothing allowance. The other thing is incidental.

I simply want to say, however, lest there be some altogether different impression gained by an inadvertent remark here, that the so-called post-exchange establishments in the Army do not serve altogether the same idea of extravagance and uselessness that might be inferred, and it does not depend necessarily upon the post being so isolated on a frontier that such an establishment is necessary for the convenience of the people at the post. I only suggest to you, for instance, a case right here in mind, at Fort Myer, across the river. You must remember that your commissioned officers and their families must support themselves. They do not draw any rations from the Government. They have to make their own purchases. Here they are, right within the shadow of a great city, and yet they are miles away from it, and it is a matter of simple, everyday common convenience that there be some establishment there that will take care of the ordinary housekeeping wants of those housekeepers and enable them to make their purchases there at Fort Myer instead of trudging across the river to Washington in order to do it. And they enjoy other conveniences.

I think we ought not, perhaps, to permit ourselves to get a prejudice against the so-called post exchange of an Army post just because it does not happen to be on a frontier and because there may be some economic advantage of a small percentage to the people who benefit by it. It has long been the established policy of the country to understand and to put into the philosophy of its military laws that while it did not pay these people a price that would enable them to live in luxury, if it could furnish any conveniences for them at the military posts that would enable them to piece out economies and bring their recognized small salary up to a fair standard, the Government was always willing to do it. Nobody pretends that an Army officer gets enough money to-day to save any, like they would be expected to do in civil life.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921, be, and is hereby, amended to read as follows:

That the first paragraph under the heading "Clothing, camp and garrison equipage," on page 15 of the law, be amended to read as follows:

"For cloth, woollens, materials, and for the purchase and manufacture of clothing for the Army, including enlisted men of the Enlisted Reserve Corps and retired enlisted men when ordered to active duty; for issue and for sale at average current prices to be determined and fixed by the Secretary of War; for payment of commutation of clothing due to warrant officers of the Mine Planters' Service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries; for equipment and repair of equipment of dry-cleaning plants, salvage, and sorting storehouses, hat repairing shops, shoe repair shops, clothing repair shops, and garbage reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessities; for a suit of citizen's outer clothing, to cost not exceeding \$30, to be issued when necessary to each soldier discharged otherwise than honorably; to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison; and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for

indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$12,000,000: Provided, That hereafter the settlement of clothing accounts of enlisted men, including charges for clothing drawn in excess of clothing allowance and payments of amounts due them when they draw less than their allowance, shall be made at such periods and under such regulations as may be prescribed by the Secretary of War."

With a committee amendment, as follows:

On page 2, line 2, strike out the words "a price" and insert in lieu thereof "average current prices."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. HOCH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. HOCH. Mr. Chairman, I just wanted to ask the gentleman from California a question about that amendment. I understood the gentleman to say that these articles are sold at cost, and he proposes to amend by saying "at average current prices." If the average current prices were less than the prices charged you would have to charge a profit.

Mr. KAHN. No. This is the situation: Most of these materials were bought during the war. They are charged for at war prices, but they can be bought in these stores which deal in Army equipment for very much less than they can be bought in the Army, because a great deal of this stuff has been declared surplus and has been sold to the dealers at very much lower rates.

Mr. HOCH. You are proposing a permanent law here?

Mr. KAHN. Yes.

Mr. HOCH. Under the facts that the gentleman has mentioned these articles were all bought at a cost price higher than the market price, according to his statement.

Mr. KAHN. The articles in the hands of the commissary department were all bought at higher prices.

Mr. HOCH. Yes. But the question I am asking is this: Hereafter, under this law, when articles are bought at a cost price less than the market price, under this amendment you will then have to sell them at the current market price, even though that involves a profit to the Government.

Mr. FIELDS. If the gentleman will yield, as to these articles, if you confine the price strictly to the current price—

Mr. HOCH. You mean the current retail price?

Mr. FIELDS. No; the current cost price to the Government.

Mr. HOCH. It does not say that. It says they shall be issued and sold at the average current prices.

Mr. FIELDS. That means cost price to the Government. There may be and are fluctuations, and if you attempt to follow each item and all the fluctuations it would be an endless task to keep up with it, and the object of that language was not to confine it to that but to the current average price of the commodities.

Mr. HOCH. If the gentleman's interpretation is correct, I was raising the question of the meaning of that language. I would say that ordinarily that language, "average current prices," would be construed as average current retail market prices.

Mr. FIELDS. It means average current cost prices.

Mr. HOCH. Why should it not say that, then?

Mr. FIELDS. It would do no harm. I do not see that it would do any good.

Mr. SMITH of Michigan. The bill has passed the Senate. You would not want to offer an amendment unless there was use for it.

Mr. HOCH. Mr. Chairman, I offer an amendment to the committee amendment. On page 2, line 3, after the word "current," insert the word "cost."

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOCH to the committee amendment: Page 2, line 3, after the word "current," insert the word "cost."

Mr. FIELDS. Mr. Chairman, I do not see how that amendment does any good, nor does it do any harm, and I therefore agree to it.

Mr. GREENE of Vermont. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. If there is no objection, the Clerk will again report the amendment offered by the gentleman from Kansas.

The amendment was again read.

Mr. GREENE of Vermont. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Does the gentleman from Kansas yield the floor?

Mr. HOCH. Yes.

Mr. GREENE of Vermont. Mr. Chairman, that word "cost" is the stumblingblock in this thing, because the War Department already has a system whereby it averages the cost. It has to do that sort of thing in order to maintain anything like a fair, even rate at which it distributes these things from time to time to the soldiers. The purchases are made at varying times.

Mr. GARRETT of Tennessee. Mr. Chairman, as I understand, the insertion of that word "cost" destroys the whole purpose of this bill.

Mr. GREENE of Vermont. It does.

Mr. GARRETT of Tennessee. According to the statement made to the Committee on Rules, this material had, most of it, been bought at a high price, and it was desired to change the act so that it could be sold to the soldiers at a lower price.

Mr. GREENE of Vermont. The word "cost" would require in each case the definition of what was paid for that specific thing, whereas these things go upon the shelves and the things are not priced at the exact purchase price from time to time.

Mr. MANN. If they were buying these things currently, I do not see that there would be any objection to putting in the language, "the average current cost price." But I assume, although I do not know, that when the Army has a large surplus on hand of certain kinds of cloths, woolen materials, and so forth, they have no average, no current cost price, because they are not buying an additional surplus.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. HOCH. I was only trying to give as the interpretation what members of the committee say this language means. My point is this: We are enacting here permanent legislation. It so happens that under present conditions these articles are bought at a much higher current market price. The gentleman says the purpose of the Government is to sell these articles at cost.

Mr. MANN. Not at cost; at value.

Mr. HOCH. Under the present system they must sell them at the average cost, under a certain system. Now, they seek to sell them nearer the current market price. But suppose that the Government had bought these articles at lower than the current market price?

Mr. MANN. That occurred to me; and we would change the legislation so quickly that we would not let one night pass over it.

Mr. HOCH. If it is the purpose to change the legislation subsequently, that, of course, will accomplish the purpose; but under this language it is entirely conceivable that you might be compelled to charge a profit to the men.

Mr. MANN. That would not hurt them, as far as that is concerned; but we would not do it.

Mr. HOCH. If that is desirable, very well; but the chairman of the committee says he does not want to do that.

Mr. SMITH of Michigan. The Government does not want to go into the profit-making business.

Mr. HOCH. I asked if it meant the retail price, and they said not, but that it meant the cost price.

Mr. MANN. If they were making a purchase of these surplus materials there would be no objection to inserting the word "cost"; but if they are not making purchases, they can not reduce the sales price, because they have no average cost price.

Mr. HOCH. I have no desire to urge the amendment. I was simply trying to carry out what the members of the committee said they intended. Apparently they do not agree as to what they intended.

The CHAIRMAN. The question is on the amendment.

The question being taken, the amendment was rejected.

The CHAIRMAN. The question now recurs upon the committee amendment.

The committee amendment was agreed to.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment back to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having taken the chair as Speaker pro tempore, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 2492) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year

ending June 30, 1922, and for other purposes," approved June 30, 1921, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

EFFICIENCY OF THE ARMY, NAVY, AND MARINE CORPS.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 296.

Resolved, That the report of the special committee created by the provisions of section 13 of the act entitled "An act to increase the efficiency of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, shall be referred to a special committee of five to be appointed by the Speaker, which committee shall have power to report to the House by bill or otherwise.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. GARRETT of Tennessee. Reserving the right to object, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. GARRETT of Tennessee. Was this plan of disposal agreed upon by the entire joint committee?

Mr. McKENZIE. I would not say that it had been agreed upon by the entire joint committee, but it has been discussed among us, and it has been agreed that it is the only parliamentary way in which we can handle this bill properly. I spoke with the gentleman from Alabama [Mr. OLIVER] about it and with the gentleman from South Carolina [Mr. BYRNES], and in fact we have discussed it quite fully; and while the gentleman from Alabama [Mr. OLIVER] and perhaps the gentleman from Indiana [Mr. KRAUS] may not support the bill in the end, it is agreed that this is the only way in which we can get the bill reported to the House, get the report into the House, and get a bill onto the calendar. This is simply to take care of the parliamentary mechanism.

Mr. GARRETT of Tennessee. In other words, the subject matter is one that would be divided among several committees if it were introduced in the regular way, as I understand?

Mr. McKENZIE. That is it exactly; and as a member of the Committee on Military Affairs I do not want it to come to our committee, and members of the Committee on Naval Affairs would feel that it should not go there, and this will simply provide for a committee to which it may be sent in a parliamentary way, with authority to report back a bill if they can agree upon one.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

THE MERCHANT MARINE AND FISHERIES.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 297.

Resolved, That the Committee on the Merchant Marine and Fisheries of the House of Representatives be, and is hereby, authorized to sit during the sessions of the House, such permission being confined to the present session of the Congress.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, may I ask the gentleman a question? I assume this authority is sought on account of the desire of the committee to consider legislation suggested in the message of the President yesterday?

Mr. GREENE of Massachusetts. It is not expected to go any further than that bill.

Mr. GARRETT of Tennessee. Is it the purpose of the committee to have open hearings?

Mr. GREENE of Massachusetts. Yes.

Mr. GARRETT of Tennessee. Has the gentleman in mind now about what he thinks the extent of the hearings are likely to be?

Mr. GREENE of Massachusetts. I can not tell anything about it. I do not know how many people care to be heard. They will not begin probably for a week.

Mr. GARRETT of Tennessee. I read what I suppose all have read in the local press at two or three different times, that the majority members of the committee had really agreed upon a measure. That was a week or 10 days ago—long before the President delivered his message. I presume it is like a good many newspaper stories—that there is nothing in it.

Mr. GREENE of Massachusetts. I did not hear any recommendations until it was delivered here, and I had not seen any bill. The bill was not in my possession until after that time.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was agreed to.

COAL LANDS IN ALASKA.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8842, with Senate amendments, and agree to the Senate amendments.

The SPEAKER pro tempore. The Clerk will report the title to the bill.

The Clerk read as follows:

H. R. 8842. An act to provide for agricultural entries on coal lands in Alaska.

The Senate amendments were read.

Mr. GARNER. May I ask the gentleman a question?

Mr. SINNOTT. Certainly.

Mr. GARNER. Has the gentleman talked with the ranking minority member of the committee?

Mr. SINNOTT. Yes; I talked with Judge RAKER, of California, and this is agreeable to him.

Mr. MONDELL. Will the gentleman allow me?

Mr. SINNOTT. Certainly.

Mr. MONDELL. I have examined the changes that have been made by the Senate amendments, and I understand it is the opinion of the gentleman from Oregon and my opinion that these amendments do not in any essential way modify the legislation or change its effect.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Senate amendments were agreed to.

INSCRIPTIONS ON MEMORIALS AND TABLETS.

The SPEAKER pro tempore. The attention of the Chair has been directed to a bill passed the other day entitled "An act to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials." The House agreed to a Senate amendment striking out the word "titles" and inserting the word "inscriptions" in the bill. The gentleman from Pennsylvania [Mr. CAMPBELL] was to ask that the title of that bill be amended to conform with the text in order that the word "inscriptions" might appear in the title as it appears in the body of the bill. He has prepared a concurrent resolution. The Chair does not see the gentleman from Pennsylvania present.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 49.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 5013) entitled "An act to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials" the Clerk be authorized and directed to enroll the title so as to read as follows:

"An act to authorize the Secretary of the Navy to sanction the inscription of titles upon certain monuments, tablets, or other memorials."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The concurrent resolution was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to propound a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT of Tennessee. I would like to inquire whether a bill reported by the special committee provided for in the McKenzie resolution adopted a few moments ago will be a privileged bill?

Mr. MANN. I do not know whether the Speaker has examined it or not, but plainly it would not be a privileged bill. They have not the authority to report at any time. It is just authority to the committee to report a bill.

Mr. McKENZIE. Mr. Speaker, I will state to the gentleman from Tennessee that it is not the understanding of the members of the joint committee that this will give the bill any special status at all, but that it will have to be reached in its regular order if put on the calendar, in case we should report by bill or by a special rule.

Mr. MANN. It never would be reached in its regular order.

Mr. McKENZIE. It might if we stayed here long enough.

Mr. MANN. Oh, no; that committee would not be called. This does not give it a privileged status.

Mr. GARRETT of Tennessee. So far as I know, I would have no objection to its being privileged.

Mr. MANN. I should.

The SPEAKER pro tempore. The Chair thinks the gentleman's inquiry has been answered by the gentleman from Illinois and the Chair concurs in the view expressed by him.

LEAVE OF ABSENCE.

Mr. KOPP, by unanimous consent, was given leave of absence for three days on account of important business.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, and accordingly (at 4 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, Thursday, March 2, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SINNOTT: Committee on the Public Lands. S. 490. An act to consolidate national forest lands; with amendments (Rept. No. 748). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAPES: Committee on Interstate and Foreign Commerce. H. R. 2874. A bill to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.; without amendment (Rept. No. 749). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. S. 2993. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.; without amendment (Rept. No. 752). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURTNESS: Committee on Indian Affairs. S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided; without amendment (Rept. No. 750). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10396) granting an increase of pension to Frederick W. Duden; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10416) granting an increase of pension to John Shannon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. KISSEL: A bill (H. R. 10664) to amend the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. BUCHANAN: A bill (H. R. 10665) to provide for the erection of a post-office building at Taylor, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10666) to provide for the erection of a post-office building at Georgetown, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10667) for the purchase of a site for the erection of a post-office building at Lockhart, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 10668) to regulate the leasing of Indian lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. LINEBERGER: A bill (H. R. 10669) to provide for the purchase of a site and the erection thereon of a Federal building at Pomona, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10670) to exempt from cancellation certain desert-land entries in Kern and San Bernardino Counties, Calif.; to the Committee on the Public Lands.

By Mr. FOCHT (by request): A bill (H. R. 10671) to further regulate certain public-service corporations operating within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAUGEN: A bill (H. R. 10672) to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920"; to the Committee on Agriculture.

Also, a bill (H. R. 10673) to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 279) to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the immigration act of May 19, 1921; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of New Jersey: Joint resolution (H. J. Res. 280) to adopt a national flower for the United States of America; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 10674) granting an increase of pension to James C. Brown; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 10675) for the relief of Henry McGuire; to the Committee on Agriculture.

By Mr. FREEMAN: A bill (H. R. 10676) authorizing the Secretary of War to donate to the Groton Monument Association of the town of Groton, Conn., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 10677) for the relief of Quincy R. Craft; to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 10678) appointing John Kearney to the grade of first lieutenant on the retired list; to the Committee on Military Affairs.

By Mr. JEFFERIS of Nebraska: A bill (H. R. 10679) granting an increase of pension to T. F. Shannon, alias Frank Shannon; to the Committee on Pensions.

Also, a bill (H. R. 10680) granting a pension to Annie Ackerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10681) granting a pension to Nellie L. Benson; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10682) authorizing issuance of patent to Charles Swanson; to the Committee on the Public Lands.

By Mr. ROBSON: A bill (H. R. 10683) granting a pension to Jane Gentry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10684) granting a pension to Marion Lawson; to the Committee on Pensions.

Also, a bill (H. R. 10685) granting an increase of pension to Robert L. McFarland; to the Committee on Pensions.

Also, a bill (H. R. 10686) granting an increase of pension to Elizabeth Sizemore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10687) granting an increase of pension to Catherine May; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10688) granting an increase of pension to John P. Peters; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 10689) granting an increase of pension to Sallie Ann Asbury; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 10690) to authorize an exchange of lands with Ed Johnson, of Eagle, Colo.; to the Committee on the Public Lands.

By Mr. VESTAL: A bill (H. R. 10691) granting an increase of pension to Wilber C. Gahret; to the Committee on Pensions.

Also, a bill (H. R. 10692) granting a pension to William L. Booher; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 10693) granting a pension to David Miller; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4363. By the SPEAKER (by request): Resolutions adopted by the Tri-State Association of Credit Men, of El Paso, Tex., urging the President to appoint a commission or by some means study the problems relating to and adjust every difficulty with our sister Republic of Mexico; to the Committee on Foreign Affairs.

4364. By Mr. CHINDBLOM: Petition of Joseph M. Loughlin and others, of Chicago, Ill., in opposition to so-called Sunday legislation, such as House bill 9753, etc.; to the Committee on the District of Columbia.

4365. By Mr. CULLEN: Resolution of Federal Local No. 39, Amalgamated Metal Workers of America, urging the enactment of legislation so that all Government supplies will be made in Government arsenals and plants where this is possible; to the Committee on Naval Affairs.

4366. By Mr. DYER: Resolution adopted by the American Flint Glass Workers' Union of North America, urging the passage of the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4367. By Mr. ELLIOTT: Resolution of the Connorsville Central Labor Union, of Connorsville, Ind., indorsing the bonus bill; to the Committee on Ways and Means.

4368. By Mr. FROTHINGHAM: Resolution passed by the Quincy (Mass.) Chamber of Commerce, praying for the conversion of the cruiser *Lexington* to an aircraft carrier; to the Committee on Naval Affairs.

4369. By Mr. GALLIVAN: Petition of H. C. Spiller & Co., of Boston, Mass., urging acceptance of the offer to purchase the Muscle Shoals plant by Henry Ford; to the Committee on Military Affairs.

4370. By Mr. HOCH: Petition of Jacob Vogel and 33 others, citizens of Marion County, Kans., urging the revival of the United States Grain Corporation and the fixing of a price for wheat to cover cost of production and a reasonable profit; to the Committee on Agriculture.

4371. By Mr. KISSEL: Petition of E. Fougere & Co., of New York City, N. Y., opposing the proposed bonus bill; to the Committee on Ways and Means.

4372. Also, petition of the Hudson Motor Car Co., of New York City, N. Y., opposing any tax on gasoline or any further tax on automobiles; to the Committee on Ways and Means.

4373. Also, petition of Bishop, McCormick & Bishop, of Brooklyn, N. Y., opposing any increase in taxes on the automobile industry; to the Committee on Ways and Means.

4374. Also, petition of the Rochester Ice Cream Co., of Rochester, N. Y., opposing the passage of the soldier bonus bill; to the Committee on Ways and Means.

4375. Also, petition of the National Automobile Chamber of Commerce, of Washington, D. C., opposing any increase in taxes on the automobile industry; to the Committee on Ways and Means.

4376. By Mr. MAPES: Petition of Charles Kantenberg, of Hudsonville, Mich., and 40 others, against the passage of House bill 9753, or any other Sunday observance bill; to the Committee on the District of Columbia.

4377. Also, petition of J. E. Root, of Coopersville, and 46 others, protesting against the passage of House bill 9753 or any other Sunday observance bill; to the Committee on the District of Columbia.

4378. Also, petition of R. E. Root, of Coopersville, Mich., and 34 others, against the passage of House bill 9753 or any other Sunday observance bill; to the Committee on the District of Columbia.

4379. By Mr. RAKER: Petition of Mr. George Clark, of Orland, Calif., relative to the Federal farm loan bank, and indorsing its operation; to the Committee on Agriculture.

4380. Also, petition of the Commercial Aircraft Association of southern California, Los Angeles, Calif., indorsing and urging support of the Hicks bill (H. R. 2815), a bill to create a bureau of civil aviation in the Department of Commerce; to the Committee on Interstate and Foreign Commerce.

4381. Also, telegram from A. B. Fletcher, director of public works, of Sacramento, Calif., urging an increase in the appropriation for topographic surveys, which is included in the Interior Department appropriation bill; to the Committee on Appropriations.

4382. By Mr. ROGERS: Petition of Frederick Houghton and others, of Massachusetts, opposing the passage of House bill 9753 or any other Sunday observance bill; to the Committee on the District of Columbia.

4383. By Mr. SINCLAIR: Petitions of Nils A. Olson, of Underwood, N. Dak.; Frank J. Lyon and 24 others, of Dogden, N. Dak., and vicinity, urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4384. Also, petition of the Williams Community Club, of Williams Township, Nelson County, N. Dak., demanding the revival of the United States Grain Corporation and a fixed minimum price on wheat; to the Committee on Agriculture.

4385. Also, petition of Malvin Torgerson and 80 others, of Werner, Dunn Center, and Halliday, N. Dak., urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4386. By Mr. STRONG of Pennsylvania: Resolution adopted by Council No. 230, Junior Order United American Mechanics, of Rural Valley, Pa., in favor of the Sterling-Towner educational bill; to the Committee on Education.

4387. By Mr. WOODYARD: Petition of employees of the H. R. Wyllie China Co., of Huntington, W. Va., favoring American valuations; to the Committee on Ways and Means.

4388. By Mr. YOUNG: Petition in the form of a resolution of the executive board of the North Dakota State Federation of Labor, protesting against any legislation which will take from a citizen his right to cease employment and against the establishment of an industrial court; to the Committee on Labor.

4389. Also, petition of H. C. Westby, of Maddock, N. Dak., and 31 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.